Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Justice, Finland

Administrative Judicial Procedure Act

(808/2019)

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Purpose of the Act

This Act lays down provisions on guarantees of legal protection and a fair trial in judicial proceedings concerning administrative matters and other legal relationships governed by public law.

Section 2

Scope of application of the Act

This Act applies to judicial proceedings in the general administrative courts, which are the Supreme Administrative Court and the regional administrative courts, including the Administrative Court of Åland.

This Act also applies to judicial proceedings concerning administrative matters in the Insurance Court, the Market Court and the Labour Court.

In addition, this Act applies to appeal boards, as separately provided.

This Act's provisions on administrative courts shall also apply to the courts and boards referred to in subsections 2 and 3 when they consider an administrative judicial matter.

The consideration of a request for review submitted to an entity other than a court or appeal board is governed by section 3a of the Administrative Procedure Act (434/2003).

Section 3

Relationship with other legislation

If the provisions of another act deviate from this Act, they shall apply instead of this Act.

Section 4

Definitions

In this Act:

1) *authority* means a government agency or public body, an authority in the Province of Åland, a municipal authority, an autonomous institution governed by public law, or some other entity performing a public administrative duty;

2) *finality* means the permanence of a decision of an authority or an administrative court, where a review of the decision may no longer be requested by ordinary means because the time limit for requesting an administrative review or for appeal has expired, or because the decision is not eligible for administrative review or for judicial review by appeal.

Section 5

Disqualification

A judge who is disqualified may not consider a matter in an administrative court. The provisions governing the disqualification of a judge also apply to the other members of the court, to a referendary, to a record keeper, and to any person otherwise involved in the consideration of the matter.

The quorum of an administrative court in a matter concerning the disqualification of a judge shall be governed by the quorum provisions that apply in the principal matter. An administrative court

may nevertheless also rule on a plea of disqualification when at least one legally trained member is sitting.

Disqualification and the presentation and consideration of a plea of disqualification in an administrative court shall be governed in other respects by the provisions on the disqualification of judges in chapter 2, section 13 and chapter 13 of the Code of Judicial Procedure.

Chapter 2

Appeal against an administrative decision

Section 6

Eligibility of an administrative decision for appeal

A decision by which an authority has ruled on an administrative matter or ruled an administrative matter inadmissible shall be eligible for judicial review by appeal.

A decision relating solely to the preparation or enforcement of a matter shall be ineligible for review by appeal. An internal administrative order concerning the performance of a task or of some other measure shall also be ineligible for review by appeal.

Section 7

Right of appeal against an administrative decision

A person whom a decision concerns, or whose right, obligation or interest is directly affected by the decision, and a person whose right of appeal is separately provided by law may request a judicial review of an administrative decision by way of appeal. An authority may also request a judicial review by appeal if this is necessary because of a public interest overseen by the authority.

Only a person who has requested an administrative review may appeal against the decision issued on the request. If an administrative decision has been amended or reversed in an administrative review procedure, then a person with the right of appeal in the matter according to subsection 1 may nevertheless also request a judicial review by appeal.

Section 8

Avenue of appeal against an administrative decision

Appeals against the decision of an authority shall be made to a regional administrative court. Appeals against the decision of a government plenary session shall be made to the Supreme Administrative Court. Separate provisions shall be issued on appeals to other administrative courts.

An appeal against a decision in a submission matter shall be made to the same court or authority to which the decision was submitted.

Section 9

Appeal against a decision of a municipal authority, an authority in the Province of Åland or an ecclesiastical authority

Provisions governing an appeal against a decision of a municipal authority are laid down in the Local Government Act (410/2015).

Provisions governing an appeal against a decision of the Government of Åland or an authority subordinate to it, and of a municipal authority in the Province of Åland are laid down in the Act on the Autonomy of Åland (1144/1991).

Provisions governing an appeal against a decision of an authority of the Evangelical Lutheran Church or of a parish or parish union of that Church are laid down in the Church Act (1054/1993). Provisions governing an appeal against a decision of an authority of the Orthodox Church or of a parish of that Church are laid down in the Act on the Orthodox Church (985/2006).

Section 10

Competent administrative court

Territorial competence shall be vested in the administrative court for the judicial district that includes the geographical area of operations of the authority that issued the administrative decision.

If the geographical area of operations of the authority that issued the administrative decision falls within more than one judicial district, then competence shall be vested in the administrative court for the judicial district that includes the authority's main place of operation. If this criterion cannot be applied, then competence shall be vested in the administrative court within whose judicial district the decision was issued.

If the geographical area of operations of the authority that issued the administrative decision is the whole of Finland, then competence shall be vested in the administrative court within whose judicial district the appellant is domiciled. However, if the decision concerns real property or a geographical area, then competence shall be vested in the administrative court within whose judicial district the principal part of the real property or of the geographical area is located. The geographical area of operations of an authority shall also be deemed to be the whole of Finland even if the area excludes the Province of Åland.

If an authority referred to in subsection 3 issued a decision that concerns several real property holdings or geographical areas that are located within the judicial districts of separate administrative courts, or several persons or entities whose domiciles are located within the judicial districts of separate administrative courts, then competence shall be vested in the administrative court for the judicial district that includes the authority's main place of operation. If this criterion cannot be applied, then competence shall be vested in the administrative court within whose judicial district the decision was issued.

If no administrative court is competent to consider the matter on the basis of subsections 1 to 4, then competence shall be vested in Helsinki Administrative Court.

Section 11

Joint consideration of materially related matters in an administrative court

Notwithstanding the provisions of section 10, an administrative court shall be competent to consider a matter that is materially related to a matter already pending in the administrative court. This shall require that:

1) the administrative court has material competence to consider matters belonging to the group of matters in question;

2) joint consideration of the matters is necessary for some special reason; and

3) joint consideration of the matters causes no undue detriment to the parties to the judicial proceedings.

An administrative court may transfer a matter falling within its competence to the administrative court referred to in subsection 1 after agreeing the transfer with the receiving court. The parties to the judicial proceedings shall be heard before the transfer.

The transfer decision shall be ineligible for review by appeal.

Section 12

Material appeal

The provisions of this Act concerning appeals apply to a material appeal against public payments, unless otherwise provided elsewhere by law.

Chapter 3

Filing an appeal

Section 13

Filing an appeal and time allowed for appeal

An appeal may be filed on the grounds that a decision is unlawful.

The appeal shall be filed in writing within 30 days of receipt of the decision.

Provisions governing the filing of an appeal are also laid down in the Act on Electronic Services and Communication in the Public Sector (13/2003). Provisions governing the calculation of time limits are laid down in the Act on the Calculation of Statutory Time Limits (150/1930).

Section 14

Submitting an appeal

An appeal shall be submitted to the competent administrative court within the time allowed for appeal, unless it is separately provided that the appeal be submitted to an authority. An appeal that has arrived at the competent court within the time allowed for appeal may nevertheless not be ruled inadmissible on the grounds that, by law, it should have been submitted to an authority.

An inmate of a closed institution may also submit an appeal within the time allowed for appeal to the person designated to perform this function within the institution, or to the director of the institution. The said person or director shall then forward the appeal to the competent court or authority without delay.

Section 15

Content of an appeal

An appeal shall state:

1) the decision for which a review is requested (*the decision appealed against*);

2) the respects in which a review of the decision is sought and the amendments that are asked for (*the claims*);

3) the reasoning for the claims;

4) the basis of the right of appeal if the decision appealed against does not concern the appellant.

The appeal shall also specify the name and contact details of the appellant. If the appellant's legal representative or attorney are to exercise the right to be heard, then their contact details shall also be provided. The administrative court shall be notified immediately of any change in the contact details while the appeal is pending.

An appeal shall also indicate the postal address and any other address to which the procedural documents may be sent (*address for service*). If the appellant has provided more than one address for service, then the administrative court may choose to which of the supplied addresses it will send the procedural documents.

