Time limits on procedures

Hongrie

1 What are the types of deadlines relevant for civil procedures?

As a general rule, procedural steps to produce a desired legal effect may be performed within time limits provided for in legislation. Provision for this can be found in both substantive law and procedural law.

The relevant conditions under substantive law are in part laid down in rules on judicial recourse and in part governed by rules on limitation. These prescribe the time limits for initiating civil procedures. The law grants exemption from these restrictions solely to ensure the unconditional enforcement of claims (property claims, for example). Some procedural steps may only be performed lawfully within a specified time period (time limit). In certain cases the duration of the time limit is clearly defined in law, such as when filing for redress (statutory time limit), whereas in others – for instance, when rectifying deficiencies – it depends on the decision of the court (judicial time limit).

The method for calculating procedural time limits under substantive law is considerably different from that used in the case of procedural law, as are the legal consequences of failing to comply with these two types of time limit. Failure to comply with a time limit under substantive law leads to a loss of rights, and cannot be remedied by providing justification. An ‘excuse’ may be accepted only if a limitation period applies and only in accordance with the relevant rules of substantive law. For procedural time limits, a distinction must be drawn between subjective and objective time limits. Subjective time limits include time limits for which the starting date must be the date on which the party concerned received notification, and failure to comply with these can generally be remedied by making an application for *restitutio in integrum* (an application for extension), whereas objective deadlines are not linked to receipt of notification by the party concerned and failure to comply with them may not be remedied by application for *restitutio in integrum*.

2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Pursuant to Section 102(1) of Act I of 2012 on the Labour Code, the following days are envisaged as non-working days: 1 January, 15 March, Easter Monday, 1 May, Whit Monday, 20 August, 23 October, 1 November and 25 and 26 December.

3 What are the applicable general rules on time limits for the various civil procedures?

Time limits are calculated in days, months or years. The starting date is not included in time limits expressed in days. The starting date is the date on which the action or other event (e.g. service, publication) giving rise to the commencement of a time limit takes place. Time limits expressed in months or years expire on the day in the month of expiry corresponding to that on which the time limit started or – if no such day exists in the month of expiry – on the last day of that month. If the last day of the time limit is a non-working day, the deadline will expire only on the first working day following that date. The time limit expires at the end of the last day; however, deadlines for submissions to a court or actions to be taken in court expire already at the close of office hours. The general rules applicable to time limits in all other civil procedures are laid down in Sections 103 to 112 of Act III of 1952 on the code of civil procedure (‘the Code of Civil Procedure’).

4 When an act or a formality has to be carried out within a given period, what is the starting time?

The starting date is the date on which the action or other event (e.g. service, publication) giving rise to the commencement of a time limit takes place. The starting date is not included in time limits expressed in days.

5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

With regard to the calculation of time limits, the Code of Civil Procedure does not make any distinction between different methods of service of documents. However, some special provisions apply if documents are exchanged electronically. Some documents are sent to the expert in hard copy even if the expert maintains contact with the court by electronic means: the court provides the expert with annexes to court documents in hard copy or on another data medium if, owing to the large volume of the annexes or the nature of the data medium, digitalisation would impose a disproportionate or insurmountable burden, or if the authenticity of the paper-based document is doubtful. If, for the above reasons, electronic documents sent by the court are accompanied by annexes in hard copy, the basis for calculating the time limit is the date of receipt of the annex. Submissions related to proceedings and the service of court documents in the cases defined by the Code of Civil Procedure already take place electronically. Days on which the delivery system for this purpose is not in operation for at least four hours are not included in the time limit specified by law or the court.

If communication in the proceedings is conducted by electronic means, the consequences of failing to comply with the time limit cannot apply if the submission to the court was submitted electronically on the final date at the latest, in accordance with the IT requirements. As regards the calculation of the time limit, a submission is considered to have been submitted after the court’s IT system has sent an acknowledgement of receipt, in accordance with the provisions of the legislation. The President of the National Judicial Office provides a form for submissions on storage media. The storage medium must be submitted to the court in person or by post no later than three working days after the contact person for electronic submissions has received confirmation of receipt of the form by the court. By means of the service system, the court automatically sends the contact person for electronic submissions a confirmation of receipt of the storage medium. The submission is considered to have been served on the court on the date specified in the confirmation of receipt of the form by the court.

