

## **Supreme Court Act**

(74/1918)

### Section 1

- (1) Supreme jurisdiction in legal matters shall in Finland be exercised by the Supreme Court.
- (2) The Supreme Court shall also oversee the application of the law by judges and enforcement authorities.

### Section 2 (804/1949)

- (1) The Supreme Court shall have a President and as members at least fifteen Justices. The President of the Republic shall appoint as the President and, on the recommendation of the Supreme Court, as members and Justices persons who are of just mind and qualified in law, and who have skill and experience from service in the judiciary. (1694/1992)
- (2) If, in view of the number of cases that have not been decided or for other reasons, it is considered necessary to appoint extraordinary Justices, the President of the Republic may appoint, on the recommendation of the Supreme Court, at most fourteen persons who have the qualifications referred to in paragraph (1) as members of the Supreme Court for a term not exceeding three years. The persons who are so appointed shall not be considered to have resigned from their previous office because of the appointment. (197/1991)
- (3) The extraordinary justices shall be assigned to the various sections on an equal basis.

### Section 3

The Supreme Court shall examine and decide as the final instance

- (1) all litigation which according to law or special decrees may have been brought before the judicial department of the Senate of Finland;
- (2) appeals against the decisions and actions of authorities, which until now have been subject to appeal before the judicial department of the Senate;
- (3) appeals against the judgements and decisions of the Land Court;
- (4) charges for misconduct in office committed by the President or a member of a court of appeal in the performance of his duties; and
- (5) applications for the restoration of lapsed time and for the annulment of a final judgement.

#### Section 4

- (1) The Supreme Court shall also consider
  - (1) matters relating to appointment, leave of absence and substitution of officials in courts of appeal and lower courts, where these are not to be decided by a lower authority;
  - (2) other matters relating to the administration of justice which perhaps will be entrusted to the Supreme Court;
  - (3) questions on whether a case or matter is to be examined by a general court, a special court or an administrative authority; and
  - (4) the issue of a statement regarding pardons.
- (2) Separate provisions have been enacted on the preparation of matters relating to judicial administration and on the participation in the consideration of the same by the member of the Government in charge of judicial administration matters.

#### Section 5

- (1) The Supreme Court shall give to the Government its statement on questions related to the enactment, amendment, interpretation or repeal of Constitutional Acts and acts in the field of civil or criminal legislation.
- (2) It is incumbent on the Supreme Court, when it considers the amendment or interpretation of an act or decree to be necessary, to make a proposal to the Government on the undertaking of such a legislative measure.

#### Section 6

Separate provisions have been enacted on those matters which until now were to be dealt with by the judicial department of the Senate and which are transferred to the Supreme Administrative Court.

#### Section 7 (106/1979)

- (1) The Supreme Court shall consider and decide matters divided in sections.
- (2) Matters relating to judicial administration, questions of legislative proposals and, when the Supreme Court considers it necessary, the giving of a statement on legislative questions shall be considered in a plenary session. The Supreme Court may order that also another matter or a certain question that is a part thereof be considered in a plenary session.

#### Section 7a (106/1979)

- (1) Five members of the Supreme Court shall constitute a quorum.
- (2) Matters relating to the granting of leave of appeal shall be considered and decided by sections of at least two and at most three members, unless the question of the granting of leave of appeal in a case

referred to in chapter 30, section 3(2) of the Code of Judicial Procedure has been transferred for a decision in connection with the consideration of the appeal. (268/1995)

- (3) Appeals against the judgements of the Insurance Court may be considered and decided by sections of three members. However, the matter shall be transferred to a full section if, after presentation of the proposed decision, the members of the section are not unanimous on the decision. (971/1981)
- (4) Matters relating to extraordinary appeal may also be considered and decided by a section of three members, unless the application pertains to a decision of the Supreme Court. A matter relating to an extraordinary appeal and considered by a section of three members shall be transferred to a full section, unless after the presentation of the proposed decision, a decision is made on an interim measure or unless the application is rejected or dismissed by the unanimous decision of the section of three members. (330/1983)
- (5) Similarly, a section of one member may make a decision on a matter relating to precautionary measures or the prohibition or stay of enforcement. (268/1995)
- (6) The quorum in military court proceedings shall be determined in accordance with the separate provisions enacted thereon. (330/1983)
- (7) A matter considered by a section of two members shall be transferred for decision to a section of three members, unless the members of the section are unanimous on the decision. (268/1995)

#### Section 8 (149/1930)

The Supreme Court shall have the necessary number of referendaries who shall be appointed by the President of the Republic on the recommendation of the Supreme Court, and other officials who shall be appointed by the Supreme Court itself. The persons appointed to these offices, with the exception of clerical and archival positions, shall be qualified in law and have skill and experience from service in the judiciary.

#### Section 9 [repealed by 199/1997]

#### Section 10

The right, guaranteed by the Constitution Act to all judges, of not being dismissed from office without a legal examination and judgement shall apply also to the President and members of the Supreme Court and to the referendaries.

#### Section 11 [repealed by 756/1986]

#### Section 12 [repealed by 199/1997]

### Section 13

The provisions in chapter 30 of the Code of Judicial Procedure and in separate decrees on procedure in the final instance shall be applied in proceedings before the Supreme Court.

### Section 14 (60/1994)

The Supreme Court shall issue its Rules of Procedure. In the Rules of Procedure the Supreme Court may relieve the members referred to in section 2(2) from considering the questions referred to in section 4(1)(1)—(3) and in section 5(2) as well as the financial and administrative questions concerning the Supreme Court.

### Section 15

The more detailed provisions that are necessary for the implementation of this Act shall be issued by Decree.

### Section 16

- (1) This Act shall enter into force on 1 October 1918, on which day the judicial department of the Senate shall be disbanded and its officials transferred to corresponding duties in the Supreme Court. Prior to this the Government shall appoint the members to the Supreme Court.
- (2) The cases and matters which are to be dealt with by the Supreme Court and that on the day in question are pending before the judicial department of the Senate shall be transferred to the Supreme Court.