

Act II of 2012

on infractions, infraction procedure and the infraction records system

To facilitate taking effective action against criminal acts that harm or endanger the generally accepted rules of social coexistence, but do not pose a level of risk or danger required for being punishable as a criminal offence, the National Assembly adopts the following Act:

PART ONE

GENERAL RULES

Chapter I

INFRACTION LIABILITY AND THE SCOPE OF THE ACT

1. The concept of infraction; laws relating to infractions

Section 1 (1) Infraction means an activity or omission that is dangerous to society and is subject to punishment under this Act.

(2) For the purposes of this Act, an activity or omission is dangerous to society if it harms or endangers the state, social or economic order as laid down by the Fundamental Law, or the person or rights of natural or legal persons or organisations without legal personality to a lesser extent than required for being punishable as a criminal offence.

2. Infraction liability

Section 2 (1) The liability for infraction of a person may be established if his act is either intentional or negligent, except where under the law on the infraction concerned, only intentional commission is punishable.

(2) The infraction liability of both the instigator and the abettor may also be established.

(3) Infraction liability may be established for an attempt if the law on the infraction concerned so provides.

(4) No infraction shall be established if the activity or omission qualifies as a criminal offence and also if an Act or government decree orders provides that for that activity or omission a fine to be imposed in an administrative proceeding, not including an administrative fine, must be applied.

(5) Infraction liability shall not be established for an act that was not punishable as an infraction under the law at the time of commission.

(6) A penalty shall not be imposed and a measure shall not be applied for committing an infraction if that penalty or measure was not provided for by law at the time of commission.

(7) The liability for infraction of a person shall not be established if a reason for excluding his liability to punishment exists.

(8) The liability of a person carrying out an integrity test shall not be established for an infraction set out in the Act on Police and the Act on national security services if he commits the infraction in the course of discharging his duty set out by law.

(9) If the infraction case of a person was referred to mediation by the infraction authority or the court and the mediation procedure was successful, that person shall not be liable to punishment for the same infraction.

3. The scope of laws relating to infractions

Section 3 (1) With the exception set out in paragraph (2), laws relating to infractions shall apply to infractions committed in Hungary.

(2) If an international treaty or an Act so provides, this Act shall apply to an act committed by a Hungarian national abroad if the act constitutes an infraction under a law relating to the infraction.

Section 4 An infraction shall be adjudicated under the laws in force at the time of commission. If under a new law in force at the time when an infraction is adjudicated the act does not qualify as an infraction anymore or it is to be adjudged more leniently, then the new law shall apply.

4. Diplomatic immunity and immunity based on international law

Section 5 Establishing the infraction liability of a person who is, due to diplomatic immunity, or immunity based on international law, exempt from the criminal jurisdiction shall be governed by an international treaty.

Chapter II

MINISTRY OF JUSTICE

STATUTE OF LIMITATIONS

HUNGARY

5. Statute of limitations regarding liability to punishment for an infraction

Section 6 (1) Infraction liability shall not be established if six months have passed since the commission of the infraction (statute of limitations).

(2) The first day of the limitation period shall be the day when the statutory elements of the infraction are fulfilled or, for an attempt, the day when the act constituting the attempt is finished.

(3) If the infraction is committed by creating and maintaining an illegal state of affairs or by failing to perform an obligation, the limitation period shall not commence as long as that state of affairs exists or the obligation can still be lawfully performed.

(4) If a criminal proceeding is instituted due to the commission of an act within six months of commission, but the investigating authority, the prosecution service or the court transfers the case to an infraction authority or a court competent to conduct infraction proceeding for that authority or court to conduct the infraction proceeding, the limitation period under paragraph (1) shall start again on the day when the infraction authority or the court competent to conduct infraction proceeding receives the decision ordering the transfer.

(5) Any procedural act taken regarding an infraction by the infraction authority, the entity with disciplinary powers, the prosecution service and the court against the person subject to the proceeding shall interrupt the limitation period. The limitation period shall start again on the day of interruption.

(6) Infraction liability shall not be established if two years have passed from the commission of the act.

Chapter III

LEGAL CONSEQUENCES APPLICABLE TO INFRACTIONS

6. Penalties and measures

Section 7 (1) The following penalties may be imposed for an infraction:

- a)* infraction confinement,
- b)* fine,
- c)* community service.

(2) The penalties may be imposed independently and, with the exceptions specified in paragraphs (3) and (4), also simultaneously.

(3) Community service shall not be imposed in addition to infraction confinement.

(4) For specific infractions, this Act may

- a)* set out additional legal conditions for imposing a penalty or applying a measure,
- b)* prohibit imposing certain penalties or a spot fine,
- c)* establish different rules on applicable coercive measures, on-site proceedings, preparatory proceedings, court proceedings, and on the enforcement of a penalty or measure.

Section 8 (1) The following measures may be applied for an infraction:

- a)* disqualification from driving a vehicle;
- b)* confiscation;
- c)* ban on entering certain areas;

d) admonition.

(2) Only confiscation may be applied in addition to admonition; otherwise, measures may be applied independently, simultaneously and also in addition to a penalty.

7. Infraction confinement

Section 9 (1) Only the court may impose infraction confinement.

(2) Unless otherwise provided in this Act, the term of infraction confinement shall not be shorter than a day or longer than sixty days.

(3) The entire period of infraction custody, and the period of compulsory attendance exceeding four hours, that is ordered in connection with the infraction for which infraction confinement is imposed shall be credited to the term of infraction confinement. Each hour commenced of infraction custody and compulsory attendance exceeding four hours shall be credited as one hour of infraction confinement.

Section 10 Infraction custody and infraction confinement shall not be imposed if the person subject to proceeding

a) is a person with disability within the meaning of the Act on the rights of and ensuring equal opportunities for persons with disability, or receives daily regular, life support or inpatient care;

b) is a woman who has reached the twelfth week of pregnancy;

c) is a parent or guardian who is raising a child who has not attained the age of fourteen years alone;

d) alone provides care for a relative who lives with disability, or requires permanent care, supervision and nursing.

8. Fine

Section 11 (1) Unless otherwise provided in this Act, the amount of fine shall not be less than five thousand forints or more than one hundred fifty thousand forints or, for an infraction that may be punished by also infraction confinement, three hundred thousand forints.

(2) The entire period of infraction custody, and the period of compulsory attendance exceeding four hours, that is ordered in connection with the infraction for which fine is imposed shall be credited to the amount of fine. Each hour commenced of infraction custody and compulsory attendance exceeding four hours shall be credited as two hundred forints of fine.

(3) For specific infractions under Chapters XXVII and XXVIII, the Government may determine the fixed amount of fine by way of a decree observing the provision on the lowest and highest amount of fine.

Section 12 (1) If a fine is not paid, the court shall convert it to infraction confinement. Unless otherwise provided in this Act, for the purposes of conversion, each five thousand forints shall be equivalent to one day of infraction confinement. The part of the fine unpaid that cannot be divided by five thousand need not be taken into account.

(2) The fine unpaid shall not be replaced by infraction confinement if the person subject to proceeding

a) meets any of the requirements under section 10;

b) satisfied it by performing community service pursuant to section 13.

(3) The period of infraction confinement replacing the fine unpaid may deviate from the provisions on the term of infraction confinement under this Act.

Section 13 (1) The infraction authority or the court shall inform in its decision or in its order, respectively, the person subject to proceeding that a fine unpaid can be satisfied by performing community service. The information shall specify the period of community service the person subject to proceeding is required to perform to satisfy the fine unpaid and the state employment organ to which he needs to report to perform the community service.

(2)

(3)

9. Community service

Section 14 (1) If community service is imposed, the person subject to proceeding shall be obliged to perform the work assigned to him; his personal freedom shall not be restricted in any other way.

(2) The period of community service shall be specified in hours. Unless otherwise provided in this Act, the period of community service shall not be less than six hours or more than one hundred and eighty hours.

(2a) The entire period of infraction custody, and the period of compulsory attendance exceeding four hours, that is ordered in connection with the infraction for which community service is imposed shall be credited to the period of community service. Each hour commenced of infraction custody and compulsory attendance exceeding four hours shall be credited as one hour of community service.

(3) Community service shall not imposed if the person subject to proceeding meets any of the requirements under section 10.

Section 15 If the person subject to proceeding fails to perform his obligation to perform work, the court shall convert each six hours of his community service or its remaining part to one day of infraction confinement. The remaining part of community service shall not be converted to infraction confinement if it does not reach six hours.

10. Disqualification from driving a vehicle

Section 16 (1) The person subject to proceeding may or, in a situation specified in this Act, shall be disqualified from driving a vehicle if he committed an infraction by violating the rules of driving a vehicle requiring a licence.

(1a) Disqualification from driving a vehicle shall be applied if the infraction is committed by violating the rules on

- a) driving on a road;
- b) overtaking and passing; or
- c) entering a closed road section

at the site of public danger, with a lorry, tractor or a combination vehicle consisting of a vehicle and a trailer with a maximum authorised mass exceeding 7500 kg.

(2) Reinstating the driving licence may be made conditional upon fulfilling a requirement set out by a separate law.

(3) Disqualification from driving a vehicle may relate to a certain category or type of vehicles.

(4) Unless otherwise provided in this Act, the period of disqualification from driving a vehicle shall not be shorter than one month or longer than one year.

Section 17 (1) Disqualification from driving a vehicle shall become effective on the date of the infraction decision becoming final and binding.

(2) The period for which the driving licence of the person subject to proceeding is taken away at the site of the infraction or turned in to the authority in connection with the infraction before the measure of disqualification from driving a vehicle is applied shall be credited to the period of disqualification from driving a vehicle.

11. Confiscation

Section 18 (1) A thing shall be confiscated if

- a) it was used or intended to be used as a means of committing the infraction;
- b) its possession is in breach of the law or it poses a threat to public safety;
- c) it was created by way of committing an infraction;
- d) it was the subject of an infraction, or it was used to transport such a thing after completing the infraction;
- e) the person subject to proceeding received it from its owner or, with consent from the owner, from another person for committing the infraction.

(2) Confiscation may be applied independently and even if the infraction liability of the person subject to proceeding cannot be established.

(3) In the cases specified in paragraph (1) *a)* and *d)*,

a) confiscation shall not be ordered if the thing is not the property of the person subject to proceeding, except if its owner was aware of the commission in advance;

b) confiscation may be dispensed with on an exceptional basis if, considering the gravity of the infraction, it would be an unfair and disproportionate disadvantage for the person subject to proceeding or the owner of the thing;

provided that dispensing with the application of confiscation is not excluded by an obligation under international law.

(4) The ownership of a confiscated thing shall pass to the State.

(5) Confiscation shall not be ordered if two years have passed since the commission of the act, except if possessing the object of confiscation is unlawful.

(6) Confiscation shall not be carried out during the period of special protection granted by the Act on the special protection of borrowed cultural goods.

12. Ban on entering certain areas

Section 19 (1) For an infraction relating to participating in, traveling to, or leaving a sports competition, the person subject to proceeding may be banned from a sports competition organised under the competition scheme of a sports association or a sports facility used to host a sports event organised under the competition scheme of a sports association.

(2) For an infraction relating to a commercial activity, the person subject to proceeding from may be banned from the commercial facility or other venue used for a commercial activity, to prevent him from pursuing that activity.

(3) The period of ban on entering certain areas under paragraphs (1) and (2) shall not be shorter than six months or longer than two years.

13. Admonition

Section 20 (1) Admonition may be applied if, taking account of the circumstances of commission, the infraction is of minor gravity and this measure is likely to have an appropriate deterrent effect.

(2) Through applying admonition, the infraction authority or the court expresses its disapprobation and warns the person subject to proceeding to refrain from committing infractions in the future.

14. Imposing a penalty, applying a measure

Section 21 (1) Unless otherwise provided in this Act or, on the basis of authorisation by an Act, in a government decree, a penalty and a measure shall be determined so that it is appropriate for the gravity of the infraction. Consideration shall be given to the personal circumstances of the person subject to proceeding in so far as they can be established from data available to the infraction authority and the court.

(2) Unless otherwise provided in this Act or, on the basis of authorisation by an Act, in a government decree, when imposing a penalty or applying a measure, consideration shall be given to any instances within the two years preceding the commission date of the infraction concerned where the liability of the person subject to proceeding was established for committing an infraction. Cooperation between the person subject to proceeding and the authorities shall be considered a mitigating circumstance.

(3) If imposing infraction confinement as a penalty is permitted under this Act, the court may impose another penalty or apply another measure in place of infraction confinement in accordance with the provisions of this Act.

(4) Where this Act does not permit the imposition of infraction confinement as a penalty, the infraction authority may impose any penalty or apply any measure, other than infraction confinement, in accordance with the provisions of this Act. If it is necessary for developing the uniform application of law, the Minister responsible for infraction regulation shall ensure by adopting a decree that infraction authorities and organs and persons authorised to impose a spot fine give the same consideration to factors to be assessed in the application of the legal consequences set out in this Act.

(5) With the exception of damage caused by a traffic-related infraction, when imposing confinement, fine or community service, it shall be considered an emphatic mitigating circumstance if the person subject to proceeding compensates the aggrieved party for the damage caused by the infraction before the adoption of the decision by the infraction authority or the first-instance decision by the court.

15. Concurrent sentence and sentence for repeated commission

Section 22 (1) If the liability of a person subject to proceeding is established in the same proceeding for more than one infraction that may be punished by also infraction confinement, the maximum term of infraction confinement shall be ninety days and the maximum amount of fine shall be increased by half of the fine applicable.

(2) If the liability of a person subject to proceeding is established in the same proceeding for more than one infraction that may not be punished by infraction confinement, the maximum amount of fine shall be increased by half of the highest applicable fine.

(3) If the liability of a person subject to proceeding is established in the same proceeding for more than one infraction that is to be punished by a fixed-amount fine set for traffic-related infractions in a government decree, the amount of fine shall be increased by half of the highest amount of fine set for the adjudicated infractions, but it shall not be higher than the combined total amount of the fines set for the adjudicated infractions.

(4) If the liability of a person subject to proceeding is established in the same proceeding for both an infraction that may not be punished by infraction confinement and an infraction that is to be punished by a fixed-amount fine set for traffic-related infractions in a government decree, the provisions of paragraph (2) shall apply, with the proviso that the amount of fine imposed shall not be less than the highest amount of fine that is set for an infraction to be punished by a fixed-amount fine set in a government decree from among the adjudicated infractions.

Section 23 (1) With the exceptions set out in paragraph (4), if within the six months preceding the commission date of the infraction, the liability of the person subject to proceeding was established with final and binding effect

a) on at least two occasions for an infraction that may be punished by also infraction confinement, the provision set out in section 22 (1) shall apply to the maximum term of infraction confinement and the maximum amount of fine in the new infraction case where otherwise also infraction confinement may be imposed;

b) on at least two occasions for an infraction that may be punished by also infraction confinement, a penalty of infraction confinement for up to seventy-five days may be imposed for the new infraction that otherwise may be punished by a fine;

c) on at least two occasions for an infraction that may be punished by a fine, a penalty of infraction confinement for up to seventy-five days may be imposed for the new infraction that otherwise may be punished by also infraction confinement;

d) on at least two occasions for an infraction that may be punished by a fine, a penalty of infraction confinement for up to sixty days may be imposed for the new infraction that otherwise may be punished by a fine;

e) for the commission of an infraction that may be punished by infraction confinement and of another infraction that may be punished by a fine, a penalty of infraction confinement for up to seventy-five days may be imposed for the new infraction that otherwise may be punished by also infraction confinement;

f) for the commission of an infraction that may be punished by infraction confinement and of another infraction that may be punished by a fine, a penalty of infraction confinement for up to sixty days may be imposed for the new infraction that otherwise may be punished by a fine.

(2) The provisions on repeated commission under paragraph (1) *a)* to *f)* shall not apply if

a) a spot fine was imposed for the infraction;

b) the act constitutes an infraction under Chapters XXVII and XXVIII;

c) the person subject to proceeding was previously sentenced with final and binding effect for an infraction referred to in point *b)*.

(3) If within six months the liability of a person was established with final and binding effect on at least two occasions for an infraction under Chapters XXVII and XXVIII committed by violating the rules of driving a vehicle requiring a licence, the infraction authority shall apply also disqualification from driving a vehicle against that person for a new infraction under Chapters XXVII and XXVIII committed by violating the rules of driving a vehicle requiring a licence.

(4) Observing the maximum amount of fine set under section 11 (1), if the liability of a person who is subject to proceeding for committing an infraction under Chapters XXVII and XXVIII to be punished by a fixed-amount fine set in a government decree was established with final and binding effect for another infraction under Chapters XXVII and XXVIII within six months preceding the commission date, the amount of the fine to be imposed shall be

a) two times the fixed-amount fine set for the new infraction to be punished by a fixed-amount fine if that is the second;

b) three times the fixed-amount fine set for the new infraction to be punished by a fixed-amount fine if that is the third or further.

(5) The fact that a spot fine was imposed for committing the infraction shall not be taken into account in the application of the provisions on repeated commission under paragraphs (3) and (4).

16. Statute of limitations concerning the enforceability of infraction confinement, community service, fine and spot fine

Section 24 (1) A penalty of infraction confinement, fine, community service, infraction confinement replacing an unpaid fine or spot fine and infraction confinement replacing unperformed community service shall not be enforced if one year has passed since the underlying decision becoming final and binding.

(2) The limitation period shall not include the periods allowed for the postponement of infraction confinement, postponement and interruption of community service and postponement and payment in instalments of a fine.

(3) A measure taken for the enforcement of infraction confinement, community service and an unpaid fine shall interrupt the limitation period. The limitation period shall start again on the day of interruption. Enforcement shall not be carried out if two years have passed from the date of the decision becoming final and binding.

(4) The provisions of this section shall apply to calculating the limitation period of the enforcement of spot fine.

17. Relief from adverse legal consequences

Section 25 The person subject to proceeding shall be relieved of adverse legal consequences associated with the establishment of infringement liability under the law after the expiry of a period of two years from the decision imposing the penalty or the measure becoming final and binding.

Chapter IV

SPECIAL PROVISIONS

18. Provisions on juveniles and soldiers

Section 26 The provisions of this Act shall apply to juveniles and soldiers subject to derogations laid down in this Chapter.

Section 27 (1) For the purposes of this Act, juvenile means a person who has attained the age of fourteen years but has not attained the age of eighteen years when committing the infraction.

(2) For a juvenile,

a) infraction confinement shall not be longer than thirty days or, if a concurrent sentence is imposed, forty-five days;

b) the maximum amount of a fine shall be fifty thousand forints or, in the case of infractions that may be punished by also infraction confinement, one hundred thousand forints;

c) the maximum amount of a spot fine shall be twenty-five thousand forints.

(2a) For committing an infraction that is to be punished by a fixed-amount fine or spot fine set in a government decree, the amount of fine or spot fine to be imposed

a) shall be the amount set out in the government decree if the fixed amount set in the government decree does not exceed the maximum amount set out in paragraph (2) *b)* or *c)*;

b) shall be an amount not exceeding the ceiling set out in paragraph (2) *b)* or *c)* if the fixed amount provided for in the government decree exceeds the maximum amount set out in paragraph (2) *b)* or *c)*.

(3) A juvenile may be subjected to fine or spot fine only if he undertakes to pay it. No spot fine shall be imposed without a statutory representative being present.

(4) The provision under section 23 shall not apply to a juvenile.

(5) A juvenile may be subjected to community service and section 142 (1) may be applied to a juvenile only if he has already attained the age of sixteen years at the time of the adoption of the decision.

Section 27/A (1) The enforcement of a penalty of infraction confinement imposed on a juvenile may be suspended for a probationary period if there is reasonable ground to believe that the objective of punishment can be achieved even without its enforcement taking account of, in particular, the circumstances of the juvenile and the material gravity of his act.

(2) The probationary period shall not be shorter than one month or longer than six months, and shall be determined in months.

(3) The enforcement of infraction confinement shall not be suspended if the juvenile

a) was sentenced with final and binding effect for committing an infraction to be punished by infraction confinement within the three months preceding the commission date of the infraction;

b) committed the infraction to be punished by infraction confinement during the probationary period of a suspended infraction confinement.

(4) If the juvenile is sentenced multiple times to infraction confinement suspended for a probationary period, and the probationary periods for the individual sentences of infraction confinement have not yet passed then all probationary periods shall be served concurrently.

(5) An infraction confinement that was suspended shall be carried out if

a) it is established during the probationary period that enforcement of the infraction confinement was suspended notwithstanding a ground for exclusion specified in paragraph (3);

b) a penalty of infraction confinement was imposed on the juvenile for committing, during the probationary period, an infraction to be punished by infraction confinement.

(6) The carrying out of a penalty of infraction confinement the enforcement of which is suspended shall be ordered by the court imposing the infraction confinement where section (5) *a)* applies and the court proceeding concerning the infraction carried out during the probationary period where section (5) *b)* applies.

(7) For the purposes of section 21 (2), an infraction confinement imposed on a juvenile the enforcement of which is suspended shall not be taken into account after the day of the expiry of the probationary period.

(8) If the juvenile is taken under protection, the guardianship authority that proceeded in his case and, for a juvenile subject to preventive probation, by way of the guardianship authority, the preventive probation officer shall be notified of the suspension of the enforcement of a penalty of infraction confinement imposed on the juvenile or of the carrying out of a penalty of infraction confinement.

(9) A penalty of infraction confinement the enforcement of which is suspended shall be considered served once the probationary period is successfully completed, unless the confinement is to be carried out pursuant to paragraph (5).

Section 28 (1) For the purposes of this Act, soldier means a member of the armed forces and a member of the professional personnel of the police, a professional disaster management organ, the prison service, a civil national security service and the Parliamentary Guard.

(2) With the exception of an infraction that may be punished by also infraction confinement, an infraction committed, during the period of service relationship, by a soldier at the place of service or in connection with the service shall be assessed in a disciplinary proceeding. If the service relationship of the soldier terminates before the completion of the disciplinary proceeding, the infraction shall be assessed by the infraction authority or the court.

(3) Only the court or the infraction authority may impose confiscation or disqualification from driving a vehicle on a soldier. The entity with disciplinary powers shall notify the infraction authority of the results of its proceeding if it finds that confiscation or disqualification from driving a vehicle needs to be imposed.

(4) If, together with a soldier, the infraction proceeding needs to be instituted also against a civilian person, or if a civilian person is the aggrieved party of the infraction and the cases cannot be separated, than the proceeding shall be conducted by the infraction authority or the court. Following the establishment of the facts of the case, the infraction authority shall request the competent military superior of the soldier to conduct the disciplinary proceeding.

(4a) The entity with disciplinary powers shall send its final and binding decision adopted in the disciplinary proceeding to the infraction authority or the court, which shall decide on bearing the infraction costs on the basis of the decision sent.

(5) As regards an infraction committed by a soldier within the meaning of paragraph (1) that cannot be assessed in a disciplinary proceeding, the police or the infraction authority shall notify the commander exercising employer's rights over the military personnel of the person subject to proceeding of

- a) taking into custody or extending custody;
- b) imposing infraction confinement as a penalty; and
- c) converting unpaid fine, spot fine or community service to confinement to replace it.



Chapter V

19. Interpretative provisions

Section 29 (1) Unless otherwise provided in this Act,

- a) to the concepts of intent and negligence;
- b) to the concept of attempt;
- c) to the concepts of joint offenders and indirect offender;
- d) to the concepts of instigator and abettor;
- e) to the concept of relative;
- f) to the concept of commission by a group;
- g) to the concept of large audience;
- h) to reasons for excluding or limiting liability to punishment;
- i) to private motion;

j) to the concept of continuous criminal offences;

k) to the infractions corresponding to the criminal offences of theft as defined in section 370 of Act C of 2012 on the Criminal Code (hereinafter the “Criminal Code”), vandalism as defined in section 371 of the Criminal Code, embezzlement as defined in section 372 of the Criminal Code, fraud as defined in section 373 of the Criminal Code, misappropriation as defined in section 376 of the Criminal Code and unlawful appropriation as defined in section 378 of the Criminal Code; and

l) to the concept of damage and pecuniary loss;

the provisions of the Criminal Code set out in its General Part for points *a)* to *d)* and *h)* to *j)*, in its Closing Part for points *e)* to *g)* and *l)*, and in its Special Part concerning the statutory elements of criminal offences for point *k)* shall apply to also infractions.

(2) For the purposes of this Act:

a) public space means every space for public use, regardless of the identity of its owner or the form of property, that can be used by anyone without any restriction or subject to the same conditions, including the part of public space that is used as a public road and the part of private space that is publicly accessible;

b) public place means a place open to everyone that is not to be considered a public space;

c) a person is considered to have fled the scene also if he leaves the infraction scene before the arrival of the police, provided that his likely identity and whereabouts can be established on the basis of evidence acquired by the police at the infraction scene;

d) media content provider means a media content provider within the meaning of the Act on the freedom of the press and the fundamental rules of media contents;

e) assembly means any assembly falling within the scope of the Act on the right to assembly;

f) public event means every event other than an assembly that is open to everyone under the same conditions;

g) offering to provide sexual services means offering to provide sexual services within the meaning of the Act on the rules on taking action against organised crime and certain related phenomena and relevant amendments to Acts;

h) where among the statutory elements of the infraction a reference to pecuniary loss is made, compensation for and payment and settlement of the damage shall be construed to also mean compensation for and payment and settlement of the pecuniary loss.

(3) For the purposes of

a) subtitle 132/B of this Act, restricted explosives precursor means a substance or mixture listed in ANNEXES I and II of Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013 (hereinafter the “EU Regulation”) at a concentration higher than the limit value set out therein;

b) subtitle 136/A of this Act, restricted explosives precursor means a substance or mixture listed in ANNEXES I and II of the EU Regulation at a concentration higher than the limit value set out therein.

PART TWO

THE INFRACTION PROCEDURE

Chapter VI

FUNDAMENTAL PROVISIONS

20. Applicable legislation

Section 30 An infraction proceeding shall be conducted in accordance with the procedural rules of the Act in force at the time of the assessment of the act.

21. Proceeding *ex officio*

Section 31 The infraction authority and the court shall be obliged to conduct an infraction proceeding if the conditions set out in this Act are met.

22. Presumption of innocence and burden of proof

Section 32 (1) No one shall be held liable for committing an infraction until the infraction authority or the court establishes his infraction liability in a final and binding decision.

(2) Proving the infraction liability shall be the responsibility of the infraction authority. No one shall be required to prove his innocence.

(3) If a spot fine is imposed, admission of the commission of the infraction shall be assessed as evidence.

23. Prohibition of compulsion to self-incrimination

Section 33 No one shall be compelled to give self-incriminating testimony or to provide evidence against himself.

24. Right of defence

Section 34 (1) The person subject to proceeding shall have the right of defence.

(2) The infraction authority and the court shall be obliged to ensure that the person subject to proceeding can defend himself as provided for in this Act.

25. Right to legal remedy

Section 35 (1) Unless an exception is made in this Act, legal remedy shall be available against a decision by the infraction authority, an order by the court and any other measure, or a failure to apply a measure, by either the infraction authority or the court. The person entitled to legal remedy may waive his right to legal remedy in writing or orally at a trial.

(2) Legal remedies are the following: objection, appeal and complaint. Unless otherwise provided in this Act,

a) an objection shall be available against a decision establishing a penalty or a measure by the infraction authority, while a complaint shall be available against any other decision or measure or a failure to apply a measure by the infraction authority;

b) an appeal shall be available against an order by the court.

(3) Unless an exception is made in this Act, both the person with respect to whom the decision contains a provision and the person who is affected by the measure shall be entitled to file an application for legal remedy.

(4) Unless otherwise provided in this Act, the time limit for seeking legal remedy shall be eight days from communication or, for a failure to apply a measure, from becoming aware of the failure.

(5) The infraction authority, the prosecutor or the court shall dismiss an application for legal remedy if it is excluded by an Act, submitted by an ineligible person, late or repeatedly with identical content. No further legal remedy shall lie against a decision or order dismissing an application for legal remedy that is excluded by an Act, submitted by an ineligible person or repeatedly with identical content; the infraction authority or the court shall refrain from assessing such an application for legal remedy and notify the person submitting the application accordingly within five days.

26. The right to language use

Section 36 (1) Infraction proceedings shall be conducted in the Hungarian language. A person shall not suffer any disadvantage because he does not understand the Hungarian language.

(2) In an infraction proceeding, every person shall be entitled to use, both orally and in writing, his mother tongue, his minority language on the basis of, and in the scope provided for by, an international treaty promulgated by an Act or, if he does not understand the Hungarian language, another language specified as understood by him.

27. Assessing infraction liability

Section 37 With the exception of a decision adopted and facts established in a criminal proceeding, the infraction authority and the court shall not be bound by any decision adopted, or fact established, in any other proceeding and in particular in a civil or disciplinary proceeding, as regards the matters of whether the person subject to proceeding committed an infraction and what infraction he committed.

Chapter VII

AUTHORITIES PROCEEDING ON THE BASIS OF INFRACTIONS

Section 38 (1) The organs designated to carry out infraction authority tasks within the police organ established to carry out general policing tasks shall proceed as general infraction authorities.

(2) For infractions referred to their competence by this Act, the organ of the National Tax and Customs Authority with the relevant functions and powers, the organ designated by the Government, and the healthcare state administration organ shall proceed.

(3) For infractions that may be punished by also infraction confinement and for infractions specified in this Act, the district court shall proceed at first instance.

28. Entities authorised to impose a spot fine

Section 39 (1) The police may impose a spot fine for any infraction if the conditions laid down in this Act are met. Unless otherwise provided in this Act, only the police may impose a spot fine for an infraction that may be punished by also infraction confinement.

(2) If the cases specified in an Act, where an infraction is detected, a spot fine may be imposed, provided that a specific reference to that effect is made in this Act, by the following:

- a)
- b) the organ of the National Tax and Customs Authority with the relevant functions and powers;
- c) an authorised administrative officer of the professional disaster management organ;
- d) an inspector of the transport authority;
- e) a public space inspector;
- f) a nature guard and a local government nature guard;
- g) an authorised administrative officer of the forestry authority;
- h) a fishery guard;
- i) a field guard.

(3) Points *g*) to *i*) in paragraph (2) shall apply with the proviso that the person imposing the spot fine must be an employee of an administrative organ, a local government public official, a public employee or a government official.

29. Subject-matter and territorial competence of the infraction authority

Section 40 (1) The competent infraction authority for conducting the infraction proceeding shall be the infraction authority of the domicile of the person subject to proceeding.

(2) With a view to facilitating a more expedient and effective conduct of the infraction proceeding, the infraction authority of the place of residence or the workplace of the person subject to proceeding, the place of commission and the place of the discovery of the infraction may also conduct the proceeding.

(3) If there is more than one person subject to proceeding, and they live or reside within the areas of competence of different infraction authorities, the infraction authority that took action first in the case shall conduct the proceeding (precedence).

(4) Precedence shall be decisive also if multiple acts of the person or persons subject to proceeding are assessed in the same infraction proceeding and, pursuant to paragraph (2), there is more than one competent infraction authority based on the place of commission or discovery of the acts.

(5) If there is a dispute as regards which of multiple infraction authorities is obliged to proceed, the competent infraction authority shall be designated by

a) the county (capital) police headquarters for police departments, and the Central Management for territorial organs of the National Tax and Customs Administration;

b) the Hungarian National Police Headquarters if the area of more than one police headquarters is effected;

c) the Minister responsible for infraction regulation if neither point *a*) or *b*) applies.

(6) For a dispute over competence between an infraction authority and a court the decision of the court shall be decisive.

(7) No legal remedy shall lie against a decision designating the infraction authority.

Section 40/A Within his area of competence, the head of the county (capital) police headquarters may designate as competent another infraction authority in place of an infraction authority competent to conduct a proceeding for the enforcement of a fine or spot fine imposed in an infraction proceeding.

30. Subject-matter and territorial jurisdiction of the court

Section 41 (1) The district court of the place of commission shall proceed in the first instance as regards infractions that may be punished by also infraction confinement or that are specified in this Act.

(2) With a view to facilitating a more expedient and effective conduct of the infraction proceeding, the court of the domicile, place of residence or workplace of the person subject to proceeding and the place of the discovery of the infraction may also conduct the proceeding.

(2a) With a view to facilitating a more expedient and effective conduct of the infraction proceeding, in a proceeding instituted for an infraction that may be punished by also infraction confinement, the court shall proceed as regards also another infractions that are closely related to that act concerned, fall within the competence of an infraction authority and are not yet assessed.

(3) If there is more than one person subject to proceeding, or multiple acts of the person or persons subject to proceeding are assessed in the same infraction proceeding and there is more than one competent court, the court that took action first in the case shall conduct the proceeding (precedence).

Section 42 (1) An appeal filed against an order by the first-instance court shall be adjudicated in the second instance by the regional court in a panel session.

(2) An objection against a decision by the infraction authority shall be adjudicated by the district court of the seat of the infraction authority that adopted the decision on the merits.

(3) A measure by the prosecutor under this Act against the proceeding, decisions or measures of the infraction authority shall be assessed by the district court of the seat of the infraction authority, unless the infraction authority agrees to that measure.

(4) For the purposes of this Act, district court shall be construed to also refer to a court of a district in a town.

(5) In the application of this Act, also a junior judge may proceed in cases falling within the competence of a district court, with the exception of an infraction under section 216/A (1).

(5a) In the application of this Act, if a government decree so provides, also an administrative court officer may, outside a trial under the control and supervision of a judge or junior judge, proceed in cases falling with the competence of a district court, with the exception of an infraction under section 216/A (1).

(6) If there is a dispute as regards which of multiple courts is obliged to proceed, the proceeding court shall be designated in a decision by a second-instance panel of the regional court. If the conflict of jurisdiction arises between courts that are within the territories of different regional courts, then the higher court shall proceed. No legal remedy shall lie against this decision.

Section 42/A With regard to the territory of the regional court, the president of the regional court may designate a district court other than the court with general jurisdiction as competent to proceed in an infraction case or in a proceeding for conversion to infraction confinement.

31. Participation of the prosecutor in the infraction proceeding

Section 43 (1) The prosecutor shall be responsible for monitoring the lawfulness of the proceedings and measures of the infraction authorities and for supervising the legality of the infraction records system.

(2) If the infraction authority finds a prosecutorial compliance reminder well-grounded, it shall be obliged to revoke or modify the unlawful provision in accordance with the prosecutorial motion within eight days, and, at the same time, notify the prosecutor accordingly, communicating to him the action taken by the infraction authority.

(3) If the compliance reminder produces no result, the prosecutor shall challenge the final and binding decision before the court within thirty days and, at the same time, notify the infraction authority accordingly. Within eight days after becoming aware of the prosecutorial action, the infraction authority shall send the case documents to the district court of the seat of the infraction authority or designated as competent.

(4) If the prosecutor takes prosecutorial action, the court, sitting as a single judge, shall, on the basis of the documents and within thirty days, pass a reasoned order, in which it grants or dismisses the prosecutorial motion. No appeal shall lie against the decision by the court; however, a trial may be requested within eight days. No appeal shall lie against an order adopted by the court in a trial.

(5) After making the decision, the court shall send back to the infraction authority the case documents together with authentic copies of the decision of the court. The court shall send one authentic copy of its decision directly to the prosecutor.

32. Joining and separation of cases

Section 44 (1) If more than one infraction proceeding is instituted before the same infraction authority or court, or more than one preparatory proceeding is instituted before the same police organ, against the same person subject to proceeding, the cases, in which a decision on the merits is not yet adopted shall be joined.

