

Adrián Vaško JUDr., PhD Právnická fakulta
(Faculty of Law) Univerzita Mateja Bela
(Matej Bel University) Banská Bystrica,
Slovakia

Slovak Centre for Legal Aid

Since 1 January 2006, the Centre for Legal Aid has been in operation in the Slovak Republic. It was established as a state-budget organisation with its headquarters in Bratislava pursuant to Act No. 327/2005 on the provision of legal aid to persons in material need [1]. The Centre has offices or branches in almost all the regional cities of the Slovak Republic, with the exception of Nitra and Trnava (i.e. in Bratislava, Banská Bystrica, Žilina, Košice and Prešov), and in other Slovak municipalities (Liptovský Mikuláš, Tvrdošín, Humenné, Hlohovec, Rimavská Sobota, Nové Zámky and Svidník). From 1 March 2017, the scope of the Center was significantly expanded to include the agenda of the so-called personal bankruptcy, ie the Centre's clients also included citizens facing executions [1].

The Centre ensures that legal aid is given to individuals who, owing to their material need, cannot make use of legal services for the proper assertion and protection of their rights. The Centre ensures that legal aid is provided in civil, labour and family-law matters for any individual meeting the legal requirements (disputes within Slovakia). In cross-border disputes, it provides legal aid in civil, labour and family-law matters and commercial-law matters, pursuant to this law, for all individuals meeting the legal requirements who have their place of residence or usual place of residence on the territory of an EU Member State.

For legal aid applicants in cases where there is an element of discrimination, the Centre for Legal Aid ('the Centre') plays an overlapping role with the Slovak National Centre for Human Rights, with which it communicates on issues relating to such applicants. The lawyers at the Centre encounter the issue of discrimination primarily in the context of discrimination in employment on grounds of ethnicity.

An individual is entitled to receive legal aid if he/she is in material need and if the dispute is not manifestly futile and the value of the claim exceeds the value of the minimum wage, except in disputes where the value of the claim cannot be calculated in money. The individual must meet the above legal aid requirements throughout the period of legal aid. If the applicant's income exceeds the legally prescribed limit for material need, the Centre may grant legal aid if this is appropriate to the circumstances of the requested legal aid. The procedure for claiming legal aid ('the proceedings') begins with the submission of a written application supported by documents proving the facts stated in the application, which the applicant submits on a printed form. Documents proving that the applicant is in a state of material need must not be more than three months old. The application must contain the applicant's first name and surname and his/her permanent or temporary place of residence and birth registration number. When called upon by the Centre, the applicant, within a reasonable time set by the Centre, must add further information and documents concerning crucial facts for assessment of the claim; the time allowed for this must not be less than ten days. The applicant is a party to the proceedings. The application is submitted to the appropriate office of the Centre, according to the applicant's place of permanent or temporary residence. The applicant is required to give full and correct information in the application and in the preliminary consultation. Within 30 days of delivery of an application which includes the particulars required by law, the Centre reaches a decision on the application; this time cannot be extended. Appeals against the decision are not admissible. In a decision allowing a claim for legal aid, the Centre appoints a lawyer to represent the entitled person in court, if this is necessary for the protection of his/her interests. A decision

which does not allow a claim for legal aid must, in addition to the particulars required by special legislation, include an explanation that if the reasons for not allowing the claim cease to exist, the applicant may resubmit an application regarding the same matter. If, as a result of the entitled person's failure to provide assistance, the provision of legal aid was denied to the entitled person by decision of the Centre, or if the entitled person has unjustifiably brought the proceedings to a halt, the Centre may on these grounds, by its decision, refuse to re-allow a claim for provision of legal aid [2]. Sections 17 to 21 of Act No 327/2005 regulate the provision of legal aid in cross-border disputes where the competent court of law is a court in the Slovak Republic, and Sections 22 to 24c of Act No 327/2005, regulate the provision of legal aid in cross-border disputes where the competent court of law is a court in a Member State other than the Slovak Republic [1].

Organizational structure of the center -The Center performs tasks in the departments that are:

- a) committee,
- b) the Centre's office,
- c) report [3].

Personal bankruptcy

Personal bankruptcy is a statutory process by which a natural person entrepreneur or a natural person non-entrepreneur can be repaid from his debts. Debt relief of natural persons is possible in two alternative ways (the method is chosen by the debtor with regard to his personal circumstances):

bankruptcy – the debtor does not repay his debts after debt relief, but loses all his assets (if he has any), from which his debts will be partially paid,

repayment schedule – the debtor retains the property but repays his debts according to the specified repayment schedule.

The borrower can call the phone. no. +421 650 105 100 or in person at the relevant office of the Center according to the place of permanent residence to order for consultation. During the consultation, the staff of the Center will provide him with all the necessary information. The procedure before the Center begins with the completion of the form and the necessary annexes. The published declaration of bankruptcy by the court can be found on the Register of Bankruptcies <https://ru.justice.sk/ru-verejnost-web/>, where it is enough to enter the surname and first name of the debtor into the search [4].

REFERENCES

1 The Act No. 327/2005 on the provision of legal aid to persons in material need.

2 Fundamental rights – Slovakia, https://e-justice.europa.eu/content_fundamental_rights-176-sk-maximizeMS-en.do?member=1

3 Guideline no. U / 8/2020adopting the Rules of Procedure of the Legal Aid Center<https://www.centrumpravnejpomoci.sk/files/Organiza%C4%8Dn%C3%BD%20poriadok%20U%208%202020.pdf>

4 basic-information-about-personal-bankruptcy
<https://www.centrumpravnejpomoci.sk/sekcia/7-zakladne-informacie-o-osobnom-bankrote>