CIVIL PROCEDURAL CODE OF THE RUSSIAN FEDERATION NO. 138-FZ OF NOVEMBER 14, 2002 (with the Amendments and Additions of June 30, 2003, June 7, July 28, November 2, December 29, 2004, July 21, December 27, 2005, December 5, 2006, July 24, October 2, December 4, 2007)

Adopted by the State Duma on October 23, 2002
Approved by the Federation Council on October 30, 2002

Section I. General Provisions

Chapter 1. Basic Provisions

Article 1. Legislation on the Civil Court Procedure

1. The order for the civil court procedure in the federal courts of general jurisdiction is defined in the Constitution of the Russian Federation, in the Federal Constitutional Law on the Judicial System of the Russian Federation, in the present Code and in the other federal laws adopted in conformity with the above acts, and the order for the civil court procedure at a justice of the peace - also in the Federal Law on the Justices of the Peace in the Russian Federation.

2. If an international treaty of the Russian Federation has established the rules for the civil court procedure different from those stipulated by the law, the rules of the international treaty shall be applied.

3. The civil court procedure shall be carried out in conformity with the federal laws operating in the period of the consideration and resolution of a civil case, of the performance of individual procedural acts or of the execution of the court decisions (of the orders, decisions and rulings of the court, decisions of the presidium of the court of the supervisory instance), and of the decisions of the other bodies.

4. If there is no norm of procedural law regulating relations arising in the course of the civil court procedure, the federal courts of general jurisdiction and the justices of the peace (hereinafter also referred to as the court) shall apply a norm regulating similar relations (the analogy of the law), and in the absence of such norm shall act proceeding from the principles of administering justice in the Russian Federation (the analogy of law).

Article 2. Tasks of Civil Court Procedure

Seen as the tasks set to the civil court procedure shall be the correct and timely consideration and resolution of the civil cases for the purposes of protecting the violated or the disputed rights, freedoms and lawful interests of citizens and organizations, of the rights and interests of the Russian Federation, of the subjects of the Russian Federation, of the municipal entities and of the other persons who are the subjects of civil, labour and other legal relations. The civil court procedure shall facilitate consolidation of the legality and of the law and order, prevention of law offences and formation of a respectful attitude towards the law and the court.

Article 3. Right to Appeal to the Court

1. An interested person has the right to appeal to the court for protection of the violated or disputed rights and freedoms or of lawful interests, in accordance with the order established in the legislation on the civil court procedure.

2. Refusal from the right to appeal to the court is invalid.

3. By an agreement of the parties, a dispute arising from civil legal relations which falls under the jurisdiction of a court may be handed over by the parties for consideration to a tribunal before the court of the first instance passes the judicial decision which ends the consideration of the civil case on merit, unless otherwise established by the federal law.

Article 4. Institution of a Civil Case in the Court

1. The court shall institute a civil case by application from a person who has applied for the protection of his rights, freedoms and lawful interests.

2. In the cases envisaged in the present Code and other federal laws, a civil case may be instituted at an application from a person coming out on his own behalf in protection of the rights, freedoms and lawful interests of another person or of an indefinite circle of people, or in protection of the interests of the Russian Federation, of the subjects of the Russian Federation and of the municipal entities.

Article 5. Administration of Justice Only by Courts

On the civil cases falling within the competence of the courts of general jurisdiction, justice shall be administered by these courts alone, in accordance with the rules established in the legislation on the civil court procedure.

Article 6. Equality of All Before the Law and the Court

Justice on the civil cases shall be administered on the principles of equality before the law and the court of all the citizens, irrespective of their sex, race and nationality, of the language, the origin and the property or the official status, of their place of residence, of their relation to religion and convictions, affiliation to public associations and other circumstances, and all organizations, regardless of their legal organizational form, their form of ownership and of their location, their subordination and other circumstances.

Article 7. Single-Man and Collegiate Consideration of Civil Cases

1. Civil cases in the courts of the first instance shall be considered by the judges of these courts alone or, in the cases, stipulated in the federal law, collegiately.

2. If the present Code grants the judge the right to consider civil cases and to perform the individual procedural acts alone, the judge shall be seen as acting on behalf of the court.

3. Cases on the complaints against the judicial decisions of the justices of the peace which have not yet entered into legal force shall be considered as appeals by the judges of the corresponding district courts on their own.

4. Civil cases in the courts of the cassation and of the supervisory instance shall be considered collegiately.

Article 8. Independence of Judges

1. When administering justice, the judges are independent and are subordinate only to the Constitution of the Russian Federation and to federal law.