(2) In addition to the provisions of paragraph (1), cases may be joined also if their joint assessment is practical with regard to the subject matter of, or the persons participating in, the proceeding or for any other reason.

(3) Acting pursuant to paragraph (2),

a) the general infraction authority may join to an infraction proceeding pending before it also another proceeding instituted against the same person subject to proceeding for an infraction that does not fall within its subject-matter competence, with the exception of infractions that may be punished by also infraction confinement or fall within the subject-matter competence of the court in the first instance or the subject-matter competence of the National Tax and Customs Administration, the organ designated by the Government and the healthcare state administration organ;

b) the court may join to an infraction proceeding pending before it also another proceeding instituted against the same person subject to proceeding for an infraction that does not fall within its subject-matter jurisdiction.

(4) If there is more than one person subject to proceeding in an infraction proceeding, usually a single proceeding shall be conducted against them.

(5) Joining may be dispensed with or the cases may be separated if the joint assessment of the infractions would considerably delay the establishment of liability or if the case pending against the person subject to proceeding is already suspended for the purpose of conducting a mediation procedure; furthermore, the cases shall be separated in all cases where section 82/B (3) applies.

(6) The joining and separation of the cases shall be recorded in the documents of the cases concerned.

(7) No legal remedy shall lie against a decision concerning the joining and separation of cases.

33. Transferring a case

Section 45 Lacking subject-matter or territorial competence or jurisdiction over the case, the infraction authority or the court shall in a decision or an order, respectively, transfer the case without delay to the competent authority or court. In a situation under section 23 (1) *b)*, *d)* or *f)*, the case may be transferred to the court with subject-matter and territorial jurisdiction to make a decision only after the facts of the case are clarified. No legal remedy shall lie against a decision ordering a case to be transferred.

Chapter VIII

DISQUALIFICATION

34. General rules of disqualification

Section 46 (1) A person may not proceed in an infraction case as a member of the infraction authority or the court if

a) he participates or participated in the case as a person subject to proceeding or a representative of a person subject to proceeding or as an aggrieved party, a party reporting a crime or a representative of any such person, or he is a relative of any of the listed persons;

b) he participates or participated in the case as a witness or an expert;

c) he cannot be expected to assess the case without bias for any other reasons;

d) he proceeds or proceeded in the case as a mediator.

(2) It shall not constitute a ground for disqualification if the member of the infraction authority filed a crime report because of an infraction he became aware of in his official capacity.

(3) An infraction authority or court may not proceed in the case if a ground for disqualification under paragraph (1) applies in relation to its head.

Section 47 (1) A member of the infraction authority or the court who gave notice of a ground for disqualification against himself may not proceed in the case until the notice of disqualification is dealt with.

(2) The direct superior of the objected person at the infraction authority or, for a judge, the president of the court shall decide, *ex officio* or upon notice, on the matter of disqualification. If he acknowledges the notice, he shall designate the person who is to proceed.

(2a) If a ground for disqualification applies in relation to the head of an infraction authority, the organ under section 40 (5) *a*) shall decide on the matter of disqualification and the designation of the infraction authority to proceed.

(3) The assessment of the matter of disqualification shall be drawn up in a decision.

(4) No legal remedy shall lie against a decision declaring disqualification; a refusal of disqualification may be challenged by way of seeking legal remedy against the conclusive decision.

(5) To cases of disqualification not regulated under this Act, the provisions on disqualification of the Act on the Code of Criminal Procedure shall apply accordingly.

35. Disqualification of a member of the infraction authority

Section 48 (1) A person shall not proceed as a member of the infraction authority if he participated in the assessment of the case as a judge or he is a relative of such a person.

(2) The head of the infraction authority shall decide whether disqualification is justified. If he grants the notice of disqualification, he shall designate in his decision the person who is to proceed henceforward.

36. Disqualification of an expert

Section 49 (1) A person shall not proceed as an expert if

a) he proceeds or proceeded in the case as a judge, prosecutor or member of the infraction authority or he is a relative of such a person;

b) he is an expert of an expert institution or organisation, or a member of an expert body, provided that a ground for disqualification specified in point *a*) applies in relation to the head of the expert institution, organisation, or body;

c) he is a member of a company, provided that a ground for disqualification specified in point *a*) applies in relation to the head or executive officer of the company, or if he is a member or employee of a company a member or employee of which already acted in the given case.

(2) The rules on the disqualification of the members of the proceeding authority shall apply to the disqualification of an expert.

37. Disqualification of a prosecutor

Section 50 (1) A person shall not proceed as a prosecutor if he proceeded in the case as a member of the infraction authority or a judge or he is a relative of such a person.

(2) If the notice of the ground for disqualification was given by a person other than the prosecutor concerned, the prosecutor concerned may proceed in the case until the notice of disqualification is dealt with.

(3) For a prosecutor of the local prosecution office, the local senior prosecutor and for a local senior prosecutor and a prosecutor of the county chief prosecution office, the county chief prosecutor shall decide whether disqualification is justified. If he acknowledges the notice of disqualification, he shall designate the prosecutor who is to proceed henceforward.

38. Disqualification of a judge

Section 51 (1) A person shall not proceed as a judge also if he proceeded in the case as a member of the infraction authority or a prosecutor or he is a relative of such a person.

(2) A judge shall not proceed in a second-instance proceeding if he participated in the adjudication of the case at first instance.

(3) A judge shall be disqualified from a retrial proceeding if he adopted the decision challenged by the request for retrial.

(4) If the notice of the ground for disqualification was given by a person other than the judge concerned, the judge concerned may proceed in the case until the notice of disqualification is dealt with; if the ground for disqualification is based on section 46 (1) c), he may even adopt a decision on the merits.

(5) The president of the court acting in his administrative capacity or another panel of the court proceeding outside trial shall decide whether disqualification is justified. The president shall act in his administrative capacity if the judge himself gave notice of a ground for disqualification against himself or if the judge consented to being disqualified. If the president grants a notice of disqualification, he shall designate the judge who is to proceed henceforward. If the notice of disqualification is not to be dealt with by the president acting in his administrative capacity, than it shall be decided by another panel of the court outside trial. No separate appeal shall lie against a decision by the president or another panel of the court; such a decision may be challenged by way of appealing against the decision on the merits.

(6) If a ground for disqualification applies in relation to the president of the court or if a ground for disqualification applies in relation to all judges of the court, the regional court shall decide on the matter of disqualification in a panel session. If it grants the notice of disqualification, it shall designate another district court operating within its area of jurisdiction.

Chapter IX

PERSONS PARTICIPATING IN INFRACTION PROCEEDINGS

39. The person subject to proceeding

Section 52 (1) Person subject to proceeding means the person against whom the infraction proceeding is conducted.

(2) The person subject to proceeding shall be entitled to get informed of the act for which and the facts and evidence based on which the infraction proceeding is conducted against him.

(3) Unless otherwise provided in this Act, the person subject to proceeding shall be entitled to attend procedural acts and, at any stage of the proceeding, make observations and motions, ask questions, request information from the infraction authority and the court, inspect the case documents and request or make copies thereof. He shall be forbidden to remove copies containing classified data from the building of the authority.

40. The representative of the person subject to proceeding

Section 53 (1) For the person subject to proceeding, his statutory representative or an adult person authorised in writing by him, his statutory representative or his adult relative (hereinafter the “representative of the person subject to proceeding”) may act at any stage of the infraction proceeding.

(1a) For the purposes of the infraction procedure, a statement granting authorisation to act as a representative of the person subject to proceeding recorded in the client settings register within the meaning of Act CCXXII of 2015 on the general rules on electronic administration and trust services (hereinafter “Electronic Administration Act”) (hereinafter “client settings register”) shall be valid only if the authorisation is accepted and a statement of acceptance is registered in the client settings register. An authorisation recorded in the client settings register shall be effective as of the time the proceeding court or infraction authority is given notice of it.

(2) A person shall not act as the representative of the person subject to proceeding if he participates or participated in the case as a person subject to proceeding, aggrieved party or witness.

(3) The person subject to proceeding may withdraw, at any time during the proceeding, the authorisation granted to a representative by him or his statutory representative.

(4) Section 52 (3) shall apply also to the rights of the representative of the person subject to proceeding. The representative may keep contact without control with the person subject to proceeding who is represented by him throughout the proceeding.

41. The aggrieved party

Section 54 (1) Aggrieved party means a person whose right or legitimate interest was violated or jeopardised by the infraction.

(2) The aggrieved party shall, at any stage of the proceeding, be entitled to make observations and motions, ask questions, request information on his rights and obligations from the infraction authority, the prosecutor and the court, inspect the case documents that affect him and request or make copies thereof.

(3) Subject to the conditions laid down in this Act, the aggrieved party may demand that the person subject to proceeding compensate him for his damage that occurred due to the infraction.

(4) The aggrieved party may exercise his rights through his representative.

42. The representative of the aggrieved party

Section 55 (1) For the aggrieved party, his statutory representative or an adult person authorised in writing by him or his statutory representative (hereinafter the “representative of the aggrieved party”) may act at any stage of the infraction proceeding.

(1a) A person shall not act as a representative of the aggrieved party if he participates or participated in the case as a person subject to proceeding or witness.

(1b) A statement by the aggrieved party or his statutory representative granting authorisation to an adult person recorded in the client settings register shall be valid only if the authorisation is accepted and the statement of acceptance is registered in the client settings register. An authorisation recorded in the client settings register shall be effective as of the time the proceeding court or infraction authority is given notice of it.

(2) Section 54 (2) shall apply to the rights of the representative of the aggrieved party to ask questions, make motions and inspect documents.

Chapter X

THE GENERAL RULES OF TAKING OF EVIDENCE

43. Clarification of the facts of the case

Section 56 (1) The infraction authority shall be obliged to clarify the circumstances that are relevant for assessing the case. If sufficient data is not available, it shall conduct an evidentiary procedure. In a situation under section 23 (1) *b*) or *d*), the responsibility of clarifying the facts of the case shall lie with the infraction authority that, absent repeated commission, would be entitled to conduct the proceeding for the new infraction that may be punished by a fine.

(2) No evidence shall be required concerning facts that are commonly known and that are officially known to the infraction authority and the court.

(3) To locate the domicile or place of residence of a person subject to proceeding or witness whose whereabouts are unknown, the court and the infraction authority shall request data

a) from the register of personal data, home address, and contact address of citizens;

b) from the register kept pursuant to section 28 of Act CVII of 1995 on the organisation of the prison service.

(4) If the person subject to proceeding or the witness could not be located as a result of the data request, the court and the infraction authority shall request administrative assistance from the police organ of the last known domicile or place of residence of the person subject to proceeding or the witness. The requested police organ shall be entitled to ask for information as regards the whereabouts of the person subject to proceeding or the witness at his last known domicile and place of residence. The requested police organ shall communicate to the requesting organ the domicile or place of residence of the person sought if it is officially known to the police organ.

43/A. Request for administrative assistance

Section 56/A (1) In the course of an infraction proceeding instituted against an unknown person for committing an infraction that may be punished by also confinement, the court and the organ conducting a preparatory proceeding may request administrative assistance from a state or local government organ or authority with a view to detecting the infraction if the assessment of the case requires data or documents that are available to the other authority or state or local government organ. A time limit of not less than eight and not more than thirty days may be set for compliance with the request. Unless otherwise provided by an Act, the requested entity shall be obliged to comply with the request free of charge within the set time limit or indicate the obstacle to compliance.

(2a) In the course of an infraction proceeding for a special traffic-related infraction or other infraction related to traffic, the court and the infraction authority may request administrative assistance from a state or local government organ or authority, statutory professional body, economic operator or non-governmental organisation with a view to identifying the perpetrator and clarifying the facts of the case if the assessment of the case requires data that are available to the other authority or state or local government organ, statutory professional body, economic operator or non-governmental organisation. A time limit of not less than eight and not more than thirty days may be set for compliance with the request.

(3) If the provision of personal data is requested, the volume and extent of personal data requested shall be limited to what is indispensable for achieving the purpose of the request. The court and the infraction authority shall indicate in the request the case number, the exact purpose of data processing and the extent of data requested. A data request from a statutory professional body, economic operator or non-governmental organisation shall indicate also the legislative provision under which the requested organ is obliged or authorised to process the requested data.

(4) Personal data not related to the purpose of the request that become known to the requesting entity as a result of the request shall be erased.

(5) A disciplinary fine may be imposed on a requested organ if it fails to comply within the set time limit with a request that is in compliance with the conditions set out in paragraph (3) or that refuses, without a lawful reason, to comply with it.

(6) If the reason for non-compliance by the requested organ is that compliance is prohibited by an Act, then no further procedural act shall be conducted concerning the requested entity for acquiring the data held by it.

44. Means of evidence

Section 57 (1) Within the statutory limits, the infraction authority shall be free to determine which means of evidence to apply.

(2) In an infraction proceeding, means of evidence acquired by authorised authorities in the course of their lawful proceedings may also be used as evidence.

(3) A fact shall not be taken into account as evidence if it is supported by a means of evidence that the infraction authority, court or person authorised to impose a spot fine acquired by way of a criminal offence or in another prohibited manner or by materially restricting the procedural rights of the person subject to proceeding.

45. Witness testimony

Section 58 (1) The facts of the case may be proven by also a testimony of a witness. A person may be interrogated as a witness if he may have knowledge of a fact to be proven.

(2) If summoned, the witness shall be obliged to appear and, unless otherwise provided in this Act, testify.

(3) At the request of the witness, the infraction authority and the court shall reimburse the costs incurred by his appearance. The witness shall be advised accordingly at the end of his hearing.

46. Impediments to testifying as a witness

Section 59 (1) A person shall not be heard as a witness

a) if he is unlikely to give a testimony that can be considered evidence due to his physical or mental condition;

b) concerning classified data if he has not been discharged by the authorised organ or person from his obligation of confidentiality.

(2) A person who is under an obligation of confidentiality due to his occupation, profession or public mandate shall not be heard as a witness if his giving witness testimony would breach this obligation.

(3) The matters for which an exemption from confidentiality is sought shall be specified in the request for exemption in an identifiable manner.

47. Possibility of refusing to give witness testimony

Section 60 The following may refuse to give witness testimony:

- a) a relative of the person subject to proceeding;
- b) a person who would incriminate himself or a relative of his of committing an infraction or a criminal offence, regarding related matters;
- c) a media content provider, or a person who is in an employment relationship or another employment-related relationship with a media content provider, if his giving witness testimony would reveal the identity of a person who provided him with information in relation to media content provision activities, regarding related matters.

Section 60/A The exemption under section 60 c) shall remain in effect even after the underlying legal relationship is terminated.

48. Impediments to using witness testimony as evidence

Section 61 Neither a witness testimony taken in breach of the provision under section 59 (1), nor a witness testimony that was given without the witness being advised of his right under section 60 before testifying shall be used as evidence.

49. Hearing the witness

Section 62 (1) With the exception set out in paragraph (7), witnesses shall be heard one by one in the presence of the person subject to proceeding, if possible. The absence of a duly notified person subject to proceeding from a hearing conducted by the infraction authority shall not impede the hearing of the witness.

(2) Prior to the hearing, the identity of the witness and the facts whether he is a relative of the person subject to proceeding or the aggrieved party and whether he has interest or bias in the case for any other reason shall be established. The witness shall be obliged to answer these questions, even if otherwise he can refuse to give testimony.

(3) Before the beginning of the testimony, the witness shall be advised of his rights, obligations and the legal consequences of perjury and false accusation.

(4) A person who has not attained the age of fourteen years may be heard as a witness only if the evidence expected from his testimony cannot be replaced in any other way.

(5) Where the witness has not attained the age of eighteen years, the advisements referred to in paragraph (3) shall be put in intelligible language he can understand taking into account his age and maturity. If the person heard has not attained the age of fourteen years, advisements as regards the legal consequences of perjury and false accusation shall be dispensed with.

(6) The statutory representative of the witness who has not attained the age of eighteen years may attend his hearing.

(7) A witness who has not yet been heard shall not be allowed to attend the hearing of a person subject to proceeding, another witness and an expert. If the witness testifies as regards classified data, the person subject to proceeding and the other participants of the proceeding shall not be allowed to attend the hearing of the witness. If the data of the witness was ordered to be processed confidentially, the person subject to proceeding may attend the hearing of the witness only if the witness consents to it. Following the hearing, the person subject to proceeding thus excluded shall be notified that he is entitled to get informed of what has happened at the hearing in his absence.

(8) A minor shall be summoned or notified by way of his statutory representative; in the summons, the statutory representative shall be called upon to provide for the appearance of the minor.

Section 62/A (1) The court and the infraction authority may allow a witness to provide a testimony in writing after, or in place of, his oral hearing. Providing witness testimony in writing shall not exclude the witness from being subsequently summoned by the court or the infraction authority for a hearing.

(2) If providing a witness testimony in writing is permitted, the witness shall

a) write down and sign his testimony in his own hands;

b) sign his testimony with a qualified electronic signature or an advanced electronic signature based on a qualified certificate;

c) provide his testimony by means of electronic communication; or

d) have it authenticated by a judge or notary.

(3) Where the witness provides testimony in writing without or following an oral hearing, a reference shall be made in the written testimony to the fact that the witness provided his testimony being aware of the impediments to testifying and the consequences of perjury. The witness shall be advised accordingly and informed of the impediments to testifying and the consequences of perjury when he is granted permission to testify in writing.

50. Confidential processing of witness data

Section 63 (1) At the request of the witness, the infraction authority and the court shall, or they may *ex officio*, order the confidential processing of the name, birth name, place and date of birth, mother's name, nationality, ID number, home address, contact address, the actual place of residence, service address, and electronic contact details of the witness.

(2) The data under paragraph (1) of the witness shall be processed confidentially if the confidential processing of the data of the witness was ordered in another proceeding based on the same facts that is pending concurrently or that was concluded with final and binding effect or administrative finality.

(3) The infraction authority and the court shall

a) communicate the order on confidential data processing to only the person whose data is ordered to be processed confidentially;

b) process natural identification data and home addresses confidentially and separately from other case documents; and

c) ensure that confidentially processed data are not revealed in the course of procedural acts.

(4) Only the member of the infraction authority who is proceeding in the case, the prosecutor and the judge shall be allowed to access confidentially processed witness data.

(5) Confidential processing of witness data may be terminated only with consent from the witness.

51. Expert and expert opinion

Section 64 (1) If specialised expertise is required to establish or assess a fact to be proven that is significant for establishing infraction liability, the infraction authority and the court shall, *ex officio* or upon request, appoint an expert.

(2) The infraction authority may appoint as expert a judicial expert registered in the register of experts, a company authorised to provide expert opinion (hereinafter “company”), an expert institution or a state organ, institution or organisation specified in a separate law (hereinafter “organisation”) or, if none of the above is possible, a person or institution with the required expertise (hereinafter “*ad hoc* expert”).

(3) An expert shall not be appointed *ex officio* to establish the amount of damage or pecuniary loss caused by the infraction. Appointing an expert shall be mandatory if the person subject to proceeding or the aggrieved party moves for the appointment and advances the expected costs of the expert.

(4) An expert shall be entitled to access any data that is necessary for the performance of his task. To this end, he may inspect case document, attend procedural acts, and request information from the person subject to proceeding, the aggrieved party and the witness and further data, documents and information from the appointing authority. Based on an authorisation granted by the appointing authority, the expert may inspect, examine and sample also objects that are not handed over to him.

(5) The person subject to proceeding and the aggrieved party shall be obliged to subject themselves to expert examinations and interventions, with the exception of surgeries and examination procedures qualifying as surgery.

(6) If an expert opinion is incomplete or contains contradictory findings, the expert shall be obliged to provide the requested clarification and supplement the expert opinion if called upon to do so by the appointing authority. If the deficiency of the expert opinion cannot be remedied and its contradictions cannot be resolved even by doing so, another expert may be appointed upon request or *ex officio*; no legal remedy shall lie against this decision.

(7) As regards matters not regulated in this Act, the provisions of the Act on the activities of judicial experts shall apply to experts.

52. The decision appointing the expert

Section 65 An expert shall be appointed in a decision that is in compliance with the provisions on the content of appointment of the Act on the activities of judicial experts. No legal remedy shall lie against a decision appointing an expert.

53. Hearing an expert

Section 66 (1) Before the expert opinion is presented, the identity of the expert shall be established and it shall be clarified whether he has interest or bias in the case. An expert may be asked questions after he presented his expert opinion.

(2) The infraction authority and the court may discharge from appointment an expert for a material reason in a decision; no legal remedy shall lie against a discharging provision. The expert or where a company, expert institution or organisation is appointed as the expert, its head shall notify the infraction authority or the court if

a) the technical matter does not fall within his area of expertise;

b) only an institution or body determined in accordance with a separate law is authorised to deliver an expert opinion concerning the technical matter;

c) he is prevented by a material reason from acting as an expert and, in particular, if the conditions are missing for the undisturbed carrying out his activities or for performing parts of the examination.

54. Interpreter

Section 67 (1) An interpreter shall be used if a person whose mother tongue is other than Hungarian wishes to use his mother tongue in the course of the proceeding or requests the use of another language pursuant to this Act.

(2) If a person to be heard is hearing-impaired or deaf-blind, he shall be heard, at his request, with the assistance of a sign language interpreter. If a person to be heard is speech-impaired, he shall be allowed, at his request, to give written testimony instead of being heard.

(3) As regards matters not regulated in this section, the provisions of this Act related to experts shall apply accordingly to an interpreter, with the proviso that only a person who meets the conditions set out in a separate law shall be used as an interpreter; if doing so is not possible, also another person with adequate language competence may be appointed (*ad-hoc* interpreter). With the exception of paragraph (5), an interpreter shall be construed to also mean a specialised translator.

(4)

(5) If the quality of the interpretation provided by an interpreter appointed in the court proceeding or in the preparatory proceeding under section 117 conducted by the police violates the rights or legitimate interests of a person subject to proceeding, then another interpreter may be appointed by the court *ex officio* or at a request submitted by the person subject to proceeding or his representative at trial, or by the police *ex officio* or at a request submitted by the person subject to proceeding or his representative at the procedural act.

(6) If the quality of the translation provided by a specialised translator appointed in the court proceeding or in the preparatory proceeding under section 117 conducted by the police violates the rights or legitimate interests of the person subject to proceeding, then another specialised translator may be appointed by the court *ex officio* or at a request submitted by the person subject to proceeding or his representative within eight days following the receipt of the translated document or at trial in a court proceeding under sections 125 to 126, or by the police *ex officio* or at a request submitted by the person subject to proceeding or his representative immediately after the receipt of the translated document. No legal remedy shall lie against a decision or order as to the appointment of another specialised translator regardless of its content.

(7) The court shall acquire the translation to a language used by the person subject to proceeding of the documents material to the case possibly within fifteen days. In a preparatory proceeding under section 117 conducted by the police, the police shall acquire the translation of any material document referred to in paragraph (10) *a)*, *b)* and *f)* that is produced in the course of the police proceeding possibly immediately after the production of the document.

(8) The person subject to proceeding may waive, in a voluntary and express statement, his right to the translation of documents at any time, in the course of the proceeding in writing or, at trial or at a procedural act carried out in a preparatory proceeding under section 117 conducted by the police, orally. The person subject to proceeding shall be preliminarily informed of the consequences of the waiver at the first trial or procedural act. In case of a failure to provide this information, the waiver statement shall not be considered valid.

(9) If the person subject to proceeding exercises his right of waiver provided for in paragraph (8), the waiver statement may be withdrawn at any time in the course of the proceeding either orally or in writing. The procedural acts preceding the withdrawal need not be repeated; however, the person subject to proceeding shall be entitled to request that the material documents produced before the withdrawal be translated.

(10) For the purposes of paragraph (7), the following shall be considered material documents:

a) all documents produced as regards the taking into custody of the person subject to proceeding;

b) crime report;

c) decision on the merits adopted in the course of the proceeding;

d) appeal submitted to the detriment of the person subject to proceeding;

e) request for retrial filed by the prosecutor; and

f) everything the court or the police deems, *ex officio* or at the reasoned request of the person subject to proceeding or his representative, to be material to the case as regards the right to a fair trial and the right of defence.

(11) The court or, in a preparatory proceeding under section 117, the police may order the oral translation or oral summarisation of material documents, provided that the person subject to proceeding consented thereto in writing or, at trial or at a procedural act carried out in a preparatory proceeding under section 117 conducted by the police, orally.

(12) The court or, in a preparatory proceeding under section 117, the police may provide for interpretation by way of videoconferencing, phone or internet if physical attendance by the interpreter is not required or is impeded, provided that the necessary means are available.

(13) In the application of the provisions of this section, a decision dismissing, in whole or in part, a request for appointing another interpreter or for translating a material document shall be enforceable regardless of any appeal.

55. Means of physical evidence

Section 68 (1) Means of physical evidence means every thing that carries the marks of the commission of the infraction, was created by way of committing the infraction, was used as a means for committing the infraction or was the object of the infraction.

(2) If a means of physical evidence is unfit to be seized, then a document, photo or other recording of its unique characteristics relating to the infraction shall be attached to the documents.

(3) The court and the infraction authority may issue a wanted notice for an object that is at an unknown location and can be uniquely identified, provided that it may be subject to seizure under an Act. A wanted notice thus issued shall be revoked when the case is completed on the merits at the latest.

56. Deed

Section 69 (1) To establish the facts of the case, the infraction authority and the court may use as means of evidence any deed or other document issued to certify a fact or circumstance if it is suitable for proving a fact to be proven in the infraction proceeding.

(2) The provisions concerning deeds shall apply to also extracts of deeds and to other objects that record data by technical, chemical or any other method.

57. Inspection

Section 70 (1) If with a view to clarifying the facts of the case, a person, object, or site needs to be inspected or observed directly, the infraction authority, the entity authorised to impose a spot fine under section 39 (1), and the court shall carry out an inspection.

(2) The holder of an inspection object shall enable the inspection or observation of the object or the site.

(2a) The holder of the inspection object who is a media content provider or a person in an employment relationship or an other employment-related relationship with a media content provider shall not be subject to the obligation under paragraph (2) if his complying with that obligation would reveal the identity of a person who provided him with information in relation to media content provision activities. This exemption shall remain in effect even after the underlying legal relationship is terminated.

(3) In the course of an inspection, circumstances that are relevant to the taking of evidence shall be recorded. If it is necessary for the taking of evidence, a photo, other recording or drawing shall be made of the inspection object and attached to the minutes.

(4) If the inspection was carried out by an organ or person authorised to impose a spot fine, the minutes referred to in paragraph (3) shall be sent without delay to the competent infraction authority.

57/A. Confrontation

Section 70/A (1) If the testimonies given by the persons subject to proceeding, by the witnesses, or by the person subject to proceeding and the witness contradict each other, the contradiction may be clarified by way of a confrontation, if necessary. The confronted persons shall communicate their testimonies orally to each other. They may be permitted to ask questions from each other as regards the case.

(2) Confrontation of the witness or the person subject to proceeding shall be dispensed with if doing so is necessary for the protection of the witness or the person subject to proceeding.

57/B. Presentation for identification

Section 70/B (1) The infraction authority, the organ conducting the preparatory proceeding and the court shall carry out a presentation for identification if doing so is necessary for the identification of a person or object. At least three persons or objects shall be presented to the person subject to proceeding or the witness for identification. A person or object may be presented to the person subject to proceeding or the witness for identification by way of an image or sound recording recorded on a photo or another data-storage medium, if no other option is available.

(2) Before presentation for identification, the person expected to identify shall be heard regarding the circumstances under which he detected the person or object concerned, as well as his relationship to, and any known distinctive mark of, that person or object.

(3) When presenting persons for identification, the person concerned shall be presented in a group of other persons who are not related to the case, unknown to the identifying person, and similar to the person concerned in terms of main distinctive marks, in particular in terms of sex, age, build, colour, hygiene, and clothing. When presenting objects for identification, the object concerned shall be presented among similar objects. The placement of the person or object concerned shall not be considerably different from that of other persons or objects in the same group, and shall not be prominent in any way.

(4) If there is more than one identifying person, the presentation to each person shall be carried out separately, in the absence of the other identifying persons.

(5) If it is necessary for the protection of the witness, presentation for identification shall be carried out in a manner that prevents the presented person from recognising or detecting the witness. If personal data of a witness were ordered to be processed in a confidential manner, such processing shall be ensured also in the event of presentation for identification.

(6) The rules on inspection shall apply to presentation for identification accordingly.

(7) The presentation of identification shall be recorded in minutes and, in addition to minutes, it may be recorded by also an image or sound recorder, if feasible.

58. Testimony of the person subject to proceeding

Section 71 (1) Before beginning the hearing, the identity of the person subject to proceeding shall be established in the absence of other persons subject to proceeding who have not yet been heard and of the other participants of the proceeding.

(2) At the beginning of the hearing of the person subject to proceeding, he shall be informed of the act on the basis of which the infraction proceeding was instituted against him and he shall be advised that he is not obliged to give testimony and he may refuse to testify at any time and anything that he says can be used as evidence. The information, the advisement and the response given by the person subject to proceeding shall be recorded in minutes. Absent advisement, the testimony of the person subject to proceeding shall not be taken into account as evidence.

(3) If the person subject to proceeding refuses to give testimony, he shall be advised that his refusal does not hinder the continuation of the proceeding. If the person subject to proceeding testifies, he shall be advised that he is prohibited from falsely accusing another person in his testimony. As regards an act of infraction concerning which the person subject to proceeding refused to give testimony, the person subject to proceeding may not be asked further questions or be confronted, unless he previously decides to give testimony. The right to ask questions and make observations of the person subject to proceeding shall not be prejudiced by his refusal to give testimony.

(4) A statement shall be requested from the person subject to proceeding as regards his personal circumstances that may be relevant for determining the applicable sanction and, in particular, his property, income, family circumstances, occupation, education, qualification, workplace and health. The person subject to proceeding shall be advised that the infraction authority and the court will take these circumstances into account in determining the sanction only if they are known to them.

(5) Where the person subject to proceeding is a juvenile, the advisements referred to in paragraphs (2) to (4) shall put in intelligible language he can understand taking into account his age and maturity.

Chapter XI

COERCIVE MEASURES

59. Forced attendance

Section 72 (1) On the basis of a provision adopted by the infraction authority or the court, if despite being duly summoned, a person subject to proceeding or witness fails to appear before the infraction authority, court or expert without providing a well-grounded excuse for his absence in advance, the forced attendance of that person subject to proceeding or witness may be enforced by way of the police or, in a proceeding pending before the National Tax and Customs Administration, the customs organ of the National Tax and Customs Administration. Forced attendance may be enforced also by the supervision of departure if the ordering authority so provides.

(2) The infraction authority shall order the forced attendance of a perpetrator who, despite a request duly served, fails to appear at the penal institution designated for the enforcement of an infraction confinement that was imposed as a penalty or that replaced an unperformed community service or unpaid fine or spot fine on the specified due day.

(3) Forced attendance shall be ordered in a decision. A decision on enforcing an infraction confinement replacing unperformed community service or unpaid fine or spot fine shall refer to also the fact that the person subject to proceeding is exempt from forced attendance or the enforcement of infraction confinement if the person subject to proceeding or another person pays the fine in full at the beginning or in the course of the enforcement of forced attendance and furnishes proof of this fact.

(4) If forced attendance is ordered by the infraction authority, forty-eight hours shall pass between ordering and enforcing forced attendance.

(5) The infraction authority shall notify the prosecutor of ordering forced attendance without delay. The prosecutor shall inspect the decision ordering forced attendance and the documents of the infraction proceeding by electronic means. If the prosecutor does not agree to the application of forced attendance, then he shall set aside in a decision the decision ordering forced attendance by the day before the date of forced attendance.

(6) If the absence of the person summoned is excused, the infraction authority and the court shall set aside its decision ordering forced attendance.

(7) The person specified in the decision ordering forced attendance shall be obliged to pay the costs of forced appearance. If the enforcement of forced attendance produces no result, at the request of the person obliged to pay the costs submitted within three days from receipt of the decision determining the costs of forced attendance, the authority ordering forced attendance may relieve that person from paying the costs of forced attendance in a case deserving special consideration; in such a situation, the State shall bear the costs of forced attendance.

60. Infraction custody

Section 73 (1) The police may take into custody a person subject to proceeding caught in the act of committing an infraction that may be punished by also infraction confinement so that an expedited court procedure can be conducted. The rules on catching someone in the act shall apply also if the perpetrator who fled the infraction scene is, on the basis of a provision adopted by the infraction authority or the court, caught by the police within forty-eight hours from the time of commission.

(1a) Infraction custody shall be enforced in a police detention facility. A person subject to proceeding in custody shall be entitled to the unrestricted exercise of the rights he is granted in the infraction procedure.

(1b) The police shall appoint an attorney-at-law for a person subject to proceeding if he has no authorised attorney-at-law. No legal remedy shall lie against the appointment of an attorney-at-law, but the person subject to proceeding may request, providing reasoning and only once, that another attorney-at-law be appointed.

(1c) If the conditions for applying infraction custody are met, the organ ordering infraction custody shall decide on taking into custody the person subject to proceeding following the assessment of

a) the material gravity of the act committed;

b) the circumstances of commission;

c) the personal circumstances of the person subject to proceeding; and

d) data on the establishment of liability of the person subject to proceeding in the two years preceding the time of commission of the infraction.

(2) Unless otherwise provided in this Act, infraction custody shall last until the adoption of the court order on the merits, but not longer than seventy-two hours; the entire duration of compulsory attendance preceding infraction custody shall be calculated into the period of infraction custody. The person subject to proceeding shall be released immediately if the court did not conduct the expedited proceeding or did not impose infraction confinement during the period of infraction custody.

(3) If the order imposing infraction confinement did not become final and binding and it is reasonable to assume that the person subject to proceeding, if left at liberty, would commit another infraction that may be punished by also infraction confinement, then the court may extend, in a reasoned decision, the period of infraction custody until the time of the adoption of the second-instance order.

(4) In the case of paragraph (3), the period of infraction custody shall last until the second-instance court adopts its order or, if shorter, for the duration of the infraction confinement imposed in the order that has not become final and binding, but for not longer than ten days from the date of extension.

(5) The person subject to proceeding and the representative of the person subject to proceeding may submit, at the time of announcement, an appeal against infraction custody or an order extending the period thereof. The district court shall adjudicate an appeal filed against infraction custody at trial. The regional court shall adjudicate an appeal submitted against the extension of the period of infraction custody together with the appeal submitted against the order on the merits.

(6) The police shall notify without delay the relative specified by the person subject to proceeding, or, if this does not apply, another person specified by the person subject to proceeding of infraction custody being ordered.

(7) If a soldier or a juvenile is taken into infraction custody, also his military superior and his statutory representative, respectively, shall be notified.

(8) Any person may retain a person caught in the act of committing an infraction against property, with the proviso that he shall hand the retained person over to the police without delay.

(9) The police detention facility of the custody shall record the end date of the period of custody specifying the day, hour and minute.

(10) A person in infraction custody shall not suffer any disadvantage during the period of detention because he does not understand the Hungarian language. In the police detention facility, the person in infraction custody shall be entitled to use, both orally and in writing, his mother tongue, his minority language or, if he does not understand the Hungarian language, any other language understood by him.

(11) When taking a person into infraction custody, the organ ordering custody shall provide information to that person in writing, in plain and intelligible language, using the mother tongue, minority language or any other language understood by him,

a) of the right of defence to which he is entitled in the course of the infraction proceeding and that, absent an authorised attorney-at-law, the police will appoint an attorney-at-law for him;

b) of the right to get informed about the essence of the act serving as ground for the infraction proceeding and about any changes thereto;

c) of the right to use his mother tongue;

d) of the right to refuse to testify;

e) of the right to inspect the case documents of the infraction proceeding pending against him;

f) of the right to inform consular authorities and a relative or other person specified by the person in infraction custody; and

g) of the period of infraction custody pursuant to the decision ordering it and its maximum period that is possible according to an Act; the extension of the period of infraction custody; and the legal remedy available against decisions ordering and extending infraction custody.

