

**Act III of 1952
on the Code of Civil Procedure
(excerpt)
PART ONE
GENERAL PROVISIONS
CHAPTER I
Basic principles
The aim of this Act**

Section 1 The purpose of this Act is to ensure that disputes arising in proceedings before the courts in relation to the personal and property rights of citizens and the property rights of the State and other legal persons are settled on the basis of substantive truth.

[keywords: personal and property rights of citizens, property rights of the State, substantive truth]

Initiating the procedure – the rights of the public prosecutor

Section 2 par. 1 The court shall only rule in a civil proceeding upon request. Such a request can usually be made by the party interested in the dispute. However, the public prosecutor is also entitled to bring a civil action or to intervene in the interests of the State or of individual employees, at any stage of the proceedings and in the interests of any party to the action.

Par. 2 The guardianship authority, the registrar, the mother and child protection services may also bring an action in the minor's interest to enforce a maintenance claim against the minor.

[keywords: principle of disposition]

Ensuring the prevail of the substantive truth

Section 3 par. 1 The duty of the court is to seek to ascertain the substantive truth in accordance with the purpose of this Act (Section 1). The court shall also, of its own motion, ensure that the parties to the proceedings properly exercise their rights and fulfil their obligations in the proceedings. The court shall provide the parties with the necessary information and warn them of their rights and obligations.

Par. 2 The court ensures that cases are heard thoroughly and quickly ex officio.

[keywords: substantive truth]

Section 4 The court is generally bound by the requests and declarations made by the parties. However, a waiver of a right that is manifestly contrary to the party's legitimate interests is not required to be considered even if the party maintains it despite having been informed and

warned by the court. The same applies to the recognition of a right and to an agreement.

[keywords: limits of principle of disposition]

Section 5 par. 1 The parties are obliged to exercise their rights in good faith. The court shall prevent any proceedings, acts or other conduct which are intended to delay, or which may lead to the delay or frustration of the proceedings or the discovery of the substantive truth ex officio. The court shall warn the parties to exercise their rights in good faith in the proceedings, including repeatedly as necessary. The warning shall also cover the consequences of bad faith litigation as set out in par. 2 and in other provisions of the act.

Par. 2 The court shall impose a fine (Section 120) on a party or representative who, either at the hearing or in a pleading, has acted against his or her better knowledge or with gross negligence:

- a) stated a fact about the case which was proved to be false or denied a fact about the case which was proved to be true,
- b) omitted a fact which it must have known was important for the outcome of the case, or
- c) relied on evidence that was manifestly unfounded.

[keywords: good faith of parties in court proceedings]

Section 6 par. 1 Unless otherwise provided by law, in civil proceedings the court is not bound by formal rules of evidence, a particular method of proof or the use of means of proof and is free to use the statements of the parties and any other evidence that may be relevant to the facts of the case.

Par. 2 The foregoing provisions are without prejudice to legal presumptions, including circumstances such that shall be legally considered true pending proof to the contrary, of its own motion.

[keywords: free evidentiary assessment]

Publicity

Section 7 par. 1 The hearings of the court are open to the public.

Par. 2 The public may be excluded from a court hearing only by a court order and only if it is absolutely necessary for the protection of state secrets, military or official secrets or for moral reasons.

[keywords: transparency of court proceedings]

Ensuring the use of mother tongue

Section 8 The language of the procedure shall be Hungarian. No one may be disadvantaged for not knowing Hungarian. A person who does not speak Hungarian may use his or her mother tongue throughout the proceedings, both orally and in writing.

[keywords: language of court proceedings]

Scope of rulings of other courts in civil proceedings

Section 9 par. 1 If a civil action is brought to decide on the civil consequences of an offence that has already been decided by a criminal court by a final judgment, the criminal court's judgment also binds the civil court on the question of whether a criminal offence has been committed and whether the accused is the perpetrator.

Par. 2 The court seised in civil proceedings shall not be bound by the findings of fact contained in the decision of the disciplinary authority or other authority; however, if the decision of the disciplinary authority establishing the commission of a disciplinary offence must, by law, precede the enforcement of the claim, the provisions of par. 1 shall apply mutatis mutandis.

[keywords: criminal court sentence, civil court sentence]