2. The judges shall consider and resolve civil cases under the conditions, excluding alien impact exerted over them. Any interference in the activity of judges involved in the administration of justice is prohibited and entails the responsibility established by law.

3. The guarantees of the judges' independence are established by the Constitution of the Russian Federation.

Article 9. Language of the Civil Court Proceedings

1. The civil court proceedings shall be carried out in the Russian language - the state language of the Russian Federation, or in the state language of the Republic, which is included in the composition of the Russian Federation and on whose territory the corresponding court is situated. Court proceedings in military courts shall be conducted in the Russian language.

2. To the persons taking part in the case while not knowing the language in which the civil court proceedings are conducted shall be explained and ensured their right to give explanations and conclusions, to address the court, to file petitions and place complaints in their native tongue any other freely chosen language of communication, and also to make use of the services of an interpreter.

Article 10. Openness of Judicial Proceedings

1. The judicial proceedings in all courts shall be open.

2. The judicial proceedings in closed court sessions shall be conducted on cases containing information which comprises a state secret, or the secret of the adoption of a child (for a son or daughter), and also on other cases, if this is stipulated in federal law. Trial in camera shall also be admissible when satisfying a petition of the person taking part in the case who refers to the need to keep a commercial or other kind of law-protected secret, or to the immunity of the citizens' personal privacy, or to other circumstances whose open discussion may interfere with the correct investigation of the case or entail the divulgence of the above secrets or violation of the lawful interests of a citizen.

3. The persons taking part in the case, and the other persons attending the performance of the procedural act, in the course of which may be exposed information mentioned in the second part of the present Article shall be warned by the court about responsibility for its divulgence.

4. On the investigation of the case in camera, the court shall issue a motivated ruling in respect of the whole or of a part of the legal proceedings.

5. When the case is considered in a closed court session, in attendance shall be the persons taking part in the case and their representatives, and if necessary also witnesses, experts, specialists and interpreters.

6. A case tried in camera shall be considered and resolved with the observation of all the rules for the civil court procedure.

7. The persons taking part in the case and the citizens present in an open court session shall have the right to fix the course of judicial proceedings in writing and with the assistance of the audio recording devices. Taking photographs, video recording and broadcasting of the court session on the radio and on television shall be admissible by permission of the court.

8. The court decisions shall be announced in public, with the exception of cases when such announcement of the decisions infringes the rights and the lawful interests of the underaged.

Article 11. Legal Normative Acts Applied by the Court in Resolving Civil Cases

1. The court is obliged to resolve civil cases on the grounds of the Constitution of the Russian Federation, the international treaties of the Russian Federation, federal constitutional laws, federal laws, legal normative acts of the President of the Russian Federation, legal normative acts of the Government of the Russian Federation, legal normative acts of federal state power bodies, constitutions (statutes), the laws and other legal normative acts of the state power bodies of the subjects of the Russian Federation and of the legal normative acts of the local self-government bodies. The court shall resolve civil cases proceeding from the customs of the business turnover in the cases envisaged in the legal normative acts.

2. Having established in resolving the civil case that the legal normative act does not correspond to the legal normative act of a greater legal force, the court shall apply the norms of the act of the greatest legal force.

3. If there are no norms of the law regulating the disputable relations, the court shall apply the norms of the law regulating similar relations (the analogy of the law), and if such norms do not exist either it shall resolve the case proceeding from the general principles and from the meaning of the legislation (the analogy of law).

4. If an international treaty of the Russian Federation has established rules different from those stipulated in the law, the court shall apply in resolving the civil case the rules of the international treaty.

5. In conformity with the federal law or with an international treaty of the Russian Federation, the court shall apply in resolving the case the norms of the foreign law.

Article 12. Administration of Justice on the Basis of the Parties' Adversary Nature and Equality

1. Justice in civil cases shall be administered on the basis of the adversary nature and equality of the parties.

2. While retaining its independence, objectivity and impartiality, the court shall lead the process, shall explain to the persons taking part in the case their rights and duties, shall warn of the consequences of the performance or non-performance of the procedural acts, shall render to the persons taking part in the case assistance in exercising their rights, shall create conditions for an all-round and complete study of the proofs and for the establishment of the actual circumstances and for the correct application of the legislation in the consideration and the resolution of civil cases.

Article 13. Obligatory Nature of Court Decisions

1. The courts shall pass court decisions in the form of orders, decisions and rulings of the court, decisions of the presidium of the court of the supervisory instance.

