CODE OF JUDICIAL PROCEDURE 4/1734

(amendments up to 12 June 2015, 2015/732 included)

Chapter 1 — General courts of law (323/1969)

Section 1 (354/1987)
The general courts of law are the *District Court* as the court of first instance, the *Court of Appeal* as the appellate court and *the Supreme Court* as the highest appellate court.

Section 2 (354/1987)
The legally trained members of the District Court are the c*hief judge of the District Court* and the *district judges*; the other members are *lay judges*. A legally trained member shall serve as the chairperson of the District Court.

Section 3 (58/1994)
The members of the Court of Appeal are the *President of the Court of Appeal*, the S*enior Justices of the Court of Appeal* and the *Justices of the Court of Appeal*.

Section 4 (354/1987)
The members of the Supreme Court are the *President of the Supreme Court* and the *Justices of the Supreme Court*.

[section 5 has been repealed; 354/1987]

Section 6
If there are no more than seven members in a court of law, a father and son, a father-in-law and son-in-law, two brothers, or two brothers-in-law shall not both be members of that court. In any event, a court of law shall not have more than two members related to one another in a manner mentioned above.

Section 6a (1049/1986)
(1) The members of a court of law shall either take a judge's oath or give a judge's affirmation, at their choice. However, a member who does not have a religious affiliation shall give a judge's affirmation.
(2) The wording of the oath is provided in section 7. The wording of the affirmation follows that of the oath, *mutatis mutandis*.

Section 7
A judge shall take the following oath: "I, <insert name>, do promise and swear by God and His Holy Gospels that to the best of my understanding and conscience I wish to and shall in all judgments render justice to poor and rich alike and render judgment in accordance with the laws and lawful rules of God and country: I shall never, under any pretext, pervert the law nor promote injustice because of kinship, relationship through marriage, friendship, envy, hatred or fear, or for the sake of gifts or benefits or other reasons, nor shall I find an innocent person guilty or a guilty person innocent. Furthermore, I shall not, before pronouncing a judgment or thereafter, reveal to the parties or to anyone else anything about the deliberations that the Court has held behind closed doors. All of this I wish to and shall fulfil faithfully, honestly and as an earnest judge, without deceit and

intrigue, so help me God, in body and mind." No one shall assume judicial office before taking this oath.

Section 8 (1052/1991)
The chief judge of the District Court and a district judge shall take the oath referred to in section 7 before the Court of Appeal; a lay judge shall take the oath before the District Court.

Section 9
If a judge puts another in his or her place without leave to do so, the judge shall be dismissed from office.
[section 10 has been repealed; 350/1976]

Section 11
A judge shall carefully examine the true purpose and grounds for the law and render judgment accordingly, and not as he or she pleases, against the law. In the absence of statutory law, the custom of the land, if not unreasonable, shall also be his or her guide in rendering judgment.

Section 12
If, through manifest negligence or incompetence, a judge renders an erroneous judgment he or she shall be liable to compensate all damage so caused. If he or she does so deliberately, because of enmity and malice, or for friendship, gifts and gain, he or she shall be dismissed from office and be liable to compensate all damage so caused, and forfeit the gifts. Should someone lose his or her life because of such an erroneous judgment, the judge shall also be dismissed because of his or her wickedness and malice.

Chapter 2 — Quorum (1052/1991)

Section 1 (439/2014)
(1) In a criminal case, the District Court shall have a quorum with the chairman and two lay judges present.
(2) In a criminal case, the District Court shall also have a quorum with three legally trained members present, if this is deemed justified with consideration to the nature of the case or another special reason.

Section 2 (339/2014)
The composition of the District Court referred to in section 1, subsection 1 may be augmented by a second legally trained member if this is deemed justified with consideration to the nature of the case or another special reason. Under the same condition, a third lay judge may be added to the composition of the District Court.

Section 3 (1052/1991)
In cases other than those referred to in section 1, the District Court shall have a quorum with three legally trained members present.

Section 3a (339/2014)
(1) If, after the opening of the main hearing, a lay judge has become prevented from attending to his or her duties, the District Court shall have a quorum when

at least one lay judge is present.
(2) If, after the opening of the main hearing with a composition of three legally trained members, a member has become prevented from attending to his or her duties, the District Court shall have a quorum when at least two legally trained members are present.

Section 4 (811/2008)
The hearing of a civil case begun with the composition referred to in section 3 may continue with such a composition, even if during the hearing the case changes so that it should be heard with the composition referred to in section 5, section 1. The same may be done if another action which has become pending later than the present case and which should be heard with the composition referred to in section 5, subsection 1 is joined to the present case.

Section 5 (768/2002)
(1) The District Court shall have a quorum with only the chairman present:
(1) in a non-contentious civil case in which the consideration shall not be continued in accordance with the procedure for civil cases;
(2) in the preparation of a case;
(3) in the main hearing of a civil case if the judge is the same as the one who considered the preparation of the case and the nature or scope of the case do not require that it be considered with the full composition;
(4) in admitting evidence outside of the main hearing; and
(5) in a separate hearing on precautionary measures referred to in Chapter 7.
(2) The District Court shall reserve the parties an opportunity to state their views on the necessity of the full composition referred to in subsection 1(3). If a party considers the full composition necessary, the case may be decided in the main hearing with only the chairman present only for a special reason.

[subsection 3 has been repealed; 811/2008]

Section 6 (1052/1991)
(1) In a criminal case, the District Court shall have a quorum with only the chairman present also when no individual offence referred to in the charge, under the circumstances referred to in the charge, is punishable by imprisonment for more than two years or if the charges refer only to an individual offence which is
(1) violent resistance to a public official;
(2) aggravated theft;
(3) aggravated embezzlement;
(4) aggravated stealing of a motor vehicle for temporary use:
(5) aggravated receiving offence;
(6) aggravated criminal damage;
(7) aggravated fraud;
(8) aggravated means of payment fraud;
(9) an attempt of an offence mentioned in paragraphs (1) – (8).
(372/2015)
(2) When deciding a criminal case in the written proceedings referred to in Chapter 5(a) of the Criminal Procedure Act (689/1997), the District Court shall have a quorum with only the chairman present. (244/2006)

Section 6(a) (671/2014)
In deciding a criminal case in the guilty plea proceedings referred to in Chapter 5(b) of the Criminal Procedure Act, the chief judge of the District Court or a district judge shall serve as the chairperson. The District Court has a quorum also with only the chairman present.

Section 7 (811/2008)
(1) If the District Court, when hearing a case with the composition referred to in section 6, deems that the case is to be heard with the composition referred to in section 1, it shall be reassigned to be heard with the latter composition.
(2) If in the course of the main hearing the case becomes one that should be considered in the composition referred to in section 1(1), the hearing may nonetheless be continued in the composition referred to in section 6 if the Chief Judge or the district judge serves as the chairperson of the court and the continuation of the case may be deemed appropriate.

Section 8 (1052/1991)
(1) The Court of Appeal shall have a quorum with three members present.
(2) However, one member may
(1) decide on the granting of leave for continued consideration; (650/2010)
(2) decide the case if the appeal has been withdrawn in its entirety;
(3) decide a case concerning the imposition of punishment if the defendant has deceased;
(4) decide a case concerning the imposition of a conversion sentence for unpaid fines;
(5) decide a case concerning the appointment of defence counsel, trial counsel for an injured party and a support person at the Court of Appeal;
(6) decide on the granting or termination of legal aid, the appointment of trial counsel, cancellation of the appointment of trial counsel or the appointment of other counsel for a case at the Court of Appeal;
(7) decide on precautionary measures or the prohibition of or stay of enforcement;
(8) order the interim injunctions referred to in the Act on the Arrangement of the Debts of a Private Person (57/1993) and the Company Restructuring Act (47/1993);
(9) decide whether or not a court order imposing or extending a prohibition on engaging in business as well as a court order imposing a restraining order shall be in force notwithstanding an appeal;
(10) amend or specify the conditions on visiting rights with a child during consideration at the Court of Appeal in a case referred to in the Act on the Enforcement of a Court Order on the Care and Custody of a Child and on Visiting Rights (619/1996);
(11) decide on a request not presented until at the Court of Appeal for remand for trial or a travel ban;
(12) decide on the payment of the costs of the taking of evidence when a main hearing that had been ordered is not held.
(381/2003)
(3) In addition, one member may order that a main hearing is to be held in the case and make the decisions pertaining to the main hearing, as well as decide on the other measures pertaining to the preparation of the case, and confirm a settlement reached in the preparation of a case. In matters within the competence of one member, this member may also decide on the fees and remuneration of costs

for the defence counsel, trial counsel and support person as well as on the obligation to compensate court costs and the costs of the taking of evidence.
(381/2003)

Section 9 (666/2005)
(1) The Supreme Court has a quorum with five members present, unless the law provides for another composition. In order to ensure a quorum, a section of five members may have an additional member. Provisions on the transfer of consideration of a case to a plenary session or to an enhanced composition are provided in the Supreme Court Act (665/2005).
(2) Matters concerning leave of appeal are considered and decided in a section consisting of two or three members. If the matter is being considered in a section with two members, it shall be transferred to a section with three members if the members of the section so decide or are unable to agree on the decision. If an application for leave of appeal or a part of such an application has been transferred pursuant to Chapter 30, section 3, subsection 4 for consideration in connection with the appeal, the section that considers the appeal shall decide on leave of appeal.
(3) A section with one member may consider and decide a matter that concerns a precautionary measure, prohibition of or interruption of enforcement or another corresponding interim measure.

Section 10 (666/2005)
(1) At the Supreme Court, a matter concerning extraordinary appeal may be considered and decided in a section with three members if a decision is to be made only on an interim measure or the application is unanimously rejected or dismissed without consideration of the merits. Also a section consisting of one member may decide on an interim measure in a matter concerning extraordinary appeal. If the Supreme Court already earlier has rejected or dismissed an application for extraordinary appeal without consideration of the merits, such a section may also reject or dismiss a new application made in the case, without consideration of the merits, where no new circumstances or evidence are presented that would be significant from the point of view of the decision in the case.
(2) In cases other than those referred to in subsection 1 the question of extraordinary appeal shall be transferred for decision by a section consisting of five members.

Section 11 (666/2005)
Separate provisions apply to a quorum in the general courts of law in certain cases
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Chapter 3 — District court (354/1987)

Section 1 (354/1987)
One or several municipalities shall constitute the district of a District Court.

Section 2 (354/1987)
(1) The District Court shall hear cases in hearings and in chambers.
(2) A hearing may be held in the locality of the registry of the District Court even when this lies outside the district. (768/2002)

Chapter 4 (425/2003)
Language of the court proceedings

Section 1
(1) The language of court proceedings shall be either Finnish or Swedish and the decision shall be issued in either Finnish or Swedish as provided in the Language Act (423/2003).
(2) Sami may be used as the language of court proceedings in the Sami home region as provided in the Act on the Use of the Sami Language Before the Authorities (516/1991).

Section 2 (425/2003)
(1) When a language other than the one used by a Finnish- or Swedish-speaking party is used in court proceedings, said party has the right to interpretation and translations as provided in the Language Act.
(2) The Act on the Use of the Sami Language Before the Authorities contains provisions on the right to use Sami in court proceedings.
(3) A party who does not speak Finnish, Swedish or Sami and who wants interpretation or translation shall take care of this himself or herself at his or her own expense, unless the court, with consideration to the nature of the case, orders otherwise. However, the court shall ensure that citizens of other Nordic countries receive the interpretation and translation assistance that they require in cases considered by the court.
(4) The Criminal Procedure Act (689/1997) contains provisions on the right to interpretation and translation in criminal cases.

Chapter 5 — Initiation and preparation of a civil case (1052/1991)

Application for a summons

Section 1 (1052/1991)
(1) A civil case shall be initiated by a written application for a summons, delivered to the registry of the District Court.
(2) The case becomes pending and its preparation begins upon the arrival of the application to the registry.

Section 2 (1052/1991)
(1) An application for a summons shall indicate:
(1) the specified claim of the plaintiff;
(2) the circumstances on which the claim is based;
(3) as far as possible, the evidence that the plaintiff intends to present and what he or she intends to prove with each piece of evidence;
(4) the claim for the compensation of legal costs, if the plaintiff deems this necessary; and
(5) the basis for the jurisdiction of the court, unless jurisdiction can be inferred from the application for a summons or the documents annexed to it.
(768/2002)
(2) The application for a summons shall indicate the name of the court, the names and domiciles of the parties, the contact information of their legal representative or attorney, as well as the postal address and possible other address to

which the pertinent invitations, exhortations and notices may be sent (*address for service*). Notice of the telephone number and other contact information regarding the parties and witnesses or other persons to be heard shall also be given in a suitable manner to the District Court. If the plaintiff does not know the contact information of the respondent, he or she shall state what he or she has done to obtain said information. If part of the contact information subsequently changes, the plaintiff shall notify the District Court of this without delay. (362/2010)
(3) The application for a summons shall be signed by the party, or, if he or she has not prepared the application, by the person who has done so. The person who has prepared the application shall also indicate his or her occupation and domicile.

Section 3 (595/1993)
If the case relates to
(1) a debt of a specific sum,
(2) restoration of possession or a disrupted circumstance, or
(3) eviction
and the plaintiff states that to his or her knowledge the matter is not under dispute, only the circumstances on which the claim is immediately based need be included in the application for a summons as the circumstances on which the application is based. Also, in this event, the evidence referred to in section 2, subsection 1(3) need not be included in the application. However, the contract, commitment or other written evidence invoked by the plaintiff shall be clearly identified.

Section 4 (595/1993)
In addition, the contract, commitment or other written evidence invoked by the plaintiff shall be annexed to the application for a summons referred to in section 2.

Supplementing the application for a summons

Section 5 (768/2002)
(1) If an application for a summons is incomplete, the plaintiff shall be exhorted to supplement it before a deadline, if this is necessary in order to continue the preparation or for the provision of a response. At the same time the plaintiff shall be informed as to how the application is incomplete and that the action may be dismissed without considering the merits or dismissed on the merits if the plaintiff does not heed the exhortation.
(2) The court may, for a special reason, extend the deadline referred to in subsection 1.
(3) The request for supplementing the application for a summons may be made, and the deadline for supplementation may be extended, also by telephone or the use of other suitable means of communication. However, the action may not be dismissed without considering the merits on the basis of section 6, subsection 1, even if the plaintiff
fails to heed the exhortation communicated to him or her in
such a manner.

Dismissal without consideration of the merits and decision without requesting a response

Section 6 (1052/1991)
(1) The court shall immediately dismiss the case without considering the merits if the plaintiff fails to comply with the exhortation referred to in section 5 and if the application for a summons is so incomplete that it is unsuitable as the basis for proceedings, or if the court for another reason cannot accept the case for consideration.
(2) A court shall refrain from issuing a summons and immediately dismiss the action on the merits by a judgment if the claim of the plaintiff is manifestly without a basis.

Issuing of an interim order

Section 7 (1052/1991)
When considering a case relating to the restoration of possession or of a disrupted circumstance on the request of the plaintiff, a court may, without reserving the opposing party an opportunity to be heard, issue an interim order to the effect that the possession or the disrupted circumstance shall be restored immediately or that other restorative measures shall be undertaken, until otherwise ordered.

Summons

Section 8 (1052/1991)
If the action is not dismissed without considering the merits or dismissed on the merits in accordance with section 6, the court shall issue a summons without delay.

Section 9 (1052/1991)
(1) In the summons, the respondent shall be exhorted to respond to the action in writing. If it may be presumed that an oral response will expedite the hearing of the case or that the respondent is not going to respond in writing, he or she may be exhorted to respond in a preparatory hearing.
(2) On the request of a respondent who has been exhorted to respond in writing, the court may, for a special reason, permit the respondent instead to respond orally in the court registry or in the courtroom.

Section 10 (768/2002)
(1) In the summons the respondent shall be exhorted:
(1) to state whether he or she admits or contests the action;
(2) if he or she contests the action, to present the grounds for contesting that are relevant in respect of deciding the case;
(3) to list, as far as possible, the evidence that he or she intends to present and what he or she intends to prove with each piece of evidence;
(4) to make a claim for compensation of legal costs, if he or she deems this necessary;
(5) to annex to the response the document on which the contesting is based, in the original or as a copy, and the written evidence invoked in the response; and
(6) to enter a possible plea of inadmissibility.
(2) In addition, the court may exhort the respondent to give a statement regarding a particular question.

(3) In the summons the respondent shall be exhorted to indicate the contact information regarding his or her lawful representative or counsel as well as the postal address and possible other address to which the pertinent invitations, exhortations and notices may be sent (*address for service*). The summons shall note that service of a document may be made on the respondent by sending it to the address for service indicated by the respondent in his or her response. In addition, the respondent shall indicate to the District Court in a suitable manner his or her own telephone number and other contact information as well as that of a witness or other person to be heard. If part of the contact information subsequently changes, the plaintiff shall notify the District Court of this without delay. (362/2010)
(4) In addition, the summons shall state that a written response is to be signed by the party or, if he or she has not prepared the response, by the person who has prepared it and that the person who has prepared the response is to indicate his or her occupation and domicile.

Section 11 (1052/1991)
(1) The summons shall state that the written response is to be delivered to the court registry before a deadline calculated from the service of the summons. An extension may be granted for a special reason if the request for this has been submitted before the end of the period.
(2) If the respondent is exhorted to respond orally, the court shall invite the plaintiff and, by way of service of the summons, the respondent to a preparatory hearing. Notice shall be given at the same time of the date, time, and place of the hearing.
(3) The summons or the invitation shall include a notification of the sanction for failure to submit a written response or to appear at a hearing.

Section 12 (1052/1991)
(1) The summons, the application for the summons and the documents annexed to it shall be served on the respondent as provided in Chapter 11.
(2) However, the documents annexed to an application for a summons referred to in section 3 need not be served on the respondent. In this event, the summons shall state that the documents are available to the respondent in the court registry and that they will be sent to the respondent upon request. (595/1993)

Decision without continuing the preparation

Section 13 (1052/1991)
(1) If, in a case amenable to settlement, a respondent who has been exhorted to respond in writing,
(1) has not delivered the requested response before the deadline or
(2) has not presented grounds in his or her response for contesting the action or has referred only to grounds that are manifestly irrelevant in deciding the case,
the case shall be decided without continuing the preparation. In this event, the action shall be upheld by a judgment by default. In so far as the plaintiff has abandoned the action or it is manifestly without a basis, the action shall be dismissed on the merits by a judgment. (768/2002)
(2) A judgment by default may be given pursuant to this section even if the plaintiff has not so requested.

Provision on negotiable promissory notes

Section 14 (1052/1991)
(1) If the claim of the plaintiff is based on a negotiable promissory note, a bill of exchange or a cheque, the respondent shall in the summons be exhorted to respond in writing, unless the plaintiff has requested that the respondent be exhorted to respond orally in a hearing.
(2) If, in a case referred to in subsection 1, the respondent
(1) has not submitted the requested response,
(2) has not presented plausible reasons for contesting the action, or
(3) has not presented an enforceable judgment, a negotiable promissory note, a bill of exchange or a cheque that is admissible for set-off,
the case shall be decided without continuing the preparation. In this event, the action shall be upheld by a judgment by default. In so far as the plaintiff has abandoned the action or it is manifestly without a basis, the action shall be dismissed by a judgment. (768/2002)
(3) The original negotiable promissory note, bill of exchange or cheque on which the claim is based shall be annexed to the application for the summons or to the response.
(4) A judgment by default may be given pursuant to this section even if the plaintiff has not so requested.

Continuing the preparation

Section 15 (768/2002)
(1) Unless the case has been decided in accordance with section 13 or 14, the preparation shall continue in writing or orally in a hearing *(preparatory session)* or the case shall be transferred directly to the main hearing, as provided below.

Section 15a (768/2002)
In continuing the preparation in writing the court may, when it deems this necessary, exhort a party to deliver a written statement to the court. In so doing the court shall indicate the issue on which a statement is required of the party. However, a party may not be exhorted to deliver written statements more than once unless there is a special reason for this.

Section 15b (768/2002)
If the goals of the preparation provided in section 19 have been met in the written preparation to the extent that it would not be expedient to continue the preparation in a preparatory session, the court may transfer the case directly to the main hearing after having reserved the parties an opportunity to state their opinion on the absence of a need for a preparatory session.

Section 15c (768/2002)
(1) In the preparatory session to which the court invites the parties, the consideration of the case shall be continued from where it was concluded in the written preparation.
(2) At the beginning of the session the court shall explain what is at issue in the case and what point had been reached in the written preparation. In addition, the court shall ask the questions necessary to reach the goals of the preparation provided

in section 19.
(3) In the session, a party may not read or give to the court a written pleading or other written statement. In his or her oral presentation, a party may in an appropriate manner make use of trial documents presented in the written preparations and use written notes as memory aids.
(4) Effort shall be made to conclude the oral preparation without delay in one session.

Section 15d (768/2002)
A preparatory session may also be held by telephone or using another suitable means of communication, through which the persons present at the session are in spoken communication with one another, if with consideration to the nature and scope of the questions to be considered in the session, this is appropriate in order to reach the goals of the preparation provided in section 19. In so doing, the provisions of Chapter 12 on the deciding of a matter without the presence of a party do not apply.

Section 16 (768/2002)
In connection with the invitation or exhortation, a party shall be notified of the sanction provided in Chapter 12 for failure of the party to appear in a hearing or to deliver a written statement. If a party is required to appear in a hearing, he or she shall at the same time be informed of the date, time and place of the hearing.

The goals and contents of the preparation (768/2002)

Section 17 (1052/1991)
(1) The court shall conduct the preparation in such a manner that the case can be dealt with in a continuous main hearing.
(2) If necessary the court shall reserve the parties an opportunity to express their opinion on how the preparation of the case should be organised. (768/2002)
(3) The preparations shall be brought to a conclusion without delay. Each party shall acquaint himself or herself with the case so well that the consideration of the case is not delayed on the basis of any neglect on his or her part. (768/2002)

Section 18 (768/2002)
(1) In the course of the preparations the court shall ensure that parties are notified of the judge responsible for the preparation of the case and of the other information necessary in order to promote the consideration of the case. The parties shall always be notified as follows:
(1) the plaintiff of the beginning of *lis pendens*, the time set for service of summons and for providing a response as well as possible extension of such time; and
(2) the requesting of a written statement from the opposing party as well as possible extension of a time period.
(2) After the arrival of a response the court shall provide the parties without delay an estimate of the timetable for the consideration.
(3) In attending to its obligations provided in subsections 1 and 2 the court may use the telephone or another suitable means of communication.
(4) Service of a written response or statement shall be made immediately to the other parties.
(5) The notices and estimates referred to in this section need not be made in a case referred to in section 3 of this Chapter, if it is decided pursuant to section 13

or 14 without continuation of the preparation, nor in a non-contentious civil case unless a decision has been made to continue its consideration in the procedure provided for civil cases.

Section 19 (1052/1991)
The following shall be clarified in the preparation:
(1) the claims of the parties and the grounds for the claims;
(2) the issues in dispute between the parties;
(3) the evidence that is going to be presented and what is intended to be proved with each piece of evidence; and
(4) the possibility of a settlement.

Section 20 (768/2002)
(1) In the preparation a party shall without delay present his or her claims and the grounds for them and express his or her opinion on what the opposing party has presented. In addition, he or she shall list all the evidence he or she intends to present and what he or she intends to prove with each piece of evidence. He or she shall also present all the written evidence that he or she invokes.
(2) In addition, a party shall on the request of the opposing party state whether he or she has in his or her possession written evidence or an object sufficiently identified by the opposing party that may be relevant in the case.

Section 21 (768/2002)
(1) In the preparation the court shall ensure that the goals provided in section 19 are met and that the parties state all the circumstances that they intend to invoke.
(2) If a written or oral statement of a party is unclear or incomplete, the court shall put the questions to him or her that are necessary to clarify the matter.
(3) The court shall ensure that nothing irrelevant is brought into the case and that no unnecessary evidence is presented in the case.

Section 22 (768/2002)
In a case amenable to settlement the court may, if necessary, exhort a party to fulfil his or her duties referred to in section 20, subsection 1 before a deadline under the threat that after the deadline he or she may not refer to a new claim or circumstance, or present new evidence, unless he or she can show that it is probable that there is a valid reason for his or her conduct.

Section 23 (1052/1991)
A severable part of the case or a procedural issue may be prepared separately by the court.

Section 24 (768/2002)
(1) In the course of the preparations, the court shall prepare a written summary of the claims of the parties and the grounds for them, and if necessary of the evidence and what is intended to be proven by each piece of evidence.
(2) If the case is decided in the preparations in accordance with section 13, 14 or 27, no summary shall be prepared unless there is a special reason for this.
(3) The summary shall be prepared already before the preparatory session if this can be deemed to promote the conduct of the oral preparation. As the preparations continue, the summary shall be supplemented as necessary.
(4) The summary may be made orally if with consideration to the nature or scope

of the case a written summary can be deemed unnecessary. In addition, a written summary may be supplemented orally. If a contested case is decided pursuant to section 27a without the holding of a session or the case is transferred after written preparation directly to the main hearing, the summary shall be made in writing.
(5) The parties shall be reserved an opportunity to express their opinion on the summary.

Section 25 (1052/1991)
(1) The decision to obtain an expert opinion, present written evidence, arrange a judicial view and undertake other preparatory measures shall be made in the preparation, if such measures are necessary in order to ensure that the evidence is simultaneously available in the main hearing.
(2) The decision to admit evidence outside of a main hearing may also be made in the preparation.
(3) A party who wishes that measures referred to in this section are undertaken shall immediately request the same in the preparation.

Obtaining a settlement

Section 26 (595/1993)
(1) In a case amenable to settlement the court shall endeavour to persuade the parties to settle the case.
(2) When the court deems it expedient in order to promote a settlement, with consideration to the wishes of the parties, the nature of the case and the other circumstances, the court may also make a proposal to the parties for the amicable settlement of the case.

Deciding the case in preparation

Section 27 (1052/1991)
(1) In the preparation the court may:
(1) in a case amenable to settlement, decide it by a judgment by default or by a judgment, on the prerequisites referred to in Chapter 12, or by a judgment on the case to the extent that the action has been conceded or the action has been abandoned;
(2) confirm a settlement; or
(3) dismiss the action without considering the merits.
(2) Sections 6, 13 and 14 contain provisions on the decision of a case by a judgment by default or by a judgment and dismissal of the action without considering the merits, on the basis of the application for a summons or the written response.

Section 27a (768/2002)
A contested case may be decided solely on the basis of written preparation if the nature of the case is such that a decision on it does not require conduct of the main hearing and none of the parties oppose the case being decided in the written preparations.

Transfer of the case to the main hearing

Section 28 (1052/1991)
(1) When the matters referred to in section 19 have been clarified in the preparation

or when it is otherwise no longer expedient to continue the preparation, the court shall note that the preparation is concluded and transfer the case to the main hearing. The court shall announce the time of the main hearing and invite the parties to the main hearing, as provided in Chapter 11. The parties shall be reserved the opportunity to express their opinion on the time of the main hearing, if this can be done without undue difficulty.
(2) When a party is invited to the main hearing, he or she shall at the same time be notified of the possible sanction referred to in Chapter 12 for failure to appear in court. At the same time notice shall be given of the date, time and place of the main hearing.
(3) If a party or his or her legal representative is required to appear in the main hearing in person, and on the basis of his or her conduct it may be presumed that he or she will not heed the invitation, the court may order that he or she be brought to the main hearing.

Section 29 (1052/1991)
If a party wishes to present evidence in the main hearing that he or she has not mentioned in the preparation, he or she shall without delay notify the court of this and state what he or she intends to prove with the evidence, as well as state the reason for not having mentioned the evidence in the preparation.

Section 30 (1052/1991)
A main hearing may be ordered for the hearing of a severable matter, even if the preparation of the case is otherwise not yet concluded. The same applies to a procedural issue.

Chapter 6 — Main hearing in a civil case (1052/1991)

Main hearing

Section 1 (1052/1991)
(1) The judge presiding over the preparation of a case shall serve as the chairperson or a member of the court in the main hearing, unless there is an impediment to this.
(2) If the court, for lack of quorum, needs to take a new member during the main hearing, a new main hearing shall be held in the case.
(3) However, when the case is being heard with the composition referred to in Chapter 2, section 3, a new main hearing need not be held if the new member taken into the court has been present during the entire main hearing.

Section 2 (768/2002)
(1) In the main hearing, the case shall be heard in the following order:
(1) at the beginning of the session, the court shall, with the assistance of a summary, briefly explain what had been concluded in the preparation of the case, and the court shall inquire whether the claims presented in the preparations still correspond to the position of the parties;
(2) each party shall in turn shall present the grounds for their position and give a statement regarding the grounds presented by the opposing party;
(3) the court shall accept the evidence submitted; and
(4) the parties shall present their closing statement.
(2) The hearing of a party for probative purposes shall proceed other testimony on

the issue being considered in the hearing. The court may order that evidence on a certain point shall be submitted before other evidence.
(3) The order referred to above in subsections 1 and 2, however, may be amended if necessary.

[section 2 has been amended as of 1 January 2016 to read as follows:
Section 2 (732/2015)
(1) In the main hearing, the case shall be heard in the following order, unless the court decides otherwise:
(1) at the beginning of the session, the court shall, with the assistance of a summary, briefly explain what had been concluded in the preparation of the case, and the court shall inquire whether the claims presented in the preparations still correspond to the position of the parties;
(2) each party shall in turn shall present their claims and the grounds for them and give a statement regarding the grounds presented by the opposing party;
(3) the court shall accept the evidence presented; and
(4) the parties shall present their closing statement.]

Section 2a (595/1993)
(1) The court shall ensure that the hearing of the case proceeds in a lucid and orderly manner. The court may also order that severable issues or severable parts of the case be dealt with separately.
(2) In addition, the court shall ensure that the case is thoroughly considered and that irrelevant matters are excluded from the case. If the statement of a party is deemed to be unclear or incomplete, the court shall put the necessary questions to him or her in order to clarify the contentious issues.

Section 3 (768/2002)
(1) The main hearing is oral. A party may not read out or submit a written statement to the court or otherwise make his or her case in writing.
(2) A party may, however, read out from a document his or her claims, direct references to case-law, the legal literature and to such documents that would be difficult to understand if presented merely orally. In addition, he or she may rely on written notes as memory aids.
(3) Reference may be made in the main hearing in an appropriate manner to a written summary drafted in the preparation.

Section 4 (1052/1991)
(1) If a party in the main hearing makes claims or presents grounds for claims other than those presented in the preparation or when a party says that he or she cannot or will not give any statement in the case, the court shall, if necessary, consult the documents and explain what the party has stated in the preparation. (768/2002)
(2) If the main hearing is held in the absence of a party, the court shall, in so far as necessary, consult the documents and explain what the absent party has stated in the case.

Section 5 (1052/1991)
(1) The case shall be dealt with in the main hearing without interruption.
(2) If the main hearing cannot be completed within one day, it may be interrupted.

The hearing shall be resumed, if possible, on consecutive days. If this is not possible, the case shall be heard on at least two weekdays per week, unless the main hearing is postponed in accordance with section 10. (244/2006)
(3) In an extensive or complicated case the main hearing may be interrupted for a maximum of three weekdays in order to allow for the parties to prepare for their oral closing statement referred to in section 2, subsection 1(5). (690/1997)

Section 6 (1052/1991)
(1) When the main hearing is being opened, the court shall determine whether the case may be taken up for a final decision.
(2) The main hearing may not be opened, and shall instead be cancelled and rescheduled, if:
(1) a party who is required to appear in the main hearing in person has failed to do so;
(2) another person whose personal presence is required has failed to appear; or
(3) there is another impediment for the matter to be taken up for a final decision.

Section 7 (1052/1991)
(1) However, the main hearing may be opened regardless of an impediment referred to in section 6, subsection 2, if there is reason to believe that the hearing of the case need not be postponed owing to the impediment.
(2) Even if the hearing is to be postponed in accordance with section 10, a main hearing may be opened regardless of an impediment, if there is reason to believe that a new main hearing need not be held, owing to a reason referred to in section 11, and if the postponement does not cause undue difficulty in the hearing of the case.
[the following subsection 3 enters into force on 1 January 2016:
(3) Chapter 17, section 55 contains provisions on the admission of evidence in the main hearing referred to in this section in the absence of a party. (732/2015)]

Section 8 (1052/1991)
(1) When a person to be heard has arrived in court, the court may, notwithstanding the cancellation of the main hearing, admit oral testimony if it can be assumed that
(1) testimony need not or cannot be presented again in the main hearing, or
(2) arrival of the person to be heard at the main hearing would, in comparison to the significance of the testimony, cause unreasonable expenses or unreasonable inconvenience.
(2) In admitting testimony on the basis of subsection 1, the case may be considered also in other respects, if this is of particular importance in order to admit the testimony.

[section 8 has been amended as of 1 January 2016 to read as follows:

***Section 8** (732/2015)*

Chapter 17 contains provisions on the admission of evidence outside of the main hearing despite the cancellation of the main hearing and on the readmission of evidence.]

Section 9 (768/2002)
(1) In a case amenable to settlement a party may not in the main hearing invoke a circumstance that he or she had not invoked in the preparation, unless he or she shows it probable that he or she has had a valid reason for not doing so.
(2) In a case amenable to settlement a party may not in the main hearing invoke evidence that he or she had not invoked in the preparation, unless it can be assumed that his or her conduct was due to a justified reason. However, new evidence may be admitted if the parties agree to this.

Section 10 (1052/1991)
(1) If the main hearing has been opened, it may be postponed only if:
(1) it has been opened in accordance with section 7;
(2) new and important evidence has come to the attention of the court and the evidence may be admitted only later; or
(3) postponement is unavoidable due to an unforeseeable circumstance or another important reason.
(2) When the main hearing is postponed, the court shall at the same time reschedule it and notify the parties of the sanction provided in Chapter 12 for the failure of a party to appear in the hearing.

Section 11 (1052/1991)
(1) A new main hearing shall be held if the main hearing of a case has been postponed once or several times for a total of more than fourteen days.
(2) Even if the duration of the postponement of a main hearing has been more than fourteen days, a new main hearing need not be held in the case, if this is deemed unnecessary for a special reason due to the nature of the case and if the continuity of the main hearing can be deemed to remain intact regardless of the postponement and interruption. However, a new main hearing shall always be held if the main hearing has been postponed for a total of more than forty-five days.

Section 12 (1052/1991)
In the new main hearing the case shall be dealt with anew. Evidence admitted earlier shall be admitted again in the main hearing to the extent that it has significance in the case and in so far as there is no impediment to this. Otherwise the evidence shall be ascertained, to the extent necessary, from the trial material of the previous main hearing.

Section 13 (1052/1991)
The court may order that the case or a part thereof be prepared again for the main hearing, and issue more specific instructions regarding the preparation.

Section 14 (1052/1991)
If the court after the conclusion of the main hearing finds it necessary to supplement the hearing in respect of a specific issue and if the issue subject to supplementation is simple or minor, the court may supplement the hearing by requesting a written statement on the issue from the parties. Otherwise the hearing may be supplemented by continuing the main hearing or by holding a new main hearing in the case.

