

Legal professions - Hungary

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Legal professions - introduction

The chapter provides an overview on legal professions in Hungary, on prosecutors, judges, advocates, solicitors, notaries and bailiffs.

In Hungary representatives of legal professions (advocates, notaries, bailiffs) act independently, but with professional self-governance in a system of chambers. The membership in a chamber is the prerequisite for pursuing their activity, and chambers have the right to exercise professional control over their members, which aims to ensure that members of the professions provide services of an appropriate level.

Prosecutors (ügyész)

Organisation

Hungarian constitutional rules stipulate that the **Office of the Public Prosecutor** (Ügyészség) exercises rights specified by law in connection with investigations, conducts prosecutions in court, and is responsible for verifying the legality of penal measures.

The Office of the Public Prosecutor helps ensure that everybody complies with the law, and acts to uphold the law when it is violated in such cases and in the manner specified by law.

The Public Prosecution Service (Ügyészség) is a centralised organisation directed by the General Prosecutor (legfőbb ügyész), who is accountable to Parliament. Prosecutors are appointed and removed by the General Prosecutor.

Prosecutors are first appointed for three years and thereafter for an indeterminate period of time.

The regulations pertaining to the Office of the Public Prosecutor are determined by law.

Role and duties

The tasks, responsibilities and legal status of prosecutors are regulated by law. The prosecution service is a uniform body and all prosecutors have the same legal status.

The Prosecutor's Office (ügyészség):

- Investigates in cases defined by the law on criminal proceedings;
- Verifies that investigations are conducted in conformity with the relevant legal provisions;
- Exercises other competences in connection with investigations;
- Prepares and submits indictments and conducts prosecution in criminal proceedings, exercises rights of appeal defined by law;
- Verifies that the execution of penalties is carried out in conformity with the relevant legal provisions;
- Participates in other civil, employment, administrative and commercial proceedings: the prosecutor participates in proceedings regulated by the Code of Civil Procedure (polgári perrendtartás) if the rights-holder is not capable of defending his or her rights for any reason;
- In the framework of the general review of legality (általános törvényességi felügyelet), ensures that the law is obeyed;
- In the framework of the general review of legality (általános törvényességi felügyelet), ensures that the law is obeyed;
- Initiates the necessary child protection measures in relation to crimes committed against minors;
- Performs tasks arising out of international obligations; particularly legal assistance;
- Performs tasks in relation to Eurojust - Contributes to ensuring that all social organisations, governmental bodies and citizens observe the law, and acts to uphold the rule of law where laws are violated.

Legal databases

You can find more information on the website of the [Prosecution Service of the Republic of Hungary](#) (Magyar Köztársaság Ügyészsége).

Judges

Organisation

The Constitution stipulates that judges are independent; they make decisions on the basis of the law and in harmony with their convictions, and they may not be influenced and directed in making their judgments.

The right to **appoint judges lies with the President of Hungary** (köztársasági elnök).

A person who wishes to be appointed as a judge must satisfy the following criteria:

- Be a Hungarian citizen;
- Have no criminal record;
- Have the right to vote;
- Hold a university law degree;
- Pass the Hungarian Bar Exam (szakvizsgával rendelkezik) ;
- Make the financial disclosure statement as specified by law; and
- Have at least one year's experience as a court clerk (bírószáki titkár) or district attorney clerk (ügyészségi titkár), or as a constitutional court judge, military judge, prosecutor, notary public, attorney at law or legal counsel, or in a position at a central administrative agency (központi közigazgatási szerv) for which a bar examination is required..

Assises

According to constitutional rules **lay judges/assises** (nem hivatásos bíró/ülnök) may also participate in **judicial proceedings**.

Candidates must have no prior criminal record, the right to vote, be Hungarian citizens and be over the age of 30. In addition to these requirements military associate judges (katonai ülnök) must serve in the professional staff of the Hungarian armed forces (Magyar Honvédség) or the law enforcement agencies.

Assises are elected for **four year terms**.

In **criminal proceedings** local courts comprise **one professional judge** (hivatásos bíró) and **two associate judges** in circumstances where the criminal offence under consideration is punishable by a term of imprisonment of eight or more years. The county court (megyei bíróság) acting as a court of first instance may conduct its procedure by means of a panel (tanács) consisting of **one professional judge** and **two assises**.