(12) If the person subject to proceeding who is taken into custody is hearing-impaired, deaf-blind, blind, speech-disabled or, regardless of his capacity to be held liable for his acts, has a mental disorder, he shall be provided the information referred to under paragraph (11) taking into account his condition.

(13) A person subject to proceeding who was taken into custody shall be released immediately

a) when the period of custody expires if the court did not conduct the expedited proceeding during the period of custody;

b) on the spot when the court decision is handed over to him if the court did not impose infraction confinement on him in the expedited proceeding.

The police ordering custody, the district court adopting the conclusive decision and, for a soldier, the commander shall be notified of such a release.

(14) To matters relating to infraction custody that are not regulated in this Act, the rules on the enforcement of custody set out in the Act on the enforcement of penalties, measures, certain coercive measures and infraction confinement shall apply, where a reference to the person vested with decision-making power shall be construed to mean a reference to the head of the organ that ordered custody.

61. Clothing, package and vehicle inspection

Section 74 (1) The police and, for infractions falling within its competence, the organ of the National Tax and Customs Administration with the relevant functions and powers may inspect the clothing, package and vehicle at the scene of a person if there is ground to believe that he has means of physical evidence on him. Inspection may be applied as regards a person subject to proceeding who is not a Hungarian national also to seize an amount covering the fine that is likely to be imposed and the infraction costs.

(2) Before the commencement of inspection, the person concerned shall be requested to voluntarily hand over the object sought.

(3) Clothing may be inspected by only a person who is of the same sex as the person subject to inspection.

(4) The entity authorised to impose a spot fine under section 39 (2) *e*) to *f*) and *h*) to *i*) shall be entitled to inspect clothing, packages or vehicles pursuant to the Act on the activities of persons carrying out certain law enforcement tasks and amending certain Acts to ensure action against truancy.

62. Seizure

Section 75 (1) The infraction authority, the organ conducting preparatory proceeding and, for an infraction for the commission of which it may impose also spot fine under the provisions of an Act, the entity authorised to impose a spot fine may seize or temporarily take away a thing that is

a) a means of physical evidence;

b) ordered to be seized under this Act.

(1a) In discharging his duty, the person authorised to impose a spot fine may temporarily take away a thing that may be seized by him pursuant to this Act against a receipt for the period until it is handed over to the authority entitled to conduct the infraction or preparatory proceeding.

(2) If a person subject to proceeding who is not a Hungarian national does not place into deposit the amount covering the fine that is likely to be imposed and the infraction costs, the court or the infraction authority may seize assets of the person subject to proceeding, with the exception of indispensable assets, in a value not exceeding that amount. In the course of a hearing, information shall be provided about the possibility of depositing and of seizure if no deposit is made.

(2a) Seizure shall be ordered even if it cannot be enforced during the period of special protection granted by the Act on the special protection of borrowed cultural goods.

(3) Before being served on the addressee, mail or telegram may be seized only subject to a written decision by the prosecutor; before the decision is taken by the prosecutor, only their retention may be arranged for.

(4) The infraction authority shall make arrangements for safekeeping the seized thing that was sent to it. If the person concerned has a special interest in using the thing, he may be entrusted with safekeeping the thing seized.

(5) Perishable, degradable and unstorable things shall be sold or destroyed by the infraction authority.

(6) A decision shall be adopted on both ordering and lifting seizure.

Section 76 (1) To enforce seizure, the holder of the thing shall be requested to hand over the thing sought. The person who is authorised to apply seizure in cases within his competence shall not be prevented by the refusal of handover from acquiring the thing sought by way of clothing, package and vehicle inspection. The person concerned shall be informed about these provisions.

(1a) A person who is entitled to refuse to give witness testimony pursuant to section 60 c) shall not be obliged to hand over the thing if by doing so he would reveal the identity of the person who provided him with information. This exemption shall remain in effect even after the underlying legal relationship is terminated.

(2) Seizure shall be terminated without delay if it is not necessary any more for conducting the proceeding. In such a situation, the thing or the consideration accrued from its sale shall be returned to the person from whom the thing was seized.

(3) The thing seized may be released to the person subject to proceeding only if no one else has submitted a claim for its release. If also another person submits a claim for the release of the thing seized, the infraction authority shall decide on the placement of the thing without assessing the title to the thing.

(4) The thing seized shall become state property if it is beyond doubt that it belongs to another person, but the identity of the title-holder cannot be established. A title-holder who presents himself later may request the infraction authority to return the thing or, if the thing was sold, its consideration as at the time of seizure.

(5) If a seized thing does not have any value and is not claimed by any person, it shall be destroyed after seizure is lifted.

63. Disciplinary fine

Section 77 (1) To fulfil the procedural obligations set out in this Act or for any disturbance of the order of the proceeding, the infraction authority, the organ conducting preparatory proceeding and the court may impose a disciplinary fine on, in particular, the following:

a) the holder of the object of inspection if he fails to enable the inspection and observation of the object or site;

b) the person subject to proceeding, the representative of the person subject to proceeding, the aggrieved party and the representative of the aggrieved party if they submit a clearly groundless notice of a ground for disqualification or repeatedly submit groundless notices for disqualification against the same member of the authority in the same case;

c) the person subject to proceeding and the aggrieved party if they fail to subject themselves to an expert examination or intervention, except for surgeries and examination procedures qualifying as surgery;

d) the witness and the expert if they refuse, without being entitled to do so, to testify, or to cooperate or give an opinion after being advised of the consequences;

e) with the exception of the person subject to proceeding, any person who interferes with clothing, packing or vehicle inspection;

f) any person who disturbs the order of a hearing or trial;

g) the witness, the statutory representative of a minor witness and the expert if they fail to appear despite being duly summoned and fail to provide a well-grounded excuse for their absence in advance or without delay after becoming aware of the obstacle or, if doing so is not possible any more, immediately after the obstacle is removed, or leave the place of the procedural act without permission;

h) the statutory representative of a minor if the minor summoned in accordance with section 62 (8) fails to appear and his statutory representative does not demonstrate that he is not at fault for the absence of the minor;

i) the organ and person requested by the organ conducting preparatory proceeding pursuant to the provisions of this Act, the infraction authority and the court if they fail to fulfil their obligations concerning compliance with the request.

(2) The lowest amount of disciplinary fine shall be five thousand forints, while its highest amount shall be one hundred thousand forints or, if disciplinary fine is imposed not for the first time in the same proceeding, one hundred fifty thousand forints. In a court proceeding, the highest amount of disciplinary fine shall be one hundred fifty thousand forints or, if imposed not for the first time, two hundred thousand forints.

(3) When determining the amount of a disciplinary fine, the gravity and consequence of the act serving as ground for imposition shall be taken into account.

(4) Against a disciplinary fine imposed by the infraction authority, a complaint with suspensory effect, while against a disciplinary fine imposed by the court, an appeal with suspensory effect to be filed within eight days from the service of the decision shall be available.



Chapter XII

GENERAL PROCEDURAL RULES

64. Commencement of the infraction proceeding

Section 78 (1) An infraction proceeding shall commence on the basis of a crime report, knowledge by the infraction authority or the court in its official competence, detection by the organ or person authorised to impose spot fine or inspection of the scene of a traffic accident.

(2) Unless otherwise provided in this Act, a crime report may be submitted by any person or organ both orally and in writing. A crime report submitted orally shall be recorded in minutes or a memorandum shall be drawn up thereof.

(3) A crime report shall include a description of the place and time of the act and the circumstances of commission, a specification of the means of evidence and the personal data available of the person subject to proceeding. The means of evidence shall be attached to the crime report, if possible.

Section 79 (1) If an infraction is to be prosecuted upon a private motion, the infraction proceeding may not be instituted unless the aggrieved party so wishes. Any statement by the person filing the private motion expressing his wish to have the infraction liability of the person subject to proceeding established shall be considered a private motion.

(2) If the aggrieved party has limited capacity to act, the private motion may be filed also by his statutory representative, and if the aggrieved party has no capacity to act, the private motion shall be filed by his statutory representative. In these situations, also the guardianship authority shall be entitled to file the private motion.

(3) If, after the infraction proceeding is instituted, it turns out that the prosecution of the act requires a private motion, a statement shall be obtained from the person entitled to file the private motion.

(4) A private motion shall be filed within thirty days after the day when the person entitled to file the private motion became aware of the identity of the person subject to proceeding. In a situation under paragraph (2), this time limit shall be calculated from the day when the person entitled to file the private motion became aware of the notice. The relative of a deceased aggrieved party may file a private motion during the remainder of the time limit.

(5) No application for excuse shall be accepted for failing to meet the time limit open for filing a private motion.

(6) A private motion may be withdrawn until the infraction authority or the court adopts the decision on the merits.

65. Dismissing the crime report

Section 80 A crime report shall be dismissed within eight days in a decision if it can be established from the crime report or from data acquired in the course of the preparatory proceeding that

- a)* the act reported does not constitute an infraction;
- b)* a reason for excluding liability to punishment exists;
- c)* an infraction proceeding is pending as regards the same infraction;
- d)* the act has already been adjudicated with final and binding effect in an infraction proceeding, criminal proceeding or administrative authority proceeding;
- e)* confiscation is to be applied without the establishment of liability;
- f)* liability to punishment is terminated due to death or statute of limitations;
- g)* no private motion is filed for an infraction to be prosecuted upon private motion;
- h)* any statutory requirement set for the crime report or for a statement specified as a condition for conducting the infraction proceeding is not met.

66. Administrative time limit

Section 81 (1) The infraction proceeding shall be instituted if the crime report is not dismissed based on the basis of data from the crime report or the preparatory proceeding. The starting day of the infraction proceeding shall be the day following the day when the crime report is received by the competent infraction authority or, for a proceeding under section 123/A, the competent court, or the day following the day when the preparatory proceeding is completed. If the proceeding is instituted on the basis of detection by or knowledge of the person proceeding on behalf of the infraction authority, then the starting day of the proceeding shall be the day of detection or acquiring knowledge or, for an inspection carried out by an entity authorised to impose a spot fine, the day of the inspection.

(2) With the exception set out in paragraph (3), the infraction proceeding shall be completed within thirty days of its institution.

(3) The head of the infraction authority may extend the administrative time limit once by up to thirty days if justified by the complexity of the case or the existence of an unavertable obstacle.

67. Suspension of the infraction proceeding

Section 82 (1) The infraction proceeding shall be suspended in a decision if

a) the adjudication on the merits of the case depends on a decision on a preliminary question and another organ is competent to take that decision;

b) the person subject to proceeding resides at an unknown location or abroad and in his absence, the case cannot be adjudicated on the merits;

c) the infraction authority or court refers the case to mediation;

d) the person subject to proceeding cannot participate in the proceeding due to his permanent and serious illness or a mental disorder that occurred after the commission of the infraction;

e) the procedural act requiring attendance in person from the persons participating in the infraction proceeding would lead to a violation of the rules of an epidemiological isolation, observation, quarantine or monitoring already ordered.

(2) The court shall suspend the proceeding *ex officio* or upon request and initiates a proceeding before the Constitutional Court if it detects that a law, public law regulatory instrument or uniformity decision that must be applied in the course of the adjudication of the case is in conflict with the Fundamental Law or an international treaty.

(3) The proceeding may be continued within the limitation period if after the suspension of the proceeding, the domicile or place of residence of the person subject to proceeding becomes known.

(3a) The infraction authority or the court shall extend the period of a suspension ordered pursuant to paragraph (1) *c)* by up to 30 days if the mediator notifies it of the necessity of the extension in accordance with section 82/H (6).

(3b) The proceeding shall be continued if during the period of a suspension of the proceeding ordered pursuant to paragraph (1) *c*), the mediator notifies the infraction authority or the court that the mediation procedure was concluded without result.

(4) The period of the suspension of the proceeding shall not be calculated into the limitation period, but the proceeding shall be concluded on the basis of data available two years after the date of the commission of the act.

(5) No legal remedy shall lie against a decision suspending the infraction proceeding.

67/A. General rules of mediation procedure

Section 82/A (1) The objective of the mediation procedure is to facilitate the reparation of the consequences of the infraction and the law-abiding behaviour of the person subject to proceeding in the future. A mediation procedure shall aim for reaching an agreement between the person subject to proceeding and the aggrieved party that facilitates achieving the objective of the mediation procedure.

(2) A case may be referred to mediation once in the course of an infraction proceeding. Referral to mediation shall not be prevented by the fact that the person subject to proceeding voluntarily compensated, in part or in whole, for the damage caused by the infraction.

(3) If, before the first-instance decision on the merits is adopted, the infraction authority or the court establishes that the conditions under paragraph (4) *a*) and *c*) are met and there is no other ground for the suspension or termination of the proceeding, nor is there any ground for excluding mediation, then it shall immediately request, setting a time limit of 8 days, the person subject to proceeding and the aggrieved party to make a statement, provided that the statements are not already available. In the request, information shall be provided on the option of making use of mediation, the rules and conditions thereof, the possible costs, and the contact details of the senior mediator of the probation service.

(4) Upon a motion by the person subject to proceeding or the aggrieved party, the infraction authority or the court shall suspend for a period of up to 30 days a proceeding instituted for an infraction that may be punished by also infraction confinement or that is defined in chapter XXVII or XXVIII or that is committed by a juvenile, and refer the case to mediation if

a) the person subject to proceeding acknowledged his liability for the commission of the infraction and undertakes to repair the harm caused by the infraction in a way and to the extent accepted by the aggrieved party;

b) both the person subject to proceeding and the aggrieved party agreed to the mediation; and

c) conducting the infraction proceeding may be dispensed with having regard to the nature of the infraction, the manner of its commission, and the person subject to proceeding.

(5) No mediation proceeding shall be conducted in the case of a person subject to proceeding against whom an infraction proceeding was instituted previously, provided that the mediation proceeding conducted in the course of that infraction proceeding was successful and one year has not yet passed since the date of conclusion of the successful mediation proceeding.

Section 82/B (1) If the person subject to proceeding committed also another infraction in concurrence with an infraction that may be punished by also infraction confinement, then the mediation procedure may be conducted only if the dominant element in the commission is the infraction that may be punished by also infraction confinement.

(2) If in addition to the juvenile subject to proceeding also an adult person participated in the commission of an infraction that may not be punished by infraction confinement, then mediation proceeding may be conducted as regards all persons subject to proceeding, with the exception of a situation referred to in paragraph (3).

(3) If in addition to the juvenile subject to proceeding also an adult person participated in the commission of an infraction that may not be punished by infraction confinement, and as regards that adult a ground for excluding mediation exists, then the cases of the person subject to proceeding participating in the mediation proceeding and the person subject to proceeding excluded from mediation shall be separated. If the ground for excluding mediation exists as regards the juvenile, then the cases shall not be separated and mediation shall not be conducted.

Section 82/C (1) All decisions adopted as regards mediation shall be communicated to the aggrieved party, the party reporting a crime, and the person submitting the private motion. The infraction authority or the court shall serve the decision on referring the case to mediation and, if mediation was successful, the decision on terminating the infraction proceeding on also the probation service referred to in section 82/D (1).

(2) No legal remedy shall lie against a decision suspending the proceeding and ordering mediation.

67/B. The mediator

Section 82/D (1) The mediation proceeding shall be conducted by a probation officer of the probation service of the seat of the infraction authority or the court who is responsible for performing mediation activities (hereinafter the “mediator”).

(2) The duty of the mediator shall be to assist, impartially, conscientiously and in compliance with professional requirements, in reaching an agreement in the course of the mediation proceeding. The mediator shall respect the dignity of those taking part in the proceeding and shall strive to ensure that the participants act respectfully towards each other.

(3) Together with serving its decision on referral to mediation on the mediator, the infraction authority or the court shall provide the mediator also with the documents necessary for the performance of his tasks under this Act.

(4) Unless otherwise provided in an Act, the mediator shall be subject to the obligation of confidentiality concerning all facts, data and circumstances of which he became aware in connection with his mediation activities. The obligation of confidentiality of the mediator shall remain in effect even after he terminates his mediation activities.

(5) The following may not act as mediator:

a) a member of the infraction authority and the court;

b) a person specified in section 46 (1) *a)* to *c)*;

c) a probation officer who acted as a probation officer in a criminal case of the person subject to proceeding or the aggrieved party within the previous three years;

d) a member of a probation service whose head is affected by a ground for disqualification specified in section 46 (1).

(6) The mediator shall immediately notify the head of the probation service of any ground for disqualification relating to him.

(7) The aggrieved party, the person subject to proceeding and also their representative may give notice of a ground for disqualification and may move for the disqualification of the mediator. Following the commencement of the mediation session, these persons may refer to the ground of disqualification provided for in section 46 (1) *c)* only if they reasonably indicate that they became aware of the fact underlying the notice after the commencement of the session and give notice without delay.

(8) If a ground for disqualification becomes known to him, the head of the probation service shall *ex officio* decide on the disqualification of the mediator and the designation of a new mediator immediately after becoming aware of that ground. The head of the probation service shall decide on the disqualification of the mediator within three working days of the receipt of the notice concerning disqualification and shall, if necessary, designate a new mediator.

(9) No legal remedy shall lie against a decision declaring disqualification. To a legal remedy against the refusal of disqualification, the provisions of this Act on complaint and appeal shall apply, where the organ ordering mediation shall be authorised to adjudicate both the complaint and the appeal.

(10) The mediator shall not act in the case until the notice concerning disqualification is dealt with.

67/C. The conduct of the mediation proceeding

Section 82/E (1) The mediation proceeding shall be instituted by

a) a decision adopted by the infraction authority to suspend and refer to mediation the case; or

b) an order adopted by the court to suspend the infraction proceeding with a view to conducting a mediation proceeding.

(2) The aggrieved party and the person subject to proceeding shall be equal parties to the proceeding; in the course of the proceeding, they can withdraw their consent to participate at any time and they have to reach all agreements voluntarily.

(3) The aggrieved party and the person subject to proceeding shall both be entitled to authorise a legal representative to participate in the proceeding; however, that representative shall not be entitled to conclude an agreement on behalf of the party represented by him. An authorisation granted in an infraction proceeding shall apply to also the mediation proceeding, unless otherwise indicated in the authorisation.

(4) The participation of the statutory representative in the mediation proceeding shall be compulsory if the aggrieved party has limited capacity to act. An aggrieved party who is a minor having no capacity to act or subject to custodianship fully limiting capacity to act shall not participate in the mediation proceeding and his statutory representative shall act for him; in case of a conflict of interests, the provisions of the Act on the Civil Code shall apply.

(5) Mediation proceedings shall be conducted in the Hungarian language. The provisions of this Act on infraction proceeding shall apply to mother tongue and interpreter use.

(6) Once he detects in the course of the mediation proceeding the necessity to take a measure or perform a procedural act falling within the competence of the infraction authority or the court, the mediator shall notify the infraction authority or the court without delay.

Section 82/F (1) The mediation proceeding shall be organised so that it can be concluded within the period of suspension of the infraction proceeding and the deed of agreement and the report are received by the infraction authority or the court before the expiry of the period of suspension of the infraction proceeding.

(2) If the aggrieved party or the person subject to proceeding fails to appear despite a summons duly served and fails to provide a well-grounded excuse for his absence in advance, without delay after becoming aware of the obstacle or, if doing so is not possible any more, immediately after the obstacle is removed, but not later than within 3 working days following the missed due date, his consent shall be considered withdrawn.

(3) The mediator shall decide on the application for excuse within 3 working days from the receipt of the application. No legal remedy shall lie against a decision assessing the application for excuse. In a decision granting an application for excuse, the mediator shall set the date of the repeated mediation session observing the time limit set out in paragraph (1).

(4) The provisions of this Act shall apply accordingly to summons and service in mediation proceedings. An aggrieved party and a person subject to proceeding whose attendance is compulsory shall be obliged to act pursuant to section 87 (7).

(5) The aggrieved party shall not be obliged to bear costs related to a failure to comply with an obligation to attend.

Section 82/G (1) In a mediation proceeding, the first mediation session shall be called within fifteen days from the day of receipt by the probation service of the decision ordering mediation. If justified, also a repeated mediation session may be called, observing the time limit set out in section 82/F (1).

(2) The mediator shall prepare a memorandum of the mediation session.

Section 82/H (1) An agreement shall be considered reached in the mediation proceeding if the aggrieved party and the person subject to proceeding agree on a common position concerning compensation for the damage caused by the infraction or on any other reparation of the harmful consequences of the infraction.

(2) The agreement shall specify

a) that the person subject to proceeding pays for the damage caused by the infraction or provides any other reparation within the time limit set in this Act;

b) who bears the costs of the proceeding.

(3) The commitments undertaken in the agreement shall be in compliance with the law, shall be reasonable and shall not be contrary to good morals.

(4) The mediator shall approve an agreement if it meets the requirements set out in this Act. He shall embody the agreement approved in a deed that shall be signed by the aggrieved party, and also his statutory representative where statutory representation is compulsory, and the person subject to proceeding. The mediator shall hand over the deed to the aggrieved party, the person subject to proceeding and their representatives present; if a representative is not present, the mediator shall serve the deed on him. The deed embodying the agreement shall constitute a public deed.

(5) The mediator shall approve the agreement if the person subject to proceeding undertakes to pay for the damage caused or to provide any other reparation within a time limit that does not delay the conclusion of the mediation proceeding pursuant to section 82/F (1).

(6) Exceptionally, if justified by the financial status and income situation of the person subject to proceeding, the mediator may approve also an agreement in which the undertaken period of performance is longer than that set out in paragraph (5), provided that this does not extend the conclusion of the mediation proceeding pursuant to section 82/F (1) by more than 30 days. The mediator shall notify the infraction authority or the court if it is necessary to extend the suspension of the infraction proceeding.

(7) The documents produced in a mediation proceeding other than the deed embodying the agreement reached as a result of mediation and the report of the mediator, and the statements made by the person subject to proceeding and the aggrieved party in the course of the mediation proceeding concerning the act underlying the proceeding shall not be used as means of evidence in the infraction proceeding within the framework of which the mediation proceeding was conducted. The result of a mediation proceeding may not be taken into account to the detriment of the person subject to proceeding.

(8) An agreement reached in a mediation proceeding that is set in writing shall not produce any legal effect beyond the purpose of the mediation proceeding.

(9) An agreement reached in a mediation proceeding shall not prejudice the right of the aggrieved party to enforce his claim arising from the infraction outside the infraction procedure, in accordance with a court, arbitration or other procedure.

(10) In a court, arbitration or other proceeding instituted after the conclusion of a mediation proceeding under this Act, the parties shall not invoke

a) any position or suggestion presented by the other party in the mediation proceeding under this Act in connection with the possible resolution of the dispute; and

b) any declaration of acknowledgement or waiver made by the other party in the mediation proceeding under this Act.

67/D. Conclusion of the mediation proceeding

Section 82/I (1) The mediation proceeding shall be concluded on the day when

a) the person subject to proceeding compensated the aggrieved party for the damage caused by the infraction or provided any other reparation of the harmful consequences of the infraction in accordance with the agreement approved by the mediator;

b) the mediator becomes aware that the service of the summons sent to the aggrieved party or the person subject to proceeding was unsuccessful due to the whereabouts of the addressee being unknown;

c) the mediator becomes officially aware of the death of the aggrieved party or the person subject to proceeding;

d) the aggrieved party or the person subject to proceeding declares before the mediator that he wishes the mediation proceeding to be concluded;

e) the aggrieved party or the person subject to proceeding withdrew his consent to mediation or an omission of his shall be considered a withdrawal of consent under this Act;

f) the mediation session is concluded without the aggrieved party and the person subject to proceeding reaching an agreement or without the mediator approving the agreement;

g) the person subject to proceeding still could have lawfully met his obligation under the agreement approved by the mediator.

(2) In a mediation proceeding, the mediator shall monitor the performance of the agreement.

(3) The mediation proceeding is successful if it is concluded in accordance with paragraph (1) *a*).

Section 82/J (1) Following the conclusion of the mediation proceeding, the mediator shall produce a report of the mediation proceeding and send it, together with the deed serving as ground for the conclusion of the proceeding, to the infraction authority or the court; at the same time, the mediator shall notify in writing the aggrieved party, the person submitting the private motion, the person subject to proceeding and their representative that these documents were sent.

(2) The report shall include the following:

- a)* designation of the probation service conducting the mediation procedure, case number and names of the person subject to proceeding and the aggrieved party;
- b)* designation of the infraction authority or court referring the case to mediation and case number;
- c)* dates of the institution and conclusion of the mediation proceeding;
- d)* result of the mediation proceeding;
- e)* if the agreement could not be performed due to the conduct of the aggrieved party, a reference to that effect.

Section 82/K (1) Costs incurred in the course of the mediation proceeding shall not constitute infraction costs; unless otherwise provided in an agreement or this Act, such costs shall be borne by the person subject to proceeding. The aggrieved party shall bear costs incurred in his interest, unless the aggrieved party and the person subject to proceeding agree otherwise.

(2) Costs incurred because the person subject to proceeding or the aggrieved party is hearing-impaired, speech-disabled or blind, does not understand the Hungarian language, or used his minority language during the proceeding shall be borne by the state.

68. Termination of the infraction proceeding

Section 83 (1) The infraction proceeding shall be terminated in a decision if

- a)* the act does not constitute an infraction;
 - b)* it is not possible, on the basis of data of the proceeding, to establish
 - ba)* whether an infraction was committed;
 - bb)* the identity of the person subject to proceeding;
 - bc)* whether the person subject to proceeding committed the infraction;
- and no result can be expected from the continuation of the proceeding in any of these cases;
- c)* the infraction was not committed by the person subject to proceeding;
 - d)* the person subject to proceeding died;
 - e)* a reason for excluding liability to punishment exists;
 - f)* the act has already been adjudicated with final and binding effect in an infraction, criminal or administrative authority proceeding;

g) an infraction, criminal or administrative authority proceeding is pending as regards the same infraction;

h) liability cannot be established due to the statute of limitations;

i) confiscation is to be applied without the establishment of the liability of the person subject to proceeding;

j) the mediator notified the infraction authority or the court of the successful conclusion of the mediation proceeding;

k) no private motion is filed and one cannot be submitted any more for an infraction to be prosecuted upon private motion;

l) it can be established that, pursuant to this Act, the crime report should have been dismissed;

m) a ground for exclusion of confinement under section 10 is established in a situation referred to in section 178/B (11).

(2) In the terminating decision that provides for the application of confiscation, the infraction authority may impose infraction costs.

(3) A copy of a decision adopted by the infraction authority pursuant to paragraph (1) *a)* to *c)*, *e)*, *f)*, *h)* and *k)* shall be sent concurrently to also the prosecutor by electronic means or, absent the technical requirements, in compliance with the rules of service.

69. Time limit and due date

Section 84 (1) As regards a time limit set in hours, each hour commenced shall be calculated as a full hour. A time limit set in days shall not include the day when the circumstance serving as the reason for commencing the time limit takes place (starting day). A time limit set in months or years shall expire on the day which, according to its numbering, corresponds to the starting day or, if there is no corresponding day in that month, on the last day of the month.

(2) If the last day of the time limit falls on a public holiday, then the time limit shall expire on the next working day.

(3) The time limit for filing a submission with, and performing an act before, the infraction authority or the court shall expire at the end of office working hours. The time limit shall be considered met even if the submission was posted on the last day of the time limit. For the purposes of this paragraph, office working hours means the working hours in accordance with the normal work arrangement pursuant to the Act on public service officials.

(4) Due date means the date set for the performance of a procedural act. The due date shall be set by the infraction authority and the court.

70. Excuse for omission

Section 85 (1) A person who missed a due date or a time limit without any fault on his part may submit an application for excuse.

(2) An application for excuse may be submitted within eight days following the missed due date or the last day of a missed time limit. If the person subject to proceeding, the witness or the expert becomes aware of the omission only later, or the obstacle ceases to exist only later, the time limit shall start at the time when that person becomes aware or the obstacle ceases to exist.

(3) No application for excuse may be submitted after three months have passed from the missed due date (last day of the missed time limit).

(4) The application for excuse shall specify the reason for the omission and the circumstances that reasonably indicate the absence of any fault regarding omission. In the case of a failure to meet a time limit, together with submitting the application for excuse, the omitted act shall also be performed. The application for excuse shall be assessed in an equitable manner.

(5) In assessing an application for excuse account shall be taken of whether the person subject to proceeding made use of section 87 (7) and whether he complied with the provisions set out therein.

Section 86 (1) With the exception set out in paragraph (2), the court or the infraction authority in the proceeding of which the omission took place shall be responsible for deciding on the application for excuse.

(2) If the omission relates to an objection, the documents shall be sent to the court competent to assess the objection.

(3) If the application for excuse is well-grounded, the infraction authority or the court shall order the proceeding to be continued and, depending on the result of the proceeding, it shall uphold the previous decision or set it aside while adopting a new decision.

(4) The application for excuse shall have no suspensory effect on either the continuation of the proceeding or the implementation of the decision; however, the infraction authority and the court may suspend the implementation of the decision, if justified.

(5) No legal remedy shall lie against a decision or order granting an application for excuse and an act suspending the enforcement of the decision.

71. Summons and notification

Section 87 (1) A person shall be obliged to appear if he is summoned to a procedural act by the infraction authority, the court or the organ or person authorised to impose a spot fine. The infraction authority, the court and the organ or person authorised to impose a spot fine shall summon a person who is required to be heard or attend. No legal remedy shall lie against a summons.

(2) With the exceptions set out in this Act, a summons and a notification shall be communicated in writing so that it is received by the addressee not later than five days before the date of the procedural act.

(2a) A summons and a notification shall include

a) the designation of the court or infraction authority issuing the summons or notification and the case number;

b) the place and time at which, and the capacity in which, the summoned person is to appear;

c) the place and time at which, and the capacity in which, the notified person may appear;

d) advisement about the consequences of absence.

(2b) In the summons, the summoned person may be requested to bring, in addition to his documents concerning the case, any of his notes or other items that may be used for taking evidence.

(3) If the summons is served later than set out in paragraph (2), the procedural act may be carried out only with consent from the person summoned.

(4) The person subject to proceeding and the aggrieved party shall be notified of the place and time of the hearing of the witness and the expert, and the inspection. The notification as regards the place and time of the inspection may be dispensed with exceptionally if there is a well-grounded reason to believe that it would jeopardise the successful performance of the inspection.

(5) If the infraction authority, the court or the organ or person authorised to impose a spot fine orally requires a person present in person to appear at a specific time and records this in minutes, it shall have the same effect as a written summons.

(6) In addition to those referred to in paragraph (2), also other suitable methods and means, in particular, a telephone, telefax or electronic means, may be used to communicate a summons or notification if justified by the lack of time or other compelling reason.

(7) If the person summoned is unable to comply with the summons at the time specified therein, he shall do everything in his power to inform the authority of his non-compliance so that the authority becomes aware of the reason for non-compliance before the due date and can set a new due date.

(8) As a general rule, a soldier shall be summoned and notified by way of his military superior. If the person summoned or notified does not have a military superior at the seat of the sender of the summons or the notification and a delay would jeopardise the performance of the procedural act, the summons and the notification may be sent also directly; however, at the same time the military superior shall be notified accordingly.

72. Bearing the costs relating to a failure to comply with an obligation to appear

Section 88 (1) A person summoned who fails to appear despite being summoned without providing a well-grounded excuse for his absence in advance or appears in a condition rendering him unfit for hearing due to his own fault or leaves the place of the hearing before he is heard without permission shall be obliged to pay compensation for the costs caused by his hearing not taking place.

(2) An obligation to pay compensation for the costs shall be imposed in a decision.

73. Service

Section 89 (1) An official document of the infraction authority or the court shall be handed over to the person concerned (service)

a) in person;

b) by way of a postal service provider in accordance with specific legislation on the service of official documents;

c) within the framework of legal assistance in infraction matters;

d) by public notice in a situation under paragraph (5);

e) by electronic means using the official contact details or contact details for secure electronic communication within the meaning of the Electronic Administration Act.

(2) Service shall have legal effect only if carried out duly. Service shall be deemed duly carried out if it is certified by an acknowledgement of receipt signed by the person designated under the law or by minutes or a copy of the decision. Service shall be deemed duly carried out also if the designated person refuses to sign the minutes or the copy of the decision, and the infraction authority or the court records this fact on the document.

(3) A document shall be deemed served on the fifth working day following the day of the second service attempt if service failed because the addressee did not accept the document despite being notified by the postal service provider. A document shall be deemed served if the addressee refused to accept it.

(4) A decision ordering forced attendance shall be handed over to the person specified in the decision at the time of enforcement.

(5) An official document may be served on the person subject to proceeding or perpetrator whose whereabouts are unknown also by public notice. In the case of service by public notice, the public notice shall include the number and subject matter of the case, the name and last known address of the person subject to proceeding, the day of its publication, and a reference to the infraction authority or court where the addressee can collect the document.

(6) The public notice shall be published for fifteen days on the noticeboard of the infraction authority or court that sent it and that of the local government of the last known domicile or place of residence of the addressee, if applicable. An official document communicated by public notice shall be deemed served on the fifteenth day following the publication of the notice at the proceeding infraction authority or court.

74. Rebutting the presumption of service

Section 90 (1) The addressee may submit an application for rebutting the presumption of service if

- a) service was carried out in violation of the laws on the service of official documents; or
- b) he did not accept the official document through no fault of his own for a reason other than that specified in point a).

(2) The addressee may submit the application for rebutting the presumption of service at the infraction service or court that arranged for the service within eight days of becoming aware of the onset of the legal effects of presumed service, but not later than within a term of preclusion of three months from the day of the onset of the legal effects of presumed service.

(3) An application for rebutting the presumption of service shall present the facts and circumstances that demonstrate the irregularity of service or reasonably indicate a lack of fault on the part of the addressee.

(4) With the exception set out in paragraph (6), the infraction authority or the court that arranged for the service shall decide on an application for rebutting the presumption of service within eight days of receipt.

(5) If the infraction authority or the court grants an application for rebutting the presumption of service, the legal consequences of presumed service shall be ineffective, and the service, as well as any measure and procedural act already taken or performed, shall be repeated to the necessary extent.

(6) The documents shall be sent to the court assessing the objection if the application for rebutting the presumption of service is related to the objection.

(7) Legal remedy shall be available against a provision dismissing an application for rebutting the presumption of service.

75. Minutes

Section 91 (1) Unless otherwise provided in this Act, minutes shall be drawn up of procedural acts.

(2) Minutes shall include the following:

- a) designation of the infraction authority, the entity authorised to impose a spot fine and the court;

- b)* specification of the infraction serving as ground for the proceeding;
- c)* the place of the procedural act and its starting and ending date and time;
- d)* the name of the member of the infraction authority, the person authorised to impose a spot fine, the judge, the person participating in the proceeding and his representative, the expert, and the witness if the infraction authority and the court did not order the confidential processing of the data of the witness.

(3) The procedural act shall be recorded in the minutes in a sufficiently detailed manner and in a way that allows also for the monitoring of compliance with procedural rules on the basis of the minutes. The minutes shall be signed by the member of the infraction authority or the judge, and the keeper of minutes.

(4) Unless otherwise provided in this Act, in a proceeding before the infraction authority, the persons participating in a procedural act shall be required to sign the minutes after it being read out loud. If any of the participants refuses to sign the minutes, this fact shall be recorded in the minutes indicating the reason for the refusal.