[sections 15 – 18 have been repealed; 768/2002]

Chapter 7 — Precautionary measures (1065/1991)

Section 1 (707/2007)
If the applicant can demonstrate that it is probable that he or she holds a debt that may be rendered payable by a decision referred to in Chapter 2, section 2 of the Enforcement Code, and there is the danger that the opposing party hides, destroys or conveys his or her property or takes other action endangering the payment of the debt of the applicant, the court may order the attachment of movable or real property of the opposing party to an amount securing the debt.

Section 2 (707/2007)
An object or other given property in the possession of the opposing party may be attached also when the applicant can demonstrate that it is probable that he or she has a prior right to the object or property in question, enforceable by a decision referred to in Chapter 2, section 2 of the Enforcement Code, and that there is a danger that the opposing party hides, destroys or conveys the said object or property or takes other action endangering the right of the applicant.

Section 3 (707/2007)
(1) If the applicant can demonstrate that it is probable that he or she has a right other than one referred to in section 1 or 2 that is enforceable against the opposing party by a decision referred to in Chapter 2, section 2 of the Enforcement Code, and that there is a danger that the opposing party by deed, action or negligence or in some other manner hinders or undermines the realisation of the right of the applicant or decreases essentially its value or significance, the court may:
(1) prohibit the deed or action of the opposing party, under threat of a fine;
(2) order the opposing party to do something, under threat of a fine;
(3) empower the applicant to do something or to have something done;
(4) order that property of the opposing party be placed under the administration and care of a trustee; or
(5) order other measures necessary for securing the right of the applicant to be undertaken.
(2) When deciding on the issue of a prohibition or an order referred to in subsection 1, the court shall see to it that the opposing party does not suffer undue inconvenience in comparison with the benefit to be secured.
(3) A prerequisite for the entry into force of the prohibition or order referred to above in subsection 1 is that the applicant applies for enforcement of a precautionary measure as provided in Chapter 8 of the Enforcement Code.

Section 4 (119/2013)
(1) The general court decides on application of a precautionary measure referred to in this Chapter. The issue of the precautionary measure shall be heard by the court where the proceedings on the main claim or right of the applicant are pending. If the hearing of the main issue has been concluded and the time provided for appeal has not yet elapsed, the issue of the precautionary measure shall be heard by the court that last dealt with the main issue. If no court proceedings are pending, the competent court is be determined in accordance with the provisions of Chapter 10.
(2) If a general court of law is not competent to consider the main issue referred

to in subsection 1, the decision on the precautionary measure is made by the District Court of the locality where the opposing party resides, where the property in question or a considerable part thereof is located or where the purpose of the precautionary measures can otherwise be realised.
(3) Notwithstanding the provisions of subsection 1 and 2, the decision on the precautionary measure is made by the Market Court if the main issue is a civil case that is within the competence of the Market Court as provided by Chapter 1, section 4, subsection 1, paragraphs 1-10, 13 or 15 or subsection 2 of the Market Court Proceedings Act (100/2013) or a case referred to in Chapter 1, section 6, subsection 2(1) of said Act and proceedings on the main issue are pending before the Market Court or its consideration has been concluded in the Market Court and the time provided for appeal has not yet ended. The Market Court decides on the precautionary measure also if the proceedings on said main issue are not yet pending.
(4) Notwithstanding what is provided in subsections 1 and 2 above the Market Court decides on the precautionary measure also if the main issue is a civil case referred to in Chapter 1, section 5 of the Market Court Proceedings Act, and the proceedings on the main issue are pending before the Market Court or its consideration has been concluded in the Market Court and the time provided for appeal has not yet ended.
(5) Chapters 4 and 21 of the Maritime Code (674/1994) contain provisions on the seizure of a vessel and the competent court in certain cases. (235/1995)

Section 5 (1065/1991)
(1) The application for the precautionary measure shall be submitted in writing. If the precautionary measure relates to proceedings that are pending, the application may be submitted orally in the hearing where the main issue is considered. The application shall be considered as a matter of urgency.
(2) The application shall not be granted without reserving the opposing party an opportunity to be heard. However, if the purpose of the precautionary measure can otherwise be compromised, the court may on the request of the applicant give an interim order on the precautionary measure without reserving the opposing party said opportunity. The order remains in force until further notice.
(3) Otherwise the provisions on the consideration of procedural matters apply, where appropriate, to the consideration of an issue concerning precautionary measures.

Section 6 (1065/1991)
(1) When the application referred to in section 5, subsection 1 has been granted, the applicant shall within one month of issue of the order bring an action on the main issue before a court or bring the main issue up for consideration in other proceedings that may result in a decision enforceable in accordance with Chapter 2, section 2 of the Enforcement Code. When the precautionary measure has been directed at real property in order to secure the payment of a debt that is not yet due and that is owed to the plaintiff and for which the real property is collateral, the period referred to in this subsection begins on the due date. If the consideration of the issue is not initiated within said period, or if the case is discontinued, the precautionary measure shall be reversed, as provided in Chapter 8, section 4 of the Enforcement Code. (707/2007)
(2) If an arbitral award has, due to no fault of the applicant, not been rendered or if the award is void or it is annulled, the action shall be brought or it shall be

brought up for consideration, under the threat referred to in subsection 1, within one month of receipt of notice of the impediment in the arbitration proceedings or the official voiding of the arbitration award or, when the award has been annulled, from the date on which the court order has become legally valid.
(3) When granting an application for a precautionary measure the court shall notify the applicant of how he or she is to act in accordance with this section in order to prevent the precautionary measure from being cancelled. (707/2007)

Section 7 (707/2007)
The court may, on application, release the applicant from providing the security referred to in Chapter 8, section 2 of the Enforcement Code, if the applicant is found unable to do so and if his or her right is deemed manifestly well-founded.

Section 8 (1065/1991)
(1) If the reason for which the precautionary measure has been undertaken no longer exists, the precautionary measure shall be cancelled.
(2) The cancellation shall be ordered, on request of the party, by the court or the other authority referred to in section 6, subsection 1 that is dealing with the main issue. If the main issue is not dealt with by a court or another authority referred to above, the decision on the cancellation shall be made, on request, by the court that has first decided on the precautionary measure.
(3) Chapter 8, section 4 of the Enforcement Code contains provisions on reversal by decision of a distraint officer of the enforcement of an order on a precautionary measure.

Section 9 (1065/1991)
When the court or the other authority referred to in section 6, subsection 1 decides the main issue, it shall at the same time determine how long the precautionary measure remains in force. If the action is dismissed on the merits or dismissed without consideration of the merits, the court may at the same time order that the precautionary measure shall remain in force until the main decision becomes final. If the action is abandoned, the precautionary measure is cancelled.

Section 10 (1065/1991)
The expenses incurred by the enforcement of the precautionary measures shall be covered primarily by the applicant. The issue of the final liability to cover the expenses incurred in the application and enforcement of the precautionary measures shall be decided, on the request of a party, when the main issue is being dealt with.

Section 11 (1065/1991)
An applicant who has unnecessarily resorted to a precautionary measure is liable to compensate the opposing party for the damage caused by the precautionary measure and its enforcement, and to cover the expenses incurred.

Section 12 (1065/1991)
(1) The action for the compensation of the expenses referred to in section 10, when the main issue has not been initiated in accordance with section 6, subsection 1, and for compensation of the damage and expenses referred to in section 11, shall be brought in the District Court that is competent to consider the action referred to in section 6 or, if the action is not to be considered in a District Court,

in the District Court of the locality where the opposing party is liable to answer in such a case or where the precautionary measure has been enforced. In the cases referred to above in section 4, subsections 3 and 4 the action for compensation of the expenses referred to in section 10 when the main issue has not been initiated in the manner referred to in section 6, subsection 1, and for compensation of damages and expenses referred to in section 11, however, shall be brought in the Market Court. (119/2013)
(2) An action for compensation of damages and expenses shall, under threat of forfeiture of the right of action, be brought within one year of the date when the precautionary measure was cancelled or, if an appeal on the precautionary measure is still pending at the time, of the date of the final decision of the issue. The plaintiff shall give a verifiable notification of the action to the distraint officer without delay.

Section 13 (707/2007)
(1) Provisions on the enforcement and the cancellation of the enforcement of an order referred to in this Chapter are contained in Chapter 8 of the Enforcement Code. When granting an application for attachment in accordance with section 1 or 2 of this Chapter, the court may, if necessary, order that specific property be placed under the administration and care of a trustee and, when deciding on a precautionary measure in accordance with section 1, 2 or 3, also otherwise issue more specific instructions for its enforcement.
(2) The provisions of subsection 1 apply, where appropriate, also to the enforcement of an interim order on precautionary measures referred to in section 5, subsection 2.

Section 14 (1065/1991)
(1) A court order on precautionary measures is subject also to separate appeal. An appeal does not preclude its enforcement, unless the appellate court prohibits or stays the enforcement. If a lower court has dismissed the application for precautionary measures on the merits or dismissed it without considering the merits, the appellate court may, if necessary, immediately give an interim order on the precautionary measure, to remain in force until further notice.
(2) An interim order on precautionary measures is not subject to appeal.

Chapter 8 – Non-contentious civil cases (768/2002)

Section 1
(1) A non-contentious civil case is initiated with a written application submitted to the registry of the District Court. The application may be submitted orally if the case is clearly evident from the documents that have been presented. A noncontentious civil case may also be initiated during a session of the District Court.
(2) The provisions of this Chapter apply in the District Court also in the consideration of non-contentious civil cases which the District Court may take up for consideration on the basis of a notice or on its own initiative.
(3) A case becomes pending when the application is presented in the registry or in a session.

Section 2
(1) The application shall note the applicant’s detailed claim or requested measure. In addition, as needed, the application shall note:

(1) the circumstances on which the claim or the requested measure is based;
(2) the evidence that the applicant intends to present in support of his or her claim or requested measure, and what he or she intends to prove with each piece of evidence;
(3) the claim for the compensation of legal costs; and
(4) on what basis the court has jurisdiction.
(2) The written evidence to which the applicant refers shall be attached to the application.
(3) The application shall also note the information referred to in Chapter 5, section 2, subsection 2. The application shall be signed by the applicant or, if he or she has not prepared the application, by the person who has prepared it. The person who has prepared the application shall also indicate his or her occupation and domicile.

Section 3
(1) A non-contentious civil case shall be considered in writing in chambers or orally in a session for non-contentious civil cases.
(2) A non-contentious civil case shall be considered in a session for noncontentious civil cases if a participant in the case, a witness or another person is to be heard in person.
(3) A contested non-contentious civil case shall be considered in a session for non-contentious civil cases if a participant requests this or if the District Court deems consideration in a session for non-contentious civil cases necessary in order to clarify the case or a part thereof.

Section 4 (811/2008)
(1) Consideration of the case shall be continued in accordance with the procedure for civil cases if the case has been contested and it concerns:
(1) a case involving the ending of cohabitation, a divorce or maintenance for a spouse;
(2) guardianship of a child, visiting rights or the maintenance of a child;
(3) adoption; or
(4) a case referred to in the Guardianship Act (442/1999).
(2) In other contested non-contentious civil cases the District Court may decide that consideration of the case shall be continued in accordance with the procedure for civil cases.
(3) Regardless of the procedure applied in the case, however, section 7 on the consequences of an omission by a participant and section 10 on the decision in the case apply.

Section 5
If a participant is to be reserved an opportunity to be heard in the noncontentious civil case, the District Court shall exhort him or her to submit a written statement in response to the application. If it can be presumed that submission of the statement orally would expedite consideration of the case, a participant in the case may be exhorted to submit his or her statement orally in a session for non-contentious civil cases.

Section 6
(1) In his or her statement, a participant in the case shall be exhorted to state his or her position on the application or the requested measure. In addition, a participant shall be exhorted as necessary:

(1) to present grounds for contesting the application;
(2) to list the evidence that he or she intends to present and what he or she intends to prove with each piece of evidence;
(3) to make his or her claim for the compensation of legal costs;
(4) to annex to his or her statement the written evidence on which the contesting is based; and
(5) to enter a possible plea of inadmissibility.
(2) A participant in the case shall also be exhorted to provide the information referred to in Chapter 5, section 10, subsection 3. The statement shall be signed by the person submitting it or, if he or she has not prepared the statement, by the person who has prepared it. The person who has prepared the statement shall also indicate his or her occupation and domicile.

Section 7
(1) If the applicant does not comply with the exhortation of the court to submit a written statement or does not attend the session for non-contentious civil cases, the case shall be dismissed without considering the merits.
(2) If another participant does not comply with the exhortation of the court to submit a written statement or does not attend the session for non-contentious civil cases which he or she has not been required to attend in person, the case may be considered and decided despite his or her omission.

Section 8
In a session for non-contentious civil cases, the case may be considered solely in order to clarify a single or multiple questions. The participants concerned by the consideration shall be invited to the session. After the session, the consideration may be continued in chambers or in a new session.

Section 9
(1) A non-contentious civil case and a civil case may be considered in the same session if the cases are connected to one another and their consideration together can be done without impediment.
(2) A non-contentious civil case may be considered along with a criminal case if the cases are connected and their consideration together can be done without impediment.

Section 10
(1) A non-contentious civil case is decided with a court order or by carrying out the other measure intended in the application.
(2) The court order shall be prepared as a separate document. The decision shall indicate the name of the court, the date and place the court order was issued, the names of the participants in the case as well as a brief statement of the case, the grounds, the legal provisions applied and the conclusion. If the application is accepted and the case has not been contested and there is no other particular reason to prepare a full court order, the court order need not contain a statement of the case or the grounds.
(3) If the case is decided by carrying out the measure intended in the application, a certificate thereof shall be prepared. Such a certificate as well as a court order that does not contain a statement of the case or grounds may also be written or attached to the application or to the document that is the basis for the application.

Section 11
(1) The court order in a non-contentious civil case shall be given in chambers or announced in a session. A court order may be given in chambers also in an extensive or difficult case considered in a session if, due to the deliberations among members of the court or the preparation of the court order, the court order cannot be announced immediately at the conclusion of the consideration.
(2) A court order in chambers shall be issued at the latest fourteen days after the conclusion of the consideration in chambers or in a session. At the conclusion of the consideration, the participants in attendance shall be notified of the day on which the court order shall be issued. A participant who is not present at the conclusion of the consideration shall be notified sufficiently in advance, in writing, of the day on which the court order shall be issued, if the non-contentious civil case has been decided other than how the applicant or another participant in the case had requested.
(3) When, pursuant to subsection 2, a participant in the case shall be notified of the day that the court order shall be issued, the court order shall be available for inspection in the registry as of the day of issue.

Section 12
A copy of the court order or a certificate of the measure that has been carried out shall be provided to the applicant as the document containing the judgment.

Section 13
In other respects, the provisions on the procedure in civil cases apply to the procedure for the consideration of non-contentious civil cases.

Section 14
Should another Act contain provisions that differ from the procedural provisions in this Chapter, the former shall apply. However, provisions that state that the case shall be considered at a session shall apply only if also in accordance with the provisions of this Chapter the case is to be considered in a session.

Chapter 9 — Brief (1052/1991)

Section 1 (1052/1991)
The provisions of Chapter 5, section 2 on an application for a summons apply, where appropriate, to the information, enclosures and signature in a brief to be delivered to court.

Section 2 (1052/1991)
(1) If a brief or another document is to be served on someone, the originating party shall attach to the document the copies necessary for service.
(2) If the originating party does not deliver to the court the copies referred to in subsection 1, the court shall see to the copying of the document at the expense of the party. (595/1993)

Section 3 (690/1997)
An application for a summons, a response, a written statement requested by the court or another document that a party or another person wishes to present, as well as a document to be served on someone by the court, may be delivered to the District Court also by post or by courier. In this event, the provisions of the Act

on the Delivery of Certain Documents to Courts of Law (248/1965) apply, where appropriate. (690/1997)

Chapter 10 — Jurisdiction in civil cases (135/2009)

General jurisdiction

Section 1
A claim against a natural person is considered by the District Court with jurisdiction over the place where he or she has his or her domicile or habitual residence.

Section 2
(1) A claim against a corporation, association, foundation or other legal entity under private law or against a legal entity under public law other than the State or a municipality is considered by the District Court with jurisdiction over the place where the legal entity is registered or where the administration of the legal entity is primarily conducted.
(2) A claim against the State is considered by the District Court with jurisdiction over the place where the authority that speaks on behalf of the State is located.
(3) A claim against a municipality is considered by the District Court with jurisdiction over the place where the municipality is located.

Alternative jurisdiction

Section 3
A case that concerns the operation of the branch, department, agency or other such place of business of a legal entity that is the defendant or of the place of business of an independent entrepreneur that is the defendant may also be considered by the District Court with jurisdiction over the place where the business is located.

Section 4
A claim against the State may also be considered by the District Court with jurisdiction over the place where the plaintiff has his or her domicile or habitual residence.

Section 5
A claim based on consumer protection legislation brought by a consumer against an entrepreneur may also be considered by the District Court with jurisdiction over the place where the consumer has his or her domicile or habitual residence.

Section 6
A case that concerns an employment contract may also be considered by the District Court with jurisdiction over the place where the work is customarily done. If the work is not customarily done within one jurisdiction, a claim brought by an employee against his or her employer may also be considered by the District Court with jurisdiction over the place of business of the employer who has engaged the employee.

Section 7
(1) A case relating to tort, delict or quasi-delict may also be considered by the District Court with jurisdiction over the place where the act that caused the damage

was carried out or where the neglected act should have been carried out or where the damage occurred.
(2) A case referred to above in subsection 1 may also be considered by the District Court with jurisdiction over the place where the person who brought the action has his or her domicile or habitual residence, if the claim for damages is based on
(1) the Traffic Insurance Act (297/1959);
(2) the Patient Injury Act (585/1986);
(3) the Product Liability Act (694/1990);
(4) the Act on Environmental Damage Insurance (81/1998),
(5) the Rail Traffic Liability Act (113/1999).

Section 8
(1) A case concerning immovable property may also be considered by the District Court with jurisdiction over the place where the immovable property is located.
(2) A case concerning immovable property refers to a case that concerns
(1) the right of ownership of immovable property;
(2) a lien on immovable property, a claim for performance solely from, or in addition to a personal claim for performance from, immovable property that has been mortgaged for the claim or that otherwise is collateral for the claim, or a land charge;
(3) leasehold right of land or room or other leasehold right, right of possession or other right of use, right of severance, right of redemption, right of pre-emption or other right directed against immovable property;
(4) compensation for damage to real estate or for unauthorized use of real estate;
(5) compensation for annulment or invalidity of sale of immovable property or a claim for reduction of purchase price or for payment of unpaid purchase price or another corresponding case;
(6) a claim for payment of land or room rent, a housing service charge or other service charge or payment of other such claim.

Section 9
A claim for maintenance may be considered also by the District Court with jurisdiction over the place where the person claiming or receiving maintenance has his or her domicile or habitual residence.

Section 10
(1) Separate actions brought by a plaintiff against the same respondent may be considered by the District Court where the respondent is obliged under law to respond to one of them, if the actions have been brought at the same time and they are based on essentially the same grounds.
(2) Actions brought against different respondents may all be considered by the District Court where one of the respondents is obliged under law to respond, if the actions have been brought at the same time and they are based on essentially the same grounds.
(3) If under the judgment given on the basis of an action several persons may be obliged only jointly to what is claimed, the action may be considered by the District Court where one of them is obliged under law to respond.
(4) A counterclaim referred to below in Chapter 18, section 3, as well as an action referred to in sections 4 and 5 of the said Chapter may be considered by the District Court where the original action is pending, also when for a reason referred to in section 7, subsection 2 of the said Chapter, the action is not considered in the

same proceedings as the original claim.

Exclusive jurisdiction

Section 11
A case that concerns divorce, termination of cohabitation or the validity of marriage or the distribution of matrimonial assets other than after the death of a spouse is considered by the District Court with jurisdiction over the place where either spouse has his or her domicile or habitual residence;

Section 11a (29/2011)
A case that concerns compensation, separation of property, the contesting of separation of property or the contesting of a decision on compensation referred to in the Act on the Dissolution of the Household of Cohabiting Partners (26/2011) is considered by the District Court with jurisdiction over the place where either partner has his or her domicile or habitual residence. If the action is brought after the death of a partner, however, section 17 of this Chapter applies.

Section 12
(1) A case that concerns the establishment of paternity is considered by the District Court with jurisdiction over the place where the mother has her domicile or habitual residence.
(2) A case that concerns the disproving of paternity is considered by the court with jurisdiction over the place where the child has his or her domicile or habitual residence.

Section 13
A case that concerns child custody or right of access is considered by the District Court with jurisdiction over the place where the child has his or her domicile or habitual residence.

Section 14
A case that concerns enforcement of a decision on child custody or right of access is considered by the District Court with jurisdiction over the place where the child or the opposing party has his or her domicile or habitual residence or where either person resides.

Section 15
A case that concerns the appointment or release of a trustee or the limitation of the mandate of a trustee or the amendment or annulment of such limitation is considered by the District Court with jurisdiction over the place where the person whose interests are to be protected has his or her domicile or habitual residence.

Section 16
A case that concerns the establishment of adoption is considered by the District Court with jurisdiction over the place where the adopter has his or her domicile or habitual residence.

Section 17
(1) A case concerning inheritance or a decedent’s estate is considered by the District Court with jurisdiction over the place where the decedent had his or her

domicile or habitual residence.
(2) A case concerning inheritance refers to a case that concerns
(1) the right of inheritance, renunciation of inheritance or another legal act concerning inheritance;
(2) the right to a compulsory legal portion of an inheritance, a supplement to a compulsory legal portion or the right to assistance or compensation from the inheritance;
(3) the right of the surviving spouse to administer the estate or property that is part of the estate or the partition of the estate to be carried out following the death of the spouse or an action to contest the partition brought after death;
(3a) compensation, separation of property, the contesting of separation of property or the contesting of a decision on compensation referred to in the Act on the Dissolution of the Household of Cohabiting Partners, if the action is brought after the death of a partner; (29/2011)
(4) a right on the basis of a will, the validity of a will, an action to contest a will or the interpretation of a will;
(5) administration of a decedent's estate, the appointment or release of an administrator or executor of an estate, an inventory of an estate or the administration of an estate;
(6) distribution of inheritance or an action to contest the distribution of inheritance.
(3) A case concerning a decedent's estate refers to a case that concerns a decedent's estate or as party thereto or the liability of an heir under a will for obligations of the decedent or the estate or another corresponding case.

Secondary jurisdiction

Section 18
(1) If otherwise no court would have jurisdiction in the case:
(1) a case that concerns a claim to be brought against a natural person may be considered by the District Court with jurisdiction over the place where the respondent resides or last had his or her domicile or habitual residence;
(2) a case that concerns ordering the respondent to pay a specified amount of money may be considered by the District Court with jurisdiction over the place where the respondent has distrainable property;
(3) a case that concerns a right to movable property may be considered by the District Court with jurisdiction over the place where the property lies;
(4) a case that concerns divorce, termination of cohabitation or the validity of marriage or the distribution of matrimonial assets other than after the death of a spouse, may be considered by the District Court with jurisdiction over the place where either spouse has last had his or her domicile or habitual residence;
(5) a case that concerns the establishment or annulment of paternity may be considered by the District Court with jurisdiction over the place where the man who is the respondent has his domicile or habitual residence or where he last had his domicile or habitual residence; a case that concerns the annulment of paternity may in addition be considered by the District Court with jurisdiction over the place where the mother has her domicile or habitual residence;
(6) a case that concerns child custody or right of access may be considered by the District Court with jurisdiction over the place where the child last

had his or her domicile or habitual residence or, if the child has not had his or her domicile or habitual residence in Finland, by the District Court with jurisdiction over the place where either parent or the person proposed to get custody of the child has his or her domicile or habitual residence;
(7) a case that concerns enforcement of a decision on child custody or right of access may be considered by the District Court with jurisdiction over the place where the applicant has his or her domicile or habitual residence;
(8) a case that concerns the appointment or release of a trustee or the limitation or amendment of the mandate of a trustee may be considered by the District Court with jurisdiction over the place where the person resides whose interests are to be protected; and
(9) a case that concerns inheritance or a decedent's estate may be considered by the District Court with jurisdiction over where the property or most of the property of the decedent's estate lie.
(2) A case to which the grounds for jurisdiction in subsection 1 do not apply is considered by the Helsinki District Court.

Choice of court agreement

Section 19
(1) The parties have the right to agree that a civil case referred to in sections 1 through 10 may be considered or shall be considered in a District Court other than the one provided in law or that a case may not be considered in a certain District Court (*choice of court agreement*). A choice of court agreement shall be made in writing and it may refer to a certain question at issue or issues that may arise in the future from a certain legal relationship.
(2) The right of a consumer, employee or person claiming or receiving maintenance to submit a case to the District Court referred to in this Chapter may not be restricted through a choice of court agreement, unless the agreement has entered into after the dispute has arisen.
(3) A choice of court agreement may not be made in respect of a case referred to in sections 11 through 17.

Retention of jurisdiction

Section 20
The court where an action has been brought remains competent even if the circumstances on which its competence is based change after the bringing of the action.

Examination of jurisdiction and transfer of a case to another court

Section 21
(1) If a case referred to in sections 1 through 10 has been brought in a District Court other than the one indicated by law or a choice of court agreement and if a party enters a plea to absence of the jurisdiction of the District Court when first answering in the case or does not provide the response requested of him or her or having been directly summoned to the court session fails to arrive before the District Court, the District Court shall dismiss the action without considering its merits, unless the District Court transfers the case to another District Court on the basis of section 22.

(2) If a case referred to in sections 11 through 17 has been brought in a district court other than the one indicated in law, the District Court shall on its own motion dismiss the action without considering its merits, unless the District Court transfers the case to another District Court on the basis of section 22.

Section 22
(1) If the District Court finds that it does not have jurisdiction to consider the case, the District Court shall with the consent of the plaintiff or applicant transfer the case to a competent District Court. However, the District Court may refrain from transferring the case if the competent District Court cannot be ascertained without difficulty.
(2) Decisions and other measures taken by the transferring District Court in the case are in force until the District Court to which the case is transferred decides otherwise. The decision on the transfer is not subject to appeal.

Section 23
(1) The Court of Appeal may not in connection with appeal consider whether the principal claim has been considered and decided by the District Court with regional jurisdiction unless a party has entered a plea to the absence of jurisdiction of the District Court and appealed the decision given on this issue.
(2) The Supreme Court may consider an issue concerning regional jurisdiction only if the Court of Appeal has considered the issue and the judgment given on the said issue has been appealed.

Section 24
(1) If an appellate court finds that the lower court does not have jurisdiction to consider a case, the appellate court shall transfer the case to a competent lower court. However, the case may not be transferred if all of the parties oppose transfer.
(2) If several courts have issued final decisions by which they dismiss an action without considering the merits, on the grounds of lack of jurisdiction, the Supreme Court, if it finds that one of said courts has jurisdiction, on request annul the erroneous decision and refer the case to the court in question for consideration.

International jurisdiction

Section 25
(1) A Finnish court is competent to consider a case with an international nature, if the case is connected to Finland as referred to in sections 1 through 4, 6 through 9, 11 through 17 or 19, unless the judgment to be given by the Finnish court in the case could clearly not have legal relevance for the parties.
(2) A Finnish court is competent to consider also a case that has a connecting factor to Finland that is referred to in sections 5, 10 or 18 of this Chapter or that is based on another essential circumstance, unless
(1) a judgment to be given by the Finnish court in the case would not have factual legal relevance for the parties; or
(2) consideration of the case by a court of another State is clearly more appropriate, taking into consideration the connecting factors to different states, the evidence to be presented in the case, the costs to the parties and the other circumstances.
(3) Notwithstanding the provisions of subsection 2(2), however, a Finnish court has jurisdiction if the procedure to be followed or the legislation to be applied in

the court of a foreign state would be contrary to the public policy in Finland.

Section 26
(1) A Finnish court shall consider on its own motion whether in accordance with section 25 it is competent to consider a case with an international nature.
(2) If a case with an international nature is such that in accordance with section 19, subsections 1 or 2 a valid choice of court agreement could be made in it in a corresponding national case, the Finnish court shall consider its jurisdiction only if a party enters a plea on absence of jurisdiction when first answering in the case or does not provide the requested response or having been directly summoned to the court session fails to arrive before the District Court. However, a Finnish court shall on its own motion dismiss the case without considering its merits if a judgment given by a Finnish court in the case could clearly not have legal relevance for the parties.

Secondary nature of Chapter

Section 27
The provisions of this Chapter apply, unless otherwise provided by another Act, legislation of the European Community or an international agreement binding on Finland.

Chapter 11 (1056/1997)
Service of notices in proceedings (690/1997)

Ensuring service (362/2010)

Section 1 (690/1997)
(1) The court shall see to the service of notices, unless otherwise provided below.
(2) The court may entrust the service of a notice to court personnel or a process server. In so doing, the court shall set a deadline for service and, where necessary, issue further instructions on service.

Section 2 (1056/1991)
(1) With the consent of a party, the court may entrust the service of a notice to the party, if it deems there to be reason for this. In so doing, the court shall set a deadline for service and a deadline for the delivery of the certificate of service to the court. (362/2010)
(2) If the service of a summons is entrusted to the plaintiff, he or she shall be notified that if at the time when the court resumes the hearing of the case he or she has not delivered a certificate of service, carried out before the deadline and according to the provided procedure, the case may be discontinued. At the same time the plaintiff shall be notified that he or she may request an extension of the deadline, a new deadline or that the court see to the service of the summons.

Manners of service (362/2010)

Section 3 (1056/1991)
(1) When the court or the public prosecutor sees to the service of a notice, service shall be carried out by sending the document to the party:
(1) by sign-for-delivery post; or

(2) by letter, if it may be assumed that the addressee receives notice of the document and returns the certificate of service before the deadline. (440/2011)
(2) The postal authorities shall be notified of the date when the service by signfor-delivery post is at the latest to take place.
(3) The documents referred to above in subsection 1(2) may also be sent as an electronic message in the manner identified by the addressee. (362/2010)

Section 3a (595/1993)
(1) When the court sees to the service of a notice, a notice other than a summons may be served also by posting it to the address of service indicated to the court by the addressee. (690/1997)
(2) The addressee shall be deemed to have been served with the document on the seventh day after the posting of the document. The date of posting shall be noted on the document.

Section 3b (362/2010)
(1) When the court sees to the service, this may be carried out also by informing the addressee by telephone of the contents of the document to be served (*service by telephone*). However, service may not be made by telephone of a summons other than in the matter referred to in Chapter 5, section 3(1).
(2) Service by telephone may be made if this is a suitable manner of service in view of the scope and nature of the document and if the addressee shall undoubtedly be informed of the document by telephone and understands the significance of the service.
(3) The addressee shall be informed by telephone, in respect of the document, of the matter, the claim or obligation and its primary grounds, the deadline and threat as well as the other necessary factors. When service has been made of a document by telephone, it shall be sent without delay by letter or as an electronic message to the address indicated by the addressee, unless for a special reason this is deemed manifestly unnecessary. Service by telephone shall be carried out by a process server or an official of the court in question. A certificate shall be issued of the service, following as appropriate what is provided in section 17(1) and a copy of this shall be sent without delay as a letter or as an electronic message to the address indicated by the addressee.

Section 4 (362/2010)
(1) If it has not been possible to serve a notice or it can be deemed apparent that it shall not be possible to serve the notice as provided in section 3 or 3b, or if there is another special reason for this, a process server shall serve the notice personally on the addressee of the notice or on a person referred to in section 7.
(2) The court or the prosecutor responsible for service shall notify the process server of the date when the service must be performed at the latest.
(3) When the responsibility for service has been given to a party, service shall be carried out in the manner referred to in subsection 1. If the party is represented by an attorney or a public legal aide, service may also be carried out by said person giving the document personally to the addressee. This latter method of service requires that the addressee sign a certificate of receipt of service. Service of a summons on the defendant in a criminal matter may not be carried out in this manner.

Section 5 (1056/1991)
(1) The document to be served shall be given to the recipient in the original or as a copy.
(2) If the copying of a document to be served, other than an application for a summons, a response or a written statement, is difficult or, owing to the size of the document, inexpedient, the court may decide that the material shall be kept available to the party for review at the court or in another suitable place designated by the court. Notice of this shall be annexed to the document to be served. (666/2005)
(3) The court may decide that a response, a written statement or an application for appeal shall be kept available for review by a party in the manner referred to in subsection 2, if the document to be served is very large, there are an exceptionally large number of parties and in view of the circumstances such service can be deemed appropriate. In so doing the party shall be given notice of where the document is available for review. The notice shall briefly state the main content of the document, to the extent necessary. (666/2005)

Section 6 (1056/1991)
If the recipient has been orally notified in the court registry or in a hearing of the order or decision to be served, he or she shall be deemed to have received service of the notice at that time. However, the court shall, on request, give or deliver to him or her without delay the document containing the order or decision.

Section 7 (1056/1991)
(1) When a process server, for the purpose of service of a notice, has sought a person with a known residence in Finland, but has not found him or her or any person competent to receive service in his or her stead, and on the basis of the circumstances it may be assumed that he or she is evading the service of the notice, the process server may serve the notice by delivering the documents to a household member who has reached the age of fifteen years, or, if said person conducts a business, to a person employed in this business. If none of the above can be found, service of the notice may be performed by delivering the documents to a local police authority.
(2) When the process server has performed the service of the notice pursuant to subsection 1, he or she shall notify the recipient of the same by a letter sent to the home address of the recipient.
(3) The service of the notice shall be deemed to have taken place when the letter referred to in subsection 2 has been given to be delivered by post.
(4) The summons in a criminal case may not be served on the defendant in the manner provided in this section. (690/1997)

Section 8 (307/2014)
If the recipient of a notice resides abroad and his or her address is known, and if the service of the notice has not been entrusted to a party pursuant to section 2, the court shall ensure that the documents to be served are sent as separately provided in law or agreed with the foreign state in question. The court shall indicate the date when the service of the notice must at the latest be performed or when the certificate of service must at the latest be returned to the court.

Section 9 (1056/1991)
(1) If no information is available regarding the whereabouts of the recipient or a person empowered by him or her to receive service, the court shall perform the service by way of a public notice.
(2) The summons in a criminal case may not be served on the defendant by way of a public notice. (690/1997)

Section 10 (1056/1991)
(1) The service of notice referred to in section 9 above shall be performed by keeping the document and its annexes available in the court registry and by publishing a summary of its contents and the place where it is kept in the *Official Gazette*, in the first issue of any calendar month. In addition, the court may publish the notice in a newspaper. The public notice shall also be posted on the court bulletin board without delay.
(2) However, the public notice need not be published if a notice in the same case has already been served on the same recipient in the manner provided in subsection 1.
(3) The service of the notice shall be deemed to have taken place in the situation referred to in subsection 1 when the public notice has been published in the *Official Gazette* and in the situation referred to in subsection 2 when the document has been made available in the court registry.

Addressee of service (362/2010)

Section 11 (690/1997)
In a civil case involving two or more parties jointly, the notices shall be separately served on each party as provided in sections 1—10. If a notice is to be served on so many recipients that separate service on each of them cannot be done without difficulty, the court may order that the notice is to be served on one of them. A summary of the contents and the name of the person on whom the notice has been served, as well as information on the place where the documents to be served are kept available, shall be published as provided in section 10. The service shall be deemed to have been performed when the public notice has been published in the *Official Gazette*.

