

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o prekrških obsega:

- Zakon o prekrških – ZP-1 (Uradni list RS, št. 7/03 z dne 23. 1. 2003),
- Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1A (Uradni list RS, št. 86/04 z dne 5. 8. 2004),
- Zakon o prekrških – uradno prečiščeno besedilo – ZP-1-UPB1 (Uradni list RS, št. 23/05 z dne 10. 3. 2005),
- Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1B (Uradni list RS, št. 44/05 z dne 5. 5. 2005),
- Zakon o prekrških – uradno prečiščeno besedilo – ZP-1-UPB2 (Uradni list RS, št. 55/05 z dne 6. 6. 2005),
- Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1C (Uradni list RS, št. 40/06 z dne 14. 4. 2006),
- Popravek Zakona o spremembah in dopolnitvah Zakona o prekrških – ZP-1C (Uradni list RS, št. 51/06 z dne 18. 5. 2006),
- Zakon o prekrških – uradno prečiščeno besedilo – ZP-1-UPB3 (Uradni list RS, št. 70/06 z dne 6. 7. 2006),
- Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1D (Uradni list RS, št. 115/06 z dne 10. 11. 2006),
- Odločbo o razveljavitvi tretjega odstavka 223. člena Zakona o prekrških in ugotovitvi, da drugi odstavek 223. člena Zakona o

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The unofficial consolidated version of the Minor Offences Act comprises:

- Minor Offences Act – ZP-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 7/03 of 23 January 2003),
- Act Amending the Minor Offences Act – ZP-1A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 86/04 of 5 August 2004),
- Minor Offences Act – Official Consolidated Text – ZP-1-UPB1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 23/05 of 10 March 2005),
- Act Amending the Minor Offences Act – ZP-1B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 44/05 of 5 May 2005),
- Minor Offences Act – Official Consolidated Text – ZP-1-UPB2 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 55/05 of 6 June 2005),
- Act Amending the Minor Offences Act – ZP-1C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 40/06 of 14 April 2006),
- Corrigendum to the Act Amending the Minor Offences Act – ZP-1C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 51/06 of 18 May 2006),
- Minor Offences Act – Official Consolidated Text – ZP-1-UPB3 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 70/06 of 6 July 2006),
- Act Amending the Minor Offences Act – ZP-1D (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 115/06 of 10 November 2006),
- Decision abrogating paragraph three of Article 223 of the Minor Offences Act and establishing that paragraph two of Article 223 is not

- prekrških ni v neskladju z Ustavo (Uradni list RS, št. 139/06 z dne 29. 12. 2006),
- Zakon o prekrških – uradno prečiščeno besedilo – ZP-1-UPB4 (Uradni list RS, št. 3/07 z dne 12. 1. 2007),
 - Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1E (Uradni list RS, št. 17/08 z dne 19. 2. 2008),
 - Popravek Zakona o spremembah in dopolnitvah Zakona o prekrških – ZP-1E (Uradni list RS, št. 21/08 z dne 29. 2. 2008),
 - Zakon o spremembah in dopolnitvah Zakona o izvrševanju kazenskih sankcij – ZIKS-1C (Uradni list RS, št. 76/08 z dne 25. 7. 2008),
 - Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1F (Uradni list RS, št. 108/09 z dne 28. 12. 2009),
 - Odločbo o razveljavitvi tretjega, četrtega in sedmega odstavka 66. člena Zakona o prekrških (Uradni list RS, št. 109/09 z dne 28. 12. 2009),
 - Zakon o integriteti in preprečevanju korupcije – ZIntPK (Uradni list RS, št. 45/10 z dne 4. 6. 2010),
 - Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1G (Uradni list RS, št. 9/11 z dne 11. 2. 2011),
 - Zakon o prekrških – uradno prečiščeno besedilo – ZP-1-UPB8 (Uradni list RS, št. 29/11 z dne 18. 4. 2011),
 - Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1H (Uradni list RS, št. 21/13 z dne 13. 3. 2013),
 - Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1I (Uradni list RS, št. 111/13 z dne 27. 12. 2013),
 - Odločbo o ugotovitvi, da je prvi stavek prvega odstavka 193. člena Zakona o prekrških v neskladju z Ustavo (Uradni list RS, št. 74/14 z dne 17. 10. 2014),
 - Odločbo o razveljavitvi prvega, drugega, tretjega in četrtega odstavka 19. člena, sedmega odstavka 19. člena, kolikor se nanaša na

- inconsistent with the Constitution (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 139/06 of 29 December 2006),
- Minor Offences Act – Official Consolidated Text – ZP-1-UPB4 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 3/07 of 12 January 2007),
 - Act Amending the Minor Offences Act – ZP-1E (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 17/08 of 19 February 2008),
 - Corrigendum to the Act Amending the Minor Offences Act – ZP-1E (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 21/08 of 29 February 2008),
 - Act Amending the Enforcement of Criminal Sanctions Act – ZIKS-1C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 76/08 of 25 July 2008),
 - Act Amending the Minor Offences Act – ZP-1F (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 108/09 of 28 December 2009),
 - Decision abrogating paragraphs three, four and seven of Article 66 of the Minor Offences Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 109/09 of 28 December 2009),
 - Integrity and Prevention of Corruption Act – ZIntPK (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 45/10 of 4 June 2010),
 - Act Amending the Minor Offences Act – ZP-1G (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 9/11 of 11 February 2011),
 - Minor Offences Act – Official Consolidated Text – ZP-1-UPB8 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 29/11 of 18 April 2011),
 - Act Amending the Minor Offences Act – ZP-1H (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 21/13 of 13 March 2013),
 - Act Amending the Minor Offences Act – ZP-1I (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 111/13 of 27 December 2013),
 - Decision establishing that the first sentence of paragraph one of Article 193 of the Minor Offences Act is inconsistent with the Constitution (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 74/14 of 17 October 2014),
 - Decision abrogating paragraphs one, two, three and four of Article 19, paragraph seven of Article 19, in so far as it is related to the

izvršitev ukлонilnega zapora, ter 202.b člena Zakona o prekrških (Uradni list RS, št. 92/14 z dne 19. 12. 2014),

- Zakon o spremembah in dopolnitvah Zakona o prekrških – ZP-1J (Uradni list RS, št. 32/16 z dne 6. 5. 2016),
- Odločbo o razveljavitvi tretjega odstavka 61. člena Zakona o prekrških (Uradni list RS, št. 15/17 z dne 31. 3. 2017).

ZAKON o prekrških (ZP-1)

(neuradno prečiščeno besedilo št. 22)

PRVI DEL MATERIALNOPRAVNE DOLOČBE

Prvo poglavje TEMELJNE DOLOČBE

Predpisovanje prekrškov in sankcij

1. člen

(1) Ta zakon določa splošne pogoje za predpisovanje prekrškov in sankcij zanje, splošne pogoje za odgovornost za prekrške, za izrekanje in za izvršitev sankcij za prekrške, postopek za prekrške ter organe in sodišča za odločanje o prekrških.

(2) Predpisi, s katerimi se v Republiki Sloveniji določajo prekrški, se lahko uporabljajo le v skladu s tem zakonom.

(3) Določbe prvega dela tega zakona (materialnopravne

enforcement of fines by imprisonment, and Article 202b of the Minor Offences Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 92/14 of 19 December 2014),

- Act Amending the Minor Offences Act – ZP-1J (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 32/16 of 6 May 2016),
- Decision abrogating paragraph three of Article 61 of the Minor Offences Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 15/17 of 31 March 2017).

MINOR OFFENCES ACT (ZP-1)

(Unofficial consolidated version No. 22)

PART ONE SUBSTANTIVE LAW PROVISIONS

Chapter 1 BASIC PROVISIONS

Defining minor offences and prescribing sanctions

Article 1

(1) This Act determines the general conditions for defining minor offences and prescribing related sanctions, the general conditions applying to liability for minor offences, the imposition of sanctions for minor offences and the enforcement of those sanctions, minor offence proceedings, and the authorities and courts that have jurisdiction to decide on minor offences.

(2) The regulations that define minor offences committed in the Republic of Slovenia may be applied exclusively in compliance with this Act.

(3) The provisions of Part One of this Act (substantive law

določbe) veljajo za vse prekrške po predpisih iz prejšnjega odstavka.

(4) Določbe tega zakona se ne uporabljajo za administrativno sankcioniranje pravnih oseb v skladu s predpisi, ki urejajo varstvo konkurence, zavarovalni nadzor, trg vrednostnih papirjev, preprečevanje pranja denarja in predpisi, ki jih izvaja Banka Slovenije.

Meje sankcioniranja prekrškov

2. člen

(1) Nikomur ne sme biti izrečena sankcija za prekršek, če dejanje ni bilo z zakonom, uredbo ali odlokom samoupravne lokalne skupnosti določeno kot prekršek, preden je bilo storjeno, in če za tako dejanje ni bila predpisana sankcija za prekršek.

(2) Če se po storitvi prekrška enkrat ali večkrat spremenijo materialnopravne določbe tega zakona ali predpis, ki določa prekršek, se uporabi zakon ali predpis, ki je za storilca milejši.

Predpisi o prekrških

3. člen

(1) Prekrški se lahko določijo:

- z zakonom;
- z uredbo Vlade Republike Slovenije;
- z odlokom samoupravne lokalne skupnosti.

(2) Z uredbo Vlade Republike Slovenije se lahko določijo prekrški in sankcije zanje samo za kršitve določb uredbe in za kršitve določb pravnih aktov Evropske unije, ki se v Republiki Sloveniji uporabljajo neposredno.

provisions) shall apply to all minor offences pursuant to the regulations referred to in the preceding paragraph.

(4) The provisions of this Act shall not apply to administrative sanctioning of legal persons in compliance with the regulations governing competition protection, insurance supervision, the securities market, the prevention of money laundering and the regulations implemented by the Bank of Slovenia.

Restrictions on imposing sanctions on minor offences

Article 2

(1) A sanction for a minor offence may not be imposed if the act committed has not been previously defined as a minor offence in an Act, regulation or self-governing local community ordinance, and if no sanctions were prescribed for committing such an act.

(2) In cases where, after a minor offence has been committed, the substantive law provisions of this Act or the regulation governing the minor offence are amended on one or more occasions, the Act or the regulation that is more lenient towards the perpetrator shall apply.

Regulations governing minor offences

Article 3

(1) Minor offences may be defined by:

- an Act;
- a decree adopted by the Government of the Republic of Slovenia; or
- an ordinance adopted by a self-governing local community.

(2) A decree adopted by the Government of the Republic of Slovenia may define minor offences and prescribe sanctions for those minor offences exclusively in relation to violations of the provisions of the decree concerned and violations of the provisions of EU legal acts that are directly applicable in the Republic of Slovenia.

(3) Kadar je s tem zakonom določeno, da določeno vsebino ureja zakon, se v primeru določanja prekrškov za kršitve določb pravnih aktov Evropske unije, ki se v Republiki Sloveniji uporabljajo neposredno, te vsebine lahko uredijo tudi z uredbo.

(4) Z odlokom samoupravne lokalne skupnosti se smejo določiti prekrški in predpisati zanje globe samo v določenem znesku ter samo za kršitve predpisov, ki jih same izdajajo v okviru svojih pristojnosti, ter če jih zakon ali uredba še ne sankcionira.

Sankcije za prekršek

4. člen

(1) Za storjeni prekršek se ob pogojih iz tega zakona izreče predpisana sankcija ali opozorilo.

(2) Sankcije za prekrške so:

- globa;
- opomin;
- kazenske točke v cestnem prometu s prenehanjem veljavnosti vozniškega dovoljenja in prepovedjo uporabe vozniškega dovoljenja;
- prepoved vožnje motornega vozila;
- izgon tujca iz države;
- odvzem predmetov;
- izguba ali omejitev pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti;
- izločitev iz postopkov javnega naročanja;
- vzgojni ukrepi.

(3) Globa se predpiše in izreče kot glavna sankcija, opomin se izreče namesto globe, kazenske točke v cestnem prometu, prepoved vožnje motornega vozila, izgon tujca iz države, odvzem predmetov, izguba ali omejitev pravice do sredstev iz proračuna Republike Slovenije

(3) Where this Act provides that a certain subject shall be regulated by an Act, the definition of minor offences for violations of the provisions of EU legal acts that are directly applicable in the Republic of Slovenia may also be regulated by a decree.

(4) The ordinances adopted by self-governing local communities may define minor offences and prescribe fines for these minor offences only up to a specific amount and exclusively for violations of the regulations which they themselves have issued within the limits of their jurisdiction and which are not sanctioned by an Act or a decree.

Sanctions for minor offences

Article 4

(1) Subject to the conditions stipulated by this Act, either a prescribed sanction or a warning shall be imposed for the commission of a minor offence.

(2) The sanctions for minor offences shall be as follows:

- a fine;
- a caution;
- penalty points for traffic offences, including the revocation of and prohibition of using a driving licence;
- a driving prohibition;
- the expulsion of a foreigner;
- the confiscation of items;
- the forfeiture or limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities;
- exclusion from public procurement procedures;
- educational measures.

(3) A fine shall be prescribed and imposed as the main sanction, with a caution imposed as an alternative; penalty points for traffic offences, a driving prohibition, the expulsion of a foreigner, the confiscation of items, the forfeiture or limitation of the right to receive

in proračunov samoupravnih lokalnih skupnosti in izločitev iz postopka javnega naročanja pa se predpišejo in izrečejo kot stranske sankcije.

(4) Kazenske točke v cestnem prometu, prepoved vožnje motornega vozila, izguba ali omejitev pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti in izločitev iz postopkov javnega naročanja se izrečejo ob pogojih, določenih s tem zakonom, če so z zakonom za posamezni prekršek predpisane.

(5) Izgon tujca iz države in odvzem predmetov se izrečeta ob pogojih, določenih s tem zakonom, ali če tako določa zakon.

(6) Poleg globe ali opomina se sme izreči ena ali več stranskih sankcij.

(7) Ob pogojih in na način, določen s tem zakonom, se lahko namesto uvedbe postopka o prekršku oziroma izdaje odločbe o prekršku storilcu prekrška izreče opozorilo.

(8) Ob pogojih, določenih s tem zakonom, se odvzame premoženjska korist, pridobljena s prekrškom.

(9) Mladoletnim storilcem prekrškov se izrekajo vzgojni ukrepi in druge sankcije, določene s tem zakonom.

Veljavnost predpisov

5. člen

(1) Predpisi o prekrških iz prve in druge alineje prvega odstavka 3. člena tega zakona veljajo na območju Republike Slovenije; predpisi o prekrških iz tretje alineje prvega odstavka 3. člena tega zakona pa na območju samoupravne lokalne skupnosti, ki jih je izdala.

funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities, and exclusion from public procurement procedures shall be prescribed and imposed as secondary sanctions.

(4) Penalty points for traffic offences, a driving prohibition, the forfeiture or limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities, and exclusion from public procurement procedures shall be imposed subject to the conditions stipulated by this Act if they are prescribed for such offences by an Act.

(5) The expulsion of a foreigner and the confiscation of items shall be imposed subject to the conditions stipulated by this Act or if so determined by an Act.

(6) One or more secondary sanctions may be imposed in addition to a fine or caution.

(7) Subject to the conditions and in the manner stipulated by this Act, a warning may be imposed on the perpetrator of a minor offence instead of instituting minor offence proceedings or issuing a minor offence decision.

(8) Subject to the conditions stipulated by this Act, any proceeds arising from a minor offence shall be confiscated.

(9) The educational measures and other sanctions stipulated by this Act shall be imposed on juvenile offenders.

Application of regulations

Article 5

(1) The regulations governing minor offences referred to in indents one and two of paragraph one of Article 3 of this Act shall be applicable in the territory of the Republic of Slovenia; the regulations governing minor offences referred to in indent three of paragraph one of Article 3 of this Act shall be applicable in the territory of the self-governing local community that issued them.

(2) Predpisi o prekrških, ki veljajo na območju Republike Slovenije, se uporabijo tudi proti vsakomur, kdor stori prekršek na ladji, ki je vpisana v pristanišču na območju Republike Slovenije, ali na zrakoplovu, ki je vpisan v register oziroma evidenco zrakoplovov v Republiki Sloveniji, medtem ko se nahajata izven njenega območja.

(3) Ta zakon in predpisi o prekrških s področja varstva javnega reda in miru, orožja, obrambe ter proizvodnje in prometa s prepovedanimi drogami veljajo tudi za pripadnika Slovenske vojske, Policije ali druge uradne osebe oziroma javnega uslužbenca v njihovem okviru, ki stori prekršek v tujini pri izvajanju mirovne operacije, misije, vojaške vaje ali druge podobne aktivnosti, če je to ravnanje kaznivo tudi po predpisih države, na območju katere je bilo izvršeno, vendar organi te države niso pristojni za izvedbo postopka ali postopek v tej državi ni bil uveden iz drugih razlogov.

Drugo poglavje

PREKRŠEK IN ODGOVORNOST ZANJ

Prekršek

6. člen

Prekršek je dejanje, ki pomeni kršitev zakona, uredbe vlade, odloka samouprave, lokalne skupnosti, ki je kot tako določeno kot prekršek in je zanj predpisana sankcija za prekršek.

Prekršek neznatnega pomena

6.a člen

Za prekršek neznatnega pomena šteje prekršek, ki je bil storjen v okoliščinah, ki ga delajo posebno lahkega in pri katerem ni

(2) The regulations governing minor offences applicable in the territory of the Republic of Slovenia shall also apply to those who commit a minor offence on a vessel registered in a port based in the territory of the Republic of Slovenia, or on an aircraft registered in the Aircraft Registry of the Republic of Slovenia while outside the territory of the Republic of Slovenia.

(3) This Act and the regulations governing minor offences relating to the protection of public order, weapons, defence, and the production of and trade in illicit drugs shall also apply to the members of the Slovenian Army, the Police and other officials or public employees within the framework thereof who commit a minor offence abroad during a peacekeeping operation, mission, military exercise or other similar activity, if such conduct is also criminal under the regulations of the country in whose territory it was committed but that country's authorities do not have jurisdiction to conduct proceedings or proceedings were not initiated in that country for other reasons.

Chapter 2

MINOR OFFENCES AND LIABILITY FOR MINOR OFFENCES

Minor offence

Article 6

A minor offence is any act that represents a violation of an Act, a decree adopted by the Government or an ordinance adopted by a self-governing local community that has been determined to be a minor offence and for which a sanction for minor offences has been prescribed.

Petty offence

Article 6a

A petty offence is a minor offence that has been committed in circumstances which render it very innocuous and which has not or will

nastala oziroma ne bo nastala škodljiva posledica ali je ta neznatna.

Domneva nedolžnosti

7. člen

Kdor je obdolžen prekrška, velja za nedolžnega, dokler njegova odgovornost ni ugotovljena s pravnomočno odločbo.

Uporaba določb kazenskega zakonika

8. člen

Kolikor ni v tem zakonu določeno drugače, se v postopku o prekršku smiselno uporabljajo določbe kazenskega zakonika glede silobrana, skrajne sile, prisiljenosti, neprištevnosti, naklepa, malomarnosti, dejanske in pravne zmote, storilca in sotorilca, napeljevanja in pomoči ter časa in kraja storitve kaznivega dejanja.

Odgovornost za prekršek

9. člen

(1) Za prekršek je odgovoren storilec, ki je storil prekršek iz malomarnosti ali z naklepom.

(2) Predpis o prekršku lahko določi, da je storilec odgovoren samo, če je prekršek storil z naklepom.

Poskus

10. člen

not result in harmful consequences or such consequences are negligible.

Presumption of innocence

Article 7

Any person charged with a minor offence shall be presumed innocent until his or her liability has been established by a final decision.

Application of the provisions of the Criminal Code

Article 8

Unless otherwise provided by this Act, the provisions of the Criminal Code governing self-defence, necessity, coercion, insanity, intent, negligence, mistakes of fact and mistakes of law, perpetrators and accomplices, abetting and aiding, and the time and place of the criminal offence shall apply, *mutatis mutandis*, to minor offence proceedings.

Liability for minor offences

Article 9

(1) The liability for a minor offence shall be borne by the perpetrator who commits such minor offence intentionally or through his or her own negligence.

(2) A regulation governing minor offences may stipulate that a perpetrator be held liable only for minor offences that have been committed intentionally.

Attempt

Article 10

Storilec ni odgovoren za poskus prekrška.

A perpetrator shall not be held liable for an attempted minor offence.

Pomagač in napeljevalec

Aider and abettor

11. člen

Če gre za napeljevanje ali pomoč v posebno olajševalnih okoliščinah, se sme napeljevalcu in pomagaču sankcija odpustiti.

Article 11

If an abettor or aider has abetted or aided in particularly mitigating circumstances, he or she may be released from the sanction imposed.

Prekršek in kaznivo dejanje

Minor offences and criminal offences

11.a člen

Article 11a

(1) Zoper storilca, ki je bil v kazenskem postopku pravnomočno spoznan za krivega kaznivega dejanja, ki ima tudi znake prekrška, ali je bila zaradi takega dejanja kazenska ovadba zoper njega zavržena na podlagi postopka poravnavanja ali odloženega pregona, se ne vodi postopek o prekršku in se mu tudi ne izrekajo sankcije za prekrške.

(1) Minor offence proceedings shall not be initiated against, and sanctions shall not be imposed on a perpetrator who has been found guilty by a final decision in criminal proceedings of committing a criminal offence that includes the elements of a minor offence or when a criminal complaint for such an act has been rejected on the grounds of a settlement procedure or deferred prosecution.

(2) Če je bil kazenski postopek za kaznivo dejanje, ki ima tudi znake prekrška, pravnomočno ustavljen, ali je bila izdana pravnomočna oprostilna sodba, ali je bil obtožni akt pravnomočno zavržen ali zavržen, ali je bila kazenska ovadba zavržena, se postopek za prekršek zoper storilca vodi le, če ga razlogi za navedeno odločitev ne izključujejo.

(2) If criminal proceedings for a criminal offence that includes elements of a minor offence have been stayed on the basis of a final decision or a final decision of acquittal was issued or the charges were dismissed or rejected by a final decision, or the criminal complaint was rejected, minor offence proceedings shall be conducted against the perpetrator only when the reasons for the aforementioned decision do not exclude it.

(3) Če je bila zoper storilca vložena kazenska ovadba zaradi kaznivega dejanja, ki ima tudi znake prekrška, ali zaradi takega dejanja zoper njega teče kazenski postopek, se postopek o prekršku ne more začeti, če se je začel, pa se prekine in se ne sme nadaljevati, dokler ni postopek v zvezi s kaznivim dejanjem pravnomočno končan. V tem času zastaranje pregona zaradi prekrška ne teče in se nadaljuje po pravnomočnosti odločitve iz prejšnjega odstavka.

(3) Minor offence proceedings may not be initiated when a criminal complaint has been filed for a criminal offence that includes elements of a minor offence or when criminal proceedings are conducted against the perpetrator; if minor offence proceedings have been initiated, they shall be suspended and shall continue only after the criminal offence proceedings have been terminated by a final decision. The statute of limitations for legal proceedings with respect to a minor offence shall not

(4) Državni tožilec mora o svoji odločitvi iz prejšnjih odstavkov tega člena, ki vpliva na vodenje postopka o prekršku, če je bil začet kazenski postopek, pa tudi o pravnomočni odločitvi sodišča, brez odlašanja obvestiti za obravnavanje prekrška pristojni prekrškovni organ oziroma sodišče.

Imuniteta

12. člen

(1) Zoper tujce, ki v Republiki Sloveniji uživajo imuniteto po mednarodnem pravu, se postopek o prekršku vodi le za kršitve, ki niso obsežene s to imuniteto, izreče pa se jim lahko samo globa oziroma opomin.

(2) Če nastane dvom, ali gre za osebo oziroma za kršitev, ki je obsežena z imuniteto, se prekrškovni organ obrne za pojasnilo na ministrstvo, pristojno za zunanje zadeve.

(3) O prekršku, ki ga stori tujec, ki uživa imuniteto po mednarodnem pravu, prekrškovni organ obvesti ministrstvo, pristojno za zunanje zadeve, v primeru iz prvega odstavka tega člena pa priloži tudi odločbo o prekršku.

Odgovornost pravne osebe, samostojnega podjetnika posameznika, posameznika, ki samostojno opravlja dejavnost in odgovorne osebe teh subjektov

13. člen

Pravne osebe, samostojni podjetniki posamezniki in posamezniki, ki samostojno opravljajo dejavnost, ter odgovorne osebe teh subjektov so odgovorne za prekršek v skladu s tem zakonom, če je v

run and shall resume after the final decision referred to in the preceding paragraph has been issued.

(4) The state prosecutor must immediately notify the competent minor offence authority and/or the court of his or her decision referred to in the preceding paragraphs of this Article which has an influence on the conduct of the minor offence proceedings when criminal proceedings have been initiated, as well as of the final decision of the court.

Immunity

Article 12

(1) Minor offence proceedings against foreigners who in the Republic of Slovenia enjoy immunity under international law shall be conducted only for violations not covered by such immunity; foreigners may only be imposed a fine or caution.

(2) When doubt arises as to whether the person or a violation is covered by such immunity, the minor offence authority shall consult the ministry responsible for foreign affairs.

(3) The minor offence authority shall notify the ministry responsible for foreign affairs of the minor offence committed by a foreigner enjoying immunity under international law; in the case referred to in paragraph one of this Article, the notification shall include the minor offence decision.

Liability of legal persons, individual sole traders and individuals who perform independent activities and the responsible persons of such entities

Article 13

Legal persons, individual sole traders, individuals who perform independent activities and the responsible persons of such entities shall be held liable for a committed minor offence in accordance with this Act if

predpisu o prekršku tako določeno.

Izključitev odgovornosti

13.a člen

Republika Slovenija in samoupravne lokalne skupnosti ne odgovarjajo za prekršek, zakon pa lahko določi, da odgovarja za prekršek odgovorna oseba v državnem organu ali v samoupravni lokalni skupnosti.

Odgovornost pravne osebe

14. člen

(1) Pravna oseba je odgovorna za prekršek, ki ga pri opravljanju njene dejavnosti storilec stori v njenem imenu ali za njen račun ali v njeno korist ali z njenimi sredstvi.

(2) Če storilca prekrška ni mogoče odkriti ali če za prekršek ni odgovoren, je pravna oseba odgovorna za prekršek, če je njen vodstveni ali nadzorni organ ali njena odgovorna oseba opustila dolžno nadzorstvo, s katerim bi se prekršek lahko preprečil.

(3) Ne glede na določbi prejšnjih odstavkov tega člena pravna oseba ni odgovorna za prekršek, če dokaže, da je bil prekršek storjen:

- z namenom škodovanja tej pravni osebi, ali
- z zavestnim kršenjem pogodbe, na podlagi katere storilec opravlja delo ali storitev za pravno osebo, ali s kršenjem navodil ali pravil pravne osebe, ki je v okviru dolžnega nadzorstva pravočasno izvedla vse ukrepe, potrebne za preprečitev prekrška.

Odgovornost samostojnega podjetnika posameznika in posameznika, ki samostojno opravlja dejavnost

so provided by a regulation on minor offences.

Exclusion of liability

Article 13a

The Republic of Slovenia and self-governing local communities shall not be held liable for minor offences; however, an Act may stipulate that any liability for offences committed shall be borne by the responsible person of a state authority or of a self-governing local community.

Liability of legal persons

Article 14

(1) A legal person shall be held liable for a minor offence committed by a perpetrator during the performance of activities on its behalf, for its account or benefit, or by using its means.

(2) If the perpetrator of a minor offence cannot be identified or found liable for the minor offence, the legal person shall be held liable therefor if its management or supervisory authority or responsible person has been negligent in exercising due supervision aimed at preventing such minor offence.

(3) Notwithstanding the provisions of the preceding paragraphs of this Article, the legal person shall not be held liable for the minor offence if it can prove that the minor offence was committed:

- with the purpose of causing damage to this legal person, or
- by intentionally violating the contract on the basis of which the perpetrator provides work or services to the legal person, or by violating the instructions or rules of a legal person that, within the framework of due supervision, carried out all the necessary measures aimed at preventing such an offence in due time.

Liability of individual sole traders and individuals who perform independent activities

14.a člen

(1) Samostojni podjetnik posameznik in posameznik, ki samostojno opravlja dejavnost, sta za prekršek, ki ga storilec stori pri opravljanju njune dejavnosti, odgovorna pod pogoji iz 14. člena tega zakona.

(2) Samostojni podjetnik posameznik in posameznik, ki samostojno opravlja dejavnost, sta za prekršek, ki ga pri opravljanju svoje dejavnosti storita sama, odgovorna pod pogoji iz 9. člena tega zakona.

Odgovornost v primeru stečaja ali prenehanja

14.b člen

(1) Pravna oseba, samostojni podjetnik posameznik in posameznik, ki samostojno opravlja dejavnost, so v primeru stečaja odgovorni za prekršek ne glede na to, ali je bil prekršek storjen pred začetkom stečajnega postopka ali med njim, vendar se jim ne izreče globa, temveč le odvzem predmetov in odvzem premoženjske koristi.

(2) Če pravna oseba pred izdajo odločbe oziroma sodbe o prekršku preneha obstajati, se jo spozna za odgovorno za prekršek, sankcije za prekršek in odvzem premoženjske koristi pa se izrečejo subjektu, ki je njen pravni naslednik, če je vodstveni ali nadzorni organ ali nosilec tega subjekta vedel za storjeni prekršek. Če tega ni vedel, se pravnemu nasledniku lahko izreče le odvzem predmetov in odvzem premoženjske koristi.

(3) Če samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost, pred izdajo odločbe oziroma sodbe o prekršku preneha obstajati v tej statusni obliki, se ga spozna za odgovornega za prekršek, sankcije za prekršek in odvzem premoženjske koristi pa se izrečejo fizični osebi, ki je bila nosilec statusne oblike, ki je

Article 14a

(1) An individual sole trader and an individual who performs independent activities shall be held liable for any minor offence committed by a perpetrator during the performance of his or her activity under the conditions set out in Article 14 of this Act.

(2) An individual sole trader and an individual who performs independent activities shall be held liable for any minor offence he or she commits during the performance of his or her activity under the conditions set out in Article 9 of this Act.

Liability in the event of bankruptcy or cessation

Article 14b

(1) In the event of bankruptcy, a legal person, an individual sole trader or an individual who performs independent activities shall be held liable for a minor offence, irrespective of whether the minor offence was committed before the institution of bankruptcy proceedings or during the proceedings; however, a fine shall not be imposed on such, but solely the confiscation of items and the proceeds of the minor offence.

(2) If a legal person ceased to exist prior to the issuance of the minor offence decision or judgment, it shall be found liable therefor, while the sanction for the minor offence and the confiscation of the proceeds therefrom shall be imposed on the subject that is its legal successor, provided that the management or the supervisory authority or the holder of this entity knew of the minor offence committed. If it was not aware of the offence, only the confiscation of items and proceeds may be imposed on the legal successor.

(3) If an individual sole trader or an individual who performs independent activities ceased to exist in such status form prior to the issuance of a minor offence decision or judgment, it shall be found liable for the minor offence, while the sanction for the minor offence and the confiscation of proceeds shall be imposed on the natural person who held

prenehala.

Pojem odgovorne osebe

15. člen

(1) Odgovorna oseba je tista oseba, ki je pooblaščená opravljati delo v imenu, na račun, v korist ali s sredstvi pravne osebe, samostojnega podjetnika posameznika ali posameznika, ki samostojno opravlja dejavnost, državnega organa ali organa samoupravne lokalne skupnosti.

(2) Odgovorna oseba je tudi tista oseba, ki je pri subjektu iz prejšnjega odstavka pooblaščená izvajati dolžno nadzorstvo, s katerim se lahko prepreči prekršek.

(3) Šteje se, da je za izvajanje dolžnega nadzorstva pooblaščen vodstveni organ, za dolžno nadzorstvo nad vodstvenim organom pa nadzorni organ, razen če dokaže, da je bila odgovornost za izvajanje dolžnega nadzorstva s pravnim aktom prenesena na drugo osebo ali organ.

(4) Če ima v primeru iz prejšnjega odstavka vodstveni ali nadzorni organ več članov, je za izvajanje dolžnega nadzorstva odgovoren vsak član posebej, razen če dokaže, da je bila ta odgovornost s pravnim aktom naložena le posameznim članom ali ožji skupini članov.

Odgovornost odgovorne osebe

15.a člen

(1) Odgovorna oseba je odgovorna za prekršek, ki ga stori s svojim dejanjem (storitvijo ali opustitvijo) pri opravljanju dejavnosti pravne osebe, samostojnega podjetnika posameznika ali posameznika, ki samostojno opravlja dejavnost, pri izvrševanju pooblastil državnega organa ali organa samoupravne lokalne skupnosti.

the status form that ceased to exist.

Notion of a responsible person

Article 15

(1) A responsible person is a person authorised to perform work on behalf, for the account, for the benefit, or with the means of a legal person, an individual sole trader, an individual who performs independent activities, state authority, or an authority of a self-governing local community.

(2) A responsible person is also the person required to carry out due supervision aimed at preventing minor offences in the entities referred to in the preceding paragraph.

(3) It shall be deemed that due supervision is the responsibility of an authorised management authority, while due supervision over the management authority is the responsibility of the supervisory authority, unless it is proved that due supervisory responsibility has been transferred to some other person or authority by a legal act.

(4) When, in the case referred to in the preceding paragraph, the management or supervisory authority is composed of several members, due supervision shall be the responsibility of each and every individual member, unless it is proved that such responsibility has been assigned only to certain individual members or a restricted group thereof by a legal act.

Liability of responsible persons

Article 15a

(1) A responsible person shall be held liable for any minor offence committed through his or her act (of commission or omission) during the performance of the activities of the legal person, an individual sole trader or an individual who performs independent activities, or in connection with the exercise of the powers of a state authority or

(2) Odgovornost odgovorne osebe za prekršek ne preneha, če ji je prenehala zaposlitev ali ni več druge pravne podlage za delo v pravni osebi ali zanjo, za samostojnega podjetnika posameznika ali posameznika, ki samostojno opravlja dejavnost, za državni organ ali samoupravno lokalno skupnost, kakor tudi ne, če je subjekt, pri katerem je delovala odgovorna oseba, prenehal obstajati ali opravljati dejavnost ali če ni več pogojev za ugotavljanje njegove odgovornosti za prekršek.

(3) Ne glede na določbe prejšnjih odstavkov tega člena odgovorna oseba ni odgovorna za prekršek, če je ravnala po odredbi nadrejene odgovorne osebe ali vodstvenega ali nadzornega organa pravne osebe, državnega organa ali samoupravne lokalne skupnosti ali po odredbi samostojnega podjetnika posameznika ali posameznika, ki samostojno opravlja dejavnost, in je storila vse, kar je bila po zakonu, drugem predpisu ali po notranjem aktu tega subjekta dolžna storiti, da bi preprečila prekršek.

Način storitve prekrška

16. člen

(1) Prekršek je lahko storjen s storitvijo ali z opustitvijo.

(2) Prekršek je storjen z opustitvijo, če je storilec opustil dejanje, ki bi ga moral storiti.

Tretje poglavje
SANKCIJE ZA PREKRŠEK

Globa

authority of a self-governing local community.

(2) The liability of the responsible person for a minor offence shall not cease upon the termination of his or her employment relationship or when the required legal basis ceases to exist with respect to his or her work with or for the legal person, individual sole trader or individual who performs independent activities, state authority or self-governing local community, or when the entity where the liable person performed his or her activity ceases to exist or perform activities, or when the conditions for establishing his or her liability with regard to the minor offence no longer exist.

(3) Notwithstanding the provisions referred to in the preceding paragraphs of this Article, the responsible person shall not be held liable for a minor offence if he or she complied with an order from a hierarchically superior responsible person or the legal person's management or supervisory authority, a state or self-governing community authority, or with an order from an individual sole trader or individual who performs independent activities, and did everything required by an Act, other regulations or internal acts of the entity concerned in order to prevent the minor offence from occurring.

Method of committing a minor offence

Article 16

(1) A minor offence may be committed by an act of commission or by an act of omission.

(2) A minor offence shall be deemed to have been committed by omission if the perpetrator omits an act that he or she was obliged to perform.

Chapter Three
SANCTIONS FOR MINOR OFFENCES

Fine

17. člen

(1) Globa se lahko predpiše v razponu ali v določenem znesku.

(2) Z zakonom ali z uredbo Vlade Republike Slovenije se lahko predpiše globa v razponu:

- za posameznika od 40 do 5.000 eurov;
- za samostojnega podjetnika posameznika in posameznika, ki samostojno opravlja dejavnost, od 200 do 150.000 eurov;
- za pravno osebo od 200 do 250.000 eurov, če se pravna oseba po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, pa od 400 do 500.000 eurov;
- za odgovorno osebo pravne osebe ali odgovorno osebo samostojnega podjetnika posameznika oziroma posameznika, ki samostojno opravlja dejavnost in za odgovorno osebo v državnem organu ali v samoupravnih lokalnih skupnostih od 40 do 10.000 eurov.

(3) Globa, ki se predpisuje v določenem znesku, je lahko predpisana za posameznika v določenem znesku od 40 do 2.000 eurov, za odgovorno osebo v določenem znesku od 40 do 5.000 eurov, za samostojnega podjetnika posameznika in posameznika, ki samostojno opravlja dejavnost, v določenem znesku od 200 do 75.000 eurov, za pravno osebo v določenem znesku od 200 do 125.000 eurov, če se pravna oseba po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, pa v določenem znesku od 400 do 250.000 eurov.

(4) Za prekrške s področja davkov, trošarin in carin ter javnega naročanja se lahko z zakonom predpiše globa v večkratniku ali v odstotku od davka, trošarine ali carine, ki bi jo bilo treba plačati, ali od vrednosti predmeta oziroma naročila, v zvezi s katerim je bil storjen prekršek. Globa, določena v skladu s tem odstavkom, ki se izreče v postopku zaradi prekrška, ne sme biti višja od najvišjega zneska, določenega z drugim, tretjim oziroma šestim odstavkom tega člena.

(5) Za prekrške s področja varstva konkurence ter s področja trga z električno energijo ali zemeljskim plinom se lahko za pravno osebo,

Article 17

(1) A fine may be prescribed within a specific range or in a specific amount.

(2) An Act or decree adopted by the Government of the Republic of Slovenia may prescribe fines within the following ranges:

- from EUR 40 to EUR 5,000 for an individual;
- from EUR 200 to EUR 150,000 for an individual sole trader or an individual who performs independent activities;
- from EUR 200 to EUR 250,000 for legal persons, and from EUR 400 to EUR 500,000 if the legal person is considered a medium- or large-sized company according to the Act governing companies;
- from EUR 40 to EUR 10,000 for the responsible person of a legal person or for the responsible person of an individual sole trader or individual who performs independent activities, or for the responsible person of a state authority or self-governing local community.

(3) A fine that is to be prescribed in a specific amount shall be from EUR 40 to EUR 2,000 for an individual; from EUR 40 to EUR 5,000 for a responsible person; from EUR 200 and EUR 75,000 for an individual sole trader or an individual who performs independent activities; from EUR 200 to EUR 125,000 for a legal person; and from EUR 400 to EUR 250,000 for a legal person that is considered a medium- or large-sized company according to the Act governing companies.

(4) Fines for minor offences related to taxes, excise charges, customs and public procurement may be prescribed by an Act in a multiple amount or as a percentage of the tax, excise charges or customs duty that should have been paid, or of the value of the item and/or of the contract that was the subject of the minor offence. Fines defined in compliance with this paragraph and imposed during minor offence proceedings may not exceed the maximum amount specified in paragraphs two, three and six of this Article.

(5) Fines for legal persons, individual sole traders or individuals who perform independent activities for minor offences relating

samostojnega podjetnika posameznika ali posameznika, ki samostojno opravlja dejavnost, z zakonom predpiše globa v višini do deset odstotkov njihovega letnega prometa ali njihovega letnega prometa s podjetji v skupini v predhodnem poslovnem letu. Za določitev globe v skladu s tem odstavkom se ne uporabljajo določbe drugega, tretjega in šestega odstavka tega člena.

(6) Z zakonom se sme predpisati za najhujše kršitve s področja varstva naravnih bogastev, okolja in ohranjanja narave, s področja varstva kulturne dediščine, s področja varstva pred naravnimi in drugimi nesrečami, s področja varnosti in zdravja pri delu, dela in zaposlovanja na črno ter delovnih razmerij, s področja socialnega varstva, s področja davkov, trošarin, carin, financ, javnega naročanja, varstva konkurence, državnih blagovnih rezerv in omejevalnih ukrepov za posamezne prekrške, katerih narava je posebno huda zaradi višine povzročene škode ali višine pridobljene protipravne premoženjske koristi ali zaradi storilčevega naklepa oziroma njegovega namena koristoljubnosti, trikrat višjo globo od tiste, ki je predvidena v drugem in tretjem odstavku tega člena.

(7) Z zakonom se lahko za posameznika, za prekrške s področja dela in zaposlovanja na črno, predpiše dvakrat višja globa od tiste, ki je predvidena v drugem odstavku tega člena.

(8) Z odlokom samoupravne lokalne skupnosti se lahko predpiše samo globa v določenem znesku:

- za posameznika od 40 do 1.250 eurov;
- za samostojnega podjetnika posameznika in posameznika, ki samostojno opravlja dejavnost, od 100 do 30.000 eurov;
- za pravno osebo od 100 do 75.000 eurov, če se pravna oseba po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo, pa od 250 do 125.000 eurov;
- za odgovorno osebo pravne osebe ali odgovorno osebo samostojnega podjetnika posameznika oziroma posameznika, ki samostojno opravlja dejavnost in za odgovorno osebo v samoupravnih lokalnih skupnostih od 40 do 2.500 eurov.

(9) Globe, plačane za prekrške, so prihodek države oziroma samoupravne lokalne skupnosti, če so plačane za prekrške, ki jih je pravno zmogočno izrekel prekrškovni organ te samoupravne lokalne

to the protection of competition or the electricity and natural gas markets may be prescribed by an Act in an amount of up to ten percent of their annual turnover or of their annual turnover within an enterprise grouping in the preceding financial year. The provisions of paragraphs two, three and six of this Article shall not apply to the imposition of fines in accordance with this paragraph.

(6) An Act may prescribe fines three times higher than those specified in paragraphs two and three of this Article for the most serious minor offences with respect to the protection of natural resources, environmental protection and nature conservation, the protection of cultural heritage, protection against natural and other disasters, safety and health at work, undeclared work and employment and labour relations, social security, taxation, excise charges and customs duties, finance, public procurement, the protection of competition, and the protection of national commodity reserves and restrictive measures whose nature is especially serious owing to the level of damage inflicted or the amount of proceeds involved, or owing to the perpetrator's intent to secure gain through unlawful means.

(7) An Act may prescribe fines two times higher than those specified in paragraph two of this Article for an individual for minor offences relating to undeclared work and employment.

(8) An ordinance adopted by a self-governing local community may only prescribe a fine for a specific amount as follows:

- from EUR 40 to EUR 1,250 for an individual;
- from EUR 100 to EUR 30,000 for an individual sole trader and an individual who performs independent activities;
- from EUR 100 to EUR 75,000 for a legal person; from EUR 250 to EUR 125,000 in cases where the legal person is deemed to be a medium- or large-sized company according to the Act governing companies;
- from EUR 40 to EUR 2,500 for the responsible person of a legal person or the responsible person of an individual sole trader or an individual who performs independent activities, and for the responsible person of a self-governing local community.

(9) Any fines paid for minor offences shall be the revenue of the state or a self-governing local community when paid in compliance with a final decision of the minor offence authority of the self-governing

skupnosti, ki je za odločanje o prekrških pooblaščen z zakonom, s katerim so določeni ti prekrški. Globe, plačane za prekrške, ki so predpisani z odloki samoupravnih lokalnih skupnosti, in pravnomočno izrečene z odločbami prekrškovnih organov samoupravne lokalne skupnosti, so prihodek tiste samoupravne lokalne skupnosti, katere predpis je bil kršen.

Rok plačila globe in stroškov postopka

18. člen

(1) Če se izreče globa, se v odločbi oziroma sodbi o prekršku določi tudi rok, v katerem mora biti plačana. Ta rok ne sme biti krajši od osmih dni in ne daljši kot tri mesece.

(2) Storilec lahko po poteku roka za plačilo globe pri organu, pristojnem za prisilno izterjavo, zaprosi za obročno plačilo globe. V tem primeru se s sklepom določita način odplačevanja in rok plačila. Ta rok ne sme biti daljši kot eno leto, najmanjši obrok pa sme znašati 20 eurov za fizične in odgovorne osebe ter 200 eurov za pravne osebe, samostojne podjetnike posameznike in posameznike, ki samostojno opravljajo dejavnost. Storilec mora biti o možnosti in načinu predlaganja obročnega plačila opozorjen v plačilnem nalogu, odločbi oziroma sodbi, s katero mu je izrečena globa. Zoper sklep o obročnem odplačevanju ni pritožbe.

(3) Če storilec pri organu, ki je izrekel globo, vloži prošnjo za obročno plačilo globe iz prejšnjega odstavka, ta organ pošlje prošnjo v pristojno reševanje organu, pristojnemu za prisilno izterjavo, skupaj s terjatvijo, ko ta postane pravnomočna in izvršljiva.

(4) Če storilec zamudi s plačilom posameznega obroka za plačilo globe, z dnem zamude zapadejo v plačilo še neplačani obroki. Storilca je treba opozoriti na posledice zamude.

local community that is empowered to decide on minor offences by the Act governing such offences. Fines paid for minor offences which are regulated by ordinances issued by self-governing local communities and imposed on the basis of a final decision issued by the minor offence authorities of self-governing local communities shall be the revenue of the self-governing local community whose regulations have been violated.

Time limit for the payment of fines

Article 18

(1) In cases where a fine is imposed, the minor offence decision or judgment shall specify the time limit within which the fine must be paid. This time limit may not be less than eight days and may not exceed three months in duration.

(2) After the expiry of the time limit for the payment of the fine, the perpetrator may request from the authority competent to enforce collection that he or she be allowed to pay the fine in instalments. In such case, the instalment plan and time limit for payment shall be defined by an order. This time limit may not exceed one year in duration while an instalment may not be lower than EUR 20 for natural and responsible persons or EUR 200 for legal persons, individual sole traders and individuals who perform independent activities. The perpetrator must be instructed of the possibility and method of proposing payment in instalments in the penalty notice, decision or judgment imposing the fine. There shall be no appeal against the order on paying in instalments.

(3) In cases where the perpetrator files a request to pay the fine in instalments referred to in the preceding paragraph with the authority imposing the fine, this authority shall send the request to the authority competent to enforce collection, together with the claim when the latter becomes final and enforceable.

(4) In cases where the perpetrator fails to pay an instalment of the fine on time, all unpaid instalments shall fall due on the day on which the payment was due. The perpetrator must be informed of the consequences of any delay.

(5) Določbe, ki urejajo roke za plačilo globe, obročno plačilo in način izterjave, se uporabljajo tudi za stroške postopka o prekršku in odvzem premoženjske koristi s plačilom denarnega zneska.

Uklonilni zapor

19. člen (črtan)

Delo v splošno korist

19.a člen

(1) Storilec, ki zaradi svojega premoženjskega stanja oziroma zmožnosti za plačilo po kriteriju iz drugega odstavka tega člena ne more plačati globe in stroškov postopka v višini najmanj 300 eurov, lahko najpozneje do poteka roka za plačilo predlaga, da se plačilo globe in stroškov postopka nadomesti z delom v splošno korist.

(2) Sodišče odobri nadomestitev plačila globe in stroškov postopka z delom v splošno korist predlagatelju, ki bi bil upravičen do redne brezplačne pravne pomoči po materialnem kriteriju iz zakona, ki ureja brezplačno pravno pomoč.

(3) Obseg dela v splošno korist določi sodišče tako, da za vsakih začetih 10 eurov globe in stroškov postopka določi eno uro dela, pri čemer lahko odrejeno delo traja najmanj 30 in največ 400 ur. Rok, v katerem mora biti delo opravljeno, ne sme biti daljši od šestih mesecev.

(4) Če sodišče ob upoštevanju storilčeve delovne zmožnosti, njegovih osebnih razmer ali drugih okoliščin v času odločanja oceni, da za to obstajajo utemeljeni in upravičeni razlogi, lahko število ur dela v splošno korist, določeno na podlagi prejšnjega odstavka, zviša ali zniža za največ eno tretjino, vendar ne na manj kot 30 in več kot 400 ur.

(5) The provisions governing the time limit for the payment of a fine, payment in instalments and the method of enforcement shall also apply to the legal costs of minor offence proceedings and the confiscation of proceeds through the payment of the relevant sum.

Fine enforcement by imprisonment

Article 19 (Deleted)

Community Service

Article 19a

(1) A perpetrator who is unable to pay a fine and legal costs amounting to at least EUR 300 due to his or her financial situation or ability to pay, according to the criterion referred to in paragraph two of this Article, may propose, no later than by the expiry of the time limit for the payment, that community service substitute for the payment of the fine and legal costs.

(2) The court shall grant the substitution of the payment of the fine and legal costs by community service to an applicant who would be entitled to regular free legal aid pursuant to the substantive criterion in accordance with the Act governing free legal aid.

(3) The extent of community service shall be determined by the court with a conversion rate of one hour's work for each EUR 10 of outstanding fine and legal costs, with a minimum duration of ordered community service of 30 hours and a maximum duration of 400 hours. The time limit for the completion of service may not exceed six months.

(4) In cases where in the course of its decision-making the court assesses that, in view of the perpetrator's work capacity, his or her personal situation or other circumstances, there are well founded and justified reasons to do so, it may increase or decrease the number of hours of community service determined pursuant to the preceding

(5) Če storilec obseg ur dela v splošno korist, ki mu je bil določen v sklepu iz četrtega odstavka 202.c člena tega zakona, opravi v celoti, se izrečena globa in stroški postopka ne izterjajo.

Prisilna izterjava globe in stroškov postopka

20. člen

(1) Če globa in stroški postopka niso plačani v roku, ki je določen v odločbi ali sklepu, se izterjajo prisilno.

(2) Storilcu, ki ne plača globe in stroškov postopka in se zoper njega vodi prisilna izterjava, se v upravnem postopku do plačila globe in stroškov, vendar najdlje tri leta od pravnomočnosti prekrškovne odločbe, s katero so bili izrečeni neplačana globa in stroški postopka, ne izda potrdila iz uradne evidence in ne izda ali ne podaljša dovoljenja s tistega upravnega področja, na katerem je bil storjen prekršek, če se to področje nanaša na javni red, organizacijo javnih zbiranj, vozniška dovoljenja ali registracijo motornih vozil. Storilcu, ki ne plača globe in stroškov postopka in se zoper njega vodi prisilna izterjava, se ne izda ali ne podaljša dovoljenja v upravnem postopku tudi z drugega upravnega področja, na katerem je bil storjen prekršek, če tako določa zakon. Tega ukrepa ni mogoče določiti za potrdila in druge listine o dejstvih, o katerih se vodijo uradne evidence na področju osebnih stanj.

Nadomestni zapor

20.a člen

paragraph by no more than one third, but not to less than 30 hours or more than 400 hours.

(5) In cases where the perpetrator has completed all community service hours specified in the order pursuant to paragraph four of Article 202c of this Act, the imposed fine and legal costs shall not be enforced.

Enforced collection of a fine and legal costs

Article 20

(1) In cases where a fine and legal costs have not been paid within the time limit specified in the decision or order, they shall be subject to enforced collection.

(2) In cases where a perpetrator has not paid a fine and legal costs and an enforced collection procedure is being conducted against him or her, no certificate from the official records shall be issued to him or her in an administrative procedure and no permit shall be issued to him or her, or extended, in the administrative field in which the minor offence was committed if the field is related to public order, the organisation of public assemblies, driving licences or motor vehicle registration, until the fine and legal costs are paid, but for no longer than three years from the finality of the minor offence decision imposing the outstanding fine and legal costs. In cases where a perpetrator has not paid the fine and legal costs and an enforced collection procedure is being conducted against him or her, no permit shall be issued to him or her, or extended, in an administrative procedure also in any other administrative field in which the minor offence was committed if this is provided by an Act. This measure cannot be applied regarding certificates and other documents on facts from official records regarding civil status.

Substitute imprisonment

Article 20a

(1) Če znesek posamične globe ali seštevek dveh ali več glob, izrečenih storilcu, znaša najmanj 1.000 eurov, globe ali glob pa ni mogoče izterjati po pravilih upravne izvršbe, sodišče sankcijo izvrši tako, da za vsakih začetih 100 eurov globe določi en dan zavora, pri čemer zavora ne sme biti daljši od 90 dni. V seštevek glob se vštejejo le globe, izrečene s posamičnim plačilnim nalogom, odločbo ali sodbo v višini najmanj 300 eurov.

(2) Če je storilcu izrečenih deset ali več glob v znesku manj kot 300 eurov na posamični plačilni nalog, odločbo ali sodbo, pa seštevek teh glob znaša najmanj 1.000 eurov, glob pa ni mogoče izterjati po pravilih upravne izvršbe, sodišče sankcijo izvrši tako, da za vsakih začetih 100 eurov globe določi en dan zavora, pri čemer zavora ne sme biti daljši od 30 dni.

(3) Če sodišče ob upoštevanju storilčeve zmožnosti za prenehanje zavora, njegovih osebnih razmer ali drugih okoliščin v času odločanja oceni, da za to obstajajo utemeljeni in upravičeni razlogi, lahko število dni nadomestnega zavora, določeno na podlagi prvega in drugega odstavka tega člena, zniža za največ eno tretjino, vendar ne na manj kot 8 dni.

(4) Ko storilec preneha nadomestni zavora, terjatev iz naslova neplačane globe, ki je zajeta s sklepom o nadomestnem zavoru, ugasne.

(5) Nadomestni zavora se lahko izvrši do zastaranja izvršitve globe.

Opomin

21. člen

(1) Opomin sme prekrškovni organ in sodišče izreči za prekršek, storjen v takih olajševalnih okoliščinah, ki ga delajo posebno

(1) In cases where the amount of the fine or the sum of two or more fines imposed on a perpetrator amounts to at least EUR 1,000 and the fine or fines cannot be enforced in compliance with the rules governing administrative enforcement, the court shall enforce the sanction by determining one day of imprisonment for each EUR 100 of fine or fraction thereof, with a maximum duration of imprisonment of 90 days. The sum of fines shall only comprise the fines imposed by a penalty notice, decision or judgment in the amount of at least EUR 300.

(2) In cases where ten or more fines amounting to less than EUR 300 per individual penalty notice, decision or judgment are imposed on a perpetrator and the sum of these fines amounts to at least EUR 1,000 and the fines cannot be enforced in compliance with the rules governing administrative enforcement, the court shall enforce the sanction by determining one day of imprisonment for each EUR 100 of outstanding fine, with a maximum duration of imprisonment of 30 days.

(3) In cases where in the course of adjudication the court assesses that, in view of the perpetrator's ability to serve a prison sentence, his or her personal situation, or other circumstances, there are well-founded and justified reasons to do so, it may decrease the number of days of substitute imprisonment determined pursuant to paragraphs one and two of this Article by no more than one third, but not to less than eight days.

(4) After the perpetrator has served substitute imprisonment, the claim in respect of the outstanding fine covered by the substitute imprisonment order shall be extinguished.

(5) Substitute imprisonment may be enforced until the statute of limitations for the enforcement of the fine expires.

Cautions

Article 21

(1) Minor offence authorities and courts may impose a caution for a minor offence that is committed in such mitigating circumstances

lahkega.

(2) Opomin se sme izreči tudi, če je prekršek v tem, da ni bila izpolnjena predpisana obveznost, ali je bila s prekrškom povzročena škoda, storilec pa je pred izdajo odločbe oziroma sodbe o prekršku izpolnil predpisano obveznost oziroma popravil ali povrnil povzročeno škodo.

Kazenske točke v cestnem prometu s prenehanjem veljavnosti vozniškega dovoljenja in prepovedjo uporabe vozniškega dovoljenja

22. člen

(1) Kazenske točke v cestnem prometu se predpišejo v višini od ene do 18 točk v določenem številu za prekršek zoper varnost cestnega prometa, s katerim je povzročena nevarnost za nastanek hude posledice oziroma z dejanjem nastane škodljiva posledica.

(2) Kazenske točke v cestnem prometu se izrečejo vozniku, ki ima veljavno vozniško dovoljenje, oziroma osebi, ki ji je začasno odvzeto vozniško dovoljenje.

(3) Če voznik v času dveh let doseže ali preseže 18 kazenskih točk v cestnem prometu, mu sodišče izreče prenehanje veljavnosti vozniškega dovoljenja za vse kategorije motornih vozil, za katere je storilec imel dovoljenje, ko je storil prekršek, s katerim je dosegel predpisano število kazenskih točk. Izrek sankcije prenehanja veljavnosti vozniškega dovoljenja ni dopusten, če pretečeta dve leti od pravnomočnosti odločbe o prekršku, s katero so bile izrečene kazenske točke v cestnem prometu, zaradi katerih je storilec dosegel število kazenskih točk, ki ima za posledico prenehanje veljavnosti vozniškega dovoljenja. Za izrek sankcije se smiselno uporabljajo določbe tega zakona o zastaranju izvršitve sankcije.

(4) Z zakonom je lahko določeno, da se posameznim vrstam voznikov izreče prenehanje veljavnosti vozniškega dovoljenja pri večjem ali manjšem številu kazenskih točk v cestnem prometu.

that render the minor offence very innocuous.

(2) A caution may also be imposed in cases where the minor offence arises from the non-fulfilment of a prescribed obligation or when the minor offence results in damage but the perpetrator has fulfilled the prescribed obligation, or rectified or compensated for the damage caused before the minor offence decision or judgment was issued.

Penalty points for traffic offences, including the revocation of and prohibition of using a driving licence

Article 22

(1) Penalty points for traffic offences shall be prescribed in terms of a set number within a range of between one and eighteen points for road safety minor offences causing a danger of the occurrence of serious consequences or for acts actually causing harmful consequences.

(2) Penalty points for traffic offences shall be imposed on a driver holding a valid driving licence or on a person whose driving licence has been temporarily withdrawn.

(3) If a driver reaches or exceeds 18 penalty points for traffic offences over a period of two years, the court shall revoke his or her driving licence for all the motor vehicle categories for which the perpetrator held a licence at the time the minor offence was committed and with which the prescribed number of penalty points was reached. The sanction of driving licence revocation may not be imposed after two years have expired since the finality of the minor offence decision imposing the penalty points for traffic offences that resulted in the driving licence revocation. The imposition of this sanction shall be subject to *mutatis mutandis* application of the provisions of this Act on the statute of limitations for the enforcement of sanctions.

(4) An Act may stipulate that certain types of drivers be imposed the sanction of driving licence revocation for a lower or higher number of penalty points for traffic offences.

(5) Z zakonom se lahko določi, da se posameznim vrstam voznikov izreče prenehanje veljavnosti vozniškega dovoljenja za posamezne kategorije motornih vozil, za katere so imeli vozniško dovoljenje v času storitve prekrška, s katerim je bilo doseženo predpisano število kazenskih točk in pri katerem se izreče prenehanje veljavnosti posamezne kategorije vozniškega dovoljenja.

(6) Ne glede na prejšnji odstavek se imetniku vozniškega dovoljenja izreče prenehanje veljavnosti vozniškega dovoljenja za vse kategorije motornih vozil, za katere je storilec imel vozniško dovoljenje, če je storil prekršek, za katerega je predpisanih 18 kazenskih točk in mu je bila za ta prekršek pravnomočno izrečena stranska sankcija 18 kazenskih točk v cestnem prometu.

(7) **(prenehal veljati)**

(8) Vozniku, ki je imetnik tujega vozniškega dovoljenja, sodišče namesto prenehanja veljavnosti vozniškega dovoljenja izreče prepoved uporabe tujega vozniškega dovoljenja na ozemlju Republike Slovenije za dobo enega leta. Za izrek prepovedi uporabe vozniškega dovoljenja na ozemlju Republike Slovenije se smiselno uporabljajo določbe tretjega, četrtega, petega in šestega odstavka tega člena.

(9) Izvršitev prenehanja veljavnosti vozniškega dovoljenja se lahko odloži pod pogoji in po postopku, določenimi s tem zakonom in zakonom, ki ureja pogoje opravljanja zdravstvenih pregledov ter dodatnih usposabljanj voznikov (v nadaljnjem besedilu: zakon o voznikih).

(10) Obvestilo o možnosti, pogojih in postopku izbrisa kazenskih točk na podlagi opravljenih zdravstvenih pregledov in udeležbe v programih dodatnega usposabljanja za varno vožnjo po določbah zakona o voznikih, je sestavni del pravnega pouka v vsaki odločbi, s katero se izrečejo kazenske točke v cestnem prometu.

Prepoved vožnje motornega vozila

(5) An Act may stipulate that certain types of drivers be imposed the sanction of driving licence revocation for certain categories of motor vehicles for which the driver concerned held a licence at the time the minor offence was committed, and with which he or she reached the prescribed number of penalty points required to result in a revocation of certain driving licence categories.

(6) Notwithstanding the provisions of the preceding paragraph, the sanction of driving licence revocation shall be imposed on the holder of a driving licence for all those categories of motor vehicles for which he or she held a licence when committing a minor offence punishable by 18 penalty points, and he or she has been imposed for this minor offence a secondary sanction of 18 penalty points for traffic offences by a final decision.

(7) **(Ceased to be in force)**

(8) Instead of the sanction of driving licence revocation, the court shall prohibit drivers holding foreign driving licences from using a foreign driving licence in the territory of the Republic of Slovenia for one year. The imposition of the sanction of driving licence revocation in the territory of the Republic of Slovenia shall be subject to *mutatis mutandis* application of the provisions of paragraphs three, four, five and six of this Article.

(9) The enforcement of driving licence revocation may be deferred under the conditions and the procedure laid down by this Act and the Act governing the conditions for the medical examination and additional training of drivers (hereinafter: Drivers Act).

(10) Information regarding the possibility, conditions and procedure regarding the removal of penalty points based on the performed medical examination and on participation in additional safe driving training programmes under the provisions of the Drivers Act shall be part of the legal instruction included in any decision imposing penalty points for traffic offences.

Driving prohibition

23. člen

(1) Za prekršek zoper varnost cestnega prometa, s katerim je povzročena nevarnost za nastanek hude posledice oziroma z dejanjem nastane škodljiva posledica, se sme predpisati sankcija prepovedi vožnje motornega vozila določene vrste ali kategorije.

(2) Sodišče izreče sankcijo iz prejšnjega odstavka v trajanju od enega meseca do enega leta. Storilcu prekrška, ki je storil prekršek po tem, ko je že bil pravnomočno spoznan za odgovornega za prekršek, za katerega mu je bila izrečena stranska sankcija najmanj treh kazenskih točk v cestnem prometu ali stranska sankcija prepovedi vožnje motornega vozila (v nadaljnjem besedilu: hujši prekršek) in pod pogojem iz četrtega odstavka 26. člena tega zakona (v nadaljnjem besedilu: povratnik), se prepoved izreče v trajanju od treh mesecev do dveh let. Čas, ko je bila storilcu vzeta prostost, se ne všteva v čas trajanja te sankcije.

(3) Če je sankcija iz prvega odstavka tega člena izrečena osebi, ki ima tuje dovoljenje za vožnjo motornega vozila, obsega ta sankcija prepoved vožnje motornega vozila določene vrste na ozemlju Republike Slovenije.

(4) Sodišče sme storilcu, ki ni povratnik, sankcijo iz prvega odstavka tega člena odpustiti, če posledice dejanja, prejšnje življenje storilca, njegove osebne razmere, njegovo obnašanje po storjenem prekršku in druge posebne olajševalne okoliščine to utemeljujejo.

(5) Če je storilcu izrečena stranska sankcija kazenskih točk v cestnem prometu v številu, ki ima za posledico prenehanje veljavnosti vozniškega dovoljenja, se ne more izreči oziroma izvršiti tudi stranska sankcija prepovedi vožnje motornega vozila.

Izgon tujca iz države

Article 23

(1) The sanction of a driving prohibition for a specific type or category of motor vehicle may be imposed for road safety offences causing a danger of the occurrence of serious consequences or for acts actually causing harmful consequences.

(2) The court shall impose the sanction referred to in the preceding paragraph for a duration between one month and one year. A perpetrator who has committed a minor offence after he or she was found liable, on the basis of a final decision, for a minor offence for which he or she was imposed the secondary sanction of at least three penalty points or the secondary sanction of a driving prohibition (hereinafter: serious offence) and under the condition referred to in paragraph four of Article 26 of this Act (hereinafter: repeat offender), shall be imposed the sanction for a duration of between three months to two years. The time during which the perpetrator was deprived of his or her liberty shall not be included in the duration of the sanction.

(3) In cases where the sanction referred to in paragraph one of this Article is imposed on a person holding a foreign driving licence, the sanction imposed shall take the form of a prohibition of using a specific type of motor vehicle in the territory of the Republic of Slovenia.

(4) The court may release a perpetrator who is not a repeat offender from the sanction referred to in paragraph one of this Article if the consequences of the act, the previous conduct of the perpetrator, his or her personal circumstances, his or her conduct after the minor offence was committed, and other particular mitigating circumstances substantiate such an action.

(5) In cases where the perpetrator is imposed the secondary sanction of penalty points for a traffic offence, and the number of penalty points results in the revocation of his or her driving licence, the additional secondary sanction of a driving prohibition may not be imposed or enforced.

Expulsion of a foreigner

24. člen

(1) Sodišče sme izreči tujcu sankcijo izгона iz Republike Slovenije, če je bila z dejanjem povzročena nevarnost za nastanek hude posledice oziroma je z dejanjem nastala škodljiva posledica.

(2) Izgon se izreče v trajanju od šest mesecev do petih let.

(3) Trajanje sankcije iz prejšnjega odstavka se šteje od dneva izvršitve sodbe o prekršku. Čas, ko je bila storilcu v postopku odvzeta prostost, se ne všteje v čas trajanja te sankcije.

Odvzem predmetov

25. člen

(1) Predmeti, ki so bili uporabljeni ali namenjeni za prekršek, ali pa so nastali s prekrškom, se smejo odvzeti, če so storilčeva last, ali če z njimi razpolaga pravna oseba, ki je storilec prekrška.

(2) Predmeti iz prejšnjega odstavka se smejo vzeti tudi, če niso storilčeva last, ali z njimi ne razpolaga pravna oseba, ki je storila prekršek, če to terjajo splošna varnost, varovanje življenja in zdravja ljudi, varstvo okolja in ohranjanje narave, gospodarska razmerja ali razlogi morale, kot tudi v drugih primerih, ki jih določa zakon. S tem pa ni prizadeta pravica drugih, terjati odškodnino od storilca.

(3) Z zakonom, ki določa prekršek, se sme določiti obvezen odvzem predmetov.

(4) S posebnim zakonom se lahko določi način izvršitve

Article 24

(1) The court may impose on a foreigner the sanction of expulsion from the Republic of Slovenia if that an act has caused a danger of the occurrence of serious consequences or has resulted in harmful consequences.

(2) The sanction of expulsion shall be imposed for a duration of between six months and five years.

(3) The duration of the sanction referred to in the preceding paragraph shall begin on the day of the enforcement of the minor offence judgment. The time for which the perpetrator was deprived of liberty during the minor offence proceedings shall not be included in the duration of this sanction.

