Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Justice, Finland

Code of Judicial Procedure

(4/1734; amendments up to 812/2019 included)

Chapter 1 (683/2016)
General provisions

Section 1 (683/2016)

This Act applies to proceedings in general courts unless otherwise provided in the Criminal Procedure Act (689/1997) or elsewhere in the law.

Section 2 (683/2016)

General courts are the district courts, the courts of appeal and the Supreme Court.

Chapter 2 (1052/1991)
Quorum

Section 1 (339/2014)

In a criminal matter, the district court has a quorum when the chairperson and two lay judges are present.

In a criminal matter, the district court also has a quorum with three legally trained members present if this is deemed justified with consideration to the nature of the matter or for another special reason.

Section 2 (683/2016)

Section 2 was repealed by Act 683/2016.

Section 3 (1052/1991)

In matters other than those referred to in section 1, the district court has a quorum with three legally trained members present.

Section 3a (683/2016)

Section 3a was repealed by Act 683/2016.

Section 4 (811/2008)

The hearing of a civil matter, begun with the composition referred to in section 3, may continue with such a composition even if, during the hearing, the matter changes so that it should be heard with the composition referred to in section 5, subsection 1. The same may be done if a matter, which has become pending later and which should be heard with the composition referred to in section 5, subsection 1, is joined to the same proceedings.

Section 5 (768/2002)

The district court has a quorum with only the chairperson present:

1) in a petitionary matter, the consideration of which is not continued in accordance with the procedure for civil matters;

2) in the preparation;

3) in the main hearing of a civil matter if the judge responsible for the preparation acts as the judge and the nature or scope of the matter does not require that it be considered with full composition;

4) in admitting evidence outside of the main hearing; and

5) in a separate hearing on precautionary measures referred to in chapter 7.

The district court shall reserve the parties an opportunity to state their views on the necessity of the full composition referred to in subsection 1, paragraph 3. If a party considers the full composition necessary, the matter may be decided in the main hearing with a composition of one judge only for a special reason.

Subsection 3 was repealed by Act 811/2008.

Section 6 (422/2018)

In a criminal matter, the district court also has a quorum with only the chairperson present when no individual offence referred to in the charge, under the circumstances referred to in the charge, is provided a more severe punishment than imprisonment for at most four years.

Section 6a (671/2014)

In deciding a criminal matter in the guilty plea proceedings referred to in chapter 5b of the Criminal Procedure Act, the chief judge of the district court or a district court judge serves as the chairperson of the district court. The district court also has a quorum with only the chairperson present.

Section 7 (811/2008)

If the district court, in considering a matter with the composition referred to in section 6, deems that the matter is to be considered with the composition referred to in section 1, it shall be reassigned to be considered with the latter composition.

If, in the course of the main hearing, the matter becomes one that should be considered in the composition referred to in section 1, subsection 1, the hearing may nonetheless be continued in the composition referred to in section 6 if the chief judge of the district court or a district court judge serves as the chairperson of the court and the continuation of the consideration may be deemed appropriate.

Section 8 (1052/1991)

The court of appeal shall have a quorum with three members present.

However, one member may:

1) decide on the granting of leave for continued consideration; (650/2010)

2) decide the matter if the request for a review has been withdrawn in its entirety; (422/2018)

3) decide a matter concerning the imposition of a punishment if the defendant has deceased;

4) decide a matter concerning the imposition of a conversion sentence for unpaid fines;

5) decide a matter concerning the appointment of a public defender, legal counsel for an injured party and a support person at the court of appeal;

6) decide a matter concerning the granting or termination of legal aid, the appointment of a legal counsel, cancellation of his or her appointment or the appointment of another legal counsel at the court of appeal;

7) decide on precautionary measures and the prohibition or stay of enforcement;

8) order the interim injunctions referred to in the Act on the Adjustment of the Debts of a Private Individual (57/1993) and the Restructuring of Enterprises Act (47/1993);

9) decide whether or not a decision imposing or extending a prohibition on engaging in business as well as a decision imposing a restraining order shall be in force notwithstanding the request for a review;

10) amend or specify the conditions on visiting rights with a child during the consideration at the court of appeal in a matter referred to in the Act on the Enforcement of Decisions on Child Custody and on Right of Access (619/1996);

11) decide on a request not presented until at the court of appeal for remand, house arrest imposed instead of remand imprisonment or a travel ban; (107/2018)

12) decide on the payment of the costs of the taking of evidence when a main hearing that had been ordered is not held.
(381/2003)

In addition, one member may order that a main hearing is to be held in the matter and make the decisions pertaining to the main hearing, and also decide on the other measures pertaining to the preparation of the matter, and confirm a settlement reached in the preparation of a matter. In matters within the competence of one member, the member may also decide on the fees and remuneration of the costs for a public defender, legal counsel and support person and on the obligation to compensate court costs and the costs of the taking of evidence. (381/2003)

Section 8a (683/2016)

If, when considering a decision in a matter in session at the court of appeal, the prevailing opinion differs from the legal principles or the interpretation of the law adopted by the Supreme Court or the court of appeal or another court of appeal, the matter or a part of it may be transferred to be heard with an enhanced session or in a plenary session. A matter that is otherwise important in principle or extensive or a part of which may also be transferred to be heard in a plenary session or with an enhanced session. A matter where an oral hearing has been or will be held may not, without a special reason, be transferred to be decided with an enhanced session or in a plenary session.

The transfer of a matter to the plenary session or enhanced session is decided by the president.

The participants of a plenary session of the court of appeal are the president, permanent judges and court of appeal justices appointed for a fixed term longer than one year and also other court members if they have previously participated in the consideration of the matter. The plenary session has a quorum when at least half of the members in office are present.

The composition of the enhanced session of the court of appeal comprises seven members. The enhanced session comprises the president as the chairperson of court and, as members, the members still in office who have considered the matter previously and the necessary number of additional members drawn from permanent members.

Section 9 (422/2018)

The Supreme Court has a quorum with five members present unless otherwise provided by law. Provisions on the transfer of the consideration of a matter to a plenary session or to an enhanced composition are laid down in the Supreme Court Act (665/2005).

The Supreme Court also has a quorum with three members present if the appeal concerns the preconditions for granting leave for continued consideration referred to in chapter 25a, section 11 when the composition is unanimous regarding the decision.

Matters concerning leave to appeal are considered and decided in a composition of two or three members. If the matter is considered in a composition of two members, the matter shall be transferred to a composition of three members if the composition of two members so decides or the decision is not unanimous. If it is apparent that there are no preconditions for granting leave to appeal, the matter may also be considered and decided by one member. If an application for leave to appeal or a part of it has been transferred pursuant to chapter 30, section 3, subsection 4 for consideration in connection with the appeal, the composition that considers the appeal decides on leave to appeal.

One member may decide on an interim measure and a precautionary measure, prohibition of or interruption of enforcement and another temporary measure and consider and decide a matter if the request for a review has been withdrawn in its entirety.

Section 10 (422/2018)

At the Supreme Court, a matter concerning an extraordinary request for a review may be considered and decided in a composition of three members if the decision is unanimous.

One member may:

1) dismiss a new application for an extraordinary request for a review made in the same matter referred to in chapter 31, section 19 without considering its merits;

2) dismiss without considering its merits an application relating to a complaint regarding a procedural error or the reversal of a judgment if the applicant has not used an attorney or a legal counsel as provided in chapter 15, section 1, subsection 4;

3) consider and decide a matter if the application for an extraordinary request for a review has been withdrawn in its entirety;

4) decide on an interim measure, precautionary measure, prohibition or interruption of enforcement and another temporary measure relating to an extraordinary request for a review.

Section 10a (422/2018)

At the Supreme Court, if one member considers and decides a matter under section 9 or 10, he or she may also decide on the fees and remuneration of costs for the public defender, legal counsel and support person and on the obligation to compensate legal costs and the costs of the taking of evidence.

Section 11 (422/2018)

The multimember composition of a court and the composition of one judge in the district court may be enhanced with one legally trained member if it is justified with consideration to the nature or extent of the matter or for another special reason. Under the same conditions, the district court may have a third lay judge.

Section 12 (683/2016)

The district court and the court of appeal have a quorum even if one of the members of its multimember composition is prevented from attending after the commencement of the main hearing, oral hearing, session or an inspection. The composition shall, however, always have at least one legally trained member. The district court also has a quorum with at least one lay judge.

Section 13 (683/2016)

A multimember composition deciding a matter in court may not include members who are close to each other as referred to in chapter 13, section 3.

Section 14 (683/2016)

Separate provisions apply to a quorum in the general courts in certain matters.

Chapter 3 (683/2016)

(683/2016)

Chapter 3 was repealed by Act 683/2016.

Chapter 4 (425/2003)
Language of the proceedings

Section 1 (425/2003)

A court shall use either Finnish or Swedish as the language of the proceedings and issue its decision in either Finnish or Swedish as provided in the Language Act (423/2003).

Sámi may be used as the language of the proceedings in court in the Sámi home region as provided in the Act on the Use of the Sámi Language before the Authorities (516/1991).

The Act on the Use of the Sámi Language before the Authorities 516/1991 was repealed by Sámi Language Act 1086/2003.

Section 2 (425/2003)

When a language other than the own language of a Finnish-speaking or Swedish-speaking party is to be used as the language of the proceedings, the party has the right to interpretation and translation as provided in the Language Act.

The Act on the Use of the Sámi Language before the Authorities contains provisions on the right to use Sámi in the proceedings.

A party who does not speak Finnish, Swedish or Sámi and who wants interpretation or translation shall arrange this himself or herself and at his or her own expense unless the court, with

consideration to the nature of the matter, orders otherwise. However, the court shall ensure that the citizens of other Nordic countries receive the interpretation and translation assistance that they require in matters considered by the court.

The Criminal Procedure Act (689/1997) contains provisions on the right to interpretation and translation in criminal matters.

The Act on the Use of the Sámi Language before the Authorities 516/1991 was repealed by Act 1086/2003.

Chapter 5 (1052/1991)
Initiation and preparation of a civil matter

Application for a summons
Section 1 (1052/1991)

A civil matter shall be initiated by a written application for a summons, delivered to the office of the district court.

The matter becomes pending and its preparation begins when the application for a summons arrives at the office. If the application for a summons has arrived after the end of office hours, it is deemed to have arrived on the following weekday. (439/2018)

Section 2 (1052/1991)

An application for a summons shall indicate:

1) the specified claim of the plaintiff;

2) the circumstances on which the claim is based;

3) as far as possible, the evidence that the plaintiff intends to present in support of his or her action and what he or she intends to prove with each piece of evidence;

4) the claim for the compensation of legal costs if the plaintiff deems this necessary; and

5) the basis for the jurisdiction of the court unless jurisdiction can be inferred from the application for a summons or the documents annexed to it.

(768/2002)
The application for a summons shall indicate the name of the court, the names and domiciles of the parties, the contact information of their legal representative or attorney, and the postal address and possible other address to which the pertinent invitations, exhortations and notices may be sent (*address for service*). The district court shall be notified in a suitable manner of the telephone number and other contact information of the parties and witnesses or other persons to be heard. If the plaintiff does not know the contact information of the respondent, he or she shall state what he or she has done to obtain said information. If any item of information subsequently changes, the plaintiff shall notify the district court of this without delay. (362/2010)

The application for a summons shall be signed by the party, or, if he or she has not prepared it, by the person who has prepared it. The person who has prepared the application shall simultaneously indicate his or her occupation and domicile.

Section 3 (439/2018)

If the matter concerns

1) a debt of a specific sum,

2) restoration of possession or a disrupted circumstance, or

3) eviction

and the plaintiff states that to his or her knowledge the matter is not under dispute (*summary civil matter*), the application for a summons shall only state the circumstances on which the claim is immediately based as basis for the claim. In this event, the evidence referred to in section 2, subsection 1, paragraph 3 need not be included. However, the contract, commitment or other written evidence invoked by the plaintiff shall be clearly identified in the application for a summons.

If the debt is based on a consumer credit agreement referred to in chapter 7 or 7a of the Consumer Protection Act (38/1978), the application for a summons shall also state:

1) the amount of credit or credit line in accordance with the credit agreement;

2) the duration of the credit agreement in days;

3) the borrowing interest in accordance with the credit agreement;

4) a breakdown of the credit costs and other costs;

5) the annual percentage rate of charge for the credit in accordance with the credit agreement;

6) whether the credit agreement has been concluded in the manner provided in chapter 7, section 17 or chapter 7a, section 15 of the Consumer Protection Act.

(599/2019)

Section 3a (439/2018)

A legal person, a trader, a person engaged in professional debt collection and an attorney or a legal counsel shall deliver the application for a summons in a summary civil matter to the district court electronically using the information system or electronic service connection. An application delivered in another manner is dismissed without considering its merits.

An application for a summons is, however, not dismissed if the application for a summons cannot be drawn up in the form required by the information system or electronic service connection due to the claim or the grounds for the claim.

Section 4 (595/1993)

In addition, the contract, commitment or other written evidence invoked by the plaintiff shall be annexed to the application for a summons referred to above in section 2.

Supplementing the application for a summons
Section 5 (768/2002)

If the application for a summons is incomplete, unclear or confusing, the plaintiff shall be exhorted to supplement the application within a time limit if this is necessary in order to continue the proceedings or for the provision of a response. The plaintiff shall be simultaneously informed as to how the application is incomplete, unclear or confusing and that the action may be dismissed without considering its merits or dismissed on the merits if the plaintiff does not heed the exhortation. (422/2018)

The court may, for a special reason, extend the time limit referred to in subsection 1.
The request to supplement the application for a summons may be made and the time limit for the supplementation may be extended also by telephone or by using another suitable means of communication. However, the action may not be dismissed without considering its merits under section 6, subsection 1, even if the plaintiff fails to heed the exhortation to supplement communicated to him or her in such a manner.

Dismissal without considering the merits and decision without requesting a response
Section 6 (422/2018)

The court shall dismiss the action without considering its merits if the plaintiff fails to heed the exhortation referred to in section 5 and if the application for a summons is so incomplete, unclear or confusing that it is unsuitable as the basis for proceedings, or if the court for another reason cannot admit the matter for consideration.

The court shall dismiss the action by a judgment to the extent that it is manifestly unfounded.

Issuing of an interim order
Section 7 (1052/1991)

When considering a matter relating to the restoration of possession or of a disrupted circumstance on request of the plaintiff, a court may, without reserving the opposing party an opportunity to be heard, issue an interim order to the effect that the possession or the disrupted circumstance shall be restored immediately or that other restorative measures shall be undertaken until otherwise ordered.

Summons
Section 8 (1052/1991)

If the action is not dismissed without considering its merits or dismissed on the merits in accordance with section 6, the court shall issue a summons without delay.

Section 9 (1052/1991)

In the summons, the respondent is exhorted to respond to the action in writing. If it may be presumed that an oral response will expedite the consideration of the matter or that the respondent will not respond in writing, he or she may be exhorted to respond in an oral preparatory hearing.

The court may, on request of a respondent who has been exhorted to respond in writing, for a special reason, permit the respondent instead to respond orally in the court office or at the venue.

Section 10 (768/2002)

In the summons, the respondent is exhorted:

1) to state whether he or she admits or contests the action;

2) if he or she contests the action, to present the grounds for contesting that are relevant in respect to deciding the matter;

3) to list, as far as possible, the evidence that he or she intends to present in support of his or her response and what he or she intends to prove with each piece of evidence;

4) to make a claim for compensation of legal costs if he or she deems this necessary;

5) to annex to the response the document on which the contesting of the action is based, in the original or as a copy, and the written evidence invoked in the response; and

6) to enter a plea of inadmissibility.

In addition, the district court may exhort the respondent to give a statement in the response regarding a particular question.

In the summons, the respondent shall be exhorted to indicate the contact information of his or her lawful representative or attorney and also the postal address and possible other address to which the pertinent invitations, exhortations and notices may be sent (*address for service*). The summons shall note that service of a document may be made on a party by sending it to the address for service indicated by the respondent in his or her response. In addition, the respondent shall indicate to the district court in a suitable manner his or her own telephone number and other contact information as well as that of a witness or other person to be heard. If any item of information subsequently changes, the respondent shall notify the district court of this without delay. (362/2010)

In addition, the summons shall state that a written response is to be signed by the party or, if he or she has not prepared it, by the person who has prepared it and that the person who has prepared the response shall indicate his or her occupation and domicile.

Section 11 (1052/1991)

The summons shall state that the written response shall be delivered to the court office within the time limit ordered by the court calculated from the service of the summons. An extension to the time limit set may be granted for a special reason if the request has been submitted before the expiry of the time limit.

If the respondent is exhorted to respond orally, the court shall invite the plaintiff and, by way of service of the summons, the respondent to an oral preparatory hearing. Notice shall be given at the same time of the date, time, and place of the hearing.
The summons or the invitation shall state the sanction for failure to submit a written response or to appear at a hearing.

Section 12 (1052/1991)

The summons, the application for a summons and the documents annexed to it shall be served on the respondent as provided in chapter 11.

However, the documents annexed to an application for a summons referred to in section 3 above need not be served on the respondent. In this event, the summons shall state that the documents are available to the respondent in the court office and that they will be sent to the respondent by post upon request. (595/1993)

Decision without continuing the preparation
Section 13 (1052/1991)

If, in a matter amenable to settlement, a respondent who has been exhorted to respond in writing,

1) has not delivered the requested response within the time limit or

2) has not presented grounds in his or her response for contesting the action or has only referred to grounds that are manifestly irrelevant in deciding the matter,

the matter shall be decided without continuing the preparation. In this event, the action shall be upheld by a judgment by default. In so far as the plaintiff has abandoned the action or it is manifestly unfounded, the action shall be dismissed by a judgment.

(768/2002)
A judgment by default may be upheld pursuant to this section even if the plaintiff has not requested it.

Provision on negotiable promissory notes
Section 14 (1052/1991)

If the claim of the plaintiff is based on a negotiable promissory note, a bill of exchange or a cheque, the respondent shall in the summons be exhorted to respond in writing unless the plaintiff has requested that the respondent be exhorted to respond orally in a hearing.

If, in a matter referred to in subsection 1, the respondent

1) has not submitted the requested response,

2) has not presented plausible reasons for contesting the action, or

3) has not presented an enforceable judgment, a negotiable promissory note, a bill of exchange or a cheque that is admissible for set-off,

4) the matter shall be decided without continuing the preparation. In this event, the action shall be upheld by a judgment by default. In so far as the plaintiff has abandoned the action or it is manifestly unfounded, the action shall be dismissed by a judgment.

(768/2002)
The original negotiable promissory note, bill of exchange or cheque on which the claim is based shall be annexed to the application for a summons or to the response.

A judgment by default may be upheld pursuant to this section even if the plaintiff has not requested it.

Continuing the preparation
Section 15 (768/2002)

Unless the matter has been decided in accordance with section 13 or 14, the preparation shall continue in writing or orally in a hearing (*preparatory hearing*) or the matter shall be transferred directly to the main hearing as provided below.

Section 15a (768/2002)

In continuing the preparation in writing the court may, when it deems this necessary, exhort a party to deliver a written statement to the court. In so doing, the court shall indicate the issue on which a statement is required of the party. However, a party may not be exhorted to deliver written statements more than once unless there is a special reason for this.

Section 15b (768/2002)

If the goals of the preparation provided in section 19 have been met in the written preparation to the extent that it is not expedient to continue the preparation in a preparatory hearing, the court

may transfer the matter directly to the main hearing after having reserved the parties an opportunity to state their opinions on the absence of necessity of a preparatory hearing.

Section 15c (768/2002)

In the preparatory hearing, to which the court invites the parties, the consideration of the matter shall be continued orally from the point reached in the written preparation.

At the beginning of the hearing, the court shall explain what is at issue in the matter and what point has been reached in the written preparation. In addition, the court shall ask the questions necessary to reach the goals of the preparation provided in section 19.

In the hearing, a party may not read or give to the court a written pleading or other written statement. In his or her oral presentation, a party may in, an appropriate manner, make use of trial material presented in the written preparation and use written notes as memory aids.
An effort shall be made to conclude the oral preparation without delay in one session.

Section 15d (422/2018)

A preparatory hearing may also be held by telephone or using a technical means of communication where the participants of the proceedings are in voice communication with each other if the court deems this appropriate. In so doing, the provisions of chapter 12 on deciding a matter without the presence of a party do not apply.

Section 16 (768/2002)

In connection with an invitation or exhortation, a party shall be notified of the sanction provided in chapter 12 for failure of the party to appear in a hearing or to deliver a written statement. If a party is required to appear in a hearing, he or she shall, at the same time, be informed of the date, time and place of the hearing.

The goals and contents of the preparation (768/2002)
Section 17 (1052/1991)

The court shall conduct the preparation in such a manner that the matter can be considered in a continuous main hearing.

If necessary, the court shall reserve the parties an opportunity to express their opinion on how the preparation of the matter should be organised. (768/2002)

The preparation shall be brought to a conclusion without delay. Each party shall acquaint himself or herself with the matter so well that the consideration of the matter is not delayed on the basis of any neglect on his or her part. (768/2002)

Section 18 (768/2002)

In the course of the preparation, the court shall ensure that parties are notified of the judge responsible for the preparation of the matter and of the other necessary information on the progress of the consideration of the matter. The parties shall always be notified as follows:

1) the plaintiff of the beginning of lis pendens, the time limit set for service of summons and for providing a response and possible extension of such time limit; and

2) of requesting a written statement from the opposing party and possible extension of the time limit.

After the arrival of a response, the court shall, without delay, provide the parties an estimate of the timetable for the consideration.

In attending to its obligations provided in subsections 1 and 2, the court may use the telephone or another suitable means of communication.

Service of a written response or statement shall be made immediately to the other parties.

The notices and estimates referred to in this section need not be made in a matter referred to in section 3 of this chapter, if the matter is decided pursuant to section 13 or 14 without continuing

the preparation, nor in a petitionary matter unless a decision has been made to continue its consideration in the procedure provided for civil matters.

Section 19 (1052/1991)

The following shall be clarified in the preparation:

1) the claims of the parties and the grounds for the claims;

2) the issues in dispute between the parties;

3) the evidence to be presented and what is intended to be proved with each piece of evidence; and

4) the possibility of a settlement.

Section 20 (768/2002)

In the preparation, a party shall without delay present his or her claims and the grounds for them and express his or her opinion on what the opposing party has presented. In addition, he or she shall list all the evidence intended to be presented and what he or she intends to prove with each piece of evidence. He or she shall also present all the written evidence that he or she invokes. In addition, a party shall, on request of the opposing party, state whether he or she has in his or her possession written evidence or an object sufficiently identified by the opposing party which may be relevant in the matter.

Section 21 (768/2002)

In the preparation, the court shall ensure that the goals provided in section 19 are met and that the parties state all the circumstances that they intend to invoke.

If a written or oral statement of a party is unclear or incomplete, the court shall put the questions to him or her that are necessary to clarify the matter.

The court shall ensure that nothing irrelevant is brought into the matter and that no unnecessary evidence is presented in the matter.

Section 22 (768/2002)

In a matter amenable to settlement, the court may, if necessary, exhort a party to fulfil his or her duties referred to in section 20, subsection 1 within a time limit under the threat that after the time limit he or she may not refer to a new claim or circumstance, or present new evidence unless he or she can show that it is probable that there is a valid reason for his or her conduct.

Section 23 (1052/1991)

A severable part of the matter or a procedural issue may be prepared separately by the court.

Section 24 (768/2002)

In the course of the preparation, the court shall prepare a written summary of the claims of the parties, the grounds for them, and, if necessary, of the evidence and what is intended to be proven by each piece of evidence.

If the matter is decided in the preparation in accordance with section 13, 14 or 27, no summary shall be prepared unless there is a special reason for this.

The summary shall be prepared already before the preparatory hearing if this can be deemed to promote the conduct of the oral preparation. As the preparation continues, the summary shall be supplemented, where necessary.

The summary may be presented orally if, taking into account the nature or scope of the matter, a written summary can be deemed unnecessary. In addition, a written summary may be supplemented orally. If a matter under dispute is decided pursuant to section 27a without holding a hearing or if the matter is transferred after written preparation directly to the main hearing, the summary shall be prepared in writing.

The parties shall be reserved an opportunity to express their opinions on the summary.

Section 25 (1052/1991)

The decision to obtain an expert opinion, present written evidence, arrange an inspection and undertake other preparatory measures shall be made in the preparation, if such measures are necessary to ensure that the evidence is simultaneously available in the main hearing.

The decision to admit evidence outside of a main hearing may also be made in the preparation.

A party who wishes that measures referred to in this section are undertaken shall immediately request it in the preparation.

Obtaining a settlement
Section 26 (595/1993)

In a matter amenable to settlement, the court shall try to persuade the parties to settle the matter.

When the court deems it expedient in order to promote a settlement, taking into account the wishes of the parties, the nature of the matter and the other circumstances, the court may also make a proposal to the parties for the amicable settlement of the matter.

Deciding a matter in preparation
Section 27 (1052/1991)

In the preparation, the court may:

1) in a matter amenable to settlement, decide it by a judgment by default or by a judgment subject to the prerequisites referred to in chapter 12, or by a judgment to the extent that the action has been conceded or the action has been abandoned;

2) confirm a settlement; or

3) dismiss the action without considering its merits.

Sections 6, 13 and 14 contain provisions on deciding a matter by a judgment by default or by a judgment or on dismissal of the action without considering its merits on the basis of the application for a summons or the written response.

Section 27a (768/2002)

A matter under dispute may be decided solely on the basis of written preparation if the nature of the matter is such that a decision on it does not require a main hearing and none of the parties oppose the matter being decided in the written procedure.

Transfer of the matter to the main hearing
Section 28 (1052/1991)

When the circumstances referred to in section 19 have been clarified in the preparation or when it is otherwise no longer expedient to continue the preparation, the court shall note that the preparation is concluded and transfer the matter to the main hearing. The court shall announce the time of the main hearing and invite the parties to the main hearing as provided in chapter 11. The parties shall be reserved an opportunity to express their opinions on the time of the main hearing if this can be done without difficulty.

In connection with the invitation to the main hearing, the party shall be notified of the possible sanction referred to in chapter 12 for failure to appear in court. At the same time, notice shall be given of the date, time and place of the main hearing.

If a party or his or her legal representative is required to appear in the main hearing in person, and if, on the basis of his or her conduct, it may be presumed that he or she will not heed the invitation, the court may order that he or she be brought to the main hearing.

Section 29 (1052/1991)

If a party wishes to present evidence in the main hearing that he or she has not mentioned in the preparation, he or she shall, without delay, notify the court of this and state what he or she intends to prove with the evidence and the reason for not having mentioned the evidence in the preparation.

Section 30 (1052/1991)

A main hearing may be ordered for the consideration of a severable matter even if the preparation of the matter is otherwise not yet concluded. The same applies to a procedural issue.

Chapter 6 (1052/1991)
Main hearing in a civil matter

Main hearing
Section 1 (1052/1991)

The judge presiding over the preparation of a matter shall serve as the chairperson or a member of the court in the main hearing unless there is an impediment to this.

If the court, for lack of quorum, needs to take a new member during the main hearing, a new main hearing shall be held in the matter.

However, when the matter is being heard with the composition referred to in chapter 2, section 3, a new main hearing need not be held if the new member taken into the court has been present during the entire main hearing.

Section 2 (732/2015)

In the main hearing, the matter shall be heard in the following order unless the court decides otherwise:

1) at the beginning of the session, the court shall, with the assistance of a summary, briefly explain what had been concluded in the preparation of the matter, and inquire whether the claims presented in the preparation still correspond to the position of the parties;

2) each party shall in turn present grounds for their claims and give a statement regarding the grounds presented by the opposing party;

3) the court shall accept the evidence presented; and

4) the parties shall present their closing statement.

Section 2a (595/1993)

The court shall ensure that the hearing of the matter proceeds in a clear and orderly manner. The court may also order that severable issues or severable parts of the matter be considered separately.

In addition, the court shall ensure that the matter is thoroughly considered and that irrelevant matters are excluded from the matter. If the statement of a party is deemed to be unclear or incomplete, the court shall put the necessary questions to him or her to clarify the issues under dispute.

Section 3 (768/2002)

The main hearing is oral. A party may not read out or submit a written statement to the court or otherwise present his or her case in writing.

A party may, however, read out from a document his or her claims, direct references to legal practice and legal literature and to such documents that would be difficult to understand if presented merely orally. In addition, he or she may rely on written notes as memory aids. Reference may be made in the main hearing in an appropriate manner to a written summary drafted in the preparation.

Section 4 (1052/1991)

If a party in the main hearing makes claims or presents grounds other than those presented in the preparation or when a party explains that he or she cannot or will not give any statement in the matter, the court shall, if necessary, consult the documents and explain what the party has stated in the preparation. (768/2002)

If the main hearing is held in the absence of a party, the court shall, in so far as necessary, consult the documents and explain what the absent party has stated in the matter.

Section 5 (1052/1991)

The matter shall be considered in the main hearing without interruption.

If the main hearing cannot be completed within one day, the session may be interrupted. The session shall be resumed, if possible, on consecutive days. If this is not possible, the matter shall be considered on at least two weekdays per week unless the main hearing is postponed in accordance with section 10. (244/2006)

In an extensive or complicated matter, the main hearing may be interrupted for a maximum of three weekdays in order to allow the parties to prepare their oral closing statements referred to in section 2, subsection 1, paragraph 5. (690/1997)

Section 6 (1052/1991)

When the main hearing is being opened, the court shall determine whether the matter may be taken up for a final consideration.

