

THE LAW

ON THE BAR EXAMINATION

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I GENERAL PROVISIONS

1. Purpose of the Bar Examination

Article 1

The bar examination tests one's professional qualification to perform functions and tasks for which that examination is envisaged as a condition by law or other regulation.

2. Conditions for Taking the Examination

Article 2

The bar examination can be taken by a person graduated from the faculty of law who after having completed the faculty of law acquired two years of work experience in the legal profession matters in a court, public prosecutor's office, public attorney's office and lawyer's profession or three years of work experience in the legal profession matters in a misdemeanor authority, other state authority, territorial autonomy and local government authority or four years of work experience in the legal profession matters in a company, institution or other organisation.

Each and every six months' period of work experience in the legal profession matters in a court, public prosecutor's office, public attorney's office and lawyer's profession shall be considered as nine months of work experience in the legal profession matters in a misdemeanor authority, other state authority, territorial autonomy and local government authority, or as one year of work experience in the legal profession matters in a company, institution or other organisation.

Each and every year of work experience in the legal profession matters in a misdemeanor authority, other state authority, territorial autonomy and local government authority shall be considered as sixteen months of work experience in the legal profession matters in a company, institution or other organisation.

3. Examination Subjects

Article 3

The bar examination shall consist of written and oral parts.

The criminal and civil law practical tasks shall be done at the written part.

The following subjects shall be taken at the oral part of the examination:

- 1) Constitutional law and justice organisational law,
- 2) Criminal law,
- 3) Civil law,
- 4) Commercial (economic) law,
- 5) International private law,
- 6) Administrative law,
- 7) Labour law.

Article 4

The bar examination shall be taken according to the programme containing the material, legal sources and legal literature.

The bar examination programme shall be stipulated by the Minister of Justice.

4. Examination Board

Article 5

The bar examination shall taken before the Examination Board.

The Examination Board shall have seven members, one thereof being the chairperson.

The Examination Board shall decide by majority of votes, unless otherwise envisaged by this Law.

Article 6

The Minister of Justice shall form the Examination Board from among prominent lawyers who have passed the bar examination.

The faculty of law professor teaching a positive law subject can be the Examination Board member even without having passed the bar examination.

The decision on forming the Examination Board shall also stipulate the subjects examined by its members.

Article 7

The Minister of Justice can establish several Examination Boards.

The Minister of Justice can convene all the Examination Boards' members for the purpose of considering the issues of relevance for realisation of the bar examination purpose.

Article 8

The Examination Board work schedule shall be determined by the Minister of Justice.

The administrative affairs of the Examination Board shall be conducted by the Ministry of Justice.

II TAKING THE BAR EXAMINATION

1. Application for Examination

Article 9

The application for bar examination shall be submitted to the Ministry of Justice.

Attached to the application, the candidate shall present evidence of having fulfilled the conditions for taking the examination.

Article 10

The examination written part and minimum four subjects of the examination oral part must be registered for in the bar examination application.

Article 11

The Minister of Justice shall bring decision on the application for bar examination.

The decision shall be delivered to the candidate, and in case the examination taking is approved - to the Examination Board chairperson as well.

2. Written Part of the Examination

Article 12

The bar examination shall start by making a written paper.

The tasks shall be given and the paper evaluated by the member of the Examination Board examining the subject in which the written paper is made.

The time for making the written paper shall be set by the Examination Board.

Article 13

The candidate's written paper shall be evaluated as "excellent", "good" and "not satisfactory".

The candidate cannot take the oral examination in the subject in which his/her written paper has been evaluated as "not satisfactory".

Article 14

The written papers evaluated as "excellent" and "good" shall be examined by a philologist.

The philologist shall evaluate with "excellent" and "good" the correctness of expression, clarity of phrases and the linguistic culture of the candidate.

The philologist shall be designated by the Minister of Justice.

3. Oral Part of the Examination

Article 15

The oral part of the bar examination shall be taken publicly, before all the bar Examination Board members at one time.

The examination subject shall be examined by the Examination Board member designated as examiner for that subject.

Article 16

A candidate's performance at the oral part of examination shall be evaluated separately for every subject with "excellent", "good" and "not satisfactory".

When assessing the candidate's performance, his/her knowledge of the positive regulations and court case, understanding of the legal institutions essence, his/her correct legal reasoning and manner of presentation shall be evaluated.

