

LAW OF GEORGIA

ADMINISTRATIVE PROCEDURE CODE OF GEORGIA

Chapter I - General Provisions for Administrative Procedure

Article 1 - Scope of the Code

1. This Code determines procedures for consideration and resolution of administrative cases by the common courts of Georgia.
2. The provisions of the Civil Procedure Code of Georgia apply to administrative legal proceedings unless otherwise specified by this Code.

Article 2 - Administrative cases under the court's jurisdiction

1. The following may be a matter of administrative dispute in a court:
 - a) compliance of an administrative act with the legislation of Georgia;
 - b) conclusion, fulfilment or termination of a contract under public law;
 - c) an obligation of an administrative body to compensate damages, to issue an administrative act or to perform any other action;
 - d) declaration that an act is null and void, and determination of existence or absence of a right or legal relations.
2. Cases of hospitalisation of persons for involuntary psychiatric treatment shall be tried through administrative legal proceedings in court.
3. Except in the cases under paragraphs 1 and 2 of this article, other cases associated with legal relations deriving from administrative legislation shall also be tried through administrative legal proceedings in court.
4. An administrative body may not file a claim regarding matters the resolution of which falls within its authority.
5. Except as provided for by law, a court shall not admit the claim brought against an administrative body, provided that the claimant has failed to use the possibility to lodge an administrative complaint in accordance with the procedure laid down in the General Administrative Code of Georgia.

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 2270 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 331

Article 3 - A principle of party disposition

1. In administrative legal proceedings, the parties shall exercise rights and have obligations under Article 3 of the Civil Procedure Code of Georgia.
2. An administrative body participating in administrative legal proceedings may conclude an amicable settlement of a case, abandon a claim, or admit a claim only when it does not contradict the legislation of Georgia.

Article 4 - Adversarial and inquisitorial principles of proceedings

When an administrative case is under trial, the parties shall exercise the rights and obligations under Article 4 of the Civil Procedure Code of Georgia; at the same time, the court may *ex officio* decide whether to provide additional information or evidence.

Chapter II - Court Jurisdiction



Article 5 - Cases under the jurisdiction of a district (city) court

1. A district (city) court shall try at first instance administrative cases falling under its substantive jurisdiction, except for the cases provided for by Article 6 of this Code.

2. A district (city) court shall also try at first instance administrative cases in the administrative-territorial units where there is no magistrate judge.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 6 - Administrative cases under the jurisdiction of a magistrate judge

A magistrate judge has jurisdiction to hear at first instance the following cases:

- a) (deleted);
- b) on lawfulness of an individual administrative act provided for by the Administrative Offences Code of Georgia, as defined in the Administrative Offences Code of Georgia;
- b¹) on the administrative offences subject to a court hearing, as defined in the Administrative Offences Code of Georgia and on the basis of a relevant report submitted to the court;
- c) on an issue of state social protection;
- d) on a dispute deriving from the execution of a court decision that has entered into legal force;
- e) on a dispute arising from labour relations in civil service;
- f) on the issuance of an order to inspect an entrepreneur's activity on the basis of a petition of a controlling authority;
- g) on the hospitalisation of a person for involuntary psychiatric treatment on the basis of a request from an appropriate psychiatric or penitentiary facility.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 567 of 25 October 2000 - LHG I, No 39, 10.11.2000, Art. 111

Law of Georgia No 1555 of 21 June 2002 - LHG I, No 26, 30.9.2002, Art. 124

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 1692 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 175

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Law of Georgia No 6091 of 26 April 2012 - website, 10.5.2012

Chapter III - Impartiality, Recusal

Article 7 - Inadmissibility of repeated participation of a judge in hearing

A judge may not participate in hearing of a case if he/she has previously participated in the administrative proceedings regarding the case.

Law of Georgia No 567 of 25 October 2000 - LHG I, No 39, 10.11.2000, Art. 111

Article 8 - (Deleted)

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Chapter IV - Costs of Court Proceedings

Article 9 - State fee



1. A state fee shall not be paid for the claim filed regarding a state social protection, and for the cases provided for in Chapter VII³ of this Code.

1¹. A state fee shall not be paid for the cases provided for in Chapter VII⁹ of this Code.

2. (Deleted).

3. If the case proceedings are terminated, the state fee shall be halved.

4. (Deleted).

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 10 - Payment of costs of court proceedings

1. (Deleted).

2. If an individual administrative act was issued without a proper examination of the case circumstances, the administrative body which issued the individual administrative act shall be obliged to pay the costs of court proceedings even if the decision was rendered for the administrative body.

3. If a party obliged to pay the costs of court proceedings consists of several natural or legal persons, the costs of court proceedings shall be equally divided among them.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 11 - Division of costs of court proceedings where amicable settlement is reached on the case

1. If court proceedings are closed through a settlement, and the parties could not agree on the distribution of court costs, provided none of the parties is exempt from the obligation to pay costs, the court costs shall be equally divided among the parties.

2. Extrajudicial costs shall be paid by each party individually.

Chapter V - Procedural Period; Court Notification and Summons

Article 12 – Commencement of the period for appeal

1. The period for the lodgement of an appeal shall commence only if the judicial act explains to the party the possibility of appeal, the court where the appeal is to be lodged, the address of the court, and the period of and procedure for lodgement of the appeal.

2. If the party has not been notified of the right of appeal or has been notified in violation of paragraph 1 of this article, an appeal may be filed within a year of issuing the judicial act by the court.

3. Where a judicial act does not comply with paragraph 1 of this article, the court, ex officio or at the request of one of the parties, shall rule on compliance of the judicial act with the requirements of this Law. A complaint subject to a time limit may be filed against the ruling.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 13 – Service of summonses and judicial documents on the parties

1. The date of dispatch must be indicated on any summons, document or letter forwarded by a court to the parties or to any other person participating in court proceedings.

2. A court shall communicate to the parties or to their representatives a copy of a decision, ruling or order which is subject to appeal at the court of the same or superior instance. Copies of other judicial acts shall be provided to the parties or their representatives upon their written request. A document communicated to the representative of a party shall be considered communicated to the party, while a document communicated to a party shall be



considered communicated to the representative of the party.

3. A person, who is not registered in Georgia or is registered without indication of an address of residence, shall be obliged upon the request of the court, to appoint another person who is authorised to receive documents.

4. (Deleted).

5. If a document to be communicated by the court is large, the parties or their representatives shall only be notified of the title of the document, and of the right to study the document at the court registry.

6. A party may obtain a copy of the document at its own expense or obtain an excerpt from the court registry.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 13¹ – (Deleted)

Law of Georgia No 932 of 29 December 2004 - LHG I, No 41, 30.12.2004, Art. 208

Law of Georgia No 2361 of 20 December 2005 - LHG I, No 55 27.12.2005, Art. 381

Law of Georgia No 4231 of 29 December 2006 - LHG I, No 50, 30.12.2006, Art. 382

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 13² – Periods for legal disputes under the tax legislation of Georgia

1. The period for hearing a legal dispute arising out of the tax legislation of Georgia before a court of first instance shall not exceed two months between the admission of the statement of claim and the issuance of final decision; however, if the pending case is characterised by special factual or legal difficulties, the court hearing the case may decide to extend the period by not more than two months.

2. The period for hearing a legal dispute arising out of the tax legislation of Georgia before the court of appeals shall not exceed two months between the admission of the statement of appeal and the issuance of final decision.

3. Within 10 days after announcing the operative part of a court decision in the disputes provided for by this article, the court shall prepare a reasoned decision to be communicated to the parties.

Law of Georgia No 1466 of 16 July 2009 - LHG I, No 20, 28.7.2009, Art. 100

Law of Georgia No 3806 of 12 November 2010 - LHG I, No 66, 3.12.2010, Art. 414

Article 13³ – (Deleted)

Law of Georgia No 5643 of 27 December 2011 - website, 12.1.2012

Law of Georgia No 486 of 25 March 2013 - website, 5.4.2013

Chapter VI - Parties to Administrative Proceedings

Article 14 - Participants to administrative proceedings

1. In addition to the persons, provided for by Article 79 of the Civil Procedure Code of Georgia, an administrative body that issued an administrative legal act or performed an act of legal importance shall participate in administrative proceedings.

2. The state shall be responsible for actions taken and decisions made by a private person on the basis of authority delegated to such person by a state administrative authority or the State.

Article 15 - Participation in administrative proceedings through a representative

1. If a party is a state or local self-government body, its head or an official, to whom the right of representation under the legislation of Georgia has been delegated, shall represent it in the court.

2. A state or local self-government body shall be entitled to appoint an official or a public servant employed at the administrative body as its



representative in administrative proceedings, as provided for by the legislation of Georgia.

3. A state or local self-government body shall be entitled to appoint an attorney as its representative.

4. If the value of a matter of dispute exceeds GEL 500 000 and/or the case is especially complicated in terms of factual or legal circumstances, an executive authority shall apply to the Ministry of Justice of Georgia, which is authorised to require appointment of an official or a public servant of the Ministry as a representative of that authority in the administrative proceedings (except for disputes arising under the tax legislation of Georgia). In this case, with the consent of the Ministry of Justice of Georgia, the executive authority shall be entitled to delegate the right of representation in the proceedings to an official or a public servant employed at that authority.

5. In the cases provided for by paragraph 4 of this article, an employee of the Prosecutor's Office of Georgia may not be appointed as a representative of the executive authority.

6. In the cases provided for by paragraph 4 of this article, the procedure and times for applying to the Ministry of Justice of Georgia, for circulating case materials and for appointing a representative shall be determined by an order of the Minister of Justice of Georgia.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 1131 of 27 March 2009 - LHG I, No 9, 13.4.2009, Art. 31

Law of Georgia No 1692 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 175

Law of Georgia No 3806 of 12 November 2010 - LHG I, No 66, 3.12.2010, Art. 414

Law of Georgia No 4463 of 22 March 2011 - website, 1.4.2011

Article 16 - Involvement of third persons in administrative proceedings

1. Before the closure of main hearing, the court may inform the person, whose interests may be affected by a court decision, about the commencement of administrative proceedings, and involve the person as a third party in the case.

2. A third person must be involved in the case if the person is a party to the legal relation, regarding which the decision of the court may only be common. If more than 10 persons are parties to the legal relation, the court shall involve in the case only the persons who express the desire to be involved.

2¹. Any interested person may apply to a court with the request to be involved in the case as a third party, according to paragraph 1 or 2 of this article.

2². Under paragraph 1 or 2 of this article, a third person may be involved in the case on the initiative of one of the parties, in support of which such party shall submit a reasoned statement to the court.

2³. A complaint subject to a time limit may be lodged against the court ruling rejecting involvement of a third person in a case.

