

ORGANIC LAW 6/1985, OF 1 JULY, ON THE JUDICIARY.

JUAN CARLOS,

KING OF SPAIN

Let it hereby be known by all: The Parliament has passed and I hereby sanction this Organic Law.

EXPLANATORY PREAMBLE

I

Article 1 of the Constitution affirms that Spain is a social and democratic State based on the rule of Law, which, as higher values within its legal system, promotes freedom, justice, equality and political pluralism.

A State based on the Rule of Law, which fundamentally entails the separation of Powers within the State, the supremacy of Law as the expression of the sovereignty of the people, the subjugation of all public authorities to the Constitution and the remainder of the legal system and effective procedural safeguarding of fundamental rights and public freedoms, requires a series of bodies that, operating on the basis of institutional independence, are constitutionally afforded a position that enables them to impartially enforce and apply the regulations that express the will of the people, subject all public authorities to adherence to the Law, review the legality of administrative actions and offer everyone effective legal protection in the exercise of their rights and legitimate interests.

The series of bodies that perform this duty constitute the Judiciary, addressed in Title VI of our Constitution, set forward as one of the three Powers of the State, exclusively charged with exercising judicial authority in all nature of procedures, judging and enforcing judgments, in accordance with the regulations governing competence and procedural practice established by law.

Article 122 of the Spanish Constitution states that the Organic Law on the Judiciary will determine the formation, *modus operandi* and governance of the Courts and Tribunals, the legal statute for tenured Judges and Magistrates, who will form a single body, and for the personnel in the employ of the Judicial Administration, along with the statute and the system of incompatibilities governing members of the General Council of the Judiciary and their functions, particularly with regards to appointments, promotions, inspections and the disciplinary system.

Constitutional requirements gave rise to the passing of an Organic Law to regulate appointments and the composition and operation of the General Council of the Judiciary, indeed, prior to proceeding with the comprehensive organisation of the Judiciary. This Organic Law, in more than a few aspects, is of a provisional nature, as explicitly recognised in its transitory provisions, which refer to the future Organic Law on the Judiciary.

The current Organic Law therefore fulfils a two-fold objective: it draws a close to the provisional situation that, up to this point, characterised the organisation and operation of the Judiciary and it fulfils the constitutional requirement.

II.

At present, the Judiciary is regulated by the Provisional Law on the Organisation of the Judiciary of 15 September 1870, by the Supplementary Law to the Organic Law on the Judiciary of 14 October 1882, by the Law Regulating the Reform of Municipal Justice of 19 July 1944 and by numerous legal and regulatory provisions that were subsequently issued, in a disperse manner, in relation to this subject-matter

These regulations have not been adjusted in keeping with the current requirements of Spanish society. Since the liberal regime of the separation of Powers, recently inaugurated at the time, which enacted these laws, there has been a transition, over the course of a century, to a Social and Democratic State based on the Rule of Law, the political configuration of a Nation that hopes to establish an advanced democratic society wherein the public authorities are compelled to promote conditions to ensure that the freedom and equality of the individual and of groups are real and effective, to remove obstacles that impede or hinder their full expression and to facilitate the participation of all citizens in political, economic and social life. The fulfilment of these constitutional objectives requires a Judiciary that is adjusted to a society that is predominantly industrial and urban and that is designed with a view to the changes that have occurred in the territorial distribution of population, the social division of labour and the ethical views of citizens.

In addition, the significant transformation, as a result of the Constitution, that has occurred within the territorial sharing out of power must also be considered. The existence of Autonomous Regions to which the Constitution and the Statutes assign competencies relation to administering Justice, requires modifications to existing legislation in this area. Both the Constitution and the Statutes of Autonomy envisage the existence of High Courts of Justice that, in accordance with our Magna Carta, occupy the preeminent position within the territorial judicial organisation of the Autonomous Region. The unavoidable and pressing need to adapt the organisation of the Judiciary in accordance with these constitutional and statutory provisions is, therefore, another compelling factor that justifies the passing of this Organic Law.

Finally, attention must be drawn to the fact that this is only one of the regulations that, in combination with many others, the Spanish legislative body, on both a substantive and procedural level, must update, in order to adapt it to legal, economic and social realities. To this end, a painstaking reform of Spanish legislation will prove necessary, which has already begun, with a view to achieving a balanced totality, characterised by homogeneity.

III.

In broad terms, the main areas of concern of this Law are outlined in its preliminary title, which lists the principles enshrined in the Constitution. The first of these is independence, which represents an essential characteristic of any Judiciary. The requirements are developed via specific mandates that define their exact content with the necessary rigour. Thus, it is determined that independence in the exercise of the judicial role is applicable at all levels, even before the judicial bodies themselves, which implies that even Judges and Courts cannot overturn the actions of their subordinates, except in the case of a legally valid appeal, and the possibility of circular letters or general instructions relating to the enforcement or interpretation of the law are also prohibited.

Insofar as the Organic Law regulates the independence of the Judiciary, we can affirm that such independence is characterised as being absolute. This absolute nature derives from the obligation placed on all public authorities and individuals to respect the independence of the Judiciary and the total shielding of the legal statute for Judges and Magistrates against any possible interference from other State Powers, in such a manner that the traditional constitutionally recognised guarantee of immutability is supplemented by a regulation, by virtue of which all competencies of the Executive are excluded from the application of the organic statute for Judges and Magistrates. As a result, from this point onwards, the professional careers of Judges and Magistrates will be completely governed by the regulation, or will fully and exclusively depend on the discretionary decisions adopted by the General Council of the Judiciary, as defined in the statute.

The importance of the absolute judicial independence within our legal system should be evaluated in view of the absolute nature afforded to judicial authority by Law. In effect, the Courts control regulatory authority and administrative activity, without exception, whereby no actions of the Executive will entail the supervision of an independent Power, subject only to the Rule of Law. It must be conceded that the State based on the Rule of Law proclaimed in the Constitution, as a method of organisation governed by law that expresses the will of the people and as a system wherein the government of laws supersedes the government of men, should be as far-reaching as possible.

Other precepts within the preliminary title are corollaries to judicial independence, specifying its various perspectives. Thus, the unity of jurisdiction, which, as a result of the constitutional requirement, is absolute, with the sole exception of competence within military jurisdiction, which is limited to strictly military matters, regulated by law, and to situations involving a state of siege; the faculty afforded to Judges and Courts to call for the collaboration or individuals and public authorities; and, ultimately, the regulation of proceedings and the guarantees therein envisaged in cases of expropriation of rights recognised before a Public Administration in a final ruling.

IV

The characteristics of the Spanish Constitution include the superseding of the merely programmatic nature previously assigned to constitutional regulations, the adoption of a direct and immediate legal efficacy and, in short, the placing of the legal system in a position of unquestionable supremacy. As a result of this series of traits, our Constitution is a directly enforceable regulation that takes precedence above all others.

All of these aspects derive from the tone of the constitutional text itself. Firstly, attention should be drawn to article 9.1, which stipulates that "citizens and public authorities are subject to the Constitution and the remainder of the legal system". Other constitutional provisions, such as the provision that repeals any regulations contrary to the constitutional text, or the provision that regulates the procedures for declarations of unconstitutionality, supplement the effect of the aforementioned paragraph 1 of article 9 and complete the system that makes the Magna Carta the supreme regulation within our legal system, with all the legal effects that this entails.

The preliminary Title of this Organic Law singles out the Judiciary as the generic link to article 9.1 of the Constitution, stating that the laws and regulations must be enforced in accordance with constitutional precepts and principles and in keeping with the interpretation thereof provided by the Constitutional Court. Thus, the importance of the values put forward by the Constitution as higher values is ratified, as is the importance of all other general principles of Law deriving from them, as a source of Law, which fully affords the legal system the nature of being a totality characterised by coherence, aspects that can be demanded of it, guaranteeing the efficacy of constitutional precepts and uniformity in terms of their interpretation.

Moreover, it is affirmed that the question of unconstitutionality only applies where the regulation subject to dispute cannot be interpreted as being in keeping with constitutional requirements. This reinforces the link between the judge and the fundamental regulation, and introduces a dynamic element of active protection within the relationship of being subject to the Constitution, which transcends mere passive respect for the supreme Law.

The value of the Constitution as the supreme regulation within the legal system is also brought to light in other complementary precepts. In this sense, the infringement of a constitutional precept is configured as providing sufficient grounds for an appeal for annulment and the direct applicability of fundamental rights is expressly mentioned, with explicit protection of the essential content safeguarded by the Constitution.

V

Territorially, and from a judicial perspective, the State is divided into municipalities, jurisdictional areas, provinces and Autonomous Regions, over which legal authority is exercised by Justices of the Peace, Courts of First Instance and Examining Magistrate's Courts, Administrative Courts, Labour Courts, Prison Supervision Courts, Juvenile Courts, Provincial

Courts and High Courts of Justice. The National High Court and the Supreme Court have legal authority throughout the entire country.

In this regard, the Law introduces important innovations: indeed, the procedure for appointing Justices of the Peace becomes a democratic process; District Courts are abolished and transformed into Courts of First Instance and Examining Magistrate's Courts; single-judge Administrative and Labour Courts are created, the latter substituting Industrial Tribunals; civil competencies are assigned to the Provincial Courts and, finally, the scope of the National High Court is extended, with the creation of a Labour Chamber, whilst maintaining the Criminal and Administrative Chambers.

However, the most important modifications derive from the territorial division of the State into Autonomous Regions within the Constitution, which logically has bearing on the territorial organisation of the Judiciary.

In this regard, the Organic Law fulfils constitutional and statutory requirements. Thus, the most important decisions include the creation of the High Courts of Justice, standing at the apex of judicial organisation within the Autonomous Region, which entails the disappearance of the Territorial Courts, which had existed up to this point as supra-provincial judicial bodies with an area of action that did not operate at national level.

We must also consider the regulation of the recognised participation of the Autonomous Regions in the definition of territorial boundaries, and the competencies assigned to them in terms of the management of material resources.

This new judicial organisation, required by the future developments envisaged in the forthcoming Law on Judicial Bodies and Boundaries, which the Government undertakes to forward to the Parliament within a one-year period, hopes to provide the Spanish people with a network of judicial bodies that, in addition to being as close as possible, above all safeguard the effective exercise of the fundamental rights recognised in article 24 of the Spanish Constitution, including, of particular note, the right to a public hearing without undue delay and with all the guarantees.

VI

To guarantee Judicial independence, the Constitution creates the General Council of the Judiciary, to which it assigns the role of governing the Judiciary, affording the Organic Law the task of developing the regulations outlined in its article 122.2 and .3.

In accordance with these requirements, the current Organic Law affords the General Council all necessary powers for the enforcement of the organic statute for Judges and Magistrates, particularly with regards to appointments, promotions, inspection and the disciplinary measures. The Law conceives the inspectorate role of Courts and Tribunals, not merely as a repressive activity, but rather, as an authority that incorporates elements for the advancement of the body under inspection.

In order to choose the twelve members of the General Council of the Judiciary, who, in accordance with article 122.3 of the Spanish Constitution, must be chosen from "amongst Judges and Magistrates of all judicial categories", the Law, shaped by a democratic principle, on the basis that we are dealing with the governing body of a State Power, bearing in mind that all Powers of State emanate from the people and given that Parliament has the status of representing the sovereignty of the people, assigns Parliament the task of choosing the members of the General Council from amongst the judiciary. The requirement of a highly qualified majority of three fifths, the level imposed by the Constitution for the appointment of the remaining members, guarantees both absolute coherence with the general character of the democratic system and the convergence of diverse forces, avoiding the configuration of a General Council that reflects a specific parliamentary majority at any given time. The Law also regulates the statute of Council members and the composition and powers of the bodies into which it is structured. In addition, the majority required for the proposal for the appointment of the President of the Supreme Court and the President of the General Council of the Judiciary, along with other institutional positions, is increased. Finally, the Administrative Chamber of the Supreme Court is assigned competence to hear appeals lodged against the acts and provisions emanating from the Plenary or the Disciplinary Committee of the General Council of the Judiciary that cannot be lodged before a superior body.

It should be added that the entry into force of this Organic Law will imply the repealing of Law 1/1980 of 10 January, addressing the same matters, the provisional nature of which has already been outlined.

The Organic Law modifies the system for appointments to the Governing Chambers, introducing processes that are partially elective. This is advisable in view of the governing rather than the jurisdictional roles that they are called upon to fulfil, and in view of the new competencies assigned to them by this Organic Law. In these circumstances, given that the activities of the Governing Chambers fundamentally affect Judges and Magistrates and have no direct bearing on individuals, a system of partial open election by majority is adopted, wherein a significant role is played by the personal acquaintance of electors and those elected.

The materialisation of the principles of pluralism and participation with which the governing of the Judiciary is intended to be imbued, requires a profound change to the current regulation of the freedom of association that article 127.1 of the Constitution acknowledges for Judges, Magistrates and State Prosecutors. The transitory system with regards to freedom of association in operation up to this point imposes unwarranted restrictions, which are removed. Indeed, this Organic Law recognises the right to freedom of professional association with the sole restriction of barring the carrying out of political activity or having links to political parties or unions. Professional associations will be validly constituted once they are inscribed in the Registry provided for this purpose by the General Council of the Judiciary.

VII

The practical fulfilment of the constitutionally recognised right to effective legal protection requires, as an essential element, all judicial bodies to possess a presiding Judge or Magistrate. Extremely serious detriment is occasioned to legal certainty, to the right to a hearing without delay, where Courts and Tribunals lack a presiding figure for prolonged periods of time, with the corresponding accumulation of pending cases and delays within the Judicial Administration. This has led to a need to turn to formulae for substitutions or jurisdictional extensions, which are particularly unsuitable in those territories evidencing a progressive and expansive increase in workload. Therefore, addressing and finding a resolution to this problem cannot be delayed.

Experience has shown that traditional mechanisms for the selection of judicial personnel are unable to supply Spanish society with a sufficient number of Judges and Magistrates. As a result, we must resort to supplementary mechanisms. To this end, the Organic Law envisages a system for entry into the judiciary for eminent jurists. Firstly, this enables us to address requirements and cover vacancies that might not otherwise be filled; secondly, we are able to provide individuals, who in other legal areas have accredited their capacity and competence, with the opportunity to perform such an important task as the judicial role; and finally, we are able to ensure osmosis between a career in the judiciary and the remainder of the legal universe, which will undoubtedly become evident once we have incorporated individuals who have experience in other sectors of Law into the judicature, as they will afford different perspectives and other interpretations to a role that is characterised by conceptual multiplicity and a diversity of approaches. The requisites imposed, and the fact that the same safeguards that oversee the traditional pathway of open examination will also operate within this system of entry, simultaneously ensure impartiality within the selection process and the capacity of the successful candidate. In short, the only result of such action is to integrate mechanisms into our selection process that have proven success, not only in other countries, but also, within our own: namely, in the Supreme Court.

However, the main system for entry into a career within the judiciary remains open examination of those holding a degree in Law, supplemented by successful completion of a course at the Judicial Studies Centre and with practical experience in a judicial body.

Access to the category of Magistrate involves the following ratio: for every four vacancies, two will be filled via the Judges who are ranked first within the category; the third, via selective exam and specialisation in administrative and labour matters, from amongst judges; and the fourth, via a selection process involving eminently competent jurists with more than ten years of experience.

With regards to the system of assignation of posts, the main criteria remains the same for Courts, Provincial Courts and High Courts of Justice: time served. Nevertheless, this does not prevent the introduction, as a method of promotion within the judiciary, of specialisation that, on the one hand, is necessary in view of the magnitude and complexity of current legislation and, on the other, advisable as it will introduce elements that stimulate the ongoing training of Judges and Magistrates.

In other aspects, the regulation of careers within the judiciary employs the same basic criteria operating for other public servants, differentiated only by those peculiar features deriving from the specific role.

VIII

The first four Books of the Law regulate the organisation, governance and the operation of the bodies that make up the Judiciary and of its governing body. Books V and VI outline the basic regulatory framework for those other bodies, groups of public servants and professionals that, whilst not forming a part of the Judiciary, collaborate with it in various ways, enabling it to afford effective protection in the terms outlined in the Constitution.

The Law first refers to such groups by turning its attention to the State Prosecutor's Office, which has the mission of promoting the action of justice in defence of legality, citizens' rights and public interest, and is assigned the task of safeguarding the independence of the Courts and the ensuring the satisfaction of the interests of society, in accordance with the stipulations of article 124 of the Constitution.

The Law also enshrines the role of Lawyers and Court Attorneys, who are assigned the task of guiding, defending and representing parties, as they are charged with guaranteeing legal assistance for citizens within proceedings, in a compulsory fashion where so required and, in any event, as the right to a defence and the assistance of a lawyer expressly recognised in the Constitution.

The Judiciary, as an institution that cooperates and assists the Judicial Administration, is strengthened by the setting up of units that are operationally dependent upon the judicial authorities and the State Prosecutor's Office.

The Law also regulates the personnel in the employ of the Judicial Administration, which takes in Court Registrars and Forensic Scientists, Officers, Assistants and Agents, all of whom are public servants with their respective competencies who assist and collaborate with Judges and Courts.

The functions of Court Registrars are deemed worthy of specific regulation in Title IV of Book III, as they are charged with affording public judicial attestation and ordering and providing impetus to the proceedings, whereby their role as procedural overseers has been strengthened.

In addition to the basic provisions on the structure and functions of the bodies of Officers, Assistants and Agents, in addition to Forensic Scientists, the Law stipulates that other technical personnel can serve the Judicial Administration, to which end bodies and ranks will be established or employment contracts drawn up. Such action attempts to safeguard and reinforce the structure of the personnel in the service of judicial bodies and their increasingly necessary specialisation.

IX

Citizens are the beneficiaries of the Judicial Administration. This is stipulated by the Constitution and this Organic Law enshrines the principles of orality and public access, to which end emphasis is placed on the necessary immediacy that must be developed within procedural laws and, furthermore, for the first time the financial liability of the State is regulated, which can derive from a judicial error or abnormality within the operation of the Judicial Administration, notwithstanding the Judges' individual liability of a civil, criminal and disciplinary nature, thereby serving to bolster a Judiciary with full responsibility.

X

The additional, transitory and final provisions of the Law regulate the problems of its synchronous enforcement, enabling the adaptation of current judicial organisation to the organisation established in this Law and expressly envisaging the developmental laws that must be introduced in their entirety within the new organisation of the Judiciary.

PRELIMINARY TITLE

The Judiciary and the exercise of judicial functions

Article 1.

Justice is vested in the citizens and administered in the name of the King by the Magistrates and Judges who comprise the Judiciary, independent, unmovable, liable and subject solely to the Constitution and the Laws of the Land.

Article 2.

1. The exercise of judicial functions, adjudging and enforcing the judgments delivered is vested exclusively in the Courts and Tribunals foreseen by law and in international treaties.
2. The Courts and Tribunals will not perform functions other than those outlined in the previous paragraph and those expressly assigned to them by law in order to safeguard a given right.

Article 3.

1. There is a sole jurisdiction exercised by the Courts and Tribunals foreseen in this Act, notwithstanding any other judicial faculties recognised by the Constitution and vested in other bodies.
2. The organisation and functioning of bodies that fall under military jurisdiction, which forms a part of the State Judiciary, is based on the principle of judicial unity and they administer Justice strictly within the military sphere and, where applicable, in those matters established via a declaration of a state of siege, in accordance with the Constitution and the stipulations of penal, procedural and military disciplinary laws.

Article 4.

Jurisdiction of the Courts extends to all persons, matters and all the Spanish territory as provided in the Spanish Constitution and the Statutes.

Article 4 bis.

1. The Judges and Courts will enforce the Law of the European Union in accordance with the jurisprudence of the Court of Justice of the European Union.
2. Where the Courts decide to make a referral for a preliminary ruling at European level, they will do so in accordance with the jurisprudence of the Court of Justice of the European Union and, in all cases, via a ruling, having previously heard the parties.

Article 5.

1. The Constitution is the supreme law of the legal system and binds all Courts and Tribunals which will interpret the law and regulations according to constitutional provisions and principles in accordance with the construction given to them by the resolutions delivered by the Spanish Constitutional Court in any proceedings.

2. When a Court considers that in a suit a statute which validity is essential in order to reach a decision in the course of said proceedings may be contrary to the Constitution, it will refer the matter to the Constitutional Court pursuant to the terms of its Public General Act.

3. In the event that it is not possible to accommodate the conflicting provision to the constitutional framework, the Court will submit a plea of unconstitutionality.

4. In all cases in which according to the law, a cassation appeal applies, the grounds for such appeal will be the breach of a constitutional provision. In this case, the Supreme Court will hear it in cassation, regardless of the nature of the suit, the applicable law and the jurisdictional division involved.

Article 5 bis.

An appeal for review can be lodged before the Supreme Court against a final judicial ruling, in accordance with the procedural regulations of each judicial sphere, where the European Court of Human Rights has affirmed that the ruling in question violates any of the rights enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, providing that the violation, in view of its nature and gravity, gives rise to effects that persist and cannot be eradicated by any other means, apart from such review.

Article 6.

Courts and Tribunals shall not apply any regulations which conflict with Constitutional provisions, with the law or breach the hierarchy of the legal system.

Article 7.

1. The rights and freedoms recognised in Title I, Chapter II of the Constitution bind all Judges and Courts, and are guaranteed by the protection dispensed by the Courts.

2. In particular, the rights set out in Article 53(2) of the Constitution will be recognised in any event pursuant to their stated constitutional content and no judicial resolution may in any way restrict or impair them, or suspend the application of their contents.

3. Judges and Courts will protect legitimate rights and interests of individuals and groups to avoid defencelessness of citizens. In order to uphold the rights of groups, associations, entities and bodies which have been affected or are legally authorised to defend and foster such rights may appear before the Courts.

Article 8.

Courts are vested with the supervision of regulations issued by administrative bodies ensuring likewise that governmental agencies comply with the law and that their proceedings are justified by the ends they pursue.

Article 9.

1. The Courts and Tribunals will exercise their jurisdiction exclusively in those cases that are assigned to them in this or another Law.

2. Courts and Tribunals of a civil nature, in addition to the matters that fall within their remit, will try all cases that are not assigned to another judicial order.

Within the civil sphere, it falls to the military jurisdiction to prevent probate and ab intestato proceedings involving members of the Armed Forces who, at time of war, fall during a campaign or at sea, restricting its actions to affording the necessary assistance to perform the burial of the deceased and draw up the inventory of, and provisionally safeguard, his or her estate, in all cases notifying the competent civil judicial authority.

3. The criminal judicial sphere is charged with trying criminal proceedings and cases, with the exception of those that fall under military jurisdiction.

4. Courts within the administrative sphere will hear actions deriving from the actions of the Public Administrations subject to administrative law, with the general provisions of a lesser standing than a law and with the royal legislative decrees in the terms outlined in article 82.6 of the Constitution, in accordance with the stipulations established by the Law governing this jurisdiction. Such courts will also hear appeals against the inactivity of the Administration and against acts that do not fall under the competence of the Administration in question or follow the established procedure. The hearing of direct or indirect appeals lodged against the provincial tax regulations of the Autonomous Governments of the Historical Territories of Álava, Gipuzkoa and Biscay does not fall under the remit of administrative courts, but rather, exclusively corresponds to the Constitutional Court, in the terms outlined in the fifth additional provision of its Organic Law.

Administrative courts will also hear actions deriving from the financial liability of Public Administrations and the personnel in its service, irrespective of the nature of the activity the type of relationship in question. Where the detriment occasioned also involves private individuals, the plaintiff will also voice claims against them before this judicial sphere. Such courts will also hear actions for liability where the plaintiff lodges the action directly against the insurance company of the Administration, in addition to the Administration in question.

This judicial sphere is also competent where the action for financial liability is also directed against public and private individuals and bodies held indirectly liable.

5. Courts within the labour sphere will hear actions that arise within the branch of Law addressing labour-related matters, both with regards to individual and collective conflicts, and will hear claims relating to Social Security or against the State where it is held liable in accordance with employment legislation.

6. Jurisdiction is not subject to extension. Judicial bodies will acknowledge a lack of jurisdiction *sua sponte* and will pass a ruling in this regard in a hearing wherein the parties and the State Prosecutor's Office are present. In any event, this ruling will provide grounds that will always indicate the judicial sphere deemed competent.

Article 10.

1. To the sole purposes of pre-trial issues, each jurisdictional division may hear matters which are not vested in such jurisdiction exclusively.

2. Notwithstanding the foregoing, a pre-trial criminal issue which is essential in order to issue an adequate judgment or which has a direct bearing on the matter to be adjudged on, will entail the stay of proceedings until it has been decided on by the criminal judicial bodies which are competent to hear it, except as otherwise provided by Law.

Article 11.

1. The bona fide principle will be observed in all legal proceedings. Evidence obtained directly or indirectly in breach of fundamental rights or freedoms will not be admissible.

2. The Courts and Tribunals will dismiss any pleadings, interlocutory appeals or pleas which are filed in clear breach of legal rights or entail a fraud of substantive or adjective law.

3. Courts and Tribunals pursuant to the principle of legal protection upheld by Article 24 of the Constitution must always reach a decision on the matters submitted to them and may only dismiss them on formal technicalities when such flaws may not be remedied or have not been remedied according to the procedure foreseen in the law.

Article 12.

1. In the exercise of their jurisdictional duties, Magistrates and Judges are independent with regard to any and all other judicial and governance bodies of the Judiciary.

2. Neither the Judges nor the Courts may amend the application or construction of the legal system made by lower courts in the judicial hierarchy except when they are hearing a matter on appeal in the terms foreseen by law.

3. No court or judge, nor their governing bodies or the General Council of the Judiciary may issue general or specific instructions to the lower courts or officers on the application or construction of the legal system which they carry out in their own jurisdiction.

Article 13.

All citizens are obliged to uphold the independence of Magistrates and Judges.

Article 14.

1. Magistrates or Judges who see their independence hindered or threatened will report it to the General Council of the Judiciary, notifying these circumstances to the competent Court or Tribunal in order to initiate appropriate legal proceedings, notwithstanding they may conduct on their own any essential inquiries to ensure that justice and the rule of law prevails.

2. The State Prosecutor, either ex officio or at the request of the persons mentioned above will initiate the corresponding actions to ensure that judicial independence is preserved.

Article 15.

Magistrates and Judges may only be removed, suspended, transferred or retire, following any of the circumstances and subject to the guarantees established by law.

Article 16.

1. Magistrates and Judges will be held civilly and criminally liable in the manner and subject to the procedure foreseen in the laws and any disciplinary measures applied to them will have to comply with this Act.

2. Honour Courts are forbidden in the judicial system.

Article 17.

1. All persons, public and private entities are obliged to provide in the matter contemplated in this law the cooperation requested by Judges and Courts in the course of the proceedings and in order to enforce the judgments delivered, except as otherwise foreseen in the Constitution and in the laws, and notwithstanding reimbursement of expenses and payment of remuneration applicable according to the law.

2. Public Administrations, Authorities and officers, Corporations, all public and private entities and private individuals will respect and when applicable comply with the judgments and other judicial decisions rendered which have become final or have to be enforced pursuant to the law.

Article 18.

1. Judicial resolutions may only be defeated pursuant to the appeals foreseen in the laws.

2. Judgments will be enforced in their own terms. If it becomes impossible to enforce a judicial decision, the Judge of the Court will adopt appropriate measures to ensure that the enforcement order may be carried out and will determine in any event the compensation payable for that part of the enforcement which may not be fully carried out. Only in the event of public or social interest declared by the Government, condemnation of rights recognised against the public administration in a final ruling prior to its enforcement may take place. In that case, the competent Judge or the Court for the enforcement of such ruling may determine by means of an interlocutory writ the amount of the indemnification payable.

3. The provisions of this Article must be understood notwithstanding royal pardon which is vested in the King of Spain as provided by the Constitution and the laws.

Article 19

1. Spanish nationals may exercise public complaint in the cases and subject to the procedure established by law.
2. Likewise they may take part in the administration of justice by means of the Jury system according to the procedure and with regard to the criminal proceedings contemplated by Law; they may also take part in custom and common law Courts and in all other cases foreseen hereunder.
3. The "Tribunal de las Aguas de la Vega de Valencia" [Court for Irrigation Disputes of the Region of Valencia] is considered to be a court of custom and common law.
4. The "Consejo de Hombres Buenos de Murcia" [The Lay Counsellors Council of the Region of Murcia] is considered to be a court of custom and common law.

Article 20

1. Justice will be free in the cases foreseen by law.
2. A legal aid system will be set up to ensure that the provisions foreseen in articles 24 and 119 of the Spanish Constitution for individuals who do not have sufficient resources to litigate are effectively carried out.
3. No guarantee or bail may be demanded for the exercise of public complaint which will always be free.

BOOK I

SCOPE AND LIMITS OF JURISDICTION, ORGANIZATION AND STAFFING OF COURTS AND TRIBUNALS

TITLE I

Scope and Limits of Jurisdiction

Article 21.

1. Spanish Civil Courts will hear claims that arise within Spanish territory in accordance with the stipulations of the international conventions and treaties to which Spain is a party, the regulations of the European Union and Spanish laws.
2. However, they will not hear claims formulated in relation to subjects or assets that are afforded jurisdictional immunity or immunity from enforcement action in accordance with Spanish legislation and the regulations of International Public Law.

Article 22.

On an exclusive basis, Spanish Courts are competent in all cases, and with preference over any other Courts, to hear claims in the following areas:

- a) Property rights and rights relating to properties rented in Spain. However, with regards to property lease contracts for a specific use over a maximum period of six consecutive months, Spanish judicial bodies will also be competent where the defendant has a domicile in Spain,

providing the lessee is an individual and that he or she and the owner have registered addresses in the same State.

b) The constitution, validity, nullity or winding up of companies or legal entities with registered addresses in Spain and in relation to the resolutions and decisions of their bodies.

c) The validity or nullity of inscriptions made in a Spanish registry.

d) The registration or validity of patents, brands, designs or drawings and models and other rights subject to deposit or registration, where the depositing or registration is requested or carried out in Spain.

e) The recognition and enforcement within Spanish territory of judgments and other judicial rulings, arbitration decisions and mediation agreements issued overseas.

Article 22 bis.

1. In those matters wherein a regulation expressly permits, Spanish Courts will be competent where the parties, irrespective of their domiciles, have expressly or tacitly submitted themselves to them. Agreements that assign competence to Spanish Courts or similar stipulations within a contract will have no validity where they contravene the stipulations of articles 22 quater, 22 quinquies, 22 sexies and 22 septies, or where they exclude the competence of Spanish judicial bodies with exclusive competence in accordance with the stipulations of article 22, in which case, the provisions of the aforementioned precepts will be respected.

Submission to the Spanish Courts in the matters contemplated in letters d) and e) of article 22 quinquies will only prove valid where it is grounded on an agreement to submit subsequent to the initiation of the dispute, or if both parties to the contract already have domiciles or their habitual residences in Spain when the contract is executed, or where the plaintiff is the consumer, insured party or holder of the insurance policy.

2. An express agreement to submit is understood to refer to the pact via which the parties decide to assign the Spanish Courts responsibility for hearing certain or all disputed that have arisen or that may arise between them in relation to a given legal relationship, contractual or otherwise. Competence established via express submission will extend to the validity of the submission agreement itself.

The express submission agreement must be recorded in writing, in a clause included within a contract or in an independent agreement, or must be made verbally with written confirmation, or in a manner that is in keeping with the habitual practices established between the parties, or within international trading is in accordance with the practices that the parties are acquainted with, or should be acquainted with and that, within such commerce, are fully known to them and regularly observed by the parties in contracts of this nature within this commercial sector. A written agreement will be understood to exist where it is the result of transmissions carried out via electronic channels obtained through a durable record.

A written agreement will also be understood to exist where it is confirmed via the exchange of lawsuit documents and the response to them within proceedings initiated in Spain, wherein the existence of the agreement is affirmed by one party and not refuted by the other.

3. Notwithstanding those cases wherein their competence is the result of other provisions, Spanish Courts will be competent where the defendant appears before them. This rule will not apply where the defendant appears for the purpose of challenging competence.

Article 22 ter.

1. In areas that are not contemplated in articles 22, 22 sexies and 22 septies and where no submission to the Spanish Courts has been made in accordance with article 22 bis, they will be competent where the defendant has a domicile in Spain or where it is so determined by any of the forums outlined in articles 22 quater and 22 quinquies.

2. For the purposes of this article, an individual will be understood to be domiciled in Spain where his or her habitual residence is in this country.

A legal entity will be understood to be domiciled in Spain where its business headquarters, administrative centre, central administration or the centre where it carries out its main activity is found in this country.

3. Where more than one defendant exists, the Spanish Courts will be competent where at least one of them is domiciled in Spain, providing that a single action is brought, or several that are interconnected by a nexus in view of the title or motive for the action, whereby a joinder is advisable.

4. However, competence established in accordance with the stipulations of paragraph 1 of this article can be overturned via an agreement to select a foreign Court. In such cases, the Courts will suspend proceedings and can only hear the claim deduced in the event that the assigned foreign Courts decline their competence.

5. The overturning of the competence of Spanish Courts will have no effect in those areas wherein submission to them is not possible.

Article 22 quater.

In the absence of the aforementioned criteria, Spanish Courts will be competent:

a) In matters relating to declaring a person legally absent or dead, where the last domicile of the individual in question is in Spain or she or he is of Spanish nationality.

b) In matters relating to the capacity of individuals and measures to protect the elderly or their assets, where their habitual residence is in Spain.

c) In matters concerning the personal and property relationships between spouses, marriage annulment, separation and divorce and their modification, providing that no foreign Court proves competent, where both spouses have a habitual residence in Spain when the lawsuit was lodged or where their last habitual residence was in Spain and one of them lives there, or where Spain is the habitual residence of the defendant, or in the case of a joint petition for divorce, where one of the Spouses resides in Spain, or where the plaintiff has his or her habitual residence in Spain for at least a year since the petition was lodged, or where the plaintiff is Spanish and has his or her habitual residence in Spain for at least six months prior to the lodging of the petition, and where both spouses are of Spanish nationality.

d) In matters relating to filiation and relations between parents and offspring, the protection of minors and parental responsibility, where the child or minor has his or her habitual residence in Spain when the lawsuit is lodged or where the plaintiff is Spanish or habitually resides in Spain or, in any event, at least six months prior to the lodging of the lawsuit.

e) In matters relating to adoption, in those cases regulated in Law 54/2007, of 28 December, on International Adoption.

f) In matters relating to alimony, where the creditor or the defendant have their habitual residence in Spain or, if the claim for alimony is formulated as an ancillary to a question relation to marital status or an action relation to parental responsibility, where the Spanish Courts are competent to hear this action.

g) In matters relating to inheritance, where the testator's last habitual residence was in Spain or where the assets are in Spain and the testator was Spanish at the time of death. The will also be competent where the parties have submitted themselves to the Spanish Courts, providing that the Spanish law on inheritance is applicable. Where no foreign jurisdiction is competent, the Spanish Courts will be competent with regards to estate that is in Spain.

Article 22 quinquies.

Furthermore, in the absence of express or tacit submission to them, and although the defendant is not domiciled in Spain, Spanish Courts will be competent:

a) In matters relating to contractual obligations, where the obligation to which the lawsuit relates has been fulfilled or must be fulfilled in Spain.

b) In matters relating to extra-contractual obligations, where the detriment occurred in Spanish territory.

- c) In actions relating to the exploitation of a commercial branch, agency or establishment, where it lies in Spanish territory.
- d) In matters relating to contracts entered into by consumers, they may go to law in Spain if their habitual residence lies in Spanish territory or where the habitual residence of the other contracting party is in Spanish territory; the latter may only go to law in Spain where the consumer's habitual residence lies in Spanish territory.
- e) In matters relating to insurance, where the insured party, policy holder or beneficiary of the insurance is domiciled in Spain; the insurance company can also have action brought against it before the Spanish Courts where the detriment occurs in Spanish territory and it involves an liability insurance contract or insurance relating to property, or, in the case of civil liability insurance, where the Spanish Courts are competent to hear the action initiated by the injured party against the insured party by virtue of the stipulations of letter b) of this article.
- f) In actions relating to property rights concerning moveables, where the moveables are to be found in Spanish territory when the action is brought.

With regards to the cases envisaged in letters d) and e), the Spanish Courts will also be competent where the consumer, insured party or policy holder is the plaintiff and the parties have agreed to submit to the Spanish Courts subsequent to the initiation of the dispute, or were both parties to the contract were domiciled in Spain when they entered into the contract or where the plaintiff is the consumer, insured party or policy holder.

Article 22 sexies.

The Spanish Courts will be competent in terms of the adoption of provisional measures or measures for safeguarding in relation to individuals or assets in Spanish territory and that are to be enforced in Spain. They will also be competent for the adoption of such measures where they are competent to hear the main proceedings.

Article 22 septies.

In matters relating to bankruptcy and other insolvency proceedings, the stipulations of the regulating legislation will be adhered to.

Article 22 octies.

1. Spanish Courts will not be competent in those cases wherein the competent jurisdictional bodies outlined in Spanish laws do not envisage such competence.
2. Spanish Courts, acting sua sponte or at the behest of a party, will determine their competence in accordance with current regulations and the circumstances surrounding the presentation of the lawsuit, and the case will be processed until its conclusion, even where these regulations or circumstances are subsequently modified, unless otherwise expressly determined.
3. Spanish Courts will affirm their lack of competence where their competence is not grounded on the stipulations of Spanish laws, in accordance with the provisions of procedural laws.

Spanish Courts cannot abstain or refuse their competence where the matter in litigation has links to Spain and the Courts of the various States connected to the matter have refused their competence. Nor may they do so in relation to the recognition and enforcement of judicial rulings, arbitration decisions and mediation agreements issued by foreign Courts.

Article 22 nonies.

The exceptions of lis pendens and related actions at international level will be put forward and processed in accordance with the general regulations governing procedural laws.

Article 23.

1. In the criminal sphere, Spanish jurisdiction involves the hearing of proceedings relating to crimes and misdemeanours perpetrated on Spanish territory or on board Spanish vessels or aircraft, notwithstanding the stipulations of international treaties to which Spain is a signatory.

2. Crimes committed outside Spanish territory also fall under Spanish jurisdiction providing that those held criminally responsible are Spanish or are foreigners who have acquired Spanish nationality subsequent to the perpetration of the act and where the following requisites are met:

a) The act must be punishable in the place where it was perpetrated, save where, by virtue of an international Treaty or the legislative act of an international Organisation of which Spain is a member, this requisite does not prove necessary, notwithstanding the stipulations of the following paragraphs.

b) The affected party or the State Prosecutor must file a lawsuit before the Spanish courts.

c) The offender must not have been acquitted, pardoned or convicted abroad or, in the latter case, must not have served the sentence. If only part of the sentence has been served, this shall be borne in mind in order to decrease the corresponding sentence by the appropriate amount.

3. Acts committed by Spanish citizens or foreign nationals outside national territory shall fall under Spanish jurisdiction where they are liable to be classified, under Spanish Criminal Law, as any of the following crimes:

a) Treason and acts against the peace or independence of the State.

b) Acts against the holder of the Crown, their Consort, their Successor or the Regent.

c) Rebellion and sedition.

d) Forgery of the Royal Signature or Seal, of the State seal, of the signatures of Ministers and of public or official seals.

e) Forgery of Spanish currency and its issuance.

f) Any other forgery that directly occasions detriment to the credit or interests of the State, along with the introduction or issuance of the forgeries.

g) Attacks against the Spanish authorities or public servants.

h) Those perpetrated by Spanish public servants residing abroad while exercising their duties, and crimes against the Spanish Public Administration.

i) Those relating to foreign exchange control.

4. In the circumstances outlined below, the trying of acts perpetrated by Spanish citizens or foreigners outside Spanish territory will also fall under Spanish jurisdiction where they can be categorised as any of the following crimes, in accordance with Spanish law:

a) Genocide, crimes against humanity or against persons and property protected in the event of armed conflict, providing the proceedings are brought against a Spaniard citizen or a foreigner whose habitual place of residence is in Spain, or a foreigner who is in Spain and whose extradition has been refused by the Spanish authorities.

b) Crimes of torture and against moral integrity, as outlined in articles 174-177 of the Penal Code, where:

1.º. the proceedings are brought against a Spanish citizen; or

2.º. the victim held Spanish nationality at the time when the offences were committed and the individual accused of committing the offence is on Spanish territory.

c) Crimes of enforced disappearance included in the International Convention for the Protection of All Persons from Enforced Disappearance, signed in New York on 20 December 2006, where:

1.º. the proceedings are brought against a Spanish citizen; or

2.º. the victim held Spanish nationality at the time when the offences were committed and the individual accused of committing the offence is on Spanish territory.

d) Crimes of piracy, terrorism, the illegal trafficking of toxic drugs, narcotic drugs and psychotropic substances, trafficking in human beings, crimes against the rights of foreign citizens and crimes against shipping safety perpetrated at sea, in those cases envisaged in the treaties ratified by Spain or in the regulatory acts of an International Organisation of which Spain is a member.

e) Terrorism, where it entails any of the following circumstances:

- 1.º. the proceedings are brought against a Spanish citizen;
- 2.º. the proceedings are brought against a foreigner whose habitual place of residence is in Spain, or, alternately, a foreigner who colludes with a Spanish citizen or a foreigner residing or located in Spain in order to perpetrate a terrorist crime;
- 3.º. the crime is perpetrated by a legal entity with a registered address in Spain;
- 4.º. the victim possesses Spanish nationality at the time when the acts were perpetrated;
- 5.º. the crime is committed to influence or illicitly condition the actions of any Spanish authority;
- 6.º. the crime is perpetrated against an institution or body of the European Union based in Spain;
- 7.º. the crime is perpetrated against a vessel or aircraft bearing the Spanish flag; or
- 8.º. the crime is perpetrated against official Spanish installations, including embassies and consulates.

To this end, official Spanish installations are understood to refer to any permanent or provisional installation wherein the functions of public authorities or Spanish public servants are carried out.

f) Crimes outlined in the Convention for the Suppression of Unlawful Seizure of Aircraft, signed in The Hague on 16 December 1970, where:

- 1.º. the crime has been perpetrated by a Spanish citizen; or
- 2.º. the crime has been perpetrated against an aircraft flying under the Spanish flag.

g) Crimes outlined in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed in Montreal on 23 September 1971, and in its supplementary Protocol, signed in Montreal on 24 February 1988, in the authorised cases therein detailed.

h) Crimes outlined in the Convention on the Physical Protection of Nuclear Material, signed in Vienna and New York on 3 March 1980, where the crime has been perpetrated by a Spanish citizen.

i) Illegal trafficking of toxic drugs, narcotics or psychotropic substances, where:

- 1.º. the proceedings are brought against a Spanish citizen; or
- 2.º. we are dealing with acts to perpetrate one of these crimes or to set up a criminal group or organisation with a view to perpetrating such crimes on Spanish territory.

j) Crimes of setting up, financing or belonging to a criminal group or organisation or crimes perpetrated within such associations, where we are dealing with groups or organisations that act for the purpose of perpetrating a crime in Spain that is sanctioned with a maximum sentence equal to or greater than three years of imprisonment.

k) Crimes against sexual freedom and indemnity, perpetrated against victims who are minors, where:

- 1.º. the proceedings are brought against a Spanish citizen;
- 2.º. the proceedings are brought against a foreign citizen whose habitual place of residence is in Spain;
- 3.º. the proceedings are brought against a legal entity, undertaking, organisation, groups or any other nature of body or association of people that is based or has a registered address in Spain; or

4.º. the crime is perpetrated against a victim who, when the acts took place, possessed Spanish nationality or a habitual place of residence in Spain.

l) Crimes regulated in the Council of Europe Convention on preventing and combating violence against women and domestic violence, where:

1.º. the proceedings are brought against a Spanish citizen;

2.º. the proceedings are brought against a foreign citizen whose habitual place of residence is in Spain; or

3.º. the crime was perpetrated against a victim who, when the acts took place, possessed Spanish nationality or a habitual place of residence in Spain, providing that the individual against whom the charge of committing the crime is levelled is in Spain.

m) Trafficking in human beings, where:

1.º. the proceedings are brought against a Spanish citizen;

2.º. the proceedings are brought against a foreign citizen whose habitual place of residence is in Spain;

3.º. the proceedings are brought against a legal entity, undertaking, organisation, groups or any other nature of body or association of people that is based or has a registered address in Spain; or

4.º. the crime was perpetrated against a victim who, when the acts took place, possessed Spanish nationality or a habitual place of residence in Spain, providing that the individual against whom the charge of committing the crime is levelled is in Spain.

n) Crimes of corruption between individuals or within international economic transactions, where:

1.º. the proceedings are brought against a Spanish citizen;

2.º. the proceedings are brought against a foreign citizen whose habitual place of residence is in Spain;

3.º. the crime was perpetrated by a director, administrator, employee or collaborator of a commercial undertaking, company, association, foundation or organisation based in Spain or with a registered address in Spain; or

4.º. the proceedings are brought against a legal entity, undertaking, organisation, groups or any other nature of body or association of people that is based or has a registered address in Spain.

o) Crimes regulated in the Council of Europe Convention of 28 October 2011 on the counterfeiting of medical products and similar crimes involving threats to public health, where:

1.º. the proceedings are brought against a Spanish citizen;

2.º. the proceedings are brought against a foreign citizen whose habitual place of residence is in Spain;

3.º. the proceedings are brought against a legal entity, undertaking, organisation, groups or any other nature of body or association of people that is based or has a registered address in Spain;

4.º. the victim possesses Spanish nationality at the time when the acts were perpetrated; or

5.º. the crime was perpetrated against an individual whose habitual place of residence was in Spain when the acts took place.

p) Any other crime entailing mandatory prosecution under a Treaty that is in force in Spain, or other regulatory acts of an international organisation of which Spain is a member, in the cases and under the conditions therein stipulated.

Furthermore, Spanish jurisdiction will also have competence to try the aforementioned crimes where they are perpetrated outside Spanish territory by foreign citizens who are in Spain and whose extradition has been refused by the Spanish authorities, where this is stipulated by a Treaty that is in force in Spain.

5. The crimes referred to in the preceding paragraph will not be prosecuted in Spain in the following cases:

a) Where proceedings to investigate and try a crime have been initiated in an International Court constituted according to Treaties and Conventions to which Spain is a party.

b) Where proceedings to investigate and try a crime have been initiated in the State where the acts took place, or in the State of which the individual against whom the charge of perpetration is levelled is a national, where:

1.º. the individual charged with perpetrating the crime is not in Spanish territory; or

2.º. proceedings have been initiated to extradite the individual in question to the country where the crimes were committed, or of which the victims are nationals, or to bring this individual to trial before an International Court, save where the extradition is not authorised.

The stipulations of paragraph b) will not apply where the State that exercises its jurisdiction is unwilling or genuinely unable to carry out the investigation, and this circumstance is recognised by the Second Chamber of the Supreme Court, to which the Judge or Court will provide grounds.

In order to determine whether unwillingness exists within a particular case, having regard to the principles of due process recognised by international law, ponderation of whether one or more of the following circumstances exist will be carried out, as applicable:

a) The proceedings were initiated or are now underway or the national decision was made for the purpose of shielding the person concerned from criminal responsibility.

b) There has been an unjustified delay in the proceedings which, in view of the circumstances, is inconsistent with the intent to bring the person concerned to justice.

c) The proceedings were not or are not being conducted independently or impartially, and they were or are being conducted in a manner which, in view of the circumstances, is inconsistent with the intent to bring the person concerned before justice.

In order to determine incapacity to investigate or try a given case, attention will focus on whether the State, as a result of the complete or substantial collapse of its national administration, or in view of its lack thereof, is unable to make the accused appear, lacks the necessary evidence and testimony or, for other motives, is ill-equipped to carry out the trial.

6. The crimes referred to in paragraphs 3 and 4 shall only be subject to prosecution in Spain where action has been brought by the injured party or the State Prosecutor's Office.

Article 24.

The Spanish jurisdiction of the contentious-administrative courts will be competent in any event when the suit refers to general provisions or acts by any of the Spanish Public Administrations. It will also hear all matters arising from Spanish public authorities in the terms provided by the laws.

Article 25.

In labour matters, the Spanish Courts and Tribunals will be competent in the following cases:

1.º. Rights and obligations stemming from employment contracts when the services have been rendered in Spain or when the contract has been executed in the Spanish territory; when the defendant is domiciled in the territory of Spain or an agency, branch or representative office in Spain; when the worker and the employer are Spanish nationals regardless of the place where the services were rendered or the employment contract was executed; and additionally in the event of sea-workers if prior to the contract an offer was made in Spain to a Spanish worker;

2.º. Compliance with the law of collective wage agreements executed in Spain and any claims arising from labour disputes that take place in the territory of Spain:

3.º. Social Security claims against Spanish companies or entities which have a registered address, branch, office or any other representation in Spain.

TITLE II

Staffing and Territorial Organization of the Courts

CHAPTER I

COURTS AND TRIBUNALS

Article 26.

Capacity to exercise judicial authority is conferred on the following Courts and Tribunals:

- Justices of the Peace.
- Courts of First Instance and Examining Magistrate's Courts, Commercial Courts, Courts for Violence against Women, Criminal Courts, Administrative Courts, Labour Courts, Juvenile Courts and Prison Supervision Courts.
- Provincial Courts.
- High Courts of Justice.
- The National High Court.
- The Supreme Court.

Article 27.

1. If a Division of the Court has one or more Sections they will be referred to by ordinal numbers.
2. In cities in which one or more courts exist of the same jurisdictional division and of the same rank, they will be designated by cardinal numbers.

Article 28.

Repealed

Article 29.

1. The staffing of the Courts will be established by law. It will be revised at least once every five years following a report issued by the General Council of the Judiciary to adapt it to new requirements.
2. Review of staffing requirements may be requested by the Autonomous Communities with competencies in the Administration of Justice in order to suit to the specific needs of their territory.

CHAPTER II

TERRITIOIAL DIVISION OF THE JUDICIARY

Article 30.

The Spanish State is divided for judicial purposes in councils, districts, provinces and Autonomous Communities.

Article 31.

The local council refers to the administrative borough which bears the same name.

Article 32.

1. A district is a territorial division consisting in one or more coterminous councils belonging to the same province.
2. Districts may be modified in view, when applicable, of the number of suits, characteristics of the population, systems of communication and the region.
3. A district may have the same territorial limits as the province.

Article 33.

The borders of a province will agree with the territorial limits of the administrative division which bears the same name.

Article 34.

The territorial jurisdiction of the High Courts of Justice will be the area of the Autonomous Region.

Article 35.

1. Judicial boundaries, determining the territory falling under the jurisdiction of judicial bodies, will be determined by law or, in those cases expressly envisaged in this regulation, by royal decree.
2. To this end, the Autonomous Regions will participate in the determination of judicial boundaries within their respective territories, forwarding to the Government, at its behest, a proposal outlining the administrative areas.
3. The Ministry of Justice, having studied the proposals of the Autonomous Regions, will draw up the corresponding regulatory provision, on which the General Council of the Judiciary will issue its report within a deadline of two months.
4. Once the aforementioned reports have been issued, the Government will commence processing the corresponding draft legislation.
5. Judicial boundaries will be reviewed every five years, or beforehand where such action proves necessary, via a law drawn up in accordance with the previously established procedure.
6. The Autonomous Regions, having forwarded a report to the General Council of the Judiciary, will determine, by law, capital status within administrative areas.

Article 36.

The creation of branches and Courts is vested in the Government when it does not entail any amendment of the judicial district, provided however that the Autonomous Region affected by this measure has been heard and also the General Council of the Judiciary.

Article 37.

1. The Ministry of Justice or the competent body within the Autonomous Region with judicial competencies shall provide the Courts and Tribunals with the necessary resources to perform their functions in a fully independent and efficient manner.
2. To that purpose, the General Council of the Judiciary will prepare an itemised report explaining the resources required on a yearly basis and submit it to the Ministry of Justice or to the competent body within the Autonomous Region

TITLE III

Conflicts of Jurisdiction and Competency Disputes

CHAPTER I

JURISDICTIONAL CONFLICTS

Article 38.

1. Jurisdictional conflicts between Courts and Tribunals of any nature will be settled by a panel chaired by the President of the Supreme Court, and by five other members, two of them will be Judges from the Contentious Administrative Division of the Supreme Court designated in a Plenary Session of the General Council of the Judiciary and the other three members will be Permanent Privy Counsellors of State. The Secretary to this Panel will be the Secretary of the Board of Governance of the Supreme Court.

2. The Presiding Judge will always have the casting vote in the event of a draw.

Article 39.

1. Jurisdictional conflicts between Courts and Tribunals of any nature belonging to the ordinary jurisdiction and the military courts will be solved by the Conflicts of Jurisdiction Division chaired by the President of the Supreme Court and comprising two Senior Judges of the Supreme Court from the division that gave rise to the dispute and two senior judges of the military court all of them appointed at a Plenary Session of the General Council of the Judiciary. The Secretary to the Governance Board of the Supreme Court will act as Secretary thereat.

2. The Presiding Judge will always have the casting vote in the event of a draw.

Article 40

The members of the decision-making panels contemplated in the two preceding sections will be renewed on an annual basis.

Article 41

The filing, legal proceedings and resolution of jurisdictional conflicts will comply with statutory provisions thereon.

CHAPTER II

COMPETENCY DISPUTES

Article 42.

Competency disputes between courts and tribunals of different jurisdictional divisions within the Judiciary will be solved by a Special Division of the Supreme Court chaired by its President and two Judges, one from each jurisdictional division in conflict annually appointed by the Board of Governance. The Secretary to the Board of Governance of the Supreme Court will also act as the Secretary of this special division.

Article 43.

Competency disputes in which a Judge stands down or passes the case on may originate either ex officio or at the request of the parties or of the State Prosecutor insofar the suit has not concluded with a final judgment, except if the conflict refers to enforcement of the judgment rendered.

Article 44.

The criminal jurisdiction shall always prevail. No Court or Tribunal may lodge a writ of prohibition questioning the competency of any body within the criminal division.

Article 45.

Competence disputes will record the grounds leading to the dispute, the legal provisions on which such claim is based, whereafter the Court or Tribunal once it has heard the parties and the State Prosecutor for a joint period of ten days, will resolve by means of a writ whether it is shall pass on the suit or else request the jurisdictional body currently hearing the matter to refrain from doing so.

Article 46.

1. The writ of prohibition will include a testimony of the writ issued by the requesting Court or Tribunal, pleadings of the parties and of the State Prosecutor, including any other particulars considered appropriate to justify its cognizance of the suit.
2. The recipient Court will have a ten day period to hear the parties and the State Prosecutor jointly after which it will issue a writ affirming or restraining its competency.

Article 47.

- 1.If the Court does not comply with the prohibition request, it will notify it to the requesting Court, and both Courts will refer the proceedings to the Conflicts' Division, retaining each of them testimony of the documents submitted as may be required to comply with the provisions of Article 48 (2).
2. The Conflicts' Division, after having heard the Public Prosecution within the term of ten days, will render a decision on the dispute which is final and not subject to further appeal. The writ so issued will provide a final solution to the dispute of competency.

Article 48.

1. From the moment in which a writ waiving or affirming the jurisdiction of the Court has been issued, and the Judge or Court in question has been notified of this, the legal proceedings arising from such dispute will be suspended.
2. Notwithstanding the foregoing, stay of proceedings will not include preliminary or cautionary measures in progress regardless of whatever jurisdictional divisions may be conflict provided that they are urgent or necessary and in the event that they are not adopted, the damage caused would be necessary guarantees to protect the rights and interests of the parties involved as well as public interest.

Article 49.

Judgments delivered in the course of competency disputes are not subject to any ordinary or extraordinary appeal.

Article 50

1. The final decision rendered in which the aforementioned jurisdictional division to which Article 6, paragraph (9) above refers to considers that it declines its jurisdiction may be appealed within the term of ten days on the grounds of default of jurisdiction.

2. The appeal will be lodged before the Court that issued the decision which after having heard the parties of the suit will submit the proceedings to the Conflicts' Division.

3. The Division will claim from the Court or Tribunal which waived its jurisdiction to submit the proceedings and having heard the State Prosecutor within the term of ten days it will issue a writ in the following ten days.

CHAPTER III

COMPETENCY DISPUTES

Article 51.

1. Competency disputes between Courts and Tribunals of the same jurisdictional order will be solved by the immediately highest court in the hierarchy pursuant to the provisions set out in procedural laws.

2. The decision of a Court to waive its competence must include notice of the Court or body which is deemed competent.

Article 52.

Competency issues may not be invoked between Courts or Tribunals which are mutually subordinate of each other. The higher Judge or Court will render a decision in any event affirming its competence and without further appeal after having heard the parties and the State Prosecutor within the joint term of ten days. Following which either the proceedings conducted by the lower Court or Judge will be submitted to the higher court or else these will be referred to the lower court.

TITLE IV

Composition and powers of jurisdictional bodies

CHAPTER I

THE SUPREME COURT

Article 53.

The Supreme Court sits in the city of Madrid and is the highest Court of all jurisdictions, except with regard to constitutional guarantees. Its scope of jurisdiction encompasses all the territory of Spain and no other Court may be referred to as Supreme

Article 54.

The Supreme Court will consist in a President, the Chief Justices of the Divisions and Associate Senior Judges as provided by law for each of the divisions, and when applicable, Sections which may exist.

Article 55.

The Supreme Court comprises the following divisions:

First Division: Civil jurisdiction

Second Division. Criminal jurisdiction

Third Division: Contentious-Administrative jurisdiction

Fourth Division: Labour jurisdiction

Fifth Division: Military jurisdiction governed by its Statute and in default of the latter by this Act and by the common provisions applicable to the other Divisions of the Supreme Court.

Article 55 bis.

In addition to the competencies attributed to the Civil and Criminal Chambers of the Supreme Court in articles 56 and 57, these Chambers will process and try civil and criminal actions, respectively, lodged against the Queen consort or the consort of the Queen, the Princess or Prince of Asturias and his or her consort, and against a King or Queen who has abdicated and his or her consort.

Article 56.

The Civil Division of the Supreme Court will hear:

1.º. Cassation, revision and other extraordinary appeals arising from civil suits as provided by Law.

2.º. Liability in tort arising from actions carried out in office by the President of Spain, the Speaker of both Houses, the President of the Supreme Court, the President of the General Council of the Judiciary, the President of the Constitutional Court, members of the Cabinet, Members of Parliament, Standing Members of the General Council of the Judiciary, Sitting Members of the Constitutional Court and the Supreme Court, the Presiding Judge of the Audiencia Nacional and of any of its Divisions, Chief Justices of High Courts of Justice, the Crown Prosecutor, Supreme Court Prosecutors, the President and the Permanent Members of the Court of the Exchequer, the President and Permanent Members of the Privy Council of State, the Ombudsman, the President and Counsellors of Autonomous Regions when so established in their Regional Statute.ç

3.º. Liability in tort filed against Judges of the Crown Court (Audiencia Nacional) and of the High Court of Justice for actions carried out in the discharge of their duties.

Article 57.

1. The Criminal Chamber of the Supreme Court shall hear:

1.º. Appeals for annulment, appeals for review and other extraordinary appeals within criminal matters that might be established by law.

2.º. The examination and trying of proceedings brought against the President of the Government, the Presidents of the Chamber of Deputies and of the Senate, the President of the Supreme Court and of the General Council of the Judiciary, the President of the Constitutional Court, Members of the Government, Deputies and Senators, Members of the General Council of the Judiciary, Magistrates of the Constitutional Court and of the Supreme Court, the President of the National High Court and of any of its Chambers and the Presidents of the High Courts of Justice, the State Prosecutor General, State Prosecutors attached to the Chambers of the Supreme Court, the President and Counsellors of the Court of Auditors, the President and Counsellors of the Council of State and the Ombudsman, along with any proceedings that might be determined by the Statutes of Autonomy.

3.º. The examination and trying of proceedings against Magistrates of the National High Court or of a High Court of Justice.

4.º. Other matters attributed to it via this Law.

5.º. Independent seizure procedures for those crimes they are competent to hear.

2. In the proceedings referred to in points two and three of the preceding paragraph, an examining magistrate will be selected from amongst the members of the Chamber, via a

predetermined roster, who will not form a part of the Chamber for the purpose of trying said proceedings.

Article 58.

The Contentious Administrative Division of the Supreme Court will hear the following suits:

First. In first instance, all administrative appeals against decisions passed by the Cabinet, the Standing Committees of the Government and by the General Council of the Judiciary and against actions and legal provisions issued by the competent bodies of Parliament, the Constitutional Court, the Court of the Exchequer and the Ombudsman, subject to the terms and matters contemplated by Law and likewise any other appeals which exceptionally may be vested by law in this Division.

Second. Revision and cassation appeals in the terms established by the laws.

Article 59.

The Labour Division of the Supreme Court will hear cassation and revision appeals and other extraordinary appeals vested in this Division by law.

Article 60.

1. Each of the Divisions of the Supreme Court will also be competent to hear any plea challenging any of the Judges who sit in any of the Divisions and in competency disputes between Courts or Tribunals of the same jurisdiction which have no other Court as their immediate superior in rank.

2. For these purposes, the Magistrates who have been challenged shall not form part of the Chamber.

Article 61.

1. A Division consisting in the President of the Supreme Court, the Chief Justices of each Division and the most senior and junior judge of each division will hear:

1.º. Revision appeals against rulings given in first instance by the Contentious-Administrative Division of this Court.

2.º. Pleas challenging the President of the Supreme Court, the Chief Justices of any of the Divisions, or two or more judges of a Division. In this case, those judges who have been challenged will be replaced by another officers.

3.º. Liability in tort suits addressed against the Chief Justices of any Division or against the majority of judges of a Division for actions carried out while performing their duties.

4.º. Committal and hearing stage of suits filed against the Chief Justices of any Division or against the majority of Judges of a Division when all or most of these judges are being tried.

5.º. Suits filed for judicial errors when the matter has been heard by a Supreme Court Division.

6.º. Banning and subsequent dissolution of a political party in the terms foreseen in Spanish Public General Act (Ley Orgánica) 6/2002, June 27th – The Political Parties Act.

2. With regard to the proceedings contemplated in indent 4) f the preceding Article, a Magistrate Rapporteur will be designated amongst the Judges of that Division pursuant to an agreed system of rotation. The Reporter will not be part of the panel which hears the suit.

3 A Division made up by the President of the Supreme Court, the Chief Justice of the Contentious Administrative Division and five other Judges of that Division, two of them chosen among the most senior judges and three of them among the most junior judges will hear cassation appeals for a Practice Statement when conflicting views exist between judgments given in the same instance by different Sections of that same Division.

Article 61 bis.

1. The Supreme Court will boast a Technical Office, which will assist the Presidential Office and the various Chambers in the procedures to admit the cases they are to hear and by drawing up the studies and reports that they might request. They will also provide support to the special Chambers to deal with those cases assigned to them.

2. The Technical Office is made up of a Director and members of the Judiciary and other jurists, who will be afforded the title of Technical Office Officials (Letrados del Gabinete Técnico).

3. For the aforementioned purposes, the Technical Office will have a department for each jurisdictional sphere. Each department can contain a section for Admission and another section for Studies and Reports. A Technical Office Official may be assigned to the Fifth Chamber, for Military Matters.

The Officials will provide their services in the various departments in accordance with their professional specialisation.

4. Each department will contain one or more Technical Office Official who will perform the role of coordinating members of the Technical Office within the department. They will be appointed by the President of the Supreme Court, preferably from amongst Jurists who form a part of the Judiciary, and they must have served for at least ten years within their respective profession.

5. The Ministry of Justice, having heard the Governing Chamber of the Supreme Court and subsequent to the report issued by the General Council of the Judiciary and the authorising report issued by the Ministry of the Treasury and Public Administrations, will determine the composition and personnel of the Technical Office.

Under exceptional circumstances, as a temporary measure that is duly justified, at the proposal of the General Council of the Judiciary and having heard the Governing Chamber of the Supreme Court, the Ministry of Justice may assign additional members to the service of the Technical Office for a maximum period of one year.

Article 61 ter.

Directorship of the Technical Office will be undertaken by the President of the Supreme Court or, where he or she delegates, by the Vice-President of the Supreme Court.

Article 61 quater.

1. The Plenary of the General Council of the Judiciary will appoint the Director of the Technical Office, upon the binding proposal of the President of the Supreme Court, having accredited the legally required requisites to occupy the post of Magistrate of the Supreme Court, a title he or she will hold, for representative purposes, whilst performing this role.

2. The Officials who are to serve in the Technical Office will be selected via a selection process based on merit and selection criteria will be outlined in the announcement of the selection process.

Officials who are not members of the Judiciary or the State Prosecutor's Office must pertain to the Body of Judicial Administration Clerks or serve as civil servants within Public Administrations or constitutional bodies, holding a degree in Law, pertaining to Subgroup A1 or the equivalent.

The Standing Committee of the General Council of the Judiciary will announce the opening of the selection process, at the suggestion of the President of the Supreme Court, who will previously hear, the Governing Chamber of this Court in order to establish the selection criteria.

3. The President of the Supreme Court, having heard the Presidents of the Chambers and the Director of the Technical Office, will submit the proposed candidates to cover vacancies as Technical Office Officials to the Governing Chamber for approval.

4. The President of the Supreme Court will place the proposal of the Governing Chamber of the Supreme Court before the Plenary of the General Council of the Judiciary in order to have it proceed with appointing those who are occupy posts as Technical Office Officials.

Article 61 quinquies.

1. Those officials who are selected will be appointed for a period of one year. Once this period has elapsed, the President of the Supreme Court, having heard the President of the Chamber in question and the Director of the Technical Office, will, where applicable, propose an extension to the occupancy of the post, employing the same procedure used for the initial appointment. Officials' service in the post can be extended for successive three-year periods. Notwithstanding the above, Officials can be dismissed by the President of the Supreme Court for a serious breach of duty.

2. The Director of the Technical Office and the Officials will be declared to be have the administrative status of being on special service within the Career or Body of origin.

3. For the purposes of calculating seniority within the Judiciary, Judges and Magistrates who occupy posts as Technical Office Officials will have the services they provide within the corresponding jurisdictional sphere in the corresponding Technical Office department taken into account.

This provision will also apply for the purposes of calculating seniority within the Body of Judicial Administration Clerks for those occupying the post of Technical Office Official.

Article 61 sexies.

The Governing Chamber, at the suggestion of the President of the Supreme Court, will approve the operational regulations of the Technical Office.

CHAPTER II

THE HIGH COURT (AUDIENCIA NACIONAL)

Article 62.

The seat of the Audiencia Nacional is Madrid and its jurisdiction encompasses all the territory of Spain.

Article 63.

1. The Audiencia Nacional is made up of a Chief Justice, the Chief Justices of each of its Divisions and the judges established by law for each of its Divisions and Sections.

2. The Chief Justice of the Audiencia Nacional will have the same treatment as the President of the Supreme Court and by virtue of his appointment he is the president of all its Divisions.

Article 64.

1. The Audiencia Nacional comprises the following divisions

Appellate Division

Criminal Division

Contentious-Administrative Division

Labour Division

2. In view of the number of suits, two or more Sections may be created within the same Division.

Article 64 bis.

