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Liikmesriikide üldkohtud

Üldkohtud moodustavad liikmesriikide kohtusüsteemide keskme. Need kohtud toimetavad suuremat osa kohtumenetlustest. Nende pädevus erineb märkimisväärselt. Siit leiate teabe üldkohtute ja nende pädevuse kohta igas liikmesriigis.

Enamikus liikmesriikides tegelevad üldkohtud kaht peamist liiki menetlustega:


menetlused kriminaalasjades, s.t karistatavad (kuri)teod (nagu vargus, vandalism, pettus jne); need kohtud võivad määrata karistusi ja neid nimetatakse sageli **kriminaalkohtuteks**,

menetlused tsiviilasjades, s.t vaidlused kodanike ja/või ettevõtete vahel (nt probleemid üüri, teenuslepingu või lahutusega jne); neid kohtuid nimetatakse sageli **tsiviilkohtuteks**.

Riigi kohta üksikasjaliku teabe saamiseks klõpsake paremas servas selle lipukesel.

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Käesolevat lehekülge haldab Euroopa Komisjon. Sellel veebisaidil avaldatud teave ei kajasta tingimata Euroopa Komisjoni ametlikku seisukohta. Komisjon ei võta mingit vastutust ega kohustusi seoses käesolevas dokumendis esitatud või viidatud teabe ega andmetega. Palun lugege õigusteabe viida alt ELi veebilehetele autoriõiguste eeskirjade kohta.

Juhime tähelepanu sellele, et käesoleva lehekülje  originaalkeelset versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti tõlgivad.

Järgmised keeleversioonid on juba tõlgitud.

Ordinary courts - Belgium

This section presents an overview of the ordinary courts in Belgium.

Ordinary courts - introduction

Supreme court

The **Court of Cassation** (*Cour de cassation/Hof van Cassatie*) is the supreme court, the 'court of courts'. It sits in Brussels.

Assize court

There is an **assize court** (*cour d'assises/hof van assisen*) for each of the ten provinces and for the Brussels Capital district. It is not a permanent court but is convened whenever accused persons are sent before it.

Appeal courts

Court of appeal (*cour d'appel/hof van beroep*). There are five such courts:

Brussels (for the provinces of Walloon Brabant, Flemish Brabant and the Brussels Capital region,

Liège (for the provinces of Liège, Namur and Luxembourg),

Mons (for the province of Hainaut),

Ghent (for the provinces of West Flanders and East Flanders),

Antwerp (for the provinces of Antwerp and Limburg).

Labour court (*cour du travail/arbeidshof*). There are five. These are the appeal courts specialising in employment law. They have the same territorial jurisdiction as the courts of appeal mentioned above.

Courts of first instance

Court of first instance (*tribunal de première instance/rechtbank van eerste aanleg*). There are 13, one for each judicial district (*arrondissement judiciaire/gerechtelijk arrondissement*) and two in the Brussels district, one Dutch-speaking and one French-speaking.

Labour tribunal (*tribunal du travail/arbeidsrechtbank*). There are nine (in principle one in the territorial jurisdiction of each court of appeal, except that in the territorial jurisdiction of the Brussels court of appeal there are labour tribunals in Leuven, Nivelles and Brussels itself, and there is also a labour tribunal in the German-speaking area of Eupen).

Commercial court (*tribunal de commerce/rechtbank van koophandel*). There are nine (in principle one in the territorial jurisdiction of each court of appeal, except that in the territorial jurisdiction of the Brussels court of appeal there are commercial courts in Leuven, Nivelles and Brussels itself, and there is also a commercial court in the German-speaking area of Eupen).

Inferior or local courts

Civil magistrate (*juge de paix/vrederechter*). There are 187 civil magistrates' courts, one for each judicial canton (*canton judiciaire/gerechtelijk kanton*).

Police court (*tribunal de police/politierechtbank*). There are 15.

Jurisdiction of the courts

Civil magistrate

The civil magistrate deals with **civil and commercial matters** involving a sum of less than €1 860. The civil magistrate also has jurisdiction in disputes regarding rent, between neighbours, or regarding easements (*servitudes/erfdienstbaarheden*) or expropriation, whatever the sum involved, and jurisdiction to make interim orders in disputes between spouses. Except in cases where the claim does not exceed €1 240, judgments of the civil magistrate are open to **appeal** before the court of first instance or the commercial court, depending on whether the dispute is of a civil or commercial nature.

Police court

The police court is a **criminal and civil** court that considers minor offences (*contraventions/overtredenen*), intermediate offences (*délits/wanbedrijven*) that are being treated as minor offences, breaches of specific laws (such as the Rural Code (*Code rural/veldwetboek*) or the Forestry Code (*Code forestier/boswetboek*), claims for damages resulting from traffic accidents, and road traffic offences. Judgments of the police court are open to **appeal** before the court of first instance, except in matters listed in the Judicial Code (*Code judiciaire/Gerechtelijk Wetboek*) where the claim does not exceed €1 240.

Court of first instance

The court of first instance has jurisdiction in all disputes that are not assigned by law to other courts. Thus the court of first instance has **residual jurisdiction**.

A court of first instance is subdivided into three divisions: the **civil court**, the **criminal court** and the **juvenile court**. Since 2007 there has also been a division called the **court for the enforcement of sentences** at the courts of first instance in Antwerp, Brussels, East Flanders, Liège and Hainaut.

Civil court

The **civil court** (*tribunal civil/burgerlijke rechtbank*) deals with **matters relating to the civil status of persons** (such as divorce, filiation or adoption). It also has jurisdiction in disputes involving claims of more than €1 860, disputes concerning succession or copyright, and appeals against judgments delivered by a civil magistrate.

Criminal court

The **criminal court** (*tribunal correctionnel/correctionele rechtbank*) tries **intermediate offences** (*délits/wanbedrijven*) and **serious crimes** (*crimes/misdaden*) such as fraud, manslaughter, burglary or robbery that are being treated as intermediate offences. It also hears appeals against judgments delivered by a police court.

A matter may be brought before the criminal court in either of two ways: by means of a direct summons by the State Counsel's Office (*ministère public/openbaar ministerie*, essentially the body that brings public prosecutions) or by a party claiming damages; or by means of an order made by the pre-trial division of the court of first instance, which determines whether the accused is to be committed for trial before the criminal court at the end of a formal pre-trial investigation (*instruction/gerechtelijk onderzoek*).

The **pre-trial division** (*chambre du conseil/raadkamer*) deals with the pre-trial investigation; it consists of a judge of the court of first instance sitting alone, who considers whether the case should be referred to the criminal court or whether the accused should be discharged (*non lieu/buitenvervolginstelling*). It is also the pre-trial division that decides whether the accused is to be detained on remand or released, if necessary subject to certain conditions, either on a month-to-month basis or, in the case of a serious crime that cannot be treated as an intermediate offence, every three months.

Detention on remand (*détention préventive/voorlopige hechtenis*) is a security measure whereby a person suspected of having committed an intermediate offence or serious crime is held on remand pending trial. It may be ordered in order to prevent the suspect from failing to appear, or committing other offences in the meantime, or interfering with evidence, or contacting other persons, for example in order to influence witnesses or co-defendants. Suspects who are ultimately acquitted or against whom proceedings are dropped may seek compensation from the Minister for Justice for the time unjustly spent in prison. In order to receive this compensation for unjustified detention (*indemnité en cas de détention inopérante/vergoeding wegens onwerkzame hechtenis*), two conditions must be met: the suspect must have been detained for more than eight days, and must not have caused the detention or continued detention by his or her personal conduct. The Minister assesses this latter condition very strictly.

Decisions of the pre-trial chamber may be challenged on **appeal** before the indictment division (*chambre des mises en accusation/kamer van inbeschuldigingstelling*) of the court of appeal. This is the division that deals with pre-trial investigations at appeal court level.

Juvenile court

The **juvenile court** (*tribunal de la jeunesse/jeugdrechtbank*) deals in particular with cases falling within the scope of the 1965 Act on the protection of young people, such as loss of parental responsibility, placing of minors in foster families or in closed centres, or juvenile crime cases.

A judge of the juvenile court does not impose penalties on young criminals, but **takes measures** in their regard. In practice, the judge may reprimand minors (*rappeler à l'ordre/tot de orde roepen*, 'call them to order'), place them in a foster family or in a specialist institution where they will be in the company of other young people supported by teaching staff, require them to undertake community service, or even, in some exceptional circumstances, put them temporarily in prison. The measures taken by the judge must be for the young person's **care, protection or education**. If a young criminal has reached the age of 16, a judge of the juvenile court may, in specific circumstances, decline jurisdiction. The minor is then brought before a special division of the juvenile court which acts as a criminal court. In the case of a particularly serious offence, such as murder, the young person will, by way of exception, be sent to the assize court, despite being a minor. The juvenile court may also take measures in respect of parents when they do not fulfil their duty of upbringing (violence committed against the child, misuse of authority, deplorable living conditions, etc.). In some urgent situations measures can be taken to protect the child very swiftly.

A bill passed by the Lower House of Parliament in July 2011, and sent to the Senate, would establish separate family and juvenile divisions of the courts of first instance. It would transfer some powers to the family divisions from the civil magistrate's court, and some from the juvenile divisions.

Courts for the application of sentences

A court for the application of sentences (*tribunal de l'application des peines/strafuitvoeringsrechtbank*) delivers judgments on the legal status outside prison of persons sentenced to deprivation of liberty. The court can allow the following arrangements: **limited detention** (*détention limitée/beperkte detentie*), **electronic surveillance**, **conditional release** (*libération conditionnelle/voorwaardelijke invrijheidstelling*), and **provisional release** (*mise en liberté provisoire/voorlopige invrijheidstelling*) with a view to expulsion or return to the country of origin. The decisions of the courts for the application of sentences may be appealed to the Court of Cassation by the State Counsel's Office or by the convicted person.

Appeals against the decisions of the court of first instance

Except in the case of decisions given by a court for the application of sentences, when a party or the State Counsel's Office is not satisfied with a judgment delivered by a court of first instance they can **appeal** the judgment, provided that it was delivered at first instance, i.e. was not itself delivered on an appeal against a decision given by a police court or civil magistrate. The appeal is then considered by the court of appeal, irrespective of whether the judgment appealed against was delivered by the civil court, the criminal court or the juvenile court.

Labour tribunal

A labour tribunal has jurisdiction in **social matters**: social security (pensions, unemployment, etc.), industrial disputes (employment contracts, labour regulations, etc.) and industrial accidents. It also rules on petitions for **arrangements with creditors** filed by individuals (*règlement collectif de dettes/collectieve schuldenregeling*).

A labour tribunal comprises **various divisions**. Except where otherwise provided by the Judicial Code, these consist of a professional judge, who presides, and two lay judges (*juges sociaux/rechters in sociale zaken*). Depending on the nature of the case being dealt with by the court, the lay judges represent workers, employers or self-employed persons. They are appointed after being nominated by organisations in the world of work (employers, white-collar workers, manual workers or self-employed persons). The role of the State Counsel's Office is played by an officer known as the *auditeur du travail/arbeidsauditeur*, whose office is the *auditorat du travail/arbeidsauditoraat*.

A party who disagrees with the judgment of the employment tribunal can **appeal** to the employment court.

Commercial court

A commercial court deals with **disputes between traders** concerning sums of **more than €1 860** but also with very specific issues such as **bankruptcies** or **proceedings between shareholders of a company**. It also hears appeals against judgments delivered by the civil magistrates' courts in the field of commerce. The **divisions of the commercial court** consist of a professional judge and two lay judges (here called *juges consulaires/rechters in handelszaken*). These lay judges are nominated by the various associations representing commerce and industry. The associations select candidates from among traders, company directors, company auditors and accountants. The State Counsel's Office is represented by a member of the State Counsel's Office at the court of first instance.

If a party wishes to challenge a judgment of the commercial court, they lodge an **appeal** before the court of appeal. The contested judgment must have been delivered at first instance, and must not itself be a judgment on an appeal against an earlier decision of a civil magistrate.

Courts of appeal and labour courts

A court of appeal consists of several divisions:

Civil divisions (*chambres civiles/burgerlijke kamers*) consider appeals against judgments delivered at first instance by the civil divisions of the courts of first instance and by the commercial courts.

Criminal divisions (*chambres correctionnelles/correctionele kamers*) consider appeals against judgments delivered at first instance by the criminal courts.

Juvenile divisions consider appeals against judgments delivered at first instance by the juvenile courts.

The **indictment division** (*chambre des mises en accusation/kamer van inbeschuldigingstelling*) deals with pre-trial investigations, and hears appeals against decisions of the pre-trial division of the court of first instance. It is also the indictment division that refers suspects to the assize court on charges of serious crime, press offences or political offences.

As with the employment tribunal, the divisions of the **employment court** consist of a professional judge and two or four lay judges. The employment court considers appeals against decisions of the employment tribunals.

Assize court

Serious crimes

When a person is accused of a **serious crime** (*crime/misdaad*) **that cannot be treated or is not being treated as an intermediate offence** (*délit/wanbedrijf*), he or she is summoned to appear before the assize court (*cour d'assises/hof van assisen*) to be tried by **jury**.

The assize court is presided over by a professional judge, assisted by two assessors (*assesseurs/bijzitters*) who are also professional judges. The judges do not rule on the guilt or innocence of the accused. It is for the jury to decide whether the accused has committed the offence. The **jurors** are chosen by lot.

Any Belgian citizen aged between 28 and 65 may be called upon to undertake jury service provided he or she is not under a sentence of deprivation of civil and political rights, can read and write, and has never been sentenced to more than four months' imprisonment or more than 60 hours' community service.

The **assize court proceedings** start with the reading of the indictment, summarising the fact-finding process and setting out the main evidence gathered during the pre-trial investigation. Then, the witnesses and persons involved in the pre-trial investigation are heard. These hearings are intended to enable the jurors, who have not been able to consult the court file, to form an opinion. Next, the prosecutor delivers the prosecutor's address, requesting a specific sentence; parties claiming damages are heard; and the defence lawyers present their pleadings. The accused is also heard. He or she answers questions put by the presiding judge, provides explanations, and may also plead his or her innocence. At the end of the proceedings, the **12 jurors** retire behind closed doors. They have to **deliver a verdict on the guilt or innocence of the accused**. They decide by vote, and their decision may be qualified. They may, for example, find the accused guilty while recognising the existence of extenuating circumstances. If the accused is found guilty, the professional judges and the jurors then sit together to determine the sentence to be imposed. This decision is taken by absolute majority. The decision on the guilt of the accused must state its reasons.

In general, a judgment of the assize court is not open to a full appeal on matters of fact and law (*appel/hoger beroep*). But the convicted person, a party claiming damages or the State Counsel's Office may, nevertheless, bring an appeal on points of law only (*pourvoi/cassatieberoep*) to the **Court of Cassation**. If the Court of Cassation quashes a conviction it sends the case back to another assize court, which must try it afresh.

Press offences and political offences

There is a press offence (*délit de presse/drukpersmisdrijf*) where there is culpable expression of thought through words of which multiple copies are distributed by means of a technical process. A political offence (*délit politique/politiek misdrijf*) is an offence committed for a political reason and for political purposes. Political offences and press offences are tried by the assize court, except in the case of press offences motivated by racism or xenophobia.

Court of Cassation

The Court of Cassation is the **guarantor that ensures that the courts are acting in accordance with law**. It has jurisdiction over the whole of Belgium. The Court of Cassation does not rule on the facts but only on questions of law. An appeal to the Court of Cassation (*pourvoi/cassatieberoep*) may be lodged only **on points of law**, on the grounds that there has been a breach of the law or of a general principle of law. Appeals can be brought before the Court of Cassation only against judgments delivered at last instance, that is to say judgments against which it is no longer possible to lodge an ordinary appeal on points of fact and law (*appel/hoger beroep*).

The Court of Cassation consists of a first president, a president, section presidents and ordinary judges (*conseillers/raadsheren*). The State Counsel's Office is represented by the Principal State Counsel (*procureur général/procureur generaal*) at the Court of Cassation or by an advocate-general (*avocat général/advocaat generaal*). The Court consists of **three divisions**: the first division considers civil, commercial, tax and disciplinary cases, the second criminal cases, and the third cases concerning employment and social security law. Each of these divisions has a French-language section and a Dutch-language section. In each section the number of judges sitting in a case is usually five.

Before giving judgment the court hears the opinion of the **State Counsel's Office** at the Court of Cassation. The court may or may not dismiss the appeal. If it does not accept the arguments put forward, it dismisses the appeal, and the contested judgment becomes final. If it takes the view that the contested judgment is indeed faulty on a point of law, it quashes the judgment, in whole or in part; if it concludes that the substance of the case has to be reconsidered, it quashes the judgment and refers the case to another court at the same level as the one that delivered the judgment. The case is never referred back to the same court.

Note

It may be worth pointing out that alongside the civil courts, the criminal courts — the criminal divisions of the court of appeal and the assize court, the criminal division of the court of first instance (the criminal court) and the police court (when it hears criminal cases) — also hear civil applications lodged by civil parties who have asked for their claims to be joined to the criminal proceedings; these are essentially applications for damages brought by victims of crime in the widest sense.

Legal databases

Further information about the law courts is available on [the portal of the Judiciary in Belgium](#).

Is access to the database free of charge?

Yes, access to the database is **free of charge**.

Related links

[Federal Public Service for Justice](#)

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Valitud keeleversiooni meie töötajad parajasti tõlgivad.

Järgmised keeleversioonid on juba tõlgitud.

Ordinary courts - Bulgaria

In this section you will find information about the Bulgarian judiciary.

Organisation of the administration of justice – the judiciary

Courts of first instance in civil and criminal cases

Regional Courts (RC)

The main court of first instance is the regional court. It examines civil, criminal and administrative/penal cases. Amongst these are family and labour law cases, claims for maintenance and adoption, actions on commercial disputes and civil cases where the cost of the action does not exceed 50 000 BGN (<€ 25 000) as well as partitions of corporeal immovable property.

The regional court consists of the chairman and his/her deputies, an administrative secretary, a registrar, a secretary, a clerk, a court official and an archivist.

District Courts (DC)

When acting as a **court of first instance** the district court examines:

Civil cases – actions to establish or disavow filiations, to terminate adoption, any actions for interdiction, as well as actions on civil cases where the cost of the action exceeds 50 000 BGN (> €25 000).

Criminal cases – cases on crimes against the republic, murders, aggravated robberies, possession and distribution of drugs, kidnapping and unlawful deprivation of liberty, crimes against the customs regime, crimes against the financial, tax and insurance systems, malfeasances, bribery, crimes against transport which have resulted in death, etc.

Commercial and company cases – non-profit-making legal entities are registered at the district court, which also examines complaints against refusals by the Recording Agency under the Commercial Registry Act. The district court also examines commercial disputes where the cost of the action exceeds 25 000 BGN, bankruptcy proceedings, as well as proceedings on complaints against enforcement agents' actions.

Administrative cases – pursuant to the transitional and final provisions of the Administrative Procedure Code, administrative cases instituted by 01.03.2007 are examined by district courts.

District courts are located in the district centres. Within each district court's judicial area there are one or several regional courts.

A City Court is established in Sofia and has the powers of a district court.

Intermediate appellate review in civil and criminal cases

District courts adjudicate as **intermediate appellate review instances** in civil and criminal cases which are established by law.

As the intermediate appellate review instance, the appellate court examines acts appealed against in district court cases, as well as other district court cases that have been assigned to it by law.


Cassation appellate review in civil and criminal cases

The Supreme Court of Cassation acts as third and last instance in all civil and criminal cases.

Legal database

Each court in Bulgaria maintains a website which corresponds to the needs of the citizens, legal entities and administrative authorities. Those websites provide information on the court's structure and activities, as well as information on ongoing cases and cases which are already closed.

Name and URL of the respective databases

The website of the  [Supreme Judicial Council](#) provides a detailed list of the courts in Bulgaria along with their addresses and websites (in Bulgarian only).

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Järgmised keeleversioonid on juba tõlgitud.

Ordinary courts - Czech Republic

The court system in the Czech Republic comprises 89 district courts, eight regional courts, and the Supreme Court.

General courts – Introduction

Jurisdiction in civil cases

Civil cases are handled by district courts, regional courts, high courts and the Supreme Court of the Czech Republic.

Courts of first instance

District courts hear and judge disputes and other legal matters in civil, employment, family and commercial cases wherever no other court has material jurisdiction over them under the law.