6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

The starting date is not included in time limits expressed in days. The starting date is the date on which the action or other event (e.g. service, publication) giving rise to the commencement of a time limit takes place.

7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

When a time limit is expressed in days, the number of days indicated means calendar days. If, however, the last day of the time limit is a non-working day, the time limit expires only on the first working day following that date.

8 When such a period is expressed in weeks, in months or in years?

Time limits expressed in months or years expire on the day in the month of expiry corresponding to that on which the time limit started or – if no such day exists in the month of expiry – on the last day of that month.

9 When does the deadline expire if expressed in weeks, in months or in years?

Time limits expressed in months or years expire on the day in the month of expiry corresponding to that on which the time limit started or – if no such day exists in the month of expiry – on the last day of that month.

10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes.

11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

In addition to the cases mentioned above, the court can, for any important reason, extend a time limit set by it only once; the time limit – together with its extension – cannot exceed forty-five days, unless a longer period is required to enable an expert opinion to be delivered. Statutory time limits may only be extended in cases mandated by law. The period from 15 July to 20 August each year is not included in time limits expressed in days (due to judicial holidays). If a time limit expressed in months or years were to expire during the judicial holidays, it will expire on the day of the following month corresponding to that on which the time limit started or, if that day also falls within the period of the judicial holidays, on the first day following the judicial holidays. The law also provides for exceptions to the judicial holidays. The court must specifically draw the attention of the parties to such exceptions. In out-of-court proceedings regulated in acts other than the Code of Civil Procedure, the provisions on judicial holidays can only be applied if a separate law so provides.

12 What are the time limits for appeals?

As a general rule, an appeal may be lodged within 15 days of notification of the decision, and within 3 days in actions relating to bills of exchange.

13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

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14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

The rules of civil procedure in Hungary do not provide for an extension on the grounds of the place of residence of the parties. However, non-compliance with the time limit may be excused if the parties were not reachable at the address indicated in the personal data and address register for a justified reason.

15 What are the consequences of non-observance of the deadlines?

Unless otherwise provided for by law, the parties can no longer validly perform defaulted procedural actions. The consequences of the failure to perform these actions – except in cases provided for by law –ensue automatically, without prior notice. If, in accordance with the law, the consequences of a default ensue only upon prior notice or at the request of the adverse party, the defaulted action can be performed during the period indicated in the notice or until submission of the request or, if the request is made at a hearing, up until the time the relevant decision is taken. Should any party be hindered in performing an action by a commonly known natural event or other obstacles beyond his or her control, this shall not be regarded as a default. The consequences of non-compliance with time limits will not apply if a submission to the court is posted as registered mail no later than on the last day of the time limit.

16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

The parties may submit an application for *restitutio in integrum* to provide an excuse for their default. The court must take a fair decision on the application.
In the event that a party or its representative fails to appear in court on a particular date or misses a deadline for a reason beyond his or her control, the consequences of the default – except in the cases referred to below – may be remedied by providing justification for the default. No justification can be provided if the option of justification is excluded by law, if the consequences of the default can be prevented without justification, if the default does not entail any disadvantage expressed in a court ruling or if the party fails to meet the new deadline set on the basis of an application for *restitutio in integru*m.
Applications for *restitutio in integrum* may be submitted within fifteen days. This time limit must run from the missed closing date or the last day of the missed deadline. If, however, a party or its representative becomes aware of the default at a later date or if an obstacle is removed only at a later date, the time limit for the application for *restitutio in integrum* starts from the point when the party becomes aware of the default or the obstacle is removed. No application for *restitutio in integrum* can be submitted later than three months from the time of the default.
The application for *restitutio in integrum* must state the causes of default and the circumstances making it likely that the default was unintentional. In the event of failure to meet a deadline, the defaulted action must be performed at the same time as the application for *restitutio in integrum* is submitted.
If the option of justification is excluded by law or if the application for *restitutio in integrum* has been submitted out of time, the application must be rejected without consideration being given to the merits of the case. The same applies if – in the case of non-compliance with a time limit – the party submitting the application for *restitutio in integrum* did not perform the defaulted action when submitting the application.
An appeal may be submitted against decisions rejecting an application for *restitutio in integrum*.

Last update: 15/01/2024

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