The main hearing may not be opened and it shall instead be cancelled and rescheduled, if:

1) a party who is required to appear in person has failed to do so;

2) another person whose personal presence is required has failed to appear; or if

3) there is another impediment for taking matter up for a final consideration.

Section 7 (1052/1991)

The main hearing may be opened regardless of an impediment referred to in section 6, subsection 2 if there is reason to assume that the consideration of the matter need not be postponed regardless of the impediment.

Even if the consideration is to be postponed under section 10, a main hearing may be opened regardless of an impediment if there is reason to assume that a new main hearing need not be held owing to a reason referred to in section 11, and if the postponement does not adversely affect the consideration of the matter.

Chapter 17, section 55 contains provisions on the admission of evidence in the main hearing referred to in this section in the absence of a party. (732/2015)

Section 8 (732/2015)

Chapter 17 contains provisions on the admission of evidence outside of the main hearing despite the cancellation of the main hearing and on the readmission of evidence.

Section 9 (768/2002)

In a matter amenable to settlement, a party may not in the main hearing invoke a circumstance that he or she had not invoked in the preparation unless the party shows it probable that his or her conduct was due to a justified reason.

In a matter amenable to settlement, a party may not in the main hearing invoke evidence that he or she had not invoked in the preparation unless it can be assumed that his or her conduct is due to a justified reason. However, new evidence may be admitted if the parties agree to this.

Section 10 (1052/1991)

If the main hearing has been opened, it may be postponed only if:

1) it has been opened under section 7;

2) new and important evidence has come to the attention of the court and the evidence may be admitted only later; or if

3) it is necessary due to an unforeseeable circumstance or another important reason.

When the main hearing is postponed, the court shall at the same time reschedule it and notify the parties of the sanction provided in chapter 12 for the failure of a party to appear in the hearing.

Section 11 (422/2018)

A new main hearing shall be held if the main hearing of a matter has been postponed once or several times for a total of more than 30 days.

Even if a main hearing had been postponed for more than 30 days, a new main hearing need not be held in the matter if this is deemed unnecessary due to the extent or nature of the matter or for another special reason and if the continuity of the main hearing can be deemed to materialise regardless of the postponement and interruption.

Section 12 (1052/1991)

In the new main hearing, the matter shall be considered anew. Evidence admitted earlier shall be readmitted in the main hearing to the extent that it has significance in the matter and there is no impediment to this. Otherwise, the evidence shall be ascertained, to the extent necessary, from the trial material of the previous main hearing.

Section 13 (1052/1991)

The court may order that the matter or a part thereof be prepared again for the main hearing, and issue more specific instructions regarding the preparation.

Section 14 (1052/1991)

If the court, after the conclusion of the main hearing, finds it necessary, before deciding the matter, to supplement the consideration in respect of a specific issue and if the issue subject to supplementation is simple or minor, the court may supplement the consideration by requesting a written statement on the issue from the parties. Otherwise, the consideration may be supplemented by continuing the main hearing or by holding a new main hearing in the matter.

Sections 15–18

Sections 15–18 were repealed by Act 768/2002.

Chapter 7 (396/1980)
Precautionary measures (1065/1991)

Section 1 (812/2019)

If the applicant can demonstrate that it is probable that he or she holds a debt that may be rendered payable by a decision referred to in chapter 2, section 2, subsection 1, paragraphs 1–4 of the Enforcement Code (705/2007), and if there is a danger that the opposing party hides, destroys or conveys his or her property or takes other action endangering the payment of the debt of the applicant, the court may order the attachment of movable or real property of the opposing party to an amount securing the debt.

Section 2 (812/2019)

An object or other given property in the possession of the opposing party may also be attached when the applicant can demonstrate that it is probable that he or she has a prior right to the object or property in question, enforceable by a decision referred to in chapter 2, section 2, subsection 1, paragraphs 1–4 of the Enforcement Code, and that there is a danger that the opposing party hides, destroys or conveys said object or property or takes other action endangering the right of the applicant.

Section 3 (707/2007)

If the applicant can demonstrate that it is probable that he or she has a right other than one referred to in section 1 or 2 that is enforceable against the opposing party by a decision referred to in chapter 2, section 2, subsection 1, paragraphs 1–4 of the Enforcement Code, and that there is a danger that the opposing party by deed, action or negligence or in some other manner hinders or undermines the realisation of the right of the applicant or essentially decreases its value or significance, the court may:

1) prohibit the deed or action of the opposing party, under threat of a fine;

2) order the opposing party to do something, under threat of a fine;

3) empower the applicant to do something or to have something done;

4) order that property of the opposing party be placed under the administration and care of a trustee; or

5) order other measures necessary to secure the right of the applicant.

(812/2019)
When deciding on the issue of a prohibition or an order referred to in subsection 1, the court shall see to it that the opposing party does not suffer undue inconvenience in comparison with the benefit to be secured.

A prerequisite for the entry into force of the prohibition or order referred to above in subsection 1 is that the applicant applies for enforcement of a precautionary measure as provided in chapter 8 of the Enforcement Code.

Section 4 (599/2018)

A general court decides on a precautionary measure referred to in this chapter on application. The precautionary measure issue is considered by the court where the proceedings on the main claim or right of the applicant are pending. If the consideration of the principal issue has been concluded and the time allowed for a request for a review has not yet elapsed, the precautionary measure issue is considered by the court that has last considered the principal issue. If no proceedings are pending, the competent court is determined in accordance with the provisions of chapter 10.

If a general court is not competent to consider the principal issue referred to in subsection 1, the decision on the precautionary measure is made by the district court of the locality where the opposing party resides, where the property in question or a considerable part thereof is located or where the purpose of the precautionary measure can otherwise be realised.

Notwithstanding the provisions of subsection 1 and 2, the decision on the precautionary measure is made by the Market Court if the principal issue is a civil matter that is within the competence of the Market Court as provided in chapter 1, section 4, subsection 1, paragraphs 1–10, 13 or 15 or subsection 2 of the Market Court Proceedings Act (100/2013) or a matter referred to in chapter 1, section 6, subsection 2, paragraph 1 of said Act and proceedings on the principal issue are pending before the Market Court or its consideration has been concluded in the Market Court and

the time allowed for a request for a review has not yet elapsed. The Market Court also decides on the precautionary measure if the proceedings on said principal issue are not yet pending.

Notwithstanding the provisions of subsections 1 and 2 above, the Market Court also decides on the precautionary measure if the principal issue is a civil matter referred to in chapter 1, section 5 of the Market Court Proceedings Act, and the proceedings on the principal issue are pending before the Market Court or its consideration has been concluded in the Market Court and the time allowed for a request for a review has not yet elapsed.

If the principal issue is a civil matter referred to in the Trade Secrets Act (595/2018), the decision on the precautionary measure is made by the general court or the Market Court where the proceedings on the principal issue relating to a claim or right of the applicant are pending. If the consideration of the principal issue has been concluded and the time allowed for a request for a review has not yet elapsed, the precautionary measure issue is considered by the court that last considered the principal issue. If no proceedings on the principal issue are pending, the decision on the precautionary measure is made by the court which is competent to consider the principal issue relating to a claim or right.

In addition to the Market Court, also a Unified Patent Court referred to in the Agreement on a Unified Patent Court (2013/C 175/01) concluded in Brussels on 19 February 2013 considers precautionary measure issues relating to European patents as provided in said Agreement.

Subsection 6 enters into force on a date to be laid down by decree.

The Market Court may not decide on a precautionary measure if a precautionary measure issue or a principal issue relating to it is pending before the Unified Patent Court. Nor may the Market Court decide on a precautionary measure which, in accordance with the Agreement on a Unified Patent Court, falls within the exclusive competence of the Unified Patent Court.

Subsection 7 enters into force on a date to be laid down by decree.

Chapters 4 and 21 of the Maritime Code (674/1994) contain provisions on the seizure of a vessel and the competent court in certain cases.

Section 5 (1065/1991)

The application for a precautionary measure shall be submitted in writing. If the precautionary measure relates to proceedings that are pending, the application may be submitted orally in the hearing where the principal issue is considered. The application shall be considered as a matter of urgency.

The application may not be granted without reserving the opposing party an opportunity to be heard. However, if the purpose of the precautionary measure may otherwise be compromised, the court may, on request of the applicant, give an interim order on the precautionary measure without reserving the opposing party said opportunity. The order remains in force until further notice.

In other respects, the provisions on the consideration of procedural matters apply, where appropriate, to the consideration of an issue concerning precautionary measures.

Section 6 (1065/1991)

When the application referred to in section 5, subsection 1 has been granted, the applicant shall, within one month of the issue of the order, bring an action on the principal issue before a court or bring the principal issue up for consideration in other procedure that may result in a decision enforceable in accordance with chapter 2, section 2 of the Enforcement Code. When a precautionary measure has been directed at real property in order to secure the payment of a debt that is not yet due and owed to the applicant and for which the real property is a collateral, the period referred to in this subsection begins on the due date. If the consideration of the issue is not initiated within said period or if the issue is discontinued, the precautionary measure is reversed as provided in chapter 8, section 4 of the Enforcement Code. (707/2007)

If an arbitral award has, due to no fault of the applicant, not been rendered or if the arbitral award is void or annulled, the action shall be brought or it shall be brought up for consideration, under the threat referred to in subsection 1, within one month of receipt of notice of the impediment in the arbitration proceedings or of the official voiding of the arbitral award or, when the arbitral award has been annulled, from the date on which the decision has become final.

When granting an application for a precautionary measure, the court shall notify the applicant of how he or she shall act in accordance with this section in order to prevent the precautionary measure from being cancelled. (707/2007)

Section 7 (707/2007)

The court may, on application, release the applicant from providing the security referred to in chapter 8, section 2 of the Enforcement Code, if the applicant is found unable to do so and if his or her right is deemed manifestly well-founded.

Section 8 (1065/1991)

If the reason for deciding on a precautionary measure no longer exists, the precautionary measure shall be ordered cancelled.

The cancellation is ordered, on request of the party, by the court or other authority referred to in section 6, subsection 1 that is considering the principal issue. If the principal issue is not considered by a court or another authority referred to above, the decision on the cancellation shall be made, on application, by the court that has first decided on the precautionary measure.

Chapter 8, section 4 of the Enforcement Code provides for the reversal of the enforcement order on a precautionary measure by decision of an enforcement officer. (707/2007)

Section 9 (1065/1991)

When the court or other authority referred to in section 6, subsection 1 decides the principal issue, it shall, simultaneously, determine how long the precautionary measure remains in force. If the action is dismissed on its merits or dismissed without consideration of the merits, it may be simultaneously ordered that the precautionary measure remains in force until the decision on the principal issue becomes final. If the action is abandoned, the precautionary measure shall be ordered cancelled.

Section 10 (1065/1991)

The expenses incurred by the enforcement of a precautionary measure are covered primarily by the applicant. A decision on the final liability for the expenses incurred in the application and enforcement of the precautionary measure is, on request of a party, made in connection with the consideration of the principal issue.

Section 11 (1065/1991)

An applicant who has unnecessarily resorted to a precautionary measure is liable to compensate the opposing party for the damage caused by the precautionary measure and its enforcement, and the expenses incurred.

Section 12 (1065/1991)

The action for the compensation of the expenses referred to in section 10, when the principal issue has not been initiated in accordance with section 6, subsection 1, and for compensation of the damage and expenses referred to in section 11, shall be brought in the district court that is competent to consider the action referred to in section 6 or, if the action is not being considered in a district court, in the district court of the locality where the opposing party is liable to answer in such a civil matter or where the precautionary measure has been enforced. In the issues referred to above in section 4, subsections 3 and 4, the action for compensation of the expenses referred to in section 10 when the principal issue has not been initiated in the manner referred to in section 6, subsection 1, and for compensation of damages and expenses referred to in section 11, shall, however, be brought in the Market Court. (119/2013)

An action for compensation of damages and expenses shall, under threat of forfeiture of the right of action, be brought within one year of the date on which the precautionary measure was cancelled or, if an appeal on the precautionary measure is still pending at that time, of the date of the final decision on the issue. The plaintiff shall give a verifiable notification of the bringing of the action to the enforcement officer without delay.

Section 13 (707/2007)

Provisions on the enforcement and the cancellation of the enforcement of a decision referred to in this chapter are laid down in chapter 8 of the Enforcement Code. When granting an application for attachment in accordance with section 1 or 2 of this chapter, the court may, if necessary, order that specific property be placed under the administration and care of a trustee and, when deciding on a precautionary measure in accordance with section 1, 2 or 3, also otherwise issue more specific instructions for its enforcement.

The provisions of subsection 1 also apply, where applicable, to the enforcement of an interim order on precautionary measures referred to in section 5, subsection 2.

Section 14 (1065/1991)

A review of a decision on precautionary measures may also be requested separately. The request for a review does not preclude its enforcement unless the court that considers the request for a review prohibits or stays the enforcement. If a lower court has dismissed the application for a precautionary measure on its merits or dismissed it without considering the merits, the court that considers the request for a review may, if necessary, immediately decide on an interim order on the precautionary measure until further notice.

A review may not be requested of a decision relating to an interim order on precautionary measures.

Chapter 8 (768/2002)
Consideration of petitionary matters

Section 1 (768/2002)

A petitionary matter is initiated by submitting a written petition to the office of the district court. The petition may be submitted orally if the matter is clearly evident from the documents that have been presented. A petitionary matter may also be initiated during a session of the district court.

The provisions of this chapter also apply in the district court in the consideration of petitionary matters which the district court may take up for consideration on the basis of a notification or on its own initiative.

A matter becomes pending when the petition is presented in the office or in a session.

Section 2 (768/2002)

The petition shall note the petitioner's detailed claim or requested measure. In addition, as needed, the petition shall note:

1) the circumstances on which the claim or the requested measure is based;

2) the evidence that the petitioner intends to present in support of his or her claim or requested measure, and what he or she intends to prove with each piece of evidence;

3) the claim for the compensation of legal costs; and

4) the basis on which the court has jurisdiction.

The written evidence to which the petitioner refers shall be annexed to the application.
The application shall also note the information referred to in chapter 5, section 2, subsection 2.
The application shall be signed by the petitioner or, if he or she has not prepared the petition, by the person who has prepared it. The person who has prepared the petition shall also indicate his or her occupation and domicile.

Section 3 (768/2002)

A petitionary matter is considered in writing in the court office or orally in a session for petitionary matters.

A petitionary matter shall be considered in a session for petitionary matters if a party to the matter, a witness or another person is to be heard in person.

A petitionary matter under dispute shall be considered in a session for petitionary matters if a party requests this or if the district court deems consideration in a session for petitionary matters necessary in order to clarify the matter or a part of it.

Section 4 (811/2008)

Consideration of the matter shall be continued in accordance with the procedure for civil matters if the matter is under dispute and it concerns:

1) a matter involving the ending of cohabitation, a divorce or maintenance for a spouse;

2) guardianship of a child, visiting rights or the maintenance of a child;

3) adoption; or

4) a matter referred to in the Guardianship Act (442/1999).

In another petitionary matter under dispute, the district court may decide that the consideration of the matter shall be continued in accordance with the procedure for civil matters.

Regardless of the procedure applied in the matter, however, section 7 on the consequences of an omission by a party and section 10 on the decision in the matter apply.

Section 5 (768/2002)

If a party is to be reserved an opportunity to be heard in the petitionary matter, the district court shall exhort him or her to submit a written statement in response to the petition. If it can be presumed that submission of the statement orally would expedite the consideration of the matter, a party to the matter may be exhorted to submit his or her statement orally in a session for petitionary matters.

Section 6 (768/2002)

In his or her statement, a party to the matter shall be exhorted to state his or her position on the petition or the requested measure. In addition, a party shall be exhorted as necessary:

1) to present grounds for contesting the petition;

2) to list the evidence that he or she intends to present and what he or she intends to prove with each piece of evidence;

3) to make his or her claim for the compensation of legal costs;

4) to annex to his or her statement the written evidence on which the contesting is based; and

5) to enter a possible plea of inadmissibility.

A party to the matter shall also be exhorted to provide the information referred to in chapter 5, section 10, subsection 3. The statement shall be signed by the person submitting it or, if he or she has not prepared the statement, by the person who has prepared it. The person who has prepared the statement shall also indicate his or her occupation and domicile.

Section 7 (768/2002)

If the petitioner does not comply with the exhortation of the court to submit a written statement or does not attend the session for petitionary matters, the matter shall be dismissed without considering its merits.

If another party to the matter does not comply with the exhortation of the court to submit a written statement or does not attend the session for petitionary matters which he or she has not been required to attend in person, the matter may be considered and decided despite his or her omission.

Section 8 (768/2002)

In a session for petitionary matters, the matter may be considered solely in order to clarify a single or multiple questions. The parties concerned by the consideration are invited to the session. After the session, the consideration may be continued in the court office or in a new session.

Section 9 (768/2002)

A petitionary matter and a civil matter may be considered in the same proceedings if the matters are connected to one another and their consideration together can be done without impediment. A petitionary matter may be considered along with a criminal matter if the matters are connected and their consideration together can be done without impediment.

Section 10 (768/2002)

A petitionary matter is decided with a decision or by carrying out the other measure intended in the petition.

The decision shall be prepared as a separate document. The decision shall indicate the name of the court, the date and place of the issue of the decision, the names of the parties to the matter and a brief statement of the matter, the grounds, the legal provisions applied and the conclusion. If the petition is accepted and the matter has not been under dispute and there is no other particular reason to prepare a full decision, the decision need not contain a statement of the matter or the grounds.

If the matter is decided by carrying out the measure intended in the application, a certificate thereof shall be prepared. Such a certificate as well as a decision that does not contain a statement of the matter or grounds may also be written or annexed to the petition or to the document that is the basis for the petition.

Section 11 (768/2002)

The decision in a petitionary matter is issued in the court office or announced in a session. A decision may be issued in the court office also in an extensive or difficult matter considered in a session if, due to the deliberations among members of the court or the preparation of the decision, the decision of the court cannot be announced immediately at the conclusion of the consideration.

In the court office, a decision shall be issued at the latest fourteen days after the conclusion of the consideration in the court office or in a session. At the conclusion of the consideration, the parties in attendance shall be notified of the day on which the decision is issued. A party who is not present at the conclusion of the consideration shall be notified sufficiently in advance, in writing, of

the day on which the decision is issued, if the petitionary matter has been decided contrary to that requested by the petitioner or another party to the matter.

When, pursuant to subsection 2, a party to the matter shall be notified of the day on which the decision is issued, the decision shall be available for inspection in the court office as of the day of issue.

Section 12 (768/2002)

A copy of the decision or a certificate of the measure that has been carried out is provided to the petitioner as the document containing the judgment.

Section 13 (768/2002)

In other respects, the provisions on the procedure in civil matters apply to the procedure for the consideration of petitionary matters.

Section 14 (768/2002)

Should another act contain provisions that differ from the procedural provisions in this chapter, the former are applied. However, provisions according to which a matter shall be considered in a session shall only apply if, also in accordance with the provisions of this chapter, the matter is to be considered in a session.

Chapter 9 (1052/1991)
Pleading

Section 1 (1052/1991)

The provisions of chapter 5, section 2 on an application for a summons apply, where appropriate, to the information, enclosures and signature in a pleading to be delivered to court.

Section 2 (1052/1999)

If a pleading or other document is to be served on someone, the party shall attach to the document the copies necessary for service.

If the party does not deliver to the court the copies referred to in subsection 1, the court shall see to the copying of the document at the expense of the party. (595/1993)

Section 3 (690/1997)

An application for a summons, a response, a written statement requested by the court or another document that a party or another person wishes to present, or a document to be served on someone by the court, may be delivered to the district court also by post or by courier. In this event, the provisions of the Act on the Delivery of Certain Documents to Courts of Law (248/1965) apply, where appropriate.

Chapter 10 (135/2009)
Jurisdiction in civil matters

General jurisdiction
Section 1 (135/2009)

A claim against a natural person is considered by the district court within the judicial district where he or she has his or her domicile or habitual residence.

Section 2 (135/2009)

A claim against a corporation, association, foundation or other legal entity under private law or against a legal entity under public law other than the State or a municipality is considered by the district court within the judicial district where the legal entity is registered or where the administration of the legal entity is primarily conducted.

A claim against the State is considered by the district court within the judicial district where the authority that represents the State is located.

A claim against a municipality is considered by the district court within the judicial district where the municipality is located.

Alternative jurisdiction
Section 3 (135/2009)

A matter that concerns the operation of a branch, department, agency or other such place of business of a legal entity or of the place of business of a private trader that is the defendant may also be considered by the district court within the judicial district where the business is located.

Section 4 (135/2009)

A claim against the State may also be considered by the district court within the judicial district where the plaintiff has his or her domicile or habitual residence.

Section 5 (135/2009)

A claim based on consumer protection legislation brought by a consumer against a trader may also be considered by the district court within the judicial district where the consumer has his or her domicile or habitual residence.

Section 6 (135/2009)

A matter that concerns an employment contract may also be considered by the district court within the judicial district where the work is customarily done. If the work is not customarily done within one judicial district, a claim brought by an employee against his or her employer may also be considered by the district court within the judicial district where the business of the employer who has engaged the employee is located.

Section 7 (135/2009)

A matter relating to liability for non-contractual damages may also be considered by the district court within the judicial district where the act that caused the damage was carried out or where the neglected act should have been carried out or where the damage occurred.

A matter referred to above in subsection 1 may also be considered by the district court within the judicial district where the person who made the claim for damages has his or her domicile or habitual residence if the claim for damages is based on:

1) the Traffic Insurance Act (297/1959);

2) the Patient Injury Act (585/1986);

3) the Product Liability Act (694/1990);

4) the Environmental Damage Insurance Act (81/1998),

5) the Rail Traffic Liability Act (113/1999).

The Traffic Insurance Act 279/1959 was repealed by the Traffic Insurance Act 460/2016. The Patient Injury Act 585/1986 was repealed by the Patient Injury Act 948/2019.

Section 8 (135/2009)

A matter concerning immovable property may also be considered by the district court within the judicial district where the immovable property is located.

A matter concerning immovable property refers to a matter that concerns:

1) the right of ownership of immovable property;

2) a lien on immovable property, a claim for performance solely from, or in addition to a personal claim for performance from, immovable property that has been mortgaged for the claim or that otherwise is collateral for the claim, or a land charge;

3) a leasehold right of land or room or another leasehold right, right of possession or other right of use, right of severance, right of redemption, right of pre-emption or other right directed against immovable property;

4) compensation for damage to immovable property or for unauthorized use of immovable property;

5) compensation for annulment or invalidity of the sale of immovable property or a claim for reduction of the purchase price or for payment of an unpaid purchase price or another corresponding matter;

6) a claim for payment of land or room rent, a housing service charge or other service charge or payment of other such claim.

Section 9 (135/2009)

A claim for maintenance may be considered also by the district court within the judicial district where the person claiming or receiving the maintenance has his or her domicile or habitual residence.

Section 10 (135/2009)

Separate actions brought by a plaintiff against the same respondent may be considered by the district court where the respondent is obliged under the law to respond to one of them if the actions have been brought at the same time and they are based on essentially the same grounds.

Actions brought against different respondents may all be considered by the district court where one of the respondents is obliged under the law to respond if the actions have been brought at the same time and they are based on essentially the same grounds.

If, under the judgment given on the basis of an action, several persons may be obliged only jointly to what is claimed, the action may be considered by the district court where one of them is obliged under the law to respond.

A counterclaim referred to below in chapter 18, section 3, as well as an action referred to in sections 4 and 5 of said chapter may be considered by the district court where the original action is pending, also when, for a reason referred to in section 7, subsection 2 of said chapter, the action is not considered in the same proceedings as the original action.

Exclusive jurisdiction

Section 11 (135/2009)

A matter that concerns divorce, termination of cohabitation or the validity of marriage or the distribution of matrimonial assets other than after the death of a spouse is considered by the district court within the judicial district where either spouse has his or her domicile or habitual residence.

Section 11a (29/2011)

A matter that concerns compensation, separation of property, the contesting of separation of property or of a decision on compensation referred to in the Act on the Dissolution of the Household of Cohabiting Partners (26/2011) is considered by the district court within the judicial district where either partner has his or her domicile or habitual residence. If the action is brought after the death of a partner, however, section 17 of this chapter applies.

Section 12 (255/2018)

A matter that concerns the confirming of paternity or maternity is considered by the district court within the judicial district where the mother who gave birth to the child or the child has his or her domicile or habitual residence.

A matter that concerns the annulling of paternity or maternity is considered by the district court within the judicial district where the child has his or her domicile or habitual residence.

Section 13 (194/2019)

A matter that concerns child custody or right of access is considered by the district court within the judicial district where the child has his or her domicile or habitual residence. A matter that concerns siblings may be considered also by the district court within the judicial district where one of them has his or her domicile or habitual residence.

Section 14 (135/2009)

A matter that concerns the enforcement of a decision on child custody or right of access is considered by the district court within the judicial district where the child or the opposing party has his or her domicile or habitual residence or where either person resides.

Section 15 (135/2009)

A matter that concerns the appointment or release of a trustee or the limitation of the mandate of a trustee or the amendment or annulment of such limitation is considered by the district court within the judicial district where the person whose interests are to be protected has his or her domicile or habitual residence.

Section 16 (135/2009)

A matter that concerns the establishment of adoption is considered by the district court within the judicial district where the adopter has his or her domicile or habitual residence.

Section 17 (135/2009)

A matter concerning an estate or a decedent's estate is considered by the district court within the judicial district where the deceased had his or her domicile or habitual residence.

A matter concerning an estate refers to a matter that concerns:

1) the right to inheritance, renunciation of inheritance or another legal act concerning inheritance;

2) the right to a compulsory legal portion, a supplement to a compulsory legal portion or the right to assistance or compensation from the estate;

3) the right of the surviving spouse to administer the estate or property that is part thereof or the partition of the estate to be carried out following the death of the spouse or an action to contest the partition brought after death;

3 a) compensation, separation of property, the contesting of separation of property or of a decision on compensation referred to in the Act on the Dissolution of the Household of Cohabiting Partners, if the action is brought after the death of a partner; (29/2011)

4) a right on the basis of a will, the validity of a will, an action to contest a will or the interpretation of a will;

5) administration of a decedent's estate, the appointment or release of an estate administrator or executor, the inventory of an estate or the administration of an estate;

6) distribution of an estate or contesting of the distribution (1597/2015)

7) return of property to the decedent's estate for amendment of the distribution or partition of an estate, separation of property or compensation. (1597/2015)

A matter concerning a decedent's estate refers to a matter that concerns the liability of the decedent's estate or a party thereto or of an heir under a will for obligations of the deceased or the estate or another corresponding matter.

Section 17a (439/2018)

Summary civil matters are considered in the district courts of Åland, Eastern Uusimaa, Helsinki, Kymenlaakso, Lapland, Oulu, Pirkanmaa, Ostrobothnia and Southwest Finland. Provisions on the judicial districts of the district courts in these matters are laid down by government decree.

Secondary jurisdiction
Section 18 (135/2009)

If otherwise no court would have jurisdiction in the matter:

1) a matter that concerns a claim to be brought against a natural person may be considered by the district court within the judicial district where the respondent resides or has last had his or her domicile or habitual residence;

2) a matter that concerns ordering the respondent to a payment of money may be considered by the district court within the judicial district where the respondent has distrainable property;

3) a matter that concerns a right to movable property may be considered by the district court within the judicial district where the property lies;

4) a matter that concerns divorce, termination of cohabitation or the validity of a marriage or the distribution of matrimonial assets other than after the death of a spouse may be considered by the district court within the judicial district where either spouse has last had his or her domicile or habitual residence;

5) a matter that concerns the establishment or annulment of paternity may be considered by the district court within the judicial district where the man who is the respondent has or has last had his domicile or habitual residence; a matter that concerns the annulment of paternity may also be considered by the district court within the judicial district where the mother has her domicile or habitual residence;

5a) a matter that concerns the establishment or annulment of maternity is considered by the district court within the judicial district where the woman who is the respondent has or has last had her domicile or habitual residence; a matter that concerns the annulment of maternity may also be considered by the district court within the judicial district where the mother who has given birth to the child has her domicile or habitual residence; (255/2018)

6) a matter that concerns child custody or right of access may be considered by the district court within the judicial district where the child last had his or her domicile or habitual residence or, if the child has not had his or her domicile or habitual residence in Finland, by the district court within the judicial district where either parent or the person proposed to get custody of the child has his or her domicile or habitual residence;

7) a matter that concerns the enforcement of a decision on child custody or right of access may be considered by the district court within the judicial district where the applicant has his or her domicile or habitual residence;

8) a matter that concerns the appointment or release of a trustee or the limitation or amendment of the mandate of a trustee may be considered by the district court within the judicial district where the person whose interests are to be protected resides; and

9) a matter that concerns an estate or a decedent's estate may be considered by the district court within the judicial district where the property or most of the property of the decedent's estate lies.

A matter to which the grounds for jurisdiction in subsection 1 do not apply is considered by Helsinki District Court.