Confiscation of items

Article 25

(1) The items used or intended for use in the commission of a minor offence, or which are acquired as a result of a minor offence, may be confiscated if they are the property of the perpetrator or in the possession of the legal person that committed the minor offence.

(2) The items referred to in the preceding paragraph may also be confiscated even if they are not the property of the perpetrator or in the possession of the legal person that committed the minor offence when this is necessary for safety reasons, the protection of the life and health of people, environmental protection and nature conservation, economic relations or moral reasons, as well as in other cases determined by an Act. This shall not affect the rights of other persons in claiming compensation from the perpetrator.

(3) The Act defining the minor offence may also determine the mandatory confiscation of items.

(4) A special Act may also determine the method of

odvzema predmetov.

(5) V sodbi oziroma odločbi o prekršku se odloči, v skladu s posebnimi predpisi, ali naj se odvzeti predmeti uničijo, ali naj se izročijo ustreznemu organu oziroma organizaciji, ali pa prodajo.

(6) Odvzeti predmet, ki je bil uporabljen ali namenjen za prekršek, se lahko vrne lastniku po predhodnem delnem uničenju, s čimer se prepreči njegova ponovna uporaba za storitev prekrška.

Izločitev iz postopka javnega naročanja

25.a člen

(1) Sodišče sme izreči sankcijo izločitve iz postopka javnega naročanja, če je storilec storil prekršek na področju javnega naročanja in je ta sankcija določena v zakonu, ki ureja področje javnega naročanja.

(2) Izločitev iz postopka javnega naročanja se izreče v trajanju, ki ga določa zakon iz prejšnjega odstavka.

Izguba ali omejitev pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti

25.b člen

(1) Za prekrške s področja političnih strank ter volilne in referendumске kampanje sme sodišče storilcu prekrška, ki je upravičenec do sredstev iz proračuna Republike Slovenije oziroma proračunov samoupravnih lokalnih skupnosti, izreči sankcijo izgube ali omejitve pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti.

enforcement of the confiscation of items.

(5) The minor offence judgment or decision shall specify, in compliance with special regulations, whether the confiscated items are to be destroyed, delivered to the appropriate authority or organisation, or sold.

(6) A confiscated item that was used or intended for use in the commission of a minor offence may be returned to its owner after it has been partially destroyed in order to prevent it from being re-used for the commission of minor offences.

Exclusion from public procurement procedures

Article 25a

(1) The court may impose the sanction of exclusion from public procurement procedures when the perpetrator has committed a minor offence in the field of public procurement, provided that such sanction is laid down by the Act governing public procurement.

(2) Exclusion from public procurement procedures shall be imposed for a duration stipulated by the Act referred to in the preceding paragraph.

Forfeiture or limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities

Article 25b

(1) For minor offences relating to political parties and electoral and referendum campaigns, the court may impose the sanction of the forfeiture or limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities on a perpetrator of a minor offence who is a beneficiary of funding from the budget of the Republic of Slovenia or the budgets of self-governing local communities.

(2) Omejitev pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti se lahko predpiše v deležu sredstev, do katerih je storilec prekrška upravičen.

(3) Izguba ali omejitev pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti se izreče v višini in trajanju, ki ju določa zakon, vendar največ do dveh let.

(4) Izguba ali omejitev pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti nastopi v mesecu, ki sledi mesecu, v katerem je postala pravnomočna odločba o prekršku, s katero je izguba ali omejitev izrečena. Izgubijo ali omejijo se lahko le sredstva, ki ob nastopu izgube ali omejitve še niso izplačana.

Splošna pravila za odmero sankcije

26. člen

(1) Storilcu prekrška se odmeri sankcijo v mejah, ki so določene s predpisom za storjeni prekršek, glede na težo prekrška in storilčevo malomarnost ali naklep.

(2) Pri tem se upoštevajo vse okoliščine, ki vplivajo na to, ali naj bo sankcija manjša ali večja (olajševalne in obteževalne okoliščine), zlasti pa: stopnjo storilčeve odgovornosti za prekršek, nagibe, iz katerih je prekršek storil, stopnjo ogrožanja ali kršitve zavarovane dobrine, okoliščine, v katerih je bil prekršek storjen, prejšnje življenje storilca, njegove osebne razmere, njegovo obnašanje po storjenem prekršku, zlasti, ali je poravnal škodo.

(3) Pri odmeri globe se upošteva tudi storilčevo premoženjsko

(2) The limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities may be imposed by taking into account the proportion of the funding to which the perpetrator of the minor offence is the beneficiary.

(3) The forfeiture or limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities shall be imposed in an amount and for a duration determined by an Act, but not for more than two years.

(4) The forfeiture or limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities shall become effective in the month following the month in which the minor offence decision imposing this forfeiture or limitation became final. Only the funding that has not yet been paid as of the forfeiture or limitation becoming final may be subject to forfeiture or limitation.

General rules for determining sanctions

Article 26

(1) The sanction imposed on the perpetrator of a minor offence shall be determined within the limits prescribed by the regulation governing the minor offence committed, taking into account the gravity of the minor offence and the perpetrator's negligence or intent.

(2) All circumstances that may reduce or increase the severity of the sanction (mitigating and aggravating circumstances) shall be taken into account, and in particular the following: the level of the perpetrator's liability for the minor offence, motives for committing the minor offence, the level of threat to or violation of a protected good, the circumstances in which the minor offence was committed, the perpetrator's previous conduct, his or her personal circumstances, his or her conduct after the minor offence was committed, and in particular whether he or she provided compensation for the damage incurred.

(3) The determination of a fine shall also take into account the

stanje, višino njegove plače, njegove druge dohodke, njegovo premoženje in njegove družinske obveznosti, pri prekrških s področja davkov in carin pa tudi sorazmerje višine globe z višino prikrajšane dajatve.

(4) Sankcije, izrečene za prej storjeni prekršek, ni mogoče šteti za obteževalno okoliščino, če so od dneva, ko je postala odločba oziroma sodba o prekršku pravnomočna do storitve novega prekrška pretekla več kot tri leta.

(5) Pri odmeri globe pravni osebi in samostojnemu podjetniku posamezniku se upošteva gospodarsko moč in prej izrečene sankcije.

(6) Sodišče sme storilcu odmeriti sankcijo pod mejo, ki je predpisana, če tako določa zakon ali če ugotovi, da so podane posebne olajševalne okoliščine, ki utemeljujejo izrek milejše sankcije. Pri tem sme izreči globo do najnižje mere iz 17. člena tega zakona.

(7) V primerih, ko je z zakonom tako določeno, se lahko storilcu prekrška odpusti globo in druge sankcije.

Stek

27. člen

(1) Če je storilec z enim dejanjem ali z več dejanji storil več prekrškov, o katerih še ni izdana odločba oziroma sodba, postopek pa teče pred istim organom oziroma sodiščem, se določi najprej sankcijo za vsak posamezni prekršek, nato pa se izrečejo kot enotna sankcija vse tako določene sankcije.

(2) Če so za prekrške, storjene v steku, določene sankcije iste vrste, se izreče enotna sankcija, ki je enaka njihovemu seštevku, vendar enotna sankcija ne sme presegati dvakratne največje mere posamezne

perpetrator's financial situation, his or her salary, his or her other income, his or her property and his or her family obligations; in the case of minor offences related to taxes and customs, the proportion of the fine in relation to the amount of unpaid taxes or duties shall also be taken into consideration.

(4) The sanction imposed for a previously committed minor offence may not be considered an aggravating circumstance in cases where more than three years have expired between the day on which the minor offence decision or judgment became final and the day on which the new minor offence was committed.

(5) The determination of the fine to be imposed on a legal person or individual sole trader shall take into consideration their financial situation and any previously imposed sanctions.

(6) The court may determine a sanction below the prescribed limit if so prescribed by an Act or if the court establishes the existence of special mitigating circumstances that substantiate the imposition of a more lenient sanction. In such case, the court may impose a fine up to the lowest amount referred to in Article 17 of this Act.

(7) In the cases determined by an Act, the perpetrator may be released from the fine and other sanctions.

Concurrence

Article 27

(1) If the perpetrator, through either a single act or more than one act, commits a number of minor offences for which no decision or judgment has been issued, and the related proceedings are conducted before the same authority or court, preliminary sanctions shall be determined for each minor offence and then an aggregate sanction shall be imposed on the basis of the sanctions determined.

(2) If the same type of sanction is prescribed for minor offences committed in concurrence, an aggregate sanction shall be imposed which shall amount to their sum; however, the aggregate

vrste sankcije po tem zakonu. Če to opravičujejo okoliščine iz drugega, tretjega in petega odstavka prejšnjega člena, se za istovrstne prekrške v steku, za katere je izdana ena odločba o prekršku (56. člen), lahko storilcu izreče enotna sankcija, ki ne dosega seštevka določenih sankcij ali ne presega največje mere posamezne vrste sankcije po tem zakonu.

Četrto poglavje **ODVZEM PREMOŽENJSKE KORISTI, PRIDOBLENE S PREKRŠKOM**

Odvzem premoženjske koristi

28. člen

(1) Nihče ne more obdržati premoženjske koristi, pridobljene s prekrškom ali zaradi njega.

(2) Korist iz prejšnjega odstavka se odvzame z odločbo oziroma sodbo, s katero je bil storilec spoznan za odgovornega oziroma je bil postopek ustavljen, ker je v zakonu določeno, da se storilcu ne izreče sankcija za storjeni prekršek, oziroma mu je bil izrečen vzgojni ukrep.

(3) Odvzem premoženjske koristi obsega odvzem denarja, predmetov in vsake druge premoženjske koristi, ki je bila pridobljena s prekrškom ali zaradi njega. Če to ni mogoče, se storilcu naloži, da mora plačati denarni znesek, ki ustreza pridobljeni premoženjski koristi. V opravičenih primerih se sme dovoliti, da se denarni znesek, ki ustreza pridobljeni premoženjski koristi, lahko plača tudi v obrokih, pri čemer pa rok plačila ne sme biti daljši od enega leta.

(4) Premoženjska korist se odvzame po vrednosti v času storitve prekrška. Če je z zakonom, s katerim je določen prekršek, to predpisano, se lahko namesto premoženjske koristi odvzame razlika v

sanction may not exceed twice the maximum of the individual type of sanction pursuant to this Act. If the circumstances referred to in paragraphs two, three and five of the preceding Article so justify, an aggregate sanction may be imposed on the perpetrator for concurrent offences of the same type for which one minor offence decision has been issued (Article 56) where the aggregate sanction is lower than the sum of the prescribed sanctions or does not exceed the maximum individual type of sanction under this Act.

Chapter Four **CONFISCATION OF PROCEEDS RESULTING FROM A MINOR OFFENCE**

Confiscation of proceeds

Article 28

(1) No individual may retain any proceeds obtained through or as a result of the commission of a minor offence.

(2) The proceeds referred to in the preceding paragraph shall be confiscated pursuant to a decision or judgment that finds the perpetrator liable for the minor offence or by a decision or judgment staying the proceedings since an Act stipulates that no sanction shall be imposed on the perpetrator for committing a minor offence, or if an educational measure was imposed.

(3) The confiscation of proceeds shall comprise the confiscation of money, items and any other proceeds obtained through or resulting from the commission of a minor offence. If this is not possible, the perpetrator shall be ordered to pay a sum equivalent to the proceeds obtained. In certain justified cases, the court may grant the right to pay a sum equivalent to the obtained proceeds in instalments provided that the time limit for payment does not exceed one year.

(4) The proceeds shall be confiscated in an amount that corresponds to the value of the proceeds at the time when the minor offence was committed. In cases where the Act governing the minor

ceni.

(5) Glede odvzema premoženjske koristi, ki so jo druge osebe pridobile s prekrškom, se uporabljajo določbe kazenskega zakonika.

Peto poglavje
VZGOJNI UKREPI IN SANKCIJE ZA MLADOLETNIKE

Uporaba posebnih določb za mladoletnike

29. člen

V postopku proti mladoletnim storilcem prekrškov se uporabljajo določbe tega in dvanajstega poglavja, druge določbe tega zakona pa le, če v tem poglavju ni drugače določeno.

Izključitev odgovornosti otrok

30. člen

(1) Proti mladoletniku, ki ob storitvi prekrška še ni bil star 14 let (otrok), se ne smejo voditi postopki za prekrške in izreči sankcije za prekrške.

(2) O dejanju, ki ima vse znake prekrška in ga stori otrok, prekrškovni organ obvesti osebo, ki je dolžna skrbeti zanj, in kadar je to potrebno glede na naravo in težo dejanja, tudi pristojni organ socialnega varstva.

Izrekanje sankcij mladoletnikom

31. člen

offence so prescribes, the difference in price may be confiscated instead of the proceeds.

(5) The confiscation of proceeds obtained by other persons through the commission of the minor offence shall be subject to the provisions of the Criminal Code.

Chapter Five
EDUCATIONAL MEASURES AND SANCTIONS FOR JUVENILES

Application of special provisions regarding juveniles

Article 29

Proceedings against juvenile offenders shall be subject to the provisions of this Chapter and Chapter Twelve; other provisions of this Act shall apply unless otherwise determined in this Chapter.

Exclusion of the liability of children

Article 30

(1) Minor offence proceedings and the imposition of minor offence sanctions shall not be allowed regarding a juvenile who, at the time the minor offence was committed, had not yet reached 14 years of age (a child).

(2) The minor offence authority shall notify the person responsible for the child and, if necessary, given the nature and gravity of the act, the relevant social welfare authority of any act having all the characteristics of a minor offence committed by the child.

Imposition of sanctions on juveniles

Article 31

(1) Mladoleniku, ki je bil v času storitve prekrška že star 14 let, ni pa še dopolnil 16 let (mlajši mladeniku), se smejo izreči le vzgojni ukrepi.

(2) Mladoleniku, ki je bil v času storitve prekrška že star 16 let, ni pa še dopolnil 18 let (starejši mladeniku), se smejo izreči le vzgojni ukrepi, izjemoma pa se mu sme izreči globa.

(3) Ne glede na določbi prvega in drugega odstavka tega člena, se mladeniku lahko ob vzgojnem ukrepu ali globi izrečeta tudi stranski sankciji odvzema predmetov in kazenskih točk v cestnem prometu s prenehanjem veljavnosti vozniškega dovoljenja ter prepoved uporabe vozniškega dovoljenja.

(4) Goba in stranske sankcije se v primeru iz 41. člena tega zakona izrečejo v mejah oziroma v višini, predpisani za tisti prekršek v steku, za katerega je predpisana najvišja zgornja meja globe oziroma najvišja globa, predpisana v določenem znesku.

Namen vzgojnih ukrepov za mladenike

32. člen

Namen vzgojnih ukrepov je, da se z nasveti in opozorili, z varstvom in pomočjo mladenim storilcem prekrškov, in z razvijanjem njihove osebne odgovornosti zagotovita njihova vzgoja in pravilen razvoj; namen drugih sankcij za mladenike pa tudi vplivati na mladenke storilce prekrškov, da ne bi ponavljali prekrškov, kot tudi na druge mladenike, da ne bi delali prekrškov.

Vrste vzgojnih ukrepov

33. člen

(1) Mladolenemu storilcu prekrška se lahko izrečejo naslednji

(1) A juvenile who was 14 but not yet 16 years of age (a younger minor) at the time the minor offence was committed may only be imposed an educational measure.

(2) A juvenile who was 16 but not yet 18 years of age (an older minor) at the time the minor offence was committed may only be imposed an educational measure; in exceptional circumstances, a fine may also be imposed.

(3) Notwithstanding the provisions of paragraphs one and two of this Article, the secondary sanctions of the confiscation of items and penalty points for a traffic offence, together with driving licence revocation and the prohibition of using a driving licence, may be imposed on a juvenile in addition to an educational measure or fine.

(4) In the case referred to in Article 41 of this Act, fines and secondary sanctions shall be imposed within the range or in the amount prescribed for a concurrent minor offence for which the highest upper limit of the fine or the highest fine in a specific amount is prescribed.

Purpose of educational measures for juveniles

Article 32

The purpose of educational measures shall be to ensure juvenile perpetrators of minor offences education and appropriate development by means of advice, warnings, protection, and assistance offered, and through the development of their personal sense of responsibility; the purpose of other sanctions for juveniles shall be to deter juvenile perpetrators of minor offences from repeating minor offences and to deter other juveniles from committing minor offences.

Types of educational measures

Article 33

(1) The following educational measures may be imposed on a

vzgojni ukrepi:

- ukor;
- navodila in prepovedi;
- nadzorstvo.

(2) Mladoletnemu storilcu se sme izreči samo eden od ukrepov iz prejšnjega odstavka.

Izbira vzgojnega ukrepa

34. člen

Pri izbiri vzgojnega ukrepa je treba upoštevati mladoletnikovo starost, njegovo duševno razvitost, psihične lastnosti, njegova nagnjena, nagibe, iz katerih je storil prekršek, dotedanjo vzgojo, okolje in razmere, v katerih je živel, težo prekrška, ali mu je bil že prej izrečen vzgojni ukrep ali globa in vse druge okoliščine, ki vplivajo na to, da bo najbolj dosežen namen vzgojnega ukrepa.

Ukor

35. člen

(1) Ukor se izreče mladoletniku, kateremu ni potrebno izreči drugega vzgojnega ukrepa, zlasti pa, če je storil prekršek zaradi nepremišljenosti ali lahkomiselnosti.

(2) Ob izreku ukora se mladoletniku prikaže škodljivost njegovega ravnanja in se ga opozori, da v bodoče ne sme delati prekrškov.

Navodila in prepovedi

36. člen

juvenile perpetrator of a minor offence:

- a reprimand;
- instructions and prohibitions;
- supervision.

(2) Only one of the educational measures referred to in the preceding paragraph may be imposed on a juvenile perpetrator.

Selection of an educational measure

Article 34

The selection of an educational measure must take into account the juvenile's age, his or her level of mental development, psychological traits, tendencies, motives for committing the minor offence, past education, environment and the conditions in which the juvenile has been living, the gravity of the minor offence, whether an educational measure or a fine has already been imposed on him or her, and all the other circumstances that have an effect on achieving the purpose of the educational measure in question.

Reprimand

Article 35

(1) A reprimand shall be imposed on a juvenile for whom no other educational measure is necessary, particularly if he or she committed the minor offence out of carelessness or recklessness.

(2) In cases where a reprimand is imposed, the detrimental nature of the act must be explained to the juvenile and he or she must be warned not to commit any more minor offences in the future.

Instructions and prohibitions

Article 36

(1) Sodišče izreče mladoletniku eno ali več navodil ali prepovedi, če je treba s primernimi ukrepi vplivati nanj in na njegovo vedenje.

(2) Sodišče lahko izreče mladoletniku naslednja navodila in prepovedi:

1. redno obiskovati šolo;
2. opraviti delo v korist humanitarnih organizacij ali samoupravne lokalne skupnosti;
3. opraviti preizkus znanja prometnih predpisov;
4. prepoved vožnje motornega vozila pod pogoji, pod katerimi je mogoče to sankcijo izreči polnoletnim;
5. obiskovati ustanovo, ki nudi vzgojno, poklicno, psihološko ali drugo psihosocialno pomoč;
6. osebno se opravičiti oškodovancu;
7. poravnati se z oškodovancem tako, da mladoletnik s plačilom iz lastnih sredstev, z delom ali kako drugače povrne škodo, ki jo je povzročil s prekrškom;
8. usposabljanje se za poklic ali sprejeti zaposlitev, ki ustreza njegovemu znanju, sposobnosti in nagnjenju;
9. zdraviti se v ustreznem zdravstvenem zavodu;
10. udeležiti se programov socialnega treninga.

(3) Pri izbiri in izrekanju navodil in prepovedi sodišče praviloma upošteva mladoletnikovo pripravljenost za sodelovanje.

(4) Navodila in prepovedi smejo trajati najdlje šest mesecev.

(5) Sodišče lahko navodila in prepovedi med izvrševanjem spremeni ali odpravi, če bo s tem bolje dosežen namen vzgojnih ukrepov.

(6) V okviru navodila iz 2. točke drugega odstavka tega člena sme sodišče določiti mladoletniku opravljanje del do največ štiridesetih ur v obdobju treh mesecev, in sicer tako, da ni moteno mladoletnikovo šolanje ali njegova zaposlitev.

(7) Navodila iz 1., 2., 5., 7., 8. in 10. točke drugega odstavka

(1) The court shall impose one or more instructions or prohibitions on a juvenile if appropriate measures are necessary in order to exert influence on the juvenile and his or her conduct.

(2) The court may impose the following instructions and prohibitions on a juvenile:

1. to attend school regularly;
2. to perform work to the benefit of humanitarian organisations or a self-governing local community;
3. to carry out a test of his or her knowledge of traffic regulations;
4. a driving prohibition under the same conditions as those under which this sanction may be imposed on adults;
5. the compulsory attendance of institutions providing educational, vocational, psychological, or other psychosocial help;
6. to apologise in person to the injured party;
7. to compensate the injured party for damage caused by the minor offence by paying from his or her own resources, through work or in another manner;
8. to train for a vocation or accept employment that corresponds to his or her education, capacities and interests;
9. to receive treatment in a relevant health establishment;
10. to attend social training programmes.

(3) In the selection and imposition of instructions and prohibitions, the court shall, as a general rule, take into account the juvenile's willingness to cooperate.

(4) Instructions and prohibitions may be applied for no longer than six months.

(5) The court may amend or annul the instructions and prohibitions during their enforcement, if this would better serve the purpose of the educational measures.

(6) Pursuant to the instruction referred to in point 2 of paragraph two of this Article, the court may order a juvenile to perform work for up to forty hours over a three month period, in a way that does not affect the juvenile's education or employment.

(7) The instructions referred to in points 1, 2, 5, 7, 8 and 10 of

tega člena pripravijo in njihovo izvajanje vodijo organi socialnega varstva, pri njihovem izvrševanju pa sodeluje in jih nadzoruje sodnik tako, da najmanj enkrat mesečno pri pristojnem organu socialnega varstva preveri izvajanje navodil ter na podlagi mesečnih poročil o izvrševanju izrečenega vzgojnega ukrepa odloči, ali se izvajanje vzgojnega ukrepa ustavi ali spremeni.

(8) Navodilo iz devete točke drugega odstavka tega člena izvaja ustrezeni zdravstveni zavod, njegovo izvajanje pa nadzoruje sodnik tako, da najmanj enkrat mesečno pri zdravstvenem zavodu preveri izvajanje navodila ter na podlagi mesečnih poročil o izvrševanju izrečenega vzgojnega ukrepa odloči, ali se izvajanje vzgojnega ukrepa ustavi ali spremeni.

(9) Spoštovanje navodil in prepovedi iz 3. točke in prepovedi iz 4. točke drugega odstavka tega člena nadzoruje policija. Če policija ugotovi, da mladoletnik prepovedi ne izpolnjuje, o tem obvesti sodišče.

(10) Pri izvrševanju navodil iz drugega odstavka tega člena se ne sme prizadeti mladoletnikovo osebno dostojanstvo.

(11) Če mladoletnik navodil ali prepovedi ne izpolnjuje, jih lahko sodišče nadomesti z izrekom vzgojnega ukrepa nadzorstva. Sodišče na to mladoletnika opozori, ko izreče navodila ali prepoved.

Nadzorstvo organa socialnega varstva

37. člen

(1) Če mladoletnik potrebuje strokovno pomoč in nadzorstvo, in je treba trajneje vplivati na njegovo vzgojo, prevzgojo in pravilen razvoj, mu sodišče izreče nadzorstvo organa socialnega varstva.

paragraph two of this Article shall be prepared and enforced by the competent social welfare authorities in cooperation with and under the supervision of the judge, who shall, at least once a month, verify the implementation of the instructions with the competent social welfare authority and shall, on the basis of monthly reports received on the implementation of the imposed educational measure, decide on its abolishment or modification.

(8) The instructions referred to in point 9 of paragraph two of this Article shall be enforced by the relevant health establishment under the supervision of the judge, who shall, at least once a month, verify the implementation of the instructions with the health establishment and shall, on the basis of monthly reports received on the implementation of the educational measure, decide on its abolishment or modification.

(9) The implementation of the instructions and prohibitions referred to in point 3 and the prohibitions referred to in point 4 of paragraph two of this Article shall be supervised by the police. If the police discover that the juvenile has failed to comply with a prohibition, they shall notify the court thereof.

(10) The implementation of the instructions referred to in paragraph two of this Article may not encroach on the juvenile's personal dignity.

(11) If a juvenile fails to comply with the instructions or prohibitions, the court may substitute these by the educational measure of supervision. The court shall draw the juvenile's attention to this possibility at the time of the imposition of the instruction or prohibition.

Supervision by a social welfare authority

Article 37

(1) In cases where a juvenile requires professional assistance and supervision and a more lasting influence has to be exercised on his or her education, re-education and correct development, the court shall order that he or she is to be supervised by a social welfare authority.

(2) Pristojni organ socialnega varstva določi mladoletniku svetovalca, ki mladoletnika nadzoruje, predvsem pa skrbi za njegovo šolanje, zaposlitev, izločitev iz okolja, ki nanj škodljivo vpliva, za potrebno zdravljenje in ureditev razmer, v katerih živi.

(3) Ob vzgojnem ukrepu nadzorstva organa socialnega varstva lahko sodišče določi mladoletniku eno ali več navodil iz prejšnjega člena, ki v tem primeru nimajo narave samostojnega vzgojnega ukrepa.

(4) Poleg navodil iz prejšnjega člena lahko sodišče ob vzgojnem ukrepu nadzorstva organa socialnega varstva določi mladoletniku še naslednja navodila:

1. prepoved približevanja žrtvi ali kaki drugi osebi;
2. prepoved druženja z določenimi osebami;
3. prepoved dostopa na posamezne kraje.

(5) Nadzorstvo organa socialnega varstva sme trajati najdlje eno leto. Po šestih mesecih izvrševanja tega ukrepa lahko sodišče po uradni dolžnosti ali na predlog pristojnega organa socialnega varstva ustavi njegovo izvrševanje, če ugotovi, da je namen ukrepa že dosežen.

Ustavitev izvrševanja vzgojnih ukrepov

38. člen

Če je preteklo od pravnomočnosti odločbe, s katero so bila izrečena navodila ali prepovedi ali ukrep nadzorstva, več kakor šest mesecev, pa se ukrep ni začel izvrševati, odloči sodišče, ali naj se izrečeni ukrep izvrši.

Globa

39. člen

(2) The competent social welfare authority shall designate an adviser to supervise the juvenile and in particular foster his or her education, employment, removal from a problematic environment, necessary treatment and living situation.

(3) When imposing the educational measure of supervision by a social welfare authority, the court may impose one or more instructions referred to in the preceding Article on the juvenile, which in such case do not represent independent educational measures.

(4) In addition to the instructions referred to in the preceding Article, when imposing the educational measure of supervision by a social welfare authority, the court may also impose the following instructions on the juvenile:

1. prohibition of approaching the victim or another person;
2. prohibition of associating with specific persons;
3. prohibition of entering specific locations.

(5) Supervision by a social welfare authority may not last for more than one year. Six months after the application of this measure, the court may, *ex officio* or on the proposal of the competent social welfare authority, stay its enforcement if it establishes that the purpose of the measure has been achieved.

Stay of the enforcement of an educational measure

Article 38

In cases where more than six months have elapsed since the day on which the decision imposing instructions, prohibitions or supervision became final, and the measure was not enforced, the court shall decide whether the measure imposed will be enforced.

Fines

Article 39

(1) Starejšemu mladoletniku se izjemoma lahko izreče globa tedaj, če je v času storitve prekrška glede na svojo duševno razvitost mogel razumeti pomen prekrška, če so podani drugi pogoji za odgovornost za prekršek po določbah tega zakona, in če jo je po svojih premoženjskih razmerah zmožen plačati.

(2) Starejšemu mladoletniku sme sodišče izreči globo le zaradi hujših posledic prekrška ali večje stopnje odgovornosti za prekršek, če ne bi bilo upravičeno uporabiti vzgojni ukrep.

(3) Če starejši mladoletnik ne plača izrečene globe, se globa izterja prisilno, ni pa mogoča njena sprememba v nadomestni zapor.

Izrekanje vzgojnih ukrepov polnoletnim storilcem za prekrške, ki so jih storili kot mladoletniki

40. člen

(1) Vzgojni ukrep razen ukrep nadzorstva, se lahko izreče tudi polnoletnemu za prekršek, ki ga je storil kot mladoletnik, če bi bilo to glede na naravo prekrška, glede na njegove osebne lastnosti in druge okoliščine smotno.

(2) Ob pogojih iz prejšnjega člena se sme izreči tudi globa in stranske sankcije.

(3) Če mladoletnik med postopkom postane polnoleten, se postopek o prekršku ustavi, če ne bi bilo smotno izreči vzgojnega ukrepa in niso izpolnjeni pogoji za izrek sankcij iz prejšnjega odstavka.

Izrek sankcije za prekrške v steku

41. člen

(1) A fine may be imposed on an older minor in exceptional circumstances provided that at the time when the minor offence was committed, his or her mental development was at a sufficient level to be able to understand the gravity of the minor offence, if other conditions for minor offence liability were fulfilled pursuant to this Act, and if he or she is able to pay the fine given his or her financial circumstances.

(2) A fine may be imposed on an older minor by a court only if the imposition of an educational measure is not appropriate as the minor offence has serious consequences or involves a greater degree of liability.

(3) In cases where an older minor fails to pay the imposed fine, the fine shall be subject to enforced collection, but no substitute imprisonment may be enforced.

Imposition of educational measures on adults for minor offences committed as juveniles

Article 40

(1) An educational measure, with the exception of the measure of supervision, may also be imposed on an adult who committed a minor offence as a juvenile when it is expedient to do so, given the nature of the minor offence, the adult's personal traits and other circumstances.

(2) A fine and secondary sanctions may also be imposed subject to the conditions referred to in the preceding Article.

(3) If a juvenile becomes an adult during minor offence proceedings, they shall be stayed if it would not be expedient to impose an educational measure and when the conditions for imposing the sanctions referred to in the preceding paragraph are not fulfilled.

Imposition of sanctions for concurrent minor offences

Article 41

Če je storil mladoletnik več prekrškov v steku, presodi sodišče enotno vse prekrške in enotno izreče sankcijo.

Šesto poglavje ZASTARANJE

Zastaranje pregon

42. člen

(1) Postopek o prekršku ni dopusten, če pretečeta dve leti od dneva, ko je bil prekršek storjen.

(2) Ne glede na prejšnji odstavek postopek za prekršek, za katerega je predpisana globa v skladu s četrnim odstavkom 17. člena tega zakona, ni dopusten, če pretečejo tri leta od dneva, ko je bil prekršek storjen.

(3) Ne glede na prvi odstavek tega člena postopek za prekršek, za katerega je predpisana globa v skladu s petim ali šestim odstavkom 17. člena tega zakona, ni dopusten, če preteče pet let od dneva, ko je bil prekršek storjen.

(4) Ne glede na prvi odstavek tega člena postopka za prekršek zoper varnost cestnega prometa, ki je bil ugotovljen s tehničnimi sredstvi, ni dopustno začeti, če od dneva storitve prekrška preteče več kot 30 dni.

(5) Zastaranje ne teče v času, ko se po zakonu postopek o prekršku ne sme začeti ali nadaljevati.

(6) Zastaranje pretrga vsako dejanje organa, pristojnega za postopek, ki meri na pregon storilca prekrška, vključno z dejanjem, opravljenim za potrebe vložitve obdolžilnega predloga. Po vsakem

If a juvenile commits a number of minor offences in concurrence, the court shall evaluate all the minor offences together and impose an aggregate sanction.

Chapter Six STATUTE OF LIMITATIONS

Statute of limitations for prosecution

Article 42

(1) Minor offence proceedings shall not be allowed if two years have elapsed since the day on which the minor offence was committed.

(2) Notwithstanding the preceding paragraph, minor offence proceedings shall not be allowed in the case of a minor offence for which a fine is prescribed pursuant to paragraph four of Article 17 of this Act if three years have elapsed since the day on which the minor offence was committed.

(3) Notwithstanding paragraph one of this Article, minor offence proceedings shall not be allowed in the case of a minor offence for which a fine is prescribed pursuant to paragraphs five or six of Article 17 of this Act if five years have elapsed since the day on which the minor offence was committed.

(4) Notwithstanding paragraph one of this Article, minor offence proceedings may not be initiated in the case of a road safety offence detected by technical means if more than 30 days have elapsed since the day on which the minor offence was committed.

(5) The statute of limitations shall not run during the time when, according to an Act, minor offence proceedings may not be commenced or continued.

(6) The statute of limitations shall be interrupted by all acts by the authority responsible for conducting minor offence proceedings for the purpose of prosecuting the perpetrator, including the act carried out

pretrganju začne teči zastaranje znova, vendar pa postopek o prekršku v nobenem primeru ni več mogoč, ko poteče dvakrat toliko časa, kolikor ga zahteva zakon za zastaranje postopka o prekršku.

(7) Zastaranje se pretrga tudi, če stori storilec v času, ko teče zastaralni rok, enako hud ali hujši istovrstni prekršek.

Daljši rok za zastaranje

43. člen (črtan)

Zastaranje izvršitve sankcije

44. člen

(1) Izrečene sankcije za prekršek se ne smejo začeti izvrševati, če pretečeta dve leti od dneva, ko je odločba, s katero je bila sankcija izrečena, postala pravnomočna.

(2) Zastaranje ne teče v času, ko se po zakonu sankcije ne morejo izvrševati.

(3) Zastaranje pretrga vsako dejanje organa, pristojnega za postopek o prekršku ali za izvršitev, ki meri na izvršitev sankcije. Po vsakem pretrganju začne teči zastaranje znova, vendar pa se sankcije ne smejo začeti izvrševati po preteku štirih let od dneva, ko je odločba, s katero je bila sankcija izrečena, postala pravnomočna.

(4) Globe, odvzema premoženjske koristi s plačilom denarnega zneska in stroškov postopka, glede katerih se je izvrševanje začelo v rokih iz prvega in tretjega odstavka tega člena, ni dopustno več izvrševati po poteku zastaralnih rokov, ki jih določa zakon, ki ureja davčno izvršbo, drugih sankcij pa ne po poteku štirih let od začetka njihovega izvrševanja.

for the requirements of lodging an accusatory instrument. After each interruption, the statute of limitations shall resume, but minor offence proceedings shall not be allowed after twice the time required by an Act for minor offence proceedings to become statute-barred has elapsed.

(7) The statute of limitations shall also be interrupted if, during the limitation period, the perpetrator commits another minor offence of the same type which is equally serious or more severe.

Extended limitation period

Article 43 (Deleted)

Statute of limitations for the enforcement of sanctions

Article 44

(1) Sanctions imposed for a minor offence may not be initiated after two years have elapsed since the day on which the decision imposing the sanction became final.

(2) The statute of limitations shall not run during the time when, according to an Act, the sanctions may not be enforced.

(3) The statute of limitations shall be interrupted by all acts by the authority responsible for conducting minor offence proceedings or for enforcement carried out for the purpose of enforcing the sanction. After each interruption, the statute of limitations shall resume, but sanctions may not be initiated after the expiry of four years from the day on which the decision imposing the sanction became final.

(4) Fines, the confiscation of proceeds through the payment of the relevant sum and legal costs in relation to which enforcement was initiated within the time limits referred to in paragraphs one and three of this Article may no longer be enforced after the expiry of the statute of limitations pursuant to the Act governing tax enforcement, while other sanctions may no longer be enforced after the expiry of a period of four

DRUGI DEL
POSTOPEK O PREKRŠKIH

Sedmo poglavje
SPLOŠNE DOLOČBE

Organi za odločanje o prekrških

45. člen

(1) O prekrških odločajo prekrškovni organi in sodišča.

(2) Prekrškovni organi so upravni in drugi državni organi in nosilci javnih pooblastil, ki izvajajo nadzorstvo nad izvrševanjem zakonov in uredb, s katerimi so določeni prekrški, in organi samoupravnih lokalnih skupnosti, ki so s posebnimi predpisi pooblašteni za odločanje o prekrških.

(3) Sodišča so sodišča za prekrške prve in druge stopnje.

(4) Vsi državni organi in nosilci javnih pooblastil morajo sodišču in prekrškovnim organom v postopku o prekršku dajati potrebno pomoč in podatke brezplačno, upravljalci zbirk osebnih podatkov pa brezplačno posredovati osebne podatke, ki so potrebni za ugotovitev dejstev v zvezi s postopkom in za izvršitev sankcij.

(5) Za mednarodno sodelovanje organov v postopku o prekrških se smiselno uporabljajo določbe zakona, ki ureja mednarodno sodelovanje v kazenskih zadevah.

Odločba

years from the date on which their enforcement was initiated.

PART TWO
MINOR OFFENCE PROCEEDINGS

Chapter Seven
GENERAL PROVISIONS

Authorities deciding on minor offences

Article 45

(1) Minor offences shall be decided on by minor offence authorities and courts.

(2) Minor offence authorities are administrative and other state authorities and bearers of public authority that supervise the implementation of Acts and decrees governing offences, and self-governing local community bodies vested with the authority to decide on minor offences pursuant to special regulations.

(3) Courts shall be minor offence courts of the first and second instances.

(4) All state authorities and bearers of public authority shall provide the court and minor offence authorities with any assistance and information required free of charge during minor offence proceedings; data controllers shall provide any personal data required for the determination of facts connected with the proceedings and required for the enforcement of sanctions free of charge.

(5) International cooperation between authorities during minor offence proceedings shall be subject to *mutatis mutandis* application of the provisions of the Act governing international cooperation in criminal matters.

Decisions

46. člen

(1) O storitvi prekrška, o sankciji in o drugih vprašanjih postopka o prekršku, prekrškovni organ oziroma sodišče odloči z odločbo, zoper katero so dopustna pravna sredstva, ki jih določa ta zakon.

(2) Pomote v pisavi ali v številkah ali druge očitne pomote v odločbi lahko s sklepom popravi vsak čas po uradni dolžnosti ali na predlog udeležencev postopka prekrškovni organ ali sodišče, ki je odločbo izdalo.

(3) Popravke, ki so bili napravljeni potem, ko je bila odločba udeležencem že poslana, je treba sporočiti udeležencem v pisni obliki.

Stroški postopka

47. člen

Stroški postopka so izdatki, ki nastanejo v postopku o prekršku ali zaradi njega in izdatki, ki za potrebe postopka nastanejo pred njegovo uvedbo ali po njegovi zaključitvi.

Opredelitve pojmov

48. člen

Posamezni izrazi, ki so uporabljeni v tem zakonu, imajo naslednji pomen:

- "Kršitelj", ki označuje kršiteljico in kršitelja, je tisti, zoper katerega je začet postopek o prekršku pred prekrškovnim organom;
- "Obdolženec", ki označuje obdolženko in obdolženca, je tisti, proti kateremu je pred sodiščem vložen obdolžilni predlog;
- "Storilec", ki označuje storilko in storilca, je splošni izraz za kršitelja, obdolženca in osebo, ki ji je bila izrečena sankcija za prekršek;

Article 46

(1) The minor offence authority or court shall decide on the commission of a minor offence, sanctions and other issues pertaining to minor offence proceedings by a decision, against which the legal remedies stipulated by this Act are admissible.

(2) The minor offence authority or the court that issued the decision may at any time rectify any spelling or numerical mistakes and other manifest errors by an order *ex officio* or on the proposal of the parties to the proceedings.

(3) Any rectifications made after the decision has been sent to the parties to the proceedings shall be reported to the latter in writing.

Legal costs

Article 47

Legal costs shall be the costs incurred during or as a result of minor offence proceedings, and the costs incurred for the purposes of the proceedings before the proceedings were initiated or after their completion.

Definitions

Article 48

For the purposes of this Act:

- "offender" shall mean a person against whom minor offence proceedings have been initiated before a minor offence authority;
- "the accused" shall mean a person against whom an accusatory instrument has been filed in a court;
- "perpetrator" shall be a general term used to designate offenders, the accused persons and persons on whom a sanction has been

- "Oškodovanec", ki označuje oškodovanko in oškodovanca, je tisti, čigar premoženjska ali osebna pravica je bila s prekrškom prekršena ali ogrožena.

Veljavnost in uporaba nekaterih določb

48.a člen

(1) Določbe tega zakona, ki veljajo za zakonca, veljajo enako tudi za osebo, ki je registrirala istospolno partnersko skupnost po zakonu, ki ureja registracijo istospolne partnerske skupnosti. Določbe tega zakona, ki veljajo za osebo, ki živi v zunajzakonski skupnosti, veljajo enako tudi za istospolno usmerjeno osebo, ki živi v dalj časa trajajoči življenjski skupnosti, vendar ni registrirala partnerske skupnosti po zakonu, ki ureja registracijo istospolne partnerske skupnosti, in tudi ni razlogov, zaradi katerih bi bila taka partnerska skupnost neveljavna.

(2) Za posameznika, ki samostojno opravlja dejavnost, se glede postopka o prekršku uporabljajo določbe tega zakona o samostojnem podjetniku posamezniku.

Sedmo a) poglavje
POSEBNE DOLOČBE ZA PREKRŠKE, STORJENE Z MOTORNI MI
VOZILI, REGISTRIRANIMI V DRUGIH DRŽAVAH ČLANICAH
EVROPSKE UNIJE

Uporaba posebnih določb

48.b člen

(1) S tem poglavjem se prenaša v pravni red Republike Slovenije Direktiva (EU) 2015/413 Evropskega parlamenta in Sveta o lažji čezmejni izmenjavi informacij o prometnih prekrških, povezanih z varnostjo v cestnem prometu (UL L št. 68 z dne 13. 3. 2015, str. 9; v nadaljnjem besedilu: Direktiva 2015/413/EU) v delu, ki ureja postopek s

- imposed for the commission of a minor offence;
- "injured party" shall mean a person whose property or personal rights have been violated or threatened by a minor offence.

Validity and application of certain provisions

Article 48a

(1) The provisions of this Act applicable to spouses shall be equally applicable to a person who has a registered same-sex civil partnership pursuant to the Act governing same-sex civil partnership registration. The provisions of this Act applicable to a person living in non-marital cohabitation shall be equally applicable to two women or two men who have lived in a long-term domestic community but have not registered their partnership pursuant to the Act governing same-sex civil partnership registration and there are no reasons for such a civil union to be invalid.

(2) The provisions of this Act that relate to minor offence proceedings applicable to individual sole traders shall also apply to individuals who perform independent activities.

Chapter Seven a)
SPECIAL PROVISIONS FOR MINOR OFFENCES COMMITTED WITH
MOTOR VEHICLES REGISTERED IN OTHER MEMBER STATES OF
THE EUROPEAN UNION

Application of special provisions

Article 48b

(1) This Chapter transposes into the legislation of the Republic of Slovenia Directive (EU) 2015/413 of the European Parliament and of the Council facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13. 3. 2015, p. 9) (hereinafter: Directive 2015/413/EU) in the section governing the procedure with the

pisnim obvestilom o prekršku.

(2) Določbe tega poglavja se uporabljajo v postopku o prekršku zoper varnost cestnega prometa, če gre za kršitve iz 2. v zvezi s 3. členom Direktive (EU) 2015/413 (prekoračitev najvišje dovoljene hitrosti, neuporaba varnostnega pasu, vožnja skozi rdečo luč, vožnja pod vplivom alkohola, vožnja pod vplivom drog, psihoaktivnih zdravil in drugih psihoaktivnih snovi, vožnja brez zaščitne čelade, nedovoljena uporaba prepovedanega prometnega pasu in nedovoljena uporaba prenosnega telefona ali druge komunikacijske naprave med vožnjo), kot so natančneje opredeljene v zakonu, ki ureja pravila cestnega prometa, in pod naslednjimi pogoji:

- če je bil prekršek storjen z motornim vozilom, ki je registrirano v drugi državi članici Evropske unije, za katero je Direktiva 2015/413/EU zavezujoča,
- če na kraju storitve prekrška ni bilo mogoče ugotoviti storilca prekrška, pridobiti njegovo izjavo o prekršku oziroma storilcu izdati in vročiti odločbo o prekršku in
- če storilec prekrška nima stalnega ali začasnega prebivališča na ozemlju Republike Slovenije.

(3) V zadevah iz prejšnjega odstavka se čezmejna izmenjava podatkov iz evidence registriranih vozil, ki je potrebna za preiskovanje kršitve varnosti cestnega prometa, opravlja preko nacionalne kontaktne točke, ki jo določa zakon, ki ureja dostop do zbirk podatkov o motornih vozilih.

(4) Glede vprašanj, ki niso posebej urejena v tem poglavju, se v postopkih iz tega člena uporabljajo druge določbe tega zakona.

Obvestilo o prekršku

48.c člen

(1) Postopek o prekršku se v zadevah iz prejšnjega člena začne tako, da pristojni organ, ki je ugotovil prekršek, lastniku oziroma imetniku vozila ali drugače identificirani osebi, osumljeni storitve prekrška zoper varnost cestnega prometa na ozemlju Republike Slovenije (v

information letter on road-safety-related traffic offences.

(2) The provisions of this Chapter shall apply to road safety minor offence proceedings in the case of violations referred to in Article 2 in relation to Article 3 of Directive 2015/413/EU (speeding, failing to use a seat belt, failing to stop at a red traffic light, drink-driving, driving while under the influence of drugs, psychoactive medicines and other psychoactive substances, failing to wear a safety helmet, the use of a forbidden lane, and illegally using a mobile telephone or any other communication devices while driving), as specified in the Act governing road traffic rules and under the following conditions:

- when the minor offence was committed with a motor vehicle registered in another Member State of the European Union and Directive 2015/413/EU is binding on that Member State,
- when it was not possible to identify, on the spot, the perpetrator, obtain his or her statement on the minor offence or issue and serve a minor offence decision on him or her, and
- when the perpetrator does not have permanent or temporary residence in the territory of the Republic of Slovenia.

(3) In the matters referred to in the preceding paragraph, the cross-border exchange of information from the record of registered vehicles necessary for the investigation of the road-traffic-safety-related minor offences shall be carried out via the national contact point as determined by the Act governing access to motor vehicles databases.

(4) Regarding issues that are not specifically regulated in this Chapter, the other provisions of this Act shall apply in the proceedings referred to in this Article.

Information letter on minor offences

Article 48c

(1) In the matters referred to in the preceding Article, the competent authority establishing the minor offence shall initiate minor offence proceedings by sending, to the owner or holder of the vehicle or the otherwise identified person suspected of committing the road safety

nadaljevanju tega poglavja: oseba), pošlje pisno obvestilo o prekršku in obrazec za odgovor na obvestilo z vsebino iz Priloge, ki je sestavni del tega zakona in je objavljena skupaj z njim.

(2) Pisno obvestilo mora poleg podatkov, ki so navedeni v prilogi iz prejšnjega odstavka, vsebovati še naslednje sestavine:

- v rubriki o denarni kazni znesek za prekršek predpisane globe, če je globa določena v razponu in se izvede hitri postopek najnižjo, če se izvede redni sodni postopek, pa tudi najvišjo za prekršek predpisano mero globe;
- navedbo računa, na katerega se lahko plača globa;
- navedbo za prekršek predpisane stranske sankcije kazenskih točk v cestnem prometu s prenehanjem veljavnosti vozniškega dovoljenja in prepovedjo uporabe vozniškega dovoljenja oziroma stranske sankcije prepovedi vožnje motornega vozila in pojasnilo o pravnih posledicah izreka teh sankcij;
- pouk o pravici do dostopa do osebnih podatkov, pravici do popravka in izbrisa osebnih podatkov, o najdaljšem zakonitem obdobju hrambe podatkov in o pravici do popravka netočnih osebnih podatkov in takojšnjega črtanja nezakonito zabeleženih podatkov.

(3) Obrazec za odgovor mora poleg podatkov, ki so navedeni v prilogi iz prvega odstavka tega člena, vsebovati še naslednje sestavine:

- glede na vrsto postopka, ki je določen za prekršek, zaradi katerega se postopek vodi, osnovne podatke o poteku hitrega postopka, pogojih za izdajo odločbe oziroma plačilnega naloga ali o poteku rednega sodnega postopka o prekršku, z opisom načina uveljavitve pravice do izjave v hitrem postopku oziroma zagovora v rednem sodnem postopku ter pravice do vložitve pravnega sredstva zoper odločbo oziroma sodbo o prekršku;
- pouk, da oseba lahko odgovor na obvestilo pošlje v svojem jeziku.

(4) Obrazec za odgovor v hitrem postopku mora obsegati tudi:

minor offence in the territory of the Republic of Slovenia (hereinafter: the person), an information letter on the minor offence and the reply form in the Annex hereto, which is an integral part of this Act and published together with this Act.

(2) In addition to the information indicated in the Annex referred to in the preceding paragraph, the information letter must include the following:

- in the section on the financial penalty, the amount of the fines prescribed for the minor offence; in the event of the fine prescribed in the form of a range of fines and in expedited proceedings, the lowest fine, and in the event of ordinary court proceedings, also the highest prescribed fine;
- an indication of the account to which the fine can be paid;
- an indication of the secondary sanction prescribed for the minor offence, i.e. penalty points for a traffic offence with the revocation of and prohibition of using a driving licence or a driving prohibition and an explanation of the legal implications of imposing these sanctions;
- instructions on the right to access to, rectification, and deletion of personal data, as well as on the maximum legal period of data retention and the right to obtain the correction of any inaccurate personal data and the immediate deletion of any data recorded unlawfully.

(3) In addition to the information indicated in the Annex referred to in paragraph one of this Article, the reply form must include the following:

- with regard to the type of proceedings specified for the minor offence in relation to which the proceedings are being conducted, basic information on the course of expedited proceedings, the conditions for issuing a decision or penalty notice, or on the course of ordinary court proceedings, with a description of the manner of exercising the right to be heard in expedited proceedings and the right to a defence in ordinary court proceedings and the right to a legal remedy against the minor offence decision or judgment;
- the instruction that the person may send a reply to the information letter in his or her own language.

(4) The reply form in expedited proceedings must also comprise:

- pravne pouke iz drugega odstavka 55. člena tega zakona in pojasnilo, da bo pristojni organ v primeru, če bo nadaljeval postopek, odgovor osebe štel za njeno pisno izjavo o prekršku;
- če gre za prekršek, za katerega se lahko izda plačilni nalog, tudi pouk o pravici do polovičnega plačila izrečene globe, s pojasnilom, da bo pristojni organ, če bo tako plačilo opravljeno pred iztekom roka za odgovor, obvestilo štel za plačilni nalog, plačilo globe za priznanje prekrška, za odpoved pravici do vročitve plačilnega naloga in pravici do zahteve za sodno varstvo glede odgovornosti za prekršek, izrečene globe in kazenskih točk v cestnem prometu.

(5) Obrazec za odgovor v postopku zaradi prekrška, za katerega se izvede redni sodni postopek o prekršku, mora obsegati tudi:

- pravne pouke iz prvega, tretjega, četrtega in šestega odstavka 114. člena tega zakona;
- pouk, da bo sodišče v primeru, če bo zoper osebo vloženi obdolžilni predlog, odgovor osebe štelo za pisni zagovor osebe v rednem sodnem postopku oziroma ugovor osebe v skrajšanem postopku.

(6) Če iz zbranih obvestil in podatkov izhaja, da oseba ne razume slovenskega jezika, in z mednarodno pogodbo ni določeno drugače, mora biti pisno obvestilo sestavljeno v jeziku dokumenta o registraciji motornega vozila, če je na voljo, sicer pa v enem od uradnih jezikov države članice registracije motornega vozila, s katerim je bil storjen prekršek. Stroški prevajanja bremenijo proračun ne glede na izid postopka.

Odgovor na obvestilo

48.č člen

(1) Oseba lahko odgovori na obvestilo o prekršku v 60 dneh od dneva vročitve obvestila o prekršku na naslov organa, ki je poslal obvestilo.

- the legal instructions referred to in paragraph two of Article 55 of this Act and an explanation that if the proceedings continue, the competent authority shall deem the person's reply to be his or her written statement on the minor offence;
- in the event of a minor offence for which a penalty notice may be issued, also an instruction on the right to pay half of the imposed fine, with an explanation that the competent authority will, where such payment is made prior to the expiry of the time limit for replying, consider the information letter as the penalty notice, the payment of the fine as the admission of the minor offence and as waiving the right to be served a penalty notice and the right to request judicial protection regarding minor offence liability, the imposed fine, and penalty points for a traffic offence.

(5) The reply form in minor offence proceedings in relation to which ordinary court proceedings are conducted must also comprise:

- the legal instructions referred to in paragraphs one, three, four and six of Article 114 of this Act;
- the instruction that if an accusatory instrument is filed against the person, the court will deem the person's reply to be his or her written defence in ordinary court proceedings or to be the person's objection in expedited proceedings.

(6) When the information and data collected indicate that the person does not understand the Slovenian language and, unless otherwise provided by a treaty, the information letter must be written in the language of the motor vehicle registration document, if available, or in one of the official languages of the Member State of the registration of the motor vehicle with which the minor offence was committed. The costs of translation shall be charged to the budget irrespective of the outcome of the proceedings.

Reply to the information letter

Article 48č

(1) The person may respond to the information letter within 60 days of the service of the information letter to the address of the authority that sent the information letter.

(2) Po prejemu odgovora osebe oziroma po izteku roka iz prejšnjega odstavka organ, ki je pristojen za prekršek, za katerega se izvede hitri postopek, odloči o prekršku po določbah prejšnjega člena in po drugih določbah tega zakona.

(4) Po prejemu odgovora osebe oziroma po izteku roka iz prvega odstavka tega člena organ, ki je ugotovil prekršek, za katerega se izvede redni sodni postopek, odloči o vložitvi obdolžilnega predloga, pristojno sodišče pa odloči o prekršku po določbah prejšnjega člena in po drugih določbah tega zakona.

Osmo poglavje
POSTOPEK ZA PREKRŠKE PREKRŠKOVNEGA ORGANA (HITRI
POSTOPEK)

Pristojnost in pooblastilo za postopek

49. člen

(1) Za določitev pristojnosti prekrškovnih organov in spore o pristojnosti med prekrškovnimi organi se uporabljajo določbe zakona, ki ureja splošni upravni postopek.

(2) Postopek pred prekrškovnim organom vodi in v njem odloča z zakonom ali podzakonskim aktom pooblaščen uradna oseba tega organa.

(3) Pooblaščen uradna oseba iz prejšnjega odstavka mora imeti za vodenje postopka in izdajo plačilnega naloga najmanj peto raven izobrazbe, za izdajo odločbe o prekršku pa najmanj šesto raven izobrazbe v skladu s predpisi, ki urejajo uvedbo in uporabo klasifikacijskega sistema izobraževanja in usposabljanja. Imeti mora tudi

(2) Upon receiving a reply from the person or after the expiry of the time limit referred to in the preceding paragraph, the authority competent for the minor offence in relation to which expedited proceedings are being conducted shall decide on the minor offence pursuant to the provisions of the preceding Article and the other provisions of this Act.

(3) Upon receiving a reply from the person or after the expiry of the time limit referred to in paragraph one of this Article, the authority that established the minor offence in relation to which ordinary court proceedings are being conducted shall decide on the lodging of the accusatory instrument, while the court of competent jurisdiction shall decide on the minor offence pursuant to the provisions of the preceding Article and the other provisions of this Act.

Chapter Eight
MINOR OFFENCE PROCEEDINGS OF THE MINOR OFFENCE
AUTHORITY (EXPEDITED PROCEEDINGS)

Jurisdiction and authorisation for proceedings

Article 49

(1) The jurisdiction of minor offence authorities and the resolution of jurisdictional disputes between minor offence authorities shall be subject to the provisions of the Act governing the general administrative procedure.

(2) The proceedings before the minor offence authority shall be conducted and decided on by the authority's official who is duly authorised by an Act or implementing regulation to do so.

(3) The official referred to in the preceding paragraph shall have at least a fifth-level education to conduct the proceedings and issue a penalty notice and at least a sixth-level education to issue a minor offence decision pursuant to the regulations governing the introduction and application of the classification system of education and training. He

opravljen preizkus znanja, ki zajema izvrševanje pooblastil po tem zakonu in poznavanje predpisov, katerih izvrševanje nadzoruje. Ministrstvo, pristojno za javno upravo, za namene spremljanja in izvajanja preizkusov znanja vodi evidenco, ki vsebuje zaporedno številko, številko zbirke dokumentov o kandidatu, osebno ime kandidata, datum in kraj njegovega rojstva, stalno oziroma začasno prebivališče kandidata in elektronski naslov za obveščanje, raven in vrsto kandidatove izobrazbe, datum opravljanja preizkusa znanja in uspeh pri tem preizkusu. Vlada Republike Slovenije predpiše vrsto izobrazbe in program strokovnega usposabljanja in preverjanja znanja za vodenje in odločanje v prekrškovnem postopku. Za poznavanje predpisov, katerih izvrševanje nadzoruje, se uradni osebi prizna opravljen preizkus znanja, določen v teh predpisih.

Začetek postopka o prekršku

50. člen

(1) Postopek o prekršku se začne po uradni dolžnosti, ko opravi prekrškovni organ v okviru svoje pristojnosti v ta namen kakršnokoli dejanje, ali z vložitvijo pisnega predloga oškodovanca, državnega tožilca ali državnega organa, nosilca javnih pooblastil ali samoupravne lokalne skupnosti (predlagatelji).

(2) Predlog vsebuje podatke o kršitelju (osebno ime, enotno matično številko občana (v nadaljnjem besedilu: EMŠO), če je fizična oseba tujec, pa njene rojstne podatke, državljanstvo, stalno oziroma začasno prebivališče, za odgovorno osebo tudi zaposlitev, za pravno osebo pa ime in sedež ter matično številko, če teh ni, pa podatke, ki jih je lahko pridobil), opis prekrška in navedbo dejstev oziroma dokazov, ki kažejo na sum storitve prekrška.

(3) Predlog se vloži pri pristojnem prekrškovnem organu. Če je predlog vložen pri drugem organu, ga ta takoj odstopi pristojnemu

or she must also pass an examination on the exercise of powers under this Act and on knowledge of the regulations whose implementation he or she supervises. For the purpose of monitoring and conducting examinations, the ministry responsible for public administration shall keep a record which shall include the sequence number, number of the candidate's file, candidate's personal name, the date and place of his or her birth, permanent or temporary residence and e-mail address for notices, the level and type of education, the date of taking the examination and the result of the examination. The Government of the Republic of Slovenia shall prescribe the type of education and the professional training and knowledge assessment programme required to conduct and decide in minor offence proceedings. Regarding knowledge of the regulations whose implementation he or she supervises, the official shall have passed the examination determined in these regulations.

Institution of minor offence proceedings

Article 50

(1) Minor offence proceedings shall be initiated *ex officio* when the minor offence authority performs any official act to this end within the framework of its jurisdiction, or upon the lodging of a written application by the injured party, the state prosecutor or a state authority, a bearer of public authority, or a self-governing local community (hereinafter: initiators).

(2) The application shall contain information on the offender (personal name and personal identification number (hereinafter: EMŠO); birth information if the natural person is a foreigner, citizenship, and permanent or temporary residence; for a responsible person, the application shall also contain his or her job title; in the case of a legal person, its name, head office and registration number shall be included, and if this information is not available, any information that can be obtained), a description of the minor offence, a statement of the facts, and evidence in support of the suspicion that a minor offence has been committed.

(3) The application shall be filed with the competent minor offence authority. In cases where the application is filed with another

prekrškovnemu organu in o tem obvesti predlagatelja.

Odločitev prekrškovnega organa

51. člen

(1) Prekrškovni organ po ugotovitvi pogojev za začetek postopka po uradni dolžnosti oziroma po prejemu predloga iz prejšnjega člena zbere dodatna obvestila in dokaze o prekršku.

(2) Če prekrškovni organ ugotovi, da so podani zakonski pogoji za izvedbo postopka o prekršku, ga mora izvesti in sam izdati odločbo o prekršku (hitri postopek).

(3) Če hitri postopek ni dovoljen, mora prekrškovni organ vložiti pri pristojnem sodišču obdolžilni predlog (redni sodni postopek).

(4) Prekrškovni organ odloči, da ne bo izdal odločbe o prekršku oziroma vložil obdolžilnega predloga:

- če iz zbranih dejstev in dokazov izhaja, da dejanje ni prekršek;
- če ni dokazano, da je prekršek storil kršitelj;
- če je pregon zastaral, ali so podani drugi razlogi, ki izključujejo pregon;
- če gre za prekršek neznatnega pomena, posebne okoliščine, nizka stopnja odgovornosti ali storilčeve osebne okoliščine pa kažejo, da postopek ne bi bil smotrno.

(5) Odločitev iz prejšnjega odstavka in razlogi se zaznamujejo v spisu. O odločitvi, da ne bo izdal odločbe oziroma vložil obdolžilnega predloga in o razlogih mora prekrškovni organ v 30 dneh od odločitve pisno obvestiti predlagatelja.

authority, the latter shall immediately refer it to the competent minor offence authority and notify the initiator thereof.

Decision by the minor offence authority

Article 51

(1) After establishing the existence of the conditions necessary for instituting proceedings *ex officio* or upon the receipt of the application referred to in the preceding Article, the minor offence authority shall collect additional information and evidence relating to the minor offence.

(2) In cases where the minor offence authority establishes that the legal conditions necessary for instituting minor offence proceedings are met, it must conduct the proceedings and issue a minor offence decision (expedited proceedings).

(3) If expedited proceedings are not allowed, the minor offence authority must file an accusatory instrument with the competent court (ordinary court proceedings).

(4) The minor offence authority may refrain from issuing a minor offence decision or lodging an accusatory instrument:

- when the facts and evidence collected clearly indicate that the act committed is not a minor offence;
- where it is not proved that the minor offence was committed by the offender;
- when prosecution has become statute-barred or other reasons exist which preclude prosecution;
- when the minor offence is a petty offence and special circumstances, a low level of liability or the perpetrator's personal circumstances imply that proceedings would not be expedient.

(5) The decision referred to in the preceding paragraph and the grounds therefor shall be recorded in the file. The minor offence authority must notify the initiator in writing of its decision to refrain from issuing a decision or lodging an accusatory instrument and of the grounds therefor within 30 days of adopting the decision.

Hitri postopek

52. člen

(1) O prekrških se odloča po hitrem postopku, razen v primerih, ko ta zakon določa drugače.

(2) Hitri postopek ni dovoljen:

- če predlagatelj rednega sodnega postopka glede na naravo kršitve oceni, da so podani pogoji za izrek stranske sankcije po tem zakonu;
- če je predpisana stranska sankcija prepovedi vožnje motornega vozila;
- če je predpisana stranska sankcija izločitve iz postopka javnega naročanja;
- proti mladoletnim storilcem prekrškov;
- za prekrške s področja obrambnih dolžnosti in za prekrške s področja nezdržljivosti javnih funkcij s pridobitno dejavnostjo; (**delno prenehala veljati**)
- za prekrške zoper varnost cestnega prometa, za katere je predpisana stranska sankcija kazenskih točk v številu, zaradi katerega se po zakonu storilcu izreče prenehanje veljavnosti voznškega dovoljenja;
- za prekrške s področja političnih strank ter volilne in referendumске kampanje, za nadzor katerih je pristojno Računsko sodišče Republike Slovenije;
- če obdolžilni predlog za prekršek v skladu z drugim odstavkom 103. člena tega zakona vloži organ, ki po zakonu nadzoruje delo prekrškovnega organa.

(3) V hitrem postopku se storilcu izreče globa v znesku, v katerem je predpisana, če je predpisana v razponu, pa se izreče najnižja predpisana mera globe, če z zakonom ni določeno drugače.

Opozorilo

Expedited proceedings

Article 52

(1) Minor offences shall be decided on in expedited proceedings, unless otherwise provided by this Act.

(2) Expedited proceedings shall not be allowed:

- when the initiator of ordinary court proceedings evaluates, taking into account the nature of the minor offence, that the conditions necessary for the imposition of a secondary sanction pursuant to this Act are met;
- when the secondary sanction of a driving prohibition has been prescribed;
- when the secondary sanction of exclusion from public procurement procedures has been prescribed;
- when the offender is a juvenile,
- for minor offences relating to defence duties and for minor offences relating to the incompatibility of holding public office with profitable activities; (**Partially ceased to be in force**)
- for road safety minor offences for which the secondary sanction of penalty points is prescribed and the number of penalty points results in the imposition of driving licence revocation;
- for minor offences relating to political parties and electoral and referendum campaigns, the supervision of which is within the jurisdiction of the Court of Audit of the Republic of Slovenia;
- when, in compliance with paragraph two of Article 103 of this Act, the accusatory instrument is filed by the authority which, pursuant to an Act, supervises the minor offence authority.

(3) Within the framework of expedited proceedings, the perpetrator shall be imposed a fine in the prescribed amount; if the fine is prescribed in the form of a range of fines, the lowest fine prescribed shall be imposed, unless otherwise provided by an Act.

Warning

53. člen

(1) Pooblaščen uradna oseba prekrškovnega organa lahko namesto izreka sankcije, kršitelja opozori, če je storjeni prekršek neznatnega pomena in če pooblaščen uradna oseba oceni, da je glede na pomen dejanja opozorilo zadosten ukrep.

(2) Pooblaščen uradna oseba iz prejšnjega odstavka kršitelju hkrati z opozorilom predstavi storjeni prekršek.

(3) Prekrškovni organ lahko vodi evidenco izrečenih opozoril, vendar pri tem ne sme obdelovati osebnih podatkov.

54. člen (črtan)

Postopek pred prekrškovnim organom

55. člen

(1) Prekrškovni organ po uradni dolžnosti brez odlašanja, hitro in enostavno ugotovi tista dejstva in zbere tiste dokaze, ki so potrebni za odločitev o prekršku.

(2) Prekrškovni organ ob ugotovitvi oziroma obravnavanju prekrška in še pred izdajo odločbe o prekršku (56. člen) kršitelja obvesti o prekršku in pouči:

- da se lahko izjavi o dejstvih oziroma okoliščinah prekrška, da pa tega ni dolžan storiti niti odgovarjati na vprašanja, če se bo izjavil ali odgovarjal, pa ni dolžan izpovedovati zoper sebe ali svoje bližnje,
- da mora navesti vsa dejstva in dokaze v svojo korist, ker jih sicer v postopku ne bo več mogel uveljavljati.

Article 53

(1) The minor offence authority's authorised official may, instead of imposing a sanction, issue a warning to the offender in cases where the minor offence is insignificant and the official is of the opinion that a warning is a measure proportionate to the gravity of the act committed.

(2) The authorised official referred to in the preceding paragraph shall warn the offender and explain to him or her the nature of the minor offence.

(3) The minor offence authority may keep a record of warnings issued but shall not be allowed to process personal data in this context.

Article 54 (Deleted)

Proceedings before a minor offence authority

Article 55

(1) The minor offence authority shall *ex officio* and without delay, promptly and briefly establish the facts and collect any evidence necessary to decide on the offence.