(5) A testimony or any statement by the person subject to proceeding made before the infraction authority or the court shall be recorded in a minutes in a sufficiently detailed manner or, if justified, verbatim.

(6) A procedural act may be recorded by also a sound recorder or other device. If an objection or a complaint is filed, such a recording shall not be suitable to replace the minutes.

76. Infraction costs

Section 92 (1) Infraction costs shall be the following:

- a)* every cost advanced by the state for proving the infraction before the completion of the enforcement of the penalty or measure and in the course of the retrial proceeding;
- b)* justified cash and fee payments incurred in the case on the part of the person subject to proceeding, the aggrieved party and the representative of the person subject to proceeding and the aggrieved party, even if not advanced by the state;

c)

d) the cost of an expert opinion on employability acquired to enable the performance of community service if a fine or spot fine unpaid is satisfied by community service.

(1a) The state shall bear the cost of an expert opinion on employability acquired to enable the performance of community service imposed as a penalty. The cost of the expert opinion shall be reimbursed by

a) the general infraction authority of the domicile or place of residence of the perpetrator or, in the absence thereof, the place of commission if community service is imposed by the court;

b) the infraction authority imposing the penalty in any other case.

(2) With the exception set out in paragraph (3), the person subject to proceeding shall bear the infraction costs if he was subjected to a sanction for committing the infraction.

(3) The state shall bear the cost that incurred because the person subject to proceeding does not understand the Hungarian language or is hearing-impaired, deaf-blind or speech-impaired.

(3a) The state shall bear the costs incurred in the course of the activities of the officially appointed attorney-at-law if the person subject to proceeding was a juvenile at the time of the commission of the act.

(4) The infraction costs shall be borne by the state if the crime report is dismissed and the infraction proceeding is terminated; the person subject to proceeding shall be obliged to bear all costs incurred as a result of an omission on his part.

(5) If due to his income and financial situation the person subject to proceeding is not likely to be able to pay the infraction costs and he demonstrated this in accordance with the government decree on granting cost exemption due to personal circumstances in administrative authority proceedings, then the infraction authority or the court shall, at the request of the person subject to proceeding or his representative, decide to grant the person subject to proceeding cost exemption due to personal circumstances.

(6) The matter of bearing the infraction costs shall be settled in a decision.

77. Compensation for damage caused by infraction

Section 93 (1) The provisions of section 21 (5) shall apply accordingly to a situation where the person subject to proceeding and the aggrieved party come to an agreement on the amount of and the form of compensation for damage caused by the infraction before the infraction authority or the court, or the amount of damage can be established beyond doubt on the basis of evidence available and the person subject to proceeding pays that amount before the infraction authority or the court adopts its decision.

(2) With the exception of the cases referred to in paragraph (4), the person subject to proceeding shall be obliged in the infraction decision to pay compensation for the damage that occurred due to the infraction, with the exception of any damage caused by a traffic-related infraction, if he did not pay compensation for it by the time of the adoption of the decision by the infraction authority or the first-instance decision by the court, provided that the aggrieved party demanded in the infraction proceeding compensation for the damage caused. The value of the damage shall be established by the infraction authority or the court on the basis of the data of the proceeding.

(2a) The organ conducting the preparatory proceeding, the infraction authority and the court shall inform the aggrieved party of his right set out in paragraph (2).

(3) The person subject to proceeding shall not enforce any claim and shall not submit an objection based on set-off against the aggrieved party.

(4) The court may order that the claim for damages be enforced by other legal means if the person subject to proceeding and the aggrieved party do not come to an agreement as regards the amount of and the form of compensation for the damage caused or if the amount of damage is disputed.

77/A.

Section 93/A

Chapter XIII

DECISIONS BY THE INFRACTION AUTHORITY

78. Decision

Section 94 (1) A decision shall be recorded in the minutes or in any other written form. The decision shall be drawn up on a separate sheet if it is communicated by way of service.

(2) The name of the infraction authority, the case number and the place and time of adopting the decision need not be indicated in a decision recorded in minutes or on the case document if they are apparent from the document.

79. Communicating a decision

Section 95 (1) The infraction authority and the court shall communicate its decision to the persons with respect to whom it contains a provision. A decision communicated to the person subject to proceeding shall be communicated also to his representative. The decision closing the proceeding shall be communicated to also the victim support service if a certificate under section 11 of Act CXXXV of 2005 on supporting victims of criminal offences and state compensation was issued in the proceeding.

(2) The infraction authority shall communicate to the aggrieved party and his representative the final and binding decision establishing the liability of the person subject to proceeding, dismissing the crime report or terminating the proceeding and the upholding or amending order by the court.

(3) A decision as regards the confiscation of a thing owned by a person other than the person subject to proceeding shall be communicated to also the owner of the thing confiscated.

80. Content of a decision

Section 96 (1) A decision shall include the following:

a) designation of the infraction authority and specification of the number and subject matter of the case;

b) in the operative part, natural identification data of the person subject to proceeding, designation of the infraction, penalty imposed and measure applied;

- c) due date or time limit for compliance with the penalty imposed and measure applied, and legal consequences of a failure to comply voluntarily and their extent;
- d) information on the availability of legal remedy, place of and time limit for applying for it, the legal remedy proceeding and, in the case of court review, the option to request holding a trial;
- e) brief reasoning referencing the facts established, the evidence they are based on, and the circumstances observed in the course of imposing a penalty and applying a measure;
- f) reference to the law serving as ground for the decision on the merits;
- g) place and time of adopting the decision, signature of the person acting on behalf of the infraction authority, and seal or electronic seal of the proceeding authority.

(2) The provisions of paragraph (1) shall apply accordingly to the requirements concerning the form and content of other decisions by the infraction authority.

81. Rectifying and supplementing a decision

Section 97 (1) The infraction authority and the court shall rectify its decision if it contains a name, numeric or calculation error, or another similar clerical error.

(2) The infraction authority and the court shall supplement its decision if it failed to address a material matter.

(3) The fact of rectification and the decision on supplementation shall be communicated to those to whom the original decision was communicated and with respect to whom the supplemented decision contains a provision.

(4) If rectification affects the operative part of the decision and legal remedy is available against the rectified decision under this Act, a complaint shall be available against a decision by the infraction authority as regards the rectified part and an appeal shall be available against an order by the court.

(5) A decision shall not be supplemented *ex officio* if more than thirty days have passed after it becoming final and binding. A person whose statutory right or legitimate interest is violated by an omission that can serve as ground for supplementation may request the supplementation of the decision within three months of becoming aware of the violation. The decision shall not be supplemented if more than six months have passed after it becoming final and binding.

(6) The rules on legal remedy against a supplemented decision or order shall apply to the legal remedy against the decision or order ordering supplementation.

82. Complaint against a decision by the infraction authority

Section 98 (1) The person subject to proceeding and his representative, the aggrieved party and his representative, and the person subject to disciplinary fine may file a complaint against a decision or measure by the infraction authority as regards a coercive measure other than forced attendance, dismissing a crime report or terminating the infraction proceeding, dismissing an application for rebutting the presumption of service, and against a failure to take the measure; and, unless otherwise provided in an Act, a person with respect to whom the decision contains a provision or who is affected, or would have been affected, by the measure may file a complaint against a decision or measure other than that on the merits of the case.

(2) A complaint shall be submitted orally or in writing to the infraction authority within three days from the communication of the decision if it concerns a coercive measure and within eight days in all other cases.

(2a) Should the infraction authority find the complaint well-grounded, it shall grant it within three days, revoke or amend its contested decision and take the measure necessary for eliminating the contested situation. The infraction authority shall notify the complainant, and, if it revokes or amends the decision serving as ground for the complaint, those to whom it communicated that decision, accordingly. A complaint submitted repeatedly with unaltered content shall not serve as ground for revocation or amendment.

(3) Should the infraction authority not grant the complaint, it shall send the documents to the competent prosecution office within three days.

(4) The prosecutor shall assess the complaint within three days if it concerns a coercive measure and within eight days in all other cases and

a) dismiss the complaint as groundless; or

b) set aside the decision and, if justified, order the infraction authority to continue the proceeding.

(5) In the case of paragraph (4) *a)*, the prosecutor shall notify the complainant, and in the case of paragraph (4) *b)*, the prosecutor shall notify those to whom the decision serving as ground for the complaint was previously communicated, accordingly.

Chapter XIV

ON-THE-SPOT PROCEDURE

83. Spot fine

Section 99 (1) When acting on the spot, a spot fine may be imposed on a person who admitted the commission of the infraction.

(2) With the exception set out in paragraph (2a), the lowest amount of spot fine shall be five thousand forints, while its highest amount shall be fifty thousand forints or, for the commission of another infraction within six months, seventy thousand forints.

(2a) For an infraction of

a) violation of a protective measure (section 239/A), the amount of spot fine shall be equal to the amount of fine under section 11 (1);

b) disturbing the operation of public interest enterprises (section 177/A) the lowest amount of spot fine shall be five thousand forints, while its highest amount shall be one hundred fifty thousand forints if committed within the period of state of epidemiological preparedness introduced under section 228 (1) of Act CLIV of 1997 on healthcare.

(3) No legal remedy shall lie against a spot fine if the person subject to proceeding accepts the imposition of the spot fine and certifies this by his signature after being advised of the legal consequences applicable in the case of a failure to pay the spot fine.

(4) The person subject to proceeding may pay the spot fine

a) also on the spot, using a non-cash payment method by way of an electronic device suitable, and used by the authority for this purpose if the conditions therefor are met;

b) by paying or transferring the amount of spot fine within the time limit set out in this Act by way of the postal payment slip handed over to him or bank transfer if the option under point *a)* is not available or the person subject to proceeding does not make use of it.

(5) The provisions of section 12 shall apply to the enforcement of outstanding spot fine if the perpetrator fails to pay the spot fine within the time limit provided.

(6) For specific infractions under Chapters XXVII and XXVIII, the Government may determine the fixed amount of spot fine by way of a decree observing the provision on the lowest and highest amount of spot fine.

(7) Observing the maximum amount of fine set under paragraph (2) for the commission of another infraction within six months, if within the six months preceding the commission date, a spot fine for committing an infraction under Chapters XXVII and XXVIII was imposed on a person subject to proceeding for committing an infraction under Chapters XXVII and XXVIII to be punished by a fixed-amount spot fine set in a government decree, the amount of the fine to be imposed shall be

a) two times the fixed-amount spot fine set for the new infraction to be punished by a fixed-amount spot fine if that is the second;

b) three times the fixed-amount spot fine set for the new infraction to be punished by a fixed-amount spot fine if that is the third or further.

(8) If more than one infraction punishable by a fixed-amount spot fine is assessed in the course of imposing the spot fine, then from among the spot fines attached to the committed infractions, the highest amount of fine shall be applied.

(9) If an infraction punishable by a fixed-amount spot fine and another infraction are assessed at the same time, the amount of spot fine to be imposed shall not be less than the fixed-amount spot fine or more than fifty thousand forints or, for repeated commission, seventy thousand forints.

(10) Infractions under Chapters XXVII and XXVIII shall not be taken into account in the application of the provision on repeated commission under paragraph (2).

(11) The establishment of liability in an infraction proceeding shall not be taken into account in the application of the provisions on repeated commission under paragraphs (2) and (7) to (9).

83/A. Reviewing, *ex officio* and upon request, the imposition of spot fine

Section 99/A (1) If the organ or person imposing the spot fine, acting *ex officio*, establishes that the decision is in violation of the law pursuant to paragraph (3), the organ or person imposing the spot fine shall amend or revoke the decision. This shall be communicated to the person on whom the spot fine was imposed.

(2) The person subject to spot fine may also request, within thirty days from the adoption of the decision, the organ or person imposing the spot fine to review the decision *ex officio* in accordance with paragraph (1) if he notices subsequently that the decision is in violation of the law pursuant to paragraph (3). The organ or person imposing the spot fine shall amend or revoke the decision if it establishes on this ground that the decision is in violation of the law pursuant to paragraph (3). If the organ or person imposing the spot fine finds that the conditions for the amendment or revocation of the decision are not met, the organ or person shall notify the person subject to spot fine accordingly. The organ or person imposing the spot fine shall amend or revoke the decision, or notify the person subject to spot fine within fifteen days after the relevant request is submitted.

(3) With the exception of a proceeding instituted on the basis of a decision by the Constitutional Court, the organ or person imposing the spot fine shall be authorised to conduct a proceeding under paragraph (1) only once and within six months of the communication of the decision if the decision violates

a) section 2 (4), (5), (7) or (8), section 27 (2) *c)* or (2a), section 27 (3), section 39 (2), section 83 (1) *a)*, *c)* or *e)* or section 99 (2) or (7) to (9);

b) a provision on the fixed-amount of spot fine set in a government decree, provided that the amount of the spot fine imposed exceeds the amount set in the government decree.

(4) The amount of spot fine may be amended only in situations under paragraph (3) *b)* and section 99 (7) to (9) and only to determine an amount of fine complying with the set amount.

(4a) If an act affected by a spot fine constitutes a criminal offence, at the initiative of the prosecution service within six months of the communication of the decision setting the spot fine, that decision shall be revoked.

(5) No legal remedy shall lie against a decision amending or revoking the spot fine and against a notification under paragraph (2).

84. Spot fine that may be imposed in the absence of the driver

Section 100 (1) For an infraction committed with a vehicle, the spot fine may be imposed even if the driver is absent. In such a situation, the postal payment slip for the amount imposed shall be sent to the address of the holder of the vehicle as established on the basis of the vehicle registration mark of the vehicle.

(2) The infraction proceeding shall be conducted in accordance with the provisions otherwise applicable if the holder of the vehicle does not accept the imposition of the spot fine. The same procedure shall apply also if the spot fine is not paid by way of either the postal payment slip sent to the holder of the vehicle or bank transfer within the time limit set in this Act.

(3) If the organ or person imposing the spot fine files an infraction report because the spot fine was not accepted or the fine was not paid, then the spot fine paid subsequently shall be reimbursed. The general infraction authority of the place of commission shall arrange for the reimbursement.

84/A. Verbal admonition

Section 100/A When acting on the spot, the organ or person authorised to impose a spot fine may apply verbal admonition to a person who admitted having committed the infraction if the degree of danger the act committed poses to society is so insignificant that imposing even a spot fine is unnecessary.

85. Summoning on the spot, notification obligation

Section 101 (1) An organ or person authorised under this Act to impose a spot fine or under the law to carry out checks may, on the spot, summon the perpetrator of an infraction that may not be punished by infraction confinement who was caught in the act to appear, at a time agreed upon by the infraction authority of the place of commission but not later than within five days, before the infraction authority with a view to immediately conducting the infraction proceeding if the perpetrator does not accept the imposition of the spot fine or the imposition of the spot fine is prohibited under this Act.

(1a) Summoning on the spot under paragraph (1) shall be allowed as regards infractions under Chapters XXVII and XXVIII also if the person who can be subject to proceeding because of the commission of the act becomes known in the course of the organ or person authorised under this Act to impose a spot fine or under the law to carry out checks acting on the spot.

(2) The organ or person authorised to impose a spot fine shall acquire the evidence found on the scene necessary for conducting the proceeding and summon the witnesses present at the scene. That organ or person shall draw up a memorandum on the evidence acquired and the result of looking for witnesses that includes a description of the infraction sufficiently detailed for the infraction authority to adopt a decision.

(3) The summons, containing a reference to the personal data of the person summoned, the designation of the infraction authority, the place and time of the hearing, the name of the person serving the summons, the designation of the infraction, and the consequences of a failure to appear, shall be recorded in the memorandum under paragraph (2)

(4) The memorandum shall be sent without delay to the infraction authority competent to proceed, and it shall be ensured that the means of evidence be available to the infraction authority.

(5) The infraction authority competent to proceed may hear the person who took the actions as a witness in the hearing.

(6) If following the hearing, the infraction authority competent to proceed establishes the infraction liability of the person subject to proceeding, then it shall impose a penalty or apply a measure; otherwise, it shall terminate the infraction proceeding. The authority shall set its decision in writing and communicate it to the persons concerned within two hours, if possible.

(7) If the person subject to proceeding did not accept the summons or left the scene before the summons was handed over, his absence from the hearing shall not be an obstacle to the conduct of the proceeding.

(8) If a person specified in paragraphs (1) and (2) fails to appear despite being summoned, the infraction authority shall proceed on the basis of the memorandum, accordingly applying the rules on the decision under section 102 (1). If doing so is not possible, the forced attendance of the person summoned shall be ordered.

(9) For the purposes of this section, the provisions on the content of minutes shall apply accordingly to the content of memorandums.

Chapter XV

INFRACTION AUTHORITY PROCEDURE

86. Decision in a procedure without hearing

Section 102 (1) If the facts of the case are clarified, and it is not necessary to hear the person subject to proceeding or another person participating in the proceeding, or acquire further evidence, then the infraction authority, in accordance with paragraph (3), shall impose a penalty and apply, on its own or in addition to a penalty, a measure.

(2) The infraction authority shall adopt its decision, in compliance with the provisions on decision making, within fifteen days after the institution of the infraction proceeding, on the basis of solely the documents of the infraction proceeding.

(3) In its decision under paragraph (1), the infraction authority shall impose a fine as penalty or apply disqualification from driving a vehicle, admonition, confiscation or ban on entering certain areas as a measure.

(4) The infraction authority shall provide for bearing the infraction costs and, if the relevant conditions as set out in this Act are met, oblige the person subject to proceeding to pay compensation for the damage caused by the infraction.

Section 103 (1) No objection shall lie against a decision under section 102 (1); however, the person subject to proceeding or his representative may request, within eight days from the service of the decision, a hearing from the infraction authority. The infraction authority shall dismiss a request for hearing if it is late or submitted by a person other than an eligible person.

(2) Following the request, the infraction authority shall hear the person subject to proceeding. The summons to the hearing shall be issued within five days from the receipt of the relevant request. The person subject to proceeding may withdraw the request until the commencement of the hearing; in such a situation, the request shall be considered not submitted.

(3) If the person subject to proceeding fails to appear at the hearing without providing a well-grounded excuse for his absence in advance or immediately when the obstacle occurs, his request shall be considered withdrawn.

87. The hearing

Section 104 (1) If it is not permissible to adopt a decision under section 102 (1), the infraction authority shall take evidence to clarify the facts of the case and, if necessary, call upon the party reporting the crime to provide further data.

(2) If the infraction authority holds a hearing on the ground of a request submitted against a decision under section 102 (1), the infraction authority shall revoke its decision under section 102 (1) and adopt a decision on the basis of the established facts of the case, with the proviso that provisions that are more detrimental than those set out in the decision adopted in the proceeding without hearing may be adopted only if new evidence is brought up in the hearing.

(3) In the course of the hearing, if the conditions for the enforcement of community service are met, the person subject to proceeding shall be required to make a statement as to whether he consents to the imposition of community service. Community service shall not be imposed if consent is refused.

(4) The infraction authority shall refer the case to mediation if it establishes in the course of the hearing that the conditions for referral to mediation are met.

Chapter XVI

LEGAL REMEDY AGAINST A DECISION BY THE INFRACTION AUTHORITY

Section 105 (1) The person subject to proceeding and his representative and, against a provision, if any, requiring compensation to be provided for the damage caused, the aggrieved party may file an objection against a decision on the merits with the infraction authority that adopted it within eight days from the communication of the decision. No objection shall lie on the ground of the level of the fine if the amount of the fine was determined by a separate law.

(2) The objection shall specify the reasons for the objection. The assessment on the merits of the objection shall not be refused on the ground that the reason is incorrect or missing. The objection shall indicate clearly if the court is to adjudicate the case in trial.

(3) If in the objection, a reference is made to a new fact or new evidence that was unknown to the infraction authority in the course of the adoption of the decision challenged by the objection, then the infraction authority may revoke or amend to the benefit of the person subject to proceeding its decision on the basis of the objection having regard to the new fact or evidence.

(4) The person subject to proceeding and his representative may file a repeated objection within eight days from communication against the decision by the infraction authority that was amended on the basis of the objection. The repeated objection may challenge only those findings of the decision that were affected by the amendment.

(5) The infraction authority shall dismiss a repeated objection if the findings it challenges are not affected by the amendment. No legal remedy shall lie against the dismissal.

Section 106 (1) The infraction authority shall dismiss an objection if it is late or submitted by a person other than an eligible person. No legal remedy shall lie against this decision.

(2) Should the infraction authority not amend its decision challenged by the objection, it shall send the documents to the district court referred to in section 42 (2) for adjudication of the objection within eight or, if evidentiary procedure is conducted, fifteen days of the receipt by the authority of the objection. The infraction authority shall send the repeated objection to the district court without delay.

88. General rules in a proceeding before the court

Section 107 (1) In an infraction case, the court shall sit as a single judge.

(2) In an infraction case, the court shall decide within thirty days of the receipt of the documents by way of an order consisting of an operative part and a statement of reasons. Unless otherwise provided in this Act, the statement of reasons of a conclusive order shall include the facts of the case, the assessment of evidence and the reasons for the provisions of the order, and specify the laws upon which the order is based.

(2a) If a conclusive order by the court adopted in trial and communicated by way of announcement immediately becomes final and binding due to those entitled waiving their right to legal remedy, then only the facts of the case and the specification of the laws applied shall be mandatory to be included in the statement of reasons of the order. In such a situation, the court may prepare abbreviated minutes of the trial including solely the data referred to in section 91 (2) and a description of the course of the court trial in a way allowing monitoring of compliance with the procedural rules on the basis of the minutes.

(2b) No legal remedy shall lie against a court measure that does not require passing a decision and, unless this Act provides for an exception, a case administration order.

(3) A statement of reasons need not be provided for a case administration order. The reasons for dismissing a motion for evidence shall be presented in the conclusive order.

(4) After adjudicating the case, the court shall serve the authentic copies of its order and send back to the infraction authority the documents of the infraction case together with an authentic copy of its order.

89. Measures on the basis of objection

Section 108 (1) Within five days from receipt of the objection sent in accordance with section 106 (2), the court shall examine whether

- a) the case is to be transferred;
- b) the proceeding is to be suspended;
- c) the proceeding is to be terminated

and take the necessary measures without delay.

(2) The court shall set aside the decision by the infraction authority and send the documents to the infraction authority if

- a) the decision was adopted by a member of the infraction authority who is disqualified under an Act;
- b) the infraction authority did not proceed within its competence or exceeded its competence, with the exception of infractions falling within the subject-matter jurisdiction of a court;

and instruct the infraction authority to conduct a new proceeding.

(3) The court shall set aside the decision by the infraction authority and conduct the proceeding in accordance with the provisions of this Act if it finds that the infraction authority adopted a decision as regards an infraction falling within the subject-matter jurisdiction of the court.

(4) No legal remedy shall lie against a court decision terminating the proceeding.

90. Addressing an objection without holding a trial

Section 109 If it is not permissible to take a measure under section 108 and holding a trial for the adjudication of the case was not requested in the objection, the court shall adjudicate the objection within fifteen days, without holding a trial, on the basis of the documents, provided that the proceeding can be conducted on the basis of the documents.

91. Addressing an objection at trial

Section 110 (1) The court shall hold a trial if the person entitled expressly requested in the objection that the case be adjudicated at trial or if the court finds holding a trial necessary. The court shall not be obliged to hold a trial if it establishes on the basis of the documents that the objection is well-grounded and the decision by the court corresponds to the content of the request or exceeds it to the benefit of the perpetrator.

(2) Court trials shall be open to public.

(3) The court shall summon to the trial

a) the person subject to proceeding if

aa) the trial was requested by the person subject to proceeding; or

ab) the court considers attendance by the person subject to proceeding necessary for any other reason; or

b) the representative of the person subject to proceeding if in a situation under point *a) ab)*, the court considers that the trial can be held also in such a way.

(3a) In situations other than those regulated in paragraph (3), the court shall notify the person subject to proceeding.

(4) If the person subject to proceeding failed to appear despite being duly summoned, the trial may be held in his absence; he shall be advised accordingly in the notification.

(5) If the person who requested holding the trial fails to appear at trial without providing a well-grounded excuse for his absence in advance, his objection shall be considered withdrawn.

(6) The court shall adjudicate the objection on the basis of the documents if holding a trial was not requested in the objection, but the court finds holding a trial necessary, and the person submitting the objection fails to appear at trial without providing a well-grounded reason for his absence in advance or immediately when the obstacle occurs.

(7) The person subject to proceeding may be represented by a representative at the infraction trial if his attendance is not compulsory.

(7a) The absence of a representative summoned pursuant to paragraph (3) *b)* shall be an obstacle to holding the trial only if also the person subject to proceeding fails to appear at trial, and thus no well-grounded decision can be adopted as regards the objection.

(8) The court shall notify of the trial the representative of the person subject to proceeding, the aggrieved party and, if the infraction authority expressly indicated its intention to attend when forwarding the case, the infraction authority. The trial shall not be held in the absence of the representative of the infraction authority if he gave notice of his intention to attend.

92. Rules of infraction trial

Section 111 (1) The judge shall open the trial by specifying the case; subsequently, after taking account of the persons summoned and notified, he shall instruct the witnesses to leave the courtroom advising them of the consequences of leaving without justification, provided that holding the trial is not prevented by any obstacle.

(2) The judge shall present a summary of the decision by the infraction authority and the objection challenging it, the express request for holding a trial and the parts of the content of the documents he considers material for deciding the case.

(3) The person subject to proceeding, his representative and the representative of the infraction authority may request that the presentation be supplemented.

Section 112 (1) The judge shall determine the order and scope of taking of evidence.

(2) The evidentiary procedure shall commence by hearing the person subject to proceeding. If the person subject to proceeding is absent from trial and his attendance is not compulsory, his previous statement as regards the case shall be read out loud.

(3) After recording his data, the person subject to proceeding shall be advised that he is not obliged to give testimony; subsequently, he shall be heard in the absence of those persons subject to proceeding who have not yet been heard.

(4) The person subject to proceeding may confer with his representative during the trial without disturbing the order of the trial.

(5) If the person subject to proceeding, the representative or the aggrieved party withdraws an objection at or outside trial, the court shall send back the documents of the infraction case to the infraction authority. In such a situation, the decision by the infraction authority shall become final and binding on the day when notice is given of the withdrawal or when it is received by the court. The representative of the person subject to proceeding may withdraw his objection only with consent from the person subject to proceeding.

Section 113 (1) The representative of the infraction authority and the representative of the person subject to proceeding may ask questions from the person subject to proceeding, the witnesses and the experts, and submit motions for evidence.

(2) The court shall decide on motions for evidence without providing separate reasoning; the reasons for their dismissal shall be given in the conclusive order.

(3) If taking evidence at trial would be considerably difficult, the court shall proceed through a delegate judge or a requested court.

(4) The court shall transfer the case to the competent prosecution office without delay if the suspicion of a criminal offence can be inferred from the data of the trial.

Section 114 (1) The court shall conclude the case in a single trial day, if possible.

(2) The judge may adjourn the trial by not more than fifteen days if doing so is necessary because of the scope of the case, for supplementing the case or for any other material reason. The trial adjourned shall commence with the presentation of the summary of the minutes taken of the previous part of the trial, provided that the person subject to proceeding or his representative finds it necessary.

(3) The judge shall postpone the trial by not more than thirty days and immediately set a new due date for trial if an obstacle exists to holding the trial.

Section 115 (1) If the court declared the evidentiary procedure to be concluded, first the representative in attendance of the infraction authority, then the representative in attendance of the person subject to proceeding and the person subject to proceeding may express their position on the merits of the case; subsequently, the aggrieved party may speak.

(2) After the statements are made, the court shall adopt its order sitting *in camera* and announce it publicly without delay.

93. Conclusive order adjudicating an objection

Section 116 (1) In its order, the court

a) shall uphold the decision by the infraction authority, if the objection is unfounded;

b) may amend the decision by the infraction authority to the benefit of the person subject to proceeding if in the objection, reference is made to a new fact or new evidence that was unknown to the infraction authority in the course of the adoption of the decision challenged by the objection;

c) shall amend the decision by the infraction authority if the infraction authority applied a law inappropriately.

(1a) Applying the provisions of section 122 (2) appropriately, the court may adopt a provision that is more detrimental to the person subject to proceeding than the provisions set out in the decision by the infraction authority only if new evidence is brought up at trial on the basis of which the court establishes a new fact triggering an aggravated qualification of the act or the imposition of a significantly more severe penalty.

(2) The court shall provide for bearing the infraction costs in its order adjudicating the objection.

(3) No appeal shall lie against the order.

(4)

Chapter XVII

RULES ON INFRACTIONS THAT MAY BE PUNISHED BY ALSO INFRACTION CONFINEMENT AND THAT FALL WITHIN THE SUBJECT-MATTER JURISDICTION OF THE COURT IN THE FIRST INSTANCE

94. Preparatory proceeding

Section 117 (1) Crime reports for an infraction that may be punished by also infraction confinement shall be filed with the police. If a crime report for an infraction that may be punished by also infraction confinement was filed with another entity or if the infraction that may be punished by also infraction confinement became known in any other way, the crime report or that other indication shall be transmitted to the police without delay.

(2) In the case of infractions that may be punished by also infraction confinement, not including the cases specified in section 23 (1) *b*), *d*) and *f*), for detecting the facts of the case, identifying the perpetrator and locating and securing means of evidence, the police shall conduct a proceeding to prepare the court proceeding. The general rules for the proceeding of the infraction authority shall apply to the preparatory proceeding of the police, with the proviso that it shall be concluded within thirty days unless its period is extended by the head of the police organ conducting the preparatory proceeding by another thirty days.

(3) In the course of the preparatory proceeding, the police may order the inspection of a home, other premises and a fenced area of them if there is reasonable ground to believe that doing so leads to finding a means of physical evidence. The decision ordering such an inspection shall specify the means of evidence to be found as a result of the measure. The decision shall be communicated to the person concerned before the commencement of the measure. Enforcement shall be dispensed with if the person concerned produces the thing sought. The measure shall be performed only if the person concerned or his representative is present.

(4) The provision in paragraph (3) shall not constitute a ground for searching a notary or law office or a healthcare institution.

(4a) If the identity of both the aggrieved party and the perpetrator can be established in the course of the preparatory proceeding and the condition for exclusion under section 82/A (5) is not met as regards the mediation proceeding, the police shall inform the aggrieved party and the person subject to proceeding of the rules relating to the mediation proceeding available in an infraction proceeding and of the fact that the juridical acts required for referral to mediation may be submitted in also the preparatory proceeding. In the course of the preparatory proceeding, in the context of mediation procedure, infraction authority shall be construed to mean also the organ conducting the preparatory proceeding.

(5) After the conclusion of the preparatory proceeding, the police shall send its report including documents, data and findings produced in the course of the preparatory proceeding to the court without delay, with the exception of a situation under paragraph (7).

(6) Before sending to the court its report under paragraph (5), the police shall check, in order to establish whether cumulation of value can be applied, if there is any other preparatory proceeding pending against the person subject to proceeding for the commission of an infraction against property.

(7) In the course of the preparatory proceeding, the provisions of section 82 shall apply to the suspension of the proceeding, the provisions of section 83 shall apply to the termination of the proceeding and the provisions of section 98 shall apply to a complaint.

(8) If the domicile and place of residence of a person suspected of having committed an infraction that may be punished by also infraction confinement is unknown, the court or the organ conducting the preparatory proceeding may issue a wanted notice to determine his domicile or place of residence, and to enforce his compulsory attendance. The wanted notice shall be revoked if the reason for its issuance ceases to exist. No legal remedy shall lie against a decision on issuing a wanted notice.

95. Decision adopted by a court in a proceeding without hearing

Section 118 (1) If it can be established on the basis of the documents of the preparatory proceeding that the facts of the case are clarified and the person subject to proceeding or the witness, the aggrieved party and the expert need not be heard and the conditions for referral to mediation are not met, then the court shall, in a decision, impose a penalty or, independently or in addition to a penalty, apply a measure, and provide for bearing the infraction costs and, taking into account section 93, for compensation for the damage caused.

(2) The court shall adopt its decision under paragraph (1) within fifteen days from receipt of the report on the preparatory proceeding, on the basis of solely the documents of the infraction proceeding and the report on the preparatory proceeding.

(3) A decision under paragraph (1) shall not be adopted if the person subject to proceeding is taken into custody.

(4) The court shall not impose a penalty of community service and infraction confinement in a situation under paragraph (1).

(5) The court may decide on transfer, suspension of the proceeding and termination of the proceeding on the basis of available documents without holding a trial.

Section 119 (1) No appeal shall lie against a decision under section 118 (1); however, the person subject to proceeding or his representative may request holding a trial within eight days of receipt.

(2) The person subject to proceeding may withdraw the request until the commencement of the trial; in such a situation, the request shall be considered not submitted. If the person subject to proceeding did not request holding a trial, the decision shall become final and binding and enforceable.

(3) If the person subject to proceeding fails to appear at trial without providing a well-grounded excuse for his absence in advance or immediately when the obstacle occurs, his request shall be considered withdrawn.

Section 120 (1) The court shall hold a trial if it is not permissible to adopt a decision under section 118 (1) or if it considers holding a trial otherwise necessary for adjudicating the case, or if the person subject to proceeding or his representative requested holding a trial in accordance with section 119 (1). In the latter case, the court shall issue a summons to trial within five days from receipt of the relevant request.

(1a) The court shall refer the case to mediation if it establishes in the course of the trial that the conditions for referral to mediation are met.

(2) In the course of the trial under paragraph (1), the court shall apply appropriately the rules on infraction trial laid down in this Act.

(3) If possible on the basis of available documents, the court shall decide immediately on transfer, the suspension of proceeding and the termination of proceeding.

(4) If on the basis of the content of documents, the case cannot be adjudicated on the merits, the court, in order to clarify the facts of the case, shall

a) hear the person subject to proceeding and, if necessary, the aggrieved party, the party reporting a crime and other witnesses;

b) call upon the party reporting a crime to provide further data;

c) acquire an expert opinion, hear an expert;

d) acquire documents and means of physical evidence or have them acquired;

e) call upon other organs to transmit data in compliance with conditions set out in a separate law.

(5) In the course of the hearing, if the conditions for the enforcement of community service are met, the person subject to proceeding shall be required to make a statement as to whether he consents to the imposition of community service. Community service shall not be imposed if consent is refused.

(6) On the basis of the facts of the case thus established, the court shall terminate in an order the infraction proceeding or establish the liability of the person subject to proceeding and impose a penalty or apply a measure.

(7) Should the court hold a trial on the basis of a request to hold a trial submitted against a decision under section 118 (1), it shall establish the facts of the case pursuant to paragraph (4). The court may, at its discretion, uphold its decision under section 118 (1), amend it or set it aside and terminate the proceeding, with the proviso that it may adopt provisions that are more detrimental than those in its decision adopted in the proceeding without hearing only if new evidence is brought up at trial.

(8) The court shall provide for bearing the infraction costs and, if the relevant conditions as set out in this Act are met, oblige the person subject to proceeding to pay compensation for the damage caused by the infraction.

(9) With the exception of a situation where the right to legal remedy is waived, the court shall set in writing its order adopted at trial within 3 working days of announcement. At the time of announcement, the person eligible to submit an appeal shall be informed

a) of the time limit for setting the order in writing;

b) of the time limit for submitting an appeal;

c) that the order can be inspected at the court after it is set in writing and that, upon a motion by the person subject to proceeding, the court is to forward it to also the electronic mail address specified by him;

d) that the court serves the order set in writing on the person eligible to submit an appeal, but the service does not have any effect on the time limit for appeal; and

e) that, within the time limit for submitting an appeal, he may amend or supplement the ground for and the purpose of and reasons for the appeal.