1. The Appellate Court of the Audiencia Nacional will hear appeals of this nature as provided by Law against sentences given by the Criminal Division.

2. When in view of the nature and Ongoing work load warrants it, the judges sitting in this Division, following a favourable resolution from the Board of Governance may be ascribed by the General Council of the Judiciary either on a full or part-time basis, without this entailing any increase in their remuneration to another Division.

In order to qualify for this transfer, seniority in the judicial career, specialisation and experience of the candidate judges will be considered, and where possible, their own personal preferences.

Article 65.

The Chamber of Criminal Matters of the High Court shall hear:

1.º. The trying of proceedings involving the following crimes, save where this corresponds at first instance to the Central Courts of Criminal Matters:

a) Crimes against the holder of the Crown, their Consort, their Successor, the senior bodies of the Nation and the form of Government.

b) Counterfeiting of currency and the manufacture of false credit and debit cards and false traveller's cheques, where committed by criminal organisations or groups.

c) Defraudment and schemes to alter the price of items that produce or may produce serious repercussions within the national economy or detriment to the assets of a large number of people in the jurisdictions of more than one Provincial Court.

d) The trafficking of drugs or narcotic substances, fraud entailing foods, pharmaceutical substances or medicines, where they are committed by criminal organisations or groups and produce effects in areas involving the jurisdiction of more than one Provincial Court.

e) Crimes perpetrated outside the national territory, where, in accordance with laws or treaties, they are to be tried by Spanish Courts.

In any event, the competence of the Criminal Chamber of the National High Court will extend to crimes related to all of the aforementioned offences.

2.º. Criminal proceedings initiated overseas, the enforcement of judgments issued by foreign Courts and the serving of prison sentences imposed by foreign Courts, where, by virtue of an international treaty, Spain is charged with continuing criminal proceedings initiated overseas, enforcing a foreign criminal judgment or executing a sentence or security measure involving imprisonment, save in those cases where this Law assigns any of these competencies to another criminal judicial body.

3.º. Questions of deferment of jurisdiction in criminal matters deriving from the fulfilment of international treaties to which Spain is a signatory.

4.º. Appeals relating to the instruments for mutual recognition in criminal matters within the European Union assigned to it by law, and the resolution of extradition requests addressed to Spain, irrespective of the place of residence or the place of arrest of the individual to whom the proceedings relate.

5.º. Appeals set out by law against judgments and other rulings of the Central Courts of Criminal Matters, the Central Examining Magistrate's Courts and the Central Juvenile Court

6.º. Appeals against rulings issued by the Central Prison Supervision Courts, in accordance with the stipulations of the fifth additional provision.

7.º. Independent seizure procedures for those crimes they are competent to hear.

8.º. Other matters attributed to it by law.

Article 66

The Contentious Administrative Division of the Audiencia Nacional will hear the following matters:

- a) In sole instance, administrative appeals against legal provisions and acts by Cabinet Ministers and State Secretaries which cognizance the law has not vested in the Central Contentious- Administrative Courts.
- b) In sole instance, administrative appeals against decisions by the Supervisory Committee of Terrorism Financing Activities. It will also hear of any envisaged extension of the terms submitted by the aforementioned Supervisory Committee applicable to the measures foreseen in Article 1 and 2 of Spanish Act 12/2003 - Prevention and Blockage of Terrorist Activities.
- c) Cognizance of appeals against resolutions given by the Central Contentious-Administrative Courts when so established by law.
- d) Appeals which are not heard in the High Courts of Justice regarding Agreements entered into by the Public Authorities and resolutions from the Central Comptroller Court and any other
- e) Conflicts of jurisdiction between the Central Contentious Administrative Courts and other exceptional appeals vested in this judicial body by law.

Article 67

The Labour Division of the High Court will hear in sole instance:

- 1.º. Special proceedings to challenge collective agreements when their scope of application exceeds the territory of an Autonomous Region.
- 2.º. Proceedings referred to labour disputes when the decision rendered will have effects beyond the territory of an Autonomous Region.

Article 68

- 1. Each division of the High Court will hear any motions for challenging the judges which are part of any of its divisions.
- 2. To these purposes, the challenged judges will not sit at that Division.

Article 69

A division made up of the Chief Justice of the High Court, the Chief Justices of each Division and the most senior and junior judge of each division or the deputising judges for these will hear any incidents for the recusation of the Chief Justice, the Chief Justices of each Division or of two Judges who sit in the same division.

CHAPTER III

THE HIGH COURTS OF JUSTICE

Article 70.

The High Court of Justice of the Autonomous Region will be the highest judicial body in the territory of each Community notwithstanding the jurisdiction of the Supreme Court.

Article 71.

Each High Court of Justice will be referred to with the name of the respective Autonomous Community and its jurisdiction will extend to all its territory.

Article 72.

1. The High Court of Justice is divided into the following divisions: Civil, Criminal, Contentious-Administrative and Labour Divisions
2. Its functional structure consists in a Chief Justice who is also the Chief Justice of the Civil and Criminal Divisions and will have the rank of a Supreme Court Justice while in office, of the Division Chief Justices and Judges established by law for each division and where applicable, of the Sections into which each Division may be divided.

Article 73.

1. The Civil and Criminal Division of the High Court of Justice will hear as a Civil Division:
 - a) Of the cassation appeal established by Law against resolutions passed by civil judicial bodies located in the territory of the Autonomous Region provided that the grounds for appeal are based on a breach of civil, territorial or special law for that Community and provided further that the Statute of the Autonomous Region has vested in this judicial body the aforementioned jurisdiction.
 - b) Extraordinary review appeal established by Law against decisions given by courts of civil jurisdiction which have a seat in the territory of the Autonomous Region based on a breach of civil, territorial or special law for that Community and provided further that the Statute of the Autonomous Region has vested in this judicial body the aforementioned jurisdiction.
 - c) The functions of supporting and reviewing arbitration established by law, along with requests for the enforcement of arbitration awards or foreign arbitration, where, in accordance with the matters agreed in treaties or regulations of the European Union, these issues are not to be heard by another Court or Tribunal.
2. This Division will also hear:
 - a) In sole instance, civil liability suits for actions carried out in the discharge of office by the Chief Justice, members of the Government and the of the Parliament of that Autonomous Region when cognizance of these issues has not been vested in the Supreme Court by the Statute of the Autonomous Region.
 - b) In sole instance, civil liability suits for actions perpetrated in the discharge of office by all or the majority of judges of a Provincial Court or of any of its divisions.
 - c) Conflicts of jurisdiction between civil Courts which have their seat in the territory of the Autonomous Region when there is no other higher court to hear this matter.
3. As a Criminal Division, it will hear:
 - a) Criminal proceedings which are to be heard at the High Courts of Justice as provided by the Statute of the Autonomous Region.
 - b) Preliminary inquiries and decisions on criminal proceedings against judges, magistrates, Public Prosecution officers for any offences or infractions perpetrated by them in the discharge of their duties in the Autonomous Region when jurisdiction over these matters is not vested in the Supreme Court.
 - c) It will hear appeals against sentences given in first instance by Provincial Courts and any other appeals vested in them by Statute.
 - d) Decisions on conflicts of jurisdiction between criminal courts which have their seat in the territory of the Autonomous Region when there is no higher court that may hear this matter.
 - e) Independent seizure procedures for those crimes they are competent to hear.
4. In order to conduct the proceedings mentioned in paragraphs a) and b) above, an examining judge will be designated amongst the judges of the division who will not seat with the other judges to hear the suit.
5. It is also competent to hear conflicts of jurisdiction between Juvenile Courts belonging to different provinces of the Autonomous Region.
6. Where it proves advisable, in view of the number of cases, one or more Sections can be created and even a Chamber of Criminal Matters with its own jurisdiction in those capitals that

are already the seats of other Chambers of the High Court, for the sole purpose of hearing the appeals referred to in letter c) paragraph 3 of this article and other appeals that the laws assign to the High Court of Justice.

Appointments to the post of Magistrate of these Sections or Chambers, proposed by the General Council of the Judiciary, will fall to those Magistrates who, holding the status of specialist within the criminal sphere, obtained by successfully completing the selection exams determined by the General Council of the Judiciary in Regulations, are ranked highest. Where such candidates are not forthcoming, appointments will fall to those Magistrates who, having served within the criminal jurisdictional sphere for ten years, within the fifteen-year period immediately prior to the announcement of the selection process, are highest ranked. Seniority in mixed bodies will be calculated in the same manner for these purposes. Failing this, the appointment will fall to the individual who is highest ranked.

Article 74.

1. Contentious administrative divisions of the High Courts of Justice will also hear in sole instance appeals against:

a) Acts by the Local Councils and the administrative bodies of the Autonomous Regions when their cognizance is not vested in the Contentious Administrative Courts.

b) General provisions issued by the Autonomous Regions and Local Councils.

c) Acts and general provisions of the governing bodies of the legislative bodies of the Autonomous Communities, and comparable institutions to the Exchequer Courts and the Ombudsman referred to personnel, administration and financial issues.

d) Actions and decisions by the Regional Commissioners for Tax (Tribunales Económico-Administrativos) against which no further administrative appeal or remedy is available.

e) Decisions given on review by the Central Commissioners for Tax Tribunal referred to taxes assigned to Autonomous Regions.

f) Acts and provisions by the Provincial Election Boards and Autonomous Regions, and administrative electorate appeals on the designation of appointed officers and on the election and appointment of Chief Justices of Local Councils under the terms of electorate law.

g) Agreements between different public administrations with jurisdiction in the territory of the Autonomous Region.

h) Banning or submitting amendments to meetings foreseen in the Public General Act of Association.

i) Acts and resolutions passed by State public administrations with jurisdiction over all the territory of Spain ranking below a Cabinet Minister or a State Secretary in matters concerning personnel, special properties and condemnation proceedings.

j) Any and all other administrative proceedings not vested expressly in other bodies of this jurisdictional body.

2. On appeal they are competent to hear appeals against resolutions and writs passed by contentious administrative courts and complaints.

3. They are also competent to hear pursuant to the terms of this Act any review appeals against final decisions rendered by contentious-administrative courts.

4. They will also hear conflicts of jurisdiction between contentious administrative courts located in the territory of the Autonomous Region.

5. They will hear the cassation appeal for a practice statement in the cases foreseen in the Statute of Contentious Administrative Jurisdiction (Ley reguladora de la Jurisdicción Contencioso-Administrativa).

6. Cassation appeals based on public interest foreseen in the Statute of Contentious Administrative Jurisdiction.

Article 75.

The Labour Division of the High Court of Justice will hear:

- 1.º. In sole instance all legal proceedings established by statute which refer to the interests of workers and employers which exceed the jurisdiction of Labour Courts but do not go beyond the territory of the Autonomous Region.
- 2.º. Appeals established by Law against resolutions given by Labour Courts, review appeals and other appeals foreseen by Law against decisions rendered by commercial courts of the Autonomous Region concerning labour matters and which refer to interlocutory insolvency proceedings on the same subject matter.
- 3.º. Conflicts of jurisdiction between Labour Courts of the same Autonomous Region.

Article 76.

Each division of the High Court of Justice will hear any recusations filed against their Judges when cognizance of this matter is not vested in the division mentioned in the following article.

Article 77.

1. A Division integrated by the Chief Justice of the High Court of Justice, the Chief Justices of each Division and the most junior judge of each of them will hear any recusation incidents against the Chief Justice, the Chief Justices of each Division or the Chief Justices of the Provincial Courts located in the territory of the Autonomous Region or concerning recusation of two or more judges of a Provincial Court Division.
2. The challenged judge may not sit at that Division and he will be duly replaced by a deputy judge in the terms of this Act.

Article 78.

When the number of cases sourcing from different provinces or if certain circumstances warrant it, contentious administrative or labour divisions with limited jurisdiction over one or several provinces of the Autonomous Region may be created, and their seat will be at the capital of said Community. These Divisions will be made up of a Chief Justice and will be completed when applicable by judges from the Provincial Court where it has its seat.

Article 79.

The law on organization and staffing of the Courts may reduce the number of judges in a given High Court of Justice considering the number of cases effectively being handled and in that case, the Divisions will be restructured in terms of a Chief Justice and by the Chief Justices of divisions and judges determined by that law.

CHAPTER IV

PROVINCIAL COURTS

Article 80.

1. Provincial Courts will have their seat in the capital of the province which name they take and their jurisdiction will encompass all the territory of that province notwithstanding article 82 (4) hereunder.
2. A number of Provincial Court divisions may be created outside the capital of the province which will have jurisdiction over one or more judicial districts.
3. In any event, following a report by the corresponding Board of Governance, the General Council of the Judiciary may agree that certain matters should be vested exclusively in a certain division of the Provincial Court which will have venue over all the territory even if one

or more of its divisions are located outside its effective seat. This resolution will be published in the State Gazette.

Article 81.

1. Provincial Courts shall consist in one Chief Justice and two or more judges. They may also be divided into two or more divisions with the same structure in which case the Chief Justice of the Provincial Court will preside one of these divisions as determined by him at the beginning of his mandate.
2. When in view of the few cases heard by the Provincial Court it become advisable to downsize its staffing, it may consist in one or two judges, including the Chief Justice. In this case, the Provincial Court will be seconded for preliminary inquiries and adjudgment proceedings by the number of judges required from the High Court of Justice. To these purposes, the Board of Government will determine a roster for each judicial year,
3. Similarly, where the Administering of Justice is better served, the Sections of the Provincial Court can consist of four or more magistrates.
4. Appointment of judges to different sections will be made on a functional basis when these sections do not belong to different divisions or specialised areas. If this were the case, functional allocation may only be made between the same divisions or areas of specialisation.

Article 82.

1. Within the sphere of criminal matters, the Provincial Courts shall hear:

1.º. Proceedings relating to crimes, with the exception of those that, by law, are assigned to the Courts of Criminal Matters or other Tribunals envisaged in this Law.

2.º. Appeals established by law against the rulings issued by Examining Magistrate's Courts and Courts of Criminal Matters within the province.

To hear appeals against the rulings of Examining Magistrate's Courts in trials involving minor crimes, the Provincial Court will be presided over by a single Magistrate, chosen via roster.

3.º. Appeals established by law against the rulings in criminal matters issued by Courts for Violence against Women within the province. In order to facilitate the hearing of these appeals, and in view of the number of existing cases, one or more of the sections must specialise in this area, in accordance with the stipulations of article 98 of this Organic Law. This specialisation will extend to those cases wherein it falls to the Provincial Court to try, in first instance, cases examined by the Courts for Violence against Women within the province.

4.º. Provincial Courts will also hear appeals against the rulings of Juvenile Courts within the province and questions of competence involving such courts.

5.º. Appeals established by law against the rulings of the Prison Supervision Courts, where competence does not reside with the Chamber of Criminal Matters of the National High Court.

6.º. Independent seizure procedures for those crimes they are competent to hear.

2. Within the sphere of civil matters, the Provincial Courts shall hear:

1.º. Appeals established by law against the first-instance rulings issued by Courts of First Instance within the province.

To hear appeals against the rulings of Courts of First Instance that following fast-track civil procedures as a result of their number, the Provincial Court will be presided over by a single Magistrate, chosen via roster.

2.º. Appeals established by law against the first-instance rulings issued by Commercial Courts, except those issued in bankruptcy proceedings that resolve employment related questions, to which end one or more Sections should specialise, in accordance with the stipulations of article 98 of this Organic Law. These specialised Sections will also hear the appeals established by law against the ruling issued by Courts of First Instance within bankruptcy proceedings affecting individuals and individual actions relating to the general conditions of adhesion contracts.

3.º. Furthermore, the Section or Sections of the Provincial Court of Alicante specialising in the manner outlined in the preceding paragraph will also, at second instance and in an exclusive manner, hear all appeals referred to in article 101 of Council Regulation No. 40/941 of 20 December 1993 on the Community trade mark and in Council Regulation 6/2002 of 12 December 2001 on Community designs. In the exercise of this competence, its jurisdiction will extend to the entire national territory, and for this exclusive purpose they will be referred to as the Community Trade Mark Courts.

4.º. The Provincial Courts will also hear appeals established by law against the rulings in civil matters issued by Courts for Violence against Women within the province. In order to facilitate the hearing of these appeals, and in view of the number of existing cases, one or more of the Sections must specialise in this area, in accordance with the stipulations of article 98 of this Organic Law.

3. The Provincial Courts shall also hear:

1.º. Questions of competence in civil and criminal matters that arise between courts within the province that do not share a superior.

2.º. Objections to their Magistrates, where competence is not assigned to the special Chamber set up for this purpose in the High Courts of Justice.

Article 83.

1. Jury trials will be conducted in the jurisdiction of the Provincial Court or other Courts in the manner established by Law.

2. The members and faculties of the Jury will be determined by a specific Public General Act on Jury Trials.

CHAPTER V

CONCERNING COURTS OF FIRST INSTANCE AND EXAMINING MAGISTRATE'S COURTS, COMMERCIAL COURTS, COURTS OF CRIMINAL MATTERS, COURTS FOR VIOLENCE AGAINST WOMEN, ADMINISTRATIVE COURTS, LABOUR COURTS, PRISON SUPERVISION COURTS AND JUVENILE COURTS

Article 84.

In each judicial district there will be one or more First Instance and Examining Courts which will have their seat in the capital of that district and their jurisdiction shall refer to all that territory. They will be referred to by the name of the council where they have their seat.

Article 85.

First Instance Courts in the civil jurisdiction will hear the following matters:

1. In first instance all suits which are not vested in other Courts or Tribunals by law.

2. Voluntary appearance before the Courts as provided by Law.

3. Appeals foreseen by Law against resolutions of the Judges of Peace of their judicial district.

4. Conflicts of jurisdiction in civil matters between Judges of Peace

5. Requests for the recognition and enforcement of foreign judgments and other forms of judicial rulings and the enforcement of foreign arbitration awards or arbitration rulings, where, in accordance with the matters agreed in treaties or international regulations, these issues are not to be heard by another Court or Tribunal.

6. Concerning the bankruptcy of individuals who are not businessmen in the terms envisaged in the regulating Law.

Article 86.

Repealed

Article 86 bis

1. Generally, in each province, with jurisdiction over all its territory and seat in its capital, one or several commercial courts will be in place.
2. Commercial courts may be created in cities other than the capital of the province when the size of population, the existence of trade or industrial areas or economic considerations make it advisable, establishing in each case the scope of their jurisdiction.
3. Commercial courts may encompass one or more provinces of the same Autonomous Region except as otherwise provided in section 4 of this Article.
4. Commercial Courts of Alicante which are specialised by subject matter in the terms established by the aforementioned legal provision will hear also and in first instance on an exclusive basis all appeals mentioned in article 110 of EC Council Regulation 40/1994 of December 20th, 1994, - the Community Trademark and Council Regulation 6/2002 of the European Union of December 12th, 2001 on drawings and community models. In the exercise of this competence, their jurisdiction encompasses all the territory of Spain and to these purposes solely they will be designated as Community Trademark Courts.

Article 86 ter.

1. Commercial courts will hear all questions that arise in relation to bankruptcy, in the terms outlined in the regulatory Law, notwithstanding the stipulations of article 85.6. In any event, the jurisdiction of the bankruptcy judge will be exclusive and exclusionary in the following matters:
 - 1.º. Civil actions entailing assets that are lodged against the assets of the bankrupt party, with the exception of those that arise in proceedings relating to capacity, filiation, marriage and minors referred to in Title I of Book IV of Law 1/2000, of 7 January, of Civil Procedure. With the same scope, they shall hear the actions referred to in article 17.1 of the Law 22/2003, of 9 July, on Bankruptcy.
 - 2.º. Labour related actions for the purpose of the collective termination, modification or suspension of employment contracts wherein the employer is the bankrupt party, along with the suspension or termination of senior management contracts, notwithstanding that where these measures entail modification to the conditions established in the collective agreements applicable to these contracts, the agreement of workers' representatives will be required. When trying such matters, and notwithstanding the application of the specific regulations of the Law on Bankruptcy, the principles underlining statutory regulations and the labour procedure must be borne in mind.
 - 3.º. All enforcement affecting the assets and rights forming a part of the assets of the bankrupt party, irrespective of the body ordering the enforcement.
 - 4.º. All precautionary measures affecting the assets of the bankrupt party, with the exception of those adopted in civil procedures that are excluded from their jurisdiction in point 1. and notwithstanding the precautionary measures that might be ordered by arbitrators within arbitration proceedings.
 - 5.º. Measures that must be adopted within bankruptcy proceedings in relation to legal aid.
 - 6.º. Actions seeking to assign civil liability to company administrators, auditors or, where applicable, liquidators, for the detriment occasioned to the bankrupt party during the procedure.
2. Commercial courts will also hear any questions that fall under the competence of the civil judicial sphere in relation to the following:

- a) Litigation wherein actions relate to unfair competition, industrial property, intellectual property and publicity, along with any questions that arise within this judicial sphere in accordance with the regulations governing commercial undertakings and cooperatives.
 - b) Claims that arise in accordance with regulations relating to shipping, whether national or international.
 - c) Claims relating to the enforcement of Maritime Law.
 - d) Collective actions envisaged in the legislation relating to the general conditions of adhesion contracts and the protection of consumers and users.
 - e) Appeals against the rulings of the General Directorate of Registries and Notaries relating to the classification of the Companies Registrar, in accordance with the stipulations of the Mortgage Law with regards to this procedure.
 - f) Procedures for the enforcement of articles 81 and 82 of the Treaty establishing the European Community and the law deriving thereof, along with the procedures for the application of the articles determined by the Law for the Defence of Competition.
3. Commercial Courts have competence for the recognition and enforcement of foreign judgments and other forms of judicial rulings that fall within their remit, where, in accordance with the matters agreed in treaties or international regulations, these issues are not to be heard by another Court or Tribunal.

Article 87.

1. Within the sphere of criminal matters, Examining Magistrate's Courts shall hear:
- a) The examination of proceedings relating to crimes that are to be tried by the Provincial Courts or Court of Criminal Matters, with the exception of those cases that fall under the competence of the Courts for Violence against Women.
 - b) It also falls to them to issue plea bargained sentences in those cases established by law and in proceedings wherein the sanction proposed by the State Prosecutor is accepted.
 - c) Misdemeanour court hearings, issuing a sentence, except in those cases that fall under the competence of the Justices of the Peace or the Courts for Violence against Women.
 - d) "Habeus corpus" proceedings.
 - e) Appeals established by law against the rulings issued by Justices of the Peace within the administrative area and questions of competence that arise between them.
 - f) The adoption of protection orders for victims of violence against women when they are on police duty and providing that the order cannot be adopted by a Court for Violence against Women.
 - g) The issue and enforcement of instruments for the mutual recognition of criminal rulings within the European Union that are assigned to them by law.
 - h) Independent seizure procedures for those crimes they are competent to hear.
2. In addition, Examining Magistrate's Courts will hear in relation to the authorisation for the internment of foreigners in internment centres, and in relation to the review of their time spent in these centres and in the holding centres at border checkpoints. They will also hear the requests and complaints of those interned where they affect their fundamental rights.

Article 87 bis.

1. In each administrative area there will be one or more Courts for Violence against Women, based in the capital and with jurisdiction throughout the entire area. They will be named in accordance with the municipality in which they are based.
2. Notwithstanding the stipulations of current legislation on jurisdictional boundaries and judicial bodies, the Government, upon a proposal by the General Council of the Judiciary and, where applicable, with a report from the Autonomous Region with competencies in matters of

Justice, may determine via royal decree that Courts for Violence against Women extend their jurisdiction to cover two or more administrative areas within the same province.

3. The General Council of the Judiciary may decree, following a report from the Governing Chambers, that in those areas where it proves advisable, in view of the workload, the hearing of matters referred to in article 87 ter of this Organic Law will fall to one of the First Instance and Examining Magistrate's Courts, or Courts of First Instance, where applicable, determining in cases that a one of these bodies with hear all such matters within the administrative area, either exclusively or whilst hearing other matters.

4. In administrative areas with a single First Instance and Examining Magistrate's Court, it will be charged with hearing all matters referred to in article 87 ter of this Law.

Article 87 ter.

1. Within the sphere of criminal matters, the Courts for Violence against Women, with the procedures and appeals outlined in the Law of Criminal Procedure in all cases, shall hear:

a) The examination within proceedings to demand responsibility for the crimes outlined in the titles of the Penal Code relating to homicide, abortion, injuries, injuries to foetuses, crimes against freedom, crimes against moral integrity, crimes against sexual freedom and indemnity, crimes against privacy and the right to one's own image, defamation or any other crimes committed with violence or intimidation, where committed against the individual who is or has been the perpetrator's wife, or a woman linked to him by a similar close relationship, even where they do not live together, or where committed against the offspring, either his own or those of his wife or cohabiter, or against minors or incapable persons living with the perpetrator or who find themselves under his custody, tutelage or care or under the de facto guardianship of the spouse or cohabiter, where an act of gender-based violence has also been perpetrated

b) The examination within proceedings to demand responsibility for any crime against family rights and duties, where the victim numbers amongst the individuals indicated as such in the previous point.

c) The adoption of the corresponding protection orders for victims, notwithstanding the competencies attributed to the Judge on police duty.

d) The hearing and sentencing of minor crimes attributed to them by law, where the victim is any of the individuals defined as such in letter a) of this section.

e) Issuing plea bargained sentences in those cases established by law.

f) The issue and enforcement of instruments for the mutual recognition of criminal rulings within the European Union that are assigned to them by law.

g) The examination of processes to demand criminal responsibility for the crime of breaching outlined and sanctioned in article 468 of the Penal Code, where the person injured as a result of the breach of the sentence, precautionary measure or security measure is or has been the perpetrator's wife, or a woman linked to him by a similar close relationship, even where they do not live together, or where committed against the offspring, either his own or those of his wife or cohabiter, or against minors or incapable persons living with the perpetrator or who find themselves under his custody, tutelage or care or under the de facto guardianship of the spouse or cohabiter.

2. Within the sphere of criminal matters, the Courts for Violence against Women, with the procedures and appeals outlined in the Law of Criminal Procedure in all cases, shall hear the following matters:

a) Matters relating to filiation, maternity and paternity.

b) Matters relating to marriage annulment, separation and divorce.

c) Matters relating to parent-child contact.

d) Matters relating to the adoption or modification of measures that have bearing on the family.

e) Matters exclusively relating to the guardianship and custody of minor offspring or to alimony claimed from one parent by the other on behalf of offspring who are minors.

f) Matters relating to the need for authorisation within adoption.

g) Matters entailing a challenge to administrative rulings in the sphere of the protection of minors.

3. Courts for Violence against Women have exclusive and exclusionary competence in the sphere of civil matters where the following requisites are simultaneously met:

a) Where we are dealing with a civil procedure for the purposes outlined in point 2 of this article.

b) Where any of the parties in the civil procedure are victims of gender-based violence, in the terms outlined in paragraph 1 a) of this article.

c) Where any of the parties in the civil procedure are accused as the perpetrator, instigator or essential collaborator in relation to acts of gender-based violence.

d) Where criminal proceedings for a crime or misdemeanour as a result of an act of violence against a woman have commenced before a Judge for Violence against Women, or a protection order has been adopted in relation to a victim of gender-based violence.

4. Where the Judge deems that the events that he or she is to ponder blatantly do not entail gender-based violence, the claim can be declared inadmissible and referred to the competent judicial body.

5. In all cases, mediation is prohibited.

Article 88.

The city of Madrid will be the seat of one or more Central Examining Magistrate's Courts, with jurisdiction throughout Spain, which will examine cases that are to be tried before the Chamber of Criminal Matters of the National High Court, or, where applicable, before the Central Courts of Criminal Matters, and will process implementation dossiers for European arrest warrants, extradition request procedures, procedures relating to the issue and enforcement of other instruments for the mutual recognition of criminal rulings within the European Union assigned to such courts by law, along with information requests between the security services of the Member States of the European Union that require judicial authorisation, in the terms outlined in law.

Article 89.

The Judicial Organization and Staffing Act may establish as differentiated bodies First Instance and Examining Courts in those judicial districts it considers appropriate.

Article 89 bis.

1. The capital of each province will house one or more Courts of Criminal Matters. Courts of Criminal Matters with jurisdiction over one or more administrative areas within the same province may be established, in accordance with the stipulations of the legislation on jurisdictional boundaries and judicial bodies, which will determine the city in which they are based. Courts of Criminal Matters will take their name from the city in which they are based.

2. Courts of Criminal Matters will try the criminal cases determined by law.

In order to facilitate the hearing of cases examined by the Courts for Violence against Women, and in view of the number of existing cases, one or more Courts in each province should become specialised, in accordance with the stipulations of article 98 of this Law.

Courts of Criminal Matters are also charged with enforcing the judgments issued in criminal proceedings entailing a serious or less serious crime by Examining Magistrate's Courts and with recognising and enforcing rulings that impose financial penalties issued by the competent authorities of other Member States of the European Union, where they are to be served on

Spanish territory, and independent seizure procedures for those crimes they are competent to hear.

3. The city of Madrid will house one or more Central Courts of Criminal Matters, with jurisdiction throughout Spain, which will try those cases stipulated in procedural law, proceedings relating to the crimes outlined in article 65 and all other cases determined by law.

It also falls to the Central Courts of Criminal Matters to enforce judgments issued in proceedings entailing a serious or less serious crime by the Central Examining Magistrate's Courts, and independent seizure procedures for those crimes they are competent to hear.

4. The Courts of Criminal Matters are responsible for the issue and enforcement of instruments for the mutual recognition of criminal rulings within the European Union that are assigned to them by law.

Article 90.

1. Based in the capital, each province will have one or more Administrative Courts, with jurisdiction throughout the entire territory.

2. Where required, in view of the number of cases, one or more Administrative Courts may be established in the municipalities that are determined by law. They will bear the name of the municipality in which they are based and their jurisdiction will extend over the corresponding administrative area.

3. Under exceptional circumstances, Administrative Courts can be created with jurisdiction that extends over more than one province within the same Autonomous Region.

4. The city of Madrid will house Central Administrative Courts, with jurisdiction throughout Spain, which will hear, at first or single instance, administrative appeals against the orders and acts issued by public authorities, organisations, bodies and entities with competence throughout the national territory, in the terms established by law.

5. The Central Administrative Courts are also charged with authorising, via a ruling, the assignment of data to enable the identification referred to in article 8.2 of Law 34/2002, of 11 July, on the Services of Information Societies and Electronic Commerce, and the material enforcement of the resolutions adopted by the Section Two of the Intellectual Property Commission to interrupt the provision of information society services or to remove content that violates intellectual property rights, in application of the aforementioned Law 34/2002 and the consolidated text of the Law on Intellectual Property, passed via Legislative Royal Decree 1/1996, of 12 April.

6. The Central Administrative Courts will also hear the procedure envisaged in article 12 bis of Organic Law 6/2002, of 27 June, on Political Parties.

Article 91.

1. Contentious administrative courts will hear in sole or first instance contentious administrative appeals against administrative resolutions in the terms provided by the law.

2. It also falls to the Administrative Courts to authorise, via a ruling, entry into homes and other buildings and areas wherein access requires the consent of the owner, where such action is required for the enforcement of the acts of the Administration, except in the case of the enforcement of measures for the protection of minors issued by the Public Body with competence in this area.

Article 92.

1. In each province, one or more Labour Courts may exist with jurisdiction throughout its territory and sitting in the capital of that province. They may also be created in other cities than the capital of the province when the requirements of the cases handled or the closeness to certain industrial areas makes it advisable; in such case, their scope of jurisdiction will be specifically established.

2. Exceptionally, Labour Courts may extend their jurisdiction to one or more provinces within the same Autonomous Region.

Article 93.

Labour Courts will hear in sole or in first instance all proceedings related to this type of jurisdiction when their hearing is not vested in other bodies of this jurisdiction.

Article 94.

1. In each province, within the criminal judicial sphere, there will be one or more Prison Supervision Courts, which will be assigned the judicial functions envisaged in the General Prison Law for matters concerning the enforcement of terms of imprisonment and security measures, the issue and enforcement of instruments for the mutual recognition of criminal rulings within the European Union that are assigned to them by law, judicial review of the disciplinary power of prison authorities and the protection of the rights and benefits of prison inmates, along with any others assigned by law.

2. Prison Supervision Courts may be established with jurisdiction extending over two or more provinces within the same Autonomous Region.

3. Prison Supervision Courts with jurisdiction that does not take in the entire province may also be created.

4. The city of Madrid will house one or more Central Prison Supervision Courts, with jurisdiction throughout Spain, which will be assigned the judicial functions envisaged in the General Prison Law, outlined in paragraph 1 of this article, with competence for the issue and enforcement of instruments for the mutual recognition of criminal rulings within the European Union that are assigned to them by law, in relation to crimes that fall under the competence of the National High Court. In any event, the competence of these Central Courts will be preferential and exclusionary where the convict is also serving sentences that were not imposed by the National High Court.

5. The post of Prison Supervision Judge will be compatible with a position in a body within the criminal judicial sphere.

Article 95.

1. The number of Parole Courts will be determined by the Organization and Staffing Act in view of the current existing penitentiary centres and their nature.

2. The Government will determine the seat of these Courts after having heard the Autonomous Community involved and the General Council of the Judiciary.

Article 96.

1. Based in the capital, each province will have one or more Juvenile Courts, with jurisdiction throughout the entire territory. However, where workload dictates, Juvenile Courts with jurisdiction over a specific administrative area or group of areas, or over two or more provinces within the same Autonomous Region may be established. They will take their name from the city in which they are based.

2. The city of Madrid will house a Central Juvenile Court, with jurisdiction throughout Spain, which will hear the cases assigned to it by legislation regulating the criminal responsibility of minors, along with procedures relating to the issue and enforcement of other instruments for the mutual recognition of criminal rulings within the European Union assigned to it by law.

Article 97.

Juvenile Judges are charged with performing the roles established by law with regards to minors who have perpetrated behaviour that is legally classified as a crime or misdemeanour, along with other functions, again in relation to minors, assigned to them by law, in addition to

the issue and enforcement of instruments for the mutual recognition of criminal rulings within the European Union assigned to them by law.

Article 98.

1. The General Council of the Judiciary may order, subsequent to a report from the Governing Chambers, that in those areas where more than one Court of the same class exists, one or more will, on an exclusive basis, take on the hearing of certain types of cases, or the enforcement inherent to the jurisdictional sphere in question, notwithstanding the support duties that may be provided by the general services set up for this purpose.

2. The General Council of the Judiciary may order, under exceptional circumstances and for a set period, subsequent to an authorising report from the Ministry of Justice, and having heard the Governing Chamber and, where applicable, the Autonomous Region with competencies in matters of Justice, one or more Courts within the same province and the same jurisdictional sphere to take on the hearing of certain classes or types of cases and, where applicable, the enforcement arising thereof, notwithstanding the support duties that may be provided by the general services set up for this purpose.

In such cases, the specialised body or bodies will take on competence to hear all cases falling under their specialisation, even where the initial hearing was assigned to bodies in other administrative areas.

This order cannot be issued to assign such specialised bodies cases that, in view of a legal provision, are assigned to others of a different class. Furthermore, Examining Magistrate's Courts cannot be specialised in this manner, notwithstanding any other measures of exemption from the roster or support duties that are to be adopted in view of service requirements.

3. This order will be published in the Official State Gazette and will take effect at the beginning of the year subsequent to the year of its adoption, unless grounds are provided for prior adoption for motives of urgency.

4. The affected Courts will continue to hear all pending proceedings before them until their conclusion.

CHAPTER VI

JUSTICES OF THE PEACE

Article 99.

1. In each council in which no First Instance or Examining Court exists, a Justices' of the Peace Court will be created with jurisdiction over that council.

2. A registrar's office may be shared between a number of Justices' Courts.

Article 100.

1. Within the civil judicial sphere, Justices of the Peace will hear cases at first instance, pass sentence and enforce the procedures determined by law, in addition to any other functions assigned to them by law.

2. In the criminal sphere, they will hear, at first instance, the misdemeanour proceedings assigned to them by law. They may also intervene in preliminary preventative procedures relating to crime, or via delegation, in any other procedures outlined by law.

Article 101.

1. Justices' courts and their surrogates will be appointed for a four year period by the Board of Governance of the corresponding High Court of Justice. Appointment will fall on the individuals chosen by the Town Hall of that council.

2. Judges of Peace and their deputies will be designated at a plenary session of the Town Hall by majority of favourable votes cast among the persons who meet the legal requirements to be appointed a Justice of Peace. If no candidates exist, the plenary session may choose freely the person to perform these duties.

3. Following a resolution thereon, it will be submitted to the judge of the First Instance Court who will submit it to the Board of Governance.

4. If within the term of three months reckoned from a vacancy in a Justices' Court the Town Hall does not submit an application in the terms foreseen in the precedent sections, the Board of Governance of the High Court of Justice may designate a Justice of the Peace. The same procedure will be followed when the person appointed by the Town Hall does not meet the legal requirements.

5. Justices of the Peace must take an oath before the judge of the First Instance Court and will step into office before the person who is currently performing such duties.

Article 102.

Incumbent and deputy Justices of the Peace may be appointed among those persons who in spite of not holder a Law Degree meet the requirements established in this Act to become members of the Judiciary and they are not under any disqualifying or invalidating circumstance to perform judicial duties, however they may engage in professional and commercial activities.

Article 103.

1. Justices of the Peace will be remunerated by the system and for the amounts established by law and will enjoy within their jurisdiction the treatment and rank which would apply to a magistrate of a first instance court.

2. Judges of Peace and their deputies will step down from office once the term of their appointment has elapsed and for the same circumstances as professional judges insofar as they apply to them.

BOOK II

GOVERNANCE OF THE JUDICIARY

TITLE I

Governing Bodies of the Judiciary

SOLE CHAPTER

GENERAL PROVISIONS

Article 104.

1. The organization and performance of judicial functions of the Judiciary complies with the principles of unity and independence.

2. Governance of the Judiciary is vested in the General Council of the Judiciary which performs its duties throughout the Spanish territory in compliance with the Constitution and the Law.

Under its supervision, the Boards of Governance of the Supreme Court, the High Court and the High Courts of Justice will discharge their duties as provided by law notwithstanding the competencies vested in the Presidents of these Courts and the incumbent judges of other judicial bodies.

Article 105.

The President of the Supreme Court and of the General Council of the Judiciary is the first judicial authority of the nation and holds the representation of the Judiciary and of its Board of Governance. His rank and treatment will be equal to the incumbent holder of one of the three powers of state.

Article 106.

1. The boards of governance of the Supreme Court and the High Court will exercise their duties in those Courts. The powers of the High Court extend to the Central Examining Courts.
2. The boards of governance of the High Courts of Justice will exercise their powers within their Court with regard to the courts and tribunals of that Autonomous Region.
3. The other jurisdictional bodies shall have governance duties with regard to the scope of jurisdiction of their respective bodies.

TITLE II

Articles 107-148

Repealed

TITLE III

Governance at Courts and Tribunals

CHAPTER I

BOARDS OF GOVERNANCE OF THE SUPREME COURT, STATE COURT AND HIGH COURTS OF JUSTICE

SECTION ON

Boards of Governance, appointment of officers and their replacement

Article 149.

1. The Boards of Governance of the Supreme Court and of the State Court will be presided by the President of those bodies and by the presidents of their respective divisions and by a number of judges equal to them.
2. The Boards of Governance of the High Courts of Justice will be presided by the Chief Justice of those bodies and by the Chief Justices of each of their divisions and by the Chief Justices of the Provincial Courts of each Autonomous Region and by the same number of judges or magistrates belonging to the Judiciary appointed to that territory. One of the members of the Board will be a magistrate unless there are no candidates of that rank.

Additionally, the board will include doyen judges who will be deemed elected officers to all purposes provided that they comply with the provisions of article 166(3) hereunder and have been fully discharged of their duties in their respective courts.

3. The Boards of Governance of the High Courts of Justice who have more than ten members will act as Plenary Meetings or Committees.

A committee will consist in six members, three standing members and three elective members. Their appointment is vested in the Plenary meeting and if vacancies ensue, it will also designate the officers who are to fill in the vacancies. Notwithstanding, the doyen judge fully discharged of his judicial duties will also be part of same, and if several judges are in the same situation, at least one of them.

The Committee will renew itself annually in the same proportion and will be chaired by the President of the Supreme Court of Justice.

4. The Secretary of the Board of Governance of the Supreme Court, of the High Court and of the respective High Courts of Justice will perform the duties of Board of Governance secretary notwithstanding any other faculties vested in his office by this Act.

Article 150.

The elective members of the Boards of Governance will be renewed wholly every five years reckoned since the date of their creation. Once the aforementioned term has elapsed, the Board of Governance will continue discharging its duties until the new Board has been elected.

Article 151.

1. Appointment of members to the Boards of Governance will comply with the following rules:

1.^a. Their election will be made by secret, personal, free, equal, direct and secret vote, and voting by mail is accepted.

2.^a. Nominations may include one or several candidates including their alternate officer up to a number equal to the positions which are to be covered. Nominations are valid provided that record of the candidate's assent exists although they may be also endorsed by a professional association legally created. Nominations are made on an open list basis and electors may vote as many candidates and alternate officers as vacancies exist.

3.^a. Candidates will be elected to office by majority of votes cast. If a strict application of this rule entails that no magistrate has been appointed to the Board of Governance of a High Court of Justice, then the Judge who has been designated to the Board by the least number of votes among the candidates will assign his nomination to a magistrate.

2. To the purposes of this Article, a Voting Committee will be created in each Court presided by the Chief Justice of that Court and including also the most senior and junior judge of the Supreme Court, of the High Court and of the corresponding High Court of Justice.

3. The General Council of the Judiciary is vested with the faculty of convening elections and issue the appropriate instructions for their organization and in general terms to ensure that voting proceedings comply with the law.

4. Each Voting Committee will announce the designated candidates as will act as the Polling Station at the elections day, counting the number of votes and announcing the results which will be reported to the Council General and in general they are entrusted with the smooth running of all the voting procedure. Resolutions by the Voting Committee may be revised by filing a contentious-administrative electoral review appeal.

5. In the event of early resignation for any reason of any of the members appointed to the Board of Governance, their position will be covered by the alternate candidate.

6. If an elected member resigns and the alternate officer also resigns, then his position will be covered by the candidate who was not elected that received the highest number of votes. If no candidates exist who were not elected, then partial elections will be convened to cover the vacant position or positions.

SECTION 2.

Boards of Governance Competencies

Article 152.

1. The Boards of Governance, also the ones acting by means of a Committee will perform governance duties at their respective courts and in particular they are competent to:

1.º. Approve the rules for distribution of cases between the different sections of a Division.

2.º. Establish annually with objective criteria the roster for staffing and running each division and section of the Court and the Provincial Courts of the territory and provide binding regulations on reporting duties by each judge in turns.

3.º. Adopt the necessary measures in the event of disputes among judges which may influence in the adequate functioning of the courts or in the provision of justice, observing the principle of judges as tenured holders of their office.

4.º. Provisionally complete the composition of the Chambers where, as a result of unforeseen circumstances, such action proves necessary for the operation of the service, in all cases notwithstanding respect for the specific post of the magistrates in each Chamber.

In addition, they will take cognizance of, provisionally approve, and forward to the General Council of the Judiciary for definitive approval, under the corresponding terms and, where applicable, with amendments, the list of proposed judges and magistrates in accordance with the stipulations of the first three paragraphs of article 200 of this Law, verifying that it is complied with.

5.º. Submit a proposal to the General Council of the Judiciary indicating the reasons for designating the alternate judges, their personal and professional circumstances, their adequacy for the office they are to cover and to act in one or several jurisdictional divisions, the guarantees for an efficient discharge of their duties and the aptitude of those who have already performed judicial duties or have worked at the State Prosecutor's Office, explaining the grounds for the proposed order of preference and the reasons for excluding certain candidates. The proposals referred to ascribing alternate judges for secondment purposes are also subject to identical requirements of grounds for choosing certain candidates, preferred criteria and reasons for exclusion.

6.º Exercise disciplinary functions on judges in the terms foreseen by this law.

7.º. Propose inspection and information visits to the President as deemed appropriate.

8.º. Handle retirement files following incapacity of judges with their support documents.

9.º. Prepare any reports requested by the General Council of the Judiciary and the annual report explaining the functioning of the Court, with a detailed breakdown of number and types of cases handled and completed by each division, pending suits indicating the year in which they commenced, all the above as of December thirty-first of each year. The report must include in any event a set of measures envisaged to correct any deficiencies detected.

10.º. Submit a proposal to the General Council of the Judiciary concerning whatever measures it considers appropriate to improve the administration of justice within the scope of their respective judiciary bodies.

11.º. Receive the oath or solemn undertaking by judges when taking office in the terms established by law.

12.º. Receive reports from the Secretary of Governance either at its own initiative or from the Division itself with regard to all matters which refer to the judiciary offices or Court Registrars reporting to him and calling for some action to be taken. In this case, the Secretary will have the right to vote on the resolution which may be passed thereof.

13.º. File before the competent bodies actions for disciplinary liability with regard to Court Registrars, personnel working at the courts or any other individuals who in spite of not being under these circumstances provide permanent or temporary services at the courts.

14.º. In general, comply with all other functions which the Laws have vested in the boards of governance of the courts and which are not specifically vested in their Chief Justices.

2. The Boards of Governance of the High Courts of Justice, in Plenary Meeting or acting as a Committee are also competent to:

1.º. Approve the rules on allocation of cases between the Court divisions and among the sections of the Provincial Courts and Courts of the same jurisdictional order which have their seat in the corresponding Autonomous Region. Exceptionally, when workload requirements makes it advisable and on reasoned grounds, the Board of Governance may provide that a certain section or judge be discharged from the allocation of cases either fully or in part and always for a limited period of time.

2.º. Exercise the faculties includes in numbers five to fifteen above but also with regard to those judicial bodies which have their seat in the Autonomous Region with regard to the judges and magistrates performing their duties thereat.

3.º. Appointment of Judges of Peace.

4.º. Take cognizance of the annual substitution plans drawn up by the Boards of Judges, provisionally approve them under the corresponding terms and, where applicable, with amendments, and forward them to the General Council of the Judiciary for definitive approval. They will also verify compliance.

SECTION THREE

Functioning of Boards of Governance and legal nature of their acts

Article 153.

1. Boards of Governance will meet at least twice a month unless there are pending matters and as many times as may be necessary in order to discuss urgent issues for the administration of justice, when deemed necessary by the Chief Justice of the High Court of Justice, when requested by a third part of its members submitting a proposal stating the grounds for their request indicating the matters to be transacted thereat or when requested by the Secretary of Governance in order to discuss issues which refer to judicial officers or to Court Registrars who report to him. Notice of the meeting will be made by the Chief Justice indicating the matters to be discussed.

2. The Boards of Governance of the High Courts of Justice acting as a Committee will meet every week. The Committee on a quarterly basis will inform the Plenary Meeting which will have been convened of all matters which have been handled and solved. The Plenary Meeting may also meet when to the judgment of the Chief Justice or the Committee, the impact, importance or interest for the administration of justice of the matters to be handled make it advisable, or when so requested by majority of its members following a reasoned proposal thereon stating the matter to be discussed and decided on or when requested by the Secretary of Governance in order to discuss issues which refer to judicial officers or to Court Registrars who report to him. Notice of the meeting will be made by the Chief Justice indicating the matters to be discussed.

3. The Board of Governance may also act with the Chief Justice and two other members for proceedings which do not entail a formal decision such as receiving oaths or solemn undertakings or when judges or magistrates come into office.

4. In all other cases for a meeting of the Board to be valid it will require the presence of at least the majority of its members who must be notified at least 24 hours in advance.

Article 154.

Any members who have a direct or indirect interest in the matters to be voted on may not be present at the meeting and the provisions of this Act on recusation or waiver of jurisdiction will fully apply.

Article 155.

The Chief Justice will designate a Reporter for each matter to be discussed who will inform the Board submitting a resolution or decision proposal, unless the urgency of the matter prevents it or if in view of the slight relevant of the matter to be transacted, the Chief Justice in his judgment does not consider it necessary.

Article 156.

The Chief Justice of its own initiative, at the request of the Reporter or if the Board agrees will request a report from the State Prosecutor in those matters in which it is to be party in the proceedings or if the nature of the matter makes it advisable. The Reporter in view of the report submitted by the Prosecutor's Office will inform the Board and advance his resolution proposal.

Article 157.

1. When the discussion of each matter has concluded, it will be voted on, beginning by the most junior judge or magistrate and by reverse order of seniority ending by the Chief Justice. Voting will be secret if so requested by any of its members.
2. A dissenting judge or magistrate may request his vote to be placed on record. If he wishes to do so, he may file his dissenting vote in writing with the reasons for the same which will be included in the minutes provided that he submits it within the next day to the one in which the resolution was passed
3. The Chief Justice will have the casting vote in the event of a draw.

Article 158.

1. The Secretary to the Board of Governance will record the matters transacted at the Board; he will be present in all discussions and voting sessions, drafting the minutes thereof which will include a reference to the corresponding proceedings; the Secretary will note in the margin the surnames of all attendees; he is responsible for the custody of records and minutes, issuing the corresponding certifications thereof.
2. Acts by the Board of Governance will be fully enforceable and may be appealed before the General Council of the Judiciary for their review. The provisions included in the Administrative Procedure Act will apply to them in default of any specific regulation.

Article 159.

1. Resolutions by the Boards of Governance will be recorded in a Minutes' Book under the custody of the Board Secretary and will not be public except following a request for disclosure by any person who has a direct, personal and legitimate interest.
2. Notwithstanding, resolutions on the distribution of cases between Sections and Courts of a jurisdictional division will be sufficiently publicised.

CHAPTER II**CHIEF JUSTICES OF HIGH COURTS OF JUSTICE AND PROVINCIAL COURTS****Article 160.**

Chief Justices will have the following functions:

1. Convene, preside and coordinate discussions of the Board of Governance.

2. Determine the agenda for the meetings of the Board of Governance including any items which have been proposed by at least two of its members.
3. Submit any proposals they consider appropriate which is of the competence of the Board of Governance.
4. Authorise by means of their signature the resolutions of the Board of Governance and monitor their compliance.
5. Monitor compliance of measures adopted by the Board of Governance to correct any defects in the administration of justice if within their sphere of competence and otherwise propose whatever is deemed appropriate to the Council General.
6. Prepare reports as requested by the General Council of the Judiciary.
7. Adopt the necessary measures when urgent situations call for this informing about them in the first meeting of the Board of Governance.
8. Coordinate inspection of Courts and Tribunals in the manner foreseen in this Act.
9. Determine the distribution of cases between divisions of the same jurisdictional order and among their sections pursuant to the rules approved by the Board of Governance.
10. Preside on a daily basis the meetings of Chief Justices of Divisions and Judges and ensure that their staffing complies with article 198 of this Act.
11. Exercise all powers to ensure an adequate functioning of the respective Court or High Court, and ensure that all personnel working thereat comply with their duties.
12. Notify the General Council of judicial vacancies and other vacancies for staff working for the judicial system.
13. Hear complaints made by parties in legal proceedings and suits adopting the necessary measures.
14. Any others foreseen by law.

Article 161.

1. The Chief Justice of the High Court of Justice holds the legal representation of the Judiciary in the respective Autonomous Region unless the Chief Justice of the Supreme Court has jurisdiction in that territory.
2. The Chief Justice of the Division mentioned in Article 78 of this Act represents the Judiciary in those provinces to which its jurisdiction refers, except if the jurisdiction of the High Court of Justice or the Supreme Court also extends to that territory. In the event that pursuant to the aforementioned article, contentious-administrative and labour divisions exists, such representation will be vested in the Division Chief Justice designated by the General Council of the Judiciary.
3. The Chief Justice of the High Court of Justice may delegate in the Division mentioned in the preceding article those governance functions it deems expedient referred to the corresponding division or divisions and to the judiciary bodies which have their seat in the province or provinces in which they exercise their jurisdiction.

Article 162.

The Chief Justices of the Supreme Court, the High Court, the High Courts of Justice and the Provincial Courts and where applicable, their respective Boards of Governance may address lower Courts and Tribunals within their respective jurisdiction and in the field of their competencies any guidelines they consider necessary for a better functioning of Courts and Tribunals informing the Supreme Court immediately and where applicable, the General Council of the Judiciary.

Article 163.

Repealed

Article 164.

Chief Justices of the Provincial Courts who preside them will adopt adequate measures to ensure their operation and will exercise all other functions vested in them by this Act notwithstanding the faculties of the governing bodies of the High Court of Justice.

CHAPTER III**CHIEF JUSTICES OF DIVISIONS AND JUDGES****Article 165.**

Chief Justices of Divisions and judges will have within the sphere of their respective judiciary bodies full control and right to inspect all matters adopting within their competencies any resolutions that favour an adequate progress of the administration of justice informing the respective Courts and Tribunals of deficiencies or infractions observed; likewise they will exercise disciplinary functions in the terms foreseen in procedural laws on professionals who appear before the Court.

Personnel ascribed to the division or to the Court will be subject to their corresponding disciplinary framework.

CHAPTER IV**Doyen Judges and Judges' Assemblies****Article 166.**

1. In districts in which there are more than ten Courts, incumbent judges will choose amongst them by majority of three fifths a doyen judge. If the foregoing quorum is not obtained in the first voting session, simple majority shall suffice for the second one, and in the event of a draw the candidate highest in rank will be appointed doyen judge. The aforementioned election must be renewed every four years when the appointee resigns for any reason.

2. In those districts with less than ten Courts, the doyen judge functions will be performed by the most senior judge or magistrate in the judicial hierarchy.

3. Exceptionally when circumstances attached to doyenship activities warrant it, the General Council of the Judiciary after having heard the Judges' Assembly may discharge the incumbent judge fully or in part of the workload of his Court.

Article 167.

1. Where there are two or more Courts within the same jurisdictional sphere, cases will be shared amongst them in accordance with the predetermined rules of distribution. The rules of distribution will be approved by the Governing Chamber of the High Court of Justice, upon a proposal from the Board of Judges of the respective jurisdictional sphere. At his or her behest, the Board of Judges may propose that a Judge be totally or partially freed of case assignment duties for a limited period, where administering justice correctly so advises. The order will be brought before the Governing Chamber for approval, where it deems such action appropriate. The modifications adopted with regards to the rules of distribution cannot affect proceedings that are underway.

2. The Governing Chamber may order specific changes to the rules of distribution affecting Commercial Courts, Courts of Criminal Matters, Juvenile Courts, Prison Supervision Courts, Administrative Courts or Labour Courts, in order to balance out case assignment in each respective sphere according to their class, even where, via a legal provision or a decision of

the Plenary of the General Council of the Judiciary itself, they have been assigned cases falling under their competence within an area smaller than the province.

3. The distribution will be carried out by the Judicial Administration Clerk, under the supervision of the Senior Judge, who will be charged with resolving any questions that arise correcting any irregularities as an internal overseer, adopting any necessary measures and taking action, where applicable, to demand responsibilities.

Article 168.

1. Doyen judges will ensure that Court buildings and property are properly used, that the duty magistrates court operates at all times; they will adopt urgent measures with regard to cases which have not been allocated in the event that otherwise some rights would be breached or an irreparable or serious damage would ensue; they will hear complaints by the parties in the course of judicial proceedings and suits adopting the appropriate measures and they will exercise any and all other functions vested in them by law

2. In any event Doyen Judges are vested with the following duties:

a) Resolve in sole instance all administrative appeals filed against decisions by Court Registrars on distribution of cases.

b) Inform the Board of Governance of any incidents in the functioning of procedural services within their territory.

c) Solve any appeals which they are to hear in the terms established by the law.

d) Ensure correct implementation of substitutions and annual plans for substitution in the terms envisaged in this Law, resolve, as an internal governing body, questions that are raised and correct any irregularities that might arise, adopting the necessary measures and promoting the assignation of the corresponding responsibilities, where applicable.

Article 169.

The Doyen Judge will hold before the public authorities the legal representation of all judges of the district and will preside the Judges' Assembly in order to discuss issues which are of the common interest concerning the judiciary activity of all or some of the incumbent judges. This Assembly must be convened by the Doyen Judge when so requested by one fourth of the judges of that district.

Article 170.

1. Judge in order to propose rules as to the distribution of cases, unify criteria and make practice statements and to discuss common issues or which they consider necessary to submit to the corresponding Board of Governance or to the General Council of the Judiciary by means of the Chief Justice of the High Court of Justice or if the latter has requested a report from them.

2. The Doyen Judge will also convene a meeting when considered necessary or appropriate by at least one fourth of the members entitled to attend.

3. Judges of the same province or Autonomous Region may also gather in an Assembly presided by the most senior judge of that district in order to debate common matters.

4. The Assembly is considered validly convened to pass decisions on matters submitted to it when more than half of its members are present thereat. Resolutions will be adopted by simple majority.

5. The Assembly will choose one of its members as the Secretary who is responsible for drafting the minutes of the resolutions passed at the meetings, keep the records and issue the corresponding certificates.

6. The Board of Judges is charged within drawing up the annual substitution plans for tenured judges, as referred to in article 211, which is to be forwarded to the Governing Chamber.

CHAPTER V

INSPECTION OF COURTS AND TRIBUNALS

Article 171.

1. The General Council of the Judiciary has superior supervisory and inspection discretions on all Courts and Tribunals to verify and control the functioning of the administration of justice.
2. The Chief Justice of the Council and its Members following a resolution by the Plenary Meeting may conduct informative visits to those bodies.
3. The Council or the Chief Justice, when deemed necessary, may order the Inspection Department under its supervision, or the Chief Justices, Judges or Magistrates or any Court or Tribunal to conduct inspection of Courts and Tribunals or to obtain information on the functioning and compliance of their duties by the judiciary staff.
4. The Ministry of Justice when deemed appropriate may request the Council to order the inspection of any Court or Tribunal. In this case, the Council will notify the Ministry of Justice about the resolution adopted and of the measures in place, when appropriate. All the foregoing shall not prejudice the faculties vested in the State Prosecutor by this Act.

Article 172.

1. The President of the Supreme Court is in charge of the ordinary supervision and functioning of the Divisions and Sections of this Court.
2. The Chief Justices of the High Courts of Justice exercise the same faculties in the territories of their jurisdiction.
3. The Chief Justice of the High Court has the same faculties as the aforementioned officers with regard to its Divisions and to the Central Courts.
4. The Chief Justices of the Provincial Courts may exercise by delegation inspection faculties on courts and tribunals within their territory and other administrative functions entrusted to them.

Article 173.

Inspection duties will be entrusted to the Judge or Magistrate of equal or higher rank than the incumbent holder of the judicial body being inspected.

Article 174.

1. Judges and Chief Justices of Divisions and Sections will conduct their inspection duties on the matters of their competence.
2. When in their judgment they consider that to avoid any abuse it would be advisable to adopt any measure outside their competence or conduct any visits to a Court or a Tribunal they will report this matter to the President of the Supreme Court, the Chief Justice of the High Court or the Chief Justice of the High Court of Justice for their decision.

Article 175.

1. Judges and magistrates and personnel performing duties within the judicial system must provide the necessary cooperation for the adequate performance of the inspection.
2. Inspection faculties will be carried out notwithstanding the authority of the Magistrate, Judge or President.
3. The inspection process will be supplemented with reports on the inspected body, which can be presented by the respective bar associations, lawyer associations or, in labour matters,

labour relations consultants. To this end, they will be notified in due time in relation to the circumstances under which the inspection is carried out.

Article 176.

1. Inspection comprises examination of all issues necessary to assess the adequate functioning of the Court and Tribunal, compliance of their duties by the judicial staff in view of a speedy and efficient handling of legal proceedings.
2. Construction and application of statutes by Judges or Courts in the course of their duties may not be subject to approval, sanctioning or amendment following any inspection activities.

Article 177.

1. The Magistrate or Judge who conducts the inspection will prepare a report which shall be forwarded to the officer requesting it.
2. Inspection visits will be recorded in their minutes stating the results of said inspection and providing a copy of it to the judge or president of the inspected judicial body. These officers once in possession of the minutes may lodge further remarks or pleadings before the authority which had ordered the inspection within the ten next days of its completion.
3. The President of the Board of Governance which has been notified of this shall adopt in view of the report any measures which he considers appropriate within the framework of his competencies and if the measures exceed his jurisdiction, he will submit his proposal to the General Council of the Judiciary. Such communication to the Council General will be made through its President. When the Council General has ordered the inspection then it will adopt whatever measures it deems expedient thereon

CHAPTER VI**HEAD REGISTRIES****Article 178.**

1. Head Registries will be created in the Supreme Court, the High Court and the High Courts of Justice which will report to the corresponding Governance Secretary who will be aided by staff working in the judicial system as determined by the corresponding Staffing Provision.
2. In these Courts, a Governance Vice-secretary may be appointed.

BOOK III

CONCERNING THE FUNCTIONING OF COURTS AND TRIBUNALS

TITLE I

Timetable for Judicial Proceedings

CHAPTER I

Ordinary judicial period

Article 179.

The judicial year, the ordinary period of activity of the Courts will commence on September 1st or the first working day and will end on July 31st of each calendar year.

Article 180.

1. During the period in which the Courts interrupt their ordinary activity, a Division will be created thereat comprising the Chief Justice of the Court and a number of judges determined by the General Council of the Judiciary which will assume the governance and judicial functions ensuring that judges from different divisions are included.

2. Judges who are not part of this Division may take leave of absence once they have completed the scheduled hearing as from the last day of the ordinary period of activity.

Article 181.

1. The beginning of the judicial year will be inaugurated by a solemn opening at the Supreme Court.

2. The President of the General Council of the Judiciary and of the Supreme Court will read during the opening the Report on the state, functioning and activities of Courts and Tribunals.

3. The State Prosecutor will also read in this act his report on the activities of the Prosecution Office, delinquency rations, prevention of offences and envisaged reforms for a more efficient administration of justice.

CHAPTER II

Clear days for judicial proceedings

Article 182.

1. Saturdays, Sundays, December 24th and December 31st, Bank Holidays and holidays in the territory of the Autonomous Region or judicial district are days in which the Courts are closed.

The General Council of the Judiciary by means of a regulation may waive such prohibition for certain judicial proceedings in those cases which are not expressly established by law.

2. The working hours of the Courts are from eight in the morning to eight in the evening, except as otherwise provided by law.

Article 183.

The days of the month of August are considered unfit for any judicial proceedings except in the event of urgency as determined by procedural laws. Notwithstanding, the General Council of the Judiciary may waive such prohibition to the purposes of other proceedings.

Article 184

1. Notwithstanding the provisions of the foregoing articles, all days of the year and all hours of the day are apt for conducting criminal proceedings without any special authorization.

2. Days and times that are not considered as working days and time, can be configured as such in accordance with the stipulations of procedural laws.

Article 185.

1. The term of procedural activity will be reckoned in compliance with the Civil Code. If reckoned by days, only clear days will be considered.

2. If the last day of the procedural term is a holiday, it will be deemed extended to the immediately next clear day.

TITLE II

Concerning the manner of constituting Courts and Tribunals

CHAPTER I

PUBLIC HEARINGS

Article 186.

Courts and Tribunals will hold public hearings all clear days for the discovery of evidence, hearings of suits and legal proceedings, reporting judgments given and other acts foreseen by Law.

Article 187.

1. In public hearings, Court meetings and other solemn official acts, Magistrates, Judges, Court Registrars, Prosecutors, Lawyers and Barristers will wear a robe and when applicable any decorations or insignia of their rank.

2. Likewise they will all be placed at the same height in the bench.

Article 188.

1. Judges and Chief Justices of Courts and Tribunals within the limits established by the General Council of the Judiciary will determine the public hearing hours to ensure that all judicial proceedings are carried out without undue delay. Notice of hearings will be posted on the outside wall of the courtroom.

2. Magistrates and Judges which are part of a division will attend the hearings unless on justified leave of absence.

Article 189.

Magistrates, judges, chief justices, Court Registrars, and other personnel working for the judicial system must perform their activities in the terms required by the requirements of their duties notwithstanding which they will observe their working hours.

Article 190.

1. The Chief Justice of the Court or the judge is responsible for maintaining order in the courtroom and to that purpose he may resolve as deemed expedient.

2. Likewise, he will uphold the rights of those present.

3. These obligations will also vest in the Court Registrar with regard to all proceedings conducted solely with him at the offices of the Court.

Article 191.

To the purposes of the foregoing Article, whoever engages in disorderly behaviour in a suit, hearing or proceedings, making obvious signs of approval or disapproval, acting disrespectfully and with lack of consideration due to magistrates, judges, the Court, the State Prosecutor, lawyers, court attorneys, Court Registrars, coroners or other members of the judicial staff, will be warned by the presiding judge and expelled from the courtroom or office if they do not heed the first warning notwithstanding any criminal liabilities exacted from them.

Article 192.

Individuals who resist the expulsion order will also be sanctioned with a fine, its maximum amount being the highest penalty foreseen in the Criminal Code for misdemeanours.

Article 193.

1. The same fine will be imposed on witnesses, experts or on any other person who either as party or legal representative of the latter evidence a disrespectful behaviour and lack of consideration either verbally or in writing or by their acts to judges, prosecutors, Court Registrars and other staff working at the courts, when these actions do not amount to a criminal offence.

2. Lawyers and Court Attorneys are not included within the scope of this provision as they will be subject to the terms of Section V, Book VII hereunder.

Article 194.

1. The Court record will describe the actions leading to the sanction imposed indicating the explanation, if any, provided by the offender and the resolution adopted by the officer presiding the act.

2. The resolution imposing a sanction may be challenged by a revision appeal before the Judge himself, the Chief Justice or the Court Registrar who will issue his decision the following day. The resolution on the revision hearing or against the sanction imposed may be appealed within five days by means of a review appeal if it has not been already been filed before the Board of Governance which will reach a decision on the appeal following a preliminary report by the Judge, the Chief Justice or the Court Registrar who imposed the first sanction in the first held by that body.

Article 195.

When the actions carried out amount to an offence the offenders will be arrested in the act and placed before the competent court.

CHAPTER II

CONCERNING THE CONFIGURATION OF CHAMBERS AND PRO TEMPORE MAGISTRATES

Article 196.

In those cases in which the law does not provide otherwise, three judges will suffice to create a division.

Article 197.

Notwithstanding the foregoing, all judges which are part of the division may be asked to sit at such division even if the law does not demand it if the Chief Justice, or a majority of judges consider that it is suits best the interests of justice.

Article 198.

1. Sections will be established by the Chief Justice on the basis of the criteria approved annually by the Board of Governance following a proposal of the former.
2. They will be presided by the Chief Justice of the Division, the Chief Justice of the Section or in default of them, by the most senior judge

Article 199.

1. Where sufficient magistrates do not attend to constitute a Chamber within the Provincial Courts or High Courts of Justice, those members of the judiciary appointed by the President of the respective collegiate body will be called forth to fill the vacancies, in the order outlined below and in accordance with the following rules:

Firstly, the call will be addressed to magistrates pertaining to the same body who act as professional replacements, as outlined in the next article, commencing with those pertaining to the same Section, where they exist, followed by the remaining magistrates, providing that they have no pending hearings.

Secondly, the call will be addressed to judges and magistrates who do not pertain to the body, who form a part of the list of members of the judiciary, as outlined in the next article, in the order therein established.

