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21.11.2005¶

REGULATION No. 1 OF FEBRUARY 6, 2006 ON THE CONDITIONS AND PROCEDURE FOR HOLDING A COMPETITION FOR PRIVATE ENFORCEMENT AGENTS

*ISSUED BY THE MINISTRY OF JUSTICE
Promulgated SG No. 16 of February 21, 2006.*

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on the Conditions and Way to
Hold a Competition for a Private
Enforcement Agent

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Chapter One GENERAL CONDITIONS

Article 1. This Regulation shall specify the conditions and procedure for holding a competition for private enforcement agents.

Article 2. (1) The Minister of Justice shall set a date for a competition for private enforcement agents by an order posted at a public place in the building of the Ministry of Justice and published in two central daily newspapers and on the Internet web sites of the Ministry of Justice and of the Private Enforcement Agents Chamber. A copy of the order shall be sent immediately to the Council of the Private Enforcement Agents Chamber.

(2) In a specific region a position for one private enforcement agent per 30 000 citizens shall be opened.

(3) The order of the Minister for the holding of the competition shall contain:

1. The number of vacant positions for private enforcement agents and the regions where they will perform their activity
2. The date, hour and place of holding of the competition
3. The place and term of acceptance of competition documents
4. Amount of the fee for participation and the account, to which it should be deposited.

(4) The topics on which the questions in written and oral examination shall be determined, shall be included as a model in an enclosure to the order under Art. 3.

Article 3. (1) The competition for private enforcement agents shall consist of a written and oral examination.

(2) The questions for the written examination shall be in the form of a test.

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is an inseparable part of this
Regulation are shown model topics
defining the questions in the
written and oral part of the
examination

Article 4. The holding of a competition for private enforcement agents shall be organized by the Minister of Justice

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Chapter Two

CONDITIONS FOR APPLYING AND ADMISSION TO THE COMPETITION

Article 5. Persons who meet the requirements under Articles 5 and 6, par.1 of the Law on the Private Enforcement Agents may apply for participation in a competition for private enforcement agents.

Article 6. (1) The candidates for private enforcement agents shall submit a written application to the Minister of Justice through the Council of the Private Enforcement Agents Chamber for participation in the competition within one month of the date of publication of the order of the Minister.

(2) The application shall contain the following data on the candidate for private enforcement agent:

1. the name
2. the personal identification number
3. the address
4. the practiced profession
5. the length of judicial practice of the candidate
6. the applied for region

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(3) With the application are enclosed documents as follows:

1. Birth certificate
2. Higher education in law diploma
3. Document for acquired legal capacity
4. Length of service
5. Place of work
6. Conviction status certificate

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7. Declaration under Article 5, par.1, items 5, 6 and 7 of the Law on the Private Enforcement Agents

8. Medical certificate

(4) The Inspectors under the Law on the Private Enforcement Agents shall perform a check of the validity of the documents.

(5) The Minister of Justice shall approve a list of the candidates admitted for the examination and a list of the candidates with invalid documents and both lists shall be posted in a publicly accessible place in the building of the Ministry of Justice and on the web pages of the Ministry of Justice and of the Private Enforcement Agents Chamber. In the list of the candidates with invalid documents the irregularities in the documents of each candidate shall be specified.

(6) The candidates with invalid documents may eliminate the irregularities within a 7 days of the announcement of the list. After this term the candidates with invalid documents shall lose their right to participate in the competition.

(7) The Council of the Chamber shall provide an opinion to the Minister of Justice on the public trust vested in each candidate within 7 days of the announcement of the final list of candidates.

Chapter Three COMPETITION COMMITTEE

Article 7. (1) The Competition shall be conducted by a Committee with the following composition: chairperson – representative of the Ministry of Justice nominated by the Minister of Justice, and members: a judge from the Supreme Cassation Court nominated by the President of the Supreme Cassation Court, two private enforcement agents nominated by the Chamber and a lecturer in civil legal sciences of academic rank nominated by the Minister of Justice.

(2) In case a member of the Competition Committee is absent he shall be replaced by a reserve member nominated in advance in line with the procedure under par. 1. A reserve member of the Competition Committee shall replace by right a regular member of the same in cases of leave due to temporary disability, business trip, in case of self-withdrawal from a specific case and under other circumstances that lead to a factual inability to participate in the work of the Committee.

(3) The Chairperson of the Competition Committee shall:

1. manage its work, monitor for compliance with the conditions for conducting of the examination and announce the beginning and the end of the examination day;
2. draw up the protocols, with the results from the written and oral examination;
3. prepare the protocol, with the final result from the Competition and send it to the Minister of Justice.

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Article 8. The Competition Committee shall take decisions only when all members are present. The decisions shall be taken with a simple majority

Chapter Four

HOLDING THE COMPETITION

Article 9. (1) The Competition Committee shall prepare the questions and the answers for the written part of the examination. There can be only one correct answer to the questions in the test.