2. The court decisions which have come into legal force, as well as lawful directions, demands, orders, summons and requests of the courts are obligatory for all state power bodies, local self-government bodies, public associations, official persons, citizens and organizations without exception and are subject to strict execution on the whole territory of the Russian Federation.

3. Non-execution of a court decision, just as another manifestation of disrespect for the court, shall entail the responsibility envisaged in federal law.

4. The obligatory nature of the judicial decisions does not deprive one of the right of the interested persons who did not take part in the case to turn to the court if the adopted judicial decision violates their rights and lawful interests.

5. The acknowledgement and execution on the territory of the Russian Federation of the decisions of foreign courts and of foreign tribunals (arbitrages) are determined in the international treaties of the Russian Federation and in the present Code.

Chapter 2. Composition of the Court. Recusations

Article 14. Composition of the Court

1. Cases in the courts of the first instance shall be considered by judges on their own. In the cases stipulated by federal law, cases in the first instance courts shall be considered collegiately by three professional judges.

2. Consideration of cases by way of cassation shall be effected by the court in the composition of the presiding justice and of two judges, and by way of judicial supervision in the composition of the presiding justice and of at least two judges.

Article 15. Procedure for Resolving Issues by the Court in the Collegiate Composition

1. The questions arising when a case is considered by court in the collegiate composition shall be resolved by judges by majority vote. None of the judges shall have the right to abstain from voting. The presiding justice shall be the last to cast his vote.

2. A judge who does not agree with the opinion of the majority may render his special opinion in writing; this shall be enclosed with the case file, but shall not be read out when pronouncing the court decision passed on the case.

Article 16. Grounds for the Recusation of a Judge

1. Neither the justice of the peace nor a judge can consider the case and shall be subject to recusation, if he:

1) has taken part in the previous consideration of the given case in the capacity of public prosecutor, secretary of the court session, representative, witness, expert, specialist or interpreter;

2) is a blood relation or a relative by marriage of any one of the persons taking part in the case or of their representatives;

3) is personally, directly or indirectly, interested in the outcome of the case, or if there are other circumstances giving rise to doubts about his objectivity and impartiality.

2. Into the composition of the court considering the case may not be included related persons.

Article 17. Inadmissibility of the Judge's Repeated Participation in Considering a Case

1. The justice of the peace who has considered the case cannot take part in the consideration of the case in the court of appeals, cassation or supervisory instance.

2. The judge who has taken part in considering the case in the court of the first instance cannot take part in the consideration of this case in the court of the cassation or of the supervisory instance.

3. The judge who has taken part in considering the case in the court of the cassation instance cannot take part in the consideration of this case in the court of the first and of the supervisory instance.

4. The judge who has taken part in considering the case in the court of the supervisory instance, cannot take part in the consideration of this case in the courts of the first and of the cassation instance.

Article 18. Grounds for the Recusation of the Public Prosecutor, the Secretary of the Court Session, the Expert, Specialist or Interpreter

1. The grounds for the recusation of the judge indicated in Article 16 of the present Code shall also extend to the public prosecutor, the secretary of the court session, the expert, specialist and interpreter.

The expert or the specialist also cannot take part in the consideration of the case if he was or is officially or otherwise dependent on any one of the persons taking part in the case, or on their representatives.

2. The participation of the public prosecutor, of the secretary of the court session, of the expert, specialist or interpreter in the previous consideration of the given case in the capacity, respectively, of public prosecutor, secretary of the court session, expert, specialist or interpreter shall not be seen as a ground for their recusation.

Article 19. Filing Applications for Self-Recusations and Recusations

1. If there are grounds for the recusation pointed out in Articles 16-18 of the present Code, the justice of the peace, the judge, the public prosecutor, the secretary of the court session, the expert, the specialist and the interpreter are obliged to file the self-recusation. On the same grounds, the recusation may be declared by the persons taking part in the case, or may be considered at the initiative of the court.

2. The self-recusation or the recusation shall be motivated and filed before the start of the consideration of the case on merit. Declaration of the self-recusation or of the recusation in the course of the further consideration of the case shall be admissible only if the ground for the self-recusation or the recusation has become known to the person declaring the self-recusation or the recusation, or to the court after the consideration of the case on merit has started.

3. The procedure for the resolution of an application for the self-recusation and the consequences of its satisfaction shall be determined in accordance with the rules envisaged in Articles 20 and 21 of the present Code.