Other cases which do not fall within the scope of private law (those concerning, for example, the appointment or dismissal of arbitrators, the repeal of an arbitration ruling, etc.) are heard and judged by district courts in civil proceedings, if the law so prescribes.

Cases falling within the jurisdiction of a district court are usually judged by a single judge sitting alone.

Employment cases and other cases specified by law are heard by a panel comprising a judge and two laypersons.

Regional courts act as courts of first instance in cases and disputes defined in Section 9(2) and Section 9a of the Code of Civil Procedure.

Cases brought before a regional court acting as the court of first instance are heard and judged by a single judge sitting alone; where prescribed by law, cases at first instance are heard and judged by a panel comprising a presiding judge and two other judges.

The Supreme Court acts as court of first instance pursuant to Section 67 of Act No 97/1963 (the International Private and Procedural Law Act); under the terms and conditions of that Act the Supreme Court recognises judgments by foreign courts.

The Supreme Court sits in panels or Grand Panels.

Second instance

Where a case is heard by a district court in the first instance, the court of appeal (court of second instance) is a regional court.

Where a case is by a regional court in the first instance, the court of appeal is a high court.

The high courts sit in panels comprising a presiding judge and two other judges, unless a special law provides otherwise.

Legal database

Legislative acts issued by the Czech Republic are available (in Czech only) on the government's official website [Portál vlády ČR](#).

May the legal database be consulted free of charge?

Yes. This website is the only place providing the texts of legislative acts free of charge.

Jurisdiction in criminal cases

Criminal cases are handled by district courts, regional courts, high courts and the Supreme Court of the Czech Republic.

Courts of first instance

Unless Act No 141/1961 on criminal trials provides otherwise, proceedings at first instance are conducted by a district court.

District courts judge cases specified in legal acts concerning proceedings conducted before courts sitting as a panel; other cases are heard by a single judge sitting alone. District court panels comprise a presiding judge and two associate judges. 'Single judge sitting alone' means a judge or a presiding judge. Only judges may act as presiding judges.

First-instance proceedings in criminal cases are conducted by regional courts if the legally prescribed penalty for the offences involved is a minimum of five years' imprisonment, or if a special penalty may be imposed. Proceedings in respect of criminal offences specified in Section 17(1) of the Criminal Trial Act are conducted at first instance by a regional court even where the minimum term of imprisonment is lower.

Regional courts sit in panels. Single judges sitting alone judge the cases specified in the relevant legal acts concerning court proceedings.

Regional court panels comprise:

- a) a presiding judge and two associate judges, where the panel is acting as court of first instance in a criminal case;
- b) a presiding judge and two judges in other cases.

'Single judge sitting alone' means a judge or a presiding judge. Only judges may act as presiding judges.

Second instance

Appeals against district-court judgments are heard by a higher regional court. Appeals against judgments issued by a regional court acting as court of first instance are heard by a high court.

A high court sits in panels comprising a presiding judge and two other judges, unless a special law provides otherwise.

Jurisdiction in administrative cases

The role of administrative justice is to protect the subjective public rights of natural and legal persons..

This role is performed by administrative courts. These are specialised chambers within the regional court system and act as administrative courts of first instance.

The administrative courts are composed of the presiding judge, deputy presiding judges and other judges. Individual cases are heard by panels made up of three judges.

Administrative courts deal with:

- a) complaints against rulings issued in the field of public administration by an administrative authority, i.e. by an executive authority, the authority of a self-governing geographical entity, a natural or physical person or some other authority asked to determine the rights and obligations of natural and legal persons in the field of public administration;
- b) protection against an administrative authority's failure to act;
- c) protection in the event of unlawful action by an administrative authority;
- d) complaints concerning jurisdiction;
- e) cases concerning elections and local/regional referendums;
- f) cases involving political parties and movements;
- g) full or partial repeal of general measures on account of their unlawfulness;
- h) cases concerning the disciplinary responsibility of judges, court officials, public prosecutors and bailiffs, and
- i) cases relating to certain rules governing professions.

The **Supreme Administrative Court** is the administrative court of final instance and it comprises the presiding judge of the Supreme Administrative Court, the deputy presiding judges and judges. Individual cases are usually heard by a panel of three judges.

In addition to hearing appeals, the Supreme Administrative Court hears cases on the dissolution of political parties or political movements, on the suspension or resumption of their activities, on complaints concerning jurisdiction and on the full or partial repeal of measures of a general nature. Further material jurisdiction is assigned to the Supreme Administrative Court by means of special laws.

Further details may be found on the following website: [Evropský soudní atlas ve věcech občanských – Soustava soudů v České republice](#) [European Court Atlas for civil cases – Court system in the Czech Republic].

Further information may be found on the following website: [Nejvyšší správní soud](#) [Supreme Administrative Court].

Related references

[Organisation of the judiciary](#)

[Court system](#)

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Ordinary courts - Denmark

This section provides information on the organisation of ordinary courts in Denmark.

Ordinary courts – introduction

Supreme Court (Højesteret)

The **Supreme Court** is the final court of appeal in Denmark and is situated in Copenhagen. The court reviews judgments and orders delivered by:

The High Court of Eastern Denmark

The High Court of Western Denmark and

The Copenhagen Maritime and Commercial Court.

The Supreme Court reviews both civil and criminal cases and is the final court of appeal (third tier) in probate, bankruptcy, enforcement and land registration cases.

The Supreme Court does not review questions of guilt or innocence in criminal cases. Only in exceptional cases is there a right of appeal (third tier) to the Supreme Court (see below). There are no lay judges on the Supreme Court panel.

Easter High Court (Østre Landsret) and Western High Court (Vestre Landsret)

There are **two high courts** in Denmark – the High Court of Western Denmark and the High Court of Eastern Denmark. The high courts hear appeals from district courts.

Civil and criminal cases are tried by the district courts (first tier). Under certain conditions a civil case may be referred to a high court.

District courts (Byretterne)

District courts hear civil, criminal, enforcement, probate and bankruptcy cases. Notarial acts also fall within the jurisdiction of district courts. Some district courts will continue to handle registration in certain jurisdictional districts until this is taken over by the Land Registration Court.

Legal databases

For more information, please consult the  [structural chart of the Danish judicial system](#).

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Järgmised keeleversioonid on juba tõlgitud.

Ordinary courts - Germany

This section provides you with information on the organisation of ordinary courts in Germany.

Ordinary courts – introduction

Jurisdiction in civil matters

The **local courts** (Amtsgerichte) as courts of first instance are competent in civil cases – mainly in cases with a litigation value of up to €5000. They are also competent in matters independent of the value of litigation, such as rental disputes and family and maintenance matters.

Cases in local courts can be heard by an individual judge.

The **regional courts** (Landgerichte) as courts of first instance are competent in civil law cases involving all disputes not assigned to the local courts. These are usually disputes with a litigation value of more than €5000.


In principle, cases before the regional courts are also heard by an individual judge. Difficult matters and cases of fundamental importance are, however, decided in chambers: i.e., a tribunal made up of three professional judges.

Regional courts of second **instance** hear cases in civil tribunals within the regional courts. These are usually composed of three judges, who hear appeals against the judgements of the local courts.

Furthermore, **chambers for commercial matters** can be established at regional courts. These are usually responsible for disputes of first and second instance between businesspeople/merchants. These chambers are composed of one professional judge and two lay judges who are merchants.

The **higher regional courts** (Oberlandesgerichte) are usually courts of second instance. In civil cases, they hear appeals against judgements of the regional courts, and appeals against judgements of the local courts in family matters.

The senates of the **higher regional courts** consist in principle of three professional judges. Civil cases that present no special difficulties and are not of fundamental importance can, however, be transferred to individual judges.

The highest ordinary court is the  [Federal Court of Justice](#) (Bundesgerichtshof), which is the court of last resort and deals with appeals on points of law only. The senates of the federal high court are composed of five professional judges.

Jurisdiction in criminal matters

Courts of first instance

The **Judicature Act** (Gerichtsverfassungsgesetz – GVG) sets out the competence of courts in criminal proceedings. The local court (Amtsgericht) is the court of first instance in criminal matters, unless the jurisdiction of the regional court or the higher regional court is established (§ 24 paragraph 1 No. 1 to 3 GVG).

In principle (§ 25 GVG) a decision is taken by one criminal court judge, if it:

Concerns an offence (Vergehen) or

Is pursued by private prosecution and

If a penalty more severe than a two-year sentence of imprisonment is not anticipated.

In all remaining cases, a magistrate's court (jury) is responsible (§ 28 GVG); this is composed of one professional judge and lay assessors.

Cases assigned to the magistrates' courts concern criminality of medium severity, for which the local court is competent (§ 24 paragraph 1 GVG), unless they have been assigned to a criminal court judge (§ 25 GVG). This involves cases where the anticipated penalty is imprisonment for between two and four years.

Moreover, a so-called extended magistrate's court can hear such a case on request by the public prosecutor's office (§ 29 paragraph 2 GVG) – if the public prosecutor's office and the court consider that there is a need for additional consultation with a second professional judge because of the extent of the matter.

The competence of the **regional court** (Landgericht) of first instance is provided for in § 74 paragraph 1 GVG. Thereafter, the regional court is responsible for all crimes for which neither the local court nor the higher regional courts are responsible: i.e. where a longer period of imprisonment is anticipated.

It should be noted that German criminal law distinguishes between an 'offence' (Vergehen) on the one hand, and a 'crime' (Verbrechen) on the other. A crime in this sense (according to the Federal Criminal Code) is a criminal act for which the law provides a minimum penalty of at least one year. Thus, crimes are the most serious criminal acts.

The regional court is also responsible for all other criminal offences where the anticipated penalty exceeds four years (§ 74 paragraph 1 sentence 2, case 1 GVG). It is also competent if the prosecutor's office decides to bring an indictment in the regional court because of the special importance of a case, even if the local court is competent.

Tribunals at the regional court are heard by the criminal court division. Decisions of first instance are taken by a large criminal court (Große Strafkammer) and are generally heard by three professional judges and two lay assessors. Under the conditions set out at § 76 paragraph 2 GVG, a large criminal court can decide at the opening of a trial that the case can be heard by two professional judges and two lay assessors only.

The **higher regional court** is court of first instance for the crimes and offences listed in § 120 paragraphs 1 and 2 GVG, most of which concern the security/existence of the Federal Republic of Germany. The senates of the Federal Court of Justice can hear the case with five professional judges, including a presiding judge. However, when the trial opens, the senate for criminal matters may decide that the case can be heard by three professional judges, including the presiding judge, unless the extent or difficulty of the matter makes the participation of two further professional judges necessary (§ 122 paragraph 2 sentence 1 and 2 of the Judicature Act / GVG).

Appeals

When appealing against a judgement of the local court, the usual remedy is to appeal to the **regional court** (§ 312 Code of criminal procedure [StPO]), where the appeal is heard by the so-called small criminal court/division (kleine Strafkammer). This is composed of one professional judge and two lay assessors. In the case of appeals against the judgement of an extended magistrate's court of the local court, a second professional judge is added. In addition (§ 335 StPO) a so-called 'leap frog appeal' ('Sprungrevision') is possible against judgements of the local court of first instance, on which the higher regional court can decide.


An **appeal on points of law** (Revision) can be lodged against all judgements in courts of first instance – both the regional court and the higher regional court – (§333 StPO). The **Federal Court of Justice** is the court of appeal instance (Revisionsinstanz) against all decisions of the higher regional court and the large criminal courts (divisions) of the regional court (§ 135 paragraph 1 VVG). The senates of the Federal High Court can decide on the revision with five professional members, including the presiding judge. Appeals against (other) judgements by the regional courts are decided by the higher regional courts.

Related Links

 [Federal Court of Justice](#)

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Ordinary courts - Estonia

This section provides information on the organisation of ordinary courts in Estonia.

Ordinary courts – introduction

County Courts are ordinary courts of **first instance** and hear all civil, criminal and misdemeanour cases and conduct other proceedings which are placed under their jurisdiction by law. Legal proceedings in the county courts are regulated by the following Codes: the Code of Civil Procedure in civil cases, the Code of Criminal Procedure in criminal cases and the Code of Misdemeanour Procedure in misdemeanour cases.

The county courts also have land register and registry departments, which have administrative functions. The land register and the marital property register are maintained in the land registry department. The commercial register, the register of non-profit associations and foundations, the commercial pledges register and the register of ships are maintained in the registry department. Pärnu County Court also has a department for payment orders. The department for payment orders handles applications concerning the accelerated procedure for payment orders.

Judgments and rulings of county courts are reviewed by **district courts**, as courts of second instance, on the basis of appeals against those judgments and rulings. Proceedings in the administrative courts are regulated by the same Acts as proceedings in the courts of first instance.

Courts of first instance

There are four county courts in Estonia. The county courts are divided into courthouses.

County courts:

Harju County Court (*Harju Maakohus*):

Liivalaia Street courthouse

Kentmanni Street courthouse

Tartu Road courthouse

Viru County Court (*Viru Maakohus*):

Jõhvi courthouse

Narva courthouse

Rakvere courthouse

Pärnu County Court (*Pärnu Maakohus*):

Pärnu courthouse

Haapsalu courthouse

Kuressaare courthouse

Rapla courthouse

Paide courthouse

Tartu County Court (*Tartu Maakohus*):

Tartu courthouse

Jõgeva courthouse

Viljandi courthouse

Valga courthouse

Võru courthouse

Courts of second instance

There are two district courts in Estonia.

District Courts:

Tallinn District Court (*Tallinna Ringkonnakohus*)

Tartu District Court (*Tartu Ringkonnakohus*)

Legal databases

You can find contact details for the courts on the  [courts website](#). Access to the contact details is free of charge.

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Ordinary courts - Ireland

This section provides you with information on the organisation of ordinary courts in Ireland.

Ordinary Courts

The courts system in Ireland has its origins in the 1922 Constitution, which provided for the setting up of new courts to replace those which had evolved under the British administration. New courts were established in 1924 under the Courts of Justice Act, 1924, which established the legal basis for a court system.

The present courts were set up by the Courts (Establishment and Constitution) Act 1961, pursuant to Article 34 of the Constitution adopted by the Irish people in 1937. The Court of Appeal was established on the 29th October, 2014, following a referendum in 2013.

Articles 34 to 37 of the Constitution deal with the administration of justice in general. Article 34.1 states that, "Justice shall be administered in Courts established by law". The Constitution outlines the structure of the court system made up of a court of final appeal, the Supreme Court, the Court of Appeal which has jurisdiction in both criminal and civil matters, and courts of first instance which include a High Court with full jurisdiction in all criminal and civil matters and courts of limited jurisdiction, a Circuit Court and a District Court organised on a regional basis.

Civil Courts

The Supreme Court

Significant changes were made to the [Supreme Court's](#) appellate jurisdiction with the coming into effect on the 28th October, 2014, of the Thirty-third Amendment of the Constitution which established the Court of Appeal. With effect from the establishment day, the Supreme Court has appellate jurisdiction – (a) from a decision of the Court of Appeal if the Supreme Court is satisfied that the decision involves a matter of general public importance, or in the interests of justice it is necessary that there be an appeal to the Supreme Court, and;

(b) from a decision of the High Court if the Supreme Court is satisfied that there are exceptional circumstances warranting a direct appeal to it – a precondition for the Supreme Court being so satisfied is the presence of either or both of the following factors – the decision involves a matter of general public importance; the interests of justice.

Appeals in civil proceedings from the High Court which prior to the Thirty-third Amendment would have been heard by the Supreme Court now lie to the Court of Appeal, except for those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4° of the Constitution. In addition, questions of law which could previously be referred by the Circuit Court to the Supreme Court for determination (a 'case stated') are now determinable by the Court of Appeal.

The Thirty-third Amendment did not affect the original jurisdiction of the Supreme Court which in effect consists of the function under Article 26 of the Constitution. Article 26 provides that the Supreme Court has power to decide whether a Bill (or any provision or provisions of it), which has been passed by both Houses of the Oireachtas and presented to the President of Ireland for his/her signature before being enacted into law, is repugnant to the Constitution, on the matter being referred to the court by the President. If a question of the permanent incapacity of the President arises, such question falls to be decided by the Supreme Court.

The Court usually sits with a composition of three or five judges and, exceptionally, seven judges. When hearing cases concerning the constitutional validity of an Act of the Oireachtas (parliament), the Constitution requires that the court consists of a minimum of five judges. This requirement also applies when the Court is requested to give an opinion on the constitutional validity of a Bill adopted by the Oireachtas when referred to it by the President of Ireland under Article 26 of the Constitution. A minimum of five judges is also required should the Court have to determine, pursuant to Article 12 of the Constitution, whether the President has become permanently incapacitated. The Chief Justice or a Supreme Court judge may sit alone to hear certain interlocutory and procedural applications.

The Court of Appeal

The Court of Appeal was established on 29th October, 2014, following a referendum in 2013. As with other Superior Courts, some of the jurisdiction of the Court of Appeal is conferred by the Constitution and some by legislation. It occupies an appellate jurisdictional tier between the High Court and the Supreme Court.

The Court has jurisdiction to hear appeals in civil proceedings from the High Court which, prior to the Thirty-third Amendment of the Constitution would have been heard by the Supreme Court. Exceptions are those cases in which the Supreme Court has permitted an appeal to it on being satisfied that the appeal meets the threshold set out in Article 34.5.4 of the Constitution. The Court can hear appeals from cases heard in the High Court about whether or not a law is constitutional. The Constitution provides that no laws may be passed restricting the Court of Appeal's jurisdiction to do this.

The Court of Appeal is composed of a President and nine ordinary judges. The Chief Justice and the President of the High Court are ex officio judges of the Court of Appeal. The Court may sit in divisions of three judges. Some interlocutory and procedural applications may be heard by the President alone or by another judge nominated by the President.

The High Court

Under the Constitution the High Court has full original jurisdiction and power to determine all matters and questions, whether of law or fact, civil or criminal. The High Court has exclusive jurisdiction in matters relating to the adoption of children and with regard to applications for extradition. The jurisdiction of the High Court extends to the question of the validity of any law having regard to the provisions of the Constitution (except a law which has already been referred to the Supreme Court by the President of Ireland). Most High Court cases are tried by a sole Judge, although there is provision in law for certain matters such as actions for libel, assault or false imprisonment to be tried by a judge sitting with a jury. Cases of exceptional importance may be tried by two or more judges sitting as a Divisional Court.

The High Court acts as an appeal court from the Circuit Court in civil matters. Apart from its appellate jurisdiction in Circuit Court civil appeals, the High Court also has power to review the decisions of all inferior tribunals by the issue of prerogative orders of Mandamus, Prohibition and Certiorari. These orders relate not to the merits of the decision of the inferior tribunals but to the question of whether jurisdiction has been exceeded.

The High Court may give rulings on a question of law submitted by the District Court. It also deals with applications for bail where the accused person has been charged with the crime of murder or where the accused wishes to seek a variation of the terms and conditions imposed by the District Court.

Normally the High Court sits in Dublin to hear original actions. It also sits in a number of provincial venues to hear original actions for damages for Personal and Fatal Injuries. The High Court on Circuit hears appeals from the Circuit Court in provincial venues.

The Circuit Court

The civil jurisdiction of the [Circuit Court](#) is a limited one unless all the parties to an action consent, in which event the jurisdiction is unlimited. The limit of the court's jurisdiction relates mainly to actions where the claim does not exceed €75,000 (€60,000 in personal injuries actions).

The Circuit Court has jurisdiction in probate related matters, and in matters concerning title to or tenancies of real estate where the rateable valuation of the property does not exceed €253.95. The Circuit court also has jurisdiction in family law proceedings including judicial separation, divorce, nullity and appeals from the District Court.

Civil cases in the Circuit Court are tried by a judge sitting without a jury. It acts as an appeal court from the District Court in both civil and criminal matters.

The appeal takes the form of a re-hearing and the decision of the Circuit Court is final and cannot be further appealed.

The Circuit Court also has jurisdiction in all cases of application for new licences for sale of liquor for consumption on the premises, and has appellate jurisdiction from the decisions of tribunals such as the Director of Equality Investigations.

The District Court

The [District Court](#) has local and limited jurisdiction. In Family Law matters it has power to make maintenance, barring, custody, access and affiliation orders.