3. A court ruling involving a person in the case as a third party shall be communicated to the parties and to third parties; if more than 10 persons are involved in the administrative legal proceedings as third parties, the ruling may be published instead of being communicated.

4. A court ruling involving a person as a third party in a case may not be appealed. A court ruling with regard to paragraph 2 of this article may be appealed only by a person who has been involved in the case.

5. A third person determined by paragraph 2 of this article shall exercise all the rights of a claimant (defendant) and shall undertake all the obligations of a claimant.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Chapter VII - Judicial Evidence

Article 17 - Burden of proof

1. A claimant shall be obliged to support his/her/its claim and to present appropriate evidence. A defendant shall be obliged to present a written response (statement of defence) and appropriate evidence.

2. Unless otherwise provided for by the law, in the case of filing an action to declare an administrative act null and void, annul an act, or invalidate an act, the burden of proof shall rest with the administrative body issuing the act.

Law of Georgia No 567 of 25 October 2000 - LHG I, No 39, 10.11.2000, Art. 111

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244



Article 18 - (Deleted)

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 19 - Gathering evidence by the court

1. In addition to the authority granted under Article 103 of the Civil Procedure Code of Georgia, a court may ex officio gather factual circumstances and evidence.
2. Before the factual circumstances have been used and the evidence is verified, a party shall have the right to present its own opinion on them.
3. A court shall be authorised to determine additional time for a party to submit evidence.
4. If a party fails to personally obtain and submit evidence to the court with a reasonable excuse, it shall notify the court not later than the working day preceding the day of the trial.
5. If an administrative body fails to submit evidence with a reasonable excuse, the court shall fine the respective official of the administrative body by GEL 200, which shall not exempt him/her from the obligation to further submit the evidence. In this case the court may shall be authorised to recommend the head of the administrative body or a higher administrative body to determine the reasons for failing to submit the evidence to the court and to take appropriate disciplinary measures against that official.

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 20 - Obligation of an administrative body to submit information to the court

Upon the court's request, an administrative body shall be obliged to submit to the court the documents and other information necessary for considering and resolving the case.

Law of Georgia No 1063 of 14 September 2001 - LHG I, No 26, 1.10.2001, Art. 110

Article 20¹ – Considering classified information by the court

1. A court (a judge) shall consider a case for verifying the lawfulness of classifying the public information at a closed session without attendance of the parties.
2. The parties shall not be notified of the information determined by paragraph 1 of this article.
3. A decision regarding the case provided for by this article shall not include data that may disclose classified information.

Law of Georgia No 1063 of 14 September 2001 - LHG I, No 26, 1.10.2001, Art. 110

Article 21 – The right to read judicial acts

1. Unless otherwise provided for in this Code, persons participating in a case may read judicial acts, as well as materials submitted to the court in relation to the case, at the court registry.
2. A party shall be entitled to obtain copies of judicial acts and other materials related to an administrative case through the court registry. Expenses of making copies of documents shall be borne by the party. No other payments may be required for making a copy.
3. The parties shall not read draft judicial acts, as well as other preparatory materials.

Chapter VII¹ - Administrative Legal Proceedings Regarding Inspection of an Entrepreneur's Activities

Law of Georgia No 925 of 8 June 2001 - LHG I, No 18, 28.6.2001, Art. 60

Article 21¹ – A judge's order to inspect an entrepreneur's activities

A district (city) court judge or a magistrate judge, according to the location of the entrepreneur, shall, based on a petition of a controlling body, issue an



order regarding inspection of an entrepreneur's activities.

Law of Georgia No 1063 of 14 September 2001 - LHG I, No 26, 1.10.2001, Art. 110

Law of Georgia No 925 of 8 June 2001 - LHG I, No 18, 28.6.2001, Art. 60

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 21² – A petition of a controlling body

1. A petition of a controlling body shall be submitted to a judge prior to commencing an inspection of an entrepreneur.
2. If an immediate and direct threat may be posed to state security, human life or health, or the evidence, a controlling body shall be entitled to suspend operation of an enterprise regarding the subject of inspection and immediately submit a petition to a judge. If operation of an enterprise cannot be suspended, or suspension significantly damages the enterprise, or the entrepreneur requires it, the controlling body shall be authorised to commence inspection of the entrepreneur and submit an appropriate petition to a judge within 24 hours. Upon submitting the petition the controlling body must justify the urgent necessity of the inspection.
3. The petition of a controlling body regarding inspection of an entrepreneur's activities shall include sufficient grounds for issuing an order. The petition shall accurately indicate the data of the entrepreneur to be inspected, as well as the time, nature and scope of the inspection.

Law of Georgia No 925 of 8 June 2001 - LHG I, No 18, 28.6.2001, Art. 60

Law of Georgia No 801 of 19 December 2008 - LHG I, No 40, 29.12.2008, Art. 263

Article 21³ – Resolving the issue of inspection of an entrepreneur's activity

1. Based on a petition of a controlling body, a judge shall render a decision within 72 hours after submitting the petition.
2. A judge shall review a petition submitted by a controlling body at his/her personal discretion. The judge shall be authorised to consider the petition, submitted by a controlling body, without an oral hearing, regarding which he/she shall notify the entrepreneur, whose inspection has been required by the controlling body, or his/her representative, and provide the entrepreneur or his/her representative with respective materials not later than 24 hours after submitting the petition. If the judge concludes that the circumstances indicated in the petition must be investigated, he/she shall be authorised to review the petition in an open session of the court, except for the cases determined by Article 5(4) of the Law of Georgia On Control of Entrepreneurial Activity. The parties must be notified regarding the hearing not later than 48 hours after submitting the petition to the court. The matter provided for by Article 5(4) of the Law of Georgia on Control of Entrepreneurial Activity shall be considered according to the procedure determined by Article 20¹ of this Code. An entrepreneur or his/her representative shall be entitled to present his/her opinion in writing to the court within 24 hours after receiving the notification of the inspection and the case materials.
3. A judge shall be entitled to summon and interrogate a person whose testimony (information) justifies the petition, as well as to suggest that the controlling body, that has submitted the petition, and the entrepreneur submit documents and material evidence necessary to verify the justification of the petition.
4. An oral hearing on a petition shall be opened by the judge's speech stating what kind of petition is being considered, after which the judge shall hear justified arguments of the controlling body regarding the inspection and ask the controlling body questions. The entrepreneur or his/her representative may give explanations and state contradicting opinions. Based on the judge's permission, the entrepreneur or his/her legal representative may ask questions to the representative of the controlling body, who shall be obliged to answer the judge's and the entrepreneur's or his/her legal representative's questions. A hearing on a petition shall not be postponed due to the absence of the parties.
5. (Deleted).
6. A record of proceedings shall be drawn up at the court session. After verifying the justification of the petition, the judge shall issue a reasoned order regarding the inspection of an entrepreneur's activity. If the inspection of the entrepreneur has already been commenced, and the court refuses to inspect the entrepreneur's activity, the order shall indicate the information on termination of the inspection and on the payment of damages incurred by the entrepreneur, provided the damage was caused by a guilty act (*actus reus*) of the controlling body.
7. A judge's order on the inspection of an entrepreneur's activity shall indicate:
 - a) the date and place of drawing up the order
 - b) the surname of the judge
 - c) the controlling body that submitted the petition to the judge
 - d) the decree on inspection of an entrepreneur's activity, its essence, and the entrepreneur who is being inspected
 - e) the period of validity of the order and time for inspection of the entrepreneur's activity, which must not exceed 15 days
 - f) the official or the body, authorised to execute the order
 - g) the signature of the judge and the seal of the court.



8. If the court does not agree to inspect the entrepreneur's activity, the order shall indicate:

a) the date and place of drawing up the order

b) the surname of the judge

c) the controlling body that submitted the petition to the judge

d) the decree on rejection of inspection of the entrepreneur's activity with an appropriate justification, and the entrepreneur, whose inspection was rejected

e) the official or the body authorised to execute the order

f) the signature of the judge and the seal of the court.

9. A judge's order shall be drawn up in three copies, one of which shall be forwarded to the controlling body having submitted the petition; the second copy shall be forwarded to the entrepreneur or his/her representative, and the third copy shall remain in the court.

10. Based on recently found or revealed circumstances, an entrepreneur or his/her representative shall be entitled to submit a petition, on cancelling the judge's order regarding inspection of the entrepreneur's activity, to the court, whose judge issued an order regarding inspection of the entrepreneur's activity, within three days after the above circumstances became known to him/her. The petition shall be reviewed according to the procedure determined by this article. If the petition is granted, the judge's order shall be annulled.

11. (Deleted).

12. The validity of an order and time for inspecting an entrepreneur's activity shall not exceed 15 days. In exceptional cases, on the basis of a reasoned petition, the above times may be extended by not more than 15 days. At the same time, if the entrepreneur's annual turnover exceeds GEL 1 million, the above-mentioned 30-day time may be extended by not more than 40 days. A petition of the controlling body regarding the extension of the time for inspecting an entrepreneur's activity shall be considered according to the procedure determined by this article.

13. A person submitting a petition shall be entitled to withdraw the petition within 24 hours after submission or during the hearing on the petition, before the judge enters the deliberation room. The repeated submission of a petition to the court on the same grounds shall be inadmissible.

14. A judge's order shall enter into force after the expiry of the time determined for appealing the order. Appealing an order shall suspend the order. Judge's order may be appealed at the court of the appellate instance within 48 hours, according to the procedure determined by this article.

15. An appeal regarding annulment of a judge's reasoned order shall be submitted to the court having issued the order within 48 hours after delivering a copy of the order to the party. The judge shall immediately forward the appeal, together with the case materials, to the court of the appellate instance. Copies of the appeal and attached materials shall be forwarded to the other party.

16. An appeal shall be heard at the court of the appellate instance collegially, according to the procedure established for hearing at the court of the first instance.

17. The court of the appellate instance shall annul the appealed order by issuing an order.

18. An order of the court of the appellate instance shall be final and not subject to appeal.

Law of Georgia No 925 of 8 June 2001 - LHG I, No 18, 28.6.2001, Art. 60

Law of Georgia No 1063 of 14 September 2001 - LHG I, No 26, 1.10.2001, Art. 110

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 878 of 26 December 2008 - LHG I, No 41, 30.12.2008, Art. 313

Chapter VII² - (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21⁴ - (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285



Article 21⁵ – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 2266 of 16 December 2005 - LHG I, No 55, 27.12.2005, Art. 369

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21⁶ – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21⁷ – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21⁸ – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21⁹ – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 1352 of 20 April 2005 - LHG I, No 19, 28.4.2005, Art. 124

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21¹⁰ – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Article 21¹¹ – (Deleted)

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Chapter VII³ - Administrative Legal Proceedings regarding Elimination of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Article 21¹² – Application to a court and the issue of limitation of authority of a parent/legal representative

1. In the case of domestic violence, a victim (a domestic violence presumed victim) or his/her family member, and in the case of violence towards a minor – a guardianship authority shall be entitled to apply to the court.