Thirdly, the President of the High Court of Justice, on his or her own initiative, or at the behest of the President of the Provincial Court that is unable to form a Chamber, will call forth the judges assigned to the territory, referred to in article 347 bis.

Fourth, the President of the High Court or, where applicable, the President of the respective Provincial Court, will call forth members of the judiciary in the order based on least workload within the territory in question, in accordance with the information held by the Inspection Department, providing that this does not create conflicts within the programmed hearings.

Fifth, those pertaining to the same body, according to the roster that is established, wherein preference will be afforded to those who have no pending hearings and, amongst them, to those who were most recently incorporated.

Finally, and under exceptional circumstances, where it proves impossible to form the Chamber with any of the members of the judiciary outlined above and where the budget permits, a non-professional pro tempore judge will be called forth, in accordance with the stipulations of this Law.

2. In the National High Court, where sufficient magistrates do not attend to constitute a Chamber, the vacancies will be filled by the Magistrates assigned by the President of the Chamber or, where applicable, of the respective Court, in accordance with the roster, wherein preference will be afforded to those who have no pending hearings and, amongst them, to those who were most recently incorporated. Failing this, a pro tempore magistrate will be appointed, in accordance with the stipulations outlined in point 2 of the next article.

3. Any doubts that might arise in relation to the application of the aforementioned rules will be resolved affording preference in all cases to professional substitution involving members of the judiciary and with a view to the criteria of taking fullest advantage of public resources.

4. Calls to fill vacancies that are issued in accordance with the stipulations outlined in this precept will entail remuneration in those cases and at the amounts that are determined via regulations. Under no circumstances will remuneration be forthcoming where the workload undertaken by the party called forward, calculated in conjunction with the workload undertaken in his or her original body, does not reach the established minimum in accordance with the technical criteria established by the General Council of the Judiciary.

5. The total cost of annual calls to fill vacancies may not exceed the annual limit established in the Budgets of the Ministry of Justice. To this end, the aforementioned Ministry, subsequent to the passing of the corresponding Law on the General Budgets of the State, will inform the General Council of the Judiciary of this limit and this body will be responsible for ensuring strict adherence to the limit.

6. The General Council of the Judiciary, prior to the first of January, must have approved the lists referred to in previous paragraphs sent to it by the corresponding Governing Chambers, in accordance with the stipulations of article 152 of this Law.

7. Within the limits placed on calls to fill vacancies or appointments, the assigned magistrates will act as members of the Chamber that they are called forth to form a part of, with the same rights and duties as tenured magistrates.

Article 200.

1. Within High Courts of Justice and Provincial Courts, on an annual basis, a list of members of the judiciary who voluntarily wish to participate in calls to fill Chamber vacancies will be drawn up. The list, for each judicial sphere, will outline the preference with which calls to fill vacancies are to be made.

In any event, those who issue requests to form a part of this list must, upon making the request, provide verification in relation to the agenda of programmed hearings and pending cases within the body over which they preside, along with the number and nature of the pending rulings that they are to issue.

2. With a view to the stipulations of the preceding article, the National High Court, the High Courts of Justice and the Provincial Courts may include lists of pro tempore judges who do not form a part of the Judiciary, who will be called to form a part of the Chamber in accordance with the preference established within each judicial sphere or spheres to which they have been assigned.

When calling upon such judges, respect must be shown for budgetary constraints and the priority outlined in the previous article, and at no time may more than one pro tempore magistrate be called upon to fill a Chamber vacancy.

3. It falls to the Presidents of the Provincial Courts and the High Courts of Justice to draw up the lists of tenured and non-professional pro tempore judges, which will outline call preference, subsequently forwarding the lists to the Governing Chamber in question for provisional approval. Having provisionally approved the list, it will be placed before the General Council of the Judiciary for definitive approval under the corresponding terms.

Article 201.

1. The position of alternate judge will be remunerated in the manner established by administrative regulations within the budget forecast.

2. Only those individuals who would qualify for the Judiciary may be appointed as such, except for the requirement of not being on retirement due to age. A person who has attained the age of seventy or who does not have at least fifteen years legal experience may not be admitted as an alternate judge.

3. Those persons who have performed judicial functions, acted as Court Registrars or performed surrogate duties in the State Prosecutor's Office with attested capacity, or individuals involved in the legal profession or teaching may be appointed provided that there are no other disqualifying circumstances. Under no event may lawyers or attorneys act as alternate judges.

4. The position of alternate judge is subject to the prohibitions and disqualifying circumstances foreseen in articles 389 to 397 of this Act. Excepting:

- a) The provisions of Article 394 notwithstanding section 5) indent d) hereunder.⁵⁴
- b) Disqualification based on legal teaching or research which under no account will apply regardless of their administrative status.

5. Alternate judges may be discharged for the same reasons as other judges and magistrates, when such circumstances apply to them. They will also resign from office:

- a) If the term for which they were appointed elapses.
- b) By resignation accepted by the General Council of the Judiciary.
- c) If they reach seventy-two years of age.
- d) Following a resolution of the General Council of the Judiciary when they are deemed unfit or unsuitable for office, or if they are under any disqualifying or incapacitating circumstance, in breach of a prohibition or if they do not comply with the duties of office in a diligent manner.

Article 202.

Appointment of judges who are not part of the division members will be notified immediately to the parties so that they may invoke waiver of jurisdiction or recusation pleadings

CHAPTER III

CONCERNING THE MAGISTRATE RAPPORTEUR

Article 203.

1. In each suit or proceedings filed before a Court or a Tribunal, a Magistrate Rapporteur will be designated according to the duty roster for that Division or Section at the beginning of the judicial year based solely on objective criteria.

2. Designation will take place in the first resolution issued in the course of the legal proceedings notifying the parties the name of the Magistrate Rapporteur and where applicable, of the judge who will deputise for him according to the agreed duty roster, indicating the reasons for such replacement.

Article 204.

In the appointment of the Magistrate Rapporteur all judges of the Division or Section will have their turn, including the respective Presidents.

Article 205.

The Magistrate Rapporteur is responsible in those suits or proceedings which have been already allocated for:

- 1. The ordinary duty of care in all stages of the proceedings.

2. Cross-examination in interrogatories, question sheets, and discovery of evidence requested by the parties and report on their appropriateness.
3. Preside over the examination of evidence deemed relevant to the suit when it is not be conducted before the panel of judges.
4. Inform of any appeals filed against resolutions of the Division or the Section.
5. Draft the writs related to interlocutory proceedings, judgments and other resolutions which are to be referred for discussion by the Division or the Section and give them their final draft if it agrees with what has been resolved on.
6. Announce judgments in public hearings.

Article 206.

1. When the reporter disagrees with the majority vote he will decline drafting the judgment and he will state in writing the grounds for his dissenting vote
2. In this case the Chief Justice will entrust the drafting of the resolution to another judge and will provide for the necessary rectification in the reporting roster to account for this disruption.

CHAPTER IV**DEPUTISING****Article 207.**

Magistrates and Judges may be replaced in the cases of vacancy, leave, special appointments and other circumstances which justify it. Replacements will be made in the manner established in this Chapter notwithstanding the provisions of this Act on the organization of divisions and sections within the Courts.

Article 208.

1. The President of the Supreme Court, the Chief Justice of the High Court and the Chief Justices of the High Courts of Justice will be replaced by the most senior Division Chief Justice of the same Court. Notwithstanding the foregoing, the Board of Governance will be convened and presided by the most senior division Chief Justice even if he belongs to a different court.
2. Chief Justices of Provincial Courts will be replaced by the most senior Division Chief Justice, and in default of such officer, by the highest ranking judge thereat.
3. When the staffing of the Provincial Court only accounts for one Chief Justice, the incumbent judge in the roster to deputise for him will replace him.

Article 209.

1. Chief Justices of divisions and sections will be replaced by the highest ranking judge in that division or section.
2. In the event of any vacancy, the Presidency of the division will fall on the Chief Justice of the Provincial Court of Tribunal if he considers it appropriate.

Article 210.

1. The substitution of judges and magistrates in single-judge judicial bodies will be governed by the following rules and order of priority:

a) In order, those who voluntarily participate in the annual substitution plans.

In any event, those who issue requests to form a part of this list must, upon making the request, provide verification in relation to the agenda of programmed hearings and pending

cases within the body over which they preside, along with the number and nature of the pending rulings that they are to issue.

b) Where hearing compatibility exists, the corresponding ordinary or natural substitute will be called upon, in accordance with the proposal of the Board of Judges, and approved by the corresponding Governing Chamber.

c) Subsequently, calls will be issued in the following order: judges assigned to the territory, referred to in article 347 bis, who are available, commencing with the most senior within the category; judges awaiting assignation of a post, regulated in article 308.2, following the same order of priority; and trainee judges, in accordance with article 307.2 of this Law, in the order established for this purpose by the Judicial School.

d) Fourth, the system of substitutions envisaged in the next article with regards to the remaining members of the judiciary within the same administrative area will be followed.

e) In any event, and without adherence to the order referred to in previous paragraphs within this point, the jurisdiction of another Court may be extended, in accordance with the stipulations of this Law.

f) Finally, having exhausted all of the aforementioned possibilities, a non-professional substitute will be called forth, in accordance with the stipulations of article 213 of this Law.

2. The annual substitution plans referred to in the previous point will entail the drawing up of calendars establishing the roster for substitution, which will be coordinated with programmed hearings and police duty functions, in such a manner that the availability of those tenured judges and magistrates who voluntarily participate is assured in order to immediately cover any vacancies that might arise. In any event, substitutions will be planned in accordance with the preferences outlined in the following article.

3. The annual substitution plans will be drawn up at the behest of the corresponding Boards of Judges and will be forwarded to the respective Governing Chamber for provisional approval, which will be afforded, where applicable, subsequent to hearing the corresponding State Prosecutor's Office, in order to coordinate possible programmed hearings that might affect proceedings wherein the Laws envisage the intervention of the State Prosecutor. Having provisionally approved the plan, it will be placed before the General Council of the Judiciary for definitive approval under the corresponding terms.

4. Senior Judges and the Presidents of the Provincial Courts, High Courts of Justice and the National High Court, within the scope of their respective competencies, will ensure that the system of substitutions envisaged in this precept, particularly the annual substitution plans, are strictly enforced.

5. The General Council of the Judiciary, sua sponte or at the behest of any of the aforementioned judges, will proceed with the adoption of the corresponding measures in the event of a failure to comply with the system of substitutions envisaged in this precept. It will also adopt the necessary measures to correct any shortcomings that might arise within the execution of the annual substitution plans.

Article 211.

With regards to the stipulations of paragraphs 1.b) and 1.d) of the previous article, the following rules shall be observed:

1.^a. First Instance Judges, Examining Magistrates, Judges of Commercial Matters, Judges of Criminal Matters, Judges for Violence against Women, Juvenile Judges and Labour Judges will substitute one another in municipalities where there are several within the same judicial sphere, in the manner ordered by the Governing Chamber of the High Court of Justice, at the behest of the Board of Judges.

Where the Senior Judge is to be substituted, his or her functions will be performed by the substituting Judge in the Court over which he or she presides, in accordance with the stipulations of the previous paragraph, or, where applicable, via application of seniority within the post.

2.^a. Where another Judge of the same category does not exist within a municipality, substitution will fall to a Judge of a different category.

3.^a. Judges of a different category will also substitute those within a different judicial sphere where, whilst several judges pertaining to the sphere in question exist, the possibilities of them substituting one another have been exhausted.

4.^a. It falls to First Instance Judges and Examining Magistrates to substitute the Judges of the remaining judicial spheres and Juvenile Judges, where there is no possibility of carrying out the substitution within the same sphere.

5.^a. The substitution of Judges of Criminal Matters will, under the circumstances outlined in article 89, fall to First Instance Judges. In all other cases, Judges of Criminal Matters, as is the case with First Instance Judges and Examining Magistrates, will be substituted by Judges of Commercial Matters, Juvenile Judges, Administrative Judges and Labour Judges, in the order established by the Governing Chamber of the High Court of Justice.

6.^a. Judges for Violence against Women will be substituted by Examining Magistrates or First Instance Judges, in the order established by the Governing Chamber of the corresponding High Court of Justice.

Article 212.

1. Where it proves advisable, to deal with cases in a more efficient manner, when a court with a low workload exists in another municipality, of the same category and type as the court wherein substitution is required, the President of the High Court of Justice, subsequent to a hearing, will extend the jurisdiction of the judge presiding over this court, who will carry out both roles, being entitled to the corresponding remuneration, within budgetary constraints, in the terms established in the regulations.

In any event, the presiding judge of any court of the same category and type as the court of the judge to be substituted may call on the President of the High Court of Justice to extend his or her jurisdiction with a view to performing both roles, with the same entitlement to remuneration outlined in the previous paragraph.

2. Extension of jurisdiction will be communicated via the corresponding Governing Chamber to the General Council of the Judiciary for approval, notwithstanding the capacity to instigate the extension, where this is ordered by the President with grounds.

Article 213.

1. Only under exceptional circumstances, where substitution by a member of the judiciary or a trainee judge proves impossible, in accordance with the stipulations of preceding articles, substitute judges will hold jurisdiction with the same scope as if they presided over the body.

2. Substitute judges will be appointed in the same manner as pro tempore magistrates and will be subject to the same legal system.

3. In the event that various substitutes are appointed for a given municipality and judicial sphere, they will be called upon in the order of priority established in the appointment.

4. Under no circumstances may substitute judges be called upon without previously verifying that sufficient budgetary funds exist.

5. Via regulations, the Government will determine the remuneration of substitute judges within budgetary allocations.

Article 214.

Judges will perform the functions that are inherent to their court, both as incumbent judges or judges awaiting assignation of a post or as support judges, along with the functions inherent to the post that is substituted.

Professional substitutions, where they occur, will involve remuneration in those cases and for the amounts that are determined via regulations.

Article 215.

Justices of the peace will be substituted by the corresponding substitute judges.

Article 216.

1. No secondment in the interests of the service may be given to Courts or Tribunals except for a specified period of time if special circumstances concur and prior agreement with the incumbent holder.
2. Secondments will be authorised by the General Council of the Judiciary once the corresponding Board of Governance have been heard.
3. No secondment is possible for the positions of Chief Justice and Chief Justices of the High Court Division or of the High Courts of Justice nor for Chief Justice of the High Court.

CHAPTER IV BIS**CONCERNING SUPPORT MEASURES FOR THOSE PRESIDING OVER JUDICIAL BODIES****Article 216 bis.**

1. Where exceptional delay or the accumulation of cases in a given court or tribunal cannot be redressed via additional staffing for the judicial office or temporary exemption from the roster envisaged in article 167.1, the General Council of the Judiciary may order exceptional judicial support measures entailing the assignment of judges and magistrates who preside over other judicial bodies via secondment.
2. The Presidents of the High Courts of Justice may propose obligatory assignment as a support measure, under a system of secondment without relief from duties, for those judges and magistrates presiding over bodies with scant workload in accordance with the technical criteria established by the General Council of the Judiciary. This secondment will not involve remuneration, even where it is approved, where the workload undertaken by the seconded party does not reach the minimum established in the aforementioned technical criteria.
3. Assignment can also be carried out in the capacity of support judges, in the following order: judges assigned to the territory, referred to in article 347 bis; judges awaiting assignation of a post, regulated in article 308.2; and trainee judges, in accordance with article 307.2 and, in exceptional cases, substitute judges and pro tempore magistrates.
4. Those participating in a support measure employing the system of secondment without relief of duties will be exempt from carrying out the substitutions that may fall to them in the body over which they preside, in accordance with the annual substitution plan, unless they voluntarily request otherwise.
5. The approval of any support measure by the General Council of the Judiciary will require the prior approval of the Ministry of Justice, which can only voice opposition on the grounds of budgetary constraints, all within the framework established by the Protocol that each body undersigns on an annual basis with a view to planning measures of this type that might be adopted.
6. Where the motive for the delay is of a structural nature, the General Council of the Judiciary, in addition to adopting the aforementioned provisional measures, will forward the appropriate proposals to the Ministry of Justice or the Autonomous Regions with competence in this area, with a view to making adaptations to the personnel within the affected Court or correcting jurisdictional boundaries or the number of Courts within a jurisdictional area.

Article 216 bis 2.

Judicial support measures which have to be submitted to the General Council of the Judiciary through the corresponding Boards of Governance must include:

- 1.º. Brief explanation of the background of that specific court or tribunal.
- 2.º. Set out the grounds which have led to the delay or backlog.
- 3.º. Description of the workload of the judicial body and number and type of pending matters.
- 4.º. Updating plan for the Court and Tribunal explaining its temporary scope and restructuring project for the judge's duties or the support team whose duties with full jurisdiction shall be taken into account in the handling and resolution of all new cases or pending of public hearing; the incumbent judge or judges will continue handling on an exclusive basis all those suits which have not yet reached the aforementioned procedural stage.

Article 216 bis 3.

1. The Boards of Governance which implement support measures by means of secondment must give adequate public access of this fact so that any magistrates or judges who may be interested in such appointment may submit their application.

2. In the event of several applications for the same secondment appointment, the corresponding

Board of Governance when designating the candidate it considers most appropriate must take into account the following circumstances:

- a) If the candidate judge or magistrate belongs to the same jurisdiction as the Court or Tribunal for which secondment is to be provided.
- b) Location and distance to destination of each candidate.
- c) The current situation of the court in which he acts as an incumbent judge.
- d) Knowledge of the legal system or language and of substantive law specific to the Autonomous Region in which secondment is to take place.

In all cases in which the secondment proposal implies a discharge of duties, as a preliminary requirement for granting it, in the judgment of the General Council of the Judiciary following a report by the Board of Governance of the High Court of Justice under whose jurisdiction that court that is to provide secondment has been placed, how the absence of the magistrate or judge will be provided for, the period of time in which it will take place and that such vacancy has been sufficiently provided for either by replacement or by any of the procedures foreseen in the legislation.

Such considerations will be duly reflected in the proposal made by the Board of Governance which must also indicate if the secondment magistrate or judge has accepted it and if he is to be discharged or not of his functions at his own court.

3. Any secondment proposal must clearly specify if it has been granted on the basis of satisfying allowances and travel allowances and the corresponding remuneration.

4. Under exceptional circumstances, where the peculiarities of support prevent the secondment from being attended to by a single Judge over the entire period, the General Council of the Judiciary may authorise his or her duties to be carried out by those who voluntarily participate in the substitution plans of the judicial body requiring support, in accordance with the order in which they are to be called forth, which the General Council of the Judiciary may determine.

Article 216 bis 4.

Secondments and mission appointments of alternate judges and magistrates will be applied for and granted within the maximum period of six months reckoned from the date in which the designees were appointed to the courts or tribunals which requested secondment.

Notwithstanding, if during the aforementioned term the intended updating has not been achieved, the measure may be implemented again for the same or lower term if that suffices for the envisaged normalisation.

Renewal proposals will comply with the same requirements as the ones foreseen for the initial judiciary support measures.

CHAPTER V

ABSTENTION AND RECUSATION

Article 217.

The magistrate or judge which is under any legal disqualifying circumstance should abstain from hearing the suit without waiting for a formal recusation.

Article 218.

Recusation may only be made by:

1.^o In civil, labour and contentious-administrative proceedings by the parties and by the State Prosecutor provided that the in view of the nature of the rights being discussed in the judicial proceedings its intervention would be desirable or mandatory.

2.^o In criminal proceedings, the State Prosecutor, the Citizenship Prosecutor, the private prosecutor or complainant, the civil plaintiff, the indicted or accused, the offender, wrongdoer or tortfeasor.

Article 219.

Grounds for abstention or recusation, when applicable:

1.^a. Marriage ties or similar de facto situation, kinship by consanguinity or affinity to the second degree with any of the parties or the Prosecutor's Office representative involved in the suit or legal proceedings.

2.^a. Marriage ties or similar de facto situation, kinship by consanguinity or affinity to the second degree with the legal counsel or the court attorney of any of the parties involved in the suit or legal proceedings.

3.^a. If the judge has held wardship or guardianship duties with regard to any of the parties or has been a ward or under the care of any of them.

4.^a. If a complaint or formal accusation has been made by any of the parties as the material author of an offence or an infraction, provided that such complaint or accusation has given rise to criminal proceedings and provided further that their outcome was not an absolutive judgment or the dismissal of the proceedings.

5.^a. If the judge has been sanctioned in the course of disciplinary measures requested or filed by any of the parties.

6.^a. If he has acted as legal counsel or representative of any of the parties, or has issued an expert report in the proceedings, or has acted in same as prosecutor, delivery expert testimony or as a witness.

7.^a. If the judge has been the complainant or accuser of any of the parties.

8.^a. If the judge has any pending proceedings with any of them.

9.^a: Intimate friendship or manifest illwill against any of the parties.

10.^a. If he has a direct or indirect interest in the suit or in the proceedings.

11.^a. If he has taken part in the inquiry stage of the criminal proceedings or has issued a judgment in a former instance of the suit or legal proceedings.

12.^a. If any of the parties has been a subordinate of the judge who is to reach a decision on the matter.

13.^a. Holding public office, or holding any office or employment whereupon the judge or magistrate has been directly or indirectly involved in the subject matter of the present suit or has taken part in other proceedings related to the latter.

14.^a. In those proceedings in which the Public Administration is party to, if the judge or magistrate is in a similar position with regard to the public officer who issued the decision or reported on the same which gave rise to the proceedings as contemplated in the disqualifying circumstances 9, 12, 13 and 15 of this Article.

15.^a: Marriage ties or similar emotional de facto relationship, kinship up to the second degree of consanguinity and affinity with the judge or magistrate who passed a resolution or who was involved in the proceedings leading to an appeal or to any subsequent stage of the proceedings.

16^a: If the judge or magistrate has held public office and in the course of the same he has been acquainted with the subject matter of the suit to the extent that it would be detrimental to an impartial judgment.

Article 220.

Repealed

Article 221.

1.The judge or the magistrate will inform of his decision to abstain from the proceedings to the Section or Division to which he belongs and with functional jurisdiction to hear any appeal against a resolution given by him. Notice of abstention will be filed in writing expressing the grounds for it as soon as the disqualifying circumstance concurs.

The competent body to decide on the abstention will issue its decision in the term of 10 days.

2. Abstention will suspend the course of the proceedings until a decision has been reached thereon or until the legal term to decide on it has elapsed.

3. If the Section or Division or the judicial body contemplated in paragraph 1 hereunder does not consider that such abstention is justified, it will order the judge or the magistrate, as the case may be, to continue hearing the case notwithstanding the rights of the parties to file for recusation.

Once the judge or the magistrate has received said instructions he will issue a court order lifting the stay on the proceedings.

4. If the abstention invoked is deemed justified by the competent body according to paragraph 1 hereunder, the judge under abstention will issue a writ resolving on his waiver of jurisdiction and decreeing that proceedings are to be submitted to the judge who is to replace him. When he is part of a collegiate body, the writ will be issued by the section or division to which he belongs. A writ on abstention is not subject to any appeal.

5. In any event, stay of proceedings will end when the judge the deputy judge receives the court files and roll or when he takes office in the collegiate body or division in which the former judge served.

Article 222.

Abstention and recusation motions will be notified to the parties including the name of the judge or magistrate who will replace the former judge.

Article 223.

1. Recusation must be proposed as soon as the circumstances leading to it are known, otherwise it will not be heard.

In particular, the following recusations shall be dismissed:

1.º. When they have not been filed within the term of 10 days since notice of the first resolution informing about the identity of the judge or magistrate who is under recusation was given, if knowledge of the grounds for recusation existed prior to that notice.

2.º. When a recusation motion is filed pending proceedings if the grounds for recusation had been known prior to the procedural stage in which it is requested.

2. Recusation motions will be made in writing clearly indicating the legal grounds for it and attaching sufficient evidence of this. This motion must be signed by the legal counsel and the court attorney if they are part of the proceedings, by the party in question or by a third person if the latter is illiterate. In any event, the court attorney will attach special powers of attorney to file a recusation motion. If no legal counsel or court attorney are part of the proceedings, then the party filing for recusation must appear before the Court Registrar's office and ratify it.

3. Following a motion of recusation, the contents of same will be notified to the other parties in the proceedings who will have a joint term of three days to indicate if they agree or disagree with the recusation filed or if they are aware of any other grounds of recusation. A party who does not file for recusation at that time may not do so subsequently unless it clearly establishes that at that time it was not aware that the new grounds for recusation existed.

On the next business day following the expiry of the aforementioned term of three days, the judge who has been recused will state whether it accepts or dismisses the motion of recusation.

Article 224.

1. Recusation motions shall be heard by the following officers:

1.º. Recusation of Chief Justice or Supreme Court Justice, Senior judges of the High Court or of the High Court of Justice will be appraised by a judge of the Division to which the judge under recusation belongs to following a roster of judges listed by seniority.

2.º. Recusation of Chief Justice of the High Court will be appraised by a judge of the Civil or Criminal Division of the High Court of Justice following a roster of judges listed by seniority

3.º. Recusation of a Judge of a Provincial Court will be appraised by another Judge of the same court on the basis of a roster of judges listed by seniority provided that he does not belong to the same division as the judge under recusation.

4.º. When all judges of a collegiate division are under recusation, appraisal of the motion will fall on a judge of the same court designated on the basis of a roster of judges listed by seniority provided that he is not also under recusation.

5.º. Recusation of a magistrate or the incumbent holder of a non-collegiate office will be appraised by a judge of the collegiate body who would review his decisions on appeal according to a roster of judges listed by seniority.

6.º. Recusation of Judges of Peace is appraised by the First Instance Judge of that judicial district and if there are several first instance judges, the one designated on the basis of a roster of judges listed by seniority.

Seniority is determined by rank in the judicial hierarchy.

2. In those cases in which it is not possible to comply with the aforementioned provisions, the Board of Governance of the corresponding Court will designate an examining judge ensuring that he should be higher in rank or at least have a longer term of service than the judge or magistrates under recusation.

Article 225.

1. Within the same day in which the term mentioned in Article 223, paragraph (3) above expires, or on the next working day, the suit or proceedings will be transferred to the surrogate judge and the recusation motion will be submitted to the court who is competent to hear this incident including the supporting evidence and documents.

A report on the challenged judge shall also be attached, detailing whether or not the grounds for objection have been admitted.

2. Recusations which do not state the grounds for filing such motion will be dismissed and likewise if the documents mentioned in Article 223, paragraph (2) are not attached thereto.

3. If the judge under recusation accepts the motion, the plea will be solved without any further proceedings.

Otherwise, the examining judge if he accepts the motion of recusation will conduct the discovery of evidence within the term of 10 days in the terms he considers expedient and will then submit all the appraisal to the competent body which will resolve on the matter.

Once the motion appraisal has been received by the competent court, it will be submitted to the State Prosecutor who will draft a report on this matter. Once the foregoing term has expired, regardless of whether the State Prosecutor's report has been received or otherwise, a decision will be given on this motion within the next five days. No appeal may be made against the foregoing decision.

4. Recusation implies the stay of proceedings until the recusation motion has been solved except in the event of criminal suits in which the examining judge who legally replaces the judge under recusation will continue conducting the proceedings.

Article 226.

1. In proceedings which are conducted by means of an oral hearing regardless of the nature of the jurisdiction which hears the suit, and likewise in the case of infractions, if the judge under recusation does not accept in that hearing the grounds for recusation, the court proceedings will be referred to the examining judge and the main suit will remain in abeyance. The examining judge will summon the parties to appear before him a certain date and time within the next five days and once he has heard the parties and conducted the discovery of evidence he will decide by means of a court order whether the motion of recusation will be upheld.

2. Recusation of judges or magistrates subsequent to the date of the hearing will comply with the provisions of articles 190 to 192 of the Civil Procedure Code.

Article 227.

Recusation motions will be heard by:

1.º. The division foreseen in Article 61 of this Act when recusation refers to the Chief Justice of the Supreme Court, of a Division or to two judges of the same division.

2.º. The competent division of the Supreme Court when recusation refers to one of its judges. To these purposes the judge under recusation will not sit at the bench.

3.º. The division foreseen in Article 69 hereunder when recusation refers to the Chief Justice of the High Court, of one of its divisions or to two or more judges of the same division.

4.º. The competent High Court divisions when its judges are under recusation as provided by Article 68 of this Act.

5.º. The Division mentioned in Article 77 of this Act when the Chief Justice of the High Court of Justice, the Chief Justice of any of its divisions or the Chief Justice of the Provincial Court with seat in the territory of the corresponding Autonomous Region are under recusation and likewise with regard to judges of the same division of the High Courts of Justice or two or more judges of the same Section within a Provincial Court. The judge under recusation may not sit in the bench and he will be replaced pursuant to the procedure established in this Act.

6.º. The competent division of the High Courts of Justice when any of its judges is under recusation. To these purposes the judge under recusation will not sit in the bench.

7.º. When the judge under recusation sits in a Provincial Court, the Provincial Court itself excluding the judge under recusation; if it has two or more Sections, the Section in which the judge does not sit or the section subsequent in number to the one in which the judge under recusation sits will hear the motion.

8.º. Recusation motions referred to a Magistrate of a First Instance or Examining Court, of a Commercial, Examining, Criminal, Juvenile, Parole, Contentious-Administrative or Labour Courts will be heard by the corresponding section of the Provincial Court or by the division of the High Court of Justice which hears their judgments on appeal and if there were several of them, a roster will be created starting by the section or division with the lowest number.

9.º. If the judge under recusation is a Justice of the Peace, the motion will be heard by the examining judge for that motion.

Article 228.

1. The writ dismissing the motion of recusation will decree that the suit or claim are to be heard by the judge under recusation at the current stage of legal proceedings, court costs will be imposed on the party who filed for recusation except if exceptional circumstances concur which merit a different award. An order entered with regard to the recusation motion providing that the party had filed it in bad faith, may lead to a fine between 180 and 1,600 euro.

2. If the writ considers that there are grounds for recusation it will provide that the judge under recusation may no longer continue to hear the suit or claim. The surrogate judge established by law will continue hearing the legal proceedings.

3. No appeal made be filed against a decision rendered in a motion of recusation notwithstanding it may be invoked in the appeal made against the judgment finally given in the suit or legal proceedings moving for their annulment considering that the judge or magistrate who gave that judgment or which sat at the bench of a section or division was under the grounds of recusation alleged.

TITLE III

Concerning legal proceedings

CHAPTER I

ORAL HEARINGS, PUBLIC ACCESS AND OFFICIAL LANGUAGE

Article 229.

1. Judicial proceedings will be chiefly oral particularly in criminal matters, notwithstanding their documentary support.

2. Affidavits, interrogatories, testimonies, cross-examinations, investigations, reports, ratification by expert witnesses and hearings will be conducted before the judge or the court and when applicable the parties will be summoned thereto in a public hearing, except as otherwise provided by law.

3. These proceedings may be conducted by videoconference. or any other similar system which allows for two-way communication and simultaneous relay of sound and image providing visual, hearing and verbal interaction between persons or groups located at different places, ensuring at all times that the parties may discuss with each other and upholding at all times the right of defence, all of which in the terms provided by the judge or the court.

In these cases, the Court Registrar of the court or tribunal which agreed on that system will certify from the seat of the court itself the identity of the persons who are to take part by means of videoconference either by prior submission or exhibition of documents, or because the individuals appearing are personally known to him or by any other suitable procedural system.

Article 230.

1. Courts and State Prosecutor's Offices are obliged to employ any technical, electronic, computer-based and telematic resources at their disposal to carry out their duties and perform their roles, with the restrictions placed on the use of such resources stipulated in Chapter I bis of this Title, Organic Law 15/1999, of 13 December, on the Protection of Personal Data, and any other laws that prove applicable.

The general and specific instructions governing the use of new technologies that the General Council of the Judiciary or the Office of the Director of Public Prosecutions issue to Magistrates or State Prosecutors, respectively, defining their employment, are obligatory.

2. Documents issued via the aforementioned resources, irrespective of their format, will be afforded the validity and efficacy of an original document, providing that their authenticity and integrity can be guaranteed, along with fulfilment of the requisites outlined in procedural laws.

3. Oral trials and hearings that are digitally recorded and documented cannot be transcribed.

4. Proceedings that are processed in computer-based form will guarantee the identification and exercise of the judicial role by the body in question, along with the confidentiality, privacy and security of any personal data they contain, in the terms established by law.

5. Individuals who require the legal protection of their rights and interests can interact with the Judicial Administration via the technical resources outlined in point 1, where they are compatible with the determinations of the Courts and the guarantees and requisites envisaged in the proceedings in question are respected.

6. The computer programs and applications used within the Judicial Administration must be previously announced by the General Council of the Judiciary.

The computer systems used within the Judicial Administration must be compatible with each other to facilitate their communication and integration, under the terms and conditions decided by the State Technical Committee for Electronic Judicial Administration.

Article 231.

1. In all legal proceedings, Judges, Magistrates, State Prosecutor, Court Registrars and all other personnel within Courts and Tribunals will employ Spanish, the official language of the State.

2. Judges, Magistrates, State Prosecutor, Court Registrars and all other personnel within Courts and Tribunals may also employ the official language of the Autonomous Region, where no party voices opposition, alleging that a lack of knowledge of this language could lead to defencelessness.

3. Parties, their representatives and those guiding them, in addition to witnesses and experts, may employ the official language of the Autonomous Region in which the judicial proceedings take place, in both written and verbal statements.

4. Judicial proceedings that are carried out in the official language of an Autonomous Region and documents presented in this language will have full validity and efficacy, without the need for their translation into Spanish. Sua sponte, they will be translated where they are to have an effect outside the jurisdiction of the judicial bodies based in the Autonomous Region, unless the official language is the same in the Autonomous Regions in question. Translation will also be employed where it is legally stipulated or at the behest of a party alleging defencelessness.

5. The authorisation of interpreters in verbal proceedings or sign language interpreters will be carried out in accordance with the stipulations of the applicable procedural law.

Article 232.

1. Judicial proceedings will be public except as otherwise provided in procedural laws.

2. The list of assignments of the judicial body must be made public. Lawyers of the Judicial Administration will ensure that, on the first working day of each week, the competent civil servants within the judicial office publish, in a highly visible place, the list of assignments

corresponding to their respective judicial bodies, indicating the date and time, type of procedure and the number of the proceedings.

3. Under exceptional circumstances, for motives of public order and the protection of freedoms and rights, Judges and Courts may, via a ruling providing grounds, limit the scope of public access and order all or part of the proceedings to be secret in nature.

Article 233.

Deliberations of judges will be secret. Voting results are also secret except as otherwise provided in this Act regarding dissenting votes.

Article 234.

1. Judicial Administration Clerks and competent civil servants within the Judicial Office shall provide all interested parties with as much information as they request regarding the state of the legal proceedings, which they may examine and study, save where they are or have been declared secret in accordance with the law.

2. Parties and any individual who accredit a direct and legitimate interest will have the right to obtain, in the manner outlined in procedural laws and, where applicable, Law 18/2011, of 5 July, regulating the use of information and communication technologies within the Judicial Administration, uncertified copies of the documents that form a part of the case files that have not been declared secret or classified. They will also have the right to have testimony and certificates issued in those cases and via the channels established in procedural laws.

Article 235.

The interested parties will have access to books, files and judicial records which are not restricted as provided by law in terms of their exhibition, testimony or certification.

Article 235 bis.

Notwithstanding the stipulations of the second paragraph of point 1 of article 236 quinquies and the restrictions that, where applicable, may be set out in procedural laws, access to the text of rulings or to the points therein contained, or to other resolutions issued within proceedings, can only be provided once any personal data therein contained has been removed and with full respect for the right to privacy, the rights of individuals requiring special legal protection and the guarantee of anonymity afforded to victims and injured parties, where applicable.

In any event, the necessary measures will be adopted to prevent rulings and other resolutions issued within proceedings to be used for ends that run contrary to the law.

Article 235 ter.

1. Personal data within the Judgment section of final convictions will be open to the public, where they are issued in relation to the crimes envisaged in the following articles:

- a) Articles 305, 305 bis and 306 of Organic Law 10/1995, of 23 November, on the Penal Code.
- b) Articles 257 and 258 of Organic Law 10/1995, of 23 November, on the Penal Code, where the defrauded creditor is the Fiscal Authority.
- c) Article 2 of Organic Law 12/1995, of 12 December, for the Suppression of Smuggling, where detriment has been occasioned to the State Fiscal Authority or the Fiscal Authority of the European Union.

2. In the case envisaged in the previous point, the Court Registrar will issued a certificate recording the following details:

- a) Details enabling the judicial proceedings to be identified.

- b) The full name or company name of the convicted party and, where applicable, of the party incurring civil liability.
- c) The crime in question.
- d) The sanctions imposed.
- e) The quantification of the any form of detriment occasioned to the Fiscal Authority, as outlined in the judgment.

Via a measure of organisation, the Court Registrar will order its publication in the "Official State Gazette".

3. The stipulations of this article will not apply where the convicted party, or, where applicable, the party incurring civil liability, has repaid or deposited the full amount of the any form of detriment occasioned to the Fiscal Authority into the deposits and payments account of the competent judicial body, prior to the date on which the judgment becomes final.

Article 236.

1. Public access of court notices will be deemed carried out by including them in the Official Gazettes in the terms provided by the appropriate procedure laws.

When it has been expressly authorised, public access and notices may be replaced in the terms established in enabling regulations by the use of electronic, information technology and long distance communications systems.

2. Publication by any other procedure may be authorised at the request and cost of the party requesting it.

CHAPTER I BIS

THE PROTECTION OF PERSONAL DATA WITHIN THE JUDICIAL ADMINISTRATION

Article 236 bis.

Data processing carried out within the proceedings that fall under the competence of the Courts, and processing carried out as part of the duties performed by the Judicial Office will be subject to the stipulations of Organic Law 15/1999, of 13 December, on the Protection of Personal Data and the regulation enacting it, notwithstanding the special circumstances outlined in this Chapter.

Article 236 ter.

1. The Courts may process personal data for jurisdictional and extra-jurisdictional purposes. In the first instance, processing will be restricted to the data forming a part of the proceedings they are hearing and the objective will be directly related to the exercise of judicial authority.

2. The Courts, with full respect for the guarantees and rights outlined in the regulations governing the protection of personal data, will keep the files that prove necessary in order to process the proceedings they are hearing and any files that are required to ensure proper management.

These files will be classified as jurisdictional and extra-jurisdictional, in view of the nature of the processing of the data therein contained.

Article 236 quater.

In accordance with the stipulations of article 11.2 of Organic Law 15/1999, of 13 December, the Courts do not require the consent of the party in question in order to carry out the

processing of data in exercise of judicial authority, whether the data is provided by the parties or gathered at the behest of the Court, notwithstanding the stipulations of procedural laws concerning the validity of evidence.

In the case of data processed for extra-jurisdictional purposes, the stipulations of Organic Law 15/1999, of 13 December, will apply.

Article 236 quinquies.

1. Courts and Lawyers of the Judicial Administration, in accordance with their procedural competencies, may adopt those measures that prove necessary for the removal of personal data from the documents that can be consulted by the parties during the processing of the proceedings, providing that they are not required to ensure the right to effective legal protection.

They will proceed in the same manner with regards to parties' access to personal data that might be present in rulings and other resolutions issued within the proceedings, notwithstanding the application in all other cases of the stipulations of article 235 bis.

2. In any event, the stipulations of the legislation governing the protection of personal data will apply to any processing that the parties might carry out of data that is revealed to them within proceedings.

3. Where applicable, any strictly necessary data processed for jurisdictional purposes can be handed over to the General Council of the Judiciary and the Ministry of Justice in order to enable them to carry out the inspection and review functions outlined in this Law.

4. Data processed for extra-jurisdictional purposes can be transferred between jurisdictional bodies or from them to the General Council of the Judiciary or the Ministry of Justice where this is justified by the lodging of an appeal or where this proves necessary for the exercise of the competencies that are legally assigned to them.

Article 236 sexies.

1. For the purposes of Organic Law 15/1999, of 13 December, the jurisdictional body or office processing the proceedings from which the data is taken for incorporation into the file will be responsible for jurisdictional files and will decide who is assigned competence within current legislation in accordance with the request received from a citizen.

Furthermore, the judicial office corresponding to the judicial body to which the data is linked will be responsible for extra-jurisdictional files.

2. The stipulations of the previous point are understood without prejudice to the disciplinary responsibility that might fall, where application, to anyone causing an infringement in the area of personal data protection, as outlined in article 46.2 of Organic Law 15/1999, of 13 December.

3. In any event, it falls to the Lawyer of the Judicial Administration indicated in the resolution for creation to ensure the adoption of measures that prevent the alteration, loss or unwanted processing or access to personal data incorporated into files, whether jurisdictional or extra-jurisdictional, and he or she will be responsible for security for the purposes envisaged in the legislation governing the protection of personal data.

Article 236 septies.

1. The personal data files of the Courts will be created, modified or erased via a resolution of the General Council of the Judiciary, adopted at the suggestion of the Governing Chamber of the Supreme Court, the Governing Chamber of the National High Court, the Governing Chamber of the High Court of Justice or a body within the Administration with competence in judicial matters.

The resolution for the creation, modification or deletion of files will be in accordance with the stipulations of current legislation governing the protection of personal data and will be

published in the Official State Gazette and, where applicable, the official journals of the Autonomous Regions.

2. Once the resolution has been published, the General Council of the Judiciary will forward it in order to have it inscribed in the Spanish Data Protection Agency's General Data Protection Registry.

Article 236 octies.

1. Requests for the exercise of the rights of access, rectification, cancellation and challenge in relation to data processed for jurisdictional purposes will be processed in accordance with the regulations that are applicable to the proceedings in which the data was gathered: the stipulations established in this regard in current legislation governing the protection of personal data will not apply.

In any event, access to data processed for jurisdictional purposes will be denied where the judicial proceedings in which they were gathered have been declared secret or classified.

2. In the case of data processed for extra-jurisdictional purposes, interested parties can exercise their rights of access, rectification, cancellation and challenge in the terms established in current regulations governing the protection of personal data, addressing their request to the civil servant with competence to decide in accordance with current regulations, responsible for the file referred to in the second paragraph of point 1 of article 236 sexies.

Article 236 nonies.

1. The competencies that Organic Law 15/1999, of 13 December, assigns to the Spanish Data Protection Agency, will be exercised, in relation to the processing carried out for jurisdictional purposes and the files of this nature, by the General Council of the Judiciary.

2. Data processing carried out for extra-jurisdictional purposes and the corresponding files will fall under the competence of the Spanish Data Protection Agency, and the General Council of the Judiciary will collaborate insofar as it requires.

Within the processing of data for extra-jurisdictional purposes and extra-jurisdictional files, the General Council of the Judiciary may adopt the regulatory measures that it deems necessary to ensure fulfilment of the security measures established in current regulations governing the protection of personal data.

3. Where, when carrying out investigative actions relating to a possible infringement of the regulations governing data protection, the competent authorities referred to in the two preceding points see signs indicating that another authority holds competence, they will immediately transfer to this authority in order to have it continue the processing of the proceedings.

Article 236 decies.

1. Data processing carried out by the General Council of the Judiciary in the exercise of its competencies will be subject to the stipulations of current legislation governing the protection of personal data. At no time will such processing be considered to be carried out for jurisdictional purposes.

2. The personal data files of the General Council of the Judiciary and the bodies that form a part of it will be created, modified or erased via a resolution of the General Council of the Judiciary, upon a proposal of the General Secretariat, which will be responsible for the processing of these files.

Once the resolution has been published, the General Council of the Judiciary will forward it in order to have it inscribed in the Spanish Data Protection Agency's General Data Protection Registry.

CHAPTER II

PROCEDURAL STAGES

Article 237.

Except as otherwise provided by Law, the judge will provide for the furtherance of all procedural stages by entering the corresponding orders.

CHAPTER III

VOIDANCE OF JUDICIAL ACTS

Article 238.

Procedure acts will be null and void in the following cases:

- 1.º. When they take place by or before a court which is not the competent one or lacks jurisdiction in terms of subject matter or functional capacity.
- 2.º. When carried out under duress or threat.
- 3.º. When the basic rules of procedure have not been observed provided that this may have caused defencelessness.
- 4.º. When carried out without the assistance of a legal counsel when it is mandatory by law.
- 5.º. When hearings are conducted without the mandatory presence of the Court Registrar.
- 6.º. In all other cases established by procedural laws.

Article 239.

1. Courts which have been forced to act under duress or threat, once they are released from such situation will declare that all proceedings arising therefrom are null and void, filing action against the persons who perpetrated these acts and informing the State Prosecutor of this.
2. Acts by parties or persons involved in the proceedings carried out under duress or threat will also be declared null and void.

Voidance of these acts entails that all other acts which may be related, subordinated or influenced in a substantial manner by the voided act are also considered null and void.

Article 240.

1. Null and void proceedings in any case and formal defects in procedural acts which entail a lack of essential requirements in them to achieve their intended purpose or which entail defencelessness, will be invoked by means of the appeals established by law against resolutions entered or by any other means foreseen by procedural laws.
2. Notwithstanding the foregoing, the court or tribunal may ex officio or at the request of the parties, prior to entering a decision which ends the proceedings, and provided that they may not be amended, declare that all or some of the proceedings are null and void.

Under no event a court or a tribunal following an appeal decree ex officio that proceedings not contemplated in the scope of the appeal are null and void unless it considers that the court lacked functional or subject-matter jurisdiction or had acted under duress or threat.

Article 241.

1. Motions for annulment will generally not be admitted. However, in exceptional cases, those who are legitimate parties or who should have been may present a written request for a motion for annulment to be issued, on the grounds of a violation of a fundamental right referred to in art. 53.2 of the Constitution, provided that the complaint could not have been

filed prior to the issue of the ruling that draws this case to a close and that this ruling is not subject to ordinary or extraordinary appeal.

Competence to hear such incidents will fall to the same Court or Tribunal that issued the ruling that has become final. The deadline for requesting annulment is 20 days, to be counted from notification of the ruling or, in any event, from the point of cognizance of the defect giving rise to defencelessness; however, in the latter case, the annulment of the proceedings cannot be requested more than five years subsequent to the notification of the ruling.

The court or tribunal will declare any other motions, seeking to raise other points of law, inadmissible. Rulings declaring motions inadmissible will not be subject to any form of appeal.

2. Having admitted the written document requesting annulment grounded on the flaws referred to in the previous paragraph of this article, the enforcement and efficacy of judgments and rulings that are not subject to appeal will not be suspended, save where such suspension is expressly ordered to avoid such pleas losing their purpose, and the written document, along with copies of any adjoined documents, where applicable, accrediting the flaw or defect on which the plea is grounded, will be forwarded to the remaining parties, who, within a deadline of five days, may present written responses, accompanied by the documents that the deem appropriate.

Where a motion for annulment is upheld, the proceedings will be set back to the point immediately prior to the defect that gave rise to the motion and the legally established procedure will be followed. Where the motion for annulment is rejected, via a ruling, the requesting party will be order to pay costs and, where the Court or Tribunal deems that bad faith existed, a fine of between 90 and 600 euros will also be imposed.

Rulings resolving motions will not be subject to any form of appeal.

Article 242.

Judicial proceedings conducted outside the appointed time for them may only be voided if the nature of the term or deadline itself provides for it.

Article 243.

1. Nullity of an act will not imply that subsequent acts are also voided if they are independent from it or if their content would not have varied even if the infraction which led to the declaration of nullity had not been made.

2. Partial nullity of act will not extend to those parts of such act which are independent from the one which was defeated.

3. The court or tribunal will provide for the amendment of any defects detected in the procedural acts of the parties provided that such acts reveal the intention of the parties to comply with the requirements demanded by law.

4. Acts by the parties which lack the requirements established by law may be amended subject to the cases, conditions and cases foreseen in procedural laws.

CHAPTER IV

JUDICIAL RESOLUTIONS

Article 244.

1. Resolutions given by courts in chambers, or by the Board of Governance or administrative resolutions issued by Judges and Chief Justices will be referred to as decisions.

2. The same term will be used for warnings and corrections given to individuals subject to disciplinary correction of that jurisdiction in the course of judgments or other judicial acts.

Article 245.

1. Resolutions by courts and tribunals of jurisdictional nature will be referred to as:
 - a) Orders when their purpose is the furtherance of proceedings.
 - b) Writs when they resolve on appeals against court orders, incidents, procedural presumptions, nullity of proceedings or when by virtue of procedural laws they must be issued in that manner.
 - c) Rulings/Judgments when they provide a final resolution to the suit or proceedings in any instance or appeal or when pursuant to procedural laws they must be given in this manner.
2. Rulings may be delivered orally when so allowed by law.
3. Final rulings are those which are not subject to leave of appeal, or extraordinary revision or review in the terms provided by law.
4. An enforcement writ is a public and solemn document which includes a final ruling. Enforcement writs are issued in the name of the King of Spain.

Article 246.

In those cases in which the law requires that the Court Registrar should draft a resolution proposal, the Judge may then adopt the procedure of agreeing with the proposal made or deliver his own judgment.

Article 247.

Judicial resolutions delivered orally must be recorded in the Court roll in the case of oral hearings, hearings of suits and other legal proceedings and in any other solemn acts which require their placing on record.

Article 248.

1. The form of a court order will be limited to stating the terms of the matter decreed and the name of the judge or court who has decreed it without any further legal considerations nor additions, the date, signature or seal of the judge or the Chief Justice and the signature of the Court Registrar. Notwithstanding they may provide succinct reasonings without being subject to any legal formality if deemed expedient.
2. Writs must include legal reasoning set out in separate paragraphs, numbering the findings and legal considerations and finally the decision entered. They will be signed by the magistrate or judges who issued them.
3. Judgments will be given stating the findings in a subsequent order after the main heading the findings, facts as found, legal considerations if any, and finally the judgment entered. They will be signed by the magistrate, judge or judges who issued them.
4. When the parties are notified of the judgment, it shall be indicated whether the judgment is final and, if appropriate, any appeals which may be lodged and in which Court, as well as the deadline for doing so.

CHAPTER V**HEARINGS, VOTING PROCEDURE AND RESOLUTION****Article 249.**

Hearing for different matters at the Court will be set as they become completed except if the law provides otherwise.

Article 250.

The Chief Justice of the Division or of the Section will set the dates for hearings or similar procedure and the beginning of the sessions for the oral hearing.

Article 251.

1. The judge or the reporter will have the court roll at their disposal in order to enter a judgment or issue a resolution on any incidents or appeals.
2. The Chief Justice and the judges may examine the court roll at any time.

Article 252.

1. Once the oral hearing of the proceedings, main suit or claim has concluded, or from the appointed date for voting and passing a judgment any of the judges may request the court rolls for their examination.
2. When several judges request the court rolls, the presiding judge will determine the term given to each of them for their examination to ensure that judgments are entered within the established term.

Article 253.

Writs and judgments will be discussed and voted on immediately after the hearings and if this were not possible, the Chief Justice will establish a date for voting within the appointed term to deliver a judgment.

Article 254.

1. Voting, as the Chief Justice deems appropriate, may take place separately on different findings or legal issues or on part of the decision which must be rendered.
2. The Magistrate Rapporteur will vote first followed by the other judges commencing by the most junior ones. The Chief Justice will be the last judge to vote.
3. Once the voting session commences, it may not be interrupted except on force majeure grounds.

Article 255.

1. Writs and judgments will be given by absolute majority of votes except if the law provides for a higher quorum.
2. Under no event a certain number of votes may be required which modifies the majority rule.

Article 256.

When a judge or a magistrate has been transferred, the judge or magistrate will discuss, vote, draft and sign the judgments, as may be applicable, referred to those proceedings which oral hearing he has attended and have not been decided on yet, except if he is under any disqualifying circumstance or the hearing must be voided for any other reason.

Article 257.

1. If during the hearing and prior to voting a judge becomes incapacitated whereby it is impossible for him to attend, he will provide his vote in writing with the grounds for his decision and submit it to the Chief Justice.
2. If he is unable to write or to sign, he will give his vote directly to the Chief Justice.
3. A vote so cast will be attached to the other votes and recorded with the countersignature of the Chief Justice in the Court Roll.

4. When the incapacitated judge is unable to vote even in that manner, the suit or the proceedings will be voted on by those non-incapacitated judges who were present at the hearing, and if there is sufficient quorum, they will then issue the corresponding judgment.

Article 258.

When there is not sufficient quorum to cast a valid vote in the terms demanded by article 255, the suit will be examined again and the judge who has incapacitated, suspended or removed from office will be replaced in the manner provided by the legal provisions thereon.

Article 259.

Judgments will be signed by the magistrate or by the non-incapacitated judges within the appointed term to deliver a judgment.

Article 260.

1. Any judge who takes part in the voting session of a final judgment or a writ will sign the resolution finally passed even if he dissents from the majority opinion but at the time of voting or signing the decision he may issue a dissenting vote cast in the manner of a judgment in which he may accept by reference the findings incorporated to the decision given by the bench which he agrees with.

2. The dissenting vote will record the signature of the judge casting it and shall be included in the court roll and notified to the parties with the decision approved by the majority of the bench. When it becomes mandatory by law to publish the judgment, the dissenting vote must be included next to it.

3. A dissenting vote may be given in the manner contemplated in the preceding paragraph insofar as applicable in writs issued in the course of interlocutory proceedings.

Article 261.

When after a judgment has been delivered by a Court a judge who took part in the voting session becomes incapacitated and is unable to sign, the Chief Justice of that court will sign it on his behalf indicating the name of the judge on whose behalf he signs under the words "he voted in the Bench but was unable to sign".

Article 262.

1. When the voting session on a judgment or a writ does not attain the required number of votes on any of the findings or legal issues which are necessary, the matter will be debated again and the disputed points which had dissenting votes will be voted again.

2. If no agreement is reached, the conflicting views will be reconciliated by means of a new hearing in which the original judges will attend and two more judges if the dissenting judges are an uneven number of three if their number was even. The first appointment for these additional judges will fall on the Chief Justice of the Division if he had not been present in the original hearing; in second place, judges from the division which did not attend the former hearing and in third place the Chief Justice of the Provincial Court and finally judges from other divisions, preferably those of the same jurisdiction by subject matter.

Article 263.

1. The judge who is to preside the Disputes Division will make the appropriate settings of hearings and appointments.

2. When the voting session of a judgment or a writ by the Disputes Division, or where applicable, the Plenary Session of the aforementioned division does not attain a majority of votes on the disputed issues, a new voting session will take place in which only the two views which held the largest number of votes will be voted on.

Article 264.

1. Magistrates of the various Sections within the same Chamber will meet to unify criteria and coordinate procedural practices, particularly in those instances where the Magistrates of the various Sections within the same Chamber or Court uphold different interpretative criteria in their rulings when applying the law in cases that are substantially the same. To this end, the President of the Chamber or Court in question, acting on his or her own initiative or at the behest of a majority of its members, will convene a jurisdictional Plenary to hear one or more such cases with a view to unifying criteria.
2. This Plenary will consist of all Magistrates within the Chamber in question who, via roster, hear those matters wherein the discrepancy arose.
3. In any event, the independence of the Sections for the trying and resolution of the various proceedings they are hearing will remain intact, although grounds must be provided for deviating from the agreed criterion.

Article 265.

In each court or tribunal under the custody of their respective Court Registrar, the Court Roll will be kept which records all final judgments duly signed, writs not subject to further appeal and notice of the dissenting votes indicating who had cast them in correlative order by date of judgment.

Article 266.

1. Judgments once they have been passed and signed by the magistrate or the judges who gave them will be deposited in the Registrar's Office and any interested party will be given access to them.

Access to contents of a judgment, or certain matters within them may be restricted when they bear on issues which affect the right to privacy, rights of individuals that merit special protection or anonymity of victims or aggrieved parties, or in any other circumstance in view of a general interest to avoid that the judgments given may be used in a manner that breaches the law.

2. The Court Registrars will provide a verbatim transcription of the judgment given in any writs issued in connection therewith.

Article 267.

1. Courts may not alter the rulings they issue subsequent to their signing, but may clarify any vague concepts or rectify clerical errors.
2. The clarifications referred to in the previous paragraph may be carried out sua sponte, within the period of two working days subsequent to the publication of the ruling, or at the behest of a party or the State Prosecutor's Office, formulated within the same period, and will be resolved by the court within a three-day period subsequent to the presentation of the written document requesting clarification.
3. Evident clerical and arithmetic errors within judicial rulings may be rectified at any time.
4. Omissions or defects within judgments and rulings that require rectification to ensure their full efficacy may be corrected via a ruling, within the same periods and via the same procedure outlined in the previous paragraph.
5. Where we are dealing with judgments or rulings that have clearly omitted statements relating to claims that were duly deduced or substantiated within the proceedings, the court, upon receiving a written request from a party within the five-day period following the notification of the ruling, and having forwarded the request to the remaining parties to enable them to make written responses within another five-day period, will issue a ruling to include the omitted pronouncement in the judgment or to reject its inclusion.

6. Where the court becomes aware of the omissions referred to in the previous paragraph in the judgments or rulings that it has issued, it may, within a five-day period to be counted from the date of issue, acting *sua sponte*, via a ruling, supplement the judgment in question, without modifying or amending its decisions.

7. The same method outlined in the preceding paragraphs will be employed by the Court Registrar where it is necessary to clarify, rectify, amend or supplement any decree he or she has issued.

8. The rulings or decrees issued to clarify, rectify, amend or supplement referred to in the previous paragraphs of this article will not be subject to any form of appeal, notwithstanding the appeals that might be lodged, where applicable, against the judgment, ruling or decree to which the request of *sua sponte* action of the Court or Court Registrar refers.

9. The deadlines for the appeals that might be lodged against the ruling in question will be suspended from the point at which clarification, rectification, amendment or supplementation is requested and, in all cases, their calculation will commence on the day following the date of notification of the ruling or decree that acknowledges or rejects the omission of the pronouncement, ordering it to be redressed or discounting the need for any further action.

CHAPTER VI

PLACE TO CONDUCT JUDICIAL PROCEEDINGS

Article 268.

1. Judicial proceedings must be carried out at the seat of the judicial body.
2. Notwithstanding the preceding paragraph, Courts and Tribunals may be created in any part of the territory outside their jurisdiction in order to conduct judicial proceedings when it is deemed necessary or expedient in view of an adequate administration of justice.

Article 269.

1. Courts can only hold trials or hearings relating to matters outside the municipality in which they are based where the law so authorises.
2. However, the General Council of the Judiciary, where called for by the circumstances or the need to ensure the proper functioning of the Judicial Administration, at the behest of the Governing Chambers of the High Courts of Justice, may order that the Courts and the Sections or Chambers of the Courts or Provincial Courts be set up in a municipality other than the municipality where their seat is based, to deal with the cases corresponding to a specific territorial area within their jurisdiction.
3. Furthermore, the Governing Chambers of the High Courts of Justice, having previously determined the number of proceedings that justify moving Courts from their seat and providing that their relocation is grounded on the improved administering of justice, will order Judges of Criminal Matters, assisted by the Lawyer of the Judicial Administration, to convene to hold trials in those cities where the Courts have examined the proceedings that it is their charge to hear. The Examining Magistrate's Courts and the civil servants serving therein will provide all necessary collaboration in these cases.

CHAPTER VII

NOTICES

Article 270.

Judgments given by Courts and Tribunals and those issued by Court Registrars in the exercise of their functions will be notified to all parties of the suit, claim or legal proceedings, as the case may be, and also to those to whom the suit refers or may sustain damages thereon, when so provided in those judgments in compliance with the law.

Article 271.

Notices may be sent by ordinary mail, telegram or by any other communication system which provides acknowledgment of receipt and record that the main particulars of the judgment have been notified in the terms established in procedural laws.

Article 272.

An office may be created for common notices between different courts and tribunals of the same city, even if they belong to different jurisdictional divisions. In this event the Barristers' Association will set up a department in which notices may be received which have not been served in the joint office because the barrister who had to be notified did not make an appearance. Receipt of notice at this department will produce full legal effects.

CHAPTER VIII

JUDICIAL ASSISTANCE

Article 273.

Courts and Tribunals will assist each other in their judicial duties.

Article 274.

1. Judicial assistance must be given when legal proceedings are to be carried outside the district of the court or tribunal which had ordered them or if these fall under the jurisdiction of another court or tribunal.
2. Request for judicial assistance regardless of the court or tribunal to which it is addressed must be made directly without any submissions or notices to intermediate judicial bodies.

Article 275.

Notwithstanding, judges may engage in any criminal inquiries in a territory outside the scope of their jurisdiction when it is close to theirs and it is deemed expedient by informing the incumbent judge of that district. Magistrates and judges from other jurisdictional divisions may also conduct inquiries or discovery of evidence outside the territory of their jurisdiction if it is not detrimental to the competencies vested in the incumbent judge and is justified by reasons of procedural economy.

Article 276.

Requests for international cooperation will be processed in accordance with the stipulations of international treaties, the regulations of the European Union and Spanish laws that prove applicable.

Article 277.

Spanish Courts will afford foreign judicial authorities any cooperation they request in order to perform their judicial role, in accordance with the stipulations of international treaties and conventions to which Spain is a party, the regulations of the European Union and the relevant Spanish laws.

Article 278.

The provision of international cooperation will only be refused by Spanish Courts under the following circumstances:

- 1.º. Where the objective or aim of the requested cooperation clearly runs contrary to public order.
- 2.º. Where the proceedings giving rise to the request for cooperation are the exclusive competence of the Spanish judicial authorities.
- 3.º. Where the content of the action to be carried out does not fall under the powers held by the Spanish judicial authority to which the request is issued. In this case, the Spanish judicial authority will forward the request to the competent judicial authority, informing the judicial authority that issued the request.
- 4.º. Where the request for international cooperation does not fulfil the minimum content and requisites required by law for it to be processed.

TITLE IV

Article 279-291

Repealed

TITLE V

Financial liability of the State in the administration of justice

Article 292.

1. Damages caused to property or to rights due to judicial errors as well as those arising from an abnormal functioning of the administration of justice will entitle the aggrieved parties to claim compensation from the State except on force majeure grounds pursuant to the provisions of this Section.
2. In all cases the loss sustained must be real, ascertained in financial terms and sustained effectively by a person or a group.
3. Revocation or annulment of judicial decisions does not entail per se a right to compensation.

Article 293.

1. Compensation claimed due to a judicial error must be supported by a prior judicial decision which acknowledges such loss. The prior decision may arise directly from a ruling given on review appeal. In any other case, the following rules apply
 - a) Legal action for acknowledgment of a judicial error must be filed within the term of three months as from the day in which such action could have been filed. This term may not be extended.
 - b) The claim for a revision of a judicial error must be substantiated before the Division of the Supreme Court which has the same subject-matter jurisdiction as the judicial body which allegedly incurred in a judicial error, and if such error refers to a Division or a Section of the Supreme Court, the Division mentioned in article 61 hereunder will be competent to hear this matter.

c) The procedure to substantiate such claim is the same one as for a civil suit review appeal and in any case the State Prosecutor and the State Administration will be parties to these proceedings.

d) The Court will enter a final decision not subject to further appeal within the term of fifteen days once it has received the corresponding report from the judicial body who allegedly incurred in that error.

e) If the claim for a judicial error is dismissed, court costs will be awarded to the petitioner.

f) A declaration of judicial error will not be possible against a judgment which is still subject to further appeal according to the legal system.

g) An appeal for judicial error shall not stay enforcement proceedings of the judgment given.

2. Both in the case of judicial error and in damages caused by an abnormal functioning of the administration of justice, the petitioner will address his compensation request to the Ministry of Justice directly and it will be handled like any other claim in which the State has financial liability. The decision entered on this matter may be appealed before the contentious-administrative courts. Right of claiming for judicial error lapses after one year since the day it could have been filed.

Article 294.

1. Individuals who have been under preventive imprisonment and are subsequently absolved from the alleged charge or if a non-suit writ has been issued with regard to those criminal proceedings may claim compensation, provided that they have sustained any damages therefrom.

2. Compensation will be determined considering the time they were remanded in custody and in view of the personal and family consequences.

3. Compensation claims will be handled according to the paragraph 2 of the aforementioned Article.

Article 295.

No compensation will be payable when the judicial error or the abnormal functioning of the provisions of judicial services arise from any misconduct or wrongful act by the aggrieved party.

Article 296.

1. Damages and detriment occasioned by Judges and Magistrates in the exercise of their duties will give rise, where applicable, to State responsibility for a judicial error or the abnormal functioning of the Judicial Administration; however, under no circumstances may the injured parties bring actions against them directly.

2. If the damages and detriment are the result of wilful misconduct or gross negligence on the part of the Judge or Magistrate, the General Administration of the State, having issued compensation to the injured party, may demand, via administrative channels, employing the procedure established in regulations, that the responsible Judge or Magistrate reimburse the payment that was made, notwithstanding any disciplinary responsibility that might have been incurred, in accordance with the stipulations of this Law.

The wilful misconduct or gross negligence of Judges and Magistrates can be acknowledged in a ruling or resolution issued by the General Council of the Judiciary, in accordance with the procedure that it may determine. When assessing accountability, the following criteria, amongst others, will be considered: the detrimental result occasioned and the existence or otherwise of intent.

Article 297.

Repealed

BOOK IV

MAGISTRATES AND JUDGES

TITLE I

The Judicial Profession and appointments

CHAPTER I

THE JUDICIAL CAREER

Article 298.

1. Jurisdictional functions in courts and tribunals of any nature contemplated in this Act will be solely exercised by professional magistrates and judges which are members of the Judicial Profession.

2. Alternate magistrates, surrogate judges and justices of the peace also perform jurisdictional functions although they do not belong to the Judicial Profession, and they will discharge their duties in compliance with this Act, although not as gazetted judges but as provisional tenured offices.

Article 299.

1. The Judicial Professional comprises three ranks:

-Supreme Court Judges

-Judges

-Magistrates

2. Supreme Court Judges, in spite of belonging to the Judicial Profession will have a special statute as set out in this Public General Act.

3. Only those individuals who effectively perform jurisdictional functions in the Supreme Court will be considered Supreme Court Judges.

Article 300.

The General Council of the Judiciary will approve every three years maximum and within a shorter term whenever necessary, the rank of the Judicial Profession (the Judges' Roll) which will be published in the Spanish State Gazette and includes the personal and professional data determined by the appropriate regulations.

CHAPTER II

ACCESS AND PROMOTION IN THE JUDICIAL PROFESSION

Article 301.

1. Access to the judicial career is based on the principles of merit and capacity to perform judicial duties.

2. The selection process to access the judicial career will ensure in an objective and transparent manner that all citizens who meet the necessary conditions and qualifications have equal opportunities and it will provide for the professional capacity and ability of the persons who have been selected for the judiciary.

3. Access to the Judicial Career as a magistrate requires a public examination and a theory and practical course conducted at the Judiciary School.

4. Notice of Public Exams for the Judicial Career which will be made jointly with the announcement for Public Prosecution positions shall refer to all existing vacancies at that time and an additional number in order to cover the ones which may foreseeably occur until the next public exam is held.

Successful candidates according to the name of positions offered may choose according to their score for the Judicial Career or the Prosecutor's Branch within the term determined by the Selection Committee.

5. Legal practitioners of acknowledged repute may also access the Judicial Career as Supreme Court Judges or senior judges in the manner and number established by law. Whoever wishes to access the judiciary as a senior judge must follow a course at the Judicial School.