Choice of court agreement
Section 19 (135/2009)

The parties have the right to agree that a civil matter referred to in sections 1–10 may or shall be considered in a district court other than the one provided in law or that the matter may not be considered in a certain district court (*choice of court agreement*). A choice of court agreement shall be concluded in writing and it may concern a certain issue or disputes that may arise from a certain legal relationship in the future. The right of a consumer, employee or person claiming or receiving maintenance to submit a matter to the court referred to in this chapter may not be restricted by a choice of court agreement unless the agreement has been concluded after the dispute has arisen.

A choice of court agreement may not be concluded in respect of a matter referred to in sections 11–17. If the matter is considered and decided as a summary civil matter referred to in section 17a, the choice of court agreement shall be disregarded. (439/2018)

Retention of jurisdiction
Section 20 (135/2009)

The court where an action has been brought retains jurisdiction even if the circumstances on which its jurisdiction is based change after the bringing of the action.

Examination of jurisdiction and transfer of a matter to another court
Section 21 (135/2009)

If a matter referred to in sections 1–10 has been brought in a district court other than the one indicated by law or a choice of court agreement and if a party enters a plea on the lack of jurisdiction of the district court when first answering in the matter or does not provide the response requested of him or her or fails to arrive before the district court having been directly summoned to the session, the district court shall dismiss the action without considering its merits unless the district court transfers the matter to another district court under section 22.

If a matter referred to in sections 11–17 or 17a has been brought in a district court other than the one indicated by law, the district court shall on its own motion dismiss the action without considering its merits unless the district court transfers the matter to another district court under section 22. (439/2018)

Section 22 (439/2018)

If the district court finds that it does not have jurisdiction to consider a matter, the district court shall, with the consent of the plaintiff or applicant, transfer the matter to a competent district court. However, the district court may refrain from transferring the matter if the competent district court cannot be ascertained without difficulty.

If a district court that has jurisdiction under section 17a does not pass the action by a judgment by default or based on admission and the district court does not have jurisdiction to consider the matter on other grounds, the matter shall be transferred to be considered by a competent district court in the manner referred to in subsection 1. However, the matter need not be transferred if the district court dismisses the action without considering its merits or dismisses it entirely or partly on the merits under chapter 5, section 6 or section 13, subsection 1 or dismisses an application for re-trial against a judgment by default under chapter 12, section 15, subsection 3. It is also possible to refrain from transferring the matter with the express consent of the parties.

The decisions and other measures taken by the transferring district court in the matter are in force until the district court to which the matter is transferred decides otherwise. The decision on the transfer is not subject to a request for a review.

Section 23 (135/2009)

The court of appeal may not, in connection with a request for a review, consider whether the principal claim has been considered and decided by a district court with regional jurisdiction unless a party has entered a plea on the lack of jurisdiction of the district court and requested a review of the decision given in this issue.

The Supreme Court may consider an issue concerning regional jurisdiction only if the court of appeal has considered the issue and the decision given in the said issue has been appealed.

Section 24 (135/2009)

If a higher court finds that the lower court did not have jurisdiction to consider a matter, the higher court shall transfer the matter to a competent lower court. However, the matter may not be transferred if all of the parties oppose the transfer.

If several courts have issued final decisions by which they have dismissed an action without considering the merits on the basis of lack of jurisdiction, the Supreme Court shall, if it finds that one of said courts has jurisdiction, on request, annul the erroneous decision and refer the matter to the court in question for consideration.

International jurisdiction
Section 25 (135/2009)

A Finnish court is competent to consider a matter with an international nature if the matter has a connecting factor to Finland that is referred to in sections 1–4, 6–9, 11–17 or 19 unless the decision to be given by the Finnish court in the matter could clearly not have legal relevance for the parties.

A Finnish court is also competent to consider a matter that has a connecting factor to Finland that is referred to in section 5, 10 or 18 of this chapter or that is based on another essential circumstance unless:

1) decision to be given by the Finnish court in the matter would not have factual legal relevance for the parties; or

2) consideration of the matter by a court of another State is clearly more appropriate, taking into consideration the connecting factors to different states, the evidence to be presented in the matter, the costs to be incurred by the parties and the other circumstances.

Notwithstanding the provisions of subsection 2, paragraph 2, however, a Finnish court has jurisdiction if the procedure to be followed or the legislation to be applied in the court of a foreign State would be contrary to the basis of the Finnish judicial system.

Section 26 (135/2009)

A Finnish court shall, on its own motion, consider whether, in accordance with section 25, it is competent to consider a matter of an international nature.

If a matter of an international nature is such that, in accordance with section 19, subsection 1 or 2, a valid choice of court agreement could be made in it in a corresponding national matter, the Finnish court shall consider its jurisdiction only if a party enters a plea on the lack of jurisdiction when first answering in the matter or does not provide the requested response or fails to arrive before the district court having been directly summoned to the court session. However, a Finnish court shall, on its own motion, dismiss the matter without considering its merits if a decision to be given by a Finnish court in the matter could clearly not have legal relevance for the parties.

Secondary nature of the chapter
Section 27 (135/2009)

The provisions of this chapter apply unless otherwise provided by another Act, European Community legislation or an international agreement binding on Finland.

Chapter 11 (1056/1991)
Service of notices in proceedings (690/1997)

Ensuring service (362/2010)
Section 1 (690/1997)

The court shall see to the service of notices unless otherwise provided below.

The court may entrust the service of a notice to court personnel or a process server. The court shall simultaneously set a time limit for service and, where necessary, issue further instructions on service.

Section 2 (1056/1991)

With the consent of a party, the court may entrust the service of a notice to the party if it deems there to be reason for this. The court shall simultaneously set a time limit for service and a time limit for the delivery of the certificate of service to the court. (362/2010)

If the service of a summons is entrusted to the plaintiff, he or she shall be notified that if he or she, at the time when the court resumes the consideration of the matter, has not delivered a certificate of service within the time limit and as provided for the service of a summons, the matter may be discontinued. At the same time, it shall be notified that the plaintiff may request an extension to the time limit, a new time limit or that the court see to the service of the summons.

Manners of service (362/2010)
Section 3 (1056/1991)

When the court or the public prosecutor sees to the service of a notice, service is carried out by sending the document to the party:

1) by post against an acknowledgement of receipt;

2) by letter, if it can be assumed that the addressee receives notice of the document and returns the certificate of service within the time limit;

3) as an electronic message as provided in section 18 of the Act on Electronic Services and Communication in the Public Sector (13/2003).

(439/2018)

The postal authorities shall be notified of the date when the service against an acknowledgement of receipt shall at the latest take place.

The documents referred to above in subsection 1, paragraph 2 may also be sent as an electronic message in the manner identified by the addressee. (362/2010)

Section 3a (595/1993)

When the court sees to the service of a notice, a notice other than a summons may be served also by posting it to the address of service indicated to the court by the addressee. (690/1997)

The addressee shall be deemed to have been served with a document on the seventh day after the posting of the document. The date of posting shall be noted on the document.

Section 3b (439/2018)

When the court sees to the service, this may also be carried out by informing the addressee by telephone of the contents of the document to be served (*service by telephone*). However, service of a summons may not be made by telephone except in a matter referred to in chapter 5, section 3.

Service by telephone may be made if this is a suitable manner of service in view of the scope and nature of the document and if the addressee is undoubtedly informed of the document by telephone and understands the significance of the service.

By telephone, the addressee shall be informed of the following elements of the document: the matter, the claim or obligation and its primary grounds, the time limit and threat and the other necessary factors. The document served by telephone shall be sent without delay by letter or as an electronic message to the address indicated by the addressee unless, for a special reason, this is deemed manifestly unnecessary. Service by telephone is carried out by a process server or an official of the court in question. A certificate shall be issued of the service in compliance with, as applicable, the provisions of section 17, subsection 1 and a copy shall be sent to the addressee without delay as a letter or as an electronic message to the address indicated by the addressee. The copy of the certificate of service to be sent to the addressee may be signed mechanically as provided in section 20, subsection 1 of the Act on Electronic Services and Communication in the Public Sector.

Section 4 (362/2010)

If it has not been possible to serve a notice or it can be deemed apparent that it shall not be possible to serve the notice as provided in section 3 or 3b or if there are other serious grounds for this, a process server serves the notice personally on the addressee of the notice or on a person referred to in section 7.

The court or the prosecutor responsible for service shall notify the process server of the date when the service must be performed at the latest.

When the responsibility for service has been given to a party, service shall be carried out in the manner referred to in subsection 1. If the party is represented by an advocate or a public legal aid attorney, service may also be carried out by said person giving the document personally to the addressee. This latter method of service requires that the addressee sign a certificate of receipt of service. Service of a summons on the defendant in a criminal matter may not be carried out in this manner.

Section 5 (1056/1999)

The document to be served shall be given to the recipient in the original or as a copy.

If the copying of a document to be served, other than an application for a summons, a response or a written statement, is difficult or, owing to the scope of the document, inexpedient, the court may decide that the material is kept available to the party for review at the court or in another suitable place designated by the court. Notice of this shall be annexed to the document to be served. (666/2005)

The court may decide that a response, a written response or a request for a review is kept available for review by a party in the manner referred to in subsection 2, if the document to be served is very large, there is an exceptionally large number of parties and, in view of the circumstances, such service can be deemed appropriate. In that case, the party shall be given notice of where the document is available for review. The notice shall briefly state the main content of the document, to the extent necessary. (666/2005)

Section 6 (1056/1991)

If the recipient has been orally notified in the court office or in a session of the order or decision to be served, he or she shall be deemed to have received service of the notice at that time. However, the court shall, on request, give or deliver the document containing the order or decision to him or her without delay.

Section 7 (1056/1991)

When a process server has, for the purpose of service of a notice, sought a person with a known residence in Finland, but has not found him or her or any person competent to receive service in his or her stead, and it may be assumed on the basis of the circumstances that he or she is evading the service of the notice, the process server may serve the notice by delivering the documents to a household member who has reached the age of fifteen years, or, if said person conducts a business, to a person employed in this business. If none of the above can be found, service of the notice may be performed by delivering the documents to a local police authority.

After proceeding in the manner referred to in subsection 1, the process server shall notify the recipient thereof by a letter sent to the home address of the addressee of the notice.

The service of the notice is deemed to have taken place when the letter referred to in subsection 2 has been given to be delivered by post.

The summons in a criminal matter may not be served on the defendant in the manner provided in this section. (690/1997)

Section 8 (307/2014)

If the recipient of a notice resides abroad and his or her address is known, and if the service of the notice has not been entrusted to a party pursuant to section 2, the court shall ensure that the documents to be served are sent as separately provided by law or agreed on with the foreign state in question. The court shall indicate the date when the service of the notice must at the latest be performed or when the certificate of service must at the latest be returned to the court.

Section 9 (1056/1991)

If no information is available regarding the whereabouts of the recipient or a person empowered by him or her to receive the service of notice, the court performs the service by way of a public notice.

The summons in a criminal matter may not be served on the defendant by way of a public notice. (690/1997)

Section 10 (1056/1991)

The service of notice referred to in section 9 above is performed by keeping the document and its annexes available in the court office and by publishing a summary of its main contents and the place where it is kept available in the Official Gazette, in the first issue of any calendar month. In addition, the court may publish the notice in a newspaper. The public notice shall also be posted on the court bulletin board without delay.

However, the public notice need not be published if a notice in the same matter has already been served on the same recipient in the manner provided in subsection 1.

The service of the notice is deemed to have taken place in the situation referred to in subsection 1 when the public notice has been published in the Official Gazette and in the situation referred to in subsection 2 when the document has been made available in the court office.

Addressee of service (362/2010)
Section 11 (690/1997)

In a civil matter involving two or more parties jointly, the notices shall be served separately on each party as provided in sections 1—10. If a notice is to be served on so many recipients that separate service on each of them cannot be performed without difficulty, the court may order that the notice is to be served on one of them. A summary of the main contents and the name of the person on whom the notice has been served, and information on the place where the documents to be served are kept available shall be published as provided in section 10. The service is deemed to have been performed when the public notice has been published in the Official Gazette.

Section 12 (1386/2009)

The service of a notice on the State shall be performed by delivering it to a regional state administrative agency or the authority representing the State in the matter. When the notice has been served on the regional state administrative agency, it shall deliver a copy of the served documents to the authority representing the State in the matter.

Section 13 (1056/1991)

The service of a notice on a municipality shall be performed by delivering it to the municipal manager or, if there is no municipal manager, to the chairperson of the local executive or, in matters where a municipal committee is authorised by law to independently represent the municipality, to the chairperson of the said committee. The notice may also be served on a person who has been appointed by law, by decree, by municipal regulation or by rule of procedure to receive service on behalf of the municipal manager or a chairperson.

Section 14 (1056/1991)

The service of a notice on a community other than one referred to in section 13, on a company, co-operative or association, another corporation or consortium or an institution or foundation shall unless otherwise provided for in a given situation, be performed by delivering it to a person who is competent to represent the recipient of the notice. If no such representative exists, the notice shall be served as provided in section 10. If the recipient of the service conducts a business and its representative cannot be found, the provisions of section 7 on the service of notices on a person conducting a business apply, where appropriate, to the service of the notice.

The service of a notice on a decedent's estate is performed by delivering it to the parties to the estate. If the estate has been assigned to an administrator, the notice is served on him or her. The notice may also be served on a person administering the property of the estate, even if it is not under the administration of the parties, or on a person who is otherwise competent to represent the decedent's estate and to speak on its behalf. The recipient of the service shall without delay provide each party to the estate and, if the recipient is a party to the estate, the person administering the estate with a copy of the documents served.

Section 15 (1056/1991)

The service of a notice on a bankruptcy estate shall be performed by delivering it to the administrator of the estate.

Section 16 (1056/1991)

A summons may also be served on an attorney empowered by the defendant to receive service of summonses. An advocate or a public legal aid attorney needs to present a power of attorney only if so ordered by the court. (362/2010)

If the matter concerns an offence punishable otherwise or more severely than a fine or imprisonment for at most six months, the summons may not be served on an attorney empowered by the defendant to receive service of summonses. (690/1997)

When the addressee of the notice is represented by an attorney in a pending matter, the notice may be served on the attorney.

A document ordering a person to appear in court in person or to otherwise undertake something personally shall, however, be served on said person. The service shall be performed as provided in sections 3, 3b and 4. (362/2010)

Miscellaneous provisions (362/2010)
Section 17 (1056/1991)

A written certificate of the service shall be issued, indicating the date and place of the service and the person who received the service. If the service was performed as referred to in section 7, the certificate shall also indicate the reason for this and the date when the notice was given for delivery by post. The recipient of the service shall be provided with a copy of the certificate. The person performing the service shall sign the certificate.

If service is performed as referred to in section 3, subsection 1, paragraph 2, the recipient of the service shall fill in the certificate delivered to him or her for the purpose of receiving service so that it contains his or her signature and the information referred to in subsection 1.

Separate provisions apply to sign-for-delivery post.

Section 18 (1056/1991)

If the service has not been performed within the time limit or if it has been erroneously performed, and the party fails to appear in court or to deliver a requested written response or statement, the service shall be performed again unless a new service is to be deemed unnecessary due to the insignificance of the error.

If a party enters a plea that the service has not been performed within the time limit or that it has been erroneously performed, the consideration of the matter shall be postponed or a new time limit set for the delivery of a written response or statement unless this is to be deemed unnecessary due to the insignificance of the error in the service. If the party has not received the documents to be served, they shall be given to him or her at the same time as the notification of the postponement of the hearing or the new time limit. If this is not possible, the documents shall be delivered without delay to the address given by the recipient. The plea that the service has not been performed within the time limit or in accordance with the procedure provided shall be entered in the response or statement.

Section 19 (1056/1991)

If a plaintiff to whom the service of a summons has been entrusted has not, by the time when the court resumes the consideration of the matter, presented the court with a certificate of the service of a summons within the time limit and in accordance with the procedure provided, the matter shall be discontinued.

The matter is, however, not discontinued if the respondent has responded in the principal issue without entering a plea or if the court, on request of the plaintiff for a valid reason, has extended the time limit, set a new time limit or decided to see to the service itself.

If a party has not within the time limit presented the court with a certificate of the service of a document other than a summons, the court shall see to the service without delay.

Sections 20–24

Sections 20—24 were repealed by the Act 690/1997.

Section 25 (1056/1991)

A written certificate issued by a process server shall constitute adequate proof that the service of a notice has been performed as indicated in the certificate.

Section 26 (1056/1991)

For the purposes of this chapter, process server means also a person competent to serve notices as provided in section 6 of the Process Servers Act (505/1986) and a process server referred to in the Act on the Bailiff Office of Åland (898/1979).

The Act on the Bailiff Office of Åland 898/1989 was repealed by the Act 619/2012.

Section 27 (1056/1991)

The provisions of this chapter on the service of notices do not apply where otherwise provided by law.

Chapter 12 (21/1972)
Parties

Appearance of the parties in a civil matter (690/1997)
Section 1 (444/1999)

When an incompetent person is a party in a civil matter or an injured party in a criminal matter, his or her right to be heard is exercised by his or her guardian or other legal representative. However, in a matter concerning the person of a minor, the right to be heard of the incompetent person is exercised by the person responsible for his or her care and custody or his or her other legal representative.

An incompetent person exercises his or her right to be heard personally if he or she is competent to administer the object of the dispute or of the offence, or if the dispute concerns a transaction into which he or she is competent to enter. In a matter concerning his or her person, an incompetent person exercises his or her right to be heard personally if he or she has reached the age of eighteen years and is able to understand the significance of the matter. Together with the person responsible for his or her care and custody or his or her legal representative, a minor exercises his or her right to be heard independently in a matter concerning his or her person if the minor has reached the age of fifteen years.

Section 1a (444/1999)

In addition to his or her client, a guardian appointed for a fully competent person exercises the right to be heard independently in a matter falling within the duties of the guardian. If the guardian and the client disagree when exercising the right to be heard, the opinion of the client prevails if he or she is able to understand the significance of the matter.

If the competence of the client has been restricted in a manner other than by declaring him or her incompetent, the guardian exercises the client's right to be heard alone in a matter where the client does not have the legal right to decide. However, in matters to be decided jointly by the guardian and the client, they shall together exercise the right to be heard.

Section 2 (444/1999)

An incompetent person exercises his or her right to be heard personally as a defendant in a criminal matter if he or she is responsible under criminal law. However, the guardian of a minor defendant, the person responsible for his or her care and custody, or his or her other legal representative has a right to be heard independently. If an incompetent person who has reached the age of eighteen years is not responsible under criminal law, his or her guardian or other legal representative exercises his or her right to be heard.

Section 3 (444/1999)

The court may hear the guardian of an incompetent person, the person responsible for his or her care and custody, or his or her other legal representative in a matter where the incompetent

person has the sole right to be heard if the hearing is regarded necessary in view of his or her best interests.

Section 4 (21/1972)

A foreigner who, under the laws of his or her home state, is not competent to exercise his or her right to be heard in proceedings, may, however, exercise his or her right to be heard in a court in Finland if, under the laws of Finland, he or she is competent to do so.

Section 4a (194/2019)

If a party is incapable of looking after his or her interests in proceedings owing to an illness, mental impairment, ill health or other comparable reason or if the guardian of the party, the person responsible for his or her care and custody, or his or her other legal representative is prevented from exercising his or her right to be heard in the matter due to disqualification or another reason, the court where the matter is pending may on its own motion appoint a guardian for the party for the proceedings. The provisions of the Guardianship Services Act apply to the guardian.

Unless the court decides otherwise, the appointment of the guardian shall remain in effect also in a higher judicial instance where the matter becomes pending subject to a request for a review.

Section 5 (444/1999)

A party and his or her guardian, the person responsible for his or her care and custody, or other legal representative shall be liable to present proof of his or her right to be heard, if the court considers this necessary.

Section 5a (1013/1993)

If the plaintiff during the proceedings transfers his or her right to the object of the dispute to a third person, the third person may, without a new summons, assume the pursuit of the action in the form it was at the time of transfer.

If the respondent during the proceedings transfers his or her right to the object of the dispute to a third party, the third party may assume the position of respondent in the proceedings if the plaintiff consents to that.

A party whose opposing party has transferred his or her right to the object of the dispute to a third party during the proceedings may request that said third party be summoned as a party to the proceedings.

Appearance of a party
Section 6 (690/1997)

A party shall be ordered, under threat of a fine, to appear in person in the main hearing of the district court unless it is deemed that his or her personal appearance is not necessary in order to clarify the matter.

A party shall be ordered, under threat of a fine, to appear in person in the oral preparatory hearing of the district court if his or her personal appearance is deemed to further the preparation of the matter.

A party shall be ordered, under threat of a fine, to appear in person in an oral hearing of a court of appeal or the Supreme Court if this is deemed necessary in order to clarify the matter.
In a civil matter not amenable to settlement, the respondent shall always be exhorted, under threat of a fine, to appear in court.

Section 7 (21/1972)

The provisions in section 6 above apply, where appropriate, to the legal representative of a party to a civil matter. (690/1997)

If a party has several representatives, it is within the power of the court to order which one or which of them are to appear in person. The court may also order that an incompetent person who does not have the right to be heard himself or herself is to appear in person to be heard in the matter.

Use of a technical means of communication (422/2018)
Section 8 (422/2018)

A party in a civil matter may participate in an oral hearing using a technical means of communication where the parties can hear and see each other if the party consents to it and the court deems it appropriate. However, the provisions of chapter 17, sections 52 and 56 apply to the hearing of a party for evidentiary purposes using a technical means of communication.

The provisions of subsection 1 also apply to the legal representative of the party and, with the consent of the party, to his or her attorney or legal counsel.

For the purposes of this chapter, participation in an oral hearing using a technical means of communication is also considered personal appearance in an oral hearing.

The provisions of this chapter on summonses and coercive measures and the consequences for absence also apply to participation in an oral hearing using a technical means of communication in another court or at another authority.

Provisions on the use of a technical means of communication in a preparatory session are laid down in chapter 5, section 15d.

Failure to fulfil a duty imposed on a party in a civil matter (1052/1991)
Section 9 (1052/1991)

If both parties are absent from a court session, the matter is discontinued.

However, the failure of the parties or of one party to heed an exhortation to submit a written statement on a procedural issue or absence from a court session held solely for the consideration of such an issue does not prevent the resolution of the procedural issue.

Section 10 (1052/1991)

A matter amenable to settlement shall unless otherwise provided in section 12 or 13 of this chapter, be decided by a judgment by default on request on request of a party, if the opposing party

1) has failed to appear in a session, or

2) has not submitted the requested written statement indicating his or her opinion on the issues listed in the request.

A party who under subsection 1 has the right to have the matter decided by a judgment by default shall be asked whether he or she requests a judgment by default. If the party does not request a judgment by default or a judgment under section 11, the matter shall be discontinued.

The provisions of chapter 5, sections 13 and 14 apply to a judgment by default when the respondent has not submitted the written response requested.

Section 11 (1052/1991)

After the respondent has responded to the action, a party who under section 10, subsection 1 has the right to have the matter decided by a judgment by default also has the right to have the matter decided by a judgment instead of a judgment by default and to present the evidence necessary for this purpose.

Section 12 (1052/1991)

If the matter is to be decided by a judgment by default against the plaintiff, the action shall be dismissed. A judgment by default may not be issued insofar as the action is manifestly well-founded or the respondent has admitted the action. In this respect the action shall be upheld by a judgment.

Section 13 (1052/1991)

If the matter is to be decided by a judgment by default against the respondent, the action shall be upheld. A judgment by default may not be issued insofar as the plaintiff has abandoned the action or it is manifestly unfounded. In this respect the action shall be dismissed by a judgment.

Section 14 (1052/1991)

The party at whose request the matter has been decided by a judgment by default shall ensure that the opposing party is informed of the judgment by default.

However, the court shall see to the service of the notice of the judgment by default, if
1) a debt has been ordered payable from real property that is collateral for the debt; or if
2) the person against whom the judgment by default was issued has been ordered in the decision to pay compensation to the State in accordance with the Legal Aid Act (257/2002).

(259/2002)

Section 15 (1052/1991)

The party against whom a judgment by default has been issued has the right to submit an application for a re-trial to the court that rendered the judgment by default. The application for a re-trial shall be submitted in writing within thirty days from the date on which the applicant party received verifiable notice of the judgment by default in enforcement proceedings where he or she was present or otherwise.

If a judgment by default has been based on the failure of the party to heed an exhortation to present a written response or to appear in court, the application shall include grounds for amendment of the judgment that could have been relevant when the matter was decided. If a judgment by default has been based on the failure of a party to present a written statement indicating his or her opinion on the issues listed in the request, his or her opinion shall be indicated in the application for a re-trial.

If the applicant has not complied with the provisions in subsection 2, the court shall exhort him or her to remedy the failure within a time limit under threat of inadmissibility of the application. At the same time, the applicant shall be notified of how the application is inadequate.

Section 16 (1052/1991)

The party against whom the matter has been decided by a judgment by default may not appeal it. The judgment by default shall indicate this and provide instructions regarding the time limit within which and the court to which the application for a re-trial shall be submitted. (650/2010)

If an application for a re-trial is submitted in a matter where the party in favour of whom the judgment by default was issued has appealed, the court of first instance shall at once notify the court of appeal or, if the matter has been taken to the Supreme Court, the Supreme Court of this. The matter shall be returned to the court of first instance to be considered together with the matter relating to the application for a re-trial.

Section 17 (1052/1991)

If the application for a re-trial is ruled admissible, no matters which under chapter 5, section 22 and chapter 6, section 9 would have been inadmissible in the hearing where the matter was decided by a judgment by default shall be admissible in the matter.

A party against whom the matter has again been decided by a judgment by default no longer has the right to apply for a re-trial.

Section 18 (1052/1991)

If the plaintiff has failed to appear in court in a matter not amenable to settlement, the matter shall be discontinued.

Section 19 (1052/1991)

If a party or his or her legal representative fails to heed an exhortation to appear in court in person under threat of a fine, the court shall, if it still deems the personal appearance of the party necessary, impose a higher conditional fine or order him or her or his or her legal representative to be brought to the hearing or to a later hearing.

If the respondent in a matter not amenable to settlement fails to appear in court, where he or she has been exhorted to appear under threat of a fine, the court may impose a higher conditional fine

or order him or her to be brought to the hearing or to a later hearing even if he or she has not been exhorted to appear in person.

Section 20 (1052/1991)

If a party or his or her legal representative who has been exhorted to appear in, or ordered to be brought to, an oral preparatory hearing, fails to appear or cannot be brought, the session may nevertheless be held if this furthers the preparation of the matter unless the matter is to be decided or discontinued under section 18.

Section 21 (1052/1991)

If the respondent fails to appear in the main hearing or if the respondent ordered to be brought to the main hearing cannot be brought there, a matter not amenable to settlement may be decided if the plaintiff so requests and if there is sufficient evidence regardless of the absence of the respondent. If the plaintiff does not request a decision, the matter shall be discontinued.

Section 22 (1052/1991)

If the matter has been discontinued because of the absence or other failure of the plaintiff, but he or she has had a lawful excuse that he or she was not able to announce in time, the plaintiff has the right to have the matter reopened on the basis of the same application, by notifying the court thereof within thirty days of the discontinuance of the matter. If the plaintiff cannot prove a lawful excuse, the matter shall be ruled inadmissible.

Section 23 (1052/1991)

The provisions above in this chapter on absence from a hearing also apply when a party leaves in the middle of a hearing without permission.

Sections 24–27

Sections 24—27 were repealed by Act 690/1997.

Supplementary provisions (1052/1991)

Section 28 (1052/1991)

A person has a lawful excuse if, due to illness or interruption in public transport, he or she is prevented from heeding the exhortation to appear in court, to submit a written response or statement or to fulfil another duty imposed on him or her in the proceedings. If another impediment is pleaded or otherwise known, the court shall determine whether this constitutes a lawful excuse.

If the attorney of a party has a lawful excuse and another attorney could not be found in time, the party shall be deemed to have a lawful excuse for his or her failure to heed the exhortation.

Section 29 (1052/1991)

A party who, regardless of having been ordered to appear in court in person, sends an attorney in his or her stead while not having a lawful excuse, is deemed to be absent.

Section 30 (690/1997)

If the absence or other failure of a party is pleaded or known to be due to a lawful excuse or if there is reason to believe that such an excuse exists, the hearing shall be cancelled and rescheduled or the party shall be reserved a new opportunity to heed the exhortation. In this event, a sanction imposed on the party in case of a failure shall not be ordered enforceable unless it becomes apparent before a decision on the principal issue that the party did not have a lawful excuse.

Section 31 (690/1997)

If a party or his or her legal representative who has failed to appear in court regardless of a conditional fine imposed on him or her can be brought to the same hearing, the conditional fine for absence shall not be enforced. In addition, the conditional fine shall not be enforced if the hearing of the party or his or her legal representative becomes irrelevant.

Section 32 (1052/1991)

The costs of bringing a person to court shall be covered from State funds. When the matter is decided, the court shall order the person brought to compensate said costs to the State. If the liability to compensate is deemed unreasonable, the compensation may be reduced or the costs may be ordered to be borne by the State. The provisions on the compensation payable to witnesses from State funds apply to the determination, payment and settlement of the costs and compensations and to a request for a review of a decision thereon.

Section 33 (244/2006)

A party or person to be heard who has been ordered to be brought to court may be taken into custody. The loss of liberty, including the time of transport, may last at most five days. The loss of liberty may not last longer than is necessary in order to arrange the proceedings.