(2) In establishing and deciding on a minor offence and before issuing a minor offence decision (Article 56), the minor offence authority shall instruct the offender with regard to the minor offence and that:

- he or she may provide a statement of the facts and circumstances of the minor offence, but is not obliged to do so or respond to any questions in this regard; if the offender chooses to give a statement or answer questions, he or she is not obliged to testify against himself or herself or his or her relatives,
- he or she must state all facts and produce all evidence to his or her benefit; if he or she fails to do so, he or she will not be able to rely on these facts and evidence subsequently in the proceedings.

(3) Pouk iz prejšnjega odstavka in izjavo kršitelja prekrškovni organ vnese v zapisnik ali uradni zaznamek. Vsebina zapisnika oziroma uradnega zaznamka se kršitelju prebere in se mu vroči prepis, kar kršitelj potrdi s svojim podpisom. Če kršitelj vročitve noče potrditi s podpisom, se to zaznamuje na zapisniku oziroma uradnem zaznamku.

(4) Če se kršitelj ni mogel osebno izjaviti o prekršku ali mu ni bilo mogoče dati obvestila in pouka po določbah drugega odstavka tega člena, mora prekrškovni organ pred izdajo odločbe o prekršku kršitelja pisno obvestiti o prekršku in ga poučiti o pravicah iz drugega odstavka tega člena ter da se lahko pisno izjavi o dejstvih oziroma okoliščinah prekrška v petih dneh od vročitve obvestila.

(5) Odločba o prekršku se ne more opirati na izjavo kršitelja, če ta ni bil poučen o pravicah iz drugega odstavka tega člena ali če dani pouk ni vpisan v zapisnik ali v uradni zaznamek oziroma v pisno obvestilo iz prejšnjega odstavka.

55.a člen

(1) Če prekrškovni organ hkrati obravnava prekrške, za katere je predpisana različna vrsta odločbe, lahko z odločbo o prekršku (56. člen) odloči tudi o prekrških, za katere se sicer izda plačilni nalog.

(2) Prekrškovni organ, ki zoper istega kršitelja hkrati obravnava prekrške, storjene v medsebojni zvezi, o katerih se odloča po hitrem postopku, in prekrške, o katerih se odloča v rednem sodnem postopku, lahko pri pristojnem sodišču za posamezne ali za vse prekrške vloži enoten obdolžilni predlog.

(3) Prekrškovni organ mora v obdolžilnem predlogu obrazložiti pogoje iz prejšnjega odstavka tega člena. Če iz obdolžilnega predloga

(3) The instructions referred to in the preceding paragraph and the statement provided by the offender shall be entered into the record or the official note by the minor offence authority. The content of the record or official note shall be read to the offender and a copy handed to him or her; the offender shall confirm service by providing his or her signature. If the offender refuses to sign, this shall be recorded in the record or the official note.

(4) If the offender was unable to make a statement on the minor offence in person or if it is not possible to advise or instruct the offender in compliance with the provisions of paragraph two of this Article, the minor offence authority must, before issuing a minor offence decision, inform the offender in writing of the minor offence and instruct him or her on his or her rights referred to in paragraph two of this Article, and advise him or her that he or she may provide a written statement of the facts and circumstances of the minor offence within five days of the service of the document.

(5) The minor offence decision may not rely upon the statement provided by the offender if he or she was not instructed of his or her rights referred to in paragraph two of this Article or if the instruction was not entered in the record, the official note or the written notice referred to in the preceding paragraph.

Article 55a

(1) In cases where the minor offence authority simultaneously deals with minor offences for which different types of decisions are prescribed, it may also decide, by a minor offence decision (Article 56), on minor offences for which a penalty notice is usually issued.

(2) The minor offence authority that deals with mutually related minor offences that require a decision in expedited proceedings and minor offences requiring a decision in ordinary court proceedings committed by the same offender may file a single accusatory instrument for individual or all of the minor offences with the competent court.

(3) In the accusatory instrument, the minor offence authority shall explain the conditions referred to in the preceding paragraph of this

izhaja, da za posamezne prekrške niso podani pogoji za izvedbo enotnega postopka, sodišče v tem delu obdolžilni predlog zavrže in vrne zadevo v obravnavanje pristojnemu prekrškovnemu organu.

(4) Na podlagi obdolžilnega predloga iz tretjega odstavka tega člena se izvede enoten postopek in odloči z eno samo sodbo po pravilih, ki veljajo za redni sodni postopek. Sodišče, ki obravnava obdolžilni predlog ostane pristojno za vse prekrške, ne glede na potek in izid enotnega postopka.

(5) Za prekrške iz tretjega odstavka tega člena, o katerih se sicer odloča po hitrem postopku, se storilcu globa izreče po določbah, ki veljajo za hitri postopek (tretji odstavek 52. člena) in ima storilec pravico do polovičnega plačila izrečene globe ob smiselni uporabi pogojev, ki jih ta zakon določa za hitri postopek (57.c člen). Pouk o pravici do polovičnega plačila globe je del pouka o pravici do pritožbe.

(6) V primerih iz prejšnjih odstavkov se ne izda poseben sklep o združitvi postopka.

Pisna odločba

56. člen

(1) Pisna odločba o prekršku se izda v naslednjih primerih:

- če predpis, ki določa prekršek, poleg globe predpisuje obvezno odvzem predmetov;
- če je treba odvzeti premoženjsko korist;
- če prekrškovni organ namesto globe izreče opomin;
- če prekrškovni organ izreče globo, ki je višja od najnižje predpisane mere globe (tretji odstavek 52. člena);
- če je za prekrške s področja davkov, trošarin in carin ter javnega naročanja predpisana globa v večkratniku ali v odstotku od davka,

Article. In cases where the accusatory instrument indicates that for the individual minor offences the conditions for joint proceedings are not met, the court shall reject the accusatory instrument in this part and return the matter to the competent minor offence authority.

(4) On the basis of the accusatory instrument referred to in paragraph three of this Article, joint proceedings shall be conducted and only one judgment shall be issued pursuant to the rules applicable to ordinary court proceedings. The court dealing with the accusatory instrument shall retain jurisdiction regarding all the minor offences irrespective of the course and outcome of the joint proceedings.

(5) For the minor offences referred to in paragraph three of this Article which are normally decided on in expedited proceedings the perpetrator shall be imposed a fine pursuant to the provisions on expedited proceedings (paragraph three of Article 52) and the perpetrator shall have the right to pay half of the imposed fine, by applying, *mutatis mutandis*, the conditions laid down in this Act regarding expedited proceedings (Article 57c). The instruction on the right to pay half of the fine shall be included in the instruction on the right to appeal.

(6) In the cases referred to in the preceding paragraphs, no special order on the joinder of proceedings shall be issued.

Written decision

Article 56

(1) A written minor offence decision shall be issued in the following cases:

- where the regulation governing the minor offence prescribes the mandatory confiscation of items in addition to a fine;
- where proceeds must be confiscated;
- where the minor offence authority imposes a caution instead of a fine;
- where the minor offence authority imposes a fine exceeding the lowest fine prescribed (paragraph three of Article 52);
- where fines for minor offences related to taxes, excise charges, customs and public procurement are prescribed in a multiple amount

trošarine ali carine, ki bi jo bilo treba plačati, ali od vrednosti predmeta oziroma naročila, v zvezi s katerim je bil storjen prekršek;

- za prekrške s področja varstva konkurence, deviznega poslovanja in bančništva;
- v primeru kršitev iz šestega odstavka 17. člena tega zakona;
- v drugih primerih, ko niso podani pogoji za izdajo plačilnega naloga.

(2) Pisna odločba o prekršku mora imeti številko, datum, podpis pooblaščenega uradne osebe in žig prekrškovnega organa, ki jo je izdal, ter uvod, izrek in pravni pouk, kadar je zoper njo napovedana vložitev zahteve za sodno varstvo, pa tudi obrazložitev.

(3) Uvod odločbe o prekršku obsega naziv prekrškovnega organa, ki jo je izdal, osebno ime uradne osebe, ki je izdala odločbo o prekršku, osebno ime kršitelja in morebitnega zagovornika, firmo oziroma naziv in sedež pravne osebe ter označbo prekrška, ki je predmet postopka.

(4) Izrek odločbe o prekršku mora obsegati: osebne podatke kršitelja (osebno ime, EMŠO, če je fizična oseba tujec, pa njene rojstne podatke, državljanstvo, stalno oziroma začasno prebivališče, za odgovorno osebo tudi zaposlitev, za pravno osebo pa naziv in sedež ter matično številko, če so bile izrečene kazenske točke ali gre za kršitev, ki je povezana z veljavnostjo voznškega dovoljenja, pa tudi številko izdanega voznškega dovoljenja, navedbo organa, ki je izdal dovoljenje in datuma izdaje), če teh podatkov ni, pa podatke o kršitelju, ki so bili navedeni oziroma ugotovljeni v postopku, kratek opis dejanja, s katerim je storjen prekršek (kraj in čas storitve, način storitve, ter odločilne okoliščine), izrek, da je kršitelj odgovoren za prekršek, ki ga je storil, pravno opredelitev prekrška z navedbo predpisa, ki določa prekršek, s številčno označbo njegovega člena, znesek globe in stroškov postopka ter rok za njihovo plačilo, morebitne izrečene stranske sankcije, odločitev o odvzemu premoženjske koristi in opozorila o pravici do plačila globe in stroškov postopka na obroke, o možnosti za nadomestitev plačila globe

or as a percentage of the tax, excise charges or customs duty that should have been paid or of the value of the item and/or of the contract that was the subject of the minor offence;

- for offences relating to the protection of competition, foreign exchange and banking;
- in the case of the violations referred to in paragraph six of Article 17 of this Act;
- in other cases where the conditions for the issuance of a penalty notice are not met.

(2) A written minor offence decision shall contain a reference number, date, the signature of an authorised official and the official seal of the minor offence authority issuing the decision, as well as an introductory part, operative part and legal instruction and, where a request for judicial protection is announced against it, also a statement of the grounds.

(3) The introduction of a minor offence decision shall indicate the name of the minor offence authority that issued the decision, the full name of the official that issued the minor offence decision, the full name of the offender, the full name of the defence counsel (if applicable), the company name or name and head office of the legal person, and the statutory definition of the minor offence that is the subject of the proceedings.

(4) The operative part of a minor offence decision shall contain the following information: personal information on the offender (personal name, EMŠO; if the natural person is a foreigner: birth information, citizenship, permanent or temporary residence; for responsible persons, the minor offence decision shall also state his or her job title; for legal persons: the name and head office and registration number; and, if penalty points were imposed or the violation is related to the validity of an issued driving licence, also the number of the driving licence and an indication of the authority that issued the driving licence and the date of issuance); and if this information is not available, information on the offender stated or established during the proceedings, a brief description of the act by which the minor offence was committed (the place and time of the act, the method of committing the minor offence, and decisive circumstances) and a statement that the offender is liable for the minor offence he or she has committed, the legal definition of the minor offence indicating the regulation governing the minor offence and the number of

in stroškov postopka z delom v splošno korist in o tem, da se bodo neplačana globa in stroški postopka izterjali prisilno, če globe ne bo mogoče izterjati niti prisilno, pa se bo lahko v skladu z zakonom izvršila z nadomestnim zaporom.

(5) V obrazložitvi odločbe o prekršku je treba kratko navesti izjavo kršitelja o dejanju ter dejstva in dokaze, na katere je prekrškovni organ oprl odločitev.

(6) Pravni pouk obsega pouk o pravici do pravnega sredstva, roku in načinu vložitve ter navedbo prekrškovnega organa, pri katerem se pravno sredstvo vloži.

(7) Pisna odločba o prekršku se vroči kršitelju in drugim osebam, ki imajo pravico do zahteve za sodno varstvo.

Polovično plačilo izrečene globe

56.a člen (črtan)

Plačilni nalog

57. člen

(1) Plačilni nalog se izda, če pooblaščen uradna oseba prekrškovnega organa prekršek osebno zazna, ali ga ugotovi z uporabo ustreznih tehničnih sredstev ali naprav. Plačilni nalog se kršitelju, če je ta navzoč, vroči takoj na kraju prekrška. Ob vročitvi plačilnega naloga se kršitelju hkrati ustno predstavi storjeni prekršek in dokaze, kar se

the relevant Article, the amount of the fine and legal costs that shall be paid, the time limit by which they shall be paid, possible secondary sanctions imposed, the decision on the confiscation of proceeds, the instruction on the right to pay the fine and legal costs in instalments and the possibility of substituting the payment of the fine and legal costs by community service, and a warning that any unpaid fine and legal costs shall be subject to enforced collection and, if such collection of the fine is not possible, substitute imprisonment may be enforced in compliance with an Act.

(5) The statement of the grounds of a minor offence decision shall contain a brief summary of the offender's statement and the facts and evidence upon which the minor offence authority based its decision.

(6) The legal instruction shall contain information on the right to a legal remedy, the time limit and method used for seeking a legal remedy and the name of the minor offence authority where a legal remedy is to be sought.

(7) A written minor offence decision shall be served on the offender and other persons who have the right to file a request for judicial protection.

Payment of half of the fine

Article 56a (Deleted)

Penalty Notice

Article 57

(1) In cases where the minor offence authority's authorised official personally detects a minor offence or establishes a minor offence by means of appropriate technical equipment and devices, the official shall issue a penalty notice. If the offender is present, the penalty notice shall be served immediately on the spot. When serving the penalty

zaznamuje na plačilnem nalogu.

(2) Plačilni nalog se izda tudi, če pooblaščen uradna oseba prekršek ugotovi na podlagi obvestil in dokazov, zbranih neposredno po kršitvi, na kraju, kjer je bil prekršek storjen. Pred izdajo in vročitvijo takega plačilnega naloga mora kršitelju omogočiti, da se osebno izjavi o prekršku po določbah 55. člena tega zakona, plačilni nalog pa mora vsebovati tudi kratek opis prekrška in kratek povzetek izjave kršitelja o prekršku.

(3) Plačilni nalog, ki velja kot pisna odločba o prekršku, vsebuje: osebno ime in naslov, EMŠO, če je fizična oseba tujec, pa datum rojstva, državljanstvo, stalno oziroma začasno prebivališče, za odgovorno osebo tudi zaposlitev, za pravno osebo pa naziv in sedež ter matično številko, kraj in čas storitve prekrška, pravno opredelitev prekrška, znesek globe in stroškov postopka ter rok za njihovo plačilo, opozorilo o pravici do plačila globe in stroškov postopka na obroke, da bodo izrečeni globa in stroški postopka, ki ne bodo pravočasno plačani, prisilno izterjani, če globe ne bo mogoče izterjati niti prisilno, pa se bo lahko v skladu z zakonom izvršila z nadomestnim zaporom lahko pa tudi druge podatke v skladu s predpisi. Plačilni nalog, izdan za prekrške zoper varnost cestnega prometa, mora vsebovati tudi število izrečenih kazenskih točk v cestnem prometu, navedbo vrste voznika in kategorijo vozila, s katerim je bil storjen prekršek, če so bile izrečene kazenske točke ali gre za kršitev, ki je povezana z veljavnostjo vozniškega dovoljenja, pa tudi številko izdanega vozniškega dovoljenja, navedbo organa, ki je izdal dovoljenje in datuma izdaje, če teh podatkov ni, pa tiste, ki so bili ugotovljeni v postopku. Pravni pouk obsega pouk o pravici do pravnega sredstva, roku in načinu vložitve ter navedbo prekrškovnega organa, pri katerem se pravno sredstvo vloži.

(4) Če kršitelju plačilnega naloga ni mogoče izdati in vročiti takoj na kraju prekrška, se mu ga vroči po določbah zakona, ki ureja splošni upravni postopek. V tem primeru se kršitelju hkrati s plačilnim

notice, the official shall orally explain to the offender the nature of the minor offence committed and indicate the relevant evidence, and enter the explanation in the penalty notice.

(2) A penalty notice shall also be issued if the authorised official establishes a minor offence on the basis of information and evidence collected immediately following the violation on the spot where it was committed. Prior to the issuance and service of such a penalty notice, the offender must be provided an opportunity to make a statement on the minor offence in person pursuant to the provisions of Article 55 of this Act, while the penalty notice shall also include a brief description of the minor offence and a short summary of the offender's statement regarding the minor offence.

(3) The penalty notice, which shall have the effect of a written minor offence decision, shall include: the personal name and address, EMŠO; if the natural person is a foreigner: birth information, citizenship, permanent or temporary residence; for a responsible person, also his or her job title; for legal persons: the name and head office and registration number; the place and time of committing the minor offence, the legal definition of the minor offence, the amount of the fine and legal costs and the time limit for payment, the instruction on the right to pay the fine and legal costs in instalments and a warning that any fine and legal costs not paid in due time shall be subject to enforced collection and, if such collection of the fine is not possible, substitute imprisonment shall be enforced in compliance with an Act; it may also include other data in accordance with regulations. A penalty notice issued for road safety minor offences must also indicate the number of penalty points imposed for the traffic offence, the type of driver and category of the vehicle with which the minor offence was committed, and, where penalty points were imposed or the violation is related to the validity of the driving licence, also the number of the driving licence issued and the authority that issued the driving licence and its date of issue, and if this information is not available, information established during the proceedings. The legal instruction shall comprise information on the right to a legal remedy, the time limit and method used to seek a legal remedy and the name of the minor offence authority where a legal remedy is to be sought.

(4) In cases where the penalty notice cannot be issued and served on the offender immediately and on the spot, it shall be served in compliance with the provisions of the Act governing the general

nalogom iz prvega odstavka tega člena vroči tudi kratek opis dejanskega stanja prekrška z navedbo dokazov, če ta ni že naveden v plačilnem nalogu.

(5) Če je zoper plačilni nalog vložena zahteva za sodno varstvo, mora prekrškovni organ sodišču posredovati tudi kratek opis dejanskega stanja prekrška z navedbo dokazov, če ta ni že naveden v plačilnem nalogu.

(6) V postopku, ki se konča z izdajo plačilnega naloga po določbah tega člena, se plačajo stroški postopka, določeni v 143. členu tega zakona, razen potnih stroškov uradnih oseb in sodne takse.

(7) Kršitelj, ki bi se lahko z odhodom zaradi prebivanja v tujini izognil plačilu globe, mora plačati globo takoj na kraju prekrška. O plačani globi se izda potrdilo. Če kršitelj globe ne plača, pooblaščen uradna oseba prekrškovnega organa izvede vse potrebne ukrepe za zavarovanje izvršitve po tem zakonu.

(8) Za kršitev predpisov o ustavitvi in parkiranju vozil se ob ugotovitvi prekrška, o katerem kršitelja ni bilo mogoče seznaniti na kraju prekrška, na primernem mestu pritrdi na vozilo obvestilo o prekršku, ki vsebuje kraj in čas storitve, registrsko številko vozila, pravno opredelitev prekrška, višino za prekršek predpisane globe in naslednje pouke:

- pravici do plačila polovice predpisane globe v osmih dneh od dneva izdaje obvestila, z opisom načina plačila globe,
- da se bo ob pravočasnem plačilu globe štelo, da je bil plačniku izdan plačilni nalog za prekršek, ki je označen na obvestilu, in da je ta postal pravnomočen, ker se je plačnik odpovedal ugovoru zoper plačilni nalog iz 57.b člena tega zakona in zahtevi za sodno varstvo,
- da v primeru pravočasnega plačila globe stroški postopka ne bodo zaračunani, da prekršek ne bo vpisan v evidenco o prekrških in da bo postopek zaradi prekrška s pravočasnim plačilom globe končan, ter

administrative procedure. In cases where the relevant facts and evidence are not indicated in the penalty notice, a brief description of the facts and a list of evidence may be served on the offender together with the penalty notice referred to in paragraph one of this Article.

(5) Where a request for judicial protection is filed against a penalty notice, the minor offence authority must provide the court with a brief description of the facts of the minor offence and a list of the evidence if the latter are not indicated in the penalty notice.

(6) In proceedings resulting in the issuance of a penalty notice pursuant to the provisions of this Article, the legal costs stipulated by Article 143 of this Act shall be paid, with the exception of the travel expenses of officials and the court fee.

(7) An offender who could avoid payment of the fine due to residence abroad must pay the fine immediately on the spot. The fine is paid against a receipt. If the offender fails to pay the fine, the authorised official of the minor offence authority shall take all the necessary steps to secure the enforcement thereof under this Act.

(8) Where a minor offence relating to stopping a vehicle and parking is established and it is not possible to notify the offender on the spot, the information letter shall be attached to an appropriate spot on the vehicle, indicating the time and place of the commission thereof, the vehicle registration number, the legal definition of the minor offence, the amount of the fine prescribed for the minor offence and the following instructions:

- the right to pay half of the prescribed fine within eight days of the issuance of the information letter, with a description of the fine payment method,
- that in the event of the payment of the fine in due time it shall be considered that the offender has been issued a penalty notice for the minor offence indicated on the information letter and that the latter has become final as the offender has waived the objection against the penalty notice referred to in Article 57b of this Act and a request for judicial protection,
- that in the event of the payment of the fine in due time, legal costs will not be charged, the minor offence will not be entered in the minor offence records and minor offence proceedings will be terminated with the payment of the fine in due time, and

- da morebitno neplačilo globe nima pravnih posledic in da se bo v takem primeru po poteku roka za plačilo postopek zaradi prekrška nadaljeval zoper lastnika ali imetnika pravice uporabe vozila z izdajo plačilnega naloga po določbah tega zakona.

Posebni primeri plačilnega naloga

57.a člen (črtan)

Ugovor zoper plačilni nalog

57.b člen

Zoper plačilni nalog iz 57. člena tega zakona, ki se izda za kršitve predpisov o ustavljanju in parkiranju vozil v cestnem prometu, ni dovoljena zahteva za sodno varstvo, kršitelj pa ima pravico do ugovora v osmih dneh od vročitve plačilnega naloga. Na podlagi ugovora prekrškovni organ plačilni nalog odpravi in o ugovoru odloči z odločbo o prekršku ali postopek o prekršku ustavi, pri čemer ugovor šteje kot izjava v hitrem postopku o prekršku. Pouk o pravici do ugovora in načinu njegove vložitve, ter o tem, da mora kršitelj v ugovoru navesti vsa dejstva in dokaze v svojo korist, ker jih sicer v postopku ne bo več mogel uveljavljati, je del pouka o pravici do pravnega sredstva na plačilnem nalogu.

Plačilo izrečene globe in stroškov postopka

57.c člen

(1) Kršitelj, ki ne vloži zahteve za sodno varstvo zoper plačilni nalog, plača polovico izrečene globe, če jo plača v osmih dneh po

- that non-payment of the fine shall have no legal consequences and that in such case, after the expiry of the time limit for payment, minor offence proceedings will continue against the owner of the vehicle or the holder of the right to use the vehicle by issuing a penalty notice pursuant to the provisions of this Act.

Special penalty notices

Article 57a (Deleted)

Objection against a penalty notice

Article 57b

No request for judicial protection shall be allowed against a penalty notice referred to in Article 57 of this Act issued for traffic offences relating to stopping and parking, but the offender has the right to raise an objection within eight days of the service of the penalty notice. In response to the objection, the minor offence authority shall either annul the penalty notice and decide on the objection by a minor offence decision or stay the minor offence proceedings, in which case the objection shall be considered a statement within expedited proceedings. The instruction on the right to a legal remedy contained in the penalty notice shall comprise the instruction on the right to raise an objection and the method in which it is to be raised, and indicate that the offender must state all facts and produce all evidence to his or her benefit, since if he or she fails to do so, he or she will not be able to rely on these facts and evidence during the proceedings.

Payment of the imposed fine and legal costs

Article 57c

(1) An offender who does not file a request for judicial protection against a penalty notice shall pay half of the imposed fine

pravnomočnosti. Če plača polovično globo pred pravnomočnostjo, zahteva za sodno varstvo in ugovor zoper plačilni nalog nista dovoljena, razen če je kršitelj v skladu z določbami tega zakona globo moral plačati pred pravnomočnostjo.

(2) Kršitelj, ki ne napove zahteve za sodno varstvo zoper odločbo o prekršku, plača polovični znesek globe v roku osmih dni po izteku roka za napoved zahteve za sodno varstvo. Če plača polovično globo pred iztekom roka za napoved zahteve za sodno varstvo, zahteva za sodno varstvo zoper odločbo ni dovoljena, razen, če je v skladu z določbami tega zakona globo moral plačati pred iztekom roka za napoved zahteve za sodno varstvo.

(3) Kršitelj, ki ne plača polovičnega zneska globe po prvem in drugem odstavku tega člena, mora plačati celoten znesek globe v roku, ki je določen v odločbi oziroma plačilnem nalogu.

(4) Pouk o pravicah, obveznostih in omejitvah iz prvega, drugega in tretjega odstavka tega člena je del pouka o dolžnosti napovedi vložitve zahteve za sodno varstvo na odločbi o prekršku in del pouka o pravici do pravnega sredstva na odločbi o prekršku ali plačilnem nalogu.

(5) Pod pogoji in v skladu s predpisi, ki urejajo finančno poslovanje organa, pristojnega za postopek o prekršku, lahko kršitelj plača globo, stroške postopka in stroške negotovinskega plačila tudi z negotovinskim plačilnim sredstvom. Pouk o možnosti takega načina plačila je sestavni del pravnega pouka.

(6) Določbe tega člena o pravici do polovičnega plačila globe se ne uporabljajo za prekrške s področja varstva konkurence.

Smiselna uporaba zakona

provided that he or she pays the fine within eight days after it becomes final. If he or she pays half of the fine before it becomes final, a request for judicial protection and objection against the penalty notice shall not be allowed, except where the offender, pursuant to the provisions of this Act, was obliged to pay the fine before it became final.

(2) An offender who does not announce a request for judicial protection against a minor offence decision shall pay half of the fine within eight days of the expiry of the time limit for announcing a request for judicial protection. If he or she pays half of the fine before the expiry of the time limit for announcing a request for judicial protection, a request for judicial protection against the minor offence decision shall not be allowed, except where the offender, pursuant to the provisions of this Act, was obliged to pay the fine before the expiry of the time limit for announcing a request for judicial protection.

(3) An offender who does not pay half of the fine pursuant to paragraphs one and two of this Article shall be obliged to pay the full amount of the fine specified in the decision or the penalty notice.

(4) The instruction on the obligation to announce a request for judicial protection contained in a minor offence decision and the instruction on the right to a legal remedy contained in the minor offence decision or the penalty notice shall comprise the instruction on the rights, obligations and limitations referred to in paragraphs one, two and three of this Article.

(5) Under the conditions and pursuant to the regulations governing the financial management of the authority competent for minor offence proceedings, an offender may pay the fine, legal costs and costs of non-cash payment by non-cash means of payment. The legal instruction shall comprise the instruction on the possibility to use such means of payment.

(6) The provisions of this Article regarding the right to pay half of the fine shall not be applicable to minor offences relating to the protection of competition.

***Mutatis mutandis* application of an Act**

58. člen

(1) Če v tem ali drugem zakonu ni drugače določeno, se v hitrem postopku glede pristojnosti, zastopanja, jezika v postopku, vlog, vabil, zapisnikov, odločb, pregledovanja in prepisovanja spisov, rokov in narokov, vrnitve v prejšnje stanje, vročanja in izločitve uradnih oseb smiselno uporabljajo določila zakona o splošnem upravnem postopku.

(2) Za osebno in hišno preiskavo, zaseg in preiskavo elektronskih in z njimi povezanih naprav ter nosilcev elektronskih podatkov, zaseg in odvzem predmetov, privedbo, pridržanje in varščino, zastopanje tuje pravne osebe, postopek zoper pravno in odgovorno osebo, pravice oškodovanca v postopku, združitve in izločitve postopka, prekinitve in ustavitve postopka ter stroške postopka se smiselno uporabljajo določbe tega zakona o rednem sodnem postopku, kolikor ni s tem zakonom drugače določeno.

(3) Hišno preiskavo sme odrediti le sodišče. Pri izvedbi hišne preiskave, ki se opravlja na podlagi predloga prekrškovnega organa, sme aktivno sodelovati tudi pooblaščen uradna oseba prekrškovnega organa, ki je predlagal hišno preiskavo.

Deveto poglavje ZAHTEVA ZA SODNO VARSTVO

Pravica do zahteve za sodno varstvo

59. člen

(1) Zoper odločbo o prekršku, ki jo je na prvi stopnji izdal prekrškovni organ po hitrem postopku, se lahko vloži zahteva za sodno varstvo. Zahtevo lahko vloži oseba, ki ji je bila izrečena sankcija, njen zakoniti zastopnik oziroma zagovornik ter lastnik odvzetih predmetov,

Article 58

(1) Unless otherwise provided by this Act or other Acts, the provisions of the General Administrative Procedure Act shall apply, *mutatis mutandis*, to expedited proceedings regarding jurisdiction, representation, the language of the proceedings, applications, summons, records, decisions, the examination and copying of files, time limits and hearings, the restoration of the previous state of affairs, the service of documents and the recusal of public officials.

(2) Unless otherwise provided by this Act, the provisions of this Act governing ordinary court proceedings shall apply, *mutatis mutandis*, to personal and house searches, the seizure and search of electronic and related devices and electronic data media, the seizure and confiscation of items, the bringing of a person before the court, detention and bail, representing a foreign legal person, proceedings against legal and responsible persons, the injured party's rights in the proceedings, the joinder and exclusion of proceedings, the suspension and stay of proceedings, and legal costs.

(3) A house search may only be ordered by a court. An authorised official of the minor offence authority which proposed the house search may actively participate in such house search.

Chapter Nine REQUEST FOR JUDICIAL PROTECTION

Right to request judicial protection

Article 59

(1) A request for judicial protection may be filed against a minor offence decision issued in the first instance by a minor offence authority using expedited proceedings. The request may be filed by the person on whom the sanction was imposed, his or her statutory

pod pogojem, da je upravičenec pravočasno napovedal njeno vložitev v skladu z 59.a členom tega zakona.

(2) Zahteva za sodno varstvo iz prejšnjega odstavka zadrži izvršitev odločbe o prekršku.

(3) Kolikor v tem poglavju ni drugače določeno, se v postopku z zahtevo za sodno varstvo smiselno uporabljajo določbe pritožbenega postopka v rednem sodnem postopku.

(4) V postopku z zahtevo za sodno varstvo ni mogoče izdati sodbe brez obrazložitve.

Napoved zahteve za sodno varstvo

59.a člen

(1) Prekrškovni organ upravičencem do zahteve za sodno varstvo pošlje odločbo o prekršku iz 56. člena tega zakona, ki ne vsebuje obrazložitve. V pouku o dolžnosti predhodne pisne napovedi vložitve zahteve za sodno varstvo mora biti upravičenec poučen o dolžnostih in posledicah iz drugega, tretjega, četrtega in petega odstavka tega člena.

(2) Upravičenci do zahteve za sodno varstvo iz prvega odstavka 59. člena tega zakona morajo vložitev zahteve za sodno varstvo organu, ki je izdal odločbo o prekršku, pisno napovedati v roku osmih dni od prejema odločbe o prekršku iz prejšnjega odstavka. Napovedana vložitev zahteve za sodno varstvo se lahko umakne do poteka roka za napoved vložitve te zahteve. Če je napoved umaknjena v zakonskem roku, se šteje, da vložitev zahteve za sodno varstvo ni bila napovedana.

representative or defence counsel, or the owner of the items confiscated, provided that the entitled person announced in due time that he or she would file such a request pursuant to Article 59a of this Act.

(2) The request for judicial protection referred to in the preceding paragraph shall stay the enforcement of the minor offence decision.

(3) Unless otherwise provided in this Chapter, the provisions governing the appeal proceedings in ordinary court proceedings shall apply, *mutatis mutandis*, to proceedings involving requests for judicial protection.

(4) In proceedings involving requests for judicial protection, it shall not be possible to issue a judgment that does not contain a statement of the grounds.

Announcing a request for legal protection

Article 59a

(1) The minor offence authority shall send to persons entitled to request judicial protection the minor offence decision referred to in Article 56 of this Act without a statement of the grounds. The instruction on the obligation to announce in writing a request for judicial protection must instruct the entitled person of his or her obligations and the consequences referred to in paragraphs two, three, four and five of this Article.

(2) Persons entitled to request judicial protection referred to in paragraph one of Article 59 of this Act must announce in writing a request for judicial protection to the authority which issued the minor offence decision within eight days of receiving the minor offence decision referred to in the preceding paragraph. An announced request for judicial protection may be withdrawn by the expiration of the time limit for announcing a request. Where such announcement is withdrawn within the legal time limit, it shall be considered that a request for judicial protection has not been announced.

(3) Če upravičenec do zahteve za sodno varstvo v zakonskem roku vložitev te zahteve ne napove ali napoved umakne, se šteje, da se je odpovedal pravici do zahteve za sodno varstvo.

(4) Če nihče od upravičencev do zahteve za sodno varstvo te zahteve ne napove, prekrškovni organ ne izdela odločbe o prekršku z obrazložitvijo, ampak se šteje, da je z dnem vročitve odločbe iz prvega odstavka tega člena vročena končna odločba. Ta odločba z iztekom roka za napoved zahteve za sodno varstvo postane pravnomočna.

(5) Če je vsaj eden od upravičencev do zahteve za sodno varstvo napovedal vložitev te zahteve, mora biti pisna odločba o prekršku z obrazložitvijo izdelana in odposlana najpozneje v 30 dneh po prejemu napovedi vložitev zahteve za sodno varstvo. Odločba z obrazložitvijo se vroči vsem upravičencem do zahteve za sodno varstvo.

Rok za vložitev zahteve za sodno varstvo in pristojnost

60. člen

(1) Zahteva za sodno varstvo se lahko vloži v osmih dneh od vročitve odločbe o prekršku, pisno pri pristojnem prekrškovnem organu.

(2) Za odločanje o zahtevi za sodno varstvo je krajevno pristojno sodišče prve stopnje, ki je pristojno za odločanje o prekršku po določbah rednega sodnega postopka.

(3) Sodišče obravnava zahteve za sodno varstvo zoper odločbe o prekrških s področja varstva konkurence prednostno.

(3) Where a person entitled to request judicial protection fails to announce such a request or withdraws it within the legal time limit, he or she shall be considered to have waived the right to request judicial protection.

(4) Where none of the persons entitled to request judicial protection announces such a request, the minor offence authority shall not write a minor offence decision containing a statement of the grounds, but it shall be considered that a final decision was served on the day of serving the decision referred to in paragraph one of this Article. This decision shall become final upon the expiry of the time limit for announcing a request for judicial protection.

(5) Where at least one of the persons entitled to request judicial protection has announced such a request, a written minor offence decision containing a statement of the grounds must be written and sent at the latest within 30 days of receiving the announcement of a request for judicial protection. A decision containing a statement of the grounds shall be served on all persons entitled to request judicial protection.

Time limit for lodging a request for judicial protection and jurisdiction

Article 60

(1) A request for judicial protection may be filed in writing within eight days of the service of a minor offence decision with the competent minor offence authority.

(2) A request for judicial protection shall be decided on by a court of first instance with territorial jurisdiction which has jurisdiction to decide on minor offences in compliance with the provisions governing ordinary court proceedings.

(3) The court shall deal with requests for judicial protection against minor offence decisions relating to minor offences against the protection of competition as a priority.

Vsebina zahteve za sodno varstvo in njen umik

61. člen

(1) Zahteva za sodno varstvo mora vsebovati podatke in navedbe, ki so s tem zakonom določeni za pritožbo zoper odločbo o prekršku (153. člen tega zakona).

(2) Vlagatelj lahko zahtevo za sodno varstvo umakne do izdaje sodbe o prekršku. Umika zahteve ni mogoče preklicati.

(3) ([razveljavljen](#))

Razlogi za vložitev zahteve za sodno varstvo

62. člen

Odločbo prekrškovnega organa je mogoče izpodbijati z zahtevo za sodno varstvo:

- če je bila z odločbo prekršena materialna določba tega zakona ali predpis, ki določa prekršek;
- če je bila storjena kršitev določb postopka, ker ni odločil pristojni organ, ker storilcu ni bila dana možnost, da se izjavi o prekršku, ker je pri odločanju ali vodenju postopka sodelovala oseba, ki bi po zakonu morala biti izločena ali je bila izločena, ker so bile kršene določbe o uporabi jezika v postopku, ker izrek odločbe ni razumljiv ali je sam s seboj v nasprotju ali ker odločba nima vseh predpisanih sestavin;
- zaradi zmotne in nepopolne ugotovitve dejanskega stanja, pri čemer se smejo v zahtevi navajati nova dejstva in predlagati novi dokazi le, če vlagatelj zahteve izkaže za verjetno, da jih brez svoje krivde ni

Content of a request for judicial protection and the withdrawal thereof

Article 61

(1) A request for judicial protection shall contain the information and allegations stipulated by this Act in connection with appeals against minor offence decisions (Article 153 of this Act).

(2) The applicant may withdraw his or her request for judicial protection before a minor offence decision has been issued. The request's withdrawal may not be cancelled.

(3) (**Abrogated**)

Reasons for lodging a request for judicial protection

Article 62

A decision of the minor offence authority may be contested by lodging a request for judicial protection in the following circumstances:

- when the decision has violated a substantive provision of this Act or the regulation governing the minor offence;
- when a violation of the procedural provisions has been committed due to the case not having been decided on by the competent authority, due to the perpetrator not having been given an opportunity to give a statement on the minor offence, due to the decision-making or conduct of the proceedings including the participation of a person who, in compliance with an Act, should have been recused or was formally recused, due to a violation of the provisions on the use of language in the proceedings, due to the operative part of the decision not being comprehensible or being self-contradictory, or due to the decision not containing all the elements prescribed;
- owing to an erroneous and incomplete determination of the facts; in such case, the request may indicate new facts and propose new evidence only if the applicant of the request plausibly demonstrates

mogel uveljaviti v hitrem postopku;

- če se odločba opira na dokaz, na katerega se po določbah tega zakona ne more opirati, ali ki je bil pridobljen s kršitvijo z ustavo določenih človekovih pravic in temeljnih svoboščin;
- zaradi izrečenih sankcij, odvzema premoženjske koristi in stroškov postopka in odločitve o premoženjskopравnem zahtevku.

Meje preizkusa odločbe prekrškovnega organa

62.a člen

(1) V postopku o zahtevi za sodno varstvo se mora vselej po uradni dolžnosti preizkusiti:

- ali je odločil stvarno pristojni organ,
- ali je podana kršitev materialnih določb tega zakona ali predpisa, ki določa prekršek,
- ali je pregon zastaral,
- ali je storilcu bila dana možnost, da se izjavi o prekršku,
- ali je izrek odločbe razumljiv in
- ali se odločba opira na dokaz, na katerega se po določbah tega zakona ne more opirati, ali je bil pridobljen s kršitvijo z ustavo določenih človekovih pravic in temeljnih svoboščin.

(2) Če se pri odločanju o zahtevi za sodno varstvo ugotovi, da so podani razlogi iz prve, druge, tretje ali šeste alineje prejšnjega odstavka, zaradi katerih je izdana odločba v korist kršitelja, v korist tudi kakšnemu drugemu kršitelju, ki ni vložil zahteve za sodno varstvo, ali je ni vložil v tej smeri, ravna pristojni organ po uradni dolžnosti, kakor da jo je vložil tudi ta.

that he or she was unable to rely on these facts and evidence in expedited proceedings through no fault of his or her own;

- when the decision relies on evidence which, pursuant to the provisions of this Act, is not admissible or has been acquired through a violation of constitutionally guaranteed human rights and fundamental freedoms;
- owing to imposed sanctions, the confiscation of proceeds and legal costs, and a decision on an indemnification claim.

The scope of the judicial review of decisions of the minor offence authority

Article 62a

(1) Proceedings concerning a request for judicial protection must comprise an *ex officio* judicial review of:

- whether the matter was decided on by the authority having subject-matter jurisdiction;
- whether there was a violation of the substantive provisions of this Act or the regulation governing the minor offence;
- whether prosecution has become statute-barred,
- whether the perpetrator was given the opportunity to provide a statement on the minor offence;
- whether the operative part of the decision is formulated in an understandable way; and
- whether the decision relies on evidence which, pursuant to the provisions of this Act, is not admissible or has been acquired through a violation of constitutionally guaranteed human rights and fundamental freedoms.

(2) If, when deciding on a request for judicial protection, the existence of the grounds referred to in indents one, two, three or six of the preceding paragraph is established and a decision in favour of the offender is adopted, and such grounds are also in favour of any other offender who did not file a request for judicial protection or filed a different request, the competent authority shall *ex officio* consider that he or she has filed a request as well.

Odločanje prekrškovnega organa

63. člen

(1) Zahteva za sodno varstvo ni dovoljena, če jo je vložila oseba, ki je po tem zakonu nima pravice vložiti, ali če se ugotovi, da je zahteva umaknjena ali da je bila po umiku ponovno vložena, ali če zahteva po zakonu ni dovoljena.

(2) Nedovoljeno ali prepozno zahtevo za sodno varstvo prekrškovni organ zavrže s sklepom.

(3) Zoper sklep o zavrženju je dovoljena zahteva za sodno varstvo, za katero se ne uporablja določba prejšnjega odstavka.

(4) Prekrškovni organ po prejemu zahteve po potrebi glede na navedbe v zahtevi dopolni dokazni postopek, če ugotovi kršitev pravice do izjave, pa storilcu da tudi možnost, da se izjavi o prekršku.

(5) Če prekrškovni organ ugotovi, da je zahteva pravočasna in utemeljena, odločbo o prekršku odpravi in ustavi postopek, ali jo odpravi in vloži predlog pri pristojnem prekrškovnem organu (50. člen), ali jo nadomesti z novo odločbo, ali izreče opomin namesto sankcije in o tem obvesti storilca in osebo, ki je vložila zahtevo za sodno varstvo oziroma vroči novo odločbo.

(6) Zoper novo odločbo iz prejšnjega odstavka je dovoljena nova zahteva za sodno varstvo, o kateri odloča sodišče.

(7) Če prekrškovni organ odločbe ne odpravi ali nadomesti, jo s spisom in morebitnimi dodatnimi dokazi posreduje v odločitev pristojnemu sodišču.

Adjudication by a minor offence authority

Article 63

(1) A request for judicial protection shall not be admissible if it has been filed by a person who, pursuant to this Act, has no right to file such a request, or if it is established that the request has been withdrawn or re-filed after withdrawal, or if the request is not admissible pursuant to this Act.

(2) The minor offence authority shall reject inadmissible or late requests for judicial protection by issuing an order.

(3) A request for judicial protection, for which the provision of the preceding paragraph is not applicable, shall be admissible against a rejection order.

(4) Upon receipt of a request, the minor offence authority shall, if necessary, supplement the evidence-taking procedure, taking into account the allegations contained in the request; if a violation of the right to a statement has been established, it shall provide the perpetrator the possibility to make a statement on the minor offence.

(5) In cases where the minor offence authority establishes that a request was filed in due time and that it is well founded, it may annul the minor offence decision and stay the proceedings, annul the decision and file an application with the competent minor offence authority (Article 50), replace the current decision with a new decision, or impose a caution instead of a sanction; it shall notify thereof the perpetrator and the person who filed the request for judicial protection or serve the new decision.

(6) A request for judicial protection shall be allowed against the new decision referred to in the preceding paragraph. This request shall be decided on by the court.

(7) All decisions that are not annulled or replaced by the minor offence authority shall be submitted by it, together with the relevant file and any additional evidence, to the competent court for deciding.

(8) V postopku z zahtevo za sodno varstvo prekrškovni organ postopa po določbah 58. člena tega zakona.

Preizkus pravočasnosti in dovoljenosti zahteve pri sodišču

64. člen

Prepozno ali nedovoljeno zahtevo za sodno varstvo sodišče s sklepom zavrže, če tega ni storil prekrškovni organ.

Odločanje sodišča

65. člen

(1) Sodišče s sodbo zavrne zahtevo kot neutemeljeno, če spozna, da ni podana nobena izmed uveljavljenih kršitev iz 62. člena tega zakona in tudi ne take kršitve, na katere pazi po uradni dolžnosti (62.a člen), ali če je bila kršitev v postopku z zahtevo za sodno varstvo že odpravljena.

(2) Sodišče s sodbo ugotovi zahtevi in odpravi odločbo prekrškovnega organa, ali jo odpravi po uradni dolžnosti, če ugotovi, da ni odločil pristojni organ, ali če ugotovi, da je pri odločanju ali vodenju postopka sodelovala oseba, ki bi po zakonu morala biti izločena, ali je bila izločena.

(3) Sodišče s sodbo ugotovi zahtevi in spremeni odločbo prekrškovnega organa, ali jo spremeni po uradni dolžnosti, če ugotovi, da so bila odločilna dejstva v izpodbijani odločbi o prekršku sicer pravilno ugotovljena, da pa je treba glede na ugotovljeno dejansko stanje ob pravilni uporabi materialne določbe tega zakona ali predpisa, ki določa prekršek, spremeniti odločbo. Glede na stanje stvari sodišče tako ravna tudi, če izrek odločbe ni razumljiv ali je sam s seboj v nasprotju ali če

(8) In proceedings involving requests for judicial protection, the minor offence authority shall act in compliance with the provisions of Article 58 of this Act.

Assessment of whether a request has been submitted in due time and is admissible

Article 64

The court shall issue an order to reject any requests for judicial protection that are not submitted in due time or are inadmissible if this has not been carried out by the minor offence authority.

Adjudication by the court

Article 65

(1) By a judgment, the court shall dismiss a request as unfounded in cases where it establishes the absence of any violation referred to in Article 62 of this Act and the absence of any violation prosecuted *ex officio* (Article 62a), or when the violation has already been remedied in proceedings concerning a request for judicial protection.

(2) By a judgment, the court shall grant a request and annul the decision of the minor offence authority or annul it *ex officio* where it establishes that the decision was not taken by the competent authority or that in the process of deciding and conducting the proceedings a person participated who, in compliance with an Act, either should have been or was formally recused from the proceedings.

(3) By a judgment, the court shall grant a request and amend the minor offence authority's decision or amend it *ex officio* in cases where it establishes that the decisive facts in the contested minor offence decision have been established correctly, but that a different decision must be issued with respect to the facts determined and to ensure the correct application of the substantive provision of this Act or the regulation governing the minor offence. The court shall act in the same

odločba nima vseh predpisanih sestavin ali če se odločba opira na dokaz, na katerega se po določbah tega zakona ne more opirati, ali ki je bil pridobljen s kršitvijo z ustavo določenih človekovih pravic in temeljnih svoboščin.

(4) Če sodišče spozna, da dejansko stanje ni popolno in pravilno ugotovljeno, ponovi ali dopolni dokazni postopek po pravilih rednega sodnega postopka.

(5) Če sodišče iz podatkov v spisu ugotovi dejstva, glede katerih se storilec v postopku pred prekrškovnim organom oziroma v zahtevi za sodno varstvo ni mogel izjaviti, obvesti o tem storilca, če dejstva izhajajo iz opisa dejanskega stanja, pa mu opis posreduje, hkrati pa storilca seznani, kje in kdaj lahko pregleda spise zadeve, ga pouči po četrtem odstavku 114. člena tega zakona ter mu določi rok, v katerem lahko poda svoje navedbe, predloge in zahteve. Če se sodišče odloči, da bo ponovilo oziroma dopolnilo dokazni postopek, storilca o tem obvesti, in ga hkrati seznani, da je lahko navzoč pri izvajanju dokazov in da ga bo povabilo k posameznim procesnim dejanjem, če bo to sodišču pisno predlagal v petih dneh po prejemu obvestila.

(6) Sodišče s sodbo zavrne zahtevo kot neutemeljeno, če po izvedenem dokaznem postopku ne ugotovi dejanskega stanja drugače kakor prekrškovni organ.

(7) Sodišče s sodbo ugodi zahtevi in spremeni odločbo prekrškovnega organa, če je to potrebno, ker je po izvedenem dokaznem postopku dejansko stanje ugotovilo drugače kakor prekrškovni organ.

(8) Če sodišče po izvedenem dokaznem postopku spozna, da so bila odločilna dejstva v izpodbijani odločbi pravilno ugotovljena, da pa je treba glede na ugotovljeno dejansko stanje ob pravilni uporabi zakona

manner when the operative part of the decision is not drawn up in an understandable way or is self-contradictory, or when the decision does not contain all the elements prescribed, or relies on evidence which, pursuant to the provisions of this Act, is inadmissible or has been acquired through a violation of constitutionally guaranteed human rights and fundamental freedoms.

(4) If the court discovers that the facts have not been completely and correctly determined, it shall repeat or supplement the evidence-taking procedure in compliance with the rules governing ordinary court proceedings.

(5) If, based on the information from the file, the court establishes certain facts concerning which the perpetrator was not given the opportunity to give a statement in the proceedings before the minor offence authority or in the request for judicial protection, it shall notify the perpetrator thereof; when such facts arise from the description of the facts, it shall send to him or her the description and provide information on where and when the case files can be examined; it shall accordingly instruct him or her pursuant to Article 144 of this Act and define a time limit within which he or she can submit his or her allegations, suggestions and requests. If the court decides to repeat or supplement the evidence-taking procedure, it shall notify the perpetrator thereof and inform him or her that he or she may be present during the production of evidence and that he or she will be invited to attend individual procedural acts, provided that he or she submits a corresponding written proposal to the court within five days of receipt of the notice.

(6) The court shall dismiss the request as unfounded by a judgment when, after the evidence-taking procedure, the facts it establishes do not differ from those established by the minor offence authority.

(7) By a judgment, the court shall grant a request and amend the minor offence authority's decision in cases where this is necessary owing to the facts established during the evidence-taking procedure differing from those established by the minor offence authority.

(8) In cases where the court establishes during the evidence-taking procedure that the decisive facts in the contested decision have been established correctly, but that a different decision must be issued

oziroma za odpravo kršitev določb postopka drugače odločiti, ravna po določbah tretjega odstavka tega člena.

(9) Če sodišče ugotovi, da storilcu ni bila dana možnost podati izjavo o prekršku, ali če so bile kršene določbe o uporabi jezika v postopku o prekršku, sodišče najprej odpravi kršitev tako, da storilcu omogoči, da poda izjavo, oziroma mu omogoči uporabo jezika v postopku in nato odloči o zahtevi glede na stanje stvari.

(10) Če sodišče s sodbo odpravi sklep o zavrnjenju prepozne ali nedovoljene zahteve za sodno varstvo ali ugovora (57.b člen), hkrati odloči tudi o zahtevi za sodno varstvo ali ugovoru.

(11) Določbe tega člena se smiselno uporabljajo tudi za odločanje o zahtevah za sodno varstvo, vloženih zoper sklepe, zoper katere je dovoljena zahteva za sodno varstvo.

(12) Odločba o prekršku se ne sme spremeniti v škodo kršitelja.

(13) V postopku odločanja sodišča o zahtevi za sodno varstvo ima prekrškovni organ, ki je izdal izpodbijano odločbo, položaj predlagatelja v rednem sodnem postopku.

Vročanje odločb sodišča o zahtevi za sodno varstvo

65.a člen

(1) Sodišče prekrškovnemu organu vrne spis skupaj z izvirnikom sodbe ali sklepa z zadostnim številom overjenih prepisov ter morebitna druga pisanja, ki so nastala ali so bila pridobljena med postopkom o prekršku pri sodišču, pri tem pa obdrži izvod izpodbijane odločbe.

with respect to the facts determined, in order to ensure the correct application of an Act or to remedy any violation of the provisions governing proceedings, it shall act in compliance with paragraph three of this Article.

(9) In cases where the court finds that the perpetrator was not given the opportunity to give a statement on the minor offence, or when the provisions of the use of language in the minor offence proceedings were violated, the court shall first remedy the violation by enabling the perpetrator to give a statement or to use his or her language during the proceedings, and then decide on the request by taking into consideration the facts.

(10) In cases in which by a judgment the court annuls a rejection order regarding a late or inadmissible request for judicial protection or an objection (Article 57b), it shall equally decide on the request for judicial protection or the objection.

(11) The provisions of this Article shall also apply, *mutatis mutandis*, to deciding on requests for judicial protection against orders that may be the subject of a request for judicial protection.

(12) A minor offence decision may not be amended to the detriment of the offender.

(13) In the court's decision-making on a request for judicial protection, the minor offence authority that issued the contested decision shall have the status of an initiator in ordinary court proceedings.

Service of court decisions concerning a request for judicial protection

Article 65a

(1) The court shall return to the minor offence authority the file with the original of the judgment or order, complete with an adequate number of certified copies thereof, and any other written material created or acquired by the court during the minor offence proceedings, but shall retain a copy of the contested decision.

(2) Prekrškovni organ sodbo ali sklep sodišča vroči vlagatelju zahteve za sodno varstvo po določbah zakona, ki ureja splošni upravni postopek, v primeru iz drugega odstavka 65. člena tega zakona pa tudi pristojnemu organu.

Pravica do pritožbe

66. člen

(1) Zoper sklep sodišča, s katerim je bila zahteva za sodno varstvo zavržena, je dovoljena pritožba iz vseh razlogov po 154. členu tega zakona.

(2) Zoper druge odločbe sodišča prve stopnje lahko osebe iz prvega odstavka 59. člena tega zakona vložijo pritožbo iz razlogov po 1., 2. in 4. točki 154. člena tega zakona, razen glede stroškov postopka, če je bila izrečena višja globa od najnižje predpisane za prekršek ali če je bila izrečena globa, ki je predpisana v večkratniku ali v odstotku (četrti in peti odstavek 17. člena) ali če sta bila izrečena odvzem predmetov ali odvzem premoženjske koristi v vrednosti, ki presega 400 eurov.

(3) Prekrškovni organ, ki je izdal odločbo v hitrem postopku, lahko iz pritožbenih razlogov po 1., 2. in 4. točki 154. člena tega zakona, razen glede stroškov postopka, vloži pritožbo zoper odločbo sodišča v naslednjih primerih:

- če je sodišče odpravilo odločbo prekrškovnega organa;
- če je sodišče spremenilo odločbo prekrškovnega organa in ustavilo postopek o prekršku.

(4) Prekrškovni organ vloži pritožbo skupaj s spisom pri sodišču, ki je odločilo o zahtevi za sodno varstvo. Sodišče po preizkusu pravočasnosti in dovoljenosti pritožbe pošlje izvod pritožbe storilcu, ki

(2) The minor offence authority shall serve the judgment or the order of the court on the applicant of the request for judicial protection in compliance with the provisions of the Act governing the general administrative procedure; in the cases referred to in paragraph two of Article 65 of this Act, the minor offence authority shall also serve the judgment or the order on the competent authority.

Right to appeal

Article 66

(1) An appeal based on the grounds referred to in Article 154 of this Act may be filed against a court order rejecting a request for judicial protection.

(2) An appeal may be filed by the persons referred to in paragraph one of Article 59 of this Act against other decisions of the court of first instance on the basis of the reasons for appeal referred to in points 1, 2 and 4 of Article 154 of this Act, except with respect to legal costs or in cases in which the fine imposed was higher than the minimum fine prescribed or in which the fine was imposed as a prescribed multiple amount or a percentage (paragraphs four and five of Article 17) or when the confiscation of items or of proceeds exceeding EUR 400 was imposed.

(3) The minor offence authority that issued a decision in expedited proceedings may, on the basis of the reasons for appeal referred to in points 1, 2 and 4 of Article 154 of this Act, except with respect to legal costs, file an appeal against the court's decision in the following cases:

- when the court has annulled a decision of the minor offence authority;
- when the court has amended a decision of the minor offence authority and stayed the minor offence proceedings.

(4) The minor offence authority shall file the appeal, together with the relevant file, with the court that decided on the request for judicial protection. After establishing that the appeal was filed in due time and is

sme nato v osmih dneh po prejemu podati sodišču odgovor na pritožbo. Pritožbo in odgovor z vsemi spisi predloži sodišče višjemu sodišču.

(5) V postopku s pritožbo iz prejšnjega odstavka in morebitnem novem sojenju, se odločitev ne sme spremeniti v škodo kršitelja v primerjavi z odločbo o prekršku, zoper katero je bila vložena zahteva za sodno varstvo, o kateri je odločalo sodišče prve stopnje.

(6) Pritožba se obravnava po določbah pritožbenega postopka v rednem sodnem postopku.

(7) Osebe iz drugega odstavka tega člena vložijo pritožbo pri prekrškovnem organu, ki je izdal odločbo, zoper katero je bila vložena zahteva za sodno varstvo. Prekrškovni organ pritožbo pošlje skupaj s spisom sodišču, ki je odločilo o zahtevi za sodno varstvo.

(8) Prepozno ali nedovoljeno pritožbo zavrže sodišče, ki je odločilo o zahtevi za sodno varstvo, s sklepom, ki ga vroči tudi vlagateljem iz drugega in četrtega odstavka tega člena.

Deseto poglavje REDNI SODNI POSTOPEK

1. Temeljne določbe

Smiselna uporaba določb zakona o kazenskem postopku

67. člen

(1) Kolikor s tem zakonom ni drugače določeno, se v rednem postopku smiselno uporabljajo določbe zakona o kazenskem postopku o:

admissible, the court shall send to the perpetrator a copy thereof; the perpetrator may submit to the court a response to the appeal within eight days of receipt. The court shall then submit the appeal and the response, together with all relevant files, to the higher court.

(5) In the appeal proceedings referred to in the preceding paragraph and in the event of a new trial, the decision may not be amended to the detriment of the offender in comparison with the minor offence decision that was challenged by the request for judicial protection that was decided on by the court of first instance.

(6) The appeal shall be dealt with in compliance with the provisions governing appeal proceedings in ordinary court proceedings.

(7) The persons referred to in paragraph two of this Article shall file the appeal with the minor offence authority that issued the decision that was challenged by the request for judicial protection. The minor offence authority shall send the appeal, together with the relevant file, to the court that decided on the request for judicial protection.

(8) Late or inadmissible appeals shall be rejected by the court that decided on the request for judicial protection by an order, which shall also be served on the applicants referred to in paragraphs two and four of this Article.

Chapter Ten ORDINARY COURT PROCEEDINGS

1. Basic provisions

***Mutatis mutandis* application of the provisions of the Criminal Procedure Act**

Article 67

(1) Unless otherwise provided by this Act, ordinary court proceedings shall be subject to *mutatis mutandis* application of the provisions of the Criminal Procedure Act governing:

- jeziku v postopku,
- vlogah in zapisnikih,
- rokih,
- zaslišanju obdolženca,
- zasliševanju prič,
- izvedenstvu,
- hišni in osebni preiskavi,
- zasegu in preiskavi elektronskih in z njimi povezanih naprav ter nosilcev elektronskih podatkov, razen če gre za poseg v tajnost pisem in drugih občil, kjer je poseg dopusten le pri pregonu pravnih oseb, ki naj bi storile prekršek, predpisan v skladu s petim odstavkom 17. člena tega zakona,
- zasegu in odvzemu predmetov,
- glavni obravnavi v skrajšanem postopku pred okrajnim sodiščem,
- hrambi in upravljanju zaseženih predmetov in začasnem zavarovanju zahtevka za odvzem premoženjske koristi,
- prenosu krajevnosti pristojnosti.

(2) V rednem sodnem postopku se glede vročanja pisanj smiselno uporabljajo določbe zakona, ki ureja splošni upravni postopek.

Načelo materialne resnice

68. člen

(1) Sodišče mora po resnici in popolnoma ugotoviti vsa dejstva, pomembna za izdajo zakonite sodbe o prekršku, razen v primeru obdolženčevega priznanja. Enako skrbno mora preiskati okoliščine in ugotoviti tako dejstva, ki obdolženca obremenjujejo, kakor tudi dejstva, ki so mu v korist.

(2) Sodišče mora poskrbeti, da nevednost ali nepoučenost obdolženca in drugih udeležencev v postopku ni v škodo pravicam, ki jim gredo v postopku.

- the language of the proceedings;
- applications and records;
- time limits;
- examining the accused;
- examining witnesses;
- expert witness opinions;
- house and body searches;
- the seizure and search of electronic and related devices and electronic data media, unless this constitutes an interference with the secrecy of letters and other media, where such interference is only admissible in the prosecution of legal persons who allegedly committed a minor offence prescribed in compliance with paragraph five of Article 17 of this Act;
- the seizure and confiscation of items;
- the main hearing in summary proceedings before a local court;
- the storage and management of seized items and the temporary securing of a claim for the confiscation of proceeds;
- the transfer of territorial jurisdiction.

(2) In ordinary court proceedings, the provisions of the Act governing the general administrative procedure shall apply, *mutatis mutandis*, to the serving of writs.

Principle of substantial truth

Article 68

(1) The court must accurately and completely establish all the facts relevant to the issuance of a legal judgment on the minor offence, except in the event of a confession by the accused. It must equally diligently investigate all circumstances and thereby establish the facts that incriminate the accused and those that are in favour of him or her.

(2) The court must ensure that the lack of knowledge or information on the part of the accused and other parties to the proceedings do not affect the rights to which they are entitled in the proceedings.

Zaslišanje obdolženca

69. člen

(1) Preden se izda sodba o prekršku, mora biti obdolženec zaslišan o tistem, česar je obdolžen.

(2) Če pravilno povabljeni obdolženec ne pride k zaslišanju in izostanka ne opraviči, lahko sodišče izreče sodbo o prekršku tudi brez njegovega zaslišanja, kadar spozna, da zaslišanje ni potrebno za pravilno odločitev.

Postopek zoper pravno in odgovorno osebo

70. člen

(1) Zoper pravno osebo in odgovorno osebo se vodi praviloma enoten postopek.

(2) Če zaradi pravnih ali dejanskih ovir ni mogoče voditi postopka zoper odgovorno osebo, se vodi postopek le zoper pravno osebo.

(3) Če je pravna oseba prenehala obstajati, se vodi postopek le zoper odgovorno osebo.

(4) Določbe o postopku zoper pravno in odgovorno osebo smiselno veljajo tudi v postopku zoper samostojnega podjetnika posameznika in odgovorno osebo.

Prosta presoja dokazov

71. člen

Examination of the accused

Article 69

(1) Before a judgment on a minor offence is issued, the accused must be examined on the subject of the accusation.

(2) In cases where an accused person who has been duly summoned fails to appear for examination and fails to justify his or her absence, the court may deliver a judgment on the minor offence without examining him or her if it finds that examination is not necessary for correct adjudication.

Proceedings against legal and responsible persons

Article 70

(1) Joint proceedings shall, as a general rule, be conducted against legal and responsible persons.

(2) In cases where it is not possible to conduct proceedings against a responsible person owing to legal or other obstacles, the proceedings shall only be conducted against the legal person.

(3) In cases where a legal person has ceased to exist, proceedings shall only be conducted against its responsible person.

(4) The provisions governing proceedings against legal and responsible persons shall apply, *mutatis mutandis*, to proceedings against individual sole traders and responsible persons.

Free assessment of evidence

Article 71

Sodišče pri presoji dokazov ni vezano na nobena posebna formalna dokazna pravila in ne z njimi omejeno.

Prepoved zlorabe pravic

72. člen

Sodišče si mora prizadevati, da izvede postopek brez zavlačevanja in da onemogoči sleherno zlorabo pravic, ki gredo udeležencem v postopku.

Pridržanje storilca

73. člen

(1) V postopku o prekršku se sme storilec pridržati, če tako določa zakon.

(2) Če zakon ne določa drugače, se za postopek pridržanja uporablja ta zakon.

Pritožba

74. člen

(1) Zoper sodbo o prekršku, izdano na prvi stopnji, oziroma sklep, izdan na prvi stopnji, je dovoljena pritožba na višje sodišče, če ta zakon ne določa drugače.

(2) Zoper sodbo oziroma sklep višjega sodišča ni pritožbe.

Pravna pomoč

While assessing evidence, the court shall not be bound or limited by any formal evidence-related rules.

Prohibition of the abuse of rights

Article 72

The court must endeavour to complete the proceedings without any delay and strive to prevent any abuse of the rights to which the parties to the proceedings are entitled.

Detention of a perpetrator

Article 73

(1) In minor offence proceedings, a perpetrator may be detained only if so determined by an Act.

(2) Unless otherwise provided by an Act, detention proceedings shall be governed by this Act.

Appeal

Article 74

(1) An appeal may be filed with a higher court against a minor offence judgment or order passed in the first instance, unless otherwise provided by this Act.

(2) There shall be no appeal against a judgment or order passed by the higher court.

Legal aid

75. člen

Če je treba posamezno dejanje opraviti izven območja sodišča, ki vodi postopek o prekršku, lahko ta zaupa njegovo izvršitev drugemu sodišču.

Predhodno vprašanje

76. člen

(1) Če je uporaba predpisov o prekršku odvisna od predhodne odločitve o kakšnem pravnem vprašanju, ki je v pristojnosti kakšnega drugega organa, lahko sodišče, ki odloča v zadevi o prekršku, samo odloči tudi o tem vprašanju po določbah, ki veljajo za dokazovanje v postopku o prekršku. Odločitev o takšnem pravnem vprašanju v postopku o prekršku ima učinek samo za zadevo o prekršku, o kateri se je odločalo v tem postopku.

(2) Sodišče ne more odločati o predhodnem vprašanju glede obstoja zakonske zveze ali ugotovitve očetovstva, obstoja kaznivega dejanja ali glede kakšnega drugega pravnega vprašanja, če zakon tako določa.

(3) Glede obstoja kaznivega dejanja je sodišče vezano na pravnomočno sodbo sodišča, s katero je bil obdolženec spoznan za krivega kaznivega dejanja.

2. Krajevna pristojnost

Krajevna pristojnost sodišč

77. člen

(1) Za postopek je pristojno sodišče, na katerega območju je

Article 75

In cases where an individual act must be performed outside the territory of the court conducting the minor offence proceedings, the court may entrust the execution of such act to another court.

Preliminary issue

Article 76

(1) In cases where the application of minor offence regulations depends on a preliminary decision on a specific legal issue that falls within the jurisdiction of another authority, the court deciding on the minor offence case may decide on this issue on its own pursuant to the provisions governing the taking of evidence in minor offence proceedings. A decision on such legal issue in minor offence proceedings shall only affect the minor offence case in which it is decided on in these proceedings.

(2) The court may not decide on a preliminary issue relating to the existence of a marriage or the establishment of paternity, the existence of a criminal offence or any other legal issue, if so determined by an Act.

(3) Regarding the existence of a criminal offence, the court shall be bound by a court's final judgment on the basis of which the accused has been found guilty of committing a criminal offence.

2. Territorial jurisdiction

Territorial jurisdiction of courts

Article 77

(1) Minor offence proceedings shall fall within the jurisdiction of

bil prekršek storjen.

(2) Za postopek o prekršku zoper tujo pravno osebo, ki ima podružnico v Republiki Sloveniji, je krajevno pristojno sodišče, na območju katerega je podružnica tuje pravne osebe; če tuja pravna oseba nima podružnice v Republiki Sloveniji, je za postopek o prekršku pristojno sodišče, na območju katerega je bil prekršek storjen.

(3) Če je bil prekršek storjen na domači ladji ali na domačem letalu, je za postopek pristojno tisto sodišče, na območju katerega je domače pristanišče oziroma domače letališče, v katerem se je končalo potovanje storilca. Če je storilec član posadke, je za postopek pristojno tisto sodišče, na območju katerega je matično pristanišče ladje oziroma matično letališče letala.

(4) Če je bil prekršek storjen s tiskom, je pristojno sodišče, na katerega območju je bil spis natisnjen. Če ta kraj ni znan ali je bil spis natisnjen v tujini, je pristojno sodišče, na katerega območju se tiskani spis razširja.