6. In all cases it is necessary not to be under any incapacity or disqualifying circumstance in the terms established in this Act nor have attained the age for retirement of the Judicial career nor attain it during the maximum term established by law and the enabling regulations for the selection process to be completed.

7. The Ministry of Justice in collaboration with the competent Autonomous Regions may request from the General Council of the Judiciary to convene public examinations and selective promotion and specialisation tests required to cover the vacancies existing in the Judicial Career staff.

The Autonomous Regions competent in the matter will have the same faculties as the Ministry of Justice.

8. In addition, within the selection process, a portion of no less than five percent of the vacant posts will be reserved to be filled by individuals with a degree of disability equal to or greater than 33 percent, providing that they successfully complete the selection exams and accredit the degree of disability and compatibility with the performance of the corresponding duties and tasks in the manner that will be determined via regulations. Incorporation of individuals with disabilities into careers as Judges or State Prosecutors will be grounded on the principles of equal opportunity, non-discrimination and compensation for disadvantages, and, where applicable, the selection processes will be adapted to the special needs and particular characteristics of these individuals, via reasonable modification of time allocated and resources within selection processes.

Furthermore, once the selection processes have been successfully completed, action will be taken to make reasonable adaptations and modifications to meet the needs of individuals with any form of disability in terms of the work stations and the working environment of the centre or public body where they carry out their duties.

Article 302.

In order to take part in the free access public examination to the Judicial Career the requirements are to be Spanish, of legal age and holder of a Degree in Law and not be under disqualifying circumstances established by law.

Article 303.

Physical or mentally handicapped individuals to perform judicial duties, persons convicted for malicious offences in so far as they have not been rehabilitated; individuals charged or indicted for malicious offences until they have been absolved or the proceedings dismissed and those persons who do not enjoy full legal rights may not fully exercise all their legal rights.

Article 304.

1. The court which will evaluate the access tests to the Judicial Career and the Prosecutor's Office for the ranks of magistrate and junior prosecutor respectively will be presided by a judge from the Supreme Court, from the High Court of Justice or from a Division Senior Prosecutor of the Supreme Court or from the High Court of Justice, and the other members will be two judges, two prosecutors, one department chair from the Faculty of Law specialised in the areas covered by the exam, a State Counsel, a legal practitioner with more than 10 years' experience in the profession and a first rank Court Registrar who will act as the Secretary.

2. Appointment of members to the Examining Board mentioned in the preceding paragraph will be made by the Selection Committee in the following manner: The President following a joint proposal of the President of the General Council of the Judiciary and the Director of Public Prosecutions; two judges proposed by the General Council of the Judiciary; two prosecutors proposed by the Director of Public Prosecutions; the department chair by the University Coordination Council; the State Counsel and the Court Registrar following a proposal by the Council General of the Bar Association.

The University Coordination Council and the Council General of the Bar Association will prepare lists with three candidates which they will submit to the Selection Committee for their designation, unless reasons exist which make it advisable to propose only one or two names.

Article 305.

1. The Selection Committee mentioned in the preceding article will include a member of the General Council of the Judiciary and a Division Prosecutor who will preside it annually by turns; the other members being a Judge, a Prosecutor, the Director of the Judicial School, the Director of Legal Studies of the Administration of Justice and a member of the technical bodies of the General Council of the Judiciary, and a senior officer of the Ministry of Justice who must be at least a Sub- director general, both of them will have to be in possession of a law degree and shall act alternatively as Secretaries to the aforementioned Committee.

2. The composition of the Selection Committee will be published in the Official State Gazette following a Ministerial Order issued by the State Secretary of Justice. Members will be designated for a four year period according to the following rules:

a) The member of the General Council of the Judiciary, the Judge and the officer from the technical bodies of the General Council of the Judiciary by the Plenary Meeting of the General Council of the Judiciary.

b) The Prosecutors by the Director of Public Prosecution.

c) The senior officer from the Ministry of Justice by the State Secretary of Justice.

3. Resolutions passed by the Selection Committee will be adopted by majority of its members. In the event of a draw, the President will have the casting vote.

4. The Selection Committee notwithstanding the provisions of the preceding article is also competent to:

a) Submit a proposal concerning the public exam subjects, the content of the exercises and other supplementary provisions that must govern the public examination for the Judiciary and the Prosecution, which will have to be approved by the Ministry of Justice and by the Plenary Meeting of the General Council of the Judiciary.

b) Conduct all required administrative proceedings to allocate the successful candidates among different Judicial Schools according to the option they have chosen in the terms established in article 301(2) hereunder.

5. Resolutions foreseen in this article and in paragraph (2) of the preceding article put an end to the administrative channel for appeals and are subject to contentious-administrative appeal before the Contentious-Administrative Division of the Supreme Court.

Article 306.

1. The public examination for the Judiciary and the Prosecutor's Office in order to be appointed a magistrate and a junior prosecutor respectively will be convened at least once every two

years, notice of the exam will be made by the Selection Committee in the terms foreseen in paragraph (1) of article 305 above following a proposal of the General Council of the Judiciary and the Ministry of Justice considering the maximum number of appointments which will be offered on the basis of article 301, paragraph (4) hereunder and budgetary constraints.

2. Under no event the committee may select for the tests foreseen in article 301 hereunder a number of candidates above the appointments foreseen in that article.

3. Successful candidates to the Judicial Career will be considered as officers in training.

Article 307.

1. The Judicial School, a dependency of the General Council of the Judiciary, set up as a centre for the selection and training of judges and magistrates, is charged with providing comprehensive, specialised and high quality tutelage for members of the judiciary and those aspiring to become members.

The Judicial School will be responsible for coordinating and providing initial training and ongoing training, in the terms set forth in article 433 bis.

2. The selection course must include: a multidisciplinary theoretical training programme, a tutored work experience period in different bodies in all judicial spheres and a period in which the trainee judges act as substitutes and support personnel. Only by successfully completing a stage will candidates be allowed to progress to the next stage.

3. Having successfully completed the multidisciplinary theoretical training programme, the period of work experience will commence. In the initial phase, tutored trainee judges, who will be referred to as assistant judges, will carry out duties to support and collaborate with the presiding judge. During this period, their duties cannot extend beyond drawing up drafts of rulings that the judge or rapporteur may, where appropriate, adopt, with any amendments that are deemed apposite. They may also oversee hearings and proceedings under the supervision and guidance of the presiding judge.

4. Having successfully completed the phase of tutored work experience, there will be a compulsory period wherein the trainee judges will carry out duties as substitutes and support personnel, in accordance with the stipulations of articles 210 and 216 bis, affording priority to substitute judges in any calls for candidates to perform such roles.

During this final phase, they will hold jurisdiction with the same scope as those presiding over the judicial body and will be in the service of the President of the respective High Court of Justice, who will draw up a report on their level of commitment and performance whilst carrying out duties, which will be evaluated by the Judicial School.

The General Council of the Judiciary and the Presidents of the High Courts of Justice will make efforts to ensure that such work is, preferentially, carried out in judicial bodies that possess similar characteristics to those to which the trainee judges will subsequently be posted.

5. The duration of the work experience, its nature, the assigned post and the duties of the trainee judges will be regulated by the General Council of the Judiciary, in accordance with the programme drawn up by the Judicial School.

The theoretical training programme cannot, under any circumstances, last for less than nine months. The tutored work experience has a minimum duration of four months; the same minimum duration applies to the period during which the trainee judge will carry out substitution or support duties.

6. Those who successfully complete the theoretical course and the work experience will be appointed as judges in the order proposed by the Judicial School.

7. The appointment will be conferred by the General Council of the Judiciary, via an order, and with the taking of office they will be inducted as judges.

Article 308.

1. The Judicial School will draw up a list of candidates who successfully complete the theoretical course and work experience phases, ranked according to grade, which will be placed before the General Council of the Judiciary.

2. Notwithstanding the stipulations of article 301.4, those successful candidates who could not be appointed as presiding judges of judicial bodies will be inducted into the judiciary as judges awaiting assignation of a post, taking office before the President of the General Council of the Judiciary, to whom they are assigned for the effects envisaged in articles 210.1, 216, 216 bis, 216 bis 2, 216 bis 3 and 216 bis 4.

Judges awaiting assignation of a post will be given priority over substitute judges in any call to fill vacancies in terms of exercising the duties referred to in the articles listed in the previous paragraph and they will be relieved of their duties once they are appointed as presiding judges and have been assigned a vacant post, in which regard they will be ranked according to their grades.

Article 309.

1. Candidates who do not pass the course may take it again and will be incorporated to the new promotion.
2. If they do not pass the course in second attempt they will be finally excluded and any rights to access the Judicial Career by virtue of the access examinations will lapse.

Article 310.

All examinations for induction into and promotion within a career as a Judge or State Prosecutor will entail the study of the principle of equality between men and women, including measures against gender-based violence, and their transversal application within the sphere of the jurisdictional function.

Article 311.

1. For every four vacancies that arise within the category of Magistrate, two will be filled by promoting those Judges who are ranked first within their category.

A Magistrate who is appointed via the aforementioned promotion may decide to continue to exercise the position that they held when the promotion was conferred, informing the General Council of the Judiciary in this respect, in the form and in the manner determined by this body. In the first instance, they will be barred from participating in transfer selection processes for a period of three years, where the post that they held was within the Judge category, and of one year, where within the Magistrate category.

The third vacant post will be filled by a judge selected via competitive examinations for the civil and criminal judicial spheres, and for specialisation within the administrative, labour-related and commercial spheres.

The fourth vacant post will be filled via a selection process entailing eminent jurists with more than ten years of professional experience who have successfully completed the training course referred to in paragraph 5 of article 301. In addition, a third of such vacant posts will be reserved for first or second-category members of the Body of Court Registrars.

Within this process, the number of positions declared open for candidacies cannot exceed the number of vacancies that are actually to be filled tallied with those that are expected to become vacant whilst the selection process remains ongoing.

In Autonomous Regions with more than one official language, or those that possess their own Civil Law, the filling of such posts will adhere to the provisions herein established.

2. Rank-based promotion will require at least three years of active service in the office of judge. However, to register as a candidate for examinations or specialisation selection processes, two years of active service will suffice, irrespective of the administrative status of the candidate. The specialisation selection processes are also open to candidates within the administrative and labour-related spheres, members of the judiciary within the magistrate

category and, as a means of access into the judiciary, members of the State Prosecutor's Office. In either case, at least two years of active service in the respective office will be required. The same requirement is imposed on those who wish to stand as candidates in the examination procedures referred to in paragraph 4 of article 329.

3. The General Council of the Judiciary may announce that all or a number of the examination procedures for entry into the judiciary at the magistrate level will be based on specialities for eminently competent jurists, limiting the selection process to the evaluation of their respective achievements within the field in question and reserving for this purpose posts of a suitable nature within the general ratio established in paragraph 1.

4. Those who are inducted into the magistrate category without having previously been members of the judiciary, will enter at the rank immediately above the last magistrate admitted to this category. They will not be afforded leave of absence, except under the circumstances envisaged in article 356 d) and e), until they have completed the active service period within the judiciary outlined in letter c) of the aforementioned article.

5. Those who successfully pass the specialisation selection processes within the administrative and labour-related spheres, who were previously State Prosecutors, will have their service as prosecutors calculated as active service within the judiciary where they participate in selection procedures to fill posts and positions that are discretionary appointments.

6. Candidates who, pursuant to the provisions of paragraph 4 of this article, enter the judiciary via evaluation restricted to achievements, as outlined in paragraph 3, will be barred from occupying vacancies within other judicial spheres or areas of specialisation, unless they pass the specialisation examinations envisaged in this Law in relation to administrative, labour and social matters.

7. Vacancies that are not filled via this procedure will be allocated on the basis of the competitive examinations and specialisation selection procedures, where they have been convened, or allocated on the basis of seniority.

8. Within the administrative and labour spheres, the number of positions declared open for candidacies for specialised magistrate cannot exceed the number of vacancies to be filled when the call for candidates is made.

Article 312.

1. Selective tests for the promotion from magistrate to judge in civil and criminal jurisdictions will be held at the Judiciary School in order to evaluate the capacity and legal expertise of the candidates and their knowledge of different areas of law. They may consist in writing drafts, passing a course, drafting a legal opinion or a decision and defending it before a panel, oral exposition of different subjects and reply to the questions posed by the Panel, or in similar exercises.

2. The tests for the promotion from magistrate to specialised judge in the contentious-administrative and labour areas must evidence also knowledge of the candidates in the subject matter of these specific jurisdictions.

3. The rules applicable to these tests, the papers and where applicable their programmes will be approved by the General Council of the Judiciary.

Article 313.

1. The General Council of the Judiciary at the time in which it convenes the merits contest foreseen in article 311 will approve the guidelines to hold them in which the maximum score is graded according to the scale set out in the following section.

2. The scale will evaluate the following merits:

a) Degree in Law with higher grade than a pass including the academic record. b) Doctor of Laws (LLD) and award given including the academic record.

c) Number of years as a legal practitioner before courts and tribunals, legal drafts and legal counsel given.

- d) Term of service as chairs or tenured professors in legal subjects in public universities or in similar categories in private universities with full-time commitment.
- e) Term of service as a civil servant in any public administration body or agency which require that the candidate should be in possession of a Degree in Law or a Law Doctorate and involve work before the courts, the Prosecutor's office the Registrarship Association, appointments and duties performed.
- f) Years of effective practice in judicial functions without belonging to the Judiciary and number of resolutions given, evaluating their quality.
- g) Legal/scientific publications.
- h) Papers and communications in congresses and courses that refer to legal issues.
- i) Legal specialisation courses for a period not under three hundred hours and researcher degree obtained by the Spanish Quality and Certification Agency.
- j) If the candidate has passed any of the papers of the open public examination for the Judicial Career.

3. The guidelines will also include practical exercises such as drafting a legal opinion so that the Panel may assess the candidate's aptitudes.

4. The General Council of the Judiciary at the time in which the merits' contest is convened will determine the maximum score allocated to each merit included in the corresponding indents of section 2) above so that it does not exceed the maximum resulting from the sum of the other two. Grading merits included in paragraphs c), d), e) and f) of the above section will not be lower than the maximum score foreseen for any other merits in the remaining indents.

5. The Examining Board may only take into account those merits which are included in the above list and refer to subjects related to the subject matter of the jurisdiction to which the contest refers to, provided that they have been duly established by the candidate.

6. The guidelines will establish the necessary provisos for the examining panel to become aware of any incidents experienced by the candidates during their professional life and which may be relevant for the discharge of judicial duties.

7. In order to assess the merits mentioned in section 2) hereunder submitted by the applicants, the guidelines of the contest will provide that the panel may summon the candidates or those ones which have attained a certain score in order to hold an interview of no longer than one hour in order to discuss the merits submitted by the candidate and his curriculum vitae. The interview aims to establish the extent of his legal training and capacity to become a member of the Judicial Career on the grounds of the merits established but it may not become a general exam of legal knowledge.

8. The guidelines will establish the procedure to grade the professional merits evidenced in the course of the interview.

This assessment shall be restricted to the increase or decrease of the initial mark for said professionals in the maximum proportion established, without prejudice to the terms set out in paragraph 10 of this article.

9. The panel will draft the minutes of the interview setting out the main topics and its results indicating the criteria followed for the final assessment of the candidate.

10. The guidelines will establish a procedure which must be followed by the panel in order to exclude a candidate who is not a legal practitioner of acknowledged standing either due to insufficient or lack of aptitudes ascertained from his professional record, or because the candidate is under circumstances which are incompatible with that degree of excellence even if he has obtained as per the grading system the minimum score required. In this cases the panel will draft a specific resolution on this matter which will be attached to the proposal which shall be notified by the General Council of the Judiciary.

11. The General Council of the Judiciary may dismiss a candidate on reasonable grounds following a hearing with the candidate if in spite of a favourable proposal by the examining panel, it becomes aware subsequent to such proposal of any unfavourable circumstance for his appointment.

Article 314.

The examining panel for the selective tests foreseen in article 312 hereunder will be appointed by the General Council of the Judiciary and will be presided by the President of the Supreme Court, or a Supreme Court Judge or the President of the High Court of Justice or the person in which the latter may delegate. The other members of the panel shall be: two senior judges, a Prosecutor, two faculty chairs appointed from the relevant department, a lawyer with more than ten years' experience, a State Lawyer, a senior Court Registrar, and a member of the technical bodies of the General Council of the Judiciary who will act as the Secretary. When it is not possible to designate a faculty chair, exceptionally a tenured professor may be appointed.

Article 315.

Public examinations and merit contests to cover vacancies of Registrarship and other personnel working for the administration of justice will be convened at the request of the Autonomous Region in which vacancies occur by the competent body pursuant to the terms of this Act.

CHAPTER III**APPOINTMENT AND TAKING POSSESSION OF OFFICE BY
MAGISTRATES AND JUDGES****Article 316.**

1. Magistrates will be designated by means of an Order issued by the General Council of the Judiciary.
2. Judges and Chief Justices will be appointed by Royal Decree following a proposal by the aforementioned Council General.
3. The Royal Decree will be introduced by the Minister of Justice who will sanction the appointment.

Article 317.

1. Appointments will be submitted to the Chief Justice of the Court or the Provincial Court who must swear or decree that the appointees be sworn into office.
2. They will also be informed as well as the Chief Justice of the Court or of the Provincial Court of their former appointment.
3. When Division and Section Chief Justices or judges cease from their current appointment for another one, they will prepare a roll or list of pending matters in their judicial body, recording the date of commencement and their state, providing a copy of this to the Chief Justice of the Court or of the Provincial Court.
4. On taking possession of office the new incumbent judge will examine the list of pending matters prepared by the former judge and will sign it if he agrees with the contents.

Article 318.

1. Members of the Judicial Career will swear on oath or make the following solemn undertaking prior to taking office:
"I swear or promise to uphold and comply and ensure compliance with the Constitution and the entire legal system, loyalty to the King of Spain and to administer fair and impartial justice and comply my legal duties for all citizens"
2. The same oath or promise will be given when they rise in category within the judiciary.

Article 319.

1. Chief Justices, Judges and Magistrates will step into office within twenty calendar days since their appointment was published in the Official State Gazette. For those appointed to an office within the same city where they had been performing their former duties, the term will be of eight days. Officers who have to deliver an oath or an undertaking will step into office within three days after having made it.

2. The General Council of the Judiciary may extend these terms if reasonable grounds exist for this.

Article 320.

1. The President, Chief Justices of Divisions and senior judges of high courts and tribunals will take possession of their office in a public act before the Board of Governance of the Court to which they have been appointed or before the High Court of Justice of the corresponding Autonomous Region.

2. Supreme Court Judges and High Court of Justice Judges who have been appointed without having belonged previously to the Judicial Career will deliver the oath or undertaking foreseen in article 318 hereunder in the same act of taking possession of office.

Article 321.

1. Judges will deliver an oath or an undertaking where appropriate before the Board of Governance of the Court or the High Court of Justice to which they have been appointed and also in a public act.

2. Stepping into office will take place at the Court to which they have been appointed in a public act with the attendance of the Court's staff. Possession of office will be given by the former incumbent judge.

Article 322.

1. If an appointee refuses to deliver oath or a solemn undertaking it will be deemed that he resigns from his appointment and to the Judicial Career.

2. The Chief Justice of the Court or the Provincial Court will inform the General Council of the Judiciary that the oath or undertaking has been given or that the term has elapsed without having been given.

Article 323.

1. If fair grounds exist for not appearing to take office, the resigning officer may be reinstated. Reinstatement will be agreed by the General Council of the Judiciary at the request of the applicant.

2. In such case, the reinstated officer must deliver the oath or undertaking and take possession of office in the appointed term which may not exceed half the usual term.

3. If the vacancy has already been covered he will be appointed to the one chosen by him from those of his rank and for which he meets the legal requirements if any position has not yet been covered from the public examination, otherwise he will be appointed to an office.

CHAPTER IV**FORMS OF ADDRESS AND DISTINCTIONS CONFERRED ON
MAGISTRATES AND JUDGES****Article 324.**

The Chief Justice and the Judges of the Supreme Court, the Chief Justice of the High Court and the Chief Justices of the High Courts of Justice will be addressed as Your Lordship. The Chief Justice of the Provincial Courts and other senior judges are referred to as Your Excellency. Magistrates are referred to as Your Honour.

Article 325.

In official acts, Magistrates and Judges may not may not be addressed in a different form than the one which corresponds to their rank in the Judicial career even if they are entitled to other higher ones by virtue of their career or by other titles.

CHAPTER V

PROVISION OF APPOINTMENTS IN COURTS, PROVINCIAL COURTS AND HIGH COURTS OF JUSTICE

Article 326.

1. Higher appointments and promotion in the judicial career for magistrates and judges are based on the principles of merit and capacity and also on their suitability and specialisation to perform judicial duties for other appointments.
2. Provision of appointments in the judicial career is made by a merits contest in the manner provided in this Act, except for Chief Justices of Provincial Courts, High Courts of Justice, the High Court and Division Judges and Supreme Court Judges.
3. The General Council of the Judiciary by means of a reasoned resolution may determine on a temporary basis not to offer certain vacancies provided that they are sufficiently well provide for by the alternate or assistant magistrates, or when the requirements of the administration of justice make it advisable to give preference to other ones subject to greater difficulties or workload.

Article 327.

1. Designated judges or those which are under any disqualifying circumstances according to this Act may not take part in these appointments.
2. Magistrates or judges who have not been holding office for the time established by the regulations issued by the General Council of the Judiciary may not hold take part in the merits contest, and under no event such term will be below one year in mandatory appointments and two in voluntary appointments.
3. However in all other cases, the General Council of the Judiciary by means of a resolution may defer the effective appointment of a magistrate or judge vacancy when the successful candidate must devote his best efforts to his current appointment in view of delays thereat which are his responsibility. The deferral may not be for more than three months, after which if the pending matters have not been solved in the terms established in the resolution that granted such extension, the magistrate or judge will lose any rights to the new appointment.

Article 328.

The law which determines the judicial division into districts shall classify the different Courts and determine the rank of the incumbent officers therein.

Article 329.

1. Within selection processes to assign courts, priority will be given to those who are ranked highest within the respective category.

2. Within selection processes to assign Administrative and Labour Courts, priority will be given to those who are highest ranked as specialised magistrates within the respective judicial sphere or who, having served within the now defunct Body of Employment Magistrates, for Judges of Social Matters, are highest ranked. Where this is not possible, posts will be filled with Magistrates with at least three years of service during the five-year period prior to the date of the announcement of the selection process, in the administrative and labour jurisdictions, respectively. Where such candidates are not forthcoming, posts will be filled on the basis of the seniority outlined in paragraph 1. Those who are assigned a post, prior to taking office, must participate in any specific training activities determined by the General Council of the Judiciary via regulations for cases entailing a change of jurisdiction. Where vacancies are to be filled via promotions, the General Council of the Judiciary will also determine the specific and compulsory training activities that must be carried out prior to taking office by those Judges who are to be promoted.

3. Within selection processes to assign posts in Juvenile Courts, priority will be given to those who are highest ranked as Magistrates who have accredited specialisation in juvenile matters in the Judicial School. Failing this, posts will be filled with Magistrates with at least three years of service during the five-year period prior to the date of the announcement of the selection process, within the juvenile jurisdiction. Where such candidates are not forthcoming, posts will be filled on the basis of the seniority outlined in point 1.

Those who are assigned a post and those who fill vacancies via promotion, prior to taking office, must participate in any specific training activities relating to juvenile matters and gender-based violence that are established by the General Council of the Judiciary.

3 bis. Those who obtain a post, through competitive examination or promotion, in Courts for Violence against Women, in Courts for Criminal Matters specialising in gender-based violence or in criminal or civil Sections specialising in gender-based violence are obliged to participate, prior to taking possession of their new post, in the activities for specialisation in gender-based violence established by the General Council of the Judiciary.

4. Within selection processes to assign Courts of Commercial Matters, priority will be given to those who, having accredited specialisation in matters pertaining to such Courts, obtained via the successful completion of the specialisation examinations established by the General Council of the Judiciary via regulations, are highest ranked. Failing this, posts will be filled with magistrates who have accredited the longest period of service within the civil judicial sphere.

Where such candidates are not forthcoming, posts will be filled on the basis of the seniority outlined in paragraph 1. Those who are assigned a post, prior to taking office, must participate in any specific training activities determined by the General Council of the Judiciary via regulations.

Where vacancies are to be filled via promotions, the General Council of the Judiciary will also determine the specific and compulsory training activities that must be carried out prior to taking office by those Judges who are to be promoted.

5. Within selection processes to assign posts in Central Examining Magistrate's Courts, Central Courts of Criminal Matters, Central Juvenile Courts and Central Prison Supervision Courts, priority will be given to those who have eight years of service within the criminal judicial sphere during the twelve-year period immediately prior to the date of the announcement of the selection process; where this is not possible, posts will be filled by those who are highest ranked.

Within selection processes to assign posts in Central Administrative Courts, priority will be given to those who are specialised in this judicial sphere; where this is not possible, posts will be filled by those who have eight years of service within this judicial sphere during the twelve-year period immediately prior to the date of the announcement of the selection process; and, where such candidates are not forthcoming, posts will be filled by those who are highest ranked. With regards to the latter, those who are assigned a post, prior to taking office, must participate in any specific training activities determined by the General Council of the Judiciary via regulations for cases entailing a change of jurisdiction.

6. Those members of the judiciary who, having been assigned to Administrative Courts, Labour Courts, Courts of Commercial Matters or Courts of First Instance with competencies in

commercial matters, obtain the status of specialist within their respective judicial spheres, may continue in their post.

Article 330.

1. Within selection processes to assign posts as magistrates in the Chambers or Sections of the National High Court, the High Courts of Justice and the Provincial Courts, priority will be given to those who are highest ranked within the category, notwithstanding the exceptions outlined in the following paragraphs.

2. In each Chamber or Section for Administrative Matters within the High Courts of Justice, one of the vacancies will be reserved for a magistrate specialised in this judicial sphere, giving priority to those who are highest ranked. Where the Chamber or Section is composed of five or more magistrates, a total of two vacancies will be filled via this system, maintaining the same ratio in successive appointments.

However, where a member of the Chamber or Section obtains the status of specialist within this judicial sphere, he or she may remain in their post until they are assigned the first vacancy for specialists that arises. Within the selection processes to assign the remaining vacancies, priority will be given to those magistrates who have eight years of service in this judicial sphere during the twelve-year period immediately prior to the date of the announcement of the selection process.

3. In each Labour Chamber or Section within the High Courts of Justice, one of the vacancies will be reserved for a magistrate specialised in this judicial sphere, or who has served within the now defunct Body of Employment Magistrates, giving priority to those who are highest ranked. Where the Chamber or Section is composed of five or more magistrates, a total of two vacancies will be filled via this system, maintaining the same ratio in successive appointments.

However, where a member of the Chamber or Section obtains the status of specialist within this judicial sphere, he or she may remain in their post until they are assigned the first vacancy for specialists that arises. Within the selection processes to assign the remaining vacancies, priority will be given to those magistrates who have eight years of service in this judicial sphere during the twelve-year period immediately prior to the date of the announcement of the selection process.

4. In the Civil and Criminal Chambers of the High Courts of Justice, one of every three vacancies will be filled by an eminent jurist with more than 10 years of professional experience in the Autonomous Region, appointed on the proposal of the General Council of the Judiciary on the basis of a shortlist of three candidates presented by the Legislative Assembly; the remaining vacancies will be filled by magistrates appointed on the proposal of the General Council of the Judiciary, from amongst those who have served for at least 10 years in this category, within the civil or criminal judicial spheres, who possess a keen awareness of the civil, regional or special law of the Autonomous Region.

Where the appeal sections referred to in article 73.6 exist, vacancies within such sections will be filled in accordance with the stipulations of that article.

Where an evident and ongoing difference in the workload of the various Chambers of the High Courts of Justice makes such action advisable, the Magistrates of any of these bodies, with the authorisation of the Governing Chamber subsequent to a proposal by the President of the Court, may be fully or partially assigned by the General Council of the Judiciary to another Chamber within the same High Court of Justice, which will not entail any form of increased remuneration. When making such assignments, seniority within the rank and the specialisation and experience of the Magistrates in question will be borne in mind, as will their preferences, where possible.

5. Selection processes to assign posts within the Provincial Courts will operate in accordance with the following rules:

a) Where there are several sections and they are divided according to judicial spheres, priority within the selection process will be afforded to those magistrates who have six years of service in the corresponding judicial sphere during the ten-year period immediately prior to the

announcement of the selection process. Seniority in mixed bodies will be calculated as applying to both judicial spheres.

b) Where there are several sections and they are not divided according to judicial spheres, priority within the selection process will be afforded to those magistrates who have six years of service in the corresponding judicial sphere during the ten-year period immediately prior to the announcement of the selection process. Seniority in mixed bodies will be calculated as applying to both judicial spheres.

c) Where there are one or more sections within the Provincial Courts who hear, at second instance, the appeals lodged against all nature of rulings issued by Commercial Courts, one of the vacancies will be reserved for a magistrate who, having accredited specialisation in matters pertaining to such Courts, obtained via the successful completion of the specialisation examinations established by the General Council of the Judiciary via regulations, is highest ranked. Where the Chamber or Section is composed of five or more magistrates, a total of two vacancies will be filled via this system, maintaining the same ratio in successive appointments. However, where a member of the Chamber or Section obtains the status of specialist within this judicial sphere, he or she may remain in their post until they are assigned the first vacancy for specialists that arises. Within the selection processes to assign the remaining vacancies, priority will be given to those magistrates who accredit the longest service within the civil judicial sphere. Where such candidates are not forthcoming, vacancies will be filled by those who accredit the longest service in mixed judicial bodies.

d) In the Section or Sections that, by virtue of article 80.3 of this Law are exclusively and solely charged with hearing, at second instance, the appeals lodged against all nature of rulings issued by Commercial Courts, priority within the selection process to assign posts will be given to those magistrates who, having accredited specialisation in matters pertaining to such Courts, obtained via the successful completion of the specialisation examinations established by the General Council of the Judiciary via regulations, are highest ranked. Failing this, posts will be filled with magistrates who have accredited the longest period of service within the civil judicial sphere. Where such candidates are not forthcoming, vacancies will be filled by those who accredit the longest service in mixed judicial bodies.

6. Where criteria envisaged in paragraphs 2 to 5 are not applied, posts will be assigned in accordance with the stipulations of paragraph 1 of this article.

7. Within selection processes to assign posts in the chambers of the National High Court, priority will be given to those who are specialised in the respective judicial sphere; failing this, posts will be filled by those who have eight years of service within the corresponding judicial sphere during the twelve-year period immediately prior to the date of the announcement of the selection process; and, where such criteria fail to produce candidates, posts will be filled by those who are highest ranked.

Posts within the Appeal Chamber of the National High Court will be filled by those, boasting more than fifteen years within the judiciary, with at least ten years of service in the criminal judicial sphere, giving priority to those who are specialists.

8. Within the administrative and labour spheres, the number of positions declared open for candidacies for specialised magistrate cannot exceed the number of vacancies to be filled when the call for candidates is made.

Article 331.

1. Candidates who become High Court of Justice judges without having previously belonged to the judicial career will be so appointed for the sole purposes of discharging their duties at that Court and may not be appointed to any other position, except in the event of their promotion to the Supreme Court under the provision of expert lawyers and other legal practitioners of acknowledged repute foreseen in article 343 hereunder.

2. To all other purposes they will be considered members of the Judicial Career.

Article 332.

Magistrates who are promoted to Judges by means of selective test involving specialisation in the contentious-administrative or labour division, will retain the rights to take part in contents for other jurisdictional divisions according to their seniority in their common category. To occupy a position of their specialisation only the time effectively holding office in that capacity will be considered.

Article 333.

1. The positions of Chief Justice of the High Court and of Chief Justice of the High Court of Justice Divisions will be covered for a five year period following a proposal by the General Council of the Judiciary between Judges which have holding office for the last ten years in that category and eight years in the corresponding jurisdiction. Notwithstanding, the Chairmanship of the Appeal Division of the High Court will be covered with judges with more than fifteen years' experience in the profession and who have rendered services for more than ten years in the criminal jurisdiction division, and specialist judges will be preferred. The Chief Justice of the High Court, of the High Courts of Justice and Provincial Courts will be covered by merits' contests pursuant to the rules foreseen in Article 330.

2. Appointment to Chief Justice may not fall on those judges who have been sanctioned in the course of disciplinary proceedings for a serious or very serious offence, insofar such circumstance has not been cancelled from their record.

Article 334.

Posts that remain vacant due to a lack of candidates will be filled via promotion to the required category, in accordance with the corresponding roster.

Those vacancies that, in accordance with the stipulations of paragraph two of the first section of article 311, are not filled by judges promoted to the category of Magistrate will be offered to those holding the category of Judge, via the ordinary transfer selection process; where this fails to fill the vacancies, the posts will be offered to Judges who have graduated from the Judicial School, although under no circumstances may vacant posts within collegiate judicial bodies be requested as the first post.

Article 335.

1. Where it becomes vacant, the post of President of a Chamber within the National High Court will be filled in the manner outlined in article 333.

2. The Presidency of the National High Court will be filled by the General Council of the Judiciary, for a period of five years, selected from amongst Magistrates with fifteen years of service in this category who are ideally suited for the post, in the terms envisaged in this Law for Presidents of High Courts of Justice.

3. The post of Head of the Inspection Department of the General Council of the Judiciary will be filled by a Magistrate of the Supreme Court with two years of service in this category, or by a Magistrate with ten years of service in this category. In the case of the latter, whilst exercising the post, they will be afforded the status of Magistrate of the Supreme Court.

Article 336.

1. Appointments for Chief Justices of High Courts of Justice will be made for five years following a proposal by the General Council of the Judiciary between judges who have held office for ten years in that category and apply for this position provided that they have been fifteen years in the Judicial Career.

2. Appointment of Chief Justice of a High Court of Justice will take effect from the moment of its publication in the Official State Gazette notwithstanding the mandatory publication in the Official Gazette of the Autonomous Region.

Article 337.

Chief Justices of Provincial Courts will be appointed for a five year period following a proposal of the General Council of the Judiciary between judges who so request it and have been ten years in the profession.

Article 338.

Chief Justices of the High Court, of High Courts of Justice, of Provincial Courts, of High Court Divisions and of High Courts of Justice Divisions will cease in their functions in the event of any of the following circumstances:

- 1.º If their mandate expires, unless they are re-elected to office for another five year period.
- 2.º Resignation accepted by the General Council of the Judiciary
- 3.º Following a decision agreed in the course of disciplinary proceedings.

Article 339.

The President of the National High Court and the Presidents of the High Courts of Justice, where they relinquish their posts, will, at their choice, remain assigned to the Court or Provincial Court in which they were serving or to the body from in which they last served, until such time as they are assigned the post they have chosen. If the entire initial period for which they were assigned has elapsed, they will, moreover, have preference over the course of the three-year period following the relinquishing of their posts, for any vacancy within their category entailing a voluntary selection process wherein no preference or reservation is made for specialists.

Article 340.

The Presidents of the Chambers of the National High Court, the Presidents of Chambers of the High Courts of Justice and the Presidents of the Provincial Courts, where they relinquish their posts, will, at their choice, remain assigned to the Court or Provincial Court in which they were serving or to the body from in which they last served, until such time as they are assigned the post they have chosen. If the entire initial period for which they were assigned has elapsed, they will, moreover, have preference over the course of the two-year period following the relinquishing of their posts, for any vacancy within their category entailing a voluntary selection process wherein no preference or reservation is made for specialists.

Article 341.

1. For the provision of vacancies of Chief Justices of High Courts of Justice or Provincial Courts in those Autonomous Regions which have Special or Regional Statutes and their own official language, the General Council of the Judiciary will consider as a specific merit their specialisation in such Regional or Special law and knowledge of the language spoken in that Community.
2. Evaluation criteria regarding knowledge of Special or Regional Civil Law of the aforementioned Autonomous Regions will be considered as a preferred merit in any public contests for judiciary bodies in that territory.

CHAPTER VI

PROVISION OF SUPREME COURT APPOINTMENTS

Article 342.

Chief Justices of the Supreme Court will be appointed for a five year period following a proposal of the General Council of the Judiciary among judges of that Court which have been three years in office in that category.

Article 342 bis.

The Supreme Court Judge competent to hear the authorization of activities carried out by the National Central Intelligence Agency which refer to fundamental rights foreseen in article 18.2 of the Constitution will be appointed for a five year period following a proposal of the General Council of the Judiciary amongst judges of that Court which have held office for three years in that category.

Article 343.

At the different Court Divisions, from each five position of judges four will be allocated between members of the Judicial Career who have been held office as a senior magistrate for the last ten years and have been at least fifteen years in the Judicial Career, and the fifth vacancy between lawyers and other legal practitioners of acknowledged repute.

Article 344.

Of each four positions reserved for the Judicial Career:

a) Two will be allocated to judges who reached that category by the appropriate selection tests in the civil and criminal jurisdiction or who have passed them already holding that category or depending on the nature of the jurisdiction, two will be for judges who are specialised in the contentious-administrative or labour field, or in the latter case who belong to the former Labour Judges Division. In this provision of office, fifteen years in the judicial career will be required and only five in that category.

To the purposes of vested rights of appointments in the civil jurisdiction, judges who have passed the corresponding commercial law specialisation selective tests will rank equal to the ones who have passed the selection tests in the civil jurisdiction.

b) Two judges who meet the general requirements to access the Supreme Court in the terms foreseen in the previous article.

Article 344 bis.

1. Magistrates originating from the Military Judicial Corps will be appointed to occupy vacancies in the Chamber for Military Matters within the Supreme Court via royal decree, approved by the Ministry of Justice and proposed by the General Council of the Judiciary, from amongst Robed General Counsels and General Auditors who meet the criteria for promotion and are in active service.

2. For the purpose of providing grounds for the proposed appointment, the General Council of the Judiciary will previously request that the candidates set forth their merits and will call on the Ministry of Defence to provide any documentation deemed necessary.

Article 345.

Lawyers and legal practitioners of acknowledged repute who meet the necessary requirements in the judgment of the General Council of the Judiciary may be appointed Supreme Court Judges, provided further that they have been in the profession for a period exceeding fifteen years preferably in that area of law which corresponds to the type of jurisdiction to which they shall be appointed.

Article 346.

When the number of judges in a division is not a multiple of five, a position will be allocated to group b) of article 344; to group a) of the same article; or to a group of legal practitioners of acknowledged standing, by this order.

Article 347.

Those who have access to the Supreme Court without previously belonging to the Judicial career will be incorporated to that category ranking under the last position of Supreme Court judges. To all purposes their fifteen years length of service will be credited to them.

CHAPTER VI bis

CONCERNING JUDGES ASSIGNED TO A TERRITORY

Article 347 bis

1. In each High Court of Justice, and with application to the entire province, a number of posts for Judge assigned to the territory will be created, determined by Law 38/1988, of 28 December, on Jurisdictional Boundaries and Judicial Bodies.

2. Judges assigned to a territory will carry out their jurisdictional roles in those posts that are vacant, as a support to judicial bodies or in those posts wherein the holder is absent for any reason.

Appointments to such duties will fall to the President of the High Court of Justice in question, who will subsequently inform the respective Governing Chamber.

The Governing Chamber of the High Court of Justice will inform the General Council of the Judiciary of the status and destinations of Judges assigned to their respective territories.

3. In Autonomous Regions with more than one province and where dictated by service requirements, the President of the High Court of Justice may call on judicial bodies within another province that also falls under the territorial sphere of influence of this Court.

4. Where a Judge assigned to a territory acts as a substitute, he or she will do so with full jurisdiction within the corresponding body. He or she will also attend Boards of Judges and other representative acts of the judicial body wherein he or she is acting as a substitute, whilst the holder of the post remains absent.

5. Where a Judge assigned to a territory carries out support duties, it falls to the Governing Chamber to establish the objectives of this support and the appropriate distribution of cases, subsequent to hearing the assigned Judge and the incumbent Judge or Judges of the body where the support is provided.

6. The relocation of Judges assigned to a territory will give rise to the compensation for the provision of the service determined via regulations.

7. In Autonomous Regions with more than one official language, or those that possess their own Civil Law, the filling of such posts will adhere to the provisions herein established.

CHAPTER VII

STATUS OF MAGISTRATES AND JUDGES

Article 348.

Judges and magistrates may be found in any of the following situations:

- a) Active service.
- b) Special services.
- c) Extended voluntary leave.
- d) Suspended from duty.
- e) On extended leave as a result of gender-based violence.

Article 348 bis.

The category of Magistrate of the Supreme Court will be reduced to the category of Magistrate where any other public or private employ is undertaken, with the sole exception of those listed below:

1. Member of the General Council of the Judiciary.
2. Magistrate of the Constitutional Court.
3. Member of International High Courts of Justice.
4. Director of Public Prosecutions.
5. Head of the Inspection Department of the General Council of the Judiciary.

Article 349.

1. Magistrates and Judges are considered in active service when they occupy the corresponding office in the Judicial Career, when they have been provisionally appointed to office, when they are appointed assistant judges or when they are performing secondment duties.
2. In the event that a jurisdiction is no longer in existence or has been restructured so that it now belongs to a different jurisdictional order, the incumbent magistrate or judge at that court will be ascribed to the Chief Justice of the High Court of Justice in the terms established in article 118(2) and (3) hereunder.

Article 350.

1. The General Council of the Judiciary may appoint Magistrates and Judges to secondment duties for a period no longer than one year, subject to being extended for another year
 - a) to provide services to a court or tribunal, with or without being discharged from their incumbent duties;
 - b) to render services at the Ministry of Justice, with or without being discharged from their incumbent duties;
 - c) to take part in international judicial assistance duties, when they have not been appointed to a special services mission.
2. Secondment duties require the acceptance of the candidate and a report by his reporting officer and by the Inspection Department of the General Council of the Judiciary. Such secondment may only be awarded if it is in the interests of the department and of the administration of justice stating the grounds for such requirement.

Article 351.

Judges and magistrates will be declared to be on special service:

- a) Where they are appointed as President of the Supreme Court, Director of Public Prosecutions, Member of the General Council of the Judiciary, Magistrate of the Constitutional Court, Ombudsman or a Deputy thereof, Counsellor of the Court of Auditors, Counsellors of the Council of State, President or Member of the Tribunal for the Defence of Competition, Director of the Data Protection Agency, a member of International High Courts of Justice, or as a presiding judge or member in an equivalent body pertaining to an Autonomous Region.
- b) Where they are authorised by the General Council of the Judiciary to carry out an international mission for a set period of time, of a duration of more than six months, in international organisations, governments or foreign public bodies, or in international cooperation programmes, subsequent to authorisation from the Ministry of Foreign Affairs.
- c) Where they are appointed as officials within International Organisations or bodies of a supranational nature.
- d) Where they are appointed or seconded as Lawyers within the European Court of Justice, the Constitutional Court, the General Council of the Judiciary or the Supreme Court, or as

Magistrates within the Technical Office of the Supreme Court, or in the service of the Ombudsman or an equivalent body pertaining to an Autonomous Region.

e) Where they hold a post, as a result of appointment via a royal decree, or via decree in the Autonomous Regions, that is not ranked higher than director general.

f) Where they are appointed to a political post or a position of trust by virtue of a Royal Decree or regional Decree, or are elected as public representatives within the European Parliament, the Chamber of Deputies, the Senate, the Legislative Assemblies of the Autonomous Regions or Local Authorities.

In such cases, and in the situation envisaged in letter f) of article 356, Judges and Magistrates, and public servants within other Bodies, who are reinstated to the corresponding post within the judiciary, must abstain from hearing any cases that are specifically linked to their political activity.

Article 352.

Magistrates of the Supreme Court will be declared to be on special service where they are assigned to carry out any of the following posts:

- a) Member of the General Council of the Judiciary.
- b) Magistrate of the Constitutional Court.
- c) Member of International High Courts of Justice.
- d) Director of Public Prosecutions.
- e) Head of the Inspection Department of the General Council of the Judiciary.

Article 353.

The special services mission status will be declared ex officio of by the General Council of the Judiciary, or at the request of the interested party notwithstanding compensation payable to them considering their length of service in the judicial career.

Article 354.

1. Magistrates and Judges under the situation of special services will be entitled to the remuneration applicable to that position or appointment, notwithstanding their remuneration for length of service in the judicial career.

2. Magistrates and Judges under the situation of special services will have the time in which they spend in such position credited to them to the purposes of promotion, seniority and retirement benefits. They will also be entitled to retain the office they are appointed to in that position or which they may obtain in the course of same.

Article 355.

When they cease in the position of special services mission they must request reinstatement to active service within the maximum term of 10 days reckoned since their change of status and they will take possession of their new appointment within the term of the next 20 days; otherwise they will be declared on temporary leave since the day they left the former position or office. Reinstatement will have financial and administrative effects since the date it was applied for.

Article 355 bis.

1. The posts held by those who are on special service can be filled via the ordinary mechanisms of substitution, via secondments, with or without relief from duties, or via the ordinary mechanisms of appointment, including via promotion, where applicable, for the time that they remain holders of the post on special service.

2. Where the vacancy is covered via the ordinary mechanisms of appointment, those who occupy the posts, once the incumbent holder returns, will remain seconded to the collegiate Court in which the vacancy was filled, or in the service of the President of the respective High Court of Justice, without affecting the remuneration that they were receiving. Whilst they remain in such a situation, they will carry out duties in the posts determined by the corresponding Governing Chambers, receiving the corresponding compensation where their duties are to be carried out in locations other than their place of residence, which will continue to be considered as the place where the reserved post was filled.

Whilst they are performing duties within the reserved post, once a year has passed since they were assigned to the post, or at any time where they are seconded, they may take possession of any post via the ordinary mechanisms for assignment and promotion. They will definitively occupy the reserved post where it becomes vacant for any reason. Where they have been seconded, they will be assigned to the first vacancy that arises in the collegiate Court in question or in Courts within the same judicial sphere located in the same place as the reserved post, except in the case of the post of President or posts that have been legally reserved for Magistrates assigned via competitive examination, and they have not followed this route.

3. Those who, finding themselves in an administrative situation other than active service, obtain, via competitive examination, a post available in accordance with the stipulations of this article, are required to be reinstated into active service in order to effectively carry out the judicial duties of this post.

Article 356.

At the behest of a judge or magistrate, they will be declared to be on extended voluntary leave under the following circumstances:

- a) Where they are on active service in a body or grade level within the Public Administrations, or serving within the State Prosecutor's Office.
- b) Where they take posts or perform duties in organisations or bodies within the public sector and cannot be assigned any other status. In this case, where they cease to hold the post or perform the duties, they must request reinstatement into active service in their former post within a deadline of ten days, to be counted from the date following the cessation. Where they fail to do so, they will be declared to be on extended voluntary leave for personal interest.
- c) For personal interest, providing that they have served in the judiciary during the immediately preceding five-year period, being obliged to remain in this situation for at least two years.

The assignation of this status is subordinate to the requirements of the Judicial Administration. It cannot be assigned where the judge or magistrate is involved in disciplinary proceedings.

d) To care for children, for a period of no more than three years for each child, whether this entails biological children, adopted children or permanent or pre-adoption fostering, to be counted from the date of birth of the child or the date of the judicial or administrative ruling in question, respectively. Successive children will give rise to the entitlement to a new period of extended leave, which, where applicable, will draw an end to any leave of this nature that was in effect. Where both the father and mother are employed, only one of them may exercise this right.

e) The entitlement to a period of extended leave, for no more than three years, is also afforded to care for a family member in their charge, up to and including the second degree of kinship or relation by marriage, who, as a result of old age, an accident or illness, are unable to look after themselves and do not carry out any form of remunerated activity.

A single period of extended leave will be conferred for each family member. Where another family member gives rise to the need for another period of extended leave, where this leave commences, it will draw an end to any leave of this nature that was in effect.

This extended leave, and the leave regulated in the previous paragraph constitute an individual right of members of the judiciary. Where the entitlement to leave arises, in relation to the same family member, for two members of the judiciary, the General Council of the Judiciary

may restrict simultaneous exercise of this right, for reasons grounded on the requirements and proper functioning of services.

f) Where they present themselves as candidates to be elected as public representatives within the European Parliament, the Chamber of Deputies, the Senate, the Legislative Assemblies of the Autonomous Regions or Local Authorities. Where they fail to become elected, they may opt to continue on extended voluntary leave, informing the General Council of the Judiciary of their decision within a deadline of thirty days, or to return to active service.

Article 357.

Where a magistrate of the Supreme Court requests extended voluntary leave and it is granted, he or she will lose this status, except under the circumstances envisaged in letters d) and e) of the previous article and in article 360 bis. In all other cases, they will be assigned as being on extended voluntary leave, within the Magistrate category.

Article 358.

1. Extended voluntary leave, in its various forms, does not give rise to a reserved post. Judges and Magistrates who are on voluntary leave will not receive remuneration and the time that they remain on leave will not be counted in terms of promotions, seniority and retirement entitlements, notwithstanding the stipulations of paragraph 2 of this article and the provisions of the regulations on matters concerning retirement.

2. The stipulations of the previous paragraph do not apply to extended voluntary leave to care for children or to care for a dependent family member, as outlined in paragraphs d) and e) of article 356, where the period of leave will be counted in terms of three-year salary increases and pension fund contributions. Whilst they are on leave, they may participate in training courses. During the first two years, they will be entitled to the reserving of the post in which they were carrying out their duties and to have the leave period counted towards seniority, along with the entitlement to participate in transfer selection processes. Once this period has transpired, the reserving will refer to a post of the same category in the same province, and one month prior to the maximum period for remaining on leave, they must request reinstatement into active service. Where they fail to do so, they will be declared to be on extended voluntary leave for personal interest.

3. Those who are on the extended leave outlined in paragraph f) of article 356 and request reinstatement into active service, will be in the service of the President of the High Court of Justice of the Autonomous Region in which they were last posted, with priority in terms of the assignation of posts for their category within the province or, failing this, the Autonomous Region in which they were last posted.

Article 359.

1. Reincorporation to active service of a magistrate or judge on voluntary leave for personal affairs which has been away for more than ten years will require a Capacitation Certificate issued by the General Council of the Judiciary who will request the relevant reports and conduct the necessary inquiries to ascertain it.

2. Magistrates and judges in the administrative situation of voluntary leave who request to be reincorporated to active service, if they receive the Capacitation Certificate are obliged to take part in all selection proceedings convened for vacancies of their category until they secure an appointment. Otherwise they will be declared on voluntary leave for personal affairs and the Capacitation Certificate will not have any legal effects.

Article 360.

Once a magistrate or a judge previously on voluntary leave has been reincorporated to active service for the reasons foreseen in Article 356, paragraph f), he may not access for the next five years any office in the judicial career which are not allocated strictly on the grounds of length of service.

Article 360 bis.

1. Judges and magistrates who are the victims of gender-based violence will have the right to request a period of extended leave on the basis of violence against women, without any requirement in terms of the minimum period previously served. They may remain in this administrative situation for a maximum of three years.

2. During the first six months, they will be entitled to the reserving of the post in which they were carrying out their duties and to have the leave counted in terms of promotion, three-year salary increases and pension fund contributions.

Nevertheless, where the effective legal safeguarding of the victim's right to protection so requires, the entitlement to the reserving of the post outlined in the previous paragraph can be extended for three-month periods, up to a maximum of eighteen, with the same effects outlined in the aforementioned paragraph.

3. Judges and magistrates who are on extended leave as a result of violence against women will receive full pay for the first two months of the leave period and, where applicable, family benefits for any dependent children.

4. The reinstatement into active service of judges and magistrates in the administrative situation of being on extended leave as a result of violence against women that does not exceed a duration of six months, will take place in the same judicial body wherein the post they previously occupied is reserved. Where the period of leave exceeds 6 months, reinstatement will require judges and magistrates to participate in all selection processes that are announced to fill vacancies in their category, until they obtain a post. Where they fail to do so, they will be declared to be on extended voluntary leave for personal interest.

Article 361.

1. A magistrate or judge may be suspended from office either on a temporary or permanent basis in the terms established by law.

2. The magistrate or judge suspended from office will not be able to perform his duties throughout the suspension period.

Article 362.

1. Temporary suspension may be decreed in the course of disciplinary or judicial proceedings.

2. Temporary suspension during the handling of administrative proceedings may not exceed six months except in the event that the proceedings are suspended for reasons attributable to the interested party.

Article 363.

Temporary suspension entitles the suspended judge to collect his basic pay except in the event of suspension of disciplinary proceedings caused by him, in which case he will not collect any remuneration throughout the suspension period. If the judge does not appear or acts in contempt of the court, he will not collect any remuneration.

Article 364.

When suspension is not declared final nor it is resolved that the judge should be removed from office, the suspension period is considered as active duty and the suspended judge will be reinstated immediately to his former office being entitled to all wages and other rights as from the moment in which suspension became effective.

Article 365.

1. Suspension will be considered final when it has been imposed following a conviction or disciplinary measures, and the period of temporary suspension will be credited to these purposes.

2. Permanent suspension for more than six months entails loss of office. The vacancy will be covered by the ordinary procedure for judicial vacancies.
3. Permanent suspension will entail loss of all rights attached to the judicial official until the magistrate or judge is reinstated.
4. Until the suspension term has not expired, his administrative situation will not vary.

Article 366.

1. The magistrate or judge who has been finally suspended must request reinstatement to active duty one month before the expiry of the suspension period. Reinstatement will produce administrative and economic effects from the moment in which criminal or disciplinary liability has expired.
2. If reinstatement is not requested in the period mentioned in the preceding paragraph, he will be declared on leave for personal affairs as from the date in which the suspension period ends.

Article 367.

1. Reinstatement to active duties of a suspended judge requires a capacitation certificate issued by the General Council of the Judiciary which will request the relevant reports and conduct the necessary inquiries to ascertain it.
2. If they receive the Capacitation Certificate are obliged to take part in all selection proceedings convened for vacancies of their category until they secure an appointment. Otherwise they will be declared on voluntary leave for personal affairs and the Capacitation Certificate will not have any legal effects.

Article 368.

Applications for vacancy appointments among those who must return to active duty will be made in the following order:

- a) Suspended officers.
- b) Reinstated officers.
- c) Voluntary leavers.

Article 369.

The change in the administrative situation of magistrates and judges may take place provided they meet the legal requirements for each case without having to be on active service.

CHAPTER VIII

CONCERNING HOLIDAYS AND LEAVE

Article 370.

Repealed.

Article 371.

1. In each calendar year, judges and magistrates are entitled to take paid holidays of twenty-two working days, or the proportionate number of days where they have not been in service for the entire year.

In terms of the provisions of this article, Saturdays will not be considered as working days.

2. The Presidents of the Chambers and Magistrates of the Supreme Court and the remaining Courts will take their holiday leave in the month of August; those who are charged with forming the Chamber envisaged in articles 61 and 180 of this Law are excluded.

Article 372.

The annual holiday period may be refused for the period requested when there are pending cases in the Court or Tribunal, due to cumulative time-off requests in that district or for other exceptional circumstances which may be detrimental to the administration of justice.

Article 373.

1. Judges and magistrates are entitled to 15 days of leave for marriage.

2. They will also have an entitlement to leave as a result of birth, adoption and pre-adoption or permanent fostering, the duration and conditions of which will be regulated by the general legislation in this area. The General Council of the Judiciary, via regulations, will adapt this legislation to the specific nature of the judiciary.

In the case of international adoption, where the parents must previously travel to the country of origin of the child to be adopted, the leave envisaged in this article may commence up to four weeks prior to the decision authorising the adoption.

3. Judges and magistrates also have an entitlement to leave to carry out studies relating to the judicial role, having previously obtained a favourable report from the President of the corresponding Court, who will take service requirements into consideration.

Once the leave period has finalised, a report will be placed before the General Council of the Judiciary outlining the work carried out, and where the content is deemed insufficient to justify the leave, the number of days deemed appropriate will be deducted from the holiday leave of the individual in question.

4. Judges and magistrates are also entitled to five days of leave over the course of the calendar year, which can be taken separately or together. The respective superiors can only refuse such leave on the basis of service requirements.

5. As a result of the death, an accident involving or the serious illness of a spouse, or an individual linked via a comparable personal relationship, or a family member within the first degree of kinship or relation by marriage, judges and magistrates will be afforded leave of three working days, which can be extended to up to five working days where travel to another municipality is required.

Such leave will be reduced to two and four working days, respectively, where the death and other circumstances involves family members within the second degree of kinship or relation by marriage.

6. For the birth, fostering or adoption of a child, judges and magistrates will be entitled to parental leave of fifteen days, to be counted from the date of birth of the child, the date of the judicial or administrative decision authorising the fostering, or the date of the judicial or administrative ruling authorising the adoption.

7. Judges and magistrates are entitled to leave for the reconciliation of personal and family life within work and as a result of gender-based violence. The General Council of the Judiciary, via regulations, will adapt current legislation governing such matters to the specific nature of the judiciary.

8. Judges and magistrates may call on the President of the body in which they are posted to request a leave of absence from the judicial body in question for a period of up to three days each month and no more than nine per year, in order to study or resolve particularly complex proceedings, address situations of accumulation of cases that are not attributable to the performance of the applicant, or where other circumstances make such leave expedient. Requests for leave of this nature must be made at least three days prior to the date on which the leave is to be taken. Authorisation will only be refused, providing grounds, where the leave coincides with programmed hearings, trials or deliberations, or where service requirements are not covered.

Making use of the leave outlined in point 4 of this precept in the same month will not prevent the granting of this authorisation.

Article 374.

Where a judge or a magistrate becomes ill and is unable to attend work, he or she will inform the President who is their immediate superior and will request sick leave, accrediting the illness and outlining the medical prognosis for recovery.

Article 375.

1. Where six months have transpired, sick leave will only entail entitlement to base salary and family benefits, notwithstanding the supplements that may apply, in accordance with the applicable Social Security scheme.

2. In general, leave to engage in studies will entail entitlement to base salary and family benefits. Leave to engage in studies relating to the judicial role will entail no pay restrictions.

Nevertheless, days of leave to engage in studies, whether relating to the judicial role or otherwise, that exceed more than 20 days per year will not entail entitlement to any form of remuneration, save periods focused on obligatory training activities relating to a change of judicial sphere or specialisation, which will not entail pay restrictions under any circumstances.

3. The remaining forms of leave and holidays will not affect the salaries of those who take such leave, notwithstanding the stipulations of this Law. In the case of sick leave, members of the judiciary who are temporarily incapacitated as a result of common contingencies, will receive fifty percent of their salary, taking in both base pay and supplements, including benefits for dependent children, where applicable, from the third day of their temporary incapacity, taking the remuneration that they receive in the month immediately prior to the month in which the sick leave is taken as a reference point. Between the fourth and the twentieth day, both inclusive, they will receive seventy-five percent of their salary, taking in both base pay and supplements, including benefits for dependent children, where applicable. From the twenty-first day to the one hundred and eightieth day, both inclusive, they will receive their entire base pay, benefits for dependent children, where applicable, and all supplements. Where the situation of temporary incapacity derives from professional contingencies, the salary received can be supplemented from the first day, up to a maximum limit of the remuneration corresponding to staff of the type in question in the month prior to the month in which the sick leave is taken.

From day one hundred and eighty onwards, the sick benefit outlined in paragraph 1.B of article 20 of Legislative Royal Decree 3/200, of 23 June, which approves the consolidated text of the current legal provisions concerning the Special Social Security Scheme for personnel in the service of the Judicial Administration, will be applicable.

The competent body will determine those cases wherein, on an exceptional basis and with due justification, a supplement can be afforded, up to a maximum of one hundred percent of the salary that was received at any given time. In this regard, cases of hospitalisation and surgery will be considered as due justification in all cases.

Under no circumstances may public servants affiliated to the special social security schemes under the "mutualismo administrativo" system receive a lower amount whilst in a situation of temporary incapacity as a result of common contingencies than the amount that would correspond to public servants affiliated to the general social security scheme, including, where applicable, the supplements that might apply to the latter.

Any reference to days made in this point will be understood to refer to calendar days.

Article 376.

When exceptional circumstances make it necessary, leave permits and time-off provisions may be suspended or revoked, and the Magistrates and Judges will be ordered to return to their duties at the Court or Tribunal.

Article 377.

By means of regulations the legal framework of leave permits and time-off provisions will be further developed establishing the authority in charge of granting them, their duration and all other matters not contemplated hereunder.

TITLE II**Judicial Independence****CHAPTER I****MAGISTRATES AND JUDGES AS TENURED OFFICERS****Article 378.**

1. Magistrates and Judges are considered tenured officers while they perform judicial duties.
2. Those officers who have been appointed for a certain period of time will be considered tenured officers only for that time.
3. In the events of resignation, leave of absence, transfer and promotion the specific provisions foreseen in this Act will control.

Article 379.

1. Magistrates and Judges will lose their condition in the following cases:
 - a) If they renounce to the Judicial career. The circumstances foreseen in articles 322 and 357(3) hereunder apply.
 - b) Loss of Spanish nationality.
 - c) By virtue of disciplinary sanction which entails their removal from the Judicial Career.
 - d) If they have been convicted for any malicious offence and imprisoned for this reason. If the term of the conviction does not exceed six months, the General Council of the Judiciary in view of the offence perpetrated may on a justified basis replace the loss of such condition by the sanction foreseen in article 420.1.(d).
 - e) If they are under incapacitating circumstances, except if they qualify for retirement.
 - f) Retirement.
2. Removal in the terms foreseen in indents b), c), d) and e) of this article will require opening proceedings and notification to the State Prosecutor.

Article 380.

Officers who have lost the condition of Magistrates and Judges for any of the circumstances foreseen in indents a), b), c) and d) of the aforementioned Article may request from the General Council of the Judiciary their reinstatement once they have obtained the rehabilitation foreseen in the Spanish Criminal Code, where applicable.

Article 381.

1. Reinstatement will be granted by the General Council of the Judiciary when the grounds or inexistence of the events which have rise to removal are established, taking into account all circumstances.

2. If reinstatement is refused, proceedings for reinstatement may not be filed again until three years have elapsed since the initial unfavourable resolution given by the General Council of the Judiciary.

Article 382.

The Judge or Magistrate who has been reinstated will be appointed to office in the manner foreseen in this Act.

Article 383.

Suspension of Magistrates and Judges will only take place in the following cases:

- 1.º. When proceedings have been instituted against them for offences perpetrated by them in the discharge of their duties.
- 2.º. When they are convicted for a malicious offence and an imprisonment order has been decreed against them or they are on bail or indicted.
- 3.º. When so decreed in the course of disciplinary or incapacitating proceedings either on a temporary or final basis.
- 4.º. If a final judgment provides as the main or accessory conviction suspension or removal from office.

Article 384.

1. In the cases foreseen in the first two paragraphs of the foregoing article, the magistrate or judge hearing the case will notify it to the General Council of the Judiciary which will decree the suspension after having heard the State Prosecutor.
2. In the event foreseen in paragraph (4) above, the Court will submit a verbatim transcript of the judgment to the General Council of the Judiciary.
3. Suspension will last in the cases foreseen in paragraphs 1 and 2 above, until an absolutive judgment or non-suit order is entered. In all other cases for all the term of the conviction, sanction or cautionary measure.

Article 385.

Magistrates and Judges will only retire:

- 1.º. When they attain the age of retirement.
- 2.º. If they are under permanent disability to perform their duties.

Article 386.

1. The retirement of Judges and Magistrates due to age is compulsory and will be ordered sufficiently in advance to ensure that the relinquishing of the post effectively occurs once the age of seventy is reached.

However, two months prior to this point, a request can be made to extend permanence in active service up to a maximum age of seventy-two. This request is binding on the General Council of the Judiciary, which can only refuse in the event that the petitioner does not fulfil the age requirements or where the request is presented outside the aforementioned period.

2. They may also retire when they are sixty-five years old if they request it from the Council General of the Judiciary six months in advance notwithstanding any other early voluntary retirement foreseen in the law.

3. Judges and Magistrate will retain the honours and forms of address corresponding to the category held at the time of retirement.

Article 387.

1. When a magistrate or a judge is under permanent incapacity, the corresponding Board of Governance at the request of the State Prosecutor or the applicant will submit a retirement proposal to the General Council of the Judiciary.
2. Retirement on the grounds of permanent incapacity proceedings may also be initiated by the Council General ex officio or at the request of the State Prosecutor.
3. Retired judges due to permanent incapacity may be reinstated and return to active duty if they establish that the reasons for their retirement had disappeared.

Article 388.

Removal, transfer, retirement due to permanent incapacity and reinstatement proceedings will require a hearing with the officer under those circumstances and a report by the State Prosecutor and the respective Board of Governance notwithstanding any other circumstances which may be considered although the final decision is vested with the General Council of the Judiciary.

CHAPTER II

DISQUALIFYING CIRCUMSTANCES AND PROHIBITIONS

Article 389.

The appointment to judicial office either as a magistrate or a judge is incompatible with

- 1.º The exercise of any jurisdiction other than the Judiciary.
- 2.º Any elective or political appointment to the State, Autonomous Regions, Provinces and other local entities or councils included within the structure of any of the above.
- 3.º Remunerated or for profit employment or positions with the State Administration, Parliament, the Royal Staff, Autonomous Regions, Provinces, Councils or other local entities or councils included within the structure of any of the above.
- 4.º Employments of nature at Courts or Tribunals of any jurisdiction.
- 5.º Any remunerated employment, appointment or profession, except teaching and legal research, literary, scientific, artistic and technical papers and publications arising from these pursuant to the provisions on disqualifying circumstances of civil servants working for the Public Administration.
- 6.º Acting as legal counsel or a barrister.
- 7.º Any legal consultancy work, paid or otherwise.
- 8.º Any commercial or business activities even on behalf of a third party.
- 9.º Duties as Manager, Supervisor, Administrator, Director, partner or any other appointment which involves direct, administrative or financial presence in commercial companies or entities, public or private, regardless of their activities or legal status.

Article 390.

1. Individuals who are performing any duties, or holding an office or appointment listed above prior to becoming magistrates or judges must choose within the term of eight days to either one or the other position and resign from the prohibited activity.
2. In the event that they do not inform of the option chosen within the aforementioned term it will be deemed that they have waived their appointment to the judicial career.

Article 391.

Judges who have matrimonial ties between them or a similar emotional relationship, kinship up to the second degree of consanguinity or affinity may not belong to the same Bench or Provincial Court except if by legal mandate or pursuant to the provisions of articles 155 and 198(1) of this Act there are several divisions in which case they may be appointed to different sections, but they may not be in the Bench or Division.

Magistrates or judges who have the same ties or degree of kinship may not be together in the same Board of Governance. This provision applies to Chief Justices.

Article 392.

1. Magistrates and Judges may not take part in appeal proceedings which refer to a resolution given by individuals who have any of the relations mentioned in the preceding Article nor in the last stages of judicial proceedings which by their nature involve making a judgment on the prior proceedings.

By virtue of this principle, the judge should abstain from hearing the matter whenever the foregoing ties are appreciated, and likewise in the event of any of the following circumstances:

a) Examining magistrates are under incompatibility with Criminal Single Judges who will preside the oral hearing on the basis of their preliminary inquiries and also with the Judges of the Section who are also involved in the case.

b) Judges of any Bench either existing functionally or otherwise, which is vested with cognizance of appeals referred to decisions of a jurisdictional body regardless to which division it belongs to are incompatible with the judges and magistrates of that body. Divisions and Sections of the Supreme Court are excluded from the scope of this prohibition.