The District Court has jurisdiction to try civil cases founded on contract, hire purchase or credit sale agreements, tort, and non-payment of rent or wrongful detention of goods, where the value of the claim does not exceed €15,000. It also has jurisdiction in relation to the enforcement generally of the judgements for debt of any court, jurisdiction in relation to a large number of licensing provisions e.g. relating to the sale of intoxicating liquor, and jurisdiction in respect of applications for malicious damages where the amount claimed does not exceed €15,000.

The District Court sits at venues throughout the country in 24 Districts comprising the Dublin Metropolitan District and 23 other Districts. Generally, the venue at which a case is heard depends on where the contract was made, or where the defendant resides or carries on business, or in licensing cases, on where the licensed premises are situated.

Criminal Courts

The Supreme Court

The Supreme Court deals with appeals from the Court of Appeal in cases where a point of law of exceptional public importance is raised.

The Court of Appeal

Under the Court of Appeal Act 2014, the Court of Appeal was given the appellate jurisdiction previously exercised by the Court of Criminal Appeal.

Appeals from persons convicted on indictment in the Circuit Court or Central Criminal Court, who obtain a certificate from the trial judge that the case is a fit one for appeal now lie to the Court of Appeal. Where this certificate is refused, the Court of Appeal itself, on appeal from this refusal, can grant leave to appeal.

In addition, the Director of Public Prosecutions may appeal to the Court of Appeal on grounds of undue leniency of sentence under the Criminal Justice Act 1993, section 2. In the case of an alleged miscarriage of justice, an appeal can be lodged under s.2 of the Criminal Procedure Act 1993.

The Court of Appeal was also given jurisdiction to hear appeals by the Director of Public Prosecutions on a question of law arising out of criminal trials which resulted in an acquittal. The decision of the Court of Appeal does not affect the acquittal verdict in such cases.

Appeals by the Director of Public Prosecutions against an acquittal or against a decision not to order a retrial also lie to the Court of Appeal. Under the Court of Appeal Act 2014, the Court of Appeal was given the appellate jurisdiction previously exercised by the Courts-Martial Appeal Court. This means that appeals from people who have been convicted by a court-martial now lie to the Court of Appeal.

Court of Criminal Appeal

Under the Court of Appeal Act 2014, the appellate jurisdiction of the [Court of Criminal Appeal](#) was transferred to the Court of Appeal.

Special Criminal Court

The [Special Criminal Court](#) was established for the trial of offences where it is determined that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. The court sits with three judges and no jury.

Central Criminal Court

The [Central Criminal Court](#) is the criminal division of the High Court. It tries serious crime, including murder offences, rape offences, treason and piracy and criminal trials under the Competition Act, 2002. The court sits with a judge and a jury.

Circuit Criminal Court

The Circuit Criminal Court tries offences other than those that can be tried in the Central Criminal Court. It sits with a judge and a jury. It deals with appeals from the District Court.

District Court

The District Court deals with summary offences (mostly statutory in nature) and some indictable offences. It sits with a judge only.

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Ordinary courts - Greece

Ordinary courts – introduction

Civil courts

All private disputes are referred to civil courts, including cases of voluntary jurisdiction assigned to these courts by law.

Civil courts include:

the Supreme Court (*Άρειος Πάγος*);

courts of appeal (*εφετεία*);

courts of first instance with several judges (*πολυμελή πρωτοδικεία*);

one-member courts of first instance (*μονομελή πρωτοδικεία*);

district civil courts (*ειρηνοδικεία*).

Criminal courts

Criminal Courts try criminal cases.

Criminal courts include:

the Supreme Court;

five-member courts of appeal (*πενταμελή εφετεία*);

mixed jury courts (*μεικτά ορκωτά δικαστήρια*);

mixed jury courts of appeal (*μεικτά ορκωτά εφετεία*);

three-member courts of appeal (*τριμελή εφετεία*);

three-member magistrates' courts (*τριμελή πλημμελειοδικεία*);

one-member magistrates' courts (*μονομελή πλημμελειοδικεία*);

district criminal courts (*πταιματοδικεία*);

juvenile courts (*δικαστήρια ανηλίκων*).

By virtue of special laws, criminal jurisdiction is also exercised by:

courts martial (*στρατοδικεία*);

naval courts (*ναυτοδικεία*).

air force courts (*αεροδικεία*).

These courts try cases as special criminal courts.

These courts try cases involving offences by military personnel serving in the army, navy or air force.

Administrative courts

Administrative courts are responsible for resolving administrative disputes between government administration and citizens.

Ordinary administrative courts include administrative courts of first instance (*διοικητικά πρωτοδικεία*) and administrative courts of appeal (*διοικητικά εφετεία*).

Administrative courts of first instance sit as a one or three-member panel, depending on the monetary value of the dispute. They hear taxation cases, disputes between individuals and social security or social policy organisations and administrative disputes between citizens and national or local government. Three-member administrative courts of first instance also hear appeals against rulings by one-member administrative courts of first instance.

Administrative courts of appeal hear appeals against rulings by three-member administrative courts of first instance. They also rule in the first instance on petitions for annulment of administrative acts relating to the employment of civil servants (dismissals, failure to appoint or promote, etc.).

The **General Inspector of Public Administration** is an institution forming part of the ordinary administrative courts. The Inspector is responsible for inspecting the administration of administrative courts and lodging appeals against their rulings.

The **Council of State** (*Συμβούλιο της Επικρατείας*) hears cases including:

petitions for annulment of administrative acts for breach of law, abuse of power, lack of competence or formal omission;

appeals by civilian, military, government and other personnel against rulings by staff councils (*υπηρεσιακά συμβούλια*) on promotion, dismissal, demotion, etc.;

petitions for review of rulings by administrative courts.

Legal databases

Website of the [Greek Supreme Court](#). Access to the database is **free of charge**.

[Criminal Records database](#) for Greeks with unknown or foreign place of birth and non-nationals.

Related links

[Supreme Court](#)

[Athens Court of First Instance](#)

[Thessaloniki Court of First Instance](#)

[Piraeus Court of First Instance](#)

[Council of State](#)

[Court of Audit](#)

[Public Prosecutor's Office of District Court Judges](#)

[Athens Administrative Court of First Instance](#)

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Järgmised keeleversioonid on juba tõlgitud.

Ordinary courts - Spain

Article 117 of the Constitution states that the principle of the unity of the judicial power is the basis for the organisation and operation of the courts.

This principle results in the existence of a single judiciary making up the ordinary courts.

Numerous courts exist, among which the work is distributed according to criteria determining jurisdiction – subject matter, amount, person, function or region – since the unity of the judicial power does not preclude the existence of different courts with different areas of jurisdiction.

Ordinary courts - introduction

The Constitution of 1978 states that Spain is a social and democratic state subject to the rule of law, which advocates liberty, justice, equality and political pluralism as the overriding values of its legal system.

Title VI of the Constitution is given over to the judiciary, with Article 117 stating that the principle of the unity of the judicial power (*unidad jurisdiccional*) is the basis for the organisation and operation of the courts.

All these principles inform the organisation of the courts in Spain, resulting in the existence of a single judiciary making up the ordinary courts.

Numerous courts exist, among which the work is distributed according to criteria for determining jurisdiction – subject matter, amount, person, function or region – since the unity of the judicial power does not preclude the existence of different courts with different areas of jurisdiction.

Ordinary courts are those regulated by the Organic Law on the Judiciary provided for in Article 122 of the 1978 Constitution.

A distinction must be made between three fundamental aspects:

the territorial aspect;

whether it is a single judge or a bench of judges who sit in the court;

jurisdiction.

The territorial aspect

In accordance with the explanatory memorandum to Organic Law 6/1985 of 1 July 1985 on the Judiciary, the State is divided **territorially**, for judicial purposes, into municipalities, districts (*partidos*), provinces and autonomous communities, with jurisdiction over them being exercised by justice of the peace courts (*Juzgados de Paz*), courts of first instance and preliminary investigations (*Juzgados de Primera Instancia e Instrucción*), administrative courts (*Juzgados de lo Contencioso-Administrativo*), labour tribunals (*Juzgado de lo Social*), courts responsible for the welfare and supervision of prisoners (*Juzgados de Vigilancia Penitenciaria*) and juvenile courts (*Juzgados de Menores*), provincial courts (*Audiencias Provinciales*) and high courts in Spain's autonomous communities (*Tribunales Superiores de Justicia*).

The National Criminal and Administrative Court (*Audiencia Nacional*), the Supreme Court (*Tribunal Supremo*), the Central Courts of Preliminary Investigations (*Juzgados Centrales de Instrucción*) and the Central Administrative Courts (*Juzgados Centrales de lo Contenciosoadministrativo*) have nationwide jurisdiction.

Single judge or bench of judges

A single judge sits in all the courts with the exception of the Supreme Court, the National Criminal and Administrative Court, the high courts of the autonomous communities and the provincial courts.

The **Supreme Court** comprises its president, the divisional presidents (*presidentes de sala*) and the judges (*magistrados*) assigned by the law to each division. There are five divisions: civil, criminal, administrative, labour and military.

The **National Criminal and Administrative Court** (*Audiencia Nacional*) consists of a president, the divisional presidents and the judges assigned by the law to each division (appeals, criminal, administrative and labour).

The **high courts** of the Autonomous Communities (*Tribunales Superiores de Justicia*) comprise four divisions (civil, criminal, administrative and labour). They consist of a president, who is also the president of the civil and criminal divisions, the divisional presidents and the judges assigned by the law to each division.

The **provincial courts** (*Audiencias Provinciales*) comprise one president and two or more judges. They hear civil and criminal cases. There may be sections with the same composition.

The Courts Office (*Oficina Judicial*)

The Organic Law on the Judiciary describes the Courts Office as the administrative organisation which acts as a support for the judicial work of judges and courts.

It was designed to improve the efficiency, effectiveness and transparency of judicial proceedings, to streamline the resolution of cases, and to encourage cooperation and coordination between the various administrations. The launch of this Office is thus a response to the undertaking to ensure a quality public service that is close to the people, complies with constitutional values and is in keeping with the actual needs of citizens.

It is a new organisational model that introduces modern management techniques based on a combination of different administrative units: units providing direct support for judicial procedures equivalent to the old courthouses (*juzgados*), which support the judge in his judicial duties, and common procedural services headed by registrars (*Secretarios Judiciales*), which carry out and decide on all the tasks that are not strictly judicial such as receiving documents, handling summonses, enforcing decisions, non-judicial proceedings, admission of a petition for trial, notification of parties, remedying of procedural shortcomings, etc.

There are three types of common procedural services:

Common General Service

Common Case Management Service

Common Enforcement Service.

The new organisational model was launched in Burgos and Murcia in November 2010. In February 2011, the Courts Office was established in Cáceres and Ciudad Real, and in León, Cuenca and Mérida in June 2011. It will also be established in Ceuta and Melilla in 2013. This model coexists alongside the former model of courthouses (*juzgados* and *tribunals*) which is found elsewhere in Spain.

Jurisdiction

In addition to the territorial aspect, the matters or issues that can come before the courts are of different kinds, and are dealt with by **four systems of courts**:

Civil courts: deal with disputes not explicitly assigned to another class of court. They can therefore be described as ordinary courts.


Criminal courts: criminal cases and proceedings must be dealt with in the criminal system. In Spanish law, however, civil action arising out of a criminal offence can be brought at the same time as the criminal action. In such a case, the appropriate damages to be paid in order to make good the loss caused by the offence or misdemeanour will be determined by the criminal court.

Administrative courts: examine the legality of acts carried out by the authorities and financial claims made against them.

Labour tribunals: deal with claims made under labour law, both in individual disputes between workers and employers arising from the employment contract, and in relation to collective bargaining, as well as social security claims or claims against the state when it bears liability under employment legislation.

In addition to these four court systems, there are also **military courts in Spain**.

The military courts are an exception to the principle of the unity of the judicial power.

The  **Constitution** lays down the principles governing judicial activities and provides for the unity of the judicial power, while maintaining the special provision for military courts within the strictly military sphere and in cases of siege, always subject to the constitutional principles set out in Article 117.5 of the Constitution.

In peacetime the jurisdiction of the military courts is confined to the strictly military sphere, namely hearing cases relating to conduct classified as an offence in the military criminal code, with its jurisdiction being extended to any kind of offence in the case of troops stationed abroad. In times of war, Organic Law 4 /1987 on the Jurisdiction and Organisation of Military Courts permits a change in scope, although that decision has to be taken by Parliament (*Cortes Generales*) or, if it is so authorised, by the government.

The military courts are made up of professional military personnel, members of the armed forces and representatives of the Ministry of Defence.

The system of military courts consists of: the regional military courts (*Juzgados Togados Territoriales*), the central military courts (*Juzgados Togados Centrales*), the higher regional military courts (*Tribunales Militares Territoriales*), and the Central Military Court (*Tribunal Militar Central*). Nevertheless, at the pinnacle of the military court system is the Fifth Division of the Supreme Court.

The creation of a military division within the Supreme Court, subject in terms of its procedures and the status of its members to the same rules as the other divisions, means that there is unity at the apex of the two court structures that make up the judicial power.

The members of this division come from both the ordinary and the military courts, which is a guarantee of balance in judicial proceedings at the highest level: the division is usually called upon to act in assessing appeals on points of law and reviews, though of course it may also have jurisdiction in particular cases involving personnel who hold high military office.

In Spain no system of extraordinary courts exists; however, in the context of the judicial systems mentioned, special courts have been created for specific matters, for example courts dealing with violence against women, courts responsible for the welfare and supervision of prisoners and juvenile courts. These are ordinary courts but are specialised in a particular area. For more information, see the factsheet on specialised courts in Spain.

In the analysis below of the four judicial systems in Spain, we will look at the jurisdiction of the various courts concerned.

Civil justice system

Division 1 of the Supreme Court (*Sala I del Tribunal Supremo*), the civil and criminal division of the autonomous communities' high courts (*la Sala de lo Civil y Penal del Tribunal Superior de Justicia*), the civil divisions of the provincial courts (*las Secciones Civiles de las Audiencias Provinciales*), the courts of first instance (*los Juzgados de Primera Instancia*), the justice of the peace courts (*los Juzgados de Paz*) and certain specialist courts (family courts (*Juzgados de Familia*), commercial courts (*Juzgados Mercantiles*), community trademark courts (*Juzgados de Marca Comunitaria*), courts dealing with violence against women (*Juzgados de Violencia sobre la Mujer*)) all have jurisdiction in the civil justice system.

Commercial courts, community trademark courts and courts dealing with violence against women are examined in detail on the factsheet on specialised courts in Spain.

Criminal justice system

Division 2 of the Supreme Court (*la Sala 2ª del Tribunal del Supremo*), the Criminal Division of the National Court (*la Sala de lo Penal de la Audiencia Nacional*), the civil and criminal division of the autonomous communities' high courts (*la Sala Civil y Penal de los Tribunales Superiores de Justicia*), the criminal sections of the provincial courts (*las Secciones Penales de las Audiencias Provinciales*), the criminal courts (*los Juzgados de lo Penal*), the

investigating courts (*los Juzgados de Instrucción*), the juvenile courts (*Juzgados de Menores*), the courts responsible for the welfare and supervision of prisoners (*Juzgados de Vigilancia Penitenciaria*), the courts dealing with violence against women (*Juzgados de Violencia contra la Mujer*) and the justice of the peace courts (*Juzgados de Paz*) all have jurisdiction in the criminal justice system.

Juvenile courts, courts responsible for the welfare and supervision of prisoners and courts dealing with violence against women are examined in detail in the factsheet on specialised courts in Spain.

Administrative justice system

The courts with jurisdiction in the administrative justice system are Division 3 of the Supreme Court (*Sala 3ª del Tribunal Supremo*), the Administrative Division of the National Court (*Sala Contencioso-Administrativa de la Audiencia Nacional*), the administrative division of the autonomous communities' high courts (*la Sala Contencioso-Administrativa de los Tribunales Superiores de Justicia*) and the administrative courts (*los Juzgados de lo Contencioso Administrativo*).

Labour justice system

The labour justice system is made up of Division 4 of the Supreme Court (*la Sala 4ª del Tribunal Supremo*), the Labour Division of the National High Court (*la Sala de lo Social de la Audiencia Nacional*), the labour division of the autonomous communities' high courts (*la Sala de lo Social de los Tribunales Superiores de Justicia*) and the labour tribunals.

The jurisdiction of all of the above-mentioned courts is laid down in the [Organic Law on the Judiciary](#).

Related links

[GENERAL COUNCIL OF THE JUDICIARY IN SPAIN](#)

[ORGANIC LAW ON THE JUDICIARY](#)

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Ordinary courts - France

In this section you will find an overview of the ordinary courts in France.

The ordinary courts — introduction

Courts of first instance

Civil courts

1. Regional courts

A regional court (*tribunal de grande instance*) hears disputes between private parties (**civil cases**) where the value in dispute is **over €10 000**.

It also has jurisdiction in the following areas, **irrespective of the amount** of the claim:

family law: marriage, filiation, adoption, declarations that a person is missing (*déclarations d'absence*);

rectification of records of civil status (*état civil*: births, marriages, deaths etc.);

succession;

penalties (*amendes civiles*) incurred by public records officers (*officiers d'état civil*);

actions in respect of claims to immovable property (*actions immobilières*);

the dissolution of associations;

protection from creditors (*sauvegarde*), court-supervised recovery (*redressement judiciaire*) and liquidation by the court (*liquidation judiciaire*), where the debtor is neither a trader nor a person registered in the register of trades and crafts (*répertoire des métiers*);

accident and occupational illness insurance for nonwage-earning persons working in agriculture;

registration fees (*droits d'enregistrement*), charges for the publication of land registry notices (*taxes de publicité foncière*), stamp duties (*droits de timbre*) and indirect taxes, and other taxes equivalent to those fees, charges, or duties;

commercial property leases (*baux commerciaux*), with the exception of disputes regarding the setting of rent for revised or renewed leases, professional and craft activity property leases (*baux professionnels*), and provisional contracts for commercial purposes (*conventions d'occupation précaire en matière commerciale*);

claims of falsification (*inscription en faux*) made in objection to authentic documents (*actes authentiques*);

civil actions for defamation (*diffamation*) or for insult (*injure*), whether or not public, and whether verbal or in writing.

The **criminal court** (*tribunal correctionnel*) is the criminal division of the regional court: it has jurisdiction to try **intermediate offences** (*délits*, see below).

A regional court is made up of professional judges (*magistrats*): the president, the vice-presidents, the ordinary judges, the State Counsel (*procureur de la République*), Deputy State Counsel (*vice-procureurs*) and Assistant State Counsel (*substituts*).

There are also specialised judges of the regional courts, including the following.

The **judge in juvenile matters**, or children's judge (*juge des enfants*), has power to take measures to protect minors who are in danger, and to try minors accused of minor and intermediate criminal offences (*contraventions, délits*). When the judge decides without the public present, he or she can order only measures with a view to the better upbringing of the minor (*mesures éducatives*); when the judge presides over the juvenile court (*tribunal pour enfants*), he or she sits with two assessors (*assesseurs*) who are not professional judges, and the court has the power to order measures for the better upbringing of the minor or a criminal sentence as the case may be.

The **judge for the enforcement of sentences** (*juge de l'application des peines*) determines the way in which a sentence involving deprivation of liberty is to be enforced. If the convict is imprisoned, the judge can order measures that alleviate the penalty, such as outside placement, semiliberty, conditional release, or release under electronic surveillance; if the convict is not imprisoned, the judge supervises the serving of the sentence, in the case for example of a suspended sentence on probation (*emprisonnement avec sursis et mise à l'épreuve*), community service (*travail d'intérêt général*), or social and judicial supervision (*suivi socio-judiciaire*).

The **investigating judge** (*juge d'instruction*) reports to the investigation division of the court of appeal (*chambre de l'instruction de la cour d'appel*). In a criminal investigation the investigating judge is required to take all steps likely to lead to the truth. The investigating judge assembles all the evidence, whether it is against a suspect or in the suspect's favour. When the judge is of the opinion that the investigation is complete, he or she can make an order

discharging the suspect (*ordonnance de nonlieu*), or commit the person under investigation for trial by the criminal court or the assize court (*cour d'assises*). Investigating judges cannot take up cases on their own initiative. Cases must be referred to them for investigation by State Counsel, or by an injured party who lodges a complaint alleging a criminal offence and asks to be treated as a civil party to the criminal proceedings (*constitution de partie civile*). The regional court generally sits in the chief town of a *département*, but there are regional courts that sit in other places too. On 1 January 2013 there were 161 regional courts.