Provisions on the taking of a witness into custody are laid down in chapter 17, section 62. (422/2018)

Section 34 (8/1994)

Section 34 was repealed by Act 8/1997.

Section 35 (690/1997)

An appeal against a decision by which a conditional fine imposed on a party for absence has been ordered enforceable before deciding on the principal issue shall be lodged separately. If a conditional fine is ordered enforceable in connection with the decision in the principal issue or the conditional fine is not ordered enforceable, a review of this decision may be requested by the party dissatisfied with it observing the same time limit and the same procedure as for requesting a review of the decision in the principal issue.

Section 36 (1052/1991)

When a matter is discontinued because of the absence of a party, the absent party may on request of the party who has appeared in court be made liable to compensate his or her legal costs.

Section 37 (1052/1991)

Any specific provisions elsewhere in the law on the absence of a party shall be complied with.

Chapter 13 (441/2001)

Disqualification of a judge

Section 1 (441/2001)

A judge may not consider a matter if he or she is disqualified as referred to in this chapter.

Notwithstanding the provision in subsection 1, a judge may decide an urgent issue with no bearing on the decision in the principal issue if it is not possible without delay to obtain a judge who is not disqualified.

Section 2 (441/2001)

The provisions in this chapter on a judge also apply to the other members of the court, the referendaries, record keepers and others who make decisions in court or may be present when the matter is decided.

The provisions in this chapter on a party also apply to an injured party, interveners and other persons to be heard and comparable to parties. A witness also means another person to be heard for evidentiary purposes.

Section 3 (441/2001)

For the purposes of this chapter, a person close to a judge means:

1) the spouse, child, grandchild, sibling, parent and grandparent of the judge and a person who is otherwise particularly close to the judge, and the spouse of said person;

2) a sibling of a parent of the judge and the spouse such person, a child of a sibling of the judge and a former spouse of the judge; and

3) a child, grandchild, sibling, parent and grandparent of the spouse of the judge and the spouse of such person, and a child of a sibling of the spouse of the judge.

A spouse means a marriage partner and a person living in marriage-like circumstances. A corresponding step-relative is also considered to be a person close to a judge referred to above in subsection 1.

Section 4 (441/2001)

A judge is disqualified in a matter where:

1) the judge or a person close to him or her is a party;

2) the judge or a person close to him or her acts or has acted as the representative, legal counsel or attorney of a party;

3) the judge appears or has appeared as a witness or expert witness;

4) a person close to the judge appears as a witness or expert witness, or where a person close to him or her has been heard in such capacity at an earlier stage of the proceedings and the decision in the matter may also depend on this hearing; or where

5) the judge, a person close to him or her as referred to in section 3, subsection 1, paragraph 1 or a person represented by the judge or by a person close to him or her is expected to experience a particular gain or loss from the decision in the matter.

For the purposes of subsection 1, paragraphs 2 and 5, a representative means a person responsible for the care and custody of a natural person, the guardian or other comparable representative of a natural person.

Section 5 (441/2001)

A judge is disqualified if he or she, or a person close to him or her as referred to in section 3, subsection 1, paragraph 1, is:

1) a member of the board of directors, the supervisory board or a comparable body, or the chief executive officer or holds an equivalent position in a corporation, foundation or public-law institution or enterprise; or is

2) in a position where he or she decides on the right to be heard of the State, a municipality or other public-law institution; and

the party referred to in paragraph 1 or 2 is a party to the matter or is expected to experience a particular gain or loss from the decision in the matter.

Section 6 (441/2001)

A judge is disqualified if:

1) a party to the matter is a party opposing the judge or a person close to him or her as referred to in section 3, subsection 1, paragraph 1 in other judicial proceedings or in a matter pending before an authority; or if

2) on the basis of a service relationship or otherwise, the judge has such a relationship to a party to the matter that, especially in view of the nature of the matter at hand, there is a justifiable reason to doubt the impartiality of the judge in the matter.

Disqualification shall not arise under subsection 1 merely because the state, a municipality or other public corporation is a party to the matter, nor shall it arise if the opposing party has initiated the matter referred to in subsection 1, paragraph 1 in order to have the judge disqualified or otherwise clearly without a valid basis.

A relationship to a party based on customership, ownership or comparable circumstance that is deemed ordinary does not give rise to disqualification as referred to in subsection 1, paragraph 2.

Section 7 (441/2001)

A judge is disqualified if he or she or a person close to him or her referred to in section 3, subsection 1, paragraph 1 has heard the same matter in another court, another authority or as an arbitrator. The judge is also disqualified if he or she is a party to a similar matter and the nature of the matter or the effect of the decision in the matter at hand on the matter of the judge gives rise to a justifiable reason to doubt the impartiality of the judge in the matter.

A judge is disqualified from reconsidering the matter or a part of it at the same court if there are reasonable grounds to believe that he or she is prejudiced in the matter on the basis of his or her earlier decision in the matter or for another special reason.

In addition, a judge is also disqualified if another circumstance, comparable to the circumstances referred to in this chapter, gives rise to a justifiable doubt of the impartiality of the judge in the matter.

Section 8 (441/2001)

A party to the matter shall enter a plea for the disqualification of a judge at once when first being heard in the matter and having been informed of the judges participating in the consideration of the matter. If a party is later informed of a circumstance which may be relevant when assessing the disqualification, a plea based on this shall be entered without delay. The party shall provide justification for the plea and simultaneously state when he or she was informed of the circumstance. Once the judge has decided the matter, a party is barred from pleading a circumstance that was known to him or her and is discretionary regarding the assessment of disqualification, except if the party proves that he or she has had a valid reason not to enter the plea earlier.

Section 9 (441/2001)

A plea for the disqualification of a judge shall be decided at the court where the principal issue is being considered. The plea may also be decided in written procedure. The court may also take up the issue of disqualification on its own motion.

When deciding an issue concerning the disqualification of a judge, the district court has a quorum with one legally trained member present. Separate provisions apply to a quorum in a court of appeal and the Supreme Court.

A judge whose disqualification has been pleaded may himself or herself decide the issue of disqualification only if the court has no quorum without him or her and if a non-disqualified replacement judge is not available without considerable delay. A judge whose disqualification has been pleaded may also decide a plea that is clearly ill-founded.

Chapter 14 (362/1960)
Consideration of the matter in court

Section 1 (732/2015)

In a civil matter, a party shall keep to the truth when making statements on the circumstances invoked by him or her in the matter and in commenting on the circumstances invoked by the opposing party.

Section 2 (1052/1991)

A civil action may not be amended during the proceedings. However, the plaintiff has the right to

1) claim a performance that has not been referred to in the action if the claim is based on a change in the conditions during the proceedings or on a circumstance of which the plaintiff has only then become aware;

2) claim the confirmation of a legal relationship under dispute in the proceedings between the parties, when the clarity of the relationship is a prerequisite for the resolution of the other parts of the matter, and to

3) claim interest or present another subsidiary claim or even a new claim, if this is based on essentially the same grounds.

If a claim referred to in subsection 1, paragraph 2 or 3 is not presented until the main hearing, it shall be ruled inadmissible, if consideration of it delays the consideration of the matter as a whole. Such a claim may not be presented in a higher court.

The presentation of new circumstances in support of the action shall not be deemed an amendment of action unless this alters the matter.

If the respondent in a civil matter has not presented a written response or statement or if he or she has failed to appear in court and the plaintiff wishes to have the matter decided, the judgment shall contain decisions only on the claims presented in the application for a summons and on the claims referred to in subsection 1, notice of which has been served on the respondent during the proceedings. In this case, the presentation of circumstances referred to above in subsection 3 are also deemed an amendment of the action if the respondent has not received notice of the same.

Section 3 (690/1997)

Section 3 was repealed by Act 690/1997.

Section 4 (690/1997)

If it is important for deciding the matter that an issue at hand in other proceedings or procedure is decided first, or if there is another long-term impediment for the consideration of the matter, the court may order that the consideration be resumed only after the impediment has ceased to exist.

Section 5 (1052/1991)

If the plaintiff withdraws the action after the respondent has responded to it, a matter amenable to settlement shall nevertheless be decided if the respondent so requests.

Section 6 (244/2006)

The chairperson of the court shall ensure the maintenance of order in a session and for this purpose shall issue the necessary orders. The chairperson may order that a person who disturbs the considerations or otherwise acts in an improper manner is removed from the courtroom.

Section 7 (244/2006)

A person who

1) does not follow the orders issued by the chairperson under section 6,

2) uses a manner of speech or writing in a session or in a document submitted to the court that offends the dignity of the court or is otherwise inappropriate or

3) otherwise disturbs the consideration or behaves inappropriately

may be sentenced to a disciplinary fine of at most EUR 1,000.

If in the situation referred to in subsection 1, a disciplinary fine is not a sufficient measure to eliminate the disturbance, the court may order that a person who is present in person may immediately be taken into custody and kept in custody for at most 24 hours. A person taken into custody shall be released immediately when keeping him or her in custody is no longer necessary in order to ensure the undisturbed conduct of the proceedings. If a party is taken into custody, the court shall consider whether the matter may be continued despite the absence of the party.

The court imposes the sanctions referred to in subsections 1 and 2 on its own motion. Imposition of a sanction does not prevent the bringing of charges for the same act if punishment for it is provided elsewhere in the law. A review of a decision on a disciplinary fine and taking into custody may be requested by appeal.

Sections 7a–9

Sections 7a–9 were repealed by Act 690/1997.

Section 10 (1052/1991)

Section 10 was repealed by Act 1052/1991.

Section 11 (690/1997)

Section 11 was repealed by Act 690/1997.

Chapter 15
Attorney (150/1958)

Section 1 (21/1972)

A party who has not been ordered to appear in court in person may retain the services of an attorney in the proceedings.

The right of the prosecutor to be heard may not be exercised by an attorney.

A party who appears in court in person may retain the services of a legal counsel. Questions may be put directly to the party if the court deems this necessary.

An applicant other than a public authority shall retain the services of an attorney or legal counsel before the Supreme Court in a matter that concerns a complaint on the grounds of a procedural error or an annulment of a judgment referred to in chapter 31. (718/2011)

Section 2 (718/2011)

Unless otherwise provided in this or another Act, an advocate, a public legal aid attorney or a licensed legal counsel who has obtained the license referred to in the Licensed Legal Counsel Act (715/2011) may serve as an attorney or legal counsel.

Notwithstanding the provisions of subsection 1, a person who is in a contractual employment or public service relationship to a party, holds a master's degree in law other than a master's degree in international and comparative law, is honest and otherwise suitable and competent for the task, is not bankrupt and whose competency has not been restricted may serve as the attorney or legal counsel. In addition, a person who is in the service of a labour market organisation, holds a master's degree in law other than a master's degree in international and comparative law, is honest and otherwise suitable and competent for the task, is not bankrupt and whose competency

has not been restricted, may serve as an attorney or legal counsel of a party in a matter concerning or substantially relating to an employment relationship and in Labour Court.

Notwithstanding the provisions of subsection 1, a public authority whose statutory duties include assisting in proceedings may serve as an attorney or legal counsel. In addition, a person who is in the service of said public authority, holds a master's degree in law other than a master's degree in international and comparative law, is suitable and competent for the task, is not bankrupt and whose competency has not been restricted may serve as an attorney or legal counsel.

In addition, also a person over the age of 18 years other than one referred to in subsection 1, who is honest and otherwise suitable and competent for the task, is not bankrupt and whose competency has not been restricted may serve as an attorney or legal counsel:

1) in a matter referred to in chapter 5, section 3;

2) in a petitionary matter that is not under dispute;

3) in a Land Court matter.

The provisions of this Act or elsewhere in the law on the right of an advocate to serve as an attorney or legal counsel also apply to a person qualified to practice advocacy in a Member State of the European Economic Area or in a state with which the European Union and its Member States have concluded an agreement on the mutual recognition of professional qualifications of advocates.

Section 3 (497/1958)

A public official may not serve as an attorney or legal counsel in proceedings if this is contrary to his or her official duties.

A legally qualified member of a general court may not serve as an attorney or legal counsel in proceedings unless he or she has an interest in the matter or unless he or she appears on behalf of his or her spouse or of a person who is his or her direct ascendant or descendant or sibling or whose guardian the person is. Nor may he or she attend to petitionary matters on behalf of

persons other than those mentioned above in the court of which he or she is a member unless he or she has an interest in the matter. (578/2009)

A person who is in a relationship as referred to in chapter 13, section 3 to a member of the court considering the matter may not assist or act as an attorney of a party to the matter. Nor may a person who has participated in the consideration of the matter as a member of a court, a referendary or clerk or who has served as the attorney or legal counsel of the opposite party serve as an attorney or legal counsel. (441/2001)

Section 4 (150/1958)

Unless orally authorised by the client in court, an attorney shall produce a power of attorney signed by his or her client should the court so order. (718/2011)

If the client is the State, a municipality or other community or public institution, also a written order or extract from the records given in the proper order may serve as a power of attorney and, if the client is a company, cooperative, foundation, association or another such corporation, a certified extract from the records kept at the meeting of a body entitled to grant a power of attorney and at which the power of attorney was granted may serve as a power of attorney.

If a person who presents himself or herself as an attorney and who has not been orally authorised under subsection 1 cannot immediately produce a written authorisation referred to above or if the court, on the basis of an observation by a party or otherwise, considers it necessary to obtain proof that the clarification regarding the authorisation is correct, the person presenting himself or herself as an attorney shall be granted an opportunity to produce such proof. If there is reason to do so, the court may continue the consideration of the matter without, however, finally deciding it. If the proof is later produced, the attorney shall be deemed to have served as an attorney from the time when he or she presented himself or herself. If the issue in question is the notification of intent to appeal, proof of the authorisation shall be produced in the court office at the latest on the seventh day following the time limit prescribed for the filing of the notice of intent to appeal. (661/1978)

Section 4a (137/1938)

A telegram sent from a telegraph office in Finland and containing a copy of a power of attorney prepared in accordance with section 4, made out to a named person with or without the right to name a replacement, may serve as a power of attorney. The person who receives such a telegram for delivery at a telegraph office shall write on the original power of attorney, which is to be shown to him or her at the same time, a certificate of its presentation, and he or she shall note on the telegram that the power of attorney copied onto it with the certificate mentioned corresponds to the original power of attorney. A telephone may also be used in the delivery of the telegram. A telegram that has arrived shall be verified and a certificate of it shall be written on the telegram to be given to the attorney. However, if a party so requests or the court otherwise deems it necessary, the original power of attorney shall be shown to the court before a time limit set by the court under threat that otherwise the telegram shall not be valid as a power of attorney.

Section 5

If the State is party to a dispute, someone shall be appointed by the governor of the King to defend the right of the State in a court of first instance. A State attorney shall be heard in such matters before a court of appeal.

Section 6

If a person who has an interest in the matter also wants to speak on behalf of other persons, he or she shall obtain a power of attorney from them for this purpose.

Section 7 (150/1958)

An attorney may agree on a settlement in the matter unless it is specifically stated in the power of attorney that he or she is not entitled to do so. If the power of attorney is made out to a named person, the attorney may not appoint a replacement without permission.

The power of attorney of an attorney shall entitle him or her to represent the client only in the court where he or she was orally retained or where the power of attorney has been produced. However, an attorney and a legal counsel shall always be entitled to file a notice of intent to

appeal a decision of the court in which he or she has served as an attorney or legal counsel or retain the right of his or her client to appeal.

The personal appearance of the client in court shall not in itself be deemed to demonstrate that a power of attorney has been withdrawn.

Section 8

If a client dies in the course of proceedings, the attorney shall notify the court thereof, and those who succeed the client shall provide a new power of authority.

Section 9 (213/1999)

If the court or the chairperson of the court, under separate provisions, has the power to appoint a legal counsel or an attorney to a party, a person who generally acts as an advocate in this court shall be under an obligation to accept the appointment as legal counsel or attorney.

Section 10

An attorney shall attend to a matter with which he or she is entrusted honestly and with due diligence and he or she shall sign all documents which he or she submits to the court. No one shall be judged on the basis of a written statement which has not been signed by the person who prepared it, should it be found that the party was not able to prepare it.

Section 10a (497/1958)

Should an attorney or legal counsel prove to be dishonest, unperceptive or incompetent, or should he or she otherwise be found to be unsuited for the task, the court may deny him or her the right to appear in the matter in question. Should there be reason to do so, the court may also deny him or her the right to serve as an attorney or legal counsel in the court for at most three years. If the decision pertains to an advocate, public legal aid attorney or licensed attorney, the court shall inform the supervisory board referred to in section 6a, subsection 1 of the Advocates Act (496/1958). If an advocate, public legal aid attorney or licensed attorney otherwise acts contrary to his or her duties, the court may report said action to the supervisory board for consideration. (718/2011)

If an attorney or legal counsel has been denied the right to appear, the client, if he or she is not in court and wishes to pursue the matter himself or herself, shall be reserved an opportunity to retain an attorney who meets the criteria.

An attorney or legal counsel may request a review of the order referred to above in subsection 1 by appeal, but the order shall nonetheless take immediate effect.

Section 11

A representative shall not have the right to abandon a matter in court that he or she has begun unless the court finds that he or she has cause to do so.

Section 12 (135/2009)

Section 12 was repealed by Act 135/1997.

Section 13

If a representative neglects to pursue the right of the client, the client shall have the right to bring an action for damages against the representative.

Sections 14–16

Sections 14—16 were repealed by Act 244/1997.

Section 17 (732/2015)

An attorney, legal counsel or his or her assistant or an interpreter may not without permission disclose a private or family secret or a business secret that he or she has learned; (599/2018)

1) in carrying out a function related to the proceedings;

2) in providing legal advice regarding the legal status of the client in a criminal investigation or in other procedure preceding the proceedings;

3) in providing legal advice regarding the initiation or the avoidance of proceedings.

A breach of the secrecy obligation provided in subsection 1 is punishable under chapter 38, section 1 or 2 of the Criminal Code unless the act is punishable under chapter 40, section 5 of the Criminal Code or unless a more severe punishment is provided elsewhere in the law.

Chapter 16 (362/1960)
Plea of inadmissibility (690/1997)

Section 1 (362/1999)

A plea of inadmissibility shall be entered when the respondent first answers in the matter and all pleas shall, if possible, be entered at the same time. (1052/1991)

If a plea of inadmissibility is entered later, it shall not be considered unless it pertains to a circumstance that the court is to consider on its own initiative.

Section 2 (362/1960)

If the nature of the matter so requires, the court shall rule separately on a plea of inadmissibility.

Section 3 (381/2003)

A review of a decision dismissing a matter due to a plea of inadmissibility without considering its merits may be requested by appeal in accordance with chapter 25, section 1, subsection 2.

A review may not be requested of a decision by which a member of the court has been found disqualified.

A review of a decision rejecting a plea of inadmissibility may be requested in connection with an appeal of the judgment or the final decision of the district court unless the court decides that a request for a review be lodged separately. If a party has requested a review of the final decision of the court, the opposing party may, in his or her response to the request for a review, also request a review of a decision by which his or her plea of inadmissibility was rejected.

Sections 4—10

Sections 4—10 were repealed by Act 690/1997.

Chapter 17 (732/2015)
Evidence

General provisions (732/2015)
Section 1 (732/2015)

A party has the right to present the evidence that he or she wants to the court investigating the matter and comment on each piece of evidence presented in court unless otherwise provided by law.

The court shall, after considering the evidence presented and the other circumstances shown in the proceedings, determine what has been proven and what has not been proven in the matter. The court shall consider the probative value of the evidence and the other circumstances thoroughly and objectively on the basis of free consideration of the evidence unless otherwise provided by law.

Section 2 (732/2015)

In a civil matter, a party shall prove the circumstances on which his or her claim or objection is based.

A circumstance may be taken as grounds for the judgment only on condition that a party has presented credible evidence regarding it.

If credible evidence is not available regarding the amount of a claim under private law or if such evidence is obtainable only with difficulty or, in view of the nature of the matter, with unreasonable cost or difficulty, the court shall assess the amount.

The provisions of subsections 1 and 2 are complied with unless otherwise provided by law regarding the burden of proof or the strength of evidence required or unless the nature of the

matter requires otherwise. The provisions of subsection 3 are complied with unless otherwise provided by law.

Section 3 (732/2015)

In a criminal matter, the plaintiff shall prove the circumstances on which his or her request for punishment is based.

A judgment whereby the defendant is found guilty may be made only on condition that there is no reasonable doubt regarding the guilt of the defendant.

Section 4 (732/2015)

The court applies the law ex officio. A party may submit to the court a written statement regarding how the law should be applied. The person who has prepared the statement or another person may be heard in person in court, if the court deems this necessary.

If the law of a foreign state is to be applied to the matter and the court does not know its contents, the court shall exhort the party to present clarification thereon. Separate provisions are laid down on the obligation of the court to obtain clarification on the contents of the law of a foreign state ex officio.

The law of Finland applies if no information is available on the contents of the law of a foreign state. The absence of such information may not, however, be to the detriment of a defendant in a criminal matter.

Section 5 (732/2015)

No evidence need to be presented regarding a notorious fact.

If a civil matter is amenable to settlement, no evidence is needed of a circumstance admitted by a party or of a circumstance on which the parties are unanimous.

If an admission has been made in a civil matter that is not amenable to settlement, or in a criminal matter, or if a party has retracted his or her admission referred to in subsection 2, the court decides what effect the admission or the retraction of the admission has as evidence.

Section 6 (732/2015)

The court shall consider what effect the conduct of a party has as evidence if he or she without an acceptable reason:

1) fails to arrive to the proceedings despite a summons or leaves without permission;

2) does not give a statement on a claim of the opposing party or on its grounds despite the exhortation of the court;

3) does not make a statement or respond to a question on being heard for the purpose of providing evidence;

4) does not comply with the exhortation of the court to supplement or clarify his or her presentation or with another exhortation of the court.

The conduct of a defendant in a criminal matter as referred to in subsection 1 may be taken into consideration to his or her detriment only to the extent that this does not infringe on his or her right not to incriminate himself or herself.

Section 7 (732/2015)

Each party shall obtain the evidence necessary in the matter. The court may on its own initiative decide to obtain evidence in a civil matter that is not amenable to settlement. In a criminal matter, the court may obtain evidence if, it is probable that it does not support the charges. However, regardless of the nature of the matter, the court has the right to obtain an expert opinion on its own initiative.

Section 8 (732/2015)

The court shall reject evidence that:

1) concerns a circumstance that is not relevant in the matter;

2) is otherwise unnecessary;

3) can be replaced by evidence that is available with essentially less cost or difficulty;

4) can be replaced by evidence that is essentially more credible; or that

5) could not be obtained despite appropriate measures, and the decision in the matter can no longer be delayed.

Section 9 (732/2015)

Every person is obliged to appear in court in order to be heard for evidentiary purposes and to present an object or document to the court as evidence or to allow the conduct of an inspection unless otherwise provided by law. Separate provisions apply to the obligation to serve as an expert witness.

A person who, when being heard in court as a party for evidentiary purposes, as a witness or as an expert witness, has the obligation or the right to refuse to testify, is not obliged to present an object or document as evidence or to allow the conduct of an inspection to secure evidence regarding information that is to be kept secret or is subject to the right to remain silent. A defendant in a criminal matter and a person who is in a relationship to him or her in the manner referred to in section 17, subsection 1 is, however, obliged to allow an inspection.

The obligation or right to refuse to testify provided below in this chapter does not apply to information when its illegal obtaining, revealing or use is subject to charges brought by the prosecutor.

Obligation or right to refuse to testify (732/2015)
Section 10 (732/2015)

No one may testify regarding information which is to be kept secret for the purposes of national security or which concerns the relations of Finland with another state or an international organization.

Section 11 (732/2015)

No one may testify regarding the contents of the deliberations of a court.

A mediator referred to in the Act on Mediation in Civil Matters and Confirmation of Settlements in General Courts (394/2011) may not testify in a civil matter of what he or she has learned about the matter subject to mediation in performing his or her functions unless, taking into consideration the nature of the matter, the significance of the evidence for deciding the matter, and the consequences of presenting it and the other circumstances, very important reasons require the testimony, or unless the person in whose benefit the obligation of confidentiality has been provided consents to such testimony.

A mediator referred to in the Act on Conciliation in Criminal and Certain Civil Matters (1015/2005) may not testify on what he or she has learned about the matter subject to conciliation in performing his or her functions unless, taking into consideration the nature of the matter, the significance of the evidence for deciding the matter, and the consequences of presenting it and the other circumstances, very important reasons require the testimony, or unless the person in whose benefit the obligation of confidentiality has been provided consents to such testimony.

Section 12 (732/2015)

A public official or an employee of a public corporation or a person exercising a public function or acting in a public position of trust or another person who, in accordance with section 23 of the Act on the Openness of Government Activities (621/1999), has an obligation of confidentiality may not testify regarding the content of a document or procedural document which, according to section 11, subsection 2 of said Act or according to section 12, subsection 2 of the Act on the Publicity of Court Proceedings in General Courts (370/2007), is to be kept secret from a party, nor regarding information which, if entered in a document, would have to be kept secret from a party on the

basis of either provision unless the person in whose benefit the obligation of secrecy has been provided consents to such testimony or unless otherwise provided in section 16, subsection 5 of the Act on Child Custody and Right of Access (361/1983) or section 18, subsection 1 of the Act on the Status and Rights of Social Welfare Clients (812/2000) or in another corresponding legal provision. (194/2019)

No one may testify regarding information that a party would not have the right to receive under chapter 4, section 15 of the Criminal Investigation Act (805/2011) or chapter 10, section 60 or 62 of the Coercive Measures Act (806/2011) or chapter 5, section 58 or 60 of the Police Act (872/2011) unless the person in whose benefit the obligation of secrecy has been provided, consents to such testimony.

A person referred to in section 23, subsection 1 of the Act on the National Prosecution Service (32/2019) and a person who belongs to the police or another authority engaged in the prevention of crime has the obligation to refuse to testify regarding information referred to in chapter 7, section 1, subsection 1 of the Police Act. A prosecutor referred to in section 23, subsection 2 of the Act on the National Prosecution Service and a person who belongs to the police or another authority engaged in the prevention of crime has the right to refuse to testify regarding information referred to in chapter 7, section 3, subsection 1 of the Police Act. An official of the Criminal Sanctions Agency has the right to refuse to testify regarding information referred to in chapter 19, section 10, subsection 1 of the Imprisonment Act (767/2005). Nonetheless, the court may order a person to testify if:

1) the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years;

2) failure to provide the information could infringe the right of a party to an appropriate defence or otherwise to safeguard his or her rights in the proceedings in an appropriate manner, and if

3) revealing the identity of a person who has provided information or intelligence in confidence or who has engaged in pseudo-purchases or undercover activities would apparently not seriously endanger his or her safety or the safety of persons close to him or her.

(43/2019)

No one may testify regarding information recorded in a register on the witness protection programme referred to in section 24, subsection 1, paragraph 28 of the Act on the Openness of Government Activities or regarding other information concerning the witness protection programme. Testimony on the information may, however, be given if charges have been brought regarding an offence directed against a person being protected by the witness protection programme.

An official of the Safety Investigation Agency, a member of an investigation team or other person participating in a safety investigation referred to in the Safety Investigation Act (525/2011) may not testify regarding information he or she has learned in his or her duties regarding an accident. The court may, however, oblige a person referred to above to testify if very important reasons so require, taking into consideration the nature of the matter, the significance of the evidence for deciding the matter, the consequences of presenting it and the other circumstances.

Section 13 (732/2015)

An attorney or legal counsel or an interpreter may not, without permission, testify regarding what he or she has learned:

1) in carrying out a function related to proceedings;

2) in providing legal advice regarding the legal status of the client in pre-trial investigation or in other procedure preceding the proceedings;

3) in providing legal advice regarding the initiation or avoidance of proceedings.

The court may oblige a person referred to in subsection 1 other than an attorney or legal counsel or interpreter of a defendant in a criminal matter to testify if the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years.

An advocate or a licensed legal counsel referred to in the Licenced Legal Counsel Act or a public legal aid attorney may not, without permission, testify regarding a personal or family secret or a business secret that he or she had learned in a function other than that referred to in subsection 1. The court may, however, oblige him or her to testify if the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years, or if very

important reasons require such testimony, taking into consideration the nature of the matter, the significance of the evidence for deciding the matter, and the consequences of presenting it and the other circumstances. (599/2018)

Section 14 (732/2015)

A physician or other health care professional referred to in the Act on Health Care Professionals (559/1994) or in a decree issued thereunder may not testify regarding a sensitive matter relating to the health of a person or his or her family or regarding another personal or family secret that he or she has learned on the basis of his or her position or function unless the person in whose benefit the secrecy obligation has been provided consents to such testimony.

The court may oblige a person referred to in subsection 1 to testify if the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years.

Section 15 (732/2015)

Notwithstanding the provisions of section 11, subsections 2 and 3; section 12, subsection 1; or sections 13 or 14, a court may require that a person referred to in the legal provision testify if the person in whose benefit the secrecy obligation has been provided has deceased and if very important reasons require such testimony, taking into consideration the nature of the matter, the significance of the evidence for deciding the matter, and the consequences of presenting it and the other circumstances.

Notwithstanding the provisions of section 13 or 14 above, the person referred to in said sections may testify to the extent that presenting the information is necessary in order to provide a defence due to a penalty demand or other claim based on an offence directed at him or her or against a person in a relationship to him or her as referred to in section 22, subsection 2, or in order to exercise the rights of an injured party belonging to him or her or to a person in a relationship to him or her as referred to in section 22, subsection 2.