2. Incompatibility with regard to the relations listed in the preceding article also applies to the following:

a) Chief Justices and Division Judges of the Criminal Jurisdiction of the High Court and Provincial Courts with regard to the State Prosecutor officers working thereat except in the event that the Provincial Court has more than three sections.

b) Chief Justices and senior judges of Civil and Criminal Jurisdictions with regard to the Chief Prosecutor and the Assistant Prosecutor in that body.

c) Examining magistrates and Single Criminal Judges with regard to prosecutors who have been assigned to the territory where they hold jurisdiction except Judicial Districts in which there are more than five bodies of that nature.

d) Chief Justices, Judges and Magistrates with regard to Court Registrars and other personnel working in the Courts who report directly to them.

Article 393.

Magistrates and Judges may not hold office:

1. In the division of Courts and Tribunals where a legal counsel or a barrister usually acts if they are his spouse or a relative up to the second degree of kinship by consanguinity of affinity. This disqualifying circumstance will not apply to cities in which there are ten or more First Instance and Examining Courts or Divisions with three or more Sections.

2. In a Provincial Court or Court within the territory of their jurisdiction if in any of its boroughs either the judge himself, his spouse, or relatives up to the second degree of kinship by consanguinity or affinity have business interests or vested interests which would make it difficult to perform the judicial duties fairly. Cities of more than one hundred thousand inhabitants are excluded from the above prohibition.

3. At a Bench or a Court in which they have acted as legal counsel or barristers in the last two years prior to their appointment.

Article 394.

1. When an appointment may lead to incompatible positions in the terms foreseen in the foregoing articles, it will be discharged and the magistrate or judge will be subject to a mandatory transfer notwithstanding any disciplinary liabilities incurred.

2. When incompatibility arises by virtue of subsequent events, the General Council of the Judiciary will provide for the mandatory transfer of the magistrate or judge in the event foreseen in paragraph (1) above, or of the last appointed of the remaining ones. Where appropriate it may to the Government the transfer of the incompatible member of the Prosecutor's Office if he had held office for a shorter period of time. Mandatory transfer is subject to not changing his current residence if a vacancy exists, and in that case such vacancy will not be covered by means of a public contest.

Article 395.

Magistrates and Judges may not belong to political parties or trade unions or work in any manner for them, and they must likewise refrain from:

1.º. Congratulate or reprove powers, authorities, civil servants or local entities in any of their acts in the capacity of members of the judiciary nor attend in such capacity any public meetings or acts which are not of judicial nature, except for those events which purpose is to congratulate the King or which have been convened or to which they may attend following an authorisation by the General Council of the Judiciary.

2.º. Become involved in legislative elections in any manner other than for voting as any other citizen. Notwithstanding the foregoing, they will perform their duties and tasks arising from their office.

Article 396.

Magistrates and Judges may not disclose circumstances or information pertaining to private individuals or moral persons which they have become aware of in the exercise of their duties.

Article 397.

Competencies regarding authorization, recognition or denial of compatible circumstances in the terms provided in this chapter is vested with the General Council of the Judiciary following a report by the Chief Justice of the respective Court or Bench.

CHAPTER III

JUDICIAL IMMUNITY

Article 398.

1. Magistrates and Judges in active duty may only be arrested by means of a warrant of arrest issued by a competent judge or in the event of being caught in the act. In the latter case the essential cautionary measures will be adopted and the arrested judge will be submitted to the nearest Examining Court as soon as practicable.

2. All arrests will be notified as expeditiously as possible to the Chief Justice of the Court or the Bench to whom the Judge reports. The judiciary authorities will adopt the necessary measures to provide for a substitute judge.

Article 399.

1. Civil and military authorities will refrain from associating with Magistrates and Judges or request their presence before them.

When a civil or military authority requests any information or statements which may be provided by a magistrate or a judge and which do not refer to their office or duties, the

request will be made in writing and they will be received in the official chambers of the judge, prior notice of this.

2. In the case that they request cooperation or assistance due to their office or their jurisdictional functions, it will be provided as expeditiously as possible except if the act that must be carried out is not legal or is detrimental to the authority of the Judge or the Court. Refusal will be reported to the petitioning authority indicating the grounds for such refusal.

Article 400.

When in the course of criminal proceedings it becomes necessary that a magistrate or a judge delivers a testimony and it is legal to do so, they may not refuse it. If the Judicial Authority before whom such deposition is made ranks below the deponent, the latter will be summoned to the chambers of the magistrate or judge, prior notice of the day and hour in which it will take place.

CHAPTER IV

LEGAL FRAMEWORK FOR PROFESSIONAL ASSOCIATIONS OF MAGISTRATES AND JUDGES

Article 401.

Pursuant to article 127 of the Constitution, the free association of magistrates and judges which are members of the Judicature is allowed which will be governed by the following rules:

1.^a Professional associations of magistrates and judges will have legal personality and full capacity to pursue its ends.

2.^a Their legitimate ends will be the defence of professional interests of its members in all areas and performance of all manner of activities focused on the administration of justice in general. They may not engage in any political activities nor have any ties with political parties or trade unions.

3.^a Professional associations of magistrates and judges must have national scope notwithstanding the existence of branches which area of influence will be territory of a High Court of Justice.

4.^a Magistrates and Judges are free to belong or not to professional associations.

5.^a Only Magistrates and Judges in active duty may take part in these associations. No magistrate or judge may be affiliated to more than one association.

6.^a Professional associations of Magistrates and Judges of the Judicature will be validly created as from the moment they are registered in the Register kept to these purposes at the General Council of the Judiciary. Filing will be made at the request of any of the sponsors, who will have to submit its by-laws and a list of affiliated members.

Access to the register may only be refused when the association or its by-laws do not comply with the legal requirements thereon.

7.^a Bylaws must include at least the following provisions:

a) Name of the association

b) Specific ends

c) Organization and representation within the association. Its internal structure and functioning must be democratic.

d) Affiliation procedure.

e) Financial resources and dues.

f) Procedure for designating managing officers within the association.

8.^a Suspension or winding-up of professional associations will be subject to the general system for associations.

9.^a In default of a specific provision, the general legal provisions for associations will control.

CHAPTER V

FINANCIAL INDEPENDENCE

Article 402.

1. The State guarantees the financial independence of Magistrates and Judges by means of an adequate remuneration in view of their judiciary duties.
2. It will also provide with a Social Security scheme which protects Magistrates and Judges and their relatives during their active duty period and on retirement.

Article 403.

1. The remuneration system for Magistrates and Judges will be based on the principles of objective assessment, transparency and stability, considering the extent of their dedication to judicial duties, category and length of service in order to determine the appropriate consideration. The degree of responsibility attached to their office and their position will be also considered.

2. In all cases, remuneration paid to Magistrates and Judges will have a fixed component and a variable element based on meeting objectives which assesses their individual performance.

3. The fixed component is broken down in basic and supplementary pay items considering their category, length of service in the judicature of each of its members and the objective characteristics of their office.

Basic pay includes salary and length of service. Supplementary pay items include place of residence allowance and specific allowances.

4. The variable component tied to objectives will refer to the individual performance of each magistrate or judge in their jurisdictional and professional duties.

5. Likewise, magistrates and judges may collect special pay if they perform duty magistrates tasks or extraordinary services without being discharged of their functions or replaced.

6. A statute will further develop on the basis of the foregoing paragraphs the remuneration scheme of the judicature officers.

Article 404

Together will all other remuneration items for Magistrates and Judges, the National Budget will include an annual chapter for Justices of the Peace and other sums for judiciary staff as required pursuant to the provisions of this Act and to other requirements arising from the administration of justice.

Article 404 bis.

On the basis of the jurisdictional sovereignty principle embodied in article 123 of the Constitution and considering the collegiate nature of the activities carried out by Supreme Court judges in the terms of this Act, their remuneration will be established in accordance with the same scale applicable to other officers of the highest constitutional bodies considering the nature of their functions.

TITLE III

Liability of Judges and Magistrates

CHAPTER I

CRIMINAL LIABILITY

Article 405.

Criminal liability of Judges and Magistrates for offences or misdemeanours perpetrated in the performance of their judicial duties will be exacted pursuant to this Act.

Article 406.

Criminal liability proceedings against Judges and Magistrates may be filed either by an order issued by a competent Court or following a complaint lodged by the State Prosecutor, the aggrieved or injured party, or by exercising popular action on behalf of public interest.

Article 407.

When the Supreme Court by virtue of the suits or legal proceedings or due to any other reason becomes aware of any actions carried out by Judges or Magistrates in the discharge of their duties which may be considered an offence or a misdemeanour, it will notify it to the competent court once the Public Prosecution has been heard in order to initiate appropriate proceedings. The High Courts of Justice and Provincial Courts will also act, where applicable, in this manner.

Article 408.

When other Judicial Authorities are aware in the course of the proceedings they are involved in of any offence or misdemeanour perpetrated by a Judge or a Magistrate in the discharge of their duties, they will inform of this to the competent Court or Tribunal once the Public Prosecution has been heard and the findings thereon will be submitted to that Court.

Article 409.

When the General Council of the Judiciary, the Government or any other body or authority of the State or a Regional Community considers that a Judge or a Magistrate has perpetrated an action in office which may be considered an offence or a misdemeanour, it will notify the Public Prosecution of this in order to initiate criminal proceedings, if appropriate, notwithstanding the provisions of Article 406 hereunder.

Article 410.

In the event that any of the parties to a suit, or any person with a legitimate interest in it file a complaint against the Judge or Magistrate who must enter a judgment with regard to said proceedings, prior to placing the aforementioned complaint on record, the competent body conducting the inquiry will conduct an investigation as it deems expedient in order to determine its own competence on the matter and whether the findings attach any criminal liability and finally the likelihood of the charges made.

CHAPTER II

Article 411-413

Repealed

CHAPTER III

DISCIPLINARY PROCEEDINGS

Article 414

Judges and Magistrates may be subject to disciplinary proceedings in the cases and subject to the guarantees provided in this Act.

Article 415.

1. Disciplinary liability may only be exacted by the competent authority pursuant to the proceedings described in this Chapter.

2. Notwithstanding the opening of criminal proceedings this will not bar disciplinary proceedings from being initiated with regard to the same matters, but no decision will be given thereon until a sentence or a writ of non-suit has been entered in the course of the criminal proceedings conducted.

In any event, the facts as found which puts an end to the criminal proceedings shall be binding for the decision given in the disciplinary proceedings, although the legal considerations thereof may vary in each proceeding.

3. The same findings shall only attach criminal and disciplinary liability when the legal considerations and protected rights differ in each case.

Article 416.

1. Infractions perpetrated by Judges and Magistrates in office are classified in very serious infractions, major and minor infractions.

2. Very serious misdemeanours are subject to a statute of limitations of two years, which is of one year in the case of serious misdemeanours and six months in the case of minor misdemeanours.

The limitation period will be counted from the commission of the misdemeanour. However, in the case outlined in article 417.5, the limitation period will commence once the sentence or resolution issued by the General Council of the Judiciary, affirming the civil liability of the Judge or Magistrate, becomes final.

3. The statute-barred period will be interrupted as from the date in which the commencement of disciplinary proceedings is notified or when informative inquiries are conducted with regard to the conduct of a Judge or a Magistrate.

The statute-barred period will recommence if the inquiries or proceedings are stayed for a period of six months for reasons unrelated to the Judge or Magistrate subject to disciplinary proceedings.

Article 417

The following are considered very serious infractions:

1. Breach of duty of loyalty to the Spanish Constitution as provided under Article 5 hereunder when such breach has been established in a final judgment.

2. Affiliation to political parties or trade unions, or performing duties or services for them.

3. Provoking repeated serious incidents with the authorities of the judicial district in which the Judge or Magistrate sits for reasons outside the discharge of his judicial duties.

4. Unwarranted interference by means of orders or pressure in any sense in the exercise of the judicial functions of any other Judge or Magistrate.

5. Actions and omissions that have given rise, within a final sentence or resolution issued by the General Council of the Judiciary, to the appreciation of civil liability that arose whilst performing duties, entailing wilful misconduct or gross negligence in accordance with point 2 of article 296.
6. The exercise of any disqualifying activities for Judges or Magistrates as set out in Article 388 of this Act, unless they are deemed to be a major infraction as per Article 418 hereunder.
7. Further his appointment as Judge or a Magistrate for another Court or Tribunal when he is under of any the disqualifying circumstances foreseen in sections 391 to 393 of this Act, or continue performing his duties in those Courts without informing the General Council of the Judiciary about these circumstances which would entail obligatory transfer in the terms of Article 394 hereunder.
8. If the Judge or Magistrate does not provide for his own recusation in spite of being aware that he is under any of the legal circumstances that bar his cognizance of the suit.
9. Unjustified and repeated delay or disregard in initiating, conducting or deciding on any proceedings or suits or in the exercise of any of his judicial functions.
10. Taking leave of service in a continued and unjustified manner for seven or more calendar days, abandoning the seat of the jurisdiction where the Judge or Magistrate holds office.
11. Misrepresentation on the part of the Judge or Magistrate in order to obtain permits, authorizations, waiver of disqualifying circumstances, allowances or grants.
12. Disclosure by the Judge or Magistrate of findings or data which he has become aware of in the course of his judicial functions if it causes any damage in the conduct of any proceedings or to any party.
13. Abuse of authority to secure preferential treatment by authorities, officers or professionals.
14. Unforgivable ignorance in the discharge of his judicial duties.
15. Total and unjustified lack in providing an opinion in those judicial decisions which require it provided that such deficiency has been established in a final judgment. If the decision lacking the grounds may not be appealed, this will be a requirement to file a complaint by the parties of the suit.
16. Perpetration of a major infraction when the Judge or the Magistrate has been already sanctioned for two major offences which have become final without having been cancelled, or the corresponding entries thereof being cancelled, in the terms provided by Article 427 of this Act

Article 418

The following are considered major infractions:

1. Disrespect to his superiors in the judicial hierarchy either in their presence or in a communication addressed to them, or in public.
2. Interfere by means of any recommendation in the exercise of judicial activities of other Judges or Magistrates.
3. Congratulate or reproach public authorities, officers or local bodies for any event invoking or availing himself of his office as a judge.
4. Amend the application or construction of the legal system made by lower courts of the judiciary except when they act in the exercise of their jurisdiction.
5. Abuse or exceed his judicial powers, acting in a derogatory manner with regard to citizens, institutions, clerks, coroners or other individuals working in the administration of justice, or to the State Prosecutor, lawyers and court attorneys, labour counsellors and officers of the Judicial Police.
6. Use of unnecessary, unwarranted, extravagant or clearly disrespectful or offensive expressions in the legal opinion of the judgment delivered. In this case, the General Council of the Judiciary will only act on the basis of a testimony thereof or a communication issued by the

higher court to the one which entered the aforementioned judgment and which is to hear the matter on appeal.

7. Refrain from exacting disciplinary liability for Court Registrars and subordinate officers when the Judge or Magistrate is responsible for hearing their breach of duty.

8. Disclosure by the Judge or Magistrate outside the judicial channels available of findings or information which they have become aware of in the course of their judicial duties when it is not deemed to be a serious offence as provided under Article 417 of this Act.

9. Taking leave of service in a continued and unjustified manner for more than three and less than seven calendar days, abandoning the seat of the jurisdiction where the Judge or Magistrate holds office.

10. Unjustified and repeated breach of the hearing's schedule or non-attendance to court proceedings involving notified public hearings when it is not considered as a very serious infraction.

11. Unjustified delay in conducting or handling proceedings or suits to be heard by that Judge or Magistrate when it is not deemed to be a very serious infraction.

12. Breach or disregard to any notices submitted by the General Council of the Judiciary, the President of the Supreme Court, the President of the State Court, by the Presidents of the High Courts of Justice or the Presidents of their Divisions in the exercise of their legitimate functions, or hinder their inquiries or investigations.

13. Breach of the obligation of drafting a court roll or list of pending matters as provided by Article 3 of this Act.

14. The exercise of any disqualifying activity foreseen in Article 389(5) of this Act, without having secured the appropriate authorisation or if it has been secured by means of fraudulent misrepresentation.

15. Unjustified self-recusation when so declared by the Board of Governance following the procedure set out in Article 221(3) of this Act.

16. Enter decisions which entail a clear procedural abuse or misrepresent the effective workload with regard to the benchmarking systems established by the General Council of the Judiciary.

17. Hinder inspection activities.

18. Perpetration of a minor infraction when the Judge or the Magistrate has been already sanctioned for two minor offences which have become final without having been cancelled, or the corresponding entries thereof being cancelled, in the terms provided by Article 427 of this Act

Article 419.

The following are considered to be minor infractions:

1. Disrespect to his superiors in the judicial hierarchy when it is not considered a major infraction.

2. Disregard or dismiss other equal or lower Courts, or act in a derogatory manner with regard to citizens, institutions, clerks, coroners or other individuals working in the administration of justice, or to the State Prosecutor, lawyers and barristers, labour counsellors and officers of the Judicial Police.

3. Repeated or unjustified breach of the legal term to enter a judgment in any matters which are to be heard by the Judge or the Magistrate.

4. Taking leave of service in a continued and unjustified manner for more than one and less than three calendar days, abandoning the seat of the jurisdiction where the Judge or Magistrate holds office.

5. Breach or disregard to any notices submitted by the General Council of the Judiciary, the President of the Supreme Court, the President of the State Court, by the Presidents of the High

Courts of Justice or the Presidents of their Divisions in the exercise of their legitimate functions, or hinder their inquiries or investigations.

Article 420.

1. The sanctions which may be imposed on Judges and Magistrates for infractions in the exercise of their judicial duties are set out herebelow:

- a) Warning.
- b) Fine of up to 6,000 euro.
- c) Mandatory transfer to another Court or Tribunal at least one hundred kilometres away from the one in which he had served office.
- d) Suspension of up to three years.
- e) Removal.

The Judge or the Magistrate who has been sanctioned with mandatory transfer may not take part in any advancement exams for a period of one to three years.

2. Minor misdemeanours may only be sanctioned with cautions, a fine of up to 500 euros, or both; serious misdemeanours, with a fine of between 501 and 6000 euros; and very serious misdemeanours, with suspension, forced transfer or dismissal.

3. Sanctions imposed for very serious infractions will become statute-barred after two years; in the case of major offences the statute-barred period is one year and for minor offences the statute barred period is the one foreseen in the Spanish Criminal Code for misdemeanours. The foregoing statute-barred periods will be reckoned from the next day to the one in which the decision imposing these sanctions became final.

Article 421.

1. The following bodies are competent for imposing the aforementioned sanctions:

- a) Warning sanctions may be passed by the President of the Supreme Court, the President of the State Court and of the High Courts of Justice to the Judges and Magistrates who are below them.
- b) In the case of fine or warning and fine for minor infractions, the Boards of Governance of the Supreme Court, of the State Court and of the Supreme Courts of Justice which regard to the judges and magistrates under them.
- c) Sanctions for major offences are passed by the Disciplinary Commission of the General Council of the Judiciary.
- d) Sanctions for very serious offences are imposed by a Plenary Session of the General Council of the Judiciary following a proposal of the Disciplinary Commission.

2. Notwithstanding, the bodies mentioned in the aforementioned rules may impose lesser sanctions to those vested in them when on examination of a file initially submitted to them they find that the findings merit a lesser sanction.

3. Sanctions imposed by the competent authorities and bodies must take into account that a fair correlation exists between the nature of the breach and the sanction imposed.

Article 422

1. A warning sanctioned is imposed with no further proceedings than prior hearing of the party in question and on the basis of a summary investigation.

Any resolution passed thereon may be appealed by the party found in breach by means of an administrative appeal if he deems it expedient or else that party may directly resort to the contentious-administrative courts pursuant to the rules of procedure established in the law that governs such jurisdiction.

The other sanctions may be imposed pursuant to the procedure established in the following sections of this Act.

3. Sanctions contemplated in Article 421.1.d) of this Act will be imposed by the General Council of the Judiciary following a proposal by the Disciplinary Commission, following a hearing of the Judge or Magistrate to which such proceedings refer who may file whatever pleadings and documents he deems expedient within a term not under 10 days nor above 15 days if the proposal differs from the one made by the Examining Judge.

Article 423

1. Disciplinary proceedings will be conducted ex officio in all its stages and shall commence following a proposal made by the Board of Governance or the President, as the case may be of the Disciplinary Commission or the Plenary Session of the General Council of the Judiciary, or on its own initiative based on an order or a petition stating the grounds for such request made by another body, or following a complaint lodged. The State Prosecutor may also initiate them.

2. Any complaint on the functioning of the Judicial system in general or on any actions carried out by Judges or Magistrates in particular will be the object within the term of one month of a report by the Head of the Inspection Services of the General Council of the Judiciary which will decide on whether to file the proceedings, open an inquest or directly file for disciplinary proceedings.

3. The reasoned decision issued by the Board of Governance or the Disciplinary Commission on whether to initiate proceedings will be notified to the complainant who may not challenge it by means of an administrative appeal notwithstanding his right to seek remedy at the appropriate jurisdiction.

If disciplinary proceedings are opened, the complainant will be notified of any decisions passed thereon and he may file pleadings in the course of these proceedings, but he may not challenge the decision by means of an administrative appeal notwithstanding his right to seek remedy at the appropriate jurisdiction.

4. The resolution passed moving for the opening of proceedings will appoint an examining judge of at least the same rank as the one against whom the proceedings are conducted. Following a proposal by the aforementioned examining judge, a Secretary may be appointed to him.

Article 424

1. The Disciplinary Commission or the General Council of the Judiciary at its own initiative, after having heard the examining judge or on the basis of a proposal made by the latter, once the Judge or Magistrate charged has been heard, as well as the State Prosecutor, may within a joint term of five days decree the temporary suspension of the indicted judge for a maximum period of six months when there is reasonable evidence to support the charge of a very serious offence.

2. The Judge or Magistrate so charged may challenge the foregoing resolution by filing an appeal for revision before the Plenary Session of the General Council of the Judiciary in the terms provided under sections 142 and 143 of this Act.

Article 425.

1. The Examining Judge will conduct the discovery of evidence and carry out all acts required to determine and verify the facts and liabilities thereon that may entail a sanction; the Public Prosecution Services will be party to these proceedings and also the party in question who may avail himself of legal counsel from their commencement.

2. In view of the evidence gathered and the investigations carried out, the examining judge will draft a statement of counts recording the findings challenged, the infraction allegedly perpetrated and the potential sanctions for such misconduct.

The statement of counts will be notified to the indicted party so that in the term of eight days he may request the discovery of evidence he considers appropriate which will be decided on by the examining judge.

3. Following the defence filed to the statement of counts, or if the aforementioned term elapses and no defence has been filed, the examining judge following a hearing with the State Prosecutor shall submit a draft resolution clearly determining the facts, the legal considerations thereon and the appropriate sanction to be imposed.

The draft resolution will be notified to the indicted party so that within the term of eight days he may file any pleadings in his defence.

4. On completing of the foregoing requirement, or if the term for it has elapsed, the file will be dispatched to the authority who decreed the opening of proceedings for its resolution. If this authority deems it necessary to apply a higher sanction within the range of sanctions vested in its competence, it will submit the file and its proposal to the competent authority.

5. The competent authorities may return the file to the examining judge in order to include additional counts in his statement of counts, or so that he completes his inquiry or notifies the indicted party of a proposal that implies a more serious sanction.

6. The term of sanctioning proceedings will not exceed six months. When, in view of exceptional circumstances, the term is extended, the examining judge must inform every ten days of the stage of the proceedings and the reasons for being unable to complete them to the authority who had decreed their commencement.

7. The resolution which puts an end to disciplinary proceedings must state the legal grounds for the decision rendered and may not take into account other facts than those ones which have been considered for the resolution given, notwithstanding their diverse consideration from a legal point of view provided that they do not entail a higher sanction.

8. The resolution passed must be notified to the party against whom the proceedings were directed and to the State Prosecutor who if the decision has been rendered by the Board of Governance or the Disciplinary Commission may file at their choice either an administrative appeal or appeal directly before the contentious-administrative jurisdiction. The complainant, where applicable, will also be notified but he may only appeal before the contentious-administrative courts.

The associations of Judges and Magistrates shall also be entitled to lodge contentious-administrative appeals on behalf of their members, provided that they attest to their express authorisation to do so.

9. The sanction ruling shall be enforceable when the administrative channels have been exhausted, despite the fact that a contentious-administrative appeal may have been lodged, unless the Court orders its suspension.

Article 425 bis.

1. Rules applicable to self-recusation and recusation established in sections 28 and 29 of the Public Administrations General Act will apply to the examining judge and the secretary.

2. The right of challenging the examining judges may be exercised as from the moment the interested party is aware of the formal identity of the examining judge and the secretary.

3. Self-recusation and recusation may be invoked before the body which decided on their appointments following which after having heard the examining judge and secretary will enter a decision within the term of three days.

4. With regard to the resolutions adopted on self-recusation and recusation no appeals are available, notwithstanding the right of the interested party to move for recusation in the appropriate plea filed against the decision which puts an end to disciplinary proceedings.

Article 426.

1. Disciplinary sanctions will be recorded in the personal file of the offender, describing the circumstances leading to said proceedings.

2. The Authority who imposed them will ensure that the foregoing is complied with.

Article 427.

1. Entry of warnings made will be cancelled after six months reckoned from the date in which such decision became final if during that time the offender has not been involved in any disciplinary proceedings which finalised with a sanction.
2. Entry of the foregoing sanctions, except for removal, may be cancelled at the request of the offender after the State Prosecutor has been heard after one, two or four years have elapsed since the sanction was imposed depending on whether the infraction was a minor, major or a very serious one and if during that time the offender has not been subject to any further disciplinary proceedings that ended with a sanction being imposed.
3. Cancellation will remove the record of any sanctions to all purposes.

TITLE IV

Judges under a temporary appointment

Article 428.

1. A temporary appointment may be made for vacancies to judicial office which have not been covered by merits' contests until they are covered by ordinary proceedings.
2. Notice of public examinations must include all vacancies, including those currently held by magistrates with a temporary appointment. These positions must be advertised in transfer appointments available at least once a year.

Article 429.

The Boards of Governance of the High Courts of Justice shall evaluate if judicature vacancies may be adequately provided for by deputy magistrates, by extending the jurisdiction of an incumbent judge or by secondment, or if these measures are sufficient to guarantee their functioning. In this case, a list of judges which require immediate provisional appointments will be submitted to the General Council of the Judiciary attaching a report indicating the reasons underlying that request.

Article 430.

The General Council of the Judiciary on the basis of the foregoing report and the available background will decide on whether it will apply the extraordinary provision mechanism contemplated in this Section notifying its decision to the corresponding Board of Governance.

Article 431.

1. When this provision system is authorised, the Board of Governance of the High Court of Justice will announce all vacancies to be covered by this procedure within the Autonomous Region in which only holders of a law degree may take part who request one, several or all the positions advertised and who meet all other legal requirements to become members of the Judiciary except for the ones applicable to age of retirement. A person who has reached the age of seventy-two may not be proposed nor act as a provisional magistrate.
2. Candidates who have more merits according to the following standard will be preferred, provided that they are not under any circumstances which would make them unsuitable:
 - a) Doctors of Law.

- b) Individuals who have performed judicial functions, either as Court Registrars, or deputising for State Prosecutors or with attested capabilities or who have acted in other areas of the legal profession.
- c) Those who have passed public examinations to hold any office within the Public Administration which require that the candidate should have a law degree.
- d) Those who establish that they have been teachers of law in university institutions.
- e) Candidates with the best academic record.
- f) In Autonomous Region with their own legal system and language, their knowledge will be considered a specific merit.

The foregoing merits will be evaluated to ensure than none of them may exceed the joint assessment of any two of them combined.

3. Appointments will be notified to the General Council of the Judiciary who will void them if they do not comply with the law.

Article 432.

- 1. Individuals who have been appointed temporary judges will be subject for the term they performed such appointments to the legal statute of members of the judicial career and will be entitled to collect the remuneration foreseen in the regulations issued by the Government within the budget provisions.
- 2. Appointments will be made for one year and may be extended for one additional year pursuant to the same procedure, except as foreseen in Section 1, indent e) of the next Article.

Article 433.

- 1. Individuals who hold a provisional judicial appointment will cease from office:
 - a) When the term of their appointment elapses.
 - b) Resignation accepted by the Board of Governance which appointed them.
 - c) When they attain seventy-two years of age.
 - d) Following a decision of that Board when they are not under any disqualifying, incompatibility or prohibition circumstances established in this law, following a summary hearing with the candidate and with the State Prosecutor.
 - e) By a resolution of the Board when they are unable or unsuitable to hold office or when they do not comply in a diligent manner with the duties arising therefrom with the same guarantees as to the procedure for that resolution which have been listed in the previous indent.
 - f) When an incumbent judge has been appointed to hold that position on a temporary basis.
- 2. Any removals regardless of the circumstances which led to it must be reported to the General Council of the Judiciary.

TITLE V

Ongoing training of Magistrates and Judges

Article 433 bis

- 1. The General Council of the Judiciary will ensure that all Magistrates and Judges will receive on- going, individualised, specialised and high-quality training throughout their professional career.

2. The General Council of the Judiciary will establish an Ongoing Training Plan for the Judicial Career by passing regulations thereof detailing objectives, contents and training priorities.

3. Each member of the General Council of the Judiciary will benefit from a Specialised Ongoing Training which will set out for five year periods the training objectives, ensuring fully adapted teaching to the latest legal innovations which have an effect on judicial duties.

Compliance with objectives of the Specialised Training Plan for each of the Magistrates and Judges will be evaluated by the General Council of the Judiciary as provided in the regulations to the purposes of promotion and rank.

4. The Judiciary School will develop programmes and provide training courses which implement the Training Plan in the Judicial Career and they may conduct training activities in a de-centralised manner within an Autonomous Region or a province collaborating with expert bodies and entities to the purpose of conducting training efforts.

5. The Ongoing Training Programme for Members of the Judiciary will include training for Judges and Magistrates focusing on the principle of equality between men and women and the gender perspective. Each year, the Judicial School will provide training courses on the judicial protection of the principle of equality between men and women and gender-based violence.

TITLE VI

Concerning the Centre for Legal Studies within the Judicial Administration

Article 434.

1. The Legal Studies Centre of the Administration of Justice is a public law entity with its own legal personality under the supervision of the Ministry of Justice.

2. Its mission is to collaborate with the Ministry of Justice in the selection, initial and Ongoing training of Prosecutors, Court Registrars and other staff involved in the administration of justice.

Each year, the Centre for Legal Studies will provide training courses on the principle of equality between men and women and its transversal application by members of the Prosecutor Profession, members of the Body of Court Registrars and the remaining personnel in the employ of the Judicial Administration, along with courses on the detection and procedures for situations of gender-based violence.

3. By means of regulations the organization of the Centre will be established as well as appointment of its senior officers. The Centre will have permanent relations with the competent bodies of the Autonomous Regions.

BOOK V

COURT REGISTRARS AND THE COURT REGISTRAR'S OFFICE

TITLE I

Organization and functioning system of the judicial administration at the service of Judges and the Courts.

CHAPTER I

THE COURT REGISTRAR'S OFFICE

Article 435.

1. The Registrar's Office is an instrumental organization which provides assistance and support to the judicial activities of Magistrates and Judges.
2. The basic structure of the Registrar's Office will be the same throughout the territory of Spain as a consequence of the single judiciary system to which it serves based on the principles of hierarchy, division of functions and coordination.
3. The Registrar's Office will operate observing the following criteria: rapid response, efficacy, efficiency, streamlining work procedures, accountability and cooperation between public bodies to ensure that citizens may obtain a close and competent service fully compliant with the principles entrenched in the Charter of Citizen Rights to Justice.
4. Positions at the Registrar's Office may only be covered by personnel who work as civil service in the Justice Department and will rank according to their respective job descriptions.

Article 436.

1. The basic organizational element of the Registrar's Office will be a unit which includes all positions reporting to it and linked to such unit by virtue of its tasks.
2. Considering the different functions two types of units will be differentiated: procedural direct support units and common procedural units. The main activity of these units is to apply procedural rules.
3. The design of the Registrar's Office will be flexible. Its dimension and organization will be determined by the competent Public Administration in view of the activity effectively carried out by it.
4. The Registrar's Office may provide support to other bodies within the territory of Spain, of the Autonomous Region, the province, the judicial district or the council, and its scope of competencies also includes the bodies to which it provides support. Its scope of competencies may include a borough.
5. Units included in the Registrar's Office may perform their functions at the service of different bodies of the same jurisdiction, of several jurisdictions or specialised bodies but under no event the scope of the Registrar's Office may modify the number or composition of the judicial bodies which make up the judicial staffing system nor its territorial organization established by law.
6. Magistrates and Judges with regard to legal proceedings which they are competent to hear may request at any time from the officer in charge all information they deem necessary.

Article 437.

1. To the purposes of this Public General Act, a direct support procedural unit is considered to be a unit within the Registrar's Office which provides direct support to Magistrates and Judges in their respective duties conducting all necessary procedures to that purpose and ensuring effective enforcement of all decisions given by them.
2. There will be as many direct support procedural units as Courts, or when applicable, divisions and sections of Courts which already exist and are operating; such units with the incumbent judge for that division or section is known as a judicial body.
3. Direct support procedural units will have a Court Registrar who will exercise all functions and duties vested in him. In view of streamlining the existing workload, a Court Registrar may provide assistance to more than one unit.
4. Each unit will have also the necessary staff to provide service to the body it serves according to the type of jurisdiction it belongs and the headcount will be determined in the Staffing Roll.
5. The Ministry of Justice following a report by the General Council of the Judiciary and from the Autonomous Region which have competencies in this area will determine the basic staffing of these direct support procedural units in order to guarantee in any case an adequate functioning of the judicial body.

Article 438.

1. To the purposes of this Act, common procedural services refers to any unit within a Registrar's Office which without belonging to a specific judicial body handles all centralised management duties and provides support to proceedings arising from the application of procedural laws.
 2. They will provide support to all or some judicial bodies within the scope of their territory regardless of the type of jurisdiction to which they belong and the extent of that jurisdiction.
 3. The Ministry of Justice and the Autonomous Regions, in their respective territories, will have competence to design, create and organise the general procedural services, charged with registration and distribution duties, acts of communication, judicial assistance, the enforcement of judicial rulings, non-adversarial proceedings, mediation and procedural organisation. The Governing Chambers and the Boards of Judges may call on the Ministry and the Autonomous Regions to create general services, in accordance with the specific requirements.
- Moreover, general procedural services can be created to take on other roles other than those outlined under this point, in which case an authorising report from the General Council of the Judiciary will be required.
4. Common procedural services in view of the activities carried out may be divided into sections which will be suitably staffed and these sections may also be organised into teams.
 5. In charge of each common procedural service created within a Registrar's Office there will a Court Registrar to whom all other Court Registrars will report to as well as all personnel appointed to each of the positions for that department which in any case must be sufficient in number and suitable for the functions which must be carried out.

In those administrative areas wherein such action is apposite in view of the low number of judicial bodies, the same Court Registrar within the direct support procedural unit may also take charge of the general procedural services that are set up with the functions outlined in paragraph 3 of this article.

6. The Court Registrar who supervises a common procedural service must comply within his specific organizational and functional jurisdiction with the orders and guidelines provided by the officers to whom he reports. In the jurisdictional area, they will guarantee strict compliance with any actions or decisions adopted by courts or tribunals within the exercise of their faculties.

7. The General Council of the Judiciary may establish general guidelines to ensure standardised procedures for common procedural services of the same nature throughout the Spanish territory which may not in any case have any impact on the jurisdictional.

CHAPTER II

ADMINISTRATIVE UNITS

Article 439.

1. To the purposes of this Act an administrative unit is such which without being part of a Registrar's Office is created in the sphere of the administration of justice for supervising, structuring and managing human resources of the Registrar's Office when vested with these competencies and also over IT technologies, new technologies and other material resources.

Likewise, within these units, the Ministry of Justice and the Autonomous Regions in their respective areas may create common offices providing support to one or several registrarships if it is considered necessary or convenient for their adequate functioning.

2. Each Administration in its own specific territory is responsible for the design, creation and organization of the necessary administrative units and support offices, establishing who they will become integrated in the Public Administration in question, its scope of action, hierarchical structure, provision of job descriptions and its endowment in terms of financial resources to ensure their start-up and operation.

3. The positions within these Administrative Units will be established by the Ministry of Justice and the Autonomous Regions within the sphere of their respective competencies and may be covered by personnel working for the Administration of Justice or for the Administration of the State or of the Autonomous Regions provided that they meet the requirements and conditions established in their respective job descriptions.

4. Officers performing duties in judicial officers, except for Court Registrars, notwithstanding the functional reporting structure will report in terms of organization to the Ministry of Justice or to the Autonomous Regions which have competencies in these areas.

TITLE II

The Court Registrar's Body

CHAPTER I

PERSONAL STATUTE

Article 440.

The Lawyers of the Judicial Administration are civil servants forming a single Higher Judicial Body operating at national level in the service of the Judicial Administration that is a dependency of the Ministry of Justice, and will perform their duties as an authority, charged with the overseeing the Judicial Office.

Article 441.

1. Job positions reserved for members of the Body of Judicial Administration Clerks are classified into three categories, and new incorporations will be admitted into the third category.

2. Each Judicial Administration Clerk will possess a personal category.

The consolidation of the personal category requires undertaking job positions corresponding to this category for at least five years, continuously, or six years, where service is interrupted.

3. Lawyers cannot begin to consolidate a higher category without previously consolidating the lower category, although time spent serving in a post in the higher category will be counted for the purposes of consolidating the lower category.

4. The same period of service cannot be employed to consolidate different categories.

5. Under no circumstances may a third-category Judicial Administration Clerk apply for a first-category post.

6. The consolidated category only serves as a guarantee of the payment of the corresponding salary where a post in an inferior category is occupied.

7. The Ministry of Justice will determine the three groups into which the employment positions to be undertaken by Judicial Administration Clerks are to be classified.

Article 442.

1. The officers of the Registrarship Body will be selected by means of a public examination convened by the Ministry of Justice which will be ordinary system of access or by a public exam and merits contest which will be exceptional and in which the papers related to knowledge of the different areas will be the same as for the public examination. Both procedures should guarantee in any event the principles of equal opportunities, capacity and public access in the manner contemplated in this Public General Act and in its enabling regulations.

2. Thirty percent of the vacant posts will be reserved, subsequent to authorisation from the Ministry of the Treasury and Public Administrations, for the internal promotion, via competitive examination with appraisal of merits, of civil servants attached to the Body for Procedural and Administrative Management with at least two years of effective service. To this end, services provided in the Official Bodies of the Judicial Administration from which they originate, where applicable, will be counted.

The remaining vacancies, including those that are not covered via internal promotion, where applicable, will be filled via open competitive examination or competitive examination with appraisal of merits, whilst at all times respecting current budgetary provisions in relation to public employment offers.

Where no public employment offer exists, the Ministry of Justice, under extraordinary circumstances and subsequent to the authorisation of the Ministry of the Treasury and Public Administrations, may organise a specific internal promotion procedure, where, in view of the circumstances within the Judicial Administration, this proves advisable. The number of vacancies announced via this system cannot be greater than fifteen percent of the vacant posts. In this case, vacancies that are not filled cannot be offered in an open selection process.

3. In order to be appointed to the Registrarship body regardless of the access system it is necessary to be Spanish, of legal age, hold a degree in law and not be under incapacitating or disqualifying circumstance. The candidate will have to pass the selective tests established and the appropriate theory and practical course which may also be selective.

Article 443.

1. To be incorporated into the Body of Judicial Administration Clerks candidates must meet the following conditions:

- a) Fulfilment of the requisites and conditions required for the selection process.
- b) Successful completion of the selection processes.
- c) Appointment issued by the Ministry of Justice and published in the Official State Gazette.
- d) An oath or promise to faithfully carry out the duties of the post and to safeguard and ensure that others safeguard the Constitution as the fundamental law.

- e) Take possession of the post within the established deadline.
- 2. A Court Registrar will lose such condition in the following cases:
 - a) By voluntary resignation in writing and expressly accepted by the Ministry of Justice
 - b) Loss of Spanish nationality.
 - c) Disciplinary sanction leading to being removed from office.
 - d) Final or special disqualification from holding office imposed as the main or accessory conviction by the courts.
 - e) Voluntary or mandatory retirement or permanent incapacity for office.
 - f) Conviction leading to imprisonment for more than three years due to having perpetrated a malicious offence.

Article 443 bis.

Each year, the Ministry of Justice will approve the list of the Body of Judicial Administration Clerks, which will be published in the "Official State Gazette", taking in the personal and professional details that are required by regulation.

Article 444.

- 1. Civil servants attached to the Body of Judicial Administration Clerks will have the same individual and collective rights and duties that are set forth in Book VI of this Law, and, on a supplementary basis, the stipulations of the Basic Statute of Public Employees and the remaining State regulations governing public service will apply.
- 2. Notwithstanding development and specification in the organic regulation, the following professional rights are recognised:
 - a) Time off, in those cases where unpaid duties or services are provided, in the terms determined via regulations.
 - b) Professional specialisation in those areas, spheres and subjects determined via regulations.
 - c) Freedom of professional association.
 - d) To have their professional associations heard in all matters that affect their organic statute.
- 3. The scheme set forth in the preceding points will apply to substitute Judicial Administration Clerks, insofar as the nature of the right permits.

Article 445.

- 1. The administrative situations that apply to Judicial Administration Clerks, along with their retirement, will be the same as those that are to be applied to Judges and Magistrates, under the circumstances and with the same effects outlined in this Organic Law.

However, Judicial Administration Clerks who run as candidates to occupy posts as public representatives in the European Parliament, the Chamber of Deputies, the Senate, the Legislative Assemblies of Autonomous Regions or Local Government, may be excused from their duties, upon request, during their electoral campaign. This leave can be granted by the General Secretary of the Judicial Administration.

Furthermore, Judicial Administration Clerks may be declared to be on special services where they are appointed as the Head of a Civil Registry, in accordance with the stipulations of the Law on the Civil Registries and its enacting regulations.

- 2. They will be subject to the same disqualifications, incompatibilities and prohibitions, with the exception of those outlined in article 395.

Article 446.

1. Judicial Administration Clerks must abstain in those cases established for Judges and Magistrates and, where they fail to do so, they may be challenged.
2. The abstention will be formulated in the form of a document providing grounds, addressed to the Coordinating Provincial Secretary, who will resolve the question.

Where the abstention is confirmed, the Judicial Administration Clerk who has abstained must be replaced by his or her legal substitute and if the substitute refuses, the former must continue to perform duties within the proceedings.

3. The stipulations established for challenges to Judges and Magistrates in article 223 of this Law will also apply to challenges against Judicial Administration Clerks, with the following exceptions:

- a) Judicial Administration Clerks cannot be challenged whilst carrying out any procedure or activity that falls under their charge.
- b) The challenge will be resolved by the Registrar of the Governing Chamber.
- c) Where a written challenge has been lodged, the challenged Judicial Administration Clerk will present a detailed written report outlining whether or not he or she acknowledges the alleged motive as true and legitimate.
- d) Where the challenged Clerk acknowledges the grounds for the challenge as true, the Registrar of the Governing Chamber will accuse him or her via a resolution, where the grounds are deemed legal. Where the motive is not recognised in law, the challenge will be deemed groundless. The resolution addressing the challenge will not be subject to appeal.
- e) Where the challenged Clerk refutes the veracity of the grounds provided for the challenge and the proposed challenge is admitted for processing, the examining magistrate, within a deadline of ten days, will order the examination of the requested evidence deemed relevant and necessary, forwarding the evidence to the State Prosecutor's Office for a report to be issued within a deadline of three days. Once this deadline has passed, with or without the report of the State Prosecutor's Office, the challenge will be resolved within the following five days. This resolution is not subject to any form of appeal.
- f) Challenged Judicial Administration Clerks, from the moment in which the written challenge is presented, will be replaced by their legal substitutes.

Article 447.

1. Remuneration falls into two categories: basic and supplementary items.
2. The basic remuneration items are the same than the ones established by this Act for the judicial career.
3. The supplementary remuneration items are the following:
 - a) General allowance based on the position occupied which remunerates the general characteristics of such office;
 - b) Specific allowance based on the position which is unique for each job description and takes into account the particular conditions of same;
 - c) Productivity incentive exists in order to remunerate special performance, extraordinary activities, the interest or the initiative of the public officer while performing his duties and his participation in specific action programmes and achievement of objectives set out by the Ministry of Justice having heard the General Council of the Judiciary and following a negotiation with the most representative trade unions. This incentive may also remunerate participation of Court Registrars in programmes or achievement of objectives determined by Autonomous Regions with competencies in justice for their territory, although a prior authorization from the Ministry of Justice must exist for this.

To that purpose, the necessary coordination mechanisms will be set up between the competent public administrations.

d) Ex gratia payments in consideration for extraordinary services rendered outside normal working hours.

4. Notwithstanding the remunerations listed above, Court Registrars may also collect the following remunerations which are considered of special nature:

a) Payment for duty services.

b) When acting in surrogate duties whereby they perform their own incumbent duties and other additional functions.

These remunerations are compatible with all salary items foreseen above.

5. Substituted Judicial Administration Clerks will be paid the remuneration corresponding to the job position they hold.

Three-year salary increases will be acknowledged for the duties performed and they will have remunerative effects in accordance with the stipulations of the current regulations governing civil servants within the General Administration of the State. This acknowledgment will be conferred at the behest of the applicant.

Article 448.

1. The amount of the remuneration will be established for each category of the Registrarship body and length of service will be remunerated by a subsequent rise of five per cent of the initial salary corresponding to the category through which they gained access to this body for every three years of service. In any case, three-year benefits will be recognised for those Court Registrars who formerly rendered their services in the now extinct Labour Courts Clerks. Court Registrars are entitled to two extraordinary payments every year equal to one month salary and the seniority benefit and where applicable a pro rata amount of their office allowance in the terms established by law for the administration of justice which will be paid in June and December, provided that the recipients are on active service in those dates and this payment will accrue on the first day of each of the aforementioned months.

2. The amount of the basic remuneration and the general allowances of office in the terms established by the National Budget for each year.

3. The Government by means of a Royal Decree following a joint proposal of the Ministries of Justice and the Exchequer will determine the different positions ascribed to Court Registrars to the purposes of the general allowance of office and the initial allocation of specific allowances and remuneration arising from acting in surrogate duties that entail performing additional duties to the one of their office.

4. The specific individual amount for productivity and the number of civil servants who are entitled to collect it will be determined by means of resolution passed by the Ministry of Justice following a negotiation with the most representative trade unions.

5. A ministerial order, following a joint proposal made by the Ministers of Justice and the Exchequer following a negotiation with the most representative trade unions will determine the remuneration for duty work.

6. Individual allocation of ex gratia payments and criteria to be entitled to them will be determined by a resolution passed by the Ministry of Justice.

Article 449.

1. Officers who are in their training period or taking part in selective training courts described in article 485 hereunder will be appointed trainee civil servants and will collect a remuneration equivalent to the wages and extraordinary payments for Court Registrars of third category.

2. Trainee officers who are already performing remunerated services in the public administration may not collect any remuneration for their original position and may opt for a remuneration equal to the amount they were entitled to in their original position or to which they would have been entitled as a trainee officer pursuant to the foregoing section.

3. If training is carried out while performing the duties of a position, the amount mentioned in paragraph 1 hereunder will be increased by the allowances paid for that position.

Article 450.

1. Job vacancies will be filled via competitive examination, which will be the ordinary system of covering posts.

In the case of management posts or posts with special responsibility, the post can be filled via free appointment.

The job vacancies for Judicial Administration Clerks in the Supreme Court will be filled via the system of free appointment, selected from amongst those candidates who are in the first or second category with a length of service of at least twenty years in one category or both considered together and fifteen years of service in the corresponding judicial sphere.

The appointment of Judicial Administration Clerks to positions within the territory of an Autonomous Region with delegated competencies, which are to be filled via this procedure, will require a prior report from the competent body in the Region in question. In any event, the system for filling vacancies must be outlined in the corresponding lists of employment positions.

2. Exceptionally, when the requirements of the service make it advisable, job positions may be covered on a temporary basis by provisional appointments or secondment.

3. By means of regulations, the rules and requirements applicable in order to conduct this provision of work positions will be established.

In any event, in order to take part in the contest, it is necessary that at least a minimum period of two years has elapsed since the date of the resolution which convened the transfer contest in which the officer obtained his last final office from which he takes part in this new contest or in the case of officers who have just joined the civil service from the date of resolution in which a final appointment was given to them. Court Registrars who do not have a final appointment, and are obliged to take part in transfer proceedings according to the current enforceable regulations are excluded from this time limitation.

4. In those Autonomous Regions which have special or regional civil law provisions and their own language, their knowledge will be considered a merit.

Article 451.

1. The substitution of Judicial Administration Clerks due to absence, illness, suspension or vacancy will be covered by those assigned by the immediate superior.

2. The assignation must fall to another Judicial Administration Clerk, who will be referred to as a pro tempore Lawyer. To this end, the Registrars of the Governing Chambers will draw up lists of members of the Body of Judicial Administration Clerks who voluntarily wish to participate in the annual plans for substitutions. Where no volunteers are forthcoming, the assignation of the ordinary substitute will be imposed, in accordance with the stipulations of the previous point. Calls to fill vacancies that are issued in accordance with the stipulations outlined in this precept will entail remuneration in those cases and at the amounts that are determined via regulations.

3. Under exceptional circumstances, where there is an insufficient number of Judicial Administration Clerks, in the event of the entry and search of enclosed areas ordered by a single judicial body within the National High Court, which are to be carried out simultaneously, civil servants within the Body for Procedural and Administrative Management, substituting the Judicial Administration Clerk, may intervene in order to attest and make the corresponding record.

4. Where substitution cannot be carried out in accordance with the stipulations of points 1 and 2, and where budgetary constraints permit, a substitute Judicial Administration Clerk may be appointed, providing that he or she possesses the qualifications required for entry into the Body of Judicial Administration Clerks.

5. Substitute Judicial Administration Clerks will fall under the same legal system as permanent members, insofar as their nature permits, and will be integrated into the General Social Security Scheme.

6. Where civil servants who are members of the Body for Procedural and Administrative Management exist in the corresponding placement pool, they will be called forth as substitute Judicial Administration Clerks, with preference over the remaining substitutes, maintaining their obligatory inclusion both in the Social Security scheme that proves applicable and the Mutual Insurance Company for Judicial Personnel.

CHAPTER II

FUNCTIONS OF COURT REGISTRARS

Article 452.

1. Court Registrars will discharge their duties in compliance with the rule of law and fair principles, with vested authority and independence in the exercise of judicial attestation faculties, unity of proceedings and hierarchical reporting structure in all duties entrusted to them by this Act and their respective procedural regulations and the Statute for this body. Functions of Court Registrars will not be subject to delegation nor authorisation, notwithstanding the provisions of article 451.3.

2. In the performance of their duties, Court Registrars will ensure and guarantee that all decisions passed by magistrates and judges in the exercise of their authority are duly enforced.

3. Court Registrars will collaborate with Autonomous Regions which have competencies in the area of justice for the full efficacy of the functions which they hold in terms of human and material resources following the instructions which they may receive to that purpose for their higher officers. For a better coordination, Joint Committees of Court Registrars and representatives of Autonomous Regions vested with competencies in this area may be created within their respective territories.

Article 453.

1. Court Registrars are exclusively charged with the comprehensive exercise of public judicial attestation. When performing this role, they will provide a certified record of the procedural acts carried out within the Court or before the Court and of the generation of facts with procedural bearing. Where technical recording or reproduction methods are employed, hearings can take place without the intervention of a Court Registrar, in the terms envisaged in law. In any event, the Court Registrar will guarantee the authenticity and integrity of the recorded or reproduced material.

2. Court Registrars will issue certificates and authenticated copies of judicial proceedings that have not been declared secret or limited to the parties, indicating the recipient and the purpose for which they were requested.

3. They will authorise and document the conferral of powers of attorney for lawsuits, in the terms established in procedural laws.

4. When performing this role, they will not require the invention of any witnesses.

Article 454.

1. Court Registrars are responsible of recording duties vested in them and in the opening of proceedings and files recording the decisions given by the magistrates and judges, or themselves when so authorised by law.

2. Court Registrars will exercise faculties of organization, management, inspection and supervision of the staff in terms of procedural technique ensuring at all times coordination with

the governing bodies of the General Council of the Judiciary and with the Autonomous Regions which have competencies transferred to them in this matter.

3. They will ensure that distribution of suits is made pursuant to the rules approved by the Board of Governance of the High Courts of Justice and they are responsible for the adequate operation of the documents filing issuing the appropriate certificates on this matter which may be required by the parties.

4. They will provide to the interested parties and to any person who establishes a legitimate and direct interest any information on the current stage of court proceedings which have not been declared secret and confidential.

5. They will encourage the use of technical, audiovisual and information technology filing systems in the unit where they render their services.

Article 455.

The Judicial Administration Clerk will be responsible for organising the process of reporting to the Judge, which will be carried out in accordance with the terms established in procedural laws.

Article 456.

1. The Judicial Administration Clerk will advance the proceedings in the terms established in procedural laws.

2. To this end, he or she will issue the necessary resolutions for the processing of the proceedings, save those that the procedural laws reserve for Judges and Courts. These resolutions will be referred to as measures and take in measures of organisation, measures for making records, communication measures or enforcement measures

3. The resolutions issued by the Judicial Administration Clerk for the purpose of admitting a lawsuit, calling proceedings to a close, where he or she has exclusive competence, or to provide grounds for a decision, when necessary or advisable, will be referred to as an order. Grounds will always be provided and it will contain, in separate numbered paragraphs, the background facts and legal grounds on which it is based.

4. Measures of organisation and orders will be subject to appeal in those cases and in the manner envisaged in the procedural laws.

5. Executive organisational resolutions issued by Judicial Administration Clerks will be referred to as determinations.

6. Judicial Administration Clerks, where so envisaged in the procedural laws, will possess competencies in the following areas:

- a) Enforcement, save those competencies that the procedural laws reserve for Judges and Magistrates.
- b) Non-adversarial proceedings, taking on their processing and reaching a determination, notwithstanding the appeals that may be lodged.
- c) Conciliation, taking on the role of mediator.
- d) Processing and, where applicable, the resolution of small-claims proceedings.
- e) Mediation.
- f) Any others that are expressly envisaged.

Article 457.

Court Registrars will be in charge of technical procedural aspects of the staff working at the Registrar's Office and he will coordinate their activity, giving instructions and orders as may be required in order to exercise this authority.

Article 458.

1. Court Registrars are responsible for the Judicial Administration File which pursuant to current legal provisions on this matter will be used for filing and safekeeping of all proceedings or files which have not been completed except for the time they are held by the magistrate or the Magistrate Rapporteur or by other judges of the bench.
2. The regulations governing the organisation and closing of the file on proceedings and cases wherein no pending action exists, and the clearing out of judicial files will be established via royal decree.

In general, judicial proceedings and case files will be destroyed once six months have elapsed since the ruling definitively drew the proceedings in question to a close becomes final. This does not apply to proceedings and case files created for the examination of criminal cases entailing a criminal offence, or to any other instances that might be envisaged in the regulations, particularly in view of the cultural, social or historical value of the stored documents.

Before taking any action, the Judicial Administration Clerk will afford the parties who appeared in the proceedings a period of no less than fifteen days, in order to enable them to request, where applicable, the return of any original documents they provided or to exercise the rights afforded to them in articles 234 and 235.

3. The Ministry of Justice will determine which books are to be kept at the courts and tribunals establishing the regulations applicable to the way they are to be kept.
4. The Court Registrar will be responsible for keeping the records and books by means of appropriate information technology systems and in default of this system, manually, by giving the necessary instructions to his staff.

Article 459.

1. Court Registrars are responsible for the deposit of property and items which are part of the judicial proceedings and for the pieces of evidence in criminal proceedings at special storage rooms. All the above notwithstanding any exceptions established in regulations for their allocation in specific cases.
2. Court Registrars will be held liable for the deposit in the institutions which will be determined of any sums of money, securities, bails and bonds given, following the instructions received thereon.

Article 460.

Court Registrars will collaborate with the Tax Authorities for the administration of taxes as foreseen in the specific regulations on this matter.

Article 461.

1. Judicial statistics prepared according to the criteria which will be established shall be the responsibility of Court Registrars. The respective Governance Secretaries of the Court will ensure that the data has been effectively attested.
2. Judicial statistics are a key tool at the service of the public administrations and of the General Council of the Judiciary for the administration of justice and in particular for the following ends:
 - a) Implement the legislative policy of the Government in the area of justice;
 - b) Modernisation of the judicial organization;
 - c) Planning and management of human and material resources for the administration of justice.
 - d) Exercise of supervisory competencies over Courts and Tribunals.

Judicial statistics will ensure in a transparent framework the permanent availability and on an equal footing basis by the Parliament, the Government, the Autonomous Regions, the General Council of the Judiciary and the State Attorney General of updated and reliable information

which has been duly attested on the activity and work load of all bodies, departments and judicial offices in Spain, and on the statistical parameters of the matters which have been submitted to them. Citizens will have full access to judicial statistics.

3. The National Commission for Judicial Statistics, formed by the Ministry of Justice, representatives of the Autonomous Regions with competencies in the area, the General Council of the Judiciary and the Office of the Director of Public Prosecutions, will approve the general and special statistical plans of the Judicial Administration and will establish uniform criteria that, where applicable, consider the gender perspective and the variable of sex, which must be universally adhered to for the gathering, computer-based processing, transmission and mining of statistical data within the Spanish judicial system.

The structure, composition and functions of the National Commission for Judicial Statistics will be determined via regulations by the Government, via a royal decree, subsequent to the report issued by the General Council of the Judiciary, the Office of the Director of Public Prosecutions, the Data Protection Agency and the Autonomous Regions with competencies in this area.

In any event, the computer systems for procedural management within the Judicial Administration will enable the automated extraction of all data required for the corresponding statistical bulletins.

4. Notwithstanding the above, Public Administrations with competencies in the area of the administration of justice may exploit other statistical data which they may have obtained through their IT systems when they deem it necessary or appropriate for their own administrative purposes.

Article 462.

Court Registrars will assume all other functions establish by law or by the regulations.

CHAPTER III

CONCERNING THE ORGANISATION OF THE BODY OF COURT REGISTRARS

Article 463.

1. Ultimately supervised by the Ministry of Justice, the Registrarship Body is classified by rank as determined in the corresponding Roll of Job Descriptions. In this sense, they will pursue all functions of similar nature which are vested in this body arising from the position they hold and which have been entrusted to them by their supervisors.

2. The higher governing bodies of the Body of Judicial Administration Clerks are, in hierarchical order, as follows:

- a) The General Secretary of the Judicial Administration.
- b) The Registrars of the Governing Chambers.
- c) The Coordinating Provincial Secretaries.

3. When several Court Registrars render their duties at a common procedural service, the Roll of Job Descriptions will determine their hierarchical and functional levels.

4. As an instrument for democratic participation of the Registrarship Body, a Judicial Registrarship Council will be created within the Ministry of Justice with consultation functions in matters referred to that body. Their organization, functioning and competencies will be developed by means of regulations.

Article 464.

1. A Governance Secretary will exist in the Supreme Court, in the High Court and in each High Court of Justice, as well as in the cities of Ceuta and Melilla, chosen among members who are

part of the Judicial Registrarship Body which have secured at least a second category appointment and with ten years' service in that body who will also perform the duties of Secretary to the Board of Governance of that Court.

2. The Governance Secretary will be in charge as the senior officer of supervising the Court Registrars who perform their services at the judicial offices of those Courts and in the cities of Ceuta and Melilla. To that purpose, he will exercise the competencies vested in him by this Act as well as all others established by the corresponding regulations.

3. He or she will be freely appointed and removed by the Ministry of Justice. This appointment will be made upon a proposal from the competent body within the Autonomous Regions where they have delegated competencies in the area of Judicial Administration, which can also propose removal from office.

In any event, for the appointment of the candidate to be appointed by the Ministry of Justice, a report will be obtained from the Governing Chamber of the respective Court and from the Board of Registrars. In the case of the Cities of Ceuta and Melilla, the report will be issued by the Governing Chamber of the High Court of Justice of Andalusia.

The same post of Registrar of the Governing Chamber cannot be held for more than ten years.

4. In the event of absence, illness, suspension or vacancy of the position of Governance Secretary of the Supreme Court or the State Court, or of the cities of Ceuta and Melilla, the most senior Court Registrar will assume those functions. In these same cases and with regard to the Governance Secretary of the High Courts of Justice, the Coordinator Secretary of the province where such Court has its seat will assume those functions and in default of this, the most senior Court Registrar in that category.

5. Judicial Administration Clerks who are appointed as Registrars of Governing Chambers will, for the period that they remain in this post, have the post that they occupied prior to this appointment reserved.

Whilst holding this office, their former post can be covered under the secondment system.

6. Competent public administrations in their respective territories will provide the Governance Secretaries with human and material resources to exercise the functions which have been vested in them.

Article 465.

Governance Secretaries will have the following competencies

1. Inspection of departments which fall under the responsibility of Court Registrars of their respective competencies, notwithstanding the authority of the General Council of the Judiciary, of the Governance Divisions and where applicable, the authority of the Chief Justice of the Court or of a Division.

2. Institute disciplinary proceedings for any infractions made by Court Registrars in the exercise of their duties, and imposing a warning sanction.

3. Propose discretionary appointments of Court Registrars to the Ministry of Justice within the territory of their jurisdiction which have taken part in the corresponding selection proceedings, and remove them when appropriate.

4. Statistical control and monitoring.

5. Management and organization of Court Registrars under his supervision, upholding and guaranteeing their independence in the exercise of their judicial attestation faculties.

6. Provide instructions to Court Registrars within their respective territory at the request of Autonomous Regions which have competencies in this area when their collaboration becomes necessary in order to ensure the efficacy of the functions which such communities have in terms of human and material resources for the administration of justice.

7. Propose to the Ministry of Justice or when applicable to the Autonomous Region with transferred competencies in this area the measures which best suit the administration of

justice within their competence informing the Ministry of Justice of any incidents which may have an effect on the Court Registrars who report to him.

8. Issue orders and guidelines on operational issues to the Court Registrars of his territory which may not in any event encroach on the development of procedural activity by magistrates and judges or contradict the decisions adopted by the Board of Governance within the field of its competencies. They may not issue particular instructions referred to specific matters in which a Court Registrar must act giving judicial attestation or in the exercise of supervision and coordination of proceedings.

9. The conferral of holidays and leave to the Judicial Administration Clerks in their territory, with the possibility of delegating to the Coordinating Secretary.

10. Hear any challenges brought against the Judicial Administration Clerks.

11. Draw up the annual substitution plans for Judicial Administration Clerks and propose, to the Ministry of Justice, the list of candidates held to be most appropriate to perform duties as substitute Judicial Administration Clerks in the territory of each Autonomous Region.

12. Any others envisaged in the organic regulation governing the Body of Judicial Administration Clerks.

Article 466.

1. Each province will boast a Coordinating Registrar, freely appointed by the Ministry of Justice at the suggestion of the Registrar of the Governing Chamber, in accordance with the Autonomous Regions with delegated competencies, from amongst those that present themselves as candidates within the public selection process.

Prior to proceeding with the appointment, the Board of Registrars will be heard in relation to the candidate to be appointed by the Ministry of Justice.

Moreover, the Autonomous Region of the Balearic Islands will boast Coordinating Secretaries on the Islands of Menorca and Ibiza and the Autonomous Regions of the Canary Islands will have Coordinating Secretaries on the islands of Lanzarote and La Palma.

In Autonomous Regions consisting of a single province, the functions of the Coordinating Secretary will be taken on by the Registrar of the Governing Chamber, save where, for the provision of the service, the existence of a Coordinating Secretary is advisable.

The same post of Coordinating Secretary cannot be held for more than ten years.

2. The requirements and procedure for their appointment will be decided in the organic law of the Body of Court Registrars, although in any event they must have served for a minimum of five years in the second category.

3. In cases of absence, illness, suspension or vacancy, they will be substituted by the Court Registrar appointed by the Registrar of the Governing Chamber from amongst those designated in their respective province who fulfils the requirements demanded for the appointment.

4. Judicial Administration Clerks who are appointed as Coordinating Secretaries will, for the period that they remain in this post, have the post that they occupied prior to this appointment reserved.

Whilst holding this office, their former post can be covered under the secondment system.

Article 467.

Under the direct supervision of the Governance Secretary, the Coordinator Clerk will have the following competencies:

1. Issue instructions on operational matters to Court Registrars within their territory to ensure an adequate functioning of the services entrusted to them.

2. Monitor adequate implementation of operational orders and guidelines given by the Governance Secretary to whom he reports.

3. Inform immediately the Governance Secretary of any circumstances which may be relevant to the adequate administration of justice and of any requirements in terms of human and material resources of the Court Registrars located in his territory.
4. Collaborate with the Autonomous Regions which have competencies in this area to ensure that the functions they have in terms of human and material resources are effective.
5. Coordinate function of any common procedural services located in his territory, or when applicable, assume directly its direction when there is a common procedural service.
6. Propose secondment for Court Registrars to the Ministry of Justice within their territory as may be necessary for an adequate operation of registrarship offices.
7. Resolve the substitutions of Judicial Administration Clerks in their area.
8. Resolve the cases of abstention of Judicial Administration Clerks in his or her service in accordance with the stipulations of this Law.
9. Grant, via delegation from the Registrar of the Governing Chamber, holidays and leave to Judicial Administration Clerks in their areas.
10. Any others established by law and their own organic regulation.

CHAPTER IV

DISCIPLINARY LIABILITY

Article 468.

1. Judicial Administration Clerks will be subject to disciplinary responsibility in those cases and in accordance with the principles established in this Book.
2. A sanction cannot be imposed for the perpetration of a serious or very serious misdemeanour, but rather only through disciplinary proceedings that are instigated for this purpose, via the procedure established in the organic regulation governing the Body of Judicial Administration Clerks that is drawn up in order to enact this Law.

For the imposition of sanctions for minor misdemeanours, the prior examination of the case is not obligatory, with the exception of the phase wherein the party in question is heard.

In addition to the perpetrators, superiors who were aware of the events and allowed them to transpire and those who abet or cover up serious and very serious misdemeanours will also incur disciplinary responsibility, where the acts in question occasion serious detriment to the Administration or citizens.

3. Autonomous Regions with delegated competencies may inform the superiors of the Judicial Administration Clerks assigned to judicial offices within their territory, of any conduct on their part that may run contrary to the duty of collaboration with Autonomous Regions outlined in this Organic Law.

The competent authority for the opening and processing of disciplinary proceedings will report any decisions that are adopted to the Autonomous Regions.

4. The disciplinary proceedings established by virtue of this Public General Act must ensure that the Court Registrar subject to those proceedings will benefit from the rights set out in Article 35 of Act 30/1992, November 26th, - Legal Framework of Public Administrations and Common Administrative Procedure and from these rights as well:

- a) Presumption of innocence
- b) To be notified to the designation of an investigator and a secretary and to file a motion for their recusation.
- c) To be notified of the alleged facts, the nature of the infraction and the sanctions which may be imposed, if any, and of the sanctioning resolution.