Article 20. Procedure for Resolving an Application for the Recusation

1. If the recusation is filed, the court shall hear out the opinion of the persons taking part in the case, as well as of the person against whom the recusation is filed, if the disqualified person wishes to give explanations. The question of the recusation shall be resolved by a ruling of the court passed in the retiring room.

2. The question of the recusation filed against a judge who is considering the case alone shall be resolved by the same judge. If the case is considered by the court collegiately, the issue of the disqualification of the judge shall be resolved in the same composition of the court in the absence of the disqualified judge. If votes cast for the disqualification and against it fall equally, the judge shall be seen

as disqualified. The issue of the recusation filed against several judges or against the whole composition of the court shall be resolved by the same court in its full composition by the a majority vote.

The issue of the recusation of the public prosecutor, of the secretary of the court session, of the expert, the specialist and the interpreter shall be resolved by the court which is considering the case.

Article 21. Consequences of the Satisfaction of an Application for the Recusation

1. If the justice of the peace considering the case is disqualified, the district court shall hand the case over to another justice of the peace functioning on the territory of the same court district, or if this is impossible, it shall be handed over by the higher placed court to a justice of the peace of another district.

2. If the recusation concerns either the judge or the whole composition of the court in a case considered in the district court, the case shall be considered in the same court by another judge or by another composition of the court, or it shall be handed over for consideration to another district court by the higher placed court if in the district court, in which the case was considered the replacement of the judge is impossible.

3. If the judge or the whole composition of the court is disqualified in a case which is considered in the Supreme Court of the Republic, in the territorial or in the regional court, or in the court of the city of federal importance, in the court of the autonomous region, in the court of an autonomous area or in the Supreme Court of the Russian Federation, the case shall be considered in the same court by another judge or by another composition of the court.

4. The case shall be handed over to the Supreme Court of the Russian Federation for determining what court shall consider it, if in the Supreme Court of the Republic, in the territorial or the regional court, or in the court of the city of federal importance, or in the court of the autonomous region or of an autonomous area, after the satisfaction of the applications for the recusation or because of the reasons mentioned in Article 17 of the present Code, it shall be impossible to form a new composition of the court for considering the given case.

Chapter 3. Jurisdiction and Cognisance

Article 22. Referring Civil Cases to the Jurisdiction of the Courts

1. The courts shall consider and resolve:

1) contentious cases with the participation of citizens and organizations, of state power bodies and local self-government bodies on the protection of the violated or disputed rights, freedoms and lawful interests, in the disputes arising from civil, family, labour, housing, land, ecological and other legal relations;

2) cases on the demands mentioned in Article 122 of the present Code which are resolved in accordance with the warrant proceedings;

3) cases arising from public legal relations, and those enumerated in Article 245 of the present Code;

4) cases of special procedure indicated in Article 262 of the present Code;

5) cases on disputing the decisions of tribunals and those on the issue of writs of execution for a forcible execution of the tribunals' decisions;

6) cases on the acknowledgement and execution of the decisions of foreign courts and of those of foreign arbitrage.

2. The courts shall consider and resolve the cases with the participation of foreign citizens, of stateless persons, of foreign organizations and of organizations with foreign investments, as well as of international organizations.

3. The courts shall consider and resolve the cases envisaged in the first and in second part of the present Article, with the exception of economic disputes and of the other cases referred by the federal constitutional law and by the federal law to the jurisdiction of the arbitration courts.

4. When filing to the court an application containing several interconnected claims, some of which are referred to the competence of a court of general jurisdiction and others to that of an arbitration court, while it is impossible to set the claims apart, the case is subject to the consideration and to the resolution in a court of general jurisdiction. If it is possible to set the claims apart, the judge shall issue a ruling on the acceptance of the claims, falling within the competence of a court of general jurisdiction, and on the refusal to accept the claims falling under the jurisdiction of an arbitration court.

Article 23. Civil Cases Amenable to a Justice of the Peace

1. A justice of the peace shall consider as a court of the first instance:

1) cases on the issue of a court order;

2) cases on the dissolution of a marriage, if there is no dispute over children between the spouses;

3) cases on the division between the spouses of the jointly acquired property, regardless of the amount of the claim;

4) other cases arising from legal family relations, with the exception of those involved in putting into dispute paternity (maternity), in the establishment of paternity, in the deprivation of parental rights and adoption of a child (for a son or daughter);

5) cases on property disputes, if the amount of the claim does not exceed five hundred minimum monthly wagws established by federal law as on the day of filing the application;

6) cases arising from labour relations with the exception of those on the reinstatement to work and of those on the resolution of collective labour disputes;

7) cases on determining the order for the use of property.

