

I need legal aid but I lack the means to afford it



The Centre for Legal Aid (hereinafter only „the Centre“) was created pursuant to the Act Nr. 327/2005 Coll. on the Provision of Legal Aid for People in Material Need (hereinafter only „the Act“) as a state budgetary organization under the Ministry of Justice of the Slovak Republic.

www.centrumpravnejpomoci.sk
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Bratislava, May 2015

Territorial application



Offices CPP:

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<p>Centre for Legal Aid - Office Banská Bystrica Skuteckého 30 974 01 Banská Bystrica Tel: 048/242 00 26 048/242 00 28 Email: info.bb@centrumpravnejpomoci.sk</p>	<p>Centre for Legal Aid - Office Rimavská Sobota Čerenčianska 20 979 01 Rimavská Sobota Tel: 047/242 00 63 Email: info.rs@centrumpravnejpomoci.sk</p>
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<p>Centre for Legal Aid - Office Humenné Lipová 1 066 01 Humenné Tel: 057/242 00 11 Email: info.he@centrumpravnejpomoci.sk</p>	<p>Centre for Legal Aid - Office Trenčín Hviezdoslavova 3 P.O.Box 504 91101 Trenčín Tel: 032/242 00 24 Email: info.tn@centrumpravnejpomoci.sk</p>
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<p>Centre for Legal Aid - Office Nitra Štefánikova trieda 88 P.O. Box 7 94903 Nitra 3 Tel: 037/ 242 00 53, 037/ 242 00 55 Email: info.nr@centrumpravnejpomoci.sk</p>	<p>Centre for Legal Aid - Office Žiar n/Hronom SNP 613/124 965 01 Žiar nad Hronom Tel: 045/242 00 21 Email: info.zh@centrumpravnejpomoci.sk</p>

Consulting hours: **Monday and Wednesday: 8:00 - 15:00 h**

Filing room: **Monday - Wednesday: 8:00 - 16:00 h**

The day without consulting hours is **Friday** at all offices except **Nitra** – **Nitra** has the day without consulting hours on **Thursday**.

Consulting Offices CPP:

Consulting Office Banská Štiavnica (belongs to Office Žiar nad Hronom) Dolná 2 969 01 Banská Štiavnica Tel: 045/242 00 21 Email: info.zh@centrumpravnejpomoci.sk	Consulting Office Levoča (belongs to Office CPP Prešov) Námestie Majstra Pavla 54 054 01 Levoča Tel: 051/242 00 91 Email: info.po@centrumpravnejpomoci.sk
Consulting Office Bardejov (belongs to Office CPP Svidník) Okresný úrad Bardejov, Dlhý rad 16 085 01 Bardejov Tel: 054/242 00 81 Mobil: 0917 204 751 Email: info.sk@centrumpravnejpomoci.sk	Consulting Office Medzilaborce (belongs to Office CPP Humenné) Ul. Andy Warholu 184 068 01 Medzilaborce Tel: 057/242 00 11 Email: info.he@centrumpravnejpomoci.sk
Consulting Office Brezno (belongs to Office Banská Bystrica) Mestský úrad Brezno Nám. Gen. M.R.Štefánika 977 01 Brezno Tel: 048/ 242 00 27 Email: info.bb@centrumpravnejpomoci.sk	Consulting Office Michalovce (belongs to Office Humenné) Námestie osloboditeľov 81 071 01 Michalovce Tel: 057/242 00 11 Email: info.he@centrumpravnejpomoci.sk
Consulting Office Čadca (belongs to Office CPP Žilina) Námestie slobody 30 022 01 Čadca 041/ 242 00 31 E-mail: info.za@centrumpravnejpomoci.sk	Consulting Office Považská Bystrica (belongs to Office CPP Žilina) klientské centrum – Okresný úrad, Centrum 1 017 01 Považská Bystrica 041/ 242 00 31 E-mail: info.za@centrumpravnejpomoci.sk
Consulting Office Ilava (belongs to Office CPP Trenčín) Okresný úrad Ilava Mierové námestie 18 019 01 Ilava Tel: 032 / 242 00 24 Email: info.tn@centrumpravnejpomoci.sk	Consulting Office Prievidza (belongs to Office Žiar nad Hronom) Šumperská 1 971 01 Prievidza Tel: 045/ 242 00 21 Email: info.zh@centrumpravnejpomoci.sk
Consulting Office Jelšava (belongs to Office CPP Rimavská Sobota) Námestie Republiky 51 049 16 Jelšava Tel: 047 / 242 00 61 Mobil: 0917 457 011 Email: info.rs@centrumpravnejpomoci.sk	Consulting Office Spišská Nová Ves (belongs to Office CPP Košice) Štefánikovo nám. 1 052 01 Spišská Nová Ves Tel: 055 / 242 00 20, 055/ 242 00 21, 055/ 242 00 22 Email: info.ke@centrumpravnejpomoci.sk
Consulting Office Levice (belongs to Office CPP Nitra) Nám. Hrdinov 1 P.O.BOX 7 934 01 Levice Tel: 037/ 242 00 55, 037/ 242 00 53 Email: info.nr@centrumpravnejpomoci.sk	Consulting Office Veľký Krtíš (belongs to Office Žiar nad Hronom) Námestie A.H. Škultétyho 11 990 01 Veľký Krtíš Tel: 045/242 00 21 Email: info.zh@centrumpravnejpomoci.sk

