

CODE OF THE ABELDANE EMPIRE

FIRST EDITION

ABELDANE EMPIRE

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TITLE 1: GENERAL PROVISIONS

TITLE 1: GENERAL PROVISIONS

Chapter 1: General provisions

§1 **Repeal of repealing laws**

Whenever an Act is repealed, which repealed a former Act, such former Act is not to be thereby revived, unless expressly provided.

§2 **Conflict**

- (1) If possible, laws must be interpreted such that they do not conflict.
- (2) But if such an interpretation is not possible, the law issued last takes precedence.

TITLE 2: GOVERNMENT AT LARGE

Chapter 1: Federal Personnel Tribunal

§1 Federal Personnel Tribunal

There is hereby established a Federal Personnel Tribunal (in this Chapter, ‘the Tribunal’).

§2 Jurisdiction

- (1) The Tribunal has original and exclusive jurisdiction over any civil action arising from a personnel action.
 - (2) For the purposes of this section, ‘personnel action’ means—
 - (a) an appointment;
 - (b) a promotion or demotion;
 - (c) a dismissal;
 - (d) a suspension;
 - (e) a detail, transfer or reassignment;
 - (f) a reinstatement, restoration or reemployment;
 - (g) a decision concerning pay, benefits, awards, training or education;
 - (h) the implementation or enforcement of any nondisclosure policy, form or agreement;
 - (i) any other significant change in duties, responsibilities or working conditions.
 - (3) The actions listed in subsection (2) are to be read only in respect to—
 - (a) an employee of a federal public authority;
 - (b) an applicant for a position of employment with a federal public authority.
-

Chapter 2: Office of the Federal Counsel

§3 Office of the Federal Counsel

- (1) The Chief Justice is to hold the office of Federal Counsel.
- (2) The Federal Counsel is responsible for advising any branch of the federal government with respect to legal matters.

TITLE 3: EXECUTIVE BRANCH

Chapter 1: Ministries

§1 **Minister for Homeland and Geographical Affairs**

There is hereby established the office of the Minister for Homeland and Geographical Affairs.

§2 **Minister for Foreign and Commonwealth Affairs**

- (1) There is hereby established the office of the Minister for Foreign and Commonwealth Affairs.
- (2) The Vorsitzender is to hold office as Minister for Foreign and Commonwealth Affairs.

§3 **Attorney-General**

There is hereby established the office of the Attorney-General.

§4 **Minister for the Reichsregierungskabinett**

- (1) There is hereby established the office of the Minister for the Reichsregierungskabinett.
- (2) The Stellvertreter is to hold office as Minister for the Reichsregierungskabinett.

§5 **Minister for Culture and Media**

There is hereby established the office of the Minister for Culture and Media.

TITLE 4: REICHSVERSAMMLUNG

Chapter 1: Members

§1 Term of office

The term of office of a Member begins on the day they are returned as a Member and ends on the day—

- (a) the Reichsversammlung is dissolved or
- (b) they resign or are removed from their office in accordance with law.

§2 Judicial removal

Any federal court or tribunal may make an order removing a Member from office if the court or tribunal considers the Member to be unfit for office.

Chapter 2: Actions by or against the Reichsversammlung

§3 Reichsversammlung to appoint individual

In the event of any action by or against the Reichsversammlung, the Reichsversammlung is to appoint a Member to be responsible for the action and will instruct the Member to that purpose.

Chapter 3: Election of the Speaker

§4 Election to take priority

The election of the Speaker takes priority over all other business of the Reichsversammlung.

§5 Individual to preside over election

- (1) For the purposes of the election of the Speaker, the eldest member of the Reichsversammlung is to take the chair.
- (2) The chair is not to vote in the election of the Speaker, except if they are required to give a casting vote.

§6 Nominations

- (1) The election of the Speaker is initiated by the chair asking for nominations.
- (2) On the chair asking for nominations, any Member may—
 - (a) nominate another Member;

TITLE 4: REICHSVERSAMMLUNG

- (b) nominate themselves.
- (3) A nomination is valid only if seconded by another Member.

§7 **Voting; return**

- (1) When the chair is satisfied that enough time has been allowed for nominations, they must declare the names of all Members nominated ('candidates').
- (2) The chair must then ask all Members to vote publicly for one of the candidates.
- (3) In the event of a tie, the chair must ask Members to vote for one of the tied candidates.
- (4) In the event of a tie after such vote as specified in subsection (3), the chair is to have the casting vote.
- (5) The successful candidate must be declared returned as Speaker by the chair.
- (6) The new Speaker is to take the chair immediately.

§8 **Vote of no confidence**

- (1) For the purposes of a vote of no confidence in the Speaker, a Deputy Speaker is to take the chair.
- (2) If no Deputy Speaker is available, the eldest member of the Reichsversammlung is to take the chair.

Chapter 4: Deputy Speakers

§9 **Power to appoint**

- (1) The Speaker may appoint Members as Deputy Speakers at any time during a term.
- (2) No Member may be appointed as Deputy Speaker without their consent.

§10 **Number to be appointed**

There must not be more than two Deputy Speakers in office at any one time.

Chapter 5: Public access

§11 **Public access**

- (1) All business of the Reichsversammlung is to be open to the public unless the Reichsversammlung moves to sit in private.
- (2) A member of the public may be expelled by the Speaker if their behaviour is disruptive to the functioning of the Reichsversammlung.

Chapter 6: Order

TITLE 4: REICHSVERSAMMLUNG

§12 **Forms of address**

In the Reichsversammlung, a Member must be referred to by one of the following forms—

- (a) their government office or
- (b) ‘Hon.’ and their surname, or, if they are a member of the Privy Council, ‘Rt Hon.’ And their surname.

§13 **Disorderly conduct**

A Member’s conduct is disorderly if they—

- (a) persistently and wilfully obstruct the Reichsversammlung;
- (b) refuse to conform to any law relating to the conduct of the Reichsversammlung;
- (c) refer disrespectfully to any person;
- (d) use offensive or discourteous words;
- (e) accuse a Member of having improper motives;
- (f) make any personal reflection on another Member;
- (g) commit a criminal offence;
- (h) behave in a manner considered disorderly by the Speaker.

§14 **Suspension procedure**

- (1) The Speaker may order a disorderly Member to leave the chamber immediately.
- (2) The Speaker must then immediately put the question that the Member be suspended from the service of the National Forum.
- (3) If the question is resolved in the negative, the Member may return to the chamber.

§15 **Term of suspension**

- (1) The term of suspension is the applicable period minus the time taken for one-third of members to vote in the question under section 14.
- (2) On the first occasion of the term, the applicable period is 48 hours.
- (3) On the second occasion of the term, the applicable period is four days;
- (4) On the third and subsequent occasions of the term, the applicable period is one week.

§16 **Grave disorder**

- (1) In the event of grave disorder occurring in the Reichsversammlung, the Speaker can, without any question being put, suspend any proceeding and state the time at which proceedings will resume.
- (2) A federal court may order that proceedings are to resume contrary to the instruction of the Convenor.

Chapter 7: Voting

§17 **Procedure**

TITLE 4: REICHSVERSAMMLUNG

- (1) The Speaker is to put a question by—
 - (a) stating its terms to the Reichsversammlung;
 - (b) asking Members in favour of the question to say ‘Aye;’
 - (c) asking Members against the question to say ‘No.’
 - (2) The Speaker may put a question at any time when they determine that the question has been sufficiently debated.
 - (3) Any vote must remain open for a period of four days.
 - (4) At least four members must cast votes for the question to be resolved.
-

Chapter 8: Bills

§18 **Initiation**

- (1) A bill may be put before the Speaker at any time by a Member.
- (2) The Speaker must put the bill before the Reichsversammlung, unless they determine that the bill is unsound to become law.

TITLE 5: ELECTORAL AFFAIRS

Chapter 1: Reichswahlkommission

§19 Establishment

- (1) There is to be a Reichswahlkommission, responsible for—
 - (a) the regulation of political parties ('parties');
 - (b) the administration of elections and referenda.
 - (2) The head of the Reichswahlkommission is to be appointed and dismissed by the Monarch.
-

Chapter 2: Registration of parties

§20 Application

- (1) To register a party, a registration application must be sent to the Reichswahlkommission.
- (2) The form of the registration application is to be determined by the Reichswahlkommission.

§21 Granting of application

- (1) A registration application must be granted unless—
 - (a) the registration application is invalid;
 - (b) a party officer has been convicted of a criminal offence under Abeldane foreign or international law and the Reichswahlkommission determines that such conviction would be unreasonably prejudicial to the democratic process;
 - (c) none of the party officers are readily contactable;
 - (d) the party name proposed—
 - (i) is the same as the name of an already registered party;
 - (ii) is likely to result in voters confusing the party with an already registered party;
 - (iii) comprises more than six words;
 - (iv) is obscene or offensive;
 - (v) includes words the publication of which would likely amount to the commission of an offence;
 - (e) the Reichswahlkommission has evidence to believe that the party does not intend to contest any elections;
 - (f) the Reichswahlkommission determines registration would be otherwise—
 - (i) unlawful;
 - (ii) unreasonably prejudicial to the overriding interests.

TITLE 5: ELECTORAL AFFAIRS

- (2) For the purposes of subsection (1), the ‘overriding interests’ mean the interests of the Abeldane democratic process.

§22 **Registration**

- (1) A party is registered on receiving notice from the Reichswahlkommission to that effect.
 - (2) A party must inform the Reichswahlkommission of any changes to the party’s details.
-

Chapter 3: Dissolution of parties

§23 **Dissolution**

A party may be dissolved at any time in accordance with its own procedures.

§24 **De-registration**

- (1) A party is de-registered on a public notice of such being issued by—
 - (a) the Reichswahlkommission;
 - (b) a competent court.
 - (2) The Reichswahlkommission must not act under subsection (1)(a) unless—
 - (a) the relevant conditions are satisfied and
 - (b) the party has not remedied the grounds under which the relevant conditions are satisfied within seven days of receiving notice from the Reichswahlkommission that they intend to act under subsection (1)(a).
 - (3) The relevant conditions are that—
 - (a) the party is dissolved;
 - (b) the party would not have been granted registration had it applied at the current time; or
 - (c) the party is defunct.
 - (4) On de-registration, a party is dissolved.
-

Chapter 4: Electoral candidates

§25 **Eligibility for candidacy**

An individual is ineligible to be put forwards for election if—

- (a) the Monarch issues a decree to that effect;
 - (b) a court makes an order to that effect.
-

Chapter 5: General elections

§26 **General provision**

TITLE 5: ELECTORAL AFFAIRS

Sections 27 through 33 concern general elections.

§27 **Candidate lists**

- (1) A candidate list is a list of individuals ('candidates') to be put forwards for election, in order of priority for allocation of seats.
- (2) A candidate list may list no more than the number of seats electable (but may list only one candidate).
- (3) No individual may be listed on multiple candidate lists.

§28 **Submission of candidate lists**

Candidate lists must be submitted to the Reichsversammlung no later than one hour before the commencement of the election.

§29 **Insufficient candidates**

If the number of candidates put forwards for election equals or is less than the number of electable seats—

- (a) all candidates are to receive a seat automatically;
- (b) no election will occur.

§30 **Voting**

- (1) To cast a valid vote, a voter must select one candidate list.
- (2) The election ends either—
 - (a) 48 hours after its commencement, or
 - (b) when all eligible voters have cast a vote in the election,whichever is sooner.
- (3) The Monarch may order that the end of an election is postponed by up to ten weekdays.
- (4) A vote is valid only if it is cast—
 - (a) after the election commences;
 - (b) before the election ends.