- d) To file pleadings.
- e) To submit any evidence in order to clarify the events.
- f) To act in the proceedings assisted by legal counsel or trade union representatives.

5. When the preliminary investigation in the course of disciplinary proceedings reveals that a criminal offence may have been perpetrated, proceedings will be suspended and it will be reported to the State Prosecutor.

6. The opening of criminal proceedings will not prevent disciplinary proceedings from being conducted for the same findings but no resolution will be passed until a final sentence or a non-suit order has been entered in the criminal trial.

In any event, the facts as found of the decision which completes the criminal proceedings will be binding for the resolution given in the course of the disciplinary proceedings notwithstanding the different legal considerations which may be applicable in each procedure.

A person may only be subject to criminal and disciplinary sanction when the legal considerations and the protected public interest differs.

Article 468 bis.

Misdemeanours can be very serious, serious and minor.

1. The following are considered very serious misdemeanours:

- a) A failure to abide by the duty of remaining faithful to the Constitution when exercising a public role.
- b) Any act that implies discrimination on the basis of place of birth, race or ethnicity, gender, sex or sexual orientation, religion and beliefs, opinion, disability, age or any other personal or social circumstance or condition.
- c) Dereliction of service.
- d) The adoption of orders or resolutions that are clearly illegal, where serious detriment is occasioned to public interest or the fundamental rights of citizens are prejudiced.
- e) Where Judicial Administration Clerks reveal or make use of facts or data to which they have been made privy in the exercise of their duties or as a result of their position, occasioning detriment to the processing of proceedings or any individual.
- f) The improper use of documentation or information to which they have or have had access as a result of their position or duties.
- g) Negligence in the safekeeping of documents, leading to their dissemination or undue awareness of them.
- h) Reiterated delays, carelessness or breaches in terms of the duties inherent to the employment position or any duties assigned to them.
- i) The use of the powers bestowed upon them to influence electoral processes of any nature and in any sphere.
- j) A serious failure to abide by the judicial decisions that they are charged with enforcing.
- k) Serious or reiterated disobedience in relation to orders or verbal or written instructions issued by a superior in the exercise of his or her competencies, relating to the duties or tasks inherent to the position, save where they are clearly illegal.
- l) The use of the position of Judicial Administration Clerk to obtain an undue benefit, for themselves or for a third party.
- m) Carrying out activities that are deemed incompatible by law.
- n) A failure to observe the duty to abstain, aware that any of the motives legally envisaged for doing so apply.
- o) Acts that impede the exercise of fundamental rights, public freedoms and trade-union rights.

- p) A failure to fulfil the duty to provide essential services in the event of a strike.
- q) Sexual harassment.
- r) Serious aggression directed towards any individual with whom they interact in the exercise of their duties.
- s) Employing authority in an arbitrary fashion, occasioning serious detriment to subordinates or the service.
- t) Actions or omissions that give rise, in a final ruling, to the affirmation of civil liability incurred in the exercise of their duties as a result of wilful misconduct or gross negligence.
- u) The perpetration of a serious misdemeanour where previously sanctioned for two serious misdemeanours via final resolutions, where the prior offences have not been cancelled or the corresponding records erased.

2. The following are considered serious misdemeanours:

- a) Express disobedience in relation to the orders or instructions issued by a superior in the exercise of his or her competencies, relating to the duties or tasks inherent to the position, save where they are clearly illegal.
- b) A failure to abide by the judicial decisions that they are charged with enforcing, where this does not represent a very serious misdemeanour.
- c) Employing authority in an arbitrary fashion, in the exercise of their duties, where this does not represent a very serious misdemeanour.
- d) Negligence in the safekeeping of documents and the undue use of such documents or information to which they are privy as a result of their position, where such conduct does not represent a very serious misdemeanour.
- e) The third instance of unjustified absence within a three-month period.
- f) Negligence, carelessness or undue delay in the fulfilment of the duties inherent to the employment position or any duties assigned to them, where this does not represent a very serious misdemeanour.
- g) Carrying out any activity that might prove compatible, in accordance with the stipulations of Law 53/1984, of 26 December, concerning the incompatibilities of personnel in the service of Public Administrations, without obtaining the necessary authorisation or where authorisation is obtained through misrepresentation.
- h) A serious lack of consideration with superiors, those of the same rank and subordinates, and with professionals or citizens.
- i) Causing serious damage to documents or office material, or to the buildings employed for the provision of the service.
- j) Undue use of computer-based resources and materials employed in the exercise of their duties and a failure to abide by the instructions for their use, along with undue use of passwords affording access to computer systems.
- k) Actions or omissions intended to evade the systems for the control of working hours or to prevent unjustified failure to abide by working hours from being detected.
- l) Failing to apply disciplinary responsibility to the personnel within their office, where they are aware or should be aware of a serious failure to fulfil the duties assigned to them.
- m) Hindering inspections.
- n) Abstaining where such action is not justified.
- o) A reiterated failure to respect working hours without justification.
- p) The perpetration of a minor misdemeanour where previously sanctioned for two minor misdemeanours via final resolutions, where the prior offences have not been cancelled or the corresponding records erased.

3. The following are considered minor misdemeanours:

- a) A lack of consideration with superiors, those of the same rank and subordinates, and with professionals or citizens, where this does not represent a more serious offence.
- b) A failure to fulfil the duties inherent to their post or employment position or negligence in carrying out these duties, where this does not represent a more serious offence.
- c) Carelessness or unjustified delay in the fulfilment of their duties, where this does not represent a more serious offence.
- d) Unjustified absence for a single day.
- e) A failure to abide by working hours without justification, where this does not represent a serious offence.

Article 468 ter.

1. Where the competent bodies impose sanctions, it must be observed that the sanction is proportionate and fitting in view of the seriousness of the occurrence that gave rise to the violation and the sanction applied, whereby the following criteria in particular will be employed to determine the severity of the sanction to be imposed:

- a) Intent.
- b) The detriment occasioned to the Administration or citizens.
- c) The degree of participation in the perpetration of the misdemeanour.
- d) Reiteration or recidivism.

Article 468 quater.

1. The sanctions that can be imposed on Judicial Administration Clerks for the misdemeanours perpetrated during the exercise of their duties are as follows:

- a) Cautions.
- b) A fine of up to 3000 euros.
- c) Suspension from duty without pay.
- d) Forced relocation outside the municipality to which they are assigned.
- e) Removal from office.
- f) Dismissal

2. The sanctions envisaged in letters c) and d) of the previous point can be imposed for the perpetration of serious and very serious misdemeanours, and their duration can be adapted in accordance with the circumstances surrounding the violation.

The sanction of removal from office can only be imposed in the case of very serious misdemeanours.

The suspension from duties imposed for the perpetration of a very serious misdemeanour can last for no more than three years and no less than one year. Where it is imposed for a serious misdemeanour, it cannot exceed one year.

Judicial Administration Clerks who are sanctioned with forced relocation cannot obtain a new post within the municipality to which they were originally assigned for three years, where the sanction is imposed for a very serious misdemeanour, and for one year, where the misdemeanour is serious.

The sanction of dismissal will only apply to pro tempore Judicial Administration Clerks in the event of serious or very serious misdemeanours.

The sanction of a fine can only be imposed for the perpetration of serious misdemeanours.

The sanction of receiving a caution can only be imposed for the perpetration of minor misdemeanours.

Article 469.

1. Disciplinary proceedings addressed against officers belonging to the Judicial Registrarship may be initiated by the Ministry of Justice, by the Governance Secretary and by the Provincial Coordinator Clerks. The proceedings will be conducted by the Ministry of Justice.
2. Competence for the imposition of sanctions resides with the following:
 - a) The General Secretary of the Judicial Administration, the Registrar of the Governing Chamber and the Coordinating Provincial Secretary, with regards to cautions issued to those in their charge.
 - b) The General Secretary of the Judicial Administration, in the case of the sanction of a fine.
 - c) The Ministry of Justice, for the sanctions of suspension from duty, removal from office and dismissal.

Article 469 bis.

1. Very serious misdemeanours are subject to a statute of limitations of two years, which is of one year in the case of serious misdemeanours and six months in the case of minor misdemeanours.
2. The limitation period will be counted from the commission of the misdemeanour.

In those cases wherein the same act gives rise to criminal proceedings and disciplinary proceedings, the limitation period of the disciplinary offence will not begin to be counted until the conclusion of the criminal proceedings.
3. The limitation period will be interrupted upon the provision of notification of the order to commence disciplinary proceedings, and the count will recommence if the proceedings remain paralysed for more than two months for reasons that cannot be attributed to the alleged perpetrator.
4. Sanctions imposed for very serious misdemeanours are subject to a statute of limitations of two years; those imposed for serious misdemeanours, to a statute of one year; and those imposed for minor misdemeanour, to a statute of six months. The statute of limitations will begin to be calculated on the day following the day on which the resolution imposing the sanction becomes final.

BOOK VI**CIVIL SERVANTS ATTACHED TO THE
ADMINISTRATION OF JUSTICE AND OTHER
PERSONNEL****TITLE I****Common Provisions****CHAPTER I****PERSONNEL OF THE CORONER DEPARTMENT, MEDICAL
PRACTITIONERS OF THE NATIONAL TOXICOLOGY AND FORENSIC**

SCIENCE, OF PROCEDURAL AND ADMINISTRATIVE MANAGEMENT, TECHNICAL EXPERTS OF THE NATIONAL TOXICOLOGY AND FORENSIC SCIENCE, OF PROCEDURAL AND ADMINISTRATIVE MANAGEMENT, PROCEDURAL ASSISTANCE, LABORATORY ASSISTANTS AND OTHER PERSONNEL AT THE SERVICE OF THE ADMINISTRATION OF JUSTICE.

Article 470.

1. This book aims to define the legal statute, in accordance with the stipulations of article 122 of the Spanish Constitution, of civil servants attached to the Body of Forensic Scientists, the Body of Doctors within the National Toxicology and Forensic Science Institute, the Body for Procedural and Administrative Management, the Body of Specialised Technical Personnel within the National Toxicology and Forensic Science Institute, the Technical Personnel of the Body for Procedural and Administrative Management, the Body for Judicial Assistance and the Laboratory Assistants within the National Toxicology and Forensic Science Institute.
2. The foregoing bodies of civil servants at the service of the administration of justice will be considered National bodies.

Article 471.

1. Competencies in relation to all the staff rendering their services to the Judicial Administration, as mentioned in the previous article, under the terms established in this law, correspond to the Ministry of Justice or, if appropriate, to the Autonomous Regions with delegated powers, in all matters related to their statute and legal system, including selection, initial and continuous education, provision of posts, promotions, administrative status, working hours, working times and disciplinary scheme.
2. Under the same terms, the Government or, if appropriate, the Autonomous Regions with competencies in the matter, shall approve the regulations which the implementation of this Book requires.

Article 472.

1. Public officers of any of the aforementioned bodies are linked to the Public Administration by virtue of a legal appointment on the basis of a permanent statutory relationship for the performance of remunerated services.
2. In the event of urgency or need, interim officers may be appointed who will perform the functions vested in those bodies insofar as it is not possible to perform them by civil servants or the reasons for their appointment continue to exist.

Article 473.

1. Public officers from other administrations may perform services at the administration of justice either on a permanent or provisional basis when it becomes necessary to provide assistance for the development of specific activities which are not the ones vested in the bodies of civil servants described in this Volume and which require technical or specialised knowledge.
2. Likewise, staff working under an employment contract may provide remunerated services in the Judiciary when there are no Corps or Scales of civil servants whose members have the instrumental or technical training required to perform specific activities or activities inherent to professions, in the areas of maintenance and preservation of buildings, equipment or installations and similar services.

Article 474.

1. Career public officers of any of the bodies at the service of the administration of justice will be governed by the provisions included in this Act and by subsequent enabling regulations, in

default, insofar as there are no express provisions applicable, by the State Regulations on Public Service.

2. Interim officers will be subject to the career officers scheme insofar as it is fitting in view of their situation but the retirement benefits of career officials will not apply to them.

3. Civil servants from other Administrations who perform services for the administration of justice in order to perform specific and concrete functions, will be governed by the Public Administration regulations applicable to the post from which they originate for those situations.

4. Employees of the Public Administration will be governed by legal provisions and regulations, by the collective wage agreement applicable to them and by the terms of their employment contract.

Article 475.

The public officers mentioned in the preceding Article will be classified in:

a) General Bodies when their tasks are essentially of procedural nature notwithstanding the performance of administrative functions linked to such procedural activities.

General Bodies:

The Procedural Management and Administrative Body. The degree required for access to this Body is a three-year degree certificate, technical engineering certificate, Quantity surveyor certificate similar.

The Procedural and Administrative Assistance Body. Access to this Body requires having leaving certificate or a similar high school qualification.

The Procedural Assistance Body. Access to this body requires to have passed the mandatory school courses or a similar accreditation.

b) Special bodies when the duties to be performed at these bodies require basically to have a degree or practise a profession.

Special bodies:

The Body of Forensic Scientists. Access to the Body of Forensic Scientists requires the holding of an official degree in Medicine with specialisation as a Forensic Scientist.

Medical Practitioners of the National Toxicology and Forensic Science Agency. In order to access this body it is necessary to have a university degree in Health or Science, which will be specified in the notice for vacancies to this body depending on the specialisation required.

Technical Experts of the National Toxicology and Forensic Science Agency. In order to access this Body it is necessary to have a higher degree from a technical school or a similar qualification included in the professional groups established in the public notice for these positions in view of the nature of the post which is being offered.

The Laboratory Assistants of the National Toxicology and Forensic Science Agency Body. Access to this body requires having a Technology Degree or similar qualification included in the professional groups established in the public notice for these positions in view of the nature of the post.

Article 476.

1. The Body for Procedural and Administrative Management is charged with collaborating in the procedural activity at a higher level and with carrying out the procedural tasks that form a part of its remit.

At a general level, adhering to the principle of hierarchy, and notwithstanding the specific duties of the employment position in question, it is charged with the following:

a) Managing the processing of proceedings, in which regard it will report to the Judicial Administration Clerk, particularly where certain aspects require an interpretation of a law or

procedural regulation, also reporting to the president of the judicial body when called upon to do so.

b) Oversee and sign the appearances made by parties within proceedings that are being heard in the judicial body, in which regard that will have capacity to certify.

c) Document the seizures, dispossessions and other acts requiring documentation, with the status and representation afforded by law, save where the Judicial Administration Clerk deems that his or her intervention is necessary, in which case he or she will be afforded the consideration of officer of the law.

d) Issue notes intended to incorporate data or elements into the proceedings that do not constitute evidence, in order to guarantee that they are recorded and subsequently processed, informing his or her superiors to this end, and the drawing up of notes, which can take the form of references, that summarise proceedings and notes for analysis of the phase in question.

e) Perform the duties of registering, receiving and distributing documents relating to cases that are being processed in the Courts.

f) Issue, having informed the Judicial Administration Clerk and at the expense of the interested party, uncertified copies of documents that form a part of proceedings and that have not been declared secret or classified.

g) Occupy, in accordance with the stipulations of the lists of employment positions, posts in the headquarters of support units and general procedural services, where, in addition to carrying out the duties assigned to the specific post, the will oversee the distribution of tasks amongst personnel, holding responsibility for their development.

g) Collaborate with bodies with competence in the area of administrative management, carrying out duties relating to the management of personnel and the material resources of the unit within the Judicial Office wherein services are provided, providing that such duties are expressly envisaged in the description of the post in the list of employment positions.

i) Perform the role of Registrars of the Judicial Office of the Associations of Registrars of Justices of the Peace, of Justices of the Peace with more than 7000 inhabitants and of Justices of the peace with less 7000 inhabitants wherein the workload justifies their existence, along with the remaining job positions in the aforementioned destination centres attached to the Body for Procedural and Administrative Management, in accordance with the stipulations of the corresponding lists of employment positions, and take up positions in administrative units where so established in the lists of employment positions of these units, providing that they fulfil the proficiency and training requisites required to perform such duties.

j) Carry out any duties they may take on with a view to protecting and supporting victims, along with support within restorative justice proceedings and out-of-court settlements.

k) Perform all duties that are legally established or outlined in regulations and any other duties of a similar nature that, inherent to the employment position in question, are assigned by hierarchical, organic or civil service superiors, in the exercise of their competencies.

2. Civil servants within the Body for Procedural and Administrative Management may be appointed as pro tempore Judicial Administration Clerks, providing that they meet possess the necessary qualifications and fulfil the remaining requisites, in accordance with the procedure and with the remuneration established via regulations.

Article 477.

The Procedural and Administrative Handling Body will undertake all activities which provide support to procedural management in view of the specialisation level of the position under the hierarchical principle and pursuant to the provisions of the Job Descriptions Roll.

Notwithstanding the specific functions of their position they will also carry out:

a) General handling of proceedings by means of mechanical or information technology office packages preparing all documents, certificates, entries, notices and other forms which may be required, as well as copies of documents and attach them to the files.

- b) Filing and classification of correspondence.
- c) Prepare the documentary support of proceedings and files under the supervision of a higher officer.
- d) Draft the notice forms in order to perform any communications required.
- e) Occupy, pursuant to the Job Descriptions Roster for the judicial office, the managing positions assigned to this body in the manner and subject to the conditions which will be determined.
- f) The possibility of occupying positions in administrative units provided that they hold the necessary qualifications to perform them according to their respective job descriptions.
- g) Carry out any duties they may take on with a view to protecting and supporting victims, along with support within restorative justice proceedings and out-of-court settlements.
- h) Perform all duties that are legally established or outlined in regulations and any other duties of a similar nature that, inherent to the employment position in question, are assigned by hierarchical, organic or civil service superiors, in the exercise of their competencies.

Article 478.

The Judicial Assistance Body is generally vested with any and all assistance duties to the activities carried out by judicial bodies subject to the principle of hierarchy and according to the provisions established in their respective job descriptions:

- a) Make communications such as notices, summons and requests in the manner established in procedural laws and to that end they will have certifying capacity and the necessary credentials.
- b) As a delegated authority it may carry out enforcements, evictions and other acts which nature require it in the capacity and representation vested in this body by law.
- c) It may act as the Judicial Police as an agent of the authority notwithstanding the functions vested in the Security Forces and Bodies in the investigation of crimes and in searching and arresting the offenders.
- d) Perform duties of filing court records and proceedings under the supervision of the Court Registrar. e) Ensure that the courtroom are properly used and that order is kept.
- f) Verify that the technical resources needed for the judicial procedure are in adequate order ensuring when applicable that technicians are available to ensure that those devices are operating regularly, informing the Court Registrar of any incidents detected in them which may hinder any hearings.
- g) Occupy, pursuant to the Job Descriptions Roster for the judicial office, the managing positions assigned to this body in the manner and subject to the conditions which will be determined.
- h) The possibility of occupying positions in administrative units provided that they hold the necessary qualifications to perform them according to their respective job descriptions.
- i) Perform all functions established by law or by the regulations and whatever duties of similar nature may be entrusted to them by their senior organizational or functional officers in the exercise of their competencies.

Article 479.

1. Institutes of Legal Medicine and Forensic Science are technical bodies, dependencies of the Ministry of Justice, or, where applicable, of Autonomous Regions with competencies in this area, wherein the main objective is to assist the Judicial Administration within the sphere of their scientific and technical discipline.
2. Each city housing the official seat of a High Court of Justice will contain an Institute of Legal Medicine and Forensic Science.

However, the Government, at the suggestion of the Ministry of Justice, and subsequent to a request from the Autonomous Region with competence in this area, where applicable, may authorise the Institute to be set up in the administrative capital of the Autonomous Region in question, where this is not the same city that houses the High Court of Justice.

Moreover, the Government can authorise, subsequent to a request, where applicable, from the Autonomous Region with competence in this area, the setting up of Institutes of Legal Medicine and Forensic Science in the remaining cities within the territory of the High Court of Justice in question, with an area of activity that will be determined.

Madrid will house an Institute of Legal Medicine and Forensic Science that will provide services to the various bodies with jurisdiction throughout the entire State.

3. Via a royal decree, at the suggestion of the Ministry of Justice and subsequent to the report issued by the General Council of the Judiciary and the Autonomous Regions to which resources have been transferred for the functioning of the Judicial Administration, the general regulations governing the organisation and operation of the Institutes of Legal Medicine and Forensic Science will be established along with the regulations governing the actions of forensic scientists and the remaining civil servants or personnel assigned to the Institutes. The Ministry of Justice or the competent body within the Autonomous Region may issue, within the scope of their respective competencies, the corresponding provisions for its enactment and application. In any event, the Institutes of Legal Medicine and Forensic Science will boast units for comprehensive forensic evaluation, which may include psychologists and social workers in order to guarantee, amongst other duties, specialised care for the victims of gender-based violence and the design of universal and comprehensive protocols for action in cases of gender-based violence. Furthermore, the remaining psycho-social teams providing services within the Judicial Administration can be incorporated into the Institutes, including the technical teams for minors, wherein the personnel will have specialised training in family matters, minors, individuals with disabilities and gender-based and domestic violence. Their training will be steered by the principle of equality between men and women.

4. Forensic scientists are civil servants forming a National Body of Higher Degree Holders in the service of the Judicial Administration.

5. The duties of forensic scientists are as follows:

a) The provision of technical assistance to Courts and State Prosecutor's Offices in those areas falling under their professional discipline, issuing reports and opinions within the framework of the legal proceedings or within procedures of criminal investigation, where called upon.

b) The care and medical monitoring of detainees who are injured or ill in the custody of the Courts or State Prosecutor's Offices, in those cases and in the manner determined by law.

c) The issue of reports and opinions at the behest of the Civil Registry, in those cases and circumstances determined in the specific legislation.

d) The issue of reports and opinions at the behest of private individuals, under the circumstances determined via regulations.

e) Teaching duties, as experts or for research purposes, for reasons of general interest, in accordance with the instructions provided by the Ministry of Justice or the Autonomous Region with competencies in the area of Justice, within the framework of any existing agreements or conventions.

f) Investigative and collaborative duties deriving from their role, in the terms determined via regulations.

6. Within procedural or investigative actions of any nature initiated by the State Prosecutor's Office, the personnel of the Institutes of Legal Medicine and Forensic Science will be under the orders of Judges and State Prosecutors, performing their duties with complete independence and employing strictly scientific criteria.

7. Forensic scientists will be assigned to an Institute of Legal Medicine and Forensic Science or to the National Toxicology and Forensic Science Institute. In addition, those civil servants determined in the lists of employment positions are also to be found in the Institutes of Legal

Medicine and Forensic Science. These Institutes will also house the psychologists, social workers and remaining personnel that are deemed appropriate.

Article 480.

1. The National Toxicology and Forensic Science Institute is a technical body that is a dependency of the Ministry of Justice, wherein the main objective is to assist the Judicial Administration and contribute to the unity of scientific criteria, the quality of expert analysis and the development of forensic science. In addition, it carried out the following duties:

a) The issue of the reports and opinions requested by the judicial authorities and the State Prosecutor's Office.

b) The carrying out the toxicological analysis and investigations ordered by the judicial authorities, governmental authorities, the State Prosecutor's Office and forensic scientists within the context of judicial proceedings or preliminary investigative proceedings carried out by the State Prosecutor's Office.

c) They will also carry out analyses and investigations requested by public bodies and companies in questions that affect the general interest, in those cases envisaged in accordance with the instructions of the Ministry of Justice on in the terms of the agreements and conventions drawn up for this purpose.

d) The issue of reports and the carrying out of analyses and investigations requested by private individuals within judicial proceedings, or even outside this context, when so determined.

e) The dissemination of knowledge in the area of toxicology, contributing to the prevention of intoxication and attending any consultations made in this regard.

f) Acting as a reference centre in the areas inherent to its activity for Institutes of Legal Medicine and other national and foreign bodies.

g) Carrying out toxicological and forensic science studies, under the circumstances determined via regulations.

h) They may collaborate with universities and health institutions and with national and international bodies in all areas that contribute towards the development of toxicology and forensic science, in accordance with the instructions of the Ministry of Justice or the agreements and conventions drawn up for this purpose

2. The organisation and supervision of the National Toxicology and Forensic Science Institute is the charge of the Ministry of Justice. It is based in Madrid and its area of activity takes in the entire national territory.

Its organic structure will be determined via royal decree.

In the Institute, services will be afforded by the civil servants of the Special Bodies referred to in the subsequent points of this article. In addition, services can be provided by civil servants of the remaining Bodies in the service of the Judicial Administration and of other Administrations, under the conditions and with the requisites established in the corresponding lists of employment positions, and, where applicable, by professionals or experts that prove necessary in terms of its functions or other personnel to carry out activities inherent to their professions or of an instrumental nature, contracted within an employment relationship.

3. Doctors within the National Toxicology and Forensic Science Institute are civil servants forming a National Body of Higher Degree Holders in the service of the Judicial Administration. In accordance with the technical and scientific activity of the Institute, specialisations can be established within this Body.

The duties of Doctors within the National Toxicology and Forensic Science Institute entail providing technical assistance in areas falling under their professional disciplines to the judicial authorities, governmental authorities, the State Prosecutor's Office and forensic scientists within the context of judicial proceedings or preliminary investigative proceedings. To this end, they will carry out the analyses and investigation that is required of them, issue the corresponding opinions and reports and attend to consultations raised by the aforementioned

authorities, and by private individuals within judicial proceedings and by public bodies and companies, where there is an impact on the general interest, and they will contribute to the prevention of intoxication.

They will provide their services in the National Toxicology and Forensic Science Institute, and in Institutes of Legal Medicine and Forensic Science, in those cases stipulated in the corresponding lists of employment positions.

4. Technical Specialists within the National Toxicology and Forensic Science Institute are civil servants forming a National Body of specialised assistance in the service of the Judicial Administration.

The duties of Technical Specialists within the National Toxicology and Forensic Science Institute entail providing specialised technical assistance within the scientific and investigative activities inherent to the National Toxicology and Forensic Science Institute.

They will provide their services in the National Toxicology and Forensic Science Institute, and in Institutes of Legal Medicine and Forensic Science, in those cases stipulated in the corresponding lists of employment positions.

5. Laboratory Assistants within the National Toxicology and Forensic Science Institute are civil servants forming a National Body in the service of the Judicial Administration, for the provision of support, in accordance with their training, within the scientific and investigative activities of this Institute and of the Institutes of Legal Medicine and Forensic Science, in the manner and with the requisites and conditions stipulated in the lists of employment positions of these bodies.

6. Civil servants within the Special Bodies of the National Toxicology and Forensic Science Institute are hierarchically accountable to the Director of this Institute, or, where applicable, the Director of the Institute of Legal Medicine and Forensic Science in which they provide their services.

CHAPTER II

CIVIL SERVANTS REGISTER

Article 481.

1. The Ministry of Justice will keep a Central Register of all civil servants working for the administration of justice in which all public officers belonging to any body at the service of the administration of justice will be recorded and in which it is obligatory to place on record all matters which refer to their administrative status.

2. The Autonomous Regions may establish within their respective territories, personnel registers for the civil servants working at the service of the administration of justice who work thereat.

3. The Ministry of Justice will pass regulations governing the information that must be included in the Register of Prior Convictions and the measures adopted to ensure that all data is treated in a confidential manner in the terms established in the current legislation. In order to update data at the register, the Ministry of Justice will cooperate with the Autonomous Regions which have competencies in this field establishing the required collaboration instruments to ensure immediate entry of all data referred to all civil servants regarding of where they effectively render their services.

4. All civil servants will have access to their personal file which under no account will include any reference to their race, religion or opinion or any other personal or social circumstance which is not relevant for their work.

5. Civil servants within the Judicial Administration will be listed within the scale by order of incorporation into the Body, with a record of at least the following details:

a) National identification document.

- b) Full name.
- c) Time served in the Body.

TITLE II

Public employment offer, access and professional promotion

CHAPTER I

PUBLIC EMPLOYMENT OFFER

Article 482.

1. Human resources requirements which have a specific budgetary chapter will be included in a single annual public employment offer which will be prepared according to the prevailing criteria for the state public sector in the terms of the National Budget Act.
2. Autonomous Regions within the scope of their territory may also determine their human resources requirements for the administration of justice when they have assumed competencies in this matter and will inform the Ministry of Justice of this.
3. The Ministry of Justice will prepare the public employment offer including a differentiated provision for the human resources requirements of the Autonomous Regions and those existing in the rest of the State territory which have not been devolved and will submit it to the Ministry of Public Administrations which will then refer it to the Government for approval.
4. When the public employment offer has been approved, the Ministry of Justice will convene the selection proceedings.
5. Within public employment offers, a portion of no less than seven percent of the vacant posts will be reserved to be filled by individuals with disability, as defined in point 2 of article 4 of Legislative Royal Decree 1/2013, of 29 November, which approves the Consolidated Text of the General Law on the Rights of Individuals with Disabilities and their Social Inclusion, providing that they successfully complete the selection exams and accredit the degree of disability and compatibility with the performance of the corresponding duties and tasks in the manner that will be determined via regulations.

CHAPTER II

SELECTION OF CIVIL SERVANTS AT THE SERVICE OF THE ADMINISTRATION OF JUSTICE

Article 483.

1. Pursuant to the principles included in article 103 of the Spanish Constitution, public career officers will be selected by means of objective criteria and subject to the principles of equal opportunities, merits, capacity and public access.
2. The contents of the papers and the examinations carried out will be same for each body throughout the national territory, except for the tests which may be established to determine the candidate's knowledge of the language and civil special or regional law of those Autonomous Regions which hold competencies in the field of justice; such tests being optional and under no event will disqualify the candidate, the marks obtained according to the grading scale will be considered for the sole purposes of appointment within that Autonomous Region.

3. Selective tests will be convened and decided on by the Ministry of Justice; these tests will be carried out on a territorial basis in the different areas where vacancies exist. The applicable terms of the public examination and the requirements which will be the same for each body will comply with the terms of this Act and with the Royal Decree which enacts the General Regulations on Access, Provision of Office and Professional Promotion of civil servants at the service of the Administration of Justice and will be published in the Official State Gazette and in the Official Gazettes of the Autonomous Regions simultaneously. If simultaneous publication is not possible, the term and deadlines of the public examination notice will be reckoned in any event from the date of their publication in the Official State Gazette.

4. The public examination provisions will be prepared by the Staff Selection Committee and then approved by the Ministry of Justice following a negotiation with the most representative trade unions.

These provisions will be binding for the Public Administration and the panels which are to evaluate the selective tests and may only be amended in strict compliance with the Legal Framework of Public Administrations and Common Administrative Procedure Act.

5. Notice of public examinations will determine the number of vacancies and the territory for which they are being offered. Vacancies covered in an Autonomous Region which have competencies in the field of justice will be offered for the territory of that Autonomous Region except if the latter expressly waives such notice and in that case they will be grouped with the other vacancies.

Likewise, when the number of vacancies or in view of facilitating the outcome of selective tests it is advisable to group the vacancies for one or more territories, it will be possible to do so.

Candidates may only request their participation for one of the territories which are mentioned in the notice and if they pass the tests they will have to be appointed to one of the vacancies for that territory.

Under no event the selection proceedings will be deemed completed in each territory when the number of successful candidates exceeds the available vacancies included in the public offer for the civil service, and any proposal which breaches this provision is null and void.

6. In selective tests, individuals with disabilities will be admitted in the same conditions as the other candidates. Public examinations notices will not include exclusions due to physical or psychological disabilities notwithstanding incompatibility arising from the nature of the tasks or functions to be performed. If the disabled candidate requests it, insofar as possible, adjustments in term and resources will be made for the performance of the public examinations.

Article 484.

Access to the different public bodies is free and available to all citizens by means of a public examination or a combined merits contest and examination.

1. Selection by means of a public examination is the normal access procedure and consists in carrying out tests established in the notice to determine the capacity and knowledge of the candidate.

2. Selection by merits contest and examination involves carrying out certain tests in order to evaluate certain training requirements, merits or degree of experience in the manner established in the notice.

The use of the merits cum examination system is considered exceptional.

Article 485.

1. Selection processes can include a theoretical and practical or work experience course, which may be selective in nature.

The classification obtained will be employed to establish the order of priority. However, where they are selective in nature, candidates who fail to successfully complete the course may

repeat it in the next selection process. If they also fail to successfully complete this course, they will forfeit the right to be appointed civil servants.

2. During the course, candidates are considered as trainee officers with the rights and obligations established in the regulations.

3. The selective course or the training period as the case may be, may be conducted in centres, institutes, or training centres attached to the Autonomous Regions or at the Judicial Offices located in their territory.

Article 486.

1. The contents of the exam and the notice of the public examination provisions which govern the system of access to the civil service bodies mentioned in this Volume, will be entrusted to a Personnel Selection Committee made up of:

Four members representing the Ministry of Justice, one of whom will be the Chairman and will have the casting vote in the event of a draw in passing resolutions.

Four representatives of Autonomous Regions which have competencies in the administration of justice, one of whom will act as the Vice chairman.

2. This Committee will determine also the training programme for the training period or the selective course, as the case may be.

3. The rules governing the functioning of the Selection Committee and the system to appoint its members will be established by the Royal Decree which enacts the General Regulations on Access, Provision of Office and Professional Promotion of civil servants at the service of the Administration of Justice. The members of this Committee in the event of selection of candidates for bodies which management has not been devolved, will also be established in those Regulations.

4. The contents of each exam paper will be approved by the Selection Committee and will be the same for all the territory of Spain.

Article 487.

1. The development and grading of competitive examinations falls to the examination boards that are created for this purpose.

These boards will function in an autonomous manner and will be responsible for the objectivity of the procedure and the fulfilment of the rules outlined in the announcement of the selection process.

2. The General Regulation on Admission, the Assignment of Job Positions and Professional Promotion will determine the composition of the boards, which in all cases will consist of an odd number of members, along with their operational rules, ensuring that members are specialists and that the selection process is expedited, whilst guaranteeing its objectivity, along with the system of incompatibilities and the rights and duties of its members.

Board members will be appointed by the Ministry of Justice. In boards that are set up in the territories of Autonomous Regions with devolved competencies, two of every five members will be proposed by the competent body in this region.

Article 488.

1. Once the selection process is over, successful candidates who may not exceed the number of existing vacancies in each area and within the term provided to establish the qualifications required in the notice of the public examination, will be appointed career officers.

2. These appointments will be published simultaneously in the Official State Gazette and in the Gazettes or Bulletins of the Autonomous Regions which have competencies in this area.

3. Allocation of positions to new civil servants will be made according to their requests among the positions offered depending on the grade achieved by them in the selection process.

Appointments allocated to them will be considered final in the same terms as the ones obtained in a merits contest.

The positions offered to new civil servants must have been previously offered to existing officers in contests for transfer of positions. Notwithstanding, if the competent administrations in human resources management do not have within their respective territories enough vacancies to offer to the newly appointed officers, exceptionally and following a negotiation with the trade unions, they may incorporate them to positions which have not been offered for transfer of existing officers. In this case, the position offered to the new officer will be provisional.

This officer must then take part in any transfer proceedings and a final appointment is hereby guaranteed in the area related to the public exam he passed. If the aforementioned obligation is breached, any of the positions which have not been awarded in all the national territory will be given to him on a final basis.

4. In order to become a career officer it is necessary to take possession of new office within the terms established in the regulations.

Article 489.

1. The Ministry of Justice or where applicable the competent bodies of the Autonomous Regions which have received a transfer of human resources for the administration of justice may appoint interim civil servants due to workload requirements when it is not possible in view of the pressing circumstances to appoint a career officer; in this case such appointment will comply with the objective criteria established in the Ministerial Order or where applicable in the regulations issued by the Autonomous Region which has received the transfer of human resources for the administration of justice.

2. Those who are selected must meet the requirements and possess the necessary qualifications for admission to the Body; they will take the office determined via regulations and will have the same rights and duties as civil servants, excepting the permanence of the post, and the same base remuneration and supplements.

Three-year salary increases will be acknowledged for the duties performed and they will have remunerative effects in accordance with the stipulations of the current regulations governing civil servants within the General Administration of the State. This acknowledgment will be conferred at the behest of the applicant.

3. They will be removed from office in the terms established in the Ministerial Order, or where applicable, by the regulations established by the Autonomous Region and in any event when the vacancy has been covered, when the incumbent officer returns or when the urgent needs have disappeared.

CHAPTER III

INTERNAL PROMOTION.

Article 490.

1. Internal promotion is guaranteed by being raised in rank from a body which required a certain degree for its access to another body which requires the next highest qualification, or in the case of Special Bodies, by being able to access different specialised units within the same body.

2. In addition to the vacant posts that are included for the incorporation of new personnel within the Public Employment Offer, in accordance with the stipulations of article 482, the Ministry of Justice will organise internal promotion procedures on an annual basis to fill posts amounting to thirty percent of the vacancies that form a part of the public employment offer within each Body.

Notwithstanding the provisions of the preceding paragraph, the Ministry of Justice, under extraordinary circumstances and subsequent to the authorisation of the Ministry of the Treasury and Public Administrations, may organise a specific internal promotion procedure, where, in view of the circumstances within the Judicial Administration, this proves advisable.

In either case, vacancies to be covered via internal promotion that are not filled cannot, under any circumstances, be converted into vacancies to be filled via an open selection process, or be incorporated into the Public Employment Offer.

3. Internal promotion is carried out by the examination and merits system in the terms established by the Royal Decree which enacts the regulations for access to that body, provision of office and professional promotion. In all cases the principles of equal opportunities, merit, capacity and public access will be observed.

4. Internal promotion to access a different area of specialisation in the same body will take place between officers who perform identical or similar functions in terms of professional content and technical level.

5. In any case, officers must have the academic qualifications required to access the bodies or specialised units in question, establish a length of service of two years in the body to which they belong and meet the requirements and pass the selective tests established. These tests may be carried out in an independent exam from the general examination process. To the purposes of considering length of service, the one which they have established in the Body of Agents or Assistants of the Administration of Justice from which they originate, if applicable, shall be considered in view of the body for which they request promotion. Officers which access by means of internal promotion will have preference over vacancies offered with regard to other candidates who are not being promoted by this system. Notices of these promotions may establish that the selective tests in order to establish the knowledge of candidates for their originating position may be waived, and in that case specific courses or training programmes passed will be evaluated.

6. Civil servants within the Body of Technical Specialists of the National Toxicology and Forensic Science Institute may, via internal promotion, be incorporated into the Doctors within the National Toxicology and Forensic Science Institute, providing that they fulfil the requisites.

TITLE III

Appointment and Removal of Civil Servants

Article 491.

1. The condition of civil servant is acquired by subsequent compliance with the requirements established in Volume V of this Public General Act on the Judicial Registrarship Body.

2. Career officers will lose that condition in the same cases as the ones established in Volume V for the Judicial Registrarship Body.

Article 492.

1. Retirement of offices may be:

a) Voluntary at the request of the officer.

b) Mandatory, when he attains the legal age for retirement. c) If he becomes permanently incapacitated for his duties.

2. Voluntary retirement takes place at the request of the applicant, provided that the officer meets the requirements and conditions established in the social security scheme which applies to him.

3. Mandatory retirement will be declared ex officio when the officer attains sixty-five years of age. Notwithstanding, civil servants may extend on a voluntary basis their period of service up to seventy years of age maximum following the legal or regulatory proceedings established.

4. Retirement of an officer will also take place when he is under any incapacitating circumstance to perform the duties required for his position. An incapacitating proceeding must be instituted either ex officio or at the request of the applicant.

Article 493.

By means of the procedure established in the corresponding regulations officers may be reinstated:

Officers who have lost such condition following loss of Spanish nationality or due to an incapacity for office once the objective cause for it disappears.

Officers who have lost their condition due to final or temporary disqualification decreed as the main or accessory conviction leading to imprisonment due to having perpetrated a crime, may be reinstated once they have extinguished their civil or criminal liability and their conviction record has been cancelled.

Officers who have been removed from office due to a disciplinary sanction may also be reinstated.

Article 494.

1. The Ministry of Justice is competent to appoint civil servants. Moreover, it is competent to order the revocation of the status of civil servant and, where applicable, reinstatement, in those cases contemplated in this Organic Law and in the form and via the procedure determined via regulations, considering the circumstances and gravity of the crime or misdemeanour perpetrated.

2. Voluntary retirement, compulsory retirement, retirement resulting from permanent incapacity and possible extension of permanence within active service will be authorised by the competent body within the Ministry of Justice, or, where applicable, the Autonomous Region with devolved competencies. Notwithstanding, reinstatement subsequent to retirement resulting from permanent incapacity for personnel in the service of the Judicial Administration will, in all cases, be authorised by the Ministry of Justice, in the manner and employing the procedure determined via regulations.

TITLE IV

Rights, duties, disqualifying circumstances.

CHAPTER I

RIGHTS, DUTIES, DISQUALIFYING CIRCUMSTANCES

Article 495.

1. Civil servants possess the following professional rights:

a) To maintain their status as a civil servant, to the effectively carry out the tasks or duties inherent to their body and to not be removed from office, save under the circumstances and under the conditions established by law.

b) To receive the remuneration and payments for their service that are established in current regulations.

c) To career development, via the mechanisms of professional promotion established in accordance with the principles of equality, merit, capacity and open dissemination.

d) To receive the necessary initial and ongoing training from the Administration, in order to improve their professional capacity thereby enabling improved and quicker adaptation to the employment positions and the possibility of professional promotion.

In order to ensure homogeneity and that the training established by the various Public Administrations with competencies in human resource management does not represent an impediment to the promotion and mobility of the personnel in the service of the Judicial Administration at State level, measures for the coordination and standardisation of ongoing training will be adopted.

e) To be informed by their bosses or superiors of the tasks and duties to be carried out and to participate in the fulfilment of the objectives assigned to the unit in which they provide their services.

f) To respect for their privacy and due consideration for their dignity, which takes in protection against verbal and physical offences and sexual harassment.

b) To not be subject to discrimination on the basis of place of birth, race or ethnicity, gender, sex or sexual orientation, religion and beliefs, opinion, disability, age or any other personal or social circumstance or condition.

h) To holidays and leave.

i) To receive protection in terms of health and safety in the workplace, to which end the competent Administrations will adopt any necessary measures for the effective application of current regulations on the prevention of risks and health in the workplace, evaluating initial risks and drawing up emergency plans, and creating prevention services and a Central Health and Safety Committee.

j) To retirement.

k) To a Social Security scheme, which in the case of civil servants and trainee civil servants will entail the General Social Security Scheme or the Civil Service Pension Scheme, in view of the date on which they acquire this status, and the Mutual Insurance Company for Judicial Personnel, regulated via Legislative Royal Decree 3/2000, of 23 June, and enacting provisions.

l) To the rights envisaged in article 444.2 of this Law.

2. The legal rights system foreseen in the previous paragraph will be applicable to interim officers insofar as the nature of the right allows for it and they will be included to Social Security purposes in the General System of the Social Security.

Article 496.

Public officers have the following collective rights in the terms established in the Constitution and in the laws:

a) Free professional association.

b) Freedom to choose a trade union. c) Trade union activities.

d) The right to go on strike in the terms established in the general State legislation for public officers guaranteeing maintenance of essential services for the administration of justice.

e) Collective negotiation, participation in establishing their employment conditions by creating appropriate frameworks for a wider and more intense participation of civil servants' representatives at the service of the administration of justice by means of work groups, roundtables and other systems of dialogue and negotiation.

f) Meeting rights.

Article 497.

Officers working for the administration of justice are obliged to:

- a) Observe the Constitution and the rest of the legal system.
- b) Exercise their functions, tasks and duties with loyalty and impartiality serving general public interest in an objective manner.
- c) Comply in a diligent manner with professional instructions received from their supervisor within the sphere of their competencies.
- d) Perform with due care the functions and tasks arising from their position and those which related to the above are entrusted to them by their senior officers or supervisors in order to comply with the objectives of the unit.
- e) Follow the timetable and work system.
- f) Maintain in confidence the matters which they are familiar with by virtue of their appointment or functions and refrain from any unauthorised use of the information obtained and ensure that classified matters or other issues which may not be disseminated are kept secret.
- g) Inform the competent authorities of any orders which they consider that breach the law or may be subject to criminal liability.
- h) Ensure that they are not under disqualifying or prohibited circumstances.
- i) Treat citizenship with respect and care.
- j) Inform the parties of their identity and category when so requested, except when this is not possible for security reasons.
- k) Provide for maintenance and correct use of the premises, material, documents and information under their custody, refraining from using the property of the public administration to their own benefit or perform their duties in a manner which may entail an illegal benefit to them or to other persons.
- l) Treat superiors, colleagues and subordinates and Lawyers, Attorneys and Labour Relations Specialists appropriately and with consideration.

Article 498.

1. Officers are subject to the disqualification system established in the general legislation for civil servants working at the service of public administrations.
2. The exercise of any activity which requires a compatibility declaration must be previously authorised by the Ministry of Justice or by the Autonomous Region which has competencies in this field. Compatibility for the exercise of a private activity will not be authorised when the position requires special dedication.

This authorization will not be granted to coroners or medical practitioners who hold office as Director or Subdirector at Forensic Institutes or at the National Institute of Toxicology and Forensic Sciences and its departments.

3. In any event, his duties will not be compatible with:

- a) In the case of Special Bodies

- 1.º Their intervention as private individuals in cases which may be related to their functions.
- 2.º To act as a company doctor, or as a medical practitioner at the service of insurance companies or hold any employment in these entities.
- 3.º Any private activity requiring his expertise.
- 4.º To issue death certificates unless they work at the Register of Vital Statistics and then only in the exercise of their duties.

- b) With regards to General Bodies:

- 1.º Professional activity as a lawyer, attorney or labour relations specialist and employment in the service of lawyers, attorneys and labour relations specialists, or another profession authorising them to appear before the Courts.

- 2.º The provision of all nature of legal advice, paid or otherwise.
- 3.º Activity as insurance brokers or in their employ or the employ of an insurance company.
- 4.º Serving as the managers, consultants or advisors of profit-making companies.
- 5.º The provision of administrative agency services, as the owner or employee in such offices.
- 6.º Appearing as a private expert before the Courts.

Article 499.

1. Abstention by a public officer will be reported in writing to the competent authority which must pass a decision that puts an end to the proceedings or the suit. If the abstention is upheld, the officer will be replaced in the proceedings by the person who must legally act as his deputy. If it is dismissed, then he must continue performing his duties in the proceedings.
2. Recusation of a public officer is only possible if any of the legal reasons for this exists and subject to the procedure for recusation of Court Registrars with the following exceptions:
 - a) The administrative appeal will be instituted by the Court Registrar who is the supervisor of the officer in question and the matter will be solved by the officer who is competent to issue a decision which ends the proceedings or the suit in that instance.
 - b) If, in view of the recusation motion, the Court Registrar considers that the grounds invoked are not contemplated in the law, he will dismiss the motion when it is filed indicating the reasons for the dismissal. Such decision is not subject to any further appeal.
 - c) If the recusation motion is upheld, on the day after its reception, the challenged officer will inform the Court Registrar if the grounds for recusation exist or not. When the grounds for recusation concur, the Court Registrar will agree to replace that officer by the party which must replace him by law. This resolution may not be further appealed.
 - d) If the challenged officer denies the grounds invoked for recusation, the Court Registrar after having heard the allegations of that officer within five days after having conducted the verifications requested by the latter which are relevant to the motion or any other ones which he deems appropriate, will submit the file to the officer who is decide on this incident.
3. Public officers working at the Coroners' Body are subject to the provisions established in procedural rules for recusation of experts.

CHAPTER II

WORKING DAY AND TIMETABLE

Article 500.

1. The length of the ordinary working day in annual terms and of those days which are subject to special dedication, and their particular circumstances will be determined by a resolution issued by the competent body of the Ministry of Justice following a report issued by the Autonomous Region with competencies in this area and on the basis of a negotiation with the most representative trade unions.

Public officers must exercise their duties in the manner required depending on the nature of their position. To this end, the Ministry of Justice following a report issued by the Autonomous Region with competencies in this area and on the basis of a negotiation with the most representative trade unions, will determine the procedure for offsetting overtime and extended working days due to urgent procedural actions which may not be deferred.

2. The ordinary weekly working hours will be the same to the one established for the General State Administration. Public officers may work shorter hours in the cases and under the conditions established by law and in the regulations.

3. Certain departments or jurisdictional bodies may only work in the mornings or in the morning and afternoon depending on the requirements of the service and in particular if that unit deals directly with the public, in which case the tendency will be to increase the number of hours of attention to citizenship.

Incorporation to public officers to the morning duty or to a split working day is voluntary and must be tied to incentive measures.

4. The distribution of the work day and the establishment of working hours will be determined via the office calendar approved annually by the competent body within the Ministry of Justice and the Autonomous Regions with delegated competencies, in their respective areas, subsequent to the report issued by the General Council of the Judiciary and negotiation with trade unions. The office calendar will be drawn up in accordance with the number of annual hours of effective work. Start and end times may be flexible, although at all times ensuring a number of hours of obligatory continuous presence in the workplace.

The working hours that are established must, at all times, respect timetable for attending to the public.

5. In view of the specialties of certain departments or jurisdictional bodies, special working hours may be established which must be included in the corresponding job descriptions and will be subject to a special allowance payment.

6. In the event that a public servant does not complete his working hours, the remuneration for the defaulted hours will be deducted from his salary according to the applicable regulations on this matter. To these purposes, effective time worked is considered to be the duties carried out within the allocated timeframe taking into account any credited hours and paid time-off, and hours credited for trade union activities.

Article 501.

1. The General Council of the Judiciary after having heard the Ministry of Justice and the Autonomous Regions with competencies in this area, as well as the Bar Associations of that district will determine which judiciary bodies and other services of the administration of justice will remain on duty, and the timetable and conditions for those duty officers.

2. The Ministry of Justice and the Autonomous Regions within their territories will provide the necessary assistance to the judicial bodies or departments which are on duty. To that purpose, after having negotiated with the most representative trade unions they will determine the number of public officers who are to provide this service, the time they must spend on duty at the judicial body or department, their availability and the distribution and allocation of working hours.

CHAPTER III

HOLIDAYS AND LEAVE

Article 502.

1. Within each calendar year, civil servant have the right to paid holidays under the same conditions as civil servants within the General State Administration, as outlined in their regulations.

2. The Ministry of Justice and the Autonomous Regions, in their respective territories, will possess competence to issue the rules on the manner in which holidays can be taken, along with the procedures for their conferral.

Article 503.

1. Where there are justified motives, civil servants will have the same entitlement to leave, for the same duration, which applies to civil servants within the General Administration of the State in currently applicable regulations.
2. Whilst taking such leave, they will have the same economic entitlements as civil servants within the General Administration of the State.

Article 504.

1. For marriage, civil servants are entitled to leave of fifteen days duration, with full pay.
2. They may be afforded leave for training and professional improvement in the following cases:

a) To attend the training courses included in the training programmes held on an annual basis, which are organised by the Ministry of Justice, Autonomous Regions, trade unions or other public or private bodies.

The duration and manner of taking such leave will be determined by the length and programme of the course in question and will not entail any form of pay restriction.

b) To attend courses, congresses or symposiums, providing that they relate to the duties of the body in which the civil servant is posted and will complement training for the exercise of these duties.

Conferral of such leave is subordinate to service requirements and budgetary allowance, and its duration will be determined by the course, congress or symposium in question.

Leave of this nature will entail entitlement to base pay and supplements for dependent children.

3. Civil servants can take leave for personal matters without any entitlement to pay and, cumulatively, such leave cannot, under any circumstances, exceed three months within every two years of active service and its conferral is subordinate to service requirements.

4. Those who, having successfully passed through the corresponding selection processes, have been appointed as trainee civil servants and are already performing remunerated duties within the Judicial Administration as civil servants, are entitled to extraordinary leave whilst this situation remains as such, and will receive the remuneration established for trainee civil servants in current regulations.

5. Illnesses or accidents that prevent the normal performance of duties will give rise to sick leave.

Notwithstanding the obligation to communicate, in the manner determined via regulations, an inability to attend work due to illness during the office hours on the day on which this occurs, civil servants must request sick leave from the competent authority on the fourth consecutive day subsequent to their initial absence.

Initial sick leave will be conferred for the period that the doctor estimates will be required for the employee in question to become well and under no circumstances may exceed fifteen days. Where the illness persists, the initial leave will automatically be extended in the manner determined by the authority with competence to confer it, and will be annulled where the employee in question becomes well beforehand.

Both the initial leave and the extensions will be conferred subsequent to presentation of a medical certificate by the employee in question, accrediting the existence of the illness and the impossibility of attending work.

Sick leave will be conferred for the same pathological condition, up to a maximum of 12 months, which can be extended by a further six, where it is presumed that during this period the employee will recover. Once these periods have transpired, sick leave will be extended until retirement as a result of permanent incapacity has been declared or the employee is medically deemed fit for work, and under no circumstances may exceed 30 months, to be counted from the date of the request for initial leave.

In this regard, it will be understood that new sick leave has been conferred where the pathological condition is distinct and, in all cases, where the leave has been interrupted for a period of at least a year.

Civil Servants in the employ of the Judicial Administration who are temporarily incapacitated as a result of common contingencies, will receive fifty percent of their salary, taking in both base pay and supplements, including benefits for dependent children, where applicable, from the third day of their temporary incapacity, taking the remuneration that they receive in the month immediately prior to the month in which the sick leave is taken as a reference point. Between the fourth and the twentieth day, both inclusive, they will receive seventy-five percent of their salary, taking in both base pay and supplements, including benefits for dependent children, where applicable. From the twenty-first day to the one hundred and eightieth day, both inclusive, they will receive their entire base pay, benefits for dependent children, where applicable, and all supplements. Where the situation of temporary incapacity derives from professional contingencies, the salary received can be supplemented from the first day, up to a maximum limit of the remuneration corresponding to staff of the type in question in the month prior to the month in which the sick leave is taken.

From day one hundred and eighty onwards, the sick benefit outlined in paragraph 1.B of article 20 of Legislative Royal Decree 3/200, of 23 June, which approves the consolidated text of the current legal provisions concerning the Special Social Security Scheme for personnel in the service of the Judicial Administration, will be applicable.

The competent body will determine those cases wherein, on an exceptional basis and with due justification, a supplement can be afforded, up to a maximum of one hundred percent of the salary that was received at any given time. In this regard, cases of hospitalisation and surgery will be considered as due justification in all cases.

Under no circumstances may public servants affiliated to the special social security schemes under the "mutualismo administrativo" system receive a lower amount whilst in a situation of temporary incapacity as a result of common contingencies than the amount that would correspond to public servants affiliated to the general social security scheme, including, where applicable, the supplements that might apply to the latter.

Any reference to days made in this point will be understood to refer to calendar days.

Absence from work due to illness or accidents that does not give rise to a situation of temporary incapacity, will entail the application of a reduction in pay, in the terms and under the conditions established in the specific regulations set forth for this purpose.

Article 505.

1. The Ministry of Justice and the Autonomous Regions with competencies in this area will be competent to grant leave and time-off in the terms established in this Public General Act regarding officers which provide services in their respective territories in the manner and subject to the procedure which has been established in the regulations passed to that purpose.

2. Likewise they are responsible for monitoring temporary disability of public officers at the service of the administration of justice requesting when they deem it necessary an expert medical opinion and to that purpose they may enter into collaboration systems with public bodies or entities which within their respective areas will undertake inspection, evaluation and monitoring of temporary incapacity under the general scheme of the Social Security and also under special schemes.

TITLE V

Administrative Situations

Article 506.

Career officers belonging to any of the bodies mentioned in this Volume may be under any of the following situations:

- a) Active Service.
- b) Special Services.
- c) Voluntary leave for the care of relatives.
- d) Voluntary leave to render services in the public sector. e) Voluntary leave for personal matters.
- f) Voluntary leave for family grouping.
- g) Suspended from office.

Article 507.

1. Career officers belonging to any of the bodies mentioned in this Volume will be in active service when they perform their duties at any of the centres listed in article 521 of this Act.
2. Moreover, the aforementioned officers will also be considered in active service when:
 - a) They discharge their duties at the Constitutional Court, the General Council of the Judiciary and the Exchequer Court, except if according to the specific legal provisions of those bodies, they must be subject to a different administrative status.
 - b) When they render their services in the Parliament pursuant to the provisions of its Basic Statute and if they are not subject to a different administrative status.
 - c) When they become members of any of the legislative assemblies of the Autonomous Regions and they do not collect any regular remuneration for the performance of their duties.
 - d) When they are appointed to the Town Hall of any council unless their position is remunerated and requires full dedication.
 - e) When they render services in the Cabinet of the President of the Government, of the State Ministers and of the Secretaries of State and choose to remain in that situation.
 - f) When they are appointed to a position in other public Administrations insofar as the job description includes a specific provision in this respect.
 - g) When they occupy any position in the Judiciary Mutual Fund that must be performed by officers of justice administration.
 - h) When they cease from a position due to having obtained another one by the procedure for provision of office during the term to do so.
 - i) When they render their services in public bodies or entities in the capacity of public officers.
 - j) When so determined by statute.
3. Enjoying time-off or regulated leave will not modify their status of being in active service.
4. Officers in active service will have all rights, entitlements, duties and responsibilities arising from such capacity.

Article 508.

1. Officers belonging to bodies at the service of the State Administration will be declared in the situation of special services in the same cases as the ones applicable to officers working for the Central State Administration unless another status is applicable to them by law.
2. The time spent in special services will be credited to the officers in that situation to the purposes of promotion, three year seniority and retirement benefits except in the case of public officers who are working at the service of European community institutions or assimilated entities or bodies and exercise their right of transfer foreseen in Article 11.2 of Regulation No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants notwithstanding the financial

benefits arising from promotion and three year benefits already vested in them prior to their transfer.

3. Officers under this situation will be entitled to a tenured position in the same city under the same terms and remuneration as the ones they enjoyed before moving to their new position provided that they have accessed it from active service or under another status which also grants this right. If during the time in which they remain in the status of special services they take part in selection proceedings their reincorporation will take place in the city and subject to the terms of the appointment they have secured.

4. Officers in the special services situation will collect the remuneration of the office or position they currently hold and not their pay as civil servants notwithstanding their right to collect three-year seniority benefits.

5. Under no event they may provide consultancy services to judiciary bodies while they remain in this situation.

Article 509.

1. Civil servants are entitled to a period of extended leave of no more than three years to care for each child, whether this entails biological children, adopted children or permanent or pre-adoption fostering, to be counted from the date of birth of the child or, where applicable, the date of the judicial or administrative ruling in question. The conferral of the leave is dependent upon a prior declaration affirming that no other activity is being carried or that would prevent or hinder caring for the child.

2. Civil servants are also entitled to a period of extended leave, for no more than three years, to care for a family member in their charge, up to and including the second degree of kinship or relation by marriage, who, as a result of old age, an accident or illness, are unable to look after themselves and do not carry out any form of remunerated activity.

3. In both cases, a single period of extended leave will be conferred for each family member. Where another family member gives rise to the need for another period of extended leave, where this leave commences, it will draw an end to any leave of this nature that was in effect.

This extended leave constitutes an individual right of civil servants. Where the right to leave arises, in relation to the same family member, for two civil servants, the Administration may restrict simultaneous exercise of this right, for reasons grounded on the requirements and proper functioning of services.

The time over which they remain in this situation will count in terms of three-year salary increases, time served and rights within the Social Security Scheme that applies. The post occupied will be reserved for at least two years. Once this period has elapsed, the reservation will be modified to a post in the same municipality with the same remuneration. Civil servants in this situation may participate in the training courses organised by the Administration.

Article 510.

1. Civil servants attached to the bodies mentioned in this Volume will be considered under voluntary leave either ex officio or at the request of the applicant when they request it for personal matters, when they are in active service in another body or rank of the Public Administrations or they subsequently render services in other public sector bodies or entities and they are not under any other administrative status and for family grouping with the same requirements and effects as the ones foreseen in the legislation applicable to public servants at the service of the Central State Administration.

2. Voluntary leave for private matters will also be declared ex officio for public servants when the cause that led to considering them under a different status than active service disappears and they breach the obligation of requesting their readmission within the term established in the regulations.

Article 511.

1. An public servant who has been suspended of duty may not perform any duties for the time of suspension or services in any public administration or public law bodies or entities linked to the former.
2. Suspension of duty may be provisional or final.
3. Provisional suspension may be decreed as an interim measure in the course of judicial or administrative proceedings and will take place in the following cases:
 - a) When the investigating magistrate in the case of a malicious offence decides to decree his suspension as a cautionary measure. It will be decreed in any event when an imprisonment order has been issued, or bail, or if the officer has been arraigned or committed for trial in the case of abridged proceedings.
 - b) In the course of disciplinary proceedings by the authority who ordered the opening of the proceedings, and in this case suspension may not exceed six months except if the delay is due to the public servant himself.
 - c) When the public servant is unable to go to work because a court or a tribunal has issued a restraining order in the course of criminal proceedings whereby he may not live in a certain city or approach certain persons.
4. Suspension will become permanent when a final criminal sentence is given or a final disciplinary sanction.
5. The effects arising from the suspension either temporary or permanent will be the ones foreseen for officials of the Central State Administrative who have been declared in that situation.

Article 512.

The Ministry of Justice or the Autonomous Regions with competencies in this area will agree to grant or declare any of the aforementioned administrative situations to officials who render their service within their respective territories by issuing the corresponding provisions concerning the formalities and applicable procedure.

Article 513.

1. Changes in the administrative status of officials must be reported to the Central Register of Staff mentioned in Article 481 hereunder for their record and may take place depending on the specific requirements for each case without having to be reincorporated to active service.
2. In the event that the new situation entails that they may retain their position, officials may take part in selection proceedings for the provision of appointments remaining in the current situation and being entitled to a position of the same rank and pay as the one pertaining to the appointment secured and in the same council.

Article 514.

1. Public servants under administrative situations which allow them to retain their former position will be reincorporated to active duty in the manner and subject to the terms established by the competent authority when it authorised such situation.
2. Reincorporation to public duty from situations which do not allow the official to retain his former position will take place by means of general or special selection procedures or by discretionary appointment.
3. Reincorporation to active service will also take place on a provisional basis by allocating a vacancy when the public servant has the necessary qualifications specified in the job description for that position.

Reincorporation on the basis of a provisional appointment will be subject in any event to the needs of the department and that official is obliged to take part in any selection proceedings convened in order to obtain a final appointment and request among others, the position he is occupying on a temporary basis.

If he does not secure a final appointment, he will be attached to any vacancy of a Judicial Office located in the province or in the territory in which the vacancies have been grouped to the purposes of the selection proceedings.

If he does not take part in the first selection proceedings convened after his temporary assignment he will be considered on voluntary leave for private matters.

TITLE VI

Remuneration System

Article 515.

Public servants in any of the bodies at the service of the administration of justice contemplated in this Volume may only be remunerated for the salary items foreseen in this Public General Act.

Article 516.

1. Remuneration falls under two categories: basic and supplementary items.

A). The basic remuneration items are the same than the ones established by this Act for the judicial career and for State Prosecutors.

B). The supplementary remuneration items may be: of a fixed amount payable regularly on their accrual dates or variable.

1.º. Supplementary remuneration of fixed amount and satisfied regularly are the following:

a) General allowance based on the position and which provides a fixed amount depending on each position established for a given body within the administration.

b) Specific allowance based on the position which remunerates the specific circumstances of a given position in view of its technical difficulty, dedication, responsibility, incompatibility, hardship or hazards.

2.º. Variable supplementary remuneration:

a) Productivity incentive exists in order to remunerate special performance, extraordinary activities, the interest or the initiative of the public officer while performing his duties and his participation in specific action programmes and achievement of objectives set out by the Ministry of Justice and the Autonomous Regions which have competencies in their respective territories, after having heard the General Council of the Judiciary and following a negotiation with the most representative trade unions. Accrual of this incentive in a given period is not a vested right for subsequent periods.

b) Ex gratia payments in consideration for extraordinary services rendered outside normal working hours which under no account may be of a fixed amount nor satisfied on a regular basis and they do not grant any entitlement in this respect.

Article 517.

1. Notwithstanding the foregoing salary items, officials who perform their duties in judicial bodies or services in which the General Council of the Judiciary having heard the Ministry of Justice and the Autonomous Regions with competencies in this area, considers that require permanent and Ongoing dedication, will be entitled to collect a duty allowance which amount will be determined by a Ministerial Order following a joint proposal of the Ministers of Justice and the Exchequer, following a negotiation with the trade unions depending on the nature of the duty work.

This item will be the same throughout the Spanish territory and payment is linked to performing duty services. Once the official has established that it has been performed such

services he will be entitled to collect payment thereon. Its accrual does not vest individual rights for subsequent periods.

2. Staff mentioned in this Volume will be entitled to the corresponding compensation due to the nature of the service, where applicable.

Article 518.

1. Officers who are in their training period or taking part in selective training courses described in article 485 hereunder will be appointed trainee civil servants and their remuneration will be the one established in this Act for trainee officials who are under a training period to access the Judicial Registrarship Body.

2. When officials who already hold a position take part in training activities, the corresponding amount to the supplementary items will be paid by the Ministry of Justice or the Autonomous Regions which have competencies in this field depending on the territory where the duties are being carried out.

Article 519.

1. The basic remuneration will be the same for all bodies within the administration regardless of where the functions are performed or the position occupied. Such remuneration is determined in the National Budget Act for each year depending on the specialisation degree of the different Bodies at the service of the administration of justice.

Length of service pay increase is set at five per cent of the salary for each three years of service.

When a public servant performs his duties for different bodies, he will be entitled to the three-year length of service pay increase for each of them effectively accrued at the corresponding rates established in each body.

If an official moves to a different body before the three-year period has elapsed, the time at the last position will be credited to him in the new position to these purposes.

Civil servants are entitled to two extraordinary payments each year, the amount of each of them is equal to one month salary and length of service benefits and where applicable a pro rata amount of the general allowance attached to the position in the terms established by law for the Administration of Justice, payable in the months of July and December, provided that the recipients are in active service or entitled to collect their salary on the first day of the aforementioned months.

2. To the purposes of the general allowance referred to the position held, a Royal Decree will establish the standard positions for each unit which are included in the judicial offices and for other non-jurisdictional services, providing an assessment for each of them. The amount will be determined in the National State Budget.

3. The individualised amount of the specific allowance will be established by the Ministry of Justice or the competent body of the Autonomous Region following a negotiation with the trade unions in their respective areas of influence, when drafting the job descriptions considering the particular circumstances attached to each position. All positions will have a specific allowance linked to them. Under no account more than one specific allowance may be attached to a position.

4. The Ministry of Justice or the competent body of the Autonomous Region in their respective territories will determine the specific sums of the productivity incentive and which officials are entitled to collect it according to the distribution criteria established for different programmes and objectives. The aforementioned authorities will create participation systems for trade unions to take part in determining the amount and verify the formal procedure of granting these incentives.

5. The Ministry of Justice and the competent body of the Autonomous Regions in their respective territories will undertake the individual assignment of ex-gratia payments and establish the criteria for allocating these payments.

TITLE VII

The organisation of professional activity

Article 520.