2. The federal laws may also refer other cases to the cognisance of the justices of the peace.

3. If several interconnected claims are joined, if the object of the claim is changed or a counter-claim is lodged, or if new claims become cognisable to a district court, while other claims stay within the cognisance of the justice of the peace, all these claims shall be considered in a district court. In this case, if the cognisance of the case has changed in the course of its consideration by the justice of the peace, the latter shall issue a ruling on handing over the case to the district court and shall pass the case for consideration to the district court.

4. No disputes on the cognisance are admissible between the justice of the peace and the district court.

Article 24. Civil Cases Cognisable to the District Court

The civil cases which fall under the jurisdiction of the courts, with the exception of the cases mentioned in Articles 23, 25, 26 and 27 of the present Code shall be considered by the district court in the capacity of the court of the first instance.

Article 25. Civil Cases Cognisable to Military Courts and Other Specialized Courts

If this is stipulated in the federal constitutional law, civil cases shall be considered by the military courts and other specialized courts.

Article 26. Civil Cases cognisable to the Supreme Court of the Republic, to the Territorial or the Regional Court, to the Court of a City of Federal Importance, to the Court of the Autonomous Region and to the Court of an Autonomous Area

1. The Supreme Court of the Republic, the territorial or regional court, the court of a city of federal importance, the court of the autonomous region and the court of an autonomous area shall consider as the court of the first instance civil cases:

1) connected with state secrets;

2) on disputing the legal normative acts of the state power bodies of the subjects of the Russian Federation infringing the rights, freedoms and lawful interests of citizens and organizations;

3) on the suspension of the activity or on the liquidation of the regional branch or of other structural subdivision of a political party or of the inter-regional or regional public associations; on the liquidation of local religious organizations and of centralized religious organizations consisting of local religious organizations situated within the boundaries of one subject of the Russian Federation; on the prohibition of the activity of the inter -regional and regional public associations, as well as of the local religious organizations and of the centralized religious organizations consisting of local religious organizations which are not legal entities and which are situated within the boundaries of one subject of the Russian Federation; on the suspension or termination of the activity of the mass media disseminated primarily on the territory of one subject of the Russian Federation;

4) on contending decisions (evading decision-taking) by electoral commissions of subjects of the Russian Federation (irrespective of the level of election or referendum), district electoral commissions for elections to legislative (representative) governmental bodies of subjects of the Russian Federation, except for decisions that uphold decisions of lower electoral commissions or referendum commissions;

5) on dissolution of the electoral commissions of subjects of the Russian Federation, district electoral commissions for elections to legislative (representative) governmental bodies of subjects of the Russian Federation.

2. The federal laws may also refer other cases to the cognisance of the Supreme Court of the Republic, of the territorial or the regional court, to the court of a city of federal importance, to the court of the autonomous region and to the court of an autonomous area.

Article 27. Civil Cases cognisable to the Supreme Court of the Russian Federation

1. The Supreme Court of the Russian Federation shall consider as a court of the first instance the civil cases:

1) on putting into dispute the legal non-normative acts of the President of the Russian Federation, of the legal non-normative acts of the chambers of the Federal Assembly and of the legal non-normative acts of the Government of the Russian Federation;

2) on disputing the legal normative acts of the President of the Russian Federaiton, of the legal normative acts of the Government of the Russian Federation and of the legal normative acts of the other federal state power bodies, infringing the rights, freedoms and lawful interests citizens and of organizations;

3) on disputing decisions on the suspension or on the termination of the judges' powers, or on the termination of their resignation;

4) on suspending the activity or on the liquidation of political parties, of all-Russia and international public associations, on the liquidation of centralized religious organizations, having local religious organizations on the territory of two and more subjects of the Russian Federation;

5) on contending decisions (evading decision-taking) by the Central Electoral Commission of the Russian Federation (irrespective of the level of election or referendum), except for decisions upholding decisions of lower electoral commissions or referendum commissions;

6) on the resolution of disputes between the federal state power bodies and the state power bodies of the subjects of the Russian Federation, as well as between the state power bodies of the subjects of the Russian Federation handed over for consideration to the Supreme Court of the Russian Federation by the President of the Russian Federation in conformity with Article 85 of the Constitution of the Russian Federation.

7) on dissolution of the Central Electoral Commission of the Russian Federation.

2. The federal laws may also refer other cases to the cognisance of the Supreme Court of the Russian Federation.

Article 28. Institution of a Claim at the Place of Residence or at the Place of Location of the Defendant

A claim shall be instituted in the court at the place of residence of the defendant. A claim against an organization shall be instituted at the place of location of the organization.