2. District courts

The district court (*tribunal d'instance*) hears disputes between private parties (**civil cases**) where the value in dispute **does not exceed €10 000**.

It has other **areas of jurisdiction conferred on it**, such as attachment orders seizing wages or salaries (*saisies des rémunérations du travail*), life annuity contracts (*rentes viagères*), disputes relating to elections, and residential property leases (*baux d'habitation*). It has some areas of **administrative jurisdiction** too: for example, the chief clerk of a district court issues certificates of nationality.

The criminal division of a district court is the **police court** (*tribunal de police*), which has jurisdiction to try **minor offences** of the fifth class (*contraventions de la cinquième classe*, see below).

A judge of the district court also deals with **guardianship** matters, though not in the case of minors, who under an Act passed on 12 May 2009 now come under the jurisdiction of a family judge at the regional court: the district court judge protects vulnerable adults, by supervising the management of their resources.

A district court is made up of one or more judges, but cases are always heard by a single judge.

The district court generally sits in the chief town of an *arrondissement*. On 1 January 2013 there were 307 district courts.

3. Local courts

The local court (*juridiction de proximité*) hears civil disputes between private parties where the amount in dispute is **less than €4 000**.

The local courts also try **minor offences** in the first four classes.

In the local court the State Counsel's Office (*ministère public*, which essentially brings the prosecution) need not be represented by a law officer attached to the State Counsel's Office itself, and may be represented for example by a commissioner of police (*commissaire de police*).

4. Commercial courts

The commercial court (*tribunal de commerce*) hears disputes regarding **contracts between traders**, or between credit institutions, or both, and disputes regarding commercial companies or commercial transactions between parties of any kind. The commercial court also deals with **proceedings relating to firms in difficulty**.

The judges of the commercial courts are not career judges but elected traders. They are elected for terms of two or four years by an electoral college made up of current and former judges of the commercial courts and traders' delegates (*délégués consulaires*), who are themselves traders elected in the area within the jurisdiction of the court.

On 1 January 2013 there were 134 commercial courts.

5. Employment tribunals

The employment tribunal (*conseil de prud'hommes*) rules on **individual disputes between employers and employees** in connection with a contract of employment or apprenticeship.

Employment tribunals are made up of elected judges, half representing employers and half representing employees. An employment tribunal is divided into five specialised divisions, for management, manufacturing, distributive trades and commercial services, agriculture, and miscellaneous activities. If the four members hearing a case are tied, the tribunal will be chaired by a judge of the district court.

There are one or more employment tribunals in each *département*, and at least one in the area of jurisdiction of each regional court.

There are 210 employment tribunals.

6. Social security tribunals

The social security tribunal (*tribunal des affaires de la sécurité sociale*) rules on disputes between **social security funds** (*caisses de sécurité sociale*) and **users**, for example regarding membership of a fund or the award and payment of benefits.

A social security tribunal is made up of a president, who is a judge of the regional court, and assessors, who are not professional judges, appointed for three years by the first president of the court of appeal from a list drawn up for the area within the jurisdiction of the particular tribunal by the regional director for young people, sport and social cohesion, following nominations by the most representative trade and professional organisations. The president of the social security tribunal also gives his opinion.

There are 115 social security tribunals.

7. Disability tribunals

The disability tribunal (*tribunal du contentieux de l'incapacité*) adjudicates on disputes regarding the invalidity or incapacity for work of a person covered by social insurance, that is to say the state of invalidity or the degree of invalidity caused by an occupational or other illness or accident.

A disability tribunal is made up of a president who is an honorary judge or qualified person, an assessor representing employees, and an assessor representing employers or the selfemployed; both assessors are appointed for three years by the first president of the court of appeal for the area, from a list drawn by the regional director for young people, sport and social cohesion, following nominations from the most representative professional organisations.

There are 26 disability tribunals.

Appeals are possible from the disability tribunals to the National Court for Disability and Rates of Occupational Accident Insurance (*Cour nationale de l'incapacité et de la tarification de l'assurance des accidents du travail*), which is also the court of first and last instance for disputes regarding rates of insurance against occupational accidents.

8. Agricultural land tribunals

The agricultural land tribunal (*tribunal paritaire des baux ruraux*) hears disputes between **landlords and tenants of agricultural land** regarding various forms of lease or contract for tenancy and the working of land (*fermage, métayage, baux à cheptel, baux à domaine congéable, baux à complants, baux emphytéotiques, or contrats d'exploitation de terres à vocation pastorale*).

The tribunal is presided over by a judge of the district court. The president sits with four nonprofessional assessors: two of them are landlords and two are tenants, and all four are elected by their peers for six years from lists of candidates drawn up by the prefect following nominations by a committee for the preparation of electoral lists.

Criminal courts

1. Assize courts

The assize court (*cour d'assises*) tries **serious crimes** (*crimes*): these are offences in the most serious category, carrying a sentence from ten years' imprisonment to life imprisonment.

There is an assize court in **each département**, but it is not a permanently constituted court. The dates of its opening sittings are set whenever necessary. In the biggest *départements*, however, the assize court sits almost permanently.

The court is made up of three career judges — a president who is the president of a division or an ordinary judge at the court of appeal, and two assessors who are ordinary judges at the court of appeal or judges at the regional court for the *département* — and a jury of six citizens chosen by lot. When it deals with serious crimes committed by minors it is called the juvenile assize court (*cour d'assises des mineurs*). In that case the two assessors are judges of the juvenile courts.

Some crimes under terrorism legislation or military law, or related to drug trafficking, are tried by an assize court composed of judges only.

The State Counsel's Office is represented by an advocategeneral (*avocat général*).

2. Criminal courts

The criminal court (*tribunal correctionnel*) has jurisdiction for **intermediate offences** (*délits*): these are offences that carry a sentence of no more than 10 years' imprisonment or a fine of no less than €3 750. The criminal court is a division of the regional court. The general rule is that it is composed of three professional judges, but there is also provision for specific offences to be dealt with by a judge sitting alone.

The State Counsel's Office is represented by the State Counsel (*procureur de la République*) or one of the State Counsel's assistants (*substitués*).

3. Police courts

The police court (*tribunal de police*) tries minor offences of the fifth class (*contraventions de cinquième classe*). It sits at the district court. It is a singlejudge court, the judge being a judge of the district court.

The State Counsel's Office is represented by the State Counsel or one of the State Counsel's assistants.

4. Local courts

The local court (*juridiction de proximité*) tries minor offences of the first to the fourth classes (*contraventions de la première à la quatrième classe*). It sits at the district court. The judge is a local court judge, who sits alone.

The functions of the State Counsel's Office are generally exercised by a commissioner of police.

5. Specialised criminal courts

There are also specialised courts dealing with specific criminal matters, such as the maritime commercial courts (*tribunaux maritimes commerciaux*), of which there are currently 14, and which try certain maritime offences.

Courts of second instance

The **courts of appeal** (*cours d'appel*) hear appeals on points of fact and law (*appels*) **against judgments already given** by the courts of first instance.

A court of appeal is composed of professional judges only: a first president (*premier président*), presidents of divisions (*présidents de chambre*) and ordinary appeal court judges (*conseillers*) (this does not apply to the assize court of appeal, see below).

Each court has specialised divisions dealing with civil, social, commercial or criminal cases, each composed of three professional judges: a president and two other judges.

Appeals against judgments of an assize court are heard by an **assize court of appeal** (*cours d'assise d'appel*), the members of which are designated by the criminal division of the Court of Cassation. The assize court of appeal has a jury of nine.

Appeals against judgments in disability cases are heard by the **National Court for Disability and Rates of Occupational Accident Insurance**.

The State Counsel's Office is represented by the Principal State Counsel (*procureur général*) or an Assistant Principal State Counsel (*substitut général*).

The Court of Cassation

The Court of Cassation (*Cour de cassation*) is the **supreme court** in the ordinary court structure. It sits in Paris. Its function is to verify that the decisions of the lower courts do not conflict with some point of law: it does not make any fresh assessment of the facts. It is not regarded as a court of third instance: it maintains **uniformity of caselaw, and acts as a regulator of law and compliance with legality**.

A judgment of the Court of Cassation is delivered in response to an **appeal on points of law** (*pourvoi en cassation*) brought by a party who is the subject of a court judgment, or by the State Counsel's Office.

If the Court takes the view that the judgment challenged was not arrived at in accordance with the legal rules, it **quashes the judgment** (*casse la décision*). It then sends the case back to another court for retrial.


Otherwise it dismisses the appeal, and the judgment challenged is definitive.

In exceptional cases it may be that the quashing of the judgment does not require that the substance of the case be reconsidered, and the Court of Cassation may then quash the judgment without remitting it for retrial (*casser sans renvoi*). It may also quash a judgment without remitting it for retrial, and decide the case itself, if it is able to apply the correct rule of law in the light of the facts as found by the court that considered the substance of the case (whose findings and assessments of fact the Court of Cassation will not reconsider).

The Court of Cassation is divided into divisions (*chambres*): three civil divisions, one commercial division, one social division and one criminal division, each composed of a president and other professional judges. Depending on the nature of the case, the Court may also sit as a joint bench (*chambre mixte*, at least three divisions together) or as a full court (*assemblée plénière*, consisting of the first president, the presidents of division and ordinary judges).

The State Counsel's Office is represented by the Principal State Counsel and advocategeneral.

Legal databases

Legal databases in France are accessible via the Internet as a public service. The  [Légifrance](#) site covers the judgments of the Court of Cassation and the courts of appeal:

on the 'CASS' database, for published judgments of the Court of Cassation,

on the 'INCA' database, for unpublished judgments, and

on the 'CAPP' database, for judgments of the courts of appeal.

Is access to the database free of charge?

Yes, access to the database is **free**.

Brief description of content

Judgments are available in French. Some judgments are also available in English, Arabic or Chinese translation.

The CASS database has a stock of 120 000 judgments, with 2 100 added annually.

The INCA database has a stock of 246 000 judgments, with 10 000 added annually.

La CAPP database has a stock of 19 000 judgments, with 20 000 added annually.

Related links

 [Jurisdiction of the courts - France](#)

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Ordinary courts - Italy

This section provides you with information on the organisation of the ordinary courts in Italy.

Ordinary courts – introduction

The ordinary courts have jurisdiction of two kinds:

civil jurisdiction, which seeks to protect rights in relations between private parties, or between private parties and the public administration in circumstances where, in performing its duties, the administration infringes the private party's rights;

criminal jurisdiction, where the court is called upon to decide whether the criminal proceedings instituted by a public prosecutor against a given individual are well founded.

Civil and criminal proceedings are regulated by separate sets of procedural rules: the **Code of Civil Procedure** (*codice di procedura civile*) and the **Code of Criminal Procedure** (*codice di procedura penale*).

Criminal proceedings are instituted by a public law officer who is a qualified judge of the ordinary courts holding the office of public prosecutor (*pubblico ministero*; see the last paragraph of Article 107 of the Constitution).

Civil proceedings may be brought by any public or private party (*l'attore*, the plaintiff) against another party (*il convenuto*, the defendant).

Civil courts

Justices of the peace (*giudici di pace*) are 'honorary' or nonpermanent judges (*giudici onorari*) who have jurisdiction in **matters of minor importance**.

The **lower tier of courts** (*tribunali*) are **courts of first instance** in all other disputes, and also hear **appeals** against the decisions of justices of the peace.

Juvenile courts (*tribunali per i minorenni*) and **juvenile divisions of the courts of appeal** (*sezioni per i minorenni delle corti di appello*) have jurisdiction in matters involving minors where the ordinary courts are not competent.

There are also **divisions** (*sezioni*) of the lower courts and of the courts of appeal specialising in **work-related matters**.

The **courts of appeal** (*corti di appello*) are courts of **second instance**.

The **Court of Cassation** (*Corte di Cassazione* or *Corte Suprema di Cassazione*), which sits in Rome, is the supreme court in the judicial system, and considers whether the judgments of other courts have been arrived at in accordance with the law.

Criminal courts

The **justices of the peace** try minor offences.

The **lower tier of courts** are the courts of first instance that try all criminal matters outside the jurisdiction of the justices of the peace or the assize courts, and also hear appeals against judgments handed down by justices of peace.

The **juvenile courts** and the **juvenile divisions of the courts of appeal** are the courts of first and second instance for all offences committed by minors.

Assize courts (*corti di assise*) are the courts of first instance that try the most serious crimes.

The **courts of appeal** are courts of second instance.

Assize courts of appeal (*corti di assise di appello*) are courts of second instance that hear appeals against judgments handed down by assize courts.

The **supervisory courts** (*tribunali di sorveglianza*) and the **supervisory offices** (*uffici di sorveglianza*) supervise the enforcement of **prison sentences and fines** and the application of the law governing sentences.

The **Court of Cassation** considers whether the judgment of another court was arrived at in accordance with the law. It hears appeals against any decision of any court in civil or criminal matters, or against any limitation on individual freedom; in some cases applications may be made to it directly.

The Court of Cassation is the supreme court in the judicial system. The Fundamental Act on the Organisation of the Courts (*legge fondamentale sull'ordinamento giudiziario*), Act No 12 of 30 January 1941, Article 65, lists among the Court's major functions that of ensuring 'the correct application of the law and its uniform interpretation, the unity of law throughout the country, and observance of the limits between the jurisdiction of the different courts'. One of its fundamental roles, therefore, is to ensure that the law is applied uniformly, so as to provide legal certainty.

As to whether the Court of Cassation can be described as a court of further appeal, or court of third instance, the rules in force allow it to take account of the facts of a case only in so far as they have been established in the earlier proceedings, and only to the extent necessary in order to determine whether the application to the Court of Cassation is legally admissible.

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Ordinary courts - Cyprus

There are courts of only two instances in the Republic of Cyprus: The Supreme Court (Ανώτατο Δικαστήριο), which rules on all appeals against judgments by a court of first instance, and the following courts of first instance:

District Courts (Επαρχιακά Δικαστήρια)

Assize Courts (Κακούρηγοδικεία)

Family Court (Οικογενειακό Δικαστήριο)

Rent Control Tribunal (Δικαστήριο Ελέγχου Ενοικιάσεων)

Industrial Disputes Tribunal (Δικαστήριο Εργατικών Διαφορών) and

Military Court (Στρατοδικείο).

Ordinary courts - Introduction

Supreme Court

The Supreme Court is composed of thirteen judges, of whom one is the President. The Supreme Court has the following jurisdictions:

Appellate Court

The Supreme Court hears all appeals from lower courts in civil and criminal matters. As a rule, appeals are heard by a panel of 3 judges. The hearing of the appeal is based on the record of the proceedings of the lower court (the Supreme Court only hears evidence in exceptional and very rare circumstances). In the exercise of its appellate jurisdiction the Supreme Court may uphold, vary or set aside the decision appealed from or it may order a re-trial.

Review Court

The Supreme Court has exclusive jurisdiction to hear any recourse filed against decisions, acts or omissions by persons or organs exercising administrative authority. The Supreme Court may annul any executive administrative act that is in excess or abuse of power or contrary to the law or the Constitution.

Prerogative writs

The Supreme Court has exclusive jurisdiction to issue the prerogative writs of *habeas corpus*, *mandamus*, *certiorari*, *quo warranto* and *prohibition*.

Admiralty

The Supreme Court has original and appellate jurisdiction in admiralty cases. At first instance the case is heard by a single judge and on appeal the case is heard by the full bench.

Election petitions

As an electoral court, the Supreme Court has exclusive jurisdiction to hear petitions concerning the interpretation and application of electoral laws.

Constitutional matters

The Supreme Court has jurisdiction to rule on the constitutionality of any law and to resolve conflicts of power or competence which arise between the various organs of State. The Supreme Court also rules on the constitutionality of laws in connection with which the President of the Republic (Πρόεδρος της Δημοκρατίας) exercises his constitutional right of recourse.

District Courts

The District Courts have jurisdiction to hear at first instance any civil actions (with the exception of admiralty cases) and any criminal cases for offences punishable by up to 5 years' imprisonment. There is a District Court in each administrative district of Cyprus. Cases are heard by a single judge and there is no jury.

Assize Courts

The Assize Courts only try criminal cases. As a rule, only the most serious cases where the sentence for the offence exceeds 5 years are brought before the Assize Courts. Each Assize Court is composed of 3 judges. All decisions are taken by a majority. There is no jury.

Legal databases

There is still no official legal database. There are a number of private legal databases, some of which provide subscriber services and some of which provide free access.

They contain information on court judgments and primary legislation.

Related Links

 [Supreme Court of Cyprus](#)

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Ordinary courts - Latvia

This section provides you with information on the organisation of ordinary courts in Latvia.

Ordinary courts: introduction

In Latvia, judicial power is exercised by **city and district courts**, **regional courts** and **the Supreme Court**.

Civil and criminal proceedings in Latvia can be heard in 40 courts, which are divided into **three tiers**: there are 34 city or district courts (*rajonu vai pilsētu tiesas*), five regional courts (*apgabaltiesas*), and the Supreme Court (*Augstākā tiesa*).

The city and district courts in Latvia are:

Within the territorial jurisdiction of **Kurzeme Regional Court (*Kurzemes apgabaltiesa*)**:

Kuldīga District Court (*Kuldīgas rajona tiesa*);

Liepāja City Court (*Liepājas tiesa*);

Saldus District Court (*Saldus rajona tiesa*);

Talsi District Court (*Talsu rajona tiesa*);

Ventspils City Court (*Ventspils tiesa*);

Within the territorial jurisdiction of **Latgale Regional Court (*Latgales apgabaltiesa*)**:

Balvi District Court (*Balvu rajona tiesa*);

Daugavpils City Court (*Daugavpils tiesa*);

Krāslava District Court (*Krāslavas rajona tiesa*);

Ludza District Court (*Ludzas rajona tiesa*);

Preiļi District Court (*Preiļu rajona tiesa*);

Rēzekne City Court (*Rēzeknes tiesa*);

Within the territorial jurisdiction of **Riga Regional Court (*Rīgas apgabaltiesa*)**:

Jūrmala City Court (*Jūrmalas pilsētas tiesa*);

Ogre District Court (*Ogres rajona tiesa*);

City of Riga Central District Court (*Rīgas pilsētas Centra rajona tiesa*);

City of Riga Kurzeme District Court (*Rīgas pilsētas Kurzemes rajona tiesa*);

City of Riga Latgale District Court (*Rīgas pilsētas Latgales priekšpilsētas tiesa*);

City of Riga Vidzeme District Court (*Rīgas pilsētas Vidzemes priekšpilsētas tiesa*);

City of Riga Zemgale District Court (*Rīgas pilsētas Zemgales priekšpilsētas tiesa*);

City of Riga Northern District Court (*Rīgas pilsētas Ziemeļu rajona tiesa*);

Riga District Court (*Rīgas rajona tiesa*);

Sigulda City Court (*Siguldas tiesa*);

Within the territorial jurisdiction of **Vidzeme Regional Court (*Vidzemes apgabaltiesa*)**:

Alūksne District Court (*Alūksnes rajona tiesa*);

Cēsis District Court (*Cēsu rajona tiesa*);

Gulbene District Court (*Gulbenes rajona tiesa*);

Limbaži District Court (*Limbažu rajona tiesa*);
Madona District Court (*Madonas rajona tiesa*);
Valka District Court (*Valkas rajona tiesa*);
Valmiera District Court (*Valmieras rajona tiesa*);
Within the territorial jurisdiction of **Zemgale Regional Court (*Zemgales apgabaltiesa*)**;

Aizkraukle District Court (*Aizkraukles rajona tiesa*);
Bauska District Court (*Bauskas rajona tiesa*);
Dobele District Court (*Dobeles rajona tiesa*);
Jelgava City Court (*Jelgavas tiesa*);
Jēkabpils District Court (*Jēkabpils rajona tiesa*);
Tukums District Court (*Tukuma rajona tiesa*).

Administrative proceedings are heard by:

the District Administrative Court (*Administratīvā rajona tiesa*);
the Regional Administrative Court (*Administratīvā apgabaltiesa*);
the Administrative Affairs Division of the Supreme Court Senate (*Augstākās tiesas Senāta Administratīvo lietu departaments*).

The territorial jurisdiction of the **District Administrative Court** and the **Regional Administrative Court** covers the entire administrative territory of Latvia in each case. The District Administrative Court has five courthouses, one in each judicial region, i.e. one each in Riga, Jelgava, Rēzekne, Valmiera and Liepāja.

