

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Justice, Finland

Act on Court Training

(674/2016; amendments up to 210/2019 included)

By decision of Parliament, the following is enacted:

Section 1

Scope of application

In addition to this Act, provisions on trainee judges are laid down in the Courts Act (673/2016).

The provisions of chapter 9, sections 1 and 2 of the Courts Act on the responsibilities and accountability of judges apply to the responsibilities and accountability of trainee judges when they exercise judicial powers.

Section 2

Contents of court training

Court training refers to a training system for trainee judges that provides induction to judicial duties in district courts, courts of appeal and administrative courts, consisting of practical training, education and follow-up.

Court training consists of two six-month training periods. The first period takes place in a district court and the second in a district court, a court of appeal or an administrative court.

Section 3

Required qualifications for trainee judges and their appointment

The Judicial Training Board appoints trainee judges to district courts, courts of appeal and administrative courts for a fixed term corresponding to the training period.

A person with a master's degree in law, other than a master's degree in international and comparative law, with the personal characteristics necessary for performing judicial duties and with suitability for judicial decision-making may be appointed as a trainee judge.

The provisions of chapter 10, section 9 of the Courts Act on the qualification requirements for judges apply to the qualification requirements concerning the language skills of trainee judges. To safeguard linguistic rights, bilingual district courts may have a sufficient number of trainee judge positions requiring the language skills referred to in chapter 10, section 10, subsection 1 of the Courts Act. Provisions on the number of such positions in each bilingual district court are issued by government decree. (867/2017)

Section 4 (210/2019)

Declaring traineeship positions open for application

The Judicial Training Board declares traineeship positions open for application in a centralised manner once a year. The National Courts Administration is responsible for the practical measures related to declaring a position open for application as referred to in chapter 11, sections 5 and 6 of the Courts Act and for drawing up a summary of the merits of the applicants.

The call for applications shall state if the court training may take place partially in a court of appeal or an administrative court in addition to a district court.

Where necessary, the Judicial Training Board decides on re-declaring a position of trainee judge open for application, extending the application period and withdrawing the application procedure.

Section 5

Applying for court training

A person may apply for court training by submitting an application to the Judicial Training Board.

It is possible to apply for several different traineeship positions with the same application. The order of preference of the positions shall be indicated in the application.

Section 6

Selection of a person for court training

An applicant is selected for court training by appointing the applicant as a trainee judge for a fixed term.

Section 7

Selection criteria

The required qualifications laid down in section 3, subsection 2 shall be complied with in the selection of trainee judges. In the assessment of an applicant's suitability for judicial decision-making, the applicant's academic achievements, legal expertise acquired through studies or proven in some other manner, and work experience are taken into account.

The personal characteristics of an applicant may be assessed in an interview. With the consent of an applicant, a statement or other information on the applicant may also be obtained.

Section 8

Judge's affirmation

Before court training begins, a trainee judge shall give the judge's affirmation referred to in chapter 1, section 7 of the Courts Act in a district court.

Section 9

Practical training

A trainee judge shall gain experience of the duties of a judge in a district court and of the duties of a referendary in a court of appeal and in an administrative court. The duties assigned to a trainee judge shall familiarise them with these duties and the court's activities in a sufficiently versatile manner.

Section 10

Guidance

The court serving as the place of training shall designate a judge or a referendary to act as a mentor for each trainee judge. The head of court and the mentor shall together ensure that the trainee judge is guided and monitored when they perform their duties.

Section 11

Education

Trainee judges shall participate in education provided at the place of training and in joint education provided for trainee judges.

The objective of the education is to improve trainee judges' knowledge of the law and legal skills and, in particular, to provide them with the skills needed to make judicial decisions.

Section 12

Training plan

A training plan specifying the goals and contents of the court training shall be drawn up for each trainee judge.

The training plan shall describe the objectives of the court training and the duties to be performed at each stage of the training, the induction and education to be provided on the relevant categories of matters, the monitoring of the duties to be performed, and the provision of feedback, and it shall mention other issues essential to the training and the persons responsible for the guidance of the trainee judge.

Section 13

Duties

In a district court, trainee judges shall familiarise themselves with the duties performed in the court office and consider and independently decide matters falling within their competence under sections 14–16.