§31 **Allocation quotients**

- (1) For each candidate list, the allocation quotient is
 - (a) the total number of votes cast for that list divided by
 - (b) the aggregate of one and any seats that candidate list has already been allocated in the election.
- (2) Each time a candidate list is allocated a seat, the allocation quotient must be recalculated.

§32 **Allocation of seats**

- (1) The first seat must be allocated to the candidate list with the highest allocation quotient.

TITLE 5: ELECTORAL AFFAIRS

- (2) The second and subsequent seats must be allocated to candidate lists with the highest allocation quotient after any recalculation required by section 31(2) has been carried out.
- (3) Once a candidate list has been exhausted, it is to be disregarded.
- (4) Seats allocated to a candidate list must be filled by candidates in the order they appear on that list.
- (5) If, on the application of subsection (1) or (2), the highest allocation quotient is the allocation quotient of two or more candidate lists—
 - (a) the subsection in question is to apply to each of them, or
 - (b) if paragraph (a) would cause more than the number of electable seats being allocated, the subsection in question is to apply as if the allocation quotient for each of those candidate lists had been adjusted in accordance with subsection (6).
- (6) The allocation quotient for a candidate list is adjusted in accordance with this subsection by—
 - (a) adding one vote to the total number of votes cast for that candidate list and
 - (b) recalculating the allocation quotient accordingly.
- (7) If, following the application of subsection (6), seats would be allocated to two or more candidate lists and that would cause more than the number of electable seats being allocated, the Reichswahlkommission is to decide between them by lot.

§33 **Return of candidates**

Following the allocation of all electable seats, the candidates allocated a seat are returned as Members of the Reichsversammlung.

Chapter 6: By-elections

§34 **General provision**

Sections 35 through 39 concern by-elections.

§35 **Submission of candidates**

Candidates must submit their names to the Reichswahlkommission no later than one hour before the commencement of the election.

§36 **Insufficient candidates**

If the number of candidates put forwards for election equals or less than the number of electable seats—

- (a) all candidates are to receive a seat automatically;
- (b) no election will occur.

§37 **Voting**

- (1) To cast a valid vote, a voter must select one candidate.
- (2) The election ends either—

TITLE 5: ELECTORAL AFFAIRS

- (a) 48 hours after its commencement, or
 - (b) when all eligible voters have cast a vote in the election,
- whichever is sooner.
- (3) The Monarch may order that the end of an election is postponed by up to ten business days.
 - (4) A vote is valid only if it is cast—
 - (a) after the election commences;
 - (b) before the election ends.

§38 Allocation of seats

- (1) The seats must be allocated to the candidates who received the most votes.
- (2) If—
 - (a) two or more candidates received the same number of votes;
 - (b) the application of subsection (1) would cause those candidates to be allocated a seat; and
 - (c) the application of subsection (1) would cause more than the number of electable seats being allocatedthe Reichswahlkommission is to decide between them by lot.

§39 Return of candidates

Following the allocation of all electable seats, the candidates allocated a seat are returned as Members of the Reichsversammlung.

Chapter 7: Federal Electoral Tribunal; appeals

§40 Federal Electoral Tribunal

There is hereby established a Federal Electoral Tribunal (in this Chapter, ‘the Tribunal’).

§41 Jurisdiction

The Tribunal has original and exclusive jurisdiction over—

- (a) any judicial review action against the Reichswahlkommission;
- (b) any charge of an offence under Title 10 §29 to §30.

§42 Method of appealing election result

A party may apply for judicial review against the Reichswahlkommission with respect to the result of any election.

§43 Court orders relating to election

- (1) A court order may—
 - (a) make a declaration amending the result of or otherwise with respect to an election;
 - (b) require that a new election is held.

TITLE 5: ELECTORAL AFFAIRS

- (2) No order under subsection (1) may be made unless pursuant to a judgement in an action under section 42.

TITLE 6: JUDICIARY

PART I: GENERAL PROVISIONS

Chapter 1: Judges

§1 **Appointments and dismissals (declaration)**

On appointing or dismissing a judge, the Monarch must declare such to the Reichsversammlung.

Chapter 2: Tribunals

§2 **'Court' to include tribunals**

Unless expressly stated, 'court' in any legislative instrument includes any federal tribunal.

PART II: ORGANISATION OF COURTS

Chapter 3: Courts of appeal

§3 Composition of circuits

The four judicial circuits are composed as follows—

First Circuit	Alenshka.
Second Circuit	Morgannwg, Demirelia.
Third Circuit	Alexander, Rai.
Federal Circuit	Federal tribunals.

§4 Courts of Appeals

For each judicial circuit, there is to be a court of appeal.

Chapter 4: First-tier courts

§5 First-tier courts

- (1) For each state, there is to be a first-tier federal court.
- (2) For each state without its own judiciary, there is to be a first-tier state court.

PART III: JURISDICTION AND VENUE

Chapter 5: Residency

§6 Residency (natural persons)

A natural person with Abeldane citizenship is a resident of their state.

§7 Residency (corporations)

A corporation incorporated under Abeldane law is a resident of—

- (a) if it has its principal place of business in the state in which it is incorporated, the state in which it is incorporated;
- (b) otherwise, the state in which it has its principal place of business (if it has its principal place of business in Abelden) and the state in which it is incorporated.

§8 Residency (unincorporated associations)

(1) An unincorporated association is Abeldane if—

- (a) it has its principal place of business in Abelden or
- (b) it is expressed or widely recognised as Abeldane.

(2) An Abeldane unincorporated association is a resident of—

- (a) the state in which it has its principal place of business;
 - (b) if it does not have a principal place of business or if it does not have its principal place of business in Abelden, Alenshka.
-

Chapter 6: Reichshöchstgericht

§9 Court of appeal judgements

- (1) The Reichshöchstgericht is to have appellate jurisdiction over any judgement of a court of appeal or the highest state court of any state.
 - (2) The Reichshöchstgericht may, sua sponte, dismiss any application for appeal laid before it if the court determines the appeal does not raise a question of law of general public importance.
-

Chapter 7: Courts of appeal

§10 First-tier court judgements

TITLE 6: JUDICIARY

The courts of appeal (other than the Court of Appeal for the Federal Circuit) are to have appellate jurisdiction over any judgement of a first-tier court of one of the states that constitutes the judicial circuit of that court of appeal.

§11 **Federal circuit judgements**

The Court of Appeal for the Federal Circuit is to have appellate jurisdiction over any judgement of a federal tribunal.

Chapter 8: First-tier federal courts

Subchapter 1: Jurisdiction

§12 **Federal question**

The first-tier federal courts are to have original jurisdiction over any civil action arising under the Constitution, federal laws or treaties of Abelden.

§13 **Federal criminal statute**

The first-tier federal courts are to have original and exclusive jurisdiction over any charge for offences established by federal law.

§14 **Diversity of citizenship**

The first-tier federal courts are to have original jurisdiction over any civil action where the parties are or are of different states.

§15 **Unincorporated associations without a principal place of business in Abelden**

The first-tier federal court for Alenshka is to have original jurisdiction over any action against an Abeldane unincorporated association without a principal place of business in Abelden.

§16 **Foreign states**

The first-tier federal courts are to have original and exclusive jurisdiction over any action in which

- (a) a foreign state or one of its officers or
- (b) citizens or subjects of a foreign state

are parties.

§17 **Federal government as claimant**

Except as otherwise provided by federal law, the first-tier federal courts are to have original jurisdiction over any civil action commenced by a federal public authority.

§18 **Federal judicial review**

TITLE 6: JUDICIARY

The first-tier federal courts are to have original jurisdiction over any judicial review action initiated against a federal public authority or federal law.

§19 Supplemental jurisdiction

- (1) In any action of which the first-tier federal courts have original jurisdiction, the first-tier federal courts are to have supplemental jurisdiction over any other actions that are so related to the action within such original jurisdiction that they form part of the same case or controversy.
- (2) The first-tier federal courts may decline to exercise supplemental jurisdiction under subsection (1) if—
 - (a) the action raises a novel or complex issue of state law;
 - (b) the action substantially predominates over the action or actions over which the first-tier federal court has original jurisdiction;
 - (c) the first-tier federal court has dismissed all actions over which it has original jurisdiction;
 - (d) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

§20 Jurisdiction of federal tribunals

Nothing in sections 12 to 19 is to be construed to prevent a federal tribunal from exercising—

- (a) original jurisdiction or
- (b) original and exclusive jurisdiction

if specified by law.

Subchapter 2: Venue

§21 Venue in general

- (1) This section applies to any action over which the first-tier federal courts have subject-matter jurisdiction.
- (2) A civil action may be brought in—
 - (a) a state in which any defendant resides;
 - (b) a state in which a substantial part of the events or omissions giving rise to the action occurred or a substantial part of property that is the subject of the action is situated;
 - (c) if a defendant is the Abeldane Empire, a federal public authority or one of its officers, Alenshka;
 - (d) if there is no state in which an action may otherwise be brought as provided in this subsection—
 - (i) if the petitioner resides in Abelden, in the state in which the petitioner resides;
 - (ii) if the petitioner does not reside in Abelden, Alenshka.
- (3) A criminal action may be brought in—
 - (a) any state in which any charged offence or any part of any charged offence was committed;
 - (b) if a defendant is a federal public authority or one of its officers, Alenshka;
 - (c) if no charged offence was committed in any particular state—
 - (i) in a state in which any defendant resides;

TITLE 6: JUDICIARY

- (ii) if no defendant is an Abeldane citizen, Alenshka.

§22 **Removal of actions from state courts**

- (1) Any action brought in a state court of which the first-tier federal courts have original or supplemental jurisdiction may be removed by a defendant to a first-tier federal court of appropriate venue.
- (2) If an action includes a claim or charge not within the original or supplemental jurisdiction of the first-tier federal court the entire action may be removed if the action would be removable without the inclusion of such claim or charge.
- (3) Upon removal of an action described in paragraph (1), the first-tier federal court must sever from the action all claims or charges not within the original or supplemental jurisdiction of the first-tier federal court and must remand the severed claims or charges to the state court from which the action was removed.
- (4) No removal under this section may be made without the consent of all defendants to claims or charges remaining after subsection (3) is applied.
- (5) The court to which an action is removed under this section is not precluded from hearing and determining any claim or charge in such action because the state court from which such action is removed did not have jurisdiction over that claim or charge.

§23 **Multidistrict litigation**

- (1) When actions involving one or more common questions of fact are pending in different states, such actions may be transferred to any one of those states for trial.
- (2) When any one such action is pending in Alenshka, such actions may only be transferred to Alenshka.
- (3) Such transfers are to be made by the Chief Justice upon their determination that transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.
- (4) Proceedings for the transfer of an action under this section may be initiated—
 - (a) by the Chief Justice, sua sponte;
 - (b) on the motion of any party.

§24 **Transfer**

In the interest of justice, a first-tier federal court may transfer any action to any other state where it might have been brought or to any state to which all parties have consented.

Chapter 9: First-tier state courts

Subchapter 1: Jurisdiction and venue

§25 **Jurisdiction**

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The first-tier state courts are to have original jurisdiction over any action that no other court or tribunal has exclusive jurisdiction over.

§26 **Venue in general**

- (1) This section applies to any action over which the first-tier state courts have subject-matter jurisdiction.
- (2) A civil action may be brought in—
 - (a) the state in which any defendant resides, if all defendants are citizens of that state;
 - (b) the state in which a substantial part of the events or omissions giving rise to the action occurred or a substantial part of property that is the subject of the action is situated;
 - (c) if a defendant is the Abeldane Empire, a federal public authority or one of its officers, Alenshka;
 - (d) if there is no state in which an action may otherwise be brought as provided in this subsection—
 - (i) if the petitioner resides in Abelden, in the state in which the petitioner resides;
 - (ii) if the petitioner does not reside in Abelden, Alenshka.
- (3) A criminal action may be brought in—
 - (a) any state in which any charged offence or any part of any charged offence was committed;
 - (b) if a defendant is a federal public authority or one of its officers, Alenshka;
 - (c) if no charged offence was committed in any particular judicial district—
 - (i) in any state in which any defendant resides;
 - (ii) if no defendant is an Abeldane citizen, Alenshka.

