

Translation of Liechtenstein Law

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Law of 24 October 2007 on the Organization of the Ordinary Courts (Court Organization Act; GOG)

I hereby grant My consent to the following resolution adopted by Parliament:

I. General provisions

Article 1

Courts

1) Ordinary administration of justice shall be carried out by the following courts:

- a) the Princely Court of Justice in the first instance;
- b) the Princely Court of Appeal in the second instance;
- c) the Princely Supreme Court in the third instance.

2) The seat of the court shall be Vaduz.

3) Jurisdiction and legal remedies in the ordinary administration of justice shall be governed by the special procedural requirements.

Article 2

Collegial courts

1) The Criminal Court, the Juvenile Court, the Court of Appeal, and the Supreme Court shall be composed of several judges (collegial courts).¹

2) In collegial courts, the majority of judges must have Liechtenstein nationality. Judges with Swiss or Austrian nationality who have worked for at least five years without interruption as full-time judges in Liechtenstein shall be considered equivalent.²

3) The president of a collegial court may draw on supplementary judges for extended proceedings. These supplementary judges shall take part in the proceedings without participating in the deliberations and votes. If a judge is unable to participate, a supplementary judge shall participate instead.

4) The judges of the collegial court in question shall be eligible to serve as supplementary judges.

Article 3

Designations

The designations used in this Act to denote persons, professions, and functions include persons of male and female gender.

II. Courts**A. Court of Justice**

Article 4

Judges of the Court of Justice

1) The judges of the Court of Justice are the full-time judges of the Court of Justice and the part-time judges of the Criminal Court and the Juvenile Court as well as their deputies.³

¹ Article 2(1) amended by LGBl. 2011 No. 596.

² Article 2(2) amended by LGBl. 2014 No. 276.

³ Article 4(1) amended by LGBl. 2011 No. 596.

2) On the proposal of the Government, Parliament shall determine the total number of positions for full-time judges of the Court of Justice.⁴

Article 5

Judicial bodies in the first instance

The Court of Justice shall dispense justice through:

- a) the judges of the Court of Justice as single judges;
- b) the Criminal Court or its president;
- c) Repealed⁵
- d) the Juvenile Court or its president;
- e) judicial officers.

Article 6

Single judges

Each judge of the Criminal Court shall serve as a single judge and be in charge of a court division responsible for administering the cases assigned in accordance with the allocation of duties.

Article 7

Criminal Court

1) The Criminal Court shall be composed of:

- a) a judge of the Court of Justice as president;
- b) a judge of the Court of Justice as deputy of the president;⁶
- c) a judge of the Court of Justice as associate judge;
- d) three criminal judges and one deputy for each criminal judge.⁷

2) The Criminal Court shall take decisions as a chamber composed of the president, an associate judge, and three criminal judges.

⁴ Article 4(2) amended by LGBl. 2014 No. 276.

⁵ Article 5(c) repealed by LGBl. 2011 No. 596.

⁶ Article 7(1)(b) amended by LGBl. 2016 No. 23.

⁷ Article 7(1)(d) amended by LGBl. 2014 No. 276.

Article 8⁸

Repealed

Article 9

Juvenile Court

1) The Juvenile Court shall be composed of:

- a) a judge of the Court of Justice as president;
- b) a judge of the Court of Justice as deputy of the president;
- c) two judges of the Juvenile Court and one deputy for each judge of the Juvenile Court.

2) The Juvenile Court shall take decisions as a chamber composed of the president and two judges of the Juvenile Court. Composition of the Juvenile Court shall be deemed proper only if a judge of the Juvenile Court has the same gender as the accused.

Article 10

Judicial officers

The status, powers, and duties of judicial officers are governed by the provisions of the Judicial Officers Act.

Article 11

Council of Judges of the Court of Justice

1) The Council of Judges of the Court of Justice shall be composed of the full-time judges of the Court of Justice.

2) Repealed⁹

3) The Council of Judges of the Court of Justice shall consult on the promotion of consistent case law at the Court of Justice.

4) The Council of Judges of the Court of Justice shall appoint a judge of the Court of Justice from among its members as a member of the

⁸ Article 8 repealed by LGBL 2011 No. 596.

⁹ Article 11(2) repealed by LGBL 2016 No. 23.

Conference of Court Presidents and another judge of the Court of Justice as a deputy member.

5) On the recommendation of the president of the Court of Justice, the Council of Judges of the Court of Justice may invite the judicial officers, the head of administration, and other persons to participate in the deliberations of the Council of Judges of the Court of Justice.