Section 16 (732/2015)

A priest of a registered religious community referred to in the Act on the Freedom of Religion (453/2003) or a person in a corresponding position may not testify regarding information he or

she has learned in confession or in private pastoral care unless the person in whose benefit the secrecy obligation has been provided consents to such testimony.

Separate provisions apply to the confidentiality obligation in the Evangelical Lutheran Church of Finland and the Orthodox Church of Finland.

Section 17 (732/2015)

The present or former spouse of a party or his or her present cohabiting partner, sibling, direct ascending or descending relative or a person who is in a corresponding close relationship to a party comparable to partnership or kinship may refuse to testify.

If the person referred to in subsection 1 agrees to testify in court, said consent may not be withdrawn unless otherwise provided by another provision in this chapter on the secrecy obligation or the right to remain silent.

Section 18 (732/2015)

Any person has the right to refuse to testify to the extent that the testimony would subject him or her or a person in a relationship to him or her as referred to in section 17, subsection 1 to the risk of prosecution or would contribute to the investigation of his or her guilt or the guilt of a person in said relationship to him or her.

Notwithstanding the provisions of section 17 and above in this section on the right to remain silent of a person in a relationship to a party as referred to in section 17, subsection 1, the court may, in a criminal matter, decide that an injured party being heard as witness who does not have any claims does not have the right to remain silent, if there is reason to suspect that he or she has not personally decided on the right to exercise his or her right to remain silent.

Section 19 (599/2018)

A person may refuse to testify regarding a business secret unless taking into consideration the nature of the matter, very important reasons, the significance of the evidence for deciding the matter, and the consequences of presenting it and the other circumstances require such testimony.

Section 20 (732/2015)

The originator or publisher or broadcaster of a message provided to the public referred to in the Act on the Exercise of Freedom of Expression in Mass Media (460/2003) may refuse to testify about who has been the source of the information in the message or prepared the message provided to the public.

The court may oblige a person referred to in subsection 1 to testify if the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment of at least six years or which concerns a violation of the secrecy obligation in a manner punishable by law.

Section 21 (732/2015)

An anonymous witness referred to below in section 33 may refuse to testify to the extent that the testimony could reveal his or her identify or contact information.

Every person other than an anonymous witness has the obligation to refuse to testify to the extent that the testimony could reveal the identity or contact information of an anonymous witness.

Chapter 7, section 5a of the Criminal Procedure Act contains provisions on the disclosure of the identity of an anonymous witness on the basis of a court decision.

Section 22 (732/2015)

The obligation or right to refuse to testify referred to above in section 11, subsection 2 or 3; section 12; section 13, subsection 1 or 3; section 14, subsection 1; section 16; or section 20, subsection 1 is maintained even if the person in question is no longer in the position in which he or she has learned of the circumstance at issue in the testimony.

A person who has learned information referred to in section 11, subsection 2 or 3; section 13, subsection 1 or 3; section 14, subsection 1; or section 20, subsection 1 while acting in the service of or otherwise as an assistant to a person referred to in said provision, has the corresponding obligation or right to refuse to testify as the person referred to in the corresponding provision. Nevertheless, a person who has acted in the service of or assisted such person may be ordered to

testify on the conditions provided in section 15, subsection 1. A person who has acted in the service of or assisted such person may also testify on the conditions provided in section 15, subsection 2 in a matter concerning a person referred to in section 13 or 14 or concerning another person who has acted in the service of or assisted such person.

The provisions of chapter 6, section 8 of the Criminal Code on a mitigated scale of punishment are not taken into consideration when applying section 12, subsection 3; section 13, subsection 2; section 14, subsection 2; or section 20, subsection 2 on the minimum punishment.

Section 23 (732/2015)

If a person refuses to testify, he or she shall state the grounds for the refusal and present probable cause supporting the grounds.

If, however, a person refuses to testify on the grounds referred to in sections 18 or 21, the refusal shall be accepted unless he or she is manifestly in error regarding the contents of the right or obligation to refuse or the refusal is otherwise manifestly devoid of grounds.

Prohibition of the use of written statements and prohibition against reference to certain evidence (732/2015)
Section 24 (732/2015)

A written testimony of a private nature that has been prepared for pending or beginning proceedings may not be used as evidence, except when:

1) in a civil matter that is amenable to settlement, the parties agree to its use as evidence;

2) the respondent submits it to the court as part of his or her response, as evidence in support of probable cause in contesting a claim based on a negotiable promissory note, bill of exchange or cheque referred to in chapter 5, section 14;

3) otherwise provided elsewhere in the law;

4) the court allows it for a special reason.

A statement noted or otherwise recorded in a pre-trial investigation record or other document may not be used as evidence in court unless otherwise provided in the law unless the person who has given the statement cannot be heard in the main hearing or outside of the main hearing or unless he or she, notwithstanding the appropriate measures, has not been contacted and the decision in the matter should not be delayed any further.

However, a hearing of the following persons recorded in a video or in a comparable visual and audio recording may be used as evidence if the defendant has been reserved an appropriate opportunity to ask questions of the person being heard:

1) a person who has not reached the age of 15 years or who is mentally impaired;

2) an injured party between the ages of 15 and 17 years who is in need of special protection, especially taking into consideration his or her personal circumstances and the nature of the offence;

3) an injured party in a sexual offence referred to in chapter 20, section 1, 2, 4, 5, 6 or 7 of the Criminal Code, who is between the ages of 15 and 17 years who does not want to attend the proceedings to be heard; (489/2019)

4) an injured party in a sexual offence referred to in chapter 20, section 1, 2, 4, 5, 6, 7 or 7b of the Criminal Code, who has reached the age of 18 years, if the hearing in the proceedings would endanger his or her health or cause other corresponding significant harm. (489/2019)

Section 25 (732/2015)

The court may not use evidence that has been obtained through torture.

The court may not, in a criminal matter, use evidence obtained contrary to the right to remain silent provided in section 18. The prohibition against use also applies to evidence obtained from a person in a procedure other than a pre-trial investigation or in criminal proceedings, through a threat of coercive measures or otherwise against his or her will, if he or she at the time was a suspect or defendant in an offence or if a pre-trial investigation or proceedings were underway for an offence for which he or she was charged, and if the obtaining of the evidence would have been contrary to section 18. If, however, a person in other than criminal proceedings or comparable

procedure has, in connection with fulfilling his or her statutory obligation, given a false statement or submitted a false or untruthful document or a false or forged object, this may be used as evidence in a criminal matter concerning his or her conduct in violation of his or her obligation.

In other cases, the court may use also evidence that has been obtained unlawfully unless such use would endanger the conduct of fair proceedings, taking into consideration the nature of the matter, the seriousness of the violation of law in obtaining the evidence, the significance of the method of obtaining the evidence in relation to its credibility, the significance of the evidence for deciding the matter, and the other circumstances.

Hearing of a party (732/2015)
Section 26 (732/2015)

A party may be heard for the purpose of obtaining evidence. In a civil matter, a party shall speak truthfully in giving a testimony and responding to questions asked. In a criminal matter, an injured party shall speak truthfully in giving an account in the matter and in responding to questions asked.

Section 27 (732/2015)

A party who has not reached the age of 15 years or who is mentally impaired may be heard for evidentiary purposes if the court deems this appropriate and if:

1) hearing him or her in person is of essential significance in the clarification of the matter; and if

2) the hearing would probably not cause the party to be heard such suffering or other inconvenience that could harm him or her or his or her development.

The court shall, where necessary, appoint a support person for the person to be heard. The provisions in chapter 2 of the Criminal Proceedings Act on a support person appointed for an injured party apply to the support person.

Section 28 (732/2015)

The provisions on the hearing of a party apply to the hearing of the legal representative of the party.

Witnesses (732/2015)
Section 29 (732/2015)

Any person other than a party may be heard as a witness.

In a criminal matter, an injured party who has no claims is heard as a witness. However, the provisions of section 44 on the witness's affirmation and of section 63 on coercive measures if the witness refuses to testify do not apply to such a party.

The provisions of subsection 3 apply in a criminal matter also:

1) to a person who is charged with the same act or with an act that has a direct connection to the act referred to in the charges;

2) to a person who has been issued an order for a fine, a penal order or a summary penal fee for an act referred to in paragraph 1; (987/2016)

3) to a person in respect of whose act a decision has been made under chapter 3, section 9 of the Criminal Investigations Act not to forward the matter for the consideration of the prosecutor or the prosecutor has decided to waive prosecution under chapter 1, section 7 or 8 of the Criminal Proceedings Act or another corresponding provision on the waiving of measures.

Section 30 (732/2015)

The provisions of section 27 on a party to be heard for evidentiary purposes apply to a witness who has not reached the age of 15 years or who is mentally impaired.

Section 31 (732/2015)

If the judge in the matter under consideration or another person referred to in chapter 13, section 2, subsection 1 is called as a witness, the question of the necessity of hearing him or her is decided in compliance with the provisions of chapter 13, section 9 on decisions on pleas of disqualification.

If the prosecutor or a party's legal counsel or attorney in the matter under consideration is called as a witness, the court shall consider whether his or her hearing is necessary. If the prosecutor or a party's legal counsel or attorney is obliged to testify, he or she shall withdraw from his or her function. In this case, the court shall reserve said person or his or her client the opportunity to appoint another person to replace the person who has withdrawn.

Section 32 (732/2015)

The President of the Republic shall not be called to be heard as a witness.

Section 33 (732/2015)

A witness may be heard in a criminal matter so his or her identity or contact information is not revealed (*anonymous witness*), if:

1) in accordance with a decision made pursuant to chapter 5, sections 11a—11e of the Criminal Procedure Act, he or she is decided to be heard anonymously;

2) the decision has become final or it shall be complied with in accordance with section 11e, subsection 3 of said chapter;

3) the main hearing is considering charges for the offence for the investigation of which he or she has been granted anonymity; and if

4) he or she requests that he or she be heard in a manner that does not reveal his or her identity.

Expert witnesses (732/2015)

Section 34 (732/2015)

An expert witness is heard on empirical rules requiring special knowledge and on their application to the circumstances arisen in the matter.

Section 35 (732/2015)

An expert witness shall be known to be honest and competent in his or her field.

A person who is connected to the matter or a party in a manner that endangers his or her impartiality may not serve as an expert witness.

Section 36 (732/2015)

An expert witness shall present his or her statement in writing.

An expert witness shall be heard in court in person if:

1) this is necessary in order to remove ambiguities, deficiencies or inconsistencies in his or her expert statement;

2) the court deems it necessary for another reason; or if

3) a party requests this and the hearing would apparently not be meaningless.

Section 37 (732/2015)

The court may order that the defendant in a criminal matter undergo a psychiatric assessment if:

1) the court, in an interim judgment in accordance with chapter 11, section 5a of the Criminal Procedure Act, has determined that the defendant in the criminal matter has been found to have acted in the punishable manner described in the charges;

2) the psychiatric assessment of the defendant is justified; and if

3) the defendant consents to the psychiatric assessment or if he or she is remanded or charged with an offence for which the minimum sentence is imprisonment for more than one year.

The court may, on request of the prosecutor or the person suspected of an offence or his or her guardian, and on the prerequisites provided in subsection 1, paragraphs 2 and 3, order the suspect to undergo a psychiatric assessment already during the pre-trial investigation or before the main hearing, if the person suspected of the offence has admitted having committed a punishable act or if the need for a psychiatric assessment is otherwise evident. Chapter 3, section 1, subsection 2 of the Coercive Measures Act contains provisions on when the court has a quorum and on the holding of a hearing when making the decision referred to in this subsection.

Before making a decision referred to in chapter 2c, section 11 of the Criminal Code on imposing a joint fixed-term sentence, the defendant shall be ordered to undergo a psychiatric assessment. The court shall simultaneously request a statement on whether the defendant is to be deemed particularly dangerous to the life, health or freedom of another. (803/2017)

Subsection 4 was repealed by Act 803/1997.

Separate provisions are laid down for psychiatric assessment and admittance to a hospital for it.

Documents and objects of an inspection (732/2015)
Section 38 (732/2015)

An object or document may be presented to the court as proof. The court may, in order to obtain proof, conduct an inspection of an object that cannot be brought to court without difficulty, or of real property or a locality or another subject.

The proof referred to above in subsection 1 may be presented or obtained regardless of whether the document, object or subject of an inspection contains information that is to be kept secret or that is subject to the right of confidentiality, if the evidence can, without unreasonable inconvenience, be handled so that such information is not revealed.

Section 39 (732/2015)

A copy may be presented of a document unless the court decides that the document is to be presented in the original.

Section 40 (732/2015)

The court may order that an object or document be brought to court or that an inspection be conducted if the object or document could be of significance as proof or if the conducting of an inspection could be of significance in obtaining proof.

Before making the order referred to above in subsection 1, the person in question shall be reserved an opportunity to be heard. If necessary, he or she can be heard in a manner provided for the hearing of a party or a witness, and also other evidence may be admitted.

The court may, where necessary, order that the person in question is to fulfil his or her obligation under threat of a fine. The court may also order that a distraint officer bring the document or object to court, in which case chapter 3 of the Enforcement Code is complied with. The court has the right to obtain executive assistance from the police in order to ensure the conduction of an inspection.

Summonses (732/2015)
Section 41 (732/2015)

If a party that is to be heard for evidentiary purposes or if a person appointed as witness or expert witness is present in court, he or she may be heard immediately.

Where necessary, the court attends to the summoning of a witness or expert witness unless this has been entrusted to the parties on the grounds referred to in chapter 11, section 2 or unless otherwise provided by chapter 5, section 19 of the Criminal Procedure Act. The person to be heard shall be summoned to court under threat of a fine and service of the summons shall be given in person as provided in chapter 11, section 3, 3b or 4.

The summons shall indicate the date, time and location of the session. The summons shall also provide the necessary information regarding the parties and the matter. In addition, the summons shall provide the information referred to in section 62 or 64 and in section 65, subsection 3.

If a hearing referred to in section 52 or section 56, subsection 2 is conducted at the offices of an authority, the provisions on the sanction for the absence of a party, witness or expert witness who is to be heard for evidentiary purposes and on coercive measures to be directed against them may be applied to the hearing. The summons shall indicate not only the information provided in subsection 3 but also the manner in which the hearing is to be conducted.

The provisions of this section and elsewhere on a summons to a session apply to the summons of a person referred to above in subsection 1 to an inspection.

Section 42 (732/2015)

Unless otherwise provided elsewhere in the law, in the legislation of the European Union or in an international agreement binding on Finland, the court shall attend to the summoning if service of the summons to a witness or an expert witness is to be made abroad. The court shall send the summons for service to the authority in the country where the witness or expert witness is staying. The summons shall indicate the date by which the service shall be made.

The provisions in section 62 on the sanctions for absence without a lawful excuse shall not apply to a witness or expert witness who, despite the service of the summons in a foreign state in accordance with the request for legal assistance, fails to arrive in Finland unless the person summoned has subsequently arrived in Finland voluntarily and fails to comply with the summons served on him or her in Finland to appear before the court for a hearing.

Provisions on the obligation of a witness and a party to arrive from another Nordic country to be heard in court in Finland are contained in the Act on the Obligation to Appear before the Court in Another Nordic Country in Certain Cases (349/1975).

The procedure for taking evidence in the main hearing (732/2015)
Section 43 (732/2015)

Before hearing a witness or expert witness, the chairperson of the court shall ask the person being heard to state his or her name and, if necessary, to verify his or her identity. If necessary, the chairperson shall ask whether there are any obstacles for giving an affirmation and whether the person being heard has the obligation or the right to refuse to testify. If necessary, the chairperson shall inquire about circumstances that affect the credibility of the person being heard.

If a witness or expert witness has the right to refuse to testify, the chairperson shall inform the person to be heard about this and state that if he or she does not want to exercise this right, he or she has the same obligation to speak the truth as other witnesses and expert witnesses. If necessary, the chairperson shall also otherwise explain to the person to be heard the contents of the obligation or right of confidentiality.

An anonymous witness has no obligation to reveal his or her identity.

Section 44 (732/2015)

Before being heard, the witness shall give the following affirmation: "I, <insert name>, do promise and affirm on my honour and conscience that I shall testify and state the whole truth in this matter, without concealing it, without adding to it or without altering it."

An affirmation shall not be given by:

1) a person who has not reached the age of 15 years;

2) a person who is mentally impaired to the extent that he or she apparently does not understand the significance of the affirmation;

3) in a criminal matter:

a) an injured party who has no claims in the matter;

b) a person who is charged for the same act or for an act that has a direct connection to the act covered by the charge;

c) a person who has been issued an order for a fine, a penal order or a summary penal fee for an act referred to in subparagraph b; (987/2016)

d) a person whose act has been decided not to be submitted for prosecution under chapter 3, section 9 of the Criminal Investigation Act or for whose act the prosecutor has decided to waive prosecution under chapter 1, section 7 or 8 of the Criminal Procedure Act or under a corresponding provision relating to waiving of measures;

4) an anonymous witness.

Section 45 (732/2015)

Before the examination, the expert witness shall give the following affirmation: "I, <insert name>, do promise and affirm on my honour and conscience that I shall to the best of my understanding fulfil the expert function to which I have been appointed."

Section 46 (732/2015)

Before the witness or the expert witness presents his or her testimony, the chairman of the court shall remind him or her of the obligation to speak the truth and, if an affirmation has been given, of its importance.

Section 47 (732/2015)

A party being heard for evidentiary purposes and a witness shall present his or her testimony orally without referring to a written testimony. The person being heard may, nevertheless, use written notes as memory aids.

If a person being heard deviates in his or her an oral testimony from what he or she has stated earlier in court, to the prosecutor or to a pre-trial investigation authority or does not give a statement, the testimony that he or she has given earlier may be used as evidence to the extent

that the oral testimony deviates from the earlier testimony or if the person being heard has not given a testimony.

Section 48 (732/2015)

In a civil matter, the parties, and in a criminal matter, the injured party and the defendant are examined before the presentation of other oral testimony unless the court decides otherwise for a special reason. The examination shall be conducted as provided below in this section. The provisions of subsections 2—4 may, however, be derogated from, where necessary.

In a civil matter, the main examination of a party is conducted by his or her legal counsel. In a criminal matter, the main examination of a defendant is conducted by his or her legal counsel. The main examination of the injured party is conducted by his or her legal counsel or by the prosecutor. If a party in a civil matter or the defendant in a criminal matter has not retained legal counsel, the main examination is conducted by the court or in a criminal matter also by the prosecutor. In the main examination, the person being heard shall present his or her testimony as a continuous account on his or her own initiative and, where necessary, with the help of the questions presented to him or her.

The cross-examination is conducted by the party opposing the party that conducted the main examination. The cross-examination of an injured party who does not have any claims in the matter is conducted by the party opposing the prosecutor. If the opposing party is not present, the cross-examination is conducted by the court or, in a criminal matter, also by the prosecutor. After the cross-examination, the court and the parties have the right to ask questions of the person being heard. The party conducting the main examination shall be reserved the first opportunity to ask questions.

The court examines a person to be heard who has not reached the age of fifteen years or whose mental development has been impaired unless the court deems there to be a special reason to assign the examining to a party. The parties shall be reserved the opportunity to ask questions of the person being heard through the court or, if the court deems this appropriate, directly of the person being heard. The hearing may, where necessary, be conducted in a place other than the courtroom.

No questions are allowed in the main examination which, due to their content, form or manner of presentation lead to a predetermined reply. In the cross-examination and when asking further questions, such questions are permitted when they seek to clarify the extent to which the testimony of the witness corresponds to the actual course of events. The court shall disallow irrelevant, misleading or otherwise inappropriate questions.

Section 49 (732/2015)

The examination of a witness and an expert witness is conducted as provided in subsection 2 and in section 48, subsections 3–6. The provisions of subsection 2 and section 48, subsections 3 and 4 may, however, be derogated from where necessary. Nevertheless, an injured party who has no claims in the matter is heard in accordance with section 48.

The party who has called the person to be heard conducts the main examination. If the person to be heard has been called by the court or if the person to be heard has been called by both parties, the court decides which party conducts the main examination unless it is deemed more appropriate that the court conducts it.

Section 50 (732/2015)

If several persons are heard for evidentiary purposes in the matter, they shall be examined separately. They may, however, be heard examined one against the other if their testimony or statements are unclear or inconsistent or if this is otherwise necessary.

A person who has been called as a witness or expert witness may not be present during the consideration of the matter beyond what is necessary for his or her examination. The court may, nevertheless, allow an expert witness to be present in other parts of the consideration of the matter. The court may also, where necessary, allow an injured person who has no claims in the matter to be present in the consideration of the matter before he or she is heard for evidentiary purposes. Such injured person may be present after having been examined.

Section 51 (732/2015)

A party heard for evidentiary purposes, a witness or an expert witness may be heard in the main hearing behind a screen or without the presence of a party or other person if the court deems that this is appropriate and that such procedure is necessary:

1) in order to protect the person being heard or a person in a relationship referred to in section 17, subsection 1 to him or her from a threat against life or health;

2) if the person being heard would otherwise not reveal what he or she knows of the matter; or if

3) a person disturbs or attempts to mislead the person being heard while the latter is speaking; or if

4) a person heard in a criminal matter is in need of special protection for a reason other than one referred to in paragraph 1 taking into consideration especially his or her personal circumstances and the nature of the offence.

(11/2016)
The parties shall be reserved an opportunity to ask questions of the person being heard.

The Act on the Publicity of Court Proceedings in General Courts contains provisions on the hearing of a person to be heard without the presence of the public.

Section 52 (732/2015)

A party to be heard for evidentiary purposes and a witness and expert witness may be heard in the main hearing without being present in person by using a video conference or other suitable technical means of communication by which the persons participating in the session have audio and video contact with one another if the court deems this appropriate and if:

1) the person to be heard cannot appear in the main hearing in person due to an illness or another reason;

2) the appearance of the person to be heard in the main hearing in person would, in comparison with the significance of the evidence, cause considerable expenses or inconvenience;

3) the reliability of the testimony of the person to be heard can be reliably assessed without his or her presence in the main hearing;

4) the procedure is necessary in order to protect the person to be heard or a person in a relationship as referred to in section 17, subsection 1 to such person from a threat against life or health;

5) the person to be heard has not reached the age of 15 years or his or her mental capacity is impaired; or if

6) the person heard in a criminal matter is in need of special protection for a reason other than one referred to in paragraph 4 taking into consideration especially his or her personal circumstances and the nature of the offence.

(11/2016)
In cases referred to above in subsection 1, paragraphs 1—3, however, the hearing may also take place by telephone.

The parties shall be reserved an opportunity to ask questions of the person being heard.

Section 53 (732/2015)

In a criminal matter, the court may, if this is necessary in order to protect the identity of an anonymous witness, decide that he or she be heard in the main hearing behind a screen or without the presence of the defendant or, without being present in person by using a telephone or video contact or other suitable technical means of communication. In the hearing, the voice of the witness may also be altered so that the anonymous witness cannot be recognized by his or her voice.

The parties shall be reserved an opportunity to ask questions of the anonymous witness.

Notwithstanding the provisions of section 51, subsection 3, an anonymous witness is heard without the presence of the public if this is necessary in order to protect his or her identity.

Section 54 (732/2015)

A statement by an expert witness, a document, the object of an inspection, and a testimony or statement referred to in section 24 or section 47, subsection 2 shall be presented in the main hearing to the extent necessary.

Section 55 (732/2015)

In a main hearing that has been opened in accordance with chapter 6, section 7, or in accordance with chapter 6, section 3, subsection 2 of the Criminal Procedure Act, another party or a witness or an expert witness may be heard for evidentiary purposes in the absence of a party, if the party has been informed in the summons that testimony may be admitted despite his or her absence. The matter may, where necessary, be considered also in other respects.

In a continued main hearing after postponement, the court shall inform a party of trial material that has accumulated in his or her absence.

Evidence is not readmitted in the presence of the party. However, evidence shall be readmitted if a party requests this and if his or her absence was due to a lawful excuse which he or she could not have reported in time or if the court deems that the readmittance of evidence is necessary for a special reason. If evidence has been admitted in the main hearing under subsection 1, and a party had not been informed of this in the summons, it shall be readmitted on request of the party.

The evidence procedure outside the main hearing (732/2015)
Section 56 (732/2015)

Evidence may be admitted outside the main hearing if:

1) the main hearing is cancelled and if it can be assumed that a witness, an expert witness, a party in a civil matter, or an injured party in a criminal matter to be heard for evidentiary purposes need not or cannot be heard again in the main hearing or if the appearance of the person to be

heard in the main hearing would, in comparison to the significance of the evidence, cause considerable expenses or inconvenience;

2) the party, witness or expert witness to be heard for evidentiary purposes cannot appear in the main hearing due to an illness or another reason or if his or her appearance in the main hearing would, in comparison to the significance of the evidence, cause considerable expenses or inconvenience;

3) a document cannot be presented or an inspection cannot be conducted in the main hearing or if the presentation of a document or the conduct of an inspection in the main hearing would, in comparison to the significance of the evidence, cause considerable expenses or inconvenience;

4) before the main hearing, it is necessary to hear a party or another person or to admit another account in order to clarify an issue on which an expert witness is to be heard.

If evidence is admitted under subsection 1, paragraph 2 or 4, the person to be heard may be heard without being present in person using a video conference or other suitable technical means of communication where the persons participating in the session have audio and video contact with one another if the court deems this appropriate.

The matter may be considered outside the main hearing also in other respects if this is of special importance in order to clarify the matter.

Section 57 (732/2015)

The court shall summon the parties to a hearing held outside the main hearing for the purpose of the admittance of evidence referred to in section 56, subsection 1, paragraphs 2—4. The summons shall state that the hearing may be conducted despite the absence of a party.

Section 58 (732/2015)

If evidence is presented outside the main hearing under section 56, subsection 1, paragraphs 2—4 or if no main hearing is held, evidence may be admitted also in another court.

If the court decides that evidence shall be admitted in another court, the court shall prepare a proposal for the admittance of such evidence and in the same context briefly explain the matter and what the evidence is intended to prove. The court shall in the same context send to the court in which the evidence is admitted the documents that have accumulated in the consideration of the matter which are necessary for the admission of the evidence.

The court which admits the evidence on the proposal of another decides when the admission of the evidence is to take place.

The court which admitted the evidence shall send to the court where the proceedings on the principal issue are pending, the trial material that has accumulated in the admittance of the evidence.

Section 59 (732/2015)

Evidence that is admitted outside the main hearing is not readmitted in the main hearing. Evidence shall, however, be readmitted if a party was absent and requests it and if his or her absence has been due to a lawful excuse which he or she could not have reported in time or if the court deems that the readmittance of evidence is necessary for a special reason.

The court shall, where necessary, give in the main hearing an account of the trial material that has accumulated in the admittance of evidence outside the main hearing.

Section 60 (732/2015)

Separate provisions are issued on the presentation of evidence abroad.

Evidence for future purposes (732/2015)
Section 61 (732/2015)

On request of the person in question, a witness or expert witness is heard or a document or object is presented or an inspection is conducted in a district court in a civil matter in which the proceedings are not yet pending, if the right of the applicant may depend on the admittance of the evidence or the conducting of an inspection. A further precondition for this is a danger that the witness or expert witness can be heard later only with difficulty or that other evidence disappears

or can be presented later only with difficulty or that an inspection can be conducted later only with difficulty.

If the right of another person depends on the presentation of evidence, he or she may, where necessary, be summoned to the hearing.

Evidence is admitted in the general forum of the person to be heard or of the document or object or in the district court to which said person consents to arrive.

The applicant is liable for the expenses of the presentation of evidence referred to in this section.

Coercive measures (732/2015)
Section 62 (732/2015)

If a witness fails to appear without a lawful excuse or leaves without permission, a conditional fine imposed on the witness shall be enforced and the court may order that the witness be immediately brought to court unless a decision is made to continue the consideration of the matter at a later time. If a decision is made to continue in another session, a higher conditional fine shall be imposed or, where necessary, the witness may be ordered to be brought to court. A witness ordered to be brought to court may be taken into custody. The loss of liberty, including the time of transport, may last at most five days. However, the loss of liberty may not last longer than is necessary to ensure the conduct of the proceedings.

If there is reason to assume on the basis of the conduct of the witness or another person to be heard in person for evidentiary purposes that he or she will not comply with the summons to appear before court, the court may order that he or she be brought to the session.

If a person referred to in subsection 1 or 2 is brought to court, the imposed conditional fine shall not be enforced.

The person ordered to be brought to court under this section is liable for the expenses of being brought to court.

Section 63 (732/2015)

If a witness unjustifiably refuses to testify, the court orders him or her to fulfil his or her obligation under threat of a fine. If a witness refuses to comply with the order, the court shall order payment of the conditional fine. If a witness continues to refuse to comply with the order, the court may, taking into consideration the nature of the matter, the significance of the testimony of the witness for deciding the matter, the personal situation of the witness and the other circumstances, order the witness to fulfil his or her obligation with coercive imprisonment.

A witness may not be held in imprisonment longer than is necessary to fulfil the obligation to testify nor longer than a maximum of six months. However, coercive imprisonment may not continue longer than the matter is pending in the court in question. If the witness agrees to testify, the consideration of the matter shall be continued as soon as possible.