Section 12 (1386/2009)
The service of a notice on the State shall be performed by delivering it to the regional administrative office or the authority representing the State in the case.
When the notice has been served on the regional administrative office, it shall deliver a copy of the served documents to the authority representing the State in the case.

Section 13 (1056/1991)
The service of a notice on a municipality shall be performed by delivering it to the municipal manager or, if there is no municipal manager, to the chairman of the municipal council or, in cases where a municipal board is authorised by law to independently represent the municipality, to the chairperson of the said board.
The notice may also be served on a person who has been appointed by law, by decree, by municipal regulation or by municipal ordinance to receive service on behalf of the municipal manager or a chairperson.

Section 14 (1056/1991)
(1) The service of a notice on a community not referred to in section 13, on a company, co-operative or association, on another corporation or consortium or on an institution or foundation shall, unless otherwise provided for in a given situation, be performed by delivering it to a person who is competent to represent the recipient of the notice. If no such representative exists, the notice shall be served as provided in section 10. If the recipient of the service conducts a business and its representative cannot be found, the provisions of section 7 on the service of notices on a person conducting a business apply, where appropriate, to the service of the notice.
(2) The service of a notice on a decedent's estate shall be performed by delivering it to the parties to the estate. If the estate has been assigned to an administrator, the notice shall be served on him or her. The notice may also be served on a person administering the property of the estate, even it is not under the administration of the parties, or on a person who otherwise is competent to represent the decedent's estate and to speak on its behalf. The recipient of the service shall without delay provide each party to the estate and, if the recipient is a party, the person administering the estate with a copy of the served documents.

Section 15 (1056/1991)
The service of a notice on a bankrupt's estate shall be performed by delivering it to the administrator of the estate.

Section 16 (1056/1991)
(1) A summons may also be served on an attorney empowered by the defendant to receive service of summonses. An attorney or public legal aide need present a letter of attorney only if so ordered by the court. (362/2010)
(2) If the case concerns an offence punishable otherwise or more severely than a fine or imprisonment for at most six months, the summons may not be served on an attorney empowered by the defendant to receive service of summonses. (690/1997)
(3) When the addressee of the notice is represented by an attorney in a pending case, the notice may be served on the attorney. (690/1997)
(4) A document ordering a person to appear in court in person or to otherwise undertake something personally shall, however, be served on said person. The service shall be performed as provided in sections 3, 3b and 4. (362/2010)

Miscellaneous provisions (362/2010)

Section 17 (1056/1991)
(1) A written certificate of the service of a summons shall be issued, indicating the date and place of the service and the person who received the service. If the service was performed as referred to in section 7, the certificate shall also indicate the reason for this and the date when the notice was given for delivery by post. The recipient of the service shall be provided with a copy of the certificate. The person performing the service shall sign the certificate.
(2) If service is performed as referred to in section 3, subsection 1(2), the recipient of the service shall fill in the certificate delivered to him or her for the purpose of receiving service, so that it contains his or her signature and the information referred to in subsection 1.
(3) Separate provisions apply to sign-for-delivery post.

Section 18 (1056/1991)
(1) If the service has not been performed before the deadline or if it has been erroneously performed, and the party fails to appear in court or to deliver a requested written response or statement, the service shall be performed again, unless a new service is to be deemed unnecessary due to the insignificance of the error.
(2) If a party enters a plea that the service has not been performed before the deadline or that it has been erroneously performed, the hearing of the case shall be postponed or a new deadline set for the delivery of a written response or statement, unless this is to be deemed unnecessary due to the insignificance of the error in the service. If the party has not received the documents to be served, they shall be given to him or her at the same time as the notification of the postponement of the hearing or the new deadline. If this is not possible, the documents shall be delivered at once to the address given by the recipient. The plea that the service has not been performed before the deadline or in accordance with the provided procedure shall be entered in the response or statement.

Section 19 (1056/1991)
(1) If the service of a summons has been entrusted to the plaintiff and he or she has not, at the time when the court resumes the hearing of the case, delivered to the court a certificate that the service has been performed before the deadline and in accordance with the provided procedure, the case shall be discontinued.
(2) The case shall not, however, be discontinued if the respondent has responded in the main issue without entering a plea or if the court, on the request of the plaintiff for a valid reason, has granted an extension to the deadline, set a new deadline or decided to see to the service itself.
(3) If a party has not before the deadline presented the court with a certificate of the service of a document other than a summons, the court shall see to the service without delay.

[sections 20—24 have been repealed; 690/1997]

Section 25 (1056/1991)
The written certificate issued by a process server shall constitute adequate proof that the service of a notice has been performed as indicated in the certificate.

Section 26 (1056/1991)
For the purposes of this Chapter, “process server” means also a person competent to serve notices as provided in section 6 of the Process Servers Act (505/1986) and a process server referred to in the Act on the Bailiff Office of Åland (898/1979).

Section 27 (1056/1991)
The provisions of this Chapter on the service of notices do not apply where otherwise provided by law.

Chapter 12 — Parties (21/1972)
Appearance of the parties in a civil case

Section 1 (444/1999)
(1) When a person without full legal capacity is a party in a civil case or as an injured party in a criminal case, his or her right to be heard shall be exercised by his or her guardian or other legal representative. However, in a case concerning the person of a minor, his or her right to be heard shall be exercised the person responsible for his or her care and custody or his or her other legal representative.
(2) A person without full legal capacity shall personally exercise his or her right to be heard if he or she is competent to administer the object of the dispute or of the offence, or if the dispute concerns a transaction into which he or she is competent to enter. In a case concerning his or her person, a person without full legal capacity shall personally exercise his or her right to be heard if he or she has reached the age of eighteen years and is able to understand the significance of the matter. A minor who has reached the age of fifteen years has an independent right to be heard in a matter concerning his or her person, parallel to that of the person responsible for his or her care and custody or his or her other legal representative.

Section 1(a) (444/1999)
(1) A guardian appointed for a person with full legal capacity has the right to be heard, parallel to that of the ward, in a matter within the competence of the guardian. If the guardian and the ward disagree when being heard, the opinion of the ward shall prevail, if he or she is able to understand the significance of the matter.
(2) If the competence of the ward has been restricted in a manner other than by declaring him or her fully without legal capacity, the guardian shall alone exercise the ward's right to be heard in a matter where the ward is without legal capacity. However, in matters to be decided jointly by the guardian and the ward, they shall together exercise the right to be heard.

Section 2 (444/1999)
A person without full legal capacity shall personally exercise his or her right to be heard as a defendant in a criminal case if he or she is responsible under criminal law. However, in addition to a minor defendant, his or her guardian, the person responsible for his or her care and custody, or other legal representative shall have an independent right, parallel to that of the defendant, to be heard. If a person without full legal capacity who has reached the age of eighteen years is not responsible under criminal law, his or her guardian or other legal representative shall exercise his or her right to be heard.

Section 3 (444/1999)
The court may hear the guardian of a person without full legal capacity, the person responsible for his or her care and custody, or his or her other legal representative, even if the person without full legal capacity has the sole right to be heard in the matter, if this is regarded as necessary in view of his or her best interests.

Section 4 (21/1972)
A foreigner who, under the law of his or her home state, is not competent to exercise his or her right to be heard in a trial, may nonetheless exercise his or her

right to be heard in a court in Finland if, under the law of Finland, he or she is competent to do so.

Section 4(a) (650/2007)
(1) If a party is incapable of looking after his or her interests in court proceedings owing to illness, mental impairment, ill health or another comparable reason or if the guardian of the party is prevented from exercising his or her right to be heard in the case due to disqualification or another reason, the court where the case is pending may on its own motion appoint a guardian for that party for purposes of the proceedings. The provisions of the Guardianship Act (442/1999) apply to such a guardian.
(2) Unless the court decides otherwise, the appointment of the guardian shall remain in effect also in an appellate instance where the matter becomes pending on appeal.

Section 5 (444/1999)
A party and his or her guardian, the person responsible for his or her care and custody, or other legal representative shall present proof of his or her right to be heard, if the court considers this necessary.

Section 5(a) (1013/1993)
(1) If the plaintiff during the trial transfers his or her right to the object of the dispute to a third person, that third person may assume the pursuit of the action in the form it was at the time of transfer, without need for a new summons.
(2) If the respondent during the trial transfers his or her right to the object of the dispute to a third party, that third party may assume the position of respondent in the trial, if the plaintiff consents to the same.
(3) A party whose opposing party has during the trial transferred his or her right to the object of the dispute to a third party may request that that third party be summoned as a party to the trial.

Appearance of a party (690/1997)

Section 6 (690/1997)
(1) A party shall be ordered, under threat of a fine, to appear in person in the main hearing of the District Court, unless it is deemed that his or her personal appearance is not necessary for a decision in the case.
(2) A party shall be ordered, under threat of a fine, to appear in person in the preparatory hearing of the District Court, if his or her personal appearance is deemed to further the preparation of the case.
(3) A party shall be ordered, under threat of a fine, to appear in person in an oral hearing of a Court of Appeal or the Supreme Court, if this is deemed necessary for a decision in the case.
(4) In a civil case not amenable to settlement, the respondent shall always be exhorted, under threat of a fine, to appear in court.

Section 7 (21/1972)
(1) The provisions in section 6 above apply, in so far as appropriate, to the legal representative of a party to a civil case. (690/1997)
(2) If a party has several representatives, it is within the power of the court to order which one or which of them are to appear in person. The court may also order

that a person without full legal capacity who does not have the right to be heard himself or herself is to appear in person to be heard in the matter.
[section 8 has been repealed; 690/1997)

Failure to fulfil a duty imposed on a party in a civil case (1052/1991)

Section 9 (1052/1991)
(1) If both parties are absent from a court hearing, the case shall be discontinued.
(2) However, the failure of the parties or of one party to heed an exhortation to submit a written statement on a procedural issue or the failure to appear in a hearing held solely for the consideration of such an issue shall not prevent the resolution of the procedural issue.

Section 10 (1052/1991)
(1) A case amenable to settlement shall, unless otherwise provided in section 12 or 13 of this Chapter, be decided by a judgment by default on the request of a party, if the opposing party
(1) has failed to appear in a hearing, or
(2) has not submitted a requested written statement indicating his or her opinion on the issues listed in the request.
(2) A party who according to subsection 1 has the right to have the case decided by a judgment by default shall be asked whether he or she requests a judgment by default. If the party does not request a judgment by default or a judgment in accordance with section 11, the case shall be discontinued.
(3) The provisions of Chapter 5, sections 13 and 14 apply to a judgment by default when the respondent has not submitted the written response requested.

Section 11 (1052/1991)
After the respondent has responded to the action, a party who according to section 10, subsection 1 has the right to have the case decided by a judgment by default, shall also have the right to have the case decided by a judgment and the right to present the evidence necessary for this purpose.

Section 12 (1052/1991)
If the case is to be decided by a judgment by default against the plaintiff, the action shall be dismissed. The case shall not be decided by a judgment by default in respect of the parts that the action is manifestly well-founded or that the respondent has admitted the action. In respect of these parts the action shall be upheld by a judgment.

Section 13 (1052/1991)
If the case is to be decided by a judgment by default against the respondent, the action shall be upheld. The case shall not be decided by a judgment by default in respect of the parts that the plaintiff has abandoned the action or that it is manifestly ill-founded. In respect of these parts the action shall be dismissed by a judgment.

Section 14 (1052/1991)
(1) The party on whose request the case has been decided by a judgment by default shall ensure that the opposing party is informed of the judgment.
(2) However, the court shall see to the service of the notice of the judgment by default,

if
(1) a debt has been ordered payable from real property that is collateral for the debt; or
(2) the person against whom the case was decided by the judgment by default has been ordered in the decision to pay compensation to the State in accordance with the Legal Aid Act (257/2002).
(259/2002)

Section 15 (1052/1991)
(1) The party against whom the case has been decided by a judgment by default has the right to appeal it in the court that rendered the judgment by default. The appeal shall be submitted to the court in writing within thirty days from the date when the appealing party received verifiable notice of the judgment, by default in enforcement proceedings where he or she was present or otherwise.
(2) If the judgment by default has been based on the failure of the party to heed an exhortation to present a written response or to appear in court, the appeal shall include grounds for amendment of the judgment that could have been relevant when the case was decided. If the judgment by default has been based on the failure of the party to present a written statement indicating his or her opinion on the issues listed in the request, his or her opinion shall be indicated in the appeal against the judgment by default.
(3) If the appealing party has not complied with the provisions in subsection 2 the court shall exhort him or her to remedy the failure before a deadline, under threat of inadmissibility of the appeal. At the same time the appealing party shall be notified of how the appeal is inadequate.

Section 16 (1052/1991)
(1) The party against whom the case has been decided by a judgment by default may not appeal it. The judgment by default shall indicate the same, as well as provide instructions on the deadline and competent court in respect of an appeal against the judgment by default. (650/2010)
(2) If an appeal is submitted against a judgment by default in a case where the party in favour of whom the case has been decided has appealed, the court of first instance shall at once notify the Court of Appeal or, if the case has been taken to the Supreme Court, the Supreme Court of the same. The case shall be returned to the court of first instance to be considered together with the appeal against the judgment by default.

Section 17 (1052/1991)
(1) If the appeal against a judgment by default is ruled admissible, any matters which according to Chapter 5, section 22 or Chapter 6, section 9 would have been inadmissible in the hearing where the case was decided by a judgment by default shall be inadmissible in the case.
(2) A party against whom the case has twice been decided by a judgment by default no longer has the right to appeal against the judgment by default.

Section 18 (1052/1991)
If the plaintiff has failed to appear in court in a case not amenable to settlement, the case shall be discontinued.

Section 19 (1052/1991)
(1) If a party or his or her legal representative fails to heed an exhortation to appear in court in person, under threat of a fine, the court shall, if it still deems the personal appearance of the party necessary, impose a higher threat of a fine or order him or her or his or her legal representative to be brought to the hearing or to a later hearing.
(2) If the respondent in a case not amenable to settlement fails to appear in court, where he or she has been exhorted to appear under threat of a fine, the court may impose a higher threat of a fine or order him or her to be brought to the hearing or to a later hearing even if he or she has not been exhorted to appear in person.

Section 20 (1052/1991)
If a party or his or her legal representative who has been exhorted to appear in, or ordered to be brought to, a preparatory hearing, fails to appear or cannot be brought, the hearing may nevertheless be held if this furthers the preparation of the case, unless the case is to be decided or discontinued in accordance with section 18.

Section 21 (1052/1991)
If the respondent fails to appear in the main hearing or if the respondent ordered to be brought to the main hearing cannot be brought, a case not amenable to settlement may be decided, if the plaintiff so requests and there is sufficient evidence regardless of the absence of the respondent. If the plaintiff does not request a decision, the case shall be discontinued.

Section 22 (1052/1991)
If the case has been discontinued because of the absence or other failure of the plaintiff, but he or she has had a valid excuse that he or she was not able to announce in time, the plaintiff has the right to have the case reopened on the basis of the same application, by notifying the court of the same within thirty days of the discontinuance of the case. If the plaintiff cannot prove a valid excuse, the case shall be ruled inadmissible.

Section 23 (1052/1991)
The provisions above in this Chapter on absence from a hearing apply also when a party leaves in the middle of a hearing without permission.
[sections 24—27 have been repealed; 690/1997]

Supplementary provisions (1052/1991)

Section 28 (1052/1991)
(1) A person shall have a valid excuse if due to illness or an interruption in traffic or communications he or she is prevented from heeding the exhortation to appear in court, to submit a written response or statement or to fulfil another duty imposed on him or her in the proceedings. If another impediment is pleaded or otherwise comes to the knowledge of the court, it shall be for the court to determine whether this constitutes a valid excuse.
(2) If the attorney of a party has a valid excuse and another attorney could not be found in time, the party shall be deemed to have a valid excuse for his or her failure to heed the exhortation.

Section 29 (1052/1991)
A party who, regardless of having been ordered to appear in court in person, sends an attorney instead of appearing in person, while not having a valid excuse, shall be deemed to be absent.

Section 30 (690/1997)
If the absence or other failure of a party is pleaded or known to be due to a valid excuse or if there is reason to believe that such an excuse exists, the hearing shall be cancelled and rescheduled, or the party shall be reserved a new opportunity to heed the exhortation. In this event, a sanction imposed on the party in case of a failure shall not be ordered enforceable, unless it becomes apparent before a decision on the main issue that the party did not have a valid excuse.

Section 31 (690/1997)
When a party or his or her legal representative who has failed to appear in court regardless of a threat of a fine, can be brought to the same hearing, the threat of a fine for absence shall not be ordered enforceable. In addition, the threat of a fine shall not be ordered enforceable if the hearing of the party or his or her legal representative becomes irrelevant.

Section 32 (1052/1991)
The costs of bringing a person to court shall be covered from State funds. When the case is decided, the court shall order the person brought to compensate the said costs to the State. If such liability is deemed unreasonable, the compensation may be reduced or the costs may be left to be borne by the State. The provisions on the compensation payable to witnesses from State funds apply to the determination, payment and settlement of the costs and compensation, as well as to an appeal against a decision on the same.

Section 33 (244/2006)
(1) A party or person to be heard who has been ordered to be brought to court may be taken into custody. The loss of liberty may not last longer than is necessary in order to arrange the proceedings.
(2) Chapter 17, section 36 applies to the taking of a witness into custody.
[section 34 has been repealed; 8/1994)

Section 35 (690/1997)
An appeal against an order on the enforcement of a threat of a fine for absence, issued before the decision on the main issue, shall be lodged separately. If the order is issued in connection with the decision on the main issue or the threat of the fine is not ordered enforceable, an appeal against this decision may be lodged observing the same deadline and in accordance with the same provisions that govern the decision on the main issue.

Section 36 (1052/1991)
When the case is discontinued because of the absence of a party, the absent party may on the request of the party who has appeared in court be made liable to compensate his or her legal costs.

Section 37 (1052/1991)
A statutory provision elsewhere in law on the absence of a party shall apply.

Chapter 13 — Disqualification of a judge (441/2001)

Section 1 (441/2001)
(1) A judge may not hear a case if he or she is disqualified as referred to in this Chapter.
(2) Notwithstanding the provision in subsection 1, a judge may decide an urgent issue with no bearing on the decision in the main issue, if it is not possible to obtain without delay a judge who would not be disqualified.

Section 2 (441/2001)
(1) The provisions in this Chapter on judges apply also to the other members of the court, the referendaries, record keepers and others who make decisions in court or may be present when the case is decided.
(2) The provisions in this Chapter on parties apply also to injured parties in a criminal case, interveners and other persons to be heard and comparable to parties. The provisions on witnesses apply also to other persons heard for probative purposes.

Section 3 (441/2001)
(1) For the purposes of this Chapter, a close relation is defined as:
(1) the spouse, child, grandchild, sibling, parent and grandparent of the judge and another person especially close to the judge, and the spouse of the same;
(2) a sibling of a parent of the judge and the spouse of the same, a child of a sibling of the judge and a former spouse of the judge; and
(3) a child, grandchild, sibling, parent and grandparent of the spouse of the judge and the spouse of the same, and a child of a sibling of the spouse of the judge.
(2) A spouse refers to a husband or wife and a domestic partner. A respective half-relative shall also be deemed a close relation referred to above in subsection 1.

Section 4 (441/2001)
(1) A judge is disqualified in a matter where:
(1) the judge or his or her close relation is a party;
(2) the judge or his or her close relation acts or has acted as the representative, counsel or attorney of a party;
(3) the judge appears or has appeared as a witness or expert witness;
(4) a close relation of the judge appears as a witness or expert witness, or where a close relation has been heard in this capacity at an earlier stage of the proceedings and the decision in the matter may depend also on this hearing; or
(5) it can be anticipated that the decision in the case will be to the specific advantage or disadvantage of the judge, his or her close relation referred to in section 3, subsection 1(1) or a person represented by the judge or his or her close relation.
(2) For purposes of subsections 1(2) and 1(5), a representative means the person responsible for the care and custody of a natural person, guardian or other comparable representative of a natural person.

Section 5 (441/2001)
A judge is disqualified if he or she, or his or her close relation referred to in section 3, subsection 1(1), is:
(1) a member of the board of directors, the supervisory board or a comparable organ, or the chief executive officer or a comparable officer, in a corporation, foundation or public-law institution or enterprise; or
(2) in a position where he or she decides on the exercise of the right of the state, a municipality or another public corporation to be heard in the matter, and
the party referred to in paragraph (1) or (2) is a party to the case or the decision in the case is likely to be of special advantage or disadvantage to it.

Section 6 (441/2001)
(1) A judge is disqualified if:
(1) a party to the case is a party opposing the judge or his or her close relation referred to in section 3, subsection 1(1) in other judicial proceedings or in a case pending before an authority; or
(2) on the basis of a service relationship or otherwise, the judge has such a relationship to a party to the case that, especially in view of the nature of the case at hand, there is justifiable reason to doubt the impartiality of the judge in the case.
(2) The issue of disqualification shall not arise by virtue of subsection 1 merely because the state, a municipality or another public corporation is a party to the case, nor shall it arise if the opposing party has initiated a case referred to in subsection 1(1) in order to have the judge disqualified or otherwise clearly without a valid basis.
(3) A relationship to a party based on status as a customer, the holding of shares or a comparable circumstance, where this is to be deemed ordinary, shall not give rise to disqualification as referred to in subsection 1(2).

Section 7 (441/2001)
(1) A judge shall be disqualified if he or she or a close relation referred to in section 3, subsection 1(1) has heard the same case in another court, another authority or as an arbitrator. The judge shall similarly be disqualified if he or she is a party to a similar case and the nature of the case or the effect of the decision in the case at hand on the case of the judge gives rise to a justifiable doubt of the impartiality of the judge in the case.
(2) A judge is disqualified from re-hearing the case or a part thereof in the same court, if there is justifiable reason to believe that he or she has a prejudice in the case on the basis of his or her earlier decision in the case or for another special reason.
(3) In addition, a judge is disqualified if another circumstance, comparable to the circumstances referred to in this Chapter, gives rise to a justifiable doubt of the impartiality of the judge in the case.

Section 8 (441/2001)
A party to the case shall enter a plea of the disqualification of the judge at once when first being heard in the case and having been informed of the judges participating in the hearing of the case. If a party is later informed of a circumstance which may be relevant as to the disqualification of the judge, the plea concerning

the same shall be entered without delay. The party shall provide justification for the plea and at the same time state when he or she was informed of the relevant circumstance. Once the judge has decided the matter, a party is barred from pleading a circumstance that he or she has been informed of and that is discretionary regarding the disqualification of the judge, except if the party proves that he or she has had a valid reason not to have entered the plea earlier.

Section 9 (441/2001)
(1) A plea of the disqualification of a judge shall be decided in the court seised of the main issue. The plea may be decided also in written proceedings. The court may also take up the issue of disqualification on its own motion.
(2) When deciding an issue concerning the disqualification of a judge, the District Court has a quorum in a composition with one legally trained member. Separate provisions apply to a quorum in a Court of Appeal and the Supreme Court.
(3) A judge whose disqualification has been pleaded may himself or herself decide the issue of disqualification only if the court has no quorum without him or her and if a non-disqualified replacement can be obtained only with considerable delay. A judge whose disqualification has been pleaded may also decide a plea that is clearly ill-founded.

Chapter 14 — Consideration of the case in court (362/1960)

Section 1 (595/1993)
In a civil case, a party shall keep to the truth in presenting the circumstances invoked by him or her in the case, in commenting on the circumstances invoked by the opposing party and in responding to questions made.
[section 1 has been amended as of 1 January 2016 to read as follows:

***Section 1** (732/2015)*
In a civil case, a party shall keep to the truth when making statements on the circumstances invoked by him or her in the case, and in commenting on the circumstances invoked by the opposing party.]

Section 2 (1052/1991)
(1) A civil action may not be amended during the proceedings. However, the plaintiff has the right to
(1) claim a performance that has not been referred to in the action, if the claim is based on a change in the conditions during the proceedings or on a circumstance of which the plaintiff has only then become aware;
(2) claim the confirmation of a legal relationship under dispute in the proceedings between the parties, when the clarity of the relationship is a prerequisite for the resolution of the other parts of the case, and
(3) claim interest or present another subsidiary claim or even a new claim, if this is based on essentially the same grounds.
(2) If a claim referred to in subsection 1(2) or 1(3) is not presented until the main hearing, it shall be ruled inadmissible, if consideration of it delays the hearing of the case as a whole. Such a claim may not be presented in an appellate court.
(3) The presentation of new circumstances in support of the action shall not be deemed an amendment of action, unless this alters the case at hand.
(4) If the respondent in a civil case has not presented a written response or statement or he or she has failed to appear in court and the plaintiff wishes to

have the case decided, the judgment shall contain decisions only on the claims presented in the application for a summons and on the claims referred to in subsection 1, notice of which has been served on the respondent during the proceedings. In this, also the presentation of circumstances referred to above in subsection 3 shall be deemed an amendment of action, if the respondent has not received notice of the same.

[section 3 has been repealed; 690/1997]

Section 4 (690/1997)
If it is important for a decision in the case that an issue at hand in another trial or other proceedings is decided first, or if there is another long-term impediment for the hearing of the case, the court may order that the hearing be resumed only after the impediment has ceased to exist.

Section 5 (1052/1991)
If the plaintiff withdraws the action after the respondent has responded to it, a case amenable to settlement shall nevertheless be decided, if the respondent so requests.

Section 6 (244/2006)
The chairperson of the court shall ensure the maintenance of order in a hearing and for this purpose shall issue the necessary orders. The chairman may order that a person who disturbs the considerations or otherwise acts in an improper manner shall be removed from the courtroom.

Section 7 (244/2006)
(1) A person who
(1) does not follow the orders issued by the chairman pursuant to section 6,
(2) uses a manner of speech or writing in a hearing or in a document submitted to court that offends the dignity of the court or is otherwise inappropriate
or
(3) otherwise disturbs the consideration or behaves inappropriately
may be sentenced to a disciplinary fine of a most 1,000 euros.
(2) If in the situation referred to in subsection 1 a disciplinary fine is not a sufficient measure to eliminate the disturbance, the court may order that a person who is present in person may immediately be taken into custody and kept in custody for at most 24 hours. A person taken into custody shall be released immediately when keeping him or her in custody is no longer necessary in order to ensure the undisturbed conduct of the proceedings. If a party is taken into custody, the court shall consider whether the case may be continued despite the absence of the party.
(3) The court shall impose the sanctions referred to in subsection 1 and 2 on its own motion. Imposition of a sanction shall not prevent the bringing of charges for the same act, if it is punishable under another statutory provision. The court order on a disciplinary fine and holding in custody are subject to appeal.

[sections 7a—9 have been repealed; 690/1997]
[section 10 has been repealed; 1052/1991]
[section 11 has been repealed; 690/1997]

Chapter 15 — Attorney (150/1958)

Section 1 (21/1972)
(1) A party who has not been ordered to appear in court in person may retain the services of an attorney in the trial.
(2) The right of the prosecutor to be heard may not be exercised by attorney.
(3) A party who appears in court in person may retain the services of counsel. Questions may be put directly to the party if the court deems this necessary.
(4) An applicant other than a public authority shall retain the services of an attorney or counsel in a case before the Supreme Court that concerns procedural fault or the annulment of a valid judgment referred to in Chapter 31. (718/2011)

[subsection 4 has been added by the Act of 718/2011, and enters into force on 1 January 2013]

Section 2 (718/2011)
(1) Unless otherwise provided in this or another Act, an advocate, a public legal aide or counsel who has obtained the license referred to in the Licensed Counsel Act (715/2011) may serve as an attorney or counsel.
(2) Notwithstanding the provisions of subsection 1, a person who is in the employ or public service of a party, who has passed a higher university level examination other than that of Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted may serve as the attorney or counsel of such party. In addition, a person who is in the service of a labour market organization, who has passed a higher university level examination other than that of Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted, may serve as attorney or counsel in a matter concerning or substantially relating to an employment relationship and in Labour Court as the attorney or counsel of a party.
(3) Notwithstanding the provisions of subsection 1, a public authority the statutory duties of which include serving as counsel in court proceedings may serve as attorney or counsel. In addition, a person who is in the service of said public authority, who has passed a higher university level examination other than that of Master of International and Comparative Law, who is honest and otherwise suitable and competent for the task, who is not bankrupt and whose legal competence has not been restricted may serve as attorney or counsel.
(4) In addition, also a person other than one referred to in subsection 1, who is honest and otherwise suitable and competent for the task may serve as an attorney or counsel in the following matters, provided that he or she has reached the age of majority, he or she is not bankrupt and his or her legal competence has not been restricted:
(1) in a matter referred to in Chapter 5, section 3;
(2) in a non-contentious civil matter that has not been contested;
(3) in a Land Court matter.
(718/2011)

Section 3 (497/1958)
(1) A public official may not serve as an attorney or counsel in a trial if this is contrary to his or her official duties.

(2) A legally qualified member of a general court of law may not serve as an attorney or counsel in a trial unless he or she has an interest in the case or he or she appears on behalf of his or her spouse or of a person who is his or her direct ascendant or descendant, sibling or ward. Also, unless he or she has an interest in the case, he or she may not attend, in the court of which he or she is a member, to other non-contentious civil matters on behalf of persons other than those mentioned above. [578/2009]
(3) A person related, in the manner referred to in Chapter 13, section 3, to a member of the court taking part in the hearing of the case, may not serve as counsel or act as an attorney of a party to the matter. Also, a person who has participated in the hearing of the case as a member of a court, as a referendary or clerk or served as the attorney or counsel of the opposite party, may not serve as an attorney or counsel. (441/2001)

Section 4 (150/1958)
(1) Unless orally retained by the party in court, an attorney shall produce a power of attorney signed by his or her client, should the court so order. (718/2011)
(2) If the client is the State, a municipality or another community or public institution, also a written order or extract from the records given in the proper order may serve as a power of attorney and, if the client is a company, cooperative, foundation, association or another such corporation, a certified extract from the records kept at the meeting of a body entitled to grant a power of attorney and at which the power of attorney was granted may serve as a power of attorney.
(3) If a person who presents himself or herself as an attorney has not been orally retained under subsection 1 and he or she cannot immediately produce the power of authority referred to above or if the court, on the basis of an observation by a party or otherwise, considers it necessary to obtain proof that the authorisation is real, the person presenting himself or herself as an attorney shall be granted the opportunity to produce such proof. If there is reason to do so, the court may continue the hearing of the case without, however, finally deciding it. If the proof is later produced, the attorney shall be deemed to have served as an attorney from the time when he or she presented himself or herself. If the issue in question is the notification of intent to appeal, proof of the authorisation shall be produced in the court registry at the latest on the seventh day following the deadline prescribed for the filing of the notification of intent to appeal. (661/1978)

Section 4(a) (137/1938)
A telegram sent from a telegraph office in Finland and containing a copy of a power of attorney prepared in accordance with section 4, made out to a named person with or without the right to name a replacement, may serve as a power of attorney. The person who receives such a telegram for delivery at a telegraph office shall write on the original power of attorney, which is to be shown to him or her at the same time, a certificate of its presentation, and he or she shall note on the telegram that the power of attorney copied onto it with the certificates mentioned corresponds to the original power of attorney. A telephone may also be used in the delivery of the telegram. The telegram that has arrived shall be verified and a certificate thereof shall be written on the telegram to be given to the attorney. However, if the party so requests or the court otherwise deems it necessary, the original power of attorney shall be shown to the court before a deadline set by the court, under threat that otherwise the telegram shall not be valid as a power of attorney.

Section 5
If the State is party to a dispute, someone shall be appointed to defend the right of the State in a court of first instance. A State attorney shall be heard in such cases before a Court of Appeal.

Section 6
If a person who has an interest in the case wants to speak also on behalf of other persons, he or she shall obtain a power of attorney from them for this purpose.

Section 7 (150/1958)
(1) An attorney may agree on a settlement in the case unless it is specifically stated in the power of attorney that he or she is not entitled to do so. If the power of attorney is made out to a named person, the attorney may not appoint a replacement without permission.
(2) The power of attorney of an attorney shall entitle him or her to represent the client only in the court where he or she was orally retained or where the power of attorney has been produced. However, an attorney and counsel shall always be entitled to file a notification of intent to appeal a decision of the court in which he or she has served as an attorney or counsel.
(3) The personal appearance of the client in court shall not in itself be deemed to demonstrate that a power of attorney has been withdrawn.

Section 8
If the client dies in the course of a trial, the attorney shall notify the court thereof, and those who succeed the client shall provide a new power of authority.

Section 9 (213/1955)
If the court or the chairperson of the court, under separate provisions, has the power to appoint an attorney or a counsel to a party, a person who generally acts as an advocate in this court shall be under the obligation to accept the appointment as attorney or counsel.

Section 10
An attorney shall attend to a case with which he or she is entrusted honestly and with due diligence and he or she shall sign all documents which he or she submits to the court. No one shall be judged on the basis of a written statement which has not been signed by the person who prepared it, should it be observed that the party would not have been able to prepare it.

Section 10a (497/1958)
(1) Should an attorney or counsel prove to be dishonest, unperceptive or incompetent, or should he or she otherwise be found to be unsuited for the task, the court may deny him or her the right to appear in the case in question. Should there be reason to do so, the court may also deny him or her the right to serve as an attorney or counsel in the court, for at most three years. If the decision pertains to an advocate, public legal aide or licensed counsel, the court shall inform the supervisory board referred to in section 6a(1) of the Advocates Act (496/1958). If an advocate, public legal aid or licensed counsel otherwise act contrary to his or her duties, the court may report said action to the supervisory board for consideration. (718/2011)

(2) If an attorney or counsel has been denied the right to appear, the client, if he or she is not in court and wishes to pursue the case himself or herself, shall be reserved the opportunity to retain an attorney who meets the criteria.
(3) An attorney or counsel may appeal the order referred to above in subsection 1, but the order shall nonetheless take immediate effect.

Section 11
In court, a representative shall not have the right to withdraw from a case that he or she has begun unless the court finds that he or she has cause to do so.
[section 12 has been repealed; 135/2009]

Section 13
If a representative neglects to pursue the right of the client, the client shall have the right to bring an action for damages against the representative.

[sections 14 – 16 have been repealed; 244/2006]

Section 17 (585/1995)
(1) An attorney, a counsel or an assistant thereof may not without permission disclose a private or family secret entrusted to him or her by a client, nor similar confidential information received by him or her in the course of his or her duties.
(2) A breach of the privilege provided in subsection 1 is punishable under Chapter 38, section 1 or 2 of the Criminal Code, unless the act is punishable under Chapter 40, section 5 of the Criminal Code or unless a more severe penalty is provided elsewhere in the law.

[section 17 has been amended as of 1 January 2016 to read as follows:

***Section 17** (732/2015)*
(1) An attorney, a counsel or an assistant thereof or an interpreter may not without permission disclose a private or family secret or a commercial or professional secret that he or she has learned;
(1) in attending to a task related to the court proceedings;
(2) in providing legal advice on the legal position of his or her client in the criminal investigation or in other proceedings prior to the court proceedings;
(3) in providing legal advice on the initiation of or the avoidance of court proceedings.
(2) A breach of the secrecy obligation provided in subsection 1 is punishable under Chapter 38, section 1 or 2 of the Criminal Code, unless the act is punishable under Chapter 40, section 5 of the Criminal Code or unless a more severe penalty is provided elsewhere in the law.]