2. In the case of domestic violence, a person, who provides medical, legal and psychological assistance to the victim, shall have the right to apply to the court, only with the consent of the victim.
3. In the case of legal proceedings regarding a fact of domestic violence towards a minor, at each stage of the legal proceedings, including interrogation (questioning), the best interests of the minor shall be taken into consideration, suitable to his/her age and level of development.
4. During administrative legal proceedings regarding issuing a protection or restraining order, questioning a minor (getting explanations from a minor) – a domestic violence victim in the presence of a parent (parents) being the presumed perpetrator/legal representative (representatives), shall be unacceptable; presence of a parent/legal representative at the interrogation (questioning) of a minor, if there is doubt concerning his/her impartiality deriving from the nature of the relations between the perpetrator family member and the parent/legal representative, or due to any other conflict of interest, shall also be unacceptable, as well as providing him/her (them) with or forwarding to them the testimony (transcript of interrogation, explanations) given by the minor.
5. The right of a parent/legal representative to be the child's representative in an administrative proceedings shall be considered suspended during the court proceedings, until a final decision has been rendered, provided the parent/representative is an assumed perpetrator, or there is doubt concerning his/her impartiality deriving from the nature of the relations between the perpetrator family member and the parent/legal representative, or due to any other conflict of interest.
6. If the rights of a parent/legal representative have been suspended, the court shall rule on bring a guardianship authority as a party in the legal case regarding a child whose both parents/a legal representative's parental rights or obligations have been restricted. The guardianship authority shall appoint a representative of the child who will defend the interests of the child during the trial.

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Law of Georgia No 2699 of 17 October 2014 - website, 31.10.2014

Article 21¹³ – Issuance and appeal of a protection order

1. In order to ensure the protection of a victim and restriction of a perpetrator from certain actions, a court may issue a protection order as a provisional measure, based on an application of a person responsible for prompt response to domestic violence.
2. Unless otherwise determined by this chapter, the application requiring issuance of a protection order shall be considered by a court of the first instance, according to the place of residence of the victim, as provided for by this Code.
3. An application requiring issuance of a protection order shall be submitted in writing. The application shall include:
- a) the name and surname of the person submitting the application
 - b) the address of the person submitting the application
 - b¹) the address of a perpetrator's place of residence and/or work and a telephone number (including a mobile phone number), if any
 - c) description of the fact of domestic violence
 - d) information regarding the perpetrator and the victim and their relationship
 - e) a list of evidence
 - f) a requirement to issue a protection order
 - g) a signature of the victim or any other person authorised to require issuance of a protection order.
4. The court shall consider the application within 10 days after its registration at the court registry according to the established procedure, and shall render a decision to issue, annul, or extend the period of validity or reject the issuance of a protection order.
5. The court shall, within 24 hours after registering the application at the court registry according to the established procedure, forward the application and the attached materials to the person regarding whom the application has been submitted and grant him/her the right to submit evidence. The person, regarding whom the application has been submitted, shall be entitled to respond to the issues indicated in the application in writing and to submit evidence within three days after receiving the summons.
- 5¹. A judge shall be entitled to review a case at a closed session on the party's (in the case of a minor – a guardianship authority's) or his/her own initiative.
- 5². In the cases provided for by the Law of Georgia on Elimination of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence a court shall also consider the issue of relationship of a perpetrator parent/parents with a minor. In the case of any evidence of violence against a minor, the issue of separation of the minor from perpetrator parent/parents may be raised in the court. Concerning the above, before rendering a final decision, the court shall issue a decree as a provisional measure within 24 hours after the application.
6. Under this chapter, a decision rendered by a court of the first instance may be appealed to the court of appeals within three days after delivering a reasoned decision to the party. The appeal shall not suspend an issued protection and/or restraining order. The court of appeals shall render a decision regarding the appeal within seven days after the appeal has been submitted, as provided for by this chapter. The decision of the court of appeals shall be



final and not subject to appeal.

7. Failure of the parties to appear at the court shall not hinder consideration of the issues provided for by this article.

7¹. A court decision regarding elimination of domestic violence, protection of and assistance to domestic violence victims shall be forwarded to the parties within 24 hours after having been rendered. In order to respond to the violation of requirements and obligations, determined by a protection order, a court decision regarding protection of and assistance to victims of domestic violence shall also be forwarded, according to the place of residence of the victim, to an appropriate District Office of the territorial body of the Ministry of Internal Affairs of Georgia; if the issues provided for by a protection order involve a minor, the court decision shall be forwarded to an appropriate local guardianship authority, and if a court decision is rendered regarding issues related to weapons, it shall be forwarded to an appropriate office of the Ministry of Internal Affairs of Georgia.

8. (Deleted).

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Article 21¹⁴ – Issuance and appeal of a restraining order

1. In order to ensure the protection of a victim and restriction of a perpetrator from certain actions, a restraining order may be issued as a provisional measure by an authority responsible for prompt response to domestic violence.

2. A restraining order shall be an act issued by an authorised police officer, determining provisional measures for protecting a victim of domestic violence.

3. A restraining order shall be submitted to the court for approval within 24 hours after its issuance.

4. Within 24 hours after submitting a restraining order for approval, the court shall consider the appropriateness of the issuance of the order and shall render a decision on approval, rejection or partial approval of the order. Failure of the authorised police officer, that has issued the restraining order, or of any other person participating in the legal proceedings to appear at the court shall not hinder the trial and rendering of a decision on the issue provided in this paragraph.

5. A court decision on approval of a restraining order shall contain a detailed description of the restrictions imposed on the perpetrator and the measures determined for protecting the victim.

6. The court shall, ex officio or upon the request of an authorised police officer or of any other person participating in the legal proceedings, determine the term of validity of a restraining order, which shall not exceed one month.

7. In order to respond to the violation of the requirements and obligations determined by a restraining order, the court decision approving the restraining order shall enter into force upon announcement and shall be forwarded to the parties participating in the legal proceedings, as well as, according to the place of residence of the victim, to an appropriate District Office of the territorial body of the Ministry of Internal Affairs of Georgia, within 24 hours after entry into force; if the issue, provided for by a restraining order involves a minor, the court decision shall be forwarded to an appropriate local guardianship authority, and if a court decision is rendered regarding issues related to weapons, it shall be forwarded to an appropriate office of the Ministry of Internal Affairs of Georgia.

8. If signs of a crime, provided for by the Criminal Code of Georgia are present during considering the issuance of a restraining order, the case materials shall, according to their jurisdiction, be forwarded to an appropriate body for resolving the issue of criminal prosecution .

9. A court decision regarding a restraining order issued by an authorised body shall be rendered, and a decision, rendered by a court, shall be appealed according to the procedure determined by this chapter.

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

*Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7**Law of Georgia No 2699 of 17 October 2014 - website, 31.10.2014*

Article 21¹⁵ – Issues to be determined by a protection or restraining order

1. A protection or restraining order shall be written in a language of judicial proceedings, and shall be clear and understandable. The orders may be handwritten or printed by means of technical tools.

2. A protection or restraining order shall include:

a) date and place of issuance of the order

b) the circumstances, based on which the order was issued

c) the name, surname, date and place of birth, profession and place of residence of the perpetrator

d) an enumeration of actions, determined by paragraphs 3 and 4 of this article, forbidden for the perpetrator.

3. A protection order may provide for:



- a) measures for protecting the victim, or a person depending on him/her, from the perpetrator;
- b) the issues of separating the victim or a person depending on him/her from the perpetrator and of their placement in a shelter;
- b¹) keeping the perpetrator away from the place of residence of the victim;
- c) an obligation of the perpetrator not to restrict the victim in using personal belongings, a car or other property necessary for a person to lead normal life;
- d) forbidding the perpetrator to unilaterally use the property in joint ownership;
- e) the issues regulating separation of the perpetrator from the minor, their meetings and their relationship;
- f) the issues of approaching the victim, his/her workplace, or other places, where the victim may be staying, by the perpetrator;
- g) restriction or prohibition to the perpetrator to use weapons (including service weapons) during the period of validity of the order, or a period specified by the order, prohibition to purchase or obtain a permit or a licence to purchase weapons during that period and conditions for keeping the weapons (including personal weapons) personally possessed by and/or belonging to the perpetrator, or for their temporary seizure;
- h) the issues related to bearing expenses of the victim's treatment, his/her stay at the shelter, and other reasonable expenses, by the perpetrator;
- i) the issues related to placing the perpetrator in a rehabilitation facility, his/her rehabilitation measures and supervision of the rehabilitation;
- [i¹) the issue of undergoing, by the perpetrator, of a mandatory training course oriented on changing violence attitudes and violent behaviour; (*shall come into force as from 1 September 2015*)]
- j) a warning regarding the liabilities determined by the legislation of Georgia in the case of violation of the order;
- k) other issues necessary to ensure the victim's security.

4. A restraining order, signed by a person authorised to issue such an order and by the victim, may provide for:

- a) keeping the perpetrator from the house, where the victim lives, regardless whether the perpetrator is the owner of that house or not;
- b) the issues of separating the victim or a person depending on him/her from the perpetrator, and their placement in a shelter;
- c) forbidding the perpetrator to unilaterally use property in joint ownership;
- d) the issues related to separating the perpetrator from the minor;
- e) the issues of approaching the victim, his/her workplace, or other places, where the victim may be staying, by the perpetrator;
- f) restriction or prohibition to the perpetrator to use weapons (including personal weapons) during the period of validity of the order, or the period specified in the order, prohibition to purchase or obtain a permit or a licence to purchase weapons during that period and conditions for keeping the weapons (including personal weapons) personally possessed by and/or belonging to the perpetrator, or for their temporary seizure;
- f¹) a warning regarding the liabilities determined by the legislation of Georgia in case of violation of the order;
- g) other issues necessary to ensure the victim's security.

5. Taking into consideration the adequacy of the act of violence, one or all of the issues provided in paragraphs 3 and 4 of this article may be indicated in an issued respective order.

5¹. The term of validity of a protection and restraining order shall be determined under the Law of Georgia on Elimination of Domestic Violence, Protection of and Assistance to Victims of Domestic Violence.

