

## Customer Information

### Application for exemption from costs and expenses due to arrest and from costs and expenses due to a misdemeanour

#### e-Papír included in the Information

Case group: Misdemeanour procedure

Identifier	Title of form
97	Elővezetési költség megfizetésének mentesítésére irányuló kérelem
97	Application for exemption from payment of costs and expenses following arrest
100107	Szabálysértési költség megfizetésének mentesítésére irányuló kérelem
100107	Application for exemption of payment of costs and expenses due to a misdemeanour

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

#### Information

This page contains information on the application for exemption from costs and expenses due to an arrest or misdemeanour.

#### Legislation relating to the procedure:

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

The reimbursement of the costs and expenses incurred in the course of an arrest ordered by the prosecution, by misdemeanour procedures and by penal procedure, in the case of the arrest or apprehension of the accused or the convicted person or a person under compulsory medical treatment, and his presentation in front of the respective prosecutor or investigating authority or enforcement body assigned to prosecute, punish and execute custody, and also at the request of the accused or the convicted person, is governed by the 71/2014 (XII.19.) Minister of Interior decree on the detailed rules for the reimbursement of costs incurred by persons in detention on remand.

In administrative authority proceedings, the Act No. 180/2005 on the Establishment of personal legal aid. (IX. 9.) Government decree

#### Procedural order

*Submission of the application for the exemption from the costs and expenses of arrest and breach*

In the course of the misdemeanour procedure, the authority that ordered the arrest may waive the arrest fee for reasons of special equity, based on the defendant's claim made within three days of receipt of the decision establishing the fee.

If it is deemed that it would be unreasonable to expect the person subject to the proceeding to pay the misdemeanour expenses due to his income and means, and he has evidenced this fact in accordance with the provisions of the Government Decree on the Establishment of personal legal aid regarding administrative costs of administrative proceedings, on the request of the person subject to proceedings or his representative, the misdemeanour authority will decide if the person subject to the proceeding is entitled to receive personal legal aid.

The application for the discharge of the costs of arrest and the costs of breach (hereinafter referred to as "the application") shall be sent to the authority acting on the case. The relevant authority shall decide on the application.

Electronic attachments may accompany the application.

#### *Receipt of the application*

The request and attachments sent electronically through a client gateway are transmitted through the central system to the police records system. The client is notified by the central system. The police records system of the police automatically sends the request and its attachments to the receiving authority, from which the customer will receive automatic notification. If the police record system does not send the automatic notification, this means that the request and the attachment have not been received by the addressed authority. In this case, it is recommended that the applicant should contact the recipient authority by telephone.

#### *Processing the application*

If, on the basis of the request, the relevant authority considers it justified to exempt the debtor or the person subject to the procedure from the payment of a fee due to the breach, it will exempt them from the payment or permit personal legal aid. If, on the basis of the request, the exemption or the granting of personal legal aid is not justified, the application shall be rejected by the relevant authority. An electronically authenticated copy of the decision of the Police will be forwarded to the applicant's storage space. No personal appearance is usually required when considering the application.