

Courtesy of the OSCE Mission to Skopje
Unofficial translation

**OFFICIAL GAZETTE No. 60/2003
from September 22, 2003**

LAW ON THE COURT BUDGET

THE LAW ON THE COURT BUDGET

GENERAL PROVISIONS

Article 1

This Law sets forth the procedure for the drafting, adoption, and enforcement of the Court Budget and the setting up of the Court Budget Council.

By means of the Court Budget is financed the judicial branch of power in the Republic of Macedonia.

Article 2

The Court Budget presents the annual estimate of the revenues and expenditures of the judicial branch of power determined by the Assembly of the Republic of Macedonia and intended for the financing of the judicial branch of power.

The Court Budget is a part of the Budget of the Republic of Macedonia as a separate part designated as "Judicial Power."

REVENUES AND EXPENDITURES OF THE COURT BUDGET

Article 3

The revenues of the Court Budget are funds allocated by the Budget of the Republic of Macedonia.

Article 4

A part of the funds designated as "Judicial Power" within the Budget of the Republic of Macedonia is fixed in the total amount in compliance with the criteria set forth by the Court Budget Council, based on the fiscal policy and main categories for evaluated incomes and outcomes.

The funds from the "Judicial Power" are allocated to the courts by the Court Budget Council.

While allocating the funds from section 2 of this Article, at least 2% shall be mandatory deducted for the professional training of judges, state employees , court police and other court employees.

Article 5

The expenditures of the Court Budget comprise the following:

1. Daily expenditures for;

- salaries and compensation for judges;
- salaries and compensation for the state employees, court police and other employees at the courts;
- merchandise and services for court's operations
- expenditures incurred in proceedings;
- payment of other expenditures incurred in daily operations of courts;
- professional training of judges, state employees, court police and other employees at courts;

2. Capital expenditures for:

- purchasing of capital assets for courts;
- investment maintenance of the facilities and court equipment.

COURT BUDGET COUNCIL

Article 6

A Court Budget Council is established for performance of work related to the court budget.

The Court Budget Council performs all the affairs set forth by Law, Rules of Order of the Court Budget council, and other acts.

Article 7

The Court Budget Council consists of a president and eight members.

The President of the Court Budget Council is the President of the Supreme Court of the Republic of Macedonia.

The members of the Court Budget Council are:

- President of the Republic Judicial Council;
- Minister of justice;
- Presidents of the Appellate Court in Skopje, Appellate Court in Stip, and Appellate Court in Bitola;
- Three presidents of Basic courts by way of the order foreseen by the Law on the Courts, of which two presidents are from the courts with extended jurisdiction, after the system of rotation, for a term of office of two years.

A representative of the Ministry of finance participates in the Court Budget Council work without a right to vote.

Article 8

The Court Budget Council works in sessions. The sessions of the Court Budget Council are convoked and chaired by the President of the Court Budget Council.

The Court Budget Council makes decisions by the majority of the votes of the total number of members.

The head of the Administrative office participates at the sessions of the Court Budget council without right to vote.

The President of the Court Budget Council presents a part of the funds earmarked for the "Judicial Power" in the Budget of the Republic of Macedonia at the session of the Government when the Proposal for the Budget of the Republic of Macedonia is adopted and before all working bodies, and at the session of the Assembly when the Budget of the Republic of Macedonia is adopted.

Article 9

The Court Budget Council has duties as follows:

- set the criteria and methodology for the drawing up of the Court Budget;
- determines the allocation of the funds from the Court Budget to all the courts and undertakes duly enforcement of the Court Budget;
- approves the funds for new employments in courts within the framework of the

- fixed court budget of the mass designated for the pay of salaries;
- appoints the internal auditor;
 - enacts the Rules of Order and other internal acts;
 - **prepares annual report for enforcement of the Court Budget**
 - **makes changes of the purpose of the funds defined in the part “Judicial power” and**
 - exercises other affairs foreseen by Law.