Do not hesitate to contact us with any question by phone, by email, letter or in person.

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A. Basic Information

Why was the Centre for Legal Aid established, whom and in which areas does it render legal aid?

The vocation of the Centre is to **provide quality and complex legal aid to persons who, due to lack of means, are unable to use legal services.** By the way of rendering legal aid the Centre aims to provide persons in need with effective legal protection.

The Centre for Legal Aid (hereinafter only „the Centre“) was created pursuant to the Act Nr. 327/2005 Coll. on the Provision of Legal Aid for People in Material Need (hereinafter only „the Act“) as a state budgetary organization under the Ministry of Justice of the Slovak Republic.

The Centre provides legal aid in domestic disputes to **all natural persons.** In cross-border disputes legal aid is be provided to natural persons domiciled or habitually resident in the territory of a Member State of the European Union with the exception of Denmark).¹

Centre provides legal aid

- **in domestic disputes** on:
 - **civil law** (for example in disputes related to lease of flats, settlement of joint property of spouses, not payment of loans, consumer protection),
 - **family law** (for example payment of alimony, commitment of child to custody)
 - **labor law** (in disputes related to invalid termination of employment relations, labor conditions, discrimination at the working place and the like).

This means that if I apply for legal aid in a matter such as social security, pension insurance, in matters related to administrative offenses or criminal matters, the Centre cannot act in such a case and this irrespective of whether I do or do not meet the general conditions for the provision of the legal aid. In domestic disputes the Centre cannot act either in commercial law matters (for example in disputes with a bank arising from a credit agreement, in disputes related to a deposit account.

- **in cross-border disputes** in addition to **civil, family and labor law matters** also **in commercial law matters**
- **in asylum cases**
- **to the promulgator of an unlawful act in the acts connected with the filing of statements** except the criminal proceeding and the administrative offence
- **to the person whose employment contract was cancelled** according to a specific regulation in proceedings relating to the filing of the application for preliminary measures

I can send my application for the provision of legal aid to the address of the Centre's office according to my domicile in **Bratislava, Banská Bystrica, Hlohovec, Humenné,**

¹ Every time that the expression Member state is used in this text, it refers to all Member States of the European Union except Denmark.

Košice, Liptovský Mikuláš, Nitra, Prešov, Rimavská Sobota, Svidník, Trenčín, Tvrdošín, Žiar nad Hronom or Žilina.

(see the addresses on the front page of this leaflet)

B. What are the conditions for the provision of legal aid?

I am entitled to the provision of legal aid if I meet these **three conditions**:

- 1. I am in material need**
- 2. it is not an obviously unsuccessful dispute**
- 3. dispute value exceeds the minimum wage set by the law**

The Centre revises the fulfillment of these conditions in the proceedings on the claim to legal aid (after submitting the application). This proceedings is prior to the proper provision of legal aid.

1. What is material need?

The expression material need is a brand new one and should not be confused with the expression social need. I am in material need if my income is lower than **1,4-times the amount of the subsistence minimum²** and I cannot provide for the use of legal services by my other property.

At the moment (i.e. after July, 1st 2013) a natural person of full age, that shall be considered separately, is in a state of material need if his income does not exceed the amount of 277,33 € and at the same time this person cannot provide for the use of legal services by his other property.