When appealing against a decision issued on the request for an administrative review, the person who requested the administrative review may submit new reasoning for the claims made in the request. The person may submit a new claim only if this is based on a change of circumstances or on a fact that came to the appellant's notice after the time limit for requesting the administrative review had expired.

Section 16

Annexes to an appeal

The following annexes shall be included in an appeal:

1) the decision appealed against together with the appeal instructions;

2) evidence indicating when the appellant received the decision, or some other evidence of the time of commencement of the time allowed for appeal;

3) the documents on which the appellant will rely in support of the claims, unless these documents have already been submitted to the authority.

Section 17

Effect of erroneous appeal instructions

If an appeal was filed in compliance with an incorrect procedure due to missing or erroneous appeal instructions, this shall not be a reason for it to be ruled inadmissible.

If an appeal has been submitted to the wrong administrative court or authority due to missing or erroneous appeal instructions, the court or authority shall transfer the appeal to the competent court or authority. The appellant shall be notified of the transfer.

Section 18

Transfer of a matter

An appeal that has been submitted in error to an administrative court lacking the competence to consider the matter may be referred to the competent administrative court or authority. A separate decision may be issued concerning the transfer. The appellant shall nevertheless always be notified of the transfer.

A transfer shall not prolong the time allowed for appeal.

Chapter 4

Other administrative judicial matters

Section 19

Filing of other administrative judicial matters

A matter to be considered in an administrative judicial procedure that is a matter other than an appeal or an extraordinary request for review (*other administrative judicial matter*) shall be filed at an administrative court by means of a written pleading, which shall specify:

1) the claim and its reasoning;

2) the authority, person, entity or other party whom the claim concerns.

The documents on which the person filing the matter will rely in support of the claim shall be appended to the written pleading.

Section 20

Matter of administrative litigation

An administrative court shall consider as a matter of administrative litigation any dispute that:

1) is provided by law for decision as a matter of administrative litigation;

2) concerns a payment liability governed by public law;

3) concerns some other interest, right or obligation arising from a legal relationship governed by public law; or

4) concerns an administrative contract.

A matter shall nevertheless not be considered as a matter of administrative litigation if it can be or has been ruled on by an administrative decision or by a decision issued on a material appeal.

Section 21

Time limit for filing a matter of administrative litigation

An application to file a matter of administrative litigation shall be submitted to the competent administrative court within five years of the date when the matter became contentious. An application concerning a payment liability governed by public law shall nevertheless be submitted to the administrative court within five years of the start of the year that follows the year in which payment was demanded or the basis for the payment liability arose.

Section 22

Competent administrative court in a matter of administrative litigation

A matter of administrative litigation shall be considered by the administrative court within whose judicial district the person or entity whom the claim concerns is domiciled. A claim submitted against a legal person or a private trader may nevertheless also be considered in the

administrative court within whose judicial district the legal person or trader has a place of operation.

A claim submitted against the State, a municipality, or some other legal person governed by public law shall nevertheless be considered in the administrative court within whose judicial district the party filing the claim is domiciled. A claim filed against a legal person governed by public law may also be considered in the administrative court within whose judicial district the authority exercising the legal person's right to be heard is domiciled or has a place of operation.

If no administrative court is competent to consider a matter of administrative litigation on the basis of subsections 1 or 2, then the matter shall be considered in Helsinki Administrative Court.

Section 23

Application of provisions governing appeals

The provisions of this Act governing appeals shall otherwise apply to other administrative judicial matters.

Chapter 5

Right to be heard and use of counsel or an attorney

Section 24

Right to be heard

Everyone shall have the right to be heard in matters that concern them, unless otherwise provided by law.

Section 25

Right of a person without legal capacity to be heard

The right of persons without legal capacity to be heard shall be exercised by their guardians, by those having custody of them or by other legal representatives, unless otherwise provided by law.

A person without legal capacity shall nevertheless have the right to be heard alone in a matter concerning income or assets that he or she has the right to decide on. Persons without legal capacity who have reached the age of 18 years shall exercise their own right to be heard alone in matters concerning their person if they are able to comprehend the significance of the matter. Minors who have reached the age of 15 years and those having custody of them or other legal representatives shall each have the separate right to be heard in a matter concerning the personal interest or right of the minor.

Section 26

Right of a guardian to be heard

In addition to the client exercising his or her right to be heard, guardians appointed for persons with legal capacity shall have an independent right to be heard in matters falling within the scope of their duties. The view of a client who is able to understand the significance of the matter shall prevail if the guardian and client disagree.

If the client's legal capacity has been restricted otherwise than by a declaration of legal incapacity, then the guardian alone shall exercise the client's right to be heard in a matter on which the client has no right to decide. Guardians and their clients shall nevertheless jointly exercise the right to be heard in a matter which is to be decided by them together.

Section 27

Hearing a client and a guardian or person having custody

If hearing is necessary in the interests of the client or in order to examine the matter, then:

1) the client shall be heard when a guardian, person having custody or other legal representative exercise the right to be heard;

2) the guardian, person having custody or other legal representative shall be heard when the client exercises the right to be heard.

Section 28

Appointment of guardian for judicial proceedings

An administrative court may, in pending judicial proceedings, appoint a guardian for judicial proceedings for a party who is unable to oversee his or her interests due to poor health or some other special reason.

The court shall appoint a guardian for judicial proceedings if the guardian, person having custody or other legal representative of a party is disqualified or otherwise unable to exercise the right to be heard in the matter.

The appointment of a guardian shall remain in force until the matter has been finally ruled on, unless the court otherwise decides. The guardian shall be subject to the provisions of the Guardianship Services Act (442/1999).

Section 29

Replacement of a party

If a party dies during judicial proceedings, this party shall be replaced by his or her legal successor unless the nature of the matter otherwise requires.

If the judicial proceedings concern the exercise of a right of ownership or of some other right and the right passes to another during the proceedings, then the new owner of the right shall replace the original owner, unless special reasons otherwise require. The same provision shall apply when status as a party depends on a right of ownership or on some other right.

Section 30

Attorney and counsel

A party to judicial proceedings may be assisted by an attorney or counsel. The attorney and counsel shall be an attorney-at-law, a public legal aid attorney or a licensed legal counsel within the meaning of the Licensed Legal Counsel Act (715/2011). The attorney or counsel may nevertheless also be any other person who is aged 18 years or over who is honest and is fit and capable for the duties, and not bankrupt or of restricted competence.

A judge or referendary of an administrative court may not serve as an attorney or counsel, except in a matter concerning a person who is close to him or her within the meaning of chapter 13, section 3 of the Code of Judicial Procedure, or in a matter in which the judge or referendary or the

person close to him or her has an interest. A public official may not serve as an attorney or counsel if such service conflicts with his or her official duties.

A person whose relationship to the judge or referendary considering the matter is within the meaning of chapter 13, section 3 of the Code of Judicial Procedure may not serve as an attorney or counsel. Neither may a person serve as an attorney or counsel if he or she has participated in the consideration of the matter at a court or authority, or has served as attorney or counsel to the opposing party in such consideration. If an administrative court notices that an attorney's or counsel's relationship to the judge or referendary considering the matter is within the meaning of chapter 13, section 3 of the Code of Judicial Procedure, then the court shall notify the attorney or counsel of this.

Section 31

Prohibition of representation and referral to the Disciplinary Board

The court may prohibit an attorney or counsel who is unfit for his or her duties from serving as attorney or counsel in an individual matter. The client shall be notified of the prohibition and given an opportunity to secure a new attorney or counsel.

A court may also prohibit an attorney or counsel from serving as attorney or counsel at that court for a period not exceeding three years where cause exists for so doing. The court shall notify its decision to the Disciplinary Board referred to in the Act on Attorneys-at-Law (496/1958) if the decision concerns an attorney-at-law, a public legal aid attorney or a licensed legal counsel.

The court may notify the Disciplinary Board referred to in subsection 2 of any other breach of duties committed by an attorney-at-law, public legal aid attorney or licensed legal counsel.

Section 32

Authorisation of attorney

An attorney shall present a power of attorney.