Chapter 16 — Dilatory pleas (690/1997)

Section 1(362/1960)
(1) A dilatory plea shall be entered when the respondent first answers in the case; all pleas shall, if possible, be entered at the same time. (1052/1991)
(2) If a dilatory plea is entered later, it shall not be considered unless it pertains to a circumstance that the court is to consider on its own initiative.

Section 2 ((362/1960)
If the nature of the matter so requires, the court shall rule separately on a dilatory plea.

Section 3 (381/2003)
(1) A ruling dismissing a dilatory plea without considering its merits is subject to appeal in accordance with Chapter 25, section 1, subsection 2.
(2) A decision by which a member of the court has been found disqualified is not subject to appeal.
(3) A ruling rejecting a dilatory appeal is subject to appeal in connection with an appeal of the judgment or the ultimate court order of the District Court, unless the court orders that an appeal may be lodged separately. If a party has appealed the ultimate decision of the court, the opposing party may, in his or her response to the appeal, also appeal a ruling by which his or her dilatory plea had been rejected.

[sections 4—10 have been repealed; 690/1997]

Chapter 17 — Evidence (571/1948)

[NB: Chapter 17 has been amended as of 1 January 2016** (732/2015). **This new text is provided below, after the present text of Chapter 17]
General provisions on evidence

Section 1 (571/1948)
(1) In a civil case the plaintiff shall prove the facts that support the action. If the defendant presents a fact in his or her favour, also he or she shall prove it.
(2) In a criminal case the plaintiff shall prove the facts that support his or her claim.

Section 2 (571/1948)
(1) After having carefully evaluated all the facts that have been presented, the court shall decide what is to be regarded as the truth in the case.
(2) When there is a special provision in law on the significance of a piece of evidence, this shall apply.

Section 3 (571/1948)
(1) A fact that is notorious or known to the court *ex officio* need not be proven. In addition, no evidence need be presented on the contents of the law. If the law of a foreign state is to apply and the court does not know the contents of this law, the court shall exhort the party to present evidence on the same.
(2) If, in respect of a given case, the law specifically provides that the court is to obtain information on the contents of foreign law applicable in the case, the specific provisions apply.
(3) If, in a given case, foreign law should apply, but no information is available on its contents, Finnish law applies instead. (165/1998)

Section 4 (571/1948)
(1) If, in a case amenable to settlement, a party has admitted a fact in court, this admission shall be binding upon him or her. If the party retracts the admission, the court shall, on the basis of the grounds that the party presents as reasons for the retraction and on the basis of other circumstances, consider what effect the

admission has as evidence.
(2) In a case other than that referred to in subsection 1 the court shall consider what effect the admission of the party has as evidence.

Section 5 (571/1948)
If, regardless of a court order and without a valid reason, a party fails to appear in court or otherwise fails to fulfil something in a trial or fails to respond to a question intended to clarify the case, the court shall, taking into consideration all the facts available in the matter, consider what effect the conduct of the party has as evidence.

Section 6 (571/1948)
If the issue relates to the quantum of damages and no evidence is available or if evidence can only be presented with difficulty, the court shall have the power to assess the quantum, within reason.

Section 7 (571/1948)
If a piece of evidence that a party wishes to present pertains to a fact that is not material to the case or that has already been proven, or if the fact can be proven in another manner with considerably less inconvenience or cost, the court shall not admit this piece of evidence.

Section 8 (1052/1991)
The parties shall obtain the evidence necessary in the case. Also the court may, when it deems this necessary, decide on its own initiative that evidence be obtained. However, the court may not on its own initiative, against the consensus of the parties, decide that a new witness be heard or a document presented, if the case is amenable to settlement or if the injured party is prosecuting the charge for a complainant offence that is not punishable by more or otherwise than a fine or imprisonment for at most four years.

Section 8a (1052/1991)
(1) Evidence shall be admitted in the main hearing, unless it is to be admitted outside of a main hearing in accordance with Chapter 6, section 8, 12 or 17 of this Code, Chapter 6, section 4 or 12 of the Criminal Procedure Act (689/1997), or section 15, 41, 48a, 51, 56a, 61 or 65 of this Chapter. (690/1997)
(2) If evidence is received outside of a main hearing or if no main hearing is held, the evidence may be admitted also in another court of first instance.

Section 8b (1052/1991)
The court shall invite the parties to a hearing for the admission of evidence outside of the main hearing. The invitation shall include the notice that the hearing may be held regardless of the absence of a party.

Section 8c (1052/1991)
If the court decides that evidence be admitted in another court, the former shall submit a request on the same to the latter and at the same time briefly explain the case at hand and what is intended to be proven with the evidence. At the same time the court shall deliver to the other court that is to admit the evidence the material compiled during the proceedings, if this is possible without inconvenience.

Section 8d (1052/1991)
(1) A court that admits evidence on the request of another court shall determine the time for the admission of the evidence.
(2) The court that admits evidence shall deliver the material compiled during the admission of evidence to the court where the main case is pending.

Section 8e (1052/1991)
(1) Evidence admitted outside of a main hearing shall be readmitted in the main hearing, unless there is an impediment to the same or unless the application of section 7 otherwise requires. (690/1997)
(2) If the evidence is not readmitted in the main hearing, the court shall study it on the basis of the material compiled during the admission of the evidence.
(3) The court may order that documentary evidence be admitted in the main hearing without reading it only if its contents are known to the members of the court, the parties agree to the same and the same may also otherwise be deemed appropriate.

Section 9 (21/1971)
(1) The unexcused absence of a party in a civil case shall not prevent the admission of evidence. In a criminal case, evidence may be admitted regardless of the unexcused absence of the defendant only if the court deems this appropriate. (690/1997)
(2) When evidence has been admitted in the absence of a party, the evidence shall be readmitted in the presence of the party, unless there is an impediment to this or unless the application of section 7 of this Code or Chapter 6, section 3(a) of the Criminal Procedure Act requires otherwise. If the evidence is not readmitted, the court shall study it on the basis of the material compiled during the proceedings. (244/2006)
(3) A party who is present shall be granted the opportunity to express his or her opinion about every piece of evidence presented to the court.

Section 10 (571/1948)
(1) A person who wishes to present evidence in advance for a case that is not yet pending shall apply for permission for this from a court of first instance. If his or her rights may depend on the admission of the evidence and there is a danger that the evidence will be lost or that it will be difficult to present it later, and the presentation of the evidence is not for the purpose of obtaining clarification regarding an offence, the permission shall be granted. If the rights of another person depend on the presentation of the evidence, he or she may, if necessary, be invited to appear in court for the hearing. His or her costs shall be covered by the applicant. (1052/1991)
(2) In such cases no one may be required to appear as a witness or an expert witness in a court other than the court of first instance in the district of which he or she resides or is staying.

Section 11 (690/1997)
(1) The following may not be admitted as evidence in a court, unless otherwise provided in an Act:
(1) a private written statement drawn up for the purpose of a pending or imminent trial, unless the court admits it for a special reason; and
(2) an oral statement entered or otherwise stored in the record of a criminal investigation or another document.

(2) If the statement given in a pre-trial criminal investigation by a person who has not reached the age of 15 years or a person who is mentally impaired has been recorded on a video recording device or on a comparable video and audio recording, the statement may nonetheless be admitted as evidence in court if the defendant is provided with an opportunity to present questions to the person being heard. Section 21 contains provisions on the hearing of such a person as a witness or for a probative purpose. (360/2003)
(3) If a witness cannot be questioned in the main hearing or outside of the main hearing, the court may admit as evidence the document or statement referred to in subsection 1(2).
(4) When a defendant contests a claim made by the plaintiff based on a negotiable promissory note, bill of exchange or cheque, as referred to in Chapter 5, section 14, the defendant may deliver to the court a private written statement referred to in subsection 1, if it corroborates the plausibility of the contesting.

Section 11a (1052/1991)
Separate provisions apply to the admission of evidence abroad.

Documentary evidence (1052/1991)

Section 11b (1052/1991)
(1) A document to be presented as evidence shall be delivered to the court in the original, unless the court deems it sufficient that a copy be presented.
(2) If the document contains information that the party, in accordance with section 12, need not present or must not present, or if it otherwise contains information that is not to be disclosed, an extract from the document shall be presented from which said information has been deleted.

The obligation to present a document

Section 12 (571/1948)
(1) When it can be assumed that a document is of significance as evidence in a case, the person in possession of the document shall present it in court. However, this provision does not apply to the defendant in a criminal case or to a person who is related to him or her in the manner referred to in section 20.
(2) A party or a person who is related to him or her in the manner referred to in section 20 need not present a document that contains a communication between the party and such a person or between persons related in said manner. A public official or other person referred to in section 23 may not present a document if it can be assumed that the document contains something on which he or she may not be heard as a witness; if the document is in the possession of the party in whose benefit the secrecy obligation has been provided, this party need not present it. The provision in section 24 on the right of a witness to refuse to divulge a fact or answer a question or give a statement applies correspondingly to the obligation to present a document if the contents of the document are such as referred to in this provision.
(3) A written note or other document that is intended for personal use only may not be ordered to be presented in court unless very important reasons require its presentation.

Section 13 (571/1948)
If, because of the legal relationship between the person in possession of a document and a party, or otherwise by law, said person is under the obligation to surrender the document or grant another person access to the document, said obligation applies also in a trial.

Section 14 (571/1948)
Before the person in possession of a document is ordered to present the document in court he or she shall be granted the opportunity to make an explanation.
In order to clarify a question related to the obligation to present a document, the person in possession of the document may be questioned in the manner provided below on the hearing of a witness or a party; other evidence may also be presented.

Section 15 (1052/1991)
(1) The court may decide that a document be admitted outside of the main hearing if it cannot be admitted in the main hearing or its presentation in the main hearing would cause unreasonable costs or undue inconvenience in comparison to the significance of the evidence. If it is especially important in view of the resolution of the case, the case may at the same time be dealt with also in other respects. (690/1997)
(2) When the court has ordered a person to present a document in court, he or she shall present in the original or as a certified copy; however, he or she shall present the document in the original when the court deems this necessary. If the presentation of the original document in court is especially difficult, the document may be presented in the court of first instance where this is most convenient.
(3) The court may also, if it deems this necessary, order the person under the obligation to present a document to present it under threat of a fine or order that it be delivered to the court by a distraint officer.

Section 16 (571/1948)
(1) When a person other than a party has been ordered to present a document in court, he or she shall be entitled to reasonable compensation for his or her inconvenience and expenses; said costs are to be paid by a private party when this party has called for the presentation of the document or invoked the document, and otherwise said costs are to be paid by the State.
(2) The provisions in Chapter 21, section 13 of this Code and Chapter 9, section 1 of the Criminal Procedure Act apply, in so far as appropriate, to the reimbursement, to the State, of costs paid from State funds, (690/1997)

Section 17 (571/1948)
(1) Where a person has been ordered to present a document in court under threat of a fine and the fine has been ordered enforceable owing to his or her failure to heed the order, the enforcement order is separately subject to appeal.
(2) Where a person is dissatisfied with a court order on the compensation for the presentation of a document in court, also this order is subject to separate appeal.
(3) An appeal does not prevent enforcement of the order unless the court that has issued the order deems there to be special reasons for a stay on enforcement, or the appellate court so orders.

Witnesses

Section 18 (690/1997)
(1) Anyone other than a party to the case may be heard as a witness. In a criminal case, the injured party may not be heard as a witness even if he or she does not exercise his or her right to be heard as a party; in a civil case, a person may not be heard as a witness if the eventual judgment will be to his or her benefit or detriment as if he or she were a party.
(2) In a criminal case, the following may not be heard as witnesses:
(1) a person who has been accused of the same act or of an act immediately connected to the act to which the charge pertains;
(2) a person who has been given a summary fine or a summary penal fee for the act referred to in paragraph (1); or
(3) a person whose act has not been submitted for prosecution in accordance with Chapter 3, section 9 of the Criminal Investigation Act (805/2011) or whose prosecution has been waived in accordance with Chapter 1, section 7 or 8 of the Criminal Procedure Act or a similar provision elsewhere in law.
(817/2011)
(3) If a person referred to in subsection 1 or 2 but not a party to the case is to be heard in court, the provisions on the summoning, absence and hearing of a party apply, in so far as appropriate, to that person. The provisions on the right of a witness to compensation for appearance in court apply, in so far as appropriate, to that person.

Section 19 (440/2011)
If a judge is called as a witness, he or she shall consider under his or her oath as a judge whether he or she knows something that is relevant in the case. If he or she deems this to be so, he or she shall be heard as a witness. If the public prosecutor is called as a witness, the court shall consider whether this is necessary to discover the truth, and he or she shall then withdraw from the case.

Section 20 (571/1948)
A person may not refuse to testify. However, the following need not testify against their will:
(1) a person who is or has been married or is engaged to one of the parties;
(2) a person who is a direct ascendant or descendant of a party or who is or has been married to a person related to a party in said manner; and
(3) the siblings or the spouses of the siblings of a party or the adoptive parents or adopted children of a party.

Section 21 (360/2003)
(1) A person who has not reached the age of fifteen years or who is mentally impaired may be heard as a witness or for probative purposes if the court deems this appropriate and if
(1) hearing him or her personally is of central significance to the clarification of the matter; and
(2) hearing the person would probably not cause said person suffering or other harm that can injure him or her or his or her development.
(2) The court shall as necessary appoint a support person for the person to be heard and the provisions in Chapter 2 of the Criminal Procedure Act (689/1997)

on a support person to be appointed for a party apply to such person.
(3) The person to be heard shall be questioned by the court unless the court deems there to be particular reason to allow the parties to question the person as provided in section 33. The parties shall be reserved an opportunity to submit, through the court, questions to the person to be heard or, if the court deems this suitable, directly to the person to be heard. If necessary, the hearing may take place elsewhere than in the court room.

Section 22 (571/1948)
The President of the Republic may not be called as a witness.

Section 23 (571/1948)
(1) The following may not testify:
(1) a public official or a person elected or appointed to a public function or duty, in respect of what he or she is bound to keep secret in this function;
(2) any person, in respect of what is to be kept secret from a foreign state for reasons of national security or the protection of the rights or interests of the
State;
(3) a physician, pharmacist or midwife or the assistant of such a person, in respect of what they have learned in the practice of their profession and what is to be kept secret because of the nature of the matter, unless the person in whose benefit the duty of confidentiality has been provided consents to such testimony;
(4) an attorney or counsel, in respect of what the client has entrusted to him or her for the pursuit of the case, unless the client consents to such testimony; (395/2011)
(5) a mediator or auxiliary mediator referred to in the Act on Mediation in Civil Cases and Certification of Mediation in General Courts (394/2011), in a civil case in respect of what he or she has learned in the course of his or her duties regarding the mediated matter, unless particularly important reasons require that he or she be heard, or the person in whose interests the duty of confidentiality has been provided consents to such testimony. (395/2011)
(2) Separate provisions apply to a priest's duty of confidentiality.
(3) Notwithstanding the provisions in subsection 1(3) and 1(4) above, a person referred to therein, with the exception of the counsel of the defendant, may be ordered to testify in the case if the public prosecutor has brought a charge for an offence punishable by imprisonment for six years or more, or for an attempt of or participation in such an offence. (440/2011)
(4) The provisions in subsection 1(1) and 1(3) – 1(5) apply even if the witness is no longer in the position in which he or she received information on the issue on which evidence is required. (395/2011)

Section 23(a) (92/2015)
No one may testify regarding information recorded in a register on a witness protection programme referred to in section 24, subsection 1(28) of the Act on the Openness of Government Activities or regarding other information that concerns the witness protection programme. Nonetheless, testimony may be given if charges have been brought regarding an offence directed against a person being protected by a witness protection programme.

Section 24 (571/1948)
(1) A witness may refuse to reveal a fact or answer a question if he or she cannot do so without incriminating himself or herself or a person who is related to him or her in the manner referred to in section 20. In addition, a witness may refuse to give a statement which would reveal a business or professional secret unless very important reasons require that the witness be heard thereon.
(2) The author, publisher or broadcaster of a communication made available to the public referred to in the Act on the Exercise of the Freedom of Speech in Mass Communications (460/2003) may refuse to answer a question on the identity of the source of the information upon which the communication was based, as well as a question which cannot be answered without identifying the source of the information. The same right is vested in a person who has been informed of a fact mentioned above when in the employment of the author, publisher or broadcaster of the communication in question. (461/2003)
(3) A person referred to above in subsection 2 may also refuse to answer a question on the identity of the author of a communication made available to the public, as well as a question which cannot be answered without identifying the author. (461/2003)
(4) When the case referred to in subsection 2 or 3 concerns an offence punishable by imprisonment for six years or more, or an attempt of or participation in such an offence, or information that has been given in violation of a duty of secrecy, subject to punishment under a separate provision, the person referred to in said subsection may nonetheless be ordered to answer the question. (622/1974)

Section 25 (571/1948)
A person who refuses to testify or to answer a question shall, at the same time, mention the grounds for the refusal and show a plausible reason for it.

Section 26 (1056/1991)
(1) When a person who has been called as a witness is present in court, he or she shall testify at once.

[subsection 2 has been repealed; 690/1997]

(3) The court shall see to the subpoenaing of witnesses to court, unless this has been entrusted to a party in accordance with Chapter 11, section 2. A witness shall be subpoenaed under threat of a fine imposed by the court, and the subpoena shall be served on the witness in person in accordance with the provisions in Chapter 11, sections 3, 3b and 4. (362/2010)
(4) When a witness is subpoenaed, he or she shall be notified of the date, time and location of the hearing. The necessary information on the parties and the case shall also be indicated. In addition, the witness shall be notified of the contents of the provisions in sections 36 and 39, and in section 40, subsections 4 and 5.

Section 26a (520/1975)
(1) If service of the subpoena on a witness is to be performed abroad, the court shall see to the subpoenaing of the witness. The date on which service of the subpoena shall at the latest be performed shall be noted thereon. (690/1997)
(2) A subpoena shall be requested by an application delivered to the registry of a

District Court. A judge shall see to the delivery of the subpoena to the authorities of the country where the witness lives, as separately provided or agreed. (8/1994)
(3) The sanctions for unexcused absence of a witness provided in sections 36 and 39 do not apply to a witness who has been served with a subpoena abroad in accordance with a request for judicial assistance, but nevertheless failed to arrive to Finland, except if the subpoenaed person later has voluntarily arrived to Finland and failed to comply with a subpoena, served on him or her here, to appear in court. The Act on the Obligation to Appear in the Court of Another Nordic Country in Certain Cases (349/1975) applies to the obligation of a witness to arrive from another Nordic country to be heard in a Finnish court. (8/1994)
(4) The Ministry of Justice shall issue more detailed orders on the contents of the subpoena.

Section 27 (571/1948)
The court may order that, before arriving in court to testify, a witness is to examine ledgers, memoranda or other documents that are available to him or her or examine places or objects, if this is possible without undue inconvenience, so as to refresh his or her memory of the circumstances on which evidence is required.

Section 28 (571/1948)
(1) Once the witness has been called in, the chairperson of the court shall ask the witness his or her name, age, occupation and place of residence, and he or she shall, should there be reason, also inquire into such facts that, under law, might prevent the taking of the oath as a witness or that would entitle or oblige the witness to refuse to testify, and into that which might affect the credibility of the witness; all this shall be noted in the records.
(2) If the witness has the right to refuse to testify or to refuse to answer a question, the chairperson shall notify the witness of this and at the same time remind him or her that if he or she does not wish to make use of this benefit he or she shall, in the same way as any other witness and under the threat of the same sanction, be obliged to speak the truth and reveal what he or she knows about the matter.

Section 29 (571/1948)
(1) Each witness shall, as he or she chooses, either take the oath of a witness or give the affirmation of a witness. However, a witness who does not have a religious affiliation shall give an affirmation. (1049/1986)
(2) The wording of the oath is as follows (1049/1986): “I, <insert name>, do promise and swear by almighty and all-knowing God that I shall testify and state the whole truth in this case, without concealing it, adding to it or altering it.”
(3) The wording of the affirmation is as follows (1049/1986): “I, <insert name>, do promise and swear on my honour and conscience that I shall testify and state the whole truth in this case, without concealing it, adding to it or altering it.”

Section 30 (571/1948)
The following persons may not take the oath of a witness or give the corresponding affirmation:
(1) a person who has not reached the age of fifteen years;
(2) a person who is found to lack a proper understanding of the significance of the oath because of mental illness, mental retardation or other mental disorder; and

(3) a person who is related to the defendant in a criminal case in the manner referred to in section 20.

Section 31 (571/1948)
Before the witness testifies, the chairperson of the court shall remind him or her of the duty to be truthful and, if an oath or affirmation has been administered, of its importance. If there is reason to do so, the witness shall also be informed of the contents of sections 23 and 24.

Section 32 (440/2011)
(1) The witness shall provide his or her testimony orally without referring to a written statement. However, the witness may use written notes as memory aids.
(2) A statement that the witness has previously given to the court or to the public prosecutor or to the police authorities shall be read out in connection with the hearing of the witness only if, in his or her testimony, the witness has deviated from the earlier statement, or when the witness states in the hearing that he or she cannot or will not testify in the case.

Section 33 (690/1998)
(1) The questioning of the witness shall be begun by the party who has called the witness, unless the court otherwise orders. The witness shall present a continuous account of the facts on his or her own initiative and, where necessary, with the aid of questions put to him or her.
(2) After the questioning referred to in subsection 1 above, the witness shall be questioned by the opposing party. If the opposing party is not present or if the court otherwise deems this necessary, the witness shall be questioned by the court.
(3) Thereafter, the court and the parties may put questions to the witness. The party who has called the witness shall be reserved the first opportunity to put a question to the witness.
(4) If the witness has not been called by either party or if both parties have called the witness, the questioning of the witness shall be begun by the court, unless the court deems it more appropriate that the questioning is begun by one of the parties.
(5) No questions shall be allowed that, due to their content, form or manner of presentation, lead to a predetermined reply, except in questioning referred to in subsections (2) and (3) for the purpose of ascertaining the correspondence of the testimony and the true state of affairs. The court shall disallow manifestly irrelevant, confusing and otherwise inappropriate questions.

Section 33a (690/1997)
(1) If there are several witnesses in a case, they shall be heard separately. If their testimony is confused or in conflict, or if it is otherwise found that there is special reason to hear witnesses together, this shall be allowed.
(2) A person who has been called as a witness may not be present in the hearing of the case except in so far as necessary for his or her testimony.

Section 34 (360/2003)
(1) A witness, another person heard for probative purposes and an injured party may be heard in the main hearing without the presence of a party or another person, if the court deems that this is appropriate and such hearing is necessary

(1) in order to protect the person being heard or a person related to said person in the manner referred to in Chapter 15, section 10, subsection 2 of the Criminal Code, from a threat directed at life or health;
(2) if the person being heard would otherwise not reveal what he or she knows about the matter; or
(3) if a person disturbs or attempts to mislead the person being heard during his or her testimony.
(2) Parties shall be reserved an opportunity to put questions to the person being heard.
(3) A witness or other person may be heard in a hearing closed to the public, as provided in the Act on the Publicity of General Court Proceedings (370/2007).

Section 34a (360/2003)
(1) A witness, another person to be heard for probative purposes or a party may be heard in the main hearing without being present in person, through the use of a video conference or other suitable technical means of communication by which the persons participating in the hearing have audio and video contact with one another, if the court deems this appropriate and
(1) the person to be heard cannot, due to illness or another reason, appear in person in the main hearing, or his or her personal appearance in comparison to the significance of the testimony would cause unreasonable costs or unreasonable inconvenience;
(2) the credibility of the statement of the person to be heard can be reliably assessed without his or her personal appearance in the main hearing;
(3) the procedure is necessary in order to protect the person to be heard or a person related to him or her in the manner referred to in Chapter 15, section 10, subsection 2 of the Criminal Code, from a threat directed at life or health; or
(4) the person to be heard has not reached the age of 15 years or he or she is mentally impaired.
(2) Parties shall be reserved an opportunity to put questions to the person being heard.
(3) In the cases referred to above in subsection 1(1) and 1(2), however, also a telephone may be used in the hearing.

[section 35 has been repealed; 1064/1991]

Section 36 (244/2006)
(1) If a witness is absent without a valid excuse or leaves without permission, the threat of a fine imposed on the witness shall be ordered enforceable and the court may order that the witness be brought to the court at once, unless the hearing of the case is to continue later. If the hearing of the case is to continue later, a higher threat of a fine shall be imposed or, if necessary, the witness shall be ordered to be brought to the hearing. A witness who has been ordered to be brought may be taken into custody. The loss of liberty for a reason referred to in this subsection, together with the time of transportation, may last at most five days. However, the loss of liberty of may not exceed what is necessary to ensure the conduct of the trial.
(2) If on the basis of the conduct of the witness or another person to be heard in person for probative purposes, it can be assumed that he or she will not comply with the subpoena to arrive in court, the court may order that he or she be

brought to court.
(3) When a person referred to in subsection 1 or 2 has been brought to court, the threat of a fine shall not be ordered enforceable.
(4) A person brought to court pursuant to this section shall be liable for the costs of being brought to court.

Section 37 (571/1948)
A witness who without a legal reason refuses to take the oath of a witness, give the corresponding affirmation, testify, respond to a question or obey an order issued under section 27 may be compelled by the court to fulfil the duty under threat of a fine and, if this does not cause the witness to comply, by imprisonment. No one shall be imprisoned for this reason for more than six months and in any case for no longer than the case is pending in the court in question. If the witness is ready to comply before this, the chairperson of the court shall be notified thereof, and the chairperson shall order that the hearing continue as soon as possible.

Section 38 (571/1948)
(1) The provisions in sections 36 and 37 do not apply to a witness referred to in section 30(1) and (2). However, such a witness may be brought to court.
(2) If the person who has called the witness waives the questioning, or the need to question him or her otherwise lapses, the threat of a fine imposed on the witness under sections 36 and 37 shall not be ordered enforceable, nor shall coercive measures be employed against the witness. (690/1997)

Section 39 (571/1948)
If a witness has caused a party to incur legal costs by being absent without excuse or by other non-compliance, the court may order the witness to compensate the costs as is deemed reasonable, even if no such claim is made. If the court has also ordered a party to compensate the opposite party and said party has done so, said party is entitled to receive from the witness what the witness has been ordered to compensate.

Section 40 (667/1972)
(1) A witness shall be entitled to reasonable compensation for his or her necessary travel and maintenance expenses as well as for loss of earnings.
(2) A private party shall pay the compensation to a witness whom he or she has called. When the court has called a witness in a civil case on its own initiative, the parties shall be jointly and severally liable for the compensation. (1052/1991)
(3) Separate provisions apply to compensation to be paid to a witness from State funds.
(4) A witness called by a private party is entitled to advance compensation for his or her travel and maintenance expenses. The advance shall be paid by the person who according to subsection 2 is liable for the compensation. When the witness is subpoenaed, he or she shall at the same time be informed of the right to an advance. The court shall determine what constitutes an adequate advance.
(1052/1991)
(5) If the party liable to pay the advance does not pay it to the witness on request, the witness shall not be required to appear in court. In addition, the party shall not have the right thereafter to call that witness to be heard, if this would lead to a delay in the case.

Section 41 (690/1997)
If the witness cannot appear in the main hearing owing to illness or another reason, or if the appearance of the witness in the main hearing would result in unreasonable expenses or undue inconvenience in comparison to the significance of the testimony, the court may order that the witness is to be heard outside of the main hearing. If the witness, owing to illness, cannot be heard in court, he or she may be heard in the place where he or she is. If it is especially important for the hearing of the case, the case may in this event be dealt with also in other respects.

Section 42 (571/1948)
(1) A person who is not satisfied with an order by which the threat of a fine imposed on a witness for absence or refractoriness has been ordered enforceable, by which the witness has been rendered liable for compensation, by which the witness has been imprisoned or brought to court, or by which the compensation to the witness has been determined, may appeal against the order. (690/1997)
(2) The provisions in section 17, subsection 3 apply to the effect of the appeal on the enforcement of the order.

Section 43 (571/1948)
When, by law, a transaction is to be entered into in the presence of unbiased witnesses or an unbiased witness is to be present at proceedings, and no provisions to the contrary have been enacted, the following persons shall be disqualified:
(1) a person who, under section 30, may not take the oath of a witness;
(2) a person who is a party to the proceedings or whose right is affected by the proceedings or who is a party to the transaction or in whose interest the transaction is entered into;
(3) a person who is related in the manner referred to in section 20 to a person who is a party to the proceedings or whose right is affected by the proceedings or who is a party to the transaction or in whose interest the transaction is entered into; and
(4) a person who is related in the manner referred to in section 20 to a person whose duties include the performance of the proceedings or to a notary public or the holder of an office or post used in the performance of the transaction.

Expert witnesses

Section 44 (571/1948)
(1) If, in the consideration of a question which must be ascertained on the basis of special professional knowledge, it is deemed necessary to use an expert witness, the court shall obtain a statement on this question from an agency, a public official or another person in the field or entrust the giving of such a statement to one or more experts in the field who are known to be honest and competent.
(2) If the law requires the use of expert witnesses in a specific case, the separate provisions on this apply.

Section 45 (244/2006)
(1) The court may order an examination of the mental state of the defendant in a criminal case if
(1) the court has, in an intermediary judgment in accordance with Chapter

11, section 5a of the Criminal Procedure Act found the defendant in the criminal case guilty as charged;
(2) there is cause to examine the mental state of the defendant; and
(3) the defendant agrees to the examination of his or her mental state or he or she has been remanded for trial or he or she is charged with an offence punishable by more than one year of imprisonment.
(2) On the request of the prosecutor or of the suspect in the offence or his or her guardian the court may, subject to the conditions of subsection 1(2) and 1(3), order that the mental state of the defendant be examined already during the criminal investigation or before the main hearing, if the suspect has admitted committing the offence or if the need for a mental examination is otherwise evident. In making the court order referred to in this subsection, the provisions of Chapter 3, section 1, subsection 2 of the Coercive Measures Act (806/2011) apply to the quorum in the court and the holding of a hearing. (817/2011)
(3) Before deciding pursuant to Chapter 2c, section 11 of the Criminal Code on service of the entire sentence in prison, an examination of the mental state of the defendant shall be ordered. At the same time, the court shall request a statement on whether or not the defendant is to be deemed a particular danger to the life, health or liberty of another.
(4) For the rehearing of service of the entire sentence in prison as referred to in Chapter 2(c), section 12 of the Criminal Code, the Helsinki Court of Appeals shall request a statement on whether or not a person serving his or her full sentence in prison is still to be deemed a particular danger to the life, health or liberty of another.
(5) A court order regarding a mental examination is not separately subject to appeal. The person ordered to undergo a mental examination may file an extraordinary appeal against the court order on the basis of procedural fault. The extraordinary appeal has no time limit. Such an extraordinary appeal shall be considered urgently.
(6) Separate provisions apply to the mental examination and admission into hospital for such an examination.

Section 46 (571/1948)
(1) Before an expert witness is appointed, the parties shall be heard on this. If the parties agree on an expert witness, that person shall be used if he or she is deemed to be suitable and there is no impediment to the same. In addition, the court may appoint one expert witness.
(2) No one may be appointed an expert witness against his or her will, unless he or she is under the obligation to serve as an expert witness by virtue of public office or function or in accordance with a special provision of law.

Section 47 (571/1948)
A person may not serve as an expert witness if his or her connection to the case or relationship with either party is such that his or her credibility can be deemed reduced because of it.

Section 48 (571/1948)
(1) An expert witness may not be required to disclose a business or professional secret, unless very important reasons otherwise require.
(2) The provisions on a witness apply to the coercive measures available against an uncooperative expert witness and the compensation of the costs incurred by the parties. However, an uncooperative expert witness shall not be brought to

court nor compelled to serve by means of imprisonment.

Section 48a (1052/1991)
A party or another person may be heard and other information may be admitted before the main hearing, if this is necessary in order to clarify a circumstance on which an expert witness is to be heard. If evidence is admitted at this time, the provisions on the admission of evidence outside of the main hearing apply, in so far as appropriate.

Section 49 (571/1948)
(1) An expert witness who is to be heard in court in person shall, at his or her own choice, either take an expert's oath or give a corresponding affirmation. An expert witness who is not affiliated to any religious community shall, however, always give the affirmation. (1052/1991)
(2) The wording of the oath is as follows (1049/1986): "I, <insert name>, do promise and swear by almighty and all-knowing God that I shall fulfil the task given to me to the best of my understanding."
(3) The wording of the affirmation shall follow that of the oath, *mutatis mutandis*. (1049/1986)
(4) The expert witness shall take the oath or give the affirmation before being orally heard in the court. If he or she has delivered a written statement in advance, the wording of the oath or affirmation shall be modified accordingly. A person serving as an expert witness by virtue of an official position, function or duty need not take an oath or give an affirmation. (1052/1991)

Section 50 (1052/1991)
(1) An expert shall give a detailed account on the findings in his or her investigation and, on the basis of the account, a substantiated statement on the question put to him or her. The statement shall be compiled in writing, unless the court deems there to be reason to allow for it to being given orally. When a person is appointed as an expert witness not on the basis of his or her official position or function, the court shall determine the time within which the statement is to be given.
(2) An expert witness who has given a written statement shall be orally heard in court, if a party so requests and the hearing is not evidently irrelevant, or if the court deems the hearing of the expert witness necessary. If there are several expert witnesses, one or several of them may be called to be heard.

Section 51 (571/1948)
(1) The provisions in sections 26a, 31, 33, 34, 34a and section 41 apply, in so far as appropriate, also to an expert witness. (360/2003)
(2) If the expert witness has given a written statement, this shall be read out in full or in part, unless the court for a special reason orders otherwise.

Section 52 (571/1948)
If the statement of the expert witness is not clear or if it is deficient or contradictory and the defect cannot be remedied by an oral hearing, the court may require a new study or a new statement from him or her or from another expert witness. If the statement has been given by the holder of a public office or function, the court may request a new statement from a superior authority.

Section 53 (571/1948)
(1) The expert witness shall be entitled to a reasonable fee for his or her work and time as well as compensation for his or her necessary expenses. If the statement has been given by an authority or the holder of a public office or a function or by a person who has been appointed to give statements in the field in question, a fee and compensation shall be paid only if specifically so provided. (667/1972)
(2) In a civil case between private parties the payment of the compensation is the joint and several liability of the parties or, if the expert has been appointed on the request of one party only, by this party alone. The same applies to the injured party and the defendant when the injured party prosecutes the charge or makes another claim in a criminal case concerning a complainant offence not punishable otherwise or more severely than by a fine or imprisonment for at most four years. In other cases the compensation shall be paid from State funds. (622/1974)
(3) If there is reason, the court may order that the compensation or a part thereof is to be paid to the expert witness in advance. The advance payment shall be made by the party who in accordance with subsection 2 is to pay compensation to the expert. However, in a case where the action has been brought by a private party and the court has ordered the expert witness to assist the court without the request of the party, and unless the party makes the advance payment, the court may order that the advance payment to the expert witness is made from State funds.
(4) Chapter 21, section 13 applies to the reimbursement to the State of the compensation paid in advance from State funds. (1013/1993)

Section 54 (571/1948)
(1) An order for the enforceability of a threat of a fine imposed on an expert witness or for his or her liability for compensation, or relating to the fee and compensation payable to the expert witness, is subject to appeal. (690/1997)
(2) The provisions in section 17, subsection 3 apply to the effect of the appeal on the enforcement of the order.