The court shall at least every two weeks reconsider the question of the continuation of coercive imprisonment. The person who has been deprived of his or her liberty shall be heard in person on whether he or she agrees to testify. The provisions of chapter 3 of the Coercive Measures Act are otherwise complied with in the consideration of the matter, where applicable.

The provisions on the Act on the Treatment of Persons in the Custody of the Police (841/2006) apply to a witness on whom coercive imprisonment has been imposed, taking into consideration the grounds for the loss of liberty.

Section 64 (732/2015)

Sections 62 and 63 do not apply to a witness who has not reached the age of 15 years or who is mentally impaired. However, he or she may be ordered to be brought to court. Coercive imprisonment may not be imposed on a witness under the age of 18 years. Section 63 does not apply to a witness referred to above in section 29, subsection 2 and 3.

Section 62 applies to an expert witness. However, an expert witness may not be ordered to be brought to court.

If the person who has called a witness or expert witness waives his or her examination, or if the issue regarding this otherwise lapses, the conditional fine imposed on a witness under section 62

or 63 or on an expert witness under section 62 shall not be enforced nor may coercive imprisonment be applied against the witness. However, the witness is liable for the expenses of being brought to court, if the order for this was issued before the waiver or lapse.

Compensation and fees (732/2015)
Section 65 (732/2015)

A witness has the right to reasonable compensation for necessary travel and maintenance expenses and financial loss.

The private party who called a witness is liable for the compensation to the witness. If the witness was called by more than one party, they are jointly and severally liable for the compensation. If the court has called the witness on its own motion, the private parties are jointly and severally liable for his or her compensation. Separate provisions apply to compensation to be paid to witnesses from State funds.

A witness called by a private party has the right to an advance for travel and maintenance expenses. The advance shall be paid by the party who, in accordance with subsection 2, is liable to pay the compensation to the witness. In connection with the summons, information shall be provided on the right to an advance. The court considers the sufficiency of the advance.

If the party who is liable for the payment of the advance does not pay the advance to the witness on request, said witness is not obliged to appear in court. The party shall not thereafter have the right to call the witness to be examined, if this would cause a delay in the matter.

Section 66 (732/2015)

An expert witness has the right to a reasonable fee for his or her work and loss of time and a compensation for necessary expenses. If the statement has been presented by a government authority or the holder of a public office or function or by a person who has been appointed to present statements in the field in question, a fee and compensation is paid only if separately provided for this.

A private party who called an expert witness is liable for the fee and compensation of the expert witness. If the expert witness has been called by more than one party, they are jointly and

separately liable for the fee and compensation of the expert witness. If the court has called an expert witness on its own motion, the private parties are jointly and severally liable of his or her fees and compensation. In other cases, the fee and compensation are paid from State funds.

An expert witness has the right to an advance compensation for his or her necessary expenses. The advance shall be paid by the person who, in accordance with subsection 2, is liable to pay the compensation to the expert witness. The court considers the sufficiency of the advance.

Provisions on the reimbursement of compensation paid in advance from State funds are laid down in chapter 21, section 13 and in chapter 9, section 1 of the Criminal Procedure Act.

The provisions of this section apply also to expenses incurred in the conduct of an inspection.

Section 67 (732/2015)

If a person other than a party is obliged to bring an object or document referred to in section 38 to court, he or she has the right to reasonable compensation for his or her expenses.

The private party who has called a document or object of an inspection as evidence is liable for the payment of compensation. If a document or object of an inspection has been called as evidence by more than one party, they are jointly and severally liable for the compensation. If the court on its own motion calls a document or object of an inspection as evidence, the private parties are jointly and severally liable for the compensation. In other cases, the compensation is paid from State funds.

The provisions of chapter 21, section 13 and chapter 9, section 1 of the Criminal Procedure Act apply to the reimbursement of compensation paid from State funds.

Request for a review (732/2015)
Section 68 (732/2015)

A request for a review of a decision on the presentation of evidence is made in connection with the principal issue. However, a request for a review of the decision is made separately if the decision concerns:

1) enforcement of a conditional fine;

2) an order to pay the expenses of being brought to court,

3) the fee and compensation for a witness or expert witness;

4) compensation for a person who has brought a document or object to court.

The decision shall be followed despite a request for a review unless the court that made the decision or the reviewing court decides otherwise.

Notwithstanding the provisions of subsection 1, the court may order that a review of the decision be requested separately if, considering the contents of the decision, a request for a review in connection with the principal issue would be useless and the legal safeguards of the person in question require a separate right to request a review or if there are otherwise serious grounds for this. The request for a review shall be considered as a matter of urgency.

Section 69 (732/2015)

A separate request for a review may not be made of a decision on a psychiatric assessment, an order that a person be placed in coercive imprisonment or an order that a person be brought to court. The person ordered to undergo a psychiatric assessment, the person placed in coercive imprisonment or the person ordered to be brought to court may file a complaint. There is no specific period for filing such a complaint. The complaint shall be considered as a matter of urgency.

Chapter 18 (1052/1991)
Cumulation and intervention is a civil matter

Section 1 (1052/1991)

Several actions brought by a plaintiff against the same respondent at the same time shall be considered in the same proceedings if they are based on essentially the same grounds.

Section 2 (1052/1991)

The actions brought by a plaintiff against several respondents or by several plaintiffs against one or several respondents at the same time shall be considered in the same proceedings if they are based on essentially the same grounds.

Section 3 (1052/1991)

If a respondent brings an action against the plaintiff on the same or a related matter as the original action or on a debt that is admissible for set-off (*counteraction*), the actions shall be considered in the same proceedings.

Section 4 (1052/1991)

If a person who is not party to the proceedings brings an action against a party or both parties on the object of the dispute, the action shall on his or her request be considered in the same proceedings with the original action.

Section 5 (1052/1991)

If a party wishes to present a claim for recovery, a claim for damages or a comparable claim against a third party for the eventuality that he or she loses the present matter, he or she may bring an action on such a claim to be considered in the same proceedings with the present matter.

If a person wishes to bring an action against a party or both parties regarding a claim referred to in subsection 1, on the basis of the eventual outcome of the present matter on the relationship between the parties, he or she may bring the action to be considered in the same proceedings with the present matter.

Section 6 (1052/1991)

Matters between the same or different parties may be considered in the same proceedings also in cases other than those referred to above if this furthers the clarification of the matters.

Where necessary, the court may detach the matters referred to in subsection 1 to be considered as separate matters.

Section 7 (1052/1991)

The prerequisites for the consideration of actions in the same proceedings in accordance with sections 1—6 are that the actions have been brought in the same court, the court is competent to consider the actions to be joined and the actions may be considered according to the same procedure.

If an action referred to in sections 3—5 is brought after the preparation has been concluded in accordance with chapter 5, section 28, subsection 1, the court may consider the actions separately if their hearing in the same proceedings is not possible without inconvenience. The court may do the same also when a party brings an action referred to in section 3 or section 5, subsection 1 after the expiry of the time limit referred to in chapter 5, section 22.

Section 8 (1052/1991)

If a person who is not a party to the proceedings claims that the matter concerns his or her rights and presents plausible reasons in support of the claim, he or she may participate in the proceedings as an intervener supporting either party.

Section 9 (1052/1991)

If a person wishes to participate in the proceedings as an intervener, he or she shall submit an application to this effect to the court. The parties shall be reserved an opportunity to be heard on the application.

A request for a review may be made separately of a decision made during the proceedings rejecting the application for an intervention.

Section 10 (1052/1991)

An intervener has the right to act in the proceedings as a party. He or she may not, however, amend the action or undertake other measures contrary to actions undertaken by a party, nor request a review of a judgment or a decision except along with a party.

However, if the judgment is enforceable for or against the intervener as if it was issued in proceedings where he or she was a party, he or she has, however. the status of a party to the proceedings.

Chapter 19 (363/2009)
Declaration of a matter as urgent

Section 1 (363/2009)

The district court may decide on request of a party that the matter is declared urgent if there are especially serious grounds for considering the matter before other matters taking into consideration the length of the proceedings, the nature of the matter and its significance to the party, and other grounds for declaring the matter as urgent.

Section 2 (363/2009)

A party who requests that a matter be considered urgent shall submit a written application on this to the district court that is considering the principal matter. The application shall contain the request to declare the matter urgent as well as the grounds on which the request is based. Before deciding on the request to declare a matter urgent, the district court shall, where necessary, reserve the other parties an opportunity to be heard in a suitable manner.

Section 3 (363/2009)

A request to declare a matter urgent shall be decided by the district court in a composition of only one judge. The judge considering the principal matter may make the decision himself or herself only if a second judge cannot, without delay, be assigned to decide the matter or if the request is manifestly unfounded.

A decision declaring a matter as urgent may be done in written proceedings. The decision shall be issued without delay.

Section 4 (363/2009)

A matter declared urgent shall be considered in the district court without undue delay before other matters.

The declaration of a matter as urgent shall be in force until the principal matter is decided by the district court.

Section 5 (363/2009)

A review of a decision declaring a matter urgent may not be requested separately.

Chapter 20
Settlement (664/2005)

Section 1 (664/2005)

A settlement may be confirmed in pending proceedings as provided in this chapter.

Section 2 (664/2005)

A settlement may pertain to the matter or a part thereof which is amendable to settlement.

Section 3 (664/2005)

A settlement is confirmed on request of the parties. A settlement may not be confirmed if it is contrary to law or clearly unreasonable or if it violates the right of a third party.

The court shall confirm the settlement in writing. The decision shall denote the subject and the content of the settlement.

Section 4 (664/2005)

If the settlement applies to all the claims presented in the matter, the consideration of the matter concludes with the confirmation of the settlement.

If the settlement applies to a part of the matter, the proceedings continue in respect of the other parts.

Section 5 (664/2005)

A review of the decision of the court in a matter relating to the confirmation of a settlement may be requested in compliance with the provisions on a request for a review of a judgment of the court in question.

Chapter 21 (1013/1993)
Legal costs

Section 1 (368/1999)

The party who loses the matter is liable for all reasonable legal costs incurred by the necessary measures of the opposing party unless otherwise provided by elsewhere in the law.

Section 2 (368/1999)

In a matter not amenable to settlement, the parties are liable for their own legal costs unless there is a special reason for rendering a party liable, in full or in part, for the legal costs of the opposing party.

Section 3 (1013/1993)

If several claims have been made in the same matter and some of them are decided in favour of one party and some in favour of the other party, the parties are liable for their own legal costs unless there is a special reason for rendering a party liable, in part, for the legal costs of the opposing party. If the claim that a party loses is of minor significance only in the matter, he or she shall be entitled to full compensation for his or her costs.

The provisions of subsection 1 shall correspondingly apply when the claim of a party is only partially upheld. In this event, however, full compensation of the costs of the party may be

ordered also if the part of the claim that has not been upheld concerns solely a matter of discretion which has little bearing on the amount of the legal costs of the parties.

Section 4 (1013/1993)

If the winning party has brought an action without the opposing party having given cause to it, or otherwise deliberately or negligently caused a frivolous trial to be held, the winning party shall be liable for the legal costs of the opposing party unless, in the light of the circumstances, there is reason to order that the parties are to be liable for their own legal costs.

If, before the trial, the losing party did not know nor should not have known of a fact on which the decision in the matter turned, the court may order that the parties are to be liable for their own legal costs.

Section 5 (1013/1993)

If a party has, by being absent from court, by failing to heed the orders issued by the court or by entering a plea which he or she has known or should have known to be unsubstantiated, or by otherwise prolonging the trial by unlawful conduct deliberately or negligently caused the other party to incur costs, he or she shall be liable for such costs regardless of how the legal costs otherwise are to be compensated.

Section 6 (1013/1993)

After having been reserved an opportunity to be heard, a party's representative, attorney or legal counsel, who in the manner referred to in section 4 or 5, has deliberately or negligently caused the other party to incur legal costs referred to in this chapter, may be rendered jointly and severally liable with the party for such costs.

Section 7 (1013/1993)

A party whose action has been dismissed is deemed to have lost the matter.
If the proceedings are discontinued because a party has withdrawn the action or failed to appear in court, the party shall be rendered liable for the costs of the opposing party unless there is a specific reason to order otherwise regarding the liability to compensate.

Section 8 (1013/1993)

Compensable legal costs are the costs of the preparation for the proceedings and the participation in the proceedings, and the fees of the attorney or legal counsel. In addition, compensation shall be paid for work caused to the party by the proceedings and for losses directly linked to the proceedings. (368/1999)

On request, the compensation for legal costs shall carry an annual interest in accordance with the reference rate referred to in section 4, subsection 3 of the Interest Act from the date on which one month has elapsed from the date of the order to compensate. (285/1995)

Section 8a (368/1999)

If the legal issues in the matter have been so unclear that the losing party has had a justifiable reason to pursue the proceedings, the court may order that the parties are to be liable for their own legal costs in full or in part.

Section 8b (368/1999)

If, taking into account the circumstances giving rise to the proceedings, the situation of the parties and the significance of the matter, it would, overall, be manifestly unreasonable to render the party liable for the legal costs of the opposing party, the court may on its own motion reduce the payment liability of the party.

Section 8c (368/1999)

If a matter concerning the collection of a debt or eviction is decided in accordance with chapter 5, section 13 or 14 by a judgment by default without continuing the preparations, the court shall on its own initiative assess the legal costs to be compensated by the opposing party, taking into account the amount of necessary work put into the application for a summons, the amount of the debt and the unavoidable expenses.

The Ministry of Justice issues further provisions on the bases for the amounts of legal costs ordered in accordance with this section.

Section 8d (601/2002)

In a matter concerning tenancy of residential premises, legal costs shall be ordered in accordance with section 8c of this chapter. If there are weighty reasons for this and the matter is not decided under chapter 5, section 13 or 14 by a judgment by default without continuing the preparations, a party may be ordered to pay the legal costs of the opposing party in an amount greater than that provided in section 8c.

Section 9 (1013/1993)

Where more than one party are liable for the same legal costs, their liability shall be joint and several.

Costs related to a part of the matter concerning solely one party or costs caused by a party in the manner referred to in section 5 shall be compensated by the party alone.

Section 10 (1013/1993)

A person who has continued to pursue an action in accordance with chapter 12, section 5a, shall be liable, jointly and severally with the original plaintiff, for legal costs incurred before he or she assumed the pursuit of the action. The new plaintiff shall alone be liable for legal costs incurred after that.

A person who assumed the position of respondent shall alone be liable for legal costs.

Section 11 (1013/1993)

If one of jointly and severally liable parties so requests, the court shall order on how the liability is to be divided among them or whether one of them shall alone be liable to compensate all the costs.

Section 12 (1013/1993)

The provisions of this chapter on a party apply correspondingly to the liability of an intervener referred to in chapter 18, section 8 for legal costs and to his or her right to compensation for such costs. However, an intervener shall be liable only for the specific costs incurred by the exercise of the right to be heard. The party whose side the intervener has taken may not be rendered liable for the costs referred to in this section.

The provisions of this chapter on a party's representative, attorney or legal counsel apply correspondingly to the liability of an intervener's representative, attorney or legal counsel for legal costs.

Section 13 (1013/1993)

If the costs of evidence or other procedure are to be covered from State funds or if the parties are jointly and severally liable for them, the provisions of this chapter on legal costs apply to the liability to compensate such costs. If the parties are liable for their own costs, the court may order that the costs are to be divided equally between them.

The court may order that the costs referred to in subsection 1 and paid from State funds are to be borne by the State in full or in part.

Section 14 (1013/1993)

A claim for the compensation of legal costs shall be made before the conclusion of the consideration. The claim shall specify the amount of the costs and their bases. (368/1999)

The decision on legal costs shall be issued at the same time as the matter is decided by the court. The costs and fees to be compensated shall be declared separately in the decision. If the principal issue is decided in preparatory proceedings, a decision on legal costs may be issued at the same time even if the costs remain in dispute unless it is deemed that the determination of the amount of the costs requires a main hearing for the admittance of testimony. (368/1999)

When a court transfers a matter to another court, the issue of the legal costs incurred in the transferring court shall be decided in the court to which the matter has been transferred.

Section 15 (368/1999)

Section 15 was repealed by Act 368/1999.

Section 16 (1013/1993)

If a review of the decision of a lower court is requested, the liability to compensate the legal costs incurred in the higher court shall be determined on the basis of the process for requesting a review and of whether the request for the review has been successful or not.

If the matter is returned to a lower court, the issue of the legal costs incurred in the higher court shall be examined in the lower court in connection with the matter returned.

In the case of an extraordinary request for a review, the liability to compensate the legal costs shall be determined in accordance with subsections 1 and 2 unless otherwise provided for a special reason. (666/2005)

Sections 17–18

Sections 17—18 were repealed by Act 690/1997.

Supplementary provisions

Section 19 (440/2011)

A public prosecutor has the right, on behalf of the State, to request a review of a decision made under section 13 even in cases where he or she has not acted as a prosecutor.

Section 20 (690/1997)

Section 20 was repealed by Act 690/1997.

Chapter 22 (1064/1991)
District court records and recording of evidence

Records
Section 1 (1064/1991)

Records shall be kept of the consideration of civil and criminal matters in the district court. The record is signed by the person who has kept it.

Record for a civil matter
Section 2 (1064/1991)

A separate record shall be kept for each civil matter.

However, a record need not be kept when the matter is not considered in a session.

The record shall be kept by a court official under the instructions of the chairperson or, for a special reason, by the chairman or a legally trained member of the court appointed by the chairperson. (441/2001)

Section 3 (1064/1991)

The following shall be entered in the record:

1) the name of the court and the date of the consideration;

2) the names of the court members taking part in the consideration of the matter and the name of the record keeper;

3) the parties and the persons called to be heard and whether or not they have been present;

4) the attorneys and legal counsels of the parties and the interpreters;

5) the matter; and

6) the reason for closed proceedings.

Subsection 2 was repealed by Act 690/1997.

Section 4 (1064/1991)

In addition to that laid down in section 3, the record of an oral preparatory hearing shall indicate:

1) the claims, pleas, admissions and denials presented;

2) the circumstances on which the parties base their claims and denials, and the comments of the opposing party on the same;

3) the evidence to be presented and what is intended to be proven with each piece of evidence; and

4) the other issues relevant to the holding of a main hearing.

(768/2002)
If a matter, which under subsection 1 is to be entered in the record, is evident in the application for a summons, a response, another document delivered to the court or an earlier record, it is sufficient that a reference is made in the record to said document or record.

The provisions of subsection 1 apply, in so far as appropriate, also when a record is kept of other consideration outside the main hearing.

Section 5 (1064/1991)

In addition to what is provided in section 3, the record of a main hearing shall contain the information necessary for the consideration of the matter, and indicate:

1) the claims, pleas, admissions and denials presented;

2) the circumstances on which a party based his or her claims and denials, and the comments of the opposing party on the same;

3) the witnesses, expert witnesses and other persons heard in the matter and the other evidence presented.

(768/2002)
If a matter, which under subsection 1 is to be entered in the record, is evident in the application for a summons, a response, another document delivered to the court or an earlier record, it is sufficient that a reference is made in the record to said document or record.

Section 6 (1064/1991)

The examination of a witness, an expert witness or a party or other person heard for evidentiary purposes shall be recorded. If recording is not possible, the statement of the person shall be entered in the record verbatim.

If recording is evidently unnecessary due to the shortness of the statement, the record shall contain a detailed account of the statement instead of recording it. An oral statement entered in the record shall be read back at once and the record shall indicate the declaration of the person heard as to whether his or her statement has been understood correctly.

Section 7 (1064/1991)

The discoveries made by the court during an inspection shall be entered in the record.

Section 8 (1064/1991)

Information other than that referred to in sections 3—7 may not be entered in the record without a reason.

Section 9 (381/2003)

In the court considering the matter, a recording of evidence shall be transcribed (*transcript)* if the court deems that this promotes the consideration of the matter. A copy may be made of the recording or it may also be transcribed if a party or some other person requests this.

Section 10 (1064/1991)

A recording shall be stored at least until six months after the matter is decided. If a review is requested in the matter, the recording shall, however, be stored until the decision has become final.

Section 11 (768/2002)

The record, the judgment, a separately prepared decision and the accumulated documents are incorporated into a file.

Section 12 (1064/1991)

The district court shall keep a diary of civil matters, where the arrival date of the matter, the measures undertaken and the date of the decision in the matter and the necessary information on request for a review are recorded.

Section 13 (768/2002)

The Ministry of Justice shall, where necessary, issue further provisions on the keeping of diaries and lists and on case management systems and on the information contents of records to be given of them and on the format of certificates to be issued and the applications, applications for a summons and other documents.

Chapter 23 (690/1997)
Voting

General provisions on voting
Section 1 (690/1997)

If the members of a court cannot reach unanimity in their deliberations, a vote shall be taken.

The vote shall be taken in the reverse order of seniority, with the least senior member expressing an opinion first and the chairperson last. However, if one of the members of the court serves as a referendary, he or she shall express an opinion first.

Section 2 (690/1997)

If there are lay judges in the district court, the chairperson shall explain to them the issues that have arisen in the matter and the provisions applicable to the issues.

When a vote is taken, the lay judges express their opinions last.

Section 3 (690/1997)

An opinion shall be reasoned.

A member who merely concurs with an opinion already expressed needs to supply reasons only if they differ from what has already been stated.

Section 4 (690/1997)

If a dispute arises as to how the vote is to be taken or as to the end result of the vote, a separate vote shall be taken on that. In this event, the provisions on voting in civil matters apply.

Voting in civil matters
Section 5 (690/1997)

If several claims or a claim for set-off have been made in a civil matter, separate votes shall be taken on each of them. The same applies if, concerning the same claim, there are several issues which have an effect on the end result of the decision.

Each member of the court shall express an opinion on each issue to be decided.

Section 6 (690/1997)

In a vote, the opinion supported by the majority of the members shall prevail. In the event of a tie, the opinion supported by the chairperson shall prevail.

Section 7 (690/1997)

A separate vote shall be taken on procedural issues.

Section 8 (690/1997)

If the dispute concerns money or another calculable claim and more than two opinions have been supported in a vote, with none of the opinions receiving the support referred to in section 6, the votes cast for the largest amount shall be added to those cast for the amount closest to that continuing, where necessary, until an opinion receiving the support referred to in section 6 is found.

Section 9 (690/1997)

If a vote is taken in a civil matter concerning the enforceability of a conditional fine imposed or sentencing to imprisonment, the provisions on voting in criminal matters apply.

Chapter 24 (165/1998)
Court decision

Ruling of the district court in a civil matter

Section 1 (165/1998)

The decision in the principal issue in a civil matter is a judgment. Another decision of the court is a decision.

Section 2 (165/1998)

In the judgment, only the trial material that has been presented in the main hearing may be taken into account. However, also evidence that has been presented outside the main hearing which, under chapter 17, section 59, subsection 1, is not readmitted in the main hearing, may be taken into account. If a new main hearing has been conducted in the matter, only the trial material that has been presented in these proceedings may be taken into account in the judgment. Also the trial

material that has been submitted in supplementing the main hearing under chapter 6, section 14 may be taken into account in the judgment. (768/2015)

When a matter is decided in preparation, everything presented in the application for a summons, the written response and statement and otherwise may be taken into account in the judgment.

Section 3 (165/1998)

The court may not give a judgment on something else or more than what has been claimed by a party.

In a matter amenable to settlement, the judgment may not be based on a circumstance not referred to by a party in support of his or her claim or denial. (768/2002)

Section 4 (165/1998)

The judgment shall be accompanied with reasons. The statement of reasons shall indicate the circumstances and the legal reasoning underlying the decision. In addition, the statement of reasons shall indicate on which grounds a circumstance under dispute has been proven or not proven.

Section 5 (165/1998)

The court may give a separate judgment on an independent claim in a matter where several claims have been made (*partial judgment*). The court may also decide separately the part of a claim that has been admitted.

However, a claim for payment and a claim for set-off raised against it shall be decided together unless the claim on the main debt is to be decided by a judgment by default under chapter 5, section 14, subsection 2.

Section 6 (165/1998)

If the decision on an action is dependent on the decision on another action that is considered in the same proceedings, the court may give a separate judgment on the latter action (*intermediate*

judgment). In this event, the court may order that, in other respects, the consideration of the matter is to resume only after the intermediate judgment has become final.

On request of a party, the court may also decide, by an intermediate judgment, an issue relating to the same claim, the resolution of which is a prerequisite for the decision on the claim in other respects. In this case, the intermediate judgment may be given against the will of the opposing party only for a special reason. A review of an intermediate judgment referred to in this subsection may be requested separately only if the further consideration of the matter is unnecessary due to the intermediate judgment. Otherwise, a review of an intermediate judgment referred to in this subsection may be requested only in connection with a request for a review of the final decision in the matter.

Section 7 (165/1998)

The judgment of the district court shall be prepared as a separate document. It shall contain:

1) the name of the court and the date of the judgment;

2) the names of the parties;

3) an account of the claims and responses of the parties with their grounds;

4) a list of the persons heard for evidentiary purposes and the other evidence presented;

5) a reasoning;

6) the legal provisions and rule of law applied;

7) the operative part of the judgment; and

8) the names and positions of the members participating in the decision, and a statement on whether a vote has been taken on the judgment. If a vote has been taken on the judgment, the opinions of the dissenting members shall be attached to the judgment.

The account contained in the judgment may be replaced, in full or in part, by annexing a copy of the application for a summons, the response or another document to the judgment, provided that the clarity of the judgment is not thereby compromised.

Section 8 (165/1998)

The court's deliberations shall be held immediately after the conclusion of the main hearing or, at the latest, on the following weekday. After the conclusion of the deliberations, the judgment in the matter shall be announced. Unless it is necessary to announce the judgment in its entirety, the reasoning and the statement of judgment shall be announced. Should the parties agree to this, the reasoning can, in that case, be outlined. If a vote has been taken on the judgment, this shall be announced when the judgment is announced. (768/2002)

If, in an extensive or difficult matter, the deliberations of the court members or the preparation of the judgment so require, the judgment may be issued in the court office within fourteen days of the conclusion of the main hearing. If the judgment, for a special reason, cannot be issued within said period, is shall be issued as soon as possible. The parties who are present when the consideration is concluded shall be notified of the date when the judgment is issued.

When the matter is decided without holding a main hearing or a preparatory session, the judgment shall be issued without delay in the court office. In this event, the court shall notify the parties in writing of the date of issue of the judgment well in advance of its issue. However, a notification need not be given on the issue of a judgment by default. Furthermore, a notification need not be given on the issue of a judgment to a person in whose favour the judgment is if that person has not demanded it.

Section 9 (165/1998)

The judgment of the district court shall be signed by the chairperson.

The judgments of the district court and the decisions that have been prepared as separate documents are archived by incorporating them in the file. (768/2002)

Section 10 (165/1998)

The court shall rectify any typographical or arithmetical error or other comparable evident error in its judgment. An error may be rectified also by the chairperson of the court or, when he or she is prevented from attending, by a legally trained member of the court. Before an error is rectified, the parties shall be reserved an opportunity to be heard on the rectification, where necessary.

The rectification shall be marked on the judgment document and on the copies issued to the parties. If a copy issued to a party cannot be marked, a copy of the rectified judgment document shall be sent to the party. If a review has been requested in the matter, the reviewing court shall be notified of the rectification.

A party has the right to file a complaint against the rectification of an error within thirty days of the date on which he or she received notice of the rectification.

Section 11 (165/1998)

On request of a party, the court may supplement the judgment if it contains no decision on a claim made by the party. If the judgment contains no decision on a claim made by a party in a matter that is not amenable to settlement, the judgment may be supplemented also ex officio.
The party shall request the supplementation of the judgment with a written application within fourteen days of the date on which the judgment was announced or issued. The judgment may be supplemented ex officio if the party has, within fourteen days of the date on which the judgment was announced or issued, been invited to a hearing on the supplementation or exhorted to present a written statement on the supplementation.

The parties shall be invited to a hearing on the supplementation of a judgment under threat that it may be supplemented even in the absence of a party. If the court does not deem an oral hearing necessary, it shall exhort the parties to present written statements on the issue at hand and, at the same time, notify of the date on which the decision on the supplementation of the judgment will be given.

Section 12 (165/1998)

The judgment is supplemented by the court with the same composition that issued the judgment to be supplemented. If a member of the court is prevented from attending, the judgment shall be supplemented by the court with a composition that would have been competent to consider the matter.

The decision on the supplementation of a judgment shall be attached to the judgment and an entry shall be made on the judgment regarding its supplementation. If a review has been requested in the matter, the reviewing court shall be notified of the supplementation.

A review of a decision on the supplementation of a judgment may be requested by appeal.

Section 13 (165/1998)

The parties shall be issued with copies of the judgment in the form of a document containing the judgment.

The copy of a judgment of the district court shall be certified by the chairperson, a legally trained member or an official appointed to the task.

A copy of the judgment of the district court shall be available to the party in the court office

1) within two weeks if an intent to appeal has been declared in the matter; and

2) within thirty days if possible, in other events calculated from the date on which the judgment was announced or issued.

Section 14 (165/1998)

A decision of the district court shall be incorporated in the record. However, a decision dismissing a matter without considering its merits shall always be prepared as a separate document.

A decision shall be accompanied with reasoning, if a claim or plea made in the matter is dismissed by it or if reasoning is otherwise necessary.

In other respects, the provisions on a judgment shall, where appropriate, apply to a decision.