Unless otherwise ordered by the administrative court, no power of attorney need be presented if:

1) the client has issued the authorisation orally before the court;

2) the attorney has served as attorney at an earlier stage of consideration of the matter in administrative procedures or in court;

3) the person authorised is an attorney-at-law, a public legal aid attorney or a licensed legal counsel within the meaning of the Licensed Legal Counsel Act.

If the power of attorney is missing in spite of the obligation to present it, then the court shall provide an opportunity to do so. This shall nevertheless not prevent continuation of the proceedings.

An attorney shall not assign to another person an authorisation that was issued to a designated person, unless the client's consent is given.

Section 33

Appellants' contact person

If an appeal is submitted jointly by several persons, one of them may be designated in the appeal as a contact person. If no contact person has been designated, then the first appellant specified in the appeal shall serve as contact person. The contact person shall not need to present a power of attorney.

Section 34

Secrecy obligation of an attorney and counsel

An attorney or counsel may not, without permission, disclose a private or family secret or a trade secret of which he or she has gained knowledge:

1) while discharging a duty related to judicial proceedings;

2) while providing legal advice on the legal position of the client in a criminal investigation or in some other procedural stage preceding judicial proceedings;

3) while providing legal advice to initiate or avoid judicial proceedings.

The same provisions shall apply to interpreters and translators used in the proceedings, any persons involved in dealing with the client's matter, and the support person for someone without legal capacity referred to in section 68.

The penalty for breaching the secrecy obligation shall be imposed in accordance with chapter 38, sections 1 or 2 of the Criminal Code of Finland (39/1889), unless the act is punishable under chapter 40, section 5 of the Code or a more severe punishment for it is provided elsewhere by law.

Chapter 6

Consideration and examination of a matter

Section 35

Organisation of court procedure

An administrative court shall ensure the organisation of judicial proceedings.

Section 36

Mode of proceedings

In an administrative court, matters shall be considered in writing on the basis of an appeal, a decision appealed against and other trial materials.

An oral preparatory hearing, an oral hearing, a site visit or inspection may also be arranged in a matter.

Section 37

Examination of a matter

An administrative court shall ensure that the matter is examined. The administrative court shall, if necessary, indicate to a party or to the authority that issued the decision the additional evidence that must be presented in a matter.

The administrative court shall procure evidence on its own motion to the extent that the impartiality and fairness of the proceedings and the nature of the matter require.

Each party and the authority that issued the decision shall present evidence of the reasoning for their claims in a truthful manner. They shall assist in examining the matter in the manner that its

legal nature requires. The authority shall give equitable consideration to public and private interests in judicial proceedings.

Section 38

Duty to present evidence

Everyone shall have a duty to appear before the court to be heard, and to permit the performance of a site visit or present the item or document referred to in section 51 to the court, unless otherwise provided by law.

A person who has an obligation or right to refuse to testify in court may nevertheless not be required to produce a document or item, or to permit the performance of a site visit in order to present evidence of a fact that falls within the scope of an obligation or right to remain silent.

Section 39

Right to present evidence

Each party and the authority that issued the decision shall be entitled to present the evidence of their choosing to an administrative court.

The court may disregard any material that is clearly not pertinent to the matter under consideration.

Section 40

Supplementing an appeal or other written pleading

If an appeal or other written pleading submitted to an administrative court is incomplete, then the court shall give the person who prepared the pleading an opportunity to supplement it within a reasonable time limit, unless supplementation is not necessary for considering the matter. A request for supplementation shall also state the respects in which the written pleading is incomplete, and the possible consequences of failing to supplement it.

Section 41

Presentation of new claims

A new claim may be presented after the time allowed for appeal has expired only if the claim is based on a change in circumstances or on some fact that came to the appellant's knowledge after the time allowed for appeal expired.

An appellant may submit new reasoning for his or her claim after the time allowed for appeal has expired, provided that this does not change the matter itself.

During judicial proceedings, a party may nevertheless seek a prohibition or suspension of enforcement, an oral hearing or compensation for legal costs, or submit some other subsidiary claim relating to the proceedings.

Section 42

Statement of the authority that issued the decision

At the request of the administrative court, the authority that issued the decision shall provide its explanation of the matter, respond to the claims presented by a party to the judicial proceedings and to the reasoning for these claims, and issue a statement on the evidence presented.

At the request of the administrative court, the authority shall furnish the court with the documents on which the decision was based and any other necessary evidence.

A conditional fine may be imposed to enforce compliance.

Section 43

Hearing another authority or expert

On its own initiative, an administrative court may seek the opinion of an authority other than the authority that issued the decision or of a private expert concerning a matter that requires special expertise. The court may also hear an expert in an oral hearing. The court may also seek the opinion of an expert who has been called by a party to the judicial proceedings and who the administrative court deems it necessary to hear from.

The expert shall be known to be honest and competent in his or her field. A person whose relationship to the matter or to a party is such as to compromise his or her impartiality shall not serve as an expert.

Section 44

Hearing a party

Each party shall be given an opportunity to state his or her views on the claims presented by the other parties to the judicial proceedings and on other trial materials before the matter is decided.

A matter may be decided without giving a party an opportunity to be heard if the appeal is ruled inadmissible immediately or is manifestly unfounded, or if hearing the party is not otherwise required in order to ensure a fair trial.

The provisions of subsections 1 and 2 also apply to an authority that has filed an appeal.

Provisions on restrictions governing a party's right of access to information in a non-public document related to the proceedings are laid down in section 9 of the Act on the Publicity of Administrative Court Proceedings (381/2007).

Section 45

Time limit for submission of evidence

An administrative court shall impose a reasonable time limit, having regard to the nature of the matter, within which any response or other evidence that it requests shall be submitted.

The court may decide the matter after the time limit expires even if the requested evidence has not been submitted. This shall be stated when the time limit is imposed.

Section 46

Limitation of evidence

On considering that a matter has been examined, an administrative court may impose a reasonable time limit, having regard to the nature of the matter, within which the parties to the judicial proceedings shall submit any supplementary material in the matter. The administrative court may disregard any supplementary material submitted by a party after this time limit expires.

Section 47

Oral preparatory hearing

An administrative court may arrange an oral preparatory hearing to examine the points of disagreement in a matter between the parties to the judicial proceedings and the evidence that must be submitted in support of the claims. No witnesses or experts shall be heard at an oral preparatory hearing.

Only an attorney may be summoned to an oral preparatory hearing, unless the personal attendance of a party is deemed necessary.

A record of the oral preparatory hearing shall be prepared, indicating the matter and the information required to specify it, and the individuals who participated in the proceedings.

Section 48

Site visit

An administrative court may arrange a site visit in order to examine a matter. A site visit shall make observations about real property, landscape, structures and other objects that cannot be brought before the court without difficulty.

A site visit may nevertheless only be conducted on premises used for permanent residence if this is essential for examining the matter.

The administrative court shall summon to the site visit the parties and the authority that issued the decision. A record of the site visit shall be prepared, indicating the information necessary for specifying the matter, the individuals attending and a report of the progress of the visit. The subject of the site visit shall be described unless this is unnecessary.

Site visits shall also be governed by the provisions of section 62 concerning summoning the parties to oral hearings, and the provisions of chapter 17, section 38, subsection 2 of the Code of Judicial Procedure.

Section 49

Inspection

Instead of a site visit, an administrative court may conduct an inspection on site to verify a fact. An inspection may not be conducted on premises used for permanent residence.

The parties and the authority that issued the decision shall be notified of an inspection in advance.

A record of an inspection shall be prepared, indicating the information necessary for specifying the matter, the individuals attending and a report of the progress of the inspection. The subject of the inspection shall be described unless this is unnecessary.

Section 50

Right of an administrative court to obtain information

An administrative court shall be entitled to obtain from an authority, on request and free of charge, all of the information and documents that are essential for deciding a matter, notwithstanding secrecy provisions. The court may order an authority to present necessary evidence. A conditional fine may be imposed to enforce compliance.

