

# **Act on Judicial Appointments**

(205/2000; amendments up to 442/2001 included)

## **Chapter 1 — General provisions**

### *Section 1 — Scope of application*

- (1) This Act applies to appointments to tenured positions in the judiciary and to temporary judicial appointments.
- (2) Positions in the judiciary, as referred to in this Act, are as follows:
  - (1) President of the Supreme Court and Justice of the Supreme Court;
  - (2) President of the Supreme Administrative Court and Justice of the Supreme Administrative Court;
  - (3) President of a Court of Appeal, Senior Justice of a Court of Appeal, and Justice of a Court of Appeal;
  - (4) Chief Judge of a District Court and District Judge;
  - (5) Chief Judge of an Administrative Court and Administrative Court Judge;
  - (6) Chief Judge of the Insurance Court, Senior Insurance Judge and Junior Insurance Judge;
  - (7) President of the Labour Court and Labour Court Judge;
  - (8) Chief Judge of the Market Court; and
  - (9) Judge-Engineer of a District Court operating as a Land Court.  
(1183/2000)
- (3) The High Court of Impeachment is governed by the provisions of the Constitution of Finland. The Åland Administrative Court is governed by the provisions of the Act on the Åland Administrative Court (574/1994).

## **Chapter 2 — Appointment to tenured positions in the judiciary**

### *Section 2 — Appointing authority*

In accordance with the Constitution of Finland, appointments to tenured positions in the judiciary shall be made by the President of the Republic, on the basis of a draft decision submitted by the Government.

### *Section 3 — Vacancy announcement*

- (1) Before being filled, a tenured position in the judiciary shall be announced as vacant by the court, with the exceptions laid down in section 4.
- (2) The court that is to announce a position as vacant and to decide on a reannouncement of vacancy and on the extension of the application period shall be designated by a Decree.

### *Section 4 — Exempt positions*

- (1) The following positions shall be filled without first being announced as vacant:
  - (1) President of the Supreme Court and Justice of the Supreme Court; and
  - (2) President of the Supreme Administrative Court and Justice of the Supreme Administrative Court.
- (2) The Supreme Court or the Supreme Administrative Court shall notify vacancies in positions referred to in paragraph (1) in accordance with the same procedure as with vacancy announcements. Persons seeking such positions shall express their interest in writing to the Supreme Court or the Supreme Administrative Court before the set period expires.

Section 5 — *Filling an exempt position*

- (1) The President of the Republic shall appoint the Presidents of the Supreme Court and the Supreme Administrative Court without a proposal referred to in this Act.
- (2) The Supreme Court and the Supreme Administrative Court shall make a reasoned proposal on an appointment as a Justice of the Supreme Court or Supreme Administrative Court, respectively; the proposal shall be delivered to the Government in order for the draft decision on the appointment to be presented to the President of the Republic.

Section 6 — *Judicial Appointments Board*

- (1) For the purpose of filling positions in the judiciary, other than those referred to in section 4, there is an independent Judicial Appointments Board, whose task shall be to make preparations for the filling of positions and to make a reasoned proposal on an appointment to a position in the judiciary; the proposal shall be delivered to the Government in order for the draft decision on the appointment to be presented to the President of the Republic.
- (2) Upon a request from the proposing Court, the Judicial Appointments Board may issue an opinion in a matter pertaining to an appointment as a Justice of the Supreme Court or the Supreme Administrative Court.

Section 7 — *Term and composition of the Judicial Appointments Board*

- (1) The term of the Judicial Appointments Board shall be five years at a time.
- (2) The Judicial Appointments Board shall be chaired by the member nominated by the Supreme Court; the member nominated by the Supreme Administrative Court shall be the vice-chair. Otherwise, the Board shall have as members one President of a Court of Appeal, one Chief Judge of an Administrative Court, one Chief Judge of a District Court, one Senior Justice or Justice of a Court of Appeal, one District Judge, one Administrative Court Judge, another Administrative Court Judge or a Judge from one of the special courts referred to in section 1(2)(6)–(8), one Advocate, one Public Prosecutor and one person representing the research and teaching of law. Each member shall have a personal alternate. (1183/2000)
- (3) The Government shall designate the Judicial Appointments Board once
  - (1) the Supreme Court has nominated the member and alternate member from among itself;
  - (2) the Supreme Administrative Court has nominated the member and alternate member from among itself;
  - (3) the Presidents of the Courts of Appeal have nominated the member and alternate member from among themselves;
  - (4) the Chief Judges of the Administrative Courts have nominated the member and alternate member from among themselves;
  - (5) the Supreme Court has nominated members and alternate members from among the Chief Judges of the District Courts, the Senior Justices or Justices of the Courts of Appeal, and the District Judges, on the basis of expressions of interest;
  - (6) the Supreme Administrative Court has nominated members and alternate members from among the Administrative Court Judges and Judges of the special courts, on the basis of expressions of interest;
  - (7) the Finnish Bar Association has nominated members and alternate members to represent the profession of advocacy;
  - (8) the Prosecutor-General has nominated members and alternate members to represent the public prosecutors; and
  - (9) the Ministry of Justice has nominated members and alternate members to represent the research and teaching of law.
- (4) For the member and alternate member nominations referred to in subparagraphs (3)(5)–(3)(9) above, the number of nominees shall be double that of the members or alternate members to be designated. Before making the nomination referred to in subparagraph (3)(9), the Ministry of Justice shall hear parties representing the research and teaching of law.