Section 55 (571/1948)
If a party relies on an expert witness who has not been appointed by the court, the provisions on a witness apply to such expert witness. However, the provisions in section 50 and section 51, subsection 2 may be applied to him or her.

Judicial inspection

Section 56 (571/1948)
(1) When information is required of real estate or an object that cannot be brought to court without undue difficulty, the court may conduct a judicial view of the real estate or the object at the place where the object is to be found. If the court deems it necessary to conduct a judicial view at the scene of an event, it shall decide to do so.
(2) No business or professional secrets may be disclosed in a judicial view unless very important reasons require otherwise.

Section 56a (1052/1991)
A judicial view in a civil case may be held outside of the main hearing, if it cannot be arranged in the main hearing or if this would cause unreasonable costs or undue

inconvenience in comparison to the significance of the inspection. If especially important for the resolution of the case, the case may be dealt with also in other respects.

Section 57 (571/1948)
(1) A person who possesses an object that can be brought to court without undue inconvenience and which can be assumed to have significance as evidence in the case shall be under the obligation to bring it for judicial view. However, this provision does not apply in a criminal case to the defendant and to a person who is related to him or her in the manner referred to in section 20. A party or other person is correspondingly entitled to refuse to bring an object for judicial view on the same grounds as those on which, under section 24, a witness may refuse to reveal a matter or answer a question or give a statement.
(2) The provisions in sections 13—17 apply correspondingly when an object or document is to be brought for judicial view. In addition, the provisions in section 12 apply to the bringing of a document for judicial view.

Section 58 (571/1948)
(1) The parties shall be informed of the judicial view. If the person charged with an offence has been remanded for trial and his or her presence is deemed to be necessary, the court shall order that he or she be brought to the judicial view.
(2) If a drawing, a plan or another graphic presentation is required for the clarification of the case, this shall be obtained if possible.

Section 59 (571/1948)
The provisions in section 53 apply, in so far as appropriate, to the costs of a judicial view.

Section 60 (571/1948)
If the law contains provisions on a judicial view in a specific case, these separate provisions apply.

Hearing of a party (1052/1991)

Section 61 (1052/1991)
(1) A party may be heard for probative purposes. The provisions on the hearing of a witness in sections 33 and 41 apply, in so far as appropriate, to the hearing of the party. (690/1997)
(2) In a civil case a party may also be heard under affirmation for the purpose referred to in subsection 1, on circumstances especially relevant to the resolution of the case.
(3) An injured party may also be heard under affirmation as to the type and quantum of the damage that he or she has suffered because of an offence.

Section 62 (571/1948)
A person who, in accordance with section 30, paragraphs 1 or 2, may not take the oath of a witness shall not be heard under affirmation.

Section 63 (571/1948)
(1) Before a party is to be heard, the following affirmation shall be administered to him or her: “I, <insert name>, do promise and swear on my honour and conscience

that in my statement I shall tell the whole truth in this case without concealing it, adding to it or altering it."
(2) When the party has given the affirmation, the chairperson of the court shall remind him or her of the obligation to speak the truth and of the importance of the affirmation.

Section 64 (571/1948)
The legal representative of a party may be called to be heard under the same provisions that apply to the party.

Section 65 (360/2003)
When a party is heard under affirmation, the provisions in sections 23, 24, 26, 32, 34 and 34a on a witness apply in addition to the provisions in section 61.

Chapter 17 has been amended as of 1 January 2016 to read as follows:

Chapter 17 — Evidence *(732/2015)*

General provisions

Section 1
(1) A party has the right to present the evidence that he or she wants to the court investigating the case and comment on each piece of evidence presented in court, unless provided otherwise in law.
(2) The court, having considered the evidence presented and the other circumstances that have been shown in the proceedings, determines what has been proven and what has not been proven in the case. The court shall consider the probative value of the evidence and the other circumstances thoroughly and objectively on the basis of free consideration of the evidence, unless provided otherwise in law.

Section 2
(1) In a civil case, the party shall prove the circumstances on which his or her claim or objection is based.
(2) A circumstance may be taken as grounds for the judgment only on the condition that a party has presented credible evidence regarding it.
(3) If credible evidence is not available regarding the amount of a claim under private law or such evidence is obtainable only with difficulty or, in view of the nature of the case, with unreasonable cost or difficulty, the court shall assess the amount.
(4) The provisions of subsections 1 and 2 apply unless provisions elsewhere in law provide otherwise regarding the burden of proof or the strength of evidence required, or unless the nature of the case requires otherwise. The provisions of subsection 3 apply, unless provided otherwise in law.

Section 3
(1) In a criminal case, the plaintiff shall prove the circumstances on which his or her request for punishment is based.
(2) A judgment of guilty may be made only on the condition that there is no reasonable doubt regarding the guilt of the defendant.

Section 4
(1) The court applies the law ex officio.
(2) A party may submit to the court a written statement regarding how the law should be applied. The person who has prepared the statement or another person may be heard in person in court, if the court deems this necessary.
(3) If the law of a foreign state is to apply and the court does not know the contents of this law, the court shall exhort the party to present clarification on the same. Separate provisions apply to the obligation of the court to obtain ex officio a statement on the contents of the law of a foreign state.
(4) The law of Finland applies if no information is available on the contents of the law of a foreign state. Notwithstanding this, the absence of such information may not be to the detriment of the defendant on a criminal case.

Section 5
(1) No evidence need be presented regarding a notorious fact.
(2) If a civil action is amenable to out-of-court settlement, no evidence is needed also of a circumstance admitted by a party or about a circumstance on which the parties are agreed.
(3) If an admission has been made in a civil action that is not amenable to out-ofcourt settlement, or in a criminal case, or if a party has retracted his or her admission referred to in subsection 2, the court decides what effect the admission or the retraction of the admission has as evidence.

Section 6
(1) The court shall consider what effect the conduct of a party has as evidence if he or she without an acceptable reason:
(1) despite a summons fails to arrive for the proceedings or leaves without permission;
(2) despite the exhortation of the court does not give a statement on a claim or on the grounds for a claim of the opposing party;
(3) on being heard for the purpose of providing evidence does not make a statement or respond to a question;
(4) does not comply with the exhortation of the court to supplement or clarify his or her presentation or with another exhortation of the court.
(2) Conduct by the defendant in a criminal case as referred to in subsection 1 may be taken into consideration to his or her detriment only to the extent that this does not infringe on his or her right not to incriminate oneself.

Section 7
Each party shall obtain the evidence required in the case. The court may on its own initiative decide on the obtaining of evidence in a civil action that is not amenable to out-of-court settlement. In a criminal case the court may obtain evidence if this probably will not support the charges. Nonetheless, the court has the right, regardless of the nature of the case, to obtain an expert opinion on its own initiative.

Section 8
The court shall reject evidence that:
(1) concerns a circumstance that is not relevant in the case;
(2) is otherwise unnecessary;
(3) can be replaced by evidence that is available with essentially less cost or difficulty;

(4) can be replaced by evidence that is essentially more credible; or
(5) despite appropriate measures could not be obtained, and the decision in the case can no longer be delayed.

Section 9
(1) Every person has the obligation to appear in court in order to be heard for probative purposes and to present an object or document to the court as evidence or to allow the conduct of judicial view, unless provided otherwise in law. Separate provisions apply to the obligation to serve as an expert witness.
(2) A person who, when being heard in court as a party for probative purposes, as a witness or as an expert witness, has the obligation or the right to refuse to testify, is not obliged to present an object or document as evidence or to allow the conduct of judicial view for the securing of evidence regarding information that is to be kept secret or confidential. Notwithstanding this, a defendant in a criminal case and a person who is related to him or her in the manner referred to in section 17, subsection 1 is obliged to allow judicial view.
(3) The obligation or right provided below in this Chapter to refuse to testify does not apply to information in a case where the prosecutor has brought charges for illegally obtaining, revealing or using such information.

Obligation or right to refuse to testify

Section 10
No one may testify regarding information which is to be kept secret for the purposes of national security or this information concerns the relations of Finland with another state or an international organization.

Section 11
(1) No one may testify regarding the contents of the final deliberations on a court judgment.
(2) A mediator referred to in the Act on Mediation in Civil Cases and on Confirmation of Settlements in General Courts (394/2011) may not testify in a civil case on what he or she has learned in performing his or her functions about the case to be settled, unless very important reasons, taking into consideration the nature of the case, the significance of the evidence in respect of deciding the case, and the consequences of presenting it as well as the other circumstances require testifying, or the person in whose benefit the obligation of confidentiality has been provided consents to such testimony.
(3) A mediator referred to in the Act on Mediation in Criminal Cases and Certain Civil Cases (1015/2005) may not testify on what he or she has learned in performing his or her functions about the case to be settled, unless very important reasons, taking into consideration the nature of the case, the significance of the evidence in respect of deciding the case, and the consequences of presenting it as well as the other circumstances require testifying, or the person in whose benefit the obligation of confidentiality has been provided consents to such testimony.

Section 12
(1) A public official or an employee of a public corporation or a person exercising a public function or acting in a public position of trust or another person who, in accordance with section 23 of the Act on the Openness of Government Activities (621/1999) has an obligation of confidentiality may not testify regarding what is

contained in a document or trial document which according to section 11, subsection 2 of said Act or according to section 12, subsection 2 of the Act on the Publicity of Court Proceedings in General Courts (370/2007) is to be kept secret from a party, nor regarding what, had it been entered into a document, is to be kept secret from a party on the basis of either provision, unless the person in whose benefit the obligation of confidentiality has been provided consents to such testimony or unless otherwise provided in section 16, subsection 3 of the Act on the Care and Maintenance of a Child and on Visiting Rights (361/1983) or section 18, subsection 1 of the Act on the Status and Rights of a Client in Social Welfare (812/2000) or another corresponding legal provision.

(2) No one may testify regarding information that a party would not have the right to receive on the basis of Chapter 4, section 15 of the Criminal Investigation Act (805/2011) or of Chapter 10, section 60 or 62 of the Coercive Measures Act (806/2011) or of Chapter 5, section 58 or 60 of the Police Act (872/2011), unless the person in whose benefit the obligation of secrecy has been provided, consents to such testimony.

(3) A person referred to in section 25(a), subsection 1 of the Act on the Prosecution Service (439/2011) and a person who belongs to the police or another authority engaged in the prevention of crime has the obligation to refuse to testify regarding information referred to in Chapter 7, section 2, subsection 1 of the Police Act. A prosecutor referred to in section 25(a), subsection 2 of the Act on the Prosecution Service and a person who belongs to the police or another authority engaged in the prevention of crime has the right to refuse to testify regarding information referred to in Chapter 7, section 3, subsection 1 of the Police Act. An official of the Criminal Sanctions Agency has the right to refuse to testify regarding information referred to in Chapter 19, section 10, subsection 1 of the Imprisonment Act (767/2005). Nonetheless, the court may order a person to testify if:

(1) the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years;

(2) failure to provide the information could infringe the right of a party to an appropriate defence or otherwise to safeguard his or her rights in the court proceedings in an appropriate manner, and

(3) revealing the identity of a person who has provided information or intelligence in confidence or of a person who has engaged in pseudo-purchases or undercover activities would apparently not seriously endanger his or her safety or the safety of persons near to him or her.

(4) No one may testify regarding information recorded in a register on a witness protection programme referred to in section 24, subsection 1(28) of the Act on the Openness of Government Activities or regarding other information that concerns the witness protection programme. Nonetheless, testimony may be given if charges have been brought regarding an offence directed against a person being protected by a witness protection programme.

(5) An official of the Safety Investigation Agency, a member of an investigation team or other person participating in a safety investigation referred to in the Safety Investigation Act (525/2011) may not testify about what he or she has learned in his or her duties regarding the accident. Nonetheless, the court may oblige a person referred to above to testify if very important reasons, taking into consideration the nature of the case, the significance of the evidence in respect of deciding the case, and the consequences of presenting it as well as the other circumstances require testifying.

Section 13

(1) An attorney or trial counsel or interpreter may not, without permission, testify regarding what he or she has learned:
(1) in carrying out a function related to legal proceedings;
(2) in providing legal counsel regarding the legal status of the client in a criminal investigation or in other procedure in advance of legal proceedings;
(3) in providing legal counsel regarding the initiation or the avoidance of legal proceedings.
(2) The court may oblige a person referred to in subsection 1 other than an attorney or legal counsel or interpreter of a defendant in a criminal case to testify if the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years.
(3) An advocate or a licensed legal counsel referred to in the Licenced Legal Counsel Act or a public legal aide may not, without permission, testify regarding a personal or family secret or a commercial or professional secret that he or she had learned in a function other than that referred to in subsection 1. Nonetheless, the court may oblige him or her to testify if the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years, or if very important reasons, taking into consideration the nature of the case, the significance of the evidence in respect of deciding the case, and the consequences of presenting it as well as the other circumstances require testifying.

Section 14

(1) A physician or another health care professional referred to in the Act on Health Care Professionals (559/1994) or in a decree given on its basis may not testify regarding a sensitive matter relating to the health of a person or his or her family or regarding another personal or family secret that he or she has learned on the basis of his or her position or function, unless the person in whose benefit the secrecy obligation has been provided consents to such testimony.
(2) The court may oblige a person referred to in subsection 1 to testify if the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years.

Section 15

(1) Notwithstanding what is provided in section 11, subsections 2 and 3, section 12, subsection 1 or sections 13 or 14, a court may require that a person referred to in the legal provision testify if the person in whose benefit the secrecy obligation has been provided has deceased and if very important reasons, taking into consideration the nature of the case, the significance of the evidence in respect of deciding the case, and the consequences of presenting it as well as the other circumstances require such testimony.
(2) Notwithstanding what is provided above in section 13 or 14, the person referred to in said sections may testify to the extent that presenting the information is necessary in order to provide a defence against criminal charges or other claims based on an offence, directed against him or her or against a person related to him or her in the manner referred to in section 22, subsection 2, or in order to exercise his or her rights as an injured party or to exercise the rights of a person related to him or her in the manner referred to in section 22, subsection 2 as an injured party.

Section 16

(1) A priest of a registered religious community referred to in the Freedom of Religion

Act (453/2003) or a person in a corresponding position may not testify regarding what he or he has learned in confession or in private pastoral care, unless the person in whose benefit the secrecy obligation has been provided consents to such testimony.
(2) Separate provisions apply to the confidentiality obligation in the Evangelical Lutheran Church of Finland and the Orthodox Church of Finland.

Section 17
(1) The present or former spouse of a party or his or her present co-habitant, sibling, direct ascending or descending relative or a person who is in a corresponding close relationship to a party that is comparable to cohabitation or kinship may refuse to testify.
(2) If the person referred to in subsection 1 agrees to testify in court, said consent may not be withdrawn unless another provision in this Chapter on the secrecy obligation or the right of confidentiality provides otherwise.

Section 18
(1) Any person has the right to refuse to testify to the extent that the testimony would subject him or her or a person related to him or her in the manner referred to in section 17, subsection 1 to the risk of prosecution or would contribute to the investigation of his or her guilt or of the guilt of a person related to him or her in said manner.
(2) Notwithstanding what is provided in section 17 and above in this section on the right of confidentiality of a person related to a party in the manner referred to in section 17, subsection 1, the court may, in a criminal case, decide that an injured party being heard as witness and who does not have any claims does not have the right of confidentiality, if there is cause to suspect that he or she had not personally decided on the right to exercise his or her right of confidentiality.

Section 19
A person may refuse to testify regarding a commercial or professional secret, unless very important reasons, taking into consideration the nature of the case, the significance of the evidence in respect of deciding the case, and the consequences of presenting it as well as the other circumstances require such testimony.

Section 20
(1) The originator of a message provided to the public, the publisher or the broadcaster referred to in the Act on the Exercise of Freedom of Expression in Mass Media (460/2003) may refuse to testify about who had been the source of the information in the message or about who had prepared a message provided to the public.
(2) The court may oblige a person referred to in subsection 1 to testify if the prosecutor has brought charges for an offence for which the maximum sentence is imprisonment for at least six years or that concerns violation of an obligation of confidentiality in a manner which according to law is punishable.

Section 21
(1) An anonymous witness referred to below in section 33 may refuse to testify to the extent that testimony could reveal his or her identify or contact information.
(2) Every person other than an anonymous witness has the obligation to refuse to testify to the extent that testimony could reveal the identity or contact information of an anonymous witness.

(3) Chapter 7, section 5(a) of the Criminal Procedure Act contains provisions on the disclosure of the identity of an anonymous witness on the basis of a court decision.

Section 22

(1) The obligation or right to refuse to testify referred to above in section 11, subsection 2 or 3, section 12, section 13, subsection 1 or 3, section 14, subsection 1, section 16 or section 20, subsection 1 is maintained even if the person in question is no longer in the position in which he or she had learned of the circumstance at issue in the testimony.

(2) A person who has learned information referred to in section 11, subsection 2 or 3, section 13, subsection 1 or 3, section 14, subsection 1, or section 20, subsection 1 while acting in the service of or otherwise as an assistant to a person referred to in said provision, has the corresponding obligation or right to refuse to testify as the person referred to in the corresponding provision. Nevertheless, a person who has acted in the service of or assisted such person may be ordered to testify on the conditions provided in section 15, subsection 1. A person who has acted in the service of or assisted such person may also testify on the conditions provided in section 15, subsection 2 in a case concerning a person referred to in section 13 or 14 or concerning another person in the service or assisting such a person.

(3) The provisions of Chapter 6, section 8 of the Criminal Code on a mitigated scale of punishment are not taken into consideration when applying section 12, subsection 3, section 13, subsection 2, section 14, subsection 2 or section 20, subsection 2 on the minimum punishment.

Section 23

If a person refuses to testify, he or she shall state the grounds for the refusal and present probable cause supporting the grounds. If, however, a person refuses to testify on the grounds referred to in sections 18 or 21, the refusal shall be accepted unless he or she is manifestly in error regarding the contents of the right or obligation or the refusal is otherwise manifestly devoid of grounds.

Prohibition of the use of written statements and prohibition against reference to certain evidence

Section 24

(1) A detailed written statement that has been prepared in the event of pending or beginning court proceedings may not be used as evidence, except:

(1) in a civil case that is amenable to out-of-court settlement and the parties agree to its use as evidence;

(2) the respondent submits it to the court, as part of his or her response, as evidence in support of probable cause in contesting a claim based on a negotiable promissory note, bill of exchange or cheque referred to in Chapter 5, section 14;

(3) provided otherwise elsewhere in law;

(4) the court allows it for a special reason.

(2) A statement noted or otherwise recorded in a criminal investigation record or other document may not be used as evidence in court unless provided otherwise elsewhere in law, unless the person who had given the statement may not be heard in the main hearing or outside of the main hearing or he or she, notwithstanding the appropriate measures, has not been contacted and the decision in the case may not be delayed any further.

(3) Notwithstanding the above, hearings of the following persons in a video recording or in a comparable video and audio recording may be used as evidence if the defendant has been reserved an appropriate opportunity to ask questions of the person being heard:
(1) a person who has not reached the age of 15 years or who is mentally impaired;
(2) a party between the ages of 15 and 17 years who is in need of special protection, taking into consideration his or her personal circumstances and the nature of the offence;
(3) an injured party in a sexual offence referred to in Chapter 20, section 1, 2, 4, 5, 6 or 7 of the Criminal Code, between the ages of 15 and 17 years who does not want to be heard in the court proceedings;
(4) an injured party in a sexual offence referred to in Chapter 20, section 1, 2, 4, 5, 6 or 7 of the Criminal Code, who has reached the age of 18 years, if the hearing in the court proceedings could endanger his or her health or cause other corresponding significant harm.

Section 25
(1) The court may not use evidence that has been obtained through torture.
(2) The court may not, in criminal proceedings, use evidence obtained contrary to the confidentiality obligation provided in section 18. The prohibition against use applies also to evidence that was obtained from a person in proceedings other than a criminal investigation or in criminal proceedings, through the threat of coercive measures or otherwise against his or her will, if he or she at the time was a suspect in an offence or a defendant or a criminal investigation or court proceedings were underway in respect of an offence for which he or she was charged, and if the obtaining of the evidence would have been contrary to section 18. If, however, a person in other than criminal proceedings or comparable proceedings has, in connection with fulfilling his or her statutory obligation, given a false statement or submitted a false or untruthful document or a false or forged object, this may be used as evidence in a criminal case concerning conduct in violation of his or her obligation.
(3) In other cases the court may use also evidence that has been obtained unlawfully, unless such use would endanger the conduct of a fair trial, taking into consideration the nature of the case, the seriousness of the violation of law involved in the obtaining of the evidence, the significance of the method in which the evidence was obtained in relation to its credibility, the significance of the evidence in respect of the decision in the case, and the other circumstances.

Hearing of a party

Section 26
(1) A party may be heard for the purpose of obtaining evidence.
(2) In a civil case, a party shall speak truthfully in giving a statement and in responding to questions that have been made.
(3) In a criminal case, an injured party shall speak truthfully in giving an account in the case and in responding to questions that have been made.

Section 27
(1) A party who has not reached the age of 15 years or who is mentally impaired may be heard in evidence if the court deems this appropriate and if:
(1) hearing him or her in person is of essential significance in the clarification of the case; and

(2) the hearing would probably not cause the party such suffering or other inconvenience that could harm him or her or his or her development.
(2) The court shall as necessary appoint a support person for the person to be heard. The provisions in Chapter 2 of the Criminal Proceedings Act on a support person appointed for an injured person apply to the support person.

Section 28
The provisions on the hearing of a party apply to the hearing of the legal representative of a party.

Witnesses

Section 29
(1) Any person other than a party may be heard as a witness.
(2) In a criminal case, an injured party who has no claims is heard as a witness. Nonetheless, what is provided in section 44 on the witness's oath and in section 63 on coercive measures if the witness refuses to testify does not apply to such a party.
(3) What is provided in subsection 3 applies in a criminal case also:
(1) to a person who is charged with the same act or with an act that has a direct connection to the act referred to in the charges;
(2) to a person against whom a summary penal judgment or a summary penal fine has been issued for the act referred to in paragraph 1;
(3) to a person in respect of whose act a decision has been made in accordance with Chapter 3, section 9 of the Criminal Investigations Act not to forward the case for the consideration of the prosecutor or the prosecutor has decided to waive prosecution in accordance with Chapter 1, section 7 or 8 of the Criminal Proceedings Act or another corresponding provision on the waiving of measures.

Section 30
What is provided in section 27 of a party who is to be heard in evidence applies to a witness who has not reached the age of 15 years or who is mentally impaired.

Section 31
(1) If the judge in a case under consideration or another person referred to in Chapter 13, section 2, subsection 1 is called as a witness, the question of the necessity of hearing him or her is decided by applying what is provided in Chapter 13, section 9 on decisions on pleas of disqualification.
(2) If the prosecutor or a party's attorney or trial counsel in a case under consideration is called as a witness, the court decides on whether his or her hearing is necessary.
(3) If the prosecutor or a party's attorney or legal counsel is required to testify, he or she shall withdraw from his or her function. In so doing the court shall reserve said person or his or her client the opportunity to appoint another person to replace the person who is withdrawing.

Section 32
The President of the Republic may not be called as a witness.

Section 33
A witness may be heard in a criminal case in a manner that does not reveal his or her identity or contact information (anonymous witness), if:

(1) a decision has been made in accordance with Chapter 5, section 11 (a)-(e) of the Criminal Procedure Act to hear him or her anonymously;
(2) the decision is legally final or in accordance with section 11(e), subsection 3 of said Chapter it is to be followed;
(3) charges for the offence in the investigation of which he or she has been granted anonymity are being considered in the main hearing; and
(4) he or she requests that he or she be heard in a manner that does not reveal his or her identity.

Expert witnesses

Section 34
An expert witness is heard regarding empirical rules requiring special knowledge as well as regarding their application to the circumstances that arise in the case.

Section 35
(1) An expert witness shall be known to be honest and competent in his or her field.
(2) A person who is connected with the case or a party in a manner that endangers his or her impartiality may not serve as an expert witness.

Section 36
(1) An expert witness shall present his or her testimony in writing.
(2) An expert witness shall be heard in court in person if:
(1) this is necessary in order to remove ambiguities, deficiencies or inconsistencies in his or her expert statement;
(2) the court deems it necessary for another reason; or
(3) a party requests this and the hearing would apparently not be meaningless.

Section 37
(1) The court may order that the defendant in a criminal case be remanded for a mental examination if:
(1) the court, in an interim judgment in accordance with Chapter 11, section 5(a) of the Criminal Procedure Act has determined that the defendant in the criminal case has committed the offence described in the charges;
(2) remanding the defendant for a mental examination is justified; and
(3) the defendant consents to the mental examination or he or she has been remanded for trial or he or she is charged with an offence for which the maximum sentence is imprisonment for more than one year.
(2) The court may, on the request of the prosecutor or the person suspected in the offence or his or her trustee and on the prerequisites provided in subsection 1, paragraphs 2 and 3, order a mental examination of the suspect already during the criminal investigation or before the main hearing, if the suspect in the offence has admitted having committed a punishable act or if the need for a mental examination is otherwise evident. Chapter 3, section 1, subsection 2 of the Coercive Measures Act contains provisions on when the court has a quorum and on the holding of a hearing when making the decision referred to in this subsection.
(3) Before making the decision referred to in Chapter 2(c), section 11 of the Criminal Code on serving the entire sentence in prison, a mental examination of the defendant shall be ordered. At the same time the court shall request a statement on whether the defendant is to be deemed particularly dangerous to the life, health or freedom of another.

(4) For a new hearing on service of the entire sentence in prison as referred to in Chapter 2(c), section 12 of the Criminal Code, the Helsinki Court of Appeal shall request a statement on whether a person serving the full sentence in prison remains a particular danger to the life, health or freedom of another.
(5) Separate provisions apply to mental examinations and admittance to a hospital for such an examination.

Documents and objects of judicial view

Section 38
(1) An object or document may be presented to court as evidence. The court may, in order to obtain evidence, conduct a judicial view of an object that cannot be brought to court without difficulty, or of real property, a locality or another subject.
(2) Evidence referred to above in subsection 1 may be presented or obtained regardless of whether the document, object or subject of judicial view contains information that is to be kept secret or that is subject to the right of confidentiality, if the evidence can, without unreasonable inconvenience, be dealt with so that such information is not revealed.

Section 39
A copy may be presented of a document unless the court orders that the document is to be presented in the original.

Section 40
(1) The court may order that an object or document be brought to court or that a judicial view be conducted if the object or document could be of significance as evidence or if the conducting of a judicial view could be of significance in obtaining evidence.
(2) Before making the order referred to above in subsection 1, the person in question shall be reserved an opportunity to be heard. If necessary he or she can be heard in the manner provided for the hearing of a party or a witness, and also other evidence may be admitted.
(3) The court may as necessary order that the person in question is to fulfil his or her obligation under threat of a fine. The court may also order that a distraint officer bring the document or object to court, in which case Chapter 3 of the Enforcement Code applies. The court has the right to obtain executive assistance from the police in order to ensure the conduct of a judicial view.

Subpoena

Section 41
(1) If a party that is to be heard for evidentiary purposes or a person appointed as witness or expert witness is present in court, he or she may be heard immediately.
(2) If necessary the court attends to the subpoenaing of a witness or expert witness, unless this has been left to the task of the parties in accordance with Chapter 11, section 2 or unless otherwise provided by Chapter 5, section 19 of the Criminal Procedure Act. The person to be heard shall be summoned to court under threat of a fine and service of the subpoena shall be given in person as providing in Chapter 11, sections 3, 3(b) or 4.
(3) The subpoena shall indicate the date, time and location of the hearing. The subpoena shall also provide the necessary information regarding the parties and the case. In addition, the subpoena shall provide the information referred to in section

62 or 64 and in 65(3).
(4) If the hearing referred to in section 52 or section 56, subsection 2 is conducted at the offices of an authority, the provisions on the sanction for the absence of a party, witness or expert witness who is to be heard in evidence and on coercive measures to be directed against them may be applied to the hearing. The subpoena shall indicate not only the information provided in subsection 3 but also the manner in which the hearing is to be conducted.
(5) What is provided above in this section and elsewhere on a summons to a hearing applies to the summons of a person referred to above in subsection 1 to a judicial view.

Section 42
(1) Unless provided otherwise elsewhere in law, in the legislation of the European Union or in an international agreement binding on Finland, the court shall attend to the subpoenaing if service of the subpoena to a witness or an expert witness is to be done abroad. The court shall send the subpoena for service to the authority in the country where the witness or the expert witness is staying. The subpoena shall indicate the date by which service of it shall be made.
(2) The provisions in section 62 on the sanctions for absence without a legal excuse shall not apply to a witness or expert witness who despite the service of the subpoena in a foreign state in accordance with the request for legal assistance, fails to arrive in Finland, unless the subpoenaed person subsequently has arrived in Finland voluntarily and fails to comply with a subpoena to arrive in court for a hearing, for which service has been given in Finland.
(3) The Act on the Obligation in Certain Cases to Arrive in Court in Another Nordic State (349/1975) contains provisions on the obligation of a witness and a party to arrive from another Nordic state to be heard in court in Finland.

The procedure for taking evidence in the main hearing
Section 43
(1) Before the witness or expert witness is heard in court the chairperson of the court shall ask the person to be heard his or her name and if necessary verify his or her identity. If necessary the chairperson shall ask whether there is any bar to giving an affirmation and whether the person to be heard has the obligation or the right to refuse to testify. If necessary the chairperson shall inquire regarding circumstances that affect the credibility of the person to be heard.
(2) If the witness or expert witness has the right to refuse to testify, the chairperson shall inform him or her about this and state that if he or she does not want to exercise this benefit, he or she has the same obligation to speak the truth as do other witnesses and expert witnesses. If necessary the chairperson shall also otherwise explain to the person to be heard the contents of the obligation or right of secrecy.
(3) An anonymous witness has no obligation to reveal his or her identity.

Section 44
(1) Before being heard the witness shall give the following affirmation: "I, <insert name>, do promise and affirm on my honour and conscience that I shall testify and state the whole truth in this case, without concealing it, adding to it or altering it."
(2) An affirmation shall not be given by:
(1) a person who has not yet reached the age of 15 years;
(2) a person who is mentally impaired to the extent that he or she apparently does not understand the significance of the affirmation;

(3) in a criminal case:
(a) an injured party who has no claims in the case;
(b) a person who is charged for the same act or for an act that has a direct connection to the act covered by the charge;
(c) a person on whom a summary penal judgment or a summary penal fine has been imposed for an act referred to in paragraph (b);
(d) a person whose act has not been submitted for prosecution in accordance with Chapter 3, section 9 of the Criminal Investigation Act or whose prosecution has been waived in accordance with Chapter 1, section 7 or 8 of the Criminal procedure Act or a corresponding statutory provision;
(4) an anonymous witness.

Section 45
Before the hearing, the expert witness shall give the following affirmation: "I, <insert name>, do promise and affirm on my honour and conscience that I shall to the best of my understanding fulfil the expert function to which I have been appointed."

Section 46
Before the witness or the expert witness presents his or her testimony, the chairman of the court shall remind him or her of the obligation to speak the truth and, if an affirmation has been given, of its importance.

Section 47
(1) A party being examined as a witness, and a witness, shall present his or her testimony orally without referring to a written statement. The person being heard may nevertheless use written notes as memory aids.
(2) If a person giving an oral statement has deviated from what he or she has stated earlier in court, to the prosecutor or to a criminal investigation authority or does not testify, a statement that he or she has earlier given may be used as evidence to the extent that the oral statement differs from the earlier statement or the person being heard does not testify.

Section 48
(1) In a civil case, the parties, and in a criminal case the injured party and the defendant, are to be examined before the presentation of other testimony, unless the court decides otherwise for a special reason. The examination shall be conducted as provided below in this section. However, exceptions may be made as necessary to what is provided in subsections 2 – 4.
(2) In a civil case the main examination of the party is conducted by his or her counsel. In a criminal case the main examination of the defendant is conducted by his or her counsel. The main examination of the injured party is conducted by his or her counsel or by the prosecutor. If a party in a civil case or the defendant in a criminal case has not retained counsel, the main examination is conducted by the court or in a criminal case also by the prosecutor. In the main examination the person to be heard shall present his or her statement as a continuous account, on his or her own initiative and as necessary in response to questions presented to him or her.
(3) The cross-examination is conducted by the opposing party to the party that conducted the main examination. The cross-examination of an injured party who does not have any claims in the case is conducted by the opposing party to the prosecutor. If the opposing party is not present, the cross-examination is conducted by the

court or in a criminal case also by the prosecutor.
(4) After the cross-examination the court and the parties have the right to present questions to the person being heard. The party conducting the main examination shall be reserved the first opportunity to present questions.
(5) The court questions a person to be heard who has not reached the age of fifteen years or whose mental development has been impaired, unless the court deems there to be a special reason to assign the questioning to a party. The parties shall be reserved the opportunity to ask questions of the person being heard through the court or, if the court deems this appropriate, directly to the person being heard. The examination may as necessary be conducted in a place other than the courtroom.
(6) No questions are allowed in the main examination which, due to their content, form or manner of presentation lead to a predetermined reply. In the crossexamination and in the presentation of further questions, such questions are permitted when they seek to clarify the extent to which the statement of the witness corresponds to the actual course of events. The court shall disallow irrelevant, misleading or otherwise inappropriate questions.

Section 49
(1) The examination of a witness and an expert witness is conducted as provided in subsection 2 and in section 48, subsections 3 – 6. As necessary, however, exceptions may be made to what is provided in subsection 2 and in section 48, subsections 3 and 4. Nevertheless, an injured party who has no claims in the case shall be examined in accordance with section 48.
(2) The party who has called the person to be heard conducts the main examination. If the person to be heard has been called by the court, or the witness has been called by both parties, the court decides which party conducts the main examination, unless it is deemed more appropriate that the court conducts this.

Section 50
(1) If several persons are being examined as witnesses in the case, they shall be examined separately. They may, however, be heard opposite one another if their testimony or statements are unclear or inconsistent or this is otherwise necessary.
(2) A person who has been called as a witness or expert witness may not be present during the consideration of the case beyond what is necessary for his or her examination. The court may, nevertheless, allow an expert witness to be present in other parts of the hearing of the case. The court may also as necessary allow an injured person who has no claims in the case to be present in the hearing of the case before he or she is examined as witness. The injured person may be present after having been examined.