ADMINISTRATIVE OFFICE

Article 10

The administrative affairs of the Court Budget Council are carried out by the Administrative Office of the Court Budget Council.

The Administrative Office is set up as an integral organizational unit of the Supreme Court of the Republic of Macedonia.

Article 11

The Administrative Office carries out the following tasks:

- carries out the decisions of the Court Budget Council;
- elaborates the financial indicators connected to the demands of the courts and follows the material needs of the judiciary;
- drafts the Rules of Order and other internal acts, as well as criteria and methodology requisite for the preparation of the Court Budget and submits it to the Court Budget Council for adoption; and
- carries out other work entrusted to the Court Budget Council

DRAFTING, SERVING, ADOPTION OF THE COURT BUDGET AND ITS ENFORCEMENT

Article 12

The drafting of the Court Budget is made on the basis of the fiscal policy and the main

categories on the assessed revenues and expenditures for the next budget year, and in compliance with the internal criteria and methodology determined by the Court Budget Council.

Article 13

The Court Budget Council devises a circular memo that contains the main guidelines for the drafting of the financial plan of the courts and sends it out to courts.

Section 1 of the Circular Memo of this Article contains the methodology for the drafting of the financial plan of the users (key parameters, procedure, and deadline for the drafting of the financial plans), as well as the indicative total expenditure for every user, within which should be included the assessment bases on types and the necessary data enclosed to the Budget.

Article 14

The courts submit the following data to the Court Budget Council by June 1 of the current year the latest:

- estimate of the expenditures for the fiscal year, according to the expense items and smaller items;
- estimate of the expenditures for the next two fiscal years according to the expenses under categories;
- review of the expenses for the employment requisite for the carrying out of the functions of the users;
- proposals that contain future obligations or expenditures that shall be incurred over several years, including the investment projects presented individually; and
- expenses for every forthcoming year presented individually.

In addition to the data from section 1 of this Article, the users submit an explanation regarding the amount of the funds according to their positions.

Article 15

After it receives the proposals from the article 14 from this law , the Court Budget Council draws up a Court Budget Proposal and together with the explanation on the amounts of

funds submits it to the Ministry of Finances.

Prior to the submission of the Budget Proposal of the Republic of Macedonia to the Government of the Republic of Macedonia, the Minister of Finances together with the President of the Court Budget Council shall mandatory adjust the part of the funds "Court Budget" from the Budget Proposal of the Republic of Macedonia. **If an agreement has not been reached the Ministry of finance prepares and delivers report to the Government of the Republic of Macedonia.**

Article 16

The President of the court is responsible for the enforcement of the court financial plan.

Article 17

The Court Budget Council follows the enforcement of the court financial plan. If, during the control, it is determined that irregularities and abuses by the President of the Court have occurred in the process of enforcement of the financial plan, the Council informs the Supreme Court of the Republic of Macedonia, the Ministry of Justice, the Republic Judicial Council, the Ministry of Finance, and the State Bureau for Revision.

Internal auditing of the enforcement of the Court Budget is carried out by an internal auditor appointed by the Court Budget Council.

Article 18

Control of the enforcement of the Court Budget is performed according to the regulations from the Budget Law.

At lease once a year the Court Budget Council is obligated to deliver report to the Ministry of finance, Government of the Republic of Macedonia and the Assembly of the Republic of Macedonia concerning the enforcement of the Court Budget.

Article 19

The provisions of the Budget Law shall apply to the Court Budget if not prescribed by this Law otherwise.

TRANSITIONAL AND FINAL PROVISIONS

Article 20

The Court Budget Council shall be formed within a maximum of 30 days from the day this Law comes into force.

The Rules of Order of the Court Budget Council and the criteria and the methodology for preparation of the Court Budget shall be made within 30 days from the day when the Court Budget Council will be established.

Article 21

This Law comes into force on the eight day from its publication in the "Official Gazette of the Republic of Macedonia," and its application shall start on January 1, 2004.