Article 29. cognisance at the Plaintiff's Choice

1. A claim against a defendant whose place of residence is unknown or who has no place of residence in the Russian Federation may be instituted in court at the place of location of his property or at the last known place of his residence in the Russian Federation.

2. A claim against an organization resulting from the activity of its affiliate or representation may also be instituted in court at the place of location of its affiliate or representation.

3. Claims on the exaction of alimony and on the establishment of paternity may also be instituted at the place of residence of the plaintiff.

4. Claims for the dissolution of a marriage may also be instituted at the place of residence of the plaintiff if he has an under-aged person in his care, or if the plaintiff's going to the place of residence of the defendant presents a difficulty for the former.

5. Claims for the recompense of the damage caused by severe injury and other kinds of damage to the health or as a result of the death of the bread-winner may also be instituted by the plaintiff in court at the place of his residence or at the place of inflicting damage.

6. Claims for the restoration of the labour, pension and housing rights, for the return of the property or of the cost involved in the recompense of the losses inflicted upon a citizen by an unlawful conviction, by an unlawful bringing to criminal responsibility or by an unlawful application as a measure of restraint of taking into custody or of the recognisance not to leave, or by an unlawful imposition of an administrative punishment in the form of arrest, may also be instituted in the court at the place of the plaintiff's residence.

7. Claims for the protection of the consumers' rights may also be instituted in court at the place of the plaintiff's residence or stay, or at the place of the conclusion or of the execution of the contract.

8. Claims for the recompense of the losses caused by the collision of ships, for an exaction of the remuneration for rendering assistance and for rescue at sea may also be instituted in court at the place of location of the defendant's ship or of the port of the registration of the ship.

9. Claims stemming from contracts in which the place of their execution is pointed out, may also be instituted in the court at the place of execution of such contract.

10. The plaintiff has the right of choice between several courts to which the case is cognisable in accordance with this Article.

Article 30. Exclusive Cognisance

1. Claims for rights to land plots and plots of earth bowels, isolated water objects, forests and perennial plantations, buildings, residential and non-residential quarters, structures, installations and other objects closely connected with land, as well as for relieving the property from arrest shall be filed to the court at the place of location of these objects or of the arrested property.

2. Claims of the creditors of the legator instituted before the heritage is accepted by the heirs, are cognisable to the court at the place of the opening of the inheritance.

3. Claims against the shippers stemming from contracts of shipment shall be filed in court at the place of location of the shipper against whom the claim was filed in the established order.

Article 31. Cognisance of Several Inter-connected Cases

1. A claim against several defendants residing or staying at different places shall be instituted in the court at the place of residence or at the place of stay of one of the defendants at the plaintiff's choice.

2. A counter-claim shall be filed to the court at the place of consideration of the initial claim.

3. A civil claim stemming from a criminal case - unless it was instituted or resolved in the proceedings on the criminal case - shall be presented for consideration by way of the civil legal procedure in accordance with the rules for the cognisance established in the present Code.

Article 32. Agreed cognisance

The parties may agree between themselves to alter the territorial cognisance of the given case before it is taken over by the court for its proceedings. The cognisance established in Articles 26, 27 and 30 of the present Code cannot be changed by the parties' agreement.

Article 33. Handing Over a Case Taken Over by the Court for Its Proceedings to Another Court

1. A case taken over by the court for its proceedings with the observation of the rules for the cognisance shall be resolved by it on merit, even though subsequently it will become cognisable to another court.

2. The court shall hand over the case for consideration to another court if:

1) a defendant whose place of residence or place of stay was not earlier known has filed a petition for handing over the case to the court at the place of his residence or stay;

2) both parties have filed a petition for the consideration of the case at the place of location of most of the proofs;

3) during the consideration of the case in the given court it has transpired that it was taken over for the proceedings with a violation of the rules for the cognisance;

4) after the disqualification of one or of several judges or for the other reasons, the replacement of judges or the consideration of the case in the given court has become impossible. Under these circumstances the transfer of the case shall be effected by the higher placed court.

3. On handing over the case to another court or on the refusal to hand over the case to another court shall be issued a ruling of the court against which a special complaint may be lodged. The transfer of the case to another court shall be effected after the expiry of the time term for filing an appeal against this ruling, and if a complaint is lodged - after a court ruling is issued on leaving the complaint without satisfaction.

4. A case sent over from one court to another shall be accepted for consideration by the court to which it is forwarded. Disputes on the cognisance between the courts in the Russian Federation are inadmissible.