6. Unless otherwise provided for by the law, a protection order shall be drawn up in at least four copies, one of which shall be delivered to the perpetrator, the second copy shall be given to the victim, the third copy shall remain with the body having issued the order, and the fourth copy shall be forwarded, according to the place of residence of the victim, to the respective District Office of the territorial body of the Ministry of Internal Affairs of Georgia. If the issue, provided for by a protection order, involve a minor, one copy of the order shall be forwarded to an appropriate local guardianship authority, and if a court decision is rendered regarding issues related to weapons, one copy of a protecting and restraining order shall be forwarded to an appropriate office of the Ministry of Internal Affairs of Georgia. A court decision regarding a protecting order shall be delivered to the parties according to the procedure, determined in this Code.

6¹. Unless otherwise specified by law, a restraining order shall be drawn up in at least four copies, one of which shall be delivered to the perpetrator, the second copy shall be delivered to the victim, the third copy shall remain with the body having issued the order, and the fourth copy shall be forwarded to the court for performing further legal procedures, provided for by the legislation of Georgia.

7. A protection or restraining order shall enter into force upon issuance.

Law of Georgia No 3146 of 25 May 2006 - LHG I, No 20, 9.6.2006, Art. 174

Law of Georgia No 2510 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 7

Law of Georgia No 2699 of 17 October 2014 - website, 31.10.2014



Article 21¹⁶ – A judge's order regarding hospitalisation of a person for involuntary psychiatric treatment

1. A magistrate judge, and at administrative-territorial units, where a magistrate judge is not presiding, a judge of a district (city) court, according to the location of the psychiatric facility or penitentiary institution, shall issue an order on hospitalisation of a person for involuntary psychiatric treatment, on the basis of an application of an appropriate psychiatric facility or penitentiary institution administration.

2. A judge shall consider the issue of hospitalisation of a person for involuntary psychiatric treatment and shall issue an order, under the procedure determined by this chapter.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Article 21¹⁷ – Applying to a court or to a judge regarding hospitalisation of a person for involuntary psychiatric treatment

1. The administration of a psychiatric facility or a penitentiary institution, where a patient/prisoner is placed, shall apply to a magistrate judge or a district (city) court to issue an order regarding hospitalisation of a person for involuntary psychiatric treatment.

2. The administration of a psychiatric facility or a penitentiary institution shall apply to a magistrate judge or a district (city) court to issue an order within 48 hours after hospitalisation of a patient/prisoner or after receiving a positive opinion from an authorised expert institution.

3. Application of the administration of a psychiatric facility or a penitentiary institution shall be well-reasoned and shall be based on the opinion of the psychiatric committee or of an authorised expert institution accordingly, which must be attached to the application of a psychiatric facility or a penitentiary institution administration together with the patient's/prisoner's identification documents (a passport, an identity card, a marriage certificate, etc.), if any. If a person hospitalised for involuntary psychiatric treatment cannot be identified (name, surname, age, gender, citizenship, address of the place of residence of the person are not known) due to the absence of his/her identity documents, a record of proceedings drawn up by a police officer under Article 19(3) of the Law of Georgia on Psychiatric Care shall be attached to the application of the psychiatric facility.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Article 21¹⁸ – Considering a case and issuing an order regarding hospitalisation of a person for involuntary psychiatric treatment

1. A judge shall consider a case of hospitalisation of a person for involuntary psychiatric treatment and shall render a decision within 24 hours after the submission of an appropriate application.

2. A judge shall review a case of hospitalisation of a person for involuntary psychiatric treatment at his/her own discretion at a closed session. Only the persons involved in the treatment process of the patient/prisoner, as well as persons whose participation is necessary for ensuring administrative legal proceedings, shall be entitled to attend the hearing. A representative of the psychiatric facility or penitentiary institution administration, as well as at least one member of the appropriate psychiatric committee, a patient/prisoner and his/her attorney accordingly shall participate in the hearing. If a patient/prisoner cannot afford to hire an attorney, the court shall be obliged to assign an attorney for him/her at the expense of the State. A representative of a patient/prisoner, or in the case of his/her absence – a relative of a patient/prisoner (in this case, the term 'relative of a patient' means a group of people determined by Article 4(h) of the Law of Georgia on Psychiatric Care) shall also participate in the hearing. In special cases, when a patient/prisoner cannot attend the court hearing due to his/her illness or any other objective reasons, the judge shall conduct a court hearing regarding hospitalisation of a person for involuntary psychiatric treatment at the inpatient treatment facility where the patient/prisoner is placed.

3. After opening the hearing, the judge shall announce the application which will be considered, indicate parties to the proceedings, and ascertain whether there are any recusals. The representative of a psychiatric facility or penitentiary institution administration respectively shall justify the application submitted by him/her and then answer the questions asked by the judge, by the patient/prisoner and by the attorney, legal representative and/or relative of the patient/prisoner. Failure of a legal representative and/or relative of the patient/prisoner to appear at the court hearing shall not be a basis for postponing the consideration of the application.

4. The judge shall have the right to summon and interrogate the members of the psychiatric committee, whose opinion served as the basis for applying to the court by the psychiatric facility or penitentiary institution administration, as well as other persons whose testimony (information) justifies the application. The patient/prisoner, his/her attorney, legal representative and/or relative shall be entitled to require interrogation of other persons, whose testimony may be of fundamental importance for the case. The patient/prisoner, his/her attorney, legal representative and/or relative shall have the right to give explanations to the court and to state contradictory opinions.

5. A record of proceedings shall be drawn up at the court hearing. After verifying the justifiability of the application and evaluating the grounds determined by Article 18(1) of the Law of Georgia on Psychiatric Care, the judge shall issue a justified order regarding hospitalisation of a person for involuntary psychiatric treatment until exhaustion of the involuntary treatment criteria, but for not more than six months.

6. In the case of absence of legal grounds for hospitalisation of a person for involuntary psychiatric treatment, the judge shall make a ruling on rejecting



hospitalisation of a person for involuntary psychiatric treatment. In this case a person hospitalised for involuntary psychiatric treatment must be immediately discharged from the inpatient care facility.

7. A judge's order regarding hospitalisation of a person for involuntary psychiatric treatment shall indicate:

- a) the date and place of issuance of the order;
- b) the surname of the judge;
- c) the psychiatric facility or penitentiary institution, whose administration applied to the court;
- d) parties to the court proceedings;
- e) an appropriately justified decree on hospitalisation of a person for involuntary psychiatric treatment and the identity of the person to be hospitalised (if such a person cannot be identified due to the absence of his/her identifying documents, facts, or data, 'unidentified patient No ...' shall be indicated in the judge's order, and a conditional number shall be assigned to him/her, according to the registration number of the administrative case considered);
- f) the term of validity of the order on hospitalisation of a person for involuntary psychiatric treatment, which must not exceed six months. As a rule, the order shall indicate that it shall be valid until the exhaustion of involuntary treatment criteria determined by the psychiatric committee on the basis of the respective opinion;
- g) a psychiatric facility (its head), which shall carry out the order;
- h) the signature of the judge and the seal of the court.

8. A judge's ruling on rejecting hospitalisation of a person for involuntary psychiatric treatment shall indicate:

- a) the date and place of rendering the ruling;
- b) the surname of the judge;
- c) the psychiatric facility or penitentiary institution whose administration applied to the court;
- d) parties to the court proceedings;
- e) an appropriately justified decree rejecting hospitalisation of a person for involuntary psychiatric treatment and the identity of the person, who was to be hospitalised (if such a person cannot be identified due to the absence of his/her identifying documents, facts or data, 'unidentified patient No ...' shall be indicated in the order issued by the judge, and a conditional number shall be assigned to him/her, according to the registration number of the administrative case considered);
- f) the psychiatric facility (its head), which shall carry out the ruling;
- g) the signature of the judge and the seal of the court.

9. A judge's order (ruling) shall be prepared in three copies, one of which shall be forwarded to the psychiatric facility that submitted the application, the second copy shall be forwarded to the patient, his/her legal representative or relative, and the third copy shall remain with the court.

10. A psychiatric facility administration shall have the right to withdraw its application during the hearing, before the judge enters the deliberation room.

11. A judge's order (ruling) shall enter into force upon its announcement to the parties.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 2270 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 331

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Article 21¹⁹ – The term of validity and extension of the term of validity of a judge's order regarding hospitalisation of a person for involuntary psychiatric treatment

1. A judge's order regarding hospitalisation of a person for involuntary psychiatric treatment shall be valid until the exhaustion of the involuntary treatment criteria, confirmed by the opinion of the psychiatric committee, but for not more than six months. This term of validity shall not apply to patients who serve a sentence at appropriate medical (treatment) facilities. Counting the time for hospitalisation shall commence from the moment of hospitalisation of a person.

2. Proceeding from the mental condition of the patient, and if the grounds determined by Article 18(1) of the Law of Georgia on Psychiatric Care are present, the term of validity may be extended by not more than six months on the basis of a justified application of a psychiatric facility administration. After the expiry of each extended period, the psychiatric facility administration shall be entitled to re-apply to the court to require another extension of the term of validity, unless the involuntary treatment criteria of the patient are exhausted. An application of the psychiatric facility administration regarding extension of the period of hospitalisation of a person for involuntary psychiatric treatment shall be considered under the procedure determined by Article 21¹⁸ of this Code, within 72 hours after submission of an appropriate application by the psychiatric facility administration.

3. If the involuntary treatment criteria of a patient are exhausted before the expiry of a six-month term of validity of a judge's order regarding hospitalisation of the person for involuntary psychiatric treatment and/or extension of the period of hospitalisation of the person for involuntary



psychiatric treatment, the patient must be immediately discharged from the inpatient treatment facility. The psychiatric facility administration, on the basis of the opinion of the psychiatric committee, shall make a decision to release the patient from inpatient treatment facility, regarding which the magistrate judge and/or the appropriate district (city) court must be immediately notified.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 2270 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 331

Article 21²⁰ – Appealing a judge’s order (ruling) regarding hospitalisation of a person for involuntary psychiatric treatment

1. A psychiatric facility or penitentiary institution administration, a patient/prisoner, his/her attorney and/or relative may appeal a judge’s order (ruling) regarding hospitalisation of the person for involuntary treatment at the court of appeals, according to the procedure determined by this article.

2. An appeal concerning the annulment of a judge’s justified order (ruling) shall be filed with the court that issued (made) the order (ruling) within 48 hours after a copy of the order (ruling) has been delivered to the party. The judge shall immediately forward the appeal, together with the case materials, to the court of appeals. Copies of the appeal and attached materials shall also be forwarded to the other party.