Article 12

Decision-making

1) The Council of Judges of the Court of Justice shall take decisions by a simple majority of the votes of the attending judges of the Court of Justice. Decisions shall be valid only if at least two thirds of the judges of the Court of Justice are present.

2) In the event of a tie vote, the president of the Court of Justice shall have the deciding vote.

Article 13¹⁰

President and Executive Committee of the Court of Justice

1) The president of the Court of Justice and the first and second deputies of the president shall be appointed for a term of five years from among the judges of the Court of Justice. The appointment procedure shall be governed by the Judicial Appointment Act.

2) The president of the Court of Justice shall head the Court of Justice and represent it externally. If both the president of the Court of Justice and the president's deputies are unable to perform their duties, then they shall be represented by the judges of the Court of Justice appointed at the court in the order of their date of appointment.

3) The Executive Committee of the Court of Justice shall be composed of the president of the Court of Justice and the president's two deputies.

¹⁰ Article 13 amended by LGBL 2016 No. 23.

Article 14

Principles of the allocation of duties

- 1) When allocating duties, attention must be paid to a balanced workload of the individual judges of the Court of Justice and judicial officers.
- 2) The allocation of duties shall cover all cases and other statutory duties falling within the scope of responsibility of the Court of Justice.
- 3) The allocation of duties shall contain rules on the appointment of the president, the president's deputies, and the associate judges as well as the use of supplementary judges in the collegial courts of first instance. The allocation of duties shall govern the substitution of the judges of the Court of Justice and the judicial officers.
- 4) In the event of changes to the allocation of duties, cases in which oral hearings, including direct questioning of witnesses, parties, or experts, have already taken place, shall where possible be left with the same judge of the Court of Justice who has been in charge of the case so far.

Article 15¹¹*Adoption of the allocation of duties*

- 1) By 30 October of the current business year, the Executive Committee of the Court of Justice shall draft an allocation of duties for the following year. The draft of the allocation of duties shall be delivered to the judges of the Court of Justice. The judges are entitled to raise objections concerning the draft to the Executive Committee of the Court of Justice in writing within two weeks. The objections must contain reasons and a request for changes, and the Executive Committee of the Court of Justice shall bring them to the attention of the judges of the Court of Justice.
- 2) The allocation of duties shall be adopted by the Executive Committee of the Court of Justice by 1 December of each year. If no decision is taken to adopt the allocation of duties in time, the old allocation of duties shall continue to be valid until the new allocation of duties enters into force.
- 3) Each judge of the Court of Justice may submit a complaint to the president of the Court of Appeal regarding the decision to adopt the allocation of duties within ten days of the decision. The complaint, which does not have suspensive effect, must contain reasons and a request for changes. The other judges of the Court of Justice and judicial officers may

¹¹ Article 15 amended by LGBL 2016 No. 23.

comment on the complaint. No further legal remedies are available against the decision of the president of the Court of Appeal.

Article 16

Changes to the allocation of duties

1) The Executive Committee of the Court of Justice may change the allocation of duties where necessary for the proper course of business, especially if:¹²

- a) there have been changes to the staffing of the judges of the Court of Justice or judicial officers;
- b) the need arises because a judge of the Court of Justice or judicial officer is not able to serve;
- c) a judge of the Court of Justice is unable to complete duties within a reasonable period of time because the workload is too great.

2) The allocation of duties shall also be changed if the president of the Court of Appeal approves a complaint against the allocation of duties adopted by the Executive Committee of the Court of Justice.¹³

3) Article 15(3) applies *mutatis mutandis*.

Article 17

Implementation of the allocation of duties

1) The president of the Court of Justice shall summarize the adopted allocation of duties in an overview. The overview shall be adjusted if changes are made.

2) In a simple and clear form, the overview of the allocation of duties shall contain:

- a) the individual groups of duties;
- b) the numbers of the court divisions;
- c) the names of the judges of the Court of Justice;
- d) the offices to which the parties may make oral submissions and the times available for such submissions.

¹² Article 16(1) introductory sentence amended by LGBL 2016 No. 23.

¹³ Article 16(2) amended by LGBL 2016 No. 23.

3) The president of the Court of Justice shall make the overview of the allocation of duties and any subsequent changes available to the public in an appropriate manner.