Chapter 4. Persons Taking Part in the Case

Article 34. Composition of Persons Taking Part in the Case

Seen as the persons taking part in the case shall be the parties, third persons, public prosecutor and persons applying to the court for the protection of the rights, freedoms and lawful interests of the other persons or joining the process for the purposes of giving the conclusion on the grounds stipulated in Articles 4, 46 and 47 of the present Code, the claimants and other interested persons in cases of the special procedure and in the cases arising from public legal relations.

Article 35. Rights and Duties of the Persons Taking Part in the Case

1. The persons taking part in the case have the right to get acquainted with the materials of the case, to take excerpts from them and take copies, file recusations, supply proofs and participate in their investigation, put questions to the other persons taking part in the case, to witnesses, experts and specialists; to lodge petitions, including for the supply of proof on demand; to furnish explanations to the court, orally and in writing; to advance their arguments on all issues arising in the course of legal proceedings, to raise objections against the petitions and arguments of the other persons participating in the case; to lodge appeals against the judicial decisions and to exercise the other procedural rights granted by the legislation on the civil legal procedure. The persons taking part in the case shall conscientiously exercise all procedural rights, belonging to them.

2. The persons participating in the case shall discharge the procedural duties established in the present Code and other federal laws. The failure to discharge the procedural duties shall entail the consequences envisaged in the legislation on the civil legal procedure.

Article 36. Possession of the Civil Capacity to Sue

The civil legal capacity to sue is recognized as belonging in equal measure to all the citizens and organizations, who (which) are granted, in conformity with the legislation of the Russian Federation, the right to the legal protection of their rights, freedoms and lawful interests.

Article 37. Civil Legal Capacity to Sue

1. The ability to exercise the procedural rights by their actions, to discharge the procedural duties by their actions and to order the representative to conduct the case in the court (the civil legal capacity to sue) shall belong in full measure to citizens, who have reached the age of eighteen years, and to organizations.

2. An underaged person may exercise his procedural rights himself and discharge the procedural duties in court as from the time of his entry into a marriage or of his being declared fully legally capable (of his emancipation).

3. The rights, freedoms and lawful interests of an underaged person of fourteen to eighteen years and of citizens who are restricted in their legal capacity shall be protected in the proceedings by their legal representatives. However, the court is obliged to draw into the participation in such cases the underaged persons themselves, as well as citizens restricted in their legal capacity.

4. If this is envisaged in the federal law, in the cases arising from civil, family, labour, public and other legal relations, the underaged from fourteen to eighteen years shall have the right to protect their rights, freedoms and lawful interests in the court themselves. However, the court has the right to draw into the participation in such cases the legal representatives of the underaged.

5. The rights, freedoms and lawful interests of the underaged who have not reached the age of fourteen, as well as of citizens recognized as legally incapable shall be protected in the proceedings by their legal representatives - parents, adopters, guardians, trustees and other persons who are granted this right by federal law.

Article 38. The Parties

1. Seen as the parties in the civil legal proceedings shall be the plaintiff and the defendant.

2. The person in whose interest the case is initiated at an application filed by the persons who have turned to the court for the protection of the rights, freedoms and lawful interests of the other persons shall be notified by the court about the initiated legal procedure and take part in it in the capacity of the plaintiff.

3. The parties shall enjoy equal procedural rights and shall discharge equal procedural duties.

Article 39. Change of the Claim, Refusal of the Claim, Acknowledgement of the Claim and an Amicable Settlement

1. The plaintiff has the right to change the grounds or the object of the claim, to increase or reduce the amount of the lawsuit or to refuse the claim, the defendant has the right to acknowledge the claim, and the parties may end the case by amicable settlement.

2. The court shall not accept the plaintiff's refusal from the claim or the defendant's acknowledgement of the claim and shall not approve an amicable settlement, if this contradicts the law or violates the rights and the lawful interests of the other persons.

3. If the ground or object of the claim is changed, and if the amount of the lawsuit is increased, the course of the time term for the consideration of the case stipulated in the present Code shall be started as from the day of performing the corresponding procedural action.

Article 40. Participation in the Case by Several Plaintiffs and Defendants

1. The claim may be presented to the court jointly by several plaintiffs or against several defendants (procedural co-participation).

2. Procedural co-participation shall be admissible, if:

1) the object of the dispute are the common rights or duties of several plaintiffs or of several defendants;

2) the rights and the duties of several plaintiffs or defendants have a single base;

3) the object of the dispute are similar rights and duties.