Jurisdiction by subject-matter

Pursuant to the [☞ Law on criminal procedure](#), a city or district court hears all criminal proceedings as the court of first instance. The City of Riga Vidzeme District Court has jurisdiction as court of first instance over criminal proceedings whose files include matters of state secrecy. A ruling of a district or city court appealed against under the full appeals procedure (*apelācija*) is considered by a regional court as the appellate court. Any judgment of any lower court may be appealed on a point of law only (*kasācija*) to the Senate of the Supreme Court. In city or district courts, criminal proceedings are heard by a single judge. If the criminal proceedings are particularly complex, the president of the court of first instance may determine that the case is to be tried by a panel of three of that court's judges. Criminal appeals, whether full appeals or appeals on a point of law, are heard by a panel of judges.

According to the [☞ Law on civil procedure](#), proceedings are considered at first instance by a district or city court, except in the case of proceedings which by law are considered in a regional court. Claims for undisputed enforcement of obligations (*bezstrīdus piespiedu izpildīšana*) and enforcement of obligations on court notice (*saistību piespiedu izpildīšana brīdinājuma kārtībā*) are considered by the land registry office of the relevant district or city court. Regional courts consider the following proceedings as courts of first instance:

proceedings in which there is a dispute over the right of ownership of immovable property, with the exception of the division of property between spouses;
proceedings arising from the law of obligations, if the amount of the claim exceeds LVL 150 000;
proceedings concerning the protection of patent rights, trademarks and protected geographical indications;
proceedings concerning the insolvency and liquidation of credit institutions.

According to the Civil Procedure Law, if a case combines several claims of which some fall within the jurisdiction of a district or city court, while others fall within that of a regional court, or a city or district court has accepted a counterclaim which falls within the jurisdiction of a regional court, the case is heard before the regional court. Riga Regional Court has jurisdiction as court of first instance over civil cases whose files contain a matter of State secrecy. In the court of first instance, civil cases are heard by a single judge, whereas on appeal (full appeal or appeal on a point of law) they are heard by a panel.

Cases concerning administrative infringements are heard by district or city courts and regional courts having jurisdiction in civil and criminal matters.

Pursuant to the [☞ Latvian Administrative Infringements Code](#), a decision adopted by a higher authority may be challenged in a district or city court. A ruling by the judge of a district or city court may be appealed to a regional court, if the Latvian Administrative Infringements Code explicitly provides for this. A ruling of an appellate court in administrative infringement proceedings cannot be appealed and takes effect on the day it is handed down.

Pursuant to the [☞ Law on administrative procedure](#), administrative proceedings are heard at first instance in a courthouse of the District Administrative Court, unless the law provides otherwise. If proceedings are heard in the District Administrative Court as court of first instance, and that court needs to verify information which involves a matter of State secrecy, the proceedings are heard in the courthouse of the District Administrative Court in Riga. If the law provides that administrative proceedings are to be heard at first instance by the Regional Administrative Court or the Administrative Affairs Division of the Supreme Court Senate rather than by the District Administrative Court, the relevant application is to be submitted to the Regional Administrative Court or the Supreme Court Senate as the case may be. A party in administrative proceedings may lodge a full appeal against a judgment or ancillary judgment of the court of first instance, except if the law provides that the judgment cannot be appealed, or can be appealed only on a point of law. A District Administrative Court judgment that has not yet taken effect may be appealed before the Regional Administrative Court. A party in administrative proceedings may lodge an appeal on a point of law against a judgment or ancillary judgment of the appellate court if the court has infringed substantive or procedural rules or has exceeded its remit during the proceedings. In the court of first instance, administrative proceedings are heard by a single judge or a panel of judges, whereas in a court of appeal—full appeal or appeal on a point of law—they are heard by a panel.

Pursuant to the [☞ Law on patents](#), Riga Regional Court hears the following cases concerning the legal protection of inventions in civil proceedings, as court of first instance:

cases concerning the restoration of rights to a patent;
cases concerning the declaration of a patent as invalid;
cases concerning pre-use rights;
cases concerning the infringement of a patent;
cases concerning the declaration of an infringement of a patent as null and void;
cases concerning the granting of a licence, the contractual provisions of a licence or compliance with those provisions;
cases concerning the right to compensation for the inability to use an invention publicly.

Pursuant to the [☞ Law on designs](#), Riga Regional Court hears the following disputes concerning the legal protection of designs as court of first instance:

disputes over the recognition of rights to a design;
disputes over a finding that the registration of a design is invalid;
disputes over illegal use of a design (infringement of a design);
disputes over the granting of a licence, the contractual provisions of a licence or compliance with those provisions.

The Supreme Court comprises the **Senate**, which has three divisions (Division of Civil Cases, Division of Criminal Cases and Division of Administrative Cases) and two **chambers** (the Chamber of Civil Cases and Chamber of Criminal Cases). The chambers hear full appeals against judgments given at first instance by regional courts. The Senate is the court that hears appeals on points of law against all judgments of district or city courts and regional courts, and

is the court of first instance for cases relating to decisions of the Council of the State Audit Office (*Valsts kontroles padome*) adopted in accordance with the procedure laid down in Article 55 of the Law on the State Audit Office. Cases are heard in each chamber by a panel composed of three judges. In the Senate of the Supreme Court, cases are heard by a panel of three judges or, in certain cases prescribed in law, in extended composition.

Legal databases

Name and URL of database

[National Courts Portal](#)

[Supreme Court](#)

Is access to the database free of charge?

Yes, access is **free of charge**.

Content of the database in brief

The National Courts Portal contains a selection of judgments in civil and criminal proceedings by all ordinary courts and also judgments of administrative courts. The information can be found in the sections *Tiesu nolēmumi* ('Court rulings') and *E-Pakalpojumi* ('e-services').

The Supreme Court Portal contains an archive of case-law rulings which contains both topical Senate rulings and compilations of case-law. The information can be found in the section *Tiesu informācija* ('Judicial information').

Background

The information published in the National Courts Portal and the Senate rulings and compilations of case-law published in the portal of the Supreme Court are currently available only in Latvian.

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Ordinary courts - Lithuania

This page provides you with information about the Lithuanian ordinary courts.

Ordinary courts. Introduction

In Lithuania, there are 56 **courts of general jurisdiction**:

The Supreme Court of Lithuania (*Lietuvos Aukščiausiasis Teismas*),

The Court of Appeal of Lithuania (*Lietuvos apeliacinis teismas*),

5 regional courts (*apygardos teismai*),

49 district courts (*apylinkės teismai*).

The Supreme Court of Lithuania

The **Supreme Court of Lithuania** is the only court of **cassation** (last resort) for reviewing effective judgments, decisions, rulings and orders of the courts of general jurisdiction.

The court has developed a uniform court practice for the interpretation and application of laws and other legal acts.

You can find more information on the website of the Supreme Court.

The Court of Appeal of Lithuania

The **Court of Appeal** offers the right to appeal against judgments of the regional courts (as courts of first instance). It also hears requests regarding the recognition of decisions of foreign or international courts and foreign or international arbitration awards and their enforcement in the Republic of Lithuania. It performs other functions assigned to its jurisdiction by law.

The **chair** of the Court of Appeal organises and supervises the administrative activities of the district courts and their judges, in accordance with the procedure prescribed by law.

You can find more information on the website of the [Court of Appeal](#).

Regional courts

A **regional court** is a court of first instance for criminal and civil cases assigned to its jurisdiction by law. It also hears appeals against judgments, decisions, rulings and orders of the district courts.

The **chair** of a regional court organises and supervises the administrative activities of the district courts and their judges within the jurisdiction of the court, in accordance with the procedure prescribed by law.

The following types of civil cases are heard solely by **Vilnius District Court** as the court of first instance (Article 28 of the Lithuanian Code of Civil Procedure):

cases involving disputes under the Lithuanian Patent Act;

cases involving disputes under the Lithuanian Trademark Act;

cases relating to adoption involving applications by foreign nationals to adopt a citizen of the Republic of Lithuania who is resident in Lithuania or in a foreign state;

other civil cases which are heard solely by Vilnius District Court as the court of first instance under applicable law.

District courts

A **district court** is the court of first instance for the following types of cases:

criminal cases,

civil cases,

cases involving administrative offences (assigned to its jurisdiction by law),

cases assigned to the jurisdiction of mortgage judges,

cases relating to the enforcement of decisions and sentences.

In addition to other functions assigned to a district court by law, a district court judge also performs the functions of a pre-trial judge and an enforcement judge.

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Valitud keeleversiooni meie töötajad parajasti tõlgivad.

Järgmised keeleversioonid on juba tõlgitud.

Ordinary courts - Luxembourg

In this section, you will find an overview of the ordinary courts of law in Luxembourg.

Ordinary courts of law - introduction

The Constitution requires the courts to exercise judicial power and to apply general and local regulations and orders only insofar as they comply with the law.

Ordinary courts

The Supreme Court of Justice

At the top of the hierarchy of the ordinary courts stands the Supreme Court of Justice (*Cour Supérieure de Justice*), which comprises the **Court of Cassation** (*Cour de Cassation*), a **Court of Appeal** (*Cour d'Appel*) and a **department of public prosecution** (*Parquet Général*).

The **Court of Cassation** has a single division of five judges; it is primarily responsible for hearing cases seeking to **overturn or set aside** decisions given by the various divisions of the Court of Appeal and judgments by courts of last resort. Representation by a lawyer is compulsory.

The **Court of Appeal** has ten divisions, each consisting of three judges. It hears civil, commercial and criminal cases and cases decided by the industrial tribunals in the country's two judicial districts. Representation by a lawyer is compulsory, except in criminal cases and applications for interim measures (*référés*). The criminal division of the Court of Appeal hears appeals against judgments by the criminal division of the District Court (*Tribunal d'Arrondissement*). This division consists of five judges.

District Courts

The country is divided into **two judicial districts** (*arrondissements judiciaires*), and each has a District Court: one is in Luxembourg and the other is in Diekirch.

The two District Courts are divided into sections consisting of three judges; each District Court has its own **department of public prosecution** comprising a State Prosecutor (*Procureur d'Etat*) and assistant prosecutors (*substitués*). **Investigating judges** (*juges d'instruction*) at each of the District Courts are responsible for conducting the pretrial judicial inquiry into the more serious categories of offence (*affaires criminelles* and *affaires correctionnelles*).

In civil and commercial cases, the District Court is the court that **has residual jurisdiction**: it tries all cases other than those falling expressly within the jurisdiction of another court by reason of the nature or the amount of the claim.

It has **jurisdiction *ratione valoris*** in claims in excess of EUR 10 000.

It has **exclusive jurisdiction** to hear cases which, due to their nature, are specifically assigned to it by law. It alone can hear applications for authority to enforce judgments handed down by foreign courts and legal instruments authenticated by public officers in other countries. District Courts also exercise noncontentious jurisdiction, for example in regard to adoption, guardianship, emancipation, etc.

The District Court hears **appeals** against judgments given at first instance by justices of the peace hearing cases within the Court's judicial district.

Proceedings before the District Court are as a rule initiated by the issue of a writ (*assignation*), which is served on the defendant by a bailiff.

The presidents of the District Courts, or the judges replacing them, hear applications for interim measures in urgent cases, both civil and commercial.

District Courts exercising criminal jurisdiction are known as **criminal courts** (*tribunaux correctionnels et criminels*). They have jurisdiction in all offences in the intermediate category (*délits*), and in the most serious category of offences (*crimes*) where the case is referred to the District Court by the pretrial division (*Chambre du Conseil*) or by the pretrial division of the Court of Appeal. Defendants must appear in person, except where the punishment for the offence is no more than a fine, in which case they may be represented by a lawyer.

As a rule, representation by a lawyer is compulsory before the District Court, though the law does permit certain exceptions, for example in commercial cases and applications for an interim order, when the parties may argue their own cases.

Justices of the peace

There are **three courts of justices of the peace** (*justices de paix*), one in Luxembourg, one in Esch-sur-Alzette (which is in the Luxembourg judicial district), and one in Diekirch (Diekirch judicial district).

In civil and commercial cases, justices of the peace hear all cases over which they have been given jurisdiction by the new Code of Civil Procedure or by other legislation; they have **final jurisdiction** up to a value of EUR 2 000, and jurisdiction **subject to appeal** up to a value of EUR 10 000.

They hear certain cases such as, for example, garnishee orders for attachment of earnings, pensions and annuities, and rule on the distribution of sums raised by such orders whatever the amount of the debt.

As a rule, an action is brought before a justice of the peace by the issue of a summons (*citation*) served by a bailiff. A certain number of cases are brought by filing an application with the office of the clerk of the court. Parties appear before justices of the peace either in person or through a representative. This representative may be a lawyer, or a spouse, parent or relative in the direct line, or a parent or relative in a collateral line up to and including the third degree of kinship, or a person working exclusively in the service of the party or in his or her business.

In criminal proceedings, the courts of the justices of the peace are also known as **police courts** (*tribunaux de police*). In this capacity they try minor offences (*contraventions* or *infractions*) punishable by fines of between EUR 25 and 250, and intermediate offences (*délits*) where the case is referred to the police court by the pretrial division (*Chambre du Conseil*).

They also hear cases concerning minor offences which carry a penalty that exceeds the levels normally within the jurisdiction of a police court, where jurisdiction is given to them by statute. Judgments handed down by police courts are always open to appeal. The time allowed for lodging **notice of appeal** is forty days counting from the date judgment is delivered or, if judgment is delivered by default, from the date the judgment is served on the person or at the person's address. The appeal will be heard by the criminal court (*tribunal correctionnel*).

All justices of the peace have jurisdiction in industrial disputes and the power to adjudicate in disputes relating to employment contracts and apprenticeship agreements. Appeals in these cases are made to the Supreme Court of Justice.

Legal databases

Is database access free of charge?

Yes, access to the database is **free of charge**.

Brief description of contents

Please refer to the [Ordinary Courts](#) website.

Please refer to the [Administrative Courts](#) website.

Related links

[Ministry of Justice](#)

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Järgmised keeleversioonid on juba tõlgitud.

Ordinary courts - Hungary

This section provides you with information on the organisation of ordinary courts in Hungary.

Ordinary courts – Introduction

Civil justice system

Courts of first instance

District courts and general courts

All proceedings not referred to the general courts by law come under the jurisdiction of the **district courts (járásbíróságok)**.

The **general courts (törvényszékek)** act as courts of first instance in respect of:

property law claims, where the amount at stake exceeds HUF 30 million (approx. EUR 106 000), except where the proceedings are initiated along with a petition for divorce;

proceedings relating to copyright and related rights, and industrial patent protection;

compensation proceedings for damage caused in the course of carrying out official procedures by persons acting within their public administrative competence;

proceedings relating to international agreements on the carriage and forwarding of goods;

proceedings to enforce civil rights claims arising as a result of the infringement of moral rights, including proceedings for compensation for such infringement if they are initiated with or in the course of such proceedings;

proceedings relating to securities;

libel claims;

certain company law disputes defined by law:

proceedings for the repeal of a court of registration decision granting a registration application;

proceedings for declaratory judgments on the existence, invalidity or effect of deeds of foundation or articles of association;

proceedings relating to the court review of decisions of business associations;

proceedings based on the membership between members (former members) and business associations, and among members (former members);

proceedings relating to the acquisition of a qualifying holding;

proceedings relating to the modification of rules on liability for members holding shares with limited liability;

certain proceedings relating to registered associations not qualifying as business associations:

proceedings initiated against such organisations by the body legally overseeing them;

proceedings based on the membership between members (former members) and business associations, and among members (former members);

proceedings relating to financing contracts concluded with healthcare service providers;

proceedings to establish the facts for cases where the value of the subject of the proceedings would exceed the value provided for above;

proceedings relating to unfair contractual conditions;

compensation proceedings brought in connection with the parties' right to a fair trial and to complete the trial within a reasonable period;

proceedings referred by law to the jurisdiction of the general courts.

If any of the co-plaintiffs belongs to the jurisdiction of a general court, the proceedings will come under that court's jurisdiction.

Courts of second instance

General courts (törvényszékek): cases coming under the jurisdiction of the district courts acting at first instance, as well as cases heard by the administrative and labour courts.

Regional courts of appeal (ítélőtáblák): for cases falling within the competence of the general courts acting at first instance.

Curia (Kúria): for cases referred from the regional courts of appeal. Also for cases where a decision was delivered by the general courts as court of first instance, and where the parties, acting with legal representation, jointly request that their case be decided by the Curia – if the appeal is based on a violation of substantive law. Requests for the Curia to hear property law claims can only be made if the sum in dispute exceeds HUF 500 000 (approx. EUR 1 840).

The Curia also decides in respect of motions for review.

Composition of the courts

The court of **first instance** usually consists of a **single judge**, but in cases defined by law the court is composed of **one professional judge and a three-member panel consisting of two assessors**. The assessors have the same rights and obligations in the proceedings as the professional judge. However, only professional judges may act as single judges and presidents of panels.

The **courts of second instance** (general courts and regional courts of appeal) **consist of a panel of three professional judges**.

In the course of **judicial review**, **three** (or in certain cases – if justified by the particularly complex nature of the case – **five**) **professional judges sit in the Curia**.

Jurisdiction of the court

General jurisdiction: As a rule, the court with jurisdiction at the permanent address of the defendant is competent to act, if no other court has exclusive jurisdiction. Additional jurisdiction rules are also laid down by law (e.g. in the absence of a permanent address, jurisdiction depends on the defendant's place of residence).

The law also recognises special jurisdiction grounds in addition to general jurisdiction (alternative jurisdiction, exclusive jurisdiction).

In the case of alternative jurisdiction, where no exclusive jurisdiction is specified, the plaintiff may initiate proceedings before another court of its choice provided for by law rather than before the court with general jurisdiction (e.g. child custody proceedings may also be initiated before the court with jurisdiction according to the child's permanent address, compensation proceedings may also be initiated before the court with jurisdiction according to the place or area where the damage occurred, etc.)

In the case of exclusive jurisdiction, proceedings may only be initiated before a specific court.

Criminal justice system

Courts of first instance

As a general rule, **the district courts** have competence to conduct criminal proceedings.

However the **general courts** may conduct proceedings in the following specific cases:

- a) crimes which are punishable by law by a prison sentence of up to 15 years or a life sentence; and
- b) crimes against the state (Chapter X of the Criminal Code);
- c) crimes against humanity (Chapter XI of the Criminal Code);
- d) conspiracy to commit murder, negligent homicide [Section 166(3) and (4) of the Criminal Code], murder committed in the heat of passion (Section 167 of the Criminal Code), physical injury creating a substantial risk of death (causing death) [third alternative in Section 170(6) and (7) of the Criminal Code], kidnapping (Section 175/A of the Criminal Code), trafficking in human beings (Section 175/B of the Criminal Code), crimes against the rules on medical intervention and medical research and the right to medical self-determination (Title II of Chapter XII of the Criminal Code);
- e) crimes against the order of elections, referendums, citizens' initiatives and European citizens' initiatives (Section 211 of the Criminal Code), misuse of qualified data (Title III of Chapter XV of the Criminal Code), malfeasance in office (Title IV of Chapter XV of the Criminal Code), violence against a person under international protection (Section 232 of the Criminal Code), prison riots (Section 246 of the Criminal Code), obstruction of justice in international court (Section 294/B of the Criminal Code), crimes against public (international) justice (Titles VII and VIII of Chapter XV of the Criminal Code);
- f) terrorist acts (Section 261 of the Criminal Code), violation of international economic restrictions (Section 261/A of the Criminal Code), seizure of aircraft and railway vehicles, seagoing vessels and road vehicles of mass transportation or vehicles suitable for the mass transportation of goods (Section 262 of the Criminal Code), participation in a criminal organisation (Section 263/C of the Criminal Code);
- g) misuse of military products and services, as well as dual-use products (Section 263/B of the Criminal Code), insider trading (Section 299/A of the Criminal Code), capital investment fraud (Section 299/B of the Criminal Code), organisation of a pyramid scheme (Section 299/C of the Criminal Code), money laundering (Section 303 of the Criminal Code);
- h) causing public danger resulting in major or serious financial loss [Section 259(2)(b) of the Criminal Code], interference with the operation of public utilities causing major or exceptionally serious financial loss [Section 260(3) and (4) of the Criminal Code], criminal offences against computer systems and data, causing major or exceptionally serious damage [Sections 300/C(4)(b) and (c) of the Criminal Code]; tax fraud and failure to fulfil one's supervisory or auditing obligation in connection with the related tax fraud, resulting in a major or serious loss of revenue [Section 310(4)(a), (5)(a) and (6) as well as Section 310/A of the Criminal Code], misuse of cash substitutes causing major or exceptionally great damage [Sections 313/C(5)(a) and 313/C(6) of the Criminal Code], theft [Sections 316(6)(a) and 316 (7) of the Criminal Code] and embezzlement [Sections 317(6)(a) and 317(7) of the Criminal Code] of items of major or exceptionally high value; fraud causing major or exceptionally great damage [Sections 318(6)(a) and 318(7) of the Criminal Code], misappropriation of funds, resulting in major or exceptionally great financial loss [Section 319(3)(c) and (d) of the Criminal Code], negligent mismanagement of funds resulting in major or serious financial loss [Section 320(2) of the Criminal Code], robbery [Section 321 (4)(b) of the Criminal Code] and plundering [Section 322(3)(a) of the Criminal Code] of major or high value, vandalism causing major or exceptionally great damage [Section 324(5) and (6) of the Criminal Code], receiving stolen goods of major or exceptionally high value [Section 326(5)(a) and (6) of the Criminal Code], violation of copyright or associated rights, resulting in major or exceptionally great financial loss [Section 329/A(3) of the Criminal Code], and violation of rights protected by industrial patent law [Section 329/D(3) of the Criminal Code];
- i) criminal offences subject to military law;
- j) Communist crimes and crimes not subject to a statute of limitations under international law, laid down in the law on criminal liability for and non-applicability of statutory limitation to crimes against humanity and the prosecution of certain crimes committed during the Communist dictatorship.