B. Court of Appeal

Article 18¹⁴

Judges of the Court of Appeal

1) The judges of the Court of Appeal are the full-time presidents of the chambers, their deputies, the full-time associate judges and a deputy associate judge, as well as the part-time appellate judges and their deputies.

2) On the proposal of the Government, Parliament shall determine the total number of positions for full-time judges of the Court of Appeal.

Article 19

Judicial bodies of the Court of Appeal

1) The Court of Appeal shall dispense justice through three chambers or through the three presidents of the chambers.

2) Each chamber shall be composed of a president of the chamber, a deputy of the president, an associate judge, as well as an appellate judge and the deputy of that judge. The presidents of the chamber, their deputies, and the associate judges must be legally trained.¹⁵

3) The chambers shall take decisions in the composition of the president of a chamber, an associate judge, and an appellate judge.¹⁶

4) The members of a chamber shall serve as deputies in other chambers. The presidents of the chambers and the associate judges shall substitute for each other. Serving as a substitute in another chamber shall be permitted only if the judges and the deputies of the chamber in question have been rejected, are biased, or are unable to serve.¹⁷

¹⁴ Article 18 amended by LGBL 2014 No. 276.

¹⁵ Article 19(2) amended by LGBL 2014 No. 276.

¹⁶ Article 19(3) amended by LGBL 2014 No. 276.

¹⁷ Article 19(4) amended by LGBL 2014 No. 276.

5) To decide on complaints regarding the adoption of the allocation of duties by the judges of the Court of Justice, a chamber composed of the three presidents of the chambers of the Court of Appeal shall be formed.

Article 20

President of the Court of Appeal

1) The president of the Court of Appeal and the first and second deputies of the president shall be appointed for a term of five years from among the presidents of the chambers. The appointments shall be governed by the Judicial Appointment Act.

2) The president of the Court of Appeal shall head the Court of Appeal and represent it externally. If both the president of the Court of Appeal and the president's deputies are unable to perform their duties, then they shall be substituted by the associate judges appointed at the court in the order of their date of appointment.¹⁸

3) The president of the Court of Appeal together with the other presidents of the chambers of the Court of Appeal and the deputies of the presidents of the chambers shall consult on the promotion of consistent case law at the Court of Appeal.

Article 21

Allocation of duties

1) The president of the Court of Appeal shall prepare the draft allocation of duties, summarize the adopted allocation of duties in an overview, and make this overview and any subsequent changes available to the public in an appropriate manner.

2) The presidents of the chambers of the Court of Appeal shall adopt the allocation of duties for the following business year by 1 December of the current business year.

3) Each president of a chamber may submit a complaint to the Supreme Court regarding the decision to adopt the allocation of duties within ten days.

4) Articles 14, 15(2) and (3), 16, and 17(2) apply *mutatis mutandis*.

¹⁸ Article 20(2) amended by LGBl. 2016 No. 23.

C. Supreme Court

Article 22

Judges of the Supreme Court

The judges of the Supreme Court are the part-time presidents of the chambers and the part-time Supreme Court judges as well as their deputies.

Article 23

Judicial bodies of the Supreme Court

1) The Supreme Court shall dispense justice through two chambers or the two presidents of the chambers.

2) Each chamber shall be composed of a president of the chamber, a deputy of the president, as well as four Supreme Court judges and their deputies. The presidents of the chambers, their deputies, and at least two of the other Supreme Court judges and deputies must be legally trained.

3) The chambers shall take decisions in the composition of the president of the chamber and four Supreme Court judges. At least three members of the chamber must be legally trained.

4) The presidents of the chambers and their deputies shall substitute for each other. Serving as a substitute in another chamber shall be permitted only if the president or deputy has been rejected, is biased, or is unable to serve. Each member of the Supreme Court may belong to both chambers.¹⁹

5) To decide on complaints regarding the adoption of the allocation of duties by the presidents of the chambers of the Court of Appeal, a chamber composed of the two presidents of the chambers of the Supreme Court and another legally trained Supreme Court judge shall be formed.

Article 24

President of the Supreme Court

1) The president of the Supreme Court and the president's first deputy shall be appointed for a term of five years from among the presidents of the chambers, and the second deputy shall be appointed for a term of five years

¹⁹ Article 23(4) amended by LGBl. 2009 No. 248.

from among the Supreme Court judges. The appointments shall be governed by the Judicial Appointment Act.²⁰

2) The president of the Supreme Court shall head the Supreme Court and represent it externally. If both the president of the Supreme Court and the president's deputies are unable to perform their duties, then they shall be substituted by the Supreme Court judges appointed at the court in the order of the date of their appointment.²¹

3) The president of the Supreme Court together with the president of the other chamber and the deputies of the presidents of the chambers shall consult on the promotion of consistent case law at the Supreme Court.