3. Appealing a judge’s order (ruling) to the court of appeals shall not suspend the order (ruling).

4. An appeal shall be heard on the merits by a panel at the court of appeals within one week after submission, as provided for by Article 21¹⁸ of this Code; at the same time, while considering the appeal, the court shall have the right to schedule an additional forensic psychiatric expert examination, based on its own initiative or the requirement of the parties, in order to determine the patient's mental condition. The additional forensic psychiatric expert examination shall be conducted at the expense of the State, except for cases when one of the parties participating in the proceedings requires that the examination be scheduled.

5. An appellate court shall annul an appealed order by an order and an appealed ruling – by a ruling.

6. An order (ruling) of an appellate court shall be final and not subject to appeal.

Law of Georgia No 3452 of 14 July 2006 - LHG I, No 30, 27.7.2006, Art. 236

Law of Georgia No 3526 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 289

Chapter VII⁵ - Administrative Legal Proceedings regarding Sale of a Taxpayer's Seized Property by Tax Authorities

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Article 21²¹ – A judge’s order on sale of a taxpayer's seized property

A district (city) court judge, according to the taxpayer's location, shall, on the basis of a petition of a tax authority, issue an order regarding selling the taxpayer's seized property.

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Article 21²² – A petition of a tax authority

A petition of a tax authority must be justified and must include accurate data regarding the taxpayer.

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Article 21²³ – Procedure for resolving the issue of selling a taxpayer's seized property

1. Based on a petition of a tax authority, a judge shall issue an order within 14 days after submission of the petition.

2. A judge shall consider a petition, submitted by a tax authority, at his/her own discretion. A representative of the tax authority and the taxpayer, or his/her representative, issuance of an order on sale of the seized property of which the tax authority requires (except when the parties cannot be located) shall participate in the court hearing of the petition.

3. Failure of the parties to appear at or inability to invite them to a hearing shall not cause postponement of the hearing on the tax authority's petition.

4. After verifying the justifiability of a tax authority's petition, the judge shall issue an order granting or rejecting the petition regarding selling the taxpayer's seized property, which shall indicate:

a) the date and place of drawing up the order

b) the surname of the judge



- c) the tax authority submitting the petition to the judge
- d) the tax authority authorised to execute the order
- e) the decree on granting or rejecting the petition regarding selling the taxpayer's seized property at an auction
- f) the signature of the judge and the seal of the court.

5. A judge's order shall be drawn up in three copies, of which one shall be forwarded to the tax authority submitting the petition, the second copy shall be forwarded to the taxpayer, and the third copy shall remain with the court.

6. A judge's order to sell seized property shall enter into force after the expiry of the time determined for appealing the order. Appealing the order shall suspend the order.

7. An appeal to annul a judge's justified order shall be submitted to the court having issued the order within 48 hours after delivering a copy of the order to the party. The judge shall immediately forward the appeal, together with the case materials, to the court of the appellate instance.

8. An appeal shall be reviewed at the court of appeals within 10 days after submission.

9. An order of the appellate court shall be final and not subject to appeal.

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Chapter VII⁶ - Administrative Legal Proceedings on Granting Refugee Status or Humanitarian Status or Granting Asylum

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Law of Georgia No 5371 of 6 December 2011 - website, 20.12.2011

Article 21²⁴ – Application to a court

A refugee or humanitarian status seeker or an asylum seeker shall have the right to apply to a district (city) court for a refugee or humanitarian status or asylum within 10 days after receiving the refusal for a status.

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Law of Georgia No 5371 of 6 December 2011 - website, 20.12.2011

Article 21²⁵ – The procedure of resolving the issue of granting a refugee or humanitarian status or asylum

1. A district (city) court judge shall render a decision to grant refugee or humanitarian status, or grant asylum within two months after admitting the claim.

2. An appeal to annul the decision shall be filed with the court rendering the decision within 10 days after its delivery to the party. The judge shall immediately forward the appeal, together with the case material, to the court of appeals.

3. An appeal shall be considered at the court of appeals within one month after the court admits the appeal.

4. Failure of the parties to appear at the court of appeals shall not hinder considering the appeal.

5. A cassation on annulment of a decision shall be filed with the court of appeals within 10 days after the delivery of the decision to the party.

6. Overall times for considering a case at a court of cassation shall be two months. The court of cassation shall decide on granting leave to cassation appeal within one month after having admitted the cassation appeal.

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Law of Georgia No 5371 of 6 December 2011 - website, 20.12.2011

Chapter VII⁷ - Administrative Legal Proceedings Concerning Paying an Indemnity to a Person – an Acknowledged Victim of Political Repression and His/Her First Heir

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Article 21²⁶ – Filing an action in the court



1. Persons determined by Article 9(1) of the Law of Georgia on Acknowledging Citizens of Georgia as Victims of Political Repression and on Social Protection of the Repressed shall have the right to file with the court an action to obtain indemnity under Article 9 of the same Law.

2. A repressed person, his/ her first heir, or their representative shall file an action to obtain indemnity with the Tbilisi City Court, or the Kutaisi City Court, according to the place of residence of the repressed person/his/her first heir, not later than 1 January 2018. For the purposes of this chapter, the Tbilisi City Court jurisdiction shall include Eastern Georgia, and the Kutaisi City Court jurisdiction – Western Georgia.

3. The following documents shall be attached to an action to obtain indemnity:

a) a document evidencing acknowledging a person as a victim of political repression

b) a document evidencing heredity, in the case of submitting the action by the first heir

c) a notarised agreement on cession of the right to require indemnity, if there are more than one first heirs, who agree to cede the right to require indemnity in favour of one or more heirs.

4. If there are more than one first heirs to a person acknowledged as a victim of political repression, a single indemnity shall be paid.

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Law of Georgia No 2763 of 31 October 2014 - website, 11.11.2014

Article 21²⁷ – Considering the issue of commencing action proceedings to obtain indemnity

1. A judge shall consider the commencement of an action to obtain indemnity within five days after submission of such an action.

2. If the judge finds that the claim to obtain indemnity does not meet the requirements determined by this Code, he/she shall rule on the existence of a defect in the claim and shall determine a certain reasonable time for the claimant to remedy the defect. If the claimant remedies the defect within the specified time, the judge shall rule to admit the claim on obtaining indemnity; otherwise, the judge shall rule to refuse admitting the claim on obtaining indemnity and shall return the statement of claim, together with the attached documents, to the claimant.

3. A complaint subject to a time limit may be filed against the court ruling refusing admission to the claim on obtaining indemnity.

4. After ruling on admissibility of the claim on obtaining indemnity, or after the expiry of the period for rendering such a ruling, the judge shall immediately forward the statement of claim and copies of the attached documents to the defendant and determine a period for the submission of a statement of defence.

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Article 21²⁸ – Considering an action on obtaining indemnity

During proceedings on an action to obtain indemnity, the court shall consider the acknowledgement of a person as a victim of political repression as an established fact, as evidenced by a document acknowledging the person as a victim of political repression.

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Article 21²⁹ – Resolving the issue of paying indemnity

1. The defendant in the legal proceedings provided for by this chapter shall be the Ministry of Finance of Georgia.

2. A decision on paying indemnity shall be rendered by the Tbilisi City Court considering the gravity of various levels of coercion, as well as the age, health status and other objective factors specified in Article 9 of the Law of Georgia on Acknowledging Citizens of Georgia as Victims of Political Repression and on Social Protection of the Repressed.

3. The amount of indemnity shall be at least GEL 1 000 and shall not exceed GEL 2 000.

4. A dispute determined by this chapter shall be considered without oral hearing. Upon request of one of the parties, the court shall consider the case by way of an oral hearing. A case determined by this chapter shall be considered within common times and according to the procedure established for considering cases by the procedure legislation of Georgia.

5. A decision rendered by the Tbilisi City Court or the Kutaisi City Court may be appealed to the Tbilisi Court of Appeals or to the Kutaisi Court of Appeals accordingly, as provided for by the procedural legislation of Georgia.

6. An appeal shall be submitted to the Court rendering the decision, which shall immediately forward the appeal, together with attached documents, to the respective court of appeals.

7. A complaint to obtain indemnity compensation shall be exempt from payment of state fees.

8. A decision (ruling) rendered by a court of appeals shall be final and not subject to appeal.



Chapter VII⁸ - Administrative Legal Proceedings on Seizing Property of Persons Related to Terrorism and Persons Defined by the United Nations Resolution

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Article 21³⁰ – A judge's order on seizing a person's property

An order to seize property of persons related to terrorism or persons defined by the resolutions ('the UN resolutions') adopted under Chapter 7 of the Charter of the United Nations ('the UN') shall be issued by a Tbilisi City Court judge on the basis of a petition of the State Commission on the Implementation of UN Resolutions (for the purposes of this chapter – 'the Commission').

Note: For the purposes of this chapter, property shall be defined as all items and intangible assets, income received from that property, or property acquired by that income, which are directly or indirectly, individually or together with other persons, owned, used or disposed of by persons defined in this chapter.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Article 21³¹ – A commission's petition

A Commission's petition must be justified and must indicate data regarding persons related to terrorism or persons defined by the UN resolutions and regarding their property, if any.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Article 21³² – Procedure for resolution of the issue of seizing property

1. On the basis of the Commission's petition, a judge shall render a decision within 15 days after submission of the petition, without notifying a person related to terrorism or a person defined by the UN resolutions.

2. A judge shall review the Commission's petition at his/her own discretion, without oral hearing.

3. During consideration of the Commission's petition, the judge shall consider the rights of conscientious third persons to the property subject to seizure.

4. If during consideration of the Commission's petition, the judge concludes that a person indicated in the petition is defined by the UN resolutions and/or is a terrorist, finances terrorism or is in any form connected to terrorism, the judge shall issue an order to seize that person's property or part of it.

5. A judge's order on granting or rejecting a petition regarding seizure of a person's property shall indicate:

a) the date and place of preparing the order

b) the surname of the judge

c) data regarding the author of the petition

d) data regarding the person indicated in the petition

e) data regarding the property, if any, of the person indicated in the petition in the case of granting the petition

f) the signature of the judge and the seal of the court.

6. A person's property shall be seized for an indefinite period until the judge's order to seize the property has been annulled.

7. The order of the judge shall be prepared in three copies, of which one copy shall remain with the court, the second copy shall be forwarded to the Commission, and the third copy shall be forwarded to the person indicated in the petition. If the order cannot be delivered to the person indicated in the petition, it must be published as provided for by the Civil Procedure Code of Georgia and shall be considered delivered on the third day after publication.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Article 21³³ – Entry into force and appeal of a judge's order to seize property

1. A judge's order to seize a person's property shall enter into force upon issuance, and appealing the order shall not suspend the order.

2. An appeal to annul a judge's order shall be filed with the court having issued the order within 48 hours after delivering a copy of the order to the



party; if the order cannot be delivered within five days after its publication, the judge shall immediately forward the appeal, together with the attached materials, to the court of the appellate instance.

