

Act No. 319/1948 Coll., on opening the justice to general public

Lay judges.¹

Section 10 Lay judges for district courts are appointed by district national committee, for regional courts by regional national committee (temporary national committee), and for the Supreme Court by the Government. Implementation of the provision above shall ensure maintaining provision of Section 133.

[keywords: lay judges]

Section 11 Any Czechoslovak citizen meeting the appurtenances below may be appointed lay judge:

has reached the age of 30, but is not older than 60;

is registered in the permanent voters register;

has civil integrity;

is State-reliable and committed to the idea of a people's democratic system.

[keywords: lay judges requirements]

Section 12 Professional judges, actuary officials of public prosecution offices, (public) notaries, lawyers, defence attorneys in criminal matters, and clergy may not be appointed as lay judges.

[keywords: exclusion from lay judge function]

Section 13 The function of a lay judge is a civic duty. It can be refused or waived only for important reasons. Decision, whether there is such a reason, pertains to the authority that appointed the lay judge.

[keywords: civic duty]

Section 14 The term of office of a lay judge is two years. If no lay judges or not in number sufficient were appointed for the next term of office (Sections 1, 4, 7), present lay judges may be appointed to the function. If a lay judge resigns to their function during the term of office, new lay judge shall be appointed for the rest of the term of office.

[keywords: period of lay judge function]

Section 15 (1) When making decisions, lay judges are equal to professional judges.

(2) The provision on exclusion and rejection of professional judges applies to exclusion and rejection of lay judges.

¹ The provisions of Sections 10-15 and Sections 17-18 were repealed by the amendment of the Act on opening the justice to general public, by the Act No. 36/1957 Coll., on the election of judges and lay judges for the people's and regional courts and on amendment of their certain relations.

[keywords: equality between lay judges and professional judges]

Section 16 Before taking up their duties, lay judges shall take an oath in the hands of the president of the court to which they were appointed; the wording of the oath is regulated by the law.²

[keywords: lay judge oath]

Section 17 (1) Everyone who is called to perform the function of lay judge is obliged to perform their function duly and to avoid anything that could decrease trust in official acts of the judge or the seriousness of the function performed.

(2) A lay judge shall maintain confidentiality regarding sessions and voting at the court, in which they directly or indirectly participated, and must not express an opinion regarding matters under discussion except for performance of their duties.

[keywords: duties of lay judge]

Section 18 (1) A lay judge may be dismissed if any of the conditions for their appointment ceases to exist (Section 11), if any of the reasons for exclusion from appointment arises (Section 12), or if such a reason arises subsequently; lay judges may be dismissed based on a motion of the president of the court in the case that the lay judge has repeatedly or grossly violated their duties (§ 17).

(2) A lay judge may be dismissed by the authority which appointed them.

[keywords: dismissal]

Section 19 Lay judges claims for reimbursement of cash expenses associated with performance of their duties and for other reimbursements will be regulated by the Government in form of a Decree.

[keywords: reimbursement]

² Provisions of Sections 16, 19, 20, and 22 were repealed by the amendment of the Act on opening the justice to general public, by the Act No. 66/1952 Coll., on the organization of courts.