The areas of **competence** of the courts are, as a rule, determined by the area in which the **criminal act is committed**.

If the accused committed crimes coming under the jurisdiction of different courts, then the **general court** shall be competent to hear the case.

Courts of second instance

General courts: for cases falling within the competence of the district court acting at first instance.

Regional courts of appeal: for cases falling within the competence of the general court acting at first instance.

Curia: for cases falling within the competence of a regional court of appeal, where the decision of that court is appealable.

Courts of third instance

Regional courts of appeal: for cases decided by the general court acting at second instance.

Curia: for cases decided by a regional court of appeal acting at second instance.

Composition of the courts

Where the criminal offence in question is punishable by eight or more years of imprisonment, the **district court acts as a panel of one professional judge and two assessors**. In other cases **the judge sits alone**.

The general court, acting as a court of first instance, also conducts its proceedings **in a panel consisting of one professional judge and two assessors**.

The court acting as a **court of second or third instance** conducts its proceedings **in a panel consisting of three professional judges**. The **Curia** conducts its proceedings **in a panel consisting of three or five professional judges**.

Related links

 [Official website of the Hungarian courts](#)

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Ordinary courts - Malta

This section provides information on the organisation of ordinary courts in Malta.

Ordinary courts - introduction

You can find information on Malta's civil and criminal courts in the tables below.

Civil courts

The Court of Appeal	Second instance	The Court of Appeal hears appeals from the civil courts in both their superior and inferior jurisdiction. (i) This court hears appeals from the First Hall of the Civil Court and the Civil Court (Family Section). (ii) Appeals from the Court of Magistrates in its civil jurisdiction, the Small Claims Tribunal and the administrative tribunals are also heard by this court.	(i) Composed of three judges.
	Appeal		(ii) Composed of one judge.
	First instance		

The Civil Court: The First Hall of the Civil Court		The First Hall of the Civil Courts hears cases of a civil and/or a commercial nature exceeding the jurisdiction of the Court of Magistrates. Within its constitutional jurisdiction, it also hears cases relating to violations of the human rights and fundamental freedoms protected by the Constitution and by the European Convention of Human Rights and Fundamental Freedoms.	Presided over by a judge
Civil Court (Voluntary Jurisdiction Section)		The Civil Court (Voluntary Jurisdiction Section) is a voluntary jurisdiction court and is responsible for the interdiction or incapacitation of persons of unsound mind , the nomination of tutors for these persons, the opening of successions and the confirmation of testamentary executors. It is also a repository for secret wills.	Presided over by a judge
The Civil Court (Family Section)		This court hears all cases relating to family matters such as marriage annulment, personal separation, divorce, maintenance and custody of children.	Presided over by a judge
The Court of Magistrates	First instance	In the civil field the Courts of Magistrates only have inferior jurisdiction of first instance, in general limited to claims not exceeding €15 000 .	Presided over by a magistrate
The Court of Magistrates for Gozo	First instance	In the civil field, the Court of Magistrates for Gozo has two-fold jurisdiction : an inferior jurisdiction comparable to that exercised by its counterpart court in Malta, and a superior jurisdiction, with the same competence as the First Hall of the Civil Court, apart from the constitutional jurisdiction, and as the Civil Court (Voluntary Jurisdiction Section).	Presided over by a magistrate
Small Claims Tribunal	First instance	This tribunal summarily decides, on principles of equity and law, claims of a value of less than €5 000 .	Presided over by an adjudicator

Criminal courts

The Court of Criminal Appeal	Second instance	This court, with superior jurisdiction, hears appeals by persons convicted by the Criminal Court . This court, with inferior jurisdiction, hears appeals in respect of cases decided by the Court of Magistrates sitting as a criminal court.	Composed of three judges Composed of one judge
The Criminal Court	First instance	This court serves as a criminal court and hears criminal cases beyond the competence of the Court of Magistrates.	Presided over by a judge who sits with a jury of nine persons.
The Court of Magistrates	First instance	In the criminal field , the Court has a twofold jurisdiction: as a court of criminal judicature for cases falling within its jurisdiction, and as a court of inquiry in respect of crimes falling within the jurisdiction of the Criminal Court. (i) Court of Criminal Judicature – this Court is competent to hear all cases related to offences punishable by a sentence of up to six months' imprisonment. (ii) Court of Inquiry – the Court conducts preliminary inquiries in respect of indictable offences and transmits the corresponding records to the Attorney General. If there is no objection from the accused, the Attorney General may refer cases punishable by up to ten years' imprisonment back to the Court of Magistrates to be heard and decided upon.	Presided over by a magistrate
The Court of Magistrates for Gozo	First instance	In the criminal field, the Court of Magistrates for Gozo has the same competence as the Court of Magistrates when sitting as a criminal court and as a court of inquiry.	Presided over by a magistrate
The Juvenile Court	First instance	The Juvenile Court hears charges against, and holds other proceedings relating to, minors under the age of 16 years, and may also make care orders.	Presided over by a magistrate and two members

Legal databases

Please refer to the Maltese page "[Organisation of justice in Member States - Malta](#)" where you will find detailed information on and links to the relevant databases.

Related Links

- [Ministry for Justice, Culture and Local Government](#)
- [Court Services](#)
- [Court Services - Sentenzi Online](#)

- [Court Services - Court Proceedings](#)
- [Court Services - Hall Usage](#)
- [Court Services – Statistics](#)
- [Court Services - Judicial Sales by Auction](#)
- [Court Services - Civil Forms \(in Maltese\)](#)
- [Court Experts](#)
- [Legal Services \(Laws of Malta\)](#)

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Järgmised keeleversioonid on juba tõlgitud.

Ordinary courts - Netherlands

This section provides you with information on the organisation of ordinary courts in the Netherlands.

Ordinary courts

The following are the names of the courts in the Netherlands:

District court (Rechtbank): first instance for all civil and criminal cases

Court of Appeal (Gerechtshof): appeal for all civil and criminal cases

Supreme Court (Hoge Raad): supreme court for all civil and criminal cases

Legal databases

Information can be found on the website dedicated to [the judiciary system in the Netherlands](#).

Is access to the database free of charge?

Yes, access is **free of charge**.

Related Links

[Dutch Judiciary and the Supreme Court of the Netherlands](#)

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versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti tõlgivad.

Ordinary courts - Austria

In the following section you will learn about Ordinary Courts in Civil and Criminal matters in Austria.

Ordinary courts - Introduction

The system of ordinary courts is organised in four levels. At present (November 2014), **legal cases** can be adjudicated by the following courts:

116 district courts (*Bezirksgerichte*)

20 regional courts (*Landesgerichte*)

4 higher regional courts (*Oberlandesgerichte*)

the Supreme Court (*Oberster Gerichtshof*).

From the start of 2013 the number of district courts was gradually reduced, by amalgamating district courts in Upper Austria, Lower Austria and Styria, and since 1 July 2014 it has stood at 116. A further reduction has already been decided upon for 1 July 2016, when only 115 district courts will remain.

Prosecutor's offices exist to uphold the public interest in criminal matters; there are:

16 public prosecutor's offices (*Staatsanwaltschaften*),

a central public prosecutor's office (*Zentrale Staatsanwaltschaft*) to prosecute economic crimes and corruption,

4 senior public prosecutor's offices (*Oberstaatsanwaltschaften*),

the Procurator General's Office (*Generalprokuratur*).

There are 27 prisons to enforce **sentences of imprisonment**.

A. Organisation of the courts: civil and criminal courts

Disputes are assigned at first instance to either the district courts or the regional courts. In civil cases the court with jurisdiction is determined essentially by the nature of the dispute (*Eigenzuständigkeit*); for all other matters it is determined by the value of the claim in dispute (*Wertzuständigkeit*). The nature of the case always takes precedence over the value criterion.

In criminal cases, jurisdiction is decided on the basis of the severity of the penalty attached to the offence.

District courts (first level)

District courts are courts of first instance responsible for:

adjudicating civil-law disputes **involving claims of up to EUR 15 000** (*Wertzuständigkeit*),

ruling on certain types of case irrespective of the amount of the claim (*Eigenzuständigkeit*), especially **family, tenancy and enforcement cases**,

ruling on some **criminal cases** where the offence carries merely a fine, a fine plus a prison sentence of not more than one year, or a prison sentence of not more than one year only (e.g. negligent physical injury, theft).

Regional courts (second level)

Regional courts, **also known in civil cases as 'courts of justice of first instance'** (*Gerichtshöfe erster Instanz*), have jurisdiction:

to adjudicate at **first instance** on all legal matters which are not reserved to the district courts; on the basis of the nature of the case, to try disputes involving nuclear liability law, administrative liability law and data protection law, and competition and intellectual property cases;

to rule on **appeals** against the decisions of district courts.

Higher regional courts (third level)

The higher regional courts, also known as '**courts of justice of second instance**' (*Gerichtshöfe zweiter Instanz*), form the third organisational level. They sit in Vienna (covering Vienna, Lower Austria and Burgenland), Graz (covering Styria and Carinthia), Linz (covering Upper Austria and Salzburg) and Innsbruck (covering the Tyrol and Vorarlberg).

In both **civil and criminal cases these courts deal only with appeals** (i.e. at second instance).

They also play a special role in the **administration of the judicial system**. The president of a higher regional court is the head of the administration of all courts in the area within the court's jurisdiction. In this function, the president of a higher regional court is responsible only to the Federal Minister for Justice.

The Supreme Court (fourth level)

The Supreme Court in Vienna is the **court of final appeal in civil and criminal cases**. Alongside the Constitutional Court (*Verfassungsgericht*) and the Administrative Court (*Verwaltungsgericht*), it is one of the 'highest courts' in the country (*Höchstgerichte*). This means that no further domestic remedy is possible against its decisions.

The judgments of the Supreme Court play an essential role in preserving the **uniform application of the law** throughout the country.

Although the lower courts are not legally bound to follow precedent, as a rule they will be guided by the judgments of the highest courts.

B. The civil court system

Civil justice can be subdivided into ordinary civil proceedings, employment cases, commercial cases and non-contentious proceedings (*Außerstreitverfahren*). Civil-law matters are adjudicated in ordinary civil proceedings when they are not under the jurisdiction of the commercial or labour courts and are not to be dealt with in non-contentious proceedings.

C. Appeals

C.1. Appeals in civil cases

In **ordinary civil proceedings** there are in principle two different sequences of courts, each of which may be divided into three stages. Disputes are assigned at first instance to either the district courts or the regional courts.

If the court of first instance is a district court, any appeal has to be lodged with the regional court, where it will be decided by an appeals division (*Berufungssenat*).

If the court of first instance is a regional court, any appeal has to be lodged with the higher regional court, where it will be decided at second instance by an appeals division.

The courts of second instance only review the first-instance judgment. This means that in principle they decide the matter only on the basis of the motions for judgment available at the conclusion of the oral proceedings in the court of first instance and the facts submitted at that point. The court of second instance may decide the case itself, to uphold or vary the judgment. In order to do so - within the framework defined by the motions and submissions in the court below - the court of second instance may repeat or extend all or some of the proceedings; or it may quash the decision of the court of first instance and instruct it to retry the matter; or it may dismiss the appeal.

For cases that require a decision on legal issues of fundamental importance, a further appeal may be brought before the Supreme Court.

The Supreme Court decides only on legal issues, and is therefore bound in its judgment by the facts previously established. It decides only on the correctness of the judgment made on the basis of the established facts, though it may identify points that are invalid and, to a limited extent, procedural errors in the previous proceedings. The Supreme Court does not only quash the judgments of lower courts: it too may decide the matter itself, to uphold or vary the judgment; or it may quash the previous decisions and instruct the courts of first or second instance to retry the matter; or it may dismiss the action. In the first instance, the vast majority of cases are tried by a single judge (or by a panel of three judges, but only in disputes over EUR 100 000 and at the request of one of the parties). In the second instance, cases are tried by a panel of three judges, or in the Supreme Court five judges. Where the case involves a legal issue of fundamental importance (such as a change to established case-law), the Supreme Court convenes an augmented panel of eleven judges.

C.2. Appeals in criminal cases

Judgments in criminal trials may be appealed against once.

If the court of first instance is a district court, an appeal may:

seek the annulment of the judgment; or

challenge the conviction and the terms of the sentence.

The appeal will be considered by a three-judge division of the regional court.

If the case is decided at first instance by a single judge of a regional court (this happens in regional court cases where the defendant is charged with an offence carrying a maximum sentence of five years' imprisonment, such as, for example, giving false testimony in court), an appeal may likewise:

seek the annulment of the judgment; or

challenge the conviction and the terms of the sentence.

The appeal will be then considered by a three-judge division of the higher regional court.

If the case is decided at first instance by a regional court sitting with lay assessors (*Schöffengericht*) or with a jury (*Geschworenengericht*), any application for annulment has to be lodged with the Supreme Court. If the appeal relates only to the terms of the sentence, however, it must be brought before the higher regional court.

D. Forms of appeal

In **ordinary civil proceedings**, first-instance judgments may be challenged by means of an appeal on points of fact and law (*Berufung*). An appeal on points of fact and law may be lodged in all cases on the grounds of invalidity or mistaken legal assessment, and such an appeal may be lodged in some specific matters or in any case above a value in dispute of EUR 2 700 on the grounds of procedural errors or incorrect findings of fact.

Second-instance judgments may be challenged by means of an appeal to the Supreme Court only on points of law (*Revision*). This form of appeal is, however, subject to various restrictions, depending on the matter in question. In principle the Supreme Court adjudicates only on legal issues of considerable importance, and the presence of such issues is a prerequisite for the Supreme Court accepting an appeal on points of law. In any event, in certain matters appeals against second-instance judgments are not allowed below a value in dispute of EUR 5 000, while, if the value in dispute does not exceed EUR 30 000, the appeal on points of law to the Supreme Court may also need to be authorised by the court of second instance (directly or by means of a fresh application).

E. Legal databases

The Austrian Justice website (<http://www.justiz.gv.at/>) provides general information on the Austrian judicial system.

Is access to the database free of charge?

Yes, access to the Austrian Justice website is free.

Related links

[Jurisdiction of the courts - Austria](#)

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Ordinary courts - Poland

This section provides you with information on the organisation of ordinary courts in Poland.

Ordinary courts

The system of common courts in Poland includes the **appellate** (sądy apelacyjne), **provincial** (sądy okręgowe) and **district courts** (sądy rejonowe). These courts decide, among other things, on cases concerning criminal, civil, family and juvenile law, commercial law, employment and social security laws – except for cases vested in other special courts, such as military courts.

Common courts also maintain **land** and **mortgage registers**, as well as the pledge register, National Court Register and National Criminal Register.

Civil courts

There is a civil unit (wydział cywilny) in each **appellate**, **provincial** and **district** court.

Criminal courts

There is a criminal unit (wydział karny) in each **appellate**, **provincial** and **district** court.


Legal databases

The website of the  **Polish government** contains a list of published Acts, dating from 1918.

Access to the database is **free of charge**.

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Ordinary courts - Portugal

In this section, you can find information on the organisation of the ordinary courts in Portugal.

Organisation of the ordinary courts

Apart from the Constitutional Court, which is specifically competent to administer justice on legal-constitutional issues, the following categories of courts exist in Portugal:

- The Supreme Court of Justice and the judicial courts of first and second instance;
- The Supreme Administrative Court and the other administrative and fiscal courts;
- The Court of Auditors.

Maritime, Arbitration and Magistrates Courts are also possible.

The cases and formations in which the above-mentioned courts may constitute, separately or jointly, a conflict court [*Tribunal dos Conflitos* - court dealing with conflicts of jurisdiction] are laid down by law.

Without prejudice to the provisions regarding courts martial [*tribunais militares*], which may be created during states of war, courts with exclusive competence to rule on certain categories of crimes are prohibited.

Judicial courts

Supreme Court of Justice

The Supreme Court of Justice is the highest body in the hierarchy of the judicial courts, without prejudice to the competence of the Constitutional Court. It comprises civil, criminal and social sections.

It has its seat in Lisbon and jurisdiction over the entire Portuguese territory.

The Supreme Court of Justice operates under the direction of a President (Presiding Judge), as a full bench of the Court (made up of all the judges comprising the sections), in specialised sections and in sections.

Save in the case of legally enshrined exceptions, the Supreme Court of Justice only deals with matters of law.

Courts of appeal

The courts of appeal [*tribunais da relação*] are, as a rule, courts of second instance.

At the present time courts of appeal sit in Lisbon, Porto, Coimbra, Évora and Guimarães. They operate under the direction of a President [Presiding Judge], as a full bench or by sections.

The courts of appeal comprise civil, criminal and social sections.

Courts of first instance

The judicial courts of first instance are normally the district courts [*tribunais de comarca*].

As a rule, the area of competence of the judicial courts is the district, although courts may exist which have competence over one or more districts or areas specifically defined by law.

The judicial courts have general jurisdiction in civil and criminal matters and also exercise jurisdiction in all matters not assigned to other courts.

In the first instance, there may be courts with specific competence (dealing with specific matters determined according to the applicable type of proceeding) and courts specialised in ruling on specific matters (irrespective of the applicable type of proceeding).

The judicial courts may be divided into benches (with generic, specialised or specific competence), or into divisions having specific competence, when this is justified by the volume and complexity of the service.

One or more judges sit in each court, bench or division.

Administrative and tax courts

The administrative and tax courts have competence to rule on actions and appeals relating to the settlement of disputes arising from legal relations in administrative and tax matters.

Supreme Administrative Court

The Supreme Administrative Court is the highest body in the hierarchy of the administrative and tax courts, without prejudice to the competence of the Constitutional Court.

It has its seat in Lisbon and jurisdiction over the entire Portuguese territory.

The Supreme Administrative Court comprises a section for administrative disputes and a section for tax disputes. Its main competence is to rule on appeals against judgments by the central administrative courts.

The Supreme Administrative Court operates under the direction of a President (Presiding Judge), assisted by three Vice-Presidents.

Depending on the subject-matter, the court functions as a full bench, as a full bench for each section or by sections. Only the full bench or bench for each section examine points of law.

Central administrative courts

The central administrative courts are, as a rule, courts of second instance. There are at the moment two central administrative courts (North and South).

Their main function is to rule on appeals against decisions by district administrative courts [*tribunais de círculo*] and tax courts.

Each central administrative court comprises a section for administrative disputes and a section for tax disputes.

The central administrative courts operate under the direction of a President (Presiding Judge), assisted by three Vice-Presidents.

The central administrative courts examine facts and points of law.

District administrative courts and tax courts

These are courts of first instance, the main function of which is to rule on disputes on administrative and tax matters. They may function autonomously, under the title of district administrative court and tax court [*tribunal tributário*], or they may function jointly, under the title of administrative and tax court [*tribunal administrativo e fiscal*].

They operate under the direction of a President, appointed by the Superior Council of Tax and Administrative Courts [*Conselho Superior dos Tribunais Administrativos e Fiscais*] for a five-year term.