(2) On the day before the written part of the examination, the Committee shall draw up three versions of a test, which shall include a sufficient number of questions.

(3) By a decision the Commission shall determine in advance the number of assistants and the technical rules for conducting the written part of the examination, which shall also include the rules for keeping order in the hall.

(4) The candidates shall be obliged to appear in the hall and to take their places not later than 15 minutes before the beginning of the examination.

(5) The candidates shall be admitted to the hall for the written examination after presenting personal identification documents and signing in the list of participants.

(6) To sit for an oral examination the candidates shall show their personal identification documents to the Competition Committee.

(7) After the announcement of the beginning of the written examination a candidate selected by lot shall shall draw a variant of the test and announces it to all candidates.

(8) The written examination shall be conducted at the same time for all candidates in one or more halls depending on the number of candidates, in the presence of at least one member of the commission and assistants who monitor the order in the hall.

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(9) The candidates may use normative acts and case-law. When using other aids the candidate shall be expelled from participation in the examination. The candidates may only write in a blue ball-point pen during the examination.

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(10) The examination papers shall be written by the candidates on provided in advance white sheets of paper stamped with the stamp of the Ministry of Justice. After the end of the examination is announced the unused sheets of paper shall be submitted to the Committee.

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(11) Each candidate shall write his/her full names, unified citizen number, the incoming registration number of the application and the date of the examination on a slip provided by the Competition Committee and seal it in a small non-transparent envelope. The written paper shall be sealed personally by the candidate in a large envelope, in which the sealed small envelope shall be placed, and shall be handed to the Chairperson of the Committee. The candidate shall sign in a list provided by the Chairperson to show he has submitted his written paper and the chairperson shall sign as well.

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(12) The written examination shall last three astronomic hours.

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Chapter Five

EVALUATION OF THE CANDIDATES

Article 10. (1) The Competition Committee, without a specified in advance sequence, shall open the large envelopes and writes the same number on the small envelope and on the written paper. The Chairperson of the Competition Committee shall prepare a protocol in which the date, hour of opening of the large envelopes, the number of the written papers and the number of the small envelopes shall be noted. The small envelopes shall be kept by the Chairperson of the Committee in a suitable place in the Ministry of Justice.

(2) The Competition Committee shall evaluate the written part of the examination with the following marks: failed, average, good, very good and excellent.

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(3) The written papers shall be evaluated by all members of the Committee and shall be signed by them. After the evaluation is done, all the members of the Competition Committee shall check the integrity of the small envelopes, open them and identify the written papers. The marks from the written part of the examination shall be entered in a protocol, which shall be signed by all committee members, dated and submitted to the Chairperson.

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(4) The results from the written examination shall be posted at a publicly accessible place in the building of the Ministry of Justice.

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Article 11. (1) The candidates who have passed the written examination with a mark at least good (4.00) are admitted to the oral examination.

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(2) The oral examination shall be held not earlier than 20 days after the announcement of the results from the written examination.

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Article 12. (1) The Competition Committee shall prepare a list of the persons admitted to the oral examination and a schedule for sitting for the exam according to incoming registration number. The list of the allowed applicants and the schedule for the sitting for an oral examination shall be posted five days before the beginning of the oral examination at a publicly accessible place in the building of the Ministry of Justice and

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on the web pages of the Ministry of Justice and the Council of the Chamber of private enforcement agents.

(2) The oral examination shall be conducted by the Competition Committee in the presence of the next five candidates according to the schedule.

(3) In the oral examination the Competition Committee evaluates with the following marks: failed, average, good, very good and excellent. The mark of the candidates from the oral examination shall be the arithmetical average of the sum of the marks given by all members of the Competition Committee.

(4) The mark from the oral examination shall be determined by a decision of the Committee, shall be immediately announced to the candidate and the other people present in the examination hall and shall be entered by the Chairperson in a protocol, which is signed by all members of the Competition Committee.

(5) The candidates who passed the written examination with a mark at least good (4.00) and at least average (3.00) at the oral examination shall participate in the rating for the private enforcement agent positions. The candidates shall be rated according to the total sum of the two marks.

(6) Upon equal marks of two or more candidates for one and the same position, advantage is given to the candidate with longer length of juridical service.

Article 13. (1) The results of the rating shall be entered in a protocol, which shall be drawn up in two identical copies and signed by all members of the Committee and shall be posted at a publicly accessible place in the building of the Ministry of Justice and on its official Internet web site. Within 3 days of the end of the examination, the chairperson of the Competition Committee shall send one of the copies of the protocol to the Minister of Justice. The second copy shall be submitted for keeping in the case management office.

(2) The Minister of Justice, within a one month term from the receipt of the results, issues an order for the assignment of enforcement competences. The order is posted at an appropriate place in the building of the Ministry of Justice and on its official web site in the Internet and shall be notified to the candidates pursuant to the Civil Procedure Code.

FINAL PROVISION

§ 1. This Regulation is issued on the grounds of Article 10, par. 1 of the Law in the Private Enforcement Agents.

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