(5) Če je po zakonu odgovoren pisec spisa, je pristojno tudi sodišče kraja, v katerem ima pisec stalno prebivališče, ali sodišče kraja, v katerem se je pripetil dogodek, na katerega se spis nanaša.

(6) Določbe četrtega in petega odstavka tega člena se smiselno uporabljajo tudi v primeru, če sta bila spis ali izjava objavljena po radiu ali televiziji, medmrežju in spletnih straneh.

(7) Za prekršek, ki ga je storila vojaška oseba ali vojaški obveznik, ki služi vojaški rok, je ob pogojih iz petega odstavka 110. člena tega zakona pristojno sodišče, na katerega območju je poveljstvo matične vojaške enote storilca.

(8) Ne glede na določbe prejšnjih odstavkov tega člena je v

the court in whose territory the minor offence was committed.

(2) Minor offence proceedings against a foreign legal person that has a subsidiary in the Republic of Slovenia shall fall within the jurisdiction of the court in whose territory the foreign legal person's subsidiary is based; in cases where a foreign legal person does not have a subsidiary based in the Republic of Slovenia, minor offence proceedings shall fall within the jurisdiction of the court in whose territory the minor offence was committed.

(3) In cases where a minor offence was committed on a domestic ship or domestic aircraft, the proceedings shall fall within the jurisdiction of the court in whose territory the domestic port or domestic airport where the perpetrator's trip concluded is based. If the perpetrator is a member of the crew, the proceedings shall fall within the jurisdiction of the court in whose territory the ship's home port or aircraft's home airport are based.

(4) In cases where a minor offence is committed in print, the proceedings shall fall within the jurisdiction of the court in whose territory the text was printed. If this place is unknown or if the text was printed abroad, the proceedings shall fall within the jurisdiction of the court in whose territory the printed text was disseminated.

(5) If the author of the text is liable in accordance with an Act, the proceedings shall also fall within the jurisdiction of the court in whose territory the author has permanent residence or the court in whose territory the event occurred to which the text refers.

(6) The provisions of paragraphs four and five of this Article shall also apply, *mutatis mutandis*, to cases where the text or the statement was broadcast on radio or television, the Internet or the World Wide Web.

(7) A minor offence committed by a military person or a military conscript serving military service shall fall, subject to the conditions referred to in paragraph five of Article 110 of this Act, within the jurisdiction of the court in whose territory the headquarters of the military unit to which the perpetrator is assigned is based.

(8) Notwithstanding the provisions of the preceding paragraphs

primerih iz 108. do 110. člena tega zakona za postopek pristojno tudi sodišče, po katerega odredbi ali na katerega območju je bil storilec prijet ali pridržan oziroma h kateremu je bil priveden.

Pristojnost po stalnem oziroma začasnem prebivališču

78. člen

Če se pristojnost ne da določiti po kraju, kjer je bil prekršek, določen z zakonom, ali z uredbo Vlade Republike Slovenije, storjen, se določi po storilčevem stalnem oziroma začasnem prebivališču.

Če je pristojnih več sodišč

79. člen

Če sta po 77. in 78. členu tega zakona pristojni za postopek o prekršku dve ali več sodišč, vodi postopek tisto sodišče, ki ga je prvo začelo, če se postopek še ni začel, pa sodišče, pri katerem je bil najprej predlagan začetek postopka.

Pristojnost za udeležence

80. člen

(1) Sodišče, ki je pristojno za storilca, je pristojno tudi za udeležence. Zoper vse se praviloma vodi enoten postopek. Če je to smotno, sme pristojno sodišče ločiti postopek zoper posamezne udeležence.

(2) Če sta obdolžena pravna oseba in odgovorna oseba

of this Article, in the cases referred to in Articles 108 to 110 of this Act, the proceedings shall also fall within the jurisdiction of the court under whose order or in whose territory the perpetrator was arrested or detained, or to which he or she was brought.

Jurisdiction according to permanent or temporary residence

Article 78

If jurisdiction cannot be determined in terms of the place where the minor offence regulated by an Act or a decree issued by the Government of the Republic of Slovenia has been committed, it shall be determined according to the perpetrator's permanent or temporary residence.

Where several courts have jurisdiction

Article 79

When in compliance with Articles 77 and 78 of this Act, minor offence proceedings fall within the jurisdiction of two or more courts, the proceedings shall be conducted by the court that first initiated the proceedings, and when proceedings have not yet been initiated, by the court where proceedings were first proposed.

Jurisdiction over participants

Article 80

(1) The court that has jurisdiction over the perpetrator shall also have jurisdiction over all participants. Joint proceedings shall, as a general rule, be conducted against them. Where expedient to do so, the court of competent jurisdiction may conduct separate proceedings against individual participants.

(2) In cases where a legal person and the legal person's

pravne osebe, je za oba storilca pristojno sodišče, ki je pristojno za pravno osebo.

Odstop zadeve

81. člen

Sodišče, ki je pristojno za storilca prekrška, določenega z zakonom ali z uredbo Vlade Republike Slovenije, lahko izjemoma odstopi zadevo sodišču, na katerega območju storilec stalno ali začasno prebiva, če se bo tako lažje izvedel postopek.

Spor o pristojnosti

82. člen

(1) Sodišče mora po uradni dolžnosti paziti na krajevno pristojnost. Če spozna, da je za postopek pristojno kakšno drugo sodišče, mora zadevo brez odlašanja odstopiti temu sodišču.

(2) Če sodišče, kateremu je bila zadeva odstopljena po prejšnjem odstavku meni, da je pristojno tisto sodišče, ki mu je zadevo odstopilo, ali kakšno drugo sodišče, sproži postopek, da se odloči o sporu o pristojnosti.

Odločanje v sporu o pristojnosti

83. člen

(1) O sporu o pristojnosti med okrajnimi sodišči odloči skupno neposredno višje sodišče.

responsible person are accused, proceedings against both of them shall fall within the jurisdiction of the court that has jurisdiction over the legal person.

Case referral

Article 81

The court that has jurisdiction over the perpetrator of a minor offence regulated by an Act or a decree issued by the Government of the Republic of Slovenia may, in exceptional circumstances when this may facilitate the proceedings, refer the case to the court in whose territory the perpetrator permanently or temporarily resides.

Jurisdictional dispute

Article 82

(1) The court must observe the principle of territorial jurisdiction *ex officio*. If it finds that the minor offence falls within the jurisdiction of another court, it must refer the case to that court without delay.

(2) If the court to which the case has been referred in compliance with the preceding paragraph maintains that the case falls within the jurisdiction of the court that referred the case or any other court, it shall initiate proceedings in order to decide on the jurisdictional dispute.

Deciding on jurisdictional disputes

Article 83

(1) A jurisdictional dispute between local courts shall be decided on by the hierarchically superior court.

(2) Zoper sklep, s katerim je odločeno v sporu o pristojnosti, ni pritožbe.

(3) Dokler se ne odloči v sporu o pristojnosti, mora vsak organ opravljati tista dejanja v postopku o prekršku, ki bi jih bilo nevarno odlašati.

3. Izločitev

Razlogi za izločitev

84. člen

Sodnik ne sme opravljati sodniške dolžnosti:

1. če je s prekrškom oškodovan;
2. če je z obdolžencem, zastopnikom pravne osebe, njunima zagovornikoma, predlagateljem, oškodovancem, njihovim zakonitim zastopnikom ali pooblaščenecem v zakonski zvezi, ali zunajzakonski skupnosti, ali je z njim v krvnem sorodstvu v ravni vrsti do kateregakoli kolena, v stranski vrsti do četrtega kolena, ali v svaštvu do drugega kolena;
3. če je z obdolžencem, zastopnikom pravne osebe, njunima zagovornikoma, predlagateljem ali oškodovancem v razmerju skrbnika, oskrbovanca, posvojitelja, posvojenca, rejnika ali rejenca;
4. če je v isti zadevi o prekršku opravljal kakšno dejanje v zvezi z odkrivanjem prekrška ali sodeloval v postopku kot predlagatelj, zastopnik pravne osebe, zagovornik, zakoniti zastopnik ali pooblaščenec oškodovanca oziroma predlagatelja, ali če je bil zaslišan kot priča ali kot izvedenec;
5. če je v isti zadevi sodeloval pri izdaji odločbe na prvi stopnji;
6. če so podane druge okoliščine, ki vzbuja dvom o njegovi nepristranskosti.

(2) There shall be no appeal against the order on a jurisdictional dispute.

(3) Until the jurisdictional dispute is decided on, each authority must perform those acts within the minor offence proceedings for which a delay would be detrimental.

3. Recusal

Reasons for recusal

Article 84

A judge may not perform the judicial function:

1. in cases where he or she has been affected by the minor offence in question;
2. in cases where he or she is married to or in cohabitation with the accused, the representative of the legal person at issue, the defence counsel thereof, the initiator, the injured party, the legal representative or authorised person thereof, or if the judge is a relative of the accused in a direct line, irrespective of degree, or in a lateral line up to four degrees removed, or an in-law up to two degrees removed;
3. in cases where he or she has the relationship of guardian, child under guardianship, adoptive parent, adoptive child, foster parent or foster child with the accused, the legal person's representative, the defence counsel thereof, the initiator or the injured party;
4. in cases where he or she has performed, in the same minor offence case, any activity relating to the detection of the minor offence, or participated in the proceedings as the initiator, the legal person's representative, defence counsel, statutory representative or as the injured party's or initiator's authorised person, or if he or she has been examined as a witness or expert witness;
5. in cases where he or she has participated, in the same case, in issuing a decision in the first instance.
6. in cases where any other circumstance raises doubt as to the impartiality of the judge.

Ravnanje ob izločitvi

85. člen

(1) Brž ko sodnik zve za kakšen razlog svoje izločitve iz 1. do 5. točke prejšnjega člena, mora prenehati z vsakim delom v tej zadevi in to sporočiti predsedniku sodišča, ki odredi, da se zadeva po pravilih sodnega reda dodeli drugemu sodniku. Če gre za izločitev predsednika sodišča, v tej zadevi kot predsednik odloča podpredsednik sodišča, če pa mora biti izločen tudi ta, si predsednik sodišča določi namestnika izmed sodnikov tega sodišča, če to ni mogoče, pa zahteva od predsednika višjega sodišča oziroma predsednika Vrhovnega sodišča Republike Slovenije, naj mu določi namestnika.

(2) Če sodnik misli, da so podane kakšne druge okoliščine, ki opravičujejo njegovo izločitev (6. točka prejšnjega člena), sporoči to predsedniku sodišča, ki odloči o izločitvi. Do odločitve o izločitvi sme opravljati samo tista dejanja, ki bi jih bilo nevarno odlašati.

Kdo lahko zahteva izločitev

86. člen

(1) Izločitev lahko zahtevajo tudi obdolženec ali zastopnik obdolžene pravne osebe ali predlagatelj postopka takoj, ko izvejo za razlog izločitve, pa vse do izdaje sodbe o prekršku.

(2) Izločitev sodnika višjega sodišča lahko zahtevajo osebe iz prejšnjega odstavka v pritožbi zoper sodbo oziroma sklep, če so za izločitveni razlog izvedele po vložitvi pritožbe pa najkasneje do izdaje odločbe o pritožbi.

Recusal proceedings

Article 85

(1) As soon as a judge becomes aware of any reason that requires his or her recusal referred to in points 1 to 5 of the preceding Article, he or she must cease all work relating to the case and notify the president of the court thereof, who shall order that the case be assigned to another judge pursuant to court rules. If the recusal in question applies to the president of the court, the case shall be decided on by the vice-president of the court in the function of president of the court, and if the recusal also applies to the vice-president of the court, the president of the court shall appoint a deputy president of the court from among the court's judges; if this is not possible, the president of the court shall request that the president of a higher court or the president of the Supreme Court of the Republic of Slovenia appoint a deputy.

(2) If the judge considers that there are other circumstances that justify his or her recusal (point 6 of the preceding Article), he or she shall notify the president of the court thereof, who shall decide upon the recusal. Until a decision on the recusal is adopted, the judge shall only perform those acts for which a delay would be detrimental.

Persons who may request recusal

Article 86

(1) A recusal may also be requested by the accused or the representative of an accused legal person or the initiator of the proceedings immediately after they become aware of the reason for the recusal and by the time a minor offence judgment is issued.

(2) The recusal of a higher court judge may be requested by the persons referred to in the preceding paragraph in the appeal against a judgment or order; if they become aware of a reason for exclusion after having filed the appeal, they may do so no later than by the time the

(3) Izločitev se lahko zahteva le glede poimensko določenega sodnika, ki postopa v zadevi, oziroma poimensko določenega sodnika višjega sodišča.

(4) V zahtevi za izločitev je treba navesti okoliščine, zaradi katerih naj bi bil podan kakšen zakonski razlog za izločitev. Razlogov, ki so že bili zavrjeni na podlagi prejšnjih zahtev, ni dopustno znova uveljavljati.

Odločanje o izločitvi

87. člen

(1) O zahtevi za izločitev iz prejšnjega člena odloči predsednik sodišča.

(2) O izločitvi vseh sodnikov sodišča prve stopnje, predsednika sodišča prve stopnje in o izločitvi sodnika višjega sodišča odloča predsednik višjega sodišča, o izločitvi predsednika višjega sodišča pa odloča predsednik Vrhovnega sodišča Republike Slovenije.

(3) Preden se izda sklep o izločitvi, je treba dobiti izjavo sodnika oziroma predsednika sodišča, po potrebi pa se opravijo tudi druge poizvedbe.

(4) Zoper sklep, s katerim se ugotovi zahteva za izločitev, ni pritožbe. Sklep, s katerim se zahteva za izločitev zavrne, se lahko izpodbija samo v pritožbi zoper sodbo o prekršku.

(5) Če vložnik zahteve za izločitev ravna v nasprotju z določbami 86. člena tega zakona, ali če je iz vsebine zahteve razvidno, da gre za očitno neutemeljeno zahtevo, podano z namenom zavlačevanja postopka ali spodkopavanja avtoritete sodišče, se zahteva v celoti ali deloma zavrže. Sklep, s katerim se zahteva zavrže, izda sodnik ali senat, ki postopa v zadevi. Pri odločanju lahko sodeluje sodnik

decision on the appeal is issued.

(3) A recusal may be requested only for a specifically named judge hearing the case or a specifically named higher court judge.

(4) The request for recusal must specify the circumstances on which the specific legal reason for recusal is allegedly based. The reasons already dismissed on the basis of previous requests cannot be relied upon again.

Deciding on recusal

Article 87

(1) The request for recusal referred to in the preceding Article shall be decided on by the president of the court.

(2) The recusal of all judges of a court of first instance, the president of a court of first instance, and the recusal of higher-court judges shall be decided on by the president of a higher court, while the recusal of the president of a higher court shall be decided on by the president of the Supreme Court of the Republic of Slovenia.

(3) Before an order on recusal is issued, a statement must be obtained from the judge or court president, and if necessary other inquiries shall be made.

(4) There shall be no appeal against an order granting a request for recusal. An order dismissing a request for recusal may be contested exclusively in the form of an appeal against a minor offence judgment.

(5) In cases where an applicant of a request for recusal acts in contravention of the provisions of Article 86 of this Act or when it is evident from the content of the request that it is manifestly unfounded and was filed for the purpose of delaying the proceedings or to undermine the authority of the court, the request shall be rejected in whole or in part. The order rejecting the case shall be issued by the judge or by the panel

ali predsednik sodišča, katerega izločitev se zahteva. Zoper sklep, s katerim se zahteva zavrže, ni pritožbe.

Opravljanje dejanj

88. člen

Ko sodnik izve, da je zahtevana njegova izločitev, mora takoj prenehati z vsakim nadaljnjim delom v tisti zadevi; če gre za izločitev iz 6. točke 84. člena tega zakona, pa sme do odločitve o zahtevi opravljati samo tista dejanja, ki bi jih bilo nevarno odlašati.

Smiselna uporaba določb o izločitvi

89. člen

(1) Določbe o izločitvi sodnikov se uporabljajo smiselno tudi za zapisnikarje, tolmače, strokovnjake in za izvedence, če ni zanje določeno kaj drugega.

(2) O izločitvi zapisnikarjev, tolmačev, strokovnjakov in izvedencev odloča sodnik, ki vodi postopek o prekršku.

4. Obramba obdolženca

Pravice obdolženca

90. člen

(1) Obdolženec ima pravico, da se zagovarja, predlaga dokaze in daje druge predloge, da vloži pritožbo in uporablja druga pravna

hearing the case. The judge or the president of the court whose recusal is requested may participate in decision-making. There shall be no appeal against the order on rejection.

Performance of acts

Article 88

In cases where a judge becomes aware that his or her recusal has been requested, he or she must immediately cease to perform any further work relating to the relevant case; if the request applies to recusal pursuant to point 6 of Article 84 of this Act, he or she may only perform those acts for which a delay would be detrimental until the request is decided on.

***Mutatis mutandis* application of recusal provisions**

Article 89

(1) The provisions on the recusal of judges shall apply, *mutatis mutandis*, to persons taking the minutes, interpreters, expert witnesses and forensic experts, unless otherwise provided.

(2) The recusal of persons taking the minutes, interpreters, expert witnesses and forensic experts shall be decided on by the judge conducting the minor offence proceedings.

4. Defence of the accused

Rights of the accused

Article 90

(1) The accused shall have the right to defend himself or herself, to propose evidence and submit other proposals, to file an

sredstva.

(2) Obdolženca je treba pred prvim zaslišanjem poučiti, da ima pravico vzeti si zagovornika in da je zagovornik lahko navzoč pri njegovem zaslišanju.

(3) Zagovornika smejo najeti obdolžencu tudi njegov zakoniti zastopnik, zakonec oziroma oseba, s katero živi v zunajzakonski skupnosti, krvni sorodnik v ravni vrsti, posvojitelj, posvojenec, brat, sestra in rejnik.

(4) Za zagovornika se sme vzeti samo odvetnik, njega pa lahko nadomešča odvetniški kandidat.

(5) Zagovornik mora predložiti organu, pred katerim teče postopek, pooblastilo. Obdolženec lahko da zagovorniku pooblastilo tudi ustno na zapisnik pri organu, pred katerim teče postopek.

Zastopanje pravne osebe

91. člen

(1) Pravno osebo zastopa v postopku njen zastopnik, ki je upravičen za vsa dejanja, za katera je upravičen obdolženec.

(2) Pravna oseba sme imeti samo enega zastopnika.

(3) Vsaka pravna oseba v postopku mora imeti svojega zastopnika.

(4) Sodnik mora vsakokrat ugotoviti identiteto zastopnika pravne osebe in njegovo upravičenost za zastopanje.

Zastopnik pravne osebe

appeal, and avail himself or herself of other legal remedies.

(2) Prior to his or her first examination, the accused must be instructed that he or she has the right to appoint a defence counsel and that the defence counsel may be present during his or her examination.

(3) A defence counsel may be hired on behalf of the accused by his or her statutory representative, spouse or a person with whom he or she lives in cohabitation, a direct blood relative, an adoptive parent, an adoptive child, a brother, a sister or a foster parent.

(4) Only an attorney may be appointed as a defence counsel, who may be substituted for by an attorney candidate.

(5) A defence counsel must submit an authorisation to the authority before which the proceedings are conducted. The accused may provide his or her defence counsel with a verbal authorisation, which shall be entered in the record of the authority before which the proceedings are conducted.

Representation of a legal person

Article 91

(1) During proceedings, a legal person shall be represented by its representative, who shall have the same entitlements as the accused.

(2) A legal person may only have one representative.

(3) During proceedings, each legal person must have its own representative.

(4) The judge must on each occasion establish the identity of a legal person's representative and his or her eligibility to provide representation.

Representative of a legal person

92. člen

(1) Zastopnik pravne osebe je tisti, ki jo je po zakonu, po aktu pristojnega državnega organa ali po statutu, aktu o ustanovitvi ali drugem splošnem aktu pravne osebe, upravičen zastopati.

(2) Zastopnik tuje obdolžene pravne osebe je tisti, ki vodi njeno podružnico v Republiki Sloveniji, če ni za njenega zastopnika določen kdo drug, oziroma tisti, ki je upravljal prevozno sredstvo, s katerim je bil storjen prekršek.

(3) Če pravno osebo ali podružnico tuje pravne osebe zastopa kolektivno več oseb, te izmed sebe določijo zastopnika. Če tega kljub pozivu sodnika ne storijo, ali v danem roku o tem pisno ne obvestijo sodnika, ga izmed njih določi sodnik.

(4) Zastopnik ali osebe, ki kolektivno zastopajo pravno osebo, lahko pooblastijo za zastopanje koga drugega. Pooblastilo mora biti dano pisno ali ustno na zapisnik pri sodniku.

(5) Če pravna oseba nima organa, ki bi bil pristojen določiti zastopnika, ali če v določenem roku ne obvesti sodišča, koga je določila za zastopnika, ga določi sodišče.

Prepoved zastopanja pravne osebe

93. člen

(1) Zastopnik pravne osebe ne more biti, kdor je v isti stvari povabljen za pričo. V tem primeru pozove sodišče pravno osebo, da njen pristojni organ določi drugega zastopnika in v določenem roku o tem

Article 92

(1) A representative of a legal person shall be the person who pursuant to an Act, an act issued by a competent state authority, articles of association, a memorandum of association, or another general act issued by the legal person, is eligible to provide representation.

(2) A representative of a foreign accused legal person shall be the person who manages its subsidiary in the Republic of Slovenia if no one else has been appointed as its representative, or the person who was driving the means of transportation with which the minor offence was committed.

(3) If a legal person or foreign legal person's subsidiary is represented collectively by a number of persons, the latter shall appoint their representative from among them. If fail to do so, despite the judge's request, or fail to notify the judge thereof by the specified deadline in writing, a representative shall be appointed by the judge from among them.

(4) The representative or persons who collectively represent a legal person may authorise another person to represent them. The authorisation must be granted in writing or verbally, subject to entry in a record before the judge.

(5) In cases where a legal person does not have a body competent to appoint a representative, or if it fails to notify the court thereof by the specified deadline, a representative shall be appointed by the court.

Prohibition of the representation of a legal person

Article 93

(1) A person who in the same case is summoned as a witness may not be a legal person's representative. In such case, the court shall request the legal person to instruct its competent body to appoint another

pisno obvesti sodnika.

(2) Zastopnik obdolžene pravne osebe tudi ne more biti odgovorna oseba, zoper katero se vodi postopek za isti prekršek in ki navaja, da je ravnala po nalogu druge odgovorne osebe ali organa upravljanja.

(3) V primerih iz prvega in drugega odstavka tega člena mora sodišče sporočiti to obdolženi pravni osebi oziroma podružnici tuje pravne osebe v Republiki Sloveniji, da določi drugega zastopnika.

(4) Sodišče mora vselej opozoriti obdolženo pravno osebo oziroma podružnico tuje pravne osebe v Republiki Sloveniji, da je njen zastopnik hkrati odgovorna oseba, zoper katero se vodi v isti zadevi postopek za prekršek.

Skupni zagovornik

94. člen

Obdolžena pravna oseba in obdolžena odgovorna oseba imata vsaka svojega zagovornika, lahko pa imata tudi skupnega zagovornika, če to dovoljujejo koristi obrambe vsakega izmed njiju.

5. Druge določbe

Oškodovanec in njegovo zastopanje

95. člen

(1) Oškodovanec ima pravico, da uveljavlja premoženjskopравни zahtevek, da predlaga dokaze in daje druge predloge, ter da izvršuje druge pravice, ki jih določa ta zakon.

(2) Če je oškodovanec mladoletnik ali oseba, ki ji je popolnoma

representative and to notify in writing the judge thereof by the specified deadline.

(2) A responsible person against whom proceedings have been initiated for the same minor offence and who has stated that he or she acted by the order of another responsible person or management body may not be the representative of an accused legal person.

(3) In the cases referred to in paragraphs one and two of this Article, the court must inform the accused legal person or foreign legal person's subsidiary in the Republic of Slovenia thereof and ask them to appoint another representative.

(4) The court shall always instruct the accused legal person or foreign legal person's subsidiary in the Republic of Slovenia that their representative is at the same time the responsible person against whom minor offence proceedings shall be conducted within the same case.

Joint defence counsel

Article 94

An accused legal person or accused responsible person shall each have their own separate defence counsels, but they may also have a joint defence counsel if this is to the benefit of their respective defence.

5. Other provisions

Injured parties and the representation thereof

Article 95

(1) An injured party shall have the right to assert an indemnification claim, propose evidence and submit other proposals, and to exercise other rights stipulated by this Act.

(2) In cases where the injured party is a juvenile or person fully

odvzeta poslovna sposobnost, je njegov zakoniti zastopnik upravičen dajati vse izjave in opravljati vsa dejanja, ki jih je po tem zakonu upravičen dajati oziroma opravljati oškodovanec. Oškodovanec, ki je dopolnil šestnajst let, je upravičen dajati izjave in opravljati dejanja v postopku.

(3) Oškodovanec oziroma njegov zakoniti zastopnik smeta svoje pravice izvrševati tudi po pooblaščenju.

Vabilo

96. člen

(1) Kdor mora biti osebno navzoč pri postopku, se povabi praviloma pisno. V vabilu je treba navesti ime sodišča, ki vabi; čas, kdaj naj povabljeni pride; zadevo, zaradi katere se vabi; kot kaj se vabi in opozorilo na posledice, če se vabilu ne bo odzval.

(2) V izjemnih primerih se sme vabilo opraviti tudi ustno; to se zaznamuje v spisu.

Odločbe

97. člen

V postopku o prekršku se izdajajo odločbe v obliki sodb in sklepov, če ta zakon ne določa, da se posamezne odločitve izdajajo v obliki odredb.

Razglasitev odločitve

98. člen

(1) Odločitve se lahko razglasijo obdolžencu ustno, če je

deprived of contractual capacity, his or her statutory representative shall be entitled to give all statements and perform all acts that the injured party is entitled to perform pursuant to this Act. An injured party who has reached sixteen years of age shall be entitled to give statements and perform all acts in the proceedings.

(3) An injured party or the statutory representative thereof may also exercise his or her rights via an authorised person.

Summons

Article 96

(1) Persons who must attend proceedings in person shall, as a general rule, be summoned in writing. The summons must specify the name of the court summoning the person; the time at which the summoned person is to appear; the case for which he or she is summoned; the role of the person summoned and a warning of the consequences of failing to appear in court.

(2) In exceptional cases, the summons may be issued verbally; this shall be noted in the file.

Decisions

Article 97

Within minor offence proceedings, decisions shall be issued in the form of judgments and orders unless this Act provides that individual decisions shall be issued in the form of decrees.

Announcement of a decision

Article 98

(1) Decisions may be announced verbally to an accused

navzoč. V tem primeru morajo obdolženec in drugi upravičenci do pritožbe, če so navzoči, v roku iz tega člena napovedati vložitev pritožbe, sicer se šteje, da so se odpovedali pravici do pritožbe.

(2) Če sodišče odločbo razglasi ustno, pouči navzoče upravičence do pritožbe o pravici do pritožbe in dolžnosti predhodne napovedi pritožbe ter o tem, da se bo štel, da so se odpovedali pravici do pritožbe, če pritožbe ne bodo napovedali. V tem primeru lahko navzoči upravičenci do pritožbe pritožbo napovejo takoj po razglasitvi odločbe oziroma po pouku o pravici do pritožbe, najpozneje pa v osmih dneh od dneva ustne razglasitve odločbe. Pouk o pravicah iz tega odstavka se zaznamuje v spisu.

(3) Če sodišče ni ustno razglasilo odločbe ali če osebe iz prvega odstavka 140. člena tega zakona ob ustni razglasitvi odločbe niso bile navzoče, jim sodišče pošlje prepis izreka odločbe brez obrazložitve, določene v 135. členu tega zakona, s poukom o pravici do pritožbe in dolžnosti predhodne napovedi pritožbe ter o tem, da se bo štel, da so se odpovedali pravici do pritožbe, če najpozneje v osmih dneh od vročitve prepisa izreka odločbe pritožbe ne bodo napovedali, in da bo v takem primeru veljalo, da jim je z dnem vročitve prepisa izreka sodbe ali sklepa vročena tudi sodba ali sklep.

(4) Sodišče ne izda odločbe z obrazložitvijo le, če nihče od upravičencev do pritožbe ni napovedal vložitve pritožbe. Če vsaj eden od upravičencev do pritožbe napove vložitev pritožbe, se pisno izdelana sodba oziroma sklep vroči vsem upravičencem do pritožbe iz prejšnjega odstavka.

(5) Sodba z obrazložitvijo mora biti izdelana najkasneje v 30 dneh po vložitvi napovedi pritožbe, sodba brez obrazložitve pa najkasneje v osmih dneh po poteku roka za vložitev napovedi pritožbe. Če sodba ni izdelana v tem roku, mora sodnik obvestiti predsednika sodišča, zakaj to ni bilo storjeno. Predsednik sodišča ukrene, kar je

person who is present. In such case, the accused and other persons entitled to file an appeal, if they are present, must announce the lodging of an appeal within the time limit specified in this Article; if they fail to do so, it shall be considered that they have waived the right to file an appeal.

(2) In cases where the court announces the decision verbally, it shall inform the persons present who are entitled to file an appeal of this right and of the obligation to announce the appeal and of the fact that if they fail to do so, it shall be considered that they have waived the right to file an appeal. In such case, the persons present who have the right to file an appeal may announce the appeal immediately after the announcement of the decision or the instruction on the right to appeal, or within eight days of the verbal announcement of the decision at the latest. The instruction on rights referred to in this paragraph shall be noted in the file.

(3) If the court does not announce the decision verbally or the persons referred to in paragraph one of Article 140 of this Act are not present at the time of the verbal announcement, the court shall serve them a copy of the operational part of the decision without a statement of the grounds referred to in Article 135 of this Act, but which contains the instruction on the right to appeal and the obligation of the prior announcement of an appeal and of the fact that it shall be considered that they have waived the right to file an appeal if they fail to announce the appeal at the latest within eight days of the service of a copy of the operative part of the decision, and that in such case it shall further be considered that the day of the service of the copy of the operative part of the judgment or the order is also the day of the service of the judgment or the order.

(4) The court shall issue a decision without a statement of the grounds only if no announcement of an appeal is received. If at least one of the persons entitled to file an appeal announces an appeal, the written judgment or order shall be served on all persons who have the right to file an appeal referred to in the preceding paragraph.

(5) A judgment containing a statement of the grounds must be drawn up within 30 days of the announcement of the appeal, while a judgment without a statement of the grounds shall be drawn up within eight days of the expiry of the time limit for the announcement of the appeal. If the judgment has not been written within the above time limit,

potrebno, da se sodba čimprej izdela.

Odločanje višjega sodišča

99. člen

(1) Višje sodišče odloča na seji senata ali na podlagi opravljene ustne obravnave.

(2) Višje sodišče na seji senata odloči, ali naj se že izvedeni dokazni postopek ponovi z izvajanjem posameznih dokazov ali naj se opravi ustna obravnava.

(3) Višje sodišče lahko ponovi že izvedene dokaze na seji ali na ustni obravnavi, nove dokaze pa lahko izvede na ustni obravnavi.

(4) Višje sodišče izdaja odločbe po ustnem posvetovanju in glasovanju članov senata. Odločitev je sprejeta, če je zanjo glasovala večina članov senata.

(5) Pri odločanju se najprej glasuje o predhodnih vprašanjih, nato pa o glavni stvari. Pri odločanju o glavni stvari se najprej glasuje, ali je obdolženec storil prekršek in ali je zanj odgovoren; nato pa se glasuje o sankcijah za prekršek, o stroških postopka, o premoženjskopravnem zahtevku in o drugih vprašanjih, o katerih je treba odločiti.

(6) Predsednik senata vodi posvetovanje in glasovanje in glasuje zadnji. Njegova dolžnost je poskrbeti, da se vsa vprašanja vsestransko in popolnoma pretresejo.

(7) Če so glasovi glede posameznih vprašanj, o katerih se glasuje, porazdeljeni na več različnih mnenj, tako da nobeno od njih nima večine, se vprašanja ločijo in glasovanje ponavlja, dokler se ne doseže večina. Če se na ta način ne doseže večina, se odločitev doseže tako, da

the judge must inform the president of the court of the reasons for the omission. The president of the court shall take all necessary steps to ensure that the judgment is written as soon as possible.

Decisions by higher courts

Article 99

(1) The higher court shall decide in a panel session or on the basis of an oral hearing.

(2) The higher court shall decide in a panel session whether the evidence-taking procedure shall be repeated with the production of individual items of evidence or if an oral hearing shall be held.

(3) A higher court shall have the capacity to review the evidence produced in a panel session or in an oral hearing, but may produce new evidence only in an oral hearing.

(4) A higher court shall issue decisions after oral consultation and voting by the members of the panel. A decision shall be deemed to have been passed if the majority of the panel members vote in favour thereof.

(5) In deciding, the panel members shall first vote on preliminary issues and subsequently on the main issue. When deciding on the main issue, the panel shall first vote on whether the accused has committed and is liable for the minor offence in question; after this, they shall vote on the sanctions, legal costs, indemnification claim, and other issues that must be decided on.

(6) The president of the panel shall chair the consultation and voting processes and cast the final vote. His or her duty shall be to ensure that all issues are discussed impartially and in their entirety.

(7) If the votes concerning specific issues on which voting is held are divided among a number of different opinions, so that no single opinion is in the majority, the issues shall be separated and the voting shall be repeated until a majority is achieved. If a majority cannot be

se glasovi, ki so za obdolženca najneugodnejši, prištejejo glasovom, ki so od teh manj neugodni, dokler se ne doseže potrebna večina.

(8) Člani senata ne smejo odkloniti glasovanja o vprašanjih, ki jih postavi predsednik senata; vendar pa član senata, ki je glasoval za ustavitev postopka in ostal v manjšini, ni dolžan glasovati o sankciji. Če ne glasuje, se šteje, da se strinja z glasom, ki je za obdolženca najugodnejši.

99.a člen

(1) Na ustno obravnavo pred višjim sodiščem se povabijo obdolženec in njegov zagovornik, zakoniti zastopnik in tiste priče in izvedenci, za katere sodišče na predlog strank ali po uradni dolžnosti sklene, da jih je treba zaslišati.

(2) Če obdolženec ne pride na ustno obravnavo, se šteje, da se je pritožbi odpovedal, na kar mora biti opozorjen v vabilu.

(3) Ustna obravnava pred višjim sodiščem se začne s poročilom poročevalca, ki razloži stanje stvari, ne da bi dal svoje mnenje o utemeljenosti pritožbe.

(4) Na predlog ali po uradni dolžnosti se prebere odločba ali tisti del odločbe, na katerega se nanaša pritožba, po potrebi pa tudi zapisniki o zaslišanju obdolženca, prič in drugih udeležencev v postopku ali zapisnik o ustni obravnavi.

(5) Nato se pozove pritožnika, naj obrazloži pritožbo, za njim pa predlagatelja postopka o prekršku, naj mu odgovori. Obdolženec in njegov zagovornik imata vselej zadnjo besedo.

(6) Udeleženci postopka na obravnavi smejo navajati nova dejstva in nove dokaze le, če se na ustni obravnavi ugotovi, da jih brez svoje krivde niso mogli uveljavljati v postopku na prvi stopnji oziroma v pritožbi.

achieved in this manner, a decision shall be reached in such a manner that the votes that are the least favourable for the accused are added to the votes that are less favourable until the required majority is achieved.

(8) The members of the panel may not refuse to vote on issues raised by the president of the panel; however, a member of the panel who votes to stay the proceedings and is outvoted shall not be obliged to vote on the sanction. If he or she does not vote, it shall be deemed that he or she agrees with the vote that is the most favourable for the accused.

Article 99a

(1) The accused and his or her defence counsel, statutory representative and those witnesses and expert witnesses whom the court decides, on the proposal of parties or *ex officio*, must be examined, shall be summoned to an oral hearing before a higher court.

(2) If an accused person fails to appear at the oral hearing, it shall be deemed that he or she has waived the appeal; he or she shall be instructed of this fact in the summons.

(3) The oral hearing before the higher court shall begin with the report of the reporting judge describing the facts of the case, who shall not give his or her own opinion on whether the appeal is founded or not.

(4) On the proposal of the parties or *ex officio*, the decision or part thereof to which the appeal refers shall be read and, if necessary, also the record on the examination of the accused, witnesses and other parties to the proceedings, or the record of the oral hearing.

(5) The appellant shall then be asked to justify his or her appeal, and the initiator of minor offence proceedings shall be asked to respond to it. The accused and his or her defence counsel shall always have the right to deliver the closing speech.

(6) The parties to the proceedings may state new facts and produce new evidence at the hearing only if it is established during the oral hearing that they were unable, through no fault of their own, to do so in the first instance proceedings or in the appeal.

99.b člen

Kolikor v 99. in 99.a členu tega zakona ni drugače določeno, se določbe o zaslišanju obdolženca, prič in drugih udeležencev v postopku in o ustni obravnavi pred sodiščem prve stopnje smiselno uporabljajo tudi v postopku pred višjim sodiščem.

Posvetovanje in glasovanje

100. člen

(1) Posvetovanje in glasovanje je tajno.

(2) V prostoru, v katerem je posvetovanje in glasovanje, smejo biti le člani senata in zapisnikar.

Zapisnik o posvetovanju in glasovanju

101. člen

(1) O posvetovanju in glasovanju v postopku na drugi stopnji se sestavi poseben zapisnik.

(2) Zapisnik o posvetovanju in glasovanju obsega potek glasovanja in sprejeto odločitev.

(3) Ta zapisnik podpišejo vsi člani senata, od katerih je eden lahko hkrati tudi zapisnikar. Ločena mnenja se priložijo zapisniku o posvetovanju in glasovanju, če niso vpisana v sam zapisnik.

(4) Zapisnik o posvetovanju in glasovanju se zapre v poseben ovitek. Ta zapisnik sme pregledati samo Vrhovno sodišče Republike Slovenije, ko odloča o izrednem pravnem sredstvu.

Article 99b

Unless otherwise provided in Articles 99 and 99a of this Act, the provisions on the examination of the accused, witnesses and other parties to the proceedings and on the oral hearing before the court of first instance shall apply, *mutatis mutandis*, to the proceedings before the higher court.

Consultation and voting

Article 100

(1) Consultation and voting shall be carried out in secret.

(2) Only the members of the panel and persons taking the minutes may be present in the place where consultation and voting take place.

Minutes of consultation and voting

Article 101

(1) Special minutes shall be taken of the consultation and voting conducted in the second instance proceedings.

(2) The minutes of the consultation and voting shall comprise a description of the voting and the adopted decision.

(3) The minutes shall be signed by all members of the panel, of whom one may take the minutes at the same time. Separate opinions shall be attached to the minutes of consultation and voting in cases where they are not directly entered in the minutes.

(4) The minutes of consultation and voting shall be sealed in a special envelope. The minutes may be examined exclusively by the Supreme Court of the Republic of Slovenia when deciding on an

extraordinary legal remedy.

Pregledovanje spisov

102. člen

(1) Predlagatelj postopka, obdolženec in njegov zakoniti zastopnik, zastopnik obdolžene pravne osebe, zagovornik, oškodovanec, njegov pooblaščenec in njegov zakoniti zastopnik imajo pravico pregledovati in prepisovati spise in si ogledati dokazne predmete.

(2) Če je postopek v teku, dovoljuje pregledovanje in prepisovanje spisov sodnik, ki vodi postopek, ko pa je postopek končan, dovoli to predsednik sodišča, ki je vodilo postopek oziroma delavec, ki ga on določi.

(3) Pregled in prepis posameznih spisov se sme odreči, če je bila javnost izključena z ustne obravnave. Zoper tak sklep je dovoljena pritožba, ki ne zadrži njegove izvršitve.

(4) Oškodovancu se sme odreči pregled in prepisovanje spisov in ogled predmetov, preden je bil zaslišan kot priča.

6. Začetek in potek postopka

Predlagatelj postopka

103. člen

(1) Postopek o prekršku se začne na obdolžilni predlog prekrškovnega organa.

(2) Če prekrškovni organ ne začne postopka na predlog

Examination of files

Article 102

(1) The initiator, the accused and his or her statutory representative, the accused legal person's representative, defence counsel, the injured party, and the authorised person and statutory representative thereof shall have the right to examine and copy the files and inspect the items of evidence.

(2) In cases where proceedings are in progress, permission to examine and copy files shall be granted by the judge conducting the proceedings, while when proceedings are completed this permission shall be granted by the president of the court that conducted the proceedings or the official appointed thereby.

(3) The examination and copying of individual files may be refused if the public has been excluded from the oral hearing. An appeal may be filed against such an order, which however shall not stay its enforcement.

(4) The injured party may be refused permission to examine and copy files or to inspect items until he or she has been examined as a witness.

6. Institution and course of proceedings

Initiator of the proceedings

Article 103

(1) Minor offence proceedings shall be initiated by an accusatory instrument filed by a minor offence authority.

(2) In cases where the minor offence authority fails to initiate

predlagateljev določenih s tem zakonom, lahko ti v 15 dneh po prejemu obvestila iz petega odstavka 51. člena tega zakona pristojnemu organu, ki po zakonu nadzoruje delo prekrškovnega organa predlagajo, da vloži obdolžilni predlog pred sodiščem. Odločitev tega organa je dokončna.

(3) Obdolžilni predlog lahko vloži tudi državni tožilec.

Prekršek, za katerega sodišče izve med postopkom

104. člen

Če sodišče med postopkom izve za prekršek, za katerega ni bil vložen predlog, sporoči to pristojnemu prekrškovnemu organu.

Obdolžilni predlog

105. člen

(1) Obdolžilni predlog mora biti pisen. Obdolžilni predlog se vloži v toliko izvodih, kolikor jih je treba za sodišče in za osebe, zoper katere je sprožen postopek o prekršku. Slednjim se vroči predlog hkrati z vabilom.

(2) Obdolžilni predlog mora vsebovati podatke o istovetnosti storilca (osebno ime, EMŠO, kraj rojstva, poklic, zaposlitev in naslov stalnega ali začasnega prebivališča za fizično osebo, če je fizična oseba tujec, pa namesto EMŠO njegove rojstne podatke, za pravno osebo firmo in sedež ter matično številko; za odgovorno osebo pravne osebe pa tudi delo, ki ga opravlja), dejanski stan prekrška, čas in kraj storitve prekrška, predpis, ki določa prekršek, podatke o morebitni premoženjski koristi, dokaze, podatke o predlagatelju in podpis predlagatelja. Obdolžilni predlog za prekršek, za katerega se storilcu lahko izrečejo kazenske

proceedings following a proposal filed by the initiators under this Act, the latter may, within 15 days of receipt of the notice referred to in paragraph five of Article 51 of this Act, propose to the competent authority that pursuant to an Act supervises the minor offence authority, to file an accusatory instrument before the court. The decision adopted by this authority shall be final.

(3) An accusatory instrument may also be filed by the state prosecutor.

Minor offences established by the court during proceedings

Article 104

If during the proceedings the court learns of a minor offence for which no accusatory instrument has been filed, it shall notify the competent minor offence authority thereof.

Accusatory instrument

Article 105

(1) An accusatory instrument shall be filed in writing. The accusatory instrument shall be filed in such a number of copies as needed by the court and by persons against whom minor offence proceedings have been initiated. The latter shall be served the accusatory instrument together with the summons.

(2) The accusatory instrument must contain data on the perpetrator's identity (personal name, EMŠO, place of birth, profession, job title and address of permanent or temporary residence for a natural person; if the natural person is a foreigner, his or her birth information instead of an EMŠO; if the perpetrator is a legal person, the name of the company, the address of the head office and registration number; for a legal person's responsible person, also the job title of this person), the statutory definition of the minor offence, the time and place of the commission of the minor offence, the regulation governing the minor

točke v cestnem prometu, mora vsebovati tudi podatke o vozniskem dovoljenju (številka vozniskega dovoljenja, upravna enota, ki ga je izdala, datum izdaje, kategorija motornih vozil, za katere je bilo vozniško dovoljenje izdano) in o vrsti voznika. Upravljavci zbirk osebnih podatkov so dolžni predlagatelju postopka na njegovo zahtevo brezplačno posredovati podatke, ki so potrebni za sestavo in vložitev obdolžilnega predloga. Če ni mogoče ugotoviti istovetnosti storilca prekrška, se v obdolžilnem predlogu namesto osebnih podatkov navede opis osebe in fotografija oziroma posnetek.

(3) Obdolžilni predlog zoper pravno osebo mora poleg sestavin, predpisanih v tem zakonu, vsebovati tudi firmo oziroma ime, s katerim pravna oseba v skladu s predpisi nastopa v pravnem prometu, ter njen sedež in podatke o odgovorni osebi.

(4) V primerih iz prve alineje drugega odstavka 52. člena tega zakona mora prekrškovni organ v obdolžilnem predlogu obrazložiti oceno, da so podani pogoji za izrek stranske sankcije.

Postopek z obdolžilnim predlogom

106. člen

(1) Ko sodišče prejme obdolžilni predlog, oceni, ali so podani pogoji za postopek. Če ugotovi, da je predlog podal nepristojni predlagatelj oziroma oseba, ga zavrže s sklepom, ki ga vroči tudi pristojnemu predlagatelju postopka. Če ugotovi, da je predlog nepopoln ali nerazumljiv, zahteva od predlagatelja postopka, naj ga v petnajstih dneh dopolni oziroma popravi. Če tega predlagatelj postopka v roku ne stori, sodišče s sklepom zavrže obdolžilni predlog.

offence, information on any proceeds, evidence, information on the initiator and the initiator's signature. The accusatory instrument concerning a minor offence for which the perpetrator may be imposed penalty points for a traffic offence must also contain information on the driving licence (driving licence number, the administrative unit that issued it, the date of issue, the motor vehicle category for which the licence was issued) and the type of driver. Data controllers are obliged to provide to the initiator of the proceedings, at the latter's request and free of charge, all information required for drawing up and lodging the accusatory instrument. If the identity of the perpetrator of the minor offence cannot be established, a description of the person and his or her photograph or a video recording shall be attached to the accusatory instrument.

(3) In addition to the elements stipulated by this Act, an accusatory instrument against a legal person must also contain the title or name under which the legal person performs legal transactions in compliance with the law, the legal person's head office and information on its responsible person.

(4) In the cases referred to in indent one of paragraph two of Article 52 of this Act, the minor offence authority must include in the accusatory instrument the grounds for the assessment that the conditions for imposing a secondary sanction are met.

Proceedings based on an accusatory instrument

Article 106

(1) Upon receipt of the accusatory instrument by the court, the latter shall assess whether the conditions for instituting proceedings are fulfilled. If the court establishes that the accusatory instrument was filed by an ineligible initiator or person, it shall reject the accusatory instrument by an order that is also served on the competent initiator of the proceedings. If it finds that the accusatory instrument is incomplete or incomprehensible, it shall request that the initiator of the proceedings amend or correct it within 15 days. If the initiator of the proceedings fails to do so within the prescribed time limit, the court shall issue an order rejecting the accusatory instrument.

(2) Če sodišče oceni, da so izpolnjeni pogoji za začetek postopka, izvede postopek o prekršku po uradni dolžnosti.

(3) Če sodišče ob obdolžilnem predlogu spozna, da ni pogojev za začetek postopka, s sodbo zavrne predlog, oškodovanca pa napoti, da lahko svoj premoženjskopравни zahtevek uveljavlja pred pristojnim sodiščem.

(4) Pogojev za začetek postopka ni:

- če dejanje ni prekršek;
- če je podana okoliščina, ki izključuje odgovornost za prekršek;
- če zaradi zastaranja postopek o prekršku ni več mogoč;
- če gre za prekršek neznatnega pomena, posebne okoliščine, nizka stopnja odgovornosti ali storilčeve osebne okoliščine pa kažejo, da postopek ne bi bil smotrni;
- če je podan kakšen drug razlog, zaradi katerega po zakonu ni mogoče začeti postopka o prekršku.

Združitev in izločitev postopka

107. člen

(1) Če je obdolženec z enim dejanjem ali z več dejanji storil več prekrškov, o katerih še ni bila izdana sodba, za vse prekrške pa je pristojno isto sodišče, se izvede praviloma enoten postopek in izda ena sama sodba o prekršku. Enoten postopek se izvede praviloma tudi zoper pravno osebo in odgovorno osebo, zoper obdolženca, sostorilca, napeljevalca in pomagača, razen če so podani zakonski razlogi, da se postopek vodi samo zoper enega izmed njih.

(2) Sodišče lahko do izdaje sodbe o prekršku iz tehničnih razlogov ali zaradi smotrnosti odloči, da se postopek za posamezne

(2) If the court assesses that the conditions for instituting proceedings are fulfilled, it shall conduct the minor offence proceedings *ex officio*.

(3) If, on the basis of the accusatory instrument, the court finds that the conditions for instituting proceedings are not fulfilled, it shall issue a judgment dismissing the accusatory instrument and instruct the injured party that he or she may assert his or her indemnification claim before the competent court.

(4) It shall be deemed that the conditions for instituting proceedings are not fulfilled:

- when the act does not constitute a minor offence;
- when a circumstance excluding minor offence liability exist;
- when minor offence proceedings are no longer possible due to the statute of limitations;
- when the minor offence is a petty offence, and special circumstances, the low level of liability or the perpetrator's personal circumstances imply that proceedings would not be expedient,
- when any other reasons exist for which minor offence proceedings may not be initiated pursuant to an Act.

Joinder and exclusion of proceedings

Article 107

(1) In cases where the accused has committed, by one or more acts, a number of minor offences for which no judgment has been issued, and all of the minor offences fall within the jurisdiction of a single court, joint proceedings shall as a general rule be conducted and a single minor offence judgment shall be issued. As a general rule, joint proceedings shall also be conducted against a legal person and responsible person, against the accused, accomplice, abettor and aider, unless legal reasons exist requiring that single proceedings be conducted against one of these persons.

(2) Before the minor offence judgment is issued, the court may for substantiated reasons or expediency decide that proceedings for

prekrške ali zoper posamezne obdolžence, sotorilce, napeljevalce ali pomagače izloči iz enotnega postopka in dokonča posebej.

(3) O združitvi in izločitvi postopka izda sodišče sklep, zoper katerega ni pritožbe.

7. Ukrepi za zagotovitev obdolženčeve navzočnosti in za uspešno izvedbo postopka o prekršku

Pridržanje

108. člen

(1) Če je podan utemeljen sum, da je obdolženec storil prekršek, sme sodnik do izdaje sodbe o prekršku, odrediti njegovo pridržanje, če ni mogoče ugotoviti njegove istovetnosti ali če nima prebivališča v Republiki Sloveniji, upravičen pa je sum, da bo zbežal ali če bi se z odhodom zaradi prebivanja v tujini lahko izognil odgovornosti za hujši prekršek.

(2) Obdolženec, ki je pridržan, mora biti v materinem jeziku ali jeziku, ki ga razume, takoj obveščen o razlogih za pridržanje. Takoj mora biti tudi poučen, da ni dolžan ničesar izjaviti, da ima pravico do takojšnje pravne pomoči zagovornika, ki si ga lahko svobodno izbere, in o tem, da je pristojni organ na njegovo zahtevo dolžan o pridržanju obvestiti njegove najbližje oziroma delodajalca, če je tuj državljan pa na njegovo zahtevo tudi konzulat njegove države. Obdolžencu mora biti takoj, najkasneje pa v treh urah vročen pisni sklep o odreditvi pridržanja z navedbo razlogov za odvzem prostosti s pravnim poukom. Dokler traja pridržanje, ima obdolženec pravico do pritožbe zoper sklep, ki pa ne zadrži odvzema prostosti. O pritožbi mora sodišče odločiti v 48 urah od prejema spisa.

individual minor offences or against individual accused persons, accomplices, abettors or aiders be excluded from the joint proceedings and carried out separately.

(3) The court shall issue an order on the joinder or exclusion of proceedings, against which there shall be no appeal.

7. Measures for ensuring the presence of the accused and for successful minor offence proceedings

Detention

Article 108

(1) If there is a reasonable suspicion that the accused has committed a minor offence, the judge may order his or her detention until a minor offence judgment is issued if his or her identity cannot be established or if he or she does not have residence in the Republic of Slovenia, and there is a justified suspicion that he or she might avoid liability for a serious minor offence by fleeing or departing from the country in order to reside abroad.

(2) An accused person who is detained must be immediately informed of the reasons for detention in his or her mother tongue or in a language he or she understands. He or she must be immediately instructed that he or she is not obliged to give any statements, that he or she has the right to immediate legal aid offered by a defence counsel whom he or she may freely choose, and that the competent authority is obliged, at his or her request, to notify his or her closest relatives or employer of the detention; if the accused is a foreign citizen, the competent authority shall also be obliged, at his or her request, to notify the consulate of his or her country. The accused must be immediately served, and in any case no later than within three hours, a written order on detention, specifying the reasons for the deprivation of liberty and the legal instruction. During the period of detention the accused shall have the right to appeal against the order, which however shall not stay the deprivation of liberty. The court must decide on the appeal within 48 hours of receipt of the file.

(3) Če obdolženec ni bil poučen po prejšnjem odstavku tega člena ali ta pouk ni zapisan, sodišče ne sme opreti svoje odločbe na njegovo izpovedbo, dano v času, ko mu je bila vzeta prostost.

(4) Pridržanje sme trajati največ 24 ur od tiste ure, ko je bil obdolženec pridržan. V tem času ga je treba zaslišati in izdati sodbo o prekršku ali pa ga izpustiti.

(5) Za pridržanje obdolženca se smiselno uporabljajo določila zakona, ki ureja kazenski postopek o izvrševanju pripora, če s tem zakonom ni drugače določeno.

Pridržanje osebe pod vplivom alkohola ali drugih psihoaktivnih snovi

109. člen

(1) Sodnik sme odrediti, da se pridrži storilec, ki ga pod vplivom alkohola ali drugih psihoaktivnih snovi zalotijo pri prekršku, če je nevarnost, da bo še naprej delal prekrške. Pridržati se sme, dokler se ne iztrezni oziroma ni sposoben obvladovati svojega ravnanja, vendar največ 12 ur.

(2) V primeru iz prejšnjega odstavka lahko pridržanje odredi tudi policist.

(3) Glede postopka za pridržanje in pravic pridržanega storilca se smiselno uporabljajo določbe tega zakona o pridržanju.

(4) Za osebo pod vplivom alkohola ali psihoaktivnih snovi se šteje oseba, za katero je to v skladu z zakonom ugotovljeno z uporabo ustreznih tehničnih sredstev in naprav, ali če iz njenega videza, ravnanja, psihofizičnega stanja ter drugih okoliščin izhaja, da ni zmožna

(3) If the accused has not been instructed pursuant to the preceding paragraph of this Article, or when this instruction is not recorded in writing, the court may not base its decisions on the testimony provided at the time he or she was deprived of liberty.

(4) The period of detention may not exceed 24 hours, commencing from the hour when the accused was detained. During this period, he or she must be examined and a minor offence judgment issued, or else he or she shall be released.

(5) The detention of an accused person shall be subject to *mutatis mutandis* application of the provisions of the Act governing criminal proceedings on the enforcement of detention, unless otherwise provided by this Act.

Detention of persons under the influence of alcohol or other psychoactive substances

Article 109

(1) A judge may order the detention of a perpetrator who has been caught committing a minor offence under the influence of alcohol or some other psychoactive substance if there is a danger that he or she will continue to commit minor offences. A perpetrator may be detained until he or she sobers up or is in control of his or her actions, but for no longer than 12 hours.

(2) In the case referred to in the preceding paragraph, detention may also be ordered by a police officer.

(3) The procedure applying to detention and the rights of a detained perpetrator shall be subject to *mutatis mutandis* application of the provisions of this Act on detention.

(4) A person shall be deemed to be under the influence of alcohol or a psychoactive substance if it has been established, in compliance with an Act, that he or she is under such influence using appropriate technical means and equipment, or if from his or her

obvladovati svojega ravnanja.

Privedba osebe, zalotene pri prekršku

110. člen

(1) Policisti smejo tudi brez odredbe sodnika, privedi tistega, ki so ga zalotili pri prekršku. To smejo storiti, če ni mogoče ugotoviti storilčeve istovetnosti, ali če ta nima prebivališča, ali če bi se z odhodom zaradi prebivanja v tujini lahko izognil odgovornosti za prekršek, ali če so okoliščine, ki opravičujejo oceno, da bo storilec nadaljeval s prekrškom, ali da ga bo ponovil, ali če obstaja upravičena bojazen, da bo storilec skril, uničil ali odvrigel dokaz o prekršku. Storilca prekrška je treba v takem primeru privedi brez odlašanja k pristojnemu sodišču.

(2) Če je v primeru iz prejšnjega odstavka storilec zaloten pri prekršku v času, ko sodišče ne dela, in če so okoliščine, ki kažejo na nevarnost, da bo pobegnil ali da bo nadaljeval s prekrškom ali prekršek ponovil, ali če obstaja upravičena bojazen, da bo skril, uničil ali odvrigel dokaz o prekršku, ga sme policist pridržati; pridržanje traja, dokler ni mogoče storilca privedi k pristojnemu sodišču, vendar pa najdalj 12 ur.

(3) Obdolženec, ki je pridržan, mora biti v materinem jeziku ali jeziku, ki ga razume, takoj obveščen o razlogih za pridržanje. Takoj mora biti tudi poučen, da ni dolžan ničesar izjaviti, da ima pravico do takojšnje pravne pomoči zagovornika, ki si ga lahko svobodno izbere, in o tem, da je pristojni organ na njegovo zahtevo dolžan o pridržanju obvestiti njegove najbližje. Če traja pridržanje več kot tri ure, mora biti obdolženec s pisnim sklepom obveščen o razlogih za odvzem prostosti. Dokler traja pridržanje, ima obdolženec pravico do pritožbe zoper sklep, ki pa ne zadrži odvzema prostosti. O pritožbi mora sodišče odločiti v 48 urah od

appearance, conduct, mental and physical state and other circumstances it is evident that he or she is not in control of his or her actions.

Bringing a person caught committing a minor offence before the court

Article 110

(1) Police officers may apprehend a person found committing a minor offence without the need for a warrant issued by a judge. They may do so if the perpetrator's identity cannot be established or if the perpetrator does not have a residence, or if he or she would be able to avoid liability for the minor offence by departing from the country in order to reside abroad, or if there are circumstances that justify the assessment that the perpetrator will continue to commit or repeat the minor offence, or if there are justified grounds for concern that the perpetrator will hide, destroy or dispose of evidence of the minor offence. In such cases, the perpetrator of the minor offence must be brought before the competent court without delay.

(2) When in the case referred to in the preceding paragraph the perpetrator is caught committing a minor offence when the court is closed, and if the circumstances indicate the existence of the danger that the perpetrator might escape or continue to commit or repeat the minor offence or if there are justified grounds for concern that he or she will hide, destroy or dispose of evidence of the minor offence, the police officer may detain the perpetrator; the detention shall last until the perpetrator can be brought before the competent court, but for no longer than 12 hours.

(3) An accused person who is detained must be immediately informed of the reasons for his or her detention in his or her mother tongue or in a language he or she understands. He or she must be immediately instructed that he or she is not obliged to give any statements, that he or she has the right to immediate legal aid provided by a defence counsel, whom he or she can choose freely, and that the competent authority is obliged, at his or her request, to notify his or her closest relatives of the detention. If the detention lasts for more than three hours, the accused must be notified of the reasons for the deprivation of

prejema spisa.

(4) Če obdolženec ni bil poučen po prejšnjem odstavku tega člena ali ta pouk ni zapisan, sodišče ne sme opreti svoje odločbe na njegovo izpovedbo, dano v času, ko mu je bila vzeta prostost.

(5) Pooblastila, ki jih imajo po tem in prejšnjem členu policisti, imajo v primerih, ko je prekršek storila vojaška oseba v vojaškem objektu ali njegovem okolišu ali na območju vojaškega tabora ali na območju, kjer potekajo vojaške vaje, v vojaškem kopenskem vozilu, v vojaški ladji ali v vojaškem zračnem plovilu, pooblaščen osebe obveščevalno varnostne službe ministrstva, pristojnega za obrambo, in vojaške policije.

Obvestitev o pridržanju

111. člen

(1) Sodnik oziroma policist, ki je odredil pridržanje, mora na zahtevo pridržanega obvestiti o pridržanju njegovo družino. O pridržanju se obvesti na zahtevo pridržanega tudi njegovega delodajalca oziroma konzulat tuje države, če je treba kaj ukreniti za varstvo ali preskrbo otrok in drugih družinskih članov, za katere skrbi pridržani, pa tudi pristojni organ socialnega varstva.

(2) O pridržanju vojaške osebe se po uradni dolžnosti obvesti vojaško enoto oziroma poveljstvo, kateremu vojaška oseba pripada.

Vštevanje časa pridržanja

112. člen

liberty by a written order. During the period of detention the accused shall have the right to appeal against the order, which, however, shall not stay the deprivation of liberty. The court must decide on the appeal within 48 hours of receipt of the file.

(4) If the accused has not been instructed pursuant to the preceding paragraph of this Article, or in cases where this instruction is not recorded in writing, the court may not base its decisions on the testimony he or she provided at the time he or she was deprived of liberty.

(5) In cases where the minor offence is committed by a military person in a military facility or its surroundings or in a military camp or in an area where military exercises are carried out, in a military land vehicle, military ship or military aircraft, the powers vested in police officers pursuant to this and the preceding Article shall be transferred to the officials of the security and intelligence service at the ministry responsible for defence and military police.

Notice of detention

Article 111

(1) The judge or the police officer who ordered the detention must, at the request of the detained person, notify his or her family of the detention. At the request of the detained person, notice thereof shall also be submitted to his or her employer or the consulate of a foreign country, and the competent social welfare authority if it is necessary to take care of children and other family members supported by the detained person.

(2) The military unit or headquarters to which a military person is assigned shall be notified *ex officio* of the detention of that military person.

Inclusion of the period of detention

Article 112

(1) Čas, ko je bil obdolženec pridržan, preden je bila izdana sodba o prekršku, se obdolžencu všteje v globo, izrečeno za prekršek. Pri tem se pridržanje, ki je trajalo 12 ur ali manj všteje v globo v višini 20 eurov. Pridržanje, ki je trajalo več kot 12 ur, pa šteje za 40 eurov globe.

(2) Obdolžencu, ki je bil med kazenskim postopkom v priporu ali hišnem priporu, se všteje čas pripora ali hišnega pripora v globo, izrečeno za prekršek, če ni bil obsojen za kaznivo dejanje, za isto dejanje pa mu je bila izrečena globa v postopku o prekršku, pri čemer se en dan pripora ali hišnega pripora šteje za 40 evrov.

Varščina

113. člen

(1) Če se začne postopek o prekršku zoper obdolženca, ki nima stalnega prebivališča v Republiki Sloveniji, pa bi rad pred koncem postopka zapustil Republiko Slovenijo, ali če začasno prebiva v tujini, kakor tudi, ko se je bati, da bi se lahko z begom izognil odgovornosti za prekršek, sme sodnik na njegov predlog odločiti, da položi osebno ali kdo drug zanj varščino.

(2) Če je potrebno, zahteva sodnik od obdolženca, naj določi svojega pooblaščenca ali pooblaščenca za vročitve.

(3) Varščine ni mogoče določiti, preden obdolženec ni zaslišan.

(4) Varščina se vselej glasi na denarni znesek, ki se določi glede na težo prekrška, višino povzročene škode, osebne in družinske razmere obdolženca ter glede na premoženjske razmere tistega, ki jo daje. Varščina se lahko položi v gotovini, vrednostnih papirjih,

(1) The time for which an accused person has been detained before a minor offence judgment is issued shall be included in the fine imposed for the minor offence. A detention period of 12 hours or less shall be deemed equivalent to a fine of EUR 20. A period of detention of more than 12 hours shall be deemed equivalent to a fine of EUR 40.

(2) The time spent in detention or in custody at home by an accused person who has been detained during criminal proceedings shall be included in the fine imposed for the minor offence, if he or she has not been convicted of committing a criminal offence and, at the same time, a fine in minor offence proceedings has been imposed on him or her for committing the same act, in which case one day of detention or custody at home shall be deemed equivalent to a fine of EUR 40.

Bail

Article 113

(1) If minor offence proceedings are initiated against an accused person who does not have permanent residence in the Republic of Slovenia and the accused wishes to leave the Republic of Slovenia before the proceedings are completed, or if the accused temporarily resides abroad, as well as if there is a suspicion that he or she might escape in order to avoid liability for the minor offence, the judge may at his or her request decide that the accused or another person on his or her behalf shall deposit bail.

(2) If necessary, the judge shall request that the accused appoint an authorised person or a person authorised to be served documents.

(3) Bail may not be determined before the accused is examined.

(4) Bail shall always be an equivalent of a certain monetary amount, determined with respect to the gravity of the minor offence, the amount of damage caused, the personal and family circumstances of the accused, and with respect to the financial conditions of the person

dragocenostih ali v drugih premičnih stvareh večje vrednosti, ki jih je lahko vnovčiti ali hraniti. Pod pogoji in v skladu s predpisi, ki urejajo finančno poslovanje organa, se varščina lahko položi tudi z negotovinskim plačilnim sredstvom. Pouk o možnosti takega načina plačila je sestavni del pravnega pouka v sklepu o varščini.

(5) Če je postopek z odločbo ustavljen, se položena varščina vrne.

(6) Če obdolženec pobegne ali se brez opravičenega razloga ne odzove vabilu, sodišče odloči, da gre varščina v proračun Republike Slovenije.

(7) Če storilec prekrška po pravnomočnosti sodbe o prekršku ne plača izrečene globe, ali ne poravnava povzročene škode ali stroškov postopka, se iz položene varščine poravnajo globa, ugotovljena škoda, pridobljena premoženjska korist in stroški postopka, presežek pa se vrne.

(8) O položitvi varščine in njeni vrnitvi izda sodnik poseben sklep.

7.a Postopek začasnega odvzema voznškega dovoljenja

Začasni odvzem voznškega dovoljenja

113.a člen

(1) Če je podan utemeljen sum, da je storilec, ki ima veljavno voznško dovoljenje, storil prekršek zoper varnost cestnega prometa, za katerega je predpisana stranska sankcija kazenskih točk v cestnem prometu v številu, zaradi katerega se po zakonu izreče prenehanje veljavnosti voznškega dovoljenja, mora prekrškovni organ v petih dneh od ugotovitve prekrška in storilca predlagati sodišču, da storilcu začasno odvzame voznško dovoljenje. Predlog za začasni odvzem voznškega dovoljenja je sestavni del obdolžilnega predloga.

depositing the bail. Bail may be deposited in the form of cash, securities, valuables or other movable assets of higher value that can be cashed in or deposited. Under the conditions and pursuant to the regulations governing the financial management of the authority, bail may also be deposited by non-cash means of payment. The legal instruction contained on the bail order shall comprise an instruction on the possibility to use such means of payment.

(5) If the proceedings are stayed by a decision, the bail deposited shall be returned.

(6) If the accused escapes or fails to respond to a summons without good reason, the court shall order the transfer of the bail to the budget of the Republic of Slovenia.

(7) If after the minor offence judgment becomes final the perpetrator of the minor offence fails to pay the fine imposed, or fails to settle the damage caused or legal costs, the bail deposited shall be used to settle the fine, established damages, proceeds and legal costs, while the remaining amount shall be returned.