Section 121 (1) Within eight days of the communication of the order, the person subject to proceeding and his representative, the organ conducting the preparatory proceeding attending the court trial, and solely against the provision obliging him to pay compensation for the damage caused, if applicable, the aggrieved party may submit an appeal with suspensory effect against the order adopted by the court at trial.

(2) The appeal shall specify the reasons for and purpose of the appeal. The adjudication of the appeal shall not be refused on the ground that the reasons is incorrect or missing.

(3) The court adopting the order concerned shall dismiss an appeal if it is late or submitted by a person other than an eligible person.

(4) The court shall send the documents to the competent regional court within five days following the expiry of the time limit for the submission of appeals.

Section 122 (1) The regional court shall adjudicate an appeal in a panel session within thirty days of receipt. In doing so, absent an appeal submitted by the organ conducting the preparatory proceeding to the detriment of the person subject to proceeding, it shall not impose a penalty or apply a measure that is more detrimental to the person subject to proceeding than the penalty imposed or measure applied in the order subject to the appeal.

(2) An appeal shall be deemed as submitted to the detriment of the person subject to proceeding if it is aimed at establishing his infraction liability, qualifying his infraction as one of greater gravity, rendering more severe his penalty, or a measure applied in place of a penalty, or imposing a penalty in place of such a measure.

Section 123 (1) The regional court shall uphold the order by the district court, amend it observing the provisions on the prohibition of *reformatio in peius*, or set it aside and terminate the proceeding or instruct the court that proceeded to conduct a new proceeding.

(1a) No appeal shall lie against the order adopted by the regional court.

(2) The regional court shall provide for the service of the authentic copies of its decision and send back to the district court the documents of the case together with authentic copies of the decision of the regional court and information on the day of service of the decision.

95/A. Procedure applicable if an infraction under section 216/A (1) is committed

Section 123/A (1) To a court proceeding instituted for the commission of an infraction under section 216/A (1), the provisions set out in sections 120 to 123 shall apply, with the proviso that no preparatory proceeding shall be conducted in the case and it shall be compulsory for the court to hold a trial.

(2) The court shall examine a crime report within three days of receipt. If it is not permissible to transfer and dismiss the crime report, the court, notifying the person subject to proceeding and, if required, the witnesses at the same time, shall schedule a trial to a date within fifteen days.

96. Immediate summary procedure

Section 124 (1) The police may bring before the court in accordance with the immediate summary procedure a person taken into custody for an infraction that may be punished by also infraction confinement so that an expedited court proceeding can be conducted.

(2) The police shall notify the aggrieved party of the time of his bringing before the court and arrange for the availability of the means of evidence at trial. The police shall inform the person subject to proceeding of the infraction and the evidence on the basis of which he is brought before the court in accordance with the immediate summary procedure.

(3) The police shall officially appoint an attorney-at-law for a person subject to proceeding if he has no authorised attorney-at-law. No legal remedy shall lie against the official appointment of an attorney-at-law, but the person subject to proceeding may request, providing reasoning and only once, that another attorney-at-law be officially appointed.

(3a) An official appointment shall cease to have effect when the attorney-at-law authorised to act for the person subject to proceeding files the authorisation in accordance with this Act, or the authorised attorney-at-law or the person subject to proceeding gives notice to the court or infraction authority of the registration of the authorisation in the client settings register.

(4) The police shall notify the attorney-at-law and the representative of the date of the trial and shall ensure that they can access information on the case and communicate with the person subject to proceeding before trial.

Section 125 (1) The representative of the police shall hand over the documents and the means of physical evidence to the court at trial; subsequently, he shall submit the crime report orally and make recommendations as regards the extent of the penalty.

(2) The court shall not hold a trial if it establishes that the conditions for taking into custody were not met, the attorney-at-law referred to in section 124 (3) failed to appear before the court, or more than seventy-two hours have passed since the time of taking into custody.

(3) If holding the trial is not prevented by any obstacle, the court, following the submission of the crime report, shall hear the person subject to proceeding and, if required, the aggrieved party and the witnesses. Subsequently, it shall, in an order, terminate the infraction proceeding or establish the liability of the person subject to proceeding and impose a penalty or apply a measure, provide for bearing infraction costs and, if the conditions set out in this Act are met, oblige the person subject to proceeding to compensate for the damage caused by the infraction.

(3a) To facilitate the exercise of the rights and the performance of the obligations of a person subject to proceeding who is a juvenile, as well as to treat him carefully, the court may exclude the public from trial or a specific part of the trial.

(4) After the order is announced, the representative of the police, the person subject to proceeding and his representative shall declare whether they wish to submit an appeal against the conclusive decision.

(5) The court shall forward the documents to the regional court without delay if the representative of the police, the person subject to proceeding or his representative submitted an appeal against imposing infraction confinement and the court extended custody.

(6) Following the declaration concerning appeal, the court shall set its order in writing without delay and serve it on the person subject to proceeding, the representative of the person subject to proceeding and the representative of the police.

(7) If it is not permissible to transfer the case and a conclusive order cannot be adopted on the basis of the trial, the court shall conclude the immediate summary proceeding, conduct the proceeding in accordance with the rules set out in section 120 and, if possible, set a due date for the new trial immediately.

(8) If the conditions for referral to mediation are met, the court shall refer the case to mediation and conduct the proceeding henceforward in accordance with the rules set out in section 120.

Section 126 The provisions set out in this Act on handling an appeal submitted against an order shall apply accordingly to an appeal submitted against an order adopted as a result of an immediate summary proceeding, with the requirement that the regional court shall send an authentic copy of its decision directly to the police initiating the proceeding.

96/A. Immediate summary procedure by entities authorised to impose a spot fine

Section 126/A (1) If a person referred to in section 39 (2) *e* to *i*) catches a person in the act of committing an infraction that may be punished by also infraction confinement and he is authorised to impose a spot fine for that infraction, he may bring the person caught in the act before the district court of the place of commission in accordance with the immediate summary procedure. The immediate summary procedure may be instituted if holding a trial is not prevented by any obstacle. If an immediate summary procedure is instituted, the person authorised to impose a spot fine shall submit the crime report orally, hand over the available evidence to the court and make recommendations regarding the extent of the penalty and the measure.

(2) The person referred to in paragraph (1) shall ensure that the means of evidence are available at trial and shall inform the person subject to proceeding of the infraction and the evidence on the basis of which he brings him before the court in accordance with the immediate summary procedure.

(3) The court shall not hold a trial if it establishes that bringing before the court in accordance with the immediate summary procedure was unlawful. If holding a trial is not prevented by any obstacle, the court shall proceed in accordance with section 125 (3).

(4) The person referred to in paragraph (1) may submit an appeal against the order.

96/B. Hearing by using a telecommunication device

Section 126/B (1) The court may order, *ex officio* or upon a motion submitted by a person obliged or entitled to attend the procedural act, that the perpetrator be heard by using a telecommunication device, provided that the technical requirements are met.

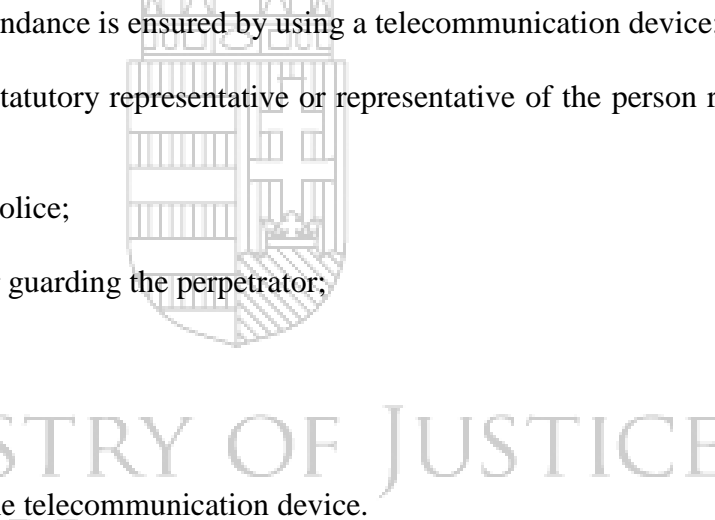
(2) The court shall communicate its decision as regards using a telecommunication device without delay, through the police organ conducting the preparatory proceeding.

(3) No legal remedy shall lie against the dismissal of a motion for using a telecommunication device and against the ordering of the use of a telecommunication device.

(4) When using a telecommunication device, direct and bidirectional connection between the location set for the court trial and the location specified by the police organ conducting the preparatory proceeding (hereinafter the “separate location”) shall be ensured by transmitting an audio-visual recording.

(5) If the court ordered the confidential processing of the data of the witness, the perpetrator may attend a hearing conducted using a telecommunication device only if the witness consents to it. Following the hearing by way of a telecommunication device, the perpetrator thus excluded shall be entitled to get informed of what has happened at the hearing in his absence.

(6) When using a telecommunication device, only the following persons may be present at the separate location:

- 
- a)* the perpetrator whose attendance is ensured by using a telecommunication device;
 - b)* the legal representative, statutory representative or representative of the person referred to in point *a)*;
 - c)* the representative of the police;
 - d)* the person responsible for guarding the perpetrator;
 - e)* the experts;
 - f)* the interpreters;
 - g)* the personnel operating the telecommunication device.

(7) The following shall be recorded in the minutes taken of the hearing conducted using a telecommunication device applying the provisions pertaining to section 91 accordingly:

- a)* the fact and manner of using the telecommunication device;
- b)* a reference to the person whose attendance is ensured by using the telecommunication device;
- c)* the address of the separate location;
- d)* the name of other persons present at the separate location and their capacity in which they attend the procedural act.

(8) When using a telecommunication device, the recordings shall be filed.

Chapter XVIII

RETRIAL

97. Grounds for retrial

Section 127 (1) Retrial may be granted regarding an act adjudicated in a final and binding court decision (main case) if

a) new evidence is brought up regarding a fact, either covered or not covered in the main case, suggesting the likelihood that

aa) the infraction liability of the perpetrator cannot be established or a considerably more lenient legal consequence is to be applied to him;

ab)

b) for the same act, more than one order establishing infraction liability is adopted against the person subject to proceeding, or both his infraction and criminal liability has been established in a decision;

c) false or falsified evidence was used in the main case or the liability of the perpetrator was established under a name that is other than his own;

d) in the main case a member of the infraction authority, or the court violated a duty in a manner contrary to criminal law;

e) the criminal offence committed by the perpetrator was adjudicated as an infraction in a proceeding conducted in accordance with this Act;

f)

(1a) Retrial may be granted regarding a decision of the court on conversion to infraction confinement if it is in violation of the law.

(2) In a situation described in paragraph (1) *c)* to *d)*, retrial may be granted only if

a) the commission of the criminal offence stated as the ground for retrial is established in a final and binding judgment, or the adoption of such a judgment is not prevented by the lack of evidence; and

b) that criminal offence had an impact on the decision by the infraction authority or the court.

(3) Retrial shall not be granted if more than a year has passed since the court decision becoming final and binding.

98. Request for retrial

Section 128 (1) A request for retrial to the benefit of a perpetrator may be submitted by

- a) the perpetrator;
- b) the representative of the perpetrator, unless the perpetrator forbids it;
- c) the statutory representative and carer of the juvenile perpetrator;
- d) the prosecutor.

(2) The decision shall not be amended to the detriment of the perpetrator on the basis of a request for retrial submitted by a person referred to in paragraph (1).

(3) If the criminal offence committed by the perpetrator was adjudicated as an infraction in a proceeding conducted in accordance with this Act, the prosecutor may submit a request for retrial.

(4)

(5) The person submitting the request for retrial may withdraw the request until the court adopts a decision on the admissibility of retrial.

99. Retrial procedure

Section 129 (1) The request for retrial shall be submitted to the court that proceeded in the main case in writing or recorded in minutes. The request for retrial shall indicate the reason and evidence for the request.

(2) The court shall dismiss a request that is excluded by this Act, submitted by an ineligible person or by the same eligible person repeatedly, or late.

Section 130 (1) Should the court find a request for retrial well-grounded, it shall order retrial and, at the same time, it may suspend or interrupt the enforcement of any provision adopted in the main case.

(1a) The court shall hold a trial if it is necessary for clarifying the facts of the case or requested by the perpetrator. The perpetrator may request holding a trial within eight days after becoming aware of the retrial.

(2) The court shall dismiss in an order a request for retrial if it finds it groundless. The order shall be communicated to the person who submitted the request.

Section 131 (1) Should the court schedule a trial in the case after ordering a retrial, the provision on infraction trial shall apply to the proceeding with appropriate derogations following from the nature of retrial.

(2) Together with the summons to trial, the request for retrial and the order ordering retrial shall also be served on the perpetrator; at trial, the order challenged by retrial and the order concerning which retrial is sought shall be presented.

Section 132 (1) Should the court establish that a request for retrial is well-grounded, it shall set aside, in part or in whole, the order adopted in the main case and adopt a new order; should it find the request for retrial groundless, it shall dismiss it in an order.

(2) A request for retrial submitted to the benefit of the perpetrator shall not constitute a ground for amending to the detriment of the perpetrator a final and binding order adopted in the main case.

(3) No legal remedy shall lie against ordering retrial and against a decision on the merits regarding retrial.

(4) An appeal against the dismissal of retrial may be filed by the person submitting the request for retrial. To the adjudication of the appeal by the regional court, the rules on adjudicating an appeal shall apply, except that the regional court, should it grant an appeal, shall instruct the court that adopted the order subject to the appeal to conduct the retrial.

Section 132/A



Chapter XIX

100. Proceeding on the basis of a decision adopted by the Constitutional Court as regards an infraction case or a law applied in an infraction case

Section 133 (1) Retrial may be granted if the Constitutional Court ordered the review of an infraction proceeding concluded with a final and binding decision for applying a law that is in conflict with the Fundamental Law.

(2) The rules laid down in Chapter XVIII shall apply with the following derogations:

a) retrial may be granted even after one year has passed following the court decision becoming final and binding;

b) a request for retrial may be submitted only to the benefit of the perpetrator;

c) after the death of the perpetrator, a request for retrial may be submitted by also the lineal relative, sibling, spouse or cohabitant of the perpetrator;

d) the prosecutor shall be obliged to submit a request for retrial *ex officio* if a penalty imposed or measure applied in the infraction case ordered to be reviewed is in the process of being enforced, or the perpetrator is recorded in the infraction records due to the case ordered to be reviewed;

e) the court may dismiss the request for retrial only if the Constitutional Court decision referred to in the request for retrial is not related to the main case;

f) in the decision adopted in the course of retrial, the liability for infraction of the perpetrator may be established for an act without taking into account the time limit specified in section 6 (6).

(3) Retrial may be granted if the Constitutional Court annulled, on the basis of a constitutional complaint, a law that was applied to the infraction case adjudicated by the court in a final and binding decision for being in conflict with the Fundamental Law and that, therefore, unless otherwise decided by the Constitutional Court, cannot be applied in the case giving rise to proceedings by the Constitutional Court.

(4) If the Constitutional Court annulled, on the basis of a constitutional complaint, the final and binding court decision, the court that adopted the annulled court decision shall conduct a new proceeding.

(5) The new proceeding referred to in paragraph (4) shall be conducted in accordance with the rules laid down in Chapter XVIII with the derogations set out in paragraph (6).

(6) To the new proceeding referred to in paragraph (4), the following shall apply:

a) the proceeding shall be instituted *ex officio*;

b) in adjudicating the case, the court shall observe the grounds and reasons of the Constitutional Court decision providing for the annulment;

c) in place of applying the provision set out in section 132 (1), the court shall adopt a new decision in the case, with the proviso that the penalty imposed and the measure applied shall not be more severe than the penalty imposed and the measure applied in the annulled court decision.

(7) If, when annulling the court decision, the Constitutional Court annulled, on the basis of the constitutional complaint, also the decision by the infraction authority that was reviewed by the court decision, another infraction proceeding shall not be instituted for the act adjudicated in the annulled decisions.

Chapter XIX/A
HUNGARY
RECOMPENSE AND REPAYMENT

100/A. Recompense

Section 133/A (1) The perpetrator shall be entitled to recompense for a punishment of infraction confinement served on the basis of a final and binding decision by the court, a punishment of community service performed on the basis of a final and binding decision by the court or the infraction authority, and the enforcement or satisfaction by community service of the infraction confinement where unpaid fine or spot fine was converted into infraction confinement, provided that the proceeding against him was terminated on the basis of a decision by the Constitutional Court, retrial, prosecutorial compliance reminder or motion, or review of a spot fine (hereinafter jointly “review following the final and binding decision”).

- (1a) The perpetrator shall not be entitled to recompense if the court terminates the infraction proceeding as a result of retrial under section 127 (1) *e*) in compliance with section 83 (1) *a*) and the criminal liability of the perpetrator is established with final and binding effect and the punishment for infraction may be credited under the Criminal Code.
- (2) The provisions of the Civil Code on extra-contractual liability shall apply to the method and amount of recompense with the derogations set out in this Act.
- (3) The recompense shall become due once the decision adopted as a result of the review following the final and binding decision becomes final and binding.
- (4) The perpetrator may submit a claim for recompense to the proceeding court or infraction authority within six months of the date when the final and binding decision adopted as a result of the review following the final and binding decision was communicated to him. Failing to meet this time limit shall result in the forfeiture of rights.
- (5) The request shall specify the claimed recompense amount and the evidence supporting the claim.
- (6) When the decision under paragraph (4) is communicated to him, the perpetrator shall be informed of also the legal basis for his claim for recompense, the time limit for enforcing the claim, the starting date of this time limit and that the time limit is a term of preclusion.
- (7) For conducting the proceeding, the court and the infraction authority shall, within fifteen days from the receipt of the request, send the request, together with the documents of the infraction case, to the court that has under the Code of Civil Procedure subject-matter and territorial jurisdiction to adjudicate recompense.
- (8) In adjudicating the claim for recompense, the court shall proceed in compliance with the rules laid down in the Code of Civil Procedure with the derogation set out in this Act. In the court action, the perpetrator shall act as the plaintiff and, on behalf of the state, the Minister responsible for infraction regulation shall act as the defendant.
- (9) The state shall be responsible for paying the recompense.

100/B. Repayment

Section 133/B (1) Any amount paid as fine, spot fine and infraction costs shall be repaid to the perpetrator together with interest at the base rate calculated from the date of payment to the date of repayment if the proceeding was terminated or the decision against him was revoked or amended as a result of the review following the final and binding decision.

(2) The court and infraction authority adopting the provision terminating the proceeding, the organ imposing a spot fine that decided on the amendment or revocation of the spot fine, and the court that set aside on the basis of section 141 (13) *e*) the decision adopted in the main case shall be responsible for ordering repayment; no legal remedy shall lie against this decision.

Chapter XX

101. Provisions on infractions committed by juveniles

Section 134 (1) Infraction proceedings against a juvenile shall be conducted observing the age-related characteristics and in a manner that promotes the respect for law by the juvenile. The primary objective of a penalty imposed on or a measure applied to a juvenile shall be to assist the juvenile concerned to develop in the appropriate direction and become a useful member of society.

(2) The hearing of the juvenile shall not be dispensed with if it is likely on the basis of the data of the proceeding that infraction confinement, community service or fine will be imposed on him.

(3) The statutory representative or carer of the juvenile shall be notified of the hearing or trial and requested to ensure that the juvenile appears. If the statutory representative is prevented from attending, the representative of the guardianship authority shall be notified of the date of the hearing of the juvenile.

(4) The juvenile shall be heard in the presence of the statutory representative, except if

a) the statutory representative committed the infraction together with the juvenile or the interests of the statutory representative are otherwise contrary to the interests of the juvenile;

b) the statutory representative is prevented from exercising his rights;

c) the juvenile has no statutory representative or the identity of the statutory representative cannot be established. In these situations, the guardianship authority shall appoint an *ad hoc* guardian. A carer who appeared at trial shall be heard in all cases as regards the living conditions of the juvenile; the carer may not refuse to make statements on these circumstances.

(5) The order or decision shall be served on the statutory representative or carer of the juvenile and he shall be informed of the availability of legal remedy against the decision.

(6) If the infraction authority finds it justified on the basis of the proceeding, it may request the competent organ to take the juvenile under protection.

(6a) For a juvenile who is subject to proceeding for committing an infraction that may be punished by also confinement or for a child who fulfilled the statutory elements of an infraction that may be punished by also confinement, the infraction authority, the organ conducting the preparatory proceeding or the court shall request the competent organ to take the juvenile or child under protection.

(7) In a proceeding under section 102 (1) or section 118 (1), only measures can be applied to a juvenile.

(8) A person who has not attained the age of fourteen years and a juvenile may be confronted only if his statutory representative is present and the confrontation does not cause fear in him.

Chapter XXI

102. Specific provisions for insult cases

Section 135 If insult is committed mutually, in a proceeding instituted for an infraction committed against one of the parties, the other party shall be entitled to submit a private motion also if the time limit for it expired, provided that the statute of limitations did not expire as regards the act. The other party shall be informed of this right at the beginning of the hearing at the latest.

Section 136 (1) With the exception of a situation referred to in paragraph (3a), the infraction authority shall summon the person subject to proceeding and the aggrieved party to the hearing and notify their representatives. If there is more than one aggrieved party in the case, all aggrieved parties shall be summoned.

(2) The aggrieved party shall be advised in the summons that if no excuse is provided for his absence in due time, the infraction authority will consider his private motion withdrawn.

(3) In the course of the hearing, the infraction authority shall attempt to reconcile the person subject to proceeding and the aggrieved party. Should reconciliation fail, the proceeding shall be conducted in accordance with general rules.

(3a) If, before the hearing, the aggrieved party or the person subject to proceeding states that he does not wish reconciliation to be attempted, the infraction authority shall dispense with the relevant hearing of the person subject to proceeding and the aggrieved party and consider reconciliation to have failed without attempting it.

(4) Should the person subject to proceeding submit a private motion subsequently, the infraction authority shall hear the aggrieved party also as a person subject to proceeding.

Section 137 (1) The infraction authority shall terminate the proceeding also if the aggrieved party

a) failed to appear at the hearing without providing a well-grounded excuse or could not be summoned because he failed to give notice of a change in his home address;

b) withdrew the private motion.

(2) In a situation referred to in paragraph (1), the proceeding instituted on the basis of the subsequently submitted private motion shall also be terminated, provided that the time limit open for submitting the private motion has already expired by the day of the hearing.

PART THREE

ENFORCEMENT

Chapter XXII

ENFORCEABILITY OF AN INFRACTION AUTHORITY DECISION AND A COURT ORDER

103. Final and binding effect of a decision

Section 138 (1) A decision or order shall become final and binding

a) on the day when it is adopted if no legal remedy lies against it;

b) on the day following the date of expiry of the time limit open for filing a legal remedy if no legal remedy was sought against it within the time limit;

c) if the decision is adopted in a proceeding without hearing, on the day following the date of the expiry of the time limit open for requesting a hearing if the person subject to proceeding does not request to be heard;

d) on the day when the infraction authority or the court receives the statement of withdrawal if the person entitled to do so withdraws the request for hearing, the objection, the complaint or the appeal;

e) on the day when the infraction authority or the court receives the statement of waiver.

(2) A spot fine shall become final and binding on the day when it is acknowledged.

104. Enforcement of infraction confinement

Section 139 (1) Unless an exception is made in this Act, an infraction confinement imposed as penalty and also an infraction confinement replacing any other penalty shall be enforced in a penal institution.

(1a) If the perpetrator is in police custody and the remaining period of confinement does not exceed two days after crediting under section 9 (3), the infraction confinement shall be enforced at the police detention facility of the headquarters of the police organ that effectuated infraction custody. If the perpetrator cannot be admitted to the police detention facility due to a lack of capacity, the perpetrator shall be transported to a penal institution.

(1b) The enforcement of infraction confinement

a) shall commence at the police detention facility competent for the place of apprehension if the compulsory attendance of the perpetrator at the penal institution would take place;

b) shall commence at the police detention facility of the headquarters of the police organ that effectuated infraction custody also in a situation not specified in paragraph (1a) if the perpetrator would be transferred to the penal institution

at a time outside the official work schedule of the penal institution. If the admission of the perpetrator to the police detention facility is prevented by a lack of capacity or compliance with separation rules, the perpetrator shall be transported to a penal institution that is to admit the perpetrator even at a time outside the official work schedule.

(1c) An infraction confinement commenced pursuant to paragraph (1b) shall be enforced at a police detention facility if the remaining period of the infraction confinement at the time of admission to the penal institution would be less than two days.

(2)

(3) The general infraction authority with territorial competence over the domicile or place of residence of the perpetrator or, in the absence thereof, the place of commission shall provide for the enforcement of the infraction confinement and, if the infraction confinement was imposed on a parent or guardian who is raising a minor child who has attained the age of fourteen years alone, the notification of the guardianship authority.

(4)

(5) If the perpetrator failed to appear at the penal institution on the due date set out in the notice for the enforcement of an infraction confinement imposed as a penalty or an infraction confinement replacing an unpaid fine, spot fine or unperformed community service, and his forced attendance remained unsuccessful, the infraction authority shall issue a wanted notice to enforce the compulsory attendance of the perpetrator at the designated penal institution. The wanted notice shall be revoked if the reason for its issuance ceases to exist. No legal remedy shall lie against a decision on issuing a wanted notice.

(6) In a situation under paragraph (5), a wanted notice may be issued as regards a perpetrator whose whereabouts are unknown also without ordering forced attendance in advance.

Section 140 (1) At a request, the court imposing infraction confinement or providing for conversion may postpone the enforcement of the infraction confinement imposed or the infraction confinement replacing a fine, spot fine or community service once for a period of up to six months for a health, family or other material reason. The request may be submitted by the time set for the commencement of the infraction confinement.

(2) Against an order refusing postponement, the perpetrator, his representative and, for a juvenile, his statutory representative may file an appeal within three days after the order was communicated. The regional court shall adjudicate the appeal in a panel session within three days of receipt.

(3)

(4)

(5)

105. Enforcement of fines, spot fines, infraction costs, disciplinary fines and payments for damage caused.

Section 141 (1) Fines, spot fines, disciplinary fines, infraction costs and damage caused shall be paid within thirty days from the decision becoming final and binding. Revenues generated from fines, spot fines, disciplinary fines and infraction costs paid shall constitute revenue for the central government subsector of the general government sector, which shall be collected in a centralised collection account established by the treasury for this purpose.

(1a) The central fine management organ designated in the government decree designating the central fine management organ (hereinafter the “central fine management organ”) shall manage in a centralised collection account held with the treasury revenues generated from spot fines paid voluntarily that were imposed in infraction proceedings falling within the competence of authorities and persons specified in the government decree designating the central fine management organ.

(1b) The territorial organs of the organ established to carry out general policing tasks shall manage in centralised collection accounts hold with the treasury revenues generated from fines, infraction costs, disciplinary fines and spot fines imposed or enforced in infraction proceedings falling within the competence of the general infraction authority and from fines, disciplinary fines and infraction costs imposed by the court.

(2) The general infraction authority shall provide for the enforcement of fines and disciplinary fines imposed and infraction costs established by the general infraction authority and spot fines imposed by the police.

(2a)

(2b) The customs organ of the National Tax and Customs Administration shall provide for the enforcement of fines and spot fines imposed by the customs organ of the National Tax and Customs Administration.

(2c) The organ with territorial competence over

a) the domicile of the perpetrator;

b) the place of residence of the perpetrator;

c) the place of commission, for more expedient and effective enforcement; and

d) the place of detection

shall be the organ to provide for the enforcement of spot fines and fines.

(2d) The central fine management organ shall verify and identify the payment of spot fines paid voluntarily that were imposed by authorities and persons specified in the government decree designating the central fine management organ. The territorial organs of the organ established to carry out general policing tasks shall verify and identify the payment of fines, infraction costs, disciplinary fines and spot fines imposed or enforced in infraction proceedings falling within the competence of the general infraction authority and fines, disciplinary fines and infractions costs imposed by the court.

(2e)

(2f) For the performance of the task specified in paragraph (2d), the court shall automatically transfer in an electronic form data

a) under section 151 (2) *a) aa), ab), ad), ae)* and *ah)*;

b) relating to the designation of the court that proceeded, the number of its decision and the date of that decision becoming final and binding from among data under section 153 (2) *c)*;

c) relating to the amount of the fine, the disciplinary fine imposed and the infraction costs established, from among data under section 153 (2) *d)*;

d) under section 153 (2) *f)*

if available, to the territorial organ of the organ established to carry out general policing tasks.

(2g) The central fine management organ shall keep records of data referred to in paragraphs (2f) and (2i) to comply with its reporting obligation relating to claims and obligations as regards revenues. The central fine management organ shall process data in the records for a period of eight years from entry into records. Unless otherwise provided by an Act, data shall not be transferred from the records.

(2h) In performing the task set out in paragraph (2d), the central fine management organ and the territorial organ of the organ established to carry out general policing tasks shall compare data available to them in connection with the performance of their tasks. For the data to be entered into infraction records or for initiating such an entry, the central fine management organ shall automatically send in an electronic form data generated as a result of comparison to the competent authority that enters these data into infraction records.

(2i) The entity authorised to impose a spot fine as specified in the government decree designating the central fine management organ shall automatically transfer in an electronic form

a) data referred to in section 153 (2) *o)*;

b) the identifier of the money order filled in compliance with the form used for imposing a spot fine; and

c) the registration number of the vehicle if a vehicle was used for commission and it is available

to the central fine management organ for the performance of the task under paragraph (2d), also if it concerns a spot fine imposed in the absence of the driver.

(2j) If a decision on fine, disciplinary fine or infraction costs is adopted, the court shall provide for the provision to the central fine management organ of data necessary for identifying the payment without delay, but not later than within 3 days.

(3) The general infraction authority with territorial competence over the domicile or place of residence of the perpetrator or, in the absence thereof, the place of commission shall provide for making arrangements for the verification and enforcement of the payment of fines, infractions costs and disciplinary fines imposed by the court and the enforcement of spot fines imposed by any of those referred to under section 39 (2) *c* to *i*).

(3a) The person subject to proceeding may pay the amount of fine, infraction costs, disciplinary fine and damage caused also

a) by way of an electronic device introduced for this purpose by the authority, using a non-cash payment method, provided that the necessary conditions are met; and

b) by paying or transferring that amount within the time limit set out in this Act by way of the postal payment slip handed over to him or bank transfer with reference to the number of the decision.

(4) The court shall notify the general infraction authority referred to in paragraph (3) of any fine or disciplinary fine imposed or infraction costs established sending to it the authentic copy of the final and binding decision.

(5) If the amount of a spot fine is not collected by the thirty-fifth day following imposition, the person imposing the spot fine referred to in section 39 (2) *c* to *i*) shall inform, sending to it the documents generated by him, not including those referred to in paragraph (2), the general infraction authority of the domicile of the perpetrator.

(6) Should the perpetrator fail to pay a fine or spot fine within the time limit calculated from the decision becoming final and binding, and the unpaid fine is to be converted into infraction confinement, the enforcing infraction authority shall send the case documents without delay to

a) the district court that adopted the decision on the merits in the case, provided that the spot fine was imposed by the court;

b) the district court of the seat of the enforcing infraction authority in any other case.

(7) Should the court establish on the basis of the documents that the statutory conditions for conversion are not met, the court shall adopt an order without holding a trial on refraining from conversion; if a law is violated in the course of the main proceeding or the enforcement, the court, in its order, shall adopt also provisions in compliance with paragraph (13) *d*) and *e*). A spot fine may be set aside only in the case of a violation under section 99/A (3).

(8) If a decision under paragraph (7), shall not be adopted, the court shall decide on converting to infraction confinement the unpaid fine and spot fine within forty-five days from receipt of the documents by the court. No legal remedy shall lie against this order of the court.

(9) The court shall adopt an order within five days of receipt of the documents informing the perpetrator of the motion for conversion and, with a view to the voluntary payment of the fine,

a) it may inform the perpetrator of the rules on conversion and the number of days of infraction confinement the unpaid fine is to be converted into;

b) it may inform the perpetrator of the situations where conversion is not permitted;

c) it may invite the perpetrator to submit a notice of any ground for exclusion of conversion within eight days;

d) it may invite the perpetrator to declare within eight days whether he requests a trial to be held in the case, advising him that absent a request for holding a trial, the court shall decide on the conversion without holding a trial.

(10) The time limit set out in paragraph (9) *d)* shall be a term of preclusion; in the case of a failure to meet the time limit, no application for excuse and no application for rebutting the presumption of service shall be submitted.

(11) No legal remedy shall lie against an order of the court under paragraph (9).

(12) Should the perpetrator request a trial to be held or the court find it necessary for any other reason, the court shall decide on conversion to confinement at trial; otherwise, it shall adjudicate the case applying the provisions of paragraph (14) appropriately without holding a trial.

(13) The provisions on holding a trial shall apply with the following derogations:

a) the court shall notify the perpetrator and his representative of the trial; if the notified persons fail to appear despite being duly summoned, the trial shall be heard even in their absence; the persons concerned shall be advised accordingly in the notice;

b) an application for excuse for missing a trial may be submitted within eight days calculated from the trial date missed; failing to meet this time limit shall result in the forfeiture of rights;

c) at trial, the judge shall present the documents to the extent necessary; the presentation of the documents can be dispensed with at a request by the perpetrator or his representative;

d) the court shall examine whether the enforcement proceeding was lawful and instruct the enforcing organ to continue the enforcement proceeding if a violation occurred in the course of the enforcement;

e) if in the course of examining the lawfulness of the enforcement proceeding, the court detects that the violation occurred in the main proceeding, the court shall set aside the decision adopted in the main case by the infraction authority and instruct the infraction authority to conduct a new proceeding and to adopt a new decision or set aside a spot fine if it was adopted in violation of the law by an organ or person imposing a spot fine;

f) the court shall hear the perpetrator about the circumstances leading to the failure to pay the fine and the circumstances affecting the lawfulness of the enforcement of the fine;

g) no legal remedy shall lie against a decision on conversion to infraction confinement;

h) after adjudicating the case, the court shall send back to the infraction authority the documents of the case and an authentic copy of its reasoned decision.

(14) Should the perpetrator or another person in the place of the perpetrator demonstrably pay the fine or spot fine or the amount of a fine or spot fine converted into infraction confinement that is not covered by the days served, then

a) the perpetrator cannot be subjected to infraction confinement; or

b) the perpetrator shall be released immediately after being subjected to infraction confinement.

(15) The penal institution shall notify the infraction authority without delay if the perpetrator serves the period of infraction confinement or is immediately released.

(16) Should the person obliged to do so fail to pay the infraction costs, disciplinary fine, forced attendance costs and the costs relating to the compulsory attendance of the wanted person within the time limit, then they shall be collected as taxes; the injured party may request compensation for damage caused in accordance with the rules of the Act on judicial enforcement.

(17) Should the perpetrator fail to pay a fine and a spot fine within thirty days from the decision becoming final and binding, then they shall be collected as taxes, provided that conversion to confinement is not permitted and they were not satisfied by performing community service.

Section 142 (1) With a view to satisfying an unpaid fine or spot fine, with the exception of a spot fine imposed in the absence of the driver, by performing community service, the perpetrator may report in person to the state employment organ of his domicile or place of residence or, in the absence thereof, the place of commission by the eighth day following the expiry of the time limit available for paying the fine or spot fine, unless otherwise provided in this Act. With the exception of a situation referred in section 141 (17), in the case of a failure to report in person, unpaid fine and spot fine shall be converted into infraction confinement.