4. Subsequent Examination Taking

Article 17

A candidate whose performance in minimum four examination subjects has been evaluated as "excellent" or "good" shall have right to take the rest of the examinations subsequently.

The subsequent examination taking can follow minimum two months or maximum six months after the completion of the previous examination taking.

In case the last date for subsequent examination taking is on the day when the bar examination does not take place, it shall be taken on the first next day when the examination takes place.

5. General Performance at the Bar Examination

Article 18

After having evaluated a candidate's performance at the examination oral part in every subject separately, the Examination Board shall establish the general performance of the candidate at the bar examination.

The candidate's general performance at the bar examination shall be defined as "passed with excellence", "passed very well", "passed" and "failed".

Article 19

The general performance at the bar examination shall be defined by "passed with excellence" grade only for a candidate whose performance both at the written and oral parts in every subject is evaluated as "excellent" and whose paper is evaluated as "excellent" by the philologist.

6. Postponement of the Started Examination Taking

Article 20

At the request of a candidate, the chairperson of the Examination Board can postpone the started examination taking up to three months, in case the candidate is prevented from further examination taking due to illness or other justified reasons.

The evidence justifying the request for postponement of the started examination taking shall be attached thereto.

Article 21

The examination postponement period shall start running from the date of the postponement decision adoption.

The postponed examination resumption shall comprise taking the subjects that haven't been taken before the postponement.

7. Examination Considered Failed

Article 22

The bar examination shall not be passed by a candidate evaluated as "not satisfactory" in minimum four examination subjects at the first examination taking, as well as a candidate evaluated as "not satisfactory" in minimum one examination subject at subsequent examination taking.

The bar examination shall not be passed by a candidate who explicitly or tacitly withdraws from taking the already started examination (fails to submit the written paper, fails to take examination when the subsequent examination taking starts and similar).

The candidate shall not pass the bar examination either in case he/she fails to take it within the examination postponement period.

8. Examination Considered as Not Taken

Article 23

If the candidate fails to take the bar examination within the period set for the examination taking, or he/she declares his/her withdrawal from taking the examination before the start of the examination written part, he/she shall be considered as not having taken the examination at all.

9. Protection of the Candidate's Rights

Article 24

The candidate considering that his/her general performance or performance in a certain subject is not correctly evaluated shall have right to make an objection to the Examination Board within twenty-four hours from the moment of the performance announcement.

The Examination Board shall be obliged to decide on the objection within three days from the date of the objection receipt.

Article 25

In case it adopts the objection, the Examination Board may repeat the examination in one or several subjects, or alter the previously given grade or established general performance.

III RETAKING THE BAR EXAMINATION

Article 26

The candidate who has taken and failed the bar examination may retake it upon expiry of a six months period starting from the end of the previous examination taking.

The candidate who failed the bar examination due to his/her absence from taking the postponed examination may retake it after six months from the date of the examination postponement period expiry.

The candidate who fails the bar examination for the second or every subsequent time can retake it upon expiry of two years' period from the previous examination end.

IV CERTIFICATE ON THE BAR EXAMINATION AND OTHER ISSUES

Article 27

A certificate shall be issued on the passed bar examination.

The certificate shall be issued and its content stipulated by the Minister of Justice.

Article 28

The Minister of Justice shall stipulate in detail the manner of taking the bar examination, the examination taking costs, work fees of the Examination Board members and philologists and govern other issues related to the bar examination.

V TRANSITIONAL AND FINAL PROVISIONS

Article 29

In the sense of this Law, the bar examination shall be equal with the bar examination passed pursuant to the regulations applicable before entering into force of this law, namely the judge's and lawyer's examinations that are equal by law with the bar examination.

Article 30

The candidate who started taking the bar examination pursuant to the regulations applicable before entering into force of this law shall also have right after entering into force of this law to complete the started bar examination taking pursuant to the regulations applicable at the time he/she had started the bar examination taking.

Article 31

The Minister of Justice shall stipulate the programme for the bar examination taking by October 1, 1997.

Article 32

The Law on the Bar Examination ("The Official Gazette of the Republic of Serbia", number 67/93) shall cease to be effective upon entering into force of this Law.

Article 33

This Law shall become effective on January 1, 1998.