(8) The judge shall issue a special order on the deposit and return of bail.

7.a Proceedings relating to the temporary withdrawal of a driving licence

Temporary withdrawal of a driving licence

Article 113a

(1) When there exists reasonable suspicion that a perpetrator possessing a valid driving licence has committed a road safety minor offence for which the secondary sanction of penalty points for a traffic offence is prescribed and the number of penalty points results in the imposition of driving licence revocation, the minor offence authority must, within five days of the establishment of the minor offence and the perpetrator, submit a proposal to the court for the temporary withdrawal of the driving licence. A proposal for the temporary withdrawal of the

(2) Če pooblaščen uradna oseba na kraju prekrška ugotovi, da so podani pogoji iz prejšnjega odstavka tega člena, storilcu takoj prepove nadaljnjo vožnjo in mu odvzame voziško dovoljenje ter mu o tem izda potrdilo, voziško dovoljenje pa s predlogom za odvzem pošlje sodišču. Če storilec ne izroči voziškega dovoljenja, mu pooblaščen uradna oseba na kraju samem prepove nadaljnjo vožnjo in to prepoved z navedbo, da voziško dovoljenje ni bilo odvzeto, zaznamuje na potrdilu.

(3) Če je prekršek ugotovljen s tehničnim sredstvom ali na drug način, zaradi katerega storilec s kršitvijo ni bil seznanjen na kraju kršitve, se storilcu vožnja prepove in voziško dovoljenje odvzame s sklepom o začasnem odvzemu voziškega dovoljenja, ki ga sodišče izda na predlog prekrškovnega organa.

Odločanje o začasnem odvzemu voziškega dovoljenja

113.b člen

(1) Sodišče o predlogu iz prvega odstavka 113.a člena odloči s sklepom, ki ga mora opraviti najpozneje v osmih dneh od prejema zadeve. Pisni sklep o začasnem odvzemu voziškega dovoljenja mora obsegati podatke, ki jih zakon določa za obdolžilni predlog in razloge za odvzem. Pri odločanju o predlogu se sodišče omeji na presojo izpolnjevanja pogojev za odvzem. Pravni pouk obsega tudi pouk o pravicah in pogojih za vložitev predloga za vrnitev začasno vzetega voziškega dovoljenja po tem zakonu.

(2) Zoper sklep o odvzemu voziškega dovoljenja lahko obdolženec v treh dneh od prejema sklepa vloži ugovor, ki ne zadrži izvršitve sklepa. Sodišče odloči o ugovoru s sklepom, ki ga izda v 30 dneh od prejema ugovora. Pred odločitvijo lahko pridobi pisno izjavo

driving licence shall be part of the accusatory instrument.

(2) When an authorised official establishes on the spot that the relevant conditions referred to in the preceding paragraph have been met, the perpetrator shall be immediately prohibited from driving, his or her driving licence shall be withdrawn and the driver shall be issued a receipt thereof, while the driving licence and the proposal for withdrawal shall be sent to the court. If the perpetrator refuses to hand over the driving licence, the authorised official shall forbid him or her from driving on the spot and indicate on the receipt the prohibition and that the driving licence could not be withdrawn.

(3) When a minor offence has been established through technical means or in some other manner due to which the perpetrator was not notified on the spot of the minor offence committed, he or she shall be forbidden from driving and the driving licence shall be withdrawn by an order imposing temporary driving licence withdrawal issued by the court on the proposal of the minor offence authority.

Deciding on the temporary withdrawal of a driving licence

Article 113b

(1) The court shall decide on the proposal referred to in paragraph one of Article 113a by an order that must be dispatched at the latest within eight days of receipt of the case. A written order imposing the temporary withdrawal of a driving licence shall contain information required by an Act with respect to the accusatory instrument and the grounds for the withdrawal. When deciding on the proposal, the court shall be limited to an assessment of compliance with the conditions requiring the withdrawal. The legal instruction shall also contain an instruction on the rights and conditions concerning the lodging of a request for the return of the temporarily withdrawn driving licence under this Act.

(2) The accused may submit an objection against the order imposing driving licence withdrawal within three days of receipt of the order; the objection, however, shall not stay the enforcement of the order. The court shall decide on the objection by an order to be issued within 30

obdolženca ali ga zasliši ter izvede druge dokaze, potrebne za odločitev o ugovoru.

(3) Zoper sklep, s katerim se odloči o ugovoru, imata obdolženec in prekrškovni organ pravico do pritožbe v osmih dneh od vročitve sklepa. Pritožba obdolženca zoper sklep, s katerim je bil ugovor zavrnjen, ne zadrži izvršitve sklepa o začasnem odvzemu vozniškega dovoljenja. O pritožbi odloči višje sodišče s sklepom, ki ga izda v 15 dneh od prejema spisa.

(4) Zoper sklep, s katerim se zavrže ali zavrne predlog za začasni odvzem vozniškega dovoljenja, ima prekrškovni organ pravico do pritožbe v osmih dneh od vročitve sklepa. Pritožba ne zadrži vrnitve odvzetega vozniškega dovoljenja. O pritožbi odloči višje sodišče s sklepom, ki ga izda v 15 dneh od prejema spisa.

Učinek, trajanje in vštrevanje začasnega odvzema

113.c člen

(1) Odvzem vozniškega dovoljenja in na kraju prekrška izrečena prepoved nadaljnje vožnje brez odvzema vozniškega dovoljenja ter izdaja sklepa sodišča o začasnem odvzemu vozniškega dovoljenja imajo učinek prepovedi vožnje motornega vozila tistih vrst in kategorij, za katere je storilec imel dovoljenje, ko je storil prekršek.

(2) Odvzem vozniškega dovoljenja in prepoved nadaljnje vožnje brez odvzema vozniškega dovoljenja, ki ju na kraju prekrška izreče pooblaščen uradna oseba, začneta učinkovati takoj in veljata do vročitve sklepa sodišča o predlogu za začasni odvzem vozniškega dovoljenja obdolžencu.

(3) Začasni odvzem vozniškega dovoljenja, ki ga sodišče izreče s sklepom, začne učinkovati z vročitvijo sklepa o odvzemu vozniškega dovoljenja obdolžencu in velja za čas, dokler traja postopek, vendar najdlje za toliko časa, kot ga določa zakon za ponovno pridobitev

days of its receipt. Prior to a decision on the objection, it may obtain a written statement by the accused or have him or her examined in court or may take other evidence necessary for the decision.

(3) The accused and the minor offence authority shall have the right to appeal the order on the objection within eight days of its service. An appeal by the accused against the decision dismissing the objection shall not stay the enforcement of the order imposing the temporary withdrawal of the driving licence. The court shall decide on the appeal by an order issued within 15 days of receipt of the file.

(4) The minor offence authority shall have the right to appeal against the order rejecting or dismissing the proposal for the temporary withdrawal of a driving licence within eight days of the service of the order. An appeal shall not stay the return of the withdrawn driving licence. The court shall decide on the appeal by an order issued within 15 days of receipt of the file.

Effect, duration and inclusion of the period of temporary withdrawal

Article 113c

(1) A driving licence withdrawal, the prohibition of further driving imposed on the spot without the actual withdrawal of the driving licence, and the issuance of a court order imposing temporary withdrawal shall have the effect of a driving prohibition regarding motor vehicles of all types and categories for which the perpetrator held a licence at the time of committing the minor offence.

(2) A driving licence withdrawal and driving prohibition without actual on-the-spot withdrawal of the driving licence imposed by an authorised official shall have immediate effect and shall apply until the accused has been served the court order regarding the proposal for the temporary withdrawal of the driving licence.

(3) Temporary withdrawal imposed by a court order shall take effect on the date of the accused being served the order imposing withdrawal, and shall have effect for the duration of the proceedings, but should not exceed the time period defined by an Act for obtaining a new

voznškega dovoljenja. Če je storilcu pravnomočno izrečena stranska sankcija kazenskih točk v številu, zaradi katerega se po zakonu izreče prenehanje veljavnosti voznškega dovoljenja, traja začasni odvzem do izvršitve sklepa o prenehanju veljavnosti voznškega dovoljenja oziroma do odločitve o odložitvi izvršitve prenehanja veljavnosti voznškega dovoljenja.

(4) Čas, za katerega je bilo začasno odvzeto voznško dovoljenje oziroma prepovedana vožnja, se obdolžencu všteje v izrečeno sankcijo prepovedi vožnje motornega vozila določene vrste ali kategorije ali v čas, v katerem lahko ponovno pridobi voznško dovoljenje, ki mu je zaradi sklepa ali sodbe prenehalo veljati.

(5) Opozorilo o učinku iz prejšnjih odstavkov tega člena je sestavni del potrdila o odvzemu voznškega dovoljenja, ki se storilcu izroči na kraju prekrška, in sklepa sodišča o začasnem odvzemu voznškega dovoljenja.

(6) Določba četrtega odstavka tega člena velja tudi, če je storilcu zaradi kršitve pravil v cestnem prometu, ki ima tudi znake prekrška, bil izrečen ukrep začasnega odvzema voznškega dovoljenja po določbah zakona, ki ureja kazenski postopek, in je bil kazenski postopek pravnomočno ustavljen ali je bila izdana pravnomočna oprostilna sodba ali je bil obtožni akt pravnomočno zavržen ali zavrnjen ali je bila zoper storilca kazenska ovadba zavržena.

Izvrševanje začasnega odvzema voznškega dovoljenja

113.č člen

(1) Prekrškovni organ mora brez odlašanja obvestiti organ, ki vodi evidenco izdanih voznških dovoljenj v kraju sedeža sodišča, pristojnega za izrek prenehanja veljavnosti voznškega dovoljenja po tem zakonu, o začasno odvzetem voznškem dovoljenju tistih vrst in kategorij, za katere je storilec imel dovoljenje, ko je storil prekršek, oziroma o izrečeni prepovedi nadaljnje vožnje motornega brez odvzema voznškega dovoljenja vozila.

driving licence. When a final secondary sanction of penalty points has been imposed on the perpetrator and the number of penalty points results in the imposition of driving licence revocation, the temporary withdrawal shall have effect until the enforcement of the order on driving licence revocation or until the adoption of the decision deferring the enforcement of driving licence revocation.

(4) The period of the temporary withdrawal of a driving licence or a driving prohibition shall be included in the imposed sanction of a driving prohibition for the relevant type or category or in the time after which the accused may again obtain a driving licence revoked on the grounds of an order or judgment.

(5) A warning as to the effect referred to in the preceding paragraphs of this Article shall be part of the receipt of the driving licence withdrawal served on the perpetrator on the spot, and of the court order imposing the temporary withdrawal of the driving licence.

(6) The provision of paragraph four of this Article shall also apply when the perpetrator, on grounds of a violation of road traffic rules that includes elements of a minor offence, was imposed the measure of the temporary withdrawal of a driving licence under the provisions of the Act governing criminal proceedings, and the criminal proceedings were stayed on the basis of a final decision or a final judgment of acquittal was issued or the charges were dismissed or rejected by a final decision or the criminal complaint against the perpetrator was rejected.

Enforcement of the sanction of the temporary withdrawal of a driving licence

Article 113č

(1) The minor offence authority shall immediately notify the authority that keeps the record of issued driving licences in the location of the seat of the court that has jurisdiction to impose driving licence revocation under this Act of the temporary withdrawal of the type and category of the driving licence that the perpetrator had at the time of the commission of the minor offence or of the driving prohibition imposed without the actual withdrawal of the driving licence.

(2) Sodišče sklep o začasnem odvzemu vozniškega dovoljenja (prvi odstavek 113.b člena) vroči tudi organu iz prejšnjega odstavka in priloži vozniško dovoljenje, če je bilo odvzeto. Temu organu vroči tudi sklep o zavrženju ali zavrnitvi predloga za odvzem vozniškega dovoljenja (četrty odstavek 113.b člena) in vse nadaljnje sklepe, izdane v postopku z ugovorom in pritožbo zoper sklep o predlogu za odvzem vozniškega dovoljenja.

(3) Glede izvršitve začasnega odvzema vozniškega dovoljenja se smiselno uporabljajo določbe zakona, ki ureja izvrševanje kazenskih sankcij, o prepovedi vožnje motornega vozila, razen določb o rokih za odreditev in izvršitev vpisa.

Vrnitev začasno odvzetega vozniškega dovoljenja

113.d člen

(1) Obdolžencu se začasno odvzeto vozniško dovoljenje na njegov predlog lahko vrne pred pravnomočnim zaključkom postopka o prekršku oziroma pred izvršitvijo sklepa o prenehanju veljavnosti vozniškega dovoljenja. Predlog se do pravnomočnosti odločitve o obdolžilnem predlogu lahko vloži pri sodišču, ki je izdalo sklep o začasnem odvzemu vozniškega dovoljenja, po pravnomočnosti pa pri sodišču, ki je pristojno za izdajo sklepa o prenehanju veljavnosti vozniškega dovoljenja. Predlogu mora biti priloženo zdravniško spričevalo o opravljenem kontrolnem zdravstvenem pregledu po zakonu o voznikih, sicer se predlog zavrže.

(2) Sodišče ugotovi predlogu za vrnitev začasno odvzetega vozniškega dovoljenja le, če iz predloženega zdravniškega spričevala izhaja, da je oseba telesno in duševno zmožna za vožnjo motornih vozil, in če narava in pomen očitane kršitve, osebnost obdolženca, njegovo prejšnje življenje in druge okoliščine kažejo, da začasen odvzem ni neizogibno potreben za varnost cestnega prometa. Za razjasnitev teh okoliščin lahko sodišče pridobi pisno izjavo obdolženca ali ga zasliši ter

(2) The court shall serve the order imposing temporary driving licence withdrawal (paragraph one of Article 113b) also on the authority referred to in the preceding paragraph and shall enclose the driving licence if it was actually withdrawn. This authority shall also be served the order rejecting or dismissing the proposal for driving licence withdrawal (paragraph four of Article 113b) and all subsequent orders issued in the proceedings with respect to objections and an appeal against the order regarding the proposal for driving licence withdrawal.

(3) The provisions of the Act governing the enforcement of criminal sanctions on driving prohibition shall apply, *mutatis mutandis*, to the enforcement of the sanction of temporary driving licence withdrawal, with the exception of the provisions defining time limits for ordering and carrying out the entry in the records.

Return of a temporarily withdrawn driving licence

Article 113d

(1) An accused person may be returned his or her temporarily withdrawn driving licence at his or her proposal prior to the final decision adopted in the minor offence proceedings or prior to the enforcement of the order imposing driving licence revocation. Pending the finality of the decision on the accusatory instrument, such a proposal may be filed with the court that issued the order imposing temporary driving licence withdrawal, while after the finality thereof, such a proposal may be filed with the court competent to issue the order imposing driving licence revocation. The proposal must include a relevant medical certificate obtained as a result of a follow-up medical examination under the Drivers Act; otherwise, the proposal shall be rejected.

(2) The court shall only uphold the proposal for the return of a temporarily withdrawn driving licence when the submitted medical certificate indicates that the person is physically and mentally capable of driving a motor vehicle and when the nature and importance of the alleged violation, the personal integrity of the accused, his or her previous life and other circumstances indicate that temporary withdrawal is not required for the purposes of road safety. In order to clarify these

izvede druge dokaze, potrebne za odločitev o predlogu.

(3) Zoper sklep, s katerim se ugotovi predlogu za vrnitev začasno odvzetega voznškega dovoljenja, ni pritožbe, sklep, s katerim se predlog zavrne ali zavrne, pa se lahko izpodbija samo v pritožbi zoper sodbo o obdolžilnem predlogu, če je ta pravnomočna, pa v pritožbi zoper sklep o prenehanju veljavnosti voznškega dovoljenja.

(4) Sodišče odloči o vrnitvi začasno odvzetega voznškega dovoljenja po uradni dolžnosti, če ugotovi, da ni več pogojev za odvzem.

(5) Sklep o vrnitvi začasno odvzetega voznškega dovoljenja se vroči tudi organu, ki vodi evidenco izdanih voznških dovoljenj v kraju sedeža sodišča, pristojnega za izrek prenehanja veljavnosti voznškega dovoljenja po tem zakonu.

Prednostno obravnavanje

113.e člen

Zadeve, v katerih je bilo storilcu začasno odvzeto voznško dovoljenje ali je bilo zaseženo motorno vozilo, se obravnavajo prednostno in hitro.

8. Dokazovanje

Zaslišanje obdolženca

114. člen

(1) Obdolženec se zasliši praviloma ustno. Obdolžencu se pove, česa je obdolžen, nato pa se vpraša, kaj lahko navede v svoj zagovor; pri tem se mu pove, da se ni dolžan zagovarjati in tudi ne

circumstances, the court may obtain a written statement from the accused or have him or her examined or take other evidence necessary for the decision.

(3) There shall be no appeal against an order granting a proposal for the return of a temporarily withdrawn driving licence, while an order rejecting or dismissing such a proposal may be contested only by an appeal against the judgment on the accusatory instrument and, in the case of a final judgment, by an appeal against the order imposing driving licence revocation.

(4) The court shall decide *ex officio* to return a temporarily withdrawn driving licence when it finds that the grounds for the withdrawal no longer exist.

(5) An order on returning a temporarily withdrawn driving licence shall also be served on the authority that keeps the record of driving licences issued in the location of the seat of the court competent to impose driving licence revocation under this Act.

Priority treatment

Article 113e

Cases in which the perpetrator has had his or her driving licence temporarily withdrawn or has had a motor vehicle seized shall be dealt with as a priority and promptly.

8. Providing evidence

Examination of the accused

Article 114

(1) The accused shall, as a general rule, be examined orally. The accused shall be told what he or she has been accused of and then asked what he or she can say in his or her defence; he or she shall be

odgovarjati na vprašanja, če pa se zagovarja, pa ni dolžan izpovedati zoper sebe ali svoje bližnje ali priznati odgovornosti za prekršek. Pri zaslišanju se mu lahko dovoli, da uporablja svoje zapiske.

(2) Če se obdolženec noče zagovarjati ali noče odgovarjati na posamezna vprašanja, ga je treba poučiti, da si utegne s tem otežiti zbiranje dokazov za svojo obrambo.

(3) Ko se obdolženec prvič zasliši, ga je treba najprej vprašati za osebne podatke: osebno ime, dan, mesec, leto in kraj rojstva, poklic, zaposlitev, stanovanje, zakonsko stanje in število otrok, državljanstvo, šolsko izobrazbo, premoženjske razmere, ali je že bil kdaj kaznovan za kaznivo dejanje ali za prekršek, kdaj in zakaj, ali je v kazenskem postopku, ali je zoper njega začel postopek še za kakšen drugi prekršek in če je mladoleten, kdo je njegov zakoniti zastopnik. Obdolženca je treba poučiti, da mora takoj sporočiti vsako spremembo naslova ali nameravano spremembo prebivališča, ter ga opozoriti na posledice po tem zakonu, če ne bo tako ravnal.

(4) Obdolženca se pouči, da mora navesti vsa dejstva in dokaze v svojo korist do odločitve o prekršku, sicer jih pozneje v postopku ne bo mogel uveljavljati, da je lahko navzoč pri izvajanju dokazov, in da ga bo sodišče na njegovo zahtevo povabilo k posameznim procesnim dejanjem.

(5) Pouk iz prejšnjih odstavkov tega člena in izjava se vpišeta v zapisnik.

(6) Sodnik lahko zahteva od obdolženca, naj poda svoj zagovor pisno, če spozna, da glede na pomen prekrška in podatke, ki so navedeni v predlogu, ni potrebno neposredno ustno zaslišanje, pri čemer lahko obdolženec odkloni pisni zagovor in zahteva ustno zaslišanje.

instructed that he or she is not obliged to defend himself or herself, nor to answer any questions, and if he or she chooses to defend himself or herself, he or she is not obliged to testify against himself or herself or against his or her relatives or to admit liability for the minor offence. The accused may be allowed to use his or her notes during the examination.

(2) If the accused refuses to defend himself or herself or refuses to answer individual questions, he or she must be instructed that by doing so he or she might make the process of collecting evidence for his or her defence more difficult.

(3) If the accused is examined for the first time, he or she must first be asked to provide his or her personal data: personal name, day, month, year and place of birth, profession, job title, address, marital status and number of children, nationality, education, financial conditions, whether he or she has previously been convicted of a criminal offence or a minor offence, if yes, when and why, whether he or she is currently involved in criminal proceedings, whether other minor offence proceedings have been initiated against him or her and, if he or she is a juvenile, the name of his or her legal representative. The accused must be instructed that he or she must immediately report any change of address or intended change of residence, and warned of the consequences pursuant to this Act if he or she fails to do so.

(4) The accused shall be instructed that he or she must indicate all facts and evidence to his or her benefit before the minor offence decision is passed; if he or she fails to do so, he or she will not be able to rely on these facts and evidence later in the proceedings, and that he or she may be present during the production of evidence and that the court shall invite him or her to individual procedural acts if he or she so requests.

(5) The caution referred to in the preceding paragraphs of this Article and the statement shall be entered in the records.

(6) The judge may request that the accused provide his or her defence in writing if he or she finds that no direct oral examination is necessary with respect to the significance of the minor offence and information specified in the accusatory instrument; however, the accused may refuse to defend himself or herself in writing and request an oral examination.

(7) V vabilu je treba obdolženca poučiti o njegovih pravicah in dolžnostih iz prvega, tretjega, četrtega in šestega odstavka tega člena.

(8) Obdolženca zasliši sodišče, ki vodi postopek o prekršku. Če obdolženec ne živi na območju tega sodišča, lahko opravi zaslišanje sodišče, na katerega območju obdolženec prebiva, razen če obdolženec zahteva, da je zaslišan pri sodišču, ki vodi postopek o prekršku, o čemer se obdolženca v vabilu pouči.

Vabilo

115. člen

(1) Navzočnost obdolženca pri zaslišanju v postopku o prekršku se zagotovi z vabilom.

(2) Obdolžencu je treba v vabilu povedati, česa je obdolžen in ali se mora zaradi zaslišanja zglasiti osebno ali pa sme podati svoj zagovor pisno. Obdolženca, ki je povabljen, da pride osebno, je treba v vabilu opomniti, da bo odrejena privedba, če se ne bo odzval vabilu. Če za pravilno odločitev ni nujno, da bi bil obdolženec zaslišan, ga je treba v vabilu opomniti, da bo sodba o prekršku izdana brez njegovega zaslišanja, če se vabilu ne bo odzval.

Privedba

116. člen

(1) Če se pravilno povabljeni obdolženec ne zgasi na vabilo in svojega izostanka ne opraviči, ali če mu ni bilo mogoče vročiti v redu vabila, iz okoliščin pa je očitno, da se mu obdolženec izmika, njegova navzočnost pa je potrebna za pravilno odločitev, se odredi privedba.

(7) The summons must instruct the accused of his or her rights and obligations referred to in paragraphs one, three, four and six of this Article.

(8) The accused shall be examined by the court conducting the minor offence proceedings. If the accused does not reside in the territory of the relevant court, the examination may be conducted by the court of the territory where the accused resides, unless the accused requests to be examined by the court conducting the minor offence proceedings. The court shall instruct the accused of such right in the summons.

Summons

Article 115

(1) The attendance of the accused at a minor offence proceedings examination shall be ensured by serving a summons.

(2) The summons must inform the accused of what he or she has been accused and whether he or she must appear in court for examination purposes in person or whether he or she may defend himself or herself in writing. An accused person summoned to appear in court in person shall be instructed in the summons that an order to bring him or her before the court will be issued if he or she fails to respond to the summons. In cases where no examination of the accused is necessary for correct adjudication, the accused shall be instructed that a minor offence judgment shall be issued without his or her examination if he or she fails to respond to the summons.

Bringing a person before the court

Article 116

(1) If an accused person who has been duly summoned fails to respond to the summons without justification or if it was not possible to appropriately serve him or her with the summons and from the circumstances it is manifest that he or she is avoiding the summons, and

Privedbo je mogoče odrediti samo v primeru, kadar je bilo v vabilu določeno, da se mora obdolženec osebno zglasiti.

(2) Privedba se odredi pismeno. V odredbi je potrebno navesti osebno ime obdolženca, ki naj se privede, datum rojstva, prebivališče obdolženca, zadevo, v kateri se odreja privedba in razlog, zaradi katerega je odrejena privedba. Odredba mora imeti uradni pečat in podpis sodnika, ki je privedbo odredil. Izvršitev odredbe se prepusti policiji.

Zaslišanje zastopnika pravne osebe

117. člen

Za zaslišanje zastopnika obdolžene pravne osebe se smiselno uporabljajo določbe tega zakona, ki se nanašajo na zaslišanje obdolženca. Pred njegovim zaslišanjem je treba preveriti, ali je pooblaščen, da zastopa obdolženo pravno osebo.

Priznanje prekrška

118. člen

(1) Če obdolženec prizna storitev prekrška in je priznanje jasno ter popolno, sodišču ni potrebno zbirati še drugih dokazov.

(2) Pri jasnem in popolnem priznanju storitve prekrška sodišče v obrazložitvi sodbe ali sklepa kratko navede oceno obdolženčevega priznanja in obrazloži odmero sankcije.

his or her attendance is necessary for correct adjudication, an order to bring him or her before the court will be issued. An order to bring a person before the court may be issued only in cases where the summons specifies that the accused must appear in court in person.

(2) An order to bring a person before the court shall be issued in writing. The order shall specify the personal name of the accused to be brought before the court, the date of birth and address of the accused person, the case for which the compulsory appearance has been ordered, and the reason why it has been ordered. The order must bear the official seal and be signed by the judge who ordered the compulsory appearance. The enforcement of the order shall be carried out by the police.

Examination of a legal person's representative

Article 117

The examination of the representative of an accused legal person shall be subject to *mutatis mutandis* application of the provisions of this Act governing examination of the accused. Prior to the examination of the accused, it must be verified whether the legal person's representative is authorised to represent the accused legal person.

Confession of a minor offence

Article 118

(1) In cases where the accused confesses to having committed a minor offence and the confession is clear and complete, the court shall not be required to collect further evidence.

(2) In cases where the court has received a clear and complete confession of a minor offence, it shall briefly assess the confession and justify the determination of the sanction in the statement of the grounds of the judgment or order.

Zaslišanje prič

119. člen

Pričo zasliši sodišče, pri katerem se vodi postopek o prekršku. Če priča ne živi na njegovem območju, lahko opravi zaslišanje sodišče, na katerega območju priča prebiva.

Ogled

120. člen

(1) Če si je za ugotovitev ali razjasnitev kakšnega pomembnega dejstva potrebno kaj osebno ogledati, se opravi ogled.

(2) Sodišče, ki je odredilo ogled, določi, kdo naj se povabi k ogledu.

Izvedenstvo

121. člen

Po končanem izvedenskem delu, pri katerem nista bila navzoča, je treba obdolženca in oškodovanca obvestiti, da je bilo delo opravljeno in da lahko pregledata zapisnik oziroma pisni izvid in mnenje.

Psihiatrični pregled obdolženca

122. člen

Examination of witnesses

Article 119

A witness shall be examined by the court conducting the minor offence proceedings. If the witness does not reside within the court's territory, the examination may be carried out by the court within whose territory the witness resides.

Inspection

Article 120

(1) In cases where the determination or clarification of a specific important fact requires an inspection in person, an inspection shall be carried out.

(2) The court that ordered the inspection shall specify who should be invited to the inspection.

Expert witnesses

Article 121

After an expert witness has completed his or her work, accused and injured parties who were not present must be informed that the work has been completed and that they may examine the minutes or the written report and opinion.

Psychiatric examination of the accused

Article 122

Če nastane sum, da je pri obdolžencu zaradi trajne ali začasne duševne bolezni, začasnih duševnih motenj, duševne zaostalosti ali zaradi kake druge trajne ali hude duševne motenosti prištevnost izključena, se odredi psihiatrični pregled obdolženca.

Zaseg predmetov

123. člen

(1) Predmeti, ki se po prvem in drugem odstavku 25. člena tega zakona vzamejo, se smejo zaseči še pred izdajo sodbe o prekršku.

(2) Zaseg odredi z odredbo sodnik, ki vodi postopek o prekršku. Tistemu, ki se mu predmeti zasežejo, je treba izročiti overjen prepis odredbe.

(3) S predpisi, ki določajo prekrške, se lahko pooblastijo uradne osebe prekrškovnih organov, da smejo zaseči predmete iz prvega in drugega odstavka 25. člena tega zakona, kadar uradno zvedo za prekršek. Ti organi morajo zasežene predmete takoj oddati sodišču, ki je pristojno za postopek o prekršku, sodišče pa je dolžno zasežene predmete takoj sprejeti, če ni v predpisu o prekršku drugače določeno. Če predmeti niso v kraju omenjenega organa, mu morajo zaseg takoj naznaniti, obenem pa poskrbeti za hrambo predmetov, dokler sodišče, ki je pristojno za postopek o prekršku, ne izda odredbe o tem.

(4) Tistemu, ki se mu zasežejo predmeti, je treba dati potrdilo z natančnim popisom zaseženih predmetov.

(5) Če je predmet pokvarljiv ali je njegova hramba zvezana s prevelikimi stroški, odredi sodišče, ki je pristojno za postopek o prekršku, da se tak predmet proda.

(6) Sodišče, ki je pristojno za postopek o prekršku, lahko na

If there is a suspicion that the sanity of the accused has been affected due to a permanent or temporary mental illness, temporary mental disorder, mental retardation or any other permanent or temporary mental disturbance, a psychiatric examination of the accused shall be ordered.

Seizure of items

Article 123

(1) Any items taken pursuant to paragraphs one and two of Article 25 of this Act may be seized before a minor offence judgment is issued.

(2) The seizure shall be ordered by the judge conducting the minor offence proceedings. The person whose items are seized shall be issued a certified copy of the order.

(3) The regulations determining minor offences may authorise minor offence authority officials to seize the items referred to in paragraphs one and two of Article 25 of this Act when they officially become aware of the minor offence. These authorities must immediately submit the seized items to the court that has jurisdiction to conduct minor offence proceedings, while the court shall be obliged to immediately accept the items, unless otherwise provided in the regulation governing the minor offence. If the items are not located in the territory covered by the said authority, it must be immediately notified of the seizure and the items stored until the court that has jurisdiction over the minor offence proceedings issues the relevant order.

(4) The person whose items are seized must be given a receipt containing a detailed inventory of the items seized.

(5) In cases where an item is perishable or its storage is excessively expensive, the court that has jurisdiction over the minor offence proceedings shall order that the item be sold.

(6) The court that has jurisdiction over the minor offence

ugovor prizadetega ali po uradni dolžnosti, odredi vrnitev zaseženih predmetov glede na okoliščine zadeve lastniku ali tistemu, ki so mu bili zaseženi, razen če je odvzem predmetov po zakonu obvezen.

9. Prekinitev postopka

Prekinitev postopka

124. člen

(1) Sodnik, ki vodi postopek o prekršku, s sklepom prekine postopek:

- če se ne ve za obdolženčevo prebivališče, če je obdolženec na begu, ali če je sicer nedosegljiv državnim organom, ali če je v tujini za nedoločen čas;
- če je obdolženec začasno duševno zbolel ali je pri njem nastala začasna duševna motnja.

(2) Pred prekinitvijo postopka se zberejo vsi dokazi o prekršku in o odgovornosti obdolženca, do katerih je mogoče priti.

(3) Prekinjeni postopek se nadaljuje, ko prenehajo razlogi, ki so povzročili prekinitev.

(4) O prekinitvi in nadaljevanju postopka se obvesti oškodovanca.

10. Ustna obravnava

Ustna obravnava

125. člen

(1) Sodnik, ki vodi postopek o prekršku, določi ustno

proceedings may, upon the objection of the affected person or *ex officio*, order the return of the seized items, taking into consideration the relevant circumstances, to their owner or the person from whom they were seized, unless the confiscation of items is compulsory under an Act.

9. Suspension of proceedings

Suspension of proceedings

Article 124

(1) The judge conducting the minor offence proceedings shall issue an order suspending the proceedings:

- if the residence of the accused is not known, when the accused is on the run or otherwise inaccessible by state authorities, or if he or she is residing abroad for an unspecified period of time;
- if the accused temporarily falls ill with a mental illness or is the victim of a temporary mental disorder.

(2) Prior to the suspension of the proceedings, all evidence on the minor offence and on the accused person's liability that can be accessed shall be collected.

(3) The suspended proceedings shall be resumed when the reasons for the suspension no longer exist.

(4) The injured party shall be notified of the suspension and of the continuation of the proceedings.

10. Oral hearing

Oral hearing

Article 125

(1) The judge conducting the minor offence proceedings shall

obravnavo, če je to potrebno za razjasnitev stvari.

(2) Na ustno obravnavo se povabijo obdolženec, njegov zagovornik, priče in po potrebi tudi izvedenec. Če je obdolžena pravna oseba, se na ustno obravnavo povabi njen zastopnik.

(3) Dan ustne obravnave se sporoči tudi predlagatelju postopka in oškodovancu.

Ustna obravnava v odsotnosti obdolženca

126. člen

(1) Sodnik, ki vodi postopek, lahko odloči, da bo ustna obravnava v odsotnosti obdolženca, ki je bil v redu povabljen in opozorjen na posledice izostanka, in da njegova navzočnosti ni nujna za pravilno ugotovitev stanja stvari. Pod enakimi pogoji je lahko ustna obravnava tudi v odsotnosti v redu povabljenega zastopnika obdolžene pravne osebe.

(2) Ustna obravnava se opravi tudi, če nanjo ne pride v redu povabljeni zagovornik obdolženca.

Javnost ustne obravnave

127. člen

(1) Ustna obravnava je javna.

(2) Na ustni obravnavi smejo biti navzoče polnoletne osebe.

(3) Sodnik, ki vodi postopek o prekršku, lahko od začetka pa do konca ustne obravnave po uradni dolžnosti ali pa na predlog obdolženca, vselej pa po njegovem zaslišanju, odloči, da se izključi javnost celotne ali dela ustne obravnave, če je to potrebno za varovanje tajnosti, varstva javnega reda, morale, varstva osebnega ali družinskega

order an oral hearing when this is necessary to clarify facts.

(2) A summons to the oral hearing shall be sent to the accused, his or her defence counsel, witnesses and if necessary to the relevant expert witness. If the accused is a legal person, a summons to the oral hearing shall be sent to the legal person's representative.

(3) The initiator and the injured party shall also be notified of the date of the oral hearing.

Oral hearing in the absence of the accused

Article 126

(1) The judge conducting the proceedings may decide that an oral hearing be carried out in the absence of the accused if the latter was duly summoned and warned of the consequences of his or her absence, and the judge assesses that his or her presence is not necessary for the correct determination of facts. Under the same conditions, an oral hearing may be conducted in the absence of a duly summoned representative of an accused legal person.

(2) An oral hearing shall also be conducted if a duly summoned defence counsel of the accused fails to appear.

Public nature of oral hearings

Article 127

(1) Oral hearings shall be public.

(2) Oral hearings may be attended by persons of full age.

(3) The judge conducting the minor offence proceedings may, from the beginning until the end of the oral hearing, *ex officio* or on the proposal of the accused, but in any case after the accused has been examined, decide to exclude the public from the entire oral hearing or part thereof if this is necessary for the protection of secrecy, public order,

življenja obdolženca ali oškodovanca ali koristi mladoletnika, ali če bi po mnenju sodnika javnost škodovala interesom pravičnosti.

(4) Izključitev javnosti ne velja za obdolženca, njegovega zakonitega zastopnika in zagovornika, zastopnika pravne osebe, predlagatelja postopka, oškodovanca, njegovega zakonitega zastopnika in njunega pooblaščenca.

(5) O izključitvi javnosti odloči sodnik s sklepom, ki mora biti obrazložen in javno razglašen.

(6) Sklep o izključitvi javnosti se sme izpodbijati samo v pritožbi zoper sodbo o prekršku.

Začetek ustne obravnave

128. člen

Ustna obravnava se začne z naznanitvijo glavne vsebine predmeta postopka. Nato se začne zaslišanje obdolženca; če sta obdolžena pravna oseba in odgovorna oseba, se zasliši najprej zastopnik pravne osebe, nato pa odgovorna oseba, nato se izvaja dokazni postopek z zaslišanjem prič, izvedencev in z izvedbo drugih dokazov.

Predlaganje dokazov na obravnavi

129. člen

(1) Obdolženec in njegov zagovornik, zastopnik in zagovornik obdolžene pravne osebe, predlagatelj postopka ter oškodovanec imajo pravico med obravnavo predlagati dokaze in dajati predloge, z dovoljenjem sodnika, ki vodi postopek, pa lahko postavljajo tudi vprašanja osebam, ki se zaslišujejo.

morals, the personal or family affairs of the accused or injured person or the personal interests of a juvenile, or if such publicity would harm the interests of justice in the judge's opinion.

(4) The exclusion of the public shall not apply to the accused, the statutory representative and defence counsel thereof, the representative of a legal person, the initiator, the injured party, the latter's statutory representative and the authorised person thereof.

(5) The exclusion of the public shall be decided on by the judge by an order, which must state the grounds thereof and be announced publicly.

(6) The order on the exclusion of the public may be contested only by an appeal against the minor offence judgment.

Commencement of oral hearings

Article 128

An oral hearing shall commence with the announcement of the subject of the proceedings. This shall be followed by an examination of the accused; where a legal person and a responsible person are accused, the first to be examined shall be the legal person's representative and then the responsible person; the evidence-taking procedure shall then follow, including an examination of witnesses and expert witnesses, and the production of other evidence.

Submitting evidence at a hearing

Article 129

(1) During proceedings, the accused and his or her defence counsel, the representative and defence counsel of the accused legal person, the initiator of the proceedings and the injured party shall have the right to propose evidence and submit proposals and, subject to permission granted by the judge conducting the proceedings, may ask the persons under examination questions.

(2) Na ustni obravnavi pripada zadnja beseda vedno obdolžencu oziroma zastopniku obdolžene pravne osebe.

10.a Skrajšani postopek

Odločanje in izdaja sodbe v skrajšanem postopku

129.a člen

(1) Če sodnik, ki vodi postopek o prekršku, na podlagi obdolžilnega predloga ter vsebine dokazov, ki so priloženi obdolžilnemu predlogu, spozna, da je obdolženec storil prekršek, lahko odloči brez zaslišanja obdolženca.

(2) V skrajšanem postopku se smejo za prekršek izreči globa oziroma opomin, ob globi pa tudi stranske sankcije kazenskih točk v cestnem prometu, prepovedi vožnje motornih vozil, izgube ali omejitve pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti in odvzema predmetov.

(3) Sodba, izdana v skrajšanem postopku, obsega sestavine iz 135. člena tega zakona. V obrazložitvi sodbe se navedejo le dokazi iz obdolžilnega predloga, katerih vsebina opravičuje odločanje po skrajšanem postopku, ter okoliščine, ki so bile upoštevane pri izbiri in odmeri sankcij.

(4) Obdolžencu se hkrati s sodbo, izdano v skrajšanem postopku, vroči tudi obdolžilni predlog.

(5) Proti sodbi, izdani v skrajšanem postopku, lahko vložijo obdolženec, njegov zakoniti zastopnik oziroma zagovornik ter predlagatelj postopka v osmih dneh od vročitve ugovor v korist obdolženca. Predlagatelj lahko vloži ugovor tudi v škodo obdolženca.

(6) Ugovor se vloži pisno. Vsebovati mora le navedbo sodbe, izdane v skrajšanem postopku, in podpis vložnika. Obdolženec in

(2) In an oral hearing the accused or the representative of the accused legal person shall always be the last to speak.

10.a Summary proceedings

Adjudication and issuing judgments in summary proceedings

Article 129a

(1) If the judge conducting minor offence proceedings establishes, on the basis of the accusatory instrument and the evidence annexed thereto, that the accused has committed a minor offence, he or she may decide without examining the accused.

(2) The sanctions imposed in summary proceedings may be a fine or a caution and, in addition to a fine, the secondary sanctions of penalty points for a traffic offence, a driving prohibition, the forfeiture or limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-governing local communities and the confiscation of items.

(3) A judgment issued in summary proceedings shall contain the elements referred to in Article 135 of this Act. The statement of the grounds shall only include evidence from the accusatory instrument that justify deciding in summary proceedings and the circumstances taken into consideration in the selection and determination of sanctions.

(4) Together with the judgment issued in summary proceedings, the accused shall also be served the accusatory instrument.

(5) The accused, his or her statutory representative or defence counsel and the initiator of the proceedings may file an objection in favour of the accused against the judgment in summary proceedings within eight days of the service of the judgment. The initiator may also file an objection to the detriment of the accused.

(6) The objection shall be filed in writing. The objection shall only contain the data identifying the judgment issued in summary

predlagatelj postopka se lahko odpovesta pravici do ugovora po prejemu sodbe, izdane v skrajšanem postopku, do konca roka za vložitev ugovora, vložen ugovor pa lahko umakneta do odločitve o ugovoru. Odpovedi pravici do ugovora in umika ugovora ni mogoče preklicati.

(7) Obdolženec lahko ugovoru priloži pisni zagovor ali zahteva, da ga sodišče zasliši.

(8) Če je obdolženec zahteval, da ga sodišče zasliši, vendar na zaslišanje, na katero je bil pravilno povabljen, ni prišel, izostanka pa ni opravičil, odloči sodišče brez njegovega zaslišanja.

(9) V pouku o pravici do ugovora mora biti obdolženec poučen, da lahko hkrati z ugovorom poda pisni zagovor ali zahtevo, da ga sodišče zasliši in da bo v primeru, če ne bo podal pisnega zagovora niti zahteval zaslišanja, sodišče odločilo brez njegovega zaslišanja. Obdolženca je treba poučiti, da mora hkrati z ugovorom navesti vsa dejstva in dokaze v svojo korist, ker jih sicer v postopku ne bo več mogel uveljavljati.

(10) Prepozen ali nedovoljen ugovor s sklepom zavrže sodišče, ki je izdalo sodbo v skrajšanem postopku. Proti sklepu, s katerim se ugovor zavrže, je dovoljena pritožba.

(11) Če je bil ugovor vložen pravočasno, sodišče izvede redni sodni postopek in s sodbo zavrne ugovor kot neutemeljen, če po izvedenem rednem sodnem postopku spozna, da je obdolženec storil prekršek, opisan v izreku sodbe, izdane v skrajšanem postopku. Sicer pa sodišče s sodbo, s katero razveljavi sodbo, izdano v skrajšanem postopku, hkrati tudi odloči o prekršku.

(12) Če je bil zoper sodbo, izdano v skrajšanem postopku, vložen ugovor le v obdolženčevo korist, nova sodba o prekršku ne sme

proceedings and be signed by the persons lodging it. The accused and the initiator of the proceedings may waive their right to an objection after receipt of the judgment issued in summary proceedings until the expiry of the time limit for lodging an objection, and may also withdraw an already filed objection until a decision on the objection. The waiver of the right to an objection and the withdrawal of an objection may not be cancelled.

(7) The accused may annex to his or her objection a written defence or request that he or she be examined by the court.

(8) If the accused is requested to be examined by the court and failed to appear at the examination to which he or she was duly summoned, and failed to justify his or her absence, the court shall decide without examining him or her.

(9) In the instruction on the right to an objection, the accused shall be instructed that he or she may present, together with the objection, a written defence or a request that he or she be examined by the court and that if he or she fails to submit a written defence or request an examination, the court shall decide without having examined him or her. The accused shall also be instructed to state all the facts and produce all the evidence to his or her benefit in the objection, because if he or she fails to do so, he or she will not be able to rely on these facts or evidence during the proceedings.

(10) Late or inadmissible objections shall be rejected by an order of the court that issued the judgment in summary proceedings. An appeal may be filed against the order rejecting the objection.

(11) In cases where an objection has been filed in due time, the court shall conduct ordinary court proceedings and by a judgment dismiss the objection as unfounded when it establishes during ordinary court proceedings that the accused committed the minor offence stated in the statement of the grounds of the judgment issued in summary proceedings. Otherwise, the court shall also decide on the minor offence by a judgment repealing the judgment issued in summary proceedings. The court shall also decide on the minor offence by the judgment repealing the judgment issued in summary proceedings.

(12) When only an appeal to the benefit of the accused is filed against a judgment issued in summary proceedings, the new minor

biti v škodo obdolžencu glede pravne opredelitve prekrška in sankcije za prekršek.

(13) V skrajšanem postopku ni mogoče odločati, če je vložena zahteva za sodno varstvo.

11. Redovna globa

Globa za kršitev postopka

130. člen

(1) Priči ali izvedencu, ki brez opravičenega razloga noče pričati oziroma opraviti izvedenskega dela, se izreče globa do 400 eurov.

(2) Če oseba iz prejšnjega odstavka globe ne plača, lahko sodnik, ki vodi postopek, odredi, da se globa prisilno izterja.

(3) Pritožba zoper sklep o globi ne zadrži njene izvršitve, sodnik pa lahko sklep o globi tudi prekliče.

Globa za nedostojno obnašanje

131. člen

(1) Kdor se med postopkom kljub opominu nedostojno obnaša ali ovira delo, se kaznuje z globo do 400 eurov.

(2) Pritožba zoper sklep o globi ne zadrži njene izvršitve, sodnik pa lahko sklep o globi tudi prekliče.

offence judgment may not be to the detriment of the accused in terms of the legal definition of the minor offence and the imposition of the relevant sanction.

(13) Summary proceedings may not be initiated in cases involving requests for judicial protection.

11. Fines for contempt of court

Fine for a violation of proceedings

Article 130

(1) A witness or expert witnesses who without good reason fails to testify or perform expert work shall be imposed a fine of up to EUR 400.

(2) If the person referred to in the preceding paragraph fails to pay the fine, the judge conducting the proceedings may order the enforced collection of the fine.

(3) An appeal against the order imposing a fine shall not stay the order's enforcement, but the judge may cancel the order imposing a fine.

Fine for indecent conduct

Article 131

(1) Individuals who during proceedings conduct themselves improperly or impede proceedings despite being cautioned shall be imposed a fine of up to EUR 400.

(2) An appeal against the order imposing a fine shall not stay the order's enforcement, but the judge may cancel the order imposing a fine.

(3) Če se obdolženec kljub opominu nedostojno obnaša ali ovira delo, se sme odrediti, da se obdolženec odstrani iz prostora, v katerem se opravlja dejanje v postopku, ne sme pa se izreči globa.

12. Sodba o prekršku

Izdaja sodbe o prekršku

132. člen

(1) Postopek o prekršku na prvi stopnji se konča z izdajo sodbe o prekršku.

(2) Sodba o prekršku se sme nanašati samo na osebo, ki je obdolžena, in samo na dejanje, ki je predmet obdolžilnega predloga.

(3) Sodišče ni vezano na predlog predlagatelja postopka glede pravne presoje dejanja.

Dokazna ocena

133. člen

(1) Sodba o prekršku temelji na dokazih in dejstvih, ki so bila ugotovljena v postopku.

(2) Sodišče mora vestno pretehtati vsak dokaz posebej in v zvezi z drugimi dokazi, na podlagi takšne presoje pa ugotoviti, katero dejstvo se šteje za dokazano ali nedokazano.

Vrste sodb

(3) If the accused continues to demonstrate indecent conduct or impedes proceedings despite being cautioned, an order may be issued to remove the accused from the premises where the proceedings are being carried out, but no fine may be imposed.

12. Minor offence judgment

Issuance of a minor offence judgment

Article 132

(1) Minor offence proceedings in the first instance shall conclude with the issuance of a minor offence judgment.

(2) The minor offence judgment may apply exclusively to the person who has been accused and exclusively to the act that is the subject of the accusatory instrument.

(3) The court shall not be bound by the proposal submitted by the initiator of the proceedings with regard to the legal assessment of the act.

Assessment of evidence

Article 133

(1) A minor offence judgment shall be based on the evidence and facts established in the proceedings.

(2) The court must conscientiously weigh every piece of evidence separately and in connection with other pieces of evidence, and on the basis of this assessment establish which facts shall be deemed to have been proved or not proved.

Types of judgments

134. člen

(1) S sodbo o prekršku se postopek ustavi, ali pa se obdolženec spozna za odgovornega in se mu izreče sankcija za prekršek.

(2) Če teče postopek zaradi več prekrškov, se v sodbi o prekršku navede, glede katerih prekrškov se postopek ustavi, za katere pa se obdolženec spozna za odgovornega in se mu izreče sankcija za prekršek.

Sestavine pisne sodbe

135. člen

(1) Pisna sodba o prekršku mora imeti uvod, izrek in obrazložitev.

(2) Uvod sodbe o prekršku obsega naziv sodišča, ki jo je izdalo, osebno ime sodnika, ki je izdal sodbo o prekršku, naziv oziroma osebno ime predlagatelja postopka in označbo obdolžilnega predloga, osebno ime obdolženca in zagovornika, firmo in sedež obdolžene pravne osebe ter prekršek, ki je predmet postopka.

(3) Izrek sodbe o prekršku mora obsegati obdolženčeve osebne podatke (osebno ime, EMŠO, kraj rojstva, poklic, če je fizična oseba tujec, pa njene rojstne podatke, državljanstvo, stalno oziroma začasno prebivališče, za odgovorno osebo tudi zaposlitev), za obdolženo pravno osebo pa firmo oziroma ime in sedež obdolžene pravne osebe in izrek, da je obdolženec odgovoren za prekršek, ter podatke iz 138. člena oziroma izrek, da se postopek zoper obdolženca ustavi, ter podatke iz 136. člena tega zakona.

Article 134

(1) A minor offence judgment shall stay the proceedings or find the accused liable and impose a minor offence sanction upon him or her.

(2) If the proceedings cover a number of minor offences at the same time, the minor offence judgment shall specify in connection with which minor offences the proceedings have been stayed and in connection with which minor offences the accused has been found liable and has been imposed a minor offence sanction.

Elements of written judgments

Article 135

(1) A written minor offence judgment shall consist of an introduction, an operative part and a statement of the grounds.

(2) The introduction of a minor offence judgment shall specify the title of the court that issued the judgment, the name of the judge who issued the minor offence judgment, the title or name of the initiator of the proceedings and the reference number of the accusatory instrument, the name of the accused and defence counsel, the name and head office of an accused legal person, and the minor offence that is the subject of the proceedings.

(3) The operative part of the minor offence judgment shall specify the personal data of the accused (name and surname, EMŠO, place of birth, profession, birth information if the natural person is a foreigner, nationality, permanent or temporary residence; and in the case of a responsible person, also the job title); where the accused is a legal person, the operative part shall specify the legal person's corporate name and head office, and include either a statement that the accused is liable for the minor offence and the data referred to in Article 138 of this Act or a statement that the proceedings against the accused have been stayed and the data referred to in Article 136 of this Act.

(4) V obrazložitvi sodbe o prekršku se navedejo razlogi za vsako posamezno točko sodbe.

(5) Določbe o sestavinah sodbe o prekršku se smiselno uporabljajo tudi za sestavine sklepa, če ta zakon ne določa drugače.

Sodba, s katero se postopek ustavi

136. člen

(1) Sodba o prekršku, s katero se postopek ustavi, se izda:

1. če dejanje ni prekršek;
2. če je bil obdolženec za isti prekršek že pravnomočno spoznan za odgovornega ali je bil postopek zanj ustavljen, razen če je bil ustavljen, ker je obdolžilni predlog podal neupravičeni predlagatelj (prvi in drugi odstavek 103. člena);
3. če obdolženec uživa imunitetno pravico po pravilih mednarodnega prava;
4. če je pregon zastaran;
5. če ni dokazano, da je prekršek storil obdolženec;
6. če obdolženec med postopkom umre;
7. če je v zakonu določeno, da se storilcu ne izreče sankcija za prekršek;
8. če so podane okoliščine, ki po tem zakonu izključujejo odgovornost za prekršek;
9. če gre za prekršek neznatnega pomena, posebne okoliščine, nizka stopnja odgovornosti ali storilčeve osebne okoliščine pa kažejo, da postopek ne bi bil smotrni;
10. če obstojijo druge okoliščine, ki izključujejo postopek o prekršku.

(2) Sodišče ustavi postopek tudi, če predlagatelj postopka umakne predlog. Predlog se lahko umakne do izdaje sodbe o prekršku.

(4) The statement of the grounds for the minor offence judgment shall specify the reasons for every individual point of the judgment separately.

(5) The provisions on the elements of a minor offence judgment shall apply, *mutatis mutandis*, to the elements of an order, unless otherwise provided by this Act.

Judgment staying proceedings

Article 136

(1) A minor offence judgment staying proceedings shall be issued:

1. where the act is not a minor offence;
2. where the accused has already been found liable for the same minor offence on the basis of a final decision, or if the proceedings against him or her were stayed, unless they were stayed because the accusatory instrument was filed by an ineligible initiator (paragraphs one and two of Article 103);
3. where the accused enjoys immunity from prosecution under international law;
4. where prosecution has become statute-barred;
5. where it is not proved that the minor offence was committed by the accused;
6. where the accused dies during the proceedings;
7. where an Act stipulates that no minor offence sanction shall be imposed on the perpetrator;
8. where there are circumstances excluding minor offence liability pursuant to this Act;
9. where the minor offence is a petty offence, and the special circumstances, low level of liability or the perpetrator's personal circumstances imply that proceedings would not be expedient;
10. where there are other circumstances excluding minor offence proceedings.

(2) The court shall also stay the proceedings if the initiator of the proceedings withdraws his or her application. The application may be

withdrawn until the minor offence judgment is issued.

Odvzem predmetov

137. člen

(1) Predmeti, ki so bili zaseženi pred izdajo sodbe o prekršku (123. člen), se vrnejo glede na okoliščine zadeve lastniku ali tistemu, ki so mu bili zaseženi, če se postopek ustavi oziroma če ni razlogov, da se odvzamejo.

(2) Predmeti, ki se po zakonu smejo ali morajo odvzeti, se odvzamejo tudi tedaj, kadar se postopek za prekrške ustavi ali če se storilcu prekrška izreče opomin, če zakon tako določa ali če to terjajo razlogi splošne varnosti, varovanja življenja in zdravja ljudi, varstva okolja, varnosti gospodarskih razmerij ali razlogi morale.

(3) O odvzemu predmetov po prejšnjem odstavku odloči sodišče, pred katerim je tekel postopek, v izreku sodbe. Če v sodbi taka odločitev manjka, sodišče izda o tem poseben sklep. Poseben sklep se izda tudi v primeru, če v sodbi, s katero je storilec spoznan za odgovornega, manjka taka odločitev.

(4) Overjen prepis sklepa iz prejšnjega odstavka se vroči tudi lastniku predmetov, če je ta znan. Če lastnik ni znan, se sklep pritrdi na sodno desko in se po preteku osmih dni šteje, da je bila opravljena vročitev tudi neznanemu lastniku.

(5) Zoper sklep iz tretjega odstavka tega člena ima lastnik predmetov pravico pritožbe, če misli, da za odvzem predmetov ni zakonite podlage.

Sodba, s katero se obdolženec spozna za odgovornega

138. člen

Confiscation of items

Article 137

(1) The items seized before the minor offence judgment was issued (Article 123) shall be returned, with respect to the circumstances of the case, to the owner or the person from whom they were seized if the proceedings are stayed or if no reasons exist for confiscating the items.

(2) The items which pursuant to an Act may or must be confiscated shall be confiscated even if the minor offence proceedings are stayed or if a caution is imposed on the perpetrator of the offence, if so specified by an Act or if this is required for general safety reasons, the protection of the life and health of people, environmental protection, the safety of economic relationships or moral reasons.

(3) The confiscation of items pursuant to the preceding paragraph shall be decided on by the court conducting the proceedings in the operative part of the judgment. If the judgment lacks such decision, the court shall issue a special order thereon. A special order shall also be issued if this decision is missing in the judgment finding the perpetrator liable.

(4) A certified copy of the order referred to in the preceding paragraph shall also be submitted to the owner of the items if the latter is known. If the owner is not known, the order shall be affixed to the court notice board, eight days after which it shall be deemed that the order has been served on the unknown owner.

(5) The owner of the items shall have the right to appeal against the order referred to in paragraph three of this Article if he or she believes that there is no legal basis for the confiscation of the items.

Judgment finding the accused liable

Article 138

(1) S sodbo o prekršku, s katero se obdolženec spozna za odgovornega, se izreče:

- za kateri prekršek oziroma prekrške se obdolžencu izreka sankcija, dejanski stan prekrška in predpis o prekršku;
- sankcija, ki se izreče obdolžencu, oziroma odločitev, da se sankcija odpusti;
- sankcije za posamezne prekrške ter enotna sankcija, če gre za stek prekrškov;
- odločitev o odvzemu premoženjske koristi;
- odločitev o vštetju pridržanja in pripora;
- odločitev o stroških postopka;
- odločitev o premoženjskopравnem zahtevku.

(2) V sodbi o prekršku se določi rok, v katerem je treba plačati globo in stroške postopka, ter navede opozorilo o možnosti za nadomestitev plačila globe in stroškov postopka z delom v splošno korist in o tem, da se bodo neplačana globa in stroški postopka izterjali prisilno, če je ne bo mogoče izterjati niti prisilno, pa se bo globa lahko v skladu z zakonom izvršila z nadomestnim zaporom.

(3) Če je izrečen odvzem predmetov, je treba v sodbi o prekršku oziroma v sklepu iz tretjega odstavka prejšnjega člena tudi določiti, kako je treba ravnati z odvzetimi predmeti. Če odvzem predmetov ne obsega tistih predmetov, ki so bili zaseženi po 123. členu tega zakona, je treba v sodbi o prekršku odrediti, naj se ti predmeti vrnejo glede na okoliščine zadeve lastniku ali tistemu, ki so mu bili odvzeti.

Obrazložitev

139. člen

V obrazložitvi sodbe o prekršku je treba kratko navesti, katera dejstva in iz katerih razlogov se štejejo za dokazana ali nedokazana in kateri razlogi so bili odločilni pri uporabi pravnih predpisov, zlasti pri ugotavljanju, ali sta podana prekršek in odgovornost obdolženca oziroma

(1) A minor offence judgment finding the accused liable shall specify:

- the minor offence or offences for which a sanction has been imposed on the accused, the statutory definition of the minor offence and the regulation governing the minor offence;
- the sanction imposed on the accused, or the decision releasing the accused from sanctions;
- the sanctions imposed for individual minor offences and the aggregate sanction in the event of concurrent minor offences;
- the decision on the confiscation of proceeds;
- the decision on the inclusion of the period of detention or custody;
- the decision on legal costs;
- the decision on an indemnification claim.

(2) The minor offence judgment shall set the deadline by which the fine and legal costs must be paid; it shall also include an instruction on the possibility of substituting the payment of the fine and legal costs by community service and a warning that any unpaid fine and legal costs shall be subject to enforced collection and, if enforcement is not possible, substitute imprisonment shall be enforcement in compliance with an Act.

(3) If the measure of confiscating items is imposed, the minor offence judgment or the order referred to in paragraph three of the preceding Article must also specify the manner in which the confiscated items should be handled. If the confiscation of items does not cover the items seized pursuant to Article 123 of this Act, the minor offence judgment shall order that those items be returned, with respect to the circumstances of the case, to the owner or person from whom they were confiscated.

Statement of grounds

Article 139

The statement of the grounds for a minor offence judgment shall in brief specify the facts and the reasons for which they were deemed to be proved or not proved, and which reasons were decisive in the application of legal regulations, particularly in determining whether a

na čem temelji odločitev o ustavitvi postopka, okoliščine, ki so bile upoštevane pri izbiri in odmeri sankcij za prekrške, kot tudi podlage za odločitev o stroških postopka, o premoženjskopravnem zahtevku ter o odvzemu premoženjske koristi.

Pravni pouk in podpis

140. člen

(1) Pisna sodba o prekršku, ki se vroči obdolžencu, zagovorniku, obdolženčevemu zakonitemu zastopniku, lastniku odvzetih predmetov in predlagatelju, mora obsegati pouk o pravici do pritožbe ter rok in način vložitve.

(2) Pisna sodba o prekršku mora imeti tudi številko, datum, podpis in uradni pečat sodišča, ki jo je izdalo.

13. Premoženjskopravni zahtevek

Premoženjskopravni predlog

141. člen

(1) Oškodovanec lahko v postopku o prekršku uveljavlja premoženjskopravni zahtevek glede vrnitve stvari, povrnitve škode ali razveljavitve pravnega posla.

(2) Predlog za uveljavitev premoženjskoplavnega zahtevka se vloži pri sodišču, ki vodi postopek, poda pa se lahko najdlje do izdaje sodbe o prekršku na prvi stopnji.

(3) Tisti, ki je upravičen podati predlog, mora določno označiti zahtevek in navesti dokaze. Zahtevek ne more presegati zneska, do

minor offence was committed and whether the accused is liable for it, the issues on which the decision staying the proceedings was based, the circumstances considered during the selection and determination of minor offence sanctions, as well as the bases for the decision on legal costs, indemnification claims and the confiscation of proceeds.

Legal instruction and signature

Article 140

(1) A written minor offence judgment served on the accused, defence counsel, statutory representative of the accused, the owner of the confiscated items and the initiator must include a legal instruction on the right to appeal and the time limit for and method of lodging the appeal.

(2) A written minor offence judgment must also include a reference number, date, signature and the official seal of the court that issued the judgment.

13. Indemnification claims

Indemnification claim petitions

Article 141

(1) Within the framework of minor offence proceedings, the injured party may exercise his or her right to file an indemnification claim for the return of items, compensation for damage or the annulment of a legal transaction.

(2) The indemnification claim petition shall be filed with the court conducting the proceedings and may be filed no later than the day on which the minor offence judgment in the first instance is issued.

(3) The person entitled to file an indemnification claim petition must clearly specify the claim and the supporting evidence. The claim

katerega je za obravnavo in razsojanje premoženjskopравnih zahtevkov pristojen sodnik posameznik v pravnem postopku.

Odločanje o premoženjskopравnem zahtevku

142. člen

(1) O premoženjskopравnem zahtevku odloča sodišče, ki vodi postopek o prekršku.

(2) Če se postopek konča s sodbo, s katero se obdolženec spozna za odgovornega za prekršek, lahko sodišče s sodbo o prekršku ugodi zahtevku v mejah svoje pristojnosti v celoti, lahko pa mu ugodi samo deloma in s presežkom napoti oškodovanca na pravdo. Oškodovanca napoti na pravdo tudi, če zneska škode ni mogoče ugotoviti, ali če bi se z njegovim ugotavljanjem preveč zavlekel postopek o prekršku. Oškodovanec se vedno napoti na pravdo, če se postopek o prekršku ustavi.

(3) Če se sodišče, ki vodi postopek o prekršku, izreče za nepristojno, napoti oškodovanca, naj svoj zahtevek uveljavlja pred pristojnim sodiščem.

14. Stroški postopka

Stroški postopka

143. člen

(1) Stroški postopka so:

1. izdatki za priče, izvedence, tolmače, ogleda in za vročanje po pravni ali fizični osebi, ki opravlja vročanje dokumentov v fizični obliki;
2. izdatki za hišne in osebne preiskave, zaseg in preiskavo elektronskih in z njimi povezanih naprav ter nosilcev elektronskih podatkov in

may not exceed the amount within the jurisdiction of a single judge when dealing with and deciding on indemnification claims in civil proceedings.

Deciding on indemnification claims

Article 142

(1) Indemnification claims shall be decided on by the court conducting the minor offence proceedings.

(2) If the proceedings end by a judgment finding the accused person liable for committing a minor offence, the court may, in the minor offence judgment and within the limits of its jurisdiction, grant the claim entirely or partly, and instruct the injured party to file a civil suit for the remaining claim. The judge shall also instruct the injured party to file a civil suit if the amount of damage cannot be determined or if the determination of damage would excessively delay the minor offence proceedings. The injured party shall always be instructed to file a civil suit if the minor offence proceedings are stayed.

(3) If the court conducting the minor offence proceedings declares itself to be a court that has no jurisdiction over the case, it shall instruct the injured party to assert his or her claim with the competent court.

14. Legal costs

Legal costs

Article 143

(1) The legal costs shall include:

1. expenses incurred by witnesses, expert witnesses, interpreters, inspections, and in serving documents via legal or natural persons that serve documents in physical form;
2. expenses incurred in house and personal searches, the seizure and search of electronic and related devices and electronic data media

- izdatki nastali v zvezi z zavarovanjem dokazov;
3. izdatki nastali v zvezi z zasegom, začasnim odvzemom oziroma odvzemom predmetov ter stroški hrambe, prodaje oziroma uničenja zaseženih in začasno odvzetih oziroma odvzetih predmetov;
 4. izdatki za privedbo obdolženca;
 5. potni stroški uradnih oseb;
 6. izdatki za zdravljenje obdolženca, dokler je pridržan, in stroški poroda;
 7. potni stroški obdolženca;
 8. sodna taksa;
 9. nagrada in potrebni izdatki zagovornika;
10. potrebni izdatki oškodovanca, njegovega zakonitega zastopnika in pooblaščenca;
 11. stroški zaradi hrambe, prodaje in uničenja odvzetih predmetov, nastali po pravnomočnosti odločbe oziroma sodbe.

(2) Stroški iz 1. do 6. in 11. točke prvega odstavka tega člena se v postopku o prekršku izplačujejo vnaprej iz sredstev organa, ki vodi postopek o prekršku, pozneje pa se izterjajo od tistega, ki jih je po 144. členu tega zakona dolžan plačati.

(3) Stroški za prevajanje v slovenski, italijanski ali madžarski jezik, ki nastanejo z uporabo določb zakona o pravici pripadnikov italijanske in madžarske narodne skupnosti do uporabe svojega jezika, se ne zaračunajo tistim, ki so po določbah tega zakona dolžni povrniti stroške postopka o prekršku.

(4) Stroški za prevajanje se ne zaračunajo obdolžencu, če ne razume ali ne govori jezika, v katerem teče postopek o prekršku.

Kdo plača stroške postopka

144. člen

- and expenses incurred in the preservation of evidence;
3. expensed incurred in the seizure, temporary confiscation or confiscation of items and expenses incurred in the storage, sale or destruction of seized, temporarily confiscated or confiscated items;
 4. expenses incurred in bringing the accused before the court;
 5. officials' travel expenses;
 6. expenses incurred in the medical treatment of the accused during detention, and the costs of giving birth;
 7. the travel expenses of the accused;
 8. court fees;
 9. remuneration for and necessary expenses incurred by the defence counsel;
 10. necessary expenses of the injured party, his or her statutory representative and authorised person;
 11. expenses incurred in the storage, sale and destruction of confiscated items incurred after the minor offence decision or judgment becomes final.

(2) The costs referred to in points 1 to 6 and point 11 of paragraph one of this Article shall be paid in advance from the funds available to the authority conducting the minor offence proceedings, and shall subsequently be collected from the person who, pursuant to Article 144 of this Act, is obliged to cover these costs.

(3) Within the framework of minor offence proceedings, the costs of translation into the Slovenian, Italian or Hungarian languages incurred in the application of the provisions of the Act governing the rights of members of the Italian and Hungarian ethnic minorities to use their mother tongue shall not be borne by persons who pursuant to the provisions of this Act are obliged to cover the legal costs of minor offence proceedings.

(4) Translation costs shall not be borne by the accused if he or she does not understand or speak the language in which the minor offence proceedings are conducted.

Payment of legal costs

Article 144

(1) Stroške postopka plača tisti, ki mu je bila izrečena sankcija za prekršek.