Ruling of the Court of Appeal

Section 15 (165/1998)

The judgment and final decision of the court of appeal shall contain:

1) the name of the court and the date on which the decision is announced or issued;

2) the names of the parties;

3) an account of the decision of the district court, for the relevant parts, and an account of the claims and responses of the parties in the court of appeal with reasoning;

4) a list of the persons heard for evidentiary purposes and other evidence presented in the court of appeal;

5) reasoning;

6) the legal provisions and rule of law applied;

7) the operative part of the judgment or decision; and

8) the names and positions of the members participating in the decision, and a statement on whether a vote has been taken on the decision. The judgment and the final decision shall be appended with the opinions of the dissenting members and the recommendation of the referendary, if different from the decision of the court of appeal.

The account of the decision of the district court may be replaced in full or in part by annexing in full or to the extent necessary a copy of the decision of the district court to the judgment or final decision of the court of appeal, provided that the clarity of the decision of the court of appeal is not thereby compromised. The reasoning of the district court, in so far as upheld by the court of appeal, need not be restated.

An instrument shall be prepared of a judgment and a final decision, to be signed by the members who participated in deciding the matter. The referendary shall countersign the instrument. The document containing a decision to be issued to a party is certified by the referendary or another official appointed to the task by the president.

Section 16 (165/1998)

If the court of appeal does not change the reasoning or the end result of the decision of the district court, the provisions of section 15, subsection 1, paragraphs 5—7 need not be applied but a notification to the effect that the correctness of the decision of the district court has been examined and that no reason to change the decision has come up. In this event, the decision of the court of appeal need not contain an account of the decision of the district court. A copy of the decision of the district court shall be attached to the decision in full or to the extent necessary.

Section 17 (165/1998)

The decision of the court of appeal shall be announced after the conclusion of the court's deliberations or issued in the office of the court of appeal. A decision that has been announced shall be dated on that day and a decision issued in the office shall be dated on the day when it is made available to parties.

A judgment and a final decision shall be issued within 30 days of the conclusion of the main hearing. If, for a special reason, the decision cannot be issued within said period, it shall be issued as soon as possible. The deliberations shall, however, take place immediately after the conclusion of the main hearing or, at the latest, on the following weekday.

Section 18 (440/2011)

The court of appeal shall send copies of its decision to all parties who have exercised their right to be heard in the court of appeal.

A copy shall be sent to the defendant in a criminal matter also when he or she has not exercised his or her right to be heard in the court of appeal if the court of appeal has changed the decision of the district court for his part. A copy shall be sent to the prosecutor who pursued charges in the

criminal matter also when he or she has not exercised his or her right to be heard in the court of appeal.

Section 19 (165/1998)

Unless otherwise provided, the provisions on a decision of the district court apply, in so far as appropriate, to a decision of the court of appeal.

Ruling of the Supreme Court
Section 20 (165/1998)

Provisions on the decision of the Supreme Court on an application for leave to appeal and an appeal are laid down in chapter 30 of the Code of Judicial Procedure.

Manner of service of notifications and invitations
Section 21 (165/1998)

Unless another manner of service is deemed necessary, the court may send the notifications and invitations referred to in this chapter by post.

Chapter 25 (165/1998)
Request for a review of a decision of the district court by appeal from the court of appeal

General provisions

Section 1 (165/1998)

A review of the decision of the district court is requested by appeal from a court of appeal.

A review of the judgment and final decision of the district court and of any other decision issued in the same connection may be requested by appeal unless it is separately prohibited to request a review.

A review of a decision made by the district court during proceedings may be requested by appeal only if it is specifically allowed.

Section 2 (165/1998)

In a matter amenable to settlement the parties may agree in writing that none of them will request a review of the judgment by appeal. The agreement shall pertain to a given dispute or to eventual disputes arising from a given legal relationship.

A party may, within the time allowed for appeal, conclusively declare that he or she is content, in full or in part, with the decision of the district court. The declaration shall be made in writing to the district court.

Instructions for requesting a review
Section 3 (440/2011)

When the district court announces or issues its decision, it shall simultaneously state whether a review may be requested of the decision and what procedure is to be followed in the request for a review.

The parties present shall immediately after the decision is announced be provided with written instructions indicating the manner in which a person who is dissatisfied with the decision is to proceed in order to have the matter heard by the court of appeal or to request a review by an appeal for a precedent in accordance with chapter 30a. The instructions shall also outline the precedent procedure. However, the instructions are not provided to the prosecutor, nor to other parties if this is deemed manifestly unnecessary.

Section 4 (165/1998)

If, in a criminal matter, the district court sentences a defendant who was absent when the consideration of the matter was concluded, the district court shall immediately after the judgment is announced or issued notify the defendant of the date of the judgment and the sentence passed, and at the same time send to the defendant the instructions referred to in section 3, subsection 2. The notification may be sent by post to the address last supplied by the defendant. However, a fine or a conversion sentence need not be notified.

Declaration of intent to appeal
Section 5 (165/1998)

A party who wishes to request a review of the decision of the district court shall declare his or her intent to appeal under threat of forfeiting his or her right to be heard. If several parties have a joint right to be heard, one declaration of intent to appeal is sufficient.

A declaration of intent to appeal shall be filed, at the latest, on the seventh day after the day when the decision of the district court was announced or issued.

The declaration of intent to appeal may be made either orally or in writing to the court that decided the matter or to the office of that court.

Section 6 (165/1998)

A person who has been remanded for trial or is serving a sentence of imprisonment or a conversion sentence may in a criminal matter declare his or her intent to appeal to the director of the prison. If the time limit for the declaration of intent to appeal expires when such a person is not in the institution because of a trial or transport in process, he or she may declare his or her intent to appeal on the day after his or her arrival at the institution.

Section 7 (440/2011)

The declaration of intent to appeal may be restricted to pertain only to a part of the decision of the court of first instance. The restriction shall be mentioned when the declaration of the intent to appeal is filed.

Where there are several defendants, the public prosecutor shall, when declaring his or her intent to appeal, indicate the defendants to whom the declaration pertains.

Section 8 (165/1998)

The declaration of intent to appeal may be withdrawn within the time limit for the filing of the declaration. The provisions on a declaration of intent to appeal apply to the withdrawal.

Section 9 (165/1998)

If the declaration of intent to appeal has not been filed in accordance with the procedure laid down or if the declaration pertains to a decision review of which may not be requested, the declaration shall be rejected.

The decision on the rejection of a declaration of intent to appeal is made by the chairperson of the district court. If he or she is prevented, the decision is made by another legally trained member of the district court. If the declaration of intent to appeal is rejected, the party concerned shall at once be notified of the same in writing.

The decision to reject a declaration of intent to appeal is subject to a complaint filed with the court of appeal. The letter of complaint shall be submitted to the office of the district court within thirty days from the day when the decision of the district court was announced or issued. If the court of appeal deems that the declaration of intent to appeal has been legal, it shall, where necessary, set a new time limit for a request for a review.

Section 10 (165/1998)

An entry of an approved declaration of intent to appeal shall be entered in the decision of the district court, in the copy of the decision to be given to a party, in the diary and in the pertinent lists and notifications.

Section 10a (381/2003)

When a declaration of intent to appeal against a decision made during proceedings has been approved, the district court may, where necessary, order that the consideration of the matter shall be continued only after the appeal has been decided.

Appeal instructions
Section 11 (165/1998)

When a declaration of intent to appeal has been filed and approved, the copy of the decision of the district court shall be annexed with appeal instructions.

The appeal instructions shall indicate the reviewing court and the expiration date of the time allowed for appeal. The instructions shall explain the provisions on the appeal procedure, the leave for continued consideration and the grounds for such leave, and the contents and annexes of the appeal document. In addition, the appeal instructions shall contain the corresponding information regarding counter-appeal and the appeal for a precedent as provided in sections 14a–14c and chapter 30a. (650/2010)

If the appeal instructions are erroneous and the error has not been obvious, the appeal shall not for this reason be dismissed without considering its merits if the appellant has complied either with the instructions or with the applicable provisions.

Appeal procedure
Section 12 (165/1998)

The time allowed for appeal is thirty days from the day on which the decision of the district court was announced or issued.

The party shall submit the appeal document to the office of the district court at the latest before the end of office hours on the expiration date of the time allowed for appeal. An appeal not filed within the time allowed for appeal shall be dismissed without considering its merits.

If the appellant wishes to withdraw the appeal, he or she shall submit a written notification of the withdrawal, addressed to the court of appeal, to the registry of the court of appeal or to the office of the district court.

Section 13 (381/2003)

If, due to a lawful excuse or another acceptable reason, a review cannot be requested in time, the district court shall, on request, set a new time limit for the request for a review.

The request for a new time limit shall be made in writing to the district court before the expiry of the time limit. An account of the excuse of the applicant or the other reason underlying the request shall be annexed to the request.

Section 14 (165/1998)

The decision to set a new time limit or to reject an out-of-time appeal without considering its merits shall be made by a legally trained member of the district court.

If a request for a new time limit is rejected or an out-of-time appeal is rejected without considering its merits, the parties shall be notified in writing of the date of the decision well in advance of the date on which the decision is issued.

Counter-appeal (381/2003)
Section 14a (381/2003)

The opposing party of the appellant may, without declaring his or her intent to appeal, appeal the judgment of the district court on his or her part (*counter-appeal*).

The time allowed for counter-appeal is two weeks after the expiry of the time allowed for appeal set for the appellant.

Section 14b (650/2010)

The counter-appeal shall lapse if the appeal is withdrawn, lapses or is dismissed without considering its merits or if the appellant is not granted leave for continued consideration. However, the counter-appeal does not lapse if the appeal is not withdrawn until during the main hearing.

Section 14c (381/2003)

In other respects, the provisions on an appeal apply to the counter-appeal.

Contents and annexes of the appeal document
Section 15 (381/2003)

The appeal document, addressed to the appropriate court of appeal, shall indicate:

1) the district court decision of which a review is requested;

2) the points of the decision of the district court that are concerned by the request for a review;

3) the changes requested to be made in the decision of the district court;

4) the grounds for the changes and in what way, in the view of the appellant, the reasoning of the decision of the district court is erroneous;

4 a) the grounds for granting leave for continued consideration in a matter requiring a leave for continued consideration in accordance with chapter 25a, sections 5 and the reasons on the basis of which the appellant deems that such grounds exist, if they do not appear in the document; (386/2015)

5) the evidence relied on and what the appellant wishes to prove with each piece of evidence; and

6) a possible request for a main hearing in the court of appeal.

If the appellant wishes that a main hearing be held in the court of appeal, he or she shall supply a detailed reason for the same. The appellant shall also express his or her opinion as to whether the parties should be heard in person in the main hearing, and which witnesses, expert witnesses or other persons to be heard for evidentiary purposes should be heard in the main hearing.

If, in a civil matter, the appellant refers to a circumstance or evidence not presented in the district court, he or she shall supply a reason for its admissibility in the court of appeal taking into consideration the provision in section 17.

Section 16 (165/1998)

The appeal document shall indicate the names of the parties; the contact information of their legal representative, attorney or legal counsel; and the postal address and possible other address to which the exhortations, invitations and notifications pertaining to the matter may be sent to the appellant (*address for service*). In addition, the telephone number and other contact information of the party and the witnesses and other persons to be heard shall be provided to the court of appeal in an appropriate manner. If an information item subsequently changes, the appellant shall notify the court of appeal of this without delay. (362/2010)

The appeal document shall be signed by the appellant or, if he or she has not prepared it, by the person who has prepared it.

The appeal document shall be annexed with the documents that the appellant refers to and that have not been presented in the district court together with a copy of the appeal document and the documents annexed to it.

New material in the court of appeal
Section 17 (165/1998)

In a civil matter, the appellant may not in the court of appeal refer to other circumstances or evidence than those presented in the district court unless he or she establishes a probability that he or she had not been able to refer to the circumstance or evidence in the district court or that he or she has had a justifiable reason for not doing so.

A claim for set-off not made until in the court of appeal may be dismissed without considering its merits if it cannot be examined without difficulty.

Supplementary provisions
Section 18 (165/1998)

The documents and annexes submitted to the office of the district court and addressed to the court of appeal shall be forwarded without delay from the district court to the court of appeal. The file of the case and the recordings shall be sent at the same time. However, only copies of the judgment of the district court and of the decision prepared as separate documents need be sent. (768/2002)

If an appeal document to be delivered to the office of the district court has arrived to the court of appeal within the time limit, the appeal shall not for this reason be dismissed without considering its merits. The document shall be sent without delay from the court of appeal to the office of the District Court.

Section 19 (440/2011)

Section 19 was repealed by Act 440/2011.

Chapter 25a (650/2010)
Initiation of the preparation of an appeal matter at the court of appeal and leave for continued consideration

General provisions
Section 1 (650/2010)

This chapter provides for the initiation of the preparation of consideration of an appeal matter at the court of appeal and for leave for continued consideration and its granting.

If leave for continued consideration is not required in an appeal matter or if leave is granted on the grounds provided in section 11, the consideration of the matter continues as provided in chapter 26.

If leave for continued consideration is not granted, the decision of the district court remains final.

Initiation of preparation

Section 2 (650/2010)

The preparation of an appeal matter begins at the court of appeal when the appeal document sent from the district court arrives at the court of appeal. One member is responsible for the preparation of the matter at the court of appeal (*member responsible for preparation*).

Section 3 (650/2010)

If the appeal is incomplete and its supplementation is necessary for the continuation of the proceedings, the appellant shall be exhorted to remedy the defect within the time set by the court of appeal. At the same time, notice shall be given of any consequences for neglect to heed the exhortation.

If the appeal is incomplete even after being supplemented, the party may, for a special reason, be reserved a new opportunity to supplement it.

Section 4 (650/2010)

If the appellant does not comply with the exhortation to supplement the appeal and the appeal is so incomplete that it is insufficient to serve as the basis for proceedings at the court of appeal, the appeal shall be dismissed without considering its merits.

The court of appeal shall immediately dismiss an appeal without considering its merits if there is an impediment other than that referred to in section 3 for its consideration.

Leave for continued consideration

Section 5 (386/2015)

Leave for continued consideration is required in a matter if review of the decision of the district court is requested by appeal.

However, a defendant in a criminal matter who has been sentenced to a more severe punishment than to imprisonment of eight months does not need leave for continued consideration if the appeal concerns an offence of which he or she is found guilty or the sentence. In assessing the severity of the punishment, a fine or other penal sanction imposed in addition to imprisonment is not taken into consideration.

The prosecutor or the injured party does not need leave for continued consideration in any respect in a matter if the defendant has been sentenced to a more severe punishment than to imprisonment of eight months and the appeal concerns an offence of which the defendant is found guilty or a punishment imposed on the defendant.

Sections 6–10

Sections 6—10 were repealed by Act 386/2015.

Section 11 (650/2010)

Leave for continued consideration shall be granted if:

1) there is reason to doubt the correctness of the result of the decision of the district court;

2) it is not possible to assess the correctness of the result of the decision of the district court without granting leave for continued consideration;

3) in view of the application of the law in other similar matters, it is important to grant leave for continued consideration in the matter; or if

4) there are other serious grounds for granting the leave.

However, leave for continued consideration need not be granted under subsection 1, paragraph 1 solely in order to reassess the evidence unless there are reasonable grounds to doubt the correctness of the result of the decision of the district court on the basis of the circumstances presented in the appeal.

Section 12 (650/2010)

Leave for continued consideration may be limited to a part of the decision of the district court. In this case, the question of granting leave for continued consideration for the rest may be transferred to be decided in connection with the consideration of the appeal.

Procedure in a matter concerning the granting of leave for continued consideration

Section 13 (650/2010)

Before deciding the matter of leave for continued consideration, the court of appeal shall, where necessary, exhort the opposing party of the appellant to present a written response to the appeal.

Section 14 (650/2010)

The court of appeal decides the question on the granting of leave for continued consideration in written proceedings on the basis of the decision of the district court, the appeal, a possible response and, where necessary, also on other trial material.

The matter may be decided without presentation.

Section 15 (650/2010)

If leave for continued consideration is granted in the matter, the appellant and the opposing party of the appellant shall be informed of this.

Section 16 (650/2010)

In respect of the procedure, the provisions laid down in chapter 26 are complied with, as appropriate, in a matter concerning leave for continued consideration.

Section 17 (650/2010)

If leave for continued consideration is not granted, the decision shall indicate that:

1) all the grounds provided in section 11 for granting leave for continued consideration have been examined;

2) leave for continued consideration is not granted; and that

3) the decision of the district court remains final.

The decision shall contain a statement of the claims and responses of the parties.

Section 18 (650/2010)

Leave for continued consideration is granted if even one member of the composition deciding the matter is in favour of granting the leave.

Request for a review
Section 19 (650/2010)

A review may not be requested of a decision granting leave for continued consideration.

A review of a decision by which the appellant has been granted leave for continued consideration only in part is requested at the time when the decision of the court of appeal is appealed in other respects. If leave for continued consideration has not been granted in the matter to all appellants, review of a decision refusing the leave is requested as provided in chapter 30, section 1. (386/2015)

Chapter 26 (165/1998)
Continuation of the consideration of an appeal matter in the court of appeal (650/2010)

Competence of the court of appeal to consider the matter (381/2003)
Section 1 (381/2003)

The proceedings in the court of appeal concern the matter that is the subject of the decision of the district court to the extent raised in the appeal and the possible response. The question is whether or not the decision of the district court is to be amended and how.

Section 1a (650/2010)

Section 1a was repealed by Act 650/2010.

Subheading was repealed by Act 650/2010. (650/2010)

Section 1b (650/2010)

Section 1b was repealed by Act 650/2010.

Subheading was repealed by Act 650/2010. (650/2010)

Section 2 (650/2011)

In a criminal matter, the court of appeal may amend the judgment imposed by the district court on the basis of a summary penal order in favour of the defendant also when only the public prosecutor has requested its review.

If a review is requested of a judgment of the district court in a criminal matter only in respect of the punishment imposed, the court of appeal may not, without special reasons, examine whether or not the defendant is guilty of the act imputable to him or her.

Section 2a (650/2010)

Section 2a was repealed by Act 650/2010.

Written response
Section 3 (650/2010)

The opposing party to the appellant shall be exhorted to present a written response to the appeal within a time limit set by the court of appeal. If a response has been requested when considering the question of granting leave for continued consideration, or if the appeal is dismissed under chapter 25a, section 4 without considering its merits or if it is manifestly unnecessary to request a response, no response need be requested.

When requesting a response, the appeal and the documents annexed to it shall be served. The court of appeal may, in addition, order which specific issues are to be addressed in the response.

Section 4 (381/2003)

In the response, the respondent shall indicate:

1) the matter to which the response pertains;

2) whether the respondent admits or contests the changes requested; and

3) his or her opinion on the grounds for the request of the appellant, and the circumstances to which the respondent wants to refer.

In addition, the provisions on appeal and the appellant laid down in chapter 25, section 15, subsection 1, paragraphs 4—6; and subsections 2 and 3; and sections 16 and 17 apply to the response and the respondent.

Section 5 (165/1998)

Where necessary, the court of appeal may reserve the respondent an opportunity to supplement the response within a time limit set by the court of appeal.

Section 6 (165/1998)

The response shall be served on the appellant.

Continuing the preparation
Section 7 (381/2003)

In accordance with the nature of the matter, the following shall be clarified in the preparation at the court of appeal:

1) in which aspect a review is requested of the decision of the district court;

2) which claims are presented at the court of appeal and what grounds are referred to in support of the claims;

3) the issues in dispute at the court of appeal;

4) the evidence referred to at the court of appeal and what is intended to be proven with each piece of evidence;

5) whether or not a main hearing is to be held at the court of appeal; and

6) whether any grounds exist for a settlement in a civil matter.

Section 8 (165/1998)

The court of appeal may exhort a party to present a written statement to the court of appeal within a time limit set. In this case, the court of appeal shall determine the questions that are to be addressed in the statement. However, a party may not be exhorted to present a written

statement to the court of appeal more than once unless there is a special reason for it. The statement shall be served on the opposing party.

The court of appeal may invite the parties to be heard in a session if this is deemed to further the preparation.

Section 9 (381/2003)

In the preparation, the court of appeal decides on the procurement of an expert opinion, the presentation of written evidence, the carrying out of an inspection and on undertaking other preparatory measures if this is necessary in order to ensure that all the evidence is available at the same time in the main hearing.

In addition, the court of appeal decides in the preparation whether the parties are to be heard in person, and which witnesses, expert witnesses and other persons to be heard for evidentiary purposes are heard in the main hearing.

The court of appeal shall ensure that nothing irrelevant is brought into and that no unnecessary evidence is presented in the matter.

Section 10 (381/2003)

The court of appeal may decide on measures related to the preparation without presentation. The procedure is the same when the court of appeal decides on measures which, pursuant to chapter 2, section 8, subsections 2 and 3, are within the competence of a one member. The member responsible for the preparation decides on the procedure.

Section 11 (381/2003)

The provisions on preparation at the district court apply, where appropriate, to the preparation at the court of appeal.

Deciding on a matter on the basis of written trial material (381/2003)
Section 12 (381/2003)

The matter shall be decided upon presentation on the basis of the written trial material unless a main hearing is held under sections 13—16.

If the matter is decided on the basis of the written trial material and the party opposing the appellant has not exercised his or her right to be heard in the court of appeal, the trial material presented by him or her earlier is, nonetheless, taken into account.

If necessary, the contents of evidence received by the district court shall be ascertained from the recorded evidence.

The main hearing
Section 13 (683/2016)

In the main hearing in the court of appeal, the parties, witnesses and expert witnesses are heard and other information is admitted.

The main hearing may be restricted to cover only a part of the matter that is being appealed.

Section 14 (650/2010)

A main hearing shall be held in the court of appeal if a party to a civil matter or the injured party or the defendant in a criminal matter so requests.

However, a main hearing need not be held if, in accordance with section 15, subsection 1, no oral testimony need be admitted in the matter on the ground that no appreciable doubt remains regarding the correctness of the assessment of the evidence, and the holding of a main hearing is also in other respects clearly unnecessary taking into consideration especially the nature of the matter and its significance to the party.

The court of appeal shall hold a main hearing on request of the public prosecutor if oral testimony needs to be admitted in the matter pursuant to section 15 and also otherwise when the court of appeal deems this necessary.

The provisions laid down in subsections 1 and 2 shall be complied with also when considering an appeal lodged in a petitionary matter.

Section 14a (650/2010)

The court of appeal may on its own motion hold a main hearing if it regards this as necessary.

Section 15 (650/2010)

If a main hearing is held and the matter concerns the assessment made of the credibility of the testimony admitted in the district court, the testimony admitted in the district court shall be readmitted to the extent necessary if there are no impediments to this. The testimony need not be readmitted if, on the basis of the trial material referred to in section 12, there can be no appreciable doubt regarding the correctness of the assessment of the evidence when considered as a whole.

The provisions on the assessment of the credibility of testimony also apply to the credibility of the findings made by the district court during an inspection.

Also new testimony to be admitted by the court of appeal shall be admitted in the main hearing.

Section 16 (650/2010)

If testimony admitted in the district court is not readmitted at the court of appeal, the decision of the district court in respect of this testimony may be amended only if testimony can no longer be readmitted. However, a decision given on a summary penal order may be amended in favour of the defendant in a criminal matter.

Invitation to the main hearing and the consequence of the absence of a party
Section 17 (165/1998)

The court of appeal attends to the invitation of the parties to the main hearing.

In the invitation, the parties shall be notified of the date, time and place of the main hearing. At the same time, they shall be notified of the possible consequence of the failure of a party to appear in the main hearing.

Section 18 (165/1998)

The appellant is invited to the main hearing under threat that, in his or her absence, the appeal is discontinued. The defendant in a criminal matter to be ordered to appear in person as an appellant is invited to the main hearing under threat that the appeal is discontinued if he fails to appear in the main hearing in person or represented by an attorney and under threat that the matter may be decided regardless of his or her absence if he sends an attorney in his or her stead. (422/2018)

A party opposing the appellant shall be invited to the main hearing under threat of a fine if the presence of the opposing party is necessary for the consideration of the matter.

A party opposing the appellant whose hearing is not deemed necessary, shall be invited to the main hearing under threat that the matter may be decided regardless of his or her absence.

The prosecutor shall, by virtue of his or her office, appear in the main hearing of a matter where the prosecutor is the appellant or where the defendant in a criminal matter has appealed a decision of the district court on a summary penal order brought by the prosecutor. In addition, the prosecutor shall be present in the main hearing of a matter relating to the imposition of a business prohibition. (440/2011)

Section 19 (165/1998)

A party or his or her legal representative may be obliged, under threat of a fine, to appear in the main hearing in person if his or her hearing in person is deemed necessary in order to clarify the matter.

The provisions of the Criminal Procedure Act also apply to the obligation of the defendant in a criminal matter to appear in the main hearing in person.

Section 20 (165/1998)

If the appellant is absent from the main hearing, the appeal shall be discontinued in respect of the subject of the main hearing. If the defendant in a criminal matter who was invited to appear in the main hearing in person as the appellant has sent an attorney in his or her stead, the matter shall be handled as provided in section 21 notwithstanding the provisions of chapter 12, section 29. If the defendant in a criminal matter who was invited to appear in the main hearing in person as the appellant has failed to appear in the main hearing where he or she was exhorted to appear under threat of a fine, a higher conditional fine may be imposed on him or her or he or she may be ordered to be brought to the same or a later session. (422/2018)

If a party opposing the appellant or his or her legal representative is absent from the main hearing where he or she had been exhorted to appear under threat of a fine, a higher conditional fine may be imposed. If he or she has been obliged to appear in person, he or she may be ordered to be brought to the same or a later session. In a civil matter not amenable to settlement and in a criminal matter, he or she may be ordered to be brought even if he or she is not obliged to appear in person.

If a party opposing the appellant has not been invited to the main hearing under threat of a fine, the matter may be decided regardless of his or her absence.

Section 21 (381/2003)

If a party, witness or other person to be heard does not appear in the main hearing despite the threat of a fine or if a person ordered to be brought is not found or if the invitation cannot be served on the person in question, the main hearing may, where there is reason for this, be conducted and the matter may be decided regardless of the absence. In this event, the conditional fine imposed shall not be enforced.

In addition, the conditional fine shall not be enforced if the party, his or her legal representative, a witness or another person to be heard who has failed to appear in the main hearing despite the threat of a fine can be brought to the same session, or if the question of the hearing of the person in question lapses.

Section 22 (165/1998)

If the appeal has been dismissed without consideration of its merits because of the absence of the appellant, but he or she has had a lawful excuse which he or she has not been able to announce in time, the appellant shall have the right to have the appeal reconsidered by notifying the court of appeal of the same in writing within thirty days of the dismissal of the appeal. If the appellant cannot prove a lawful excuse, the appeal shall not be considered.

Section 23 (165/1998)

The court of appeal shall also invite the witnesses, the expert witnesses and the other persons to be heard for evidentiary purposes to the main hearing unless this has been entrusted to the parties on the grounds referred to in chapter 11, section 2.

Provisions on the information to be provided in the invitation are laid down in chapter 17, section 41, subsection 3. (732/2015)

Procedure in the main hearing
Section 24 (768/2002)

The matter is considered in the main hearing in the following order:

1) at the beginning of the session the court shall, to the extent necessary, explain the decision of the district court and the conclusions reached in the preparation, and inquire whether the claims presented in the preparation continue to correspond to the position of the parties;

2) the appellant and the respondent shall in turn justify their positions and comment on the arguments brought by the opposing party;

3) the court shall admit the evidence presented; and

4) the appellant and the respondent shall present their closing arguments.

However, the order provided in subsection 1 may be derogated from, where necessary.

Section 24a (381/2003)

If oral testimony admitted in the district court need not in some respect be readmitted, the audio or video recording prepared in the district court may be presented in so far as necessary in the main hearing in the court of appeal.

In addition to what is provided in chapter 17, section 52, the witness, expert witness and party who has been heard in the district court may be heard for evidentiary purposes in the main hearing in the court of appeal by telephone or by another suitable method of audio or video communication if the credibility of his or her statement can be reliably assessed even if he or she is not present in person, if the court deems this appropriate. The parties shall be reserved an opportunity to ask to the person being heard questions. (732/2015)

If the hearing referred to in subsection 2 is conducted at an authority, the provisions on the consequences of the absence of a witness and expert witness and on the coercive measures that may be directed against them, apply. The invitation to the hearing shall state the date, time and manner of the hearing, and the other information referred to in section 23, subsection 2. The provisions on the right of a witness and expert witness to receive compensation for appearing in court apply, where appropriate, also to a hearing referred to in subsection 2.

Section 24b (381/2003)

In a matter to be decided in the main hearing, the documentation presented in the main hearing shall be taken into consideration as trial material.

If the matter is decided despite the absence of a party opposing the appellant, the trial material presented by him or her earlier shall be taken into consideration as trial material.
In the main hearing decisions are made without presentation.

Section 25 (165/1998)

The provisions on a main hearing in the district court apply, where appropriate, to a main hearing in the court of appeal.

Record of the main hearing
Section 26 (165/1998)

A record shall be kept of the main hearing. The record shall be signed by the person who has kept it.

The following shall be entered in the record:

1) the name of the court and the date of the consideration;

2) the names and positions of the members of the court participating in the consideration and the name of the person keeping the record;

3) the parties and the persons invited to be heard and whether they are present or not;

4) the attorneys and legal counsel of the parties and the interpreters;

5) the matter; and

6) the reason for a closed hearing.