As a rule, they are constituted by a single judge but legislation does provide in certain cases for these courts to sit in a different formation.

Justices of the Peace [*Julgados de Paz*]

Justices of the Peace are extra-judicial courts, which have their own modus operandi and organisation, their own mediation service and the competence to hear and rule on actions lying within the jurisdiction of judicial courts of first instance.

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Ordinary courts - Romania

This page provides you with information on Romanian ordinary courts.

Introduction to Romania's judicial system

Romania's judicial system has the following structure:

Courts of law and prosecutor's offices

Level 1

District courts (176)

Prosecutor's offices

Level 2

Tribunals (42)

Special tribunals (3)

Tribunal for Children and Family Matters (1)

Prosecutor's offices

Level 3

Courts of appeal (15)

Prosecutor's offices

Level 4

High Court of Cassation and Justice

Prosecutor's Office

Romania's judicial system comprises the High Court of Cassation and Justice and the other courts of law.

Courts

High Court of Cassation and Justice

As the highest court in Romania, it is the only judicial institution with the power to ensure **uniform interpretation and application of the law by the other courts**.

The main procedure for achieving this is the **'review in the interest of law'**.

The High Court of Cassation and Justice has four sections, each having its own jurisdiction:

Civil Section I;

Civil Section II;

Criminal Section;

Administrative and Tax Litigation Section.

Other sections of the supreme court, which have their own jurisdictions, are **the four five-judge panels, the Joint Sections, the panel on reviews in the interest of law, and the panel on clarifying certain legal matters**.

Civil Section I, Civil Section II, and the Administrative and Tax Litigation Section, part of the High Court of Cassation and Justice, hear applications for review against judgments handed down by courts of appeal and other court decisions, as provided for by the law, and applications for review against non-final judgments or judicial acts of any nature which cannot be appealed against by any other means, and in the case of which the legal proceedings before a court of appeal have been interrupted. As a court of first instance, the Criminal Section hears cases and applications which are by law within the jurisdiction of the High Court of Cassation and Justice.

The Criminal Section of the High Court of Cassation and Justice hears the following cases:

A court of first instance:

offences committed by senators, deputies, or Members of the European Parliament;

offences committed by members of the Government;

offences committed by judges of the Constitutional Court;

offences committed by members of the Superior Council of Magistracy;

offences committed by judges of the High Court of Cassation and Justice, or by prosecutors of the Prosecutor's Office attached to the High Court of Cassation and Justice;

offences committed by marshals, admirals, generals and quaestors;

other cases which are by law within its jurisdiction.

As a **court of review**:

applications for review against judgments in criminal cases handed down, at first instance, by a court of appeal or by the Military Court of Appeal;

applications for review against judgments in criminal cases handed down, on appeal, by a court of appeal or by the Military Court of Appeal;

applications for review against judgments in criminal cases handed down, at first instance, by the Criminal Section of the High Court of Cassation and Justice, and other cases provided for by the law.

The Nine Judges Panel

Under Act No 202/2010 concerning certain measures for speeding up trial proceedings, the powers of the Nine Judges Panel were taken over by the Five Judges Panels.

Trials ongoing before the Nine Judges Panel will continue to be heard by this panel.

The Five Judges Panels

Under Article 24 of Act No 304/2004, republished, as amended, the Five Judges Panels hear applications for review and other applications in cases heard at first instance by the Criminal Section of the High Court of Cassation and Justice, and other cases which are by law within their jurisdiction. They act also as a disciplinary court.

Under Article 51(3) of Act No 317/2004, republished, the Five Judges Panels hear applications for review against judgments handed down by the Superior Council of Magistracy in disciplinary cases.

The sections of the High Court of Cassation and Justice shall meet as **Joint Sections** for the following:

addressing referrals regarding changes to the case law of the High Court of Cassation and Justice;

consulting the Constitutional Court to verify the constitutionality of laws before their promulgation.

Courts of appeal

In Romania, the **courts of appeal** are headed by a President, who may be assisted by one or two Vice-Presidents.

A court of appeal has specialised sections or panels for different categories of cases:

civil cases;

criminal cases;

cases involving children or family matters;

cases involving administrative or tax disputes;

cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, and other matters;

maritime and fluvial matters.

The 15 courts of appeal have legal personality, each court covering the jurisdiction of several tribunals (around 3).

In civil matters, the courts of appeal hear the following cases:

As **courts of first instance**, they hear applications relating to administrative and tax disputes, in accordance with the special legal provisions.

As **courts of appeal**, they hear appeals against judgments handed down by tribunals at first instance.

As **courts of review**, they hear cases specifically provided for by the law.

In criminal matters, the courts of appeal hear the following cases.

As courts of first instance:

offences referred to in Articles 155-173 of the Criminal Code (e.g. treason, espionage, conspiracy, subversion of state authority or of the national economy) and offences against Romania's national security referred to in special laws;

offences referred to in Article 253¹ (conflicts of interest), Articles 273-276 (certain criminal offences relating to railway transport safety) in the event of a railway accident, and Articles 356-361 (criminal offences against peace and humanity);

offences committed by judges of a district court or a tribunal, prosecutors of the prosecutors' offices attached to those courts, or by lawyers, notaries, judicial enforcement officers or auditors of the Court of Accounts;

offences committed by leaders of religious denominations organised in accordance with the law and other high-ranking religious figures, who have at least the rank of bishop or the equivalent;

offences committed by assistant magistrates of the High Court of Cassation and Justice, judges of a court of appeal or the Military Court of Appeal, or prosecutors of the prosecutor's offices attached to those courts;

offences committed by members of the Court of Accounts, the President of the Legislative Council, or the Ombudsman;

other offences placed within its jurisdiction by special laws.

As **courts of appeal**, they hear appeals against judgments handed down in criminal cases by tribunals at first instance.

As courts of review, they hear applications for review against criminal judgments handed down by district courts, at first instance, excluding those which are within the jurisdiction of tribunals, and other cases specifically referred to by law.

The courts of appeal also decide on **conflicts of jurisdiction** between tribunals or between district courts and tribunals within their area of jurisdiction, or between district courts within the jurisdiction of different tribunals in a court of appeal's area of jurisdiction.

The courts of appeal also decide on requests for the **extradition** or transfer abroad of convicted persons.

Tribunals

The **42 national tribunals** have legal personality, and are organised at county level. The area of jurisdiction of each tribunal covers all district courts in the county in which the tribunal is situated.

The tribunals have separate sections or panels specialised in:

civil cases;

criminal cases;

cases involving children or family matters;

cases involving administrative or tax disputes;

cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, and other matters;

cases involving maritime or fluvial matters.

In civil matters, the tribunals hear the following cases:

As **courts of first instance**, the tribunals hear all the applications which are not by law within the jurisdiction of other courts.

As **courts of appeal**, they hear appeals against judgments handed down by district courts at first instance.

As **courts of review**, they hear cases specifically provided for by the law.

In criminal matters, the tribunals hear the following cases:

As courts of first instance:

offences against life or corporal integrity and health, offences against personal freedom, sexual offences, property offences, offences in or in connection with the workplace, offences that impede the course of justice, offences against the arrangements established for certain activities regulated by law, public health offences, and smuggling offences (where they involve weapons, ammunition or explosive or radioactive materials);

intent offences that result in death or suicide;

offences involving trafficking or illegal consumption of drugs;

offences involving money laundering or tax evasion;

fraudulent bankruptcy, if the offence relates to the banking system;

other offences which are by law within their jurisdiction.

As **courts of review**, they hear applications for review against judgments handed down by district courts in relation to offences where legal proceedings are initiated on prior complaint by an injured party, and applications for review against criminal judgments handed down by district courts in connection with preventive measures, provisional release or precautionary measures, criminal judgments handed down in connection with the enforcement of criminal judgments or rehabilitation, and other cases specifically provided for by the law.

The tribunals decide on conflicts of jurisdiction between district courts within its area of jurisdiction, and on other cases specifically provided for by the law.

District courts

The district courts do not have legal personality, and are established within national counties and in Bucharest.

In civil matters, the district courts hear mainly the following cases:

applications which are, pursuant to the Civil Code, within the jurisdiction of the custody and family court, excluding the cases where the law provides expressly otherwise;

applications related to civil status records, in accordance with the law;

applications related to the administration of multi-storey buildings, apartments or spaces owned exclusively by different persons, or to legal relationships established by homeowners' associations with other natural or legal persons, as applicable;

applications for eviction;

applications referring to shared walls or ditches, the distance between buildings or plantations, the right of passage, and any other encumbrances or limitations affecting ownership rights as provided for by the law, agreed by the parties or imposed by a court;

applications related to changes in boundaries or to marking boundaries;

applications for the protection of possessions;

applications related to obligations to carry out or not to carry out actions which cannot be measured in terms of money, regardless of whether or not they are based on a contract, excluding those which are by law within the jurisdiction of other courts;

applications for judicial partition, regardless of the value involved;

any other applications which can be expressed in terms of money, up to and including RON 200 000, regardless of whether or not the parties have the status of professionals.

The district courts also hear appeals against decisions of the local public administration authorities with local jurisdiction and other bodies with such jurisdiction, in the cases provided for by the law.

In criminal matters, the district courts hear mainly the following cases:

In general, all types of offence, excluding those which by law are to be heard at first instance by the tribunals, the courts of appeal or the High Court of Cassation and Justice.

More information on these courts can be found on [the Courts' Portal, maintained by the Romanian Ministry of Justice](#).

Legal databases

The following legal databases are available online:

the High Court of Cassation and Justice publishes its case law on its own [website](#);

the courts publish summaries of their judgments on the Courts' Portal. For example, see the [summaries of judgments issued by the Bucharest Court of Appeal](#);

the legal database owned and maintained by the Romanian Legislative Council: [Courts' jurisdiction - Romania](#).

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Ordinary courts - Slovenia

This section provides you with information on the organisation of ordinary courts in Slovenia.

Ordinary courts

Under Article 98 of the Courts Act, the ordinary courts in Slovenia include:

local courts (okrajna sodišča),

district courts (okrožna sodišča),

higher courts (višja sodišča),

the Supreme Court of the Republic of Slovenia (Vrhovno sodišče) (hereinafter, the Supreme Court).

Specialised courts established by a special statute must, unless otherwise provided for by statute, have:

the status of a district court: courts of first instance whose appellate instance is a higher court of special jurisdiction,

the status of a higher court: courts of second instance which decide on appeals against the decisions of courts of special jurisdiction of first instance,

the status of a higher court: courts of first instance whose appellate instance is the Supreme Court.

Jurisdiction of local courts

Under Article 99 of the Courts Act, local courts in Slovenia have jurisdiction in the following matters:

Criminal matters

To adjudicate at first instance on criminal offences that are punishable by a fine or a term of up to three years imprisonment, except where they concern criminal defamation offences committed by the press, via radio, television or other means of public information

To investigate criminal offences as described above

To perform other tasks determined by statute.

Civil matters

To adjudicate or decide at first instance:

In civil cases in accordance with the Civil Procedure Act

In legacy and other non-contentious matters, and in respect of the land register

In matters of the enforcement and securing of claims, unless otherwise determined by statute.

Other matters

To adjudicate or decide on other matters as determined by statute.

Legal aid

To deal with matters involving legal aid where other courts have no statutory jurisdiction.

Jurisdiction of district courts

Under Article 101 of the Courts Act, district courts in Slovenia have jurisdiction in the following matters:

Criminal matters

To adjudicate at first instance on criminal offences that do not fall under the jurisdiction of local courts

To carry out an investigation or investigatory actions concerning criminal offences (as described at point 1 above)

To conduct preliminary proceedings and adjudicate at first instance on criminal offences committed by minors

To decide at first instance on the enforcement of a criminal judgment issued by a foreign court

To execute criminal judgments (arising from points 1, 3 and 4 above) and to execute the criminal judgments of local courts

To decide on permission to interfere with human rights and fundamental freedoms

To reach decisions in a pre-trial chamber (also in criminal matters falling within the jurisdiction of local courts)

To perform other tasks determined by statute

To exercise supervision in respect of the lawful and correct treatment of convicts and supervision of detainees.

Specialised departments of the (district) courts are responsible for dealing with the tasks in points 1, 2, 3, 6, 7 and 8 in more complex cases involving organised and economic crime, terrorism, corruption and other such criminal activities.

Civil matters

To adjudicate and decide at first instance:

In civil matters in accordance with the Civil Procedure Act

On recognition of the decisions of foreign courts

In cases of compulsory settlement, bankruptcy and liquidation when it is within the court's jurisdiction, and in connected disputes

In disputes concerning intellectual property rights

On proposals for issuing interim measures filed prior to the commencement of a dispute, on which the court must decide in line with the rules on economic disputes or matters in which the arbitration jurisdiction has been agreed

In non-contentious proceedings in which the participants are commercial companies, partners or shareholders and members of bodies of commercial companies, for which it is necessary to apply company law.

District courts are also responsible for:

keeping the commercial register

adjudicating or deciding on other matters, where determined by statute

dealing with legal aid cases in the matters referred to in 1, 2, 3 and 4 above

providing international legal aid.

Higher courts

Under Article 104 of the Courts Act, higher courts have jurisdiction in the following areas:

To adjudicate or decide at second instance on appeals against decisions of local and district courts in their territory

To decide on jurisdiction disputes between local or district courts in their territory, and on the transfer of jurisdiction to another local or district court in their territory

To perform other tasks determined by statute.

Legal databases

Name and URL of the database

 [Judiciary of the Republic of Slovenia](#)

Is access to the database free of charge?

Yes access to the database is **free of charge**.

Brief description of content

 [Judiciary of the Republic of Slovenia](#) gives you access to several databases, such as:

Judicial system of the Republic of Slovenia

Judicial administration

Public registers (land registers, judicial register).

Related Links

 [Judicial bodies](#)

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Valitud keeleversiooni meie töötajad parajasti tõlgivad.

Järgmised keeleversioonid juba tõlgitud.

Ordinary courts - Slovakia

This section provides information on the organisation of ordinary courts in Slovakia


Ordinary courts – introduction

District courts (*okresné súdy*) act as **courts of first instance** in **civil** and **criminal** cases, unless otherwise stipulated by rules governing court procedure. They also hear electoral cases where stipulated by a specific law.

Regional courts (*krajské súdy*) act as **courts of second instance** in civil and criminal cases heard by district courts at first instance. Regional courts act as courts of first instance in administrative cases, unless otherwise stipulated by a specific law. Regional courts also hear other cases if required by specific laws (e.g. the Act on protection against the interception of communications).

The Supreme Court of the Slovak Republic (*Najvyšší súd Slovenskej republiky*) acts and rules on **ordinary remedies** against regional court and Special Criminal Court decisions where the law so provides.

The Supreme Court of the Slovak Republic also acts and rules on extraordinary remedies against district court, regional court, Special Criminal Court and Supreme Court decisions where the law so provides. The Supreme Court of the Slovak Republic resolves conflicts of jurisdiction *in rem* between courts and bodies of public administration.

 **The Supreme Court** of the Slovak Republic can also transfer a case to a court other than the competent court where stipulated by law and by the rules governing court procedure.

Legal databases

You can find further information on the website of the  [Slovak Ministry of Justice](#).

Organisation of ordinary courts

The Slovak judiciary

The Slovak judiciary comprises:

district courts,

regional courts,

the Special Criminal Court,

the Supreme Court of the Slovak Republic.

Jurisdiction of courts

District courts

District courts act as courts of first instance in civil and criminal cases unless otherwise stipulated by rules governing court procedure.

District courts also hear electoral cases where stipulated by a specific law.

Regional courts

Regional courts act as courts of second instance in civil and criminal cases heard by district courts at first instance.

Rules governing court procedure specify the civil and criminal cases in which regional courts act as courts of first instance.

Regional courts act as courts of first instance in administrative cases unless otherwise stipulated by a specific law.

Regional courts also hear other cases if required by specific laws (Act No 166/2003 on the protection of privacy against unauthorised use of information technology and amending certain other laws).

The Special Criminal Court

The Special Criminal Court hears criminal cases and other cases as laid down by the rules governing court procedure.

The Supreme Court

The Supreme Court acts and rules on:

ordinary remedies against regional court and Special Criminal Court decisions where the rules governing court procedure so stipulate,

extraordinary remedies against district court, regional court, Special Criminal Court and Supreme Court decisions where the rules governing court procedure so stipulate,

conflicts of jurisdiction *in rem* between courts and bodies of public administration,

transfers of cases to a court other than the competent court where rules governing court procedure so stipulate,

other cases where the law or an international treaty so stipulate.

The Supreme Court conducts **judicial review** in cases where a final judgment has been rendered.

The Supreme Court also promotes the **uniform interpretation and consistent application of laws** and other legislation of general application by way of its own decision-making,

adopting opinions aimed at unifying the interpretation of laws and other legislation of general application,


publishing final court decisions of primary importance in the 'collection of opinions of the Supreme Court and decisions of the courts of the Slovak Republic'.

Related links

 [Ministry of Justice](#)

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Juhime tähelepanu sellele, et käesoleva lehekülje  originaalkeelset versiooni on hiljuti muudetud. Valitud keeleversiooni meie töötajad parajasti tõlgivad.

Ordinary courts - Finland

This section provides you with information on the organisation of ordinary courts in Finland.

Ordinary courts – introduction

One can divide the courts of law in Finland into **general courts** for civil and criminal matters, **administrative courts** for administrative adjudication and **special courts**.

The term '**general courts**' refers to courts whose jurisdiction is general. In other words, they handle legal disputes that have not been made the responsibility of some other court of law. General courts are:

District Courts (käräjäoikeus/tingsrätt) (currently 51, decreasing to 27 in the year 2010)

Courts of Appeal (hovioikeus, hovrätt, 6)

Supreme Court (Korkein oikeus/ Högsta domstolen)

General administrative courts are the administrative courts (hallinto-oikeus/förvaltningsdomstol, 8). The highest administrative court is the **Supreme Administrative Court** (Korkein hallinto-oikeus/Högsta förvaltningsdomstolen).

District courts

Local or district courts function as general courts of first instance. They handle civil and criminal cases and matters related to liens (property taxes) and the ownership of real estate (mortgages and registration of titles to property). At the moment there are 51 such courts in Finland. They range in size considerably. The largest have about 80 judges and a total staff of around 250 persons, including office secretaries, bailiffs and young lawyers undergoing court training. The smallest courts have two permanent judges and about ten other civil servants.

The provisions governing the operations and administration of these courts can be found in the **District Courts Act** and accompanying decree, relevant standing orders, and the more specific rules and instructions arising from the statute. According to the law, the leading judge in a court of first instance is also the administrative head of that office.

A district court also has lay members who participate primarily in criminal proceedings. The lay members are chosen by municipal councils. The Ministry of Justice confirms the number of lay members to be chosen by the municipalities. Their remuneration is paid out of state funds.

Procedure in district courts

In a district court, a **civil case** is divided into two stages: a **preliminary preparation** and a **main hearing**. The preliminary preparation commences with the written submissions of the parties. A number of cases – those relating to debt collection – are already resolved during this phase. The preparation proceeds orally, with one judge presiding at the meeting.

If the case cannot be resolved at this stage, a separate main hearing is scheduled. Here the composition of the district court is either one judge or three judges, except in family law cases, where the court is composed of a single judge only. The proceedings are as continuous as possible.

In **criminal cases**, the composition of the district court varies depending on the offence in question. Cases of petty infractions are heard by one judge, and more serious offences are heard by a panel of one judge and three lay members.

Criminal procedure follows the same principles as in civil cases. The court may ask the accused to make a plea before the main hearing. The procedure is oral and the judgement is based on the factual circumstances that the parties have personally brought to the knowledge of the court. All evidence is received in the main hearing. Again, the proceedings are as continuous as possible. The composition of the court cannot change while the main hearing is in progress. If the court does not reach a **consensus** on the judgement, a vote is taken. Each member of the panel has an individual vote. Where there is a tie in a civil case, the judge voices his final opinion; in a criminal case, the more lenient alternative prevails.

The judgement of a district court indicates how the case has been resolved and contains a statement of reasons. In most cases, the judgement is handed down to the parties immediately after the conclusion of the main hearing. In extensive or otherwise complicated cases, the judgement may, however, be delayed by a maximum of two weeks and handed down in writing by the court registry.

Courts of appeal

Finland has six **courts of appeal**. As superior courts, these handle appeals and petitions against the rulings of the district courts. In certain cases, courts of appeal also act as courts of first instance: e.g. for the impeachment of a lower court judge or civil servants of high standing.