3. An appeal shall be reviewed at the court of the appellate instance within 15 days after submission.

4. An order of the court of the appellate instance shall be final and not subject to appeal.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Article 21³⁴ – The Commission's petition on exempting property from seizure

1. The Commission shall be entitled to submit a petition to the court having issued the order on exempting a person's property from seizure if:

a) the person has been removed from the UN resolution, as a result of making amendments to the UN Resolutions, or if sanctions against that person have been annulled;

b) the Commission established, as a result of verification, that the person, whose property has been seized, was not a person defined by the UN resolutions;

c) the Commission has removed the person from the list of persons related to terrorism;

d) seizing the person's property is no longer reasonable, due to certain circumstances.

2. The petition determined by paragraph (1) of this article shall be considered by the court that has issued the initial order, as provided for by this chapter.

3. A judge shall annul an order on seizing a person's property by issuing an order.

Law of Georgia No 5354 of 25 November 2011 - website, 8.12.2011

Chapter VII⁹ - Administrative Legal Proceedings on Cases of Sending Minors to Boarding Schools

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 21³⁵ – Application to a court

1. As provided for by this chapter the court shall review:

a) a petition of the group of experts at the Ministry of Education and Science of Georgia with regard to sending a minor to a boarding school/extending the period of stay of a minor at a boarding school;

b) a claim of a parent/legal representative of a minor regarding a decision of the group of experts at of the Ministry of Education and Science of Georgia according to Article 48⁷(14)(b) of the Law of Georgia on General Education.

2. A parent/legal representative of a minor shall submit a claim to a court within 14 days after the decision of the group of experts has been served as provided for by Chapter VIII of the Civil Procedure Code of Georgia.

3. A petition of the group of experts shall be submitted to the court within 10 days after rendering a decision on submitting the petition.

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 21³⁶ – Consideration of the issue of commencing action proceedings

1. A judge shall consider the issue of commencing action proceedings within five days after submitting the claim.

2. If the judge concludes that an action does not meet the requirements determined by this Code, he/she shall render a ruling regarding the existence of defect and shall determine a certain reasonable time for the claimant to remedy the defect. If the claimant remedies the defect indicated in the decision, the judge shall render a ruling admitting the claim; otherwise, the judge shall render the ruling refusing the admission of the claim, and shall return the statement of claim, together with attached documents, to the claimant.

3. A complaint subject to a time limit may be filed against the court ruling refusing admission to the claim.

4. After rendering the ruling admitting the claim or after the expiry of time for rendering such a ruling, the judge shall immediately forward the claim and copies of attached documents to the defendant and determine a time for the defendant to submit a statement of defence.

5. Filing a complaint against the decision of the group of experts on sending a minor to a boarding school shall not suspend the decision.

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012



Article 21³⁷ – The procedure of consideration and resolution of a case

1. A court shall consider a case and render a decision within 15 days after admitting the claim, or after the submission of the petition.
2. A judge shall consider a case at a closed session. The following persons shall have the right to attend a closed session: an author of an application, the minor, a parent/legal representative of a minor, a representative of a guardianship authority, members of the group of experts, a social worker, an attorney of the minor, as well as other persons invited by the court.
3. A parent or legal representative shall represent a minor in the court proceedings. If the minor has no parents or legal representative, the court shall be obliged to engage a guardianship authority in the proceedings to protect the minor's interests.
4. Failure of the parties to appear at the court shall not hinder the consideration of the case.
5. A decision rendered by the Tbilisi City Court may be appealed to the Tbilisi Court of Appeals within 10 days after submission of the decision.
6. An appeal shall be submitted to the Tbilisi City Court, which shall immediately forward the appeal, together with attached documents to the Tbilisi Court of Appeals. Appealing the decision rendered by the Tbilisi City Court shall not suspend the decision.
7. The Tbilisi Court of Appeals shall review the appeal within 10 days after commencing proceedings on the appeal.
8. A decision (ruling) rendered by the Tbilisi Court of Appeals shall be final and not subject to appeal.

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 21³⁸ – Rights of a minor

A minor shall have the right to refuse to give explanations to the court, as well as to require the attendance of his/her attorney, parents/legal representative at the court proceedings.

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Chapter VII¹⁰ – Administrative Legal Proceedings regarding Removal of Aliens from Georgia

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21³⁹ – A judge's order on removal of aliens from Georgia

In cases determined by Article 51 of the Law of Georgia on Legal Status of Aliens and Stateless Persons a district (city) court judge shall issue an order regarding removal of aliens from Georgia on the basis of a petition issued by an authorised body of the Ministry of Internal Affairs of Georgia.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21⁴⁰ – Resolution of the issue of removing aliens from Georgia

1. A judge shall review a petition submitted by an authorised body of the Ministry of Internal Affairs of Georgia within 30 days after submission and shall issue an order removing an alien from Georgia, or render a decision rejecting the petition.
2. A judge shall be authorised to review a petition, submitted by an authorised body of the Ministry of Internal Affairs of Georgia, without oral hearing, regarding which the judge shall notify the authorised body having submitted the petition, and the alien whose removal is required by the authorised body of the Ministry of Internal Affairs of Georgia, within 48 hours and shall forward respective materials regarding the case to the alien. If the judge concludes that an investigation of the circumstances indicated in the petition is necessary, he/she shall be authorised to consider the petition by oral hearing. The alien shall have the right to submit his/her opinion to the court in writing and case materials regarding his/her removal from Georgia, within 72 hours after receiving notification.
3. In order to verify the justifiability of the petition, the judge shall be authorised to summon and interrogate a person, to suggest that an authorised body of the Ministry of Internal Affairs of Georgia, having submitted the petition, and the alien, to present necessary documents and evidence.
4. A judge's order removing an alien from Georgia shall indicate:
 - a) date and place of preparing the order
 - b) the surname of the judge
 - c) the authorised body of the Ministry of Internal Affairs of Georgia having submitted the petition to the judge



d) a decree removing the alien from Georgia and the identity of the alien to be removed

e) legal grounds for removing the alien from Georgia

f) the time given to the alien to leave Georgia voluntarily

g) the body authorised to carry out the order, if the alien fails to leave Georgia voluntarily

h) the state, to which the alien is to be removed

i) the procedure for appealing the order

f) the signature and the seal of the judge.

5. A judge's order removing an alien from Georgia shall enter into force upon the expiry of the time determined for appealing the order, except when the party confirms in writing that it shall not appeal the judge's order.

6. A judge's order removing an alien from Georgia may be appealed to the court of appeals, according to the procedure determined by this chapter. Appealing a judge's order shall suspend the order.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21⁴¹ – The procedure for postponement of removal of an alien from Georgia

1. In cases determined by Article 55 of the Law of Georgia on Legal Status of Aliens and Stateless Persons, on the basis of a petition of an alien or of an authorised body of the Ministry of Internal Affairs of Georgia, the judge shall issue an order postponing the removal of an alien from Georgia, within 48 hours after submission of the petition.

2. A judge's order postponing the removal of an alien from Georgia shall be final and not subject to appeal.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21⁴² – A judge's order on placing an alien in a temporary placement centre for removal

1. On the basis of a petition of an authorised body of the Ministry of Internal Affairs of Georgia, a district (city) court judge shall issue an order on placing an alien in a temporary placement centre for his/her removal.

2. The petition shall be submitted to the court not later than 48 hours after detaining the alien.

3. A judge shall consider the case and issue an order on placing an alien in a temporary placement centre within 24 hours after submission of a petition.

4. On the basis of a justified petition of an authorised body of the Ministry of Internal Affairs of Georgia, a judge shall be authorised to issue an order imposing alternative measures to placement in temporary placement centres on an alien, as determined by Article 64 of the Law of Georgia on Legal Status of Aliens and Stateless Persons.

5. A judge's order on placing an alien in a temporary placement centre or imposing alternative measures on an alien for removal may be appealed to a court of appeals, according to the procedure established by this chapter. Appealing the judge's order shall not suspend the order.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21⁴³ – Procedure for appealing a judge's order

1. An appeal to annul a judge's order shall be submitted to the court having issued the order, within five days after delivering the appeal to the party. The appeal, together with the case materials, shall be immediately forwarded to a court of appeals.

2. The appeal to annul a judge's order shall be reviewed at the court of appeals within 14 days after submission.

3. Failure of the parties to appear at the court of appeals shall not hinder consideration of the appeal.

4. A court of appeals shall issue an order to annul the appealed judge's order.

5. An order of the court of appeals shall be final and not subject to appeal.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Article 21⁴⁴ – Procedure for appealing a decision of an authorised body of the Ministry of Internal Affairs of Georgia to remove an alien from Georgia

A complaint of an alien submitted to a district (city) court to annul the decision of an authorised body of the Ministry of Internal Affairs of Georgia



removing the alien from Georgia shall be considered, and the court decision shall be appealed in the manner and within the times determined by Articles 21⁴⁰ and 21⁴³ of this Code.

Law of Georgia No 2047 of 5 March 2014 - website, 17.3.2014

Chapter VII¹¹ – Administrative Legal Proceedings on the Receipt of Confidential Information about a Person from Commercial Banks by Tax Authorities

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21⁴⁵ – A judge's order on the provision of confidential information about a person by commercial banks to tax authorities

A district (city) court judge, according to a person's location, shall, on the basis of a petition of a tax authority, issue an order on the provision of confidential information about a person by a commercial bank to a tax authority.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21⁴⁶ – A petition of a tax authority

1. A tax authority may file a petition with a court requesting from a commercial bank confidential information about a person during the tax audit of the taxpayer (within the scope of the audit), provided that the tax authority has requested the person at least once, as prescribed by the legislation of Georgia, to submit the information, and the person has failed to submit the information within the specified time.

2. A petition must be reasoned and must indicate:

- a) the name and identification data of the person on whom the information is requested by the tax authority
- b) the name of the commercial bank that is requested to provide the information
- c) the description of the information requested by the tax authority
- d) the form and times for providing information to the tax authority.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21⁴⁷ – Procedure for the issuance of a judge's order on the provision of confidential information about a person by commercial banks to tax authorities

1. Based on a petition of a tax authority, a judge shall issue an order within 14 days after receiving the petition.

2. A judge shall consider a petition submitted by a tax authority at his/her own discretion. The court hearing of the petition shall be attended by a representative of the tax authority and the person, or his/her representative, with respect to whom the tax authority is requesting the issuance of an order on the provision of confidential information (except for the cases when the parties cannot be invited).

3. The failure of the parties to appear at the hearing or the inability to invite them to the hearing shall not cause the postponement of the hearing on the tax authority's petition.