§27 **Multistate litigation**

- (1) When actions involving one or more common questions of fact are pending in different state courts, such actions may be transferred to any one of those courts for trial.
- (2) When any one such action is pending in Alenshka, such actions may only be transferred to Alenshka.
- (3) Such transfers are to be made by the Chief Justice upon their determination that transfers for such proceedings will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.
- (4) Proceedings for the transfer of an action under this section may be initiated—
 - (a) by the Chief Justice, sua sponte;
 - (b) on the motion of any party.

§28 **Transfer**

In the interest of justice, a state court may transfer any action to any other state where it might have been brought or to any state to which all parties have consented.

Chapter 10: Immunity

§29 Immunity as granted by the Monarch

The Monarch may by written notice to the Chief Justice grant a party immunity from criminal or civil liability arising generally or from specific occurrences—

- (a) on an individually occurring basis or
- (b) indefinitely.

PART IV: PROCEDURE (UNIFORM)

Chapter 11: Amendment of procedural rules

§30 Amendment of procedural rules

- (1) The Chief Justice may by statutory instrument make any regulation related to federal (or, when a state does not have a judiciary, state) judicial procedure or amend or repeal any provision contained in the following sections of this Title.
 - (2) Any such statutory instrument may be repealed by an Act of the Reichsversammlung that specifically states its intention to do so.
-

Chapter 12: Overriding objective

§31 Overriding objective of judicial proceedings

- (1) The overriding objective of judicial proceedings is to deal with matters justly.
- (2) Dealing with a matter justly includes but is not limited to—
 - (a) establishing the truth;
 - (b) making orders that consider—
 - (i) the circumstances and severity of the conduct in question;
 - (ii) the circumstances of the parties;
 - (iii) the severity of the consequences for the defendant and other affected;
 - (iv) the needs of other proceedings;
 - (c) dealing with all parties fairly;
 - (d) recognising the rights of the defendant;
 - (e) in criminal actions, respecting the rights of victims and witnesses and keeping them informed of the progress of the action;
 - (f) dealing with the proceedings efficiently and expeditiously.
- (3) For the purposes of section 31(2)(e), the ‘rights of victims’ include the right to—
 - (a) reasonable protection from the accused;
 - (b) reasonable, accurate, and timely notice of any public court proceeding involving the crime;
 - (c) not be excluded from any such public court proceeding involving the crime, unless the court determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding;
 - (d) full and timely restitution as provided in law;
 - (e) proceedings free from unreasonable delay;
 - (f) be treated with fairness and with respect for the victim’s dignity and privacy.
- (4) In a proceeding, an action or decision is unlawful if it contravenes the overriding objective.

Chapter 13: Documentation

§32 Refusal

A document may be rejected or considered invalid if—

- (a) it fails to meet any lawful regulation as to its format or content;
 - (b) its format is otherwise unsound or improper.
-

Chapter 14: Service

§33 Documents that must be served

All documents filed in a proceeding must be served unless otherwise ordered by the court.

§34 Proper service

- (1) A document is properly served if—
 - (a) it is served to all parties to an action (unless otherwise specified by the court);
 - (b) it is served either by means communicated by a party to the court as preferable to them, or by any other means suitable by which it is likely a party will receive it;
 - (c) it is stated that the party must acknowledge the service of the document;
 - (d) no other document, statement or material is provided with the document that might prejudice a substantive or procedural right of the party.

§35 Acknowledgement of service

- (1) On receipt of any document by proper service, a party must notify the court that they have received the document.
 - (2) A party's failure to notify the court in accordance with subsection (1) does not prejudice proper service.
-

Chapter 15: Judges

§36 Selection of judges

The Chief Justice is solely responsible for selecting judges to hear proceedings, unless the Chief Justice chooses to delegate that responsibility, either in whole or in part, to another judge.

§37 Judicial panels

- (1) The Chief Justice may order that multiple judges sit in a panel to hear an appeal.
- (2) The Chief Justice must specify which judge is to be head of the court.

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- (3) A panel of judges may reach decisions by majority only.
- (4) But if the panel consists of only two judges, the head of the court is to decide independently if no consensus can be reached.

§38 **Inability to proceed**

If a judge conducting a proceeding is unable to proceed, any other judge may proceed upon certifying familiarity with the action and determining that the case may be completed without prejudice to the parties.

Chapter 16: Representation; counsel

§39 **Litigants-in-person**

An individual may conduct proceedings as a litigant-in-person unless the action is proceeding on indictment.

§40 **Right to counsel**

All parties to court proceedings have the right to sufficiently qualified legal counsel, regardless of financial or other circumstances.

§41 **Notice of representation**

- (1) Parties must submit notice of who they intend to appoint as their counsel in any particular action to the court.
- (2) Parties may at any time change their appointed counsel by similar notice.

§42 **Dismissal of counsel by court**

A court may order that an individual be prohibited from representing a party in—

- (a) an individual proceeding or
- (b) any proceedings.

Chapter 17: Interveners

§43 **Intervention**

Upon timely application, any party may intervene in an action if—

- (a) the party has a lawful right to intervene;
- (b) the party can show—
 - (i) they have an interest—
 - (1) in the matter in dispute or
 - (2) in or against the success of any of the parties;

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- (ii) that its ability to protect its interest would be impeded by disposition of the case; and
- (iii) that its interest is not adequately represented by the current parties to the case or
- (c) the party—
 - (i) has a claim or defence that shares with the main action a common question of law or fact and
 - (ii) is granted permission by the court to intervene.
- (2) No party may intervene in a criminal action.

§44 **Interveners' petitions**

The rights and obligations regarding the filing of petitions apply to interveners in the same manner as in which they apply to the other parties.

Chapter 18: Judicial review

§45 **Judicial review rights to be additional to other rights**

The right of judicial review is in addition to, and not in derogation of, any other rights that a party has to seek a review, whether by a court or by another tribunal, authority or party, of that enactment, decision, conduct or failure.

§46 **Change in person holding, or performing the duties of, an office**

- (1) Where a person no longer holds or for whatever reason is not performing the duties of an office amenable to judicial review, a claim for judicial review may be made against—
 - (a) the person for the time being holding or performing the duties of that office or
 - (b) if there is no person for the time being performing the duties of that office or that office no longer exists, the Attorney-General, or a person authorised by them for such purpose.
 - (2) Where no person is occupying the office of the Attorney-General, the powers of judicial review may be exercised as if the decision had been made by the Vorsitzender.
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Chapter 19: Challenging constitutionality of legislation

§47 **Severability**

If any legislative provision or the application thereof is held invalid, the remainder of the legislation or other applications of such provision are not to be affected.

§48 **Actions to which the Attorney-General is not a party**

- (1) A party that files a petition which challenges the constitutionality of federal legislation must give notice of the action to the Attorney-General.
- (2) Subsection (1) does not apply if the Attorney-General is a party to the action.

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- (3) The Attorney-General has an absolute right to intervene in any action which seeks to challenge the constitutionality of federal legislation.
- (4) Failure to provide notice in accordance with subsection (1) does not forfeit a constitutional claim or defence that is otherwise properly asserted.
- (5) If the Attorney-General office is vacant, subsection (1) through (4) apply with regard instead to the Vorsitzender.

§49 **Actions challenging state legislation**

- (1) A party that files a petition which challenges the constitutionality of state legislation must give notice of the action to the government of the relevant state.
- (2) Subsection (1) does not apply if the state government.
- (3) The state government has an absolute right to intervene in any action which seeks to challenge the constitutionality of that state's legislation.
- (4) Failure to provide notice in accordance with subsection (1) does not forfeit a constitutional claim or defence that is otherwise properly asserted.

Chapter 20: Actions against a court

§50 **Service**

Documents in a proceeding against a court are to be served on the Chief Justice.

§51 **Representation**

The representation of any court in a proceeding is as the Chief Justice directs.

Chapter 21: Orders

§52 **Grounds**

The court must state the grounds for all orders it makes.

§53 **Requirement to notify**

An order does not impose any obligation on an individual party if that party—

- (a) was not served or otherwise notified of the order or
- (b) if the order was intended to impose an obligation on any generalised group of parties, could not have possibly have learnt of the order.

§54 **Interim orders**

- (1) A party may, in any petition, move for any interim order.
- (2) A court may grant an interim order ex parte.

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§55 Stay of execution or proceedings

- (1) The court may definitely or indefinitely stay any proceeding or the execution of any order—
 - (a) on the motion of a party.
 - (b) sua sponte.
 - (2) A senior court may stay any proceeding or the execution of any order of a junior court.
-

Chapter 22: Judgements

§56 Entering judgement

Judgement is entered at the time the judgement is declared to the court.

§57 Default judgement

- (1) The court may enter default judgement against a party at any time if—
 - (a) the party has failed to plead or defend;
 - (b) the party consistently fails to meet a lawful procedural requirement.
- (2) But the court should not enter default judgement if it determines that—
 - (a) the charge or claim is unmeritorious or
 - (b) it would otherwise be in the interests of justice not to enter default judgement.
- (3) The defendant may move to set aside a default judgement within 14 days of the judgement being entered.

§58 Summary judgement

At any time before trial, the court may enter a summary judgement if it determines that—

- (a) there exists no disputed genuine issue of material fact between the parties requiring a trial to resolve and
 - (b) in applying the law to the undisputed facts, one party is clearly entitled by law to judgment.
- (2) The defendant may move to set aside a summary judgement within 14 days of the judgement being entered.

§59 Alteration

A motion to alter or amend a judgement must be filed no later than 10 days after the entry of the judgement.

§60 Motion to set aside

A motion to set aside judgement may be made at any time following the entry of judgement.

§61 Correction

- (1) The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment.

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- (2) The court may do so on the motion of a party or sua sponte, with or without notice.
 - (3) But after an appeal has been entered in an appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.
-

Chapter 23: Diets

§62 Court's power to order diet

A court may order a diet at any time.

§63 Parties' right to attend

- (1) All parties to a proceeding have a right to be present at any diet of that proceeding, unless otherwise ordered by the court.
- (2) This right may be—
 - (a) waived by a party;
 - (b) voided at the reasonable discretion of the court if a party fails to appear.

§64 Public access

All diets are to be open to the public, unless otherwise by the court.

§65 Judicial enquiry

At any time during a diet, the judge has the absolute right to ask questions of any party.

Chapter 24: Confidentiality orders

§66 Confidentiality orders

- (1) A court may make any order ('confidentiality order') to—
 - (a) prevent public access to the court's proceedings;
 - (b) prevent disclosure of any detail of proceedings before the court;
 - (c) prevent a court document (or details of such) being made accessible.
- (2) For the purposes of subsection (1), 'disclosure' means the making or publishing of any statement, communication or report.
- (3) For the purposes of subsection (1), 'details of proceedings' include but are not limited to—
 - (a) the identities or details of the parties;
 - (b) the nature of the evidence used in the proceedings;
 - (c) what is said during any hearing;
 - (d) the nature of any judgement.
- (4) The court may make any order under subsection (1)—
 - (a) on the motion of a party;

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- (b) on the application of a party;
 - (c) on the application of the Vorsitzender, the Stellvertreter or a Minister (whether or not they are a party to the proceedings).
- (5) An order under subsection (1) must not restrict any party's access to a proceeding they are a party to.
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Chapter 25: Sealed documents; ex parte proceedings

§67 Sealed documents

- (1) A document may only be filed under seal or unsealed by court order.
- (2) A party wanting to file a document under seal must move for permission to file under seal.