Section 51
(1) A party being examined as a witness, a witness or as an expert witness may be examined in the main hearing behind a screen or without the presence of a party or other person, if the court deems that this is appropriate and that such a procedure is necessary:
(1) in order to protect the person being heard or a person related to him or her in the manner referred to in section 17, subsection 1 from a threat against life or health;
(2) if the person being heard would otherwise not reveal what he or she knows in the matter; or
(3) if a person disturbs or attempts to mislead the person being heard while

the latter is speaking.
(2) The parties shall be reserved an opportunity to present questions to the person being heard.
(3) The Act on the Publicity of Court Proceedings in General Courts contains provisions on the hearing of a person without the presence of the public.

Section 52
(1) A party being heard for probative purposes and a witness and expert witness may be heard in the main hearing without being present in person, through the use of a video conference or other suitable technical means of communication by which the persons participating in the hearing have audio and video contact with one another, if the court deems this appropriate and if:
(1) the person to be heard cannot arrive in person in the main hearing due to illness or another reason;
(2) the arrival in person of the person to be heard in the main hearing would, in comparison with the significance of the testimony, cause considerable expenses or inconvenience;
(3) the reliability of the statement of the person being heard can be assessed in a credible manner without his or her presence in the main hearing;
(4) the procedure is necessary in order to protect the person being heard or a person related to the person being heard in the manner referred to in section 17, subsection 1 from a threat against life or health; or
(5) the person being heard has not reached the age of 15 years or his or her mental capacity is impaired.
(2) In the cases referred to above in subsection 1, paragraphs 1—3, however, the hearing may also take place by telephone.
(3) The parties shall be reserved an opportunity to ask questions of the person being heard.

Section 53
(1) The court may decide in a criminal case, if this is necessary in order to protect the identity of an anonymous witness, that he or she be heard in the main hearing behind a screen or without the presence of the defendant or, without being present in person, through the use of a telephone or video contact or other suitable means of communication. In the hearing, the voice of the witness may also be altered so that the anonymous witness cannot be recognized by his or her voice.
(2) The parties shall be reserved an opportunity to ask questions of the anonymous witness.
(3) Notwithstanding what is provided in section 51, subsection 3, an anonymous witness is heard without the presence of the public if this is necessary in order to protect his or her identity.

Section 54
A statement by an expert witness, a document, the object of a judicial view, and a statement or notes referred to in section 24 or section 47, subsection 2 shall be presented to the extent necessary in the main hearing.

Section 55
(1) In a main hearing that has been opened in accordance with Chapter 6, section 7 of this Code, or in accordance with Chapter 6, section 3, subsection 2 of the Criminal Procedure Act, another party or a witness or an expert witness may be heard

for probative purposes despite the absence of a party, if this party has been informed in the summons that testimony may be admitted despite his or her absence. The case may also be considered also in other respects.
(2) In a continued main hearing after postponement the court shall inform a party of trial documentation that has accumulated in his or her absence.
(3) Testimony is not presented again in the presence of the parties. Nonetheless testimony shall be presented again if a party requests this and if his or her absence had been due to a lawful excuse which he or she could not have reported in time, or if the court deems that the presentation of testimony again is necessary for an important reason. If testimony has been presented in the main hearing in accordance with subsection 1, and a party had not been informed of this in the summons, it shall be presented again on the request of the party.

The procedure for the hearing of witnesses outside the main proceedings

Section 56
(1) Evidence may be presented outside of the main hearing if:
(1) the main hearing is cancelled and it can be assumed that a witness, an expert witness, a party in a civil case, or an injured party in a criminal case to be heard for probative purposes need not or cannot be heard again in the main hearing or if the arrival of the person to be heard in the main hearing would, in comparison with the significance of the testimony, cause considerable expenses or inconvenience;
(2) the party, witness or expert witness to be heard for probative purposes cannot arrive at the main hearing due to illness or another reason or his or her arrival in the main hearing would, in comparison with the significance of the testimony, cause considerable expenses or inconvenience;
(3) a document cannot be presented or a judicial view cannot be conducted in the main hearing or the presentation of a document or the conduct of a judicial view in the main hearing would, in comparison with the significance of the evidence, cause considerable expenses or inconvenience;
(4) it is necessary before the main hearing to hear a party or another person or to obtain other evidence in order to clarify an issue on which an expert witness is to be heard.
(2) If evidence is presented on the basis of subsection 1, paragraph 2 or 4, the person to be heard may be heard without being present in person, through the use of a video conference or other suitable technical means of communication by which the persons participating in the hearing have audio and video contact with one another, if the court deems this appropriate.
(3) The case may be considered outside of the main hearing also in other respects, if this is of special importance in order to clarify the case.

Section 57
The court shall summon the parties to a hearing held outside the main hearing for the purpose of the submission of evidence, referred to in section 56, subsection 1, paragraphs 2—4. The summons shall state that the hearing may be conducted despite the absence of a party.

Section 58
(1) If evidence is presented outside of the main hearing in accordance with section 56, subsection 1, paragraphs 2—4 or if no main hearing is held, evidence may be

presented also in another court.
(2) If the court decides that evidence shall be presented to another court, the court shall prepare a proposal regarding the submission of such evidence and at the same time briefly explain the case and what the evidence is intended to demonstrate. At the same time the court shall send to the court in which the evidence is presented the documents that have accumulated in the hearing of the case that are necessary for the submission of the evidence.
(3) The court in which the evidence is presented on the proposal of another court orders when the submission of the evidence is to take place.
(4) The court in which the evidence is presented shall send to the court where the proceedings on the main issue are pending, the trial documents that have accumulated in the submission of the evidence.

Section 59
(1) Evidence that is presented outside of the main hearing is not presented again in the main hearing. Nonetheless testimony shall be presented again if a party was absent and requests this and if his or her absence had been due to a lawful excuse which he or she could not have reported in time, or if the court deems that the presentation again of testimony is necessary for an important reason.
(2) The court shall if necessary give an account in the main hearing of the trial documentation that has accumulated in the presentation of evidence outside of the main hearing.

Section 60
Separate provisions apply to the presentation of evidence abroad.

Presenting evidence for probative purposes

Section 61
(1) On the request of the person in question, a witness or expert witness may be heard or a document or object is presented or a judicial view is conducted in a District Court in a civil case in which the proceedings are not yet pending, if the right of the applicant may depend on the presentation of the evidence or the conducting of the judicial view. A further prerequisite for this is the danger that the witness or expert witness could be heard later only with difficulty or that other evidence disappears or can be presented later only with difficulty or that a judicial view can be conducted later only with difficulty.
(2) If the right of another person depends on the presentation of evidence, he or she may as necessary be summoned to the hearing.
(3) Evidence is presented in the general court with jurisdiction over where the person to be heard or possessing the document or object is resident or in the District Court to which said person consents to arrive.
(4) The applicant is liable for the expenses of the presentation of testimony referred to in this section.

Coercive means

Section 62
(1) If a witness fails to appear and has no lawful excuse or leaves without permission, the threat of a fine imposed on the witness is enforced and the court may order that the witness be immediately brought to court, unless a decision is made to

continue the consideration of the case at a later time. If a decision is made to continue in another hearing, a higher threat of a fine shall be imposed or if necessary an order issued that the witness be brought to court. A witness ordered brought to court may be taken into custody. The loss of liberty, including the time of transport, may last at most five days. However, the loss of liberty may not last longer than is necessary to ensure the conduct of the legal proceedings.
(2) If on the basis of the conduct of the witness or another person to be heard in person for probative purposes there is cause to assume that he or she shall fail to comply with the subpoena and shall not appear in court, the court may order that he or she be brought to the hearing.
(3) If the person referred to in subsection 1 or 2 is brought to court, a threat of fine that has been imposed may not be enforced.
(4) The person ordered brought to court on the basis of this section is liable for the expenses of being brought to court.

Section 63
(1) If a witness without justification refuses to testify, the court shall order him or her to fulfil his or her obligation under threat of a fine. If the witness refuses to comply with the court order, the court shall order payment of the threatened fine. If the witness continues to refuse to comply with the court order the court may, taking into consideration the nature of the case, the significance of the testimony of the witness in respect of deciding the case, the personal situation of the witness and the other circumstances, order the witness into coercive imprisonment in order to compel him or her to fulfil his or her obligation.
(2) The witness may not be held in coercive imprisonment for longer than is necessary in order to fulfil the obligation to testify, nor longer than a maximum of six months. However, the coercive imprisonment may not continue longer than the case is pending in the court in question. If the witness agrees to testify, the hearing in the case shall be continued as soon as possible.
(3) The court shall, at intervals of at the most two weeks, rehear the question of the continuation of the coercive imprisonment. The person who has been deprived of his or her liberty shall be heard in person on whether he or she consents to testify.
(4) The provisions of Chapter 3 of the Coercive Measures Act apply otherwise, as appropriate, to the consideration of the case.
(5) The provisions on the Act on the Treatment of Persons in the Custody of the Police (841/2006) apply to a witness ordered into coercive imprisonment, taking into consideration the grounds for the loss of liberty.
[The Act of 732/2015 enters into force on 1 January 2016. The Act provide as follows regarding entry into force:
The provisions that were in force at the time this Act enters into force on the obligation and right of secrecy apply to a case that has become pending before this Act enters into force. If a person is in coercive imprisonment at the time this Act enters into force, the court shall without delay hear in person the person on whom coercive imprisonment is imposed and decide whether the coercive imprisonment is to be continued.]

Section 64
(1) Sections 62 and 63 do not apply to a witness who has not reached the age of 15 years or who is mentally impaired. However, he or she may be ordered brought to court. Coercive imprisonment may not be imposed on a witness below the age of 18 years. Section 63 does not apply to a witness referred to above in section 29, subsection

2 or 3.
(2) Section 62 applies to an expert witness. However, an expert witness may not be ordered brought to court.
(3) If the person who has called a witness or expert witness waives his or her examination, or the issue regarding this otherwise lapses, a threat of fine imposed on a witness in accordance with section 62 or 63 and a threat of fine imposed on an expert witness in accordance with section 62 shall not be enforced nor may the witness be placed in coercive imprisonment. However, the witness is liable for the expenses of being brought to court, if the order for this was issued before the examination was waived or the issue lapsed.

Compensation and fees

Section 65
(1) A witness has the right to reasonable compensation for necessary travel and maintenance expenses and financial loss.
(2) The private party who called a witness is liable for compensation for the witness. If the witness was called by more than one party, they are jointly and severally liable for the compensation. If the court has called the witness on its own motion, the private parties are jointly and severally liable for his or her compensation. Separate provisions apply to compensation to be paid to witnesses from State funds.
(3) A witness called by a private party has the right to an advance for travel and maintenance expenses. The advance is paid by the party which, in accordance with subsection 2, is liable for the compensation for the witness. In connection with the subpoena, information shall be provided on the right to an advance. The court considers the sufficiency of the advance.
(4) If the party who is liable for the payment of the advance does not pay the advance to the witness on request, said witness is not obliged to arrive in court. Thereafter the party also does not have the right to call for the hearing of the witness, if this would delay the case.

Section 66
(1) An expert witness has the right to a reasonable fee for his or her work and loss of time and compensation for necessary expenses. If the statement has been presented by a government authority or the holder of a public office or function or by a person who has been appointed to present statements in the field in question, a fee and compensation is paid only if separate provisions provide for this.
(2) A private party who called an expert witness is liable for the fee and compensation for the expert witness. If the expert witness has been called by more than one party, they are jointly and separately liable for the fee and compensation for the expert witness. If the court has called the expert witness on its own motion, the private parties are jointly liable for his or her fees and compensation. In other cases the fee and compensation is paid from State funds.
(3) An expert witness has the right to advance compensation of his or her necessary expenses. The advance shall be paid by the person who, in accordance with subsection 2, is liable for compensation to the expert witness. The court considers the sufficiency of the advance.
(4) Chapter 21, section 13 of this Code and Chapter 9, section 1 of the Criminal Procedure Act apply to the reimbursement of compensation paid in advance from State funds.

(5) What is provided in this section applies also to the expenses incurred in the conduct of a judicial view.

Section 67

(1) If a person other than a party is obliged to bring an object or document referred to in section 38 to court, he or she has the right to reasonable compensation for his or her expenses.
(2) The private party who has called for the submission of the document or object of judicial view is liable for the payment of compensation. If the document or object of judicial view has been called for by more than one party, they are jointly and severally liable for the compensation. If the court on its own motion calls for the submission of the document or object of judicial view as evidence, the private parties are jointly and severally liable for the compensation. In other cases the compensation is paid from State funds.
(3) Chapter 21, section 13 of this Code and Chapter 9, section 1 of the Criminal Procedure Act apply to the reimbursement of compensation paid from State funds.

Appeal

Section 68

(1) A decision on the presentation of evidence is subject to appeal in connection with appeal on the main issue. However, the decision is subject to separate appeal, if the decision concerns:
(1) the imposition of the threat of a fine;
(2) an order to pay the expenses of being brought to court,
(3) the fee and compensation for a witness and expert witness;
(4) compensation for a person who brought a document or object to court.
(2) The decision shall be followed despite an appeal unless the court that gave the decision or the appellate court orders otherwise.
(3) Notwithstanding what is provided in subsection 1, the court may order that a decision is subject to separate appeal if, with consideration to the contents of the decision, appeal in connection with an appeal on the main issue would be useless and the legal safeguards of the person in question requires separate right of appeal or if there is otherwise a very important reason for this. The appeal shall be considered as a matter of urgency.

Section 69

A decision on a mental examination, an order that a person be placed in coercive imprisonment and an order that a person be brought to court is not subject to separate appeal. The person ordered to undergo a mental examination, the person placed in coercive imprisonment or the person ordered brought to court may file an extraordinary appeal. There is no specific period for filing such an extraordinary appeal. The extraordinary appeal shall be considered as a matter of urgency.
[The Act of 732/2015 enters into force on 1 January 2016. The Act provide as follows regarding entry into force:
The provisions that were in force at the time this Act enters into force on the obligation and right of secrecy apply to a case that has become pending before this Act enters into force. If a person is in coercive imprisonment at the time this Act enters into force, the court shall without delay hear in person the person on whom coercive imprisonment is imposed and decide whether the coercive imprisonment is to be continued.]

Chapter 18 — Cumulation and intervention in a civil case (1052/1991)

Section 1
Several actions brought by a plaintiff against the same respondent at the same time shall be heard in the same proceedings, if they are based on essentially the same grounds.

Section 2
The actions brought at the same time by a plaintiff against several respondents or by several plaintiffs against one or several respondents shall be heard in the same proceedings, if they are based on essentially on the same grounds.

Section 3
If a respondent brings an action against the plaintiff on the same or a related matter as the original action or on a debt that is admissible for set-off (*counteraction*), the actions shall be heard in the same proceedings.

Section 4
If a person not party to the proceedings brings an action against a party or both parties on the object of the dispute, the action shall on his or her request be heard in the same proceedings with the original action.

Section 5
(1) If a party wishes to present a claim for recourse, a claim for damages or a comparable claim against a third party, in case he or she loses the present case, he or she may bring an action on such a claim to be heard in the same proceedings with the present case.
(2) If a person wishes to bring an action against a party or both parties on a claim referred to in subsection 1, on the basis of the eventual outcome of the present case on the relationship between the parties, he or she may bring the action to be heard in the same proceedings with the present case.

Section 6
(1) Cases between the same or different parties may also otherwise be heard in the same proceedings, if this furthers the clarification of the cases.
(2) When necessary, the court may detach the cases referred to in subsection 1 to be considered as separate cases.

Section 7
(1) The prerequisites for the hearing of actions in the same proceedings in accordance with sections 1—6 are that the actions have been brought in the same court, that the court is competent to consider the actions to be joined and that the actions may be considered according to the same procedure.
(2) If an action referred to in sections 3—5 is brought after the preparation has been concluded in accordance with Chapter 5, section 28, subsection 1, the court may hear the actions separately, if their hearing in the same proceedings is not possible without undue inconvenience. The court may do the same also when a party brings an action referred to in section 3 or section 5, subsection 1 after the deadline referred to in Chapter 5, section 22.

Section 8
If a person not a party to the proceedings states that the case concerns his or her rights and presents plausible reasons in support of the statement, he or she may participate in the proceedings, supporting either party as an intervener.

Section 9
(1) If a person wishes to participate in the proceedings as an intervener he or she shall submit an application to this effect to the court. The parties shall be reserved an opportunity to be heard on the application.
(2) A court order made during the proceedings and rejecting the application for an intervention is subject to separate appeal.

Section 10
(1) An intervener has the right to act in the proceedings as a party. He or she may not, however, amend the action or undertake other measures contrary to actions undertaken by a party, nor appeal against a judgment or a court order unless this be together with a party.
(2) However, if the judgment is enforceable for or against the intervener as if he or she were a party to the proceedings, he or she has the status of a party to the proceedings.

Chapter 19 – Declaration of a matter as urgent (363/2009)

Section 1
The District Court may decide on the request of a party that the matter shall be declared urgent if there is a particularly important reason to consider the matter before other matters, taking into consideration the length of the proceedings, the nature of the matter and its significance to the party, and other grounds for declaring the matter urgent.

Section 2
(1) A party who requests that a matter be considered urgently shall submit a written application on this to the District Court that is considering the principal claim. The application shall contain the request for declaration of the matter as urgent as well as the grounds on which the request is based.
(2) Before deciding on the request to declare a matter urgent, the District Court shall if necessary reserve other parties an opportunity to be heard in a suitable manner.

Section 3
(1) A request to declare a matter urgent shall be decided by the District Court in a composition with only one judge present. The judge considering the principal claim may himself or herself decide on the request only if the matter cannot be assigned without delay for the decision of another judge or if the request is manifestly unfounded.
(2) A decision to declare a matter urgent can be done in written proceedings. The decision shall be taken without delay.

Section 4
(1) A matter declared urgent shall be considered by the District Court without undue delay before other matters.

(2) Declaration of a matter as urgent shall be in force until the principal claim is decided by the District Court.

Section 5
A decision declaring a matter urgent is not subject to separate appeal.

Chapter 20 — Settlement (664/2005)

Section 1
A settlement may be confirmed in pending proceedings as provided in this Chapter.

Section 2
A settlement may pertain to the case or a part thereof, in which settlement is permitted.

Section 3
(1) A settlement shall be confirmed on the request of the parties. A settlement may not be confirmed if it is contrary to law or clearly unreasonable or if it violates the right of a third party.
(2) The court shall confirm the settlement in writing. The decision shall denote the subject and the content of the settlement.

Section 4
(1) If the settlement applies to all the claims presented in the case, the consideration of the case concludes with the confirmation of the settlement.
(2) If the settlement applies to a part of the case, the proceedings shall continue in respect of the other parts.

Section 5
The decision of the court on the confirmation of the settlement in the case is subject to appeal in accordance with the provisions on appeal of a judgment of the respective court.

Chapter 21 — Legal costs (1013/1993)

Section 1 (368/1999)
The party who loses the case is liable for all reasonable legal costs incurred by the necessary measures of the opposing party, unless otherwise provided by an Act.

Section 2 (368/1999)
In a case not amenable to settlement out of court, the parties are liable for their own legal costs, unless there is a special reason for rendering a party liable, in full or in part, for the legal costs of the opposing party.

Section 3 (1013/1993)
(1) If several claims have been made in the same case and some of them are decided in favour of one party and some in favour of the other party, the parties are liable for their own legal costs, unless there is a special reason for rendering a party liable, in part, for the legal costs of the opposing party. If the claim that a party loses has only little significance in the case, he or she shall be entitled to full compensation for his or her legal costs.

(2) The provisions in subsection 1 apply correspondingly when the claim of a party is only partially upheld. In this event, however, full compensation of the legal costs of that party may be ordered also if the part of the claim that has not been upheld concerns solely a matter of discretion which has little bearing on the amount of the legal costs.

Section 4 (1013/1993)
(1) If the winning party has brought an action without the opposing party having given cause to do so, or otherwise deliberately or negligently caused a frivolous trial to be held, the winning party shall be liable for the legal costs of the opposing party, unless in the light of the circumstances there is reason to order that the parties are to be liable for their own legal costs.
(2) If, before the trial, the losing party did not know nor should have known of the fact on which the decision in the case turned, the court may order that the parties are to be liable for their own legal costs.

Section 5 (1013/1993)
If a party has been absent from court, failed to heed the orders issued by the court, entered a plea which he or she has known or should have known to be unsubstantiated, or otherwise prolonged the trial by unlawful conduct, and thus deliberately or negligently caused the other party to incur legal costs, he or she shall be liable for such costs regardless of how the liability for legal costs otherwise is determined.

Section 6 (1013/1993)
After having been reserved an opportunity to be heard, a party's representative, attorney or counsel, who in the manner referred to in section 4 or 5 has deliberately or recklessly caused the other party to incur legal costs mentioned in this Chapter, may be rendered jointly and severally liable with the client for such costs.

Section 7 (1013/1993)
(1) A party whose action has been dismissed shall be deemed to have lost the case.
(2) If the proceedings are discontinued because a party has withdrawn the action or failed to appear in court, the party shall be rendered liable for the costs of the other party, unless there is a specific reason for a different order.

Section 8 (1013/1993)
(1) Compensable legal costs are the costs of the preparation for the trial and the participation in the proceedings, as well as the fees of the attorney or counsel. In addition, compensation shall be paid for the work caused by the trial to the party and for the losses directly linked to the trial. (368/1999)
(2) On request, the compensation shall carry an annual interest as referred in section 4, subsection 3 of the Interest Act; the interest shall begin to accrue one month from the date when the order on liability was issued. (285/1995)

Section 8a (368/1999)
If the legal issues in the case have been so unclear that the losing party has had a justifiable reason to pursue the proceedings, the court may order that the parties are to be liable for their own legal costs in full or in part.

Section 8b (368/1999)
If, in view of the circumstances giving rise to the proceedings, the situation of the parties or the significance of the issue, and taking all aspects of the case into account, it would be manifestly unreasonable to render one party liable for the legal costs of the other, the court may on its own motion reduce the payment liability of the party.

Section 8c (368/1999)
(1) If a case concerning the collection of a debt or the eviction of a tenant is decided in accordance with Chapter 5, section 13 or 14, by a judgment by default without continuing the preparations, the court shall on its own initiative assess the legal costs to be compensated by the party in default, taking into account the amount of necessary work put into the application for a summons, the amount of the debt and the unavoidable expenses.
(2) The Ministry of Justice shall issue more detailed instructions on the bases for the assessment of legal costs under this section.

Section 8d (601/2002)
In a case concerning the renting of accommodation, legal costs shall be ordered in accordance with section 8c of this Chapter. If there are particular reasons for his and the case is not decided pursuant to Chapter 5, section 13 or 14 by a judgment by default without continuing the preparations, a party may be ordered to pay the legal costs of the opposing party in an amount greater than that provided in section 8c.

Section 9 (1013/1993)
(1) Where more than one party is liable for the same legal costs, their liability shall be joint and several.
(2) A party shall alone be liable for costs arising from a part of the case concerning solely that party and for costs caused as referred to in section 5.

Section 10 (1013/1993)
(1) A person who has assumed the pursuit of an action under Chapter 12, section 5a, shall be liable, jointly and severally with the original plaintiff, for the legal costs incurred before he or she assumed the pursuit of the action. That person shall alone be liable for legal costs incurred after he or she assumed the pursuit of the action.
(2) A person who assumed the status of respondent shall alone be liable for legal costs.

Section 11 (1013/1993)
If one of the jointly and severally liable parties so requests, the court shall order on how the liability is to be divided among them or whether one of them is alone to be liable.

Section 12 (1013/1993)
(1) The provisions in this Chapter on a party apply correspondingly to the liability of an intervener, referred to in Chapter 18, section 8, for legal costs and his or her right to compensation for such costs. However, an intervener shall be liable only for the specific costs incurred because of the intervention. The party whose side

the intervener has taken may not be rendered liable for costs referred to in this section.
(2) The provisions in this Chapter on a party's representative, attorney or counsel apply correspondingly to the liability of an intervener's representative, attorney or counsel for legal costs.

Section 13 (1013/1993)
(1) If the costs of evidence or other procedural costs are to be covered from State funds or if the parties are jointly and severally liable for them, the provisions in this Chapter on legal costs apply to the liability for such costs. If the parties are liable for their own costs, the court may order that the costs are to be divided equally between them.
(2) The court may order that the costs referred to in subsection 1 and paid from State funds are to be borne by the State in full or in part.

Section 14 (1013/1993)
(1) A claim for the compensation of legal costs shall be made before the conclusion of the hearing of the case. A breakdown of the claimed costs and their bases shall be supplied. (368/1999)
(2) The decision on legal costs shall be issued at the same time as the decision on the main issue. The decision shall contain an itemised list of the compensable expenses and fees. If the main issue is decided during the preparatory proceedings, a decision on legal costs may be issued at the same time even if the costs remain in dispute, unless it is deemed that the determination of the amount of the costs requires a main hearing and the reception of testimony. (368/1999)
(3) When a court transfers the case to another court, the issue of the legal costs incurred in the former court shall be decided in the court to which the case has been transferred.
[section 15 has been repealed; 368/1999)

Section 16 (1013/1993)
(1) If the decision of a lower court is appealed, the liability to compensate for the legal costs incurred in the appellate court shall be determined on the basis of what has happened in the appeal proceedings and whether the appeal has been successful or not.
(2) If the case is returned to be heard by a lower court, the issue of the legal costs incurred in the appellate court shall be decided in the court to which the case has been returned in connection with the returned case.
(3) In the case of extraordinary appeal the liability to compensate for the legal costs is determined in accordance with subsections 1 and 2 unless there are particular reasons to the contrary- (666/2005)
[sections 17—18 have been repealed; 690/1997)

Supplementary provisions

Section 19 (440/2011)
A public prosecutor has the right to appeal, on behalf of the State, against decisions made on the basis of section 13 even in cases where he or she has not appeared as a prosecutor.
[section 20 has been repealed; 690/1997]

Chapter 22 — District court records and recording of evidence (381/2003)

Section 1 (1064/1991)
Records shall be kept on the hearing of civil and criminal cases in the District Court. The record shall be signed by the person who has kept it.

Section 2 (1064/1991)
(1) A separate record shall be kept for each civil case.
(2) However, a record need not be kept when the case is not dealt with in a hearing.
(3) The record shall be kept by a court official under the instructions of the chairperson or, for a special reason, by the chairman or a legally qualified member of the court appointed to the task by the chairperson. (441/2001)

Section 3 (1064/1991)
(1) The record shall indicate:
(1) the name of the court and the date of the proceedings;
(2) the names of the court members taking part in the consideration of the case and the name of the keeper of the record;
(3) the parties and the persons called to be heard and whether or not they were present;
(4) the counsel and attorneys of the parties and the interpreters;
(5) the case; and
(6) the reason for a closed hearing.

[subsection 2 has been repealed; 690/1997]

Section 4 (1064/1991)
(1) In addition to that provided by section 3, the record of an oral preparatory hearing shall indicate:
(1) the claims, pleas, admissions and denials presented;
(2) the circumstances on which the parties base their claims and denials, and the comments of the opposing party on the same;
(3) the evidence to be presented and what is intended to be proven with each piece of evidence; and
(4) the other issues relevant to the holding of a main hearing. (768/2002)
(2) If a matter, which according to subsection 1 should be entered in the record, is evident in the application for a summons, a response, another document delivered to the court or an earlier record, it shall be enough in respect of this matter to refer, in the record, to the said document or record.
(3) The provisions in subsection 1 apply, in so far as appropriate, also when a record is kept of a hearing of a case outside of the main hearing.

Section 5 (1064/1991)
(1) In addition to what is provided in section 3, the record of a main hearing shall contain the information necessary for dealing with the case, and indicate:
(1) the claims, pleas, admissions and denials presented;
(2) the circumstances on which a party bases his or her claims and denials, and the comments of the opposing party on the same;
(3) the witnesses, experts and other persons heard and the other evidence presented.(768/2002)
(2) If a matter, which according to subsection 1 should be entered in the record,

is evident in the application for a summons, a response, another document delivered to the court or an earlier record, it shall be enough in respect of this matter to refer, in the record, to the said document or record.

Section 6 (1064/1991)
(1) The hearing of a witness, an expert and a party or another person heard for probative purposes, shall be taped. If taping is not possible, the statement shall be entered in the record verbatim.
(2) If taping is evidently unnecessary due to the shortness of the statement, the record shall contain a detailed account of the statement, and no taping shall be required. An oral statement entered in the record shall be read back at once and the record shall indicate the declaration of the person heard as to whether his or her statement has been understood correctly.

Section 7 (1064/1991)
The discoveries made by the court in a judicial inspection shall be entered in the record.

Section 8 (1064/1991)
Information other than that referred to in sections 3—7 shall not be entered in the record without a reason.

Section 9 (381/2003)
In the court dealing with the case, a taped statement submitted for probative purposes shall be transcribed (*transcript)* if the court deems that this promotes consideration of the case, A copy may be made of the taped statement or it may be transcribed also if a party or some other person requests this.

Section 10 (1064/1991)
A tape shall be stored at least until six months after the decision of the case. If an appeal is pending in the case, however, the tape shall be stored until there is a final decision.

Section 11 (768/2002)
The record, the judgment, a separately prepared court order and the gathered documents shall be incorporated into a file.

Section 12 (1064/1991)
A diary of civil cases shall be kept in the District Court; the diary shall indicate the dates when cases have been brought, the measures undertaken with regard to them, the dates of the decisions in the cases and the necessary information on appeals.

Section 13 (768/2002)
The Ministry of Justice shall if necessary issue more detailed provisions on the keeping of registers and lists as well as on docket systems and the substantive contents of records to be given of them, as well as on the format of certificates to be issued, applications, applications for a summons and other documents.

Chapter 23 — Voting (690/1997)

General provisions on voting

Section 1 (690/1997)
(1) If the members of a court cannot reach a consensus in their deliberations, a vote shall be taken.
(2) The vote shall be taken in the reverse order of seniority, with the least senior member expressing an opinion first and the most senior member last. However, if one of the members of the court serves as a referendary, he or she shall express an opinion first.

Section 2 (690/1997)
(1) If there are lay judges in the composition of the District Court, the chairperson shall explain to them the issues that have risen in the case and the provisions applicable to the issues.
(2) When a vote is taken, the lay judges shall express their opinions last.

Section 3 (690/1997)
(1) An opinion shall be accompanied with reasons.
(2) A member who merely concurs with an opinion already expressed need supply reasons only if these differ from what has already been stated.

Section 4 (690/1997)
If a dispute arises as to how the vote should be taken or as to what is the result of the vote, a vote shall be taken on the same. In this event, the provisions on voting in civil cases apply.

Voting in civil cases

Section 5 (690/1997)
(1) If several claims or a claim for set-off have been made in a civil case, separate votes shall be taken on each of them. The same applies if, concerning the same claim, there are several issues which have an effect on the decision of the case.
(2) Each member of the court shall express an opinion on each issue to be decided.

Section 6 (690/1997)
In a vote, the opinion supported by the majority of the members shall prevail. In the event of a tie, the opinion supported by the chairperson shall prevail.

Section 7 (690/1997)
A separate vote shall be taken on procedural issues.

Section 8 (690/1997)
If the dispute concerns money or another calculable claim, and more than two opinions have been supported in a vote, with none of the opinions receiving the support referred to in section 6, the votes cast for the largest amount shall be added to those cast for the next largest amount, continuing, where necessary, until an opinion receiving the support referred to in section 6 is found.

Section 9 (690/1997)
If a vote is taken in a civil case on whether an order on the enforceability of a threat of a fine is to be issued or a sentence of imprisonment passed, the provisions on voting in criminal cases apply.

Chapter 24 — The court decision (165/1998)

Decision of the District Court in a civil case

Section 1 (165/1998)
The decision of the main issue in a civil case is a *judgment*. Another decision of the court is a *court order*.

Section 2 (165/1998)
(1) When giving judgment, only the trial material that has been presented in the main hearing may be taken into account. If a new main hearing has been conducted in the case, only what has been presented in this hearing may be taken into account. However, also trial material that has been submitted in supplementing the main hearing in accordance with Chapter 6, section 14 may be taken into account in the judgment. (768/2002)
[subsection 1 has been amended as of 1 January 2016 to read as follows:
(1) When giving judgment, only the trial material that has been presented in the main hearing may be taken into account. However, also evidence that has been presented outside of the main hearing may be taken into consideration, if in accordance with Chapter 17, section 59(1) is not to be represented in the main hearing.
If a new main hearing has been held in the case, only the trial material presented in this hearing may be taken into account when giving judgment. Also trial material that has been presented in supplementing the main hearing in accordance with Chapter 6, section 14 may be taken into account in the judgment. (732/2015)]
(2) Where the case is decided in preparation, everything stated in the application for a summons, the written response and statement, or otherwise presented, may be taken into account when giving judgment.

Section 3 (165/1998)
(1) The court shall not give a judgment on something more than what has been claimed by a party, nor on something else than what has been claimed by a party.
(2) In a case amenable to settlement, the judgment may not be based on a circumstance not referred to by a party in support of his or her claim or denial.
(768/2002)

Section 4 (165/1998)
The judgment shall be accompanied with reasons. The statement of reasons shall indicate the circumstances and the legal reasoning underlying the judgment. In addition, the statement of reasons shall indicate how a contentious fact has been proven or how the proof has not been adequate.

Section 5 (165/1998)
(1) The court may give separate judgment on an independent claim in a case where several claims have been made (*partial judgment*). The court may also decide separately a part of the claim that has been admitted.
(2) However, a claim for payment and a corresponding claim for set-off shall be

decided together, unless the claim on the main debt is to be decided by a judgment by default under Chapter 5, section 14**,** subsection 2.

Section 6 (165/1998)
(1) If the decision on an action is dependent on the decision on another action that is heard in the same proceedings, the court may give separate judgment on the latter action (*intermediate judgment*). In this event, the court may order that the hearing of the case, in other respects, is to resume only after the intermediate judgment is no longer subject to appeal.
(2) On the request of a party, the court may also decide, by an intermediate judgment, an issue the resolution of which is a prerequisite for the decision of the claim in other respects. In this event, the intermediate judgment may be given against the will of the opposing party only for a special reason. An intermediate judgment referred to in this subsection is separately subject to appeal only if the further hearing of the case has become unnecessary owing to the intermediate judgment. Otherwise an intermediate judgment referred to in this subsection is subject to appeal only in connection with an appeal against the final decision in the case.

Section 7 (165/1998)
(1) The judgment of the District Court shall be prepared as a separate document. It shall contain:
(1) the name of the court and the date of the judgment;
(2) the names of the parties;
(3) an account on the claims and responses of the parties, with the reasons for them;
(4) a list of the persons heard for probative purposes and the other evidence presented;
(5) a statement of reasons for the judgment;
(6) the legal provisions and authorities applied;
(7) the operative part of the judgment; and
(8) the names and titles of the members participating in the decision, and a statement of whether a vote has been taken on the judgment. If a vote has been taken, the opinions of the dissenting members shall be attached to the judgment.
(2) The account to be contained in the judgment may be replaced, in full or in part, by annexing a copy of the application for a summons, the response or another document to the judgment, provided that the clarity of the judgment is not thereby compromised.