(2) Fine and spot fine cannot be satisfied by performing community service if the person subject to proceeding

a) is a person with disability within the meaning of the Act on the rights of and ensuring equal opportunities for persons with disability, or receives inpatient care in a hospital;

b) is a woman who has reached the twelfth week of pregnancy.

(3) The state employment organ shall provide assistance in enforcing community service replacing an unpaid fine or spot fine. When determining the period of community service, each five thousand forint of unpaid fine shall be replaced by six hours of community service.

The part of the fine unpaid that cannot be divided by five thousand need not be taken into account. In accordance with the provisions section 144 (5), (7) to (11), (14), (16) and (18), the state employment organ and the designated workplace shall be obliged to offer community service for the perpetrator on the basis of its records and employ the perpetrator, respectively.

(4) The period of community service replacing the fine and spot fine unpaid may deviate from the provisions on the period of community service under this Act; however, section 144 (12) to (13) and (15) shall apply to the time and period of enforcement.

(5) To an omission under section 144 (17) that occurred in the course of the enforcement on the part of the perpetrator, the provisions set out in that paragraph shall apply.

(6) In a situation under paragraph (5), the court shall convert the remaining amount of the fine or spot fine into confinement; when calculating the amount of fine or spot fine, one hour of community service performed shall be equal to eight hundred forints.

(6a) The statement of reasons of an order on conversion into infraction proceeding shall include, to the extent necessary, references to the final and binding decision imposing the sanction and to the laws applied and statutory information on further enforcement.

(7) If unpaid fine and spot fine is satisfied by performing community service, the perpetrator shall present at his own expense an expert opinion on employability to the competent state employment organ within fifteen working days from reporting for community service.

Section 143 (1) At a request submitted within the time limit available for payment, the infraction authority may grant a moratorium on the payment of fines and infraction costs once for a period of up to six months or it can permit the payment of the fines and infraction costs in instalments over a period of six months. No legal remedy shall lie against a decision on a moratorium or payment in instalments.

(2) In the case of a failure to observe the moratorium period, fines and infraction costs or any unpaid part thereof shall be enforced in accordance with the provisions of this Act. If payment in instalments is granted, when the payment of any instalment is omitted, the entire amount, or the entire remaining amount, of the fine and spot fine shall become immediately due. In case of a failure to pay, the fines and infraction costs, or the unpaid part thereof, shall be enforced in compliance with the provisions of this Act.

(3) For a fine imposed by the court, the general infraction authority of the domicile or place of residence of the perpetrator or, in the absence thereof, the place of commission shall perform the tasks set out in paragraphs (1) and (2).

106. Enforcement of community service

Section 144 (1) The general infraction authority of the domicile or place of residence of the perpetrator or, in the absence thereof, the place of commission shall be responsible for making arrangements for the enforcement of community service imposed by the court and the general infraction authority.

(2)

(3) The customs organ of the National Tax and Customs Administration shall be responsible for making arrangements for the enforcement of community service imposed by the customs organ of the National Tax and Customs Administration.

(4) The organ responsible for making arrangements for the enforcement of community service shall be the organ of

a) the domicile of the perpetrator;

b) the place of residence of the perpetrator;

c) the place of commission, for more expedient and effective enforcement; and

d) the place of detection

shall be the organ to provide for the enforcement of spot fines and fines.

(5) The state employment organ of the domicile or place of residence of the perpetrator or, in the absence thereof, the place of commissions shall provide assistance in the enforcement of community service.

(6) If community service is imposed, the perpetrator shall report at the competent state employment order within eight days from the decision becoming final and binding.

(7) For the enforcement of community service, the state employment organ shall primarily designate such a workplace suitable for the performance of community service that operates within the territory of the settlement of the domicile or place of residence of the perpetrator, or that can be reached from the domicile or place of residence of the perpetrator by means of public transportation within not more than an hour. In the course of the enforcement of community service, the state employment organ shall designate, taking account of the expert opinion on employability and with consent from the employer, an occupation provider as the place for the enforcement of community service.

(8) When designating the workplace for the performance of community service, the state employment organ shall take account of

a) whether the occupation provider was designated as a workplace for the enforcement of community service under Act CCXL of 2013 on the enforcement of penalties, measures, certain coercive measures and infraction confinement (hereinafter the “Punishment Enforcement Act”); and

b) the workforce needs of economic operators employing community employees available at the settlement.

(9) If the probation officer notified the state employment organ pursuant to section 284 (1) of the Punishment Enforcement Act that he designated an occupation provider recorded also in the register under section 144/A (1) as a workplace for the enforcement of community service, and no more perpetrators can be set to work at the occupation provider taking account of the number of persons requested by the occupation provider, then the occupation provider cannot be designated as the place for the enforcement of community service, even if the conditions set out in paragraph (7) were met.

(10) Absent a workplace suitable for the performance of community service, the perpetrator shall be called upon to appear again within thirty days to attempt the designation of a workplace; this shall be repeated until a workplace suitable for the performance of community service is designated.

(11) Only the performance of such a work shall be prescribed as community service that the perpetrator is foreseeably able to perform on the basis of an expert opinion on employability acquired within fifteen days from the date of reporting.

(12) The perpetrator shall perform the community service without any remuneration on at least one day per week, on the weekly rest day or in his free time. No employment relationship shall be established with the workplace for the period of community service.

(13) In the course of the enforcement of community service, the daily working time shall not be shorter than four hours or longer than eight hours, with the proviso that the monthly period of community service shall not be shorter than twenty-four hours.

(14) The designated workplace shall

a) ensure that the perpetrator can engage in community service;

b) maintain a register of community service and provide the infraction authority and the state employment organ with any information requested as regards the perpetrator. The designated workplace shall notify the state employment organ without delay also if designating another workplace for the enforcement of the penalty of the perpetrator is justified because the possibility to perform the community service ceased before the completion of the period of community service.

(15) The designated workplace shall determine the starting date of the community service taking account of the needs of the perpetrator concerning the performance of the work, where possible.

(16) The designated workplace shall notify the state employment organ without delay if the perpetrator fails to start the performance of the community service or fails to fulfil his work obligation.

(17) In situations under points *b*) and *c*), the state employment organ shall notify accordingly, indicating the working hours already performed, the infraction authority responsible for enforcement without delay, but not later than within two days if the perpetrator

a) failed to submit the expert opinion on employability within the time limit;

b) failed to perform, or only performed in part, his work obligation, or fails to comply with his obligation to appear or reappear before the state employment organ; or

c) becomes affected by a circumstance referred to in section 142 (2).

In situations under points *a*) and *b*), the infraction authority shall send, within fifteen days, the notification together with the documents produced in the case to the court for conversion into infraction confinement. The court shall convert into infraction confinement the remaining period of community service applying the rules on conversion into infraction confinement a fine or spot fine unpaid or community service imposed as penalty.

(18) The state employment organ may also monitor the performance of community service.

(19) The infraction authority may, at the request of the perpetrator if justified, postpone the commencement of the performance of community service imposed as penalty once for a period of up to two months if a change occurred in the health of the perpetrator that excludes the enforcement of community service. No complaint shall lie against a decision on postponement. The infraction authority shall provide the register of occupation providers with data referred to in section 144/A (2a) *g*) within three days from the adoption of the decision.

(20) The infraction authority may, *ex officio* or at the request of the perpetrator, interrupt the enforcement of a community service imposed as penalty if justified; before taking a decision on this, it shall hear the perpetrator. No complaint shall lie against a decision on the interruption. The period of interruption shall not exceed thirty days in a year; this period shall not be calculated into the period of community service. The infraction authority shall provide the register of occupation providers with data referred to in section 144/A (2a) *g*) within three days from the adoption of the decision.

106/A Register of occupation providers for community service

Section 144/A (1) For organising community service, ensuring the conditions for enforcement, and monitoring the enforcement of community service, the state employment organ shall maintain a register of occupation providers suitable for being designated for the performance of community service, perpetrators who were subjected to or undertook to perform, pursuant to section 142 (1), community service, and natural person perpetrators who satisfied by performing community service an unpaid fine imposed for anti-social conduct in an administrative authority proceeding under the Act on general administrative procedure (hereinafter the “register of occupation providers”).

(2) As regards occupation providers that may be designated for the performance of community service, the register of occupation providers shall include data on the following:

- a)* name and contact details of the occupation provider;
- b)* nature of community service (FEOR), name and description of the position, activity relevant to community service of the occupation provider (TEAOR);
- c)* number of persons requested by the occupation provider;
- d)* place of work;
- e)* daily period of work (from-to);
- f)* minimum and maximum daily working time;
- g)* data on whether community service can be performed on days of leave and public holidays;
- h)* minimum and maximum number of persons that can be occupied on the same day; and
- i)* level of education and vocational qualification required for the work.

(2a) As regards the perpetrator reporting for the enforcement of community service, the register of occupation providers shall include data on the following:

- a)* identification of the perpetrator pursuant to section 151 (2) *a)*;
- b)* period in hours of community service to be performed;
- c)* provisions as regards matters referred to in paragraph (2) *e)* to *g)*;
- d)* period in hours of community service already performed;
- e)* level of education and vocational qualification of the perpetrator;
- f)* restricting and excluding factors referred to in the expert opinion on employability;
- g)* starting and end date of postponement; and
- h)* starting and end date of interruption.

(3) The state employment organ shall publish on its website the data recorded in the register of occupation providers as regards occupation providers that may be designated for the performance of community service.

(4) The state employment organ shall process data under paragraph (2a) and data of the designated employment provider under paragraph (2) for two years from the decision, order or spot fine becoming final and binding.

(5) The following may be entered into the register of occupation providers as occupation providers that may be designated for the performance of community service:

a) local governments and associations of local governments;

b) budgetary organs;

c) education, social and healthcare institutions maintained by the state or a local government;

d) ecclesiastical institutions; and

e) public employers referred to in section 1 (3) *f)* to *j)* of Act CVI of 2011 on community employment and amending Acts concerning community employment and other Acts.

(6) The occupation providers referred to in paragraph (5) *a)* and *c)* shall, and the occupation providers referred to in paragraph (5) *b)*, *d)* and *e)* may, notify to the state employment organ the data under paragraph (2). The data shall be provided when the conditions for community service are created.

(6a) On the basis of a notice by the probation officer pursuant to section 64 (1) of the Punishment Enforcement Act, the state employment organ shall, without delay, modify in accordance with the designation of the workplace the data recorded in the register of occupation providers.

(7) The organs referred to in section 157 (1) shall be entitled to receive data from the register of occupation providers for the purposes specified in that section.

107. Enforcement of disqualification from driving a vehicle

Section 145 Disqualification from driving a vehicle shall be enforced by an authority set out in separate law.

108. Enforcement of confiscation

Section 146 Confiscation shall be enforced in compliance with the provisions of a decree issued by the Minister responsible for infraction regulation in agreement with the Minister responsible for public finances.

109. Leniency

Section 147 (1) The perpetrator, the legal representative of the perpetrator or an adult person authorised, expressly for the filing in writing of this application, by the perpetrator or the legal representative or adult relative of the perpetrator may file a leniency application for waiving or reducing the penalty imposed and the measure applied by the court. A specific leniency application may be filed only as regards the penalty or measure underlying the application. For the return of a seized thing, also the person sustaining confiscation may submit a leniency application. No leniency application shall be filed against an admonition and a spot fine.

(1a) A statement of authorisation for filing a leniency application shall be valid only if the authorisation is accepted and the statement of acceptance is registered in the client settings register. The court and the infraction authority shall be notified of the existence of an authorisation recorded in the client settings register at the time of filing the leniency application.

(2) The application shall be filed within thirty days of the decision or order becoming final and binding. The leniency application shall not be submitted more than once.

(3) With the exception of the cases specified in paragraph (4), the Minister responsible for infraction regulation shall be vested the power to assess specific circumstances.

(4) If the court imposed on the perpetrator a penalty of infraction confinement, not including an infraction confinement replacing a fine, community service or fine, or applied a measure together with the penalty, the power to assess specific circumstances shall be exercised by the President of the Republic.

(5) A leniency application shall be submitted to the court that adopted the decision on the merits or the infraction authority that adopted the decision, which then shall forward, as matter of priority, the application together with the documents of the case to the Minister responsible for infraction regulation.

(5a) The organ assessing the leniency application or, if the power to assess specific circumstances is exercised by the President of the Republic, the preparatory organ, shall, if necessary for assessing the leniency application, obtain the documents substantiating the application and may call upon the local government clerk of the domicile or place of residence of the perpetrator to reveal the data necessary for clarifying personal circumstances.

(5b) No leniency application shall be filed for the *ex post* waiving or reducing of a penalty or measure already enforced.

(6) If the application is submitted for waiving or reducing an infraction confinement, then also the Minister responsible for infraction regulation may postpone or interrupt the enforcement of infraction confinement, but for not longer than until the President of the Republic decides on the matter concerned.

(7) With the exception specified in paragraph (7a), the Minister responsible for infraction regulation shall forward a leniency application to the President of the Republic even if the Minister does not agree with its content.

(7a) The Minister responsible for infraction regulation shall decide on dismissing, without any examination as to its merits, a leniency application submitted in a manner other than that under paragraph (1), late, by a person other than who is entitled to do so, or repeatedly in the same case, and on the application for excuse if the leniency application is submitted after the expiry of the time limit; no legal remedy shall lie against this decision.

(7b) An application shall not be considered a leniency application if it is submitted by the perpetrator as regards a matter with respect to which no legal remedy lies. The infraction authority and the court shall not forward such an application to the entity exercising the power to assess specific circumstances and shall inform accordingly the applicant without assessing the application on the merits.

(8) The infraction authority or the court specified in paragraph (5) shall serve on the perpetrator the notification of the decision assessing specific circumstances.

(9) The Minister responsible for infraction regulation may exercise his power to assess specific circumstances if, following the decision assessing the case on the merits becoming final and binding, a new circumstance is brought up that was unknown at the time of assessing the case and due to which the enforcement of the legal consequence would lead to the perpetrator suffering a disadvantage inconsistent with the provisions of this Act should the power to assess specific circumstances not be exercised.

(10) The court may order once, *ex officio* or upon request, that the enforcement of its decision be suspended

a) for no more than thirty days if, based on data available, the decision is likely to be amended or annulled or if doing so is justified by a circumstance deserving special consideration;

b) until the constitutional complaint is dealt with if a constitutional complaint was filed against a final and binding decision of the court.

(11) At a request by the Constitutional Court, the court shall suspend the enforcement of its decision and notify the Constitutional Court accordingly; the court shall also notify the Constitutional Court in a situation under paragraph (10) *b*). No appeal shall lie against the order.

Section 148 If an application for rebutting the presumption of service was submitted and the facts and circumstances presented in the application reasonably indicate that the application will be granted, the enforcement may be suspended *ex officio* or upon request.

110. Immunity arising from an office governed by public law

Section 149 (1) The motion for lifting immunity in an infraction case as regards a person holding an office governed by public law specified in a separate Act shall be submitted, at a request by the infraction authority or the court, by the Prosecutor General to the person or organ entitled to lift immunity or, if it is provided for in a separate Act, to propose lifting it.

(2) The person subject to proceeding shall be obliged to notify the proceeding authority of the existence of the legal relationship underlying immunity immediately after becoming aware of the commencement of the infraction proceeding. The person subject to proceeding shall be obliged to provide this notification even if he voluntarily waived his immunity in the infraction case.

PART FOUR

INFRACTION RECORDS SYSTEM

111. Infraction records system

Section 150 (1) The infraction records system shall consist of the register of personal identification data, the infraction records and the register of entities authorised to use the infraction records system.

(2) The infraction records constituting a part of the infraction records system shall be publicly certified official registers.

(3) The organ designated by the Government in a decree (hereinafter the “infraction registration organ”) shall be responsible for carrying out the tasks of the data controller as regards the infraction records system. The infraction registration organ shall authorise only state administration organs and economic operators in exclusive state ownership to carry out the data processing tasks relating to the infraction records system, unless it is granted a specific exemption to this restriction pursuant to the Act on the enhanced protection of public registers constituting national data assets.

(4) The Office of the Prosecutor General shall supervise the legality of the registers constituting part of the infraction records system.

(5) The personal identification data of a registered person shall be associated with the data processed in the infraction records through an alphanumeric identifier generated by the infraction registration organ (hereinafter “connection code”).

112. Content of the register of personal identification data

Section 151 (1) The objective of the register of personal identification data shall be to identify the persons as regards whom the infraction records contain data.

(2) The register of personal identification data shall contain the following:

a) relating to the registered person:

aa) family name(s) and given name(s);

ab) family and given name(s) at birth, and previous family and given name(s) at birth if they were changed;

ac) sex;

ad) place and date of birth;

ae) mother's family and given name(s) at birth, and mother's previous family and given name(s) at birth if they were changed;

af) personal identifier or, for a foreign person, number of the verification card permitting residence or the passport;

ag) nationality or statelessness;

ah) address and contact address or previous address(es) and contact address(es) if they were changed;

b) connection code; and

c) if the registered person is deceased, reference to this fact and date of death.

(3) The infraction registration organ shall generate a connection code at the time of entering the data under paragraph (2) *a)* into the register.

(4) The infraction registration organ shall process data recorded in the register of personal identification data until the data of the registered person are contained in the infraction records.

(5) At the time of entering the data into the register, modifying or correcting the data, and before transferring the data on the basis of a data request or transferring the requesting person's own data, for monitoring changes to the data, the infraction registration organ shall compare by electronic means the data recorded in the register of personal identification data

a) for persons falling within the scope of the personal data and address register, with data processed by the organ maintaining the personal data and address register;

b) for persons falling within the scope of the immigration registers, with data processed by the organ maintaining the central immigration register.

(6) Any changes to data shall be entered into the register of personal identification data immediately after data reconciliation.

(7) The organ obliged to provide data as regards infraction records shall provide the register of personal identification data with the data under paragraph (2).

113. Structure of infraction records

Section 152 (1) Infraction records shall be the following:

a) register of measures applied in the absence of the driver;

b) register of persons who committed an infraction and persons who were subject to spot fine;

c) register of persons subject to infraction proceeding;

d) register of persons subject to on-the-spot action.

(2) The objective of processing data recorded in the infraction records shall be to carry out infraction proceedings swiftly, to reinforce the infraction enforcement system, to ensure the exercise of the rights of the data subject by way of data provision from the records and to protect the rights and security of others.

113/A. Register of measures applied in the absence of the driver

Section 152/A (1) The register of measures applied in the absence of the driver shall contain the unique identifying data of a vehicle if the organ or person authorised to impose a spot fine imposed a spot fine in the absence of the driver on, or filed a crime report against, the holder of the vehicle concerned.

(2) The register of measures applied in the absence of the driver shall contain the following:

a) as regards an infraction established by the organ or person authorised to impose a spot fine:

aa) its designation;

ab) place of its commission;

ac) time of its commission;

ad) image recording evidencing its commission; and

b) as regards a spot fine imposed in the absence of the driver:

ba) designation of the entity authorised to impose a spot fine;

bb) number and date of the decision;

bc) amount of spot fine;

c) as regards a crime report:

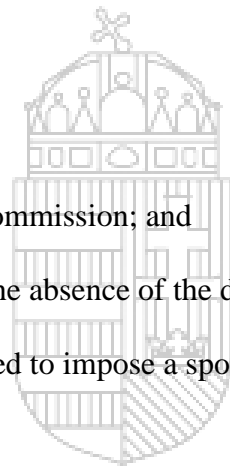
ca) designation of the entity authorised to take action;

cb) designation of the action taken on the spot.

(3) In the register of measures applied in the absence of the driver, the data under paragraph (2) shall be recorded, in a form and manner prescribed by law, by

a) the organ or person authorised to impose a spot fine;

b) the person authorised to file a crime report.



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114. Register of persons who committed an infraction and persons who were subject to spot fine

Section 153 (1) The register of persons who committed an infraction and persons who were subject to spot fine shall contain data of a person who was sentenced with final and binding effect by the infraction authority or the court for the commission of an infraction, or on whom the organ or person authorised to impose a spot fine imposed a spot fine, with the exception of a spot fine imposed in the absence of the driver.

(2) The register of persons who committed an infraction and persons who were subject to spot fine shall contain the following:

a) connection code;

b) designation, place and time of commission of the infraction established by the infraction authority or the court in a final and binding decision and, if the infraction is to be punished by a fine or spot fine the amount of which is set out in a government decree, a reference to this fact and, for a traffic-related infraction, data on whether the infraction was committed by violating the rules of driving a vehicle requiring a licence;

c) designation of the infraction authority that proceeded, the courts that proceeded at first and second instance and the court that proceeded in the course of the retrial proceeding; number and date of the decision, and day of the decision becoming final and binding;

d) type and extent of the penalty imposed, its extent reduced by crediting and a reference to the fact if the enforcement of the penalty of infraction confinement is suspended for a probationary period;

e) type and extent of the measure applied; category and type of vehicle if disqualification from driving a vehicle is applied; designation of the sports event and sports facility if ban on visiting sports events is applied; the designation of the commercial facility or any other venue if ban on visiting commercial facilities is applied;

f) if the fine imposed was paid, a reference to this fact and the date of payment;

g) date of reporting for community service replacing a fine or spot fine;

h) duration of community service replacing a fine or spot fine; start and end date of performing it or a reference to the fact if it was not performed;

i) if a fine or spot fine is converted into infraction confinement, a reference to this fact; designation of the court establishing this fact; number and date of the decision and the duration of the infraction confinement;

j) if the penalty imposed and the measure applied is waived or reduced, a reference to this fact; designation of the organ adopting the relevant decision and the number and date of the decision;

k) if the infraction confinement or the infraction confinement replacing a fine, spot fine or community service is postponed, suspended or interrupted, a reference to this fact; the number and date of the relevant decision;

l) actual start and end date of the infraction confinement or the infraction confinement replacing a fine, spot fine or community service; date of ordering immediate release; if confinement is suspended, a reference to this fact and the duration of the probationary period;

m) time of reporting for a penalty of community service; start and end date of performing it or a reference to the fact if it was not performed;

n) if community service is converted into infraction confinement, a reference to this fact; designation of the court establishing this fact; number and date of the decision; and duration of the infraction confinement;

o) if spot fine, with the exception of a spot fine imposed in the absence of the driver, is imposed,

oa) designation of the entity authorised to impose a spot fine;

ob) number and date of the decision;

oc) amount of spot fine;

od) if the spot fine is already paid, a reference to the fact and the date of payment;

oe) designation of the infraction committed; place and date of commission; if the amount of fine is fixed in a government decree, a reference to this fact.

(3) In the register of persons who committed an infraction and persons who were subject to spot fine, the data under paragraph (2) shall be recorded, in a form and manner prescribed by law, by

a) the court in infraction proceedings instituted before it in a situation referred to in paragraph (2) *b)* to *e)*;

b) the infraction authority in a situation referred to in paragraph (2) *b)* to *f)*, *i)* and *n)*;

c) the Minister responsible for infraction regulation in a situation referred to in paragraph (2) *j)*;

d) the authorising organ in a situation referred to in paragraph (2) *k)*;

e) the penal institution in a situation referred to in paragraph (2) *l)*, with the exceptions specified in paragraphs (3a) and (3b), and the infraction authority if infraction confinement or infraction confinement replacing a fine, spot fine or community service is enforced in a police detention facility;

f) the organ or person imposing the spot fine in a situation referred to in paragraph (2) *o)*;

g) the state employment organ in a situation referred to under paragraph (2) *g)*, *h)* and *m)*.

h)

(3a) In a situation referred to under paragraph (2) *l)*, the court shall record, in a form and manner prescribed by law, in the register of persons who committed an infraction and persons who were subject to spot fine the data referring to the fact that the confinement was suspended and on the duration of the probationary period.

(3b) In a situation referred to under section 139 (1a) the organ conducting the preparatory proceeding shall record data as regards the actual start and end date of the infraction confinement under paragraph (2) *l)*.

(4) If a final and binding decision is amended or set aside as a result of

a) a Constitutional Court decision;

b) retrial;

c) prosecutorial compliance reminder or motion; and

d) review of a spot fine,

the court or infraction authority adopting the decision or the organ or person imposing the spot fine shall provide the data that deviate from data provided on the basis of section 153 (2).

(5) Data under paragraph (3) *a)*, *c)* and *d)* may be provided by also the organ conducting the preparatory proceeding and the infraction authority.

(6) The court shall perform its data recording obligation under paragraph (3) *a)* and section 154 (3) by way of the general infraction authority if the court proceeds pursuant to section 573 (1) of Act XC of 2017 on the Code of Criminal Procedure.

115. Register of persons subject to infraction proceeding

Section 154 (1) The register of persons subject to infraction proceeding shall contain data of persons against whom an infraction proceeding is instituted.

(2) The register of persons subject to infraction proceeding, where infraction proceeding also means a preparatory proceeding and a retrial, shall contain the following:

a) connection code;

b) as regards the suspected infraction serving as ground for the infraction proceeding:

ba) designation and, for an infraction against property, the value affected by the infraction and the amount of pecuniary loss;

bb) place and time of commission;

- c)* date of instituting the infraction proceeding;
 - d)* filing number of the infraction case;
 - e)* where infraction cases were joined or separated, a reference to this fact;
 - f)* designation of the proceeding court and infraction authority; where the case was transferred, the proceeding organ and the date of transfer;
 - g)* where the forced attendance or custody of the registered person was ordered, the duration of custody;
 - h)* where the infraction proceeding is suspended, a reference to this fact, the date of suspension and the date when the infraction proceeding is continued; and
 - i)* where the infraction proceeding is terminated, a reference to this fact and the date of termination;
 - j)* in the case of referral to mediation, the date of referral, designation of the probation service conducting the mediation proceeding; where mediation was successful, a reference to this fact and the date of the conclusion of the successful mediation proceeding.
- (3) For the register of persons subject to infraction proceeding, the infraction authority and the court before which the infraction proceeding is pending shall provide data in a form and manner prescribed by law.

115/A. Processing period and erasure of data processed in the register of personal identification data and the infraction records

Section 155 (1) The infraction registration organ shall process data recorded in the register of persons who committed an infraction and persons who were subject to spot fine for three years calculated from the date of the decision determining the penalty or the measure becoming final and binding or from the date of imposing the spot fine.

(2) The infraction registration organ shall process data recorded in the register of persons subject to infraction proceeding until the date of the conclusion with final and binding effect of the infraction proceeding.

(2a) The infraction registration organ shall process data recorded in the register of persons subject to on-the-spot action for 90 days from the date of the on-the-spot action or until the date of the institution of the infraction proceeding.

(2b) Where mediation was successful in a case, the infraction registration organ shall process data under section 154 (2) *c), d), f), h), i)* and *j)* for a year following the date of the conclusion of the successful mediation proceeding.

(2c) The infraction registration organ shall process data recorded in the register of measures applied in the absence of the drive for three days after the date of applying the measure.

(3) The data of a person as regards whom the period of registration under paragraphs (1) to (2b) expired shall be erased from the infraction records.

(3a) Data as regards which the period of registration under paragraph (2c) expired shall be automatically erased from the infraction records.

(4) At the time specified in paragraph (3), data of the data subject shall be erased from also the register of personal identification data.

(5) If the Constitutional Court annulled the final and binding decision of a court in the case of a person, data of that person shall be erased from the records. The court that adopted the annulled final and binding court decision shall send the related data to the infraction records.

Section 156 If data of the data subject are erased pursuant to this Act from the register of persons subject to infraction proceeding, then from the data erased, data meeting the requirements for being recorded in the register of persons who committed an infraction and persons who were subject to spot fine shall be placed into a temporary dataset in a manner that the connection with the register of persons subject to infraction proceeding cannot be restored. Data from the temporary dataset shall be recorded in the register of persons who committed an infraction and persons who were subject to spot fine within twenty-four hours and erased from the temporary dataset at the time of that data recording.

115/B. Register of entities authorised to use the infraction records system

Section 156/A (1) The objective of the register of entities authorised to use the infraction records system shall be to store data required for access by the infraction registration organ, the entities obliged to provide data, the entities authorised to take data, by electronic means, by way of direct access to data using a specific information technology application (hereinafter “direct access”) and the entities authorised to request data by way of direct access and to ensure the monitoring of the lawfulness of data processing.

(2) The register of entities authorised to use the infraction records system shall contain the following data of the infraction registration organ, the organs entitled to take data by way of direct access, the organs entitled to request data by way of direct access, and the organs obliged to provide data:

a) designation;

b) postal address;

c) phone number;

d) fax number;

e) electronic mail address;

f) type of access authorisation and, if access authorisation was granted or cancelled, a reference to this fact and the date of granting and cancelling it;

g) as regards a person authorised to access on behalf of the organ (hereinafter “person with access authorisation”):

ga) family and given name(s);

gb) personal identifier;

gc) position;

gd) organisational unit;

ge) scope and extent of access authorisation and, if access authorisation was granted or cancelled, a reference to this fact and the date of granting and cancelling it;

gf) unique identifiers.

(3) To monitor the lawfulness of data processing, the infraction registration organ, the prosecutor supervising legality and the Constitution Protection Office, and to conduct the criminal proceeding, the court, the prosecution service, the investigating authority and the organ conducting the preparatory proceeding shall be authorised to take all the data processed in the register of entities authorised to use the infraction records system by way of direct access to data.

(4) Data processed in the register of entities authorised to use the infraction records system shall be retained for five years from the date of cancellation of authorisation.

Section 156/B (1) Unique identifiers required for providing data for the infraction records system, making use of direct access to the infraction records system and directly requesting data from the infraction records system by way of direct access shall be requested by the organ obliged to provide data, the organ with the right of direct access, and the organ entitled to request data by way of direct access, respectively, in a request filed with the infraction records system (hereinafter “unique identifier request”).

(2) A unique identifier request shall include the data under section 156/A (2) *a*) to *f*) and *g*) *ga*) to *ge*).

(3) The organ obliged to provide data and the organ authorised to request data by way of direct access shall notify the infraction registration organ of any changes to the data referred to paragraph (2) within three working days following the data of the change concerned.

Section 156/C The infraction registration organ shall notify, within eight days from the receipt of the unique identifier request,

a) the organ obliged to provide data of the unique identifiers of the person with access authorisation and the technical knowledge required for compliance with the data provision obligation;

b) the organ with the right of direct access of the unique identifiers of the person with access authorisation and the technical knowledge required to make use of direct access;

c) the organ entitled to request data by way of direct access of the unique identifiers of the person with direct access authorisation and the technical knowledge required for requesting data by electronic means, using a unique information technology application.

115/C. Register of persons subject to on-the-spot action

Section 156/D (1) The register of persons subject to on-the-spot action shall contain the data of persons who were subject, for an infraction under section 178/B, to on-the-spot action.

(2) If an infraction proceeding is instituted, data on the action referred to in paragraph (1) need not be provided.

(3) The register of persons subject to on-the-spot action shall contain the following:

a) connection code;

b) suspected place of commission of the infraction serving as ground for the infraction proceeding; start and end time of the on-the-spot action.

(4) For the register of persons subject to on-the-spot action, the infraction authority and the police shall provide data in a form and manner prescribed by law.

116. Taking data from infraction records by way of direct access

Section 157 (1) To perform their tasks set out in an Act, the following shall be authorised to take all the data recorded in the infraction records system by way of direct access from the register of personal identification data and the infraction records:

a) the court, to conduct an infraction proceeding;

b) the prosecution service, to carry out the tasks relating to the participation of the prosecutor in the infraction proceeding;

c) the police to carry out their tasks set out in this Act, to establish whether the conditions for issuing a permit in a statutory permission proceeding are met, and to conduct an integrity test;

d) the infraction authority, the organ or person authorised to impose a spot fine, the state employment organ, the organ of the prison service, and the Minister responsible for infraction regulation in a leniency proceeding as regards an infraction, to perform their tasks set out in this Act;

e) the court, the prosecution service and the organ conducting the preparatory proceeding, to conduct the criminal proceeding;

f) the national security services, to perform national security vetting, internal security and crime prevention control, impeccable lifestyle monitoring and integrity testing; and

g) the Prosecutor General and the Minister responsible for justice, to conduct a pardon proceeding.

(1a) To establish whether the condition under section 82/A (5) is met as regards a mediation proceeding, the court and the infraction authority shall be authorised to take, by way of direct access; from the infraction records data processed pursuant to section 155 (2b).

(2) The infraction registration organ shall forward to the sports policing register specified in the Act on sports data on the following:

a) family and given name, place and date of birth and mother's family and given name at birth as regards a person subject to ban from a sports event;

b) fact of being banned and period of the ban;

c) designation of the sports facility; scope of sports events to which the ban applies.

(2a) To verify whether the ground for exclusion under section 1 (4a) *a)* of Act CVI of 2011 on community employment and amending Acts concerning community employment and other Acts exists, the state employment organ shall be authorised to take, by way of direct access, the following data:

a) from data specified in section 151 (2) *a)* recorded in the register of personal identification data, data under subpoints *aa)* to *ae)* and *ag)* to *ah)* relating to the person concerned;

b) from data on the designation of the infraction and the place and date of its commission under section 153 (2) *b)* recorded in the register of persons who committed an infraction and persons who were subject to spot fine, data on whether within three months before taking the data, the person concerned was sentenced with final and binding effect for an infraction under section 247 *c)*.

(2b) To perform their tasks set out by law, the forestry authority shall be authorised to take, by way of direct access, the following data:

a) from data specified in section 151 (2) *a)* recorded in the register of personal identification data, data under subpoints *aa)* to *ae)* and *ag)* to *ah)* relating to the person concerned;

b) from data under section 153 (2) *b)* on the designation of the infraction, section 153 (2) *c)* on the date of the decision becoming final and binding, section 153 (2) *d)* on the type of penalty imposed for the infraction and section 153 (2) *o)* *ob)* and *oc)* on imposing a spot fine recorded in the register of persons who committed an infraction and persons who were subject to spot fine, data on whether within three years before the taking of data, any infraction fine was imposed on the person concerned for committing an infraction under section 243 (1).

(2c) To perform their tasks set out by law, the nature conservation authority shall be authorised to take, by direct access, the following data:

a) from data specified in section 151 (2) *a)* recorded in the register of personal identification data, data under subpoints *aa)* to *ae)* and *ag)* to *ah)* relating to the person concerned;

b) from data under section 153 (2) *b)* on the designation of the infraction, section 153 (2) *c)* on the date of the decision becoming final and binding, section 153 (2) *d)* on the type of penalty imposed for the infraction and section 153 (2) *o) ob)* and *oc)* on imposing a spot fine recorded in the register of persons who committed an infraction and persons who were subject to spot fine, data on whether within three years before the taking of data, any infraction fine was imposed on the person concerned for committing an infraction under section 187 (1).

(2d) To perform their tasks set out by law, the national tax authority shall be authorised to take, by direct access, the following data:

a) from data specified in section 151 (2) *a)* recorded in the register of personal identification data, data under subpoints *aa)* to *ae)* and *ag)* to *ah)* relating to the person concerned;

b) from data under section 153 (2) *b)* on the designation of the infraction, section 153 (2) *c)* on the date of the decision becoming final and binding, section 153 (2) *d)* on the type of penalty imposed for the infraction and section 153 (2) *o) ob)* and *oc)* on imposing a spot fine recorded in the register of persons who committed an infraction and persons who were subject to spot fine, data on whether within three years before the taking of data, any infraction fine was imposed on the person concerned for committing an infraction under section 177 or section 191 or a financial or trade infraction.