(2) Če je tekel postopek zaradi več prekrškov, tisti, ki mu je bila izrečena sankcija, ne trpi stroškov za tiste prekrške, glede katerih je bil postopek ustavljen, če se dajo ti stroški izločiti iz skupnih stroškov.

(3) Če je z isto odločbo izrečena sankcija več obdolžencem, se določi, kolikšen del stroškov plača vsak izmed njih, če tega ni mogoče določiti, plačajo vsi obdolženci nerazdelno plačilo stroškov postopka. Plačilo sodne takse se določi za vsakega obdolženca posebej.

(4) Stroški postopka, ki je bil ustavljen, bremenijo proračun.

(5) Sodišče, ki vodi postopek o prekršku, sme oprostiti obdolženca, ki mu je bila izrečena sankcija, povrnitve stroškov postopka iz prvega odstavka 143. člena tega zakona, razen nagrade in potrebnih izdatkov zagovornika, če bi bilo zaradi plačila stroškov ogroženo njegovo vzdrževanje ali vzdrževanje tistih, ki jih je dolžan preživljati. Če se te okoliščine ugotovijo po izdaji odločitve o stroških, sme sodišče na predlog obdolženca s posebnim sklepom oprostiti obdolženca povrnitve stroškov prekrškovnega postopka ali odložiti plačilo stroškov prekrškovnega postopka. Predlog lahko obdolženec poda najpozneje do izteka roka za plačilo, ki ga določi sodišče.

(6) Kdor vedoma vloži krivo prijavo o prekršku, plača stroške postopka.

Sklep o stroških

145. člen

(1) Legal costs shall be paid by the person on whom a minor offence sanction has been imposed.

(2) If the proceedings cover a number of minor offences, the person on whom a sanction has been imposed shall not cover the costs for those minor offences in respect of which the proceedings were stayed, if it is possible to exclude these costs from the total costs.

(3) If the same decision imposes a sanction on a number of accused persons, the individual proportions of the costs to be covered by individual accused persons shall be determined; if this is not possible, the accused shall cover the proceedings costs jointly and severally. The payment of the court fee shall be determined for every accused person separately.

(4) Legal costs incurred due to stayed proceedings shall be charged to the budget.

(5) The court conducting the minor offence proceedings may release an accused person on whom a sanction was imposed from covering the legal costs referred to in paragraph one of Article 143 of this Act, except for the remuneration of and necessary costs incurred by the defence counsel, if the payment of costs would threaten the accused person's sustenance or the sustenance of those whom he or she is obliged to sustain. If these circumstances are established after the decision on costs has been issued, the court may, on the proposal of the accused and by a special order, release the latter from covering the costs of the minor offence proceedings or defer the payment of these costs. The accused may submit such a proposal by the expiry of the time limit for payment set by the court at the latest.

(6) Anyone who intentionally files a false minor offence report shall pay the legal costs.

Order on costs

Article 145

(1) V sodbi o prekršku se določi, kdo plača stroške in kolikšni so.

(2) Če za ugotovitev stroškov ni zadosti podatkov, se izda pozneje o stroških postopka poseben sklep.

(3) Zahtevek s podatki o višini stroškov postopka, ki je bil ustavljen, se lahko poda najpozneje v treh mesecih od dneva, ko je bila pravnomočna sodba ali sklep vročen tistemu, ki ima pravico podati takšen zahtevek.

Posebni stroški

146. člen

(1) Obdolženec, oškodovanec, zagovornik, zakoniti zastopnik, pooblaščenec, zastopnik obdolžene pravne osebe, priča, izvedenec in tolmač plačajo ne glede na izid postopka o prekršku stroške svoje privedbe, preložitve dejanja v postopku o prekršku in druge stroške, ki so jih povzročili po svoji krivdi, kot tudi ustrezen znesek sodne takse.

(2) O stroških iz prejšnjega odstavka se odloči s posebnim sklepom.

Stroški v postopku s pravnimi sredstvi

147. člen

(1) O plačilu stroškov, ki nastanejo pri višjem sodišču, odloča dokončno to sodišče v skladu z določbami 143. do 146. člena tega zakona.

(2) Sodna taksa se ne določi, če je bilo z odločbo višjega sodišča odločeno v celoti ali deloma v obdolženčevo korist.

(1) A minor offence judgment shall specify the person responsible for covering the costs and the amount of the costs.

(2) If there is not sufficient data for the determination of costs, a special order on legal costs shall be issued subsequently.

(3) A claim including information on the amount of the costs of stayed proceedings may be filed at the latest within three months of the day on which the final judgment or order was served on the person entitled to file such a claim.

Special costs

Article 146

(1) Irrespective of the outcome of the minor offence proceedings, the accused, injured party, defence counsel, statutory representative, authorised person, accused legal person's representative, witness, expert witness and interpreter shall pay the costs of bringing them before the court, of the postponement of an act within minor offence proceedings and other costs caused by their fault, as well as the appropriate amount of the court fee.

(2) A special order shall be issued on the costs referred to in the preceding paragraph.

Costs of legal remedy proceedings

Article 147

(1) The payment of costs incurred by a higher court shall be decided on with finality by that court in compliance with the provisions of Articles 143 to 146 of this Act.

(2) No court fee shall be determined if the decision issued by the higher court is wholly or partially to the benefit of the accused.

(3) Sodna taksa se določi tudi, če je bila pritožba zavržena.

Stroški v postopku z izrednim pravnim sredstvom

148. člen

Glede plačila stroškov, ki nastanejo v postopku z izrednim pravnim sredstvom, se smiselno uporabljajo določbe 143. do 146. člena tega zakona.

Izdaja predpisov o stroških postopka

149. člen

Minister, pristojen za pravosodje, izda natančnejše predpise o stroških postopka o prekršku.

15. Pritožbeni postopek

Pritožba zoper sodbo o prekršku sodišča prve stopnje

150. člen

(1) Zoper sodbo o prekršku se lahko vloži pritožba na višje sodišče.

(2) Pritožbo v korist obdolženca lahko vložijo obdolženec oziroma njegov zagovornik, njegov zakonec ali oseba, ki živi z obdolžencem v zunajzakonski skupnosti, krvni sorodnik v ravni vrsti, zakoniti zastopnik, posvojitelj, posvojenec, brat, sestra ali rejnik. Za pravno osebo lahko vloži pritožbo njen zastopnik oziroma njen zagovornik.

(3) The court fee shall also be determined if the appeal is rejected.

Legal costs of extraordinary legal remedy proceedings

Article 148

The payment of costs incurred in extraordinary legal remedy proceedings shall be subject to *mutatis mutandis* application of the provisions of Articles 143 to 146 of this Act.

Issuance of regulations on legal costs

Article 149

The minister responsible for justice shall issue more detailed regulations governing the legal costs of minor offence proceedings.

15. Appeal proceedings

Appeal against a judgment issued by the court of first instance

Article 150

(1) An appeal may be filed with a higher court against a minor offence judgment.

(2) An appeal to the benefit of the accused may be filed by the accused or his or her defence counsel, his or her spouse or a person living in cohabitation with the accused, a direct blood relative, a statutory representative, an adoptive parent, an adoptive child, a brother, a sister or a foster parent. If the accused is a legal person, the appeal may be filed by the legal person's representative or defence counsel.

(3) Pritožbo lahko vloži tudi predlagatelj postopka. Predlagatelj se lahko pritoži tako v škodo, kot v korist obdolženca.

(4) Če je izrečena sankcija odvzema predmetov, ki niso last obdolženca, se sme lastnik predmetov pritožiti glede izreka o odvzemu predmetov.

(5) Zagovornik, zakonec ali oseba, ki živi z obdolžencem v zunajzakonski skupnosti, krvni sorodnik v ravni vrsti, zakoniti zastopnik, posvojitelj, posvojenec, brat, sestra in rejnik obdolženca lahko vložijo pritožbo tudi brez njegovega posebnega dovoljenja, vendar ne proti njegovi volji. Rok za pritožbo teče tudi v tem primeru od dneva, ko je bil prepis sodbe vročen obdolžencu oziroma njegovemu zagovorniku.

(6) Pravico do pritožbe imajo tudi tisti, ki so jim bile izrečene redovne globe.

Rok in način vložitve pritožbe ter rok za napoved pritožbe

151. člen

(1) Pritožba se vloži v osmih dneh po vročitvi sodbe.

(2) Rok za napoved pritožbe zoper odločbo, ki je bila ustno razglašena, začne teči z dnem ustne razglasitve odločbe. Če sodišče ni ustno razglasilo odločbe, ali če obdolženec, zagovornik, predlagatelj in lastnik odvzetih predmetov ob ustni razglasitvi odločbe niso bili navzoči, teče rok za napoved pritožbe od vročitve prepisa izreka odločbe. Če je vsaj eden od upravičencev do pritožbe pritožbo napovedal, teče rok za pritožbo od vročitve pisne sodbe.

(3) An appeal may also be filed by the initiator of the proceedings. The initiator may file an appeal both to the detriment and to the benefit of the accused.

(4) If the sanction of the confiscation of items that are not the property of the accused is imposed, the owner of the items may appeal against the imposition of the confiscation of items.

(5) The defence counsel, spouse or a person living in cohabitation with the accused, a direct blood relative, a statutory representative, an adoptive parent, an adoptive child, a brother, a sister or a foster parent of the accused may file an appeal without any special permission granted by the accused, but not against his or her will. The time limit for lodging the appeal shall in this event also run from the day on which a copy of the judgment was served on the accused or his or her legal representative.

(6) Persons imposed a fine for contempt of court shall also have the right to appeal.

Time limit for and method of lodging an appeal and the time limit for announcing an appeal

Article 151

(1) An appeal shall be filed within eight days of the day on which the judgment was served.

(2) The time limit for announcing an appeal against a decision that was announced orally shall commence on the day of its oral announcement. In cases where the court does not announce the judgment orally, or when the accused, his or her defence counsel, the initiator or the owner of confiscated items were not present at the oral announcement of the judgment, the time limit for lodging the appeal shall run from the day of the service of the copy of the decision. In cases where the appeal has been announced by at least one of the persons entitled to file an appeal, the time limit for lodging the appeal shall run from the day of the service of the written judgment.

(3) Pritožba se vloži pisno pri sodišču, ki je izdalo sodbo o prekršku in v zadostnem številu izvodov za sodišče, ki vodi postopek, za predlagatelja, obdolženca in zagovornika, da se jim vroči.

Odpoved pravici do pritožbe in umik

152. člen

(1) Obdolženec in predlagatelj se lahko odpovesta pravici do pritožbe, takoj, če je bila sodba o prekršku razglašena v njuni navzočnosti ali po prejemu sodbe o prekršku do konca pritožbenega roka, vloženo pritožbo pa lahko umakneta do izdaje odločbe višjega sodišča.

(2) Odpovedi pritožbi in umika pritožbe ni mogoče preklicati.

Vsebina pritožbe

153. člen

Pritožba mora obsegati navedbo sodbe, proti kateri je podana, razlog za izpodbijanje, obrazložitev, predlog, naj se razveljavi ali spremeni in pritožnikov podpis.

Razlogi za pritožbo

154. člen

Sodba o prekršku se sme izpodbijati:

1. zaradi bistvene kršitve določb postopka o prekršku;
2. zaradi kršitve materialnih določb tega zakona ali predpisa, ki določa prekršek;

(3) The appeal shall be filed in writing with the court that issued the minor offence judgment in a sufficient number of copies to serve the appeal on the court conducting the proceedings, the initiator, the accused and the defence counsel.

Waiving the right to appeal and withdrawing an appeal

Article 152

(1) The accused and the initiator may waive their right to appeal immediately if the minor offence judgment was announced in their presence, or after receipt of the minor offence judgment before the time limit for lodging an appeal expires; in addition, they may withdraw an already filed appeal before the higher court issues a decision.

(2) The waiver and withdrawal of an appeal may not be cancelled.

Content of appeals

Article 153

The appeal must specify the judgment against which it is filed, the reason for contesting the judgment, a statement of the grounds, a proposal to repeal or amend the judgment, and the appellant's signature.

Reasons for appeal

Article 154

A minor offence judgment may be contested due to any of the following:

1. a substantial violation of the provisions of minor offence proceedings;
2. a violation of the substantive provisions of this Act or the regulation governing the minor offence;

3. zaradi zmotne ali nepopolne ugotovitve dejanskega stanja;
4. zaradi odločitve o sankcijah, o odvzemu premoženjske koristi, o stroških postopka o prekršku in o premoženjskopravnem zahtevku.

Bistvena kršitev določb postopka

155. člen

(1) Bistvena kršitev določb postopka o prekršku je podana:

1. če je v postopku sodelovala uradna oseba, ki bi morala biti izločena (84. člen) ali je s pravnomočno odločbo bila izločena (87. člen);
2. če je obdolžilni predlog podal nekdo, ki ne more biti predlagatelj;
3. če obdolženec v postopku o prekršku ni bil zaslišan pred izdajo sodbe o prekršku, razen v primerih iz drugega odstavka 69. člena ter prvega odstavka 129.a člena tega zakona;
4. če je bil obdolženec ali njegov zagovornik kljub svoji zahtevi na ustni obravnavi ali med izvajanjem drugih dejanj v postopku o prekršku prikrajšan za pravico uporabe svojega jezika oziroma jezika, ki ga razume in za pravice, da v svojem jeziku oziroma jeziku, ki ga razume spremlja potek ustne obravnave oziroma postopka;
5. če je bil zahtevak, podan v obdolžilnem predlogu, prekoračen;
6. če se sodba o prekršku opira na dokaz, ki je bil pridobljen s kršitvijo z ustavo določenih človekovih pravic in temeljnih svoboščin ali na dokaz, na katerega se po določbah tega zakona ne more opirati;
7. če je bila s sodbo o prekršku prekršena določba dvanajstega odstavka 129.a člena ali dvanajstega odstavka 163. člena tega zakona;
8. če je izrek sodbe nerazumljiv, če nasprotuje sam sebi ali razlogom sodbe; ali če sodba nima razlogov oziroma so razlogi nerazumljivi.

3. the erroneous or incomplete determination of the facts;
4. a decision on sanctions, the confiscation of proceeds, the legal costs of minor offence proceedings and an indemnification claim.

Substantial violations of the provisions governing proceedings

Article 155

(1) A substantial violation of the provisions governing minor offence proceedings shall be deemed to have been committed:

1. when an official participated in the proceedings who should have been recused (Article 84) or was formally recused on the basis of a final decision (Article 87);
2. when the accusatory instrument has been filed by a person who cannot be an initiator;
3. when the accused was not examined in minor offence proceedings before the minor offence judgment was issued, except for the cases referred to in paragraph two of Article 69 and paragraph one of Article 129a of this Act;
4. when, despite his or her request during the oral examination or during the performance of other acts in minor offence proceedings, the accused or his or her defence counsel were deprived of the right to use his or her mother tongue or a language he or she understands, and of the right to follow the oral examination and proceedings in his or her mother tongue or a language he or she understands;
5. when the claim specified in the accusatory instrument has been exceeded;
6. when the minor offence judgment relies on evidence obtained through a violation of constitutionally guaranteed human rights and fundamental freedoms, or on evidence on which it cannot be based pursuant to the provisions of this Act;
7. when the minor offence judgment violated the provisions of paragraph twelve of Article 129a or paragraph twelve of Article 163 of this Act;
8. when the operative part of the judgment is incomprehensible, if it is in contradiction with itself or with the grounds for the judgment, or if the judgment indicates no reasons or if the reasons are incomprehensible.

(2) Bistvena kršitev določb postopka o prekršku je podana tudi, če sodišče med postopkom ali ob izdaji sodbe ni uporabilo ali je nepravilno uporabilo kakšno drugo določbo tega zakona, pa je to vplivalo ali bi moglo vplivati na zakonitost sodbe.

Kršitev materialnih določb zakona

156. člen

Kršitev materialnih določb tega zakona ali predpisa, ki določa prekršek, je podana, če je kršitev podana glede vprašanja:

1. ali je dejanje, zaradi katerega je zoper obdolženca začel postopek, prekršek;
2. ali so podane okoliščine, ki izključujejo odgovornost za prekršek;
3. ali so podane okoliščine, ki izključujejo postopek o prekršku, zlasti pa ali je pregon za prekršek zastaral in ali je o zadevi že pravnomočno odločeno;
4. ali je bil glede prekrška, ki je predmet obdolžilnega predloga uporabljen predpis, ki se ne bi smel uporabiti;
5. ali je bila z odločitvijo o sankcijah ali odvzemu premoženjske koristi prekoračena pravica, ki jo ima po zakonu sodišče;
6. ali so bile prekršene določbe o vštetju pridržanja ali pripora.

Zmotna in nepopolna ugotovitev dejanskega stanja

157. člen

(1) Dejansko stanje je zmotno ugotovljeno, če je kakšno odločilno dejstvo zmotno ugotovljeno, ali če je iz ugotovljenih dejstev napravljen nepravilen sklep.

(2) A substantial violation of the provisions governing minor offence proceedings shall also be deemed to have been committed if during the proceedings or upon issuing the judgment the court failed to apply or incorrectly applied any other provision of this Act where this affected or could have affected the legality of the judgment.

Violations of the substantive provisions of an Act

Article 156

A violation of the substantive provisions of this Act or the regulation governing the minor offence shall be deemed to have been committed if the violation is associated with the following questions:

1. whether the act due to which proceedings have been initiated against the accused is a minor offence;
2. whether circumstances excluding minor offence liability exist;
3. whether circumstances excluding minor offence proceedings exist, and particularly whether minor offence prosecution has become statute-barred, and whether a final decision deciding the case has already been issued;
4. whether a regulation that should not have been applied has nevertheless been applied in relation to the minor offence that is the subject of the accusatory instrument;
5. whether the decision on sanctions or the confiscation of proceeds has transgressed any rights that pursuant to an Act are vested in the court;
6. whether the provisions on the inclusion of the period of detention or custody have been violated.

Erroneous and incomplete determination of the facts

Article 157

(1) The facts have been erroneously determined where a mistake has been made in determining a specific decisive fact, or if an incorrect conclusion has been made on the basis of the facts established.

(2) Dejansko stanje je nepopolno ugotovljeno, če kakšno odločilno dejstvo sploh ni bilo ugotovljeno.

(3) Pri uveljavljanju zmotne in nepopolne ugotovitve dejanskega stanja na podlagi novih dejstev in dokazov mora pritožnik verjetno izkazati, da jih brez svoje krivde ni mogel uveljavljati v postopku na prvi stopnji. Ko se sklicuje na nova dejstva, mora navesti dokaze, s katerimi naj bi se ta dejstva dokazovala; ko se sklicuje na nove dokaze, pa mora navesti dejstva, ki jih s temi dokazi želi dokazati.

Izpodbijanje odločitve o sankciji

158. člen

(1) Sodba o prekršku se sme izpodbijati zaradi odločitve o sankciji tudi tedaj, če z njo sicer ni bila prekoračena zakonita pravica sodišča, ki vodi postopek, vendar to sodišče ni pravilno odmerilo sankcije glede na okoliščine, ki vplivajo na to, ali naj bo sankcija večja ali manjša.

(2) Odločitev o sankciji se sme izpodbijati tudi zaradi tega, ker je sodišče prve stopnje nepravilno uporabilo določbe o opominu, o odpustitvi, neizreku ali o izključitvi sankcije ali ker teh določb ni uporabilo, čeprav so bili za to podani zakoniti pogoji.

(3) Odločitev o odvzemu premoženjske koristi se sme izpodbijati tudi, če sicer ne gre za kršitev materialnopravnih določb tega zakona ali predpisa, ki določa prekršek, pač pa je sodišče prve stopnje nepravilno izdalo to odločitev ali ni izreklo odvzema premoženjske koristi, čeprav so bili za to podani zakoniti pogoji.

(4) Odločitev o stroških postopka in o premoženjskopravnem zahtevku se sme izpodbijati, če je sodišče o teh vprašanjih odločilo v nasprotju z določbami tega zakona.

(2) The facts have been incompletely determined where a certain decisive fact has not been established at all.

(3) In claiming erroneous and incomplete determination of the facts on the basis of new facts and evidence, the appellant must plausibly demonstrate that he or she was unable to rely on these facts and evidence in the proceedings in the first instance through no fault of his or her own. In cases where he or she refers to new facts, he or she must specify the evidence on the basis of which these facts are supposed to be proved; when he or she refers to new evidence, he or she must specify the facts that he or she wishes to prove on the basis of this evidence.

Contesting a decision on sanctions

Article 158

(1) A minor offence judgment may also be contested due to a decision on sanctions if, despite the fact that the judgment did not transgress the lawful right of the court conducting the proceedings, the court has failed to determine the sanction proportionately with circumstances that affect the severity of the sanction.

(2) In addition, a decision on sanctions may be contested if the court of first instance incorrectly applied the provisions on cautions, the release from, non-imposition of, or exclusion of sanctions, or if it failed to apply these provisions although all legal conditions were fulfilled therefor.

(3) The decision on the confiscation of proceeds may also be contested if, despite the fact that the decision did not involve a violation of the substantive law provisions of this Act or the regulation governing the minor offence, the court of first instance issued the decision incorrectly or failed to impose the confiscation of proceeds although all legal conditions were fulfilled therefor.

(4) The decision on legal costs and an indemnification claim may be contested if the court decided on these issues in contravention of the provisions of this Act.

Preizkus sodbe o prekršku

159. člen

Višje sodišče preizkusi sodbo o prekršku v tistem delu, v katerem se s pritožbo izpodbija, vendar mora vselej po uradni dolžnosti preizkusiti, ali je podana bistvena kršitev določb postopka o prekršku iz 1., 5., 6., 7. in 8. točke prvega odstavka 155. člena ter ali so bile v škodo obdolženca kršene materialne določbe zakona ali predpisa, ki določa prekršek (156. člena tega zakona).

Omejeno sklicevanje na kršitve

160. člen

Na kršitev zakona iz 1. točke prvega odstavka 155. člena tega zakona se sme pritožnik sklicevati v pritožbi samo, če na kršitev ni mogel opozoriti med postopkom o prekršku, ali če je nanjo opozoril, pa je sodišče prve stopnje ni upoštevalo.

Prepozna ali nedovoljena pritožba

161. člen

(1) Pritožba je prepozna, če je vložena po poteku zakonskega roka.

(2) Pritožba je nedovoljena, če jo je podala oseba, ki nima pravice do pritožbe ali oseba, ki se je pritožbi odpovedala, če je bila pritožba umaknjena ali pa po umiku pritožbe ponovno vložena ali če pritožba po zakonu ni dovoljena.

Review of a minor offence judgment

Article 159

The higher court shall review the part of a minor offence judgment that is contested by an appeal, but it must also review, *ex officio*, whether a substantial violation of the provisions governing minor offence proceedings referred to in points 1, 5, 6, 7 and 8 of paragraph one of Article 155 has been committed, and whether the substantive provisions of the Act or the regulation governing the minor offence have been violated to the detriment of the accused (Article 156 of this Act).

Limited reference to violations

Article 160

In an appeal, the appellant may refer to the violation referred to in point 1 of paragraph one of Article 155 of this Act only if he or she was unable to draw attention to this violation during the minor offence proceedings, or if he or she drew attention to this violation but the court of first instance failed to take notice.

Late or inadmissible appeals

Article 161

(1) An appeal shall be deemed late if it is filed after the expiry of the legal deadline.

(2) An appeal shall be deemed inadmissible if it has been filed by a person who does not have the right to appeal or by a person who waived the right to appeal, if the appeal has been withdrawn or re-filed after having been withdrawn, or if the appeal is inadmissible pursuant to an Act.

(3) Prepozno ali nedovoljeno pritožbo zavrže s sklepom sodišče prve stopnje. Proti sklepu, s katerim je bila prepozna ali nedovoljena pritožba zavržena, ima pritožnik pravico do pritožbe na višje sodišče.

(4) Sodišče prve stopnje pošlje pravočasno pritožbo s spisom brez odlašanja višjemu sodišču.

Navedbe o novih dejstvih in dokazih

162. člen

O navedbah v pritožbi, ki se tičejo novih dokazov in novih dejstev, se lahko sodnik poročevalec prepriča preko sodišča, ki je izdalo sodbo o prekršku. Lahko pa si od tega sodišča preskrbi tudi poročilo o kršitvah določb postopka o prekršku.

Odločanje višjega sodišča o pritožbi

163. člen

(1) Višje sodišče s sklepom zavrže prepozno ali nedovoljeno pritožbo, če tega ni storilo sodišče prve stopnje.

(2) Višje sodišče odloči o pritožbi tako, da sodbo sodišča prve stopnje potrdi, razveljavi ali spremeni.

(3) Višje sodišče zavrne pritožbo kot neutemeljeno in s sodbo potrdi sodbo sodišča prve stopnje, če ugotovi, da niso podani razlogi, zaradi katerih se sodba izpodbija, in tudi ne take kršitve, na katere mora paziti po uradni dolžnosti (159. člen).

(4) Višje sodišče ugotovi pritožbi, odpravi ugotovljene kršitve ali

(3) Late or inadmissible appeals shall be rejected by the court of first instance by an order. The appellant shall have the right to file an appeal with a higher court against the order rejecting a late or inadmissible appeal.

(4) The court of first instance shall without delay send an appeal filed in due time, together with the relevant file, to the higher court.

Allegations of new facts and evidence

Article 162

The reporting judge may check the allegations of new evidence and facts specified in the appeal with the court that issued the minor offence judgment. He or she may also obtain from this court a report on the violations of the provisions governing minor offence proceedings.

Deciding on appeals by the higher court

Article 163

(1) The higher court shall issue an order to reject a late or inadmissible appeal when this has not been already done by the court of first instance.

(2) The higher court shall decide on the appeal by upholding, repealing or amending the minor offence judgment of the court of first instance.

(3) The higher court shall dismiss an appeal as unfounded and issue a judgment upholding the judgment issued by the court of first instance if it finds that the reasons for which the judgment is being contested do not exist and that there are also no violations that the court must consider *ex officio* (Article 159).

(4) The higher court shall grant the appeal, remedy the

jih odpravi po uradni dolžnosti in s sodbo odloči o zadevi, če je podana kršitev določb postopka o prekršku.

(5) Višje sodišče ugotovi pritožbi in s sklepom razveljavi sodbo o prekršku sodišča prve stopnje ali jo razveljavi po uradni dolžnosti ter zadevo vrne v novo odločitev, če ugotovi, da je podana bistvena kršitev določb postopka o prekršku iz 1., 2., 3., 4. in 8. točke prvega odstavka 155. člena tega zakona, kršitve postopka pa glede na njeno naravo ne more samo odpraviti.

(6) Višje sodišče na ustni obravnavi dopolni dokazni postopek po določbah rednega sodnega postopka in s sodbo odloči o zadevi, če spozna, da je to potrebno zaradi nepopolne ugotovitve dejanskega stanja, ki ga pritožnik uveljavlja na podlagi novih dejstev in dokazov, za katere je verjetno izkazal, da jih brez svoje krivde ni mogel uveljaviti v postopku na prvi stopnji.

(7) Višje sodišče na seji ali na ustni obravnavi ponovi posamezne izvedene dokaze po določbah rednega sodnega postopka in s sodbo odloči o zadevi, če spozna, da je zaradi zmotne ugotovitve dejanskega stanja dokazni postopek treba ponoviti.

(8) Višje sodišče izjemoma s sklepom razveljavi sodbo sodišča prve stopnje in vrne zadevo sodišču prve stopnje v novo sojenje, če glede na naravo stvari in okoliščine primera oceni, da samo ne more izvesti dokaznega postopka.

(9) Višje sodišče ugotovi pritožbi in s sodbo spremeni sodbo o prekršku sodišča prve stopnje ali jo spremeni po uradni dolžnosti, če ugotovi, da so bila odločilna dejstva v sodbi o prekršku sodišča prve stopnje pravilno ugotovljena, da pa je treba na ugotovljeno dejansko stanje ob pravilni uporabi predpisa izdati drugačno sodbo. Višje sodišče s sodbo spremeni sodbo o prekršku sodišča prve stopnje tudi, če spozna, da je treba pri odmeri sankcij za prekrške oziroma odvzemu

established violations or remedy them *ex officio* and issue a judgment in cases of a violation of the provisions governing minor offence proceedings.

(5) The higher court shall grant the appeal, and by an order shall repeal the minor offence judgment issued by the court of first instance or repeal it *ex officio* and refer the case for a new decision when it finds that a substantial violation of the provisions governing minor offence proceedings referred to in points 1, 2, 3, 4 and 8 of paragraph one of Article 155 of this Act has been committed, when it cannot itself remedy the violation of the proceedings on the grounds of its nature.

(6) The higher court shall, at the oral hearing, supplement the evidence-taking procedure in compliance with the provisions governing ordinary court proceedings and issue a judgment deciding the case when it becomes aware that this is necessary due to the incomplete determination of the facts alleged by the appellant on the basis of new facts and evidence that the appellant has plausibly demonstrated that he or she was unable to rely on in the proceedings in the first instance, through no fault of his or her own.

(7) The higher court shall repeat in a panel session or at the oral hearing the production of individual items of evidence presented in compliance with the provisions on ordinary court proceedings and issue a judgment deciding a case when it finds that the evidence-taking procedure needs to be repeated due to erroneous determination of the facts.

(8) By an order, the higher court shall exceptionally repeal the minor offence judgment issued by the court of first instance and refer the case to the court of first instance for a new trial when, with respect to the nature and circumstances of the case, it considers that it cannot itself carry out the evidence-taking procedure.

(9) The higher court shall grant the appeal and issue a judgment amending the minor offence judgment issued by the court of first instance or shall amend it *ex officio* when it finds that the decisive facts have been accurately determined in the minor offence judgment issued by the court of first instance, but that a different judgment must be issued taking into consideration the established facts in order to ensure the correct application of the regulation. The higher court shall issue a

premoženjske koristi drugače presoјati upoštevane okoliščine.

(10) Višje sodišče spremeni sodbo sodišča prve stopnje tudi takrat, kadar spozna, da je sodišče prve stopnje zmotno presodilo listine ali druge dokaze, ki jih ni samo izvedlo in je nanje oprlo sodbo.

(11) Če višje sodišče pri reševanju pritožbe ugotovi, da so razlogi, zaradi katerih je izdalo odločbo v korist obdolženca, v korist tudi kakšnemu drugemu obdolžencu, ki se ni pritožil ali se ni pritožil v tej smeri, ravna po uradni dolžnosti, kakor da bi se bil pritožil tudi ta.

(12) Če je pritožba vložena samo v korist obdolženca, se sodba o prekršku ne sme spremeniti v njegovo škodo.

164. člen (črtan)

Razširjen obseg pritožbe

165. člen

Pritožba zaradi zmotne ali nepopolne ugotovitve dejanskega stanja ali zaradi kršitve materialnopravnih določb tega zakona ali predpisa, ki določa prekršek, podana v korist obdolženca, obsega tudi pritožbo zaradi odločitve o sankcijah in o odvzemu premoženjske koristi.

166. člen (črtan)

Odločba višjega sodišča

judgment amending the minor offence judgment issued by the court of first instance also if it finds that the circumstances considered must be assessed in a different manner in the determination of minor offence sanctions or the confiscation of proceeds.

(10) The higher court may amend the minor offence judgment issued by the court of first instance also if it finds that the court of first instance made a mistake in assessing documents or other evidence that it did not produce on its own but on which it based its judgment.

(11) If, during its consideration of the appeal, the higher court finds that the reasons for which it has issued a decision to the benefit of the accused are also to the benefit of another accused person who did not file an appeal or filed a different appeal, it shall *ex officio* act as if the other accused person has also filed an appeal.

(12) If the appeal has been filed only to the benefit of the accused, the minor offence judgment may not be amended to the detriment of the accused.

Article 164 (Deleted)

Extended scope of an appeal

Article 165

An appeal due to erroneous or incomplete determination of the facts or due to a violation of the substantive law provisions of this Act or the regulation governing the minor offence filed to the benefit of the accused shall also comprise an appeal against the decision on sanctions and the confiscation of proceeds.

Article 166 (Deleted)

Decision by the higher court

167. člen

(1) Za odločbo višjega sodišča o pritožbi se smiselno uporabljajo določbe 135., 136. in 138. člena ter drugi odstavek 140. člena tega zakona.

(2) V obrazložitvi odločbe oceni višje sodišče navedbe pritožbe in navede kršitve materialnopravnih določb tega zakona ali predpisa, ki določa prekršek, ki jih je upoštevalo po uradni dolžnosti.

Reševanje drugih pritožb

168. člen

V skladu z določbami tega poglavja zakona je treba reševati tudi pritožbe zoper druge odločbe, izdane po tem zakonu v rednem sodnem postopku in druge odločbe, izdane v postopku o prekršku.

Enajsto poglavje IZREDNA PRAVNA SREDSTVA

Zahteva za varstvo zakonitosti

169. člen

(1) Zahteva za varstvo zakonitosti se lahko vloži zoper vsako odločbo, izdano na drugi stopnji, oziroma vsako pravnomočno odločbo, če je kršen ta zakon ali predpis, ki določa prekršek.

(2) Zahtevo za varstvo zakonitosti lahko vloži državni tožilec po uradni dolžnosti ali na pobudo osebe, ki ima pravico do pravnega sredstva po tem zakonu.

Article 167

(1) Decisions on appeals issued by the higher court shall be subject to *mutatis mutandis* application of the provisions of Articles 135, 136 and 138 and paragraph two of Article 140 of this Act.

(2) In the statement of the grounds of the decision, the higher court shall assess the allegations included in the appeal and list the violations of the substantive law provisions of this Act or the regulation governing the minor offence that it observed *ex officio*.

Resolution of other appeals

Article 168

Appeals against other decisions issued in compliance with this Act in ordinary court proceedings and other decisions issued during minor offence proceedings shall also be resolved pursuant to the provisions of this Chapter.

Chapter Eleven EXTRAORDINARY LEGAL REMEDIES

Request for the protection of legality

Article 169

(1) A request for the protection of legality may be filed against any decision issued in the second instance or against any final decision if this Act or the regulation governing the minor offence has been violated.

(2) A request for the protection of legality may be filed by a state prosecutor *ex officio* or on the motion of a person who has the right to a legal remedy under this Act.

(3) Pri odločanju o vložitvi zahteve za varstvo zakonitosti državni tožilec upošteva zlasti naravo in težo domnevne kršitve, pomen zadeve in posledice odločitve za pobudnika in druge udeležence v postopku ter potrebo po zagotavljanju pravne varnosti, enotne uporabe prava ali pomen za razvoj prava preko sodne prakse.

Odločanje o zahtevi za varstvo zakonitosti

170. člen

O zahtevi za varstvo zakonitosti odloča Vrhovno sodišče Republike Slovenije v senatu treh sodnikov na nejavni seji.

Smiselna uporaba določb zakona o kazenskem postopku za postopek za varstvo zakonitosti

171. člen

Glede postopka za varstvo zakonitosti se smiselno uporabljajo določbe zakona o kazenskem postopku o zahtevi za varstvo zakonitosti.

Odprava ali sprememba odločbe na predlog prekrškovnega organa

171.a člen

(1) Sodišče, ki je pristojno za odločanje o zahtevi za sodno varstvo, na predlog prekrškovnega organa odpravi ali spremeni pravnomočno odločbo o prekršku:

1. če jo je izdal stvarno nepristojni prekrškovni organ;

(3) When deciding on lodging a request for the protection of legality, the state prosecutor shall in particular take into account the nature and gravity of the alleged violation, the implications of the case and the consequences that the decision will have for the applicant and other participants in proceedings and the need to ensure legal certainty, the uniform application of the law or the implications for the development of the law through case law.

Deciding on requests for the protection of legality

Article 170

Requests for the protection of legality shall be decided on by the Supreme Court of the Republic of Slovenia, which shall sit in a closed panel of three judges.

***Mutatis mutandis* application of the provisions of the Criminal Procedure Act to the procedure for the protection of legality**

Article 171

The procedure for the protection of legality shall be subject to *mutatis mutandis* application of the provisions of the Criminal Procedure Act on a request for the protection of legality.

Annulment or amendment of a decision on the proposal of the minor offence authority

Article 171a

(1) The court that has jurisdiction to decide on requests for judicial protection shall, on the proposal of the minor offence authority, annul or amend the final minor offence decision provided that:

1. such decision was issued by a minor offence authority without subject-matter jurisdiction;

2. če se opira na drugo odločbo o prekršku ali na kakšno drugo odločbo, pa je bila ta odločba pravnomočno spremenjena, razveljavljena oziroma odpravljena;
3. če so bile z njo očitno v škodo storilca prekršene materialne določbe tega zakona ali predpisa, ki določa prekršek;
4. če se ugotovijo nova dejstva in predložijo novi dokazi, iz katerih očitno izhaja, da storilec ni storil prekrška in da tudi ni imel možnosti sodelovati v postopku, v katerem je bila zoper njega izdana odločba o prekršku, ker o njegovi istovetnosti niso bili predloženi resnični osebni podatki.

(2) Predlog za odpravo ali spremembo odločbe se ne more opirati na razlog, o katerem je sodišče že odločilo po zahtevi za sodno varstvo.

Postopek za odpravo ali spremembo odločbe

171.b člen

(1) Predlog za odpravo ali spremembo odločbe lahko prekrškovni organ vloži po uradni dolžnosti ali na pisno pobudo osebe, ki ji je izrečena sankcija, njenega zakonitega zastopnika oziroma zagovornika, lastnika odvzetih predmetov, državnega tožilca ali sodišča. Prekrškovni organ na pobudo ni vezan, razen če jo poda sodišče ali državno tožilstvo. Prekrškovni organ mora o vložitvi predloga in odločitvi sodišča obvestiti državnega tožilca ali sodišče, ki je vložilo pobudo.

(2) Sodišče o predlogu odloči s sklepom, zoper katerega ni pravnega sredstva.

(3) Za odločanje sodišča o predlogu za odpravo ali spremembo odločbe na predlog prekrškovnega organa se smiselno uporabljajo določbe tega zakona za odločanje sodišča o zahtevi za sodno varstvo.

2. such decision relies on some other minor offence decision or another decision that was amended, repealed or annulled by a final decision;
3. such decision manifestly violated the substantive provisions of this Act or of the regulation governing the minor offence to the detriment of the perpetrator;
4. new facts are established and new evidence is submitted that manifestly indicate that the perpetrator did not commit the minor offence, nor was he or she given the opportunity to participate in the proceedings in which a minor offence decision was issued against him or her because false data on his or her identity had been submitted.

(2) A proposal for the annulment or amendment of a decision may not rely on grounds that have already been decided on by a court in a request for judicial protection.

Proceedings concerning the annulment or amendment of a decision

Article 171b

(1) A proposal for the annulment or amendment of a decision may be filed *ex officio* by the minor offence authority or following a written motion of the person on whom the sanction was imposed, his or her legal representative or defence counsel, the owner of confiscated items, the state prosecutor or a court. The minor offence authority shall not be bound by the motion except when it has been submitted by the court or the state prosecutor's office. The minor offence authority shall notify the state prosecutor or the court that submitted the motion on the proposal filed and the decision of the court.

(2) The court shall decide on the proposal by an order, against which there shall be no legal remedy.

(3) In deciding on proposals for the annulment or amendment of a decision, on the proposal of the minor offence authority, the court shall apply, *mutatis mutandis*, the provisions of this Act governing the court's decision-making on requests for judicial protection.

Rok za vložitev predloga

171.c člen

Predlog za odpravo ali spremembo odločbe o prekršku se lahko vloži najpozneje v treh letih od njene pravnomočnosti oziroma do izteka trajanja stranskih sankcij.

Učinki odprave ali spremembe odločbe o prekršku

171.č člen

(1) Če je odločba odpravljena iz razloga po 1. točki prvega odstavka 171.a člena tega zakona, prekrškovni organ po odpravi odločbe pošlje predlog pristojnemu prekrškovnemu organu oziroma vloži obdolžilni predlog pri pristojnem sodišču.

(2) Če je podan razlog iz 2. ali 3. točke prvega odstavka 171.a člena tega zakona, sodišče spremeni odločbo prekrškovnega organa.

(3) V novem odločanju se ne sme izdati odločba, ki bi bila v primerjavi z odpravljeno ali spremenjeno odločbo v škodo kršitelja glede pravne opredelitve prekrška oziroma sankcije za prekršek.

Dvanajsto poglavje POSTOPEK PROTI MLADOLETNIKOM

Uporaba določb v postopku proti mladoletnikom

172. člen

Time limit for filing a proposal

Article 171c

Proposals for the annulment or amendment of a minor offence decision may be filed within three years of the date when it became final or by the date of the termination of secondary sanctions, at the latest.

Effects of the annulment or amendment of a minor offence decision

Article 171č

(1) Where a decision has been annulled on the grounds referred to in point 1 of paragraph one of Article 171a of this Act, the minor offence authority shall, following the annulment of the decision, send the proposal to the competent minor offence authority or file the accusatory instrument with the competent court.

(2) When the grounds referred to in points 2 or 3 of paragraph one of Article 171a of this Act have been met, the court shall amend the decision of the minor offence authority.

(3) New proceedings shall not result in a decision that in comparison with the annulled or amended decision would be detrimental to the offender with respect to the legal definition of the minor offence or the sanction for the minor offence.

Chapter Twelve PROCEEDINGS AGAINST JUVENILES

Application of provisions to proceedings against juveniles

Article 172

Določbe tega poglavja se uporabljajo v postopku proti osebam, ki so storile prekršek kot mladoletniki, pa ob začetku postopka o prekršku še niso stare 19 let. Druge določbe tega zakona se uporabljajo, kolikor niso v nasprotju z določbami tega poglavja.

Organi v postopku proti mladoletnikom

173. člen

Organi, ki sodelujejo v postopku proti mladoletniku, ter drugi organi in zavodi, od katerih se zahtevajo poročila in predlogi, so dolžni hitro ukrepati, da bi se postopek čimprej dokončal.

Krajevna pristojnost

174. člen

Za postopek o prekršku proti mladoletniku je krajevno pristojen sodnik sodišča oziroma oddelka sodišča, na območju katerega mladoletnik stalno ali začasno prebiva.

Enoten postopek

175. člen

Če je kdo storil en prekršek kot mladoleten, drugega pa kot polnoleten, se opravi enoten postopek po določbah, ki veljajo za polnoletne.

Izločitev postopka proti mladoletniku

The provisions of this Chapter shall apply to proceedings against persons who committed a minor offence as a juvenile and who at the time of the institution of minor offence proceedings had not reached nineteen years of age. The other provisions of this Act shall apply provided that they are not in contravention of the provisions of this Chapter.

Authorities in proceedings against juveniles

Article 173

The authorities participating in proceedings against juveniles and other authorities and institutions from which reports and proposals are requested shall be obliged to take action promptly so that the proceedings are completed as soon as possible.

Territorial jurisdiction

Article 174

Territorial jurisdiction over minor offence proceedings against juveniles shall be vested in a judge of the court or the court department in whose territory the juvenile has permanent or temporary residence.

Joint proceedings

Article 175

If a person commits one minor offence as a juvenile and another one as an adult, joint proceedings shall be conducted pursuant to the provisions applying to adults.

Exclusion of proceedings against juveniles

176. člen

(1) Če je mladoletnik sodeloval pri prekršku skupaj s polnoletnimi storilci, se postopek proti njemu izloči.

(2) Postopek proti mladoletniku se sme združiti s postopkom zoper polnoletne storilce in opraviti po splošnih določbah tega zakona samo, če je združitev postopka nujna za vsestransko razjasnitev stvari.

(3) Če se opravi enoten postopek proti mladoletniku in polnoletnim storilcem, se glede mladoletnika vselej uporabijo določbe tega poglavja.

Obvestitev o začetku postopka proti mladoletniku

177. člen

(1) O začetku postopka o prekršku proti mladoletniku obvesti sodišče starše, posvojitelja, rejnika oziroma skrbnika mladoletnika ter pooblaščen organ socialnega varstva, razen v primeru, ko je globa za prekršek predpisana v določenem znesku.

(2) V postopku proti mladoletnikom ima organ socialnega varstva poleg pravic, ki so mu izrecno dane v tem poglavju, tudi pravico seznaniti se s potekom postopka, dajati med postopkom predloge in opozarjati na dejstva in dokaze, ki so pomembni za pravilno odločbo.

Vabilo mladoletnika

178. člen

Article 176

(1) In cases where a juvenile participates in a minor offence together with adult perpetrators, proceedings against him or her shall be separate.

(2) Proceedings against a juvenile may be joined with proceedings against adult perpetrators and conducted pursuant to the general provisions of this Act only if this is necessary for the complete clarification of issues.

(3) If joint proceedings are conducted against juvenile and adult perpetrators, the provisions of this Chapter shall apply to the juvenile at all times.

Notice of the institution of proceedings against juveniles

Article 177

(1) With regard to the institution of proceedings against a juvenile, the court shall notify the juvenile's parents, adoptive parents, foster parents or guardians of the juvenile, and the authorised social welfare authority, unless a fine in a specific amount is prescribed for the minor offence.

(2) In proceedings against juveniles, the social welfare authority shall have, in addition to the rights explicitly vested in it on the basis of this Chapter, the right to be notified of the course of the proceedings, to put forward proposals during the proceedings, and to draw attention to facts and evidence important for the issuance of a correct decision.

Summoning a juvenile

Article 178

(1) Mladolenika vabi sodišče po starših oziroma zakonitem zastopniku, razen če to ni mogoče, ker je treba hitro ravnati, ali zaradi drugih okoliščin.

(2) Mladoleniku se ne smejo vročiti pisanja na ta način, da bi se pritrdila na oglasno desko sodišča.

(3) Ustno naznanjene odločbe se morajo mladoleniku vselej vročiti v overjenem prepisu.

Izključitev javnosti

179. člen

(1) Kadar se odloča v postopku o prekršku proti mladoleniku na ustni obravnavi, se javnost vselej izključi.

(2) Sodnik sodišča, ki vodi postopek o prekršku proti mladoleniku, sme dovoliti, da so na ustni obravnavi navzoče osebe, ki se ukvarjajo z varstvom in vzgojo mladolenika ter znanstveni delavci.

(3) Sodišče, ki vodi postopek o prekršku proti mladoleniku, sme odrediti, naj se mladolenik med izvedbo posameznih dokazov odstrani z ustne obravnave.

Obvezno zaslišanje

180. člen

(1) V postopku proti mladoleniku se sodba oziroma sklep o prekršku ne moreta izdati brez njegovega zaslišanja.

(2) Pri procesnih dejanjih, pri katerih je mladolenik navzoč, zlasti pa pri njegovem zaslišanju, mora sodišče, ki vodi postopek, ravnati

(1) A juvenile shall be summoned by the court via his or her parents or statutory representative, unless this is not possible because the court must act swiftly or due to other circumstances.

(2) A juvenile may not be served a summons by it being affixed to the court's notice board.

(3) Orally announced decisions must always be submitted to a juvenile in the form of a certified copy.

Exclusion of the public

Article 179

(1) In cases where minor offence proceedings against a juvenile are decided on in an oral hearing, the public shall be excluded at all times.

(2) The judge of a court conducting minor offence proceedings against a juvenile may permit that the oral hearing be attended by the persons responsible for caring for and educating the juvenile and by specialists.

(3) A court conducting minor offence proceedings against a juvenile may order that the juvenile be removed from the oral hearing during the production of certain evidence.

Compulsory examination

Article 180

(1) In proceedings against a juvenile, no minor offence judgment or order may be issued without the juvenile having been examined first.

(2) During procedural acts attended by a juvenile, and particularly during his or her examination, the court conducting the

obzirno in upoštevati mladoletnikovo duševno razvitost, občutljivost in osebne lastnosti, da ne bi postopek škodljivo vplival na njegov razvoj.

Dolžnost pričevanja

181. člen

Nihče ne more biti oproščen dolžnosti pričevanja o okoliščinah, ki so potrebne za presojo mladoletnikove duševne razvitosti, ter za spoznanje njegove osebnosti in razmer, v katerih živi.

Ugotavljanje okoliščin

182. člen

(1) V postopku o prekršku proti mladoletniku je treba poleg dejstev, ki se nanašajo na prekršek, zlasti ugotoviti mladoletnikovo starost in okoliščine, ki so potrebne za presojo njegove duševne razvitosti, preučiti okolje in razmere, v katerih mladoletnik živi ter druge okoliščine, ki zadevajo njegovo osebnost.

(2) Da se ugotovijo te okoliščine, je treba zaslišati mladoletnikove starše, njegove skrbnike in druge, ki lahko dajo o njih potrebne podatke. O teh okoliščinah se zahteva po potrebi poročilo pooblaščenega organa socialnega varstva.

Pravice v postopku

183. člen

V postopku o prekršku proti mladoletniku imajo pooblašчени

proceedings must act tactfully and take into account the juvenile's level of mental development, sensitivity and other personality traits in order to prevent the proceedings from having harmful effects on his or her development.

Duty to testify

Article 181

No one may be exempt from the duty to testify on the circumstances required for assessing a juvenile's level of mental development and learning of his or her personality and the conditions in which he or she lives.

Establishment of circumstances

Article 182

(1) In addition to the facts concerning the minor offence, minor offence proceedings against a juvenile must in particular establish the juvenile's age and the circumstances required to assess the juvenile's level of mental development, investigate the environment and conditions in which the juvenile lives, and establish any other circumstances regarding his or her personality.

(2) In order to establish these circumstances, the court must examine the juvenile's parents, guardians and other persons who can give information on these circumstances. If necessary, a report shall be requested from the authorised social welfare authority on these circumstances.

Rights during proceedings

Article 183

During minor offence proceedings against a juvenile, the

organ socialnega varstva in starši, posvojitelj, rejnik in skrbnik mladoletnika poleg pravic, ki so jim izrecno dane v tem poglavju, tudi pravico, seznaniti se s potekom postopka, dajati med postopkom predloge in opozarjati na dejstva in dokaze, ki so pomembni za pravilno odločitev.

Ustavitev postopka

184. člen

Če se med postopkom ugotovi, da mladoletnik ob storitvi prekrška še ni bil star 14 let, se postopek ustavi in o tem obvesti pooblaščen organ socialnega varstva.

Odločitev, da se postopek ne začne

185. člen

(1) Sodnik lahko odloči, da ne bo začel postopka proti mladoletniku, čeprav so dokazi, da je mladoletnik storil prekršek, če glede na naravo prekrška in okoliščine, v katerih je bil prekršek storjen, spozna, da postopek proti njemu ne bi bil smotrn.

(2) Sodnik, ki vodi postopek o prekršku proti mladoletniku, lahko s sklepom ustavi postopek, če med postopkom spozna, da mladoletniku ne bi bilo smotno izreči sankcije. V ta namen lahko zahteva poročila od mladoletnikovih staršev oziroma skrbnika ter od drugih oseb in ustanov.

(3) V primeru iz prvega odstavka tega člena se obdolžilni predlog s sklepom zavrne. Sklep o zavrnitvi predloga in sklep o ustavitvi postopka iz prejšnjega odstavka se dostavi tudi pooblaščenemu organu socialnega varstva in mladoletnikovim staršem oziroma skrbniku, da storijo potrebne ukrepe v skladu z njihovimi pravicami in dolžnostmi.

authorised social welfare authority and the parents, adoptive parents, foster parents or guardians of the juvenile shall have, in addition to the rights explicitly vested in them on the basis of this Chapter, the right to be notified of the course of the proceedings, to put forward proposals, and draw attention to facts and evidence important for the issuance of a correct decision.

Stay of proceedings

Article 184

If during proceedings it is established that the juvenile had not yet reached fourteen years of age at the time when he or she committed the minor offence, the proceedings shall be stayed and the authorised social welfare authority shall be notified thereof.

Decision not to initiate proceedings

Article 185

(1) The judge may decide not to initiate proceedings against a juvenile although there is evidence that the juvenile committed a minor offence when, taking into account the nature of the minor offence and the circumstances under which it was committed, he or she finds that it would not be expedient to initiate proceedings against him or her.

(2) A judge conducting minor offence proceedings against a juvenile may issue an order to stay the proceedings if during the proceedings he or she finds that it would not be expedient to impose a sanction. To this end, he or she may request a report from the juvenile's parents or guardian, and from other persons and institutions.

(3) In the case referred to in paragraph one of this Article, the accusatory instrument shall be dismissed by an order. The order dismissing the accusatory instrument and the order staying the proceedings referred to in the preceding paragraph shall also be submitted to the authorised social welfare authority and to the juvenile's

(4) Mladoleniku se odločbe vročajo po starših.

Vsebina odločbe

186. člen

(1) Vzgojni ukrep izreče sodišče mladoleniku s sklepom o prekršku, v katerem navede samo, katero sankcijo mu izreče, ne izreče pa, da je mladolenik odgovoren za prekršek, glede katerega je bil uveden postopek. V obrazložitvi sklepa opiše dejanje in navede okoliščine, ki opravičujejo izrečeno sankcijo.

(2) Sodba, s katero se izreče mladoleniku globa, mora biti izdana v obliki in s sestavnimi deli, ki so določeni za sodbo v rednem sodnem postopku.

Ni plačila stroškov postopka

187. člen

(1) Mladolenik in oseba iz 172. člena tega zakona ne plača stroškov postopka o prekršku in se mu ne more v postopku o prekršku naložiti izpolnitev premoženjskoprnega zahtevka, razen če mu je bila izrečena globa.

(2) Če ima mladolenik lastne dohodke ali premoženje, se mu lahko naloži plačilo stroškov postopka o prekršku in izpolnitev premoženjsko pravnega zahtevka, tudi če se mu izreče le vzgojni ukrep.

Pritožba v mladolenikovo korist

parents or guardian so that they may take all necessary measures in compliance with their rights and obligations.

(4) A juvenile shall be served decisions through his or her parents.

Content of decisions

Article 186

(1) The court shall impose an educational measure on a juvenile by a minor offence order in which it shall only specify which sanction shall be imposed, but it shall not indicate that the juvenile is liable for the minor offence in relation to which the proceedings were initiated. The statement of the grounds of the order shall describe the act and specify the circumstances justifying the imposed the sanction.

(2) A judgment imposing a fine on a juvenile shall be issued in the form of and with the elements prescribed for a judgment issued in ordinary court proceedings.

Exemption from the payment of legal costs

Article 187

(1) Juveniles and the persons referred to in Article 172 of this Act shall not pay the legal costs of minor offence proceedings and may not be ordered to pay an indemnification claim, except when a fine is imposed.

(2) If a juvenile has his or her own source of income or property, he or she may be ordered to pay the legal costs of the minor offence proceedings and to pay an indemnification claim, even if only an educational measure is imposed on him or her.

Appeal to the benefit of a juvenile

188. člen

Zoper sklep oziroma sodbo, s katero je mladoletniku izrečen vzgojni ukrep ali globa, se lahko osebe, ki imajo pravico do pritožbe zoper sodbo o prekršku, pritožijo v mladoletnikovo korist tudi proti njegovi volji.

Objava poteka postopka

189. člen

(1) Brez dovoljenja sodnika, ki vodi postopek o prekršku, se ne sme objaviti poteka postopka o prekršku proti mladoletniku in tudi ne odločba, ki je bila v njem izdana.

(2) Objaviti se sme samo tisti del postopka oziroma samo tisti del odločbe, ki ga je sodnik, ki vodi postopek o prekršku, dovolil objaviti, vendar pa se niti v tem primeru ne sme objaviti mladoletnikovega imena in ne drugih podatkov, iz katerih bi se dalo sklepati, za katerega mladoletnika gre.

Trinajsto poglavje POSTOPEK ZA ODVZEM PREMOŽENJSKE KORISTI

Odvzem premoženjske koristi

190. člen

(1) Premoženjska korist, ki je bila dosežena s prekrškom, se ugotavlja v postopku o prekršku po uradni dolžnosti.

(2) Prekrškovni organ oziroma sodišče, ki vodi postopek o prekršku, mora med postopkom zbirati dokaze in raziskovati okoliščine, ki so pomembne za ugotovitev premoženjske koristi.

Article 188

Persons who have the right to appeal against a minor offence judgment may appeal to the benefit of a juvenile, even against the juvenile's will, against an order or a judgment imposing on the juvenile an educational measure or a fine.

Publication of information on the course of proceedings

Article 189

(1) Information on the course of minor offence proceedings against a juvenile and the decision issued in such proceedings may not be published without the permission of the judge conducting the minor offence proceedings.

(2) Only information on that part of the proceedings or part of the decision may be published for which the judge conducting the minor offence proceedings has given permission, but even in such case the juvenile's name and other data that could reveal the juvenile's identity may not be published.

Chapter Thirteen PROCEEDINGS FOR THE CONFISCATION OF PROCEEDS

Confiscation of proceeds

Article 190

(1) The proceeds of a minor offence shall be identified in minor offence proceedings *ex officio*.

(2) In the proceedings the minor offence authority or the court conducting the minor offence proceedings shall collect evidence and investigate the circumstances relevant to the identification of proceeds.

(3) Če uveljavlja oškodovanec premoženjskopravni zahtevek, naj se mu vrnejo stvari, ki so bile pridobljene s prekrškom, oziroma znesek, ki ustreza njegovi vrednosti, se ugotavlja premoženjska korist samo v tistem delu, ki ni zajet s premoženjskopравnim zahtevkom.

Odmera premoženjske koristi

191. člen

(1) Prekrškovni organ oziroma sodišče, ki vodi postopek o prekršku, lahko izjemoma odmeri znesek premoženjske koristi po prostem preudarku, če bi bilo njeno ugotavljanje povezano z nesorazmernimi težavami ali če bi se zaradi tega postopek preveč zavlekel.

(2) Če naj se odvzame premoženjska korist pravni osebi, se v odločbi oziroma sodbi ali sklepu o prekršku izreče samo odvzem premoženjske koristi. Znesek, ki se odvzame, se določi v posebnem postopku pred sodiščem z uporabo določb o odvzemu premoženjske koristi drugemu prejemniku koristi po zakonu, ki ureja kazenski postopek.

Izrek odvzema premoženjske koristi

192. člen

(1) Odvzem premoženjske koristi se izreče z odločbo o prekršku, s sodbo o prekršku oziroma s sklepom o prekršku, s katerim je bil izrečen vzgojni ukrep.

(2) V sodbi, odločbi oziroma sklepu o prekršku mora biti v izreku o odvzemu premoženjske koristi navedeno, kateri vrednostni predmet oziroma kolikšen denarni znesek se odvzame.

(3) V primeru, ko je s prekrškom pridobljena premoženjska korist javno znana (npr. parkirnina na javnih parkiriščih), in ne presega 40

(3) In cases where the injured party asserts an indemnification claim in order to recover items acquired through a minor offence or a monetary amount which is equivalent to the indemnification claim, only that part of the proceeds which is not covered by the indemnification claim shall be identified.

Determination of proceeds

Article 191

(1) The minor offence authority or the court conducting minor offence proceedings may, in exceptional circumstances, determine the amount of the proceeds at its own discretion, when any other manner of determination would be associated with disproportionate difficulties or would excessively delay the proceedings.

(2) In cases where proceeds are to be confiscated from a legal person, the minor offence decision, judgment or order shall impose the confiscation of proceeds exclusively. The amount to be confiscated shall be determined in separate proceedings before the court by applying the provisions on the confiscation of proceeds from other beneficiaries pursuant to the Act governing criminal proceedings.

Imposition of the confiscation of proceeds

Article 192

(1) The confiscation of proceeds shall be imposed in the form of a minor offence decision, minor offence judgment, or minor offence order imposing an educational measure.

(2) The operative part of the minor offence judgment, decision or order specifying the confiscation of proceeds shall indicate what valuable or monetary amount is to be confiscated.

(3) If the proceeds of a minor offence are publicly known (e.g. parking fees at public car parks) and do not exceed EUR 40, the

eurov, je odmera zneska premoženjske koristi obvezni sestavni del izreka odločbe oziroma sodbe ali sklepa o prekršku, ne glede na vrsto postopka.

(4) O odvzemu premoženjske koristi se lahko odloči tudi ločeno od izreka sankcije za prekršek, če bi se zaradi ugotavljanja premoženjske koristi preveč zavlekel postopek o prekršku.

Trinajsto a) poglavje

POSTOPEK ZA ODREDITEV NADOMESTNEGA ZAPORA

Pisno obvestilo in izjava storilca

192.a člen

(1) Ko organ, pristojen za izterjavo neplačane globe po pravilih upravne izvršbe ugotovi, da obstajajo okoliščine iz prvega ali drugega odstavka 20.a člena tega zakona, o tem obvesti sodišče, na območju katerega ima storilec stalno, če nima stalnega, pa začasno prebivališče.

(2) V obvestilu iz prejšnjega odstavka mora organ navesti:

- seznam neizterjanih glob, v katerem mora biti poleg zneska posamezne neplačane globe navedena pravilna številka odločbe ali plačilnega naloga, s katerim je bila globa izrečena, organ, ki je odločbo ali plačilni nalog izdal, in datum izvršljivosti,
- podatke, ki izkazujejo, da upravna izvršba ni bila uspešna, in
- druge podatke, s katerimi razpolaga, če ocenjuje, da so relevantni za odločanje sodišča.

(3) Če sodišče po prejemu obvestila in podatkov iz prvega in drugega odstavka tega člena ugotovi, da ni pogojev za odreditev

specification of the amount of the proceeds shall form a compulsory element of the operative part of the minor offence decision, judgment or order, irrespective of the type of proceedings.

(4) The confiscation of proceeds may be decided on separately from the imposition of a minor offence sanction if the identification of proceeds would excessively delay the minor offence proceedings.

Chapter Thirteen a)

PROCEEDINGS TO IMPOSE SUBSTITUTE IMPRISONMENT

Written notice and statement of the perpetrator

Article 192a

(1) When the authority responsible for the enforcement of unpaid fines pursuant to the rules governing administrative enforcement establishes the existence of the circumstances referred to in paragraphs one or two of Article 20a of this Act, it shall notify thereof the court in the territory of which the perpetrator has permanent residence or, if the perpetrator has no permanent residence, where he or she has temporary residence.

(2) In the notice referred to in the preceding paragraph the authority must indicate:

- the list of uncollected fines, which, in addition to the amount of individual unpaid fines, shall include the reference number of the decision or penalty notice imposing the fine, the authority that issued the decision or penalty notice, and the enforceable date,
- the data demonstrating that administrative enforcement was not successful, and
- other available data if it assesses that they are relevant to the court's decision-making.

(3) If the court, after receiving the notice and data referred to in paragraphs one and two of this Article, establishes that the conditions for

nadomestnega zavora, o tem obvesti organ iz prvega odstavka tega člena.

(4) Če sodišče po prejemu obvestila in podatkov iz prejšnjega odstavka ugotovi, da so izpolnjeni pogoji iz prvega ali drugega odstavka 20.a člena tega zakona, pošlje storilcu pisno obvestilo o uvedbi postopka za odreditev nadomestnega zavora, in ga pozove, da se v roku petih dni izjavi o vsebini obvestila. V tej izjavi storilec ne more uspešno uveljavljati ugovorov zoper pravnomočno sodbo, odločbo ali plačilni nalog, s katerim je bila izrečena globa, lahko pa predlaga nadomestitev plačila globe z delom v splošno korist oziroma navede in pojasni dejstva in okoliščine, povezane z nezmožnostjo plačila globe ali nezmožnostjo prestajanja nadomestnega zavora. Za svoje navedbe mora storilec predložiti dokaze.

(5) Pisno obvestilo o uvedbi postopka za odreditev nadomestnega zavora vsebuje:

- podatek o skupnem znesku neplačanih glob, katerih plačilo se nadomešča z zavorom, in število dni nadomestnega zavora. Pri tem sodišče navede tudi seznam neizterjanih glob, v katerem mora biti poleg zneska posamezne neplačane globe navedena pravilna številka odločbe ali plačilnega naloga, s katerim je bila globa izrečena, organ, ki je odločbo ali plačilni nalog izdal in datum pravnomočnosti,
- obvestilo storilcu, da se lahko v roku petih dni izjavi o vsebini obvestila,
- opozorilo storilcu, da v izjavi ne more uspešno uveljavljati ugovorov zoper pravnomočno odločbo ali plačilni nalog, s katerim je bila izrečena globa; če pa je v celoti ali delno globo plačal, naj ugovoru priloži dokazila,
- obvestilo storilcu, da lahko v izjavi predlaga nadomestitev plačila globe z delom v splošno korist skladno z določbo 192.b člena tega zakona,
- obvestilo storilcu, da lahko v izjavi navede in pojasni dejstva in okoliščine, povezane z nezmožnostjo plačila globe ali nezmožnostjo prestajanja nadomestnega zavora, pri čemer mora za svoje navedbe predložiti dokaze,
- obvestilo storilcu, da njegova neizjava ni ovira za nadaljevanje

imposing substitute imprisonment are not fulfilled, it shall notify the authority referred to in paragraph one of this Article thereof.

(4) If the court, after receiving the notice and data referred to in the preceding paragraph, establishes that the conditions referred to in paragraphs one or two of Article 20a of this Act are fulfilled, it shall send a written notice to the perpetrator regarding the institution of proceedings to impose substitute imprisonment and invite him or her to make a statement on the content of the notice within five days. In this statement, the perpetrator cannot successfully submit objections against the final judgment, decision or penalty notice imposing the fine, but he or she may propose to substitute the payment of the fine by community service or state and explain the facts and circumstances related to his or her inability to pay the fine or serve substitute imprisonment. The perpetrator must submit evidence supporting his or her allegations.

(5) The written notice on the institution of proceedings to impose substitute imprisonment shall include:

- the data on the total amount of unpaid fines whose payment is to be substituted by imprisonment and the number of days of substitute imprisonment. The court shall also indicate a list of uncollected fines, which, in addition to the amount of individual unpaid fines, shall include the reference number of the decision or penalty notice imposing the fine, the authority that issued the decision or penalty notice, and the date it becomes final,
- notification of the perpetrator that he or she may make a statement on the content of the notice within five days,
- a warning to the perpetrator that in the statement he or she cannot successfully submit objections against the final decision or penalty notice imposing the fine; if, however, he or she has paid the fine in whole or in part, he or she should submit an objection and attach the evidence thereof,
- notification of the perpetrator that in the statement he or she may propose to substitute the payment of the fine by community service in accordance with the provision of Article 192b of this Act,
- notification of the perpetrator that in the statement he or she may state and explain the facts and circumstances related to his or her inability to pay the fine or serve substitute imprisonment, in which case he or she must submit evidence supporting his or her allegations,
- notification of the perpetrator that failure to make a statement shall

- postopka in
- obvestilo storilcu, da se bo postopek odreditve nadomestnega zapora ustavil, če poravna vse neizterjane globe, navedene v sklepu.

(6) Če storilec v zakonsko določenem roku predlaga nadomestitev plačila globe z delom v splošno korist, sodišče nadaljuje postopek po določbah 192.b člena tega zakona.

(7) Če se storilec v zakonsko določenem roku ne izjavi ali če sodišče ugotovi, da v izjavi ni navedel dejstev in okoliščin, ki bi vplivale na odreditev nadomestnega zapora, ali zanje ni predložil dokazov, izda sodišče sklep o nadomestnem zaporu po določbah 192.c člena tega zakona.