§68 Ex parte proceedings

It is lawful for a court to hold a proceeding ex parte, provided that, as soon as possible, the excluded party—

- (a) receive access to all details relating to the proceeding;
 - (b) has the opportunity to challenge any order made pursuant to the proceeding.
-

Chapter 26: Vexatious litigants

§69 Vexatious litigants

- (1) The Chief Justice may designate an individual a vexatious litigant by notice to the Attorney-General and the relevant individual if that individual has repeatedly attempted to initiate vexatious, frivolous or totally unmeritorious actions.
 - (2) An individual designated a vexatious litigant must not initiate any action without the permission of the court to which at which it is entered.
-

Chapter 27: Removal from court venues

§70 Removal from court venues

- (1) The court may order that a person is removed from a venue of the court of the person is continually disruptive to the proceedings of the court or disrespectful to the dignity of the court.
 - (2) A removal under this section may not be ordered for longer than is necessary.
-

Chapter 28: Closed material orders

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§71 **Order for closed material proceedings**

- (1) A court may make a closed material order if the relevant conditions are met.
- (2) A closed material order may be made by a court—
 - (a) on the motion of a party;
 - (b) on the application of the Vorsitzender, the Stellvertreter or a Minister (whether or not they are a party to the proceedings);
 - (c) sua sponte.
- (3) A closed material order is an order that particular evidence ('closed evidence') may be presented to the court without one or more parties having access to the closed evidence.
- (4) For the purposes of subsection (1), the relevant conditions are that—
 - (a) a party ('the party') would be required to disclose sensitive evidence to the court and the other parties—
 - (i) by court order;
 - (ii) by other reason of law or
 - (iii) in order to adequately contest the action;
 - (b) the public or party interest consideration outweighs the justice consideration and
 - (c) it is in the interests of justice to make the order.
- (5) For the purposes of subsection (4), 'sensitive evidence' is any evidence—
 - (a) protected by privilege or
 - (b) that would be prejudicial to the public interest if disclosed.
- (6) For the purposes of subsection (4), the public or party interest consideration means the potential harm to—
 - (a) the public interest;
 - (b) if subsection (4)(a)(iii) applies, the interests of the party that would be protected if a closed material order was madecaused by not making a closed material order
- (7) For the purposes of subsection (4), the justice consideration means the potential harm to a party's right to a fair trial caused by making a closed material order.
- (8) If a closed material order is made, the party holding the relevant evidence is not entitled to any privilege with respect to that evidence.

§72 **Demand for production prior to decision on order**

- (1) In deciding whether to make a closed material order, the court may order that the relevant evidence is produced to the court.
- (2) Pursuant to an order under subsection (1), the court must inspect the evidence privately.
- (3) But if the court does not then make a closed material order with respect to that evidence the court may not consider the evidence when making any judgement in that action.
- (4) If the court decides to act under subsection (1), the party holding the evidence is not entitled to any privilege with respect to that evidence.

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§73 **Special Advocate**

- (1) A closed material order may not be made unless each excluded party has a legally qualified Special Advocate representing them.
- (2) A Special Advocate may represent multiple parties with the consent of—
 - (a) those parties;
 - (b) the court.
- (3) A party may, by notice to the court, waive their right to representation under subsection (1).
- (4) A Special Advocate is to be appointed by the Chief Justice.
- (5) A Special Advocate must not communicate any detail about the closed evidence to the party they are representing.

§74 **Appellate proceedings**

- (1) In making a judgement, an appellate court may, without disclosing the evidence to any excluded party, consider any closed evidence considered by the court below.
- (2) In proceedings on appeal, an appellate court may not require that evidence protected by a closed material order in the court below is disclosed to any of the other parties.

§75 **Closed judgement**

- (1) The court must make a closed judgement if not doing so would prejudice the secrecy of the evidence.
- (2) If the court makes a closed judgement, it must make a separate open judgement that contains as much detail of the closed judgement as is possible without prejudicing the secrecy of the closed evidence.

PART V: PROCEDURE (EVIDENCE)

Chapter 29: Proof

§76 Burdens of proof

In all actions, the burden of proof is on the party bringing the action.

§77 Standards of proof

- (1) In criminal proceedings, the standard of proof is beyond reasonable doubt.
- (2) In civil proceedings, the standard of proof is on the balance of probabilities.

Chapter 30: Judicial notice

§78 Judicial notice of facts

- (1) The court may judicially notice a fact that is not subject to reasonable dispute because it—
 - (a) is generally known or
 - (b) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.
- (2) The court—
 - (a) may take judicial notice on its own; or
 - (b) must take judicial notice if a party requests it and the court is supplied with the necessary information.

Chapter 31: Relevance

§79 Test for relevant evidence

Evidence is relevant if—

- (a) it has any tendency to make a fact more or less probable than it would be without the evidence and
- (b) the fact is of consequence in determining the action.

§80 General admissibility of relevant evidence

Relevant evidence is admissible unless it is otherwise provided for in law.

§81 Excluding relevant evidence

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of—

- (a) unfair prejudice;
 - (b) confusing the issues;
 - (c) undue delay;
 - (d) wasting time;
 - (e) needlessly presenting cumulative evidence.
-

Chapter 32: Witnesses

§82 Competency to testify in general

Every person is competent to be a witness unless otherwise provided by law.

§83 Need for personal knowledge

- (1) A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter.
- (2) Evidence to prove personal knowledge may consist of the witness's own testimony.

§84 Individuals who must not testify

- (1) The following must not testify during a proceeding—
 - (a) a judge;
 - (b) an attorney.
- (2) Subsection (1) applies only when individuals are acting in such capacity during that proceeding.

§85 Calling of witnesses

- (1) A witness may be called by—
 - (a) a party;
 - (b) the court.
- (2) Each party is entitled to cross-examine a witness.
- (3) The court may examine a witness regardless of who calls the witness.

§86 Form of witness testimony

- (1) A witness may testify—
 - (a) orally, before the court;
 - (b) orally, at a deposition;
 - (c) in writing.
- (2) A witness' failure to testify orally before the court does not exclude them from being subject to cross-examination.

§87 Impeachment of witness

Any party, including the party that called the witness, may attack the witness's credibility.

Chapter 33: Opinion testimony

§88 **Opinion testimony by lay witnesses**

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is—

- (a) rationally based on the witness's perception,
- (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue, and
- (c) not based on scientific, technical, or other specialized knowledge.

§89 **Testimony by expert witnesses**

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if—

- (a) the expert's scientific, technical, or other specialized knowledge will help the court to understand the evidence or to determine a fact in issue,
- (b) the testimony is based on sufficient facts or data,
- (c) the testimony is the product of reliable principles and methods, and
- (d) the expert has reliably applied the principles and methods to the facts of the action.

§90 **Court-appointed expert witnesses**

- (1) The court may on its own accord appoint any expert who consents to act.
 - (2) The expert is entitled to a reasonable compensation, as set by the court.
-

Chapter 34: Hearsay

§91 **Definitions**

- (1) 'Statement' means a person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.
- (2) 'Declarant' means the person who made the statement.
- (3) 'Hearsay' means a statement that—
 - (a) the declarant does not make while testifying at the current proceeding, and
 - (b) a party offers in evidence to prove the truth of the matter asserted in the statement.

§92 **Statements that are not hearsay**

A statement that meets the following conditions is not hearsay—

- (a) the declarant testifies and is subject to cross-examination about a prior statement, and the statement—

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- (i) is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
- (ii) is consistent with the declarant's testimony and is offered—
 - (1) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying, or
 - (2) to rehabilitate the declarant's credibility as a witness when attacked on another ground, or
- (iii) identifies a person as someone the declarant perceived earlier;
- (b) the statement is offered against an opposing party and—
 - (i) was made by the party in an individual or representative capacity,
 - (ii) is one the party manifested that it adopted or believed to be true,
 - (iii) was made by a person whom the party authorized to make a statement on the subject,
 - (iv) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed, or
 - (v) was made by the party's co-conspirator during and in furtherance of the conspiracy.

§93 **Rule against hearsay**

Hearsay is not admissible unless otherwise provided by law.

§94 **Exceptions to the rule against hearsay – regardless of declarant's availability**

The following are excepted from the rule against hearsay, regardless of whether the declarant is available as a witness—

- (a) a statement describing or explaining an event or condition, made while or immediately after the declarant perceived it;
- (b) a statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused;
- (c) a statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed;
- (d) a record that—
 - (i) is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately,
 - (ii) was made or adopted by the witness when the matter was fresh in the witness's memory, and
 - (iii) accurately reflects the witness's knowledge;
- (e) a record of an act, event, condition, opinion, or diagnosis if—
 - (i) the record was made at or near the time by, or from information transmitted by, someone with knowledge,
 - (ii) the record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit,

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- (iii) making the record was a regular practice of that activity;
- (iv) all these conditions are shown by the testimony of the custodian or another qualified witness, and
- (v) the opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness;
- (f) evidence that a matter is not included in a record described in subsection (e) if—
 - (i) the evidence is admitted to prove that the matter did not occur or exist,
 - (ii) a record was regularly kept for a matter of that kind, and
 - (iii) the opponent does not show that the possible source of the information or other circumstances indicate a lack of trustworthiness;
- (g) market quotations, lists, directories, or other compilations that are generally relied on by the public or by persons in particular occupations;
- (h) a statement contained in a treatise, periodical, or pamphlet if—
 - (i) the statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination, and
 - (ii) the publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice;
- (i) a reputation among a person's associates or in the community concerning the person's character;
- (j) evidence of a court judgement.

§95 Exceptions to the rule against hearsay – when the declarant is unavailable as a witness

- (1) A declarant is considered to be unavailable as a witness if the declarant—
 - (a) is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies,
 - (b) refuses to testify about the subject matter despite a court order to do so,
 - (c) testifies to not remembering the subject matter,
 - (d) cannot be present or testify at the proceeding because of death or a then-existing infirmity, physical illness, or mental illness, or
 - (e) is absent from the proceeding and the statement's proponent has not been able to procure—
 - (i) the declarant's attendance, in the case of a hearsay exception under subsection (a) or (d), or
 - (ii) the declarant's attendance or testimony, in the case of a hearsay exception under subsection (b) or (c).
- (2) Subsection (e)(i) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.
- (3) The following are excepted from the rule against hearsay if the declarant is unavailable as a witness—
 - (a) testimony that—

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- (i) was given as a witness at a proceeding or lawful deposition, whether given during the current proceeding or a different one, and
- (ii) is now offered against a party who had, or, in a civil action, whose predecessor in interest had, an opportunity and similar motive to develop it by direct, cross-, or redirect examination;
- (b) in a prosecution for homicide or in a civil action, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances;
- (c) a statement that—
 - (i) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability, and
 - (ii) is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal action as one that tends to expose the declarant to criminal liability;
- (d) a statement offered against a party that wrongfully caused, or acquiesced in wrongfully causing, the declarant's unavailability as a witness, and did so intending that result.

§96 Hearsay within hearsay

Hearsay within hearsay is excepted from the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

§97 Attacking and supporting the declarant's credibility

- (1) When a hearsay statement, or a statement described in section 92(b)(iii) to (v), has been admitted in evidence, the declarant's credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness.
- (2) If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination

§98 Residual exception

A hearsay statement is excepted from the rule against hearsay even if the statement is not specifically covered by a hearsay exception, provided that—

- (a) the statement has equivalent circumstantial guarantees of trustworthiness,
- (b) it is offered as evidence of a material fact,
- (c) it is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts, and
- (d) admitting it will best serve the purposes of these rules and the interests of justice.