The courts of appeal are also responsible for supervising the application of the law in district courts, and for certain matters pertaining to judicial administration. One administrative matter in particular requires issuing an opinion to the judicial selection committee on applicants applying for the office of judge of a district court or court of appeal. The statement of opinion is made by the committee of the court of appeal charged with this responsibility. The president (chief justice) of the court of appeal is responsible for its operations and efficiency.

The court of appeal is divided into **divisions** headed by a senior judge working together with other justices. Matters are normally handled by a section of the court of appeal consisting of three judges.

Procedure in the court of appeal

Until April 1998, proceedings in the Court of Appeal were primarily in written form. In such proceedings, cases are handled and resolved in response to a presentation based on written evidence submitted to the court. The reform of the legal proceedings of courts of appeal has increased the number of oral hearings. Assessors and senior secretaries of the court now perform the function of presenting official (referendary).

Supreme Court

The Supreme Court is the **highest appellate level**. Like the court of appeal, the Supreme Court is divided into sections which, to be legally competent, consist of five members.

To refer a case to the Supreme Court, the interested or involved party must apply for leave to appeal against a judgement of a court. On receipt of this petition, the Supreme Court examines whether or not it can grant leave to appeal in this particular case. The matter is considered by a two or three-person **panel**. Leave to appeal may be granted only on grounds stipulated by law.

Since 1980, the Supreme Court has become a precedent-setting institution. To all intents and purposes, a case that the Supreme Court has settled sets a legal norm that other courts of law must follow in similar cases. No leave to appeal is required in cases where a court of appeal has functioned as court of first instance.

The operations of the Supreme Court are presided over by its **president**. Members of the Supreme Court are called justices of the Supreme Court. The chief secretary, assistant chief secretaries, junior or senior judicial secretaries may all act as presenting officials (referendary).

In addition to handling statutory matters, the Supreme Court appoints judges to temporary positions for a year or longer. The Supreme Court also comments on proposed legislation and clemency petitions sent to the President of Finland.

The **procedure** in the Supreme Court is usually **written**. **Oral hearings** can, however, be heard if this is considered necessary.


Legal databases

Name and URL of the database

 [Judicial Website of Finnish Courts](#)

Is access to the database free of charge?

Yes, access is **free of charge**.

The  [Judicial Website of Finnish Courts](#) contains information on the judicial system of Finland. It is a one-stop portal for those seeking information on the courts, prosecutors, bailiffs, legal aid bureaus and other public bodies dealing with the administration of justice in Finland.

It includes, for example, the latest case law from the courts of appeal and administrative courts

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Ordinary courts - Sweden

This section provides information on the organisation of ordinary courts in Sweden.

Ordinary courts – introduction

General courts deal with criminal and civil cases. They are organised in a **three-tier system**:

District courts (tingsrätt)

Courts of appeal (hovrätt) and

The [Supreme Court](#) (Högsta domstolen).

The general administrative courts deal with cases relating to public administration. They are organised in a three-tier system:

County administrative courts (länsrätt)

Administrative courts of appeal (kammarrätt) and

[Supreme Administrative Court](#) (Högsta förvaltningsdomstolen).

In addition, a number of special courts and tribunals have been established to hear specific kinds of cases and matters, such as the [Labour Court](#) (Arbetsdomstolen) and the [Market Court](#) (Marknadsdomstolen).

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Ordinary courts - England and Wales

This page provides you with information about the ordinary courts in England and Wales.

Ordinary courts – introduction

The organisation of the various courts in England and Wales is as follows. You can find more details on the website of [Her Majesty's Courts and Tribunals Service](#), which provides administration and support for all courts except the Supreme Court.

Supreme Court

The [Supreme Court of the United Kingdom](#) took over the jurisdiction of the Appellate Committee of the House of Lords on 1 October 2009. It also took over the devolved functions of the Judicial Committee of the Privy Council (the highest court of appeal in several independent Commonwealth countries, UK overseas territories and British Crown dependencies).

The Supreme Court is the **final court of appeal** in the United Kingdom for both criminal and civil cases, although Scottish criminal cases do not have the right of appeal to the Supreme Court. Permission to refer a case for appeal to the Supreme Court will usually be granted only if it involves points of law of public importance.

Court of Appeal

The Court of Appeal is divided into criminal and civil divisions and usually sits in London.

The **Criminal Division**, presided over by the **Lord Chief Justice**, hears appeals against conviction and sentencing from people convicted or sentenced in the Crown Court. The Court of Appeal criminal division has power to quash or uphold a conviction, order a re-trial and, in sentence appeals, vary the sentence (but not increase it). However, in instances where the [Attorney General](#) refers a case to the Court of Appeal, the court has the power to increase a sentence if it considers it unduly lenient.

The court has a wider jurisdiction to hear ad hoc appeals, such as appeals regarding reporting or public access restriction, appeals against rulings adverse to the prosecution, and various appeals under the Proceeds of Crime Act 2002. Additionally, the court deals with appeals in court martial cases.

Three judges usually sit together in the Court of Appeal criminal division, but only one judgement (the majority opinion) is given as the court's decision.

The Court of Appeal, **Civil Division**, is presided over by the **Master of the Rolls**. The court hears appeals mainly against decisions of the High Court (including Chancery, Queens Bench and Family Division) and of county courts across England and Wales and certain tribunals. Three Lord Justices usually sit together, forming a constitution. In reaching their decision, the judges may make any order they decide ought to have been made in the court from which the case was referred. In some cases, a re-trial is ordered.

Witnesses are rarely heard in the Court of Appeal. Decisions are usually based on documents, transcripts of previous hearings and the arguments of the lawyers appearing for the parties.

High Court

The High Court is based in London, although cases can be heard in other parts of England and Wales. The High Court can hear almost any civil action – although, in practice, it deals mainly with larger or more complex cases. The court is organised into three divisions:

The **Queen's Bench Division** is the largest of the three and deals with a wide range of civil matters. These include actions for damages arising from breaches of contract, tort, libel, commercial disputes, technology and construction and admiralty cases (civil actions relating to ships, such as collision, damage to cargo and salvage).

The **Chancery Division** is particularly concerned with property matters, including the administration of the estates of people who have died, the interpretation of wills, patents and intellectual property, insolvency and disputes about companies and partnerships.

The **Family Division** deals with many of the more complex divorce and related financial and matrimonial matters. It deals with care cases concerning children (in particular wardship, adoption and child abduction) cases involving those within the Court of Protection, and cases related to the medical treatment of children under the inherent jurisdiction of the court.

Administrative Court

The work of the Administrative Court is varied, consisting of the **administrative law jurisdiction** of England and Wales as well as **supervisory jurisdiction** over inferior courts and tribunals.

The supervisory jurisdiction, exercised in the main through the procedure of **judicial review**, covers persons or bodies undertaking a public law function. The purpose of judicial review is to ensure that the decisions of these bodies or individuals are properly and lawfully made, and do not go beyond the powers given to them by Parliament.

Other matters dealt with by the Administrative Court include a number of **statutory appeals and applications**:

The right given by certain statutes to challenge decisions of ministers, local government, tribunals

Applications under the Nationality, Immigration and Asylum Act 2002

Appeals by way of case stated against certain decisions of magistrates' courts and the Crown Court

Applications for habeas corpus

Applications for committal for contempt of court

Applications relating to vexatious litigants

Applications under the Coroners Act 1988

Various applications made under the Prevention of Terrorism, Proceeds of Crime, Drugs Trafficking and Criminal Justice Acts.

In 2009, regional offices of the Administrative Court opened in Birmingham, Cardiff, Leeds and Manchester, making it possible for claimants/applicants to issue certain types of applications closer to the region with which they have the closest connection. A further regional office opened in Bristol in November 2012.

Divisional courts

Certain **appeals from the lower courts** are heard in the divisional courts of the High Court (i.e. a court consisting of at least two judges).

Appeals from county courts, with respect to Chancery and Queen's Bench jurisdictions, are heard by the respective divisional courts.

Divisional courts of the Queen's Bench division hear, among other things, appeals on points of law from magistrates' courts and the Crown Court (except where the Crown Court is dealing with a matter on indictment).

A divisional court of the family division hears appeals against decisions about family matters made by magistrates' courts.

County courts

County courts deal with the majority of **civil cases** in England and Wales. Put in the simplest terms, the less complicated civil cases are heard in the county courts and the more complex cases in the High Court. The greater number of cases handled by county courts relate to debt recovery. However, property repossession (e.g. where mortgage payments have lapsed), personal injury or negligence claims and bankruptcy matters are also heard in the county court. Some County Courts also act as High Court District Registries, where High Court cases can be issued. In addition some have specialist jurisdiction to allow them to hear less complex matters that otherwise would be in the High Court.

Claims for debt or damages under £5000 are usually decided under a **special small claims procedure**. This is designed to provide a low cost and informal way of resolving disputes without the need to use a lawyer. In such cases, the judge can adopt an inquisitorial role and help both the claimant and defendant to explain their case. County courts also offer an in-house small claims mediation service, although external mediation is available for other disputed claims.

County courts also deal with **family work**, which includes divorce, children's matters like residence, and care cases and adoptions. Some family work is complex and may be dealt with in the High Court. In central London, all family work is dealt with by the principal registry of the family division and not the local county courts. Family mediation is available through the Children and Family Court Advisory and Support Service (CAFCASS).

Crown Court

The Crown Court is a national court, which sits in different centres in England and Wales. It deals with all **serious criminal cases** passed up from the magistrates' courts. Cases for trial are heard before a judge and a jury of 12 members of the public.

Sometimes jurors are also needed in civil cases (such as libel and actions against the police for malicious prosecution), although this does not happen often. When it does, the trial will take place in the High Court or a county court. The Crown Court also acts as an appeal court for cases heard by magistrates in the magistrates' courts.

Magistrates' courts

Magistrates' courts deal mainly with **criminal matters**; most criminal offences are heard in the magistrates' courts. The more serious offences are passed to the Crown Court for trial. Magistrates' courts also deal with **some civil cases**, including family law matters; the recovery of some types of debt, such as council tax; and licensing issues (for example, liquor licences), breaches of the terms of licences or court orders, and betting and gaming issues.

Most cases in magistrates' courts are heard by **lay magistrates** (also known as justices of the peace or JPs). Lay magistrates are not legally trained. They usually sit in threes and are advised on matters of law by legally-qualified clerks. The more complex matters that come before magistrates' courts are heard by members of the professional judiciary, known as district judges (magistrates' courts) who sit full-time. Deputy district judges (magistrates' courts) sit part-time.

The magistrates' courts have the power to fine and imprison (for limited periods) those who have been convicted of crime – thus some cases are referred up to the Crown Court for sentence.

Certain magistrates' courts are designated 'youth courts' or 'family proceedings courts'. These are composed of specially trained magistrates and deal respectively with charges against, and applications relating to, children and young people, or with family cases.

Related Links

 [Her Majesty's Courts and Tribunals Service](#)

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Ordinary courts - Northern Ireland

This page gives you an overview of the different types of courts in Northern Ireland.

Ordinary courts – introduction

The various courts in Northern Ireland are organised as follows:

The Supreme Court

In 2009, the new **Supreme Court of the United Kingdom** took over the jurisdiction of the Appellate Committee of the House of Lords. It also took over the devolved functions of the Judicial Committee of the Privy Council (the highest court of appeal in several independent Commonwealth countries, UK overseas territories and British Crown dependencies).

The Supreme Court is the **final court of appeal** in the United Kingdom for both criminal and civil cases, although Scottish criminal cases do not have the right of appeal to the Supreme Court. Permission to refer a case for appeal to the Supreme Court will usually be granted only if it involves points of law of public importance.

The Court of Appeal

The Court of Appeal in Northern Ireland is based in the Royal Courts of Justice in Belfast. It hears criminal appeals from the Crown Court and civil appeals from the High Court.

The High Court

The High Court in Belfast deals with civil cases, hears appeals in criminal cases, and also has the power to review the actions of individuals or organisations to make sure they have acted legally and justly. The High Court usually deals with cases if the value of the claim is over £30,000. In some circumstances, a case with a value over £30,000 can be sent from the High Court to the county court; similarly a case under the value of £30,000 may be transferred from the county court to the High Court.

The High Court has three divisions, as follows:

The Family Division: The Family Division deals with complex defended divorce cases, wardship, adoption, domestic violence and so on. It also deals with appeals from magistrates' and county courts in matrimonial cases, deals with the affairs of people who are mentally ill and with simple probate matters.

The Queens Bench Division: The Queens Bench Division deals with large and/or complex claims for compensation. It also deals with a limited number of appeals from magistrates' or Crown Courts. It also reviews the actions of organisations to see whether they have acted legally, and deals with libel and slander actions.

The Chancery Division: The Chancery Division deals with trusts, contested wills, winding up companies, bankruptcy, mortgages, charities, contested revenue (usually income tax) cases, etc.

The Crown Court

The Crown Courts deal with the following types of cases:

More serious criminal offences which are tried by judge and in most cases a jury

Convictions in the magistrates' courts that are referred to the Crown Court for sentencing.

Imprisonment and fines in the Crown Courts are more severe than in the magistrates' courts.

The County Court

County Courts deal with civil cases, which are heard by a judge or district judge. The County Court usually deals with cases that are under £30,000 in value (or £45,000 in equity matters). Cases with a higher value are heard in the High Court – see above. All claims arising from regulated credit agreements must be started in the County Court, whatever their value.

Examples of cases dealt with by the County Court:

County Courts can deal with a wide range of cases, but the most common ones are:

Landlord and tenant disputes: for example, possession (eviction), rent arrears, repairs

Consumer disputes: for example, faulty goods or services

Personal injury claims (injuries caused by negligence): for example, traffic accidents, falling into holes in the pavement, accidents at work

Undefended divorce cases, but only in some County Courts.

Race and sex discrimination cases

Debt problems: for example, a creditor seeking payment

Employment problems: for example, wages or salary owing or pay in lieu of notice.

Appeals from the magistrates' court which are dealt with by a judge (and at least two lay magistrates if the defendant is a young person)

Small claims cases

Small claims cases are also heard in the County Court. In general, a small claim is one where the value of the claim is not more than £3000.

The Magistrates' Courts

Magistrates' courts deal with criminal and some civil cases. Cases are heard by a district judge (magistrate's court).

Criminal cases in the Magistrates' Courts

Magistrates' courts deal with criminal offences where the defendant is not entitled to trial by jury. These are known as summary offences. Summary offences involve a maximum penalty of six months imprisonment and/or a fine of up to £5,000.

Magistrates' courts also deal with offences where the defendant can choose trial by jury but decides to have his or her case heard in the magistrates' courts.

If the defendant chooses trial by jury, the case will be passed on to the Crown Court.

The Youth Court

The youth court deals with young people who have committed criminal offences, and who are aged between 10 and 17. The youth court is part of the magistrates' court and cases are heard before a district judge (magistrate's court) and two other specially trained lay magistrates. If a young person is charged with a very serious offence – which in the case of an adult is punishable by 14 years imprisonment or more, the youth court can commit him or her for trial at the Crown Court.

Civil Cases in the Magistrates' Courts

Magistrates' courts deal with a limited number of civil cases as follows:

Some civil debts: for example, arrears of income tax, national insurance contributions, VAT arrears, rates

Licenses: for example, granting, renewing or taking away licenses for pubs and clubs

Some matrimonial problems: for example, maintenance and removing a spouse from the matrimonial home

Welfare of children, for example, local authority care or supervision orders, adoption proceedings and residence orders.

Coroners Courts

Investigate the circumstances of sudden, violent or unnatural deaths.

Related Links

 [Northern Ireland Courts and Tribunals Service](#)


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Ordinary courts - Scotland

This page provides you with an introduction to the ordinary courts in the Scotland jurisdiction of the UK.

Ordinary courts – introduction

The Court of Session, High Court of Justiciary, Sheriff Courts and Justice of the Peace Courts are administered by the  [Scottish Courts and Tribunals Service](#) (SCTS), which is an independent body corporate chaired by the Lord President, the most senior judge in Scotland.

Scotland's Supreme Courts

In Scotland, these consist of the Court of Session and the High Court of Justiciary.

Court of Session

The Court of Session is the supreme civil court in Scotland and is situated at Parliament House in Edinburgh. It sits in an appeal capacity and also as a civil court dealing with disputes including cases relating to recovery of debt, damages, family actions and commerce.

High Court of Justiciary

The High Court of Justiciary deals with criminal appeals arising from solemn matters and serious criminal cases. Trials are held before a judge and jury.

When hearing cases on appeal the court sits in Edinburgh. For other business the court has permanent bases in Edinburgh, Glasgow and Aberdeen, but trials are also held in towns and cities throughout Scotland.

Sheriff Courts

For legal purposes, Scotland is split into six regions called 'Sheriffdoms'. Each Sheriffdom has a Sheriff Principal who, in addition to hearing appeals in civil matters whilst sitting as appeal Sheriffs, have responsibility for the efficient disposal of all business in the Sheriff Courts.

Within these Sheriffdoms, there are a total of 39 Sheriff Courts varying in size and design, but all serving the same purpose.

Cases are heard before a judge called a Sheriff. The work of the Sheriff Courts can be divided into three main categories of civil, criminal and commissary work, and is administered by local sheriff clerks and their staff.

Summary Sheriffs have authority to perform some of the duties of a Sheriff in both criminal and civil proceedings.

In addition there is a new all-Scotland Personal Injury Court which sits in Edinburgh.

The civil Sheriff Appeal Court has provision to have single or triple Sheriff benches presiding over civil appeals arising from business in the Sheriff Courts.

The criminal Sheriff Appeal Court hears appeals in relation to summary criminal business against decisions of Sheriffs and Justices of the Peace. It also hears all appeals against decisions in relation to bail made in Sheriff and Justice of the Peace Courts.

Civil cases

Most civil business involves disputes between persons or organisations. Sheriff Courts deal with three different types of case:

Ordinary actions, which deal mainly with cases involving divorce, children, property disputes and debt/damages claims exceeding £5,000. With the exception of family actions (unless the only order sought is aliment) actions of £100,000 or under can only be raised in the Sheriff Court.

Summary causes, which use a simplified procedure dealing mainly with disputes involving rent arrears in respect of social housing, and damages resulting from personal injuries with a monetary value of £5000 or less.

Simple procedure, dealing with claims which have a monetary value of £5000 or less which seek payment, delivery or recovery of possession of moveable property, or an order for someone to do something specific.

In addition, the Sheriff Court deals with many other civil applications and procedures including:

Adoption of children

Liquidation of companies

Fatal accident inquiries

Bankruptcies

Criminal cases

Sheriff Court criminal cases may be brought under either solemn or summary procedure. It is the responsibility of the Procurator Fiscal (prosecutor) to decide which procedure should be followed for a particular case.

Solemn procedure is used in serious cases where the charge may attract a sentence in excess of twelve months in prison or an unlimited fine. Trials are heard before a Sheriff sitting with a jury.

Summary procedure is used for less serious cases where a Sheriff hears a case without a jury. Although the Sheriff's sentencing powers are restricted to twelve months imprisonment, there are occasions when this may be increased.

Commissary work

Commissary work deals mainly with the disposal of a deceased person's estate. The power granted by the court to allow an executor to in-gather and distribute the estate is called 'confirmation'. This is only granted after an inventory of the deceased's estate has been lodged in court.

If the estate has a gross value not exceeding £36,000, it is classed as a 'small estate' and the person seeking confirmation will be assisted in completing the appropriate form by the staff of the local sheriff clerk's office. If the value of the estate is in excess of £36,000, people seeking confirmation will be advised to consult a solicitor.

Justice of the Peace Courts

The Justice of the Peace Court is a lay court where a justice of the peace who is not legally qualified sits with a legally qualified clerk. The clerk provides advice to the justice on matters of law and procedure. The Court deals mainly with less serious summary criminal cases. The maximum sentence that a justice of the peace may impose is 60 days imprisonment or a fine not exceeding £2,500.

The sheriff clerk is responsible for all the administrative work in the Sheriff Court and Justice of the Peace Court including:

Recovery of fines and compensation orders

Issuing copies of court orders, such as those relating to bail, community payback orders or restriction of liberty orders.

Citation and management of jurors.

More detailed information about courts in Scotland can be found on the website of the [Scottish Courts and Tribunals Service](#).

Related Links

[Scottish Courts and Tribunals Service](#)

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