2. What is obviously unsuccessful dispute?

If the Centre assesses a specific dispute as obviously unsuccessful, my claim for legal aid shall not be recognized. This concerns in particular cases, where the right shall become statute-limited due to lapse of time or shall expire as the case may be. Similarly the dispute is obviously unsuccessful if able to designate evidence in proof of my statements.

3. What is the dispute value?

The dispute value shall be determined in money. In disputes where the value can be monetarily quantified, **for the recognition of a claim for legal aid it is required that this value exceeds the minimum wage value** (at the moment 380,- €).

The condition of dispute value must not be fulfilled in disputes whose value cannot be monetarily quantified (for example when a mother claims for cancellation of institutional custody of her child).

² The amount of the subsistence minimum is 198,09 € per month for one natural person of full age, 138,19 € for another person of full age that is considered together with this person and 90,42 € for a dependent or independent minor child (in force from July, 1st 2013).

More on the conditions for the provision of legal aid can be found in the Part H.

C. How should I proceed if I wish to apply for legal aid?

First of all I have to file an application for the provision of legal aid.

The application for the provision of legal aid shall be submitted **in writing on a set form** (by sending it to **one** of the above mentioned post address of the Centre's offices). This form may be picked up **personally** in the offices of the Centre in Bratislava, Banská Bystrica, Hlohovec, Humenné, Košice, Liptovský Mikuláš, Nitra, Prešov, Rimavská Sobota, Svidník, Trenčín, Tvrdošín, Žiar nad Hronom or Žilina or in the consulting office in Banská Štiavnica, Brezno, Čadca, Ilava, Levice, Levoča, Medzilaborce, Michalovce, Považská Bystrica, Prievidza, Spišská Nová Ves a Veľký Krtíš. **By my request the form will be sent** to me. The form can be also found on the web page of the Centre for Legal Aid – www.centrumpravnejpomoci.sk as well as on the web page of the Ministry of Justice of the Slovak Republic – www.justice.gov.sk.

The application is free of charge.

When filling in the application, please remember to read carefully notes to the respective parts of the form, in particular those referring to the documents in proof of income and proprietary circumstances of the applicant that shall be attached to the application (for example salary attestation from the employer, social security certification related to the sickness benefits or unemployment support).

These documents must be less than three months old.

Should it be necessary to submit additional documents or supplement the application with additional data in order to assess the application, the Centre informs the applicant. After the request of the Centre, the additional document or data must be submitted within the stipulated time period.

If the application is not correct and complete (this means that not all documents necessary in proof of income and proprietary circumstances were submitted), the Centre is not able to decide about the application. In such case the period for the adoption of a decision on the recognition or not recognition of the claim to legal aid does not begin to flow.

The Centre shall decide on the claim within 30 days from delivery of the correct and complete application with all its attachments. Appeal against the decision of the Centre can be filed within the 15 day period before the Court of appeal in Bratislava, Banská Bystrica, Košice. The county depending on the permanent residence of the applicant will decide on the matter.

The Centre shall not recognize a claim to legal aid of an applicant who does not fulfill all the requirements pursuant to Sec. 6 Para. 1 of the Act Nr. 327/2005 Slg. (as specified in Part B).

If the reasons for the non-recognition of my claim to legal aid passed, I may repeatedly submit an application for legal aid in the same dispute.

D. When can I make use of preliminary consultation?

I can make use of the Institution of preliminary consultation if I am interested in the provision of legal aid and:

- *I would like to submit the application for the provision of legal aid but I do not know how to do proceed or*
- *I need a basic legal advice.*

The preliminary consultation **shall not last more than one hour**, this means that it is important that I think first what information or advice I really need. Preliminary consultation will be provided on the condition of payment of a legal fee of **4,50 €**.

During the preliminary consultation I am entitled to:

- explications** – If I do not fully understand the conditions for the provision of legal aid or I would like to know if the lawyer of the Centre, after a basic familiarization with the dispute, does or does not give his not binding recommendation to file an application for the provision of legal aid (the lawyer examines what sort of dispute it is, if it is not an obviously unsuccessful dispute and the like),
- basic legal advice** (for example how to terminate my labor relation, if I am entitled to a housing compensation, ...),
- be informed on threat of lapse of deadline in the actual dispute,**
- aid** in the completion of the application for the provision of legal aid (However if I have a specific question, for example if I just wish to verify if the document I have is sufficient to prove a specific income or I do not know how I should prove my income, the clerks at the counter or the asistent of the filling room will help me without using the preliminary consultation).