Chapter 35: Discovery; approval of evidence

TITLE 6: JUDICIARY

§99 **Right to discovery**

- (1) All parties have the right to access all evidence in an action by discovery, unless otherwise specified.
- (2) The court must facilitate discovery in the manner it considers appropriate.
- (3) The court must prevent a party from accessing evidence if—
 - (a) the evidence is protected by a closed material order or
 - (b) it is in the interests of justice to do so.

§100 **Approval of evidence**

- (1) Evidence that has been rejected by the court is inadmissible.
- (2) The court may decide to reject evidence—
 - (a) on the motion of a party;
 - (b) sua sponte.
- (3) If requested, the court must hear submissions from any party who wishes to challenge a decision made under subsection (2) or failure to make such.

Chapter 36: Presentation of evidence; objections

§101 **Presentation**

- (1) The court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to—
 - (a) make those procedures effective for determining the truth;
 - (b) avoid wasting time;
 - (c) protect witnesses from harassment or undue embarrassment.
- (2) All parties must have reasonable opportunity to examine and cross-examine all witnesses and evidence.

§102 **Objections**

Any party may object to—

- (a) evidence;
- (b) a question asked of a witness;
- (c) an answer given by a witness

on the grounds that it is—

- (d) unlawful;
- (e) prejudicial to the interests of justice;
- (f) otherwise contrary to the overriding objective.

PART VI: PROCEDURE (SUMMARY)

Chapter 37: Commencement

§103 Offences to be tried summarily

A criminal action may be initiated by summary procedure unless—

- (a) the action may only be tried on indictment or
- (b) the action raises a substantial question of constitutional law and can be tried on indictment.

§104 Petition for process

- (1) A summary procedure is commenced on the laying of a petition for process before a competent court.
- (2) A petition under this section may be laid before the court by any party.
- (3) The petition must contain—
 - (a) a statement of the grounds for the court's jurisdiction;
 - (b) in a paragraph called a 'count'—
 - (i) a statement of the offence charged that—
 - (1) describes the offence in ordinary language, and
 - (2) identifies any legislation that creates it; and
 - (ii) such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant.
- (4) More than one incident of the commission of the offence may be included in a count.
- (5) A petition may join offences and parties, provided all counts are alleged to have arisen from the same act or transaction, or series of acts or transaction.
- (6) Unless the defendant was misled and thereby prejudiced, neither an incorrect reference under subsection (3)(b) or omission thereof constitute ground to dismiss the action or reverse a conviction.

§105 Process

On receipt of a petition for process, the court must issue a process unless it determines that the action is manifestly unmeritorious.

Chapter 38: Prosecution

§106 Seizure of prosecutions

- (1) If the petition was filed by a party other than the Attorney-General, the Attorney-General may by motion request that the prosecution is seized.
- (2) If the court grants this motion, the Attorney-General is responsible for the prosecution.

TITLE 6: JUDICIARY

- (3) In determining a motion under subsection (1), the court must take submissions from the petitioner if they wish to make such submissions.
- (4) If—
 - (a) the petitioner has moved to dismiss the action and
 - (b) the Attorney-General has moved under subsection (1)the court must grant the Attorney-General's motion.

§107 **Discontinuation of a seized prosecution by the Attorney-General**

- (1) If the Attorney-General wishes to discontinue a prosecution that they have seized, they must move to release the prosecution.
 - (2) The court must not grant a motion under subsection (1) unless the petitioner —
 - (a) confirms that they will take up the prosecution;
 - (b) confirms that they do not object to the prosecution being discontinued;
 - (c) is unavailable.
 - (3) If a motion under subsection (1) is granted, and the petitioner does not take up the prosecution, the action must be dismissed for want of prosecution.
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Chapter 39: Motions

§108 **Motions that may be made at any time**

A motion that the court lacks jurisdiction may be made at any time while the case is pending.

§109 **Motions that must be made before trial**

- (1) The following defences, objections and requests must be raised by pretrial motion if the basis for the motion is then reasonably available and the motion can be determined without a trial on the merits—
 - (a) a motion alleging a defect in instituting the prosecution, including—
 - (i) improper venue;
 - (ii) a violation of the right to an expedient trial;
 - (iii) selective or vindictive prosecution;
 - (iv) an error in any procedural matter;
 - (b) a motion alleging a defect in the indictment, including—
 - (i) joining two or more offences in the same count (duplicity);
 - (ii) charging the same offence in more than one count (multiplicity);
 - (iii) lack of specificity;
 - (iv) improper joinder;
 - (v) failure to state an offence;
 - (c) a motion to suppress evidence;
 - (d) a motion to sever.

TITLE 6: JUDICIARY

§110 **Ruling on pretrial motions**

- (1) The court must decide every pretrial motion before trial unless it finds good cause to defer a ruling.
 - (2) The court must not defer ruling on a pretrial motion if the deferral will adversely affect a party's right to appeal.
 - (3) When factual issues are involved in deciding a motion, the court must state its essential findings.
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Chapter 40: Pleas

§111 **Pleas generally**

- (1) The defendant must plead to all the counts.
- (2) The defendant may plead not guilty or guilty.
- (3) If the defendant refuses to plead to a count, the court must enter a plea of not guilty.
- (4) The court may refuse to enter a plea of guilty, and instead enter a plea of not guilty.
- (5) Before entering judgement on a guilty plea, the court must determine that there is a factual basis for the plea.
- (6) The defendant may withdraw a plea of not guilty and instead plead guilty any time before judgement.

§112 **Withdrawing a guilty plea**

The defendant may withdraw a plea of guilty—

- (a) before the court accepts the plea or
- (b) after the court accepts the plea, but before it imposes sentence if the defendant can show a fair and just reason for requesting the withdrawal.

§113 **Conditional plea**

- (1) With the consent of the court, the defendant may enter a conditional plea, reserving in writing the right to have an appellate court review an adverse determination of a specified pretrial motion.
- (2) A defendant who prevails on appeal may then withdraw the plea.

§114 **Plea agreements**

- (1) The prosecutor and the defendant may discuss and reach a plea agreement.
- (2) The court must not participate in these discussions.
- (3) If the defendant pleads guilty to either a charged offence or a lesser or related offence, the plea agreement may specify that the prosecution will—
 - (a) not bring, or will move to dismiss, other charges, or
 - (b) recommend, or agree not to oppose the defendant's request, that particular sentencing is appropriate.
- (4) The court may either accept or reject the plea agreement.

TITLE 6: JUDICIARY

- (5) If the court rejects the plea agreement, it must give the defendant opportunity to withdraw any plea made on the basis of such agreement.

Chapter 41: Trial

§115 Commencement

- (1) The court must set a date for the trial to begin.
- (2) The commencement date of the trial must allow for discovery to take place.

§116 Trial to be conducted either by diet or on brief

The court may order the trial to be conducted either—

- (a) by diet;
- (b) on briefs.

§117 Core briefs

- (1) All parties must file a core brief, which must contain—
 - (a) all evidence upon which the party intends to rely;
 - (b) the primary arguments of the party's case.
- (2) The core brief must be filed—
 - (a) if the trial is being conducted by diet, as soon as possible before the diet;
 - (b) if the trial is being conducted on briefs, as soon as possible.

§118 Supplementary briefs

If the trial is being conducted on briefs, a party may file an unlimited number of supplementary briefs, which may contain both evidence and argument.

§119 Motion for acquittal

- (1) The court on the defendant's motion must enter a judgment of acquittal of any offense for which the prosecution's evidence is insufficient to sustain a conviction.
- (2) The court may on its own consider whether the evidence is insufficient to sustain a conviction.

Chapter 42: Judgement

§120 Time of entering judgement

- (1) The court must end the trial—
 - (a) when the prosecutor and defendant confirm they have concluded their cases or
 - (b) when the court determines sufficient time has been allowed for trial.
- (2) As soon as possible after the ending of the trial, the court must enter judgement.

TITLE 6: JUDICIARY

§121 **Verdict**

- (1) The court must reach a verdict on each count.
- (2) The verdicts are—
 - (a) guilty
 - (b) not guilty.

§122 **Sentence**

The court may announce sentence at the same time as verdict if both the prosecutor and defendant waive the right to make any submissions regarding sentence.

§123 **Retrial**

The court may order a retrial if it finds that a substantive right of a party was significantly prejudiced.

PART VII: PROCEDURE (SOLEMN)

Chapter 43: Commencement

§124 Offences to proceed on indictment

A criminal action may be initiated by solemn procedure if it cannot be tried on process.

§125 Petition for process

- (1) A solemn procedure is commenced on the laying of a petition for indictment before a competent court
- (2) A petition under this section may be laid before the court by any party.
- (3) The petition must contain—
 - (a) a statement of the grounds for the court’s jurisdiction;
 - (b) in a paragraph called a ‘count’—
 - (i) a statement of the offence charged that—
 - (1) describes the offence in ordinary language, and
 - (2) identifies any legislation that creates it; and
 - (ii) such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant.
- (4) More than one incident of the commission of the offence may be included in a count.
- (5) A petition may join offences and parties, provided all counts are alleged to have arisen from the same act or transaction, or series of acts or transaction.
- (6) Unless the defendant was misled and thereby prejudiced, neither an incorrect reference under subsection (3)(b) or omission thereof constitute ground to dismiss the action or reverse a conviction.

Chapter 44: Preliminary investigation; indictment

§126 Scope of the preliminary investigation

- (1) The court must carry out a preliminary investigation.
- (2) The scope of the preliminary investigation is limited to such investigation as is necessary to determine whether—
 - (a) the court has jurisdiction to hear the action;
 - (b) there is probable cause to believe that the defendant committed at least one of the offences charged;
 - (c) it would be in accordance with the overriding objective to proceed with a prosecution.

§127 Indictment

TITLE 6: JUDICIARY

- (1) If, following the preliminary investigation, the court finds that all conditions set forth in section 126(2) are met, they must issue an indictment.
- (2) A decision of the court under this section may only be challenged by the standard appeals procedure.

§128 **Dismissal**

- (1) If, following the preliminary investigation, the court finds that any condition set forth in section 126(2) is not met, they must enter a ruling dismissing the action.
 - (2) A decision of the court under this section may only be challenged by judicial review.
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Chapter 45: Prosecution

§129 **Seizure of prosecutions**

- (1) If the petition was filed by a party other than the Attorney-General, the Attorney-General may by motion request that the prosecution is seized.
- (2) If the court grants this motion, the Attorney-General is responsible for the prosecution.
- (3) In determining a motion under subsection (1), the court must take submissions from the petitioner if they wish to make such submissions.
- (4) If—
 - (a) the petitioner has moved to dismiss the action and
 - (b) the Attorney-General has moved under subsection (1)the court must grant the Attorney-General's motion.

§130 **Discontinuation of a seized prosecution by the Attorney-General**

- (1) If the Attorney-General wishes to discontinue a prosecution that they have seized, they must move to release the prosecution.
 - (2) The court must not grant a motion under subsection (1) unless the petitioner —
 - (a) confirms that they will take up the prosecution;
 - (b) confirms that they do not object to the prosecution being discontinued;
 - (c) is unavailable.
 - (3) If a motion under subsection (1) is granted, and the petitioner does not take up the prosecution, the action must be dismissed for want of prosecution.
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Chapter 46: Case statement

§131 **Case statement**

- (1) As soon as possible, the prosecutor must file a case statement with the court.
- (2) The case statement must include—

TITLE 6: JUDICIARY

- (a) a summary of the circumstances of the charges;
 - (b) any account given by the defendant in interview;
 - (c) any written witness statement or exhibit the prosecutor then has available and considers material to plea or to sentence;
 - (d) the defendant's criminal record, if any;
 - (e) any available statement of the effect of the offence on the victim or victims.
- (3) The prosecutor is not required to file a case statement if—
- (a) the defendant waives the case statement or
 - (b) the court orders that no case statement is required.