Article 25

Allocation of duties

1) The president of the Supreme Court shall prepare the draft of the allocation of duties, summarize the adopted allocation of duties in an overview, and make this overview and any subsequent changes available to the public in an appropriate manner.

2) The presidents of the chambers and their deputies shall adopt the allocation of duties for the following business year by 1 December of the current business year.

3) If no agreement is reached in time, the president of the Supreme Court shall make a final decision on the allocation of duties.

4) Articles 14, 16(1), and 17(2) apply *mutatis mutandis*.

D. Rules of procedure

Article 26

Rules of procedure

1) On the recommendation of the Conference of Court Presidents, the Government shall issue rules of procedure for the ordinary courts by way of an ordinance.

²⁰ Article 24(1) amended by LGBl. 2016 No. 23.

²¹ Article 24(2) amended by LGBl. 2016 No. 23.

2) The rules of procedure shall set out the necessary framework for the course of business of the ordinary courts. In particular, they shall cover:

- a) management of the various registers;
- b) the handling and design of documents;
- c) the publication of decisions;
- d) the safekeeping of court records;
- e) organization of the court registries;
- f) the issuing of any announcements.

III. Judicial administration

A. Bodies

Article 27

Judicial administration bodies

1) The following bodies shall be responsible for judicial administration:

- a) the Conference of Court Presidents;
- b) the chair of the Conference of Court Presidents;
- c) the court presidents.

2) The judicial administration bodies shall take strict care to ensure that no interference in judicial independence occurs.

3) The judicial administration bodies shall be supported in the performance of their duties by the National Administration.

4) The Government and Parliament shall supervise judicial administration in accordance with the Liechtenstein Constitution.

Article 28

Conference of Court Presidents

1) The Conference of Court Presidents shall be composed of:

- a) the presidents of the Supreme Court, the Court of Appeal, and the Court of Justice as voting members;

- b) a full-time judge of the Court of Justice appointed by the Council of Judges of the Court of Justice as a voting member;
- c) the head of administration as an advisory member and secretary.

2) If the court presidents are unable to attend, their deputies shall serve as substitutes. If the judge of the Court of Justice is unable to attend, the deputy appointed by the Council of Judges of the Court of Justice shall serve as substitute.

3) The Conference of Court Presidents shall have a quorum if every court is represented at the meeting. Decisions are taken by a simple majority of the votes cast. If there is a tie vote, no legally valid decision is reached.

4) Decisions by circular are permissible. But they are legally valid only if unanimous.

Article 29

Duties

1) The Conference of Court Presidents shall be responsible for coordinating judicial administration tasks concerning the Supreme Court, the Court of Appeal, and the Court of Justice.

2) The Conference of Court President shall be responsible for the following tasks:

- a) preparing rules of procedure for the court;
- b) accompanying overarching projects at the courts;
- c) issuing guidelines on administrative matters concerning all the courts;
- d) preparing the general direction of the courts' information technology;
- e) delegating judges to international bodies.

3) The Conference of Court Presidents is authorized to issue instructions to the ordinary courts within its scope of responsibilities.

Article 30

Chairmanship of the Conference of Court Presidents

1) The Conference of Court Presidents shall be chaired by the president of the Court of Justice.

2) The president of the Court of Justice shall be responsible for representing the business of the Conference to the outside, especially in relation to Parliament and the Government.

Article 31

Court presidents

1) The court presidents shall be responsible for judicial administration of the courts over which they preside, unless responsibility has not otherwise been assigned by law.

2) The court presidents shall provide mutual support in the tasks of judicial administration, shall harmonize their approach, and shall observe the same principles and rules in this regard.

3) The court presidents shall submit a report on the administration of justice by the courts over which they preside by the end of February of each year. The report serves as the basis for overall supervision by the Government and Parliament and for determining the number of full-time judges.

4) The judicial administration tasks shall be taken care of by the deputies if the presidents are unable to do so.

B. Head of administration

Article 32

Position

1) The head of administration and the deputy head of administration shall be appointed by the Government on the recommendation of the Conference of Court Presidents.

2) The head of administration shall report to the chair of the Conference of Court Presidents.

3) The head of administration shall support the court presidents in the performance of their judicial administration tasks.

