

Law-Decree on Private International Law

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Law-Decree N° 13 of 1979 (Excerpts)

Promulgated 31 May 1979.

Chapter I. General Rules ➡

Purpose and Scope of the Law-Decree ➡

Section 1

The purpose of this Law-Decree is to determine the following in the interest of the development of peaceful international relations:

- the law of which country is applicable if a foreign person, object of property or right (hereinafter: foreign component) is involved in a civil law, family or labour law relationship and the laws of several countries would be applicable,
- the jurisdiction and procedural rules to be followed in a legal dispute containing a foreign component.

Section 2

This Law-Decree shall not apply in matters which are regulated by international conventions.

(...)

Reciprocity ➡

Section 6

(1) Unless a legal rule provides otherwise, the application of a foreign law does not depend on reciprocity.

(2) If a legal rule renders the application of a foreign law dependent upon reciprocity, the existence of reciprocity shall be presumed until the contrary is proved. If the law requires proof of reciprocity, the Minister of Justice shall provide a statement binding on courts and

other authorities regarding the existence of reciprocity.

(....)

Chapter II. Persons ➔

(....)

The State as a Subject at Law ➔

Section 17

(1) The law of the Hungarian State shall apply to its legal relations falling under the scope of the Law-Decree, unless

- a) the State expressly consented to the application of a foreign law, or
- b) the legal relationship relates to a real property abroad owned by the State or intended to be acquired by the State, or
- c) the legal relationship relates to participation in an economic organization with foreign interests.

(2) Subsection (1) may only apply to a foreign state in the case of reciprocity.

Legal Entities ➔

Section 18

(1) The legal capacity and economic capacity of a legal entity, the rights attached to its person and the legal relationships between the members thereof shall be adjudged according to its personal law.

(2) The personal law of a legal entity is the law of the state, in the territory of which the legal entity was registered.

(3) If a legal entity was registered according to the laws of several states, or no registration is required according to the law applicable at the place of the seat indicated in the charter, its personal law shall be the law applicable at the place of the seat indicated in the charter.

(4) If a legal entity has no seat according to its charter, or has several seats, and was not registered in accordance with the laws of any of the states, its personal law shall be the law of the state, in the territory of which its central management is located.

(5) (1)

(....)

1 Repealed: by paragraph (2) Section 38 of Act CXXXII of 1997. No longer in force: as of 1 January 1998.