Chapter 47: Motions

§132 Motions that may be made at any time

A motion that the court lacks jurisdiction may be made at any time while the case is pending.

§133 Motions that must be made before trial

- (1) The following defences, objections and requests must be raised by pretrial motion if the basis for the motion is then reasonably available and the motion can be determined without a trial on the merits—
- (a) a motion alleging a defect in instituting the prosecution, including—
 - (i) improper venue;
 - (ii) a violation of the right to an expedient trial;
 - (iii) selective or vindictive prosecution;
 - (iv) an error in any procedural matter;
 - (b) a motion alleging a defect in the indictment, including—
 - (i) joining two or more offences in the same count (duplicity);
 - (ii) charging the same offence in more than one count (multiplicity);
 - (iii) lack of specificity;
 - (iv) improper joinder;
 - (v) failure to state an offence;
 - (c) a motion to suppress evidence;
 - (d) a motion to sever.

§134 Ruling on pretrial motions

- (1) The court must decide every pretrial motion before trial unless it finds good cause to defer a ruling.
- (2) The court must not defer ruling on a pretrial motion if the deferral will adversely affect a party's right to appeal.
- (3) When factual issues are involved in deciding a motion, the court must state its essential findings.

Chapter 48: Pleas

§135 Pleas generally

- (1) The defendant must plead to all the counts.
- (2) The defendant may plead not guilty or guilty.
- (3) If the defendant refuses to plead to a count, the court must enter a plea of not guilty.
- (4) The court may refuse to enter a plea of guilty, and instead enter a plea of not guilty.
- (5) Before entering judgement on a guilty plea, the court must determine that there is a factual basis for the plea.
- (6) The defendant may withdraw a plea of not guilty and instead plead guilty any time before judgement.

§136 Withdrawing a guilty plea

- (1) The defendant may withdraw a plea of guilty—
 - (a) before the court accepts the plea or
 - (b) after the court accepts the plea, but before it imposes sentence if the defendant can show a fair and just reason for requesting the withdrawal.

§137 Conditional plea

- (1) With the consent of the court, the defendant may enter a conditional plea, reserving in writing the right to have an appellate court review an adverse determination of a specified pretrial motion.
- (2) A defendant who prevails on appeal may then withdraw the plea.

§138 Plea agreements

- (1) The prosecutor and the defendant may discuss and reach a plea agreement.
- (2) The court must not participate in these discussions.
- (3) If the defendant pleads guilty to either a charged offence or a lesser or related offence, the plea agreement may specify that the prosecution will—
 - (a) not bring, or will move to dismiss, other charges, or
 - (b) recommend, or agree not to oppose the defendant's request, that particular sentencing is appropriate.
- (4) The court may either accept or reject the plea agreement.
- (5) If the court rejects the plea agreement, it must give the defendant opportunity to withdraw any plea made on the basis of such agreement.

Chapter 49: Trial

§139 Commencement

- (1) The court must set a date for the trial to begin.

TITLE 6: JUDICIARY

- (2) The commencement date of the trial must allow for discovery to take place.

§140 **Trial to be conducted either by diet or on brief**

The court may order the trial to be conducted either—

- (a) by diet;
- (b) on briefs.

§141 **Core briefs**

- (1) All parties must file a core brief, which must contain—
 - (a) all evidence upon which the party intends to rely;
 - (b) the primary arguments of the party's case.
- (2) The core brief must be filed—
 - (a) if the trial is being conducted by diet, as soon as possible before the diet;
 - (b) if the trial is being conducted on briefs, as soon as possible.

§142 **Supplementary briefs**

If the trial is being conducted on briefs, a party may file an unlimited number of supplementary briefs, which may contain both evidence and argument.

§143 **Motion for acquittal**

- (1) The court on the defendant's motion must enter a judgment of acquittal of any offense for which the prosecution's evidence is insufficient to sustain a conviction.
- (2) The court may on its own consider whether the evidence is insufficient to sustain a conviction.

Chapter 50: Judgement

§144 **Time of entering judgement**

- (1) The court must end the trial—
 - (a) when the prosecutor and defendant confirm they have concluded their cases or
 - (b) when the court determines sufficient time has been allowed for trial.
- (2) As soon as possible after the ending of the trial, the court must enter judgement.

§145 **Verdict**

- (1) The court must reach a verdict on each count.
- (2) The verdicts are—
 - (a) guilty
 - (b) not guilty.

§146 **Sentence**

TITLE 6: JUDICIARY

The court may announce sentence at the same time as verdict if both the prosecutor and defendant waive the right to make any submissions regarding sentence.

§147 **Retrial**

The court may order a retrial if it finds that a substantive right of a party was significantly prejudiced.

PART VIII: PROCEDURE (CIVIL)

Chapter 51: Claims; standing

§148 **Civil claim to proceed on petition**

A civil claim is made by laying a petition before a competent court.

§149 **Form of claim**

A petition making a claim must contain—

- (a) a statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;
- (b) a statement of the claim showing that the petitioner is entitled to relief;
- (c) a demand for the relief sought, which may include relief in the alternative or different types of relief.

§150 **Standing**

The claimant is entitled to have the merits of a claim considered by a court if—

- (a) concrete and particularised injury has been or will imminently be suffered by—
 - (i) the claimant or
 - (ii) the general public;
- (b) the injury arose from the actions or omissions of the defendant to the claim;
- (c) the granting of the relief will redress the injury.

§151 **Joinder of claim**

A party asserting a claim may join, as independent or alternative claims, as many claims as it has against an opposing party.

Chapter 52: Pleadings

Subchapter 1: General provisions

§152 **Pleadings allowed**

The pleadings in a civil action are—

- (a) the complaint;
- (b) an answer to a claim;
- (c) a third-party claim;
- (d) an additional claim;

TITLE 6: JUDICIARY

- (e) when ordered by the court, a reply.

§153 **Alternative statements; inconsistent claims or defences**

- (1) A party may set out two or more statements of a claim or defence alternatively or hypothetically.
- (2) If a party makes alternative statements, the pleading is sufficient if any one of them is sufficient.
- (3) A party may state as many separate claims or defences as it has, regardless of consistency.

§154 **Special matters**

- (1) Except when required to show that the court has jurisdiction, a claim need not allege—
 - (a) a party's capacity to sue or be sued;
 - (b) a party's authority to sue or be sued in a representative capacity;
 - (c) the legal existence of a party.
- (2) If an item of special damage is claimed, it must be specifically stated.

Subchapter 2: Complaint

§155 **Complaint**

A civil action is commenced on the laying of a complaint before a court of appropriate jurisdiction.

Subchapter 3: Answer; defences; other claims

§156 **Answer; affirmative defences**

- (1) On receipt of a petition making a claim, the defendant must lay an answer before the court promptly.
- (2) The answer must state which of the allegations contained in the petition making the claim the defendant—
 - (a) admits;
 - (b) denies;
 - (c) is unable to admit or deny but needs the claimant to prove.
- (3) The court may enter judgement on any claim that the defendant admits if the court determines the claim is meritorious.
- (4) The defendant must not make a general denial of all allegations.
- (5) Where the defendant denies an allegation, they must state—
 - (a) their reasons for doing so;
 - (b) if they intend to put forward a different version of events from that given by the claimant, their own version.
- (6) A defendant who fails to deal with an allegation but has set out in their defence the nature of their case in relation to the issue to which the allegation relates is to be taken to require that allegation to be proved.
- (7) Where the claim includes a fiscal claim, a defendant is to be taken to require that any allegation relating to the amount of money claimed be proved unless they expressly admit the allegation.

TITLE 6: JUDICIARY

- (8) Subject to subsections (5) and (6), a defendant who fails to deal with an allegation is to be taken to admit that allegation.
- (9) The defendant must in their answer raise any affirmative defence they wish to make to a claim, except from the defences of—
 - (a) lack of personal jurisdiction;
 - (b) improper forum;
 - (c) insufficient process;
 - (d) insufficient service of process;
 - (e) failure to state a claim upon which relief can be granted;all of which must be asserted by motion to dismiss the claim.

§157 Counterclaim

- (1) A pleading must state as a counterclaim any claim that the pleader has against an opposing party if the claim—
 - (a) arises out of the transaction or occurrence that is the subject matter of the opposing party's claim and
 - (b) does not require adding another party over whom the court cannot acquire jurisdiction.
- (2) The pleader need not state the claim if when the action was commenced, the claim was the subject of another pending action.
- (3) A pleading may state as a counterclaim against an opposing party any claim that is not compulsory

§158 Crossclaim

- (1) A pleading may state as a crossclaim any claim by one party against a coparty if the claim arises out of the transaction or occurrence that is the subject matter of the original action or of a counterclaim, or if the claim relates to any property that is the subject matter of the original action.
- (2) The crossclaim may include a claim that the coparty is or may be liable to the crossclaimant for all or part of a claim asserted in the action against the crossclaimant.

§159 Third-party claims

A party may make a claim against any non-party if the claim arises out of the transaction or occurrence that is the subject matter of the original action.

Chapter 53: Parties

§160 Permissive joinder

- (1) Parties may join in one action as claimants if—
 - (a) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
 - (b) any question of law or fact common to all claimants will arise in the action.
- (2) Parties may be joined in one action as defendants if—

TITLE 6: JUDICIARY

- (a) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and
- (b) any question of law or fact common to all defendants will arise in the action.

§161 **Actions relating to unincorporated associations**

A claim against a member of an unincorporated association in their capacity as a representative of such may be maintained only if it appears that the member will fairly and adequately protect the interests of the association and its members.

§162 **Derivative claims**

- (1) This section applies when one or more shareholders or members of a corporation or an unincorporated association bring a derivative claim to enforce a right that the corporation or association may properly assert but has failed to enforce.
- (2) The derivative claim may not be maintained if it appears that the claimant does not fairly and adequately represent the interests of shareholders or members who are similarly situated in enforcing the right of the corporation or association.
- (3) The claim must—
 - (a) allege that the claimant was a shareholder or member at the time of the transaction complained of, or that the claimant's share or membership later devolved on it by operation of law;
 - (b) state with particularity—
 - (i) any effort by the claimant to obtain the desired action from the directors or comparable authority and, if necessary, from the shareholders or members and
 - (ii) the reasons for not obtaining the action or not making the effort.
- (4) Notice of a proposed settlement must be given to shareholders or members in the manner that the court orders.

Chapter 54: Motions

§163 **Ruling on pretrial motions**

- (1) The court must decide every pretrial motion before trial unless it finds good cause to defer a ruling.
- (2) The court must not defer ruling on a pretrial motion if the deferral will adversely affect a party's right to appeal.
- (3) When factual issues are involved in deciding a motion, the court must state its essential findings.

Chapter 55: Settlement

§164 **Settlement**

TITLE 6: JUDICIARY

With the consent of the court, at any time before judgement is entered, the parties to a claim may settle that claim.

Chapter 56: Trial

§165 Commencement

- (1) The court must set a date for the trial to begin.
- (2) The commencement date of the trial must allow for discovery to take place.

§166 Trial to be conducted either by diet or on brief

The court may order the trial to be conducted either—

- (a) by diet;
- (b) on briefs.