Article 33

Duties

1) The head of administration shall be responsible for the following judicial administration tasks:

- a) preparation and implementation of the business of the Conference of Court Presidents in accordance with the chair's instructions;
- b) supervision of accounting;
- c) documentation, registration, and archiving;
- d) management of information technology;
- e) ensuring consistent application of the administrative guidelines issued by the Conference of Court Presidents;
- f) organization of the continuing education of non-judicial employees with the exception of candidate judges and judicial officers;
- g) procurement;
- h) management of the registry of the Court of Justice.

2) The Conference of Court Presidents may assign further judicial administration tasks to the head of administration.

C. Court registries

Article 34

Organization

1) A court registry shall be established at each court.

2) The registries of the Court of Appeal and of the Supreme Court shall be managed by the presidents of those courts. The registry of the Court of Justice shall be managed by the head of administration.

3) The court registries may be divided into divisions responsible for all the duties of the court registry (Article 35) pertaining to a specific single judge or judicial officer or to a group of judges or judicial officers.

Article 35

Duties

- 1) The individual divisions of the court registries shall execute the official orders of the judge to whom they are assigned.
- 2) The divisions shall be responsible for drawing up court decisions, summonses, and other court documents, registering official business, recording court proceedings, managing records, and taking care of other administrative business of the court divisions.

Article 36

Copies of court documents

- 1) The written copies of judgments, rulings, and settlements as well as confirmations of legal validity and enforceability for all courts shall be signed by the non-judicial employees of the divisions of the court registries with the note "Certifying correctness of the copy".
- 2) Copies made using automatic data processing shall require neither signature nor certification.

D. Central services and library

Article 37

Central services

- 1) A central services division shall be established at the Court of Justice and managed by the head of administration.
- 2) The central services division shall be responsible for those administrative tasks not assigned to the court registries under Articles 35 and 36.

Article 38

Library

- 1) A specialized library shall be established at the Court of Justice for all courts. The library shall be managed by the president of the Court of Justice.

2) The president of the Court of Justice shall prepare terms of use to be approved by the Conference of Court Presidents.

E. Accounting and archiving

Article 39

Accounting

The accounting of the courts shall be organized in accordance with the provisions of the Budget Act and associated ordinances as well as the general principles of accounting for public budgets.

Article 40

Archiving

1) All records accrued at the courts shall, upon final decision of a case, be filed in the shared court archives, ordered by year and consecutive record number. The records may be destroyed at the earliest 35 years after the last decision in the case has become final. Records to be destroyed shall be offered to the Office of Cultural Affairs, unless the National Archives have been designated as the court archives.²²

2) Any document brought in by the parties or by third parties shall, upon final decision of a case, be returned *ex officio* to the person who brought in the document against acknowledgement of receipt. If the case is suspended or interrupted, the document shall be returned on request. The acknowledgement of receipt shall be filed with the records.

²² Article 40(1) amended by LGBL 2012 No. 361.

IV. Service law, administrative supervision, and audit

A. Service law

Article 41

Service law for judges

- 1) The service law for judges shall be governed by the provisions of the Judicial Service Act.
- 2) The president of the court on which a judge serves shall be responsible for matters relating to that judge's service. Submissions under service law shall be made to the president of that court.

Article 42

Service law for non-judicial employees

- 1) Non-judicial employees for purposes of this Act are judicial officers, candidate judges, candidate judicial officers, court interns, the head of administration, and the employees of the court registries and the central services division.
- 2) The service law for non-judicial employees shall be governed by the provisions of the State Employees Act, subject to statutory provisions to the contrary.
- 3) The following authorities shall be responsible for matters under service law pertaining to non-judicial employees:
 - a) the president of the Court of Justice for judicial officers, candidate judges, candidate judicial officers, court interns, and the head of administration;
 - b) the president of the Court of Appeals for the non-judicial employees of the Court of Appeals;
 - c) the president of the Supreme Court for the non-judicial employees of the Supreme Court;
 - d) the head of administration for the other non-judicial employees of the Court of Justice (central services division, registry of the Court of Justice).
- 4) Submissions under service law shall be made to the authorities referred to in paragraph 3.