Section 8 (165/1998)
(1) The court's deliberations shall be held immediately after the conclusion of the main hearing or, at the latest, on the following weekday. After the conclusion of the deliberations, the judgment in the case shall be handed down. Unless it is necessary to hand down the judgment in its entirety, the statement of reasons and the statement of judgment shall be announced. In so doing, the statement of reasons need be announced only in general, should the parties agree to this. If a vote has been taken on the judgment, this shall be announced as the judgment is handed down. (768/2002)
(2) If, in an extensive or difficult case, the deliberations or the preparation of the judgment so require, the judgment may be made available in chambers to the

parties within fourteen days of the conclusion of the main hearing. If the judgment, for a special reason, cannot be made available within the said period, is shall be made available as soon as possible. The parties who are present when the hearing is concluded shall be notified of the date when the judgment will be available to them.
(3) When the case is decided without holding a main hearing or a preparatory hearing, the judgment shall be given without delay in chambers. In this event, the court shall notify the parties in writing of the date when the judgment will be available to them, well in advance of that date. However, a notification need not be given on the issue of a judgment by default. Furthermore, a notification need not be given on the issue of a judgment to a person in whose favour the judgment is even though that person has not so claimed.

Section 9 (165/1998)
(1) The judgment of the District Court shall be signed by the chairperson.
(2) The judgments of the District Court as well as the court orders that have been prepared as separate documents shall be archived by incorporating them in the file. (768/2002)

Section 10 (165/1998)
(1) The court shall rectify any typographical or arithmetical errors or other comparable evident errors in its judgment. An error may be rectified also by the chairperson of the court or, when he or she is prevented from attending to this duty, by a legally trained member of the court. Before an error is rectified, the parties shall be reserved an opportunity to be heard on the rectification, where necessary.
(2) The rectification shall be marked on the judgment document and on the copies issued to the parties. If a copy issued to a party cannot be marked, a copy of the rectified judgment document shall be sent to the party. If an appeal has been lodged in the case, the appellate court shall be notified of the rectification.
(3) A party has the right to file a complaint against the rectification of an error within thirty days of the date when he or she received notice of the rectification.

Section 11 (165/1998)
(1) On the request of a party, the court may supplement the judgment, if it contains no decision on a claim made by the party. If the judgment contains no decision on a claim made by a party in an issue not amenable to settlement, the judgment may be supplemented also *ex officio*.
(2) The party shall request the supplementation of the judgment in writing within fourteen days of the date when the judgment was handed down or made available to the parties. The judgment may be supplemented *ex officio* if the party has, within fourteen days of the date when the judgment was handed down or made available to the parties, been invited to a hearing on the supplementation or exhorted to present a written statement on the supplementation.
(3) The parties shall be invited to a hearing on the supplementation of a judgment under threat that it may be supplemented even in the absence of a party. If the court does not deem an oral hearing necessary, it shall exhort the parties to present written statements on the issue at hand and at the same time notify them of the day when the decision on the supplementation of the judgment will be available to them.

Section 12 (165/1998)
(1) The judgment shall be supplemented by the court with the same composition that gave the judgment to be supplemented. If a member of the court is prevented from attending to the duty, the judgment shall be supplemented by the court with a composition that would have been competent to hear the case.
(2) The decision on the supplementation of a judgment shall be attached to the judgment and an entry of the later supplementation shall be made on the judgment. If an appeal has been lodged in the case, the appellate court shall be notified of the supplementation.
(3) A decision on the supplementation of a judgment is subject to appeal.

Section 13 (165/1998)
(1) The parties shall be issued with copies of the judgment in the form of a court instrument.
(2) A copy of a judgment of the District Court shall be certified by the chairperson, a legally trained member or an official appointed to the task.
(3) A copy of the judgment of the District Court shall be available to the party in the court registry
(1) within two weeks, if an intent to appeal has been registered in the case; and
(2) within thirty days, if possible, in other events,
calculated from the date when the judgment was handed down or made available to the parties.

Section 14 (165/1998)
(1) An order of the District Court shall be incorporated in the record. However, an order dismissing a case without considering its merits shall always be prepared as a separate document.
(2) A court order shall be accompanied with reasons, if it is issued so as to dismiss a claim or plea made in the case or if otherwise reasons are called for.
(3) Otherwise, the provisions on a judgment apply, in so far as appropriate, to a court order.

Decision of the Court of Appeal

Section 15 (165/1998)
(1) The judgment and final order of the Court of Appeal shall contain:
(1) the name of the court and the date when the decision is handed down or made available to the parties;
(2) the names of the parties;
(3) an account of the decision of the District Court, for the relevant parts, and an account of the claims and responses of the parties in the Court of Appeal and their reasons;
(4) a list of the persons heard for probative purposes and the other evidence presented in the Court of Appeal;
(5) a statement of reasons;
(6) the provisions and authorities applied;
(7) the statement of judgment or order; and
(8) the names and titles of the members participating in the decision, and a statement of whether a vote has been taken on the decision. The opinions of the dissenting members, as well as the recommendation of the

referendary, if different from the decision of the Court of Appeal, shall be attached to the judgment or final order.
(2) The account of the decision of the District Court may be replaced, in full or in part, by annexing in full or to the extent necessary a copy of the judgment of the District Court to the judgment or final order of the Court of Appeal, provided that the clarity of the decision of the Court of Appeal is not thereby compromised. The reasons of the District Court, in so far as upheld by the Court of Appeal, need not be restated.
(3) An instrument shall be prepared of a judgment and a final order, to be signed by the members who participated in the decision. The referendary shall countersign the instrument. The court instrument to be issued to the parties shall be certified by the referendary or another official appointed to the task by the president.

Section 16 (165/1998)
If the Court of Appeal does not change the reasons or the result of the decision of the District Court, the provisions in section 15, subsection 1(5)—(7) need not be applied; a notification that the decision of the District Court has been examined and that no reason to change it has been found shall suffice. In this event, the decision of the Court of Appeal need not contain an account of the decision of the District Court. A copy of the decision of the District Court shall be attached to the decision of the Court of Appeal in full or to the extent necessary.

Section 17 (165/1998)
(1) The decision of the Court of Appeal shall be handed down after the conclusion of the court's deliberations or made available to the parties in the registry of the Court of Appeal. A decision that has been handed down shall be dated on that day; a decision available in the registry shall be dated on the day when it is made available.
(2) A judgment and a final order shall be issued within 30 days of the conclusion of the main hearing. If, for a special reason, the decision cannot be issued within the said period, it shall be issued as soon as possible. In any event, the deliberations shall take place immediately after the conclusion of the main hearing or, at the latest, on the following weekday.

Section 18 (440/2011)
(1) The Court of Appeal shall send copies of its decision to all parties who have exercised their right to be heard in the Court of Appeal.
(2) A copy shall be sent to the defendant in a criminal case also when he or she has not exercised his or her right to be heard in the Court of Appeal, and the Court of Appeal has changed the decision of the District Court in respect of the part of the defendant. A copy shall be sent to the public prosecutor who pursued the charge even when he or she has not exercised his or her right to be heard in the Court of Appeal.

Section 19 (165/1998)
Unless otherwise provided, the provisions on a decision of the District Court apply, in so far as appropriate, to a decision of the Court of Appeal.

Decision of the Supreme Court

Section 20 (165/1998)
Chapter 30 of the Code of Judicial Procedure contains provisions on the decision of the Supreme Court on an application for leave to appeal and on an appeal.

Service of notifications and invitations

Section 21 (165/1998)
Unless another manner of service is deemed necessary, the court may send the notifications and invitations referred to in this Chapter by post.

Chapter 25 — Appeal from the District Court to the Court of Appeal (165/1998)

General provisions

Section 1 (165/1998)
(1) Appeal of decisions of the District Court lies to the Court of Appeal.
(2) The judgments and final orders of the District Court, as well as the other decisions made in the same connection, are subject to appeal, unless appeal has been specifically prohibited.
(3) A procedural decision of the District Court is subject to appeal only if specifically so provided.

Section 2 (165/1998)
(1) In a case amenable to settlement the parties may agree in writing that none of them is to appeal the judgment. Such an agreement shall pertain to a given dispute or to the eventual disputes arising from a given legal relationship.
(2) A party may conclusively declare, before the deadline for appeal, that he or she is content, in full or in part, with the decision of the District Court. Such a declaration shall be made to the District Court in writing.

Appeal instructions

Section 3 (440/2011)
(1) When the District Courts hands down its decision or makes it available to the parties, it shall at the same time state whether the decision is subject to appeal and what procedure is to be followed in the appeal.
(2) The parties who are present when the decision is handed down shall at once be provided with written instructions indicating how a person who is dissatisfied with the decision is to proceed in order to have the case heard by the Court of Appeal or in order to lodge an appeal for a precedent in accordance with Chapter 30a. However, such instructions shall not be provided to the public prosecutor, nor to other parties if this is deemed manifestly unnecessary.

Section 4 (165/1998)
If, in a criminal case, the District Court sentences a defendant who was absent when the hearing of the case was concluded, the District Court shall immediately after the judgment is handed down or made available to the parties notify the defendant of the date of the judgment and the sentence passed, and at the same

time send to the defendant the instructions referred to in section 3, subsection 2. The notification and instructions may be sent by post to the address last supplied by the defendant. However, no notification need be sent on a fine or a conversion sentence.

Declaration of intent to appeal

Section 5 (165/1998)
(1) A party who wishes to appeal a decision of the District Court shall declare his or her intent to appeal, under threat of forfeiting his or her right to be heard. If several parties have a joint right to be heard, one declaration of intent to appeal is sufficient.
(2) A declaration of intent to appeal shall be filed, at the latest, on the seventh day after the day when the decision of the District Court was handed down or made available to the parties.
(3) The declaration of intent to appeal may be made, either orally or in writing, to the court that decided the case or to the registry of that court.

Section 6 (165/1998)
A person who has been remanded for trial or is serving a sentence of imprisonment or a conversion sentence may in a criminal case declare his or her intent to appeal to the director of the prison. If the deadline for the declaration of intent to appeal expires when such a person is not in the institution because of a trial or transport in process, he or she may declare his or her intent to appeal on the day after his or her arrival at the institution.

Section 7 (440/2011)
(1) The declaration of intent to appeal may be restricted to pertain only to a part of the decision of the court of first instance. The restriction shall be mentioned when the declaration is filed.
(2) Where there are several defendants and the public prosecutor declares his or her intent to appeal, he or she shall indicate the defendants to whom the declaration pertains.

Section 8 (165/1998)
The declaration of intent to appeal may be withdrawn before the expiry of the deadline for the filing of the declaration. The provisions on a declaration of intent to appeal apply to such a withdrawal.

Section 9 (165/1998)
(1) If the declaration of intent to appeal has not been filed in accordance with the provided procedure or if the declaration pertains to a decision not subject to appeal, the declaration shall be rejected.
(2) The decision on the rejection of a declaration of intent to appeal shall be made by the chairperson of the District Court. If he or she is prevented from attending to this duty, the decision shall be made by another legally trained member of the District Court. If the declaration is rejected, the party concerned shall at once be notified of the same in writing.
(3) The decision to reject a declaration of intent to appeal is subject to complaint to the Court of Appeal. The letter of complaint shall be delivered to the registry of the District Court within thirty days of the day when the decision of the District

Court was handed down or made available to the parties. If the Court of Appeal deems that the declaration of intent to appeal has been legal, it shall, where necessary, set a new deadline for appeal.

Section 10 (165/1998)
If a declaration of intent to appeal has not been rejected, it shall be entered in the decision of the District Court, in the copies to be given to the parties, in the diary and in the pertinent lists and notifications.

Section 10a (381/2003)
When a declaration of intent to appeal against a decision made during proceedings has been filed and it has not been rejected, the District Court may if necessary order that the consideration of the case shall not be continued until the appeal has been decided.

Appeal instructions

Section 11 (165/1998)
(1) When a declaration of intent to appeal has been filed and it has not been rejected, the party concerned shall be provided with appeal instructions that are annexed to a copy of the decision of the District Court.
(2) The appeal instructions shall indicate the appellate court and the deadline date for the lodging of the appeal. The instructions shall explain the provisions on pursuit of the appeal, the leave for continued consideration and the grounds for such leave, and the contents and annexes of the appeal document. In addition, the appeals instructions shall contain the corresponding information regarding the counter appeal and the appeal for a precedent as provided in sections 14a – 14c and Chapter 30a. (650/2010)
(3) If the appeal instructions are erroneous and the error has not been obvious, the appeal shall not for this reason be dismissed without considering the merits, if the appellant has complied either with the instructions or with the applicable statutory provisions.

Appeal procedure

Section 12 (165/1998)
(1) The deadline date for the lodging of the appeal is thirty days from the day when the decision of the District Court was handed down or made available to the parties.
(2) The party shall deliver the appeal document to the registry of the District Court, at the latest before the end of office hours on the deadline date for the lodging of the appeal. An appeal that is out of time shall be dismissed without considering the merits.
(3) If the appellant wishes to withdraw the appeal, he or she shall deliver a written notification of the same, addressed to the Court of Appeal, to the registry of the Court of Appeal or to the registry of the District Court.

Section 13 (381/2003)
(1) If, due to a lawful excuse or another acceptable reason, appeal cannot be sought in time, the District Court shall, on request, set a new appeal deadline.
(2) The request for a new appeal deadline shall be made in writing to the District

Court before the expiry of the original deadline. An account of the applicant's excuse or the other reason underlying the request shall be annexed to the request.

Section 14 (165/1998)
(1) The decision to set a new appeal deadline or to reject an out-of-time appeal without considering the merits shall be made by a legally trained member of the District Court.
(2) If a request for a new appeal deadline is rejected or an out-of-time appeal is rejected without considering the merits, the parties shall be notified in writing of the date of the decision well in advance of the date when the decision is made available to the parties.

Counter-appeal

Section 14a (381/2003)
(1) The opposing party of the appellant may, without declaring his or her intent to appeal, appeal the judgment of the District Court on his or her part *(counterappeal).*
(2) The deadline for the counter-appeal is two weeks after the deadline set for the appeal by the appellant.

Section 14b (650/2010)
The counter-appeal shall lapse if the appeal is withdrawn, lapses or is dismissed without considering its merits or the appellant is not granted leave for continued consideration. However, the counter-appeal does not lapse if the appeal is not withdrawn until during the main hearing.

Section 14c (381/2003)
In other respects, what is provided regarding the appeal applies to the counterappeal.

Contents and annexes of the appeal document

Section 15 (381/2003)
(1) The appeal document, which shall be addressed to the appropriate Court of Appeal, shall indicate:
(1) the District Court decision that is being appealed;
(2) which points in the decision of the District Court are being appealed;
(3) what changes are requested in the decision of the District Court;
(4) what are the reasons for the changes and how, in the view of the appellant, the statement of the reasons of the District Court is erroneous;
(4a) the grounds for granting leave for continued consideration in a matter referred to in Chapter 25a, sections 5 and the reasons on the basis of which the appellant deems that such grounds exist, if these are not otherwise apparent from the appeal document; (386/2015)
(5) the evidence referred to and what the appellant intends to prove with each piece of evidence; and
(6) should the appellant wish to do so, a request for the holding of a main hearing in the Court of Appeal.
(2) If the appellant wishes that a main hearing be held in the Court of Appeal, he or she shall supply a detailed reason for the same. The appellant shall also express his or her opinion as to whether the parties should be heard in person in the main hearing, and which witnesses, expert witnesses or other persons to be

heard for probative purposes should be heard in the main hearing.
(3) If, in a civil case, the appellant refers to a circumstance or evidence not presented in the District Court, he or she shall supply a reason for it being admissible in the Court of Appeal, in view of the provision in section 17.

[The Act of 386/2015 enters into force on 1 October 2015. The Act provides as follows regarding entry into force:
If the decision under appeal has been given or proclaimed before this Act enters into force, the provisions that were in force at the time this Act enters into force apply to the letter of appeal and leave for appeal.]

Section 16 (165/1998)
(1) The appeal document shall indicate the names of the parties; the contact information of their legal representatives, attorneys or counsel; and the postal address and possible other address to which the exhortations, invitations and notifications pertaining to the case may be delivered to the appellant (*address for service*). In addition, the telephone number and other contact information of the party and the witnesses and other persons to be heard shall be provided to the Court of Appeal in an appropriate manner. If an information item subsequently changes, the appellant shall notify the Court of Appeal of this without delay. (362/2010)
(2) The appeal document shall be signed by the appellant or, if he or she has not prepared it, by the person who has prepared the appeal document.
(3) The documents that the appellant refers to and that have not been presented in the Court of Appeal shall be annexed to the appeal document, and a copy of the appeal document and the annexes shall also be supplied.

New material in the Court of Appeal

Section 17 (165/1998)
(1) In a civil case, the appellant may not refer in the Court of Appeal to other circumstances or evidence than those presented in the District Court, unless he or she establishes a probability that he or she had not been able to refer to the circumstance or evidence in the District Court or that he or she has had a justifiable reason for not doing so.
(2) A claim for set-off made only in the Court of Appeal may be dismissed without considering its merits if it cannot be heard without undue difficulty.

Supplementary provisions

Section 18 (165/1998)
(1) The documents and annexes delivered to the registry of the District Court and addressed to the Court of Appeal shall be forwarded without delay from the District Court to the Court of Appeal. At the same time, the dossier of the case and the tapes shall be sent. However, only copies of the judgment of the District Court and court orders of the District Court that have been prepared as separate documents need be sent. (768/2002)
(2) If an appeal document which is to be delivered to the registry of the District Court has been delivered to the Court of Appeal before the deadline, the appeal shall not for this reason be dismissed without considering the merits. The document shall be sent without delay from the Court of Appeal to the registry of the

District Court.

[*section 19 has been repealed; 440/2011]*

Chapter 25a – Initiation of the preparation of consideration of an appeal at the Court of Appeal and leave for continued consideration (650/2010)

General provisions

Section 1 (650/2010)
(1) This Chapter provides for the initiation of the preparation of consideration of an appeal at the Court of Appeal and for leave for continued consideration as well as the granting of such leave.
(2) If leave for continued consideration is not required in an appellate matter or if leave is granted on the grounds provided in section 11, the consideration of the matter continues as provided in Chapter 26.
(3) If leave for continued consideration is not granted, the decision of the District Court remains final.

Initiation of the preparation

Section 2 (650/2010)
Preparation of an appellate matter begins at the Court of Appeal when the appeal document sent from the District Court arrives at the Court of Appeal. The preparation of the matter at the Court of Appeals is the responsibility of one member (*member responsible for preparation*).

Section 3 (650/2010)
(1) If the appeal is incomplete and it is necessary to supplement it for the continuation of the proceedings, the appellant shall be admonished to remedy the defect within the time set by the Court of Appeal. At the same time, notice shall be given of the possible consequences of neglecting to heed the admonition.
(2) If the appeal is incomplete even after being supplemented, the party may, for a special reason, be provided with a new opportunity to supplement it.

Section 4 (650/2010)
(1) If the appellant does not comply with the admonition regarding the supplementing of the appeal and the appeal is so incomplete that it is insufficient to serve as the basis for proceedings at the Court of Appeal, the appeal shall be dismissed without considering the merits.
(2) The Court of Appeal shall immediately dismiss an appeal without considering the merits if there is a bar other than that referred to in section 3 for consideration of the appeal.

Leave for continued consideration

Section 5 (650/2010)
Leave for continued consideration is required in a civil case if the decision of the District Court is against the party only in respect of a debt, and the difference between the claim presented in the appeal document and the final result of the decision of the District Court (*value of the loss*) is not more than 10,000 euros. Trial

costs and interest calculated on the claim shall not be taken into consideration in calculating the value of the loss.

[section 5 has been amended as of 1 October 2015 to read as follows:

***Section 5** (386/2015)*
(1) Leave for continued consideration is required in a civil case if the decision of the District Court is against the party only in respect of a debt, and the difference between the claim presented in the appeal document and the final result of the decision of the District Court (value of the loss) is not more than 10,000 euros. Trial costs and interest calculated on the claim shall not be taken into consideration in calculating the value of the loss.
(2) If an ordinary appeal has been made against the decision of the District Court, a leave of continued consideration is needed in the case.
(3) Notwithstanding the above, a defendant in a criminal case in which a sentence more severe than imprisonment for eight months has been imposed on him or her does not need leave of continued consideration in any respect in the case, if the appeal concerns the offence of which he or she is found guilty or the sentence. In assessing the severity of the sentence, no consideration is given to a fine or other penal sanction imposed in addition to imprisonment.
(4) The prosecutor or the injured party do not need leave of continued consideration in any respect in a case in which a sentence more severe than imprisonment for eight months has been imposed on the defendant, and the appeal concerns the offence of which the defendant has been found guilty or the sentence imposed on the defendant.

[NB. Section 5 has been amended as of 1 October 2015 by the Act of 386/2015, which provides the following regarding entry into force:
If the decision under appeal has been given or proclaimed before this Act enters into force, the provisions that were in force at the time this Act enters into force apply to the letter of appeal and leave for appeal.]

Section 6 (650/2010)
(1) The defendant requires leave for continued consideration in a criminal case if he or she has been sentenced to punishment that is not more severe than imprisonment for four months. In assessing the severity of the punishment, no consideration shall be taken of a fine or other sanction under criminal law imposed in addition to imprisonment.
(2) However, the defendant does not require leave for continued consideration in a criminal case if:
(1) the defendant has been sentenced to dismissal from office;
(2) the defendant has been sentenced to forfeiture and the value of the proceeds, the property or the object ordered forfeit to the State or their replacement value ordered forfeit is greater than 10,000 euros;
(3) the defendant has been sentenced to a corporate fine, the value of which is greater than 10,000 euros;
(4) on the basis of section 7(1), the public prosecutor does not require leave for continued consideration in the matter; or
(5) the public prosecutor has appealed the matter in favour of the defendant on the basis of section 7(2).
(3) If the appeal also concerns a private law claim arising from the act referred to

in the criminal charges, and the value of the loss is greater than 10,000 euros, no leave for continued consideration is required in the criminal case on the basis of the same act.

[NB. section 6 is repealed as of 1 October 2015 by the Act of 386/2015, which provides the following regarding entry into force:
If the decision under appeal has been given or proclaimed before this Act enters into force, the provisions that were in force at the time this Act enters into force apply to the letter of appeal and leave for appeal.]

Section 7 (650/2010)
(1) The public prosecutor requires leave for continued consideration if the appeal concerns an offence which, if committed under the circumstances cited in the criminal charges, is not punishable by more than a fine or by imprisonment for at most two years.
(2) The public prosecutor does not require leave for continued consideration in appealing in favour of the defendant.

[NB. section 7 is repealed as of 1 October 2015 by the Act of 386/2015, which provides the following regarding entry into force:
If the decision under appeal has been given or proclaimed before this Act enters into force, the provisions that were in force at the time this Act enters into force apply to the letter of appeal and leave for appeal.]

Section 8 (650/2010)
The injured party in a criminal case requires leave for continued consideration if the appeal concerns an offence referred to in section 7(1). However, the injured party does not require leave for continued consideration if the appeal also concerns a private law claim arising from the act referred to in the appeal and the value of the loss is greater than 10,000 euros.

[NB. section 8 is repealed as of 1 October 2015 by the Act of 386/2015, which provides the following regarding entry into force:
If the decision under appeal has been given or proclaimed before this Act enters into force, the provisions that were in force at the time this Act enters into force apply to the letter of appeal and leave for appeal.]

Section 9 (650/2010)
Leave for continued consideration is not required in
1) a military court case;
2) a matter concerning the conversion of unpaid fines into imprisonment;
3) a matter concerning the imposition, annulment or extension of a prohibition of engaging in business;
4) a matter concerning the imposition, annulment or amendment of a restraining order;
5) a case concerning maintenance for a child;
6) a case considered in accordance with the provisions of chapter 8.

[NB. section 9 is repealed as of 1 October 2015 by the Act of 386/2015, which provides the following regarding entry into force:
If the decision under appeal has been given or proclaimed before this Act enters

into force, the provisions that were in force at the time this Act enters into force apply to the letter of appeal and leave for appeal.]

Section 10 (650/2010)
If the petition of appeal only concerns trial costs, expenses to be paid by the State or the payment of a default fine, leave for continued consideration is required in the matter. Leave for continued consideration is also required in a matter if the petition of appeal only concerns the imposition of a remaining sentence on the basis of violation of supervisory provisions.

[NB. section 10 is repealed as of 1 October 2015 by the Act of 386/2015, which provides the following regarding entry into force:
If the decision under appeal has been given or proclaimed before this Act enters into force, the provisions that were in force at the time this Act enters into force apply to the letter of appeal and leave for appeal.]

Section 11 (650/2010)
(1) Leave for continued consideration shall be granted if:
(1) there is cause to suspect the correctness of the final result of the decision of the District Court;
(2) it is not possible to assess the correctness of the final result of the decision of the District Court without granting leave for continued consideration;
(3) in view of the application of the law in other, similar cases it is important to grant leave for continued consideration in the matter; or
(4) there is another important reason for granting leave.
(2) However, leave for continued consideration need not be granted on the basis of subsection 1(1) solely in order to reassess the evidence, unless on the basis of the grounds presented in the appeal, there is justified reason to suspect the correctness of the final result of the decision of the District Court.

Section 12 (650/2010)
Leave for continued consideration may be limited to part of the decision of the District Court. In so doing, the question of granting leave for continued consideration in other respects may be transferred for decision in connection with the consideration of the appeal.

Procedure in a case concerning the granting of leave for continued consideration

Section 13 (650/2010)
Before deciding the matter of leave for continued consideration, the Court of Appeal shall if necessary urge the opposing party of the appellant to present a written response to the appeal.

Section 14 (650/2010)
(1) The Court of Appeal decides the question of the granting of leave for continued consideration in written proceedings on the basis of the decision of the District Court, the appeal, the possible response and if necessary also on other trial documentation.
(2) The matter may be decided with the need for presentation.

Section 15 (650/2010)
If leave for continued consideration is granted in the matter, the appellant and

the opposing party of the appellant shall be informed of this.

Section 16 (650/2010)
In respect of the procedure in a matter concerning leave for continued consideration, the provisions of Chapter 26 shall otherwise apply as appropriate.

Section 17 (650/2010)
(1) If leave for continued consideration is not granted, the decision shall indicate that:
(1) all the grounds provided in section 11 for granting leave for continued consideration have been examined;
(2) leave for continued consideration is not granted; and
(3) the decision of the District Court remains final.
(2) The decision shall contain a statement of the claims and responses of the parties.

Section 18 (650/2010)
Leave for continued consideration shall be granted if even one member of the decision composition favours granting leave.

Appeal

Section 19 (650/2010)
(1) A decision granting leave for continued consideration is not subject to appeal.
(2) A decision by which the appellant has been granted leave of continued consideration only in part may be appealed at the same time as appeal is made against the judgment of the Court of Appeal in other respects. If leave of continued consideration has not been granted in the case to all the appellants, a decision refusing leave of continued consideration is subject to appeal as provided in Chapter 30, section 1. (386/2015)

[The Act of 386/2015 enters into force on 1 October 2015. The Act provides as follows regarding entry into force:
If the decision under appeal has been given or proclaimed before this Act enters into force, the provisions that were in force at the time this Act enters into force apply to the letter of appeal and leave for appeal.]

Chapter 26 — Hearing of an appeal in the Court of Appeal (165/1998)

Continuation of consideration of the appeal in the Court of Appeal (650/2010)

Competence of the Court of Appeal to consider the case (381/2003)

Section 1 (381/2003)
The proceedings in the Court of Appeal concern the case that is the subject of the decision of the District Court to the extent referred to in the appeal and in the possible response. The issue is whether or not the decision of the District Court is to be amended and how.

[*section 1a has been repealed; 650/2010]*
[*section 1b has been repealed; 650/2010]*

Section 2 (650/2010)
(1) In a criminal case, the Court of Appeal may amend the sentence imposed by the District Court on the basis of a summary penal order also in favour of the defendant even if only the public prosecutor has appealed the matter.
(2) If the decision of the District Court in a criminal case is appealed only in respect of the punishment imposed, the Court of Appeal may not, barring special reasons, consider whether or not the defendant is guilty of the act for which he or she has been convicted.

[*section 2a has been repealed; 650/2010]*

Written response

Section 3 (650/2010)
(1) The party opposing the appellant shall be exhorted to present a written response to the appeal before a deadline set by the Court of Appeal. If a response had been requested when the question of leave for continued consideration had been under consideration, or if the appeal had been dismissed on the basis of Chapter 25a(4) without considering the merits, or it is manifestly unnecessary to request a response, no response need be requested.
(2) When a response is request, service shall be given of the appeal and the appended documents. The Court of Appeal may in addition order what specific issues are to be addressed in the response.

Section 4 (381/2003)
(1) In the response, the respondent shall indicate:
(1) the case to which the response pertains;
(2) whether the respondent admits or contests the requested changes; and
(3) his or her opinion on the reasons supplied for the request of the appellant, and the circumstances to which the respondent wants to refer.
(2) In addition, the provisions on the appeal and the appellant in Chapter 25, section 15, subsection 1(4)—(6) and subsections 2 and 3, as well as sections 16 and 17 apply to the response and the respondent.

Section 5 (165/1998)
Where necessary, the Court of Appeal may reserve the respondent an opportunity to supplement the response before a deadline set by the Court of Appeal.

Section 6 (165/1998)
The response shall be served on the appellant.

Continued preparation

Section 7 (381/2003)
In accordance with the nature of the case, the following shall be clarified in the preparation at the Court of Appeal:
(1) in what respect the decision of the District Court is being appealed;
(2) what claims are presented in the Court of Appeal, and what grounds are referred to in support of the claims;
(3) on what points are the parties in disagreement at the Court of Appeal;

(4) what evidence is referred to at the Court of Appeal and what is intended to be proved with each piece of evidence;
(5) whether or not a main hearing is to be held at the Court of Appeal; and
(6) are there grounds for a settlement in the civil case.

Section 8 (165/1998)
(1) The Court of Appeal may exhort a party to present a written statement to the Court of Appeal before a deadline. In this event, the Court of Appeal shall issue instructions as to the matters that are to be addressed in the statement. However, the party may not be exhorted to present a written statement to the Court of Appeal on more than one occasion, unless there is a special reason for the same. Service of the statement shall be made to the opposing party.
(2) The Court of Appeal may invite the parties to a preparatory hearing, if this is deemed to further the preparation of the case.

Section 9 (381/2003)
(1) The Court of Appeal decides in the preparation on the procurement of an expert opinion, on the presentation of written evidence, on the carrying out of a judicial inspection and on the undertaking of other preparatory measures, if this is necessary in order to ensure that all of the evidence will be available at the same time in the main hearing.
(2) In addition, the Court of Appeal decides in the preparation whether the parties are to be heard in person, and which witnesses, expert witnesses and other persons to be heard for probative purposes are to be heard in the main hearing.
(3) The Court of Appeal shall ensure that nothing irrelevant is brought into the case and that no unnecessary evidence is presented in the case.

Section 10 (381/2003)
The Court of Appeal may decide on measures related to the preparations without presentation by a referendary. The procedure is the same when the Court of Appeal decides on measures which, pursuant to Chapter 2, section 8, subsections 1 and 2, are within the competence of a single justice acting alone. The justice responsible for the preparations decides on the procedure.

Section 11 (381/2003)
In the preparation of the case, the provisions on preparation at the District Court apply correspondingly at the Court of Appeal.

Deciding of the case on the basis of written trial material (381/2003)

Section 12 (381/2003)
(1) The case shall be decided on the basis of the written trial material, unless a main hearing is held in accordance with sections 13—16.
(2) If the case is decided on the basis of the written trial material and the party opposing the appellant has not exercised his or her right to be heard in the Court of Appeal, the trial material presented by him or her in the earlier stages of the proceedings shall, nonetheless, be taken into account.
(3) If necessary, the contents of evidence received by the District Court shall be ascertained from the recorded evidence.

The main hearing

Section 13 (650/2010)
(1) In the main hearing in the Court of Appeal, the parties, witnesses and expert witnesses are heard and other information is admitted.
(2) The main hearing may be restricted to cover only a portion of the case that is being appealed.
(3) If necessary, the main hearing shall be held at a location in the district of the Court of Appeal away from the place where the Court of Appeal is located. The main hearing may also be held for a special reason at a location outside of the district of the Court of Appeal.

Section 14 (650/2010)
(1) A main hearing shall be held in the Court of Appeal, if a party to a civil case or the injured party or the defendant in a criminal case so requests.
(2) However, a main hearing need not be held if according to section 15(1) no oral testimony need be received in the matter on the grounds that no appreciable doubt remains regarding the correctness of the assessment of the evidence, and also in other respects it would be clearly unnecessary to arrange a main hearing, taking into consideration the nature of the case and its significance to the parties.
(3) The Court of Appeal shall hold a main hearing on the request of the public prosecutor if oral testimony shall be presented in the case on the basis of section 15 and also otherwise, should the Court of Appeal deem this necessary.
(4) The provisions in subsections 1 and2 apply also when hearing an appeal lodged in a non-contentious civil case.

[subsection 4 has been repealed; 381/2003]

Section 14a (650/2010)
The Court of Appeal may on its own motion arrange a main hearing if it regards this as necessary.

Section 15 (650/2010)
(1) If a main hearing is arranged and the matter concerns the assessment made of the credibility of the testimony admitted in the District Court, the testimony admitted in the District Court shall be readmitted to the extent necessary, if there is no bar to this. The testimony need not be readmitted if on the basis of the trial documentation referred to in section 12 there can be no appreciable doubt regarding the credibility of the assessment of the evidence, when considered as a whole.
(2) What is provided regarding the assessment of the credibility of testimony shall apply also to the credibility of the findings of the District Court in a judicial inspection that it has carried out.
(3) Also new testimony to be admitted by the Court of Appeal shall be admitted in the main hearing.

Section 16 (650/2010)
If testimony admitted in the District Court is not readmitted at the Court of Appeal, the decision of the District Court in respect of this testimony may be amended only if testimony can no longer be readmitted. However, a decision taken on a summary penal order may be amended in favour of the defendant in a

criminal case.

Invitation to the main hearing and the consequence of the absence of a party

Section 17 (165/1998)
(1) The Court of Appeal shall invite the parties to the main hearing.
(2) In the invitation, the parties shall be notified of the date, time and place of the main hearing. At the same time, they shall be notified of the possible consequence of the failure of a party to appear in the main hearing.

Section 18 (165/1998)
(1) The appellant shall be invited to the main hearing under threat that, in his or her absence, the case will be discontinued.
(2) The party opposing the appellant shall be invited to the main hearing under threat of a fine, if the presence of the opposing party is necessary for the hearing of the case.
(3) Where the hearing of the party opposing the appellant is not deemed necessary, that party shall be invited to the main hearing under threat that the case may be decided regardless of his or her absence.
(4) The public prosecutor shall appear, by virtue of his or her office, in the main hearing of a case where the public prosecutor is the appellant or where the defendant in a criminal case has appealed a decision of the District Court on a charge brought by the public prosecutor. In addition, the public prosecutor shall be present in the main hearing of a case relating to the imposition of a prohibition to pursue a business. (440/2011)

Section 19 (165/1998)
(1) A party or the legal representative of a party may be obliged, under threat of a fine, to appear in the main hearing in person, if his or her hearing in person is deemed necessary for clearing up the case.
(2) In addition, the provisions of the Criminal Procedure Act apply to the obligation of the defendant in a criminal case to appear in the main hearing in person.