(8) Če storilec v izjavi navede dejstva in predloži dokaze za okoliščine, ki po zakonu, ki ureja izvrševanje kazenskih sankcij, omogočajo odložitev začetka izvrševanja kazni zapora, sodišče v sklepu, s katerim izreče nadomestni zapor, odloči tudi o odložitvi izvršitve tega ukrepa, in sicer s smiselno uporabo določb zakona, ki ureja izvrševanje kazenskih sankcij.

(9) Če sodišče ugotovi, da je storilec v izjavi navedel dejstva in predložil dokaze, ki onemogočajo izvršitev in posledično odreditev nadomestnega zapora, ali če presodi, da nadomestni zapor glede na okoliščine konkretnega primera ne bi bil sorazmeren in pravičen ukrep, postopek ustavi in o tem obvesti organ iz prvega odstavka tega člena.

(10) Sodišče lahko v primeru iz sedmega, osmega in devetega odstavka tega člena pred odločitvijo oziroma pred izdajo sklepa o nadomestnem zaporu zaradi ugotavljanja relevantnih okoliščin v zvezi z odreditvijo nadomestnega zapora po potrebi izvede narok za zaslišanje storilca ali od njega zahteva pisno dopolnitev izjave in predložitve dodatnih dokazov.

- not prevent the proceedings from continuing, and
- notification of the perpetrator that the proceedings for ordering substitute imprisonment will be stayed if he or she pays all the uncollected fines listed in the order.

(6) If the perpetrator proposes, within the legally prescribed time limit, to substitute the payment of the fine by community service, the court shall continue the proceedings in accordance with the provisions of Article 192b of this Act.

(7) If the perpetrator does not make a statement within the legally prescribed time limit or where the court finds that in the statement he or she did not indicate facts and circumstances affecting the ordering of substitute imprisonment, or where he or she did not attach evidence thereof, the court shall issue an order on substitute imprisonment in accordance with the provisions of Article 192c of this Act.

(8) If in his or her statement the perpetrator indicated facts and submitted evidence to demonstrate circumstances which, pursuant to the Act governing the enforcement of criminal sanctions, allow the deferral of the enforcement of the prison sentence, the court shall, in the order on substitute imprisonment, also decide on the deferral of the enforcement of this measure by applying, *mutatis mutandis*, the provisions of the Act governing the enforcement of criminal sanctions.

(9) If the court establishes that in his or her statement the perpetrator indicated facts and submitted evidence that preclude enforcement and the consequent ordering of substitute imprisonment, or if the court assesses that given the circumstances of the specific case substitute imprisonment would not be a proportional and just measure, it shall stay the proceedings and notify the authority referred to in paragraph one of this Article thereof.

(10) In the cases referred to in paragraphs seven, eight and nine of this Article, the court may, prior to deciding and issuing a substitute imprisonment order, if necessary, convene a hearing to examine the perpetrator or request that the latter amend the statement in writing and attach additional evidence for the purpose of determining the relevant circumstances in relation to ordering substitute imprisonment.

Nadomestitev plačila globe z delom v splošno korist

192.b člen

(1) Če storilec v izjavi iz četrtega odstavka prejšnjega člena predlaga nadomestitev plačila globe z delom v splošno korist, sodišče o njegovem predlogu odloči po določbah tega zakona, ki urejajo delo v splošno korist, pri čemer se šteje, da je pogoj iz drugega odstavka 19.a člena tega zakona za odobritev dela v splošno korist izpolnjen.

(2) Če sodišče ugotovi, da je storilec za eno ali več glob iz prvega odstavka 20.a člena tega zakona že imel odobreno nadomestitev plačila z delom v splošno korist, lahko njegov predlog v tem delu zavrne, če ugotovi, da storilec dela ni opravil po lastni krivdi (šesti in sedmi odstavek 202.c člena).

(3) Če sodišče ugotovi predlogu storilca, s sklepom prekine postopek odreditve nadomestnega zaporu in odobri delo v splošno korist skladno z določbo 19.a člena tega zakona.

(4) Zoper odločitev sodišča o delu v splošno korist ni pritožbe.

(5) Če storilec dela ne opravi, se izmika ali ga opravi le delno, sodišče po obvestilu pristojnega organa socialnega varstva nadaljuje s postopkom in izda sklep o nadomestnem zaporu, pri čemer se obdobje zaporu skrajša sorazmerno z urami opravljenega dela. O tem mora biti storilec v sklepu iz tretjega odstavka tega člena poučen.

(6) Če storilec v celoti opravi delo, sodišče postopek odreditve nadomestnega zaporu ustavi. O tem mora biti storilec v sklepu iz tretjega odstavka tega člena poučen.

Substituting the payment of the fine by community service

Article 192b

(1) If in his or her statement the perpetrator referred to in paragraph four of the preceding Article proposes to substitute the payment of the fine by community service, the court shall decide on the proposal pursuant to the provisions of this Act governing community service, in which case it shall be considered that the condition for granting community service referred to in paragraph two of Article 19a of this Act has been fulfilled.

(2) If the court finds that the perpetrator has already been granted the substitution of the payment of one or more fines referred to in Article 20a of this Act by community service, it may dismiss his or her proposal in this part if it finds that the perpetrator did not perform the community service through his or her own fault (paragraphs six and seven of Article 202c).

(3) If the court grants the perpetrator's proposal, it shall issue an order to suspend the proceedings for ordering substitute imprisonment and grant community service in compliance with the provision of Article 19a of this Act.

(4) There shall be no appeal against the court's decision on community service.

(5) If the perpetrator does not perform the community service, avoids it or only performs it partly, the court, following a notice issued by the competent social welfare authority, shall continue the proceedings and issue an order on substitute imprisonment, with the period of imprisonment shortened in proportion to the hours of community service performed. The perpetrator must be instructed thereof in the order referred to in paragraph three of this Article.

(6) If the perpetrator completes the community service, the court shall stay the proceedings for ordering substitute imprisonment. The perpetrator must be instructed thereof in the order referred to in

paragraph three of this Article.

Sklep o nadomestnem zaporu

192.c člen

(1) Sklep o nadomestnem zaporu vsebuje:

- podatke o sodišču in sodniku, ki je sklep izdal,
- osebne podatke storilca (ime in priimek, datum in kraj rojstva, EMŠO, naslov stalnega ali začasnega prebivališča in državljanstvo; če je oseba tujec, se namesto EMŠO navedejo rojstni podatki),
- izrek, da se skupen znesek neplačanih glob nadomesti z zaporom in število dni nadomestnega zaporu. Pri tem sodišče navede tudi seznam neizterjanih glob, v katerem mora biti poleg zneska posamezne neplačane globe navedena opravilna številka odločbe ali plačilnega naloga, s katerim je bila globa izrečena, organ, ki je odločbo ali plačilni nalog izdal, in datum pravnomočnosti,
- obrazložitev, v kateri sodišče kratko pojasni način določitve višine nadomestnega zaporu, povzame dokazila pristojnega organa, da upravna izvršba ni bila uspešna, in se opredeli do izjave storilca, in
- pravni pouk, v katerem sodišče storilca pouči o pravici do pritožbe iz 192.č člena tega zakona.

(2) Če storilec pred začetkom izvrševanja nadomestnega zaporu plača globo v celoti, se nadomestni zapor ne izvrši, če jo plača delno, pa se izvrši le sorazmerni del nadomestnega zaporu, o čemer sodišče izda poseben sklep. Če storilec po začetku izvrševanja nadomestnega zaporu plača globo v znesku, ki dosega ali presega neprestani del nadomestnega zaporu, se izvrševanje nadomestnega zaporu takoj ustavi, storilcu pa se morebiten znesek globe, ki jo je pred plačilom odslužil z nadomestnim zaporom, vrne. Če storilec po začetku izvrševanja nadomestnega zaporu plača globo v znesku, ki ne dosega neprestanega dela nadomestnega zaporu, sodišče s sklepom ustrezno skrajša dolžino nadomestnega zaporu. Zoper sklepe sodišča po tem odstavku ni pritožbe.

Order on substitute imprisonment

Article 192c

(1) The order on substitute imprisonment shall include:

- data on the court and judge that issued the order,
- the personal data of the perpetrator (name and surname, date and place of birth, EMŠO, permanent or temporary residence address and citizenship; if the perpetrator is a foreigner, birth information instead of EMŠO),
- an operative part stating that the total amount of unpaid fines shall be substituted by imprisonment and the number of days of substitute imprisonment. The court shall also indicate a list of uncollected fines, which, in addition to the amount of individual unpaid fines, shall include the reference number of the decision or penalty notice imposing the fine, the authority that issued the decision or penalty notice, and the date it becomes final,
- a statement of the grounds, in which the court briefly explains the manner of determining the length of substitute imprisonment, summarises the evidence of the competent authority demonstrating that administrative enforcement was not successful, and takes a position on the perpetrator's statement, and
- a legal instruction in which the court instructs the perpetrator of his or her right to appeal pursuant to Article 192č of this Act.

(2) If, prior to the beginning of the enforcement of substitute imprisonment, the perpetrator pays the fine in whole, substitute imprisonment shall not be enforced, and if he or she pays the fine in part, only a proportionate part of substitute imprisonment shall be enforced, regarding which a special order shall be issued by the court. If, after the beginning of the enforcement of substitute imprisonment, the perpetrator pays the fine in an amount equal to or greater than the unserved part of substitute imprisonment, the enforcement of substitute imprisonment shall be stayed immediately and any amount of the fine the perpetrator has served by substitute imprisonment prior to the payment shall be returned to him or her. If, after the beginning of the enforcement of substitute imprisonment, the perpetrator pays the fine in an amount lower

(3) Če v primeru delnega plačila globe iz prejšnjega odstavka tega člena višina preostalega dela neplačane globe ne dosega 1.000 eurov, sodišče ne glede na določbe prvega in drugega odstavka 20.a člena tega zakona ravna po pravilih iz prejšnjega odstavka.

(4) Ko storilec preстане nadomestni zapor, organ, pristojen za izvrševanje kazenskih sankcij, o tem nemudoma obvesti sodišče, ki je nadomestni zapor odredilo, sodišče pa obvestilo posreduje organu iz prvega odstavka 192.a člena tega zakona.

Pritožba

192.č člen

(1) Zoper sklep o nadomestnem zaporu lahko storilec v roku osmih dni vložī pritožbo, ki zadrži izvršitev sklepa.

(2) Pritožba zoper sklep o nadomestnem zaporu se lahko vložī zaradi:

- kršitve določb tega zakona o nadomestnem zaporu in odreditvi tega ukrepa,
- zastaranja izvršitve sankcije, in
- skupne višine globe, ki se nadomešča z zaporom, ali dolžine odrejenega nadomestnega zapora, pri čemer mora storilec predložiti dokaze, ki izkazujejo, da je v izpodbijanem sklepu zajet previsok znesek globe.

(3) S pritožbo zoper sklep o nadomestnem zaporu ni mogoče izpodbijati pravnomočne odločbe, s katero je bila izrečena globa.

(4) Pritožba se vložī pri sodišču, ki je izdalo sklep o

than the unserved part of substitute imprisonment, the court shall issue an order to accordingly reduce the length of substitute imprisonment. There shall be no appeal against orders of the court pursuant to this paragraph.

(3) Where, in the event of the partial payment of the fine referred to in the preceding paragraph, the amount of the outstanding fine is lower than EUR 1,000, the court, notwithstanding the provisions of paragraphs one and two of Article 20a of this Act, shall act in compliance with the rules referred to in the preceding paragraph.

(4) After the perpetrator has served substitute imprisonment, the authority responsible for the enforcement of criminal sanctions shall without delay notify the court that ordered substitute imprisonment thereof and the court shall send a notice thereof to the authority referred to in paragraph one of Article 192a of this Act.

Appeal

Article 192č

(1) A perpetrator may file an appeal against an order on substitute imprisonment within eight days and the appeal shall stay the enforcement of the order.

(2) An appeal against an order on substitute imprisonment may be filed on the grounds of:

- a violation of the provisions of this Act governing substitute imprisonment and the ordering of such measure,
- the statute of limitations for the enforcement of the sanction, and
- the total amount of the fine that is being substituted by imprisonment or the length of the ordered substitute imprisonment, in which case the perpetrator must attach evidence demonstrating that the amount of the fine covered by the contested order is too high.

(3) A final decision imposing a fine may not be contested by lodging an appeal against the order on substitute imprisonment.

(4) The appeal shall be filed with the court that issued the

nadomestnem zaporu. Prepozno ali nedovoljeno pritožbo sodišče zavrže s sklepom, pravočasno pritožbo pa skupaj s spisom nemudoma odstopi v pristojno odločanje višjemu sodišču. Višje sodišče mora o pritožbi odločiti v 15 dneh od prejema spisa.

(5) Višje sodišče s sklepom zavrže prepozno ali nedovoljeno pritožbo, če tega ni storilo že sodišče, ki je izdalo sklep o nadomestnem zaporu, neutemeljeno pritožbo ali pritožbo, ki ji niso predloženi potrebni dokazi, pa zavrne. Če spozna, da je pritožba utemeljena, višje sodišče samo odloči o stvari, pri čemer lahko:

- razveljavi izpodbijani sklep o nadomestnem zaporu in ustavi postopek,
- odloži izvrševanje nadomestnega zapora z uporabo določb, ki jih za odložitev izvršitve kazni zapora določa zakon, ki ureja izvrševanje kazenskih sankcij, ali
- spremeni sklep o nadomestnem zaporu tako, da skrajša dolžino odrejenega zapora ali odpravi morebitno drugo kršitev.

Štirinajsto poglavje
POVRNITEV ŠKODE, REHABILITACIJA IN DRUGE PRAVICE OSEB, KI
SO JIM BILE NEOPRAVIČENO IZREČENE SANKCIJE ALI JIM JE BILA
NEUTEMELJENO VZETA PROSTOST

Pravica do povrnitve škode

193. člen

(poseg odločbe US o načinu izvrševanja tega člena)

(1) Komur je bila v postopku o prekršku izrečena sankcija, ima pravico do povrnitve škode, ki jo je utrpel zaradi neopravičenega izreka sankcije, če je bila pravnomočna odločba oziroma sodba ali sklep o prekršku spremenjena, odpravljena ali razveljavljena in postopek zoper njega pravnomočno ustavljen, razen, če je škoda nastala zaradi

order on substitute imprisonment. Late or inadmissible appeals shall be rejected by the court by an order, while appeals filed in due time shall be referred without delay to the higher court, together with the relevant file. The higher court shall decide on the appeal within 15 days of receipt of the file.

(5) The higher court shall issue an order rejecting a late or inadmissible appeal, unless this has already been done by the court that issued the order on substitute imprisonment, and dismiss an unfounded appeal or appeal not supported by the necessary evidence. Where the higher court finds that an appeal is well founded, it shall decide on the case on its own, whereby it may:

- repeal the contested order on substitute imprisonment and stay the proceedings,
- defer the enforcement of substitute imprisonment by applying the provisions governing the deferral of the enforcement of the prison sentence determined by the Act governing the enforcement of criminal sanctions, or
- amend the order on substitute imprisonment by shortening the length of the ordered imprisonment or eliminating another violation.

Chapter Fourteen
COMPENSATION FOR DAMAGE, REHABILITATION AND OTHER
RIGHTS OF PERSONS ON WHOM SANCTIONS HAVE BEEN
IMPOSED WITHOUT JUSTIFICATION OR WHO WERE DEPRIVED OF
LIBERTY WITHOUT DUE CAUSE

Right to compensation for damage

Article 193

(Intervention of the Constitutional Court decision regarding the manner of implementation of this Article)

(1) A person on whom sanctions were imposed in minor offence proceedings shall have the right to the compensation for damage suffered due to an unjustifiably imposed sanction if the final minor offence decision, judgment or order were amended, annulled or repealed and the proceedings against him or her were stayed by a final decision, unless

zastaranja po krivdi storilca. Pravico do povrnitve škode ima tudi tisti, ki je neupravičeno plačal globo ali stroške postopka oziroma zoper katerega je bila odločba izvršena pred pravnomočnostjo.

(2) Pravice do povrnitve škode iz prejšnjega odstavka nima tisti, ki je s svojim krivim priznanjem ali kako drugače povzročil izrek sankcije, razen če je bil v to prisiljen.

(3) Pri izreku sankcije za prekršek v steku se pravica do povrnitve škode lahko nanaša na posamezne prekrške, glede katerih so izpolnjeni pogoji za priznanje odškodnine.

(4) Pravica do povrnitve škode zastara v treh letih od dneva, ko je postala sodba o ustavitvi postopka pravnomočna.

(5) Tožba za povrnitev škode se vloži zoper Republiko Slovenijo ali zoper samoupravno lokalno skupnost.

(6) Pred vložitvijo tožbe za povrnitev škode zoper Republiko Slovenijo mora oškodovanec vložiti zahtevo na državno pravobranilstvo, da se z njim sporazume o obstoju škode ter o vrsti in višini odškodnine. Če državno pravobranilstvo in oškodovanec ne dosežeta sporazuma v treh mesecih od vložitve zahteve, lahko oškodovanec pri pristojnem sodišču vloži tožbo za povrnitev škode. Če je bil dosežen sporazum le glede dela zahtevka, sme vložiti tožbo glede ostanka.

(7) Pred vložitvijo tožbe za povrnitev škode zoper samoupravno lokalno skupnost mora oškodovanec vložiti zahtevo na samoupravno lokalno skupnost, da se z njim sporazume o obstoju škode ter o vrsti in višini odškodnine. Če zakoniti zastopnik samoupravne lokalne skupnosti in oškodovanec ne dosežeta sporazuma v treh mesecih od vložitve zahteve, lahko oškodovanec pri pristojnem sodišču vloži tožbo za povrnitev škode. Če je bil dosežen sporazum le glede dela

the damage was caused due to the expiry of the statute of limitations for reasons on the part of the perpetrator. The right to the compensation for damage shall also be vested in persons who unjustifiably paid fines or legal costs and against whom a decision was enforced before it became final.

(2) The right to the compensation for damage referred to in the preceding paragraph shall not be vested in persons who caused the imposition of a sanction through a false confession or in any other manner, unless they were forced to do so.

(3) Within the framework of the imposition of a sanction for concurrent minor offences, the right to the compensation for damage may refer to individual minor offences in relation to which the conditions for compensation are fulfilled.

(4) The right to the compensation for damage shall become statute-barred three years after the day on which the judgment staying the proceedings became final.

(5) An action for the compensation for damage shall be brought against the Republic of Slovenia or a self-governing local community.

(6) Before bringing an action for the compensation for damage against the Republic of Slovenia, the injured party must file a request with the State Attorney's Office in order to reach an agreement on the existence of damage and on the type and amount of compensation. If the State Attorney's Office and the injured party fail to reach an agreement within three months of the day on which the request is filed, the injured party may bring an action for the compensation for damage before the court of competent jurisdiction. If an agreement is reached regarding only one part of the claim, an action may be brought for the remaining part.

(7) Before bringing an action for the compensation for damage against a self-governing local community, the injured party must file a request with the self-governing community in order to reach an agreement on the existence of damage and on the type and amount of compensation. If the statutory representative of the self-governing local community and the injured party fail to reach an agreement within three months of the day on which the request is filed, the injured party may

zahtevka, sme vložiti tožbo glede ostanka.

(8) Zahteva iz prejšnjega odstavka in tožba zoper samoupravno lokalno skupnost se vložita:

- zoper samoupravno lokalno skupnost, katere predpis je bil kršen, če je prekršek predpisan z odlokom samoupravne lokalne skupnosti, ali
- zoper samoupravno lokalno skupnost, katere prekrškovni organ je pravnomočno izrekel sankcijo, če je za odločanje o prekrških pooblaščen z zakonom.

(9) Dokler pred državnim pravobranilstvom oziroma zakonitim zastopnikom samoupravne lokalne skupnosti traja postopek iz šestega oziroma sedmega odstavka tega člena, ne teče zastaranje pravice do povrnitve škode iz četrtega odstavka tega člena.

Dedovanje pravice do povrnitve škode

194. člen

(1) Dediči podedujejo samo oškodovančevo pravico do povrnitve premoženjske škode, če pa je oškodovanec že vložil zahtevek, lahko dediči nadaljujejo postopek le v mejah njegovega prejšnjega odškodninskega zahtevka.

(2) Oškodovančevi dediči po njegovi smrti nadaljujejo postopek za povrnitev škode oziroma začno postopek, če je oškodovanec umrl, preden je iztekel zastaralni rok, pa se zahtevku ni odpovedal.

Kdo ima pravico do povrnitve škode

195. člen

(1) Pravico do povrnitve škode ima tudi:

bring an action for compensation for damage before the court of competent jurisdiction. If an agreement is reached regarding only one part of the claim, an action may be brought for the remaining part.

(8) The request referred to in the preceding paragraph and the action against a self-governing local community shall be filed:

- against the self-governing local community whose regulation was violated if the minor offence is stipulated by an ordinance adopted by the self-governing local community, or
- against the self-governing local community whose minor offence authority imposed the sanction on the basis of a final decision if it is empowered to decide on minor offences by an Act.

(9) During the proceedings before the State Attorney's Office or the statutory representative of the self-governing local community referred to in paragraphs six or seven of this Article, the statute of limitations for the right to the compensation for damage shall not run.

Inheritance of the right to the compensation for damage

Article 194

(1) Heirs shall inherit only the injured party's right to the compensation for property damage, whereas if the injured party has already filed his or her claim, heirs may continue the proceedings only within the limits of the previous compensation claim.

(2) After the death of the injured party, his or her heirs may continue the damage compensation proceedings or initiate proceedings if the injured party died before the claim became statute-barred and did not waive the claim.

Persons who have the right to the compensation for damage

Article 195

(1) The following persons shall also have the right to the compensation for damage:

1. kdor je bil pridržan, ni pa bil zoper njega začet postopek o prekršku ali je bil ta postopek pravnomočno ustavljen;
2. komur je bila zaradi napake ali nezakonitega dela sodišča kakorkoli neutemeljeno vzeta prostost.

(2) Do povrnitve škode nima pravice, kdor je s svojim nedovoljenim dejanjem povzročil, da mu je bila vzeta prostost.

(3) V postopku za povrnitev škode v primerih iz prvega odstavka tega člena se primerno uporabljajo določbe tega poglavja.

Objava v sredstvih javnega obveščanja

196. člen

(1) Če je bil primer, na katerega se nanaša neopravičen izrek ali neutemeljen odvzem prostosti neke osebe, prikazan v sredstvu javnega obveščanja in je bilo s tem prizadeto njeno dobro ime, objavi sodišče, ki je odločalo o prekršku, na njeno zahtevo v časniku ali drugem sredstvu javnega obveščanja sporočilo o odločbi, iz katere izhaja neopravičenost prejšnje odločbe oziroma ukrepa. Če primer ni bil prikazan v sredstvu javnega obveščanja, pošlje na zahtevo te osebe tako sporočilo njenemu delodajalcu. Po smrti te osebe imajo to pravico njen zakonec, otroci, starši, bratje in sestre ter oseba, s katero je živela v zunajzakonski skupnosti.

(2) Zahteva iz prejšnjega odstavka je dovoljena tudi, če ni bila zahtevana povrnitev škode.

(3) Zahtevo iz prvega in drugega odstavka tega člena je treba podati v šestih mesecih po pravnomočnosti odločbe o ustavitvi postopka pri sodišču, ki je vodilo postopek o prekršku na prvi stopnji. Pri odločanju o zahtevi se primerno uporabljajo določbe drugega in tretjega odstavka 193. člena tega zakona.

1. persons who were detained but against whom no minor offence proceedings were initiated or such proceedings were stayed on the basis of a final decision;
2. persons who were deprived of their liberty without due cause as a result of a mistake or unlawful action by the court.

(2) Persons whose unlawful act resulted in their deprivation of liberty shall not have the right to the compensation for damage.

(3) The damage compensation proceedings referred to in paragraph one of this Article shall be subject to the appropriate application of the provisions of this Chapter.

Publication in public media

Article 196

(1) If a case involving the unjustified imposition or unfounded deprivation of a person's liberty is published in public media, thereby affecting the reputation of the person in question, the court conducting the minor offence proceedings shall, at this person's request, publish a press release regarding the decision in a newspaper or other public medium, from which it must be clear that this decision or measure was unjustified. If the case was not published in any public medium, the court shall, at the request of the aforementioned person, send such a message to his or her employer. Upon the death of this person, this right shall be vested in his or her spouse, children, parents, brothers and sisters, and any person with whom he or she lived in cohabitation.

(2) The request referred to in the preceding paragraph shall also be allowed if no compensation for damage has been claimed.

(3) The requests referred to in paragraphs one and two of this Article must be filed within six months of the day the decision staying the proceedings became final with the court that conducted the minor offence proceedings in the first instance. In deciding the request, the provisions of paragraphs two and three of Article 193 of this Act shall apply *mutatis mutandis*.

Priznanje delovne oziroma zavarovalne dobe

197. člen

(1) Osebi, ki ji je zaradi izvršitve neopravičeno izrečene sankcije ali neutemeljenega odvzema prostosti v postopku o prekršku prenehalo delovno razmerje ali lastnost zavarovanca pokojninskega in invalidskega zavarovanja, se prizna delovna oziroma zavarovalna doba, kot da bi bila delala tisti čas, ki ga je zaradi neopravičenega izreka sankcije ali neutemeljenega odvzema prostosti izgubila.

(2) Pri vsakem odločanju o pravici na katero vpliva dolžina delovne oziroma zavarovalne dobe, upošteva pristojni organ dobo, priznano po prejšnjem odstavku.

(3) Če pristojni organ ne upošteva dobe, priznane po prvem odstavku tega člena, lahko oškodovanec zahteva, da pristojno sodišče ugotovi, da mu je ta čas po zakonu priznan. Tožba se vloži zoper organ, ki ne priznava priznane dobe in zoper Republiko Slovenijo.

(4) Organu, pri katerem se uveljavlja pravica iz drugega odstavka tega člena, se izplača iz sredstev proračuna Republike Slovenije prispevek za čas, za katerega je bila po prvem odstavku tega člena doba priznana.

(5) Zavarovalna doba, priznana po prvem odstavku tega člena, se v celoti všteva v pokojninsko dobo.

Primerna uporaba določb

198. člen

Določbe tega poglavja se primerno uporabljajo tudi za

Recognition of active employment and the insurance period

Article 197

(1) A person whose employment relationship or pension or disability insurance ceases owing to the enforcement of an unjustifiably imposed sanction or unfounded deprivation of liberty in minor offence proceedings shall have his or her active employment or insurance period recognised as if this person were working during the time that he or she lost due to the unjustified imposition of a sanction or unfounded deprivation of liberty.

(2) The competent authority shall take into account the period recognised pursuant to the preceding paragraph in all cases when deciding on a right that is affected by the length of active employment or the insurance period.

(3) If the competent authority fails to take into account the period recognised pursuant to paragraph one of this Article, the injured party may request that the competent court declare that this time be recognised in compliance with an Act. An action shall be brought against the authority that failed to recognise this period and against the Republic of Slovenia.

(4) The authority through which the injured party exercises the right referred to in paragraph two of this Article shall receive payment from the budgetary funds of the Republic of Slovenia for the period recognised pursuant to paragraph one of this Article.

(5) An insurance period recognised pursuant to paragraph one of this Article shall be included in the pension period in its entirety.

***Mutatis mutandis* application of provisions**

Article 198

The provisions of this Chapter shall also apply, *mutatis*

zahtevek za povrnitev neupravičeno izrečene ali neupravičeno izterjane globe, odvzema premoženjske koristi, odvzema predmetov in izkupička od prodanih predmetov.

TRETJI DEL

Petnajsto poglavje IZVRŠITEV IN EVIDENCE ODLOČB

Pravnomočnost odločb

199. člen

(1) Odločba organa za odločanje o prekršku (odločba, sodba oziroma sklep) postane pravnomočna, ko je ni možno več izpodbijati z zahtevo za sodno varstvo oziroma s pritožbo, ali če zoper njo ni pravnega sredstva.

(2) Če je bilo zoper odločbo organa za odločanje o prekršku iz prejšnjega odstavka vloženo pravno sredstvo, o katerem je bilo odločeno na drugi stopnji, nastopi pravnomočnost z dnem, ko se odločitev odpravi vlagatelju pravnega sredstva.

Izvršitev odločbe

200. člen

(1) Odločba, izdana v postopku o prekršku, se izvrši, ko postane pravnomočna in ko za izvršitev ni zakonskih ovir, če ta zakon ne določa drugače.

(2) Odločba, s katero je izrečena globa ali s katero je odločeno o stroških postopka ali prisojena odškodnina, se izvrši, ko preteče rok, ki je v njej določen za plačilo globe, stroškov postopka oziroma odškodnine.

mutandis, to claims for the reimbursement of unjustifiably imposed or unjustifiably collected fines, the confiscation of proceeds, the confiscation of items and proceeds from items sold.

PART THREE

Chapter Fifteen ENFORCEMENT AND RECORDS OF DECISIONS

Finality of decisions

Article 199

(1) A decision issued by the authority responsible for deciding on a minor offence (by a decision, judgment or order) shall become final when it can no longer be contested by a request for judicial protection or appeal, or if there is no legal remedy against it.

(2) Where a legal remedy decided on at the second instance was sought against the decision of the authority responsible for deciding on a minor offence referred to in the preceding paragraph, finality shall take effect on the day of dispatching the decision to the person seeking a legal remedy.

Enforcement of a decision

Article 200

(1) A decision issued in minor offence proceedings shall be enforced when it becomes final and when there are no legal obstacles to enforcement, unless otherwise provided by this Act.

(2) A decision imposing a fine or deciding on legal costs or granting compensation shall be enforced when the time limit stipulated for the payment of the fine, legal costs or compensation expires.

(3) Če je storilec vložil zahtevo za sodno varstvo oziroma pritožbo, pa zahteva oziroma pritožba zadrži izvršitev ali če izvršitev zadrži sodišče, se šteje ta rok od dneva, ko je bila storilcu naznanjena odločba, s katero je bila izpodbijana odločba potrjena ali spremenjena.

(4) Na podlagi izvršljive odločbe o prekršku organ, pristojen za izterjavo, po uradni dolžnosti pridobi osebne podatke, potrebne za izterjavo.

Poziv za plačilo

200.a člen

(1) Organ, ki je odločal o prekršku na prvi stopnji, ob pošiljanju odločbe, s katero se izrečejo globa, opomin, redovna globa ali naložijo sodna taksa, stroški postopka, odvzem premoženjske koristi ali plačilo odškodnine, priloži univerzalni plačilni nalog ali poziv za plačilo, ki mora vsebovati osebno ime in naslov zavezanca, za pravno osebo pa naziv in sedež, vrsto in višino plačila, številko podračuna za posamezno vrsto plačila in referenco, razen če so v odločbi, ki jo je izdal organ, ki je odločal na prvi stopnji, že navedene številke podračunov in referenca za njihovo plačilo.

(2) Če je bila odločba iz prejšnjega odstavka v postopku s pravnim sredstvom spremenjena na način, ki vpliva na odmero globe ali stroškov postopka, organ, ki je odločal na prvi stopnji, izda nov univerzalni plačilni nalog ali poziv za plačilo z ustrezno spremenjenimi vsebinami.

Način plačila

200.b člen

Globa, redovna globa, sodna taksa, stroški postopka, odvzem premoženjske koristi ali odškodnina se plača na podračun, določen v

(3) If the perpetrator files a request for judicial protection or an appeal, and the request or appeal stays enforcement, or enforcement is stayed by the court, the time limit shall begin to expire on the day the decision with which the contested decision has been upheld or amended is notified to the perpetrator.

(4) The authority responsible for enforcement shall acquire, *ex officio*, on the basis of an enforceable decision, the personal data required for enforcement.

Payment notice

Article 200a

(1) When sending a decision imposing a fine, caution, fine for contempt of court or court fee, legal costs, the confiscation of proceeds or compensation, the authority that decided on the minor offence in the first instance shall attach a universal payment order or payment notice, which must contain the personal name and address of the person liable and, in the case of a legal person, its name and head office, payment method and amount, the sub-account number for individual payment methods and the reference, unless the decision issued by the authority deciding in the first instance already listed the sub-account numbers and payment reference.

(2) If in legal remedy proceedings the decision referred to in the preceding paragraph was amended in such a manner so as to affect the imposition of a fine or legal costs, the authority deciding in the first instance shall issue a new universal payment order or payment notice changed accordingly.

Payment method

Article 200b

A fine, fine for contempt of court, court fee, legal costs, confiscated proceeds, or compensation shall be paid into the sub-account

odločbi o prekršku, obvestilu o prekršku, pozivu ali univerzalnem plačilnem nalogu. Pri plačilu prek ponudnika plačilnih storitev se šteje, da je plačano v roku, če je prejeto na podračun iz tega odstavka v treh delovnih dneh po izteku roka, v katerem mora biti plačano.

Zavarovanje izvršitve

201. člen

(1) Če storilec ne more dokazati identitete ali nima stalnega prebivališča ali če bi se z odhodom zaradi prebivanja v tujini lahko izognil odgovornosti za prekršek, lahko organ za postopek o prekršku, ki je odločil o prekršku na prvi stopnji, obenem odloči, naj se odločba izvrši takoj ne glede na zahtevo za sodno varstvo oziroma pritožbo, če spozna, da bi storilec lahko onemogočil njeno izvršitev. Če storilec globe ne plača, organ, ki je odločil o prekršku na prvi stopnji, izvede vse potrebne ukrepe za zavarovanje plačila v skladu s petim odstavkom tega člena.

(2) Če sodišče izreče izgon tujca iz države kot stransko sankcijo, se tujcu lahko ob pogojih iz prvega odstavka tega člena določi kraj, kjer mora prebivati do pravnomočnosti odločbe, vendar najdlje za čas 30 dni.

(3) Če prekrškovni organ oziroma sodišče odloči, da se odločba izvrši takoj, se zahteva za sodno varstvo oziroma pritožba pošlje pristojnemu sodišču najpozneje v štiriindvajsetih urah po poteku vseh rokov iz prvega odstavka 60. člena tega zakona in prvega odstavka 151. člena tega zakona; pristojno sodišče mora izdati odločbo v 48 urah, potem ko je dobilo spis.

(4) Če je izrečena globa, lahko organ za postopek o prekršku ob pogojih iz prvega odstavka tega člena, če storilec globe takoj ne

specified in the minor offence decision, information letter on the minor offence, payment notice or universal payment order. Where payment is effected through a payment services provider, it shall be considered that payment has been effected by the time limit if received into the sub-account referred to in this paragraph within three working days of the expiry of the time limit within which it must be paid.

Securing enforcement

Article 201

(1) In cases where the perpetrator cannot prove his or her identity or does not have permanent residence, or if he or she may avoid liability for a minor offence by departing from the country in order to reside abroad, the authority conducting minor offence proceedings that decided on the minor offence in the first instance may at the same time decide that the decision be enforced immediately, irrespective of whether a request for judicial protection or an appeal has been filed, if it finds that the perpetrator may prevent its enforcement. If the perpetrator fails to pay the fine, the authority that decided on the minor offence in the first instance shall take all necessary steps with a view to securing payment pursuant to paragraph five of this Article.

(2) In cases where the court imposes on a foreigner expulsion from the country as a secondary sanction, a location may be determined, subject to the conditions referred to in paragraph one of this Article, where the foreigner must reside until the day the decision becomes final, but for no longer than 30 days.

(3) In cases where the minor offence authority or the court decides that a decision shall be enforced immediately, a request for judicial protection or appeal shall be sent to the competent court within 24 hours at the latest following the expiry of all time limits referred to in paragraph one of Article 60 of this Act and paragraph one of Article 151 of this Act; the competent court must issue a decision within 48 hours of receipt of the file.

(4) In cases where a fine is imposed, the authority conducting the minor offence proceedings may, subject to the conditions referred to

plača, določi, da se globa takoj prisilno izterja, pri tem pa se ne uporabljajo določbe tega zakona o nadomestitvi prisilne izterjave globe z opravo določene naloge v splošno korist ali v korist samoupravne lokalne skupnosti.

(5) Če se je bati, da se bo storilec med postopkom o prekršku ali do izvršitve odločbe skril ali odšel neznano kam ali v tujino, lahko pooblaščen uradna oseba prekrškovnega organa oziroma sodišče zaradi zavarovanja izvršitve odločbe s sklepom odloči, da se mu začasno vzamejo potna listina, vozniško dovoljenje, dokumenti vozila, prevozne listine ali drugi dokumenti, ki spremljajo blago, vrednostni papirji, prevozna sredstva ali druge premičnine, ki jih ima pri sebi, ne glede na to, ali je njihov lastnik ali ne. Začasni odvzem lahko traja največ šest mesecev in se lahko s sklepom podaljša še za največ šest mesecev. Storilcu je treba takoj, najkasneje pa v treh urah, vročiti pisni sklep o začasnem odvzemu z navedbo razlogov za odvzem in s pravnim poukom.

(6) Pritožba zoper sklep iz prejšnjega odstavka ne zadrži njegove izvršitve. O pritožbi mora sodišče odločiti v 48 urah od prejema spisa.

(7) Sklep iz petega odstavka tega člena o začasnem odvzemu potne listine, voznškega dovoljenja, dokumentov vozila, prevoznih listin ali drugih dokumentov, ki spremljajo blago izvrši pooblaščen uradna oseba prekrškovnega organa oziroma sodišče, ki ga je izdalo. Sklep o začasnem odvzemu vrednostnih papirjev ali premičnin iz petega odstavka tega člena izvrši pristojni davčni organ po določbah zakona, ki ureja davčno izvršbo, če ni s posebnim zakonom drugače določeno. Če organ, pristojen za izvršitev sklepa iz petega odstavka tega člena, pri izvrševanju naleti na upiranje ali ogrožanje, ali če to utemeljeno pričakuje, lahko zaprosi za pomoč policijo, ki v skladu s svojimi pristojnostmi in pooblastili zagotovi, da nemoteno izvrši ukrepe, določene s tem sklepom.

in paragraph one of this Article and if the perpetrator fails to pay the fine on the spot, order the immediate enforced collection of the fine, in which case the provisions of this Act on the substitution of the enforced collection of a fine by certain community services or services to the benefit of the self-governing local community shall not apply.

(5) If there is a suspicion that the perpetrator might hide or leave to an unknown location or go abroad during the minor offence proceedings or before a decision is enforced, the authorised official of the minor offence authority or the court may, for the purposes of securing the enforcement of the decision, issue an order deciding on the temporary confiscation of his or her travel document, driving licence, vehicle documents, transport and other documents accompanying the goods, securities, means of transport or other movable assets he or she is carrying on his or her person or using, notwithstanding whether he or she is their owner or not. The period of temporary confiscation shall not exceed six months and may be extended for no more than six months by an order. The perpetrator must be immediately served, and in any case no later than within three hours, a written order on temporary confiscation, specifying the reasons for the confiscation of items and the legal instruction.

(6) An appeal against the order referred to in the preceding paragraph shall not stay its enforcement. The court shall decide on the appeal within 48 hours of receipt of the file.

(7) The order referred to in paragraph five of this Article on the temporary confiscation of the travel document, driving licence, vehicle documents, transport and other documents accompanying the goods shall be enforced by the authorised official of the minor offence authority or the court that issued the order. The order on the temporary confiscation of securities or movable assets referred to in paragraph five of this Article shall be enforced by the competent tax authority in compliance with the provisions of the Act governing tax enforcement, unless otherwise provided by a special Act. If the authority responsible for the enforcement of the order referred to in paragraph five of this Article encounters resistance or threats, or justifiably expects such resistance, it may request police assistance; the police shall, in compliance with their powers and responsibilities, ensure the unimpeded implementation of the measures defined in the order.

(8) Če se postopek z odločbo ustavi ali če storilec plača globo, ugotovljeno škodo, pridobljeno premoženjsko korist in stroške postopka, se začasno odvzete listine in predmeti iz petega odstavka tega člena vrnejo storilcu. Če storilec tudi po pravnomočnosti odločbe ne plača izrečene globe, povzročene škode ali stroškov postopka, se iz začasno odvzetih vrednostnih papirjev ali drugih predmetov iz petega odstavka tega člena poravnajo izrečena globa, ugotovljena škoda, pridobljena premoženjska korist in stroški postopka, presežek pa se vrne storilcu, začasno odvzeta potna listina, vozniško dovoljenje, dokumenti vozila, prevozne listine ali drugi dokumenti, ki spremljajo blago, pa se po pravnomočnosti odločbe pošljejo organu, ki jih je izdal. Prodajo začasno odvzetih vrednostnih papirjev ali drugih predmetov opravi pristojni davčni organ po določbah zakona, ki ureja davčno izvršbo, na podlagi predhodnega obvestila pristojnega organa, da so podani pogoji za izvršitev odločbe iz začasno odvzetih vrednostnih papirjev ali drugih predmetov.

(9) Za hrambo in upravljanje z začasno odvzetimi listinami in predmeti iz petega odstavka tega člena se smiselno uporabljajo določbe zakona o kazenskem postopku o hrambi in upravljanju zaseženih predmetov in začasnem zavarovanju zahtevka za odvzem premoženjske koristi, če s posebnim zakonom ni drugače določeno. Za hrambo in upravljanje z začasno odvzetimi vrednostnimi papirji in drugimi predmeti iz petega odstavka tega člena, ki jih upravlja davčni organ, se smiselno uporabljajo določbe zakona, ki ureja davčni postopek.

(10) Zadeve o prekrških iz tega člena se obravnavajo prednostno.

Izvrševanje

202. člen

(1) Globo, odvzem premoženjske koristi s plačilom denarnega

(8) If the proceedings are stayed by a decision or the perpetrator pays the fine, pays the established damages, returns the proceeds and pays the legal costs, the temporarily confiscated documents and items referred to in paragraph five of this Article shall be returned to the perpetrator. In cases where the perpetrator, after the decision has become final, fails to pay the fine, the damages or the legal costs, the temporarily confiscated securities or other items referred to in paragraph five of this Article shall be used to pay the imposed fine, the damages, proceeds and legal costs, and the rest shall be returned to the perpetrator, while a temporarily confiscated travel document, driving licence, vehicle documents, transport and other documents accompanying the goods shall be sent, when the decision becomes final, to the authority that has issued them. The sale of the temporarily confiscated securities or other items shall be carried out by the competent tax authority pursuant to the provisions of the Act governing tax enforcement, on the basis of prior notice by the competent authority that the conditions for the enforcement of the decision by means of the temporarily confiscated securities or other items have been met.

(9) The storage and management of temporarily confiscated documents and items referred to in paragraph five of this Article shall be subject to *mutatis mutandis* application of the provisions of the Criminal Procedure Act governing the storage and management of confiscated items and temporary securing of claims for the confiscation of proceeds, unless otherwise provided by a special Act. The storage and management of temporarily confiscated securities and other items referred to in paragraph five of this Article that are managed by a tax authority shall be subject to *mutatis mutandis* application of the provisions of the Act governing tax procedure.

(10) The minor offence cases referred to in this Article shall have priority over other cases.

Enforcement

Article 202

(1) Collection of the fine, the confiscation of proceeds by the

zneska in plačilo stroškov postopka, izrečenih z odločbo o prekršku prekrškovnega organa, in stroškov postopka, izrečenih s sodbo oziroma sklepom sodišča, če je zahteva za sodno varstvo zavrnjena ali zavržena, izvrši pristojni davčni organ po določbah zakona, ki ureja davčno izvršbo, na predlog prekrškovnega organa, ki je izdal odločbo o prekršku. Enako se izvrši globa, odvzem premoženjske koristi s plačilom denarnega zneska, izrečena z odločbo prekrškovnega organa, ki jo je sodišče spremenilo na podlagi zahteve za sodno varstvo, ter stroški postopka, izrečeni s sodbo ali sklepom sodišča.

(2) Za izvrševanje drugih stranskih sankcij, izrečenih z odločbo o prekršku prekrškovnega organa, se uporabljajo določbe zakona o izvrševanju kazenskih sankcij, če zakon ne določa drugače.

(3) Predmete, odvzete v postopku o prekršku z odločbo prekrškovnega organa ali s sodbo sodišča, in predmete iz petega odstavka 123. člena tega zakona, proda pristojni davčni organ po določbah zakona, ki ureja davčno izvršbo, če z zakonom ni določeno drugače. Denar, ki se dobi s prodajo odvzetih predmetov, je prihodek države.

(4) Globo, odvzem premoženjske koristi s plačilom denarnega zneska in plačilo stroškov postopka, izrečenih s sodbo oziroma sklepom, izvrši na predlog okrajnega sodišča, pristojni davčni organ po določbah zakona, ki ureja davčno izvršbo.

(5) Vzgojne ukrepe, stranske sankcije kazenskih točk v cestnem prometu, prepovedi vožnje motornega vozila, izgonu tujca iz države, odvzema predmetov, izločitve iz postopkov javnega naročanja in odvzem premoženjske koristi, ki so bili izrečeni s sodbo ali sklepom o prekršku, izvrši okrajno sodišče, ki je odločalo o prekršku na prvi stopnji, po določbah zakona, ki ureja izvrševanje kazenskih sankcij, če z zakonom ni določeno drugače.

(6) Izgubo ali omejitev pravice do sredstev iz proračuna Republike Slovenije in proračunov samoupravnih lokalnih skupnosti izvrši

payment of the relevant sum, and the payment of legal costs imposed by a minor offence decision issued by a minor offence authority, and the legal costs imposed by a court judgment or order, when a request for judicial protection has been dismissed or rejected, shall be enforced by the competent tax authority in compliance with the Act governing tax enforcement on the proposal of the minor offence authority that issued the minor offence decision. The collection of the fine and the confiscation of proceeds by the payment of the relevant sum imposed by a decision of the minor offence authority that the court amended on the basis of a request for judicial protection and the legal costs imposed by a court judgment or order shall be enforced in the same manner.

(2) The enforcement of other secondary sanctions imposed on the basis of a minor offence decision issued by a minor offence authority shall be governed by the provisions of the Act governing the enforcement of criminal sanctions, unless otherwise provided by an Act.

(3) The items confiscated in minor offence proceedings by a decision of the minor offence authority or a court judgment and the items referred to in paragraph five of Article 123 of this Act shall be sold by the competent tax authority in compliance with the provisions of the Act governing tax enforcement unless otherwise provided by an Act. The proceeds resulting from the sale shall be revenue of the state.

(4) The collection of the fine, the confiscation of proceeds by the payment of the relevant sum and the payment of legal costs imposed by a judgment or order shall be enforced by the competent tax authority in compliance with the provisions of the Act governing tax enforcement on the proposal of the local court.

(5) The educational measures, secondary sanctions of penalty points for a traffic offence, driving prohibition, the expulsion of a foreigner from the country, the confiscation of items, exclusion from public procurement procedures and the confiscation of proceeds imposed by a minor offence judgment or order shall be enforced by the local court that decided on the minor offence in the first instance, in compliance with the provisions of the Act governing the enforcement of criminal sanctions, unless otherwise provided by an Act.

(6) The forfeiture or limitation of the right to receive funding from the budget of the Republic of Slovenia and the budgets of self-

na poziv sodišča, ki je na prvi stopnji izdalo odločbo o prekršku, organ, ki je pristojen za dodelitev sredstev iz proračuna Republike Slovenije oziroma proračuna samoupravne lokalne skupnosti. Navedeno sodišče mora o izreku sankcije iz tega odstavka obvestiti organ, pristojen za njeno izvršitev, v petih dneh od pravnomočnosti odločbe, s katero je ta sankcija izrečena.

(7) Sklep o prenehanju veljavnosti vozniškega dovoljenja izvrši pristojno okrajno sodišče.

(8) Sklep o odreditvi dela v splošno korist in navodilo iz 2. točke drugega odstavka 36. člena tega zakona izvrši organ socialnega varstva, pristojen po stalnem ali začasnem prebivališču predlagatelja po določbah zakona, ki ureja izvrševanje kazenskih sankcij, če z zakonom ni določeno drugače. Če je za kršitelja izdanih več sklepov o odreditvi dela v splošno korist, se ti praviloma izvršujejo po vrstnem redu datuma izdaje, lahko pa se naenkrat izvršuje tudi več sklepov, če to omogočajo okoliščine na strani storilca.

(9) Nadomestni zapor se izvrši po pravilih, ki jih za izvrševanje kazni zapora določa zakon, ki ureja izvrševanje kazenskih sankcij.

(10) Organ, pristojen za izterjavo, mora prekrškovni organ in sodišče obvestiti o zaključku postopka izvršitve na podlagi določb tega člena in zakona, ki ureja davčno izvršbo, razen v primerih iz enajstega odstavka tega člena. Če je za plačilo globe začel postopek za odreditev nadomestnega zapora, se obveščanje po tem odstavku izvede po prejemu obvestila sodišča o zaključku postopka odreditve oziroma izvršitve nadomestnega zapora.

(11) Z dnem, ko sodišče oziroma prekrškovni organ vloži predlog za prisilno izterjavo po tem zakonu, se na pristojni davčni organ prenese tudi terjatev v korist državnega proračuna.

governing local communities shall be enforced by the authority responsible for the allocation of funds from the budget of the Republic of Slovenia or the self-governing local community on the proposal of the court that issued the minor offence decision in the first instance. This court must notify the authority responsible for the enforcement of the sanction of the sanction imposed under this paragraph within five days of the day when the decision imposing the sanction became final.

(7) An order on driving licence revocation shall be enforced by the local court of competent jurisdiction.

(8) An order imposing community service and the instructions referred to in point 2 of paragraph two of Article 36 of this Act shall be enforced by the social welfare authority responsible with regard to the permanent or temporary residence of the applicant pursuant to the provisions of the Act governing the enforcement of criminal sanctions, unless otherwise provided by an Act. If several orders imposing community service have been issued in relation to an offender, they shall as a general rule be enforced in the chronological order of the dates on which they were issued; several orders may be enforced simultaneously if the circumstances regarding the perpetrator so allow.

(9) Substitute imprisonment shall be enforced in compliance with the rules governing the enforcement of the prison sentence laid down in the Act governing the enforcement of criminal sanctions.

(10) The authority responsible for enforcement must inform the minor offence authority and the court of the conclusion of the enforcement procedure pursuant to the provisions of this Article and the Act governing tax enforcement, except in the cases referred to in paragraph eleven of this Article. Where, in relation to the payment of the fine, proceedings to impose substitute imprisonment have been initiated, notification under this paragraph shall be carried out after receipt of a court notice on the termination of proceedings to impose or enforce substitute imprisonment.

(11) On the day when a court or a minor offence authority files a proposal for enforced collection under this Act, the claim shall be transferred to the competent tax authority to the benefit of the state budget.

(12) Globa, izrečena po prvem odstavku 12. člena tega zakona, se ne izvrši.

**202.a člen
(črtan)**

Postopek določitve uklonilnega zapora

**202.b člen
([razveljaven](#))**

**Postopek nadomestitve plačila globe in stroškov postopka z delom
v splošno korist**

202.c člen

(1) Predlog za nadomestitev plačila globe in stroškov postopka z delom v splošno korist lahko storilec vloži pri organu, ki je izdal odločbo o prekršku. Predlog mora vsebovati navedbo odločbe, na katero se nanaša, dejstva, s katerimi se utemeljuje upravičenost do dela v splošno korist, in podpis predlagatelja. Pravočasen predlog, ki je vložen pri prekrškovnem organu ali nepristojnem sodišču, se nemudoma posreduje pristojnemu sodišču.

(2) Če je predlog nedovoljen ali prepozen, ga sodišče zavrže s sklepom. Če je predlog nepopoln, sodišče pozove storilca, da ga ustrezno dopolni. Če storilec predloga v roku, ki ga določi sodišče, ne dopolni, sodišče predlog zavrže. Če predlog ni utemeljen, ker ni pogojev za nadomestitev plačila globe in stroškov postopka z delom v splošno korist po tem zakonu, ga sodišče s sklepom zavrne. Zoper sklep o zavrnjenju ali zavrnitvi predloga je dopustna pritožba v roku 15 dni od vročitve sklepa. Višje sodišče mora o pritožbi odločiti v 15 dneh od prejema spisa.

(12) A fine imposed under paragraph one of Article 12 of this Act shall not be enforced.

**Article 202a
(Deleted)**

**Proceedings concerning the imposition of the enforcement of a fine
by imprisonment**

**Article 202b
(Abrogated)**

**Proceedings to substitute the payment of a fine and legal costs by
community service**

Article 202c

(1) A proposal to substitute the payment of a fine and legal costs by community service may be filed by the perpetrator with the authority that issued the minor offence decision. The proposal must specify the decision it refers to, indicate the facts that substantiate eligibility for community service, and include the applicant's signature. A proposal filed in due time with the minor offence authority or a court that is not competent shall be sent without delay to the court of competent jurisdiction.

(2) If the proposal is inadmissible or late, it shall be rejected by the court by an order. If the proposal is incomplete, the court shall request that the perpetrator amend it accordingly. If the perpetrator fails to amend the proposal within the time limit set by the court, the court shall reject the proposal. If the proposal is not well founded since the conditions to substitute the payment of the fine and legal costs by community service under this Act are not fulfilled, the court shall issue an order dismissing the proposal. An appeal against an order rejecting or dismissing such proposal shall be allowed within 15 days of the service of the order. The higher court shall decide on an appeal within 15 days of

(3) Pri ugotavljanju materialnega pogoja iz drugega odstavka 19.a člena tega zakona sodišče smiselno uporablja določbe zakona, ki ureja brezplačno pravno pomoč, po potrebi pa lahko izvede tudi narok za zaslišanje storilca ali od njega zahteva pisno dopolnitev predloga. Pri tem sodišče do zbirk podatkov, ki so potrebni za ugotavljanje pogoja iz drugega odstavka 19.a člena tega zakona, dostopa pod pogoji iz zakona, ki ureja brezplačno pravno pomoč. Zbrane podatke lahko sodišče obdeluje za potrebe postopka nadomestitve plačila globe in stroškov postopka z delom v splošno korist.

(4) Če sodišče ugotovi predlogu, izda sklep o nadomestitvi plačila globe in stroškov postopka z delom v splošno korist, s katerim določi število ur dela, ki ga mora storilec opraviti, in rok za opravo tega dela. Ta sklep, zoper katerega ni pritožbe, sodišče vroči predlagatelju in pristojnemu organu socialnega varstva.

(5) Če storilec delo opravi v celoti, pristojni organ socialnega varstva o tem nemudoma obvesti sodišče, ki je izdalo sklep iz prejšnjega odstavka.

(6) Če storilec nalog, ki jih je v skladu s sklepom sodišča določil pristojni organ socialnega varstva, ne opravi v celoti, organ socialnega varstva o tem obvesti sodišče, navede število ur opravljenega dela in kratko pojasni tudi razloge, če so mu znani. Sodišče v tem primeru ustavi izvrševanje sklepa iz četrtega odstavka tega člena. O tem mora biti storilec v sklepu iz četrtega odstavka tega člena poučen.

(7) Če se storilec neopravičeno ne odzove vabilu organa socialnega varstva na razgovor glede oprave dela v splošno korist, se vabilu izmika ali se izogiba začetku opravljanja dela, organ socialnega varstva o tem obvesti pristojno sodišče, ki ustavi izvrševanje sklepa iz četrtega odstavka tega člena. O tem mora biti storilec v sklepu iz četrtega odstavka tega člena poučen.

receipt of the file.

(3) In determining the substantive condition referred to in paragraph two of Article 19a of this Act, the court shall apply, *mutatis mutandis*, the provisions of the Act governing free legal aid; if necessary, it may convene a hearing to examine the perpetrator or request that the latter amend the proposal in writing. The court shall access the databases necessary to determine the condition referred to in paragraph two of Article 19a of this Act under the conditions determined in the Act governing free legal aid. The court may process the collected data for the requirements of the proceedings to substitute the payment of a fine and legal costs by community service.

(4) If the court grants the proposal, it shall issue an order to substitute the payment of the fine and legal costs by community service that determines the number of hours of community service that the perpetrator must perform and the time limit to perform such. The court shall serve this order, against which there shall be no appeal, on the applicant and the competent social welfare authority.

(5) If the perpetrator completes the community service, the competent social welfare authority shall notify the court that issued the order referred to in the preceding paragraph thereof without delay.

(6) If the perpetrator does not complete the community service determined by the competent social welfare authority in compliance with the court order, the social welfare authority shall notify the court thereof, and specify the number of hours of completed work and briefly explain the reasons therefor, if they are known. In such case, the court shall stay the enforcement of the order referred to in paragraph four of this Article. The perpetrator must be instructed thereof in the order referred to in paragraph four of this Article.

(7) If the perpetrator fails to respond to the invitation of the social welfare authority to attend an interview regarding community service without justification, avoids an invitation or avoids beginning community service, the social welfare authority shall notify the court of competent jurisdiction thereof, which shall stay the enforcement of the order referred to in paragraph four of this Article. The perpetrator must be instructed thereof in the order referred to in paragraph four of this Article.

Odločanje in izdaja sklepa o prenehanju veljavnosti vozniškega dovoljenja

202.č člen

(1) Sodišče izda sklep o prenehanju veljavnosti vozniškega dovoljenja po uradni dolžnosti na podlagi obvestila organa, pristojnega za vodenje skupne evidence kazenskih točk. Obrazložitev sklepa o prenehanju veljavnosti vozniškega dovoljenja mora vsebovati navedbo vseh kategorij motornih vozil, vpisanih v vozniško dovoljenje storilca, s katerimi so bili storjeni prekrški zoper varnost cestnega prometa, in podatkov o pravnomočnih sodbah in odločbah o prekrških, s katerimi so bile storilcu izrečene kazenske točke v cestnem prometu (navedba organa, ki je sodbo oziroma odločbo izdal, datum izdaje in pravnomočnosti sodbe oziroma odločbe).

(2) Zoper sklep iz prejšnjega odstavka je dovoljena pritožba. Pritožbo lahko vložijo imetnik vozniškega dovoljenja, njegov zakoniti zastopnik oziroma zagovornik v osmih dneh od vročitve sklepa. Pritožba se vloži pisno pri sodišču, ki je izdalo sklep. Pritožba mora vsebovati navedbo sklepa, obrazložitev in podpis vložnika.

(3) Če je pritožba prepozna ali je ni vložila upravičena oseba, jo sodišče, ki je izdalo sklep iz prvega odstavka tega člena, zavrže s sklepom, zoper katerega je dovoljena pritožba.

(4) O pritožbi zoper sklep iz prvega in tretjega odstavka tega člena odloča višje sodišče s sklepom, ki ga izda v petnajstih dneh od prejema spisa.

(5) Sodišče lahko na pobudo upravičenca do pritožbe iz drugega odstavka tega člena ali po uradni dolžnosti prekine postopek odločanja o prenehanju veljavnosti vozniškega dovoljenja do odločitve o vloženem predlogu za odpravo ali spremembo odločbe na predlog prekrškovnega organa, do odločitve pristojnega državnega tožilca o

Deciding on and issuing an order on driving licence revocation

Article 202č

(1) The court shall *ex officio* issue an order on driving licence revocation based on information received from the authority responsible for keeping the joint record of penalty points issued. The statement of the grounds in the order imposing driving licence revocation must contain a list of all categories of motor vehicles shown on the perpetrator's driving licence with which road safety minor offences were committed, and data on the final minor offence judgments and decisions imposing penalty points on the perpetrator (the name of the authority that issued the judgment or decision, and the date on which the judgment or decision was issued and became final).

(2) An appeal shall be allowed against the order referred to in the preceding paragraph. An appeal may be filed by the holder of the driving licence or his or her statutory representative or defence counsel within eight days of the service of the order. The appeal shall be filed in writing with the court that issued the order. The appeal must specify the order, indicate the statement of the grounds and include the signature of the applicant.

(3) Late appeals and appeals filed by unauthorised persons shall be rejected by the court that issued the order referred to in paragraph one of this Article by an order, against which an appeal may be filed.

(4) The higher court shall decide on an appeal against the order referred to in paragraphs one and three of this Article by an order issued within 15 days of receipt of the file.

(5) The court may, on the motion of a person entitled to appeal referred to in paragraph two of this Article, or *ex officio*, suspend proceedings on driving licence revocation until the adoption of the decision on a filed proposal to annul or amend the decision on the proposal of the minor offence authority, until the adoption of the decision

vloženi pobudi za vložitev zahteve za varstvo zakonitosti zoper pravnomočno sodbo ali odločbo o prekršku iz prvega odstavka tega člena, če je zoper sodbo ali odločbo o prekršku vložena zahteva za varstvo zakonitosti, pa do odločitve o tej zahtevi.

(6) Med prekinitvijo postopka o prenehanju veljavnosti vozniškega dovoljenja roki za odločitev o prenehanju veljavnosti vozniškega dovoljenja in za zastaranje izvršitve ne tečejo.

Odložitev izvršitve prenehanja veljavnosti vozniškega dovoljenja

202.d člen

(1) Sodišče sme odložiti izvršitev prenehanja veljavnosti vozniškega dovoljenja pod pogojem, da storilec v času, ki ne sme biti krajši od šestih mesecev in ne daljši od 24 mesecev (preizkusna doba), ne stori hujšega prekrška, in če v roku, ki ga določi sodišče, izpolni obveznosti, ki jih določi sodišče na podlagi zakona o voznikih.

(2) Predlog za odložitev izvršitve prenehanja veljavnosti vozniškega dovoljenja lahko storilec prekrška vloži v 15 dneh od pravnomočnosti sklepa o prenehanju veljavnosti vozniškega dovoljenja pri sodišču, ki je izdalo ta sklep, o čemer mora biti storilec v sklepu poučen. Vložitev predloga zadrži izvršitev prenehanja veljavnosti vozniškega dovoljenja.

(3) Storilec prekrška mora predlogu iz prejšnjega odstavka priložiti zdravniško spričevalo o opravljenem kontrolnem zdravstvenem pregledu po zakonu o voznikih, če ga ni predložil že v postopku za vrnitev začasno odvzetega vozniškega dovoljenja, sicer sodišče predlog zavrže.

(4) Predlog za odložitev izvršitve prenehanja veljavnosti vozniškega dovoljenja se zavrže, če od dneva poteka preizkusne dobe, določene z zadnjim sklepom o odložitvi prenehanja veljavnosti

of the competent state prosecutor on a motion filed with respect to lodging a request for the protection of legality against a final minor offence judgment or decision referred to in paragraph one of this Article, or, if a request for the protection of legality has been filed against the minor offence judgment or decision, until the adoption of a decision on this matter.

(6) While proceedings on driving licence revocation are suspended, the time limits regarding the decision on driving licence revocation and the statute of limitations for enforcement shall not run.

Deferral of the enforcement of driving licence revocation

Article 202d

(1) The court may defer the enforcement of driving licence revocation provided that over a period not shorter than six months and not longer than 24 months (the probation period) the perpetrator has not committed any serious minor offence and that, within the time limit set by the court, he or she has complied with the obligations determined by the court on the basis of the Drivers Act.

(2) A proposal to defer the enforcement of driving licence revocation may be filed by the perpetrator within 15 days of the finality of the order imposing driving licence revocation with the court that issued the order, of which the perpetrator must be instructed in the order. The filing of the proposal shall stay the enforcement of the driving licence revocation.

(3) The perpetrator must also enclose with the proposal referred to in the preceding paragraph a corresponding medical certificate of a completed follow-up medical examination in accordance with the Drivers Act if he or she failed to do so in the proceedings for the return of a temporarily withdrawn driving licence; if he or she fails to do so, the court shall reject the proposal.

(4) A proposal to defer the enforcement of driving licence revocation shall be rejected if two years have not yet passed from the day of the expiry of the probation period determined in the last order deferring

voznškega dovoljenja, še nista minili dve leti.

(5) Če iz priloženega zdravniškega spričevala o opravljenem kontrolnem zdravstvenem pregledu izhaja, da je storilec trajno telesno in duševno nezmožen za vožnjo motornega vozila, se predlog za odložitev izvršitve prenehanja veljavnosti voznškega dovoljenja zavrže.

(6) Če iz priloženega zdravniškega spričevala o opravljenem kontrolnem zdravstvenem izhaja, da je storilec začasno telesno in duševno nezmožen za vožnjo motornega vozila, sodišče postopek odločanja o odložitvi izvršitve prenehanja veljavnosti voznškega dovoljenja s sklepom prekine do predložitve zdravniškega spričevala, ki izkazuje storilčevo telesno in duševno zmožnost za vožnjo motornega vozila, vendar največ za eno leto od vročitve sklepa o prekinitvi postopka. Če v tem roku storilec ne predloži ustreznega novega zdravniškega spričevala, se predlog za odložitev izvršitve prenehanja veljavnosti voznškega dovoljenja zavrže, o čemer mora biti predlagatelj v sklepu o prekinitvi postopka poučen.

(7) Pri odločanju o odložitvi izvršitve prenehanja veljavnosti voznškega dovoljenja sodišče upošteva osebnost storilca, njegovo prejšnje življenje, njegovo obnašanje po storjenem prekršku, stopnjo njegove odgovornosti za prekršek in okoliščine, v katerih je storil prekršek, ter na tej podlagi oceni, ali je mogoče pričakovati, da ne bo več ponavljal prekrškov in da bo izpolnil obveznosti po zakonu o voznikih. Za ugotovitev teh okoliščin lahko sodišče razpiše narok, na katerega povabi storilca. Če storilec na narok ne pride in izostanka ne opraviči, se šteje, da je predlog umaknil, o čemer mora biti v vabilu poučen.

(8) V sklepu, s katerim ugotovi predlogu za odložitev izvršitve prenehanja veljavnosti voznškega dovoljenja, sodišče navede čas trajanja preizkusne dobe in obveznosti, ki jih mora storilec izpolniti po tem zakonu in po zakonu o voznikih, ter rok za predložitev dokazil o izpolnitvi teh obveznosti, kratko pa pojasni tudi razloge za odložitev izvršitve prenehanja veljavnosti voznškega dovoljenja in za določitev posameznih obveznosti. Storilec mora biti poučen o posledicah, če v roku ne bo

driving licence revocation.

(5) If according to the enclosed medical certificate of a completed follow-up medical examination the perpetrator is permanently physically and mentally incapable of driving a motor vehicle, the proposal to defer the enforcement of driving licence revocation shall be rejected.

(6) If according to the enclosed medical certificate of a completed follow-up medical examination the perpetrator is temporarily physically and mentally incapable of driving a motor vehicle, the court shall issue an order suspending the proceedings concerning the deferral of the enforcement of driving licence revocation until the perpetrator submits a medical certificate demonstrating his or her physical and mental capability to drive a motor vehicle and suspending the proceedings for a maximum of one year from the service of the order. If the perpetrator fails to submit a new medical certificate within this time limit, the proposal to defer the enforcement of driving licence revocation shall be rejected, of which the applicant must be instructed in the order suspending the proceedings.

(7) When deciding on a proposal to defer the enforcement of driving licence revocation, the court shall take into account the personality of the perpetrator, his or her past life, his or her conduct after the commission of the minor offence, the level of his or her liability for the minor offence, and the circumstances under which the offence was committed, and assess on this basis whether it is to be expected that the perpetrator will no longer repeat the minor offences and whether he or she will comply with the obligations laid down in the Drivers Act. In order to verify these circumstances, the court may schedule a hearing and summon the perpetrator. If the perpetrator fails to attend the hearing without a justified reason, he or she shall be deemed to have withdrawn his or her proposal, of which he or she must be instructed in the summons.