Section 51

Presentation of a document or object

An administrative court may order someone other than an authority to submit a document or object in their possession to the court, or to present it in court if the document or object may be presumed to have relevance as evidence in a matter. A conditional fine may be imposed to enforce compliance.

The submission and presentation of a document or object to the court shall also be governed by the provisions of section 39 and subsection 2 of section 40 of chapter 17 of the Code of Judicial Procedure concerning written evidence and bringing an object to a court.

Section 52

Interpretation and translation

An administrative court shall arrange interpretation and translation if a person lacks competence in the language used by the court under the Language Act (423/2003) or cannot be understood due to illness or disability and:

1) an authority that processed the matter at an earlier procedural stage was required to arrange interpretation or translation pursuant to section 26, subsection 1 of the Administrative Procedure Act or to some other provision;

2) the court decides a matter of administrative litigation or other administrative judicial matter in the first instance that was filed on the initiative of an authority; or

3) a person is heard orally.

The court may arrange interpretation and translation in cases other than those referred to in subsection 1 for a special reason.

A person whose relationship to a party or to the matter is such that it could compromise his or her reliability may not serve as an interpreter or translator in judicial proceedings.

The Language Act lays down provisions on the right of a person using Finnish or Swedish to interpretation and translation arranged by an authority. The right of the Saami to use their own language is laid down in the Sámi Language Act (1086/2003). An administrative court shall also ensure that citizens of other Nordic countries receive the necessary interpretation and translation assistance in matters that it considers, as provided in the Convention between Denmark, Finland, Iceland, Norway and Sweden on the right of Nordic nationals to use their mother tongue in other Nordic countries (Finnish Treaty Series 11/1987).

Section 53

Lawful excuse

A person who is unable to comply with a time limit imposed by an administrative court due to illness, interruption of public transport or some other comparable reason shall have lawful excuse. The court shall be notified of lawful excuse and of its cessation without delay.

If, due to lawful excuse, a party is unable to attend for being heard or to comply with some other time limit imposed by the administrative court, then the court shall defer proceedings in the matter and impose a new time limit.

Failure to comply with a time limit imposed by the court shall be deemed due to lawful excuse if the attorney or legal counsel to a party has lawful excuse and it has not been possible to secure in time another attorney or counsel to serve in his or her place.

Section 54

Maintenance of order in judicial proceedings

An administrative court shall ensure order in judicial proceedings. Anyone who disrupts the proceedings may be removed from the court session. The court shall be entitled to executive assistance from the police in order to arrange the court session and ensure that order is maintained during the session.

The court may order a person to pay a disciplinary fine not exceeding EUR 1,000. The fine may be imposed if, despite a warning from the court, the person fails to comply with the orders of the chairperson, speaks in a manner that offends the dignity of the court, or otherwise behaves in a disruptive or inappropriate manner at a court session.

The fine referred to in subsection 2 above may also be imposed on the basis of submission of corresponding written material that offends the dignity of the court or is otherwise inappropriate, despite a warning from the court.

If a person has been removed from the court session, the court shall consider whether proceedings in the matter may nevertheless continue.

Section 55

Estimate of the duration of consideration

An administrative court shall, on request, provide an estimate of the time required to consider a matter.

Section 56

Application of the Act on Conditional Fines

The imposition and enforcement of a conditional fine imposed in order to secure the orderly progress of legal proceedings shall be governed by the provisions of chapter 2 of the Act on Conditional Fines (1113/1990).

Chapter 7

Oral hearings

Section 57

Organisation of oral hearings

An administrative court shall arrange an oral hearing if the court deems this necessary or if a private party so requests. An oral hearing may hear a party, the authority that issued the decision, witnesses and experts, and may also accept other evidence.

The court may decline to arrange an oral hearing despite the request of a party if:

1) the party status of the party requesting an oral hearing is based on membership of a municipality or other entity;

2) adequate evidence of the facts that are of significance for deciding the matter has already been obtained, on the basis of which the matter may be decided without leaving the court in reasonable doubt as to the facts;

3) the facts may be established in some other way;

4) an oral hearing has already been arranged in the same matter at an administrative court; or

5) it is otherwise manifestly unnecessary to arrange an oral hearing, having regard to the nature and significance of the matter for the party and the requirements of a fair trial.

The Supreme Administrative Court may also decline to arrange an oral hearing despite the request of a party if the matter concerns a request for review of a decision of an administrative court and it is not necessary to arrange an oral hearing in order to examine the matter.

A person requesting an oral hearing shall declare why it is necessary to arrange this, and what evidence he or she would present at the oral hearing.

If the statement of an expert or private written testimony is relied on in a matter, then an oral hearing shall only be arranged to hear the expert or witness if this is necessary for examining the matter.

Section 58

Decision to arrange an oral hearing

An administrative court shall decide a request for an oral hearing in the context of the principal matter, or shall make an interim decision concerning the matter.

If an administrative court declines to arrange an oral hearing requested by a party, then the parties shall be notified of this. The parties shall be given an opportunity to submit additional written evidence at this time. Notification may be waived if the appeal is ruled inadmissible or rejected immediately, or if notification is manifestly unnecessary on some other corresponding grounds.

Section 59

Restriction of an oral hearing

An administrative court may restrict an oral hearing to concern only part of a matter, to an examination of the views of the parties and of the authority that issued the decision or to the acceptance of oral testimony, or in some other corresponding manner.

Section 60

Conduct of an oral hearing

In an oral hearing an administrative court shall:

1) present first a summary of the issue in the matter;

2) hear the parties and the authority that issued the decision;

3) hear witnesses and experts as necessary, and accept other evidence;

4) finally, hear the parties to the judicial proceedings concerning the facts presented in the procedure.

Section 61

Calling a witness

The parties to judicial proceedings shall call their witnesses. An administrative court may also call witnesses on its own initiative.

The court may impose a time limit within which the parties to the judicial proceedings shall call their witnesses.

The court shall decide who is summoned as a witness.

Section 62

Summoning of the parties to judicial proceedings

The administrative court shall summon the parties to judicial proceedings to the oral hearing. If the oral hearing has been restricted in the manner referred to in section 59, then the parties whose attendance is manifestly unnecessary may be left unsummoned.

The absence of a summoned person or his or her legal representative from an oral hearing shall not preclude consideration and decision of the matter.

A party or his or her legal representative may be summoned to appear at an oral hearing in person if this is necessary in order to examine the matter. A conditional fine may be imposed to enforce compliance with the summons.

The court shall enforce payment of the conditional fine and impose a new higher conditional fine if a party or his or her legal representative fails to comply with the summons referred to in subsection 3 and the court still deems it necessary for the party to attend in person. No payment of the conditional fine shall be ordered if the matter is considered and decided regardless of the absence of the person concerned, or if the absence is due to lawful excuse.

Section 63

Summoning of other persons to be heard

The decision to summon an expert or a witness to an oral hearing shall be made by the administrative court. The court shall also decide to summon such other persons and authorities as it deems necessary to hear.

The summoning of the persons to be heard referred to in subsection 1 shall be performed by the administrative court. The court may also authorise a party to the judicial proceedings to summon an expert or a witness.

The court may summon a witness to an oral hearing under threat of a fine. The summoning of a witness shall also be governed by the provisions of chapter 17, sections 62 and 64 of the Code of Judicial Procedure concerning a conditional fine and the bringing of a witness before the court.

Section 64

Content of a summons

A summons to an oral hearing shall specify the necessary information concerning the matter to be considered and the parties to the judicial proceedings, and the time and place of the hearing. The summons shall also state the consequences of absence, and the fact that a person summoned shall declare any lawful excuse and the cessation of it without delay.

The summons shall also inform a witness or an expert of his or her right to advance reimbursement of travel and subsistence expenses, and of the fact that he or she is under no obligation to appear before an administrative court if no such advance has been paid despite request.

Section 65

Other provisions on summoning

A summons shall comply in other respects with the provisions of this Act concerning service. Summoning shall also be governed by the provisions of chapter 17, section 42 of the Code of Judicial Procedure concerning a summons to be served outside of Finland.