Section 20 (165/1998)
(1) If the appellant is absent from the main hearing, the appeal shall be discontinued in respect of the subject of the main hearing. (381/2003)
(2) If the party opposing the appellant or a legal representative of that party is absent from the main hearing which he or she had been exhorted to attend under the threat of a fine, a new higher threat of a fine may be imposed. If he or she has been obliged to appear in person, he or she may be ordered to be brought to the same or a later hearing. In a civil case not amenable to settlement and in a criminal case he or she may be ordered to be brought even if he or she is not obliged to appear in person.
(3) If the party opposing the appellant has not been invited to the main hearing under threat of a fine, the case may be decided regardless of his or her absence.

Section 21 (381/2003)
(1) If a party, witness or other person to be heard does not appear in the main hearing despite the threat of a fine imposed, if a person ordered to be brought is not found or if the invitation cannot be served on the person in question, the

main hearing may, where there is reason for this, be conducted and the case may be decided regardless of the absence. In this event, the threat of a fine imposed shall not be ordered enforceable.
(2) In addition, the threat of a fine may not be ordered enforceable if the party, his or her legal representative, a witness or another person who has failed to appear in the main hearing despite the threat of a fine, can be brought to the same hearing, or if the question of the hearing of the person in question lapses.

Section 22 (165/1998)
If the case has been dismissed without consideration of the merits because of the absence of the appellant, but he or she has had a valid excuse that he or she had not been able to announce in time, the appellant shall have the right to have the case reopened on the basis of the same appeal, by notifying the Court of Appeal of the same in writing within thirty days of the dismissal of the case. If the appellant cannot prove a valid excuse, the appeal shall not be considered.

Section 23 (165/1998)
(1) The Court of Appeal shall invite also the witnesses, the expert witnesses and the other persons to be heard for probative purposes to the main hearing, unless this has been entrusted to a party on the grounds referred to in Chapter 11, section 2.
(2) Chapter 17, section 41, subsection contains provisions on the information to be provided in the invitation.

Procedure in the main hearing

Section 24 (768/2002)
(1) The case is dealt with in the main hearing in the following order:
(1) at the beginning of the hearing the court shall, in so far as necessary, explain the decision of the District Court and the conclusions reached in the preparations, and the court shall inquire whether the claims presented in the preparations continue to correspond to the position of the parties;
(2) the appellant and the respondent shall in turn give reasons for their position and comment on the reasons given by the opposing party;
(3) the court shall accept evidence; and
(4) the appellant and the respondent shall make their closing arguments.
(2) However, the order provided in subsection 1 may be derogated from, where necessary.

Section 24a (381/2003)
(1) If oral testimony presented in the District Court does not in some respect need to be presented again, the audio or videotape prepared in the District Court may be presented in the extent necessary in the main hearing in the Court of Appeal.
(2) If the credibility of the statement of a witness, expert witness or party heard in the District Court can reliably be assessed without he or she appearing in person, he or she may be heard for probative purposes also by telephone or by another suitable method of transmission of sound or image, if this is deemed appropriate. The parties shall be reserved an opportunity to present questions to the person being heard.
(2) The testimony of a witness, expert witness and party who has been heard in the District Court may be taken in the main hearing in the Court of Appeal also

by telephone or by another appropriate method of audio or video communication if the credibility of his or her statement can be assessed with confidence even if he or she is not present in person, if the court deems this appropriate. The parties shall be reserved an opportunity to present questions to the person being heard.

[subsection 2 has been amended as of 1 January 2016 to read as follows:
(2) In addition to what is provided in Chapter 17, section 52, the testimony of a witness, expert witness and party who has been heard in the District Court may be taken in the main hearing in the Court of Appeal by telephone or by another appropriate method of audio or video communication if the credibility of his or her statement can be assessed with confidence even if he or she is not present in person, if the court deems this appropriate. The parties shall be reserved an opportunity to present questions to the person being heard. (732/2015)]

(3) If the hearing referred to in subsection 2 is being conducted at an authority, the provisions on the consequences of the absence of a witness and expert witness and on the coercive measures that may be directed against them, apply. In the notification to the person to be heard, the date and time of the hearing, how the hearing shall be conducted, and the other information referred to in section 23, subsection 2 shall be provided. The provisions on the right of a witness and expert witness to receive compensation for appearing in court apply as appropriate also to a hearing referred to in subsection 2.

Section 24b (381/2003)
(1) In deciding a case in the main hearing, the documentation that is presented in the main hearing shall be taken into consideration as trial documents.
(2) If the case is decided despite the absence of the party opposing the appellant, the trial material presented by him or her earlier shall be taken into consideration as trial material.
(3) In the main hearing, decisions shall be made without presentation by a referendary.

Section 25 (165/1998)
The provisions on a main hearing in the District Court apply, in so far as appropriate, on a main hearing in the Court of Appeal.
Record of the main hearing

Section 26 (165/1998)
(1) A record shall be kept of the main hearing. The keeper of the record shall sign it.
(2) The following shall be entered in the record:
(1) the name of the court and the date of the hearing;
(2) the names and titles of the members of the court participating in the proceedings, as well as the name of the person keeping the record;
(3) the parties and the persons invited to be heard, as well as whether they are present or not;
(4) the attorneys or counsel of the parties; the interpreters;
(5) the case; and
(6) where applicable, the reason for a closed hearing.

Section 27 (165/1998)
(1) In addition, the information relevant to the hearing of the case, the witnesses, expert witnesses and other persons heard in the case, as well as the other evidence presented, shall be entered in the record.
(2) The examination of a witness, an expert witness or a party or other person heard for probative purposes shall be taped. If taping is not possible, the statement of the person shall be entered in the record verbatim.
(3) The findings of the Court of Appeal in the course of a judicial inspection shall be entered in the record.

Service of notice

Section 28 (362/2010)
The exhortations, invitations and notifications referred to in this Chapter may be posted to the address last indicated by the party. However, an invitation to a main hearing to a party who has not exercised his or her right to speak at the Court of Appeal, and to a witness, an expert witness and another person to be heard for probative purposes shall be served in accordance with the provisions in Chapter 11, sections 3, 3b and 4. If there is reason to believe that the party shall not obtain information from said address of the invitation to a main hearing, an attempt shall also be made to give service on him or her by telephone of the invitation and the invitation shall be sent to his or her known postal or electronic address. If service of an invitation to a main hearing has been made in the manner referred to in the first sentence above, the invited party may not be sentenced to a fine established for failure to appear.

Chapter 27 — Procedure in civil and criminal cases heard by the Court of Appeal as the court of first instance (165/1998)

Section 1 (165/1998)
The provisions on matters heard in the District Court apply, in so far as appropriate, to the bringing of an action or a charge and to the preparation of the case.

Section 2 (165/1998)
The Court of Appeal shall hold a main hearing, if this is necessary in order to hear a party, a witness or an expert witness or otherwise for the clearing up of the case.

Section 3 (165/1998)
(1) A main hearing shall be held in the Court of Appeal also if a party to a civil case or the injured party or the defendant in a criminal case so requests.
(2) However, a main hearing need not be held for the reason referred to in subsection 1, if
(1) in a civil case, the action has been admitted or abandoned;
(2) the claim of the plaintiff is found to be manifestly ill-founded; or
(3) only a procedural matter is to be decided in the case.

Section 4 (165/1998)
If no main hearing is to be held in the case under section 2 or 3, the case shall be decided on the basis of the written trial material.

Section 5 (165/1998)
The provisions on civil and criminal procedure in the District Court apply, in so far as appropriate, to the invitation of the parties to a main hearing and to the procedure in the main hearing.

[Chapter 28 has been repealed; 360/2003]
[Chapter 29 has been repealed; 244/2006]

Chapter 30 — Appeal from the Court of Appeal to the Supreme Court
(104/1979)

General provisions

Section 1 (104/1979)
Appeal of a judgment and order of the Court of Appeal lies to the Supreme Court.

Section 2 (104/1979)
(1) In order to appeal a decision of the Court of Appeal, leave of appeal shall be requested from the Supreme Court if the appeal concerns a case that the Court of Appeal has decided as the appellate level or a decision given in connection with such a case. (666/2005)
(2) In a case which the Court of Appeal has decided as the court of first instance, appeal shall be made without requesting leave to appeal.

Section 3 (104/1979)
(1) Leave to appeal may be granted only if it is important to bring the case before the Supreme Court for a decision with regard to the application of the law in other, similar cases or because of the uniformity of legal practice; if there is a special reason for this because of a procedural or other error that has been made in the case on the basis of which the judgment is to be reversed or annulled; or if there is another important reason for granting leave to appeal.
(2) Leave to appeal may be granted to apply only to a part of the decision of the Court of Appeal. In this event, leave to appeal may be limited to
(1) part of the decision of the Court of Appeal, or
(2) an issue, the deciding of which is necessary in order to guide legal practice or otherwise in respect of the grounds of the leave of appeal.
(666/2005)
(3) If leave of appeal is granted in a limited manner pursuant to subsection 2(2), the Supreme Court may in other respects base its decision on the circumstances noted in the decision that is the subject of the appeal. (666/2005)
(4) If leave of appeal is granted in part, the question of the granting of leave of appeal in other respects can be transferred for consideration in connection with the appeal. (666/2005)

Appeal in a case heard by the Court of Appeal as an appellate court

Section 4 (104/1979)
Appeal instructions shall be annexed to the decision of the Court of Appeal. The instructions shall indicate on what grounds leave to appeal may be granted under law and how the person requesting leave to appeal is to proceed in order to have the appeal heard by the Supreme Court.

Section 5 (104/1979)
(1) The deadline for requesting leave to appeal and lodging the appeal is 60 days from the date on which the decision of the Court of Appeal was made available to the parties.
(2) Under threat of forfeiting his or her right to be heard, the applicant shall at the latest on the deadline date deliver to the registry of the Court of Appeal his or her letter of appeal, addressed to the Supreme Court and containing the request for leave and the appeal.
(3) The documents showing the circumstances to which the applicant refers as his or her grounds shall be annexed to the letter of appeal.

Section 6 (104/1979)
(1) The request for leave shall mention the basis for the request, as referred to in section 3, as well as the reasons for which the applicant considers that such a basis exists. In addition, the decision of the Court of Appeal which the applicant wishes to appeal shall be indicated.
(2) The following shall be indicated in the appeal:
(1) in what respects a change of the decision of the Court of Appeal is requested;
(2) what changes of the judgment of the Court of Appeal are requested; and
(3) the grounds for the requested changes.
(3) The letter of appeal shall also indicate the name, occupation and domicile of the applicant, as well as his or her postal address, or that of his or her attorney, to which the notifications in the case may be sent. If the postal address changes, notice of the new address shall be given in writing to the registry of the Supreme Court. The letter of appeal shall be signed by the applicant or, if he or she did not prepared it, by the person who prepared it. The person who drew up the letter of appeal shall also indicate his or her occupation and domicile.

Section 7 (104/1979)
(1) The appellant may not refer to circumstances and evidence other than that which had been presented to the court of first instance or the Court of Appeal, unless the appellant can establish a probability that he or she could not have referred to the circumstance or evidence in a lower court or that he or she otherwise had justified cause not to do so.
(2) If the appellant wants to present new evidence in support of the appeal, he or she shall indicate the evidence and what he or she intends to prove with and for what reason the evidence has not been presented earlier.

Section 8 (104/1979)
(1) If a letter of appeal to be delivered to the registry of the Court of Appeal has arrived in time at the Supreme Court and there is reason to assume that its delivery to the Supreme Court is the result of an error, the party shall not for this reason forfeit his or her right to be heard. The letter shall be sent without delay from the Supreme Court to the registry of the Court of Appeal.
(2) The Court of Appeal shall forward the letter of appeal and its annexes to the Supreme Court. At the same time the dossier in the case and a copy of the judgment of the Court of Appeal shall be sent to the Supreme Court.

Section 9 (104/1979)
(1) If a request for leave to appeal or an appeal delivered in time has not been prepared in the manner provided or if the documents to which the applicant refers have not been annexed to it, the Supreme Court shall exhort the applicant to remedy the deficiency before a deadline set by the Supreme Court, unless the supplementation is unnecessary with regard to the hearing of the case.
(2) For a special reason, an applicant whose request for leave to appeal or appeal is incomplete even after having been supplemented in the manner referred to in subsection 1 may be reserved a new opportunity to supplement it.
(3) If the exhortation is not heeded and if the letter of appeal is so incomplete that it is unsuitable as the basis for deciding the case, the leave for appeal shall be dismissed without considering the merits.

Section 10 (104/1979)
The Supreme Court shall, if necessary, request a written response to the appeal from the opposing party. If leave to appeal is granted, a response shall always be requested from the opposing party, unless this has already been done in connection with the hearing of the request for leave to appeal.

Section 11 (104/1979)
(1) The following shall be indicated in the response to the appeal:
(1) the case to which the response pertains;
(2) the opinion of the respondent of the claims of the appellant and the grounds thereto; and
(3) the circumstances and evidence to which the respondent wishes to refer.
(2) The response shall also indicate the name, occupation and domicile of the respondent, as well as his or her postal address, or that of his or her representative, to which the notifications in the case can be sent. If the postal address changes, notice of the new address shall be given in writing to the registry of the Supreme Court. The response shall be signed by the respondent or, if he or she did not prepared it, by the person who prepared it. The person who drew up the response shall also indicate his or her occupation and domicile.
(3) Also a copy of the response and the annexed documents shall be supplied. The copies shall be sent from the Supreme Court to the appellant by post.

Section 12 (104/1979)
(1) The provisions of section 7 apply to the respondent.
(2) The Supreme Court may, if necessary, reserve the respondent an opportunity to supplement the response before a deadline.

Appeal in a case heard by the Court of Appeal as the court of first instance

Section 13 (104/1979)
(1) Appeal instructions shall be annexed to the decision of the Court of Appeal, indicating how a person dissatisfied with the decision is to proceed in order to have the appeal heard by the Supreme Court and how to respond to an appeal.
(2) The deadline for filing an appeal is 30 days from when the decision of the Court of Appeal was handed down or made available to the parties. (666/2005)
(3) The provisions of section 5, subsection 2 and 3 and section 6, subsection 2 and 3 apply correspondingly to the lodging and contents of an appeal. (666/2005)

Section 14 (666/2005)
(1) The provisions in section 8, subsection 1 apply correspondingly to the delivery of the letter of appeal directly to the Supreme Court.
(2) The Court of Appeal shall without delay deliver the letter of appeal with its annexes to the Supreme Court. At the same time the dossier in the case and a copy of the judgment of the Court of Appeal shall be sent to the Supreme Court.

Section 15 (666/2005)
(1) The party opposing the appellant shall be exhorted to present a written response to the appeal within the deadline set by the Supreme Court. In connection with the exhortation, service of the appeal and the attached documents shall be made. In addition the Supreme Court may order what issues should be addressed in particular in the response. The provisions of section 11 apply to the submission of the response.
(2) No response shall be requested if the appeal is dismissed without considering its merit or if it is rejected as obviously ill-founded.

Section 16 (104/1979)
The provisions in sections 8 and 12 apply correspondingly to the supplementation of the appeal and the response.

Section 17 (104/1979)
If the appeal has been supplemented on the exhortation of the Supreme Court and the contents of the supplement may affect the decision in the case, the Supreme Court shall request a response from the opposing party.

Appeal procedure in the Supreme Court

Section 18 (104/1979)
For a special reason, the Supreme Court may take into consideration an additional account which a party has delivered to the Supreme Court after the deadline, unless its presentation is prohibited under section 7 or 12.

Section 19 (104/1979)
If the Supreme Court takes into consideration an additional account referred to in section 18 or if the Supreme Court on its own motion has obtained an account which may affect the decision in the case, the Supreme Court shall request a written explanation from the party in question, unless this is manifestly unnecessary.

Section 20 (104/1979)
(1) Where necessary, the Supreme Court shall hold an oral hearing where the parties, witnesses and expert witnesses may be heard and other information admitted. The oral hearing may be restricted to a part of the case on appeal.
(2) The parties shall be notified of the purpose for which the oral hearing is being held. (666/2005)

Section 21 (104/1979)
(1) The parties may be invited to the oral hearing under threat that the case may be heard and decided regardless of their absence. However, the provisions in Chapter 12 of this Code and in Chapter 8 of the Criminal Procedure Act on the obligation of a party to appear in the continued hearing of the case apply to a party

whose hearing in person is deemed necessary by the Supreme Court. In the invitation, the party shall be notified of the threat under which he or she is to appear in the oral hearing. (690/1997)
(2) If a party who has been obliged to appear under threat of a fine is absent or a person who has been ordered brought to the court cannot be found or the invitation to the oral hearing cannot be served on the party, the case may, where necessary, be decided regardless of the absence of the party. In this event, the threat of a fine shall not be ordered enforceable.

Section 21a (666/2005)
The case shall be decided on the basis of the written trial documents, unless an oral hearing is held in the case. If an oral hearing is held, also the documentation presented in it shall be taken into consideration.

Supplementary provisions

Section 22 (472/1986)
A decision of a Court of Appeal for which leave to appeal is required shall be enforced in the manner provided for the enforcement of a final judgment. The right of the applicant to withdraw the amount recovered through enforcement is provided in Chapter 6, section 1, subsection 2 of the Enforcement Act.

Section 23 (104/1979)
Where necessary, the Supreme Court may order, before deciding a case on appeal, that the decision of the Court of Appeal is not to be enforced for the time being or its enforcement is to be stayed.

Section 24 (104/1998)
(1) An invitation to an oral hearing shall be served on the recipient in the same way as provided in Chapter 26, section 28 regarding an invitation to the main hearing at the Court of Appeal. (666/2005)
(2) An exhortation to present a response or a written account as well as an exhortation to supplement a request for leave to appeal, an appeal or a response may be sent by post to the address last supplied by the party, unless another method of service is deemed necessary.

[section 25 has been repealed.]

Section 26 (104/1979)
A judgment of the Supreme Court may be prepared without including a recital and it may be annexed to the decision of the Court of Appeal.

Section 27 (104/1979)
A judgment and decision of the Supreme Court shall be dated on the day from which it is available to the parties. However, a decision by which a request for leave to appeal is rejected or dismissed without considering the merits may be dated on the day it was presented by the referendary, as provided in the Rules of Procedure of the Supreme Court. It may be provided in the Rules of Procedure that also a decision which is to be annexed to a letter of appeal may be dated on the day it was presented, as may be a decision by which a case has not been finally decided or of which notice is given only by letter.

Chapter 30a – Appeal for a precedent (650/2010)

Section 1 (650/2011)
(1) A decision of the District Court may be appealed to the Supreme Court instead of to the Court of Appeal (*appeal for a precedent*) if the Supreme Court grants leave for appeal.
(2) Appeal for a precedent is not allowed if the party opposing the appellant has not consented in writing or orally to this at the District Court. Consent may be withdrawn by notifying the District Court of this revocation within the period of time set for declaring intent to appeal.

Section 2 (650/2010)
The Supreme Court may grant leave for an appeal for a precedent only if, in view of the application of the law in other similar cases or of the uniformity of legal praxis it is important to submit the matter for a decision by the Supreme Court. If leave for appeal is not granted, the decision of the District Court remains final.

Section 3 (650/2010)
(1) An appellant who wants to appeal for a precedent shall state this when declaring his or her intent to appeal and shall at the same time present the consent of the opposing party referred to in section 1(2). If no consent has been given or it has been lawfully withdrawn, the declaration of intent to appeal shall be accepted as the notice referred to in Chapter 25, section 5.
(2) The appellant and the opposing party of the appellant shall be notified immediately of acceptance of the declaration of intent to appeal for a precedent, and of what proceedings are to be followed in the appeal.

Section 4 (650/2010)
(1) If the declaration to appeal is not accepted, this may be subjected to an extraordinary appeal to the Supreme Court. The letter of extraordinary appeal shall be delivered to the registry of the District Court within thirty days of the date on which the decision of the District Court was handed down or main available to the parties. If the Supreme Court deems that the declaration of intent to appeal had been done lawfully, it shall if necessary set a new period for appeal.
(2) If the declaration of intent to appeal for a precedent is accepted, an opposing party who is of the view that he or she has not consented to the appeal for a precedent may file an extraordinary appeal to the Supreme Court regarding the acceptance. The letter of extraordinary appeal shall be delivered to the registry of the District Court within the period provided in subsection 1. If the Supreme Court deems that the consent had not been given lawfully, the matter shall be returned to the District Court for the issuing of a new decision on the acceptance of the declaration of intent to appeal.

Section 5 (650/2010)
The opposing party of the appellant may appeal the decision of the District Court in accordance with Chapter 25, section 14a if the Supreme Court grants him or her leave for appeal for a precedent on the basis of section 2 of the present Chapter. The document of counter-appeal shall lapse if the Supreme Court does not grant the appellant leave for appeal for a precedent.

Section 6 (650/2010)
(1) In addition, what is provided in Chapter 25 on appeal from the District Court to the Court of Appeal, and in Chapter 30 on appeal from the Court of Appeal to the Supreme Court where the Court of Appeal has decided a matter as the appellant level, shall apply where appropriate in the appeal referred to in the present Chapter.
(2) The period for appeal for a precedent is thirty days from the date on which the decision of the District Court was handed down or made available to the parties. The appeal document addressed to the Supreme Court shall be delivered to the registry of the District Court.

Chapter 31 — Extraordinary channels of appeal (109/1960)

Complaint

Section 1 (109/1960)
(1) On the basis of a complaint on the basis of procedural fault, a final judgment may be annulled:
(1) if the court had no quorum or if the case had been taken up for consideration of the merits even though there was a circumstance on the basis of which the court should have dismissed the case on its own motion without considering the merits;
(2) if an absent person who had not been summoned is convicted or if a person who had not been heard otherwise suffers inconvenience on the basis of the judgment;
(3) if the judgment is so confused or defective that it is not apparent from the judgment what has been decided in the case; or
(4) if another procedural error has occurred in the proceedings which is found or can be assumed to have essentially influenced the result of the case.
(2) Deciding the main claim in a court that does not have territorial jurisdiction is not a basis referred to in subsection 1 to annul a final judgment. (135/2009)

Section 2 (109/1960)
(1) If a person wants to file a complaint on the basis of procedural fault, he or she shall deliver the letter of complaint to the proper Court of Appeal or, if it pertains to a judgment of a Court of Appeal or the Supreme Court, to the Supreme Court.
(2) If the complaint is based on the circumstances mentioned in section 1(1) or (4), the complaint shall be filed within six months of the date when the judgment became final. In the case referred to in section 1(2), the period shall be calculated from when the person filing the complaint received notice of the judgment.
(3) If a law enforcement or supervisory body competent in the supervision of international human rights obligations notes a procedural error in the consideration of a case, a complaint may regardless of subsection 2 be made within six months of the date when the final judgment of the supervisory body in question was given. (666/2005)

Section 3 (109/1960)
(1) The letter of complaint shall indicate the grounds for the complaint as well as the evidence on which the complaint rests. The judgment against which the complaint is filed, as well as the written evidence to which reference is made shall be

annexed to the letter.
(2) Chapter 15, section 1(4) provides for the obligation to use an attorney or counsel. The complainant shall be reserved an opportunity to obtain the services of an attorney or counsel who fulfils the requirements, unless this is manifestly unnecessary. (718/2011)

Section 4 (109/1960)
(1) If the judgment against which the complaint is filed is not annexed to the letter of complaint or if the letter is so deficient that the case cannot be decided on its basis, the complainant shall be exhorted to remedy the deficiency before a deadline, under threat that otherwise the complaint will be dismissed without considering its merit. The exhortation may be sent by post to the address supplied by the complainant. (104/1979)
(2) If the complaint is not immediately dismissed without considering its merit or dismissed as manifestly ill-founded, a written response shall be requested from the opposing party or from another person whose right is affected by the complaint, unless this is manifestly unnecessary. If necessary, also a statement or account of the judge in question shall be requested.
(3) Where necessary, it may be ordered before the case is finally decided that the judgment is not to be enforced for the time being or its enforcement is to be stayed for the duration of the proceedings in the Supreme Court.

Section 5 (104/1979)
If further information is deemed necessary before the case can be decided, the court shall undertake measures to obtain the necessary information. The provisions on an oral hearing in the Court of Appeal and in the Supreme Court in other cases apply to the holding of an oral hearing in case of a complaint.

Section 6 (109/1960)
If it is found that a procedural fault has occurred, the judgment shall be annulled in full or for the part necessary and, if the case is to be retried, it shall be returned to the court where the procedural fault had occurred. In this event, the Supreme Court shall also order the deadline and manner for the bringing of the case to a retrial.

Reversal of a final judgment

Section 7 (109/1960)
(1) A final judgment in a civil case may be reversed:
(1) if a member or official of the court or a representative or counsel of a party has, in connection with the case, been guilty of criminal conduct that may be assumed to have influenced the result of the case;
(2) if a document that has been used as evidence was false or its contents did not accord with the truth and the person who submitted the document was aware of this, or if a party heard under an affirmation of truth or a witness or expert witness has deliberately given a false statement and it may be assumed that the document or the statement has influenced the result;

[paragraph 2 has been amended as of 1 January 2016 to read as follows:
(2) if a document that has been used as evidence was false or its contents did

not accord with the truth and the person who submitted the document was aware of this, or if a witness or expert witness has deliberately given a false statement and it may be assumed that the document or the statement has influenced the result; (732/2015)]

(3) if reference is made to a circumstance or piece of evidence that has not been presented earlier, and its presentation would probably have led to a different result; or
(4) if the judgment is manifestly based on misapplication of the law.
(2) A judgment shall not be reversed on the grounds referred to in subsection 1(3), unless the party can establish a probability that he or she could not have referred to the fact or piece of evidence in the court that gave the judgment or on appeal, or that he or she has had another justified reason not to do so.

Section 8 (109/1960)
A final judgment in a criminal case may be reversed to the benefit of the defendant:
(1) if a member or official of the court, the prosecutor or a representative or counsel of a party has, in connection with the case, been guilty of criminal conduct that may be assumed to have influenced the result of the case;
(2) if a document that has been used as evidence was false or its contents did not accord with the truth and the person who submitted the document was aware of this, or if a party heard under an affirmation of truth or a witness or expert witness has deliberately given a false statement and it may be assumed that the document or the statement has influenced the result;

[paragraph 2 has been amended as of 1 January 2016 to read as follows:
(2) if a document that has been used as evidence was false or its contents did not accord with the truth and the person who submitted the document was aware of this, or if a witness or expert witness has deliberately given a false statement and it may be assumed that the document or the statement has influenced the result; (732/2015)]

(3) if reference is made to a fact or piece of evidence that has not been presented previously, and its presentation would probably have led to the acquittal of the defendant or to the application of less severe penal provisions to the offence, or there are compelling reasons, with consideration to what is referred to here and to what otherwise is found, to reconsider the question of whether or not the defendant had committed the offence for which he or she has been convicted; or
(4) if the judgment is manifestly based on misapplication of the law.

Section 8a (360/2003)
A final judgment on a confiscatory sanction in a criminal case may be reversed to the benefit of the defendant:
(1) if the conditions referred to in section 8(1), (2) or (4) exist;
(2) if reference is made to a fact or piece of evidence that had not been presented previously, and its presentation would probably have led to rejection of the request for confiscation or to the imposition of an essentially lighter confiscatory sanction, or there are otherwise compelling reasons,

with consideration to what is referred to here and to what otherwise is found, to reconsider the question of the confiscatory sanction.
(3) if the charge for the offence on the basis of which the confiscatory sanction was imposed has subsequently been rejected as unproven, or otherwise as a result of the rejection of the charges there would not have been grounds for imposing the confiscatory sanction.

Section 9 (109/1960)
(1) A final judgment in a criminal case may be reversed to the detriment of the defendant:
(1) if the circumstances referred to in section 8(1) or (2) exist and can be assumed to have influenced the acquittal of the defendant or the fact that he or she has been sentenced in accordance with essentially less severe penal provisions than what should have been applied; or
(2) if the case relates to an offence which, in accordance to the normal penalty scale, may be punished by more than two years of imprisonment or which may result in dismissal from office, and reference is made to a fact or a piece of evidence which has not been presented previously and its presentation would probably have led to the conviction of the defendant for the offence or to the application of essentially more severe penal provisions. (622/1974)
(2) The judgment may not be reversed on the grounds referred to in subsection 1(2), unless a probability is established that the party could not have referred to the fact or piece of evidence before the court which gave the judgment or on appeal, or that he or she had another justified reason not to do so.

Section 9a (755/1997)
A final judgment in a criminal case may be reversed also if, in the sentencing, another sentence has been taken into account as provided in Chapter 7, section 6 of the Criminal Code, and the latter sentence has thereafter been annulled or the underlying charge has been fully or partially dismissed, or the sentence has undergone another essential alteration.

Section 9b (1290/2003)
(1) A final judgment in a criminal case may be reversed also if Finland has requested the extradition of a person for enforcement of a joint sentence of imprisonment imposed under Chapter 7 of the Criminal Code, and the extradition is not possible on the basis of all of the offences which resulted in the joint sentence of imprisonment, or if the request for extradition has been rejected in respect of one of the offences. In such an event the Supreme Court shall impose a sentence separately for those offences on the basis of which extradition is possible or for which the request is granted, and for the other offences. The sentences thus imposed may not together be greater than the original joint sentence of imprisonment.
(2) In addition a final judgment in a criminal case may be reversed if a request for the enforcement of a combined sentence of imprisonment imposed in Finland is sent to another Member State of the European Union, and transfer of enforcement is not possible for all the offences resulting in the combined sentence of imprisonment or the request for enforcement is refused in respect of an offence. In such a case the Supreme Court shall determine the sentence separately for the offences for which the transfer of enforcement is possible or the request is granted, and for the other offences. The sentences thus imposed may not be more severe

than the original combined sentence of imprisonment. (1173/2011)

Section 9c (1290/2003)
(1) A final judgment on a confiscatory sanction in a criminal case may be reversed to the detriment of the respondent:
(1) if the circumstances referred to in section 8(1) or 8(2) exist and can be assumed to have influenced the fact that a confiscatory measure had not been imposed or that it had been imposed essentially more lightly than how it should have been imposed; or
(2) if reference is made to a fact or a piece of evidence that had not been presented previously, and its presentation would probably have led to the imposition of a confiscatory measure or to the imposition of an essentially more severe confiscatory sanction.
(2) The judgment may not be reversed on the grounds referred to in subsection 1(2), unless a probability is established that the party could not have referred to the fact or piece of evidence before the court which gave the judgment or on appeal, or that he or she had another justified reason not to do so.

Section 10 (109/1960)
(1) A request for the reversal of a judgment in a civil case and to the detriment of the defendant in a criminal case or in the case referred to in section 9c to the detriment of the respondent in a criminal case shall be made within one year of the date on which the requester became aware of the circumstance upon which the request is based or, if the request is based on the criminal conduct of another, on the date on which the pertinent judgment became final. However, the period referred to above shall not be calculated from a date earlier than when the judgment whose reversal is requested became final. If the request in a civil case is based on the circumstance referred to in section 7, subsection 1(4), the period shall be calculated from when the judgment became final. (1290/2003)
(2) A request for the reversal of a judgment in a civil case may no longer be made after five years have passed from the time when the judgment became final, unless compelling reasons are presented in support of the request.

Section 11 (109/1960)
If a person has been treated in a trial as someone else or under a false name, the final judgment may be reversed in order to rectify the error without regard to a time limit. In this event, a judgment in a criminal case may be reversed regardless of the provisions of section 9, and it may also be rectified immediately to the detriment of the defendant, where the error had been due to him or her.

Section 12 (109/1960)
(1) A request for the reversal of a final judgment shall be filed with the Supreme Court, subject however to section 14a. (666/2005)
(2) The request shall be made in writing, indicating the grounds for the request as well as the evidence on which the request is based. The judgment the reversal of which is requested as well as the written evidence to which reference is made in the request shall be annexed to the request.
(3) If the request is based on grounds referred to in section 7, subsection 1(3) or section 9, subsection 1(2), the requester shall state why no reference had been made in the trial to the fact or piece of evidence in question.

Section 13 (109/1960)
The provisions in section 3(2) and sections 4 and 5 on a complaint apply, in so far as appropriate, to the hearing of the request.

Section 14 (109/1960)
(1) If the request for the reversal of a final judgment is upheld and it is deemed necessary to retry the case, the Supreme Court shall order the deadline, the court and the manner in which the case is to be brought for a retrial. However, the Supreme Court shall have the right to immediately rectify the judgment, if the case is found to be clear and the request does not concern the reversal of a judgment in a criminal case to the detriment of the defendant.
(2) If the case is to be retried on the initiative of a party and this party fails to heed what he or she is to do in this respect or fails to appear in court where the first hearing of the case has been ordered to take place, the reversal shall lapse.

Section 14a (666/2005)
(1) Notwithstanding the provisions of section 12, reversal of a final judgment shall be requested from the court which gave the judgment in question, if the request concerns:
(1) reversal or rectification of the judgment in a criminal case on the grounds that a person has been treated as someone else or under a false name;
(2) annulment of a sanction imposed for absence, due to the existence of a lawful excuse; or
(3) reversal or rectification of the judgment pursuant to section 9a.
(2) If the request referred to in subsection 1 is admitted, the court may at the same time rectify the judgment.
(3) In addition to what is provided in section 3 – 5, the provisions in Chapter 8 on the consideration of non-contentious civil cases apply as appropriate in the hearing of the request by the District Court.

Section 15 (360/2003)
If a claim for damages or another claim under private law is presented in a criminal case, the provisions on the reversal of a judgment in a civil claim apply in this respect to the issue of the reversal of the judgment. If the judgment is reversed in respect of the charge or a confiscatory sanction, the judgment may, regardless of what has been provided above, be reversed also in respect of a claim under private law

Section 16 (109/1960)
The provisions above in this Chapter on a final judgment apply correspondingly to a legal decision that is comparable to a final judgment.

Granting a new deadline

Section 17 (109/1960)
A person who, due to a valid excuse, was unable to declare his or her intent to appeal, to lodge an appeal, to lodge an appeal against a judgment by default, or to undertake another action in a trial before the deadline, or who otherwise presents compelling reasons in support of his or her application may, on an application, be granted a new deadline.

Section 18 (666/2005)
(1) An application for a new deadline shall be made in writing to the Supreme Court within 30 days of the termination of the excuse referred to in section 17 and, at the latest, within one year of the deadline.
(2) The application shall be made to the Court of Appeal if the application refers to a new deadline in carrying out a measure in the District Court or appeal of a decision made by the District Court. In other cases the application shall be made to the Supreme Court. The application shall be made to the Supreme Court also when the application refers to a case where a decision of the District Court is appealed directly to the Supreme Court.
(3) The provisions in section 3(1) and sections 4 – 5 on a complaint apply, in so far as appropriate, to the application and the hearing thereof. (718/2011)

Chapter 32 — Threat of a fine (556/1999)

Section 1 (556/1999)
A threat of a fine which can be imposed by a general court or which is imposed in order to secure the orderly progress of the proceedings, shall be set at a fixed monetary amount, taking due consideration the solvency of the person concerned. For a special reason, the threat of the fine may be enforced at an amount smaller than the originally set amount.