The preliminary consultation is provided by a **lawyer of the Centre** or any **attorney incorporated in the directory of attorneys that render legal aid to persons in material need**. This directory can be found on the web page of the Centre for Legal Aid (www.centrumpravnejpomoci.sk), on the web page of the Slovak Bar Association (www.sak.sk) or in the offices of the Centre.

E. What is preliminary legal aid and how can I apply for it?

The preliminary legal aid is the aid provided prior to the proper decision on the recognition of the claim on legal aid. **Attention – preliminary legal aid is not identical with preliminary consultation!**

Centre provides the preliminary legal aid always if **the dispute is threatened with a lapse of deadline** (for example deadline for filing of an appeal against a court decision, for filing of a statement of opposition against an order for payment procedure). The Centre shall decide about the recognition or not of the preliminary provision of legal aid without undue delay before deciding about the claim to legal aid.

Pursuant to the Act, when, at preliminary consultation, the Centre or the attorney, based on familiarization with the dispute, finds a threat of lapse of deadline, the natural person interested in legal aid will be informed about the possibility to apply for preliminary legal aid.

Application for the preliminary legal aid

I can request the preliminary legal aid by filling out the respective part of the application form for the provision of legal aid. At the same time I have to be aware that if it is found after assessing the conditions of my claim to legal aid that I fail to fulfill the conditions of claim to legal aid, I may be billed subsequently for the expenses of the rendered legal aid (the amount of these expenses shall be determined pursuant to the Decree No. 655/2004 Coll. on attorneys' fees and compensations for the provision of legal services).

F. Legal aid after the recognition of the claim

If my claim to legal aid was recognized, I am entitled to use complex legal services, in particular the following:

- **legal counseling** (consultations),
- **aid in extrajudicial proceedings** (for example resolution of disputes in mediation proceedings³ provided by the Centre),
- **writing of submissions to courts** (preparation of proposals, lawsuits and the like),
- **representation in judicial proceedings,**
- **execution of acts related to the above mentioned, and the full or partial payment of costs connected therewith** (payment of the expenses in the cross-border disputes related to the appointment of an interpreter, translation of the documents necessary, or to the reimbursement of travel expenses of a foreign entitled person as the case may be).

Who will provide me with the legal aid?

The legal aid shall be provided by the **lawyer of the Centre** (lawyer of the Centre is not an attorney) from the moment of the recognition of the claim to its provision until the end of the judicial respectively extrajudicial proceedings in the respective dispute.

If it is necessary for the protection of my interests, the Centre may appoint a **lawyer of the Centre** or an **attorney** incorporated in the directory of attorneys that render legal aid to persons in material need to represent me **in the court**.

When I do not agree with the person of the appointed attorney, I do not grant powers of attorney for acts linked to the provision of legal aid to the appointed attorney, or when I recall the powers of attorney already granted, I forfeit the claim to be appointed a different attorney (to change the attorney).

What are my obligations as an entitled person (person, whose claim to legal aid was recognized)?

When the Centre's decision recognizes my claim to legal aid, the Centre will invite me **to conclude the agreement on the provision of legal aid** (either directly with the Centre or with the appointed attorney), and **to grant powers of attorney** for acts linked to the provision of legal aid to the Centre or to the appointed attorney.

Further I am obliged to cooperate with the Centre or the appointed attorney and to notify the Centre in writing within eight days of changes in any facts of decisive importance for the continuing existence of his claim to legal aid (for example changes in income, acceptance of a donation, divorce). Accordingly I am obliged to submit proof, by request of the Centre, of facts documenting the continuing existence of my claim to legal aid (for example submit the copy of the last tax declaration or tax office certification) within eight days from delivery of the request, unless a longer deadline was determined by the Centre.

³ Mediation is an informal form of dispute resolution, in which the parties to the dispute, with help of a third non-partial person, try to reach a written agreement that would be acceptable for both parties. This agreement is binding for both parties to it. If the agreement is drawn up in a notarial deed or if it is approved as a settlement by the court or arbitrary body, an application for the court execution of decision (if the agreement refers to the education of minor children) or an application for the execution can be filed on the grounds of such agreement.