- (5) The Government shall accept the resignation of a member and an alternate member; at the same time, in accordance with the procedure for the designation of the Board, the Government shall designate a successor for the remainder of the Board's term.

#### Section 8 — *Quorum*

The Judicial Appointments Board shall have a quorum with the chairperson or vice-chairperson and at least eight members or alternate members present.

#### Section 9 — *Procedure in the Judicial Appointments Board*

- (1) Before making its appointment proposal, the Judicial Appointments Board shall request an opinion on the applicants from the court that has advertised the position as vacant and, for applicants to a position as District Judge, also from the District Court where the position is vacant. The Board may obtain also other opinions and statements, as well as interview the applicants and hear experts.
- (2) Before the appointment proposal is made, an applicant shall be reserved an opportunity to express his or her view of the opinions and statements obtained during the preparation of the appointment.
- (3) In so far as appropriate, the Judicial Appointments Board shall observe the procedure laid down in this section also when it is to issue an opinion referred to in section 6(2).

#### Section 10 — *Opinion of the court*

- (1) The opinion of the court in a matter pertaining to an appointment to a position in the judiciary shall be issued by:
  - (1) a Court of Appeal, as composed of the President, the Senior Justices and two other members elected by the plenary session of the Court of Appeal for one year at a time;
  - (2) the management group of an Administrative Court;
  - (3) the Insurance Court, as composed in accordance with the provision in section 5(4) of the Insurance Court Act (14/1958);
  - (4) the Chief Judge of a District Court, after having heard the District Judges or the management group; and
  - (5) the President of the Labour Court.
- (2) The opinion of the court shall provide a justified view as to which one of the applicants should be appointed to the position.

#### Section 11 — *Required qualifications and grounds for appointment*

- (1) The following qualifications shall be required for appointment to a position in the judiciary: The applicant must be a righteous Finnish citizen who has earned a Master's degree in law and who by his or her previous activity in a court of law or elsewhere has demonstrated the professional competence and the personal characteristics necessary for successful performance of the duties inherent in the position. Separate provisions may be enacted on the required qualifications for positions where special expertise is necessary.
- (2) The following qualifications shall be required for appointment as the President or a Justice of the Supreme Court or the President or a Justice of the Supreme Administrative Court: The applicant must easily meet the qualifications referred to in paragraph (1) and be an eminent legal expert. In addition, the Presidents of the Supreme Court and the Supreme Administrative Court must have leadership skills.
- (3) In addition to the qualifications referred to in paragraph (1), the President of a Court of Appeal, the Chief Judge of a District Court, the Chief Judge of an Administrative Court, the Chief Judge of the Insurance Court, the President of the Labour Court and the Chief Judge of the Market Court must have leadership skills.

#### Section 12 — *Exemptions*

No exemptions shall be granted as to the qualifications required for appointment to a position in the judiciary.

### Section 13 — *Language proficiency*

Separate provisions apply to the language proficiency required for appointment to a position in the judiciary.

### Section 14 — *Declaration of interests*

- (1) Before being appointed, a person proposed for a tenured position in the judiciary shall make a declaration of his or her interests, as referred to in the legislation governing State officials.
- (2) A person appointed to a tenured position in the judiciary shall make any necessary changes and corrections to the declaration referred to in paragraph (1) without delay, and also otherwise provide the corresponding information at the request of the competent authority.
- (3) Information provided to the authority on the financial standing of a person shall be kept secret.

