

## Customer Information

### Regarding a request for the exclusion of an acting authority or person e-Papír included in Information

Case group: Breach Procedure

Identifier	Title of form
89	Eljáró hatóság vagy személy kizárására irányuló kérelem
89	Request for the exclusion of an acting authority or person

**This information is effective as of 1 January, 2018**

### Information

This page contains information related to the request for the exclusion of the acting authority or person.

Legislation related to the procedure

Act II. of 2012 on Misdemeanours, the Misdemeanour Procedure and the Misdemeanour Registry System

### Procedural order

#### *Submission of the exclusion request*

In the breach proceedings, the exclusion request (hereinafter referred to as "the application"), is - in the cases specified by law – directed to transfer proceedings to another authority or person able to take an unbiased decision in the matter instead of the current authority acting upon it. The request is sent to the authority currently responsible for the case, which suspends its proceedings after receiving the application, until the re-assessment of the case by the newly appointed authority electronic attachments may accompany the request.

#### *Receipt of the application*

Applications and attachments submitted electronically through the client Gateway are forwarded to the document management system of the Police via the central electronic service system. The client receives notification thereof from the central electronic service system. The application and its attachments automatically reach the authority that they are addressed to via the document management system of the Police and the applicant receives an automatic notification of the fact. Lack of an automatic notification from the document management system of the Police means that the application and its attachments have not reached the relevant authority. In that case it is suggested that the applicant contact the relevant authority by telephone.

### *Processing the application*

If the relevant authority examining the application determines the existence of the conditions laid down in the law, it shall exclude the authority currently acting on the case and simultaneously appoint an alternative authority which will be required to carry out the proceedings. The excluded authority in the case must not continue the proceedings and is obliged to immediately send the documents of the case to the newly appointed authority in order that they may carry out the proceedings. If, on the basis of the request, the exclusion of the authority currently in the case is not justified, the request shall be rejected by a decision of the relevant authority. An electronically authenticated copy of the decision shall be issued and forwarded to the applying client's Gateway storage space. No personal appearance is usually required when considering the application.