G. Can the legal aid be withdrawn?

There are five situations when the Centre shall decide to withdraw from the provision of legal aid:

1. If I as the entitled person **fail to conclude**, within three months from the issuance of the legally valid decision recognizing the claim to legal aid, **an agreement with the appointed attorney, or fail to grant powers of attorney to the Centre or to the appointed attorney.**
2. If I as the entitled person **fail to provide necessary cooperation to the Centre or to the appointed attorney (I do not cooperate).**
3. If **my income or proprietary circumstances change** in the course of provision of legal aid, **whereby I no more fulfill the condition of material need.**
4. It is found that my claim to legal aid was recognized on the basis of **untrue or incomplete data** in my application for the provision of legal aid.
5. If I as the entitled person fail to submit proof, by request of the Centre, of facts documenting the continuing existence of my claim to legal aid (for example salary attestation, copy of the tax declaration submitted after the recognition of the claim to legal aid) within eight days from delivery of the request (unless a longer deadline was determined by the Centre).

What can I do if I do not agree with the withdrawal from the legal aid?

Appeal against the decision of the Centre can be filed within the 15 day period before the Court of appeal in Bratislava, Banská Bystrica, Košice. The county depending on the permanent residence of the applicant will decide on the matter.

H. More on the conditions for the provision of legal aid

I have right to the provision of legal aid if I am in state of material need, the dispute is not obviously unsuccessful and the dispute value exceeds the minimum wage set by the law.

1. Material need

The first condition for the provision of legal aid is the state of material need of the applicant. I am in state of material need if my income is lower than **1,4-times the amount of the subsistence minimum⁴** and I cannot provide for the use of legal services by my other property.

1.1 Income

I must prove my income for the calendar month of submission of the application for the provision of legal aid, whereby my income in the last six calendar months before the application shall be taken into account (i.e. If I submit the application in January, I attach the salary attestation stating the height of my income for the month of January and salary attestation for the period from July, 1st to December, 31st). The height of the income shall be reassessed every six months.

What is deemed my income according to the Act

- **income from paid employment** (for example income from individual labor-law relations, income from service performance, income from state employment)

⁴ The amount of the subsistence minimum is 198,09 € per month for one natural person of full age, 138,19 € for another person of full age that is considered together with this person and 90,42 € for a dependent or independent minor child (in force from July, 1st 2013).

relation, remuneration of the indicted person in custody, remuneration of the convicted person when serving his prison sentence),

- **business income, income from self-employment activities and from lease** (for example income from agricultural production, foster and water management, trade income, income from the use or assignment of industrial rights or other intellectual property rights, income from real estate lease (of movable things if they are leased as components of the real estate),
- **income from capital property** (for example interests and other security benefits, interests and other benefits from deposits on saving books including interests from the financial means on deposit and current accounts),
- **other income** (for example income from occasional activities including income from occasional agricultural production, foster and water management, income from the sale of real estate and movable things).

The height of the income is considered after deduction of insurance premiums in public health insurance, insurance premiums in sickness insurance, insurance premiums in old-age pension insurance, insurance premiums in disability insurance and insurance premiums in unemployment insurance, the tax advance, or advances on the individual income tax, and other expenses spent toward the acquisition, assurance and maintenance of income of natural persons (i.e. The net income of the applicant is considered).

What is not deemed income pursuant to the Act:

- social need benefits and contributions to social need benefits (for example contribution for health-care, incentive activity contribution, housing allowance) and once-only social need benefit,
- financial contributions to gravely disabled persons for compensation of the social consequences of their grave disablement,
- maternity benefits, state social support benefits (for example parental contribution, child birth allowance, child allowance),
- increased pension due to paralysis,
- stipends.

Even if the above stated benefits or contributions are not deemed income, their proving by the applicant helps the Centre to assess the overall financial situation of the applicant.

1.2 How do I prove my respective income and property?

In order to complete the application for the provision of legal aid I have to provide documents in proof of my incomes as well as my property. The documents must not be predated more than three months.

The following documents in proof of the respective income shall be submitted:

- income from paid employment : *salary attestation from the employer,*
- sickness and unemployment benefits: *certificate of the social insurance company,*
- pension benefits (old-age pension, disability pension, widow's pension, orphan's pension and other): *confirmation of the post office or social insurance company,*
- financial contribution for nursing: *confirmation of the competent Office of Labor, Social Affairs and Family,*
- alimony: *final court decision or the decision of the competent Office of Labor, Social Affairs and Family, if a substitution of alimony is being rendered,*
- not payment of alimony by the obligated person: *affidavit of the applicant or his legal representative,*

- incomes from self-employment and lease: *affidavit of the applicant and copy of the last tax declaration submitted, respectively confirmation of the competent tax office*
- other incomes: *affidavit of the applicant* .