## Chapter 3 — **Temporary judicial appointments**

### Section 15 — *Temporary judicial appointments*

- (1) When a tenured position in the judiciary is vacant, when the holder of the position is prevented from attending to his or her duties or when the holder is on vacation, a temporary judicial appointment may be made for the duration.
- (2) Moreover, a temporary judicial appointment may be made when this is necessary in view of the caseload of the court, the nature of the cases pending or another special reason.
- (3) The provisions and official instructions on the required qualifications, right to remain in office, and remuneration in comparable tenured positions apply also to the required qualifications, right to remain in office for the duration of the appointment, and remuneration in temporary judicial appointments.

### Section 16 — *Vacancy announcement*

- (1) Before a temporary judicial appointment, the position shall be announced as vacant by the court, if the duration of the appointment is to be one year or more.
- (2) A notification on a vacancy for a temporary judicial appointment to the Supreme Court or the Supreme Administrative Court shall be made in accordance with the procedure laid down in section 4(2).

### Section 17 — *Temporary appointment to certain senior judicial positions*

- (1) The President of the Republic shall make temporary appointments to positions in the Supreme Court on the proposal of the Supreme Court, and temporary appointments to positions in the Supreme Administrative Court on the Proposal of the Supreme Administrative Court.
- (2) The Supreme Court shall make temporary appointments to the positions of President of a Court of Appeal, Chief Judge of the Insurance Court, President of the Labour Court, Chief Judge of the Market Court and Chief Judge of a District Court. The Supreme Administrative Court shall make temporary appointments to the positions of Chief Judge of an Administrative Court.

### Section 18 — *Other temporary judicial appointments*

- (1) The Supreme Court shall make temporary appointments, for durations of one year or more, to the positions of Justice of a Court of Appeal on the proposal of the Court of Appeal, District Judge and Judge-Engineer on the proposal of the Chief Judge of the District Court or District Court operating as a Land Court, and Insurance Judge on the proposal of the Chief Judge of the Insurance Court. (1183/2000)
- (2) Temporary appointments, for durations of less than one year, shall be made
  - (1) by the President of the Court of Appeal, to the position of Justice of the Court of Appeal, for durations of two months at the most, and by the Court of Appeal, to the position of Justice of the Court of Appeal, for durations of more than two months;

- (2) by the Chief Judge of the District Court, to the position of District Judge or Judge-Engineer.  
(1183/2000)
- (3) The Supreme Administrative Court shall make temporary appointments, for durations of one year or more, to the positions of Administrative Court Judge. Temporary appointments to the positions of Administrative Court Judge, for durations of less than one year, shall be made by the Chief Judge of the Administrative Court, for durations of two months at the most, and by the Administrative Court in question, for durations of more than two months.
- (4) Other temporary appointments shall be made by the court in question.

Section 19 — *Declaration of interests in temporary appointments*

- (1) A person appointed to a temporary position shall make the declarations referred to in section 14 before and during the appointment, if the duration is one year or more. A person nominated as a temporary member of the Supreme Court or the Supreme Administrative Court shall always make a declaration of interests.

Section 19a — *Appointment of a replacement in the event of disqualification* (442/2001)

- (1) Where necessary, the Supreme Court may appoint a replacement for a disqualified Justice of a Court of Appeal or Judge of a special court; the replacement must have the qualifications required for the position. The Supreme Administrative Court may likewise appoint a replacement to an Administrative Court.
- (2) Where necessary, a Court of Appeal may appoint a replacement for a disqualified District Judge from among the legally qualified members of another District Court within the jurisdiction of the Court of Appeal, and the Justices, Senior Assistant Judges and Assistant Judges of the Court of Appeal, to hear the plea of disqualification or the substance of the case before the District Court.

Chapter 4 — **Miscellaneous provisions**

Section 20 — *Call for expressions of interest*

A call for expressions of interest, as referred to in section 7(3)(5)—7(3)(6) shall be published in an appropriate manner.

Section 21 — *Delegation of statutory powers*

- (1) More detailed provisions on the implementation of this Act and on the office and personnel of the Judicial Appointments Board shall be issued by Decree.
- (2) Where necessary, more detailed provisions on the organisation of work and procedure in the Judicial Appointments Board shall be laid down in its Rules of Procedure, to be adopted by the Board.

Section 22 — *Entry into force*

- (1) This Act enters into force on 1 March 2000.
- (2) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 23 — *Transitional provision*

- (1) Positions in the judiciary that have been announced as vacant before the entry into force of this Act shall be filled in accordance with the provisions applicable before the said entry into force.
- (2) Persons appointed to tenured positions in the judiciary before the entry into force of this Act shall make the declaration of interests, referred to in section 14, within six months of the entry into force of this Act.