In **civil proceedings** a panel consisting of **one professional judge** and **two associate judges** may sit in cases defined by law.

Court clerks, court assistants

Graduates of law schools are employed at courts in the position of court clerks or court assistants to gain knowledge and experience for a **future career as a judge**. They may act as judges only in procedures and under conditions defined by law.

Information sheets on judicial staff can be found under the following links:

1. [office-holders](#)
2. [court clerks](#)
3. [court assistants](#)
4. [physical workers](#)

Lawyers

Barristers/ Advocates (ügyvéd/ügyvéd)

In the course of practising their profession, **attorneys-at-law** (ügyvéd) help their clients to assert their rights and perform their obligations. Attorneys (ügyvéd) can provide **legal representation** in all cases and **before all authorities**. Attorneys are independent in the course of their professional work, which means that they may not be influenced and may not undertake such liabilities that would endanger this independence.

Activities subject to fees that may be performed only by attorneys include:

- Representation and defence in criminal cases;
- Legal consultation;
- The preparation and editing of legal documents;
- The handling of money and valuables on deposit in relation to the activities noted above.

Although these do not fall exclusively within the scope of attorneys' activities, due to the requirements of today's economic life, attorneys may also provide services such as **tax advice**, **real estate agency operations** and out-of-court **mediation** (peren kívüli közvetítés).

Attorneys' activities can be conducted by any person who has been admitted to the bar (kamara) and taken the lawyer's oath (ügyvédi eskü).

In order to obtain admission to the bar, a person must have:

- Citizenship of a member state of the European Economic Area (Európai Gazdasági Térség);
- No criminal record;
- A university degree and Hungarian professional examination in law (jogi szakvizsga);
- Liability insurance and a suitable office space.

Attorneys from the Member States of the European Union may conduct attorneys' activities in three basic forms in Hungary: as **providers of ad hoc services**, **on a regular basis** and as a **member admitted to the bar**. Providers of ad hoc services are obliged to notify their services to the bar association (ügyvédi kamara) having competence in the place in which the services are provided, while those wishing to provide regular attorney's services must register with the competent bar association.

European Union lawyers (európai közösségi ügyvéd) entered in the register can seek admission to the bar if they meet the requirements prescribed by law [e.g. the practice period prescribed by law has passed, they prove their competence in Hungarian law (as well as European Union law), they have adequate command of the Hungarian language to conduct their activities, etc.].

A European Union lawyer who has been admitted to the bar is entitled to use the professional title of attorney (ügyvédi cím) and is subject to the same rules as Hungarian attorneys.

Attorneys have a **confidentiality obligation** in relation to all facts and data provided to them in the course of carrying out their professional activities.

As a general rule, attorneys' **compensation** is subject to **free agreement** between attorneys and their clients. Attorneys' fees are only regulated if they act as public defenders (kirendelt védő) in court proceedings.

Legal databases

You can find more information on the website of the [Hungarian Bar Association](#) (Magyar Ügyvédi Kamara).

Solicitors (jogtanácsos)

The fundamental task of solicitors is to facilitate the operation of the organisation by which they are employed. Solicitors **conduct legal representation within the organisation employing them**, provide legal advice and information; prepare applications, contracts and other documents; and participate in organising legal work. As a general rule, solicitors – in contrast to attorneys – discharge their duties (which are not as extensive as those of attorneys) **as employees**. **Solicitors' compensation** is based on the regulations concerning employment.

Any person entered in the **register maintained by the county court** – in Budapest (that is, the Metropolitan Court of Budapest) (Fővárosi Bíróság) – can become a solicitor. Applicants must:

- Hold citizenship in one of the member states participating in the Agreement on the European Economic Area (az Európai Gazdasági Térségről szóló megállapodás);
- Have no criminal record;
- Hold a university degree;
- Have passed the Hungarian professional examination in law; and
- Be entered in the register.

In certain cases the **Minister for Justice** (az igazságügyért felelős miniszter) **can grant exemption from the citizenship condition**.

Notaries (közjegyző)

Acting within the powers defined by law, the **notary public** (közjegyző) performs official administration of justice as part of the State judicial system.