5) The authorities referred to in paragraph 3 shall be responsible for preparing business falling within the scope of responsibilities of the Government or of the Office of Human Resources and Organization, and they shall submit the necessary applications via the Office of Human Resources and Organization.²³

Article 43

Management of personnel files

1) The court presidents shall manage the personnel files of the judges, judicial officers, candidate judges, candidate judicial officers, and court interns working at the courts of which they are in charge. The head of administration shall manage the personnel files of the other non-judicial employees. Files pertaining to remuneration and other financial entitlements shall be managed by the Office of Human Resources and Organization.

2) The court presidents and the head of administration may inspect the personnel files of non-judicial employees for whom they are responsible under Article 42(3) and may make copies of personnel file documents.

Article 44

Measures

1) Measures taken against judges under service law and disciplinary law shall be governed by the Judicial Service Act.

2) Measures provided in the State Employees Act may be taken against non-judicial employees if they breach their obligations under statutory or service law. The provisions governing procedure and competence set out in the State Employees Act shall apply.

²³ Article 42(5) amended by LGBl. 2015 No. 162.

Article 45

Legal remedies

1) Decisions of the authorities referred to in Article 42(3) in matters of service law may be appealed by way of complaint to the Government within 14 days of service.²⁴

2) Repealed²⁵

3) Decisions and decrees of the Government may be appealed by way of complaint to the Administrative Court within 14 days of service.

4) Complaints to the Administrative Court may only pertain to unlawful conduct or execution or determinations of fact that are incomplete or contrary to the records.

B. Administrative supervision

Article 46

Competence

Administrative supervision shall be the responsibility of:

- a) the president of the Court of Justice for judges serving at the Court of Justice, judicial officers, candidate judges, candidate judicial officers, and court interns;
- b) the president of the Court of Appeal for the president of the Court of Justice and the judges working at the Court of Appeal;
- c) the president of the Supreme Court for the president of the Court of Appeal and the judges working at the Supreme Court;
- d) a judicial service chamber of the Supreme Court composed of three legally trained Supreme Court judges for the president of the Supreme Court.

²⁴ Article 45(1) amended by LGBL 2015 No. 162.

²⁵ Article 45(2) repealed by LGBL 2015 No. 162.

Article 47

Content

- 1) Administrative supervision shall in particular cover:
- a) supervision of caseloads, time periods for processing cases and issuing decisions, maintenance of the register, and monitoring of extended procedural delays;
 - b) continuing education in the administration of justice;
 - c) management of the business of judicial administration.
- 2) When exercising administrative supervision, strict care must be taken to ensure that no interference in judicial independence occurs.

Article 48

Supervisory complaint

- 1) Complaints concerning denial or delay of administration of justice may be lodged:
- a) with the president of the Court of Justice to the extent they concern judges serving at the Court of Justice or judicial officers, candidate judges, candidate judicial officers, court interns, or other non-judicial employees of the Court of Justice;
 - b) with the president of the Court of Appeal to the extent they concern the president of the Court of Justice, the judges serving at the Court of Appeal, or the non-judicial employees of the Court of Appeal;
 - c) with the president of the Supreme Court to the extent they concern the president of the Court of Appeal, the judges serving at the Supreme Court, or the non-judicial employees of the Supreme Court;
 - d) with a judicial service chamber composed of three legally trained Supreme Court judges for the president of the Supreme Court.

2) All complaints not manifestly unfounded shall be communicated to the court or judge in question with the request to find a remedy and to report on such remedy by a specific deadline, or to provide notice of the opposing obstacles.

Article 49

Procedure

1) Administrative complaints may be lodged by anyone believing to have a claim arising from the conduct of a body or person of the court.

2) Supervisory complaints must be submitted in writing to the competent authority as referred to in Article 48(1).

Article 50

Measures

1) The competent supervisory body shall periodically and in detail investigate the activity of the court bodies subject to its supervision. Where special incidents make it necessary, extraordinary investigations may be carried out.

2) On the basis of the results of the investigation, the competent supervisory body shall issue the decrees falling within its sphere of activity and shall request the competent body for other necessary measures.

3) No ordinary legal remedies shall be available against decrees and orders issued by the supervisory bodies in the exercise of their supervision.

C. Audit

Article 51

Object and duties

1) The workload, efficiency, and functioning of the courts as well as the operational and organizational structure must generally be audited by experts every five years. If the audit concerns the proper course of business of the courts or individual court divisions, the expert must have the qualifications to serve as a judge.

2) The audit shall be ordered by the Government after hearing the competent court president. When performing audit activities, strict care must be taken to ensure that no interference in judicial independence occurs.