Section 66

Disqualification of a witness

No party or any other person whose rights, interests or obligations are directly affected by the subject matter of the legal proceedings, nor the legal representative of such a person, may be heard as a witness.

Nor may any person who exercises the right to be heard as a representative of an authority that is party to the proceedings be heard as a witness.

The calling of witnesses shall also be governed by chapter 17, sections 31 and 32 of the Code of Judicial Procedure.

Section 67

Hearing in person

An oral hearing may also hear in person someone who cannot be heard as a witness pursuant to section 66 if such hearing is necessary in order to examine the matter.

A person who cannot be heard as a witness on account of his or her equivalent status to that of a party may be summoned by the court to be heard under threat of a fine.

Section 68

Hearing a person without legal capacity

A person without legal capacity may be heard at an oral hearing if he or she consents to this. A person under the age of 12 years may nevertheless only be heard in a matter other than his or her own if this is essential in order to decide the matter and it is considered that it would not cause significant detriment to him or her. The requirements of a fair trial shall be taken into account when considering whether to hear in person someone who is without legal capacity. No information that could seriously jeopardise the health or development of a person without legal capacity may be given to such a person in the course of hearing him or her. A person without legal capacity shall be heard in person in the presence only of one or more members of the administrative court if this is necessary in order to protect the person or to examine his or her independent opinion.

If a person without legal capacity is heard in the manner provided in subsection 1 without the presence of all of the parties to the judicial proceedings, then the parties and the authority that is a party to the judicial proceedings may be given an opportunity to propose the facts upon which the said person should be heard. The parties shall also be given an opportunity to examine the trial materials prepared or recorded from the content of the hearing, and to express their views on its content. The right of access to information may be restricted if non-disclosure is essential to protect the person without legal capacity or his or her other vital interests, and does not jeopardise the fairness of the judicial proceedings.

The court may, as necessary, appoint for a person without legal capacity who is to be heard, a support person whose function shall be to provide personal support to the person concerned at the oral hearing.

Section 69

Right of a witness to remain silent

A party's current or former spouse, or current cohabitant, sibling, relative in the direct ascending or descending line, or any other person in a similar close relationship to a party comparable to an intimate personal relationship or kinship, may refuse to testify.

If a person referred to in subsection 1 consents to testify, then such consent may not be withdrawn, unless otherwise required under a secrecy obligation or the right to remain silent provided in this Act.

In addition to the provisions of subsection 1, a witness may refuse to testify to the extent that testifying would divulge:

1) a trade secret, unless testifying is required on very important grounds, having regard to the nature of the matter, the significance of the evidence for deciding the matter and the consequences of failing to present it, and the other circumstances;

2) information referred to in section 16 of the Act on the Exercise of Freedom of Expression in Mass Media (460/2003).

A witness may refuse to disclose a fact if its disclosure could expose him or her, or another person in a relationship to him or her referred to in subsection 1, to risk of incrimination, or would contribute to a determination of culpability concerning him or her or the said other person.

An anonymous witness referred to in chapter 17, section 33 of the Code of Judicial Procedure may refuse to testify to the extent that testifying could reveal his or her identity or contact details.

A person referred to in section 36 of the Act on the Population Information System and the Certificate Services of the Population Register Centre (661/2009), for whom an order of non-disclosure for personal safety reasons has been recorded, may refuse to testify to the extent that testifying could reveal his or her contact details.

Section 70

Obligation of a witness to refuse to testify

Nobody may testify as to the content of deliberations of an administrative court.

Anyone other than an anonymous witness referred to in chapter 17, section 33 of the Code of Judicial Procedure shall be obliged to refuse to testify to the extent that testifying could reveal the identity or contact details of an anonymous witness.

Anyone other than a person referred to in section 36 of the Act on the Population Information System and the Certificate Services of the Population Register Centre, for whom an order of non-disclosure for personal safety reasons has been recorded, shall be obliged to refuse to testify to the extent that testifying could reveal the contact details of the said person.

The obligation to refuse to testify shall also be governed by the provisions of section 10, subsection 3 of section 11, subsections 3–5 of section 12, subsections 1 and 3 of section 13, subsection 1 of section 15 and section 16 of chapter 17 of the Code of Judicial Procedure.

The obligation of a person to refuse to testify referred to in subsection 3 of section 11, subsections 3–5 of section 12, subsections 1 and 3 of section 13 and section 16 of chapter 17 of the Code of Judicial Procedure shall remain, even if the person concerned is no longer in the position in which he or she acquired knowledge of the fact to be testified to.

A person who has received the information referred to in subsection 3 of section 11 or subsections 1 or 3 of section 13 of chapter 17 of the Code of Judicial Procedure when acting in the service of or otherwise assisting a person referred to in the provisions shall have an obligation to refuse to testify corresponding to that of the persons referred to in the said provisions. A person who has served or assisted may nevertheless be ordered to testify under the conditions laid down in subsection 1 of section 15 of chapter 17 of the Code of Judicial Procedure.

Section 71

Effect of an obligation to remain silent provided in another act on hearing a witness

A witness may only be heard on a point of fact falling under an obligation to remain silent provided in another act if:

1) the hearing is essential for examining the matter; or

2) the person for whose benefit the obligation to remain silent was laid down consents to testifying.

An administrative court may nevertheless not hear a witness on a point of fact falling under the obligation to remain silent referred to in subsection 1 if there are very serious grounds for not hearing the witness due to some very important public interest, or to the best interests of a child or some other very important private interest, and a fair trial will not be jeopardised by declining to hear the witness.

Section 72

Witness's justification for refusal

A witness who refuses to testify shall state the grounds for the refusal and demonstrate the likelihood of the facts supporting this.

A refusal to testify on the grounds referred to in subsections 4–6 of section 69 or subsections 2 and 3 of section 70 shall nevertheless be accepted unless the witness has manifestly erred concerning the content of the right or obligation to refuse or the refusal is otherwise manifestly unfounded.

Section 73

Hearing via a technical means of communication

A witness or other person may also be heard orally using video conferencing or some other means of communication.

The parties to the judicial proceedings shall be given an opportunity to question the person heard.

Section 74

Record of oral hearing

A record of an oral hearing shall be prepared, indicating the matter and the information required to specify it, and the individuals who participated in the proceedings. The record shall also indicate the claims submitted at the hearing, the decisions made, and a report of the progress of the hearing.

Section 75

Recording

An administrative court shall make an audio recording of the hearing of persons at an oral hearing or record the hearing in some other corresponding manner.

The administrative court shall also record the hearing of a child when the child is heard in a manner other than at an oral hearing in accordance with section 86 of the Child Welfare Act (417/2007).

If it is not possible to make a recording, then the record shall indicate what has been said in the matter with sufficient precision. An oral statement entered in the record shall be read immediately and the declaration of the person who made the statement concerning whether the statement has been correctly entered shall be entered in the record.

The recording shall be preserved for at least six months after the matter has been decided. If an appeal has been filed in the matter, then the recording shall nevertheless be preserved until a final decision has been made in the matter.

Section 76

Compensation for the costs of taking evidence

A witness shall be entitled to reasonable compensation for his or her necessary travel and subsistence expenses, and for financial loss.

A witness summoned by an administrative court on its own initiative and a witness called by the State shall be compensated from state funds in accordance with the provisions of the State Compensation for Witnesses Act (666/1972). A witness called by a party who has received legal aid shall be entitled to compensation from state funds as laid down in the Legal Aid Act (257/2002).

Parties to the judicial proceedings other than those referred to in subsection 2 shall pay compensation to the witnesses that they call. A witness may nevertheless be compensated from state funds if the testimony was necessary for examining the matter.

A witness called by a private party shall be entitled to advance reimbursement of travel and subsistence expenses. Payment of an advance shall be governed by the provisions of subsections 3 and 4 of section 65 of chapter 17 of the Code of Judicial Procedure.

Section 77

Compensation for other costs

A private party, or his or her legal representative, who is obliged to appear under threat of a fine shall be entitled to reasonable compensation from state funds for necessary travel and subsistence expenses, and for financial loss, if his or her attendance has been necessary for examining the matter.