In a court of appeal, trainee judges assist in the preparation of matters. They may keep minutes at court of appeal sessions. It may be provided in the rules of procedure that trainee judges may also serve as court of appeal referendaries.

In an administrative court, trainee judges assist in the preparation of matters and serve as administrative court referendaries.

Section 14 (867/2017)

Competence of trainee judges in a district court

Trainee judges may, without separate assignment, perform marriage ceremonies and consider and decide matters referred to in chapter 5, sections 3 and 14 of the Code of Judicial Procedure and petitionary matters in the district court office. Trainee judges may also keep minutes at district court sessions and perform the duties referred to in chapter 19, section 6, subsection 3 of the Courts Act.

Section 15 (1005/2016)

Competence in a district court of trainee judges who have held their position for two months

Having held their position for two months, trainee judges may, without separate assignment, serve as the chairperson of a district court:

- 1) in a hearing with a single judge considering a petitionary matter;
- 2) in a hearing with a single judge considering a criminal matter where no other punishment than a fixed fine, a fine or imprisonment for at most two years has been provided by law for any of the offences referred to in the charge under the circumstances mentioned in the charge, and where the defendant has not been remanded, subjected to a travel ban or suspended from office due to the offence referred to in the charge;
- 3) in the written procedure referred to in chapter 5a of the Criminal Procedure Act (689/1997);
- 4) in a hearing with a single judge considering a matter concerning a conversion sentence for unpaid fines; (99/2018)

5) in the consideration of an appeal and an extraordinary appeal referred to in chapter 5 of the Act on Imposing Fines and Fixed Fines (754/2010). (99/2018)

In a matter referred to in subsection 1, paragraphs 2 and 3, no other punishment than a fine or a fixed fine may be imposed.

Section 16 (210/2019)

Competence of trainee judges in a district court based on an order by the chief judge of the district court

In an individual case, the chief judge of a district court may order a trainee judge who has held their position for two months to serve:

- 1) as the chairperson, if the matter in question is a civil matter concerning the renting of an apartment or where the sum subject to the dispute or the value of the property or benefit does not exceed EUR 20,000;
- 2) as a member of the composition referred to in chapter 2, section 1, subsection 2 and section 11 of the Code of Judicial Procedure;
- 3) as a member of the composition referred to in chapter 2, section 3 of the Code of Judicial Procedure;
- 4) as a member of the court in a case referred to in chapter 6, section 1 of the Code of Judicial Procedure and in chapter 6, section 11 of the Criminal Procedure Act;
- 5) as the chairperson in the composition referred to in chapter 2, section 1, subsection 1 of the Code of Judicial Procedure in a criminal matter where no other punishment than a fixed fine, a fine or imprisonment for at most two years has been provided by law for any of the offences referred to in the charge under the circumstances mentioned in the charge, and where the defendant has not been remanded, subjected to a travel ban or suspended from office due to the offence referred to in the charge.

In the composition referred to in chapter 2, section 1, subsection 2 and section 3 of the Code of Judicial Procedure, the chairperson and one other member shall be the chief judge of the district court or a district court judge.

A trainee judge shall not be assigned, alone or as the chairperson of the district court, to consider a matter that is to be considered difficult to resolve due to its nature or extent.

Section 17 (210/2019)

Suspension of court training

For a justified reason, the head of court may allow a trainee judge to suspend their court training. A suspended training period may be completed in the court where it was started.

For a trainee judge to be able to complete their training period suspended under subsection 1, the court appoints the trainee judge for a fixed term corresponding to the remaining training period, notwithstanding the provisions on the appointment of trainee judges.

Section 18

Honorary title of 'Master of Laws (Trained on the Bench)'

The Judicial Training Board grants the honorary title of 'Master of Laws (Trained on the Bench)' (in Finnish: *varatuomari*) to a person who has completed court training. The honorary title is granted upon written application after the trainee judge has participated in the education referred to in section 11 and completed all the tasks assigned to them. A certificate of the completed training shall be appended to the application.

Section 19

Entry into force

This Act enters into force on 1 January 2017.

Where references are made in other legislation to provisions in force upon the entry into force of this Act, the corresponding provision of this Act shall apply instead.