3) The experts shall report in writing to the court president on the result of the audit and any proposals for the proper performance of duties. The court presidents shall obtain statements from the persons concerned. The court presidents shall comment for the attention of the Government on the findings and proposals of the experts.

4) The experts shall have the right to inspect court records. They shall be bound by confidentiality.

5) Parliament and the Government may order a special audit in accordance with paragraph 1 if special incidents or extraordinary situations arise.

V. General principles of procedure

A. Deliberations and voting

Article 52

Court sessions

- 1) Deliberations and votes of the judges shall not be public.
- 2) The court must be complete. The court reporter, who must be sworn in, shall attend the hearings and deliberations.
- 3) The court shall decide in an open majority vote. Abstentions are not permissible.

Article 53

Chairmanship and voting

- 1) The president shall chair the deliberations and votes. The rapporteur shall bring forward the motions.
- 2) The vote shall be preceded by a deliberation. The rapporteur shall vote first, followed by the other members in descending order of age, and finally the president.

3) A vote shall always first be taken on the competence of the court, on any need for amendments, and other preliminary questions. If there are several contentious issues, each shall be voted on separately.

4) This article is subject to special provisions in the laws of procedure.

Article 54

Results of the deliberation and vote

1) The chamber shall decide on differences of opinion concerning the correctness of the result announced by the president.

2) The result of the vote and the deliberations shall be entered into a special court record.

Article 55

Revote

1) As long as a decision has not yet been orally announced or transmitted to the court registry to be drawn up, the court may revisit the deliberation and vote.

2) The court shall decide in its original composition on whether to revisit the deliberation and vote.

B. Exclusion and rejection of judges and other persons of the court

Article 56

Exclusion

Judges, judicial officers, court reporters, bailiffs, and non-judicial notaries may not exercise their office if they:

- a) have a personal interest in the case;
- b) are or were married to, live or have lived in a registered domestic partnership with, live or have lived in a de facto domestic partnership with, or are related by blood or marriage up to the fourth degree with a party or a person participating in the proceedings. Adoptive, step, and

foster relationships are deemed equivalent to natural parent-child relationships;²⁶

- c) are a representative, authorized person, employee, or body of a person participating in the proceedings;
- d) served as a judge, judicial officer, or court reporter in a lower court, acted as the legal representative of a party or person involved in the proceedings or as an investigating judge, public prosecutor, expert, or witness, or are a witness in the proceedings.

Article 57

Rejection

Judges, judicial officers, court reporters, bailiffs, and non-judicial notaries may recuse themselves or may be rejected by the parties and the persons participating in the proceedings if:

- a) there is a close friendship, personal enmity, or special relationship of obligation or dependency with a party or person participating in the proceedings;
- b) they have a legal dispute with a party, the public prosecutor, or a person participating in the proceedings or might be biased in the case on other grounds.

C. Exclusion and rejection procedure

Article 58

Duty to notify

1) Every judge, judicial officer, court reporter, bailiff, and non-judicial notary must refrain from all judicial acts from the time when a ground for exclusion is known.

2) If the rejection of a person of the court is manifestly unfounded and gives rise to the suspicion that the intent is to delay the trial, then proceedings that have already commenced shall be continued. The final decision in the case may not be taken until the rejection has been dismissed with legal effect, however. If the rejection is granted, then the judicial acts

²⁶ Article 56(b) amended by LGBL 2011 No. 360.

undertaken by the rejected persons of the court shall be void and, where necessary, vacated.

3) As soon as a person of the court learns of a ground for rejection or exclusion, the person of the court is required to notify that ground to the president in a timely matter, and to the president's deputy where the president is concerned.

Article 59

Procedural requirements

1) Summonses to the parties must be served at the latest ten days before the court date. Summonses must contain the name of the single judge or the names of the judges of the collegial court as well as of the court reporter.

2) All invitations and summonses to hearings in collegial courts shall in general be issued by the president of the court in question. All other invitations and summonses shall be issued by the competent single judge or competent judicial officer.

3) The right to reject a person of the court is forfeited if the right is not asserted in writing at the competent court at the latest five days after service of the summons or announcement of the composition of the court.

Article 60

Decision

1) Subject to paragraph 2, the exclusion or rejection shall be decided by:

- a) the president of the court in question in the case of persons of the Court of Justice, the Court of Appeal, or the Supreme Court;
- b) the president of the Court of Appeal in the case of the president of the Court of Justice;
- c) the president of the Supreme Court in the case of the president of the Court of Appeal;
- d) the deputy of the president of the Supreme Court in the case of the president of the Supreme Court.