4. After examining the reasonableness of a tax authority's petition, the judge shall issue a reasoned order granting or rejecting the petition.

5. If the petition is granted, the order shall indicate:

- a) the date and place of drawing up the order
- b) the surname of the judge issuing the order
- c) the tax authority filing the petition with the court
- d) the tax authority that is to be provided with the requested information
- e) the commercial bank that is to provide the tax authority with the confidential information about the person
- f) the form and times for providing the requested information
- g) a decree on granting the petition.

6. If the petition is rejected the order shall indicate:

- a) the date and place of drawing up the order



- b) the surname of the judge issuing the order
- c) the tax authority filing the petition with the court
- d) a decree rejecting the petition.

7. A judge's order shall be drawn up in four copies, one of which shall be forwarded to the tax authority filing the petition, the second copy shall be forwarded to the person with respect to whom the order on the provision of confidential information was issued, the third copy shall be forwarded to the commercial bank and the fourth copy shall remain with the court.

8. A judge's order shall enter into force upon the expiry of the period determined for appealing the order. In the case of appeal the order shall be suspended.

9. An appeal to annul a judge's order shall be filed with the court that issued the order, within 48 hours after the copy of the order is served on the party. The judge shall immediately forward the appeal together with the case materials to the appellate court.

10. An appeal shall be reviewed at the appellate court within 10 days after its submission.

11. An order of the appellate court shall be final and not subject to appeal.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Chapter VII¹² – Administrative Legal Proceedings on the Receipt of Confidential Information about a Person from Commercial Banks by Tax Authorities for the Purposes Determined by the International Agreements of Georgia

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21⁴⁸ – A judge's order on the provision of information by commercial banks to tax authorities to satisfy the request of foreign authorised bodies on the basis of international agreements of Georgia

A district (city) court judge, according to the location of a commercial bank, shall, on the basis of a petition of a tax authority, issue an order on the provision of confidential information about a person by the commercial bank to the tax authority in order to satisfy the request of a foreign authorised body on the basis of an international agreement of Georgia.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21⁴⁹ – A petition of a tax authority

1. A tax authority shall submit a petition to the court requesting the provision of confidential information about a person from a commercial bank if a foreign competent (authorised) body requests the provision of such information on the basis of an international agreement of Georgia.

2. A petition must indicate:

- a) the name and identification data of the person on whom the information is requested by the tax authority
- b) the name of the commercial bank that is requested to provide the information
- c) a description of the information requested by the tax authority
- d) the form and times for the provision of information to the tax authority

e) a written explanation stating that the request of a foreign authorised body on the provision of information meets the requirements of the relevant international agreement of Georgia.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Article 21⁵⁰ – Procedure for the issuance of a judge's order on the provision of confidential information about a person to tax authorities by commercial banks for the purposes determined by international agreements of Georgia

1. Based on a petition of a tax authority, a judge shall issue an order within 14 days after receiving the petition.

2. A judge shall consider a petition filed by a tax authority at his/her own discretion, without the participation of the person with respect to whom the tax authority requested confidential information on the basis of an international agreement of Georgia.

3. A judge shall issue an order granting a petition if the petition includes the information determined by Article 21⁴⁹(2) of this Code.

4. If the petition is granted, the order shall indicate:



- a) the date and place of drawing up the order
- b) the surname of the judge issuing the order
- c) the tax authority of Georgia filing the petition with the court
- d) the commercial bank that is to provide the tax authority with the confidential information about the person
- e) the form and times for providing the requested information
- f) a decree on granting the petition.

5. If the petition is rejected, the order shall indicate:

- a) the date and place of drawing up the order
- b) the surname of the judge issuing the order
- c) the tax authority of Georgia filing the petition to the court
- d) a decree rejecting the petition.

6. A judge's order shall be drawn up in three copies, one of which shall be forwarded to the tax authority filing the petition, the second copy shall be forwarded to the commercial bank and the third copy shall remain with the court.

7. A tax authority may file an appeal to annul a judge's order to the court that issued the order, within 48 hours after receiving a copy of the order. The judge shall immediately forward the appeal together with the case materials to the appellate court.

8. An appeal shall be reviewed at the appellate court within 10 days after its submission.

9. An order of the appellate court shall be final and not subject to appeal.

Law of Georgia No 2947 of 12 December 2014 – website, 24.12.2014

Chapter VIII - Administrative Legal Proceedings at the Court of First Instance

Article 22 - A claim on annulment and declaring invalid an administrative act

- 1. A claim may be filed to require annulment and declaring invalid an administrative act.
- 2. Unless otherwise provided for by law, a claim may be filed, if an administrative act or part of it directly and immediately (individually) prejudices the legal rights or interests of a claimant or unlawfully limits his/her rights.
- 3. Unless otherwise provided for by law, a claim shall be filed with a court within one month after making available an individual administrative act or a decision regarding an administrative claim, as well as after the expiry of the time determined for rendering a decision regarding the administrative claim, while in the case of normative acts, a claim shall be filed within three months after the direct prejudice.
- 4. (Deleted).
- 5. (Deleted).
- 6. In case of filing a claim to annul an administrative act, a counter-claim shall not be submitted.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 3391 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 28

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 4259 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 419

Law of Georgia No 5198 of 4 July 2007 - LHG I, No 28, 18.7.2007, Art. 285

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 23 - A claim on issuing an administrative act

- 1. A claim may be filed to require issuance of an administrative act.
- 2. Unless otherwise provided for by law, a claim may be filed if the refusal of an administrative body to issue an administrative act directly and immediately (individually) prejudices the legal rights or interests of the claimant.



3. Unless otherwise provided for by law, a claim shall be filed with the court within one month after refusal to issue an administrative act.

4. In the case of filing a claim to issue an administrative act, a counter-claim shall not be submitted.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 24 - A claim on performing an action

1. A claim may be filed to require to perform or to abstain from performing an action, which does not entail issuance of an individual administrative act.

2. A claim may be filed, if performing or refusing to perform an action by an administrative body directly and immediately (individually) prejudices the legal rights or interests of the claimant.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 25 - An action for acknowledgement

1. An action for acknowledgement may be filed to determine an act null and void, to determine the existence or absence of a right or legal relationship, if the claimant has a lawful interest in this regard.

2. An action for acknowledgement may not be filed, if a claimant may file a claim on the basis of Articles 22-24 of this Code.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 25¹ – Contractual disputes

1. Contractual disputes shall be resolved by applying to a common court.

2. Disputes with regard to concluding, performing and terminating contracts under public law shall be considered by the common courts in administrative legal proceedings. Disputes with regard to concluding, performing and terminating private law agreements by an administrative body shall be considered in civil legal proceedings.

3. Disputes arising from private law agreements, concluded by an administrative body, may be submitted to arbitration for hearing, as agreed between the parties.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 1346 of 26 June 2009 - LHG I, No 13, 2.7.2009, Art. 68

Article 26 - Filing a claim to a competent court

1. A claim shall be filed with a court authorised to consider and resolve an administrative case.

2. If a claim is filed with an incompetent court, the latter shall forward the claim to the competent court and shall notify the claimant of that.

3. Disputes among the courts regarding the competence shall be resolved by a reasoned ruling of a cassation court.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 26¹ – Inadmissibility of rendering a decision in absentia

1. Provisions of Chapter XXVI of the Civil Procedure Code of Georgia shall not apply to administrative legal proceedings.

2. (Deleted).

3. If a party fails to appear at the court without reasonable cause, the court (the judge) shall have the right to render a decision in absentia of the party on the basis of the case material and considering the provisions of Articles 4 and 19 of this Code. If both parties fail to appear at the case hearing at the court of the first instance without a reasonable cause, the court shall have the right to leave the claim untried.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10



Article 26² – Preliminary hearing

1. Considering the requirements, specified by Articles 22 and 25 of this Code, the court shall resolve the issue of admissibility of a claim the stage of commencing action proceedings. If resolving the issue of admissibility is doubtful or the judge considers that the claim must be declared inadmissible, the court shall schedule a preliminary hearing within two weeks after submission of the claim. Failure of the parties to appear at the court shall not hinder the consideration of the issue.

2. The court shall terminate legal proceedings by issuing a ruling, if a case fails to meet the admissibility requirements determined by Articles 22 and 25 of this Code. During consideration of the case at the court of the first instance, the court shall terminate proceedings on the above basis at any stage of the court proceedings.

3. In cases determined by this article, a complaint subject to a time limit may be filed against the rulings refusing leave to the claim, and which terminate legal proceedings because of holding the claim inadmissible.

4. In the case of allowing a complaint subject to a time limit and reversing the decision, the court of appeals shall return the case to the competent court for review.

5. During consideration of a case at a court of appeals, if grounds for terminating proceedings due to inadmissibility are detected, the court shall issue a ruling on terminating the legal proceedings, which may be appealed by a complaint subject to a time limit.

6. During consideration of a case at the cassation court, if grounds for terminating proceedings due to inadmissibility are detected, the court shall issue a ruling on terminating the legal proceedings. No complaint may be lodged against the ruling.

Article 27 – Simplified legal proceedings

On the basis of the parties' written request, a court shall be authorised to consider and resolve an administrative case in absentia.

Article 27¹ – Review of issues determined by the Code of Imprisonment of Georgia

In cases determined by Articles 42(5), 43(6), 44(7), 86(1) and 90 of the Code of Imprisonment of Georgia a court may allow participation of the party in the legal proceedings remotely, by technical means, based on the petition of the party.

Article 28 - Expedited administrative proceedings

1. Upon a party's request, a court (a judge) may render a decision regarding expedited administrative proceedings.

2. In the case of expedited administrative proceedings, a court shall be authorised:

- a) to shorten the time allowed for submitting a response (statement of defence) or a counter-claim by a defendant;
- b) not to allow time for a third person to submit his/her opinion regarding the counter-claim;
- c) not to allow time for the parties to submit their opinions regarding assigning an expert;
- d) to shorten the time for the parties to submit their opinions regarding an expert's conclusions.

Article 28¹ – An action performed by a judge to expedite proceedings

A court shall not be authorised to exceed the scope of a claim but it shall not be bound by a formulation of the complaint either. To expedite proceedings, the judge may assist the party in amending the claim.