The provisions of subsection 1 shall also govern compensation for costs when some person other than a party to the judicial proceedings, a witness or an expert has been called to testify under threat of a fine or obliged to submit a document or item to an administrative court.

An expert appointed by an administrative court shall be paid a reasonable fee for work and compensation for necessary expenses from state funds. The fees and compensation payable to other experts shall be governed by the provisions of section 76, subsection 3 concerning the compensation payable to a witness.

The guardian referred to in section 28 above and the support person referred to in section 68, subsection 3 shall be entitled to reasonable compensation from state funds for necessary travel and subsistence expenses and for financial loss.

The court may order the compensation referred to in subsections 1–4 or part thereof to be paid in advance.

The provisions of the State Compensation for Witnesses Act shall govern compensation payable from state funds in other respects.

Section 78

Other provisions on hearing witnesses and experts

The hearing of a witness or expert orally shall also be governed by the provisions of sections 43–46, section 50 and subsections 1 and 2 of section 51 of chapter 17 of the Code of Judicial Procedure.

Chapter 8

Decision-making of an administrative court

Section 79

Deciding a matter

The decision of an administrative court shall give a ruling on the claims presented. The administrative court shall consider all the points of fact arising and determine the points on which a decision can be based.

Section 80

Decision of an administrative court

An administrative court ruling that closes proceedings in a matter shall be designated the decision.

A ruling other than one that closes proceedings in a matter shall be designated an interim decision.

Section 81

Decision on an appeal

An administrative court may approve or reject an appeal, or rule it inadmissible in whole or in part. The decision of the court may:

1) uphold the decision appealed against;

2) reverse the decision appealed against;

3) return the matter for renewed consideration;

4) amend the decision appealed against; or

5) transfer the appeal to the competent authority or court.

The court shall dismiss an appeal as inadmissible if:

1) examination of the appeal is beyond its competence;

2) the decision is not eligible for appeal;

3) requesting review by appeal is prohibited by law;

4) the appellant has no right of appeal;

5) the appeal has not been filed within the time limit;

6) the appeal has remained incomplete, even after giving the appellant an opportunity to supplement it; or

7) there are other corresponding grounds for inadmissibility.

Consideration of a matter shall lapse if an appeal is withdrawn, or if there are other corresponding grounds for such lapse.

Section 82

Decision in other administrative judicial matters

When considering other administrative judicial matters referred to in chapter 4, an administrative court may reject or approve the claim submitted or rule it inadmissible in whole or in part.

When approving an application for administrative litigation, an administrative court may:

1) order payment based on a legal relationship governed by public law or an administrative contract, or performance of some other measure based on such a legal relationship; or

2) confirm an interest, right or obligation based on a legal relationship governed by public law or an administrative contract.

An administrative court shall rule inadmissible any claim filed in other administrative judicial matters if:

1) considering the matter is beyond its competence;

2) the claim cannot be considered as an administrative judicial matter;

3) the matter can be or has been ruled on by an administrative decision or by a decision issued on a material appeal;

4) the person filing the matter is not entitled to do so;

5) the claim has not been filed within the prescribed time limit; or

6) there are other corresponding grounds for inadmissibility.

Consideration of a matter shall lapse if the claim is withdrawn, or if there are other corresponding grounds for such lapse.

Section 83

Prohibition against referring to certain evidence

An administrative court may not use information procured in violation of a statutory right or obligation to remain silent, or otherwise unlawfully, if such use jeopardises a fair trial, having regard to the nature of the matter, to the severity of the violation of rights involved in procuring the evidence, to the significance of the manner of procurement for the reliability of the information, to the significance of the information for deciding the matter, and to the other circumstances.

Section 84

Delay in the consideration of a punitive administrative financial sanction

The decision of an administrative court may take into account any delay in considering the imposition of a punitive administrative financial sanction if the delay infringes the right of a party to judicial proceedings within a reasonable time.

The court may compensate for a delay by reducing, mitigating or entirely eliminating the sanction.

Section 85

Voting

The members of an administrative court shall take a vote concerning any decision upon which they do not agree. The decision shall be put to the vote in order of seniority, with the least experienced member stating his or her view first and the chairperson of the session voting last. A member without legal training shall present his or her views before a legally trained member does so. A member of the court who has presented the matter shall nevertheless be the first to express his or her view.

The view supported by a majority of the members shall win the vote. The view supported by the chairperson shall prevail if the votes are tied. However, when the votes are tied in a matter concerning a punitive administrative sanction or the enforcement of a conditional fine, and when deciding to bring a witness to court or ordering a person to pay a disciplinary fine, the view that is more lenient for the sanctioned party shall prevail.

Voting shall be governed in other respects by the provisions of the Code of Judicial Procedure concerning voting.

Section 86

Content of a decision

A decision shall indicate:

1) the name of the court and the date of the decision;

2) the parties to the judicial proceedings and the decision appealed against;

3) a description, as necessary, of the stages in the previous consideration of the matter;

4) the claims of the parties, and their reasoning to the extent necessary;

5) a description of the evidence obtained in the matter, to the extent necessary;

6) the decision and the reasons for it;

7) the names of the individuals who participated in making the decision;

8) notice of any vote, in which case the statements made on the vote shall be appended to the decision;

9) notice of any dissenting opinion of the referendary, in which case the dissenting opinion shall be appended to the decision; and

10) notice of any court fee.

If the decision of the administrative court is ineligible for judicial review by appeal, then the decision shall specify the provision upon which the prohibition of appeal is based.

Section 87

Stating the reasons for a decision

An administrative court shall give reasons for its decision. The statement of reasons shall indicate the provisions applied, and the points of fact and evidence that influenced the decision and the legal reasoning upon which the decision is based.

Reasons may be given for an interim decision by referring solely to the provisions applied, unless the nature of the matter requires other reasons.

Section 88

Appeal instructions

Appeal instructions shall be appended to a decision of an administrative court if the decision is eligible for review by appeal.

The appeal instructions shall state:

1) the time allowed for appeal and how it is calculated;

2) the court to which the appeal against the decision may be made;

3) the court or authority to which the appeal shall be delivered, and the necessary contact information; and

4) the appellant's duty to notify his or her contact details and any changes to them.

The notice of appeal shall set out the provisions governing the content, annexes and delivery of the appeal, and the fees charged for processing the appeal.

If leave to appeal is required in a matter, then the appeal instructions shall state the grounds on which leave to appeal may be granted.

Section 89

Correction of appeal instructions

If no appeal instructions have been provided, or if a decision of an administrative court has incorrectly stated that the decision is ineligible for review by appeal or that an appeal requires the granting of leave to appeal, then the court shall issue the lawful appeal instructions. The time allowed for appeal shall then be calculated from the time of receiving the appeal instructions.

If the appeal instructions are incorrect in some way other than that referred to in subsection 1, then the court shall issue new appeal instructions if so requested within the time allowed for appeal that is provided by law or is specified in the appeal instructions. The time allowed for appeal shall then be calculated from the time of receiving the new appeal instructions.

Chapter 9

Service

Section 90

Standard service and verifiable service

A decision or other document of an administrative court shall be served by letter or electronic message using the address for service notified to the court by the recipient of service for this purpose (*standard service*).

Service shall nevertheless be effected in a verifiable manner if it concerns a binding decision, service of which initiates a period of time allowed for seeking a review or some other time limit affecting the recipient's rights. Verifiable service may also be used if this is otherwise necessary to protect the rights of a party. Service shall also be effected in a verifiable manner if it concerns the enforcement of a decision or some other interim order.

The decision referred to in subsection 2 above may also be served on a party by delivering the decision as standard service to the attorney-at-law, public legal aid attorney or licensed legal counsel within the meaning of the Licensed Legal Counsel Act who represents the party.

