

**NB: Unofficial translation,
Legally binding only in Finnish and Swedish**

- Ministry of Justice, Finland

Supreme Administrative Court Act

[1265/2006, amendments up to 979/2017 included]

Chapter 1 - Duties of the Supreme Administrative Court

Section 1

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

Section 2 (7.8.2015/892)

- (1) As judicial procedure matters, the Supreme Administrative Court considers those appeals and extraordinary appeals which fall under its jurisdiction according to provisions laid down otherwise by law.

Section 3

As other duties, the Supreme Administrative Court

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

Section 4

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

Chapter 2 – Resolution

Section 5

- (1) Judicial procedure matters are considered and decided in a plenary session or in another session with a quorum present as provided in this Act.
- (2) The Supreme Administrative Court may be divided in chambers when considering judicial procedure matters.

Section 6 (7.8.2015/892)

- (1) In judicial procedure matters, five members of the Supreme Administrative Court constitute a quorum, unless the law provides for another composition.
- (2) Three members constitute a quorum, when the Supreme Administrative Court considers and decides on:
 - (1) a matter concerning leave to appeal and a claim pertaining to it;
 - (2) a petition or an appeal concerning prohibition or stay of enforcement or another petition or appeal concerning an enforcement order;
 - (3) a matter concerning legal aid;
 - (4) a matter concerning publicity for court proceedings in the Supreme Administrative Court;
 - (5) a matter where an appeal or a petition submitted to the Supreme Administrative Court has been withdrawn, and a claim pertaining to such a matter;

(6) a matter in which an Administrative Court or another administrative judicial organ has rejected or ruled inadmissible an appeal or a matter brought before it in another manner, and a claim pertaining to such a matter;

(7) a matter concerning whether an appeal to the Supreme Administrative Court has been lodged within the time limit or whether the matter shall be ruled inadmissible by the Supreme Administrative Court on other grounds, and a claim pertaining to such a matter;

(8) an appeal referred to in section 24(1) and (2) of the Mental Health Act (1116/1990), and a claim pertaining to such a matter;

(9) a matter concerning an extraordinary appeal, if the petition is unanimously rejected or ruled inadmissible, and a claim pertaining to such a matter.

(3) In cases referred to in subsection 2 above, the matter may be considered and decided on without the presence of expert members on whose participation, in other respects, as members of the quorum, separate provisions have been issued. A matter concerning environmental protection and the water supply may also be considered and decided on by a composition of three legally trained and one expert member.

(19.12.2017/979)

(4) Two members constitute a quorum also when the Supreme Administrative Court decides on a matter concerning a petition for leave to appeal and a claim pertaining to it in a matter concerning international protection, referred to in chapter 6 of the Aliens Act (301/2004), unless the nature of the matter to be decided on requires the use of a composition of three members. A matter may be also considered and decided on in a composition of two members when the decision under appeal simultaneously involves a decision on a residence permit applied for on other grounds, and a decision on removal from and prohibition of entry to the country. A matter decided on in a composition of two members must be referred to a composition of several members if the members are not unanimous about the decision. (12.8.2016/649)

(5) One member also constitutes a quorum, when the Supreme Administrative Court considers and decides on the following, unless the nature of the matter to be decided on requires a composition of several members, referred to in subsection 1, 2 or 4:

1) the granting, amendment and cessation of legal aid, separate from the main matter, in accordance with the Legal Aid Act (257/2002) and the determination of the fee and compensation payable to an attorney when the tasks of the attorney before the court are concluded;

2) a petition or an appeal concerning a prohibition or stay of enforcement, or another petition or appeal concerning an enforcement order;

3) deciding to rule as inadmissible a matter referred to in section 64 a of the Administrative Judicial Procedure Act (586/1996), if the Supreme Administrative Court has already issued a decision on a complaint or petition for annulment by the party regarding the same matter, and a claim related to such a matter. (12.8.2016/649)

Section 7

(1) A judicial procedure matter that is far-reaching or of major importance as a matter of principle or a part of such a matter may be referred to a plenary session or to a composition of all the members of a chamber.

(2) A decision to refer a judicial procedure matter to a plenary session is made by the President, and a decision to refer a matter to a composition of all the members of a chamber is made by the chairperson of the said chamber.

Section 8

(1) The proposals for initiation of legislative action referred to in section 4(2) are considered in a plenary session.

(2) Other matters referred to in sections 3 and 4 and other administrative matters are considered in a plenary session or in a session for administrative matters as provided in the Rules of Procedure of the Supreme Administrative Court.

(3) The President decides matters referred to in sections 3 and 4 and other administrative matters, unless they according to law or the Rules of Procedure are to be decided in a plenary session, a session for administrative matters or in another legal order.

Section 9

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

Chapter 3 – Members

Section 10 (25.8.2016/681)

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

Section 11 (25.8.2016/681)

- (1) In the Supreme Administrative Court, two Expert Counsellors on the Environment participate in the consideration of matters referred to in the Water Act (587/2011), the Environmental Protection Act (527/2014) and the Act on the Organisation of River Basin Management and the Marine Strategy (1299/2004), as well as the repealed Water Act (264/1961) and the repealed Environmental Protection Act (86/2000). The Expert Counsellors on the Environment also participate in the consideration of corresponding environmental protection and water matters concerning Åland.
- (2) Two Chief Engineering Counsellors participate in the consideration of matters concerning patents, utility model rights or layout-design (topography) of an integrated circuit.
- (3) Provisions on expert members' qualifications, appointment and position, the right to retain their position and the duty to declare private interests are laid down in chapter 17 of the Courts Act.

Section 12

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

Section 13 (31.1.2013/79)

- (1) The plenary session of the Supreme Administrative Court consists of the President and the members on duty.
- (2) A matter referred to a composition of all of the members of a chamber is decided by those members on duty who were assigned as members of the chamber in question at the time when the matter was referred to the entire chamber. If, before being referred to a composition of all members of a chamber, the matter was referred to a smaller composition, the members of that composition shall participate in resolving the matter in a session of the entire chamber, regardless of which chamber they are assigned to at that time. If the composition determined in the above-mentioned manner would consist of less than seven members, the members who at the time of the session are appointed as members of the chamber shall participate in the session of all members of the chamber. The President, the chairperson of the chamber, or the most senior-ranking member of the chamber will chair the meeting of all members of the chamber.
- (3) If the composition determined in the above-mentioned manner would consist of less than seven members, the matter shall be referred to a plenary session.

Chapter 4 - Referendaries and other employees

Section 14 (25.8.2016/681)

- (1) In the Supreme Administrative Court, a matter may be presented by the Secretary General, Referendary Counsellors and Judicial Secretaries.

(2) Referendaries are appointed by the Supreme Administrative Court. The provisions laid down in the Courts Act for judges apply to the qualifications, grounds for appointment and temporary judicial appointments of referendaries.

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

Section 15 (25.8.2016/681)

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

(2) The provisions laid down in the Courts Act on judges and the office of a judge also apply to the referendaries and the office of referendary at the Supreme Administrative Court.

Chapter 5 - Temporary arrangements concerning offices

Section 16

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

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

Section 17

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

Chapter 6 - Miscellaneous provisions

Section 18

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

Section 19

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

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

Section 20

This Act enters into force on 1 January 2007.