(3) The infraction registration organ may transmit to the organ authorised to check a commercial facility or another venue used for a commercial activity to which the ban applies data on the following:

a) family and given name, place and date of birth and mother's family and given name at birth as regards a person subject to ban from the commercial facility or other venue used for a commercial activity;

b) fact and period of the ban; and

c) designation or other venue of the commercial facility to which the ban applies.

(3a)

(4) In addition to the entities listed in paragraphs (1) to (3), also those entities shall be entitled to request data from the infraction records who are authorised by an Act to access data in the infraction records in order to perform their tasks falling within their competence.

(5) As regards an organ or person authorised to impose a spot fine under section 39 (2) *f)* to *i)* that does not meet the requirements for direct access by electronic means, data may be taken in an expedited manner, in the form of taking data by direct access to data under paragraph (1) *d)*.

117. Requirements for taking data from infraction records by way of direct access

Section 158

Section 159

Section 160 (1) For taking data by way of direct access to be performed, the following shall be specified with the exception set out in paragraph (1a):

- a)* designation of the organ with the right of direct access;
- b)* unique identifier of the person with access authorisation;
- c)* objective and legal ground for direct access;
- d)* from data listed in section 151 (2) *a)* of the person registered in the infraction records system as regards whom direct access is used, at least data under
 - da)* subpoints *aa)*, *ab)*, *ad)* and *ae)*; or
 - db)* subpoints *ab)* and *af)*; or
 - dc)* subpoints *aa)* and *af)*.

(1a) For data to be taken from the register of measures applied in the absence of the driver by way of direct access, the following shall be specified:

- a)* data under paragraph (1) *a)* to *c)*; and
- b)* unique identifying data of the vehicle as regards which data is taken.

(2) The infraction registration organ shall transfer, without delay and by electronic means, to the organ using direct access data covered by the right to direct access and shall, at the same time, highlight in a data protection clause the requirement of using data in a lawful manner.

(3) In a situation under section 157 (5) the infraction registration organ shall transfer data by telephone following verification of the data access authorisation; in such a case the requirement of using data in a lawful manner shall be highlighted orally.

118. Requirements for transferring data from infraction records on the basis of a data request

Section 161 (1) On the basis of a data request, the infraction registration organ may transfer from infraction records a set of data to a data requesting party only if regarding that data requesting party an Act provides for

- a)* the taking and processing of data specifying the objective of data processing and the specific set of data that may be taken; and
- b)* doing so enabling taking data from infraction records on the basis of a data transfer by the infraction registration organ.

(2) With the exception set out in paragraph (2a), the transfer of data shall be permissible on the basis of data request only if the data requesting party provided the following data:

a) as regards the person whose data is requested:

aa) family and given name(s);

ab) family and given name(s) at birth;

ac) place and date of birth;

ad) mother's family and given name(s) at birth;

ae) nationality;

af)

b) exact designation and address of the data requesting party.

(2a) For a data request from the register of measures applied in the absence of the driver to be complied with, the following data shall be provided:

a) exact designation and address of the data requesting party;

b) unique identifying data of the vehicle.

(3) At the request of the person concerned, the infraction registration organ shall issue an official certificate as regards the matters and the objective specified in the request taking account of data processed in the register of persons who committed an infraction and persons who were subject to spot fine and the register of persons subject to infraction proceeding.

(4) The infraction registration organ shall transfer data of the person specified in the data request only if the person specified in the request can be clearly identified.

(5) Entities to whom data may be transferred on the basis of a data request may submit their request also by way of direct access, provided that the technical conditions are met.

(6) At a data request submitted by way of direct access, the infraction registration organ shall transfer data by electronic means. To a data request submitted by way of direct access, the provisions of also section 160 (1) and (2) shall apply.

119. General requirements for ensuring data transfer on the basis of data request from infraction records and data transfer by way of direct access

Section 162 (1) The infraction registration organ may

a) transfer, on the basis of a statutory provision, data to a data controller authorised to process the specified data at a request only if the data requesting party precisely specifies that objective of taking the data and the data set as regards which, and the statutory provision pursuant to which, it is authorised by an Act to process the data requested; and

b) ensure, pursuant to a provision of this Act, direct access to data only if the person using direct access was granted the authorisation referred to in paragraph (2).

(2) Only the person who was granted authorisation by the organ authorised to use direct access may take data by way of direct access.

(3) The organ authorised to use direct access shall, immediately after the issuance of the authorisation or any change thereto, notify the infraction registration organ of the identity of the person who was granted authorisation under paragraph (2), the extent and conditions for exercising his right to access, and any changes thereto.

(4)

Section 163 The Minister responsible for the professional supervision of the infraction registration organ, the National Authority for Data Protection and Freedom of Information and the prosecutor responsible for supervision of legality shall have access to infraction records to monitor the lawfulness of data processing.

Section 164 (1) Data processed in an infraction proceeding may be transferred and used for statistical and scientific research purposes in a manner unsuitable for personal identification.

(2) Authorities proceeding as regards infractions, courts and entities authorised to impose a spot fine shall collect and provide statistical data relating to infraction as provided for by the Minister responsible for infraction regulation in a decree.

120. Data transfer register

Section 165 (1) To check the lawfulness of data transfers and to provide information to the data subject, a data transfer register shall be kept as part of the register of data processing activities of data transfers from infraction records. The data transfer register shall contain the time of transferring personal data processed, the legal ground for and addressee of data transfer, the scope of personal data transferred and the objective of data transfer.

(2) The data transfer register shall be kept by the infraction registration organ.

(3) The data transfer register shall not include data provided.

(4) The data subject shall be entitled to access the data transfer register to check whether his data was transferred. This right may be restricted or excluded in the interest of national security, crime prevention and law enforcement as regards data transfer to the police or national security services.

(5) In addition to the data subject, the following shall be authorised to request data from the data transfer register:

a) National Authority for Data Protection and Freedom of Information;

b) the court, the prosecution service, the investigating authority and the organ conducting the preparatory proceeding to conduct a criminal proceeding;

c) head of the infraction authority affected by the data transfer;

d) national security services;

e)

(6) The data transfer register shall be retained for five years from the date of data transfer.

PART FIVE

SPECIFIC INFRACTIONS

Chapter XXIII

INFRACTIONS THAT MAY BE PUNISHED BY ALSO INFRACTION CONFINEMENT

121. Trespass

Section 166 (1) A person who enters or stays in the home or other premises of another person, or any related enclosed area, against the will of the person living there or disposing of it, or under false pretences and a person who prevents another person from entering his home or other premises or any related enclosed area commits an infraction.

(1a) A person who makes an audio or image recording without being entitled to do so of the home or any other premises of another person or a fenced area of them using, without authorisation, an unmanned aircraft commits an infraction.

(2) An infraction proceeding for trespass shall only be instituted upon a private motion.

122. Squatting

Section 167 A person who occupies, or arbitrarily moves in to an empty home or other premises not to be used as a home falling within the scope of the law on tenancy or premises management without being authorised in a juridical act or measure by the organ or person entitled to establish a lease relationship or the organ entitled to make arrangements for placement commits an infraction.

123. Violation of the rules of a restraining order

Section 168 A person who violates the rules set out in a temporary preventive restraining order or a preventive restraining order provided for in a separate Act commits an infraction.

123/A. Violation of the rules of mandatory residence

Section 168/A A person who, during a period of crisis caused by mass immigration, resides at a place other than the place set out for him in an authority decision designating a mandatory residence within the meaning of the Act on the entry and residence of third-country nationals or the Act on asylum commits an infraction.

124. Disturbance

Section 169 (1) A person who

a) fights or invites another person to fight;

b) disobeys a measure applied by an authority or a proceeding public officer in case of disturbance or nuisance;

c) appears at or attends a sports event falling within the scope of the government decree on sports event safety covering his face in a manner suitable for preventing identification by the authority or the proceeding public officer

commits an infraction.

(2) A person who

a) appears at a public event carrying a functioning firearm or explosives or an instrument capable of causing death or bodily harm;

b) fails comply with a call or instruction relating to safety by the organising organ or the police at a public event

commits an infraction.

(3)



125. Nuisance

Section 170 A person who displays a conspicuously anti-social conduct that is capable of causing outrage or alarm in others commits an infraction.

126. Unauthorised public safety activity

Section 171 A person who, in a public space or public place, carries out, without authorisation by law, an activity aimed at maintaining public safety or public order or gives the appearance of carrying out such an activity commits an infraction.

127. Illegal prostitution

Section 172 (1) A person who violates a restriction or prohibition as regards a sexual service set out in an Act or a local government decree adopted on the basis of authorisation by an Act commits an infraction.

(2) A perpetrator who has not attained the age of eighteen years when committing the act shall not be liable for punishment for violating the prohibition of offering to perform a sexual service.

(3) No infraction proceeding shall be instituted against a person violating the prohibition of offering to perform a sexual service if it is established beyond reasonable doubt on the spot that that person has not attained the age of eighteen years.

(4) A person violating the prohibition of offering to perform a sexual service who is not liable to punishment pursuant to paragraph (2) shall be heard as a witness in the preparatory proceeding if necessary for clarifying the facts of the case.

(5) The police shall adopt, on the basis of the Act on the protection of children and guardianship administration, an immediately enforceable general protective measure for the protection of a person violating the prohibition of offering to perform a sexual service, inform the guardianship authority of the decision and provide for placement or transport if it is established on the basis of paragraph (3) or (4) that the person violating the prohibition of offering to perform a sexual service has not attained the age of eighteen years.

128. Dangerous threat

Section 173 A person who, for the purpose of causing fear, seriously threatens another person with disclosing to a large audience a fact capable of harming one's reputation concerning the person threatened or a relative of that person commits an infraction.

129. Participating in the activity of a disbanded association

Section 174 A person who

a) carries out an activity declared to be unlawful in a decision adopted by the court on disbanding an association;

b) participates in the operation of an association disbanded by the court following disbandment;

c) wears at a public event the uniform or outfit of an association disbanded by the court as well as a person who wears at a public event a uniform or outfit based on the distinctive characteristics of which the uniform or outfit of a disbanded association can be recognised

commits an infraction.

130. Untrue report

Section 175 (1) A person who files an untrue report with an authority or an organ performing a public duty on an emergency or disturbance commits an infraction.

(2) It also qualifies as an infraction if the authority or organ performing a public duty is unnecessarily dispatched to the location specified in the report or forced to take any measure on the basis of the untrue report.

130/A. Provision of false statistical data by a public officer

Section 175/A A public officer in an executive position or with the right to act in material cases who provides incorrect statistical data or provides incorrect information as regards the data provision commits an infraction.

131. Unlicensed driving

Section 176 (1)A person who drives a railway vehicle, an aircraft, a motor-driven craft, floating vessel or, on a public road, a motor vehicle without holding an official licence for driving it commits an infraction.

(2) A person who allows another person who does not hold an official licence for driving it to drive a railway vehicle, an aircraft, a motor-driven craft, floating equipment or, on a public road, a motor vehicle commits and infraction.

131/A. Pursuing a profession while disqualified

Section 176/A A person disqualified from a profession pursuant to section 52 (3) of the Criminal Code who, causing his employer to err or maintaining his error, pursues, during the period of disqualification from a profession, a profession to which the disqualification applies commits an infraction.

132. Infraction against property

Section 177 (1) A person who commits, or attempts to commit,

a) theft, embezzlement or unlawful appropriation for a value of less than fifty thousand forints;

b) fraud or intentional vandalism causing damage not exceeding fifty thousand forints;

c) misappropriation causing pecuniary loss not exceeding fifty thousand forints

commits an infraction.

(1a) A person who acquires, hides, or participates in alienating, for financial gain things, the value of which does not exceed fifty thousand forints, originating from theft, embezzlement, fraud, misappropriation, robbery, robbery of a vulnerable person, extortion or unlawful appropriation commits an infraction.

(2) A person who, for the purpose of unlawfully using it, takes a non-motor vehicle not owned by him away from another person commits an infraction.

(2a) A person who takes away, relocates or moves a surveying marker or a boundary marker commits an infraction.

(3) A person who negligently destroys, damages, takes away, relocates or moves protected cultural property, an official marker or facility marking a county, town, village or real estate border, means of public transportation or distance communication, a road marking, a park or related equipment, a nature conservation authority and information sign or other marker or facility in the public interest commits an infraction.

(4) For an infraction under paragraph (1) *a*), also a public space inspector, an authorised administrative officer of the forestry authority, a fishery guard, a field guard, a nature guard in a natural, protected natural or Natura 2000 area, and a local government nature guard in a protected natural area of local significance may impose a spot fine.

(5) If the aggrieved party is a relative of the perpetrator, an infraction proceeding may be conducted for an infraction specified in paragraph (1) or (2) only upon a private motion.

(6) The value affected by the infraction, damage or pecuniary loss caused may be accumulated if the person subject to proceeding commits acts specified under paragraph (1) *a*) to *c*) or (1a) of the same kind multiple times within not more than a year and these acts are adjudicated jointly. Where it can be established of an infraction that it was committed regularly for generating income, cumulation of value shall not apply.

132/A. **Disturbing the operation of public interest enterprises.**

Section 177/A (1) A person who disturbs the operation of a public interest enterprise commits an infraction.

(2) For the purposes of paragraph (1), public interest enterprises shall be the following:

a) public utility;

b) public transport operation;

c) electronic communications network;

d) logistic, payment or information centre or operation operated to carry out the public interest tasks of a universal postal service provider;

e) plant manufacturing war materials or military equipment, and plants producing power or raw materials intended to be used in a plant.

(3) For an infraction under paragraph (1), also the authorised administrative officer of the professional disaster management organ may impose a spot fine.

132/B. **Activity as regards a restricted explosives precursor while disqualified**

Section 177/B An economic operator who is disqualified, pursuant to a law, from pursuing an activity as regards a restricted explosives precursor who pursues an activity as regards a restricted explosives precursor during the period of disqualification commits an infraction.

133. Unauthorised hunting

Section 178 A person who stays in the hunting area of another person without authorisation carrying an instrument appropriate and in a suitable condition for killing a wild animal commits an infraction.

133/A. Building without consent from the owner

Section 178/A A person who builds a structure in a public space without consent from the owner or the person having the right of disposal commits an infraction.

133/B. Violation of the rules of using a public space as a habitual dwelling

Section 178/B (1) A person who uses a public space as a habitual dwelling commits an infraction.

(2) No infraction proceeding shall be instituted and an on-the-spot admonition shall be applied if

- a) the perpetrator leaves the scene of commission at a request by a police officer; or
- b) the perpetrator cooperates, accepting help from an authority, other organ or organisation present, in making use of benefits for homeless persons.

(3) At the time of applying on-the-spot admonition, the police officer shall inform the perpetrator of the legal consequences set out in paragraph (4).

(4) The institution of an infraction proceeding shall not be dispensed with against a person to whom admonition was applied on the spot pursuant to paragraph (2) 3 times within the previous 90 days for the commission of this infraction if he commits this infraction again.

(5) For the purposes of paragraph (1), use as a habitual dwelling shall be construed to mean all behaviours on the basis of which it can be established that the public space is used as a dwelling for long-term stay without the intention of returning to any domicile, place of residence or other accommodation and the circumstances of the use of the public space or the behaviour suggest that the activity generally carried out in the public space used as domicile, including, in particular, sleeping, bathing, eating and animal keeping, is carried out recurrently at short intervals and regularly in the public space by the perpetrator.

(6) For an infraction specified in paragraph (1),

- a) no fine shall be imposed;
- b) no spot fine shall be imposed on a person caught in the act.

(7) To conduct an immediate summary proceeding, the compulsory attendance at the police of the perpetrator of the infraction specified in paragraph (1) shall be ordered, he shall be heard and he shall be taken into infraction custody, with the exception set out in paragraph (11).

(8) During the period of infraction custody, the police shall arrange for bathing the perpetrator and providing him with clean clothes.

(9) When enforcing the compulsory attendance of the perpetrator of the infraction specified in paragraph (1), the organ specified in a decree by the Government shall put into temporary storage the movable property that the perpetrator does not take with him, but as regards which he states his claim or as regards which this statement cannot be acquired in the course of the on-the-spot action.

(10) The organ specified in a decree by the Government shall retain the movable property referred to in paragraph (9) for 6 months. After the expiry of the retention period, the general infraction authority shall arrange for destroying the movable property. The movable property shall be destroyed without delay if it is a perishable or degradable thing or a thing unfit for storage.

(11) The organ conducting the preparatory proceeding shall terminate the proceeding against a person as regards whom a reason excluding confinement specified in section 10 exists.

(12) The organ conducting the preparatory proceeding shall provide for acquiring an expert opinion on employability during the period of infraction custody if in the course of the hearing, the perpetrator states that he undertakes to perform community service.

(13) The period of infraction custody imposed on the perpetrator of an infraction under paragraph (1) shall last until the adoption of the final and binding decision of the court, but for not longer than the period of infraction confinement imposed with no final and binding effect. For a penalty of community service imposed by the court of first instance with no final and binding effect, infraction custody shall last for the period set for crediting under section 14 (2a). Should the court of first instance apply a measure of admonition, the perpetrator shall be released without delay.

(14) The court shall adopt its first-instance decision within 72 hours of the taking into custody. An appeal against the first-instance decision shall be submitted at trial following the announcement of the order; the court shall record the appeal in writing. The court shall forward to the regional court the documents without delay.

(15) The court shall adopt its second-instance decision within 30 days of the adoption of the first-instance decision.

(16) In a court proceeding, the attendance of the perpetrator may also be ensured by way of a telecommunication device if the necessary technical conditions are met.

(17) For an infraction specified in paragraph (1), only a measure of admonition, community service or confinement may be applied if the conditions set out in this Act are met. Confinement may be imposed if the perpetrator does not undertake the performance of community service.

(18) Should the court impose a penalty of confinement, it shall order it to be executed immediately.

(19) A community service imposed pursuant to paragraph (17) shall be enforced in the settlement of the place of commission.

(20) The penalty of community service shall not be imposed and the measure of admonition shall not be applied for committing the infraction specified in paragraph (1) again if the liability of the person subject to proceeding for committing the infraction under paragraph (1) was already established with final and binding effect two times within the six months preceding the date of committing the infraction specified in paragraph (1).

(21) If the perpetrator undertakes to perform the penalty of community service referred to in paragraph (17), but does not perform it, and the attendance in person of the perpetrator needs to be ensured in the court proceeding conducted for converting the penalty of community service to confinement, the general infraction authority shall issue a wanted notice for the perpetrator to ensure his attendance.

133/C. Common rules for infractions under Chapter XXIII

Section 179 For infractions set out in Chapter XXIII of this Act, also a penalty of infraction confinement may be imposed.

Chapter XXIII/A

INFRACTIONS THAT MAY BE PUNISHED BY ALSO COMMUNITY SERVICE

133/C.

Section 179/A

Chapter XXIV

*INFRACTIONS AGAINST HUMAN DIGNITY, PERSONAL FREEDOM AND PUBLIC
POLICY*

134. **Insult**

Section 180 (1) A person who uses an expression that is capable of harming one's reputation or commits any other such act commits an infraction.

(2) An infraction proceeding for insult shall only be conducted upon a private motion.

135. Initiating a preventive restraining order without ground

Section 181 (1) A person who initiates, stating false facts, issuing a preventive restraining order for violence between relatives that does not qualify as an infraction or a criminal offence specified in the Act on restraining orders applicable in case of violence between relatives commits an infraction, provided that the preventive restraining order is issued on the ground of the false facts.

(2)

136. **Infraction relating to explosives for civil uses and pyrotechnic articles**

Section 182 (1) A person who violates the provisions on producing, placing on the market, storing, transporting, using or destroying explosives for civil uses as well as who finds explosives or an explosive device or becomes aware of the whereabouts thereof and does not notify the police of this fact without delay or carries out a pyrotechnical activity without authorisation commits an infraction.

(2) A person who violates the provisions on producing, placing on the market, storing, transporting, using, destroying or possessing pyrotechnic articles commits an infraction.

(3)

(4) For an infraction under paragraphs (1) or (2) also a public space inspector and an authorised administrative officer of the professional disaster management organ may impose a spot fine.

136/A. **Infraction relating to restricted explosives precursors**

Section 182/A A person who violates the provisions set out by law on possessing, importing or using a restricted explosives precursor commits an infraction.

137. **Infraction relating to guns**

Section 183 (1) A person who

a) violates the rules on modifying a firearm in a way that leads to a change in its category or subcategory; declaring a gun; manufacturing, keeping, trading in, repairing, using or transporting a gun or ammunition; or destroying the gun or a part of the gun;

b) makes, acquires, keeps or places on the market a gun or an ammunition component without authorisation, or who acquires without authorisation a loading device for a centre-fire semi-automatic firearm that can hold more than 20 rounds or loading device for a long firearm that can hold more than 10 rounds

commits an infraction.

(1a) A person who

a) acquires or keeps without authorisation a small quantity of ammunition for a small arm, hunting gun or sporting gun;

b) hands over more a small quantity of ammunition for his licenced small arm, hunting gun or sporting gun to a person not holding a licence

commits an infraction.

(2) A person who

a) violates the rules on manufacturing, marketing, repairing, acquiring, possessing, carrying, keeping or using a pneumatic weapon, gas and alarm weapon, antique weapon, paintball gun, deactivated gun, Flobert cartridge, gas cartridge, alarm cartridge or blank cartridge, or on importing or exporting deactivated firearms;

b) violates the provisions on operating a firing range

commits a violation.

(2a) A person who despite a request to that effect by the authority, does not provide, within three working days, for the regular alienation or the taking into authority storage of a small quantity of ammunition for his gun specified in a revoked official authorisation kept by negligence without official authorisation after the revocation of the official authorisation commits an infraction.

(2b) For the purposes of this section, a small quantity means no more than ten pieces of ammunition.

(3)

137/A. **Unauthorised title use**

Section 183//A (1) A person who, in front of another persons,

a) uses a title to which he is not entitled, with the exception of a title specified in the Act on national higher education;

b) wears a distinction or uniform without authorisation;

c) intentionally uses without authorisation a professional qualification, academic qualification, title or abbreviated form specified in the Act on national higher education in a potentially misleading manner;

d) intentionally uses in a potentially misleading manner a professional qualification, academic qualification, title or abbreviated form liable to be confused with a professional qualification, academic qualification, title or abbreviated form specified in the Act on national higher education

commits an infraction.

(2) A person who in a public space in front of other persons

a) wears without authorisation a uniform used by or an identifying emblem of the Hungarian Defence Forces, or a potentially misleading replica thereof, and also who displays without authorisation an inscription or sticker referring to these organs on his clothing or vehicle;

b) uses without authorisation emblems of organisations belonging to the Red Cross movement or other humanitarian organisations or healthcare organisation or displays without authorisation an inscription or sticker referring to these organisations on his clothing or vehicle

commits an infraction.

(2a) A person who uses without authorisation a marking relating to the Defence Forces within the meaning of section 106 (12) of Act CXL of 2021 on national defence and the Hungarian Defence Forces commits an infraction.

(3)

138. Prohibition of invitation to sexual service provision

Section 184 (1) A person who invites, offering consideration, another person to provide a sexual service or who accepts an offer by another person to provide a sexual service in a protected zone set out in a separate law commits an infraction.

(2)

139. Begging

Section 185 (1) A person who engages in begging accompanied by an infant person commits an infraction.

(2) A person who engages in begging in a public space or public place imploring passers-by or persons in the public place to hand over money and also who mendicates going from house to house or home to home commits an infraction.

(3) The infraction authority and the person or organ authorised to impose a spot fine shall immediately notify of the commission of an infraction under paragraph (1), and provide data of the child concerned and the perpetrator to, the child welfare service of the domicile of the child.

(4) For an infraction under paragraph (1) or (2), also a public space inspector may impose a spot fine.

140. Violation of the prohibition of using public space as a habitual dwelling

Section 186

141. Nature conservation infraction

Section 187 (1) A person who

a) carries out or have another person carry out an activity requiring a permit from the nature conservation state administration organ or consent from a specialist authority without the permit or consent from the specialist authority or in a manner deviating from that set out in the permit or the consent from the specialist authority, or fails to comply with his notification obligation;

b) in a natural area, including also a protected natural and a Natura 2000 area, carries out an activity that is not compatible with the objectives of nature conservation, litters, pollutes the area in any other way, stays at a forbidden place, or makes a fire without permission;

c) illegally damages, takes away or destroys a specimen or derivative of a specially protected living organism or a cave formation, or significantly disturbs a specimen of a protected or specially protected animal species in its life activities

commits an infraction.

(2) To the perpetrator of an infraction under paragraph (1) also a nature guard and a local government nature guard may impose a spot fine.

141/A. Unauthorised metal detector use

Section 187/A (1) A person who uses a metal detector without permit or without having given notice thereof or in a manner deviating from that set out in the permit commits an infraction.

(2) To the perpetrator of an infraction under paragraph (1), also

a) a nature guard;

b) a local government nature guard;

c) an authorised administrative office of the forestry authority; and

d) a field guard

may impose a spot fine.

142. Violation of the right to practise a religion

Section 188 A person who publicly causes a scandal in a church building or other place intended for the practice of religion and who dishonours an object of religious worship or an item used to perform religious rituals in, or outside, premises intended for the performance of rituals commits an infraction.

143. Abuse of right of assembly

Section 189 (1) A person who

a) organises an assembly subject to mandatory notification without complying with his notification obligation;

b)

c) organises the event to a venue, route or date other than that specified in the notification noted by the assembly authority, and who instructs the participants to assemble at a location, route or date other than that specified in the notice;

d) organises an assembly to a venue not qualifying as a public space without consent from the owner or user of the real estate

commits an infraction.

(2) A person who, violating the relevant provision of the Act on the right of assembly, organises an assembly without communicating the new time planned for the assembly commits an infraction.

(3) A person who

a) complies with his notification obligation relating to the organisation of an assembly without respecting the relevant time limit set out in the Act on the right of assembly;

b) complies with his obligation to provide information under the Act on the right of assembly without respecting the time limit

commits an infraction.

(3a) A person who

a) appears at an assembly prohibited by the assembly authority;

b) as an organiser or leader of an assembly prevents the representative of the police from attending the assembly;

c) as an organiser or leader of an assembly excludes from the assembly a person who identified himself as a journalist before the leader or staff of the assembly;

d) as an organiser or leader of an assembly holds the assembly without giving notification thereof, with the exception of a spontaneous assembly;

e) as an organiser of an assembly fails to indicate his name in the public call

commits an infraction.

(4) The infraction under paragraph (1) *c*) shall not be established if there is an external reason that is not related to holding the assembly for deviating from the venue, route or time specified in the notification noted by the assembly authority.

(5)

(6)

144. Violation of the freedom of association and assembly

Section 190 (1) A person who unlawfully prevents another person from exercising his right of association or assembly commits an infraction.

(2)

145. Illegal gambling

Section 191 (1) A person who organises illegal gambling in a public space or public place commits an infraction.

(2) A person who participates in illegal gambling held in a public place or public space commits an infraction.

(3) For an infraction under paragraph (1) or (2), also the public space inspector may impose a spot fine.

146. Violation of public morality

Section 192 (1) A person who engages in a behaviour contrary to public morality in a public space, public place or on a public transport vehicle commits an infraction.

(2) For an infraction under paragraph (1), also a public space inspector may impose a spot fine.

147. Endangering with a dog

Section 193 (1) A person who

a) lets a dog in his care enter a public space or roam;

b) lets a dog in his care, other than a hunting dog or a truffle hunting dog, off the leash, or roam without a leash, in a natural or protected natural or hunting area;

c) transports a dog in his care, other than an assistance dog, on a public transport vehicle without a muzzle and a leash;

d) lets or brings a dog in his care, other than an assistance dog, in a store, other than a catering facility, selling food a public bath area, or a playground

commits an infraction.

(2) A person who keeps his dangerous dog in a place that is not closed and who does not place an appropriate sign warning of the dangerous dog on the entry of the house (home) commits an infraction.

(2a) For the purposes of this section, an assistance dog means an assistance dog within the meaning of the decree laying down provisions on the training, examination and suitability of assistance dogs.

(3) For an infraction under paragraph (1) or (2) also a public space inspector, a nature guard in a natural and protected natural area, a local government nature guard in a protected natural area of local significance and a field guard may impose a spot fine.

148. Disturbing the surroundings of a penal institution

Section 194 (1) A person who, to establish contact with a detainee in a penal institution, engages in a behaviour capable of disturbing the use of a public space or the peace of the persons staying in a residential or other building

a) by shouting into the penal institution;

b) by using texts or light signals;

c) by throwing, or attempting to throw, objects into the penal institution; or

d) in any other manner similar to the behaviours listed under points *a)* to *c)*

commits an infraction.

(2)

148/A. Disturbing the order of a penal institution

Section 194/A A person who, intentionally violating the order of detention, introduces an object capable of jeopardising the security of detention into the territory of a penal institution commits an infraction.

149. Noise violation

Section 195 (1) A person who causes, without justification, noise capable of disturbing the peace of other persons or a natural or protected natural value in a residential area or a building within or a plot belonging to such an area, a means of public transportation, or a natural or protected natural area commits an infraction.

(2) For an infraction under paragraph (1), also a public space inspector, a nature guard in a natural or protected natural area, and a local government nature guard in a protected natural area of local significance may impose a spot fine.

150. Sanitation infraction

Section 196 (1) A person who

a) contaminates a public space, a building intended for public traffic or a public transport vehicle;

b) fails to eliminate a contamination caused by an animal in his care in a place referred to in point *a)*

commits an infraction.

(2)

(2a) The liability for sanitation infraction of a person who qualifies as a disabled person pursuant to the Act on the rights of disabled persons and ensuring equal opportunities for them shall not be established if that person commits the act under paragraph (1) *b)* relating to a guide dog or a mobility assistance dog in his care.

(3) For an infraction under paragraph (1) also a public space inspector, a nature guard in a natural or protected natural area, a local government nature guard in a natural area of local significance, and a field guard on agricultural land belonging to the administrative area of the local government may also impose a spot fine.

151. Endangering by placing or throwing objects

Section 197 (1) A person who

a) places an object on a building or structure;

b) throws an object

in a manner endangering others commits an infraction.

(2) For an infraction under paragraph (1), also a public space inspector may impose a spot fine.

152. Infraction relating to an instrument particularly dangerous to public safety.

Section 198 (1) A person who violates the rules on possessing, transporting and marketing an instrument particularly dangerous to public safety commits an infraction.

(2)

153. Infraction relating to drug policing

Section 199 (1) A person who violates the rules

a) on carrying out activities requiring a licence or notification as regards drugs, psychotropic substances and psychoactive substances and on mandatory data provision as regards these substances;

b) on carrying out activities requiring a licence or notification as regards chemical substances qualifying as drug precursors (scheduled substances)

commits an infraction.

(2)

153/A. Infraction relating to medicinal products policing

Section 199/A (1) A person who

a) offers, hands over, acquires or keeps, in a quantity not reaching what would qualify as unjustified, a counterfeit or counterfeited medicinal product or veterinary medicinal product, or a medicinal product or veterinary medicinal product not licensed in Hungary;

b) keeps unjustified quantities of a substance or preparation qualifying as a medicinal product subject to medical prescription

commits an infraction.

(2) The conduct of a proceeding for an infraction under paragraph (1) shall fall within the competence of the National Tax and Customs Administration.

(3) For the purposes of paragraph (1), unjustified quantity means a quantity that is clearly not intended for the purpose of satisfying the personal needs of a specific patient.

153/B. Infraction relating to a new psychoactive substance

Section 199/B (1) A person who acquires or keeps, in a quantity not exceeding a small quantity, a new psychoactive substance commits an infraction.

(2) For the purposes of this section, the quantity of a new psychoactive substance shall be considered small if the amount of pure active substance does not exceed the amount set in the Criminal Code for the group of compounds or substance concerned. For compounds in the form of salt, pure active substance means active substance specified in a base form.

(3)

153/C. Infraction relating to non-conventional practices

Section 199/C (1) A person who fails to comply with his obligation to provide information under the Act on healthcare when engaging in a non-conventional practice within the meaning of the Act on healthcare and laws adopted for its implementation commits an infraction.

(2)

154. Violation of the prohibition of selling, serving and consuming spirit drinks

Section 200 (1) A person who

a) violates a prohibition laid down in an Act, government decree or local government decree of selling or consuming in a public space a spirit drink;

b) serves a person who has not attained the age of eighteen years with a spirit drink in a catering facility;

c) in the course of selling spirit drinks, serves a person who is clearly in an inebriated state with a spirit drink in a public place or public space;

d) inebriates a juvenile in a public place or public space;

commits an infraction.

(2) For an infraction under paragraph (1), also a public space inspector may impose a spot fine.

154/A. Unauthorised sale in a public space

Section 200/A (1) A person who engages in sale in a public space without consent from the owner of the public space commits an infraction.

(2) For an infraction under paragraph (1), also the public space inspector may impose a spot fine.

155. Violation of the rules of ban on entering certain areas and ban on visiting sports events

Section 201 (1) A person who stays in a premises or in a part of the territory of the country from which he is banned by a court commits an infraction.

(2) A person who violates the rules of a ban on visiting sports events imposed by a final and binding decision by the court or a ban on entering certain areas imposed, for an infraction, by the infraction authority or the court commits an infraction.

(3) A person who stays at a sports event or in a sports facility where he is banned from visiting a sports event under the Act on sports commits an infraction.

(4) A person who violates the rules of stay under section 5 (1c) of the Act on state border commits an infraction.

(5)

156. Violation of the rules of staying on ice

Section 202 (1) A person who violates the rules of staying on ice formed on a water body commits an infraction.

(2) For an infraction under paragraph (1), also a public space inspector, a fishery guard and an administrative officer of the professional disaster management organ may impose a spot fine.

156/A. Illegal swimming

Section 202/A (1) A person who swims in a place where it is forbidden commits an infraction.

(2) For an infraction under paragraph (1), also a public space inspector, a nature guard, a local government nature guard and a fishery guard may impose a spot fine.

157. Unlawful use of a crossbow or harpoon gun

Section 203 (1) A person who uses a crossbow or harpoon gun in a manner deviating from legislative provisions or despite a legislative prohibition commits an infraction.

(2)

(3) For an infraction under paragraph (1), also a fishery guard may impose a spot fine.

158. Illegal border crossing, infraction relating to travel documents

Section 204 (1) A person who crosses, or attempts to cross, the state border of Hungary without authorisation or in a prohibited manner commits an infraction.

(2) A person who violates legislative provisions relating to travel documents commits an infraction.

(3)

159. Infraction relating to border management

Section 205 (1) A person who

a) fails to comply with a restrictive or other measure ordered on the basis of a law relating to the use of a real estate situated in a border area;

b) violates a prohibitive or restrictive provision relating to the order or surveillance of the state order or to border checks

commits an infraction.

(2)

160. Violation of classified data security

Section 206 (1) A person who

a) in the course of carrying out his tasks, unlawfully prepares, reproduces, classifies, registers, processes or preserves classified data;

b) violates the rules on designation and registration of persons authorised to use classified data;

c) does not comply with, or complies late beyond ten days from becoming aware of the violation, with his obligation set out in an Act to notify the classifier and the National Security Authority of a violation of laws on the protection of classified data;

d) violates his legislative obligation to monitor the processing of classified data;

e) lawfully acquires classified data and attempts to illegally take it to a foreign country or illegally take back or bring in from a foreign country classified data legally taken to or made in that country;

f) takes away, without authorisation, competence from the classifier; or

g) in the course of exercising his competence, fails to take measures set out in the Act on the protection of classified data as regards classification of data, derivative classification marking or review of classification

commits an infraction.

(2)

160/A. Whistleblower prosecution

Section 206/A (1) A person who takes a measure to the detriment of a whistleblower due to public interest report commits an infraction.

