

No. 549/1991 Coll.

ACT

on Court Fees

as amended by (extract)

Section 10

Reimbursement of the Fee

(1) The court shall reimburse the fee from the court's account if it has been paid by the person not obliged to do so. If the fee is overpaid by more than the fee obligation, the court shall reimburse the fee overpayment. The court shall also reimburse from its account any overpayment of the fee paid by a duty stamp. Neither the fee nor overpayment shall be reimbursed, should it not exceed 50 CZK, with the exception stated in [Subsection 2](#).

(2) The court shall reimburse the fee from the court's account that a person paid based on the court's incorrect summons or based on the court's decision which laid down this fee obligation for the person.

(3) The court shall also reimburse from the court's account the fee paid for legal proceedings that is due with the filing of a petition for initiating legal proceedings, an appeal, an extraordinary appeal (recourse) or a cassation complaint, reduced by 20%, however no less than by 1,000 CZK, if the legal proceedings were stopped prior to the first hearing. Likewise, the court shall reimburse the fee overpayment to the payer (the equivalent part of the fee) made under [Section 6a \(3\)](#), if only part of the legal proceedings were stopped. If the petition for initiating legal proceedings is rejected prior to the first hearing, the court shall reimburse the paid fee from the court's account.

(4) The court shall reimburse a paid fee from the court's account reduced by 20%, however no less than by 1,000 CZK, even if the legal proceedings are stopped after the issue of a payment order due to the withdrawal of the petition made on the last day of the deadline at the latest for filing opposition or objections to the payment order, electronic payment or European payment order. The court proceeds, in like manner, after the filing of the opposition or objections if the legal proceedings are stopped prior to the first hearing; the first sentence shall apply mutatis mutandis.

(5) In legal proceedings which can be decided without a hearing, the court shall proceed, in like manner, under [Subsections 3](#) and [4](#), until a decision is delivered on the merits of the case.

(6) If legal proceedings on the divorce of a marriage are stopped or if the divorce petition for initiating legal proceedings is withdrawn at the latest prior to the delivery of the decision of the court of first instance, the court shall reimburse from the court's account the fee paid in full. If a petition for initiating legal proceedings for the divorce of a marriage is withdrawn after the delivery of the court's decision that has not come into force, without the filing of an appeal, the court shall reimburse half of the fee from the court's account. If legal proceedings on the annulment, nullity or non-existence of a partnership are stopped or the petition for initiating legal proceedings is withdrawn at the latest prior to the delivery of the decision of the court of first instance, the court shall reimburse from the court's account the paid fee in full. If the petition for initiating legal proceedings on the annulment, nullity or non-existence of a partnership is withdrawn after the delivery of the court's decision which comes into force without the filing of an appeal, the court shall reimburse from the court's account half of the fee.

(7) The court shall reimburse from the court's account the paid fee reduced by 20%, however no less than by 1,000 CZK, if a settlement is approved between the parties of legal proceedings before a decision on the merits of the case is reached. If a settlement is approved only in part of the subject matter of the legal proceedings, the court shall reimburse the equivalent part of the fee; the first sentence shall apply mutatis mutandis.

(8) If the case is referred to a different competent court after payment of the fee or after the court delivers its decision by which the obligation to pay the fee was enforced, the overpayment (fee or its equivalent part) shall be reimbursed by this court from the court's account.

(9) Neither the fee nor fee overpayment can be reimbursed once 10 years have expired as of the end of the calendar year in which the fee was paid. The deadline shall not run if legal proceedings under a special law are interrupted.