Article 29 - Suspension of an appealed individual administrative act

1. Submission of a complaint to the court shall suspend an appealed individual administrative act.
2. An individual administrative act shall not be suspended, if:
 - a) it is connected with payment of state or local charges, duties or other fees;
 - b) postponing the execution causes significant material damage or poses a significant risk to the public order or security;
 - c) it is issued during a state of emergency or martial law, announced on the basis of an appropriate law;
 - d) an administrative body has rendered a written justified decision on immediate execution, if there is a necessity for urgent execution;
 - e) an individual administrative act has been executed or it is an enabling act and its suspension may significantly prejudice the legal rights and interests of other persons;
 - f) the above is determined by the law.
3. At the request of a party, a court may suspend an individual administrative act or a part of it in cases determined under paragraph 2 of this article, if there is a justified doubt regarding lawfulness of the individual administrative act, or if urgent execution of such an act may significantly damage the party or make protection of his/her legal rights and interests impossible. The court shall be authorised to allow time for suspension of the individual administrative act or a part of it.
4. In cases determined under paragraph 1 of this article, a court may annul suspension of an individual administrative act or its part at the request of a party, if there is necessity for urgent execution of the individual administrative act or a part of it, related to a significant (essential) damage, or restricting legal rights and interests of the party.
5. A party may also submit a petition regarding suspension of an individual administrative act, prior to initiating proceedings.
6. The court shall render a decision within three days and shall forward the decision to the parties within one day.
7. If a suspended individual administrative act has been executed, a court may annul the decision regarding the execution of the individual administrative act.
8. In the case of recently revealed circumstances, a court shall be authorised to change or annul the ruling regarding the suspension of an individual administrative act, on the basis of a petition of a party.
9. A complaint subject to a time limit may be filed against the court ruling.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 30 - Ruling on suspension of an individual administrative act

A court ruling suspending an individual administrative act or a part of it shall become invalid when:

- a) a court decision on that issue enters into legal force;
- b) the outcome of the action proceedings is different.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 30¹ – Ruling on suspension of a normative administrative act

1. Unless otherwise provided for by law, a court may suspend a normative administrative act based on the petition of a party, submitted when filing a complaint, if there is a justified doubt regarding lawfulness of that act, or if urgent execution of the act may significantly damage a person or make protection of his/her legal rights and interests impossible.
2. In the case of recently revealed circumstances, a court shall be authorised to change or annul the ruling regarding suspension of a normative administrative act based on a petition of a party.
3. A complaint subject to a time limit may be filed against the court ruling.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 31 - Interlocutory ruling on the issuance of individual administrative acts, and on performance of actions

1. On the basis of an application, a court may render an interlocutory ruling regarding a dispute, prior to initiating proceedings, if there is a risk that changing the existing situation may hinder or significantly complicate the exercise of the applicant's rights. A interlocutory ruling of a court may also be



used for preliminary resolution of a disputed legal relationships, if such a resolution, first of all, in case of long-term legal relationships, is necessary due to significant damage, existing danger or any other reason.

2. An interlocutory ruling shall be rendered by a court considering the case. Such a court shall be a court of the first instance and in the case of reviewing a dispute at a court of appeals - a court of appeals.

Law of Georgia No 169 of 24 February 2000 - LHG I, No 7, 8.3.2000, Art. 10

Article 32 - Court decision regarding a claim declaring an administrative act null and void or invalid

1. If an administrative act or a part of it contradicts the law or directly and immediately (individually) prejudices the legal rights and interests of a claimant or unlawfully restricts his/her rights, the court shall render a decision on declaring the administrative act null and void regarding a claim under Article 22 of this Code.

2. If an individual administrative act has been executed prior to the court decision, on the basis of the petition of a party, the court decision shall include the procedure for the reversal of the executed decision.

3. If an individual administrative act is declared null and void prior to a court decision, the court shall be authorised to declare the individual administrative act null and void, provided there is a legal interest of the party or the party petitions for such declaration.

4. If a court considers that an administrative act has been issued without investigating and evaluating essential circumstances of the case, the court shall be authorised to declare the administrative act null and void, without resolving the dispute, and to assign the administrative body to issue a new act after investigating and evaluating the circumstances. The court shall render such a decision in case of urgent legal interest of the party in declaring the individual administrative act null and void.

5. A court decision on declaring a normative administrative act null and void shall be binding. If declaring a normative administrative act null and void poses a significant danger to the State or public security, or results in a significant increase of State or local self-government expenses, the court shall be authorised to declare the normative administrative act invalid instead of declaring it null and void.

6. The operative part of a court decision must be published in the same manner as the normative act was published at the expense of an administrative body issuing the normative act.

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 1692 of 24 September 2009 - LHG I, No 29, 12.10.2009, Art. 175

Article 33 - Court decision regarding a claim on issuing an administrative act

1. If a refusal to issue an administrative act contradicts the law, or the times determined for its issuance are violated, which directly and immediately (individually) prejudices the legal rights or interests of the claimant, the court shall assign an administrative body to issue an administrative act regarding a claim defined by Article 23 of this Code. At the request of a party, the court shall allow time for issuing an administrative act.

2. A court shall be authorised to regulate a dispute by issuing a decision, if it implies the issuance of an individual administrative act and does not require additional investigation of the case circumstances, and if the matter does not fall within the discretionary authority of an administrative body. The procedure established by this Code for appealing an individual administrative act shall not apply to this court decision.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Article 33¹ – Court decision regarding a claim on performing an action

If performing an action or abstaining from performing an action by an administrative body is unlawful, and it directly and immediately (individually) prejudices the legal rights and interests of a claimant, the court shall assign an administrative body to perform or abstain from performing an action regarding a claim determined by Article 24 of this Code.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Chapter IX - Appeal and Cassation, Resumption of Proceedings

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Article 34 - Admissibility of appeals and cassation appeals

1. Appeals and cassation appeals shall be admissible in administrative legal proceedings, irrespective of the value (amount in controversy) of a complaint. In this case, the requirements of Articles 365 and 391(2) of the Civil Procedure Code of Georgia shall not apply.

1¹. A judge of the Chamber of Administrative Cases of the court of appeals may consider an appeal, at his/her own discretion, regarding the following:



- a) a decision rendered on a case determined by Article 6 of this Code
- b) an individual administrative act issued regarding disclosure of public information
- c) a dispute related to the records of the Public registry
- d) a dispute related to privatisation of a residential apartment
- e) a dispute related to a contract under public law on lease relationships
- f) a dispute arising from relationships related to construction
- g) a complaint subject to a time limit
- h) in cases under Article 21²³(8) of this Code
- i) a dispute related to paying indemnity to a person acknowledged as a victim of political repressions and his/her first heir
- j) cases related to sending a minor to a boarding school.

2. Decisions of the appellate court may be appealed to the cassation court by the parties and third persons engaged in the case under Article 16(2) of this Code within the specified times.

3. A cassation appeal may be admitted by the Supreme Court of Georgia, if:

- a) the case is important for the development of law and formation of a uniform judiciary practice;
- b) the appellate court decision differs from the previous practices of the Supreme Court of Georgia in cases of this type;
- c) the case has been considered by the court of appeals with significant procedural violations, and it is assumed that it may have substantially affected the case outcome.

3¹. The time for verifying admissibility under paragraph 3 of this article shall not exceed three months.

4. Regarding the matters of administrative proceedings, the time for granting leave to a cassation appeal and the time for rendering a decision on the appeal shall be six months.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Law of Georgia No 2262 of 4 December 2009 - LHG I, No 41, 8.12.2009, Art. 306

Law of Georgia No 4646 of 5 May 2011 - website, 18.5.2011

Law of Georgia No 5666 of 28 December 2011 - website, 12.1.2012

Article 34¹ – Consideration of a case at a cassation court

1. During the consideration of a case at a cassation court, the parties may submit their opinions only regarding the circumstances, on the basis of which the cassation court admitted the appeal.

2. Third persons determined under Article 16(2) of this Code, may be engaged in the cassation court proceedings with their consent, if they do not dispute factual circumstances determined by the cassation court and only submit legal opinions.

Law of Georgia No 5670 of 28 December 2007 - LHG I, No 1, 3.1.2008, Art. 2

Article 34² – Inadmissibility of resuming proceedings due to recently revealed circumstances

A case determined under Article 423(1)(g) of the Civil Procedure Code of Georgia shall not apply regarding resumption of legal proceedings due to recently revealed circumstances in administrative legal proceedings.

Law of Georgia No 3046 of 4 May 2010 - LHG I, No 24, 10.5.2010, Art. 165

Chapter IX¹ - Transitional Provisions

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244



Article 35

1. Prior to entry into force of this Law, disputes related to concluding, performing and terminating contracts under public law under proceedings of the common courts shall be considered and resolved as administrative legal proceedings.

2. Powers of a court of appeals, provided for under this Law shall be exercised by district courts and autonomous republic highest courts until 1 November 2005.

3. Cases that were commenced by district courts and autonomous republic highest courts before 15 July 2005, which fall within the authority of a district (city) court, shall be transferred to a district (city) court for review.

4. Article 34(3) of this Code shall not apply to hearings of cassation appeals registered before 1 November 2005.

5. An appeal, submitted before 1 January 2008, may be reviewed by a judge of the Chamber of Administrative Cases of the appellate court at his/her own discretion, regarding the following cases:

- a) a decision regarding a case under Article 6 of this Code
- b) an individual administrative act, issued regarding the disclosure of public information
- c) a dispute, related to records of the Public Registry
- d) a dispute, related to privatisation of a residential apartment
- e) a dispute, regarding a contract under public law on lease relationships
- f) a dispute, arising from relationships related to construction
- g) a complaint subject to a time limit
- h) in cases under Article 21²³(8) of this Code.

6. After entry into force of this Law, the appeal proceedings commenced on cases determined by paragraph 5 of this article shall be resumed by a judge of the Chambers of Administrative Cases of the (district) court of appeals, who was appointed at the Chambers of Administrative Cases of the court of appeals, at his/her own discretion.

Law of Georgia No 1800 of 24 June 2005 - LHG I, No 37, 14.7.2005, Art. 244

Law of Georgia No 2133 of 25 November 2005 - LHG I, No 53, 19.12.2005, Art. 352

Law of Georgia No 3389 of 23 June 2006 - LHG I, No 26, 14.7.2006, Art. 211

Law of Georgia No 4307 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 449

Law of Georgia No 5281 of 11 June 2007 - LHG I, No 30, 30.7.2007, Art. 345

Article 35¹ – Appealing a court decision rendered in absentia

If a court decision was rendered in absentia, under Chapter VII² of this Code, a party shall have the right to appeal such decision to the appellate (cassation) court. This provision shall apply to all court decisions, rendered from the moment of entry into force of Chapter VII² of this Code.

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Chapter X - Final Provisions

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

Article 36 - Entry into force of the Code

This Code shall enter into force on 1 January 2000.

Law of Georgia No 4214 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 442

President of Georgia

Eduard Shevardnadze

Tbilisi,

23 July 1999

<http://www.matsne.gov.ge>