The **aim of their activities** is to prevent the development of legal disputes, and they are only entitled to work in this field if admitted to membership of the **Notaries' Association** (Közjegyzői Kamara). On the basis of law, notaries are **appointed by the Minister of Justice** to work at **given headquarters** and **for an indeterminate time**.

Notaries are obliged to obtain liability insurance and maintain it during the period in which they are conducting their professional activities.

Notaries' **exclusive range of activities** includes registering legal transactions, legal statements and facts in public instruments (közokirat). One of the notary's traditional tasks is to conduct probate and other non-litigious proceedings. Another important task performed by notaries is keeping records of chattel mortgages as well as handling deposits, in the framework of which they receive money, valuables and securities on the basis of the authorisation received from the parties involved with the purpose of delivering them to the party entitled.

For activities which may be deemed average in terms of duration, requirement for the exercise of legal judgement and responsibility conducted in their offices, notaries are entitled to the **amount of fee defined by law**. In exceptional cases (e.g. concerning difficult cases calling for a higher level of skill) the fee may differ from the usual amount. If the value represented by the subject of the notary's activity can be stated, the notary's fee is defined on the basis of this. If the value represented by the subject of the notary's activity cannot be stated, the notary's fee must be determined on the basis of the time devoted to the professional activity. The price of authenticating copies of documents by notaries is set.

As **Hungarian citizenship** is a fundamental requirement for judges, prosecutors, court clerks, bailiffs and notaries, foreign citizens may not be appointed to hold these offices in Hungary.

Legal databases

You can find more information on the website of the [Hungarian National Chamber of Notaries](#) (Magyar Országos Közjegyzői Kamara).

Other legal professions

Bailiffs

Enforcement measures are executed by **bailiffs** (independent court bailiffs (önálló bírósági végrehajtó) and county court bailiffs (megyei bírósági végrehajtó)).

As a general rule, **claims included in court decisions** (bírósági határozat) made in civil cases are executed by independent court bailiffs. Independent court bailiffs are **appointed by the Minister for Justice to join a given local court (helyi bíróság) in a given area of competence**.

Independent court bailiffs **are not employed by the State; their income is paid by clients** as consideration for their work.

Their range of activities is the following:

- Execution is based on a certificate of enforcement (végrehajtási lap) issued by the court;
- Execution is based on a document with a writ of execution (végrehajtási záradék) issued by the court;
- Execution is based on a judicial order or restraint of enforcement, or order of transfer (végrehajtást elrendelő, letiltó, átutalási végzés), furthermore, a decree of direct judicial notice (közvetlen bírósági felhívás).

Regional court bailiffs are active at regional courts and the Budapest-Capital Regional Court (Fővárosi Törvényszék). A regional court bailiff shall be appointed by the president judge of the regional court for an indefinite period of time, to serve under a specific regional court. A tender for the office of a regional court bailiff shall be announced by the president judge of the regional court. The regional court bailiff is the court office-holder employed by the regional court, receiving benefits based on this labour relation.

Regional court bailiffs shall execute 'judicial claims' (when the rightful owner of the claim is the state); judicial claims are the costs of civil or criminal proceedings prepaid by the state. The collection of the costs of a criminal procedure, the confiscation of property and other penalties which are of a pecuniary nature are the task of county court bailiffs. The child support advanced by the court is qualified as judicial claims and its execution is also under the purview of county court bailiffs. In addition, regional court bailiffs shall execute if the rightful owner of the claim is the court, the National Judicial Council, the National Judicial Office, the Ministry of Justice, an institute of judicial experts or the state.

Bailiffs' area of competence coincides with the area of competence of the court.

Legal databases

You can find more information on the website of the [Hungarian Court Bailiffs' Chamber](#) (Magyar Bírósági Végrehajtói Kamara).

Organisations which provide legal services pro bono

Legal clinics operate at universities and at several non-governmental Hungarian and international organisations active in the field.

Related links

[Homepage of the Hungarian National Chamber of Notaries](#) (A Magyar Országos Közjegyzői Kamara honlapja)

[Homepage of the Hungarian Court Bailiffs Chamber](#) (A Magyar Bírósági Végrehajtói Kamara honlapja)

[Homepage of the Prosecution Service of the Republic of Hungary](#) (A Magyar Köztársaság Ügyészségének honlapja)

[Homepage of the Hungarian Bar Association](#) (A Magyar Ügyvédi Kamara honlapja)

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