(2)

160/B. Provision of false statistical data

Section 206/B (1) A person who provides incorrect statistical data or who provides incorrect information as regards the data provision commits an infraction.

(2) The infraction under paragraph (1) shall not be established if it is committed by a public officer in an executive position or with the right to act in material cases.

160/C. Using emergency numbers outside their intended use

Section 206/C (1) A person who intentionally calls the single European emergency number or a national emergency number for a purpose outside its intended use, or who intentionally sends a text or image message not qualifying as an emergency call using an electronic, image or text messaging service or through a web interface established for requesting assistance outside its intended use commits an infraction.

(2) The head of an undertaking or company programming property protection systems, or a person engaged in such an activity, who programs or establishes, or has someone else program or establish, a property protection alarm system in a manner that that property protection alarm system sends, in any form, an automatic signal or message not qualifying as an emergency call to the single European emergency number or any other national emergency number commits an infraction.

(3)

(4) For the purposes of this section, emergency call means an emergency call within the meaning of the government decree on the competence, tasks and detailed rules on discharging the tasks of the organ taking emergency calls.

161. Violation of obligations relating to verifying identity

Section 207 (1) A person who violates an obligation laid down in a law on identity cards, refuses to declare his personal data or to produce an identity card upon request by a person authorised to conduct an identity check, or who, when an action is taken, makes a false statement as regards the aforementioned data commits an infraction.

(2)

(3) For an infraction under paragraph (1), also the public space inspector may impose a spot fine.

162. Infraction as regards policing foreign nationals

Section 208 (1) A person who violates the rules on declaring foreign nationals and on foreign national presenting themselves or staying within the territory of the country commits an infraction.

(2)

162/A. Infraction relating to press policing

Section 208/A (1) A person who distributes a press product that was ordered to be seized or confiscated commits an infraction.

(2) For an infraction under paragraph (1), the organ designated by the Government shall be competent to conduct a proceeding.

Chapter XXV

FINANCIAL AND COMMERCIAL INFRACTIONS

163. Customs infraction

Section 209 (1) A person who removes from customs control non-Union goods, or makes a false statement as regards the establishment of customs debt, other charges or a guarantee or circumstances material to the collection thereof, provided that the pecuniary loss caused does not exceed five hundred thousand forints, as well as who attempts any of these acts commits an infraction.

(2) A person who commits an act specified in paragraph (1) by negligence commits an infraction, regardless of the amount of the pecuniary loss caused.

(3) For an infraction under paragraph (1) or (2), also the organ of the National Tax and Customs Administration with the relevant functions and powers may impose a spot fine.

(3a) To establish the amount of the pecuniary loss caused, cumulation of value may apply if the person subject to proceeding commits any act specified under paragraph (1) multiple times within not more than a year and these acts are adjudicated jointly.

(4) For the purposes of this section

a) guarantee means a guarantee, in a form set out in customs legislation, of the payment of a customs debt or other charges specified in the Act on the implementation of the Union customs legislation;

b) pecuniary loss means a loss of revenue caused by a non-payment of a customs debt or an obligation to pay non-Community taxes and charges.

164. Assisting the perpetrator of customs infraction

Section 210 (1) A person who provides assistance to the perpetrator of customs infraction by participating in the realisation of financial gain from a customs infraction or facilitating the relief of the perpetrator from the infraction proceeding

(2) For an infraction under paragraph (1), also the organ of the National Tax and Customs Administration with the relevant functions and powers may impose a spot fine.

165. Handling of goods originating from customs infraction

Section 211 (1) A person who, for financial gain, acquires, hides or participates in the alienation of a thing originating from customs infraction, regardless of its value, commits an infraction.

(2) For an infraction under paragraph (1), also the organ of the National Tax and Customs Administration with the relevant functions and powers may impose a spot fine.

166. Hallmark infraction

Section 212 (1) A person who breaches an obligation relating to the sale and hallmarking of precious metal articles commits an infraction.

(2) Precious stones and pearls ornamenting the confiscated precious metal article shall be exempt from confiscation.

167. Violation of rules relating to money reproduction

Section 213 (1) A person who, without authorisation, makes, acquires, keeps, imports to the country, or places on the market as a reproduction, a reproduction requiring authorisation of a banknote or coin issued by the Hungarian National Bank, or a banknote or coin still in circulation that was released to circulation by the Hungarian National Bank, or a euro banknote or coin, commits an infraction.

(2) A person who violates the provisions on the registration, guarding, destruction or declaration of reproductions commits an infraction.

(3) For an infraction under paragraph (1) or (2), also the organ of the National Tax and Customs Administration with the relevant functions and powers may impose a spot fine.

(4) For the purposes of paragraphs (1) and (2), a reproduction means a reproduction, or a medal or token similar to euro coins, within the meaning of

a) the decree on reproduction of the Hungarian legal tender and the euro;

b) 2003/205/EC: Decision of the European Central Bank of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes;

c) Council Regulation (EC) No 2182/2004 of 6 December 2004 concerning medals and tokens similar to euro coins.

168. Provision on subject-matter competence

Section 214 For infractions under sections 209 to 213, the proceeding shall fall within the subject-matter competence of the National Tax and Customs Administration.

Chapter XXVI

**INFRACTIONS JEOPARDISING THE ORDER OF LAW ENFORCEMENT
ADMINISTRATION**

169. Violation of a hunting, fishing or grazing prohibition

Section 215 (1) A person who violates a general hunting, fishing or grazing prohibition ordered in connection with the management of disasters commits an infraction.

(2) For an infraction under paragraph (1), also an authorised administrative officer of the professional disaster management organ, a field guard and a fishery guard may impose a spot fine.

169/A.

Section 215/A

169/B. Violation of defence obligation

Section 215/B A person compelled to serve in the military who fails to perform his obligation relating to providing data, reporting, or appearing in person or his reporting obligation relating to his being obstructed commits an infraction.

169/C.

Section 215/C

170. Violation relating to securing a place

Section 216 (1) A person who fails to comply with a lawful measure as regards securing the place, or a lawful instruction as regards leaving or staying at the place, by a police officer or an employee of the National Tax and Customs Administration occupying an excise officer position at the place of

- a) public danger;
 - b) an accident;
 - c) a criminal offence;
 - d) an infraction; or
 - e) a violation subject to administrative authority proceeding
- commits an infraction.

(2) A person who fails to comply with a lawful police instruction as regards leaving or staying at the place of a personal protection or facility security measure set out in the Act on the Police commits an infraction.

(3) A person who fails to leave the place after the dissolution of an assembly commits an infraction.

(4)

170/A. Obstructing the fact-finding investigation activity of the standing committee of the National Assembly dealing with national security

Section 216/A (1) A person who, due to his own fault, fails to perform his obligation to

a) provide data;

b) appear; or

c) make statements

in the course of a fact-finding investigation under the Act on national security services commits an infraction.

(2) The proceeding for an infraction under paragraph (1) shall fall within the subject-matter jurisdiction of the court.

(3) The crime report may be filed exclusively during the period of the fact finding investigation or within eight days following the completion of the fact-finding investigation and only by the chair or a member of the committee carrying out the fact-finding investigation.

(4) No spot fine shall be imposed on a person caught in the act of committing an infraction under paragraph (1).

Chapter XXVII

MINISTRY OF JUSTICE
SPECIAL TRAFFIC-RELATED INFRACTIONS

HUNGARY
171. Drunk driving

Section 217 A person who

a) drives a railway vehicle, an aircraft, a motor-driven watercraft, a floating craft or a non-motor-driven watercraft with alcohol originating from the consumption of alcoholic beverages in his system; or

b) allows a person who has alcohol originating from the consumption of alcoholic beverages in his system to drive a railway vehicle, an aircraft, a motor-driven watercraft, a floating craft or, on a public road or a publicly accessible private road, a motor vehicle

commits an infraction.

172. Violation of right-of-way and overtaking rules

Section 218 The driver of a vehicle who violates the rules on the right of way and overtaking commits an infraction.

173. Disturbing the order of road traffic

Section 219 (1) A person who violates the rules road traffic, and thereby exposes, by negligence, the life or physical integrity or health of one or more other persons to direct danger or causes minor bodily harm commits an infraction.

(2) For the purposes of paragraph (1), provisions on pedestrians and passengers shall not be considered part of the rules of road traffic.

174.

Section 220

175. Using invalid authority licence or sign in the course of travel

Section 221 A person who participates in road traffic using an invalid authority licence or sign or with a vehicle whose certification of roadworthiness has expired commits an infraction.

176. Violation of level crossing rules

Section 222 The driver of a vehicle or a herder who, with his vehicle or animal (animals), enters or crosses a level crossing despite a prohibition under traffic rules commits an infraction.

177. Infraction relating to a warning device

Section 223 A person who

- a) installs (puts) without authorisation on a vehicle;
- b) keeps in his possession without a licence in a vehicle in a public space

an audible or visual warning device commits an infraction.

Chapter XXVIII

OTHER INFRACTIONS RELATED TO TRAFFIC

178. Minor violation of the rules of traffic

Section 224 (1) A person who violates the rules of road traffic laid down in Joint Decree 1/1975 (5 February) KPM-BM of the Minister of Traffic and Postal Affairs and the Minister of Interior (hereinafter the “Hungarian Highway Code”) commits an infraction, unless an infraction under sections 217 to 222 is established.

(2) For a violation of sections 40 to 41 of the Hungarian Highway Code and of any other stopping, parking or, if indicated by a sign, entry prohibition or restriction, also a public space inspector may impose a spot fine.

179. Violation of road traffic administration rules

Section 225 (1) A person who violates the road traffic administration rules set out by a separate law commits an infraction.

(2) For an infraction under paragraph (1), also an authorised administrative officer of the professional disaster management organ may impose a spot fine.

179/A. Railway infraction

Section 225/A (1) A person who

a) enters, without authorisation, a part not open to passengers of a railway station or stop; crosses the tracks at a railway terminal; walks or stays at a railway network, railway track, an accessory of a railway track or a service facility not open to passenger traffic, unless doing so is necessary for approaching or leaving a train;

b) uses a bicycle or other vehicle at a part not open to road vehicular traffic of the railway premises;

c) enters or leaves a railway carriage at a place not intended for entering or leaving, respectively;

d) jumps on or off a moving railway vehicle;

e) stays at a place other than a place designated for travelling on a railway vehicle;

f) leaves, without authorisation, an animal unattended or unrestrained in railway premises;

g) does not follow the provisions on carrying as hand or other luggage dangerous goods;

commits an infraction.

(2) For an infraction under paragraph (1) *g)*, also an authorised administrative officer of the professional disaster management organ may impose a spot fine.

180. Violation of waterway traffic rules

Section 226 (1) A person who violates the rules on

- a) the order of waterway traffic;
 - b) shipping activities, with the exception of rules on shipping activities subject to authorisation required by a law;
 - c) aquatic events
- commits an infraction.

(2) For an infraction under paragraph (1), also an authorised administrative officer of the professional disaster management organ may impose a spot fine.

181. Infraction committed on board of an aircraft

Section 227 A person who, without jeopardising air traffic safety,

- a) does not comply with a measure relating to aviation safety by the commander of an aircraft;
 - b) stays at a place other than the designated place on an aircraft in flight;
 - c) takes on board an aircraft a material or object that is prohibited from being taken on board;
 - d) takes a photograph or makes a video recording, using a metric camera, on board of an aircraft without authorisation or in a manner deviating from that set out in the authorisation;
 - e) without a permission by the commander of the aircraft, operates, or keeps switched on (operational), a radio transmitter, radio receiver or other device emitting radio frequency signals that causes disturbance in the on-board systems;
 - f) drops an object from on board an aircraft in flight without permission
- commits an infraction.

182. Violation of the rules for the safety and protection of air traffic

Section 228 (1) A person who violates the rules for the safety and protection of air traffic or disturbs the operation of facilities and equipment ensuring aviation safety commits an infraction.

(2) A person who violates the rules relating to the designated use and operation of an airport commits an infraction.

(3) A person who, in the security restricted area of an airport, violates the rules on holding or using an instrument prohibited for the protection of air traffic commits an infraction.

(4) For an infraction under paragraphs (1) to (3), also the authorised administrative officer of the professional disaster management organ may impose a spot fine

183. Unauthorised activity with an unmanned aircraft

Section 229 (1) A person who uses, without authorisation, an unmanned aircraft over a populated area commits an infraction.

(2) For an infraction under paragraph (1), also an authorised administrative officer of the professional disaster management organ may impose a spot fine.

184. Violation of the rules of smog alert with a mobile source of air pollution

Section 230 A person who violates traffic restrictions and measures relating to the use of mobile sources of air pollution introduced when a smog alert is declared, or for the prevention of a smog alert, commits an infraction.

Chapter XXIX

FOOD CHAIN SAFETY AND CONSUMER PROTECTION INFRACTIONS

185. Imitation of competitors

Section 231 (1) A person who, without the consent of his competitor, produces any goods with a distinctive appearance, packaging, marking or name based on which the competitor or its distinctive goods are recognised or acquires or keeps such goods for the purpose of placing on the market or places such goods on the market commits an infraction, provided that the value of these goods does not exceed one hundred thousand forints.

(2) The conduct of a proceeding for an infraction under paragraph (1) shall fall within the competence of the National Tax and Customs Administration.

(3) To establish the value of the goods, cumulation of value may apply if the person subject to proceeding commits any act specified under paragraph (1) multiple times within not more than a year and these acts are adjudicated jointly.

186. Price gouging

Section 232 A person who asks, sets or accepts a price that is higher than the administrative price or any other mandatory price set for him commits an infraction.

187. Failure to set, disclose and indicate prices

Section 233 A person who

a) provides data not in conformity with the relevant provisions for the pricing authority to determine the price or fee of a product or service produced by him;

b) despite the relevant law, does not indicate, or indicates in a manner other than the prescribed one, the consumer prices (fees), the quality class or classification of goods, or the classification or categorisation of the business;

c) breaches his obligation set out by law to provide information at his catering outlets

commits an infraction.

188. Violation of an obligation to certify quality

Section 234 (1) A person who fails to certify the quality of a product, violates his obligation to provide consumer instructions, or certifies false data as regards the quality of the product in a deed certifying quality commits an infraction.

(2) A person who commits the infraction under paragraph (1) as regards construction products (building materials, structures, equipment) or who places on the market a construction product without certifying national conformity commits an infraction.

(3)

189. Unauthorised use of conformity marking

Section 235 (1) A person who uses a conformity marking without authorisation or uses a marking that is liable be confused with a conformity marking commits an infraction.

(2)

190. Placing poor-quality products on the market

Section 236 (1) A person who sells, provides for use, or places a poor-quality product on the market as a good-quality product commits an infraction, provided that the value of the product does not exceed one hundred thousand forints.

(2) To establish the value of the product, cumulation of value may apply if the person subject to proceeding commits any act specified under paragraph (1) multiple times within not more than a year and these acts are adjudicated jointly.

(3) For the purposes of paragraph (1), poor-quality product means a product that fails to meet a safety or quality requirement specified by law or in a directly applicable legal act of the European Union or, absent such requirements, if the product may not be used as intended, or its usability is significantly reduced.

191. Harming customers

Section 237 (1) A person who, in the course of marketing goods directly to customers, harms the customers using false measurement or calculation, or by spoiling the quality of the goods, commits an infraction.

(2) A person who commits the acts listed in paragraph (1) to the detriment of customers in the course of providing a service of economic nature commits an infraction.

192. Producing or placing on the market food without authorisation.

Section 238 A person who carries out a food production or food marketing activity without licence or without giving notification thereof commits an infraction.

Chapter XXIX/A

INFRACTIONS AGAINST INTELLECTUAL PROPERTY

192/A. Violation of copyright or related rights

Section 238/A (1) A person who

a) causes pecuniary loss by violating the copyright or a related right, existing under the Act on copyright, of one or more other persons, provided that the pecuniary loss does not exceed one hundred thousand forints;

b) fails to pay the blank media fee or reprography fee payable to authors and the holders of related rights as consideration for private copying under the Act on copyright, provided that the fee does not exceed one hundred thousand forints

commits an infraction.

(2) The conduct of a proceeding for an infraction under paragraph (1) shall fall within the competence of the National Tax and Customs Administration.

(3) A person who violates the copyright or a related right, existing under the Act on copyright, of one or more other persons by reproducing or making a work available on demand does not commit the infraction specified in paragraph (1) *a)*, provided that his Act does not serve, even indirectly, the purpose of earning an income.

(4) To establish the amount of blank media fee and reprography fee, cumulation of value may apply if the person subject to proceeding commits any act specified under paragraph (1) *b)* multiple times within not more than a year and these acts are adjudicated jointly.

192/B. Violation of industrial property rights

Section 238/B (1) A person who violates a right arising from patent protection, protection of plant variety rights, supplementary protection certificate, trademark protection, protection of geographical indications, design protection, utility model protection, topography protection of the rights holder provided for under an Act, an international treaty promulgated in an Act or a legal act of the European Union by

a) imitating or adopting the subject of protection;

b) by placing on the market any goods produced by imitating or adopting the subject of protection, or by acquiring or keeping such goods for the purpose of placing them on the market

commits an infraction, provided that the pecuniary loss caused does not exceed one hundred thousand forints.

(2) The conduct of a proceeding for an infraction under paragraph (1) shall fall within the competence of the National Tax and Customs Administration.

(3) To establish the amount of pecuniary loss, cumulation of value may apply if the person subject to proceeding commits any act specified under paragraph (1) multiple times within not more than a year and these acts are adjudicated jointly.

Section 238/C In cases under Article 1 (1) of Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003, an infraction proceeding for an infraction under section 238/A or 238/B shall only be conducted upon a private motion.

Chapter XXX

INFRACTIONS RELATING TO EPIDEMIC CONTROL, FOREST PROTECTION AND LAND, FOREST OR WATER MANAGEMENT

193. Failure to contribute to the containment of an infectious disease

Section 239 (1) A person who violates

a) a healthcare law relating to vaccination, infectious diseases, infectious disease patients or persons with suspected infections, including persons with, or suspected of, tuberculosis, venereal disease or trachoma, or to epidemiological observation or monitoring or disinfection; or a healthcare-related provision issued on the basis of such a law; and

b) a healthcare law relating to rodent and insect control; or a healthcare-related provision issued on the basis of such a law

commits an infraction.

(2) The conduct of a proceeding for an infraction under paragraph (1) shall fall within the competence of the healthcare state administration organ.

(3) For an infraction under paragraph (1), also an authorised administrative officer of the professional disaster management organ may impose a spot fine.

193/A. Violation of a protective measure

Section 239/A (1) A person who, during a period of state of healthcare crisis, violates

a) a protective measure provided for in a government decree;

b) the rules, set out in a local government decree, on the opening hours of a market, fair operating within the territory of a local government, or a store operating on the premises of such a market or fair

commits an infraction.

(2) By way of derogation from section 4, after the protective measure referred to in paragraph (1) terminates, the rules in force at the time of commission shall apply to adjudication in an infraction proceeding pending.

194. Violation of provisions as regards plants suitable for drug production

Section 240 A person who violates the provisions on cultivating and marketing poppy and hemp and on other activities that may be carried out with industrial poppy or hemp with high THC content commits an infraction.

195. Field infraction

Section 241 (1) A person who unlawfully grazes animals on the field of another person commits an infraction.

(2) For an infraction under paragraph (1), also a field guard may impose a spot fine.

196. Forest policing infraction

Section 242 (1) A person who unlawfully destroys, damages or removes from its original place a marker or object facilitating an economic or technical purpose, sustainable forest management, forest protection or forestry research in a forest, on a land directly dedicated to forestry activities or within the premises of a forestry facility commits an infraction.

(2) A person who walks or uses a vehicle in a forest, on a land directly dedicated to forestry activities or within the premises of a forestry facility where traffic is banned by a law or is restricted or banned on the basis of authorisation by a law commits an infraction.

(2a) A person who violates the regulations on fire making, places an object that causes fire directly or indirectly, or does not provide for watching over a lit fire and for its safe extinction before leaving the place concerned in a forest, on a land directly dedicated to forestry activities or within the premises of a forestry facility commits an infraction.

(2b) A person who violates regulations on fire making and fire protection during the period of a ban on making fire introduced by the Minister responsible for forest management or the forestry authority commits an infraction.

(3) For an infraction under paragraphs (1) to (2b), also the authorised administrative officer of the forestry authority, a nature guard in a natural, protected natural or Natura 2000 area, and a local government nature guard in a protected natural area of local significance may impose a spot fine.

197. Unauthorised forest use

Section 243 (1) A person who

a) engages, without authorisation, in the forms of forest use set out in a separate law, with the exception of logging, exercising or exploiting a hunting right, collecting dead lying trees and twigs and cutting dry branches, in a forest, on a land directly dedicated to forestry activities or within the premises of a forestry facility;

b) transports, without a delivery note within the meaning of the Act on forests, the protection of forests and forest management and the decree issued for its implementation, wood from forest within the meaning of the Act on forests, the protection of forests and forest management

commits an infraction.

(1a) The infraction authority or the organ or person authorised to impose a spot fine shall notify the forestry authority without delay of a fine or spot fine imposed for an infraction under paragraph (1).

(2) For an infraction under paragraph (1), also the authorised administrative officer of the forestry authority, a nature guard in a natural, protected natural or Natura 2000 area, and a local government nature guard in a protected natural area of local significance may impose a spot fine.

198. Disobeying an instruction

Section 244 A person who fails to comply with an instruction prescribed by a law, or interferes with a measure, by a person discharging nature conservation, forestry or hunting authority tasks set out in a separate law relating to natural areas, protected natural areas and values, and the protection and conservation of forests and game; specialised forestry personnel; a nature guard; a local government nature guard; a field guard or a fishery guard commits an infraction.

199. Water pollution

Section 245 (1) A person who

a) releases, directly or indirectly, pollutant into a water facility or any surface water or groundwater and renders thereby the water resource unfit for use or jeopardises its use, provided that doing so does not qualify as damaging the environment;

b) realises the hazard-free disposal, or discharge to surface water or groundwater, of waste water or a pollutant in a manner other than specified by law or by authority regulations issued on the basis of a law, or operates a facility liable to cause contamination and pollution to waters;

c) violates the provisions set out by law or by an authority regulation relating to protective areas, protective zones and buffer zones of waters or waters facilities dedicated to, or designated for, drinking water supply or mineral or medicinal water utilisation, or engages in an activity, or uses a real estate in a manner, in conflict with restrictions relating to protective areas, protective zones and buffer zones

commits an infraction.

(2) For an infraction under paragraph (1), also a nature guard, a local government nature guard, an authorised administrative officer of the professional disaster management organ, a field guard and a fishery guard may impose a spot fine.

200. Infraction relating to flood and inland water protection

Section 246 (1) A person who

a) violates the rules or authority regulations ensuring flood and inland water protection security, the safeguarding of flood or inland water protection works, or the integrity of watercourse and natural lake beds;

b) damages flood and inland water protection works and instruments;

c) introduces an object or material or places a structure into, or carries out an activity in, beds of waters that obstructs or changes the run-off of water;

d) jeopardises the natural flow of waters, the condition and operation of bed and bank and of onshore and alongshore facilities, or obstructs the performance of the works for their maintenance, by the cultivation of their real estate situated onshore or the management or maintenance of any facilities thereon;

e) uses a flood protection embankment or the embankment of a reservoir for water damage prevention in a manner different than set out by law, uses a vehicle without authorisation, uses in a manner other than specified by law a strip along the embankment, a first bottom area or a foreshore, or violates the provisions on saturated areas or areas endangered by groundwater flooding;

commits an infraction.

(2) For an infraction under paragraph (1), also an authorised administrative officer of the professional disaster management organ may impose a spot fine.

Chapter XXXI

INFRACTIONS ENDANGERING THE ORDER OF PUBLIC UPBRINGING, VOCATIONAL EDUCATION AND TRAINING AND HIGHER EDUCATION

201. Violation of the obligation to participate in kindergarten upbringing and compulsory education

Section 247 (1) A parent or statutory representative

a) who does not enrol in a kindergarten or school a child under his parental custody or guardianship in due time;

b) who does not provide for the participation of his severely and multiple disabled child in upbringing or upbringing and education ensuring the development of the child;

c) the child under the parental custody or guardianship, with the exception of child protection guardianship, of whom is absent, without justification, during the same kindergarten year from activities preparing for school life, or during the same school year from mandatory lessons or activities, the number of which is equal to or exceeds the number set out by law,

commits an infraction.

(2) Liability for an infraction under paragraph (1) *c)* may be established once per kindergarten or school year.

202. Violation of rules on engagement in an upbringing and education, vocational education and training or higher education activity

Section 248 (1) A person who

a) violates the regulations on issuing, registering and storing certificates or diplomas certifying education or a vocational or professional qualification recognised by the State;

b) engages in education, training or dormitory upbringing without a licence prescribed by law
commits an infraction.

(2) A person who

a) intentionally impedes the exercise of rights by a child, a student, a person participating in training, a university student, a parent, or the organisations thereof established, on the basis of a law, in connection with upbringing and education, vocational education and training, or higher education activities;

b) prepares an expert opinion without being authorised to do so pursuant to the provisions on the pedagogical assistance service, pedagogical professional service and national register of experts;

c) intentionally ignores the content of an expert opinion prepared in accordance with the provisions on the pedagogical assistance service

commits an infraction.

(3) A person who

a) organises the activity of a public upbringing institution or a vocational education and training institution in deviation from the order of the academic year;

b) violates the provisions on organising teaching weeks, granting rest days without teaching, or on the number of classes and activities that may be organised for the same teaching day;

c) intentionally violates the regulations on the prevention of child and student accidents;

d) violates the regulations on conducting, or monitoring the legality of, activities in a public upbringing institution

commits an infraction.

(4) A person who

a) in the public upbringing or the vocational education and training information system, fails to comply with his obligation to register or fails to report a change or provide data;

b) intentionally organises a state exam in a manner other than specified by law;

c) violates the provisions on organising, or determining the size of, a class or a group;

d) fails to maintain the compulsory educational documents set out by law

commits an infraction.

(5) A person who intentionally discriminates against a child, student, person participating in a training or university student commits an infraction.

203. Violation of rules on the vocational education of students participating in vocational education and training or persons participating in training

Section 249 A person who violates an obligation set out by law relating to the vocational education of a student or a person participating in training, or fails to provide a student or a person participating in training with the benefits set out by law commits an infraction.

PART SIX

FINAL PROVISIONS

204. Authorising provisions

Section 250 (1) Authorisation shall be given to the Government

a) to designate in a decree the central fine management organ and determine its functions and powers;

b) to designate the organ performing data controller tasks as regards the infraction records system;

c) to determine the fixed amount of fine and spot fine for specific infractions under Chapters XXVII and XXVIII;

d) to determine the tasks administrative court officers may perform in an infraction proceeding;

e) to determine supplementary and derogatory rules as regards the authority proceeding for managing the infraction records and requesting data from it;

f) to determine, in the context of the infraction of violation of the rules of using a public space as a habitual dwelling, the organ or organisation accepting help from which qualifies as cooperation within the meaning of section 178/B (2) *b)*, and the tasks relating to assistance of this organ or organisation;

g) to determine the organ responsible for storing temporarily movable property owned by a perpetrator of the infraction of violation of the rules of using a public space as a habitual dwelling, and the detailed rules on storing and destroying such movable property.

(2) Authorisation shall be given to the Minister responsible for infraction regulation to lay down in a decree

a) the order of the performance of tasks relating to the implementation of the Act and the detailed rules of the infraction proceeding and, in agreement with the Minister responsible for education policy, the enforcement of community service;

b) the detailed rules on the form and method of data provision for the infraction records and the order of data provision;

c) the detailed rules on the order of data provision by the infraction registration organ;

d) in agreement with the Minister responsible for tax policy, the Minister responsible for organising public administration, the Minister responsible for transport, the Minister responsible for fisheries management, the Minister responsible for forest management, the Minister responsible for nature conservation and the Minister responsible for agricultural policy, the detailed rules of spot fine enforcement and the layout of the document certifying a spot fine;

e)

f) in agreement with the Minister responsible for justice and the Minister responsible for public finances, the detailed rules on compensation for costs incurred in connection with the enforcement of forced attendance and compulsory attendance in an infraction proceeding;

g) in agreement with the Minister responsible for public finances, the detailed rules of the management and sale of things seized or confiscated in an infraction proceeding;

h) the detailed rules of statistical data collection, data processing and data provision;

i) the detailed rules on the factors to be assessed by infraction authorities and persons and organs authorised to impose a spot fine in the application of legal consequences;

j) in agreement with the Minister responsible for justice, the detailed rules of mediation procedure, mediation session, and mediation activities relating to the completion of a mediation procedure or the verification of performance in an infraction proceeding.

(3) Authorisation shall be given to the Minister responsible for tax policy to lay down in a decree the procedural rules for, and the detailed rules for the implementation of discovery and adjudication of, financial and trade infraction proceedings.

(3a)

(4)

205. Entry into force

Section 251 (1) With the exception under paragraph (2), this Act shall enter into force on 15 April 2012, its provisions shall apply to infractions committed following its entry into force.

(2) Section 253 (8) and (9) shall enter into force on the third day following the promulgation of this Act.

(3) When referring to this Act, other laws shall use the following abbreviation: Infractions Act.

206. Transitional provisions

Section 252 (1) To infractions committed before the entry into force of this Act, infraction proceedings pending at the time of entry into force of this Act as well as related enforcement, Act LXIX of 1999 on infractions shall apply.

(2) Data processed at the time of entry into force of this Act in the central infraction records within the meaning of Act LXIX of 1999 on infractions that are to be recorded in the infraction records system pursuant to this Act shall be processed in the infraction records system.

(3) In the context of infractions committed following the entry into force of this Act that are covered by the rules on recidivism, infractions committed before the entry into force of this Act shall not be taken into account.

(3a) Section 67 (3) and (5) to (13) and section 91 (5) as introduced by Act CLXXXVI of 2013 amending certain criminal law Acts and other related Acts (hereinafter the “Amending Act”) shall apply to also infraction proceedings pending at the time of entry into force of the Amending Act.

(4) Due to the amendment to Act I of 1988 on road traffic entering into force on 15 April 2012 pursuant to section 253 (3) of Act II of 2012 on infractions, infraction procedure and the infraction records system, the Act on infractions shall apply to the adjudication of infractions that constitute, from 15 April 2012, as violations subject to administrative fine, but were committed before 15 April 2012.

(4a) An act committed before 15 April 2012 that does not constitute a criminal offence pursuant to section 138/A a) of Act IV of 1978 on the Criminal Code as introduced by section 253 (2) of Act II of 2012 on infractions, infraction procedure and the infraction records system shall be adjudicated as an infraction under this Act.

(5) At the time of the termination of a proceeding for an act referred to in paragraph (4) pending on 15 April 2012, the case shall be transferred, for conducting the infraction proceeding, to the organ conducting the preparatory proceeding or, if infraction confinement cannot be imposed as a penalty for the act concerned, to the infraction authority. In such a situation, the organ conducting the preparatory proceeding, the infraction authority and the court may use all evidence acquired during the criminal proceeding by the investigating authority, the prosecution service or the court that proceeded in the criminal case.

(5a) Notwithstanding section 2 (5), an act shall be adjudicated as an infraction under this Act if it is committed before 1 July 2013 and, following 1 July 2013, it no longer constitutes a criminal offence, but constitutes an infraction instead pursuant to the Criminal Code, and the relevant case was transferred, for conducting the infraction proceeding, to the organ conducting the preparatory proceeding or the infraction authority at the time of the termination of the criminal proceeding conducted for the act concerned, provided that the infraction proceeding was not terminated before 1 January 2014.

(6) The provisions of section 99 (3a), section 99/A, section 141 (13) and section 153 (4) of Act II of 2012 on infractions, infraction procedure and the infraction records system as introduced by section 65 of Act CLXXXI of 2012 on information exchange under the second generation Schengen Information System and amending certain policing Acts in connection therewith and with the Magyar Simplification Programme shall apply to spot fines imposed before the entry into force of Act CLXXXI of 2012 on information exchange under the second generation Schengen Information System and amending certain law enforcement Acts in connection therewith and with the Magyar Simplification Programme.

(7) Sections 133/A and 133/B of Act II of 2012 on infractions, infraction procedure and the infraction records system as introduced by section 43 of Act XCIII of 2013 amending certain law enforcement Acts (hereinafter “Act XCIII of 2013”) shall apply to cases in which enforcement is completed before the entry into force of Act XCIII of 2013.

(8) For the performance of the tasks under section 141 (2d) to (2h), the general infraction authority shall inform, within 30 days from the entry into force of Act CXVI of 2016 amending certain Acts relating to internal affairs, the central organ of the organ established to carry out general policing tasks of fines, disciplinary fines, established infraction costs and spot fines imposed with final and binding effect, but not paid by 1 January 2017, by providing, by electronic means, data specified in section 141 (2f) and uploading and validating data from the uniformly used case processing support system as specified by the central organ of the organ established to carry out general policing tasks.

(9) If the proceeding organ did not undertake to administer matters electronically pursuant to section 108 (2) of Act CCXXII of 2015 on the general rules on electronic administration and trust services before 1 January 2018, to electronic communication until 31 December 2017, the provisions of this Act as in force on 31 December 2016 shall apply.

(10) Pursuant to section 38 (1) as introduced by Act CX of 2019 amending certain Acts to simplify the operation of capital and county government offices, the base remuneration of members of the personnel who are moved from the personnel of a district (capital district) office of a capital or county government office to the personnel of the general infraction authority shall not be less at the time when the change of legal relationship occurs than their remuneration at the district (capital district) office as applicable on the day before the change of legal relationship. In this context, by way of derogation from section 289 (4) of Act XLII of 2015 on the service relationship of the professional personnel of organs performing law enforcement duties (hereinafter the “Law Enforcement Service Act”), the remuneration of a law enforcement administration employee may exceed the upper limit of his pay grade; the necessary margin shall be paid as correction fee. The correction fee shall not be changed in applying section 289/A (3) of the Law Enforcement Service Act.

207.

207. Compliance with the law of the European Union

Section 253 (1) This Act serves the purpose of compliance with the law of the European Union as follows:

a) sections 67 and 91 with Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings;

b) section 71 (2) and section 73 (10) to (12) with Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings; and

c) section 53 (1), (3) and (4), section 57 (3) and section 73 (7) with Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty;

d) with Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.

(2) This Act contains provisions for the implementation of the law of the European Union as follows:

a) section 177/B and 182/A for Article 13 of Regulation (EU) 2019/1148 of the European Parliament and of the Council of 20 June 2019 on the marketing and use of explosives precursors, amending Regulation (EC) No 1907/2006 and repealing Regulation (EU) No 98/2013; and

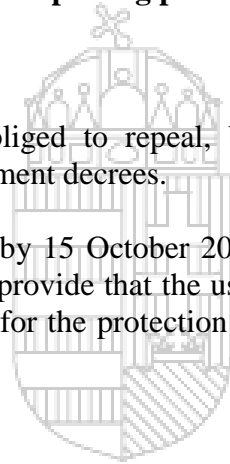
b) section 238/C of Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003.

208. Repealing provisions

Section 254 (1)

(2) Local governments shall be obliged to repeal, by 31 May 2012, the provisions on infractions laid down in local government decrees.

(3) Local governments shall repeal, by 15 October 2018, the local government decrees that designate parts of public spaces and provide that the use of the designated parts as a habitual dwelling is to be regarded as illegal for the protection of public policy, public safety, public health and cultural artefacts.



MINISTRY OF JUSTICE
HUNGARY