1. Public servants belonging to Bodies contemplated hereunder will perform their duties in the units which are part of the judicial officers and where applicable, at the corresponding administrative units and offices mentioned in Article 439 hereunder; at the Forensic Institutes and the National Institute of Toxicology and its departments.

2. They may also provide services at the General Council of the Judiciary, the Constitutional Court and the Court of the Exchequer subject to the terms and conditions foreseen in the staff regulations for civil servants working in the aforementioned constitutional bodies and in the Judiciary Mutual Fund in those positions according to the job description file for that public body.

3. They may also access other positions in different public administrations insofar the job descriptions roster contemplates this situation. While holding office thereat, the legislation of Public

Office in the Administration will apply to the position of their appointment although they are considered in active service at the originating public administration.

Article 521.

1. The organisation of personnel and their incorporation into the various units that make up the structure of judicial offices will be carried out via the corresponding authorised list of positions, which in all cases will be made public.

2. The lists of positions will include all employment posts in the various units that make up the judicial office, including those that must be performed by Court Registrars, and will indicate the job description, location, the requisites to perform the job, the general supplement for the post and the specific supplement.

3. The list of employment positions must specify the following:

A) Management Centre. Destination Centre.

In terms of organising the positions that are to be occupied by civil servants, management centres will be understood to refer to the competent bodies within the Ministry of Justice to the competent body within an Autonomous Region for human resource management, which will be charged with drawing up the corresponding list of employment positions within their respective territories.

Destination centre will be understood to refer to:

Each of the general procedural services.

The series of direct support procedural units for judicial bodies based in the same municipality.

The Central Civil Registry and the Sole Civil Registries in each municipality, where they exist.

Each of the State Prosecutor's Offices or Units assigned to State Prosecutor's Offices.

In Forensic Medicine Institutes, those that are established as such in the regulation via which they were created.

In the National Toxicology and Forensic Science Institute, those that are established as such in the regulation via which they were created.

The General Mutual Insurance Company for Judicial Personnel.

Each judicial office affording direct support to Justices of the Peace with jurisdiction over more than 7000 inhabitants, or less than 7000 inhabitants, where they possess personnel in the civil service as a result of their workload.

The Technical Office of the Supreme Court.

Government Secretariats.

B) Type of position. In this regard, positions are classified as general and specific posts.

General posts are those that are indistinct within the organic structure and entail carrying out tasks and duties inherent to a body, whereby they lack individualised functional content. Positions corresponding to procedural units affording direct support to judicial bodies are normally general posts.

Specific posts are those that are distinguished within the organic structure and entail carrying out tasks and duties that are assigned on an individual basis. In this regard, in those Autonomous Regions that possess their own language, fluency in this language will only represent a determining factor in terms of the specific nature of the post where such a requirement derives from the specific functions assigned to the post in the list of employment positions.

C) Assignment system. With regards to the list of employment positions, the manner of definitively assigning these posts will be specified as entailing a competitive selection process or as being discretionary appointments.

D) Body or bodies to which posts are assigned. In general, employment positions will be assigned to a single body. However, given that employment positions exist wherein qualifications are not considered as an essential element and the requisites might be determined in accordance with factors other than membership of a given body, employment positions may be assigned to two bodies.

The posts in the list of employment positions for judicial offices will be assigned exclusively to bodies in the service of the Judicial Administration, in view of their specialisation.

4. In addition to the aforementioned requisites, lists of employment positions may include the following:

1.º. Specific academic qualifications, in addition to the general qualifications corresponding to the Group to which the post is assigned, where such a need is objectively apparent in view of the nature of the duties to be carried out.

2.º. Specific training, where, in view of the duties entailed in the post, this requirement is apparent and can be accredited via documents.

3.º. The ability to communicate verbally and in writing in the official language of those Autonomous Regions where such languages have been recognised.

4.º. Computer literacy, where this is necessary to carry out the duties of the post.

5.º. Any other conditions that are considered important with regards to the post and the duties it entails.

Article 522.

1. The Ministry of Justice will draft and approve following a report by the General Council of the Judiciary and negotiations with the most representative trade unions, the lists of job descriptions which provide a classification of the different positions with the judicial offices and their corresponding scope of action.

Likewise, it will be competent for the organization chart of positions in judicial offices ascribed to the Judicial Registrarship Body in all the territory of the State on the basis of a report from the General Council of the Judiciary and following a negotiation with the most representative trade unions.

2. The Autonomous Regions with devolved competencies in this area, on the basis of a report prepared by the General Council of the Judiciary and following negotiation with the most representative trade unions will approve the blueprint of the list of job descriptions in the

judicial officers within their respective territories. Final approval is vested in the Ministry of Justice who may only refuse to do on invoking breach of legal provisions.

3. Prior to the final approval of each list of jobs, the Ministry of Justice shall determine who must be assigned to the Association of Court Registrars.

4. The Ministry of Justice and the Autonomous Regions with delegated competencies in their territories shall be in charge of drafting and approving the lists of jobs for the administrative units, indicated in article 439.

Article 523.

1. Once the blueprint of the job description lists have been approved, the Autonomous Regions and the Ministry of Justice within their respective territories may:

- 1.º. Reorganize non-specific positions in each judicial office.
- 2.º. Reorganize positions which refer to units that no longer exist in that judicial office following a turnaround of the organizational structure.
- 3.º. Reorganize positions between different judicial offices.
- 4.º. Do away with certain positions.

2. In any event, amendments to the initial lists of job descriptions which may take place will take into account the principles listed in this law for the reorganization and restructuring of staff and in particular the following rules will be observed:

- 1.º. The competent administrations will draft a reasoned plan which is then discussed with the most representative trade unions.
- 2.º. The name, remuneration and other features of the positions affected by this measure and under no event it may entail that the officials will have to work in another council.
- 3.º. At all times, the minimum staffing levels for the direct support procedural units established will be observed.
- 4.º. A prior report from the General Council of the Judiciary is required to make this restructuring process effective prior notice to the Ministry of Justice.

TITLE VIII

Provision of offices and mobility

Article 524.

1. The provision of work positions will be made through the usual selection proceedings, either by the ordinary system or by discretionary appointment depending on the corresponding job descriptions and in view of the nature of the duties to be carried out.

2. Positions may be covered temporally by provision appointment or secondment.

3. Likewise and due to organizational reasons, positions may be covered by means of reorganization or restructuring of existing staff.

Article 525.

The Ministry of Justice and the Autonomous Regions with competencies in this area within their respective territorial scope are competent for the distribution of positions in the terms, conditions and procedures established in this Public Act and in the General Regulations of Access, Provision of Office and Professional Promotion.

Article 526.

1. The selection process will consist in the verification and evaluation of merits invoked pursuant to the regulations of the selection process and on the basis of the grading system established in these regulations.

Bearing in mind the nature and duties of the jobs intended to be covered, the competition may be:

a) Transfer proceedings. This procedure is used to cover general positions.

Evaluation of merits is made in the manner and pursuant to the grading system established in the Royal Decree which approved the General Regulations of Access, Provision of Office and Professional Promotion.

b) Specific selection proceedings: This procedure is used to cover specific work positions. It will have two stages:

1.º. Verification and evaluation of general merits pursuant to the provisions of paragraph 1 a) hereunder.

2.º. In the second phase, specific skills will be evaluated by means of experience, academic qualifications and other elements which ensure that the candidate is suitable for the position. These skills will be assessed in the manner established in the selection regulations but they may not account for more than 40 per cent of the total maximum percentage of both stages.

2. In the discretionary appointment system, the competent body will establish if the candidates are suitable considering the requirements for the position.

Managerial positions may be staffed by this procedure and also any other ones which require special responsibility and dedication, when so foreseen in the corresponding job descriptions.

3. Public notice of these proceedings in the Official State Gazette and in the Official Gazette of the Autonomous Region is mandatory, indicating the name of the position, location, remuneration and when applicable the minimum requirements applicable.

Article 527.

Notwithstanding the possibility of appointing interim officers on the grounds of urgency or need in the terms established in Article 427(2), vacant positions or in the case of absence of the incumbent holder will be covered temporally in the following manner:

1. Vacant positions until the current provision mechanisms are completed or in the event of their finalisation if no suitable candidate exists, will be covered by officials who meet the necessary requirements to perform such duties by means of secondment which may be voluntary or mandatory.

Officials performing secondment duties will retain their original position and are entitled to supplementary remuneration for the position they also hold.

If secondment is obligatory, and the remuneration for the duties in that position is lower than the ones of his original position, he will be entitled in any event to the supplementary salary items which are higher.

2. Under exceptional circumstances, employment positions that are vacant can be temporarily filled via substitution, where the holder is absent.

To be appointed deputy official, the candidate must meet the requirements established to hold that position in the corresponding job description.

By means of regulations, the cases and procedure for replacement of officials will be established. In the event of a position ascribed to the Judicial Registrarship, the procedure and requirements for replacement will be the one expressly established for the appointment of deputy Court Registrars.

Likewise, positions may be held on a temporary basis by provisional appointment in the event of removal or resignation.

Public servants appointed to a position of discretionary appointment may be removed from office on a discretionary basis following a resolution which must only establish the authority to issue such decision.

Officeholders by having passed a selection process or by virtue of a discretionary appointment may resign from their position by means of a reasoned request expressing the personal or professional reasons and provided further that they have been in that position for at least one year.

In the foregoing cases, officials will be ascribed on a provisional basis until they do not secure a tenured position to a position within their body in the same council and with legal effects from the next day to the removal resolution or when the resignation was accepted.

Career officials who are reincorporated to active service from a situation which does not entitle them to retain their position may also be ascribed provisionally to a position within their administrative body. In this case, such attachment depends on the needs of the department.

Article 528.

1. Staff reorganization.

Officials who occupy general positions on a final basis may be ascribed due to administrative requirements to other positions of the same nature, with identical general allowance and specific allowance for that position in the same centre where they perform their duties.

The position obtained by means of staffing reorganization is considered final and the minimum time of holding office to take part in selection procedures will be reckoned from the moment he secured that final appointment, and the minimum tenure of office in terms provided in Article 529(3), shall be reckoned with regard to the position he held at the time of the reorganization process.

2. Staff restructuring.

Due to organizational reasons and by the corresponding amendments in the lists of job descriptions, the holders of general and specific provisions may be ascribed to other destination centres.

This professional mobility shall be carried out on the basis of a project prepared by the competent administrations and negotiated with the most representative trade unions by voluntary move procedures.

The positions or offices which are not covered will be subsequently assigned by means of a mandatory assignment procedure in the terms established in the regulation.

Officers subject to restructuring procedures are exempted from the minimum term of office requirement foreseen in article 529 and they will have a pre-emptive right to obtain a position in the centre where they originally rendered their services in the first selection proceedings which offers an appointment in that centre.

To the purposes of determining the position which falls under the restructuring measures, if there are several positions involved, willingness to move by the officials holding those positions will be first considered and subsequently seniority in that position.

3. Under exceptional circumstances, the Ministry of Justice, or, where applicable, the Autonomous Regions with devolved judicial competencies, may draw up plans for the organisation of human resources, in the terms and in accordance with the stipulations of current regulations for civil servants within the General Administration of the State.

Article 529.

1. The Ministry of Justice and the Autonomous Regions will convene selection procedures on a national basis to cover vacant positions in their respective territories.

The Regulations for Access, Provision of Work Positions and Professional Promotion of officials at the service of the administration of justice will establish the rules for these selection procedures and the general merits that will be considered.

2. Officials, regardless of their administrative situation may take part in these selection procedures, except those officials suspended from their duties who may not take part until the suspension has not been lifted and provided further that they meet the general conditions demanded and the requirements established in the notice of these proceedings at the date in which the deadline to submit their applications expires and provided further that they are not subject to any limitations to hold office at the place of their destination.

3. It is not possible to take part in transfer proceedings for the provision of general positions until two years have elapsed since the official obtained his last appointment from which he takes part in the new selection procedure or since the resolution which granted them a final appointment in the event of officials which have just accessed the civil service.

In order to calculate the years, the calendar year in which the relevant orders were issued, irrespective of their date, will be considered the first year and the following calendar year, as the second year.

4. Public servants who do not have a final appointment are obliged to take part in transfer proceedings according to the current legal provisions and they are excluded from the time limitation established in the foregoing section.

Article 530.

In the provision of positions in Autonomous Regions which have competencies in this area with their own language, oral and written skills in that language will be considered a merit. In some positions, it may be considered as a requirement to gain access to them when the nature of the duties to be carried out is the reason for that requirement and it has been foreseen in the corresponding job descriptions.

Article 531.

1. The provision of general vacant positions will be covered by transfer proceedings which must be convened and decided on by the Ministry of Justice and the Autonomous Regions which have been assigned human resources. All officials may take part in them provided that they meet the necessary requirements regardless of the territory where they hold office.

The main trade union organisations in the corresponding field shall take part as members of the assessing Commission in a lower number to those appointed at the proposal of the Administration.

2. These proceedings will be convened at least once a year on the same date for all the territory of the State and will be decided on by each convening administration to ensure that each candidate may only take possession of one office and in the same body.

To that purpose, the General Regulations of Access, Provision of Office and Professional Promotion of officials at the service of the administration of justice will contain the rules applicable to all transfer proceedings ensuring equal opportunities for all civil servants and implementing a system which permanently guarantees immediacy and a speedy provision of vacancies, a timetable for the selection procedure and a decision-making process on the transfer applications to make it possible to determine which positions will be offered to officials who have just entered the civil service pursuant to the provisions of Article 488.

3. Notice of these proceedings will be made in the Official State Gazette and in the Official Journals of the Autonomous Regions.

4. These selection proceedings will offer the vacancies determined by the competent public administrations and the ones arising from the selection proceedings itself, provided that they are no longer available.

5. Under exceptional circumstances, transfer selection processes may be announced with sufficient forewarning for newly created judicial bodies, in order to ensure that they are provisioned with personnel when they enter into operation.

Article 532.

1. Specific selection proceedings will be convened and decided on by each administration in their territory ensuring that notice of said proceedings and their resolutions do not interfere with the results of the selection procedures convened by the respective administrations in which civil servants at the service of the administration of justice may take part regardless of the place where they perform their duties.
2. General merits to be considered will be established in the General Regulations of Access, Provision of Office and Professional Promotion of officials at the service of the administration of justice.
3. Specific merits will be suitable to the characteristics of each position and will be determined in the notice of the selection proceedings, under no event they may exceed the maximum percentage of the total scoring established in article 526.

Article 533.

1. The aforementioned merits will be verified and evaluated by a commission which will be made up of four members representing the convening Administration and designated by the latter, of whom one at least will be an official working for the Administration of Justice.
2. All members must belong to bodies of equal or higher qualification than the one required for the position convened and will hold offices of identical or higher rank than the one offered.

The Chairman and the Secretary will be appointed by the convening authority amongst members designated by the administration.

TITLE IX

Disciplinary liability

Article 534.

1. Court Registrars and officials belonging to administrative bodies contemplated in this Volume are subject to disciplinary liability and may be sanctioned in the cases and subject to the principles contemplated in this Public General Act.
2. Apart from the material authors any senior officials who consented or instigated or covered up very serious and major offences will also be held liable for disciplinary breach, when such acts cause damage to the Administration or to the citizens.
3. Sanctions for very serious and major offences may only be imposed in the course of disciplinary proceedings instituted pursuant to the procedure established in the General Regulations on Sanctioning Proceedings for officials at the service of the administration of justice issued to further develop certain matters of this Act.

In order to impose sanctions for minor infractions it is not required to open proceedings but the alleged offender must be heard.

4. When in the course of disciplinary proceedings, it appears that a criminal offence may have been perpetrated, its handling will be suspended and the State Prosecutor will be informed of this circumstance.
5. Opening criminal proceedings will not be an obstacle to initiate disciplinary proceedings for the same matters but until a final sentence has been given in the criminal suit or the latter has been dismissed, it will not be possible to enter a decision thereon.

In any event, the facts as found of the decision which completes the criminal proceedings will be binding for the resolution given in the course of the disciplinary proceedings notwithstanding the different legal considerations which may be applicable in each procedure.

A person may only be subject to criminal and disciplinary sanction when the legal considerations and the protected public interest differs.

6. During the proceedings the alleged offender may be suspended from office as a cautionary measure which will have to be reasoned.

7. Disciplinary sanctions will be entered in the Personnel Record indicating the circumstances of the infraction. These entries will be cancelled after the term established for its lapse in the regulations.

Article 535.

The disciplinary proceedings established by virtue of this Public General Act must ensure that the public servant subject to those proceedings will benefit from the rights set out in Article 35 of Act 30/1992, November 26th, - Legal Framework of Public Administrations and Common Administrative Procedure (Ley del Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común) and from these rights as well:

1.º Presumption of innocence

2.º To be notified to the designation of an investigator and a secretary and to file a motion for their recusation.

3.º To be notified of the alleged facts, the nature of the infraction and the sanctions which may be imposed, if any, and of the sanctioning resolution.

4.º To file pleadings.

5.º To submit any evidence in order to clarify the events.

6.º To act in the proceedings assisted by legal counsel or trade union representatives

Article 536.

Misdemeanours can be very serious, serious and minor.

a) The following are considered very serious misdemeanours:

1. A failure to abide by the duty of remaining faithful to the Constitution when exercising a public role.

2. Any actions that entail discrimination on the basis of sex, race, religion, language, opinion, place of birth or neighbourhood or any other personal or social circumstance or condition.

3. Dereliction of service.

4. The adoption of orders or resolutions that are clearly illegal, where serious detriment is occasioned to public interest or the fundamental rights of citizens are prejudiced.

5. The improper use of documentation or information to which they have or have had access as a result of their position or duties.

6. Negligence in the safekeeping of documents, leading to their dissemination or undue awareness of them.

7. Reiterated breaches in terms of the duties inherent to the employment position or any duties assigned to them.

8. The use of the powers bestowed upon them to influence electoral processes of any nature and in any sphere.

9. A serious failure to abide by the judicial decisions that they are charged with enforcing.

10. Serious or reiterated disobedience in relation to orders or verbal or written instructions issued by a superior in the exercise of his or her competencies, relating to the duties or tasks inherent to the position, save where they are clearly illegal.

11. The use of the position of civil servant to obtain an undue benefit, for themselves or for a third party.

12. Carrying out activities that are deemed incompatible by law.

13. A failure to observe the duty to abstain, aware that any of the motives legally envisaged for doing so apply.
 14. Acts that impede the exercise of fundamental rights, public freedoms and trade-union rights.
 15. A failure to fulfil the duty to provide essential services in the event of a strike.
 16. Sexual harassment.
 17. Serious aggression directed towards any individual with whom they interact in the exercise of their duties.
 18. Employing authority in an arbitrary fashion, occasioning serious detriment to subordinates or the service.
 19. Actions or omissions that give rise, in a final ruling, to the affirmation of civil liability incurred in the exercise of their duties as a result of wilful misconduct or gross negligence.
 20. The perpetration of a serious misdemeanour where previously sanctioned for two serious misdemeanours via final resolutions, where the prior offences have not been cancelled or the corresponding records erased.
- b) The following are considered serious misdemeanours:
1. Express disobedience in relation to the orders or instructions issued by a superior in the exercise of his or her competencies, relating to the duties or tasks inherent to the position, save where they are clearly illegal.
 2. A failure to abide by the judicial decisions that they are charged with enforcing, where this does not represent a very serious misdemeanour.
 3. Abuse of authority in the exercise of their duties, where this does not represent a very serious misdemeanour.
 4. Negligence in the safekeeping of documents and the undue use of such documents or information to which they are privy as a result of their position, where such conduct does not represent a very serious misdemeanour.
 5. The third instance of unjustified absence within a three-month period.
 6. Negligence or undue delay in the fulfilment of the duties inherent to the employment position or any duties assigned to them, where this does not represent a very serious misdemeanour.
 7. Carrying out any activity that might prove incompatible, in accordance with the stipulations of Law 53/1984, of 26 December, concerning the incompatibilities of personnel in the service of Public Administrations, without obtaining the necessary authorisation or where authorisation is obtained through misrepresentation.
 8. A serious lack of consideration with superiors, those of the same rank and subordinates, and with professionals or citizens.
 9. Causing serious damage to documents or office material, or to the buildings employed for the provision of the service.
 10. Undue use of computer-based resources and materials employed in the exercise of their duties and a failure to abide by the instructions for their use, along with undue use of passwords affording access to computer systems.
 11. Actions or omissions intended to evade the systems for the control of working hours or to prevent unjustified failure to abide by working hours from being detected.
 12. Failing to apply disciplinary responsibility to the personnel within their office, where they are aware or should be aware of a serious failure to fulfil the duties assigned to them.
 13. Hindering inspections.
 14. Abstaining where such action is not justified.
 15. A reiterated failure to respect working hours without justification.

16. The perpetration of a minor misdemeanour where previously sanctioned for two minor misdemeanours via final resolutions, where the prior offences have not been cancelled or the corresponding records erased.

c) The following are considered minor misdemeanours:

1. A lack of consideration with superiors, those of the same rank and subordinates, and with professionals or citizens, where this does not represent a more serious offence.
2. A failure to fulfil the duties inherent to their post or employment position or negligence in carrying out these duties, where this does not represent a more serious offence.
3. Unjustified delay in the fulfilment of their duties, where this does not represent a more serious offence.
4. Unjustified absence for a single day.
5. A failure to abide by working hours without justification, where this does not represent a serious offence.

Article 537.

The General Regulations of Sanctioning Procedures for officials at the service of the administration of justice will establish the criteria to grade the offences based on the following principles:

- 1.º Degree of intention
- 2.º Damage caused to the administration or to citizens.
- 3.º Degree of participation in the perpetration of the offence or the infraction.
- 4.º Recidivism.

Article 538.

The sanctions that can be imposed on civil servants for the misdemeanours perpetrated during the exercise of their duties are as follows:

- a) Cautions.
- b) Suspension from duty without pay.
- c) Forced relocation outside the municipality to which they are assigned.
- d) Removal from office.
- e) Dismissal

The sanctions envisaged in letters b) and c) can be imposed for the perpetration of serious and very serious misdemeanours, and their duration can be adapted in accordance with the circumstances surrounding the violation.

The sanction of removal from office can only be imposed in the case of very serious misdemeanours.

The suspension from duties imposed for the perpetration of a very serious misdemeanour can last for no more than three years and no less than one year. Where it is imposed for a serious misdemeanour, it cannot exceed one year.

Civil servants who are sanctioned with forced relocation cannot obtain a new post within the municipality to which they were originally assigned for three years, where the sanction is imposed for a very serious misdemeanour, and for one year, where the misdemeanour is serious.

The sanction of dismissal will only apply to pro tempore civil servants in the event of serious or very serious misdemeanours.

Minor misdemeanours can only be admonished via cautions.

Article 539.

Officers included in the bodies contemplated in this Volume are competent to initiate and handle disciplinary proceedings and to impose sanctions, as well as the Ministry of Justice, and the bodies determined by the Autonomous Regions with competencies in this area in their respective territories and with regard to the officials appointed thereat.

Removal from service must be decreed by the Minister of Justice in any event.

When mandatory transfer implies that the official has to leave the territory of an Autonomous Region to another one which also has devolved competencies, the Ministry of Justice will resolve on this matter following a favourable report by the Autonomous Region to which territory the sanctioned official has been transferred.

Article 540.

1. Minor infractions will become statute-barred in two months; major infractions in the term of six months and very serious offences within the term of one year. The term will be reckoned since they were perpetrated.
2. In those cases in which the findings lead to criminal proceedings, the statute-barred periods will not be reckoned until it has concluded.
3. Statute-barred periods will be interrupted from the moment disciplinary proceedings are filed and the term will be reckoned again if the proceedings are paralysed for more than six months on grounds which are not attributable to the official subject to those proceedings.
4. Sanctions imposed will lapse after four months in the case of minor infractions; one year in the case of major offences and two years in the case of very serious infractions. The statute-barred period will be reckoned from the next day in which the resolution which imposed those sanctions becomes final.

BOOK VII

THE STATE PROSECUTOR AND OTHER PERSONS AND INSTITUTIONS WHICH COOPERATE WITH THE ADMINISTRATION OF JUSTICE

TITLE I

The State Prosecutor

Article 541.

1. Notwithstanding the functions entrusted to other bodies, the State Prosecutor is responsible for upholding Justice in defence of the rule of law, preserving the rights of citizens and public interest protected by law acting either *ex officio* or at the request of the applicants, guaranteeing the independence of the courts and ensuring that citizenship interests are satisfied thereat.
2. The State Prosecutor's Office will be governed by the stipulations of its organic Statute.

TITLE II

Concerning Lawyers, Attorneys and Labour Relations Specialists

Article 542.

1. The term and the duties of a lawyer refer to the holders of a law degree who practises the profession and defends and handles the defence of parties in any proceedings or provides them with legal counsel of advice.
2. In their appearance before courts and tribunals, lawyers shall enjoy freedom and independence guided by the principle of acting in good faith and will have all rights attached to their duties and arising from freedom of expression and defence.
3. Lawyers must not disclose any information or particulars they may be aware of in the course of their legal practice and may not be asked to depose on any of these matters.

Article 543.

1. Court representatives (barristers) will represent the parties in any and all proceedings unless the law provides otherwise.
2. They may make any notices to the parties in the proceedings as permitted by law.
3. Barristers are subject to the provisions of paragraph 3 above.
4. In the exercise of their functions, court representatives may be replaced by another court representative. For certain acts and according to the procedure established in the regulations, they may be replaced by a duly authorised officer.

Article 544.

1. Lawyers, Attorneys and Labour Relations Specialists, prior to initiating their professional activity, will swear or promise to abide by the Constitution and the remainder of the legal system.
2. Lawyers, Attorneys and Labour Relations Specialists must become members of a professional association to perform their duties before the Courts in the terms envisaged in this Law and the general legislation governing professional associations, save where they are acting in the service of Public Administrations or public bodies as civil servants or salaried employees.

Article 545.

1. Save where the law states otherwise, parties may freely appoint their representatives and defence from amongst the Attorneys and Lawyers who fulfil the requisites defined by law.
2. In labour and Social Security proceedings, technical representation may be provided by a Labour Relations Specialist, to whom the obligations inherent to this role will apply, in accordance with the stipulations of their professional legal system, this title and, in particular, articles 187, 542.3 and 546.
3. They will be appointed by the Court, in accordance with the provisions of the law, where requested or where parties refuse to appoint them, given that their intervention is obligatory. Court appointed defences and representatives will be free for those who accredit insufficient resources to go to law in the terms established by law.

Article 546.

1. Public authorities are obliged to guarantee the defence and assistance of a Lawyer or the technical representation of a Labour Relations Specialist, in the terms established in the Constitution and by law.
2. Lawyers, Attorneys and Labour Relations Specialists are, where applicable, subject to civil, criminal and disciplinary liability in the exercise of their profession.
3. Disciplinary admonitions for their actions in courts and tribunals will be governed by this Act and by procedural laws. Disciplinary liability arising from their professional conduct will be determined by their Councils and Associations as provided in their by-laws which must in any event guarantee the right to defence throughout the sanctioning proceedings.

TITLE III

The Judicial Police

Article 547.

The mission of the Judicial Police includes assistance to courts and tribunals and the State Prosecutor in the investigation of offences and the discovery and arrest of the offenders. All Security Forces and Bodies will be obliged to perform this function when they have been so requested regardless of whether they are under the supervision of the Central Government of the Autonomous Regions or the local councils, within the sphere of their respective competencies.

Article 548.

1. Judicial Police Units will be established which will depend report functionally to the judicial authorities and to the Public Prosecution in all actions entrusted by these bodies to them.
2. A statute will determine the organization of these units, the recruitment process and the legal status of its members.

Article 549.

1. The Judicial Police are vested with the following functions:
 - a) Investigation on the offenders and circumstances surrounding a crime and their arrest informing the judicial and tax authorities as soon as practicable pursuant to the laws.
 - b) Assistance to the judicial and tax authorities in any activities carried out outside their offices and
which require the presence of the police.
 - c) The material execution of actions which require the use of force and which have been ordered by the judicial or tax authorities.
 - d) Ensure compliance with orders and resolutions given by the judicial or tax authorities.
 - e) Any others of whatever nature in which such cooperation or assistance is necessary and which have been ordered by the judicial or tax authorities.
2. Under no event members of those units may be entrusted with actions which are not part of the Judicial Police duties or related to them.

Article 550.

1. In criminal investigation functions, the Judicial Police will act under the orders of the courts and tribunals and of the State Prosecutor.

2. Judicial police officers who have been entrusted with inquiries or actions within the competencies established in Article 547 of this Act, may not be removed or transferred until the inquiry has been completed or in any event until the judicial proceedings which gave rise to the investigation have ended, unless a competent judge or prosecutor provides otherwise.

TITLE IV

Representation and defence of the State and other public bodies

Article 551.

1. The representation and defence of the State and its autonomous organisations, and the representation and defence of constitutional bodies with internal regulations that do not set forth a specific system, will fall to the members of the State Bar Association who form a part of the State Legal Service. Members of the State Bar Association may represent and defend the remaining public organisations and bodies, State trading companies and foundations wherein the State is a stakeholder, in the terms outlined in Law 52/1997, of 27 November, concerning Legal Assistance for the State and Public Institutions and the enacting provisions.

The representation and defence of management bodies, general services and other organisations and bodies of a public nature, which, in accordance with the law, form a part of the Social Security Administration, which therefore does not include the mutual insurance companies collaborating with the Social Security, will fall to the Lawyers of the Social Security Administration forming a part of the Legal Service of the Social Security Administration, notwithstanding that, in accordance with regulations, such functions can be assigned to a Lawyer who is a member of a professional association, specifically appointed for this purpose.

2. Representation and defence of Parliament, of the House of Representatives, of the Senate, of the Central Electoral Committee and of any bodies or institutions linked to these is vested in the Parliamentary Legal Counsel who perform their duties at the corresponding Secretariat General Offices.

3. Representation and defence of Autonomous Regions and local entities will vest in the lawyers who work in the legal department of those Public Administrations unless they appoint a lawyer who represents and defends them duly registered in the Bar Association. State Lawyers may represent and defend Autonomous Regions and local councils in the terms set out in Act 52/1997, November 27th – On legal assistance to the State and Public Institutions and its enabling regulations.

TITLE V

Sanctions which may be imposed to the persons involved in suits or legal proceedings

Article 552.

Lawyers and court attorneys taking part in suits and legal proceedings in the event of any breach their duties in terms of this Act or any other procedural laws may be admonished in the terms established in this Section provided that the actions are not considered an offence.

Article 553.

Lawyers and attorneys may also be subject to disciplinary proceedings for their actions at the courts and tribunals when:

- 1.º They act in a disrespectful manner in the courtroom or they submit offensive written briefs against judges, courts, prosecutors, other lawyers, Court Registrars or any person who is present or takes part in the proceedings.
- 2.º Having been admonished to refrain from verbal abuse they repeatedly disobey the presiding officer.
- 3.º They do not appear before the Court without any justification when they have been duly summoned.
- 4.º They refuse to continue providing legal counsel or defence without any justification within the seven days prior to the trial or the hearing.

Article 554.

1. Admonishments may be imposed to the persons mentioned in the preceding two articles are:
 - a) A warning.
 - b) A fine which may not exceed the sum established in the Criminal Code for infractions.
2. The fine imposed will take into account the seriousness, background and circumstances surrounding those actions and in any event they will be passed at a hearing in which the offender is present.

Article 555.

1. Admonishments will be imposed by the authority in charge of the proceedings.
2. It may be made in the course of the same proceedings or subject to specific proceedings. In all cases, the Court Registrar will record the facts that led to the admonition, the pleadings of the admonished and the resolution adopted by the judge or by the bench.

Article 556.

The resolution leading to an admonishment is subject to justice appeal in the term of five days at a hearing before the Court Registrar, the judge or the bench who will issue a decision on that same day. This decision or the resolution providing for an admonishment may be subject to revision appeal provided that the party has not resorted to justice appeal, which must be filed within the term of five days before the Board of Governance which will decide on the matter on the basis of a prior report drafted by the Court Registrar, the judge or the bench who passed that admonishment in the first meeting held by said Board.

Article 557.

When any special admonishment foreseen in procedural laws for specific cases applies, it will be so applied and the procedure for entering such admonishment and the available remedies will be governed by the preceding two articles.

BOOK VIII

CONCERNING THE GENERAL COUNCIL OF THE JUDICIARY

TITLE I

Concerning the powers of the General Council of the Judiciary

Article 558.

1. Governance of the Judiciary is charged to the General Council of the Judiciary, which exercises its competencies throughout the entire national territory, in accordance with the Constitution and this Organic Law.
2. The General Council of the Judiciary is based in the city of Madrid.

Article 559.

The Presidents and remaining governing bodies of Courts and Tribunals, when exercising their duties as such, are subordinate to the General Council of the Judiciary.

Article 560.

1. The General Council of the Judiciary possesses the following powers:
 - 1.^a. Proposing the appointment, in the terms envisaged in this Organic Law, of the President of the Supreme Court and of the General Council of the Judiciary.
 - 2.^a. Proposing the appointment of Judges, Magistrates and Magistrates of the Supreme Court.
 - 3.^a. Proposing the appointment, in the terms envisaged in this Organic Law, of the two Magistrates of the Constitutional Court.
 - 4.^a. To be heard by the Government prior to the appointment of the Director of Public Prosecutions.
 - 5.^a. To file for a conflict of powers between the constitutional bodies of the State, in the terms envisaged in the Organic Law on the Constitutional Court.
 - 6.^a. Participating, in the legally envisaged terms, in the selection of Judges and Magistrates.
 - 7.^a. Making any determinations with regards to training and professional improvement, the assignation of posts, promotions, administrative situations and the disciplinary measures affecting Judges and Magistrates.
 - 8.^a. Carrying out higher inspections of Courts and supervise and coordinate the ordinary inspectorate activity of the Presidents and Governing Chambers of the Courts.
 - 9.^a. Giving instructions to the governing bodies of the Courts and Tribunals in their areas of competence, and resolving appeals to a higher authority that are lodged against any of their decisions.
 - 10.^a. Taking charge of the official publication of judgments and other rulings issued by the Supreme Court and the remaining judicial bodies.

To this end, the General Council of the Judiciary, following a report from the competent Administrations, will regulate the manner in which electronic judgments books are to be drawn up, their gathering, processing, dissemination and certification, to safeguard their integrity, authenticity and access to them, and to ensure compliance with legislation on personal data protection.

11.^a. Regulating the structure and operation of the Judicial School, and appointing its Director and teachers.

12.^a. Regulating the structure and operation of the Judicial Documentation Centre, and appointing its Director and remaining personnel.

13.^a. Appointing the Vice-President of the Supreme Court, the Ombudsman for Disciplinary Action and the Head of Court Inspection.

14.^a. Appointing the Director of the Technical Office of the General Council of the Judiciary.

15.^a. Regulating and convening the competitive selection process for entry into the Body of Lawyers of the General Council of the Judiciary.

16.^a. Exercising regulatory authority, within the strict framework of the enactment of the provisions of the Organic Law on the Judiciary, in the following areas:

a) The organisation and operation of the General Council of the Judiciary.

b) The Personnel of the General Council of the Judiciary, within the framework of legislation on public service.

c) The governing bodies of Courts and Tribunals.

d) Public access to judicial proceedings.

e) The publication and reuse of judicial rulings.

f) The determination of working times and setting the times of public hearings.

g) Constituting judicial bodies outside their offices.

h) The specialisation of judicial bodies.

i) The assignation of cases and rapporteur duties.

j) The police duty system applicable to jurisdictional bodies.

k) The organisation and overseeing of the actions of Spanish judicial bodies in terms of internal and international judicial cooperation.

l) Establishing conditions and standards with regards to the compatibility of the computer systems employed by the Judicial Administration.

m) Additional conditions on the exercise of the rights and duties that constitute the statute for Judges and Magistrates, along with the legal system governing Judicial Associations; however, such regulatory action cannot in any way amend or alter legislative regulation.

The regulatory provisions of the General Council of the Judiciary cannot in any way affect or regulate, either directly or indirectly, the rights and duties of individuals who do not form a part of the judiciary.

17.^a. The drawing up and implementation of the body's budget, in the terms envisaged in this Organic Law.

18.^a. Authorising the list of employment positions for civil servants in the service of the body.

19.^a. Collaborating with the Supervisory Authority with regards to data protection within the Judicial Administration. Furthermore, it will take on the competencies of the latter exclusively with regards to the actions of Judges and Magistrates who have recourse to judicial records.

20.^a. The reception of citizens' complaints in matters relating to the Judicial Administration.

21.^a. The drawing up and approval, in collaboration with the Ministry of Justice and, where applicable, having heard the Autonomous Regions, where their competencies are affected, of

systems for the streamlining, organisation and measurement of work that they deem suitable to determine the workload that can be undertaken by a judicial body.

The determination of the workload that, in terms of disciplinary measures, can be required of a Judge of Magistrate is the exclusive charge of the General Council of the Judiciary.

22.^a. The proposal, subsequent to justification of the need, of support measures required in specific judicial bodies.

23.^a. Issuing reports in financial liability proceedings resulting from the abnormal operation of the Judicial Administration.

24.^a. All others attributed to it by the Organic Law on the Judiciary.

2. The draft bills of implementing regulations will be submitted to the professional associations of Judges and Magistrates for their reports and to other professional corporations and associations that are the legally recognised representatives of interests that might be affected. The State Administration will be afforded the opportunity to intervene via the Ministry of Justice, as will the Autonomous Regions, where they possess competencies relating to the content of the regulation or where their competencies are to be coordinated with those held by the General Council. The prior consultations and studies that are deemed necessary will be carried out, and a report on the legality of the bill will be issued.

In all cases, a prior report on the impact of gender will be drawn up.

The State Prosecutor's Office will be heard when it is affected by matters addressed in the project and especially in the cases outlined in letters d) and f) to j) of paragraph 1.16. of this article.

3. With regards to the stipulations of letter l) of paragraph 1.16. of this article, the General Council of the Judiciary will submit the definition and operational validation of computer programs and applications for the approval of the State Technical Committee for Electronic Judicial Administration, establishing the models for judgments, proceedings and key milestones within procedural management at State level.

In any event, the technical implementation of all these measures in computer programs and applications is charged to the Ministry of Justice and other administrations with competencies in the material resources in the service of the Judicial Administration.

4. Where, in exercise of the powers legally conferred to it in this article, the General Council of the Judiciary adopts measures that entail increased expenditure, a report authorising the action from the competent Administration that must meet the costs is required.

Article 561.

1. Draft bills on law and general dispositions about the following matters will be submit to a General Council of the Judiciary report:

1.^a. Modifications to the Organic Law on the Judiciary.

2.^a. Determination and modification of judicial boundaries, as well as their capital status.

3.^a. The establishment and modification of the official post listings for Judges, Magistrates, Court Registrars and personnel in the employ of the Judicial Administration.

4.^a. The Organic Statute for Judges and Magistrates.

5.^a. The Organic Statute for Court Registrars and all other personnel in the service of the Judicial Administration.

6.^a. Procedural regulations or regulations that affect legal and constitutional aspects of legal protection before the ordinary Courts that relate to the exercise of fundamental rights.

7.^a. Regulations that affect the constitution, organisation, operation and governance of Courts.

8.^a. Criminal laws and regulations relating to the prison system.

9.^a. Any other matter that the Government, Parliament or, where appropriate, the Legislative Assemblies of the Autonomous Regions deem relevant.

2. The General Council of the Judiciary will issue its report within the non-extendible thirty-day deadline. If the order for referral expressly indicates the urgency of the report, the deadline will be fifteen days. Under exceptional circumstances the issuing body may afford a deadline extension in view of the circumstances of the case. The extension will have a duration of fifteen days, except in those cases where the request indicates the urgency of the report, in which case the extension will have a duration of ten days.

3. Where the report is not issued within the deadlines outlined in the previous paragraph, this phase will be deemed concluded.

4. The Government will send the report to Parliament where it involves draft bills.

Article 562.

All international activities of the General Council of the Judiciary will be carried out in coordination with the Ministry of Foreign Affairs and in accordance with the guidelines on foreign policy matters that, in the exercise of its competencies, are established by the Ministry, notwithstanding the competencies on matters of international legal cooperation held by the General Council of the Judiciary in accordance with the stipulations of this Organic Law.

Article 563.

1. On a yearly basis, the General Council of the Judiciary will forward a Report to Parliament, on the status, operation and activities of the General Council of the Judiciary itself and of the Courts and Tribunals, which will include the requirements that, in its view, exist in terms of personnel, installations and resources, to ensure that the judiciary correctly carries out the functions assigned to it in the Constitution and the laws.

2. This Report will also include a chapter on the impact of gender within the judicial sphere.

3. Parliament, in accordance with the Regulations of the Houses, may debate the content of the Report and call on the President of the Supreme Court to appear in order to respond to questions on this Report.

Article 564.

Discounting the situation outlined in the previous article, the President of the Supreme Court and the Members of the General Council of the Judiciary are not duty-bound to appear before the Houses in relation to their functions.

Article 565.

1. In order to exercise the powers conferred to it, the General Council of the Judiciary, exercising its autonomy as a constitutional body, will draw up its budget.

2. The preparation and implementation of the General Council of the Judiciary budget will be subject, in any event, to general budgetary legislation.

3. Internal control of the expenditure of the General Council of the Judiciary shall be carried out by a public servant pertaining to the Higher State Body of Comptrollers and Auditors, functionally dependent on the General Council of the Judiciary, whilst external control shall be carried out by the Court of Auditors.

4. The General Council of the Judiciary, the highest governing body within the Judiciary, is bound by the principles of budgetary stability and sustainability.

TITLE II

Concerning the Members of the General Council of the Judiciary

CHAPTER I

ASSIGNATION AND SUBSTITUTION OF MEMBERS

Article 566.

The General Council of the Judiciary will consist of the President of the Supreme Court, who will also preside over this body, and twenty Members, of which twelve will be Judges or Magistrates in active service and eight will be eminently competent jurists.

Article 567.

1. The twenty Members of the General Council of the Judiciary will be appointed by Parliament in the manner established in the Constitution and in this Organic Law.

2. Each House will elect, via a majority of three fifths of its representatives, ten Members, four from amongst eminently competent jurists with more than fifteen years of professional experience, and six from amongst members of the judiciary, in accordance with the stipulations of Chapter II of this Title.

3. Jurists can be chosen from amongst Judges and Magistrates who are not in active service within the judiciary who have more than fifteen years of professional experience, considering, to this end, both seniority within the judiciary and years of experience in other legal professions. Those who wish to present their candidacy to be appointed Members and hold an incompatible post in accordance with current legislation, undertake to renounce this post where they are selected.

4. The Houses will also designate three substitute Members, from amongst jurists and from amongst judges and magistrates, determining the order in which they are to be appointed where substitution proves necessary.

5. Under no circumstances may Members of the General Council of the Judiciary be appointed by Members of the outgoing Council.

6. The calculation of deadlines in procedures to appoint Members of the General Council of the Judiciary and select the President of the Supreme Court and of the General Council of the Judiciary, and the Vice-President of the Supreme Court, will employ working days, where the deadline is expressed in days, to be counted from the next day, and from date to date, where expressed in months or years. Where the month in which the deadline expires does not have a day equivalent to the day on which the count began, the deadline will be understood to expire on the last day of the month.

Article 568.

1. The General Council of the Judiciary will be replaced in its entirety every five years, to be counted from the date of its constitution. The Presidents of the Chamber of Deputies and of the Senate must adopt the necessary measures to ensure that the Council is replaced within the established deadline.

2. To this end, and in order to enable the Houses to commence with the process of replacing the Council, four months prior to the expiry of the aforementioned deadline, the President of the Supreme Court and of the General Council of the Judiciary will order:

- a) the forwarding of the data on ranking and from the Registry of Judicial Associations held by the Council on that date to the Presidents of the Chamber of Deputies and the Senate.
- b) the initiation of the period for the presentation of candidacies to be appointed Members for Judges and Magistrates.

The President of the Supreme Court will report these acts to the Plenary of the General Council of the Judiciary in the first ordinary session that takes place subsequent to their enactment.

Article 569.

1. The Members of the General Council of the Judiciary will be appointed by the King, via Royal Decree, taking up their post with an oath or promise before the King prior to holding their constitutive sitting.
2. The taking up of office and the constitutive sitting will take place within the five-day period subsequent to the dissolving of the outgoing Council, except under the circumstance envisaged in article 570.2 of this Organic Law.

Article 570.

1. Where, on the date of the constitutive sitting of the General Council of the Judiciary, either of the Houses has not yet selected the Members it must appoint, the General Council of the Judiciary will be constituted with the ten Members appointed by the other House and by the Members of the outgoing Council who were appointed by the House that has failed to abide by the deadline for appointment, at which point it may exercise all of its powers.
2. Where neither of the Houses appoints the Members corresponding to it within the legally established deadline, the outgoing Council will continue to act until the new Council has taken up office, and the election of the new President of the General Council of the Judiciary may not take place until this time.
3. The appointment of Members subsequent to the legally conferred deadline for their designation will not, under any circumstances, entail an extension of the duration of their post in excess of the term of office of five years corresponding to the General Council of the Judiciary for which they were appointed, excepting the stipulations of the previous paragraph.
4. Once the Members have been appointed by the House that failed to abide by the deadline for appointment, the outgoing Members who have formed a part of any of the legally envisaged Committees are to be substituted. The new Members must be selected by the Plenary, with attention to whether or not the outgoing Members are jurists, judges or magistrates, and they will form a part of the respective Committee until it is relieved.
5. The mere fact that Members were appointed subsequent to the constitution of the new Council will not serve as justification for a review of the determinations adopted up until this point.

Article 571.

1. The advance withdrawal of Members of the General Council of the Judiciary will give rise to their substitution and the President of the Supreme Court and of the General Council of the Judiciary will inform the competent House to have it proceed with the appointment of a new Member, in accordance with the order established in article 567.4 of this Organic Law.
2. The new Member will take office for the remaining period up to the finalisation of the term of office of the General Council of the Judiciary.

CHAPTER II

PROCEDURE FOR THE APPOINTMENT OF MEMBERS EMANATING FROM THE JUDICIARY

Article 572.

The appointment of Members of the General Council of the Judiciary emanating from the judiciary will be governed by the stipulations of this Organic Law.

Article 573.

1. Any Judge or Magistrate in active service within the judiciary may present his or her candidacy to be chosen as a Member emanating from the judiciary, except under those situations that, in accordance with the stipulations of this Law, prevent such action.
2. Judges and Magistrates who wish to present their candidacy to be appointed Members and hold an incompatible post undertake to renounce this post where they are selected.

Article 574.

1. Judges and Magistrates who wish to present their candidacy may choose between presenting the endorsement of twenty-five members of the judiciary in active service or the endorsement of a legally constituted Judicial Association when the period for the presentation of candidacies is declared open.
2. Each of the Judges or Magistrates or Judicial Associations referred to in the previous paragraph may back up to a maximum of twelve candidates.

Article 575.

1. The period for the presentation of candidacies will be one month, to be counted from the day following the date on which the President of the Supreme Court and of the General Council of the Judiciary orders the opening of this period.
2. Judges or Magistrates who wish to present their candidacies to be appointed as Members emanating from the judiciary, will address the President of the Supreme Court and of the General Council of the Judiciary in writing, indicating their intention to be appointed as Members. This document must be accompanied by a grounded report outlining the activities that, in the view of the candidate, the General Council of the Judiciary should undertake, along with the twenty-five endorsements or the endorsement of a Judicial Association legally required to present a candidacy.

Article 576.

1. The Electoral Board is charged with resolving any matters that arise within the process of presenting candidacies to become Members of the General Council of the Judiciary emanating from the judiciary, and with the announcement of candidacies.
2. The Electoral Board is composed of the longest serving President of a Chamber within the Supreme Court, who will preside over the body, along with two Members: the longest serving Magistrate and the most recently appointed Magistrate within the Supreme Court, whilst the Registrar of the Governing Chamber of the Supreme Court will serve as the registrar for this body, entitled to speak, but with no vote.
3. The Electoral Board will be convened within the three-day period following the commencement of the procedure to designate candidacies for Members of the General Council of the Judiciary emanating from the judiciary, and will be dissolved once the procedure for the presentation of candidacies has finalised, including the resolution of administrative appeals, where applicable.
4. The Electoral Board will be convened by its President where deemed necessary. In order to sit, the attendance of all members, or of their substitutes is required.
5. Where the President fails to attend, his or her functions will be taken on by the next President of a Chamber of the Supreme Court, ranked according to seniority. Furthermore, the longest serving and the most recently appointed Magistrates, where applicable, will be substituted by the next most senior and recently appointed Magistrates of the Supreme Court

within this rank, respectively. Where the Registrar fails to attend, he or she will be substituted by the longest serving registrar within the Supreme Court.

6. The determinations of the Electoral Board will be adopted via simple majority.

7. Once the period for the presentation of candidacies has finalised, the list of candidates who meet the legally established requirements is to be publically announced within two days.

8. The list will be published on the intranet of the General Council of the Judiciary and the candidates presented can be challenged within the three-day period following its publication.

9. Once this period has transpired, the Electoral Board will resolve any challenges that have been lodged within a period of three days and will immediately publish the definitive announcement of candidates.

Article 577.

1. The definitive announcement of candidates is subject to administrative appeal, to be lodged within the two-day period subsequent to its publication. When lodging the appeal, the allegations deemed appropriate are to be presented, accompanied by the corresponding evidence.

2. Administrative appeals will be heard by the Administrative Chamber of the Supreme Court, which must reach a determination within a period of three days subsequent to the lodging of the appeal.

Article 578.

1. Where the periods outlined in the previous article have transpired, the President of the Supreme Court and of the General Council of the Judiciary will forward the definitive accepted candidacies to the Presidents of the Chamber of Deputies and the Senate, in order to have these Houses proceed with the appointment of Members emanating from the judiciary in accordance with the stipulations of article 567 of this Organic Law.

2. During the appointment of Members emanating from the judiciary, the Houses will take into consideration the existing number of Judges and Magistrates within the judiciary affiliated to each of the various Judicial Associations, when proceeding with the replacement of the General Council of the Judiciary.

3. The appoint of the twelve Members of the General Council of the Judiciary emanating from the judiciary must, at least, respect the following ratio: three Magistrates from the Supreme Court; three Magistrates with more than twenty-five years of professional experience and six Judges or Magistrates with no requirement in terms of professional experience. Where there are no candidacies for Members within any of the aforementioned categories, the vacant post will be passed on to the following category, in the order established in this precept.

CHAPTER III

THE STATUTE FOR THE MEMBERS OF THE GENERAL COUNCIL OF THE JUDICIAL

Article 579.

1. Members of the General Council of the Judiciary, excepting those who form a part of the Standing Committee, will remain in active service where they are members of the judiciary or a civil service body, and will continue to carry out their professional activities where they are lawyers, court attorneys or a member of any other liberal profession.

2. Members who form a part of the Standing Committee, whilst they remain as such, will exclusively perform the duties of this post and, where applicable, will be registered as being on special services in their body of origin.

3. The post of Member with full-time commitment cannot be reconciled with the simultaneous performance of other executive duties within the judiciary. Where an overlap occurs, whilst the position of Member with full-time commitment is held, the aforementioned duties will be performed by the legal substitute of the individual in question.

4. Members are under the obligation to attend all sessions of the Plenary and the Committee of which they form a part, unless they can justify their absence.

5. The President, the Members and the Secretary General of the General Council of the Judiciary are duty bound to declare their assets and rights and the financial assets that they hold will be subject to monitored and overseen in the terms envisaged in articles 17 and 18 of Law 3/2015, of 30 March, regulating the exercise of a senior position within the General State Administration, with the necessary modifications to adapt to the organisation of the Council, which will be set forth in its Regulation on Organisation and Operation.

Article 580.

1. The exercise of the role of Member of the General Council of the Judiciary is incompatible with any other public post, elected or otherwise, with the sole exception, where applicable, of service in the body to which they pertain.

2. The grounds for abstention and challenge that are legally established for the authorities and personnel in the service of the General Administration of the State will apply to the Members of the General Council of the Judiciary. In any event, they must abstain from hearing those cases wherein they may have a direct or indirect interest, or where their intervention might affect the objective impartiality of the actions as a Member.

3. The Members of the General Council of the Judiciary cannot invoke or make use of this status in the exercise of their profession.

4. A failure to abide by the prohibition imposed in the previous paragraph will be considered a serious breach of the duties inherent to the post of Member, as will the use of this status for any other public or private ends distinct from the due exercise of the powers of the General Council of the Judiciary. Where such a situation arises, the Plenary, via a majority of three fifths, may dismiss the offending Member.

Article 581.

The Members of the General Council of the Judiciary are not bound by imperative mandate.

Article 582.

1. Members will only be relieved from their post once the five-year period for which they were appointed has transpired, or where their resignation is accepted by the President of the Supreme Court and of the General Council of the Judiciary, or as a result of incapacity, incompatibility or a serious failure to abide by the duties of the post, which will be acknowledged by the Plenary of the General Council of the Judiciary via a majority of three fifths.

2. Members emanating from the judiciary will also be relieved of their post where they are no longer in active service within the judiciary, except in the circumstance envisaged in article 579.2 of this Organic Law, or as a result of retirement or any other motive envisaged in this Organic Law that entails severance from the judiciary.

Article 583.

The civil and criminal responsibility of Members of the General Council of the Judiciary will be demanded via the procedures established for Magistrates of the Supreme Court.

Article 584.

The Members of the General Council of the Judiciary cannot be promoted to the category of Magistrate of the Supreme Court or Magistrate of the Constitutional Court whilst their term of

office lasts, nor appointed to any discretionary post within the judiciary entailing consideration of merits.

Article 584 bis.

1. Members of the General Council of the Judiciary who perform their duties with full-time commitment will receive, solely and exclusively, the remuneration established in the Law on General State Budgets, wherein the importance of their role will be considered.
2. Members of the General Council of the Judiciary who do not perform their duties on a full-time basis will receive expenses for attending the Plenary Session or the Committees determined by the Law on General State Budgets, with no entitlement to further remuneration for their position as Members, with the exception of any compensations due to them as a result of service.

TITLE III

Concerning the President of the Supreme Court and of the General Council of the Judiciary, the Vice-President of the Supreme Court and the Presidential Office within the Supreme Court and the General Council of the Judiciary

CHAPTER I

CONCERNING THE PRESIDENT OF THE SUPREME COURT AND OF THE GENERAL COUNCIL OF THE JUDICIARY AND THE VICE-PRESIDENT OF THE SUPREME COURT

Article 585.

The President of the Supreme Court and of the General Council of the Judiciary is the highest legal authority in the nation and is charged with the representation of the Judiciary and its governing body, and will be addressed and afforded the honours according to this status.

Article 586.

1. To be elected as President of the Supreme Court and the General Council of the Judiciary, it will be necessary to be a member of the judicial hierarchy with the category of magistrate of the Supreme Court and meet the conditions required to be chamber president thereof, or be a lawyer of recognised competence with more than twenty-five years' experience in the profession.
2. In the constitutive sitting of the General Council of the Judiciary, which will be chaired by the oldest Chair, the various candidacies must be presented and made public, without each Chair being able to propose more than one name.
3. The election will take place in a meeting to be held between three and seven days later, with the party elected being the person who obtains the support of a majority of three fifths of the members in the roll-call vote of the Plenary Session; and, if in a first vote none of the candidates is elected, a second vote will be held immediately, and exclusively between the two candidates with the highest votes in the first round, with the person obtaining the highest number of votes being elected.
4. The President of the Supreme Court will be appointed by the King by Royal Decree endorsed by the Prime Minister.

5. The President of the Supreme Court will take an oath or make a promise before the King and will take up office before the Plenary Session of this High Court.

Article 587.

1. The duration of the term of office of the President of the Supreme Court and of the General Council of the Judiciary will coincide with the term of office of the Council via which they are elected.

2. The President of the Supreme Court and of the General Council of the Judiciary can be re-elected and appointed for a new term of office on a single occasion.

Article 588.

1. The President of the Supreme Court and of the General Council of the Judiciary will cease to hold this office under the following circumstances:

1.^a. Where their term of office has expired, which, in any event, will be understood to have expired on the date on which the term of office of the Council that elected them finalises.

2.^a. Resignation.

3.^a. Where a decision is made by the Plenary of the General Council of the Judiciary, as a result of evident incapacity or a serious breach of the duties of the post, acknowledged by three fifths of its members.

2. The second and third grounds outlined in this article will be communicated to the Government via the Ministry of Justice. In such cases, a new President of the Supreme Court and of the General Council of the Judiciary will be appointed.

Article 589.

1. In the first ordinary Plenary Session of the General Council of the Judiciary subsequent to the election of the President of the Supreme Court and of the General Council of the Judiciary, the Vice-President of the Supreme Court must be elected.

2. The Vice-President of the Supreme Court will be appointed, via an absolute majority, by the Plenary of the General Council of the Judiciary, at the proposal of the President. In order to be proposed, the category of Magistrate of the Supreme Court must be held and the candidate must be in active service and meet the requirements to serve as a President of a Chamber within this body.

3. The candidate proposed by the President of the Supreme Court must be communicated to the Members with at least seven days' notice and will be made public.

4. Where an absolute majority is not obtained during voting, the President of the Supreme Court and of the General Council of the Judiciary must propose a new candidate for the position of Vice-President.

5. The Vice-President of the Supreme Court can be removed from office by the Plenary of the General Council of the Judiciary where there are grounds for such action, with the vote in favour of three fifths of the members of the Plenary.

Article 590.

The Vice-President will serve as acting President of the Supreme Court and of the General Council of the Judiciary in the those cases legally envisaged for the early withdrawal of the President and until such time as a new President is appointed.

Article 591.

1. The Vice-President will provide the President of the Supreme Court and of the General Council of the Judiciary with the necessary collaboration to enable him or her to properly carry

out their duties. To this end, the Vice-President will substitute the President in event of vacancy, absence, illness or any other legitimate motive.

2. The Vice-President of the Supreme Court, where delegated by the President, may undertake the directorship of the Technical Office within the High Court, or carry out any other functions expressly delegated by the President, where there are grounds.

Article 592.

The Vice-President of the Supreme Court will be deemed an *ex officio* member of the Governing Chamber of this Court and will be charged with proposing the adoption of decisions aimed at ensuring that the Supreme Court functions correctly to the Chamber and the President, and with overseeing the exact execution of the determinations adopted by the Governing Chamber

Article 593.

1. The President of the Supreme Court and of the General Council of the Judiciary, where emanating from the judiciary, will be deemed to be in the administrative situation of being on special service. Where he or she is not a member of the judiciary, the administrative situation, where applicable, will be determined by the body of origin.

2. The Vice-President of the Supreme Court, who will remain in the administrative situation of active service, will occupy this post for a period of five years, except under the circumstance envisaged in article 589.5 of this Organic Law.

3. The civil and criminal responsibility of the President of the Supreme Court and of the General Council of the Judiciary and of the Vice-President will be demanded via the procedures established for Magistrates of the Supreme Court.

CHAPTER II

CONCERNING THE PRESIDENTIAL OFFICE OF THE SUPREME COURT AND THE GENERAL COUNCIL OF THE JUDICIARY

Article 594.

1. The President of the Supreme Court and of the General Council of the Judiciary will be assisted by a Director of the Presidential Office, who may be freely appointed and dismissed by the President.

2. The post of Director of the Presidential Office can only be undertaken by a Magistrate of the Supreme Court or by those members of the judiciary or eminently competent jurists who meet the legal requirements to be assigned the category of Magistrate of the Supreme Court.

3. The Director of the Presidential Office will assist the President with his or her duties and carry out any duties entrusted by the President in addition to directing the Secretariat Services of the Presidency, both in terms of the Supreme Court and the General Council of the Judiciary.

4. Whilst holding the post, the Director of the Presidential Office, for representative purposes, will be considered a Magistrate of the Supreme Court.

5. The Regulation on the Organisation and Operation of the General Council of the Judiciary will determine the structure and operation of the Presidential Office.

TITLE IV

Of the Bodies of the General Council of the Judiciary

Article 595.

1. In addition to the functions assigned to the Presidency, the General Council of the Judiciary shall exercise its powers via the Plenary Session or the Committees provided for in this Organic Law.
2. The General Council of the Judiciary shall include the following Committees: Permanent, Disciplinary, Economic Affairs and Equality.

Article 596.

Within the General Council of the Judiciary, the Deputy President of the Supreme Court shall not exercise functions other than those expressly provided for in this Law.

CHAPTER I

THE PRESIDENCY

Article 597.

The Presidency of the Supreme Court and the General Council of the Judiciary is an ex officio function of the President of the Supreme Court.

Article 598.

The President of the General Council of the Judiciary shall:

- 1.^a Represent the General Council of the Judiciary.
- 2.^a Convene and chair the Plenary Sessions and the meetings of the Permanent Committee, and use a casting vote where necessary.
- 3.^a Set the agenda for the Plenary Sessions and the meetings of the Permanent Committee.
- 4.^a Put such questions to the Plenary Session and the Permanent Committee as are considered appropriate with regard to their jurisdiction.
- 5.^a Nominate members to prepare resolutions or studies.
- 6.^a Authorise the agreements of the Plenary Session and the Permanent Committee by means of a signature.
- 7.^a Carry out the executive management of the activities of the technical bodies of the General Council of the Judiciary.
- 8.^a Direct institutional communication.
- 9.^a Nominate the competent Magistrate, from the Second or Third Chambers of the Supreme Court, to hear cases pertaining to the authorisation of the activities of the National Intelligence Centre that may affect the basic rights listed in articles 18.2 and 3 of the Spanish Constitution, along with the Magistrate from the aforementioned Chambers of the Supreme Court who will substitute the former in the event of his/her absence or inability to hear the case.
- 10.^a Appoint and dismiss the Director of the President's Office and the Director of the Communications Office, along with any other staff that may be required in order to serve the President.

11.^a Propose the appointment of the Deputy President of the Supreme Court and the Secretary-General and Deputy Secretary-General to the Plenary Session, and propose the dismissal of the latter two posts.

12.^a Assign responsibilities to specific persons or work groups, provided said responsibility is neither permanent nor granted for an indefinite term.

13.^a All other functions as provided for in this Organic Law.

CHAPTER II

THE PLENARY SESSION

Article 599.

1. The Plenary Session shall exclusively rule on the following:

1.^a The proposed nomination - by a majority of three-fifths - of two Magistrates to sit on the Constitutional Court, when the nomination of same is the purview of the General Council of the Judiciary.

2.^a The proposed nomination - under the terms provided for in this Organic Law - of the President of the Supreme Court and the General Council of the Judiciary, along with the issuance of a prior report on the nomination of the State Prosecutor General.

3.^a The nomination - under the terms provided for in this Organic Law - of the Deputy President of the Supreme Court and the Secretary-General and Deputy Secretary-General of the General Council of the Judiciary.

4.^a All nominations and nomination proposals and promotions that involve any scope for discretion or a consideration of merit.

5.^a Settlement of conflicts of authority between constitutional bodies of the State.

6.^a Appointment of the members that comprise the various committees.

7.^a Exercising of its statutory authority under the terms provided for in this Law.

8.^a Approval of the budget of the General Council of the Judiciary and overseeing the accountability for the expenditure of same.

9. Approval of the annual Accounts.

10.^a Resolution of disciplinary cases in which the proposed penalty consists of removal from office.

11.^a Resolution of appeals to a higher court that have been lodged against the punitive resolutions of the Disciplinary Committee.

12.^a Approval of reports on draft bills or general provisions that are submitted for its judgement by the Government or the legislative Chambers.

Article 600.

1. Ordinary Plenary Sessions shall be held once per month and shall be convened by the President.

2. Extraordinary Plenary Sessions may be held if the President considers it appropriate, or at the behest of five members, pursuant to exercising any of the competences specified in the article above. Likewise, an Extraordinary Plenary Session must be held if it is necessary in order to ensure timely compliance with any of the competences assigned to same.

3. For the Plenary Session in which the President of the Supreme Court and the General Council of the Judiciary is to be elected, a minimum of 12 members must be present in order for it to be considered quorate.

4. Under other circumstances, a minimum of 10 members and the President must be present in order for the Plenary Session to be considered quorate.

CHAPTER III

THE PERMANENT COMMITTEE

Article 601.

1. Each year, the Plenary Session of the General Council of the Judiciary shall elect the members that comprise the Permanent Committee.
2. The Standing Committee shall be comprised of the President of the Supreme Court and the General Council of the Judiciary, who shall chair the Committee, and seven other members: four drawn from those nominated on the basis of judicial rotation, and three drawn from those nominated on the basis of the rotation of eminently competent jurists. With the exception of the members of the Disciplinary Committee, the remainder of the members shall be rotated onto the Permanent Committee on an annual basis, subsequent to proposal by the President.
3. In accordance with the Regulation on Organisation and Operation, the General Council of the Judiciary shall determine the cases and the manner in which, for reasons of temporary impossibility or justified absence from the sessions of the Permanent Committee, its members may be replaced by others in order to guarantee its correct composition and operation.

Article 602.

1. The Permanent Committee may exercise all those powers assigned to the General Council of the Judiciary that have not been expressly reserved for the Presidency, the Plenary Session, the Disciplinary Committee, the Equality Committee or the Economic Affairs Committee under the terms of this Organic Law.
2. Notwithstanding the above, the Regulation on the Organisation and Operation of the General Council of the Judiciary may assign competences to the heads of services under circumstances that, without being exclusively reserved for the Plenary Session, do not involve the exercising of discretionary powers. In such cases, appeals for consideration by a higher authority may be brought before the Permanent Committee against rulings made by the aforementioned heads of services.
3. In all cases, the Permanent Committee shall prepare the Plenary Sessions and ensure the correct implementation of its agreements.

CHAPTER IV

THE DISCIPLINARY COMMITTEE AND THE OMBUDSMAN FOR DISCIPLINARY ACTION

Article 603.

1. The Plenary Session shall elect the members who will comprise the Disciplinary Committee. With the exception of any replacements that may be required, said members shall serve for a term of five years.
2. The Disciplinary Committee shall comprise seven members: four appointed on the basis of judicial rotation, and three on the basis of the rotation of jurists of recognised competence.
3. The Disciplinary Committee must operate under the attendance of all its members. It shall be chaired by the most senior and longest-serving member who must also have a legal background.

4. In the event of temporary incapacity or justified absence of any of its members, the Permanent Committee may replace said member with another drawn from the same source and of identical standing.

Article 604.

1. The Disciplinary Committee shall have the authority to resolve disciplinary cases instigated as a result of serious and very serious infractions, and shall, where appropriate, impose such penalties as correspond to Judges and Magistrates, with the sole exception of circumstances in which the proposed penalty involves removal from office.

2. An appeal for consideration by a higher authority, against the punitive resolutions of the Disciplinary Committee referred to above, may be lodged within a period of one month.

3. The Disciplinary Committee shall also hear appeals for considerations by a higher authority that have been lodged against punitive resolutions issued by the internal governing bodies of the courts.

Article 605.

The Ombudsman for Disciplinary Action shall be responsible for dealing with complaints concerning the operation of judicial bodies, instigating and examining disciplinary cases and presenting charges before the Disciplinary Committee.

Article 606.