§167 Core briefs

- (1) All parties must file a core brief, which must contain—
 - (a) all evidence upon which the party intends to rely;
 - (b) the primary arguments of the party's case.
- (2) The core brief must be filed—
 - (a) if the trial is being conducted by diet, as soon as possible before the diet;
 - (b) if the trial is being conducted on briefs, as soon as possible.

§168 Supplementary briefs

If the trial is being conducted on briefs, a party may file an unlimited number of supplementary briefs, which may contain both evidence and argument.

§169 Judgement as a matter of law

- (1) The court on the defendant's motion must enter a judgement dismissing any claim for which the admitted evidence is insufficient to sustain a judgement in the claimant's favour.
 - (2) The court may on its own consider whether the evidence is insufficient to sustain a judgement in the claimant's favour.
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Chapter 57: Judgement

§170 Time of entering judgement

- (1) The court must end the trial—
 - (a) when the prosecutor and defendant confirm they have concluded their cases or
 - (b) when the court determines sufficient time has been allowed for trial.

TITLE 6: JUDICIARY

- (2) As soon as possible after the ending of the trial, the court must enter judgement.

§171 **Retrial**

The court may order a retrial if it finds that a substantive right of a party was significantly prejudiced.

PART IX: PROCEDURE (APPELLATE)

Chapter 58: Petition

§172 Commencement

- (1) An appeal to a court of appeal is commenced by laying an application before the appropriate court.
- (2) An application must be filed within 30 days of the entry of the judgement to be appealed from.

§173 Form of petition

- (1) The application must contain statements of—
 - (a) the judgement appealed from;
 - (b) the grounds of appeal;
 - (c) the relief sought, which may include relief in the alternative or different types of relief.
 - (2) If the appellant wants the court to grant a stay of execution, they must state so in the application.
-

Chapter 59: Judgement

§174 Submissions prior to judgement

- (1) Before entering judgement on the appeal, the court must agree to take submissions from—
 - (a) the appellant;
 - (b) any other party.
- (2) The court may also take submissions from amicus curiae.

PART X: PROCEDURE (REICHSHÖCHSTGERICHT)

Chapter 60: Appellate jurisdiction

§175 Considerations governing appellate review

- (1) Appellate review by the Reichshöchstgericht is not a matter of right but of judicial discretion. An application will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers—
 - (a) a court of appeal has entered a decision in conflict with the decision of another court of appeal on the same important matter
 - (b) a court of appeal has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
 - (c) a court of appeal has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.
- (2) An application for appeal is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.
- (3) An application to review a case pending in a court of appeal, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court.

§176 Application

- (1) An application for appeal must be filed within 30 days of the entry of the judgement to be reviewed.
- (2) If the appellant wants the court to grant a stay of execution, they must state so in the application.
- (3) Any respondent may file a concise brief in opposition to the application within 10 days after the application is filed.
- (4) Any party may file a reply brief addressing new points raised in a brief in opposition within 10 days after the brief in opposition is filed.
- (5) A party may waive their right under subsection (2) or (3).

Chapter 61: Disposition

§177 Submissions prior to judgement

- (1) Before entering judgement on the appeal, the court must agree to take submissions from—

TITLE 6: JUDICIARY

- (a) the appellant;
 - (b) any other party.
- (2) The court may also take submissions from amicus curiae.

TITLE 7: CITIZENSHIP

Chapter 1: Citizenship register

§1 Citizenship register

- (1) The Minister for Homeland and Geographical Affairs (in this Title, ‘the Minister’) must keep accurate records of the details of all Abeldane citizens.
 - (2) In this section, ‘details’ include but are not limited to—
 - (a) name;
 - (b) state;
 - (c) date of naturalisation;
 - (d) criminal record.
-

Chapter 2: Naturalisation; transfer of state citizenship

§2 Naturalisation

The Minister may grant citizenship of any state to any individual if they consider it would be in the public interest to do so.

§3 Transfer of state citizenship

On application, the Minister may transfer an individual’s citizenship to any other state.

Chapter 3: Loss of citizenship

§4 Renunciation

- (1) A citizen may at any time renunciate their citizenship by notice to the Minister.
- (2) A renunciation of citizenship does not affect any future entitlement of a person to citizenship.

§5 Deprivation by Minister for Homeland and Geographical Affairs

- (1) The Minister may deprive any individual of citizenship if the Minister considers that—
 - (a) it would be conducive to the public welfare to do so or
 - (b) the individual was naturalised unlawfully or by reason of the individual’s dishonesty.
- (2) An order made under subsection (1) may be appealed by judicial review.

§6 Revocation by court order

TITLE 7: CITIZENSHIP

A court may make an order depriving an individual of citizenship.

Chapter 4: Federal Immigration Appeals Tribunal

§7 Federal Immigration Appeals Tribunal

There is hereby established a Federal Immigration Appeals Tribunal (in this Title, ‘the Tribunal’).

§8 Jurisdiction

The Tribunal has original and exclusive jurisdiction over any judicial review action relating to a decision—

- (a) to grant or refuse naturalisation;
- (b) to deprive an individual of citizenship.

TITLE 8: CORPORATIONS

Chapter 1: General provisions

§1 Liability in court proceedings

The court seized of relevant proceedings must determine the extent of a corporation's or employees thereof liability for—

- (a) a criminal offence;
 - (b) a civil claim.
-

Chapter 2: Incorporation; registration

§2 Incorporation generally

A corporation is formed on the filing of articles of incorporation with the Minister for Homeland and Geographical Affairs (in this Title, 'the Minister').

§3 Articles of incorporation

- (1) The articles of incorporation for a prospective corporation must specify—
 - (a) the state in which the corporation is to be formed;
 - (b) the name of the corporation;
 - (c) any alternative trading name of the corporation;
 - (d) details of the corporation's ownership.
- (2) The 'details of the corporation's ownership' means details of—
 - (a) the total number of shares in the corporation that will initially exist;
 - (b) for each class of shares—
 - (i) the rights of those shares' bearers;
 - (ii) the total number of shares of that class;
 - (c) with respect to each proposed initial shareholder—
 - (i) their name;
 - (ii) the number and class of shares to be taken by them on formation of the corporation.

§4 Corporations Register

- (1) The Minister must enter the details of a new corporation on a public register (in this Title, 'the register').
- (2) The Minister must assign each new corporation a unique number, to be known as the corporation's register number.

TITLE 8: CORPORATIONS

- (3) For the purposes of subsection (1), 'the details' mean the corporation's—
 - (a) register number;
 - (b) place of incorporation;
 - (c) name;
 - (d) trading name.
 - (4) A corporation must inform the Minister of any change to its name or trading name, whereupon the Secretary must update the register accordingly.
-

Chapter 3: Dissolution

§5 Dissolution

- (1) A corporation is dissolved if its articles of incorporation are annulled—
 - (a) by vote of the shareholders of
 - (b) on the order of a competent court.
- (2) On dissolution, a corporation is not to be removed from the register, but the register must be updated to show that the corporation is dissolved.

TITLE 9: INFORMATION

Chapter 1: Privileges

§1 Legal professional privilege

- (1) Any communication between professional legal counsel and a client are privileged, unless—
 - (a) communications between client and counsel are made in the presence of a third party;
 - (b) the client expresses to their counsel an intent to commit a crime in the future;
 - (c) the client seeks the advice of counsel so as to aid the committal of a crime;
 - (d) the client waives this subsection;
 - (e) counsel need to disclose such communications in order to reasonably collect payment from their client for their services in providing legal advice.
- (2) Subsection (1)(d) is to be invoked if—
 - (a) the client gives notice to their counsel they wish to waive their privilege;
 - (b) the client publicly discloses such communications;
 - (c) the client brings an action against their counsel where such communications are deemed relevant to the action.
- (3) The right under subsection (1) only exists when such communications were made for the purpose of securing legal advice.

§2 National security privilege

Information is privileged if—

- (a) it is held by a public authority and
- (b) it would prejudice national security interests if publicly disclosed by the public authority.

§3 Government policy privilege

Information is privileged if—

- (a) it is held by an officer of the federal government
- (b) it relates to—
 - (i) the current formulation or development of federal government policy;
 - (ii) the provision of advice by the Attorney-General or Federal Counsel.

§4 Privilege for information provided in confidence

Information is privileged if—

- (a) it was obtained by the public authority from any other party (including another public authority), and
- (b) the disclosure of the information to the public by the public authority holding it would constitute a breach of confidence actionable by that or any other party.

TITLE 9: INFORMATION

§5 **Privilege for information obtained from foreign state**

Information is privileged if it is confidential information obtained from a foreign state or from an international organisation or court.

§6 **Self-incrimination privilege**

Information is privileged if it would tend to expose the party in question to criminal liability.

§7 **Reporter's privilege**

Information is privileged if it would reveal confidential information or sources obtained during the process of the party in question's work as a reporter of the press.

§8 **Reichsversammlung privilege**

A statement is privileged if the party in question is a Member of the Reichsversammlung and—

- (a) made the statement during proceedings in the Reichsversammlung;
- (b) published the statement under the authority of the Reichsversammlung.

§9 **Without prejudice privilege**

Information is privileged if it is a communication made with the purpose of settling a civil claim.

Chapter 2: Freedom of information

Subchapter 1: General entitlement

§10 **General presumption**

- (1) Any person making a request for information to a public authority is entitled, free of charge—
 - (a) to be informed in writing by the public authority whether it holds information of the description specified in the request;
 - (b) if that is the case, to have that information communicated to them.
- (2) Information is held by a public authority if—
 - (a) it is held by the authority, otherwise than on behalf of another person, or
 - (b) it is held by another person on behalf of the authority.
- (3) Where a public authority—
 - (a) reasonably requires further information in order to identify and locate the information requested, and
 - (b) has informed the applicant of that requirement,the authority is not obliged to comply with subsection (1) unless it is supplied with that further information.
- (4) The information—
 - (a) in respect of which the applicant is to be informed under subsection (1)(a), or
 - (b) which is to be communicated under subsection (1)(b),

TITLE 9: INFORMATION

is the information in question held at the time when the request is received, except that account may be taken of any amendment or deletion made between that time and the time when the information is to be communicated under subsection (1)(b), being an amendment or deletion that would have been made regardless of the receipt of the request.

- (5) A public authority is to be taken to have complied with subsection (1)(a) in relation to any information if it has communicated the information to the applicant in accordance with subsection (1)(b).
- (6) The duty of a public authority to comply with subsection (1)(a) is referred to as ‘the duty to confirm or deny.’

§11 **Power to designate other parties as public authorities**

The Minister for Homeland and Geographical Affairs (in this title, ‘the Minister’) may designate a party as a public authority for the purposes of section 10 if it appears to the Minister that the party is—

- (a) exercising functions of a public nature;
- (b) providing under contract made with a public authority any service whose provision is a function of that authority.

§12 **Request for information**

- (1) Any reference to a ‘request for information’ is a reference to such a request which—
 - (a) is in writing,
 - (b) states the name of the applicant and an address for correspondence, and
 - (c) describes the information requested.
- (2) For the purposes of subsection (1)(a), a request is to be treated as made in writing where the text of the request—
 - (a) is transmitted by electronic means,
 - (b) is received in legible form, and
 - (c) is capable of being used for subsequent reference.

§13 **Time for compliance with request**

A public authority must comply with section 10 promptly and no later than 15 days following the date of receipt.

§14 **Vexatious requests**

Section 10 does not apply to vexatious requests.

Subchapter 2: Exempt information

§15 **Refusal**

- (1) If a person requests information exempt from section 10, their request may be refused.

TITLE 9: INFORMATION

- (2) If a request is refused, the applicant must be notified within the timeframe specified in section 13 that their request has been refused.
- (3) The applicant must be notified of the reason their request has been refused.

§16 **Privileged information**

Information is exempt from section 10 if it is privileged.