(8) In the order granting a proposal to defer the enforcement of driving licence revocation, the court shall determine the duration of the probation period and the obligations that the perpetrator must fulfil under this Act and the Drivers Act, as well as the time limit for the submission of evidence demonstrating compliance with these obligations, and briefly state the reasons for the deferral of the enforcement of driving licence revocation and for imposing certain obligations on the perpetrator. The

izpolnil obveznosti, ki jih določi sodišče.

(9) Obveznosti iz prejšnjega odstavka so udeležba v programu dodatnega usposabljanja za varno vožnjo, udeležba v ustreznem rehabilitacijskem programu po zakonu o voznikih ali udeležba v obeh navedenih programih. Sodišče pri izbiri obveznosti upošteva število, naravo in pomen prekrškov vožnje pod vplivom alkohola, prepovedanih drog, psihoaktivnih zdravil ali drugih psihoaktivnih snovi, ki so bili podlaga za prenehanje veljavnosti voznškega dovoljenja, ugotovitve in predloge v zdravniškem spričevalu o opravljenem kontrolnem zdravstvenem pregledu in druge okoliščine, ki so pomembne za odpravo vzrokov, zaradi katerih storilec krši pravila cestnega prometa.

(10) Storilec mora najkasneje v 15 dneh po pravnomočnosti sklepa iz osmega odstavka tega člena sodišču predložiti dokazilo o vključitvi v ustrezen program z navedbo izvajalca, pooblaščenega po zakonu o voznikih. O tej dolžnosti mora biti storilec v sklepu poučen. Po prejemu dokazila sodišče sklep iz osmega odstavka tega člena vroči izvajalcu programa, ki je dolžan sodišču posredovati potrdilo o opravljenem programu oziroma sodišče obvestiti, če se storilec programa ne udeleži. Če je storilcu določena obveznost udeležbe v programu zdravljenja odvisnosti, sodišče v sklepu določi tudi roke, v katerih ga je izvajalec dolžan obveščati o poteku in uspešnosti izvajanja programa.

(11) Če storilec v roku iz prejšnjega odstavka sodišču priloži dokazilo o vključitvi v zahtevnejši rehabilitacijski program, sodišče sklep o odložitvi izvršitve prenehanja veljavnosti voznškega dovoljenja ustrezno spremeni v delu, ki se nanaša na rehabilitacijski program. Zoper ta sklep ni pritožbe.

(12) Zoper sklep o zavrženju ali zavrnitvi predloga za odložitev izvršitve prenehanja veljavnosti voznškega dovoljenja lahko storilec vloži pritožbo v osmih dneh od dneva vročitve sklepa. Pritožba ne zadrži izvršitve prenehanja veljavnosti voznškega dovoljenja. O pritožbi odloči

perpetrator must be instructed of the consequence of failing to fulfil the obligations determined by the court.

(9) The obligations referred to in the preceding paragraph shall include participation in a supplementary safe driving training programme, participation in a corresponding programme of rehabilitation under the Drivers Act, or participation in both programmes. In selecting the obligations, the court shall take into account the number, nature and significance of any minor offences involving drink-driving and driving under the influence of drugs, psychoactive medications or other psychoactive substances that constituted the grounds for driving licence revocation, the findings and suggestions noted in the medical certificate of the completed follow-up medical examination, and other circumstances important to eliminate the reasons for the perpetrator's violations of road traffic safety rules.

(10) No later than within 15 days of the day when the order referred to in paragraph eight of this Article became final, the perpetrator must submit to the court evidence of participation in the relevant programme that indicates the programme provider authorised under the Drivers Act. The perpetrator must be instructed of this obligation in the order. Upon receiving the evidence, the court shall serve the order referred to in paragraph eight of this Article on the programme provider, which is obliged to send to the court a certificate of completion of the programme or notify the court of the perpetrator's non-attendance. If the perpetrator has been imposed the obligation to participate in an addiction treatment programme, in the order the court shall determine the time limits by which the provider is obliged to inform the court of the course and effectiveness of the programme.

(11) If, within the time limit referred to in the preceding paragraph, the perpetrator submits to the court evidence of participation in a more intensive rehabilitation programme, the court shall accordingly amend the order deferring the enforcement of driving licence revocation in the part relating to the rehabilitation programme. There shall be no appeal against this order.

(12) A perpetrator may file an appeal against an order rejecting or dismissing a proposal for the deferral of the enforcement of driving licence revocation within eight days of the service of the order. The appeal shall not stay the enforcement of driving licence revocation. The

višje sodišče s sklepom, ki ga izda v 15 dneh od prejema spisa.

(13) Sklep o odložitvi izvršitve prenehanja veljavnosti vozniškega dovoljenja se vpiše v skupno evidenco kazenskih točk iz 207. člena tega zakona in v evidenco izdanih vozniških dovoljenj.

(14) Zastaranje izvršitve prenehanja veljavnosti vozniškega dovoljenja začne teči po poteku preizkusne dobe.

Dokončna odločitev o prenehanju veljavnosti vozniškega dovoljenja

202.e člen

(1) Če sodišče ugotovi, da storilec v preizkusni dobi ni storil hujšega prekrška in da je izpolnil določene obveznosti, s sklepom odloči, da se izrečena sankcija prenehanja veljavnosti vozniškega dovoljenja ne izvrši. Sklep sodišče izda najpozneje v 15 dneh po uradni dolžnosti po izteku enega leta od poteka preizkusne dobe. Zoper ta sklep ni pritožbe.

(2) Sodišče s sklepom prekliče odložitev izvršitve prenehanja veljavnosti vozniškega dovoljenja, če storilec v preizkusni dobi stori hujši prekršek ali v rokih, ki jih določi sodišče, ne izpolnjuje vseh obveznosti iz sklepa o odložitvi izvršitve prenehanja veljavnosti vozniškega dovoljenja. Ne glede na prejšnji odstavek sodišče po uradni dolžnosti z istim sklepom odloči tudi o drugih odločbah v zvezi z odložitvijo izvršitve prenehanja veljavnosti vozniškega dovoljenja. Zoper sklep o preklicu odložitve izvršitve prenehanja veljavnosti vozniškega dovoljenja lahko storilec vloži pritožbo v osmih dneh od dneva vročitve. O pritožbi odloči višje sodišče s sklepom, ki ga izda v 15 dneh od prejema spisa.

(3) Če so bile storilcu za prekršek, ki je bil storjen pred izdajo sklepa o odložitvi prenehanja veljavnosti vozniškega dovoljenja, v času od izdaje tega sklepa do poteka preizkusne dobe pravnomočno izrečene

court shall decide on the appeal by an order to be issued within 15 days of receipt of the case file.

(13) The order deferring the enforcement of driving licence revocation shall be entered in the joint record of penalty points referred to in Article 207 of this Act and in the record of driving licences issued.

(14) The statute of limitations for the enforcement of driving licence revocation shall start to run from the date of the expiry of the probation period.

Final decision on driving licence revocation

Article 202e

(1) In cases where the court finds that the perpetrator has not committed any serious minor offence during the probation period, and that he or she has fulfilled the prescribed obligations, it shall issue an order deciding that the imposed sanction of driving licence revocation shall not be enforced. The court shall issue the order *ex officio* no later than within 15 days of the expiry of one year following the expiry of the probation period. There shall be no appeal against this order.

(2) The court shall issue an order cancelling the deferral of the enforcement of driving licence revocation when the perpetrator has committed a serious minor offence during the probation period or has failed, within the time limits determined by the court, to fulfil all the obligations determined in the order deferring the enforcement of driving licence revocation. Notwithstanding the preceding paragraph, the court shall, *ex officio*, by the same order also decide on other decisions in relation to deferring the enforcement of driving licence revocation. The perpetrator may file an appeal against the order cancelling the deferral of the enforcement of driving licence revocation within eight days of the service of the order. The appeal shall be decided on by a higher court by an order issued within 15 days of receipt of the case file.

(3) In cases where between the date when this order was issued and the expiry of the probation period the perpetrator has been imposed, on the basis of a final decision, penalty points for a traffic

kazenske točke v cestnem prometu, predpisane v številu, zaradi katerega se po zakonu izreče prenehanje veljavnosti vozniškega dovoljenja, sodišče s sklepom prekliče odložitev izvršitve prenehanja veljavnosti vozniškega dovoljenja.

(4) Organ, ki vodi skupno evidenco kazenskih točk, po uradni dolžnosti obvesti pristojno sodišče o naslednjih vpisih za storilca, ki mu je bila odložena izvršitev prenehanja veljavnosti vozniškega dovoljenja:

- o vpisu pravnomočne odločbe o hujšem prekršku, ki je bil storjen v času preizkusne dobe, če je bila izdana najpozneje v enem letu po poteku preizkusne dobe;
- o vpisu pravnomočne odločbe, s katero so bile izrečene kazenske točke, predpisane v številu, zaradi katerega se po zakonu storilcu izreče prenehanje veljavnosti vozniškega dovoljenja, za prekršek, storjen pred izdajo sklepa o odložitvi prenehanja veljavnosti vozniškega dovoljenja, če je bila izdana v času od izdaje tega sklepa do poteka preizkusne dobe.

(5) Za storilca, ki mu je bila odložena izvršitev prenehanja veljavnosti vozniškega dovoljenja, se do pravnomočnosti dokončne odločitve sodišča o prenehanju veljavnosti vozniškega dovoljenja ne uporabljajo določbe tega zakona o izbrisu kazenskih točk zaradi izrečenega prenehanja veljavnosti vozniškega dovoljenja. Po pravnomočnosti dokončne odločitve se v skladu s četrtem odstavkom 207. člena tega zakona iz skupne evidence kazenskih točk izbrišejo vse vpisane kazenske točke, razen kazenskih točk, ki so storilcu, kateremu se prenehanje veljavnosti vozniškega dovoljenja ne izvrši, izrečene za prekrške, storjene v preizkusni dobi in po preteku preizkusne dobe. Če storilec s temi kazenskimi točkami v času do pravnomočnosti dokončne odločitve sodišča o prenehanju veljavnosti vozniškega dovoljenja doseže število kazenskih točk, zaradi katerega se izreče prenehanje veljavnosti vozniškega dovoljenja, mu pristojno sodišče na tej podlagi prekliče odložitev izvršitve prenehanja veljavnosti vozniškega dovoljenja.

Izvrševanje odložitve izvršitve prenehanja veljavnosti vozniškega dovoljenja

offence committed before the issuance of the order deferring the enforcement of driving licence revocation, and the number of penalty points results in driving licence revocation in accordance with an Act, the court shall issue an order cancelling the deferral of the enforcement of driving licence revocation.

(4) The authority responsible for keeping the record of penalty points shall *ex officio* notify the competent court of the following entries concerning a perpetrator regarding whom the enforcement of driving licence revocation has been deferred:

- the entry of a final decision on a serious minor offence committed during the probation period, if the decision was issued within one year following the expiry of the probation period at the latest;
- the entry of a final decision imposing penalty points where the number of penalty points results in driving licence revocation in accordance with an Act, for a minor offence committed before the issuance of the order deferring the enforcement of driving licence revocation, if the decision was issued between the date when this order was issued and the expiry of the probation period.

(5) A perpetrator regarding whom the enforcement of driving licence revocation has been deferred shall not be subject, pending the final decision of the court on driving licence revocation, to the provisions of this Act governing the removal of penalty points due to the imposition of driving licence revocation. After the decision becomes final, all penalty points entered shall, in compliance with paragraph four of Article 207 of this Act, be removed from the joint record of penalty points, with the exception of the penalty points imposed on a perpetrator who was not subject to the enforcement of driving licence revocation for minor offences committed during and after the expiry of the probation period. If, pending the final decision of the court regarding driving licence revocation, the perpetrator with such points reaches the number of penalty points that results in driving licence revocation, the competent court shall, on such basis, cancel the deferral of the enforcement of driving licence revocation.

Enforcement of the deferral of the enforcement of driving licence revocation

202.f člen

Za izvrševanje odložitve prenehanja veljavnosti vozniškega dovoljenja in preklica odložitve, se smiselno uporabljajo določbe tega zakona in zakona, ki ureja izvrševanje kazenskih sankcij, o prepovedi vožnje motornega vozila, razen določbe o dnevu izvršitve vpisa.

Evidence prekrškovnih organov

203. člen

(1) Prekrškovni organi morajo zaradi zagotavljanja izvrševanja pravnih posledic odločb o prekršku, za ugotavljanje prej izrečenih sankcij za prekrške in za izdajanje potrdil o podatkih iz te evidence voditi evidenco o pravnomočnih odločbah o prekrških. Ministrstvo, pristojno za pravosodje, zagotavlja skupno informacijsko infrastrukturo, v kateri lahko organi iz prejšnjega stavka z uporabo lastnih sredstev informacijske tehnologije vodijo svoje evidence. Organ, ki vodi svoje evidence samostojno z lastno informacijsko infrastrukturo, zagotovi, da se v skupno informacijsko infrastrukturo pri ministrstvu, pristojnem za pravosodje, prenašajo podatki iz drugega odstavka tega člena.

(2) Evidenca iz prvega odstavka mora vsebovati zlasti:

- podatke o storilcu prekrška (osebno ime in EMŠO ter naslov stalnega oziroma začasnega prebivališča za fizično osebo oziroma firmo in sedež ter enotno matično številko za pravno osebo, če je storilec tujec, pa namesto EMŠO njegove rojstne podatke);
- pravno opredelitev prekrška;
- številko in datum izdane odločbe o prekršku ter izrečeno sankcijo.

Evidence pravnomočnih odločb sodišč

Article 202f

The deferral of driving licence revocation and the cancellation of deferral shall be enforced by the application, *mutatis mutandis*, of the provisions of this Act and of the Act governing the enforcement of criminal sanctions relating to a driving prohibition, except for the provision on the date of making the entry in the relevant register.

Records of minor offence authorities

Article 203

(1) Minor offence authorities shall keep records of all final minor offence decisions in order to ensure the enforcement of the legal consequences of minor offence decisions, to establish previously imposed minor offence sanctions, and to issue certificates on the data contained in these records. The ministry responsible for justice shall ensure a joint information infrastructure, in which the authorities referred to in the preceding sentence can keep their own records using their own information technology resources. An authority keeping its own records using its own information infrastructure shall ensure that the data referred to in paragraph two of this Article are transferred to the joint information infrastructure provided by the ministry responsible for justice.

(2) The records referred to in paragraph one shall contain in particular:

- information on the perpetrator of the minor offence (for natural persons, name, EMŠO, and address of permanent or temporary residence; and for legal persons, the company title, head office and registration number; and if the perpetrator is a foreigner, birth information instead of EMŠO);
- a legal definition of the minor offence;
- the reference number and date of the minor offence decision issued and the sanction imposed.

Records of final decisions issued by courts

204. člen

(1) Ministrstvo, pristojno za pravosodje, vodi evidenco pravnomočnih sodb oziroma sklepov o prekrških, ki obsega podatke iz drugega odstavka prejšnjega člena. Evidenca pravnomočnih sodb oziroma sklepov o prekrških se vodi zaradi zagotavljanja izvrševanja pravnih posledic sodb in sklepov o prekršku, za ugotavljanje prej izrečenih sankcij za prekrške in za izdajanje potrdil o podatkih iz te evidence.

Dajanje podatkov iz evidenc o pravnomočnih odločbah o prekrških

204.a člen

(1) Podatki, ki so vpisani v evidence iz 203. in 204. člena tega zakona, se lahko dajejo samo na podlagi pisne vloge posameznika, na katerega se ti podatki nanašajo, če jih potrebuje za uveljavljanje svojih pravic.

(2) Podatki, ki so vpisani v evidence iz prejšnjega odstavka, se lahko dajejo pisno ali z uporabo informacijske tehnologije tako, da je zagotovljeno njihovo varovanje v skladu z zakonom, ki ureja varstvo osebnih podatkov.

(3) Posameznikom iz prvega odstavka tega člena daje podatke iz evidence iz 203. člena tega zakona prekrškovni organ vsak za svoje področje, podatke iz evidence iz 204. člena tega zakona pa ministrstvo, pristojno za pravosodje.

(4) Sodiščem in državnim tožilstvom se omogoči brezplačen oddaljeni dostop do podatkov v evidencah o pravnomočnih odločbah o prekrških iz 203. in 204. člena tega zakona. Prekrškovnim organom se omogoči brezplačen oddaljeni dostop do lastnih podatkov v njihovi evidenci iz 203. člena tega zakona in do podatkov o pravnomočnih odločbah sodišč iz 204. člena tega zakona, ki se nanašajo na zadeve, v katerih so odločali kot prekrškovni organi. Drugim državnim organom in

Article 204

(1) The ministry responsible for justice shall keep records of final minor offence judgments and orders, which shall include the information referred to in paragraph two of the preceding Article. Records of final minor offence judgments and orders shall be kept to ensure the enforcement of the legal consequences of minor offence judgments and orders, to establish previously imposed minor offence sanctions, and to issue certificates on the data contained in these records.

Disclosing data from the records of final minor offence decisions

Article 204a

(1) Data from the records referred to in Articles 203 and 204 of this Act shall be disclosed exclusively on the basis of a written application by the person to whom these data refer, if this person needs such data for the purpose of exercising his or her rights.

(2) Data from the records referred to in the preceding paragraph may be disclosed in writing or with the use of information technology in a manner ensuring their protection in compliance with the Act governing personal data protection.

(3) Data from the records referred to in Article 203 of this Act shall be disclosed to the persons referred to in paragraph one of this Article by minor offence authorities for their respective areas, while data from the records referred to in Article 204 of this Act shall be disclosed by the ministry responsible for justice.

(4) The courts and state prosecutor's offices shall be provided free-of-charge remote access to data in the records of final minor offence decisions referred to in Articles 203 and 204 of this Act. Minor offence authorities shall be provided free-of-charge remote access to their own data in their records referred to in Article 203 of this Act and to data on the final decisions of courts referred to in Article 204 of this Act concerning matters in which they decided as minor offence authorities.

organom samoupravnih lokalnih skupnosti se omogoči brezplačen oddaljeni dostop do tistih podatkov v evidencah iz 203. in 204. člena tega zakona, ki jih potrebujejo za izvajanje svojih zakonsko določenih pristojnosti.

(5) Osebam, ki imajo za uporabo podatkov iz 203. in 204. člena tega zakona upravičen, na zakonu utemeljen interes, se ti podatki dajejo na podlagi obrazložene pisne zahteve.

(6) Način upravljanja evidenc iz 203. in 204. člena tega zakona, dajanje podatkov iz teh evidenc, način oddaljenega elektronskega dostopa do evidenc in tehnične pogoje za uporabo podatkov določi minister, pristojen za pravosodje, po predhodnem mnenju državnega nadzornega organa za varstvo osebnih podatkov.

Izbris

205. člen

Pravnomočne odločbe, sodbe oziroma sklepi o prekrških se iz evidenc iz 203. in 204. člena tega zakona izbrišejo po poteku treh let od dneva pravnomočnosti odločb, vendar ne dokler trajajo stranske sankcije, dokumentarno gradivo, na podlagi katerega so bile vpisane, pa se hrani po določbi sedmega odstavka 206. člena tega zakona.

Zbirke podatkov, ki jih vodijo organi za postopek o prekrških

206. člen

(1) Zaradi evidence zadev, ki jih obravnavajo, za učinkovito vodenje in preglednost postopkov ter za statistično poročanje vodijo sodišča naslednje zbirke podatkov (določene vpisnike in pomožne knjige):

Other state authorities and self-governing local community authorities shall be provided free-of-charge remote access to the data in the records referred to in Articles 203 and 204 of this Act that they need to exercise their legally determined competences.

(5) Persons who have a legal interest to use the data referred to in Articles 203 and 204 of this Act shall be provided such data on the basis of a reasoned written request.

(6) The method of managing the records referred to in Articles 203 and 204 of this Act, the disclosure of data from these records, the method of remote electronic access to the records, and the technical conditions for the use of data shall be specified by the minister responsible for justice following the prior opinion of the national supervisory authority responsible for personal data protection.

Deletion

Article 205

Final minor offence decisions, judgments and orders shall be deleted from the records referred to in Articles 203 and 204 of this Act upon the expiry of a three-year period from the day they became final, but not until secondary sanctions cease to have effect; the documentary materials on the basis of which they were entered shall be kept in accordance with the provision of paragraph seven of Article 206 of this Act.

Databases kept by authorities conducting minor offence proceedings

Article 206

(1) For the purpose of keeping records of cases dealt with, effective management, the transparency of proceedings, and statistical reports, the courts shall keep the following databases (specific registers and auxiliary books):

- vpisnik za zadeve o prekrških na prvi stopnji;
- vpisnik za zadeve o prekrških na drugi stopnji;
- splošni vpisnik;
- vpisnik za zaupne, tajne in strogo tajne zadeve;
- vpisnik za prenehanje veljavnosti vozniških dovoljenj na podlagi doseženega ali preseženega z zakonom določenega števila kazenskih točk na prvi stopnji;
- vpisnik za prenehanje veljavnosti vozniških dovoljenj na podlagi doseženega ali preseženega z zakonom določenega števila kazenskih točk na drugi stopnji;
- druge vpisnike v skladu s sodnim redom;
- seznam odvzetih predmetov;
- evidenco zapadle, neplačane globe, sodne takse, stroškov postopka, odvzete premoženjske koristi in kazni za kršitev postopka ter nadomestnih zaporov.

(2) Za namene iz prejšnjega odstavka vodijo prekrškovni organi naslednje zbirke podatkov (določene vpisnike in pomožne knjige):

- vpisnik za zadeve prekrškov, v katerih se izda plačilni nalog;
- vpisnik za zadeve prekrškov, v katerih se izda odločba o prekršku;
- vpisnik za zadeve, v katerih se vloži obdolžilni predlog;
- seznam odvzetih predmetov;
- evidenco zapadle, neplačane globe, sodne takse, stroškov postopka, odvzete premoženjske koristi in kazni za kršitev postopka ter nadomestnih zaporov.

(3) Zbirke podatkov iz prejšnjega odstavka lahko vsebujejo naslednje osebne podatke:

- obdolženca oziroma storilca: osebno ime, za poročene tudi prejšnji priimek, če je bil spremenjen, datum, kraj in občina rojstva, EMŠO, naslov stalnega prebivališča (stalnega, začasnega), državljanstvo, poklic, zaposlitev, ime in sedež pravne osebe oziroma samostojnega podjetnika posameznika, podatki o vozniškem dovoljenju (številka vozniškega dovoljenja, upravna enota, ki ga je izdala, datum izdaje vozniškega dovoljenja po opravljenem vozniškem izpitu, kategorije motornih vozil, za katere je bilo vozniško dovoljenje izdano),
- predlagatelja, drugih udeležencev v postopku, pošiljateljev vlog

- a register of minor offence cases in the first instance;
- a register of minor offence cases in the second instance;
- a general register;
- a register of confidential, secret and top secret cases;
- a register of driving licence revocations on the basis of reaching or exceeding the statutory number of penalty points in the first instance;
- a register of driving licence revocations on the basis of reaching or exceeding the statutory number of penalty points in the second instance;
- other registers in compliance with judicial regulations;
- a list of items confiscated;
- records of due and unpaid fines, court fees, legal costs, confiscated proceeds and penalties applying to procedural violations, as well as substitute imprisonment.

(2) For the purposes referred to in the preceding paragraph, the minor offence authorities shall keep the following databases (specific registers and auxiliary books):

- a register of minor offence cases for which a penalty notice has been issued;
- a register of minor offence cases for which a minor offence decision has been issued;
- a register of cases for which an accusatory instrument has been filed;
- a list of items confiscated; and
- a record of due and unpaid fines, court fees, legal costs, confiscated proceeds and penalties applying to procedural violations, as well as substitute imprisonment.

(3) The databases referred to in the preceding paragraph may contain the following personal data:

- on the accused or the perpetrator: name and, for married persons, also the previous last name when the latter was changed, the date, place and municipality of birth, EMŠO, residence address (permanent, temporary), citizenship, profession, job title; name and head office of a legal person or individual sole trader; driving licence information (driving licence number, administrative unit that issued it, date of issue of the driving licence following a successfully passed driving examination, the categories of motor vehicles for which the driving licence was issued);
- regarding the initiator, other participants in the proceedings, senders

oziroma prevzemnikov: osebno ime, naslov prebivališča (stalnega, začasnega), ime in sedež pravne osebe oziroma samostojnega podjetnika posameznika.

(4) Posamezne zbirke podatkov lahko vsebujejo tudi druge podatke, ki niso osebni, in so potrebni za doseg namena iz prvega odstavka tega člena.

(5) Osebni in drugi podatki, ki se vpisujejo v zbirke podatkov, se pridobivajo iz podatkov v spisu, lahko pa tudi iz že obstoječih zbirk podatkov.

(6) Podatke iz evidenc lahko obdelujejo v času pet let po pravnomočnosti odločbe prekrškovni organi, sodišča, državna tožilstva, policija, drugi državni organi v okviru svojih pooblastil, stranke oziroma drugi udeleženci, ki so na podlagi procesnih zakonov upravičeni pregledovati in prepisovati spis v posamezni zadevi, ostali uporabniki pa le, če so za uporabo podatkov pooblaščen z zakonom.

(7) Dokumentarno gradivo, ki nastaja pri delu organov za postopek o prekrških v obliki vpisnikov, se hrani trajno. Dokumentarno gradivo, ki nastaja pri delu organov za postopek o prekrških v obliki določenih pomožnih knjig (seznam odvzetih predmetov, evidenca zapadle, neplačane globe, sodne takse, stroškov postopka, odvzete premoženjske koristi in kazni za kršitev postopka), se hrani pet let. Za hrambo in izločanje dokumentarnega gradiva se do izdaje novega predpisa uporabljajo določbe Pravilnika o notranjem poslovanju organov za postopek o prekrških (Uradni list SRS, št. 18/86, 22/86 – popr. in 16/88 ter Uradni list RS, št. 48/90, 35/98, 17/2000, 7/2001 in 105/2001).

(8) Minister, pristojen za pravosodje, podrobneje predpiše obliko in vsebino posameznih zbirk podatkov (določenih vpisnikov in pomožnih knjig iz prvega in drugega odstavka tega člena) pri organih za postopek o prekrških.

and receivers of applications: name, residence address (permanent, temporary), name and head office of a legal person or individual sole trader.

(4) Individual databases may also contain information other than personal data necessary to achieve the purpose referred to in paragraph one of this Article.

(5) The personal and other data entered in databases shall be obtained from the data contained in the relevant file or may be obtained from the existing databases.

(6) Data from the records may be processed for a period of five years from the day when the minor offence decision became final by minor offence authorities, courts, state prosecutor offices, the police, other state authorities within the limits of their jurisdiction, parties and other participants who on the basis of procedural Acts are entitled to examine and copy the relevant files applying to individual cases; other users may use this data only if they are legally authorised to do so.

(7) The documentary material collected during the work of authorities conducting minor offence proceedings in the form of registers shall be kept permanently. The documentary material collected during the work of authorities conducting minor offence proceedings in the form of specific auxiliary books (lists of items confiscated, records of due and unpaid fines, court fees, legal costs, confiscated proceeds and penalties applying to procedural violations) shall be kept for five years. Pending the issuance of a new regulation, the retention and exclusion of documentary material shall be subject to the application of the provisions of the Rules on the Internal Operations of Authorities Responsible for Minor Offence Proceedings (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], Nos 18/86, 22/86 – corr. and 16/88 and Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 48/90, 35/98, 17/00, 7/01 and 105/01).

(8) The minister responsible for justice shall prescribe in more detail the form and content of individual databases (the specific registers and auxiliary books referred to in paragraphs one and two of this Article) kept by the authorities conducting minor offence proceedings.

Vodenje skupne evidence kazenskih točk

207. člen

(1) Pri ministrstvu, pristojnem za pravosodje, se vodi skupna evidenca o številu izrečenih kazenskih točk za posamezne storilce prekrškov in pravnomočnih odločbah o prenehanju veljavnosti vozniškega dovoljenja (v nadaljnjem besedilu: evidenca). Evidenca se vodi zaradi evidentiranja in obdelave podatkov o storilcih prekrškov, ki so jim bile za prekrške v cestnem prometu izrečene kazenske točke, in števila izrečenih kazenskih točk, evidentiranja podatkov o tem, katerim voznikom je bilo izrečeno prenehanje veljavnosti vozniškega dovoljenja oziroma prepoved uporabe vozniškega dovoljenja na ozemlju Republike Slovenije na podlagi doseženega ali preseženega z zakonom določenega števila kazenskih točk v cestnem prometu.

(2) Ministrstvo, pristojno za pravosodje, je upravljalec evidence.

(3) Ministrstvo, pristojno za pravosodje, obvesti pristojno sodišče o tem, da je storilec prekrška dosegel število kazenskih točk, zaradi katerega se izreče prenehanje veljavnosti vozniškega dovoljenja.

(4) Kazenske točke v cestnem prometu se izbrišejo iz evidence po preteku dveh let od pravnomočnosti odločbe, s katero so bile izrečene, če v tem času storilec ne doseže števila kazenskih točk, zaradi katerega se izreče prenehanje veljavnosti vozniškega dovoljenja oziroma prepoved uporabe vozniškega dovoljenja na ozemlju Republike Slovenije, oziroma če v roku iz tretjega odstavka 22. člena tega zakona ni bila izdana odločba. Z dnem vpisa sodbe oziroma sklepa o prekršku, s katerim je bilo izrečeno prenehanje veljavnosti vozniškega dovoljenja oziroma prepoved uporabe vozniškega dovoljenja na ozemlju Republike Slovenije, se izbrišejo vse do tedaj zbrane kazenske točke. Iz evidence se izbrišejo tudi vse kazenske točke, izrečene s sodbo oziroma sklepom sodišča ali odločbo prekrškovnega organa, ki so bile za prekršek, storjen v času veljavnosti vozniškega dovoljenja, izrečene po prenehanju veljavnosti vozniškega dovoljenja. Izbriše se tudi prenehanje veljavnosti

Keeping a joint record of penalty points

Article 207

(1) The ministry responsible for justice shall keep a joint record of the number of penalty points imposed on individual perpetrators of minor offences and final decisions on driving licence revocations (hereinafter: the record). The record shall be kept for the purpose of recording and processing data on the perpetrators of minor offences on whom penalty points for traffic offences have been imposed and on the number of penalty points imposed, and for the purpose of recording data on drivers on whom the sanction of driving licence revocation or the prohibition of using a driving licence in the territory of the Republic of Slovenia has been imposed on the basis of reaching or exceeding the statutory number of penalty points for traffic offences.

(2) The records shall be managed by the ministry responsible for justice.

(3) The ministry responsible for justice shall notify the competent court of the fact that a perpetrator of a minor offence has reached the number of penalty points that results in the imposition of driving licence revocation.

(4) Penalty points for traffic offences shall be removed from the record after the expiry of two years from the day on which the decision imposing them became final if during this time the perpetrator has not reached the number of penalty points that results in the imposition of driving licence revocation or the prohibition of using a driving licence in the territory of the Republic of Slovenia, or if the decision has not been issued by the deadline specified in paragraph three of Article 22 of this Act. On the day of the entry of the minor offence judgment or order imposing driving licence revocation or the prohibition of using a driving licence in the territory of the Republic of Slovenia in the records, all of the previously collected penalty points shall be removed. All penalty points imposed by a court judgment or order or by a decision of a minor offence authority for any minor offence committed when the driving licence was still valid, but imposed after driving licence revocation, shall also be

voznškega dovoljenja, izrečeno s sodbo ali sklepom sodišča, ki je bilo vpisano v evidenco po že vpisanem prenehanju veljavnosti istega voznškega dovoljenja. O izbrisanih kazenskih točkah, izrečenih po posameznih kategorijah motornih vozil, se obvesti upravna enota, ki je izdala vozniško dovoljenje.

(5) Ministrstvo, pristojno za pravosodje, izbriše kazenske točke iz evidence po uradni dolžnosti takoj, ko izve za dejstvo, ki je podlaga za izbris vseh ali le določenega števila kazenskih točk. Po izbrisu kazenskih točk se izpisi iz evidence in odločbe, ki so podlaga za vpis v evidenco, vložijo v zbirko dokumentarnega gradiva. Izpisi in odločbe se hranijo pet let.

(6) Ne glede na prejšnji odstavek se podatek o datumu izdaje sklepa o odložitvi izvršitve prenehanja veljavnosti voznškega dovoljenja iz evidence izbriše po treh letih od datuma vročitve tega sklepa.

(7) Posameznik, na katerega se podatki iz evidence nanašajo, ima pravico do brezplačnega vpogleda vanje, tako da preko elektronskega dostopa izkaže svojo identiteto z uporabo kvalificiranega digitalnega potrdila, izdanega v skladu s predpisi Republike Slovenije.

(8) Posamezniku, na katerega se podatki nanašajo, se sme na njegovo zahtevo izdati potrdilo s temi podatki, če pa niso vpisani, pa potrdilo o tem dejstvu. V zahtevi se navede, za uveljavljanje katerih pravic ali izpolnjevanje katerih obveznosti je potrdilo potrebno.

(9) Drugim uporabnikom se podatki iz evidence dajejo na podlagi obrazložene pisne zahteve, če imajo za njihovo obdelavo upravičen, na zakonu utemeljen interes. Sodiščem, državnim tožilstvom in policiji se omogoči brezplačni oddaljeni dostop do podatkov v skupni evidenci kazenskih točk.

(10) Podrobnejša merila o vodenju evidence iz prvega odstavka tega člena določi minister, pristojen za pravosodje. Način oddaljenega elektronskega dostopa do evidence ter tehnične pogoje za uporabo podatkov določi minister, pristojen za pravosodje, po

removed from the record. The sanction of driving licence revocation imposed by a court judgment or order that was entered in the records after the entry of the revocation of the same driving licence shall also be expunged. Information on removed penalty points in relation to individual categories of motor vehicles shall be notified to the administrative unit that issued the driving licence.

(5) The ministry responsible for justice shall remove the penalty points from the record *ex officio* immediately when it becomes aware of a fact that serves as a basis for removing all or a specified number of penalty points. After the removal of the penalty points, the extract from the record and the decisions serving as the basis for entry in the record shall be deposited in the documentary records archive. The excerpt and decisions shall be retained for five years.

(6) Notwithstanding the preceding paragraph, the information on the date of issue of the order deferring the enforcement of driving licence revocation shall be deleted from the record three years after the date of the service of this order.

(7) The person to whom data contained in the record refer shall have the right to free-of-charge electronic access to such data by means of a qualified digital certificate issued pursuant to the regulations of the Republic of Slovenia in order to prove his or her identity.

(8) The person to whom the data refer may be issued, at his or her request, a certificate comprising such data and, if no data have been recorded, a certificate attesting to that. The request shall state the rights that will be exercised and the obligations that will be fulfilled by using such a certificate.

(9) Data from the record shall be disclosed to other users on the basis of a reasoned written request if they have a justified legal interest to process such. The courts, state prosecutor offices, and the police shall have free-of-charge remote access to data from the joint record of the number of penalty points.

(10) More detailed criteria on the keeping of the record referred to in paragraph one of this Article shall be specified by the minister responsible for justice. The method of remote electronic access to the records and technical conditions for the use of such data shall be

predhodnem mnenju državnega nadzornega organa za varstvo osebnih podatkov.

ČETRTE DEL

Šestnajsto poglavje PRISTOJNOST IN ORGANIZACIJA SODIŠČ ZA PREKRŠKE

Splošna določba

208. člen

(1) V Republiki Sloveniji so za odločanje o prekrških pristojna:

- okrajna sodišča kot sodišča za prekrške prve stopnje;
- višja sodišča kot sodišča za prekrške druge stopnje.

(2) V zadevah, za katere je s tem zakonom določena pristojnost sodišč iz prejšnjega odstavka, sodijo sodniki teh sodišč.

Sodne počitnice

209. člen

V postopkih pred sodišči štejejo kot nujne zadeve, v katerih sodišča opravljajo naroke in odločajo tudi v času od 15. julija do 15. avgusta (83. člen zakona o sodiščih) zadeve, v katerih je storilec pridržan, zadeve, v katerih so udeleženi tujci, zadeve, v katerih je bilo obdolžencu začasno odvzeto vozniško dovoljenje ali je bilo zaseženo motorno vozilo, zadeve, v katerih je zaseženo hitro pokvarljivo blago ter zadeve iz 201. člena tega zakona.

specified by the minister responsible for justice, following the prior opinion of the national supervisory authority responsible for personal data protection.

PART FOUR

Chapter Sixteen JURISDICTION AND ORGANISATION OF MINOR OFFENCE COURTS

General provision

Article 208

(1) In the Republic of Slovenia, jurisdiction to decide on minor offences shall be vested in:

- local courts as minor offence courts in the first instance;
- higher courts as minor offence courts in the second instance.

(2) The cases that in accordance with this Act fall within the jurisdiction of courts as specified in the preceding paragraph shall be decided on by the judges employed at these courts.

Judicial vacation

Article 209

The cases that shall be deemed to have priority in proceedings before courts and for which the courts shall convene hearings and decide on during the period from 15 July to 15 August (Article 83 of the Courts Act) shall include cases involving the detention of the perpetrator, cases involving foreigners, cases when the accused's driving licence has been temporarily withdrawn or his or her motor vehicle seized, cases involving the seizure of perishable goods, and the cases referred to in Article 201 of this Act.

Pristojnost okrajnih sodišč

210. člen

- (1) Okrajna sodišča so pristojna:
- za odločanje o prekrških na prvi stopnji;
 - za odločanje o zahtevi za sodno varstvo zoper odločbo o prekršku, ki jo je izdal prekrškovni organ;
 - za odločanje o pritožbah zoper sklepe prekrškovnih organov;
 - za odločanje o predlogu za odpravo ali spremembo odločbe na predlog prekrškovnega organa;
 - za odločanje o začasnem odvzemu in o vrnitvi začasno odvzetega vozniškega dovoljenja;
 - za odločanje o odložitvi in preklicu odložitve izvršitve prenehanja veljavnosti vozniškega dovoljenja;
 - za odreditev osebne in hišne preiskave ter zasega in preiskave elektronskih in z njimi povezanih naprav ter nosilcev elektronskih podatkov;
 - za opravljanje zadev pravne pomoči glede prekrškov;
 - za opravljanje drugih zadev, ki jih določa zakon.

(2) Okrajna sodišča zagotavljajo dežurstva za obravnavanje primerov iz 108. do 110. člena tega zakona.

(3) Za sodnike, ki opravljajo dežurstvo iz prejšnjega odstavka, se smiselno uporabljajo določbe zakona, ki ureja sodniško službo, o dežurni preiskovalni službi.

Sodnik posameznik

211. člen

(1) Na okrajnem sodišču vodi postopek in odloča sodnik posameznik.

Jurisdiction of local courts

Article 210

- (1) Local courts shall have jurisdiction over:
- decisions on minor offences in the first instance;
 - decisions on requests for judicial protection against a minor offence decision issued by a minor offence authority;
 - decisions on appeals against orders issued by minor offence authorities;
 - decisions on proposals for annulling or amending a decision on the proposal of the minor offence authority;
 - decisions on the temporary withdrawal and return of a temporarily withdrawn driving licence;
 - decisions concerning the deferral and cancellation of the deferral of the enforcement of driving licence revocation;
 - ordering personal and house searches, as well as the seizure and search of electronic and related devices and electronic data media;
 - providing legal aid in minor offence cases;
 - performing other tasks provided by an Act.

(2) The local courts shall organise duty shifts in order to deal with the cases referred to in Articles 108 to 110 of this Act.

(3) The duty shifts of judges referred to in the preceding paragraph shall be subject to *mutatis mutandis* application of the provisions of the Act governing judicial service on the investigating service on duty.

Single judge

Article 211

(1) In local courts, proceedings shall be conducted and decisions shall be adopted by a single judge.

(2) Posamezna dejanja v postopku lahko opravlja strokovni sodelavec.

Pristojnost višjih sodišč

212. člen

Višja sodišča so pristojna:

1. za odločanje o pritožbah zoper odločbe okrajnih sodišč, izdane po tem zakonu;
2. za odločanje v sporih o pristojnosti med okrajnimi sodišči v zadevah prekrškov;
3. za opravljanje drugih zadev, ki jih določa zakon.

Sestava senatov

213. člen

(1) Višja sodišča odločajo v zadevah iz 1. in 2. točke prejšnjega člena tega zakona v senatu, ki ga sestavlja en sodnik kot predsednik senata, sodnik – poročevalec in sodnik – član senata.

(2) V zadevah iz 3. točke prejšnjega člena odloča sodnik posameznik. Če zakon določa, da zadeve opravlja senat, je ta sestavljen po določbi prejšnjega odstavka.

Posebna pristojnost

214. člen

(1) V postopku o prekršku v primerih kršitev davčnih, deviznih, carinskih, trošarinskih, drugih finančnih predpisov ter predpisov s področja integritete in preprečevanja korupcije je za vse zadeve iz

(2) Individual acts in proceedings may be carried out by a judicial adviser.

Jurisdiction of higher courts

Article 212

Higher courts shall have jurisdiction over:

1. decisions on appeals against decisions issued by local courts pursuant to this Act;
2. decisions on jurisdictional disputes between local courts concerning minor offence cases; and
3. the performance of other tasks provided by an Act.

Composition of panels

Article 213

(1) Higher courts shall decide on the cases referred to in points 1 and 2 of the preceding Article of this Act in a panel, which shall consist of one judge as the president of the panel, a judge rapporteur, and a judge who is a member of the panel.

(2) The cases referred to in point 3 of the preceding Article shall be decided on by a single judge. If an Act provides that the court shall decide in a panel, the latter shall be composed pursuant to the provision of the preceding paragraph.

Special jurisdiction

Article 214

(1) In minor offence proceedings involving violations of tax, foreign currency, customs, excise and other financial regulations, and the regulations governing the integrity and the prevention of corruption, local

pristojnosti okrajnih sodišč z območja posameznega okrožnega sodišča izključno krajevno pristojno tisto okrajno sodišče, ki ima sedež na sedežu okrožnega sodišča.

(2) Okrajno sodišče lahko v skladu z letnim razporedom dela opravlja obravnave ali druga dejanja v postopku tudi v krajih izven sedeža sodišča. V primeru prenosa pristojnosti za sojenje določenega števila zadev na drugo manj obremenjeno okrajno sodišče se uporablja zakon, ki ureja sodišča.

(3) Za izvrševanje globe, izrečene s sodbo sodišča, za odobritev dela v splošno korist in za odreditev nadomestnega zapora, je pristojno okrajno sodišče po stalnem ali začasnem prebivališču storilca. Odvzem premoženjske koristi s plačilom denarnega zneska, redovno globo in stroške postopka izvrši sodišče, ki je o prekršku odločilo na prvi stopnji. Če se pristojnost ne da določiti ali če storilec nima stalnega ali začasnega prebivališča v Republiki Sloveniji, je pristojno sodišče, ki je o prekršku odločilo na prvi stopnji. Za izvrševanje sankcij, izrečenih pravnim osebam s sodbo sodišča, je pristojno sodišče, ki je o prekršku odločilo na prvi stopnji.

(4) Za izdajo sklepa o prenehanju veljavnosti vozniškega dovoljenja, sklepa o odložitvi izvršitve prenehanja veljavnosti vozniškega dovoljenja in sklepa o preklicu odložitve izvršitve prenehanja veljavnosti vozniškega dovoljenja je pristojno okrajno sodišče po stalnem ali začasnem prebivališču storilca. Za izdajo sklepa o prepovedi uporabe vozniškega dovoljenja na območju Republike Slovenije je izključno pristojno Okrajno sodišče v Celju.

(5) Za odločanje o zahtevah za sodno varstvo zoper odločbe prekrškovnih organov o prekrških s področja varstva konkurence in s področja javnega naročanja ter za odločanje o prekrških, pri katerih je predpisana stranska sankcija izločitve iz postopkov javnega naročanja, je izključno pristojno Okrajno sodišče v Ljubljani.

jurisdiction over all cases falling within the jurisdiction of local courts based in the territory of an individual district court shall be vested exclusively in the local court whose head office is based at the district court's head office.

(2) In compliance with the annual work schedule, a local court may also conduct hearings or other acts in proceedings in locations outside the court's head office. If jurisdiction to decide a certain number of cases is transferred to a local court with a smaller workload, the Act governing courts shall apply.

(3) The local court having jurisdiction over the territory of the permanent or temporary residence of the perpetrator shall be responsible for the enforcement of fines imposed by a court judgment, for the imposition of community service and for ordering substitute imprisonment. The confiscation of proceeds by the payment of the relevant sum, a fine for contempt of court and legal costs shall be enforced by the court that decided on the minor offence in the first instance. If jurisdiction cannot be determined or the perpetrator has no permanent or temporary residence in the Republic of Slovenia, the competent court shall be the court that decided on the minor offence in the first instance. The court that decided on the minor offence in the first instance shall be responsible for the enforcement of sanctions imposed on legal persons by a court judgment.

(4) The issuance of an order on driving licence revocation, an order deferring the enforcement of driving licence revocation and an order cancelling the deferral of the enforcement of driving licence revocation shall fall within the jurisdiction of the local court having jurisdiction over the territory of the permanent or temporary residence of the perpetrator. Celje Local Court shall have exclusive jurisdiction to issue orders on the prohibition of using a driving licence in the territory of the Republic of Slovenia.

(5) Ljubljana Local Court shall have exclusive jurisdiction to decide on requests for judicial protection against the decisions of minor offence authorities concerning minor offences relating to the protection of competition and public procurement, and minor offences for which the secondary sanction of exclusion from public procurement procedures is prescribed.

(6) Za odločanje v zadevah priznavanja in izvrševanja odločb sodišč in drugih pristojnih organov v državah članicah Evropske unije, s katerimi so izrečene denarne sankcije za prekrške ali za druge kršitve predpisov, in za izvrševanje denarnih in drugih sankcij za prekrške, ki so jih izrekli pristojni organi v Republiki Sloveniji, v državah članicah Evropske unije, je izključno pristojno Okrajno sodišče v Celju.

(7) Za odločanje o prekrških, ki so bili storjeni z motornim vozilom, ki je registrirano v drugi državi članici Evropske unije in ni mogoče ugotoviti, kdo je storilec prekrška, pridobiti njegovo izjavo o prekršku oziroma storilcu odločbo o prekršku ni bilo mogoče izdati in vročiti na kraju storitve prekrška, lastnik, imetnik ali drugače identificirana oseba, za katero obstaja sum, da je storilec prekrška, pa nima stalnega ali začasnega prebivališča na ozemlju Republike Slovenije (48.b člen), je na prvi stopnji izključno pristojno Okrajno sodišče v Celju.

(8) Za odločanje o prekrških s področja političnih strank ter volilne in referendumске kampanje, za nadzor katerih je pristojno Računsko sodišče Republike Slovenije, je izključno pristojno Okrajno sodišče v Ljubljani.

Sedemnajsto poglavje PREHODNE IN KONČNE DOLOČBE

Začetek dela prekrškovnih organov in sodišč

215. člen

(1) Prekrškovni organi in sodišča, ki odločajo o prekrških po tem zakonu, začnejo z delom v zadevah prekrškov z dnem začetka uporabe tega zakona.

(2) Z dnem, ko začnejo z delom prekrškovni organi in sodišča

(6) Celje Local Court shall have exclusive jurisdiction to decide on matters regarding the mutual recognition and enforcement of decisions by the courts and other competent authorities in the EU Member States imposing financial sanctions for minor offences or other violations of the relevant regulations, and over the enforcement of financial and other sanctions for minor offences imposed by the competent authorities of the Republic of Slovenia in the EU Member States.

(7) Celje Local Court shall have exclusive jurisdiction to decide, in the first instance, on minor offences committed with a motor vehicle registered in another EU Member State and regarding which it was not possible to identify the perpetrator of the minor offence and obtain his or her statement on the offence and issue and serve, on the spot, a minor offence decision on the perpetrator, and the owner, holder or otherwise identified person suspected of being the perpetrator of the minor offence does not have permanent or temporary residence in the territory of the Republic of Slovenia (Article 48b).

(8) Ljubljana Local Court shall have exclusive jurisdiction to decide on minor offences relating to political parties and electoral and referendum campaigns, the supervision of which is within the jurisdiction of the Court of Audit of the Republic of Slovenia.

Chapter Seventeen TRANSITIONAL AND FINAL PROVISIONS

Commencement of work by minor offence authorities and courts

Article 215

(1) The minor offence authorities and courts responsible for deciding on minor offence cases pursuant to this Act shall commence their work on minor offence cases on the day this Act becomes applicable.

(2) On the day minor offence authorities and courts commence

po tem zakonu, prenehajo z delom sodniki za prekrške in Senat za prekrške Republike Slovenije, organi iz 2. točke prvega odstavka 258. člena zakona o prekrških (Uradni list SRS, št. 25/83, 36/83 – popr., 42/85, 2/86 – popr., 47/87 in 5/90 ter Uradni list RS, št. 10/91, 13/93, 66/93, 35/97, 73/97 – odločba US, 87/97, 73/98, 31/2000 in 24/2001) pa nadaljujejo z delom kot prekrškovni organi.

(3) Do začetka dela prekrškovnih organov in sodišč po tem zakonu odločajo v zadevah prekrškov organi, ki vodijo postopek o prekrških po zakonu iz prejšnjega odstavka.

Prevzem zadev

216. člen

(1) Okrajna sodišča po začetku dela v zadevah prekrškov prevzamejo vse nerešene zadeve dosedanjih sodnikov za prekrške z območja svoje krajeвне pristojnosti.

(2) Višja sodišča po začetku dela v zadevah prekrškov prevzamejo vse nerešene zadeve Senata za prekrške Republike Slovenije.

(3) Zadeve iz tega člena se v sodni statistiki izkažejo ločeno od ostalih zadev iz pristojnosti okrajnih in višjih sodišč.

(4) Prevzem zadev iz tega člena se opravi po navodilu ministra, pristojnega za pravosodje.

Mandat in položaj sodnikov

217. člen

their work under this Act, the minor offence judges and the Minor Offence Panel of the Republic of Slovenia shall cease their work, while the authorities referred to in point 2 of paragraph one of Article 258 of the Minor Offences Act (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], Nos 25/83, 36/83 – Corr., 42/85, 2/86 – Corr., 47/87 and 5/90; and Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 10/91, 13/93, 66/93, 35/97, 73/97 - Constitutional Court Decision, 87/97, 73/98, 31/00 and 24/01) shall continue their work in the capacity of minor offence authorities.

(3) Until the commencement of the work of minor offence authorities and courts pursuant to this Act, minor offence cases shall be decided on by the authorities conducting minor offence proceedings pursuant to the Act referred to in the preceding paragraph.

Transfer of cases

Article 216

(1) All unresolved cases conducted by current minor offence judges shall be transferred to local courts having territorial jurisdiction after such courts have commenced work on minor offence cases.

(2) All unresolved cases conducted by the Minor Offence Panel of the Republic of Slovenia shall be transferred to higher courts after such courts have commenced work on minor offence cases.

(3) The cases referred to in this Article shall be shown in judicial statistics separately from the other cases falling within the jurisdiction of local and higher courts.

(4) The transfer of cases referred to in this Article shall be carried out in accordance with the instructions issued by the minister responsible for justice.

Term of office and status of judges

Article 217

(1) Sodniki za prekrške, ki ob začetku dela sodišč v zadevah prekrškov opravljajo trajno sodniško funkcijo v državnem organu z imenom sodnik za prekrške in izpolnjujejo pogoje po zakonu, ki ureja sodniško službo, nadaljujejo svoj trajni mandat kot okrajni sodniki na okrajnih sodiščih za območje tistega sodnega okraja, v katerem ima ta organ sedež.

(2) Sodniki za prekrške, ki ob začetku dela sodišč v zadevah prekrškov opravljajo trajno sodniško funkcijo v Senatu za prekrške Republike Slovenije in izpolnjujejo pogoje po zakonu, ki ureja sodniško službo, nadaljujejo svoj trajni mandat kot višji sodniki na višjih sodiščih. Na delo na posamezna višja sodišča jih razporedi sodni svet, pri čemer ustrezno upošteva zlasti število sistemiziranih in zasedenih mest višjih sodišč, potrebo po zagotovitvi enakomerne delovne obremenitve sodnikov višjih sodišč, oddaljenost kraja stalnega prebivališča posameznega sodnika od sedeža sodišča in njegovo željo za delo na določenem sodišču.

(3) Sodniki za prekrške, ki nadaljujejo z delom na sodiščih, ohranijo uvrstitev v plačilne razrede po sklepih sveta sodnikov za prekrške.

(4) Predstojnikom in namestnikom sodnikov za prekrške in Senata za prekrške Republike Slovenije preneha funkcija z začetkom dela sodišč v zadevah prekrškov.

(5) Sodni svet v šestih mesecih po uveljavitvi tega zakona uskladi sistemizacijo sodniških mest na posameznih sodiščih, ob začetku dela sodišč v zadevah prekrškov pa sodnike iz prvega in drugega odstavka tega člena razporedi na sodišča in jih uvrsti v ustrezne nazive in položaje v skladu s tem zakonom in zakonom, ki ureja sodišča in sodniško službo. Pri tem upošteva čas opravljanja funkcije sodnika pri državnem organu z imenom sodnik za prekrške kot čas opravljanja sodniške službe okrajnega sodnika, čas opravljanja funkcije sodnika Senata za prekrške Republike Slovenije pa kot čas opravljanja sodniške službe višjega sodnika.

(1) Minor offence judges who upon the commencement of work by courts on minor offence cases hold permanent judicial office in a state authority with the title of minor offence judge, and who fulfil the conditions pursuant to the Act governing judicial service, shall continue their permanent term of office as local judges in local courts in the territory of the judicial locality in which the head office of this authority is based.

(2) Minor offence judges who upon the commencement of work by courts on minor offence cases hold permanent judicial office in the Minor Offence Panel of the Republic of Slovenia, and who fulfil the conditions pursuant to the Act governing judicial service, shall continue their permanent term of office as higher judges in higher courts. They shall be assigned to work at individual higher courts by the Judicial Council, where the latter shall consistently take into account in particular the number of systemised and occupied posts at higher courts, the need to ensure a balanced workload of higher court judges, the distance from the place of permanent residence of individual judges to the court's head office, and individual judges' willingness to work at individual courts.

(3) Minor offence judges who continue their work in courts shall preserve their classification in wage grades pursuant to orders adopted by the Minor Offence Judges Council.

(4) The term of office of the heads and deputy minor offence judges and the Minor Offence Panel of the Republic of Slovenia shall cease upon the commencement of work by courts on minor offence cases.

(5) Within six months of the entry into force of this Act, the Judicial Council shall harmonise the systemisation of judicial posts between individual courts, and upon the commencement of work by courts on minor offence cases, it shall assign the judges referred to in paragraphs one and two of this Article to courts and to the appropriate job titles and positions pursuant to this Act and the Act governing courts and judicial service. In so doing, it shall take into account the period of performing the function of a judge in a state authority with the title of minor offence judge as a period of performing the judicial service of a local judge and the period of performing the function of a judge in the Minor Offences Panel of the Republic of Slovenia as a period of

(6) Sodnikom za prekrške, ki ne izpolnjujejo pogojev za izvolitev v sodniško funkcijo po zakonu o sodniški službi, preneha sodniška funkcija in se razporedijo na delo, ki ustreza njihovi strokovnosti, izkušnjam in delovni sposobnosti.

Prevzem delavcev

218. člen

(1) Strokovne, administrativno tehnične in druge delavce, zaposlene v državnih organih z imenom sodnik za prekrške in na Senatu za prekrške Republike Slovenije, prevzamejo v delovno razmerje sodišča kot strokovne sodelavce, sodne referente, upravno tehnično in drugo sodno osebje. Delavce, ki vodijo skupno evidenco pravnomočno izrečenih stranskih kazni, prevzame ministrstvo, pristojno za pravosodje.

(2) Prevzem in razporeditev delavcev iz prejšnjega odstavka se opravi po navodilih ministra, pristojnega za pravosodje.

Uporaba določb pravilnika o notranjem poslovanju

219. člen

Do sprememb in dopolnitev sodnega reda se za poslovanje sodišč v zadevah prekrškov uporabljajo določbe pravilnika o notranjem poslovanju organov za postopek o prekrških (Uradni list SRS, št. 18/86, 22/86 – popr. in 16/88 ter Uradni list RS, št. 48/90, 35/98, 17/2000, 7/2001 in 105/2001).

Prevzem sredstev in arhivov

performing the judicial service of a higher judge.

(6) Minor offence judges who do not fulfil the conditions for appointment to a judicial office pursuant to the Judicial Service Act shall cease to hold judicial office and shall be assigned to work that corresponds to their professional competence, experience and working ability.

Takeover of staff

Article 218

(1) Professional, administrative/technical and other staff currently employed by state authorities performing the tasks of "minor offence judge" and staff employed by the Minor Offence Panel of the Republic of Slovenia shall be taken over and employed by courts as judicial advisers, court clerks, and administrative, technical and other court staff. The staff responsible for keeping the joint record of secondary sanctions imposed on the basis of final decisions shall be taken over by the ministry responsible for justice.

(2) The taking over and assignment of the staff referred to in the preceding paragraph shall be carried out in accordance with the instructions issued by the minister responsible for justice.

Application of the provisions of the Rules of Procedure

Article 219

Until such time as the court rules are amended, minor offence proceedings shall be carried out by the courts in compliance with the provisions of the Rules of Procedure of Minor Offence Authorities (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], Nos 18/86, 22/86 – Corr., and 16/88; and Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 48/90, 35/98, 17/00, 7/01 and 105/01).

Takeover of assets and archives

220. člen

(1) Poslovne prostore, opremo, finančna in druga sredstva, ki so ob začetku dela sodišč v zadevah prekrškov v uporabi državnih organov z imenom sodnik za prekrške oziroma Senat za prekrške Republike Slovenije, prevzamejo v uporabo okrajna sodišča oziroma višja sodišča.

(2) Arhive sodnikov za prekrške prevzamejo okrajna sodišča, arhive Senata za prekrške Republike Slovenije pa višja sodišča.

(3) Ministrstvo, pristojno za pravosodje, od Senata za prekrške Republike Slovenije prevzame skupno evidenco pravnomočno izrečenih stranskih kazni.

(4) Arhive Sveta sodnikov za prekrške prevzame Sodni svet, razen zadev iz pristojnosti personalnih svetov, ki jih prevzamejo pristojni personalni sveti sodišč splošne pristojnosti.

(5) Prevzem se opravi po navodilu ministra, pristojnega za pravosodje.

Izdaja predpisov

221. člen

(1) Vlada izda predpis iz tretjega odstavka 49. člena tega zakona v šestih mesecih po uveljavitvi tega zakona.

(2) Ministri v skladu s svojimi pristojnostmi po predpisih, ki urejajo delovna področja ministrstev, v šestih mesecih po uveljavitvi tega zakona izdajo podzakonske akte, s katerimi za posamezna področja določijo pooblaščené uradne osebe prekrškovnih organov, če niso že določene z zakonom ali podzakonskim aktom po drugem odstavku 49.

Article 220

(1) All premises, equipment, financial and other assets used by state authorities performing the tasks of a minor offence judge or by the Minor Offence Panel of the Republic of Slovenia at the time when minor offence cases are taken over by courts shall be transferred to local and higher courts for their use.

(2) The archives of minor offence judges shall be taken over by local courts, and the archives of the Minor Offence Panel of the Republic of Slovenia shall be taken over by higher courts.

(3) The ministry responsible for justice shall take over from the Minor Offence Panel of the Republic of Slovenia the joint record of secondary sanctions imposed on the basis of final decisions.

(4) The archives of the Minor Offence Judges Council shall be taken over by the Judiciary Council, except for the archives referring to cases which fall within the jurisdiction of personnel councils, which shall be taken over by the competent personnel councils of courts of general jurisdiction.

(5) The takeover shall be carried out in accordance with the instructions issued by the minister responsible for justice.

Issuance of regulations

Article 221

(1) The Government shall issue the regulation referred to in paragraph three of Article 49 of this Act within six months of the entry into force of this Act.

(2) Within six months of the entry into force of this Act, the ministers shall, in compliance with the competences vested in them by the regulations governing the areas of work of ministries, issue relevant implementing regulations defining the authorised officials within minor offence authorities for individual areas, where such persons have not

člena tega zakona.

(3) Minister, pristojen za pravosodje, izda podzakonske akte iz tretjega odstavka 203. člena, drugega odstavka 204. člena, četrtega odstavka 216. člena, drugega odstavka 218. člena in petega odstavka 220. člena tega zakona v šestih mesecih po uveljavitvi tega zakona.

(4) Sodišča v treh mesecih po začetku dela v zadevah prekrškov v sodelovanju s pristojnimi državnimi organi, nosilci javnih pooblastil in organi samoupravnih lokalnih skupnosti oblikujejo seznam nalog iz šestega odstavka 19. člena tega zakona.

Dokončanje postopkov o prekrških

222. člen

Postopki o prekrških, ki do dneva uveljavitve tega zakona še niso bili pravnomočno končani, se dokončajo po dosedanjih predpisih, če ta zakon ne določa drugače.

Uskladitev določb, s katerimi so določeni prekrški

223. člen

(1) Predpise, s katerimi so določeni prekrški, pa niso v skladu s tem zakonom, je treba v treh letih po uveljavitvi tega zakona uskladiti s tem zakonom.

(2) Do uskladitve predpisov iz prvega odstavka tega člena se uporabljajo sankcije iz teh predpisov. Predpisane denarne kazni veljajo kot predpisane globe, varstveni ukrepi pa kot stranske sankcije iste vrste, stranska kazen prenehanje veljavnosti vozniškega dovoljenja velja kot stranska sankcija kazenskih točk v cestnem prometu s prenehanjem veljavnosti vozniškega dovoljenja, ki jo je mogoče izreči do števila 18,

already been defined on the basis of an Act or an implementing regulation under paragraph two of Article 49 of this Act.

(3) The minister responsible for justice shall issue the implementing regulations referred to in paragraph three of Article 203, paragraph two of Article 204, paragraph four of Article 216, paragraph two of Article 218 and paragraph five of Article 220 of this Act within six months of the entry into force of this Act.

(4) The courts shall compile the list of tasks referred to in paragraph six of Article 19 of this Act within three months of the commencement of work on minor offence cases in cooperation with the competent state authorities, holders of public authority and self-governing local community authorities.

Completion of minor offence proceedings

Article 222

Minor offence proceedings that have not yet been completed and become final by the date of the entry into force of this Act shall be concluded according to the regulations applicable to date, unless otherwise provided by this Act.

Harmonisation of provisions defining minor offences

Article 223

(1) Regulations that define minor offences but which are not in compliance with this Act must be harmonised with this Act within three years of the entry into force of this Act.

(2) Until the harmonisation of the regulations referred to in paragraph one of this Article, the sanctions stipulated by those regulations shall apply. The financial penalties prescribed shall have the effect of the prescribed fines, and the safety measures shall have the effect of secondary sanctions of the same type, while the secondary sanction of driving licence revocation shall have the effect of the

oziroma voznikom začetnikom do števila 7.

(3) Do uskladitve zakonov, ki urejajo varnost cestnega prometa, proizvodnjo in promet s prepovedanimi drogami, orožje in prekrške zoper javni red in mir, z določbami tega zakona, se glede izrekanja kazni zavora uporabljajo določbe zakona iz drugega odstavka 215. člena tega zakona.

(4) Od dneva uveljavitve tega zakona se, razen za prekrške iz prejšnjega odstavka, ne more izreči kazen zavora. Če odločba o prekršku, s katero je bila izrečena kazen zavora, ki se po tem zakonu ne more izreči, do dneva uveljavitve tega zakona še ni postala pravnomočna, oziroma se izrečena kazen še ni izvršila, se izvrši s spremembo v globo s smiselno uporabo določb zakona iz drugega odstavka 215. člena tega zakona o načinu spremembe denarne kazni v zavor.

(5) Do uskladitve predpisov o deviznih in carinskih prekrških z določbami tega zakona so za te prekrške, ne glede na določbo drugega odstavka 52. člena tega zakona, pristojni prekrškovni organi v hitrem postopku, razen če gre za postopek proti mladoletnikom. Glede višine izrečene globe ne velja omejitev iz četrtega odstavka 52. člena tega zakona.

Prenehanje veljavnosti in uporaba zakonov

224. člen

(1) Z dnem, ko začne veljati ta zakon, prenehajo veljati:

- zakon o prekrških (Uradni list SRS, št. 25/83, 36/83 – popr., 42/85, 2/86 – popr., 47/87 in 5/90 ter Uradni list RS, št. 10/91, 13/93, 66/93,

secondary sanction of imposing penalty points for a traffic offence with driving licence revocation, which may be imposed in an amount up to 18 points, or up to seven points in the case of beginner drivers.

(3) Until the harmonisation of the Acts governing road traffic safety, the production of and trade in illicit drugs, arms, and minor offences against public order with the provisions of this Act, the imposition of prison sentences shall be subject to the application of the Act referred to in the provisions of paragraph two of Article 215 of this Act.

(4) From the day of the entry into force of this Act, no prison sentence may be imposed, with the exception of the minor offences referred to in the preceding paragraph. When a minor offence decision imposing a prison sentence which pursuant to this Act may not be imposed has not become final by the day of the entry into force of this Act, or if the imposed sentence has not yet been enforced, it shall be amended so as to be enforced in the form of a fine on the basis of the *mutatis mutandis* application of the provisions of the Act referred to in paragraph two of Article 215 of this Act governing the method of converting a financial penalty into a prison sentence.

(5) Until the harmonisation of the regulations on minor offences related to foreign currency and customs with the provisions of this Act, these minor offences shall fall, notwithstanding the provision of paragraph two of Article 52 of this Act, within the jurisdiction of minor offence authorities in expedited proceedings, unless these minor offences involve proceedings against juveniles. The amount of the fine imposed shall not be subject to the restriction referred to in paragraph four of Article 52 of this Act.

End of validity of Acts and application of Acts

Article 224

(1) On the day this Act enters into force, the following Acts shall cease to be in force:

- Minor Offences Act (Official Gazette of the Socialist Republic of Slovenia [Uradni list SRS], Nos 25/83, 36/83 – corr., 42/85, 2/86 –

35/97, 73/97 – odločba US, 87/97, 73/98, 31/2000 in 24/2001),

- zakon o začasni ureditvi organizacije in pristojnosti občinskih sodnikov za prekrške in občinskih javnih pravobranilcev (Uradni list RS, št. 82/94 in 20/97 – ZDPra) v delu, ki se nanaša na sodnike za prekrške.

(2) Določbe zakonov iz prejšnjega odstavka se uporabljajo do začetka uporabe tega zakona.

Uveljavitev in začetek uporabe zakona

225. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije, uporabljati pa se začne 1. januarja 2005.

[Priloga: Predloga za pisno obvestilo o prekršku in obrazec za odgovor na obvestilo](#)

corr., 47/87 and 5/90; and Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 10/91, 13/93, 66/93, 35/97, 73/97 – Constitutional Court Decision, 87/97, 73/98, 31/2000 and 24/2001);

- Act on the Provisional Arrangement of the Organisation and Competences of Municipal Minor Offence Judges and Municipal Public Attorneys (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 82/94 and 20/97 – ZDPra) in the section that applies to minor offence judges.

(2) The provisions of the Acts referred to in the preceding paragraph shall apply until the day of the entry into force of this Act.

Entry into force and application of this Act

Article 225

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia and shall apply as of 1 January 2005.

Annex: Template for the information letter on an offence and the reply form



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