Service shall be effected in a verifiable manner:

1) by delivering the document by mail to the recipient and attaching to it a certificate of receipt, which the recipient shall return to the court within a time limit;

2) by delivering the document by mail to the recipient against a written acknowledgment of receipt;

3) by handing the document to the recipient in person;

4) by using a verifiable electronic service;

5) by using service effected by a process server or substituted service.

Section 91

Service effected orally

A document may be served orally in the course of judicial proceedings by informing a party of the contents of the document. A decision concluding consideration of a matter or an interim decision that is eligible for judicial review by appeal may nevertheless not be served orally.

Only a document whose content and significance the party undoubtedly understands may be served orally, having regard to the nature and scope of the document.

A document that has been served orally shall also be sent to the party separately in writing.

Section 92

Service abroad

Service shall be effected abroad in accordance with this Act or with the legislation of the State concerned, unless otherwise required under international treaties and obligations that are binding on Finland.

If intended service abroad cannot be effected, then the document shall be served by publication in Finland.

Section 93

Date of service

A recipient shall be deemed to have been informed of a document sent as standard service by letter on the seventh day after the document was sent, unless the recipient shows that service occurred at a later time. A document shall nevertheless be deemed to have come to the knowledge of an authority on the date of the letter's arrival.

When using verifiable service, the recipient shall be deemed to have been informed of a document on the date when the document was received. When a certificate of receipt is used, a document shall be deemed to have been received on the date indicated by the certificate of receipt. When using substituted service, a document shall nevertheless be deemed to have been served on the third day following the date indicated in the certificate of substituted service.

When using service effected orally, the recipient shall be deemed to have been informed of a document when he or she has been informed of the contents of the document.

The date of electronic service shall be governed by the Act on Electronic Services and Communication in the Public Sector (13/2003) and the date of service by publication shall be governed by the Administrative Procedure Act. Separate provisions shall be given on the date of service of a decision issued by a public notice procedure.

Section 94

Other provisions governing service

Service shall be governed in other respects by the provisions on service in the Administrative Procedure Act.

Chapter 10

Legal costs

Section 95

Liability to compensate for legal costs

A party to judicial proceedings shall be liable to compensate another party for that party's costs in whole or in part if, particularly in view of the ruling issued in the matter, it is unreasonable for the latter party to be required to meet its own costs.

Assessment of the reasonableness of a liability for compensation may also consider the legal ambiguity of the matter, the actions of the parties and the significance of the matter for a party.

In derogation from the provisions of subsections 1 and 2, a private party may only be ordered to pay the legal costs of an authority if the private party has presented a manifestly unfounded claim.

Section 96

Special liability for compensation

Irrespective of how legal costs are otherwise to be reimbursed, a party to judicial proceedings may be ordered to compensate another party for the costs that were incurred because the former party deliberately or negligently prolonged the proceedings in an evidently needless manner.

The following may be regarded as needless prolongation:

1) presenting new evidence or claim later than it could have been presented, unless there are serious grounds for so doing;

2) submitting a plea that the submitting party knows to be unfounded;

3) failing to attend an oral or other hearing without lawful excuse;

4) some other corresponding conduct related to the judicial proceedings.

The representative, attorney or counsel of a party to the judicial proceedings may be ordered to pay the costs laid down in subsection 1 jointly and severally with the party if the prolongation was due to his or her deliberate actions or negligence.

Section 97

Compensable legal costs

Compensable legal costs shall be:

1) the costs incurred in preparing written pleadings, procuring the information required for deciding the matter, and the other costs of preparing for the judicial proceedings;

2) expenses incurred in attending an oral hearing or other court session;

3) compensation payable to witnesses or experts;

4) fees and compensation payable to an attorney or counsel;

5) other costs directly related to the judicial proceedings.

Compensation may also be paid to a party to the judicial proceedings for work caused by the proceedings, and for losses that are directly related to the proceedings.

Section 98

Claim for compensation

Compensation for legal costs shall be claimed before the administrative court makes the decision in the principal matter. The claim shall itemise the legal costs and the grounds upon which they are based.

The administrative court shall issue a decision on the legal costs in the context of the principal matter. The liable party shall be given an opportunity to be heard before a liability for compensation is ordered.

If a matter is returned to an authority, then the returning court shall decide the question of costs up to that point. If the matter is returned to a court, then the claim for costs shall be decided by the court to which the case was returned.

Section 99

Allocation of liability for compensation

If more than one party to the judicial proceedings is liable for the same legal costs, then the parties shall be jointly and severally liable to compensate for them.

A party to the judicial proceedings shall nevertheless be solely liable to compensate for the costs that relate solely to the part of this matter that concern the said party, or that the said party caused by needlessly prolonging the proceedings.

The administrative court shall determine how the costs will be shared between several liable parties, or whether one of them will be liable to compensate for all of the costs.

Section 100

Late-payment interest

Annualised late-payment interest on compensation for legal costs, reckoned at the interest rate referred to in section 4, subsection 1 4 of the Interest Act (633/1982) from a date one month after the decision became available to the parties to the judicial proceedings, shall be ordered on request.

Section 101

Legal costs in replacement of a party

In the event of replacement of a party, the original and the new party shall be jointly and severally liable for legal costs incurred before the replacement. The new party shall be solely liable for the costs incurred thereafter.

Chapter 11

Correcting and supplementing a decision

Section 102

Correcting a decision

An administrative court shall correct a typographical or arithmetical error, or any other comparable obvious error, in its decision. However, an error may not be corrected if the correction would lead to an unreasonable outcome for a party.

Section 103

Supplementing a decision

An administrative court may supplement its appeal decision, provided that the decision does not include a ruling on all of the subsidiary claims presented in the matter, within the time allowed for appeal, but not later than 30 days after receipt of the decision. A decision may nevertheless not be supplemented if this would lead to an unreasonable outcome for a party.

Section 104

Procedure for correcting or supplementing

An administrative court shall decide on correcting or supplementing a decision in the same composition as issued the decision to be corrected or supplemented. If a member of the court is prevented from sitting, then supplementing of the decision shall be made by a composition of the court that would have been competent to consider the matter. However, correcting of the decision may also be decided by the chairperson of the session that considered the matter or by another legally trained member of the court. The chairperson of the session or other legally trained member of the court may also decide to refrain from supplementing the decision.

The parties to the judicial proceedings who are affected by the supplementing of a decision shall be heard before this supplementing. An entry concerning correcting and supplementing shall be made in the archival copy of the decision.

If an appeal has been filed against the decision to be corrected or supplemented, then the administrative court shall announce that the matter has been admitted for consideration, and shall communicate the decision made in the matter to the court that is considering the appeal.

The court may prohibit or suspend enforcement of its decision when considering correcting or supplementing the decision.

Section 105

Issuance of a decision to correct or supplement and appealing against the decision

A corrected or supplemented decision shall be issued to the parties to the judicial proceedings free of charge.

The correcting or supplementing of a decision shall be appealed against in the same way as the principal matter. The time allowed for filing an appeal against a corrected or supplemented decision shall commence as of the date of receiving the said decision. A decision of an administrative court rejecting a claim for correcting or supplementing shall nevertheless not be eligible for judicial review by appeal.

Chapter 12

Appeal against a decision of an administrative court

Section 106

Eligibility of an administrative court decision for appeal

A decision whereby an administrative court has ruled on a matter or ruled it inadmissible shall be eligible for review by appeal.

Section 107

Appeal against a decision of an administrative court

An appeal against a decision of a regional administrative court issued in an administrative judicial matter may be made to the Supreme Administrative Court if the Supreme Administrative Court

grants leave to appeal. Separate provisions shall be issued on appeals against a decision of another administrative court.

A request for a review of a decision of an administrative court concerning a claim in the principal matter shall be governed by the provisions on requesting review in the principal matter.

Section 108

Appeal against an interim decision

Review of an interim decision of an administrative court may be sought in connection with the principal matter.

A separate appeal may nevertheless be filed against an interim decision of an administrative court that:

1) determines a witness's or other person's right to compensation or liability for compensation;

2) prohibits an attorney or counsel from appearing in judicial proceedings;

3) enforces a conditional fine for neglecting an obligation intended to secure the course of judicial proceedings or to enforce an interim order;

4) orders payment of a disciplinary fine for disrupting proceedings or other such conduct.