2) In collegial courts, the president shall decide on the exclusion or rejection of persons of the court. Where the president is concerned, the chamber shall decide.

3) Decisions on the exclusion or rejection of persons of the court shall be final.

4) If a request for rejection is granted or if a judge has been excluded, then the judge's deputy shall serve instead. If the court cannot be properly constituted even with the use of deputies, a substitute appointment shall immediately be made. The procedure shall be governed by the provisions of the Judicial Appointment Act.

5) Substitute appointments of judicial officers, court reporters, bailiffs, and non-judicial notaries shall be made by the president of the court in question.

Article 61

Rejection of other persons of the court

The provisions on the exclusion and rejection of judges, judicial officers, court reporters, bailiffs, and non-judicial notaries apply *mutatis mutandis* to all other persons of the court.

D. EEA law

Article 62

Interpretation of the EEA Agreement

1) If a court considers it necessary in pending proceedings to obtain an advisory opinion from the EFTA Court on the interpretation of the Agreement on the European Economic Area, then the court may order the proceedings to be interrupted until the advisory opinion has been received.

2) The court may at any time revoke the interruption it ordered, either on application or *ex officio*.

VI. Transitional and final provisions

Article 63

Pending proceedings and time periods already commenced

- 1) The new law shall apply to proceedings pending at the time of entry into force of this Act if the law hitherto in force is not more favourable for the parties overall.
- 2) Time periods that already commenced before entry into force of this Act shall be calculated in accordance with the law hitherto in force.

Article 64

Continuation of terms of office

- 1) The president of the Court of Appeal, the president of the Supreme Court, and their deputies shall continue to serve until the end of their term of office for which they were appointed under the law hitherto in force.
- 2) The president of the Court of Justice and the president's deputies appointed under the law hitherto in force shall continue service for a term of office of five years, unless they announce in writing within 14 days after entry into force of this Act that they do not intend to continue their term.

Article 65

Repeal of law hitherto in force

The following enactments are repealed:

- a) Court Organization Act of 7 April 1922, LGBL. 1922 No. 16;
- b) Law of 12 July 1934 amending the Court Organization Act, LGBL. 1934 No. 8;
- c) Law of 28 November 1972 amending the Court Organization Act, LGBL. 1973 No. 1;
- d) Law of 24 October 1990 amending the Court Organization Act, LGBL. 1990 No. 76;
- e) Law of 14 December 2000 amending the Court Organization Act, LGBL. 2001 No. 30;
- f) Law of 18 April 2002 amending the Court Organization Act, LGBL. 2002 No. 70;

- g) Law of 26 November 2003 amending the Court Organization Act, LGBL. 2004 No. 31.

Article 66

Entry into force

This Act shall enter into force at the same time as the Constitutional Act of 24 October 2007 amending the Constitution of 5 October 1921.

Representing the Reigning Prince:

signed *Alois*

Hereditary Prince

signed *Otmar Hasler*

Prime Minister

173.30

Transitional provisions

173.30 Court Organization Act

Liechtenstein Law Gazette

Year 2011

No. 596

published on 30 December 2011

Law
of 25 November 2011
amending the
Court Organization Act

...

II.
Transitional provision

The law hitherto in force shall apply to pending proceedings in which charges have already been brought before the investigating judge at the time of entry into force²⁷ of this Act.

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²⁷ Entry into force: 1 January 2012.

Liechtenstein Law Gazette

Year 2014

No. 276

published on 30 October 2014

Law
of 4 September 2014
amending the
Court Organization Act

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II.
Transitional provision

The law hitherto in force shall apply to proceedings pending at the time of entry into force²⁸ of this Act.

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²⁸ Entry into force: 1 January 2015.

Liechtenstein Law Gazette

Year 2016

No. 23

published on 28 January 2016

Law
of 2 December 2015
amending the
Court Organization Act

...

II.
Transitional provisions

1) The law hitherto in force shall apply to proceedings pending at the time of entry into force²⁹ of this Act.

2) Until a second deputy of the president of the Court of Justice has been appointed, the duties of that office shall be performed by the judge of the Court of Justice who was appointed earliest and who is not already a member of the Executive Committee of the Court of Justice.

3) Upon entry into force of this Act, the deputy of the president of the Court of Justice shall become the first deputy of the president, and the deputy of the president of the Supreme Court shall become the first deputy of the president.

...

²⁹ Entry into force: 29 January 2016.