1. The Ombudsman for Disciplinary Action shall be appointed by the Plenary Session, and his/her term shall match that of the Council that nominated him/her.

2. If the post is unfilled, the General Council of the Judiciary shall issue a call for applications from among the Magistrates of the Supreme Court and other Magistrates with more than 25 years of experience in the legal profession.

3. The Magistrate who receives an absolute majority of votes in the first round of voting shall be appointed to the post; if no one obtains a majority, a second round of voting shall take place and the magistrate who receives the most votes shall be appointed.

4. The Ombudsman shall remain at the special disposition of the judicial service and shall only exercise those functions inherent to his/her role.

5. The Ombudsman for Disciplinary Action may only be dismissed as a result of incompetence or serious non-fulfilment of his/her obligations, and only by means of an absolute majority vote at the Plenary Session.

6. If, as a result of exceptional legal or other circumstances, the Ombudsman for Disciplinary Action should be temporarily unable to exercise his/her functions, the Permanent Committee may, only for the duration of said inability, replace him/her with a Magistrate who meets the same requirements as those of the Ombudsman.

7. While s/he holds the post, the Ombudsman for Disciplinary Action shall have the honorary title of Magistrate of the Supreme Court.

Article 607.

1. The Ombudsman for Disciplinary Action shall be assisted by however many Lawyers pertaining to the General Council of the Judiciary as are established in the Regulation of the Organisation and Operation of same.

2. While they are under orders from the Ombudsman, said Lawyers may not perform any other function and shall only be subject to the General Secretariat with regard to matters that strictly concern their provision of services to the same.

3. The Ombudsman for Disciplinary Action may also examine disciplinary cases. Exceptionally, s/he may also expressly delegate certain tasks, providing due justification, pertaining to the

examination of disciplinary cases to one of the Lawyers assisting him/her, provided said individual remains a member of the judiciary.

4. Judges and Magistrates shall be obliged to collaborate with the Ombudsman for Disciplinary Action. The Ombudsman may request that the Judge or Magistrate against whom the case has been brought appear before him/her, through the President of the corresponding Court, who must accredit that cover for the corresponding service has been arranged so that the General Council for the Judiciary can authorise the secondment of the Judge or Magistrate in question pursuant to his/her appearance before the Ombudsman.

Article 608.

1. In the event that the Ombudsman for Disciplinary Action decides not to instigate a disciplinary case or to dismiss one that has already been instigated, an appeal may be lodged with the Permanent Committee.

2. If the Permanent Committee upholds the appeal, the disciplinary case shall be instigated or continued, as applicable.

3. The Permanent Committee may also, on an ex officio basis, order the Ombudsman to instigate or continue a disciplinary case.

CHAPTER V

THE ECONOMIC AFFAIRS COMMITTEE

Article 609.

1. On a yearly basis, the Plenary Session of the General Council of the Judiciary shall elect the members that comprise the Economic Affairs Committee. The chair of said Committee shall be chosen from amongst its members.

2. The Economic Affairs Committee shall be comprised of three Members.

3. The Economic Affairs Committee must operate under the attendance of all its members.

4. The Economic Affairs Committee shall be responsible for conducting studies and designing projects of an economic and financial nature that shall be commissioned by the Plenary Session, monitoring the financial and accounting activities of the management bodies, and any other functions deemed necessary for the correct execution of the functions of the General Council of the Judiciary with regard to economic matters.

5. The Permanent Committee may also delegate to the Economic Affairs Committee the preparation of the draft annual budget of the Council, which must under all circumstances be approved by the Permanent Committee before being presented to the Plenary Session.

CHAPTER VI

THE EQUALITY COMMITTEE

Article 610.

1. On a yearly basis, the Plenary Session of the General Council of the Judiciary shall select a number of its Members to form the Equality Committee, ensuring balance between the number of male and female members of this Committee, and will appoint the President from amongst these Members.

2. The Equality Committee shall be comprised of three Members.

3. The Equality Committee must operate under the attendance of all its members. In the event of the temporary incapacity or duly justified absence of any of its members, said member shall be replaced by another from the General Council of the Judiciary, preferably of the same gender. Said replacement shall be appointed by the Permanent Committee.

4. The Equality Committee shall be responsible for advising the Plenary Session on the necessary or desirable measures to actively implement the principle of gender equality in the exercising of the powers of the General Council of the Judiciary. In particular, it shall be responsible for drawing up preparatory reports on the gender-related impact of regulations and shall propose measures to improve equality parameters within the judicial profession.

5. Additionally, the Equality Committee shall be responsible for studying and monitoring the judicial response to domestic and gender-based violence, to which end it may make use of the Observatory on Domestic and Gender-Based Violence or any other instrument that may be established to this effect.

TITLE V

Concerning the Technical Bodies and the Personnel of the General Council of the Judiciary

CHAPTER I

GENERAL PROVISIONS

Article 611.

1. The General Council of the Judiciary will have any technical bodies at its disposal that prove necessary to enable it to exercise its powers, which will be charged with processing and preparing the matters to be placed before the Plenary and the Committees.

2. Where not stipulated in this Organic Law, the Regulation on the Organisation and Operation of the General Council of the Judiciary will determine the number of technical bodies, their structure and functions and the manner of appointing their members.

3. The composition and, where applicable, the number of members in the various technical bodies of the General Council of the Judiciary will be determined in the Regulation on the Personnel of the General Council of the Judiciary.

4. The General Secretariat, the Inspection Department, the Technical Office, the Judicial School, the Judicial Documentation Centre and the Communications Office will have the consideration of special technical bodies of the General Council of the Judiciary.

5. The Comptroller in the service of the General Council of the Judiciary will be assigned to the Standing Committee.

6. Technical bodies with functions that are beyond the scope of the powers of the General Council of the Judiciary cannot be established under any circumstances.

CHAPTER II

THE SPECIAL TECHNICAL BODIES OF THE GENERAL COUNCIL OF THE JUDICIARY

SECTION ONE

The General Secretariat

Article 612.

1. The General Council of the Judiciary will possess a General Secretariat headed by a Secretary General, appointed from amongst Magistrates with at least fifteen years of professional experience within the judiciary or from amongst eminently competent jurists with at least fifteen years of professional experience.
2. The Secretary General will be appointed by the Plenary, at the proposal of the President, and may be freely dismissed by the President.
3. The Secretary General is charged with the following duties:
 - 1.^a Overseeing and coordinating all technical bodies and personnel in the service of the General Council of the Judiciary, except in relation to the Presidential Office.
 - 2.^a Ensuring that the budget is correctly prepared, implemented and liquidated, informing the President and the Plenary, which will approve the budget.
 - 3.^a Managing, processing and documenting all acts of the General Council of the Judiciary.
4. The remaining functions assigned to it in the Regulation on the Organisation and Operation of the General Council of the Judiciary.
- 4.^a The Secretary General will attend the Plenary sessions and the sessions of the Standing Committee, entitled to speak, but with no vote. In addition, the Secretary General may attend, with entitlement to speak, but with no vote, any other Committees.

Article 613.

1. The Secretary General will be assisted and, where applicable, substituted by the Deputy Secretary General.
2. The Deputy Secretary General will be appointed by the Plenary, at the proposal of the President, from amongst the members of the Body of Lawyers of the General Council of the Judiciary with at least five years of active service in the Council, and may be freely dismissed by the President.

Article 614.

Within the General Secretariat of the General Council of the Judiciary there will be a Central Service which will incorporate Management and the various departments that provide general services to the General Council of the Judiciary.

SECTION TWO

The Inspection Department of the General Council of the Judiciary

Article 615.

1. The Inspection Department, a dependency of the Standing Committee, will carry out the functions of monitoring and reviewing the operation of the services of the Judicial Administration referred to in paragraph 1.8 of article 560 of this Organic Law, via actions and visits that are ordered by the Council, notwithstanding the competence of the governing bodies of the Courts, with which it will coordinate.
2. However, the inspection of the Supreme Court will be carried out by the President of this body, or, where he or she delegates this role, by the Vice-President.
3. The Head of the Inspection Department will be appointed and dismissed in the same manner as the Ombudsman for Disciplinary Action. Those who are selected for this post will be

considered to be on special service and, whilst they hold this position, will have the consideration of Magistrate of a Chamber of the Supreme Court.

4. The Inspection Department will also consist of the Magistrates and Court Registrars that are determined in the Regulation on the Organisation and Operation of the General Council of the Judiciary.

5. Magistrates and Court Registrars in the service of the Inspection Department will be deemed to be on special service.

SECTION THREE

The Technical Office

Article 616.

1. The Technical Office is the body charged with providing legal and technical advice and assistance to the bodies of the General Council of the Judiciary, and with developing the necessary administrative activity to carry out its functions.

2. The Technical Office will consist of an Office Director and the number of Lawyers determined by the Regulation on the Organisation and Operation of the General Council of the Judiciary, in addition to the personnel that prove necessary to enable it to correctly carry out its functions.

3. Appointment as Director of the Technical Office will require accreditation of at least fifteen years of active service within a legal profession.

SECTION FOUR

The Judicial School

Article 617.

1. The Judicial School is charged with developing and executing competencies relation to the selection and training of Judges and Magistrates, in accordance with the stipulations of this Law and the Regulation on the Judicial School.

2. The Director of the Judicial School will be appointed from amongst Magistrates with at least fifteen years of service in the judiciary.

Article 618.

1. Teachers within the Judicial School will be selected by the Standing Committee via selection by competitive examination.

2. They will initially be appointed for a period of two years and may have their positions renewed on an annual basis; however, under no circumstances may their length of service extend beyond ten years.

3. They will be registered as being on special service within the judiciary or, where applicable, their civil service body of origin.

4. They may also provide services in the Judicial School under a fixed-term employment contract.

SECTION FIVE

The Judicial Documentation Centre

Article 619.

1. The Judicial Documentation Centre is a technical body within the General Council of the Judiciary, charged with selecting, organising, processing, disseminating and publishing legislative, jurisprudential and doctrinal legal information.
2. The Judicial Documentation Centre is charged with collaborating in the implementation of the decisions adopted by the General Council of the Judiciary with regards to the harmonisation of computer systems that imply greater efficiency within Court activity.
3. Appointment as Director of the Judicial Documentation Centre will require accreditation of at least fifteen years of active service within a legal profession.

SECTION SIX

The Communications Office

Article 620.

1. The Communications Office of the General Council of the Judiciary is charged with the duties of institutional communication.
2. The Communications Office answers directly to the President, who may freely appoint and dismiss its Director.
3. Appointment as Director of the Communications Office must be afforded to a professional with accredited experience in public communications.

CHAPTER III

THE PERSONNEL OF THE GENERAL COUNCIL OF THE JUDICIARY

Article 621.

1. The General Council of the Judiciary shall incorporate a Body of Lawyers. Entry to same shall be gained by means of a selection process that guarantees the principles of merit and capacity.
2. The Body of Lawyers of the General Council of the Judiciary shall comprise both permanent and temporary members. The number of positions - both permanent and temporary - within the Body of Lawyers shall be determined by means of a regulation issued at the Plenary Session of the Council.
3. Lawyers of a permanent nature, who must hold a Degree in Law or an equivalent qualification, will be afforded entry via a competitive selection process that will adhere to the criteria approved by the Plenary and published in the Official State Gazette.
4. Lawyers of a temporary nature, who must be members of the judiciary, the State Prosecutor's Office, or the Body of Court Registrars, or be civil servants in one of the bodies included in Subgroup A1 in the various Public Administrations, will be afforded entry via competitive examination and will initially be appointed for a period of two years and may have their positions renewed on an annual basis; however, under no circumstances may their length of service extend beyond ten years.
5. Those in active service within the Body of Lawyers of the General Council of the Judiciary on a permanent basis will be deemed to be in a situation of voluntary leave in any other body or profession to which they pertain. The remaining Lawyers in the service of the General Council of the Judiciary will be declared to be on special service in the Administration from which they originate.

Article 622.

1. The individuals who occupy the posts of Deputy Secretary General, Head of the Inspection Department, Director of the Technical Office, Director of the Judicial School, Director of the

Judicial Documentation Centre and Director of the Communications Office will be afforded the title of Senior Lawyer.

2. Entry into these positions, as Departmental Heads, will occur where the post becomes vacant.

3. The Departmental Heads must be renewed every five years, and the Plenary is charged with appointing the individuals who will occupy these posts, with the exception of the Director of the Communications Office, who will be appointed by the President of the Supreme Court and of the General Council of the Judiciary.

Article 623.

The Lawyers of the General Council of the Judiciary will perform duties in the various bodies of the Council in accordance with the stipulations of this Organic Law and the Regulation on the Organisation and Operation of the General Council of the Judiciary.

Article 624.

Services may also be rendered in the technical bodies of the General Council of the Judiciary by other members of the legal profession, including the State Prosecutor's Office, the Body of Court Registrars, the Body for Procedural and Administrative Management, the Body for Procedural and Administrative Processing and the Body for Judicial Support in the service of the Judicial Administration, along with civil servants from the Public Administrations, in the numbers determined in the corresponding lists of employment positions.

Article 625.

1. With the exceptions provided for in this Organic Law or, where applicable, its implementing regulations, positions within the technical bodies of the General Council of the Judiciary shall be filled via competitive examination.

2. Officials who have been granted senior positions on merit shall be appointed by the Plenary Session of the General Council of the Judiciary for a term of two years, which may be extended by additional one-year terms up to a maximum of 10 years of service. Where applicable, said officials shall be considered as seconded from their Administration of origin.

3. With regard to the performance of duties in the remainder of posts within the technical bodies of the General Council of the Judiciary, the civil servants carry out such duties shall be considered to be on active duty in their bodies of origin.

4. Whilst they occupy posts within the General Council of the Judiciary, they shall be subject to the Regulation on the Personnel of the Council.

Article 626.

1. For certain positions of a technical nature that require specific training different to that for the legal profession, the Regulation on the Organisation and Operation of the General Council of the Judiciary may stipulate that said positions are to be filled on the basis of merit by officials from those bodies established by said Regulation in each instance.

2. In any event, senior positions within the technical bodies of the General Council of the Judiciary may only be filled by those who possess the qualifications required to become a member of one of the bodies listed in Subgroup A1 of the various Public Administrations.

Article 627.

1. All civil servants who perform duties in the General Council of the Judiciary will be subject to this body's Regulation on Personnel and, in the areas that it fails to address, by the general legislation for State civil servants.

2. The Plenary of the General Council of the Judiciary will approve the list of employment positions via which such personnel will be organised.

3. The remaining personnel performing duties in the General Council of the Judiciary, who are not civil servants, will be subject to their respective Regulations on Personnel and, in areas that they fail to address, by the applicable State legislation.

CHAPTER IV

CONCERNING THE REMUNERATION OF THE MEMBERS OF THE GENERAL COUNCIL OF THE JUDICIAL

Article 628.

1. Members of the General Council of the Judiciary who perform their duties with full-time commitment will receive, solely and exclusively, the remuneration established in the Law on General State Budgets, wherein the importance of their role will be considered.

2. Members of the General Council of the Judiciary who do not perform their duties on a full-time basis will receive expenses for attending the Plenary Session or the Committees determined by the Law on General State Budgets, with no entitlement to further remuneration for their position as Members, with the exception of any compensations due to them as a result of service.

3. The maximum remuneration for attending the Plenary Session or the Committees payable to Council Members who, whilst holding these posts, perform duties within the State Administration or in any other Public Administration or Institution, cannot exceed the remuneration received by a Member with full-time commitment when considered along with the salaries they receive.

TITLE VI

Concerning the Acts of the General Council of the Judiciary

Article 629.

The deliberations of the bodies of the General Council of the Judiciary are of a classified nature and their secrecy must be maintained by those who take part.

Article 630.

1. The determinations of the collegiate bodies of the General Council of the Judiciary will be adopted by a simple majority of the members in attendance, save where this Organic Law stipulates otherwise. Those who preside over any such deliberations will have a deciding vote in the event of a tie.

2. Members are inexcusably bound to attend, participate and cast a valid vote in relation to all matters to be determined by the Plenary and the Committees. They may only abstain in those cases wherein such action is legally justified. Furthermore, they may only issue blank ballots where the nature of the determination permits such action and, under no circumstances, may issue a blank ballot in relation to disciplinary matters or decisions on appeals.

3. Voting will always entail a roll-call and will not be secret, registering the result in the minutes. Members are entitled to consult the minutes.

4. For the correct exercise of their powers, Members may call on the Standing Committee to provide documentation on the specific activities of the Council. This Committee will determine the scope and limits on the documentation that is to be provided in accordance with the nature of the request.

Article 631.

1. Where a Member disagrees with the majority, at his or her behest, a dissenting opinion may be drawn up, with grounds, and incorporated into the minutes, providing that this is announced once voting has finalised and within the two-day period subsequent to the date on which the determination was made.
2. Where the Plenary makes use of its powers to issue a report, the text of the determination will include the any dissenting opinions with grounds, which will be adjoined to the documentation sent to the recipient body.

Article 632.

1. The determinations of the bodies of the General Council of the Judiciary will always provide grounds.
2. In Plenary Sessions to reach a decision on proposed appointments, the grounds of the determination will be recorded, indicating the merits and capacity that justify the selection of one applicant over the others.
3. Grounds can be presented via referral to the grounds for the proposal issued by the Standing Committee, insofar as they coincide.

Article 633.

The determinations of the bodies of the General Council of the Judiciary will be documented by the Secretary General and signed by those presiding over the sessions in question.

Article 634.

1. The determinations of the General Council of the Judiciary in relation to the appointment of Presidents and Magistrates will adopt the form of a Royal Decree, signed by the King and endorsed by the Ministry of Justice.
2. Judges will be appointed by the General Council of the Judiciary via an Order.
3. All such determinations will be published in the Official State Gazette.

Article 635.

1. The Regulations passed by the General Council of the Judiciary will be published in the Official State Gazette.
2. The remaining determinations, duly documented and incorporating any dissenting opinions, where applicable, will be communicated to the individuals and bodies in question.

Article 636.

1. The determinations of the General Council of the Judiciary will be immediately enforceable, notwithstanding the system of appeals envisaged in this Organic Law.
2. Nevertheless, where an appeal is lodged, the competent body to resolved the appeal may order, sua sponte or at the behest of a party, the suspension of enforcement, where it might occasion detriment that is difficult or impossible to redress or where it is so established by law.

Article 637.

The General Council of the Judiciary will execute its own acts, which will be carried out by the technical bodies in its service, with the collaboration of the State Administration and the Administrations of the Autonomous Regions, where necessary.

Article 638.

1. Preparatory acts that determine the impossibility of continuing proceedings or that give rise to defencelessness will be subject to appeal before the Standing Committee.
2. The determinations of the Plenary and of the Standing Committee will exhaust any further possibility of administrative recourse and will be subject to appeal before the Administrative Chamber of the Supreme Court. The hearing of such cases is charged to a section consisting of the President of the Administrative Chamber of the Supreme Court, who will preside, and of the remaining section Presidents of this Chamber.
3. Legitimation to challenge the determinations of the Disciplinary Committee resides with the Judge or Magistrate against whom charges are brought.
4. The State Prosecutor's Office may also challenge the determinations of the Disciplinary Committee.

Article 639.

1. The General Council of the Judiciary may draw up the contracts necessary for the appropriate exercise of its functions, subject to public sector contract law.
2. The contracting body shall be the Standing Committee, which should keep the Plenary informed of the contracts it enters into.

Article 640.

1. Compensation for the damages and detriment occasioned by the General Council of the Judiciary is subject to the system governing financial liability within Public Administrations.
2. Claims for financial liability will be presented before the Council of Ministers, which will reach a determination.

Article 641.

The defence of the acts of the General Council of the Judiciary within trials is charged to the State Legal Service.

Article 642.

1. In all matters not envisaged in this Organic Law or in the Regulations of the General Council of the Judiciary, with regards to the procedure for, appeals against and form of the acts of the General Council of the Judiciary, where applicable, the provisions of the Law on the Legal System applicable to Public Administrations and the Common Administrative Procedure will be observed; however, at no time will the intervention of the Council of State prove necessary.
2. The provisions in the previous article will not be applicable to disciplinary matters.
3. In the case of acts giving rise to rights, sua sponte review and, where applicable, the prior declaration of adverse effects, is charged to the Plenary of the General Council of the Judiciary, via an absolute majority of its members.

First Additional Provision.

1. Within a period of one year, the Government will forward the draft bills on judicial bodies and boundaries, the reform of legislation on the guardianship of minors, the procedure for challenging administrative determinations, jurisdictional conflicts and juries to the Parliament.
2. The Government or, where applicable, the Autonomous Regions with competencies in the area in question, will pass the regulations required to enact this Organic Law, save where competence in this regard falls to the General Council of the Judiciary, in accordance with the stipulations of article 110. Where they affect additional conditions on the exercise of the rights and duties of Judges and Magistrates, they will be subject to the same restrictions and conditions established for the General Council of the Judiciary.

Second Additional Provision.

1. The High Courts of Justice will be based in the city determined by the respective Statutes of Autonomy.
2. Where they fail to determine this, they will be based in the same city as the Provincial Court within the Autonomous Region on the date that this Law enters into force.
3. In those Autonomous Regions with more than one Provincial Court when this Law enters into force, the law of the Autonomous Region will determine which Provincial Court is to be taken as a reference to decide where the High Court of Justice is to be based, except where the institutions of self-government have already reached this decision in accordance with the stipulations of its Statute.
4. In all other cases, the High Court of Justice will be based in the capital of the Autonomous Region.

Additional provision three.

1. In those Autonomous Regions with more than one Provincial Court when this Law enters into force, in accordance with the stipulations of article 78, an Administrative Chamber and a Labour Chamber will be established and incorporated into the corresponding High Court of Justice. Their composition and jurisdiction over provinces will be determined in the legislation on judicial bodies and judicial boundaries, and will be based in the city that is the seat of one of the Provincial Courts, providing that this city has not been established as the seat of the High Court of Justice of the Autonomous Region.
2. In Santa Cruz de Tenerife a Labour Chamber and an Administrative Chamber will be created, incorporated into the High Court of Justice of the Canary Islands. Their jurisdiction will extend over the province of Santa Cruz de Tenerife and their composition will be determined by the law on judicial bodies.

Fourth Additional Provision.

Within the six-month period subsequent to the entry into force of this Law, the collegiate body charged with resolving jurisdictional conflicts that might arise between the Courts and the Administration will be constituted. The Plenaries of the General Council of the Judiciary and of the Council of State will assign the respective members in due time. Once this collegiate body has been set up within the Supreme Court, this will be announced in the Official State Gazette, whereby, from the next day onwards, it will take on the competencies that the Law on Jurisdictional Conflicts, of 17 July 1948, assigns to the Head of State and the Council of Ministers, even in relation to conflicts that are currently being processed.

Fifth Additional Provision.

1. A motion for reform can be lodged against any rulings issued by a Prison Supervision Judge.
2. The rulings of a Prison Supervision Judge relating to the enforcement of sentences are subject to challenge via appeals and complaints that are to be lodged before the sentencing court, save where they are issued to resolve an appeal against an administrative decision that does not refer to the classification of the convict.

In the event that the convict is serving several sentences, competence to resolve the appeal will fall to the court or tribunal that has imposed the most serious prison sentence, and where sentences of equal gravity have been imposed by several courts or tribunals, competence will fall to the body that imposed the most recent sentence.

3. The rulings of Prison Supervision Judges relating to the prison system and other matters not addressed in the previous paragraph will be subject to challenge via appeals and complaints, providing that they are not issued to resolve an appeal against an administrative decision. The appeal or complaint will be heard by the corresponding Provincial Court, determined by the boundaries in which the prison institute is located.
4. The complaint proceedings referred to in the previous paragraphs may only be lodged against rulings that refuse to admit an appeal.

5. Where the appealed ruling refers to the classification of convicts or the conferral of parole, and might entail the inmate's release from prison, in the event that this involves those convicted of serious crimes, the appeal will have the effect of suspending the release of the convict until it is resolved or, where applicable, until the Provincial Court or the National High Court have made a pronouncement in relation to this suspension.

The processing of the appeals referred to in the previous paragraph will be afforded priority and urgency.

6. Where the challenged ruling was issued by a Central Prison Supervision Court, whether it relates to the enforcement of sentences, the prison system or any other matters, competence to hear the appeal or complaint will fall to the Chamber of Criminal Matters within the National High Court, providing that it was not issued to resolve an appeal against an administrative decision.

7. Rulings that impose or fail to impose the maximum sentence are subject to an appeal for annulment on the grounds of an infringement of the law, to be lodged before the Chamber of Criminal Matters within the Supreme Court, which will be processed in accordance with the provisions of the Law of Criminal Procedure.

8. The rulings of the Provincial Courts and, where applicable, the National High Court that resolve appeals, which are not subject to ordinary appeals for annulment, are subject to an appeal for annulment lodged by the State Prosecutor's Office and the lawyer of the convict, for the unification of doctrine, before the Chamber of Criminal Matters within the Supreme Court, which will be processed in accordance with the provisions of the Law of Criminal Procedure relating to ordinary appeals for annulment, with the unique features deriving from its objective. The pronouncements of the Supreme Court when resolving appeals for annulment for the unification of doctrine will not, under any circumstances, affect the legal situations brought about by sentences preceding the challenged sentence.

9. The appeal referred to in this provision will be processed in accordance with the stipulations of the Law of Criminal Procedure in relation to summary proceedings. Such appeals may be lodged by the State Prosecutor's Office and the inmate or individual released on parole. The defence of a lawyer will be necessary within the appeal and, where a lawyer has not been assigned, the lawyer will also be legally authorised to represent the defended party. In any event, inmates' right to a defence within legal claims must be guaranteed at all times.

10. In Provincial Courts with more than one section, via the rules of distribution, the hearing of the appeals that fall to them in accordance with this provision will be exclusively assigned to one or two sections.

Sixth Additional Provision.

1. The Emphyteusis Arbitration Courts in the provinces of Barcelona, Tarragona, Lérida and Gerona are abolished.

2. Competence to process and resolve, at first instance, civil proceedings relating to emphyteusis in Catalonia, regulated by the Law of 31 December, is assigned to the First Instance Judges who are competent, based on the location of the property, who will hear such matters via the procedures of the corresponding declaratory proceedings, based on the amount.

3. Notwithstanding the provisions of the previous paragraphs, the Emphyteusis Arbitration Courts of Catalonia will continue to process proceedings that are underway, which were initiated prior to the entered into force of this law, until they are finalised, which includes the enforcement of judgments.

4. The respective Provincial Court will take charge of the archives of the abolished Tribunals.

Seventh Additional Provision.

Where the hearing of appeals against negative Property Registry designations based on the regulations of regional law are assigned, via the Statutes of Autonomy, to judicial bodies within the Autonomous Region to which the Property Registry is confined, they will be lodged before

the competent judicial body. Where they have been lodged before the Directorate General of Registries and Notaries, they will be forwarded to the aforementioned body.

Eighth Additional Provision.

1. Competence to process and resolve, at first instance, civil proceedings relating to the challenge of company resolutions established in Legislative Royal Decree 1564/1989, of 22 December, which approves the consolidated text of the Law on Public Limited Companies; in Law 2/1995, of 23 March, on Limited Liability Companies; and in Law 27/1999, of 16 July, on Cooperatives, and those that relate to the registry annulment of any of the types of Industrial Property referred to in Law 11/1986, of 20 March, on Patents, will, in all cases, be assigned to the commercial judges who prove competent.

2. Their rulings will be subject to appeal before the competent Chamber, and the sentences of the Chamber will, in turn, be subject to an appeal for annulment, where applicable, in accordance with the stipulations of the Law of Civil Procedure.

Ninth Additional Provision.

Article 34 of Law 50/1981, of 30 December, regulating the Statute for the State Prosecutor's Office, will be worded in the following manner:

"The professional categories within public prosecution are as follows:

1.^a State Prosecutors within Chambers of the Supreme Court, on the same level as Magistrates of the High Court. The Deputy Prosecutor of the Supreme Court will be ranked at the level of a President of a Chamber.

2.^a State Prosecutors, on the same level as Magistrates.

3.^a Prosecuting lawyers, on the same level as Judges".

Tenth Additional Provision.

1. The Law on judicial bodies will determine the positions within the Ministry of Justice allocated to members of the judiciary.

2. The aforementioned positions will be filled via competitive examination, which will be convened and settled by the Ministry of Justice, in the manner determined via regulations.

Eleventh Additional Provision.

The Government is authorised to update the amount of the fines referred to in the text every five years.

Twelfth Additional Provision.

The Government, at the proposal of the Ministry of Justice and subsequent to a report from the Council of State, will approve, within a deadline of one year, the new consolidated text of the Labour Procedural Law, containing the modifications deriving from subsequent legislation, and standardising, clarifying and harmonising consolidated legal texts.

Thirteenth Additional Provision.

1. The Insurance Arbitration Tribunal is abolished. The bodies within the civil judicial sphere are charged with hearing all matters of litigation previously assigned to the aforementioned body.

2. Notwithstanding, the Insurance Arbitration Tribunal will expressly resolve, within a maximum deadline of one year, all pending matters of litigation that were placed before it prior to the entry into force of this Organic Law. Having expressly ruled, or, in any event, once the aforementioned deadline of one year has transpired, to be counted from the entry into force of

this Organic Law, plaintiffs can pursue actions directly before the corresponding bodies within the civil judicial sphere.

Fourteenth Additional Provision.

The accessibility of judicial offices and services for the disabled and the elderly represents a quality criteria that must be guaranteed by the competent authorities. Newly created judicial offices and services must comply with current regulations on the promotion of accessibility and the elimination of all nature of barriers that apply to them. The competent authorities and administrations, within the scope of their respective powers, will promote programmes to eliminate barriers in the offices or services that, due to their age or for other reasons, represent hindrances for users with problems of mobility or communicative problems.

Fifteenth Additional Provision. *Deposit for lodging an appeal.*

1. The lodging of ordinary and extraordinary appeals, appeals for review and for the revocation of a final judgment at the behest of a defaulter, in the civil, labour and administrative judicial spheres, will require the payment of a deposit.

In the criminal sphere, this deposit will only be demanded from the private prosecution.

In the labour sphere and for the lodging of actions to safeguard the efficacy of employment rights within bankruptcy proceedings, the deposit will only be payable by those who do not have the status of employee or beneficiary of the public Social Security scheme.

2. The deposit will only be payable for the lodging of appeals that are to be processed in writing.

3. Those who wish to lodge an appeal against judgments and rulings that draw proceedings to a close or prevent their continuation, will pay as a deposit:

a) 30 euros, for appeals of complaint.

b) 50 euros, for petitions for appeal or appeals for the revocation of a final judgment at the behest of a defaulter.

c) 50 euros, for extraordinary appeals for procedural infringement.

d) 50 euros, for appeals for annulment, including annulment for the unification of doctrine.

e) 50 euros, for appeals for review.

4. Furthermore, the lodging of appeals against the judgments and rulings issued by a Judge or Court that do not draw proceedings to a close or prevent their continuation, will, in all cases, require payment of a deposit of 25 euros. The same amount is to be paid by those who appeal for a review of the determinations of the Court Registrar.

Payment of a deposit will not be required to lodge the appeal for reversal that the law requires prior to lodging an appeal of complaint.

5. The State Prosecutor's Office is also exempt from paying the deposits for appeal required in this Law.

The State, the Autonomous Regions, local bodies and regional and any autonomous organisations that are dependencies of them are exempt from paying deposits.

6. When affording parties notification of rulings, they will be informed of the need to provide a deposit to appeal, and the manner of making the deposit.

For an appeal to be admitted, where it entails interlocutory judgments, the lodging of an appeal of complaint, the lodging of appeals for review and for the revocation of a final judgment at the behest of a defaulter, or where it is announced or prepared in all other cases, the deposit must have been paid into the Deposits and Payments Account held by the Court or Tribunal in the corresponding credit body, and this must be accredited. The Court Registrar will verify that the deposit has been paid and will make a record thereof in the case files.

7. No appeals will be admitted for processing where the deposit has not been paid.

Where the appellant commits a mistake, omission or error when paying in the deposit, he or she will be afforded a period of two days to redress the problem, providing documentary accreditation where applicable.

Where he or she fails to do so, a ruling will be issued to draw the appeal process to a close, or to reject admission of the appeal, whereby the challenged determination will become final.

8. Where the appeal or the review or revocation of the judgment is partially or entirely upheld, the ruling in question will order the entire deposit to be returned.

9. Where the judicial body rejects the appeal or claim, or confirms the challenged ruling, the appellant or claimant will lose the deposit, which will be employed in the manner envisaged in this provision.

10. Lost deposits and the yield of the account are assigned to the needs deriving from the activity of the Ministry of Justice, and will be specifically employed to defray the costs deriving from the right to legal aid and the comprehensive modernisation and computerisation of the Judicial Administration. To this end, income deriving from lost deposits and the yield of the account will generate credit in the expenditure statement for section 13 "Ministry of Justice".

11. On a yearly basis, the Ministry of Justice will transfer to each Autonomous Region with devolved competencies in the area of Justice, for the aforementioned ends, forty percent of the income accrued in its territory in this regard, and will allocate twenty percent of the overall amount to financing the instrumental body that is a joint venture of the Ministry of Justice, the Autonomous Regions and the General Council of the Judiciary, charged with creating a computer platform that ensures connectivity between all Courts and Tribunals in Spain.

12. The amount of the deposit required to appeal may be updated and revised on a yearly basis via Royal Decree.

13. The requirement of this deposit will be compatible with the payment of the fee required for the exercise of judicial authority.

14. The deposit envisaged in this provision will not apply to the lodging of appeals for reconsideration or appeals for annulment within the labour judicial sphere, or to appeals for review within the civil judicial sphere, which will continue to be regulated by the stipulations of the Law of Labour Procedure and the Law of Civil Procedure, respectively.

Sixteenth Additional Provision. *Restrictions on calls to fill vacancies.*

Under no circumstances can a call to fill vacancies be issued where they are not covered by available budgetary resources, in light of the periodic communications of the Ministry of Justice in accordance with the stipulations of Royal Decree 431/2004, of 12 March, which regulates the remuneration envisaged in the third transitory provision of Law 15/2003, of 26 May, regulating the remunerative system for the judiciary and members of the State Prosecutor's Office.

Seventeenth Additional Provision. *Presentation of the annual substitution plans and the lists outlined in article 200.*

The Presidents of the corresponding collegiate bodies, within the framework of their respective competencies and, where applicable, via the senior courts, will make efforts to ensure that the annual substitution plans and the lists referred to in article 200 of this Law are provided to the General Council of the Judiciary at least two months prior to the first of January, each year.

In any event, the General Council of the Judiciary may adapt the approved annual plans as a result of a transfer selection process or any other circumstance that makes such action necessary.

Eighteenth Additional Provision. *Provisions of the annual substitution plans.*

The annual substitution plans will determine those circumstances wherein a possible substitute can participate in support or personnel reinforcement measures, or be assigned with relief of duties to another body, with a view to annulling the substitution, save where the individual in

question expressly voices opposition. The plans will also determine the solution to be adopted in relation to any other situation entailing an overlap of assignments.

Nineteenth Additional Provision. *Substitution plans for administrative areas.*

Where deemed appropriate, at the initiative of the senior courts, Boards of Judges in the affected areas, President of the Provincial Court, President of the High Court of Justice or of the General Council of the Judiciary itself, substitution plans taking in various administrative areas can be approved, in which case the Senior Court of the administrative area with most inhabitants will take on the duties assigned in this Law.

Twentieth Additional Provision. *Delegation of powers in the area of substitutions.*

The Presidents of the High Courts of Justice may delegate the powers afforded to them in this Law with regards to substitutions to the Presidents of the Provincial Courts within their territory that they deem fit.

Twenty-first Additional Provision. *Judicial support within the examination of complex cases*

In addition to the stipulations of Chapter IV bis of Title II of Book III of this Law, amongst the exceptional measures of judicial support, the General Council of the Judiciary may order, to improve the examination of complex cases and at the prior suggestion of the President, the assignment of one or more Judges or Magistrates, without jurisdictional functions, to a specific body, where they will be overseen by its President, in order to exclusively provide collaboration, assistance or advice. For the same purposes and under the same conditions, the assignment of one or more Judicial Administration Clerks may be requested.

To this end, the General Council of the Judiciary will propose a specific plan of action, outlining, in all cases, the objective, scope of application, duration and nature of the secondments in terms of the relieving of duties. The approval of the plan will require the authorisation of the Ministry of Justice.

Where a request is issued for the secondment of Judicial Administration Clerks, the General Council of the Judiciary will address a request to the Ministry for the approval of the corresponding secondments.

First transitory provision. *Administrative Chambers within the Supreme Court.*

1. Until such time as the Law on Judicial Bodies enters into force, the three Administrative Chambers within the Supreme Court will continue to operate.
2. The aforementioned Law will regulate the situation of those who are Presidents of these Chambers upon its entry into force.

Second transitory provision. *High Courts of Justice.*

1. Within a period of one year, to be counted from the entry into force of this Law, the High Courts of Justice will be constituted and the Territorial Courts will cease to exist.
2. Until such time as the High Courts of Justice start to operate, the Territorial Courts existing upon the entry into force of this Law, and the Administrative Chamber of the Provincial Court of Santa Cruz de Tenerife will continue to exist.
3. Until such time as the High Courts of Justice start to operate, the competencies that this Law assigns to their Civil and Criminal Chambers will remain with the Chambers of the Supreme to which they are currently assigned, save where the Statutes of Autonomy assign them to the respective Territorial Court.
4. Magistrates assigned to the Civil Chambers of the Territorial Courts, when they cease to exist, will be transferred to perform duties in the corresponding High Court or Provincial Court

in which they were based, in accordance with the criteria established in the Law on Judicial Bodies.

5. Magistrates within the Administrative Chambers of the Territorial Courts, when they cease to exist, will be incorporated into the Administrative Chambers of the High Courts of Justice.

Third transitory provision. Courts of First Instance and Examining Magistrate's Courts and District Courts.

1. The Government, within the year following the enactment of the Law on Boundaries, having afforded an audience to the General Council of the Judiciary, will convert the existing District Courts into Courts of First Instance and Examining Magistrate's Courts, or, where applicable, into Justices of the Peace, in accordance with the following rules:

1.^a In municipalities where the civil and criminal spheres are separated, the District Courts will become Courts of First Instance and Examining Magistrate's Courts, served by the same personnel that they currently possess, save those exclusively charged with the Civil Registry, which will become Courts of First Instance.

2.^a In all other municipalities, where the Courts of First Instance and Examining Magistrate's Courts are presided over by Magistrates, the District Courts will become Courts of First Instance and Examining Magistrate's Courts, served by the same presiding Judges and remaining personnel.

3.^a In District Courts that are to be converted in accordance with the preceding rule, those presiding Judges who, in view of their seniority, are to be promoted within the conversion period, will remain in the Magistrate category, conserving their rank number in the same Court and the promotion will not have remunerative effects until the conversion is implemented. Those who qualify may opt to have their promotion immediately put into effect and be posted elsewhere.

4.^a In those municipalities with Courts of First Instance and Examining Magistrate's Courts presided over by Judges, the stipulations of the previous rule will apply, unless, in view of low workload, the District Court or Courts is/are to be abolished,

In such cases, the Judge and Court Registrar posted to the abolished Court, on a once-off basis, will be afforded priority to occupy the vacancies existing in the Courts of First Instance and Examining Magistrate's Courts within the municipality, which would otherwise be assigned in the manner and with the functions that, at a general level, are determined by the General Council of the Judiciary, until such time as they are assigned their own posts, within their respective professions, in the selection processes that are convened in accordance with regulations, in which they must take part, wherein they will be afforded priority to occupy vacancies within the same province.

Where they fail to obtain a post in the first three selection processes that are convened, they can be compelled to occupy any existing vacancies.

Support and collaborative personnel will be assigned to the Court or Courts of First Instance and Examining Magistrate's Courts to which the District Court pertains, and will be afforded priority to fill any vacancies that arise.

5.^a District Courts in municipalities that are not administrative centres will become Courts of First Instance and Examining Magistrate's Courts, where service needs demand, and will continue to be served by the Judges and remaining personnel currently posted to them.

The remaining District Courts will be substituted by Justices of the Peace, and the Judge, Court Registrar and personnel serving in them will, where applicable, be afforded the provisional posting and priority outlined in Rule 4.

6.^a In municipalities that currently possess two or more District Courts without a unified Civil Registry, the Court of First Instance and Examining Magistrate's Court charged with this service will be determined.

2. Having converted the Courts as outlined in the previous provision, the following rules will be observed:

1.^a District Courts converted into Courts of First Instance and Examining Magistrate's Courts will continue to hear any civil or criminal proceedings that are underway until they are finalised and, from the date of their conversion, will try the civil or criminal proceedings corresponding to them, via roster or as a result of police duty.

2.^a District Courts converted into Courts of First Instance and Examining Magistrate's Courts, where another or others of this class exist, will also continue to hear any pending civil or criminal proceedings until they are finalised, and, from the date of their conversion, will hear the civil or criminal proceedings corresponding to them, via roster or as a result of police duty.

3.^a Pending cases in District Courts that have been converted into Justices of the Peace will be passed on to be heard by the respective Court of First Instance and Examining Magistrate's Court, save those cases that, in accordance with this Law, correspond to a Justice of the Peace.

4.^a Civil and criminal appeals lodged against the rulings of a District Court prior to the date of conversion, will continue to be processed before the Courts of First Instance and Examining Magistrate's Courts. Those that are lodged subsequent to this date, will be processed before the Provincial Court, in accordance with the stipulations of this Law.

Fourth transitory provision. Juvenile Courts.

The current Courts for the Guardianship of Minors will continue to perform their duties until the Juvenile Courts commence operation.

Fifth transitory provision. Judges and State Prosecutors by admission and by promotion.

1. Once this Law has entered into force, the distinction made, within the categories of Judge and State Prosecutor, between the ranks of "by admission" and "by promotion" is annulled.

2. To this end, those who, in accordance with the stipulations of Organic Law 5/1981, of 16 November, on entry into the Judiciary and Body of Court Registrars within the Judicial Administration, hold the category and the rank of Judges by admission, will be placed, in order, after the last Judge holding the rank of Judge by promotion, within the Judicial hierarchy.

Sixth transitory provision. The integration of Prosecuting Lawyers.

1. Those who, in accordance with the stipulations of Law 50/1981, of 30 December, hold the category and the rank of Prosecuting Lawyer by promotion, in terms of personal category, and of Prosecuting Lawyer by admission, will be placed, in order, within the hierarchy of the State Prosecutor's Office, after the last prosecutor holding the category and rank of Prosecuting Lawyer by promotion.

2. Prosecuting Lawyers by admission who have exercised the right to the option recognised in the Second Transitory Provision of the aforementioned Law and hold, in terms of personal category, the rank of Prosecuting Lawyer by promotion, will recover, upon the entry into force of this Law, all rights that they renounced, with capacity, when they are due for promotion into the second category for time served, to opt to continue within the same category, renouncing all effects of the promotion. The same right will be afforded to Prosecuting Lawyers by admission emanating from the defunct Body of District Prosecutors.

3. The three years of effective service in the third category required, in accordance with article 37.1.2. of the Organic Statute for the State Prosecutor's Office, to enter the second category via competitive examination, will be understood to refer, for all Prosecuting Lawyers by admission, irrespective of whether or not they hold the promotion rank at a personal level, to the services afforded in the category upon the entry into force of this Law.

Seventh transitory provision. The Judicial School.

1. Upon the entry into force of this Law, the Judicial School will be henceforth be called the Centre for Legal Studies. Personnel, assets, materials and economic resources will be transferred to the Judicial Studies Centre.
2. The Director, the Head of Studies and the Secretary of the Judicial School will continue to perform their duties until the heads of the corresponding management bodies within the Centre for Legal Studies have taken up their posts.
3. Courses that are underway will be taken over by the Centre for Legal Studies, which will also develop subsequent programmed courses, until such time as its regulation is enacted.

Eighth transitory provision. Situations of Judges and Magistrates.

1. Judges and Magistrates in a situation of special leave or supernumerary situation who, in accordance with this Law, are to be assigned a situation of voluntary leave, must request reinstatement into active service within three months, to be counted from the entry into force of the Law on Judicial Bodies. Where they fail to issue this request within the aforementioned deadline, they will automatically be assigned a situation of voluntary leave for personal interest, effective from the date of entry into force of this Law.
2. Those in a situation of special leave or supernumerary situation to whom the situation of special services corresponds, in this case, will be considered to be in the corresponding situation upon the entry into force of this Law, with the time they remain on voluntary leave being counted as effective service within the profession, the situation of special services corresponding therein, according to the stipulations of this law.
3. When they cease to be on leave for special services, unless they have obtained a post, they will be provisionally assigned to the Chambers of the Supreme Court, to the High Courts of Justice or to the National High Court, or to Courts within the municipality to which they were assigned upon ceasing active duty, to be determined by the corresponding Governing Chamber, on the basis of their category and the judicial sphere in which they served.
4. This assignment will remain in effect until the first vacancy in their category arises and, where applicable, posting in the Supreme Court, the High Courts of Justice, Provincial Courts or Courts to which they were assigned, which will be awarded to them without a selection process and on a priority basis.
5. The period of ten years referred to in paragraph 3 of article 357 will be calculated, for Judges and Magistrates in a situation of voluntary leave when this Law enters into force, from this date onwards.
6. Members of the Judiciary who, on the date of the passing of paragraphs 6, 7 and 8 of this transitory provision, are in a situation of being on voluntary leave for the motive envisaged in letter f) of article 356, will be considered, where they so request, to be in a situation of being on special service, from the date of their appointment or acceptance of the post, and the time that they remain in a situation of voluntary leave will be calculated as effective service within the Judiciary.

This system, and the stipulations of the letters f) in articles 351 and 356 is application to professionals within the State Prosecutor's Office and members of the Body of Court Registrars, irrespective of their category,

7. When they cease to be on leave for special services, unless they have obtained a post via a competitive selection process, they will be provisionally assigned to the Chambers of the Supreme Court, to the High Courts of Justice or to the National High Court, or to Courts within the municipality to which they were assigned upon ceasing active duty, on the basis of their category and the judicial sphere in which they served.
8. This assignment will remain in effect until the first vacancy in their category arises and, where applicable, posting in the Supreme Court, the High Courts of Justice, Provincial Courts or Courts to which they were assigned, which will be awarded to them without a selection process and on a priority basis.

Ninth transitory provision. Secondments.

Judges and Magistrates who, upon entry into force of this Law, are on secondment in judicial bodies, in the Ministry of Justice or in the Ministry for Employment and Social Security, or in any other ministerial department or administrative body, will cease any such secondment and return to their judicial destination within the two-month period subsequent to the entry into force of this Law.

Tenth transitory provision. Disciplinary Proceedings.

1. Disciplinary proceedings that are underway when this Law enters into force will be adapted to the stipulations herein outlined with regards to competence, procedure and appeals.
2. With regards to the classification of the occurrences or behaviour and the imposition of sanctions, the principle of non-retroactivity will be applied, except where the provisions of this Law are more favourable to the individual subject to disciplinary proceedings, in his or her view.

Eleventh transitory provision. Presidents of the Chambers of the Supreme Court.

The current Presidents of the Chambers of the Supreme Court will continue to carry out their duties until such time as, having constituted the General Council of the Judiciary in accordance with the stipulations of this Law, they are ratified or substituted by this body within a period of three months.

Twelfth transitory provision. Assignment of posts within the Supreme Court.

1. Vacancies that arise within the Chambers of the Supreme Court subsequent to the entry into force of this Law, will be filled in accordance with the stipulations herein outlined, applying the following rules on a transitory basis:
 - 1.^a Vacancies that arise due to the withdrawal of Magistrates not emanating from the Judiciary will be filled by Lawyers and other Jurists of great prestige.
 - 2.^a Vacancies left by Magistrates emanating from the Judiciary will be filled in the following manner:
 - a) The first, by a Magistrate who has ten years of service in specialised bodies within the judicial sphere of the Chamber in question.
 - b) The second, by a Magistrate who meets the general requisites for entry into the Supreme Court.
 - c) The third, in the same manner as the first; and the fourth, in the same manner as the second.
2. Notwithstanding, with regards to the Administrative Chamber, the second and fourth posts will be filled in the manner outlined in letter a) of article 344 of this Law.
3. The rules outlined above will always be enforced in such a manner to avoid violation of the ratio outlined in article 344 of the Law.
4. Once the composition envisaged in this Law has been achieved, the general regulations herein outlined will continue to apply.

Thirteenth transitory provision. Presidents of the Territorial Courts and the Provincial Courts.

1. The current Presidents of the Territorial Courts and the Provincial Courts will continue to carry out their duties until such time as, having constituted the General Council of the Judiciary in accordance with the stipulations of this Law, they are ratified or substituted by this body within a period of three months.
2. Once the High Courts of Justice have been constituted, those who are Presidents of Territorial Courts at this point will be relieved of their post and the Presidents of the former will be appointed.

3. The Presidents of the Provincial and Territorial Courts who are relieved of their post, will be assigned, respectively, to the appropriate Provincial Court or Higher Court of Justice and will occupy the first vacancy that arises in the Provincial Court or Higher Court of Justice to which they are assigned, where they have not previously obtained another post, on their own initiative.

However, the Presidents of the Territorial Courts of Madrid and Barcelona, where they are relieved of their post, will be assigned to the Supreme Court.

Fourteenth transitory provision. Senior Judges.

The current Senior Courts of First Instance and Examining Magistrate's Courts, in municipalities where there are ten or more such bodies, will continue to perform their duties until such time as the respective Board of Judges carries out the election process outlined in article 166 of this Law, within a deadline of two months. Where they are not elected or appointed to posts, they will be assigned, where applicable, to the Provincial Court in the respective capital until such time as they are assigned their own position.

Fifteenth transitory provision. Magistrates entering the Administrative sphere via competitive selection processes.

1. Magistrates who enter the Administrative sphere via competitive selection process will be entitled to appointment outlined in letter a) of article 344 and will maintain the reservation of two of every five posts as Magistrate of the Administrative Chamber within the Supreme Court. Nevertheless, the General Council of the Judiciary may employ its own criteria when making the appointments where there are no Magistrates of this nature who meet the legal requirements, or none of them are sufficiently qualified for the appointment to be made. Those who are appointed in accordance with the previous paragraph, in terms of the compositional ratio of the Chamber, will be understood to have been appointed under letter a) of article 344 of this Law.

2. The Magistrates referred to in the previous paragraph will maintain the rights recognised in the first final provision of Law 17/1980, of 24 April, establishing the remunerative system of the civil servants in the service of the Judiciary.

3. They will be afforded priority of the remaining members of the Judiciary for the assignation of posts as specialists within Administrative Chambers and the assignation of posts in specialised Courts within this judicial sphere, in the terms envisaged in articles 3292 and 3302.

4. Magistrates entering the Administrative sphere via competitive selection processes who emanate from the State Prosecutor's Office will remain in the same situation of voluntary leave.

Sixteenth transitory provision. Pro tempore Magistrates.

Until such time as the legal year in which this Law enters into force has finalised, those currently serving as pro tempore Magistrates will continue to perform their duties. Within the three-month period subsequent to its entry into force, the Governing Chambers will make a fresh proposal for pro tempore Magistrates for the next legal year, abiding by the stipulations of this Law.

Seventeenth transitory provision. The Body of Employment Magistrates.

1. Upon the entry into force of this Law, no further selection processes for entry into the Body of Employment Magistrates will be convened.

2. Current Employment Magistrates emanating from the Judiciary will be incorporated into the Judiciary with the same category that they possessed and occupying the ranked position corresponding to them, and will henceforth be regulated, in terms of the assignment of posts and promotion within categories, by the provisions of this Law.

Those who are members of the Body of Employment Magistrates referred to in the previous paragraph will be considered specialists, in terms of the stipulations of article 344, a) of this Law.

3. Those emanating from the State Prosecutor's Office will be incorporated into the Judiciary, placed within the hierarchy under the corresponding b-section in accordance with their years of service therein, where they will remain in a situation of voluntary leave.

4. With regards to priority for the filling of posts as specialists in Labour Chambers and Courts, outlined in articles 329 and 330 of this Law, current Employment Magistrates will be afforded priority over all remaining members of the Judiciary.

5. The current hierarchy within the Body of Employment Magistrates will be maintained as an annexed scale within the Judiciary, with all members conserving their respective positions, categories and seniority. This scale will be used to determine the order of priority amongst them for the assignment of positions within Labour Chambers and Labour Courts.

Eighteenth transitory provision. The Central Employment Tribunal.

The Central Employment Tribunal will be abolished on the date on which the Labour Chambers of the National High Court and of the High Courts of Justice commence operation, which will be established by the Law on Judicial Bodies. The following rules will apply:

1.^a The Presidents and Magistrates of the Central Tribunal who, in accordance with the stipulations of the previous Transitory Provision, are incorporated into the Judiciary, will form the Labour Chambers of the National High Court and of the High Court of Justice of Madrid, in accordance with the stipulations of this Law, and where they outnumber the posts to be filled, an order of priority will be followed on the basis of time served within the post, and the remainder will be assigned to the Labour Chamber within the High Court of Justice of Madrid, until such time as they are assigned their own position. This Chamber will hear all pending cases in the Central Tribunal, save those that correspond to the Labour Chamber of the National High Court.

2.^a The Registrars of the Chambers and of the Governing Chamber within the Central Employment Tribunal will be incorporated into the Labour Chambers of the National High Court and of the High Court of Justice of Madrid, and where they outnumber the posts to be filled, an order of priority will be followed on the basis of time served within the post, and the remainder will be assigned to the Labour Chamber within the High Court of Justice of Madrid, until such time as they are assigned their own position.

Nineteenth transitory provision. Employment Magistracies.

1. Until such times as the Labour Courts commence operation, the current Employment Magistracies will continue to carry out their duties.

2. Whilst the Employment Magistracies remain operative, vacancies will be filled in the manner outlined in article 329 of this Law.

Twentieth transitory provision. Personnel in the service of the judicial sphere of employment.

1. Administrative, support and subordinate personnel who, upon the entry into force of this Law, perform duties in Employment Magistracies or in the Central Employment Tribunal, will continue to perform duties in these bodies and, once they are established, in the Labour Courts and in the Labour Chamber of the National High Court, subject to the same regulatory system that currently applies until such time as the regulations on personnel in the service of the Judicial Administration are issued, which will establish the provisions for their integration into the various bodies of this Administration.

2. The system of incompatibilities outlined in article 489 will apply to the personnel referred to in this provision, upon the entry into force of this Law.

Twenty-first transitory provision. Registrars within the judicial sphere of employment.

Upon the entry into force of the Law on Judicial Bodies, the Body of Registrars within the Judicial Sphere of Employment will be incorporated into the Body of Court Registrars, in accordance with the following rules:

- 1.^a Registrars within Employment Magistracies, in categories A and B, will be incorporated into the second category within the Body of Court Registrars, ranked according to time served in the body of origin.
- 2.^a Registrars emanating from the judicial sphere of employment will be afforded priority to fill posts in the Labour Courts and Labour Chambers of the National High Court and the High Courts of Justice.
- 3.^a Once the Labour Chambers of the High Courts of Justice have been constituted and commence operation, Registrars emanating from the judicial sphere of employment in the current A category, will be afforded complete priority over those in category B to fill posts in these bodies.

Twenty-second transitory provision. Court Registrars.

1. Once this Law has entered into force, the distinction made, within the third category in the Body of Court Registrars, between the ranks of "by admission" and "by promotion" is annulled.
2. To this end, those who, in accordance with the stipulations of Organic Law 5/1981, of 16 November, hold the by-admission rank in the third category, will be placed, in order, after the last registrar holding the by-promotion rank in the third category within the hierarchy of the Body of Court Registrars.
3. Court Registrars who, in accordance with the stipulations of the sixth regulation of article six of Organic Law 5/1981, of 16 November, occupying a position at a lower category than the category corresponding to them, had acquired the superior category to all intents and purposes, except for economic considerations, will remain in this situation until they are assigned a post within their category.
4. Civil servants holding a degree in Law emanating from the Bodies to be abolished of Chamber Officials within the Supreme Court and Provincial Courts, Officials of the Administrative Courts and the technical scale of the Administrative Body of the Courts, who are in active service when this Law enters into force, will be incorporated into the Body of Court Registrars, within the third category, after the last individual therein assigned, ranked according to time of service.
5. Court Registrars posted within the State Prosecutor's Office upon the entry into force of this Law, will be provisionally assigned to the Higher Courts of Justice and Provincial Courts in the same municipality as their post, until they obtain their own posts via ordinary selection procedures, wherein they will be afforded priority on a one-off basis to fill any vacancies.

Twenty-third transitory provision. The remuneration of Court Registrars.

Court Registrars remunerated exclusively via fees, or operating within the mixed system of remuneration entailing a salary and fees, upon the entry into force of this Law, will receive only salaries and supplements in accordance with their category and post, established at a general level for Registrars, along with thirty percent of the salary due to them as a bonus, with a prohibition on fees of any nature, and will be entitled to receive the pension benefits in the manner and for the amounts established for civil servants, in which regard, the services provided within the Body since their date of entry will be calculated.

Twenty-fourth transitory provision. Court Registrars in Justices of the Peace in municipalities with more than seven thousand inhabitants.

1. Upon the entry into force of this Law, no further competitive selection processes for entry into the Body of Court Registrars in Justices of the Peace in municipalities with more than seven thousand inhabitants, which is to be abolished.
2. Civil servants within the Body of Court Registrars in Justices of the Peace in municipalities with more than seven thousand inhabitants, which is to be abolished, who, upon the entry into force of this Law, hold a degree in Law, will be incorporated into the third category in the Body of Court Registrars within the Judicial Administration, covering, strictly ordered on the basis of time served, via the specific selection processes for this Body, any vacancies existing within this category.
3. Posts as Registrars in Justices of the Peace in municipalities with more than seven thousand inhabitants, whilst members of the Body referred to in this Provision who meet the legal requirements to fill these posts continue to exist, will be announced when they become vacant, to be filled via competitive selection process between these members.
4. Where a post assigned to a Registrar within the Body of Court Registrars in Justices of the Peace in municipalities with more than seven thousand inhabitants is declared unfilled due to a lack of applicants, the posts will be reserved in order to be assigned in accordance with the stipulations of article 481 of this Law.
5. Civil servants within the Body of Court Registrars in Justices of the Peace in municipalities with more than seven thousand inhabitants, which is to be abolished, who, upon the entry into force of this Law, obtain a degree in Law, may participate in the competitive selection processes referred to in article 478.

Twenty-fifth transitory provision. Lawyers of the Ministry of Justice.

Members of the Judiciary in a supernumerary situation, whilst on active or special service within the Special Technical Body of Lawyers of the Ministry of Justice, currently incorporated into the Higher Body of State Lawyers, who, upon entering active service, do not obtain any of the posts referred to in the Tenth Additional Provision within the Ministry of Justice, will be assigned to the High Court of Justice or Provincial Court of Madrid, until such time as they obtain their own posts.

Twenty-sixth transitory provision. Concerning the civil servants of the current Courts for the Guardianship of Minors.

1. The category of Unipersonal Juvenile Judge is to be abolished. Such Judges can continue to hold their posts in the new Juvenile Courts in the municipality in which they were performing duties. When performing judicial duties, the legal stature for the Judiciary will be applicable to them.
2. Those pertaining to the category of Registrars of Courts for the Guardianship of Minors will be incorporated into the Body of Court Registrars, ranked within the b-section in accordance with their length of service in their original posts.
3. Personnel who, upon the entry into force of this Law, perform duties in Courts for the Guardianship of Minors, will continue to perform duties in these bodies and, once they are established, in the Juvenile Courts, subject to the same regulatory system that currently applies until such time as the regulations on personnel in the service of the Judicial Administration are issued, which will establish the provisions for their integration into the various bodies of this Administration.

The system of incompatibilities outlined in article 489 will apply to the personnel referred to in this provision, upon the entry into force of this Law.

Twenty-seventh transitory provision. Social Risk and Rehabilitation Courts.

1. The current Social Risk and Rehabilitation Courts that are assigned prison supervision duties, and those that are exclusively assigned such duties, will continue to perform these duties as Prison Supervision Courts, until they are constituted by the Law on Judicial Bodies. Upon the entry into force of this Law, the aforementioned Courts will be termed Prison

Supervision Courts and will carry out the duties corresponding to such bodies, notwithstanding the determinations made in this regard in the Law on Judicial Bodies.

2. Competency with regards to social risk and rehabilitation will reside with Examining Magistrate's Courts. The Examining Magistrate's Court with jurisdiction over the area in which the alleged risk arose will have competence.

3. Whilst no contradictory determination is forthcoming, the current Chamber for Social Risk and Rehabilitation within the National High Court will continue to hear the petitions for appeal and appeals of complaint against the rulings issued by Examining Magistrate's Courts in the area outlined in the previous paragraph.

4. Cases that are underway will be resolved by the corresponding Court, determined via the previous legislation.

Twenty-eighth transitory provision. The transitory retirement scheme.

Members of the remaining Bodies within the Judicial Administration who, upon the entry into force of this Law, are between sixty-two and sixty-four years of age, will retire in half the time remaining to them to reach the age of sixty-eight years of age on that date. Those who are sixty-five years of age or over on the aforementioned date, will retire two years subsequent to the entry into force of the Law, save where they reach the age of seventy beforehand.

Twenty-ninth transitory provision.

The proceedings referred to in the eighth additional provision that commenced prior to the date on which this Law entered into force, will continue to be processed in accordance with the regulations that applied when they were initiated.

Thirtieth transitory provision.

The cities of Ceuta and Melilla will retain the legal assignments that they currently possess, unless the legislation on judicial bodies and boundaries determines otherwise.

Thirty-first transitory provision.

Within the three-month period subsequent to the entry into force of the Law on Judicial Bodies and in accordance with the stipulations of this Law, Justices of the Peace will be appointed and those holding such posts up to this point will be relieved of their duties.

Thirty-second transitory provision.

Within the month following the publication of this Organic Law in the Official State Gazette, all members of the Judiciary and personnel in the service of the Judicial Administration who have not yet done so will make the oath or promise envisaged in articles 318 and 460 of this law, respectively.

Thirty-third transitory provision.

The competitive examinations and selection processes for entry into the Bodies referred to in this Law, for internal promotion or to fill vacancies, which have been convened upon its entry into force, will be resolved by the body charged with making the determination in accordance with the previous legislation.

Thirty-fourth transitory provision.

Until such time as the Law on Judicial Bodies has been passed, existing judicial bodies will retain the organisation and competencies they possessed upon the entry into force of this Law.

Thirty-fifth transitory provision.

The period of tutored work experience as an assistant Judge, within the theoretical course and work experience for selection programme, outlined in article 307 of this Organic Law on the Judiciary, will last for a period of six months for all applicants wishing to enter the Judiciary who have successfully passed the convened entry examinations, and those who are successful in the subsequent call for applicants convened subsequent to the entry into force of this transitory provision.

Thirty-sixth transitory provision.

Up until 31 December 2003, the retirement age for Judges and Magistrates envisaged in article 386.1 is set at seventy-two years of age. Up until 31 December 2004, the retirement age for Judges and Magistrates is set at seventy-one years of age.

Thirty-seventh transitory provision.

Up until 31 December 2003, those who, fulfilling the requisites outlined in article 201, have not yet reached seventy-five years of age can be proposed as pro tempore Magistrates.

Thirty-eighth transitory provision.

For a period of no more than four years, the General Council of the Judiciary may, in view of the general requirements of planning and organisation within the Judicial Career and its adjustment to judicial bodies, exempt members of the Judiciary from the requirement outlined in article 311.2 of Organic Law 6/1985, of 1 July, on the Judiciary, of having afforded three years of effective service as judges to enter the category of Magistrate in the circumstances contemplated in the first paragraph of section 1 of the aforementioned article.

Thirty-ninth transitory provision.

Judges who, having renounced promotion in accordance with the previous legislation, are obliged to remain for a certain period within this category, cannot be promoted until this period has transpired. Subsequent to promotion, where they opt to remain in the post that they were holding, they will be barred from participating in ordinary transfer selection processes for a period of three years.

Fortieth transitory provision. *Transitory system.*

Judges and Magistrates who, upon the entry into force of this transitory provision, are seconded, with relief from duties, to the service of the Supreme Court, will from this point onwards be deemed to be on special service within the Judiciary, a situation in which they will remain until such time as the posts are filled via the corresponding selection process.

Forty-first transitory provision. *Suspension of the payment of the December 2012 salary bonus.*

The suspension of payment of the December 2012 salary bonus for members of the Body of Court Registrars and the remaining personnel in the service of the Judicial Administration will be implemented in the manner stipulated in Royal Decree-Law 20/2012, of 13 July, on measures to ensure budgetary stability and promote competitiveness, adjusting this payment in such a manner that the reduction is the same that is applied to all other civil servants.

Repealing Provision.

1. The following Laws and provisions are repealed:

- The Provisional Law on the Organisation of the Judiciary of 15 September 1870.
- The Supplementary Law to the Organic Law on the Judiciary of 14 October 1882.
- The Organic Law on Employment Magistracies of 17 October 1940.

- The Law on the General Regulation Municipal Justice of 19 July 1944.
- The Organic Law on the National Body of Forensic Scientists, of 17 July 1947.
- The Law on the Administrative Judicial Sphere, of 27 December 1956, in those aspects that regulate this judicial sphere and the structure of its bodies.
- Law 11/1966, of 18 March, on the organic organisation of Civil Servants within the Judicial Administration.
- Law 33/1966, of 31 May, on the organic organisation of Civil Servants within the Judicial Sphere of Employment.
- The provisions of Organic Law 42/1974, of 28 November, on the General Regulations for Justice, declared entered into force via Royal Decree-Law 24/1976, of 26 November, which extends the deadline for the coordination of Law 42/1974, of 28 November, on the General Regulations for Justice.
- Royal Decree-Law 1/1977, of 4 January, creating the National High Court.
- Royal Decree 2104/1977, of 29 July, approving the partially coordinated text of the Organic Law on the General Regulations for Justice, of 28 November 1974, concerning District Courts and other aspects.
- Organic Law 1/1980, of 10 January, on the General Council of the Judiciary.
- The first Additional Provision of Law 17/1980, of 24 April, establishing the remunerative system of the civil servants in the service of the Judiciary.
- Organic Law 5/1981, of 16 November, on entry into the Judiciary and Body of Court Registrars within the Judicial Administration.
- Organic Law 12/1983, of 16 November, modifying the competencies of the National High Court.
- Organic Law 4/1984, of 30 April, modifying law 5/1981, of 16 November.
- Any other laws or provisions that contradict the stipulations of this Organic Law.

2. Nevertheless, Organic Law 6/1984, of 24 May, regulating the habeas corpus procedure, remains in effect.

First Final Provision.

In Book VIII of this Organic Law, Title V has the status of an ordinary Law.

Second Final Provision.

This Organic Law shall enter into force three months subsequent to its publication in the Official State Gazette.

Whereby,

I order all Spaniards, whether individuals or authorities, to observe this Organic Law and ensure its observance.

Zarzuela Palace, Madrid, on 1 July 1985.

JUAN CARLOS, REX

The President of the Government,

FELIPE GONZALEZ MARQUEZ.