Section 109

Right of appeal against a decision of an administrative court

A person whom a decision concerns, or whose right, obligation or interest is directly affected by the decision, and a person whose right of appeal is separately provided by law may appeal against a decision of an administrative court.

The authority that made the original administrative decision shall be entitled to appeal against a decision of an administrative court whereby the administrative court has reversed or amended the authority's decision.

An authority may also request review by appeal if the appeal is necessary because of a public interest overseen by the authority.

Section 110

Requesting leave to appeal

If leave to appeal is required in a matter, the appellant, when seeking leave to appeal, shall state the grounds referred to in section 111 on which leave to appeal is sought, and the reasons why the appellant considers that the stated grounds for granting leave to appeal exist.

Section 111

Grounds for granting leave to appeal

Leave to appeal shall be granted if:

1) it is important to refer the matter for decision by the Supreme Administrative Court for the application of law in other similar cases or due to uniformity of legal practice;

2) there is special cause for referring the matter for decision by the Supreme Administrative Court due to a manifest error that has occurred in the matter; or

3) there are some other serious grounds for granting leave to appeal.

The Supreme Administrative Court may also grant leave to appeal in respect of only part of the administrative court decision that is subject to the request for review.

Section 112

Stating the reasons for a decision in certain cases

Notwithstanding the provisions of section 87, a court that has decided an appeal against a decision of an administrative court may replace the reasoning for its decision by appending the reasoning for the decision of the lower court to the decision and referring to the latter reasoning.

The reasons for a decision concerning leave to appeal may be stated by referring solely to the provisions applied, unless the nature of the matter requires other reasoning.

Chapter 13

Extraordinary request for review

Section 113

Means of extraordinary request for review

The means of extraordinary request for review shall be a request for restoration of lapsed time and for annulment of a final decision.

Section 114

Restoration of lapsed time

The Supreme Administrative Court may restore lapsed time to a person who, due to the lawful excuse referred to in section 53 or for some other very serious reason, has been unable within the time limit:

1) to file a request for an administrative review or request a judicial review of a decision by way of appeal; or

2) to take other measures in an administrative procedure or in administrative judicial proceedings.

Section 115

Application for restoration of lapsed time

Restoration of lapsed time shall be requested from the Supreme Administrative Court. The application shall state the time limit to which the application refers, and present evidence of the grounds on which restoration is sought. The documents on which the application is based shall be appended to the application.

The application shall be filed within 30 days of the cessation of the lawful excuse. An application based on some other very serious reason shall request a new time limit within one year of the end of the original time limit. Lapsed time may be restored on application made at a later date if there are very serious reasons.

Section 116

Restored time limit

A restored time limit shall commence from the date of receiving service of the decision concerning the time limit.

Section 117

Annulment of a final decision

The Supreme Administrative Court may annul a final administrative decision or a final decision of an administrative court if:

1) a party has not been given the right to be heard, or some other procedural error has occurred in considering the matter;

2) the decision is based on a manifestly incorrect application of law or on an error that could have materially affected the decision;

3) new evidence has become available that could have materially affected the matter, and the failure to present the evidence at the time of the decision-making was not due to the applicant;

4) the decision is so unclear or incomplete that it is not evident how the matter has been resolved.

A decision may only be annulled if it violates the rights of a private party or if the public interest requires annulment of the decision.

Section 118

Application for annulment

Annulment of a decision shall be sought from the Supreme Administrative Court. The application shall state the claim and its reasons. The application shall include the decision to which it relates and the documents on which the application is based.

Annulment of a decision may be sought by a party and by an authority that was entitled to appeal against the decision, and also by the Chancellor of Justice of the Government of Finland and the Parliamentary Ombudsman. An authority and an administrative court may also seek annulment of its own decision.

No annulment of a decision may be sought, however, if the decision can be the subject of a material appeal on the same grounds.

A party to judicial proceedings may seek annulment of a decision only once in the same matter, unless re-examination of the matter is necessary for some very serious reason.

An applicant other than an authority and an administrative court shall use an attorney-at-law, a public legal aid attorney or a licensed legal counsel within the meaning of the Licensed Legal Counsel Act in a matter concerning the annulment of a decision.

Section 119

Time limit in a matter concerning annulment

Annulment of a decision shall be sought within five years of the date on which the decision became final. If an application for annulment is based on the error in the hearing process referred to in paragraph 1 of subsection 1 of section 117, then the time limit shall nevertheless be six months as of the date on which the applicant was informed of the decision. For very serious reasons, annulment of a decision may be sought after the time limit has expired.

The Supreme Administrative Court may annul a decision relating to a pending matter without application within five years of the date when the said decision became final. For very serious reasons, it may annul the decision after the time limit has expired.

Section 120

Decision to be issued in a matter concerning annulment

The Supreme Administrative Court may annul a decision wholly or in part. At the same time it may return or transfer the matter to the competent authority or court for renewed consideration or make a new decision in the matter.

Reasons may be given for the decision by referring solely to the provisions applied, unless the nature of the matter requires other reasons.

Section 121

Application of provisions governing appeals

The provisions of this Act concerning appeals shall govern extraordinary requests for review in other respects.

Chapter 14

Enforcement of a decision and interim orders of an administrative court

Section 122

Enforceability of a decision

A decision may not be enforced before it has become final.

Appeal to the Supreme Administrative Court shall nevertheless not prevent enforcement of a decision in a matter in which leave to appeal is required. Enforcement may nevertheless not be undertaken if it renders the appeal useless.

A decision that is not final may also be enforced if:

1) the law so provides;

2) the nature of the decision is such that it must be enforced immediately;

3) enforcement of the decision cannot be postponed due to a public interest.

When separately appealing against an interim decision made by an administrative court, the appeal shall not prevent enforcement of the said decision unless otherwise ordered by the administrative court that issued the decision or by the administrative court considering the said appeal.

Section 123

Order of an administrative court enforcing a decision and other interim orders

While an appeal is pending, an administrative court may prohibit enforcement of a decision, order suspension of enforcement, or issue some other order concerning enforcement of a decision. An enforcement order may also apply to part of a decision.

An administrative court may also issue an interim order safeguarding the exercise of the rights or interests of a party in an administrative judicial matter that the court is considering other than an appeal.

The court may impose a conditional fine to enforce compliance with an order.

The motion for an order shall be submitted to the court that is competent to consider the principal matter. The motion must be considered as a matter of urgency.

Section 124

Validity of an order

An administrative court shall determine the validity of its order referred to in section 123.

If a decision of a court may be appealed against, then it may provide that the order referred to in section 123 shall remain in force until the decision is final, or until a court considering the matter otherwise orders.

On annulling a decision, a court may at the same time order continued compliance with the annulled decision until a new decision is made in the matter, or until the decision of the court is final or a court considering the matter otherwise orders.

Chapter 15

Entry into force

Section 125

Entry into force

This Act enters into force on 1 January 2020.

This Act repeals the Administrative Judicial Procedure Act (586/1996).

Section 126

Transitional provisions

The provisions that were in force when this Act entered into force shall govern a request for review concerning a decision of an administrative authority or an administrative court that was made before the entry into force of this Act. An extraordinary request for review shall nevertheless only be governed by the provisions that were in force at the time of the entry into force of this Act if the request was filed before the entry into force of this Act.

The consideration of matters that are pending at an administrative court or other appellate authority at the time of entry into force of this Act shall be completed at the said administrative court or appellate authority in accordance with the provisions that were in force at the time of the entry into force of this Act.

Notwithstanding the provisions of subsections 1 and 2, this Act shall govern appeal instructions and service in matters that are pending at an administrative court on the entry into force of this Act.

Section 127

Previous reference provisions

Statutory references to the Administrative Judicial Procedure Act (586/1996) or the Administrative Appeals Act (154/1950) shall denote a reference to this Act after this Act enters into force.