§17 **Personal information**

Information is exempt from section 10 if it constitutes personal data of any person.

§18 **Health and safety**

Information is exempt from section 10 if the disclosure of the information would prejudice or be likely to prejudice—

- (a) the health of any individual;
- (b) the safety of any individual.

§19 **Commercial interests**

Information is exempt from section 10 if the disclosure of the information would prejudice or be likely to prejudice the commercial interests of any party holding it (including the public authority in question).

§20 **Trade secrets**

Information is exempt from section 10 if it constitutes a trade secret.

§21 **Information accessible by other means**

Information is exempt from section 10 if the information is reasonably accessible to the applicant otherwise than under section 10.

§22 **Information intended for future publication**

Information is exempt from section 10 if—

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),
- (b) the information was already held with a view to such publication at the time when the request for information was made, and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

§23 **Court records, etc.**

- (1) Information held by a public authority is exempt from section 10 if it is held only by virtue of being contained in—

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- (a) any document filed with, or otherwise placed in the custody of, a court for the purposes of proceedings in a particular cause or matter,
 - (b) any document served upon, or by, a public authority for the purposes of proceedings in a particular cause or matter, or
 - (c) any document created by—
 - (i) a court, or
 - (ii) a member of the administrative staff of a court,for the purposes of proceedings in a particular cause or matter.
- (2) Information held by a public authority is exempt information if it is held only by virtue of being contained in—
- (a) any document placed in the custody of a person conducting an inquiry for the purposes of the inquiry, or
 - (b) any document created by a person conducting an inquiry, for the purposes of the inquiry.

§24 **Exemption from duty to confirm or deny**

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 10(1)(a) would involve the disclosure of exempt information.

§25 **Minister's power to exempt**

- (1) In extraordinary circumstances, the Minister may order that requested information is exempt from section 10 if it appears to them that it is necessary to do so.
- (2) An order under this section must be reconsidered every subsequent time a request for the information in question is made.

Subchapter 3: Federal Information Tribunal; appeals

§26 **Federal Information Tribunal**

There is hereby established a Federal Immigration Appeals Tribunal (in this Title, 'the Tribunal').

§27 **Jurisdiction**

The Tribunal has original and exclusive jurisdiction over any judicial review action under section 29.

§28 **Appeal to be taken to Minister**

- (1) A person seeking to appeal a decision under section 15 should in the first instance contact the Minister.
- (2) If it appears to the Minister that the requested information should be disclosed, they may order disclosure.
- (3) An appellant must be notified of the Minister's decision under subsection (2) within 20 days of putting their appeal to the Minister.

§29 **Appeal by judicial review**

TITLE 9: INFORMATION

A party may challenge an adverse determination of an appeal under section 28 by judicial review.

TITLE 10: CRIME

Chapter 1: Application

§1 Application of this Title to states

Where the creation of an offence under this Title is not within the exclusive power of the Federal Government, the provision creating that offence is inferior to state law.

Chapter 2: Primary offences

§2 Abuse

- (1) A person who engages in the conduct set out in subsection (2) commits an offence.
- (2) The conduct under this subsection is—
 - (a) intimidating another person;
 - (b) persecuting another person;
 - (c) harassing another person;
 - (d) verbally abusing another person;
 - (e) treat another person with cruelty or violence.
- (3) The offence under this section is to be tried on process only.
- (4) But if the conduct that constitutes the offence is motivated or charged by prejudice on the grounds of—
 - (a) race;
 - (b) nationality;
 - (c) religion;
 - (d) sex;
 - (e) gender identity;
 - (f) sexuality;
 - (g) age;
 - (h) disability;
 - (i) any other personal characteristic;the offence under this section is to be tried on indictment only.

§3 Discrimination

- (1) A person who treats another person unjustly or prejudicially on the basis of a personal characteristic commits an offence.
- (2) For the purposes of subsection (1), a ‘personal characteristic’ means—

TITLE 10: CRIME

- (a) race;
 - (b) nationality;
 - (c) religion;
 - (d) sex;
 - (e) gender identity;
 - (f) sexuality;
 - (g) age;
 - (h) disability;
 - (i) any other personal characteristic.
- (3) The offence under this section may be tried on either process or indictment.

§4 **Disorderly conduct**

- (1) A person who—
- (a) engages in fighting or tumultuous conduct;
 - (b) makes unreasonable disturbances and continues to do so after being asked to stop;
 - (c) disrupts a lawful assembly of persons
- commits an offence.
- (2) The offence under this section is to be tried on process only.

§5 **Embezzlement**

- (1) A person who fraudulently appropriates to their own use or benefit property or money entrusted to them by another commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§6 **Entrapment**

- (1) A person who lures another person into committing a criminal offence themselves commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§7 **Extortion**

- (1) A person who makes a demand of another person and—
- (a) threatens to act or fail to act if that person does not meet the demand;
 - (b) intimidates that person to make them more likely to meet the demand;
 - (c) makes a false claim of right as to that demand;
- commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§8 **Forgery**

- (1) A person who—
- (a) makes a false instrument, with the intention that they or another will use it to induce somebody to accept it as genuine;

TITLE 10: CRIME

- (b) copies a false instrument with the same intent;
 - (c) knowingly uses a false instrument with the same intent
- commits an offence.

- (2) In this section, 'instrument' means—
- (a) any document;
 - (b) any disc, tape, sound track or other device on or in which information is recorded or stored by mechanical, electronic or other means;
 - (c) any signature.
- (3) The offence under this section is to be tried on indictment only.

§9 **Fraud**

- (1) A person who engages in a deliberate deception to secure unfair or unlawful gain, or to deprive another person of a legal right, is guilty of an offence.
- (2) The offence under this section is to be tried on indictment only.

§10 **Infringement of privacy**

- (1) A person who—
- (a) intrudes on another person's privacy;
 - (b) appropriates the name or likeness of another person;
 - (c) discloses private facts relating to another person;
 - (d) publishes information that places another person in a false light
- commits an offence.
- (2) The offence under this section may be tried on either process or indictment.

§11 **Misappropriation**

- (1) A person who uses the property or funds of another person for their own use or for another unauthorised purpose commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§12 **Theft**

- (1) A person who takes another party's property without permission or legal right and without intending to return it commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§13 **Threat**

- (1) A person who threatens to commit an offence commits an offence.
- (2) The offence under this section may be tried on either process or indictment.

§14 **Trading stolen goods**

- (1) A person who buys or sells goods knowing them to be stolen commits an offence.
- (2) The offence under this section may be tried on either process or indictment.

TITLE 10: CRIME

§15 **Vandalism**

- (1) A person who deliberately destroys or damages public or private property is guilty of an offence.
- (2) The offence under this section may be tried on either process or indictment.

Chapter 3: Offences against the State

§16 **Sedition**

- (1) A person who engages in conduct calculated or tending to undermine public order or the authority of the State commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§17 **Treason**

- (1) A person who engages in the conduct set out in subsection (2) commits an offence.
- (2) The conduct under this subsection is—
 - (a) changing the Constitution by means other than those constitutionally permitted;
 - (b) removing the constitutional authorities of the state from office or making them unable to exercise their authority;
 - (c) causing Abelden to lose sovereignty;
 - (d) separating Abeldane territory from Abelden;
 - (e) providing aid to an enemy of Abelden;
 - (f) waging war on Abelden.
- (3) The offence under this section is to be tried on indictment only.

Chapter 4: Offences of government

§18 **Corruption**

- (1) A person who engages in dishonest or fraudulent conduct for personal gain while holding public office commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§19 **Bribery**

- (1) A person who offers any undue reward to another person, whose ordinary profession or business relates to the administration of public justice, in order to incline them to act contrary to their duty and the known rules of honesty and integrity commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§20 **Disruption of a government venue**

- (1) A person who disrupts any lawful proceedings in a government venue commits an offence.

TITLE 10: CRIME

- (2) The offence under this section is to be tried on process only.

§21 **Gross negligence in public office**

- (1) A person in public office who grossly neglects their duty commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§22 **Misconduct in public office**

- (1) A person in public office who engages in unacceptable or improper behaviour with respect to that office commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§23 **Perjury before executive or legislative authority**

- (1) A person who wilfully asserts as to a matter of fact, opinion, belief or knowledge before executive or legislative authority, such assertion being known by the person to be false, and offered with the intent of misleading the authority, commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§24 **Subversion of democratic procedure**

- (1) A person who acts to subvert the principles, bodies and procedures of Abeldane democracy commits an offence.
- (2) The offence under this section is to be tried on indictment only.

Chapter 5: Offences against justice

§25 **Contempt of court**

- (1) A person who—
 - (a) violates a court order;
 - (b) breaches an undertaking to the court;
 - (c) publishes any statement that creates a real risk that the course of justice may be impaired;
 - (d) disrupts proceedings of the court;
 - (e) disrespects the dignity of the court;commits an offence.
- (2) The principle of strict liability applies to subsection (1)(c).
- (3) The offence under subsection 1 may be tried on process or indictment.

§26 **False allegation**

- (1) A person who alleges publicly, to another person or to a public authority that another person is guilty of a criminal offence while knowing the allegation to be false commits an offence.
- (2) The offence under this section may be tried on either process or indictment.

TITLE 10: CRIME

§27 **Obstruction of justice**

- (1) A person who acts so as to obstruct the fair disposition of any court action is guilty of an offence.
- (2) The offence under this section may be tried on either process or indictment.

§28 **Perjury**

- (1) A person who wilfully asserts as to a matter of fact, opinion, belief or knowledge before a court, such assertion being known by the person to be false, and offered with the intent of misleading the court, commits an offence.
- (2) The offence under this section may be tried on either process or indictment.

Chapter 6: Electoral offences

§29 **Casting multiple votes**

- (1) A person who casts more than one vote in any public election or referendum commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§30 **Preventing lawful voting**

- (1) A person (A) who prevents any person (B) from casting a lawful vote in a public election or referendum against B's wishes or without B's knowledge commits an offence.
- (2) The offence under this section is to be tried on indictment only.

Chapter 7: Security offences

§31 **Espionage**

- (1) A person who obtains, collects, records, publishes or communicates to any other person any secret information which is calculated to be, might be or is intended to be directly or indirectly useful to another state or organisation commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§32 **Impersonation**

- (1) A person who impersonates any other person with the intent that they are regarded as genuine commits an offence.
- (2) The offence under this section is to be tried on indictment only.

§33 **Possession of multiple identities**

- (1) A person who acts under multiple identities with the intent of persuading a party to believe that the identities are separate persons commits an offence.
- (2) The offence under this section is to be tried on indictment only.

TITLE 10: CRIME

§34 **Terrorism**

- (1) A person who—
 - (a) uses violence and intimidation in the pursuit of political or religious aims;
 - (b) distributes any publication supporting or advising on such;
 - (c) acts to support the use of such;commits an offence.
 - (2) The offence under this section is to be tried on indictment only.
-

Chapter 8: Inchoate offences

§35 **Accessory**

- (1) A person who assists in the commission of an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§36 **Attempt**

- (1) A person who attempts to commit an offence is guilty of an offence.
- (2) The offence under this section may be tried on process or indictment.

§37 **Coercion**

- (1) A person who coerces another person into committing an offence is guilty of an offence.
- (2) The offence under this section may be tried on process or indictment.

§38 **Conspiracy**

- (1) A person who conspires to commit an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§39 **Incitement**

- (1) A person who encourages another person to commit an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§40 **Preparation**

- (1) A person who prepares to commit an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.

§41 **Solicitation**

- (1) A person who solicits another person to commit an offence commits an offence.
- (2) The offence under this section may be tried on process or indictment.