When filling out the application and writing the affidavit I am obliged to provide complete and correct information. Immediately when it is found out that the data I have provided are untrue or incomplete, the Centre decides on withdrawal from the provision of legal aid.

How the property is considered

Together with my incomes also my property (including the property of my spouse and my dependent child/children) is considered that I could use to provide for the use of legal services (by selling it or putting it on lease).

It is deemed property:

- real estate (for example house, flat, garden, lot of land),
In order to prove the ownership of the real estate it is not necessary to attach the deed of property. It is however necessary to mark it in the application for the provision of legal aid.
- Movable things (motor vehicles, electronics, pictures),
- rights and other patrimonial values if their nature allows so (for example receivables, right of the shareholder of a limited liability company to receive the dividend).

However I cannot in any case be required to put on lease or sell the following property (including the property of my spouse and my dependent child/children) in order to be able to use the legal aid

- a) real estate that I/we use for reasonable permanent accommodation,
- b) agricultural and foster land that I/we use to fulfill my own needs,
- c) a movable thing, that forms essential equipment of my household (beds, table, chairs, fridge, cooker, kettle, heater, fuel, washing machine, duvet, bed cover, basic kitchen dishes, radio) or for which an once-only social benefit or financial contribution for compensation of the social consequences of grave disablement was provided,
- d) personal motor vehicle that I/we use for individual transport because of a grave disablement or that does not exceed the value of 35-times the amount of the subsistence minimum (at the moment 6933,15 €) or if the sale of a movable thing would be contrary to good manners (for example I am not obliged to sell the expensive picture that I became from my grand mother as a reminder, I shall prove such by an affidavit).

1.3 Which persons are considered together with me

In addition to my incomes and property, the incomes and property of my spouse and my dependent child/children shall be considered. The last does not apply if we all are parties to the dispute (i.e. contradictory parties to the dispute – one as plaintiff, the other as defendant).

It is deemed dependent child

- a) *a child who has not yet finished the compulsory level of education (only up to the maximum age of 25 years), if the child continuously studies to prepare for his future profession (university studies at distance are not deemed continuous studies to prepare for the future profession), or if the child is not able to*

continuously study in order to prepare for a profession due to illness or accident, or if the child cannot participate in gainful employment due to illness or accident.

- b) *a child up to the majority of the child⁵, if the child is unable to continuously study to prepare for his future profession or participate in gainful employment due to long term poor health*

Child is not deemed dependent, if:

- a) he is entitled to invalidity pension or receives social pension,
b) his university studies exceed the standard length (i.e. for example he repeats an academic year) or he has already achieved the second stage of higher (tertiary) education.

2. Obviously unsuccessful dispute

If the Centre assesses a specific dispute as **obviously unsuccessful**, my claim for legal aid shall not be recognized. This regards in particular cases, where the right shall become statute-limited due to lapse of time or shall expire as the case may be. Similarly the dispute is obviously unsuccessful if able to designate evidence in proof of my statements.

2.1 Statute of limitation

A right shall become statute-limited unless it was exercised within the stipulated time period. For example, I lent money to my neighbor that that he should have paid back on January, 1st 2002. My neighbor did not pay the money back. In February 2005 (i.e. after the lapse of the general limitation period of three years) I filed a lawsuit in the court on this matter. In the judicial proceedings my neighbor objected the statute of limitation of my right. The court accepted his objection as reasonable and it did not recognize my *right to the payment of the lent money*.

Besides the three years general limitation period there are also shorter and longer limitation periods. The limitation period need not to flow continuously. For these reasons it is crucial to consider the statute of limitations individually in every single case.

2.2 Expiration of the right

The right expires only in exactly stipulated cases. For example if I buy shoes with a guarantee period of 24 months and these shoes unstuck after 24 months and 2 days, I am not entitled to assert my rights from the liability for defects – repair, exchange of the thing, respectively return of the money.

