

Supreme Court Act

(665/2005, amendments up to 680/2016 included)

Chapter 1

Duties of the Supreme Court

Section 1

The Supreme Court exercises judicial power as the final instance in civil and criminal matters.

The Supreme Court supervises the judicial procedure within its field of competence.

Section 2

As judicial procedure matters, the Supreme Court considers

- 1) matters concerning appeals against a decision of a court of appeal,
- 2) matters concerning appeals against a decision of another court or judicial body as provided elsewhere,
- 3) matters concerning extraordinary appeals as provided elsewhere,
- 4) charges concerning offences in public office committed by the president or a member of a court of appeal or the Deputy Prosecutor General,
- 5) questions on whether a case or matter is to be examined by a general court, a special court or an administrative authority,
- 6) other matters which according to law are to be considered as judicial procedure matters.

Section 3

As other duties, the Supreme Court

- 1) gives statements on Acts submitted to the President of the Republic for confirmation as provided in section 77 of the Constitution of Finland.
- 2) gives statements on presidential pardons as provided in section 105 of the Constitution of Finland.
- 3) considers matters belonging to it under the Act on the Autonomy of Åland (1144/1991).
- 4) considers matters concerning extradition on the basis of an offence as provided elsewhere,
- 5) considers other matters relating to administration of justice assigned to it by other statutes,
- 6) considers judicial administration matters as provided elsewhere.

Section 4

Upon request, the Supreme Court may give statements on legislative issues to the government.

The Supreme Court may submit proposals to the government for initiation of legislative action.

Section 5 has been repealed by Act 25.8.2016/680 which entered into force 1 Jan 2017.

Chapter 2 Resolution

Section 6

The Supreme Court considers and resolves matters in chambers. Provisions on the quorum in the Supreme Court are laid down in the Code of Judicial Procedure.

Section 7

The President may transfer the consideration of a judicial procedure matter to the extent necessary to a plenary session or to an enhanced composition with 11 members, if it is found that the chamber's decision in a matter or a part of it would be in contrast with an earlier decision of the Supreme Court. The president may also in other cases transfer the consideration of a judicial procedure matter that is far-reaching or of major importance as a matter of principle or a part of such a matter to a plenary session or to an enhanced composition.

Section 8

The proposals for initiation of legislative action referred to in section 4 (2) are considered in a plenary session. Judicial administration matters referred to in section 3 (1)(6) are also considered in a plenary session, unless otherwise provided in the Rules of Procedure.

In other matters referred to in sections 3 and 4, five members of the Supreme Court constitute a quorum. However, the Supreme Court may decide to refer a matter or a part of to a plenary session or another enhanced composition.

Section 9

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

The President decides matters upon presentation as provided in the Rules of Procedure.

Chapter 3 President and other members

Section 10 (25.8.2016/680)

The Supreme Court consists of a President and at least fifteen Justices. Provisions on the appointment and qualifications of the President and the Justices of the Supreme Court are laid down in the Courts Act (673/2016).

The provisions on temporary Justices of the Supreme Court are laid down in the Courts Act.

Section 11

The President leads the Supreme Court and is responsible for its successful operation.

When the President is prevented from attending to his or her duties, these are taken over by the most senior-ranking member on duty.

Section 12

The plenary session of the Supreme Court consists of the President and the members on duty.

Chapter 4

Referendaries and other employees

Section 13 (25.8.2016/680)

In the Supreme Court, a matter may be presented by the Secretary General, Referendary Counsellors, Senior Judicial Secretaries and Judicial Secretaries.

Referendaries are appointed by the Supreme Court. Not more than one third of the offices of the referendaries may be temporary offices as Referendary Counsellors. The term of such temporary appointments may be at the most five years at a time. The term of the appointment may only on special grounds be shorter than five years. In other respects, the provisions on qualifications, grounds for appointment and temporary judicial appointments of judges in the Courts Act apply to referendaries.

Provisions on other offices and officials at the Supreme Court are laid down in the Rules of Procedure.

Section 14 (25.8.2016/680)

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

The provisions on judges and the office of a judge in the Courts Act apply to the referendaries and the office of a referendary at the Supreme Court.

Chapter 5

Temporary arrangements concerning offices

Section 15

The President may be granted leave of absence for no longer than one month a year. Decisions to grant a longer leave of absence than this are made in a plenary session.

The Supreme Court grants leave of absence to a Justice. The decision is made in a plenary session unless otherwise provided in the Rules of Procedure.

Section 16

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

Chapter 6

Miscellaneous provisions

Section 17

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

Section 18

The Supreme Court issues Rules of Procedure for itself. Further provisions on the consideration of matters and other operations of the Supreme Court are given in the Rules of Procedure. In the Rules of Procedure the Supreme Court may exempt members referred to in section 10 (2) from considering matters referred to in section 3, paragraphs 5 and 6, and financial and administrative matters concerning the Supreme Court.

The Rules of Procedure of the Supreme Court are published in the Statutes of Finland.

Section 19

This Act enters into force on 31 December 2005.