

**NB: Unofficial translation,
Legally binding only in Finnish and Swedish
- Ministry of Justice, Finland**

Supreme Administrative Court Act [1265/2006, amendments up to 510/2008 included]

Chapter 1 - **Duties of the Supreme Administrative Court**

Section 1

- (1) The Supreme Administrative Court exercises judicial power as the final instance in administrative judicial procedure matters.
- (2) The Supreme Administrative Court supervises the judicial procedure within its field of competence.

Section 2

- (1) As judicial procedure matters, the Supreme Administrative Court considers those appeals and extraordinary appeals which fall under its jurisdiction according to other applicable statutes.
- (2) If the Supreme Administrative Court finds that deciding a matter that an appeal concerns mainly depends on the expediency consideration of a decision or a measure, the matter shall in this respect be referred to the government.

Section 3

As other duties, the Supreme Administrative Court

- (1) gives statements on Acts submitted to the President of the Republic for confirmation as provided in section 77 of the Constitution of Finland;
- (2) considers other matters relating to administration of justice assigned to it by other statutes;
- (3) considers judicial administration matters as provided elsewhere.

Section 4

- (1) Upon request, the Supreme Administrative Court may give statements on legislative issues to the government.
- (2) The Supreme Administrative Court may submit proposals to the government for initiation of legislative action.

Chapter 2 - **Resolution**

Section 5

- (1) Judicial procedure matters are considered and decided in a plenary session or in another session with a quorum present as provided in this Act.

- (2) The Supreme Administrative Court may be divided in chambers when considering judicial procedure matters.

Section 6

- (1) In judicial procedure matters, five members of the Supreme Administrative Court constitute a quorum, unless the law provides for another composition.
- (2) Three members constitute a quorum, when the Supreme Administrative Court considers and decides
 - (1) a matter concerning leave to appeal and a claim pertaining to it,
 - (2) a petition or an appeal concerning prohibition or stay of enforcement or another enforcement order,
 - (3) a matter concerning legal aid,
 - (4) a matter concerning the publicity of court proceedings in the Supreme Administrative Court,
 - (5) a matter where an appeal or a petition has been withdrawn or which concerns whether the appeal has been lodged within the time limit or in the statutory form or regardless of a prohibition against appeal, and a claim pertaining to such a matter, and
 - (6) a matter concerning extraordinary appeal, if the petition is unanimously rejected or ruled inadmissible, and a claim pertaining to such a matter.
- (3) In cases referred to in subsection 2 above, the matter may be considered and decided without the presence of expert members. Separate provisions are issued regarding expert members who in other cases take part in the composition.

Section 7

- (1) A judicial procedure matter that is far-reaching or of major importance as a matter of principle or a part of such a matter may be referred to a plenary session or to a composition of all the members of a chamber.
- (2) A decision to refer a judicial procedure matter to a plenary session is made by the President, and a decision to refer a matter to a composition of all the members of a chamber is made by the chairperson of the said chamber.

Section 8

- (1) The proposals for initiation of legislative action referred to in section 4(2) are considered in a plenary session.
- (2) Other matters referred to in sections 3 and 4 and other administrative matters are considered in a plenary session or in a session for administrative matters as provided in the Rules of Procedure of the Supreme Administrative Court.
- (3) The President decides matters referred to in sections 3 and 4 and other administrative matters, unless they according to law or the Rules of Procedure are to be decided in a plenary session, a session for administrative matters or in another legal order.

Section 9

In the sessions of the Supreme Administrative Court, matters are decided upon presentation.

Chapter 3 - **Members**

Section 10

- (1) The Supreme Administrative Court consists of a President and at least fifteen Justices. Provisions on the appointment and qualifications of the President and the Justices of the Supreme Administrative Court are laid down in the Act on Judicial Appointments (*Laki tuomareiden nimittämisestä* 205/2000).
- (2) The Supreme Administrative Court may have temporary Justices in accordance with the provisions laid down in the Act on Judicial Appointments.

Section 11

- (1) In the Supreme Administrative Court, matters are considered in a composition including two expert members in addition to the legally trained members as provided in the Act on the expert members of the Supreme Administrative Court (*Laki korkeimman hallinto-oikeuden asiantuntijajäsenistä* 1266/2006).
- (2) Provisions on the qualifications of the expert members are laid down in the Act referred to in subsection 1.
- (3) The right of judges to remain in office in accordance with section 103 of the Constitution of Finland applies to the expert members.

Section 12

- (1) The President leads the Supreme Administrative Court and is responsible for its successful operation.
- (2) When the President is prevented from attending to his or her duties, they are taken over by a substitute appointed by the plenary session for a term of office not exceeding three years. When the substitute is also prevented from attending to his or her duties, they are taken over by the most senior-ranking member of the Court on duty.

Section 13

- (1) The plenary session of the Supreme Administrative Court consists of the President and the members on duty.
- (2) A matter referred to a composition of all the members of a chamber is decided by those members on duty who were assigned as members of the chamber in question at the time when the matter was referred to the entire chamber. If the composition determined in the above-mentioned manner would consist of less than seven members, the matter is referred to a plenary session.

Chapter 4 - **Referendaries and other employees**

Section 14

- (1) In the Supreme Administrative Court, a matter may be presented by the Secretary General, Referendary Counsellors and Judicial Secretaries. (18.7.2008/510)
- (2) Referendaries are appointed by the Supreme Administrative Court. The provisions on qualifications, grounds for appointment and temporary judicial appointments of judges laid down in the Act on Judicial Appointments apply to referendaries.
- (3) Provisions on other offices and officials at the Supreme Administrative Court are laid down in the Rules of Procedure.

Section 15

The provisions in section 103 of the Constitution of Finland on the right of judges to remain in office and the office of a judge apply to the referendaries and the office of a referendary at the Supreme Administrative Court.

Chapter 5 - **Temporary arrangements concerning offices**

Section 16

- (1) The President may be granted leave of absence for no longer than one month a year. Decisions to grant a longer leave of absence than this are made in a plenary session.
- (2) The Supreme Administrative Court grants leave of absence to a Justice. The decision is made in a plenary session unless otherwise provided in the Rules of Procedure.

Section 17

Provisions on granting leave of absence for the Secretary General and other referendaries as well as for other officials are laid down in the Rules of Procedure.

Chapter 6 - **Miscellaneous provisions**

Section 18

Criminal charges against a referendary of the Supreme Administrative Court for an offence in office are brought in the Helsinki Court of Appeal.

Section 19

- (1) The Supreme Administrative Court issues Rules of Procedure for itself. Further provisions on the consideration and decision of matters and other operations of the Supreme Administrative Court are given in the Rules of Procedure. In the Rules of Procedure, the Supreme Administrative Court may exempt members referred to in section 10 (2) from considering matters referred to in section 3, paragraphs 2 and 3, and other financial and administrative matters concerning the Supreme Administrative Court.

- (2) The Rules of Procedure of the Supreme Administrative Court are published in the Statutes of Finland.

Section 20

This Act enters into force on 1 January 2007.