Zuzana M. lives in a rented apartment. In March the landlord started to replace the windows on his own. The replacing took the whole month and made the living conditions considerably more difficult. A few months later Zuzana's friend advised her to claim for a reduction of the rent for the time period in which the living conditions were worse (because of the replacing of the windows). In December Zuzana asked the landlord to reduce the rent for the period when the windows were being replaced. As the law (Civil Code) provides that the right to rent reduction must be asserted at the landlord without undue delay and that the right shall become extinct unless it was asserted within six months from the day when the facts basing this right occurred (i.e. from the day after the windows were replaced), Zuzana missed this deadline (claimed for rent reduction in December, nine months later). Zuzana's right to rent reduction expired.

⁵ In the Slovak republic the majority shall be acquired by achieving the age of eighteen years. Before achieving this age, the majority can be acquired by entering into a marriage. Only a person older than 16 years with court approval may enter into a marriage.

2.3 Designating evidence

In proof of statements following may be brought as evidence, for example deeds (sale agreement, loan agreement, agreement on the settlement of joint property of spouses, lease agreement) and testimonies of persons that I call as witness.

3. Dispute value

The dispute value shall be determined in money (for example If I borrow 100 € without interests from Ján S. and I do not pay him the money back, the dispute value in such case would be 100 €). In disputes where the value can be monetarily quantified, **for the recognition of a claim for legal aid it is required that this value exceeds the minimum wage value** (at the moment 380 €).

The condition of dispute value must not be fulfilled in disputes whose value cannot be monetarily quantified (for example when a mother claims for cancellation of institutional custody of her child).

I. Provision of legal aid in cross-border disputes

Cross-border disputes when the court competent to decide on the matter is a court of the Slovak republic

These are disputes wherein the party to the dispute applying for legal aid has its domicile or usual residence in a European Union Member State other than the Slovak Republic and the competent court is in the Slovak Republic, or the dispute involving a decision to be executed in Slovak Republic.

Any natural person who has its domicile or usual residence in a Member State and meets the conditions for the provision of legal aid may submit an application for the provision of legal aid directly to the Centre or through the competent body of a Member State. The legal aid is provided also in connection with an application for the recognition and execution of a decision brought in proceedings in a Member State other than the Slovak Republic, within which legal aid had been provided to him according to the law of that Member State.

The Centre shall decide about the application within 60 days from delivery of the application meeting the particulars stipulated by the Act or from assignment of the application to the competent bodies of the Member State.

Legal aid provided to the foreign entitled person in a cross-border dispute includes also:

- a) appointment of an interpreter (if necessary),
- b) translation from a foreign language into Slovak of documents submitted by the alien entitled person when required by the court or by the competent body as being unavoidable for resolving the dispute,
- c) reimbursement of unavoidable travel expenses of the foreign entitled person occurred in link with his travel from the place of domicile or usual residence when his presence in the competent court is required.

The Centre will decide that the foreign entitled person must refund to the Centre, wholly or partially, its expenses incurred for legal aid, if finding that the income and proprietary circumstances at the time of submission of the application for the provision of legal aid did not entitled him to legal aid or if finding that the income and proprietary circumstances of the foreign entitled person have substantially changed, mainly in consequence of his success in that cross-border dispute.

Cross-border disputes when the competent court is court of a Member State other than Slovak Republic

In these disputes the party to the dispute applying for legal aid has its permanent residence or temporary residence in the Slovak Republic and the site of the court acting

in the dispute is in a European Union Member State other than the Slovak Republic, or the dispute involving a decision to be executed in another European Union Member State.

The aid of the Centre in these cases consists in the acceptance of the application of the domestic entitled person (i.e. person who has its permanent residence or temporary residence in the Slovak Republic) for legal aid in cross-border disputes and its transfer to the competent body of the Member State. The Centre confirms to the applicant that his application for the provision of legal aid in a cross-border dispute was transferred to the competent body. At the same time the Centre provides cooperation to the domestic entitled person as necessary for ensuring that his application for the provision of legal aid in a cross-border dispute fulfills all particulars established in the law of the respective Member State (including translation of the application and of the documents that must be attached to it) and legal counseling in the necessary scope.

The Centre may decide that the domestic entitled person must refund to the Centre, wholly or partially, the translation expenses of the application for the provision of legal aid in the cross-border dispute, or of documents to be attached thereto, if the application for the provision of legal aid in the cross-border dispute was dismissed by the competent body of another Member State, or if the competent body of the Member State decided that the domestic entitled person is obliged to wholly or partially refund the expenses of legal aid provided to him until that time. Refund of the expenses may be agreed in instalments.

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