Section 27 (165/1998)

In addition, the information relevant to the consideration of the matter, the witnesses, expert witnesses and other persons heard in the matter and the other evidence presented shall be entered in the record.

The examination of a witness, an expert witness or a party or other person heard for evidentiary purposes shall be recorded. If recording is not possible, the statement shall be entered in the record verbatim.

The findings of the court of appeal in the course of an inspection shall be entered in the record.

Service of notice
Section 28 (362/2010)

The exhortations, invitations and notifications referred to in this chapter may be sent to the address last indicated by the party. However, an invitation to a main hearing of a party who has not exercised his or her right to be heard at the court of appeal, and of a witness, expert witness and other person to be heard for evidentiary purposes shall be served as provided in chapter 11, sections 3, 3b and 4. If there is reason to believe that the party does not obtain information on the invitation to appear in person at a main hearing from said address, an attempt shall also be made to serve the invitation on him or her by telephone and to send it to his or her known postal or electronic address. If an invitation to a main hearing is served in the manner referred to in the first sentence above, a conditional fine for failure to appear, imposed on a party invited, shall not be enforced.

Chapter 27 (165/1998)
Procedure in civil and criminal matters considered by the court of appeal as the court of first instance

Section 1 (165/1998)
The provisions on matters considered in the District Court apply, where appropriate, to the bringing or preparation of matters.

Section 2 (165/1998)

The court of appeal shall hold a main hearing if this is necessary in order to hear a party, witness or expert witness or otherwise to clarify the matter.

Section 3 (165/1998)

A main hearing shall also be held in the court of appeal if a party to a civil matter or the injured party or the defendant in a criminal matter so requests.

However, a main hearing need not be held for the reason referred to in subsection 1 if

1) in a civil matter, the action has been admitted or abandoned;

2) the claim of the plaintiff is found to be manifestly ill-founded; or if

3) only a procedural issue is to be decided in the matter.

Section 4 (165/1998)

Unless a main hearing is to be held in a matter under section 2 or 3, the matter is decided on the basis of written trial material.

Section 5 (165/1998)

The provisions on civil and criminal procedure in the district court are complied with, where appropriate, when inviting the parties to the main hearing and on the holding of the main hearing.

Chapter 28 (360/2003)

(360/2003)
Chapter 28 was repealed by Act 360/2003.

Chapter 29 (244/2006)

(244/2006)
Chapter 29 was repealed by Act 244/2006.

Chapter 30 (104/1979)
Request for a review of a decision of a court of appeal from the Supreme Court

General provisions
Section 1 (104/1979)

A review of a judgment or decision of a court of appeal is requested, by appeal, at the Supreme Court.

Section 2 (104/1979)

In order to appeal against a decision of the court of appeal, leave to appeal shall be requested from the Supreme Court if the appeal concerns a matter that the court of appeal has decided as the instance of review or a decision given in connection with such a matter. (666/2005)

In a matter which the court of appeal has ruled on as the court of first instance, review shall be requested without requesting leave to appeal.

Section 3 (104/1998)

Leave to appeal may be granted only if it is important to have the matter to be decided by the Supreme Court with regard to the application of the law in other similar cases or because of the uniformity of legal practice or if there is a special reason for this because of a procedural or other error that has been made in the matter on the basis of which the decision should be reversed or annulled or if there are other serious grounds for granting leave to appeal.

Leave to appeal may be granted in part. In this case, leave to appeal may be limited to:

1) part of the decision of the court of appeal, or to

2) an issue, the deciding of which is necessary in order to guide legal practice or otherwise with regard to the grounds of the leave to appeal.

(666/2005)
If leave to appeal is granted in a limited manner pursuant to subsection 2, paragraph 2, the Supreme Court may in other respects base its decision on the circumstances noted in the decision that is the subject of the appeal. (666/2005)

If leave to appeal is granted in part, the question the granting leave to appeal in other respects may be transferred to be considered in connection with the appeal. (666/2005)

Request for a review in a matter considered by a court of appeal as a court of second instance
Section 4 (104/1979)

Appeal instructions shall be annexed to the decision of the court of appeal. The instructions shall indicate the grounds on which leave to appeal may be granted under law and how the person requesting leave to appeal shall proceed in order to have the appeal considered by the Supreme Court.

Section 5 (104/1979)

The time allowed for requesting leave to appeal and lodging the appeal is 60 days from the date on which the decision of the court of appeal was issued.

Under threat of forfeiting his or her right to be heard, the applicant shall at the latest on the last day of time allowed deliver to the registry of the court of appeal his or her document requesting a review addressed to the Supreme Court and containing the request for leave to appeal and the appeal.

The documents indicating the circumstances to which the applicant refers as his or her grounds shall be annexed to the document requesting a review.

Section 6 (104/1979)

The request for leave to appeal shall mention the basis of the request, as referred to in section 3, as well as the reasons for which the applicant considers that such a basis exists for requesting leave to appeal. In addition, the decision of the court of appeal of which the applicant wishes to request a review shall be indicated.

The following shall be indicated in the appeal:

1) in what respects a review of the decision of the court of appeal is requested;

2) what changes are requested to be made in the decision of the court of appeal; and

3) the grounds for the changes requested.

The document requesting a review shall also indicate the name, occupation and domicile of the applicant and his or her postal address, or that of his or her attorney, to which the notifications relating to the matter may be sent. If the postal address changes, notice of the new address shall be given in writing to the registry of the Supreme Court. The document requesting a review shall be signed by the applicant or, if he or she did not prepare it, by the person who prepared it. The person who prepared the document shall also indicate his or her occupation and domicile.

Section 7 (104/1979)

The party requesting a review may not refer to circumstances and evidence other than that which had been presented in the court of first instance or the court of appeal unless the applicant can establish a probability that he or she could not refer to the circumstance or evidence in a lower court or that he or she otherwise had justified cause not to do so.

If the applicant wants to present new evidence in support of the request for a review, he or she shall indicate the evidence and also state what he or she intends to prove and the reasons for not presenting the evidence earlier.

Section 8 (104/1979)

If a document requesting a review to be delivered to the registry of the court of appeal has arrived in time at the Supreme Court and there is reason to assume that its delivery to the Supreme Court is the result of an error, the party shall not for this reason forfeit his or her right to be heard. The document shall be sent without delay from the Supreme Court to the registry of the court of appeal.

The court of appeal shall forward the document requesting a review and its annexes to the Supreme Court. At the same time, the dossier in the matter and a copy of the decision of the court of appeal shall be sent to the Supreme Court.

Section 9 (104/1979)

If a request for leave to appeal or an appeal delivered in time has not been prepared in the manner provided or if documents to which the applicant refers have not been annexed to the document requesting a review, the Supreme Court shall exhort the applicant to remedy the deficiency within a time limit set by the Supreme Court unless the supplementation is unnecessary with regard to the consideration of the matter.

For a special reason, an applicant whose request for leave to appeal or appeal is incomplete even after having been supplemented in the manner referred to in subsection 1, may be reserved a new opportunity to supplement it.

If the exhortation is not heeded and if the document requesting a review is so incomplete that the matter cannot be decided on the basis of it, the request shall be dismissed without considering its merits.

Section 10 (104/1979)

The Supreme Court shall, where necessary, request a written response to the request for a review from the opposing party. If leave to appeal is granted, a response shall always be requested from the opposing party unless this has already been done in connection with the consideration of the request for leave.

Section 11 (104/1979)

The following shall be indicated in the response to the request for a review:

1) the matter to which the response pertains;

2) the opinion of the respondent on the claims of the applicant and the grounds thereto; and

3) the circumstances and evidence which the respondent wishes to invoke.

The response document shall also indicate the name, occupation and domicile of the respondent and his or her postal address, or that of his or her attorney, to which the notifications relating to

the matter may be sent. If the postal address changes, notice of the new address shall be given in writing to the registry of the Supreme Court. The response document shall be signed by the respondent or, if he or she did not prepare it, by the person who prepared it. The person who prepared the response shall simultaneously indicate his or her occupation and domicile.

Also a copy of the response document and its annexes shall be supplied. The copies shall be sent from the Supreme Court to the party requesting a review by post.

Section 12 (104/1979)

The provisions of section 7 apply to the respondent.

The Supreme Court may, where necessary, reserve the respondent an opportunity to supplement the response within a time limit.

Request for a review in a matter considered by a court of appeal as the court of first instance

Section 13 (104/1979)

Appeal instructions shall be annexed to the decision of the court of appeal, indicating how a person dissatisfied with the decision is to proceed in order to have the appeal considered by the Supreme Court and how to respond to an appeal.

The time allowed for filing an appeal is 30 days from the date on which the decision of the court of appeal was announced or issued. (666/2005)

The provisions of section 5, subsections 2 and 3 and section 6, subsections 2 and 3 apply correspondingly to the lodging and contents of an appeal. (666/2005)

Section 14 (666/2005)

The provisions of section 8, subsection 1 apply correspondingly to the delivery of the appeal document directly to the Supreme Court.

The court of appeal shall, without delay, deliver the appeal document with its annexes to the Supreme Court. At the same time, the dossier in the matter and a copy of the decision of the court of appeal shall be sent to the Supreme Court.

Section 15 (666/2005)

The party opposing the appellant shall be exhorted to present a written response to the appeal within the time limit set by the Supreme Court. In connection with the exhortation, service of the appeal and the annexed documents shall be made. In addition, the Supreme Court may order which issues should in particular be addressed in the response. The provisions of section 11 apply to the submission of the response.

No response shall be requested if the appeal is dismissed without considering its merits or if it is rejected as obviously unfounded.

Section 16 (104/1979)

The provisions of sections 8 and 12 apply correspondingly to the supplementation of the appeal and the response.

Section 17 (104/1979)

If the appeal has been supplemented on the exhortation of the Supreme Court and the contents of the supplement may affect the decision in the matter, the Supreme Court shall request a response from the opposing party.

Consideration of requests for a review in the Supreme Court
Section 18 (104/1979)

For a special reason, the Supreme Court may take into consideration an additional clarification delivered by a party to the Supreme Court after the expiry of the time limit unless its presentation is prohibited under section 7 or 12.

Section 19 (104/1979)

If the Supreme Court takes into consideration an additional clarification referred to in section 18 or if the Supreme Court, on its own motion, has obtained a clarification which may affect the decision in the matter, the Supreme Court shall request a written explanation from the party in question unless this is manifestly unnecessary.

Section 20 (104/1979)

Where necessary, the Supreme Court shall hold an oral hearing where the parties, witnesses and expert witnesses may be heard and other clarification admitted. The oral hearing may be restricted to a part of the matter subject to the request for a review.

The parties shall be notified of the purpose for which the oral hearing is to be held. (666/2005)

Section 21 (104/1979)

The parties may be invited to the oral hearing under threat that the matter may be heard and decided regardless of their absence. However, the provisions of chapter 12 and of chapter 8 of the Criminal Procedure Act on the obligation of a party to appear in the continued consideration of a matter apply to a party whose hearing in person is deemed necessary by the Supreme Court. In the invitation, the party shall be notified of the threat under which he or she is to appear in the oral hearing. (690/1997)

If a party who has been ordered to appear under threat of a fine is absent or if a person who has been ordered to be brought to the court cannot be found or the invitation to the oral hearing cannot be served on the party, the matter may, where necessary, be decided regardless of the absence of the party. In this event, the conditional fine imposed shall not be enforced.

Section 21a (666/2005)

The matter shall be decided on the basis of the written trial material unless an oral hearing is held in the matter. If an oral hearing is held, also the material presented in it is taken into consideration.

Supplementary provisions
Section 22 (472/1986)

A decision of a court of appeal for which leave to appeal is required for a request for a review shall be enforced in the manner provided for the enforcement of a final judgment. The right of the applicant to withdraw an amount recovered through enforcement is provided in chapter 6, section 1, subsection 2 of the Enforcement Act.

Enforcement Act 37/1895 was repealed by the Enforcement Code 705/2007.

Section 23 (104/1979)

Where necessary, the Supreme Court may, before deciding a matter of review, order that the decision of the court of appeal is not to be enforced for the time being or that its enforcement is to proceed.

Section 24 (104/1979)
An invitation to an oral hearing shall be served in compliance with the provisions of chapter 26, section 28 on an invitation to the main hearing at the court of appeal. (666/2005)

An exhortation to present a response or a written clarification and an exhortation to supplement a request for leave to appeal, an appeal or a response may be sent by post to the address last supplied by the party unless another method of service is deemed necessary.

Section 25 (702/1993)

Section 25 was repealed by Act 702/1993.

Section 26 (104/1979)

A decision of the Supreme Court may be prepared without including a recital and it may be annexed to the decision of the court of appeal.

Section 27 (104/1979)

A judgment and decision of the Supreme Court shall be dated on the day from which it is available to the parties. However, a decision by which a request for leave to appeal is rejected or dismissed without considering its merits may be dated on the day it was presented as provided in the rules of procedure of the Supreme Court. It may be provided in the rules of procedure that also a decision to be annexed to a request document and a decision by which a matter is finally decided or of which notice is given only by letter are dated on the day of presentation.

Chapter 30a (650/2010)
Appeal for a precedent

Section 1 (650/2010)

A review may be requested of a decision of the district court from the Supreme Court instead of the court of appeal (*appeal for a precedent*) if the Supreme Court grants leave to appeal. Appeal for a precedent is not allowed if the party opposing the party requesting a review has not consented in writing or orally to this at the district court. Consent may be withdrawn by notifying the district court of the withdrawal within the time limit set for declaring intent to appeal.

Section 2 (650/2010)

The Supreme Court may grant leave to appeal for a precedent only if, in view of the application of the law in other similar matters or due to the uniformity of judicial practice, it is important to refer the matter to be decided by the Supreme Court. If leave to appeal is not granted, the decision of the district court remains final.

Section 3 (650/2010)

The party who wants to request a review by appeal for a precedent shall state this when declaring his or her intent to appeal a decision and, at the same time, present the consent of the opposing party referred to in section 1, subsection 2. If no consent has been given or if it has been lawfully withdrawn, the declaration of intent to appeal shall be accepted as the notice referred to in chapter 25, section 5.

The party requesting a review and the opposing party shall be immediately notified of the acceptance of the declaration of intent to appeal for a precedent and of the procedure to be followed in the request for a review.

Section 4 (650/2010)

If the declaration of intent to appeal is not accepted, a complaint may be filed against it with the Supreme Court. The letter of complaint shall be delivered to the office of the district court within thirty days from the date on which the decision of the district court was announced or issued. If the Supreme Court deems that the declaration of intent to appeal has taken place lawfully, it shall, where necessary, set a new time limit for the request for a review.

If the declaration of intent to appeal for a precedent is accepted, an opposing party who deems that he or she has not consented to the appeal for a precedent may file a complaint with the Supreme Court against the acceptance. The letter of complaint shall be delivered to the office of the district court within the time limit provided in subsection 1. If the Supreme Court deems that the consent has not been given lawfully, the matter shall be returned to the district court for the issuing of a new decision on the acceptance of the declaration of intent to appeal.

Section 5 (650/2010)

The opposing party of the party requesting a review may appeal the decision of the district court in accordance with chapter 25, section 14a if the Supreme Court grants him or her leave to appeal for a precedent in accordance with section 2 of this chapter. The counter-appeal lapses if the Supreme Court does not grant the party requesting a review leave to appeal.

Section 6 (650/2010)

In addition, the provisions of chapter 25 on a request for a review of a decision of a district court from the court of appeal and of chapter 30 on a request for a review of a decision of a court of appeal from the Supreme Court when the court of appeal has decided a matter as the instance of review shall apply, where appropriate, to a request for a review referred to in this chapter.

The time allowed for appeal for a precedent is thirty days from the date on which the decision of the district court was announced or issued. The document requesting a review addressed to the Supreme Court shall be delivered to the office of the district court.

Chapter 31 (109/1960)
Extraordinary request for a review

Complaint
Section 1 (109/1960)

A final judgment may be annulled on the basis of a complaint regarding a procedural error:

1) if the court had no quorum or if the matter had been taken up for consideration even though there was a circumstance on the basis of which the court should have dismissed the matter on its own motion without considering its merits;

2) if an absent person who had not been summoned is convicted or if a person who had not otherwise been heard suffers inconvenience on the basis of the judgment;

3) if the judgment is so confusing or defective that it does not become clear from the judgment what has been decided in the matter; or

4) if another error has occurred in the conduct of judicial proceedings which is found or can be assumed to have essentially influenced the result of the case.

Deciding the principal issue in a court that does not have territorial jurisdiction is not a basis referred to in subsection 1 to annul a judgment. (135/2009)

Section 2 (109/1960)

If a person wants to file a complaint on the basis of a procedural error, he or she shall deliver the letter of complaint to the proper court of second instance or, if it pertains to a judgment of a court of second instance or the Supreme Court, to the Supreme Court.

If the complaint is based on a circumstance referred to in section 1, subsection 1 or 4, it shall be filed within six months of the date on which the judgment became final. In the case referred to in section 1, subsection 2, said time limit shall be calculated from the date on which the complainant received notice of the judgment.

If a law enforcement or supervisory body competent in the supervision of international human rights obligations notes an error in the conduct of judicial proceedings in the consideration of a matter, a complaint may, notwithstanding subsection 2, be made within six months from the date of issue of the final decision of the supervisory body in question . (666/2005)

Section 3 (109/1960)

The letter of complaint shall indicate the grounds for the complaint and the evidence on which the complaint rests. The judgment against which the complaint is filed and the written evidence invoked shall be annexed to the letter.

Chapter 15, section 1, subsection 4 provides for the obligation to use an attorney or legal counsel. The complainant shall be reserved an opportunity to obtain an attorney or legal counsel who fulfils the requirements unless this is manifestly unnecessary. (718/2011)

Section 4 (109/1960)

If the judgment against which a complaint is filed is not annexed to the letter of complaint or if the letter is so deficient that the matter cannot be decided on its basis, the complainant shall be exhorted to remedy the deficiency within a time limit, under threat that otherwise the complaint will be dismissed without considering its merits. The exhortation may be sent by post to the address supplied by the complainant. (104/1979)

If the complaint is not immediately dismissed without considering its merits or dismissed as manifestly ill-founded, a written response shall be requested from the opposing party or from another person whose right is affected by the complaint unless this is manifestly unnecessary. If necessary, also a statement or account of the judge in question shall be requested.
Where necessary, it may be ordered before the matter is finally decided that the judgment is not to be enforced for the time being or that its enforcement is to be stayed.

Section 5 (104/1979)

If further information is deemed necessary before the matter can be decided, the court shall undertake measures to obtain the necessary information. The provisions on an oral hearing in the

court of appeal and in the Supreme Court otherwise laid down apply to the holding of an oral hearing in matters concerning a complaint.

Section 6 (109/1960)

If it is found that a procedural error has occurred, the judgment shall be annulled in full or for the part necessary and, if the matter is to be retried, it shall be returned to the court where the procedural error had occurred. In this case, the time limit and the manner for bringing of the matter to reconsideration shall also be ordered.

Reversal of a final judgment
Section 7 (109/1960)

A final judgment in a civil matter may be reversed:

1) if a member or official of the court or a representative or legal counsel of a party has, in connection with the case, been guilty of criminal conduct that may be assumed to have influenced the result of the case;

2) if a document that has been used as evidence was false or its contents did not accord with the truth and the person who submitted the document was aware of this, or if a witness or expert witness has deliberately given a false statement and it may be assumed that the document or statement has influenced the result; (732/2015)

3) if reference is made to a circumstance or piece of evidence that has not been presented earlier, and its presentation would probably have led to a different result; or

4) if the judgment is manifestly based on misapplication of the law.

A judgment shall not be reversed on the grounds referred to in subsection 1, paragraph 3 unless the party can make it probable that he or she could not invoke the circumstance or piece of evidence in the court that gave the judgment or by requesting a review of the judgment, or that he or she otherwise had a justified reason not invoke it.

Section 8 (109/1960)

A final judgment in a criminal matter may be reversed to the benefit of the defendant:

1) if a member or official of the court, the prosecutor or a representative or legal counsel of a party has, in connection with the case, been guilty of criminal conduct that may be assumed to have influenced the result of the case;

2) if a document that has been used as evidence was false or its contents did not accord with the truth and the person who submitted the document was aware of this, or if a witness or expert witness has deliberately given a false statement and it may be assumed that the document or statement has influenced the result; (732/2015)

3) if reference is made to a circumstance or piece of evidence that has not been presented earlier, and its presentation would probably have led to the acquittal of the defendant or to the application of less severe penal provisions to the offence, or if there are very serious grounds, with consideration to what is thus invoked and what is otherwise found, to reconsider the question of whether or not the defendant has committed the offence for which he or she has been convicted; or

4) if the judgment is manifestly based on misapplication of the law.

Section 8a (360/2003)

A final judgment on a forfeiture in a criminal matter may be reversed to the benefit of the defendant:

1) if the conditions referred to in section 8, paragraph 1, 2 or 4 exist;

2) if a circumstance or piece of evidence that has not been presented previously is invoked, and its presentation would probably have led to the rejection of the forfeiture request or to the imposition of an essentially lighter forfeiture sanction, or if there otherwise are very serious grounds, with consideration to what is thus invoked here and what is otherwise found, to reconsider the question of the forfeiture sanction; or

3) if the charge for the offence on the basis of which the forfeiture was imposed has subsequently been rejected as unproven, or otherwise, as a result of the rejection of the charges, there would not have been grounds to impose the forfeiture.

Section 9 (109/1960)

A final judgment in a criminal matter may be reversed to the detriment of the defendant:

1) if a circumstance referred to in section 8, paragraph 1 or 2 has existed and it can be assumed to have influenced the acquittal of the defendant or the fact that he or she has been sentenced in accordance with essentially less severe penal provisions than what should have been applied; or

2) if the case relates to an offence which, in accordance with the normal penalty scale, may be punished by more than two years of imprisonment or which may result in dismissal from office, and if a circumstance or a piece of evidence which has not been presented previously is invoked and its presentation would probably have led to the conviction of the defendant for the offence or to the application of essentially more severe penal provisions. (622/1974)

The judgment may not be reversed on the grounds referred to in subsection 1, paragraph 2 unless it is shown to be probable that the party could not invoke the circumstance or piece of evidence before the court which issued the judgment or by requesting a review of the judgment, or that he or she had another justified reason not to invoke it.

Section 9a (755/1997)

A final judgment in a criminal matter may be reversed also if, in the sentencing, another sentence has been taken into account as provided in chapter 7, section 6 of the Criminal Code, and the latter sentence has thereafter been annulled or the underlying charge has been fully or partially dismissed or the sentence has undergone another essential alteration.

Section 9b (1290/2003)

A final judgment in a criminal matter may be reversed also if Finland has requested the extradition of a person for the enforcement of a joint sentence of imprisonment imposed under chapter 7 of the Criminal Code, and the extradition is not possible on the basis of all of the offences which

resulted in the joint sentence of imprisonment, or if the request for extradition has been rejected in respect of one of the offences. In this case, the Supreme Court shall impose a sentence separately for those offences on the basis of which extradition is possible or for which the request is granted, and for the other offences. The sentences thus imposed may not together be more severe than the original joint sentence of imprisonment.

In addition, a final judgment in a criminal matter may be reversed if a request for the enforcement of a joint sentence of imprisonment imposed in Finland is sent to another Member State of the European Union, and the transfer of enforcement is not possible for all the offences resulting in the joint sentence of imprisonment or if the request for enforcement is refused in respect of one of the offences. In this case, the Supreme Court shall impose a sentence separately for the offences for which the transfer of enforcement is possible or the request is granted, and for the other offences. The sentences thus imposed may not together be more severe than the original joint sentence of imprisonment. (1173/2011)

Section 9c (1290/2003)

A final judgment on a forfeiture sanction in a criminal matter may be reversed to the detriment of the respondent:

1) if a circumstance referred to in section 8, paragraphs 1 or 2 exists and it can be assumed to have influenced the fact that a forfeiture was not imposed or that the forfeiture imposed was essentially more lenient than it should have been; or

2) if a circumstance or a piece of evidence that was not presented earlier is invoked, and its presentation would probably have led to the imposition of a forfeiture or to the imposition of an essentially more severe forfeiture.

The judgment may not be reversed on the grounds referred to in subsection 1, paragraph 2 unless it is shown to be probable that the party could not invoke the circumstance or piece of evidence before the court which issued the judgment or by requesting a review of the judgment, or that he or she had another justified reason not to invoke it.

Section 10 (109/1960)

A request for the reversal of a judgment in a civil matter and to the detriment of the defendant in a criminal matter or, in the case referred to in section 9c, to the detriment of the respondent in a criminal matter shall be made within one year of the date on which the party requesting it became aware of the circumstance upon which the request is based or, if the request is based on the criminal conduct of another, of the date on which the pertinent judgment became final. However, the period referred to above shall not be calculated from an earlier date than the date on which the judgment whose reversal is requested became final. If the request in a civil matter is based on a circumstance referred to in section 7, subsection 1, paragraph 4, the period shall be calculated from the date on which the judgment became final. (1290/2003)

A request for the reversal of a judgment in a civil matter may no longer be made after five years have passed from the time when the judgment became final unless compelling reasons are presented in support of the request.

Section 11 (109/1960)

If a person has been treated in proceedings as someone else or under a false name, the final judgment may be reversed in order to rectify the error irrespective of a time limit. In this event, a judgment in a criminal matter may be reversed notwithstanding the provisions of section 9, and it may also be rectified immediately even to the detriment of the defendant if the error had been due to him or her.

Section 12 (109/1960)

A request for the reversal of a judgment shall be filed with the Supreme Court unless otherwise provided in section 14a. (666/2005)

The request shall be made in writing, indicating the grounds for the request as well as the evidence invoked. The judgment the reversal of which is requested and the written evidence invoked in the request shall be annexed to the request.

If the request is based on grounds referred to in section 7, subsection 1, paragraph 3 or section 9, subsection 1, paragraph 2, the party requesting it shall state why the circumstance or piece of evidence in question was not invoked during the proceedings.

Section 13 (718/2011)

The provisions of section 3, subsection 2 and sections 4 and 5 on a complaint apply to the consideration of the request.

Section 14 (109/1960)

If the request for the reversal of a judgment is upheld and it is deemed necessary to reconsider the case, the Supreme Court shall order the time limit, the court and the manner in which the case is to be brought for reconsideration. However, the Supreme Court shall have the right to immediately rectify the judgment, if the matter is found to be clear and the request does not concern the reversal of a judgment in a criminal matter to the detriment of the defendant.

If the case is to be reconsidered on the initiative of a party and the party fails to heed what he or she is to do in this respect or fails to appear in court where the first hearing of the case has been ordered to take place, the reversal shall lapse.

Section 14a (666/2005)

Notwithstanding the provisions of section 12, reversal of a judgment shall be requested from the court which gave the judgment in question if the request concerns:

1) reversal or rectification of a judgment in a criminal matter on the grounds that a person has been treated as someone else or under a false name;

1a) merely the lowering of the monetary amount of a day fine; (422/2018)

2) annulment of a sanction imposed for absence due to the existence of a lawful excuse; or

3) reversal or rectification of a judgment pursuant to section 9a.

If the request referred to in subsection 1 is admitted, the court may simultaneously rectify the judgment.

In addition to what is provided in sections 3–5, the provisions in chapter 8 on the consideration of petitionary matters apply, where appropriate, to the consideration of the request in the district court.

Section 15 (360/2003)

If a claim for damages or another claim under private law is presented in a criminal matter, the provisions on the reversal of a judgment in a civil matter apply, in this respect, to a matter relating to the reversal of the judgment. If the judgment is reversed in respect of the charge or a forfeiture claim, the judgment may, regardless of what has been stated above, be reversed also in respect of a claim under private law.

Section 16 (109/1960)

The provisions above in this chapter on a final judgment apply correspondingly to a judicial decision that is comparable to a final judgment.

Granting a new time limit
Section 17 (109/1960)

A person who, due to a lawful excuse, was unable to declare his or her intent to appeal, to request a review, to apply for a re-trial or to undertake another action in proceedings within a time limit, or who otherwise presents compelling reasons in support of his or her application may, on application, be granted a new time limit.

Section 18 (666/2005)

An application for a new time limit shall be made in writing within 30 days of the termination of the excuse referred to in section 17 and, at the latest, within one year of expiry of the time limit.

The application is made to the court of appeal if the application relates to the granting of a new time limit for carrying out a measure in the district court or to a request for a review of its

decision. In other cases, the application shall be made to the Supreme Court. The application shall be made to the Supreme Court also when the application concerns a matter where a request for a review of a decision of the district court is made to the Supreme Court.

The provisions of section 3, subsection 1 and sections 4–5 on a complaint apply to the application and its consideration. (718/2011)

Restriction of extraordinary request for a review (422/2018)
Section 19 (422/2018)

At the Supreme Court, a party may file a complaint against a procedural error, request for a reversal of a judgment or apply for a new time limit only once in a matter unless it is necessary, for very serious grounds, to re-examine the matter.

Chapter 32 (556/1998)
Conditional fine

Section 1 (556/1999)

A conditional fine which can be imposed by a general court or which is imposed in order to secure the course of proceedings shall be set at a fixed monetary amount, taking into consideration the solvency of the person concerned. For a special reason, the conditional fine may be enforced at an amount smaller than the amount originally imposed.