3. Each of the plaintiffs or defendants shall come out in the proceedings with respect to the other party independently. The co-participants may entrust the conducting of the case to one or several co-participants.

If it is impossible to consider the case without the participation of the co-defendant or of the co-defendants in connection with the character of the disputable legal relation, the court shall invite him or them to take part in the case at its own initiative. After the co-defendant or the co-defendants is (are) drawn into the participation in the case, the preparation and the consideration of the case shall be re-started.

Article 41. Replacement of an Improper Defendant

1. While preparing the case or during its investigation in the court of the first instance, the court may permit, at the petition or with the consent of the plaintiff, the replacement of an improper defendant by the proper one. After the replacement of an improper defendant by the proper one, the preparation and consideration of the case shall be re-started.

2. If the plaintiff does not give his consent to the replacement of an improper defendant by the proper person, the court shall consider the case on the instituted claim.

Article 42. Third Persons Instituting Independent Claims for the Object of the Dispute

1. Third persons who institute independent claims for the object of the claim may join the case before the court of the first instance passes the judicial decision. They shall enjoy all rights and shall discharge all duties of the plaintiff.

With respect to the persons putting forward independent claims with regard to the object of the dispute, the judge shall issue a ruling on acknowledging them as the third persons in the case under consideration, against which a special complaint may be lodged.

2. When the case is joined by a third person instituting independent claims with respect to the object of the dispute, the consideration of the case shall be re-started.

Article 43. Third Persons Not Instituting Independent Claims for the Object of the Dispute

1. Third persons who do not institute independent claims for the object of the dispute may join the case on the side of either the plaintiff or the defendant before the court of the first instance delivers the judicial decision on the case if this decision may exert an impact on their rights or duties with respect to one of the parties. They may also be drawn into participation in the case at a petition from the persons taking part in the case, or at the initiative of the court. The third persons not instituting independent claims for the object of the dispute shall enjoy the procedural rights and discharge the procedural duties of the party, with the exception of the right to a change of the grounds or of the object of the claim to the increase or decrease of the amount of the lawsuit, to the refusal from the claim to the acknowledgement of the claim or to reaching an amicable settlement and to the presentation of a counter-claim and the demand for a forcible execution of the court decision.

On joining the case by third persons who do not file independent claims for the object of the dispute, a court ruling shall be issued.

2. If the case is joined by a third person who does not institute independent claims for the object of the dispute, the consideration of the case in the court shall be started anew.

Article 44. Succession of Choices in Action

1. If one of the parties in the legal relation disputed or established by the decision of the court withdraws (for the reason of the death of the citizen, the reorganization of the legal entity, the assignment of the claim, the transfer of the debt and in other cases of the change of the person in the obligations), the court shall permit the replacement of this party by its legal successor. The legal succession is possible at any stage of the civil legal procedure.

2. All actions carried out before the legal successor enters into the proceedings shall be obligatory for him in that measure, in which they would have been obligatory for the person for whom the legal successor has substituted.

3. Against the ruling of the court on the replacement or on the refusal to replace the legal successor, a special complaint may be filed.

Article 45. Participation of the Public Prosecutor in the Case

1. The public prosecutor has the right to file an application to the court in protection of the rights, freedoms and lawful interests of the citizens, of an indefinite group of persons, or of the interests of the Russian Federation, of the subjects of the Russian Federation and of the municipal entities. An application in protection of the rights, freedoms and lawful interests of a citizen may be filed by the public prosecutor only if the citizen cannot apply to the court himself on account of his poor health, his age or legal incapability, or because of other valid reasons.

2. A public prosecutor who has lodged an application shall be entitled to all the procedural rights and discharge all the procedural duties of the plaintiff, with the exception of the right to make an amicable settlement and of the duty to pay the court expenses. If the public prosecutor refuses from the application he has filed in protection of the lawful interests of another person, the consideration of the case on merit shall be continued, unless this person or his legal representative announces his refusal of the claim. If the plaintiff refuses the claim, the court shall stop the proceedings on the case, unless this contradicts the law or violates the rights and the lawful interests of the other persons.

3. The public prosecutor shall join the proceedings and give a conclusion on the cases on the eviction, reinstatement to the post, recompense of the damage inflicted upon life or health, as well as in the other cases envisaged in the present Code and other federal laws, in order to exercise the powers he is endowed with. The failure to appear before the court by the public prosecutor who was duly informed

about the time and the place of the consideration of the case shall not be seen as an obstacle to the investigation of the case.

Article 46. Applying to the Court in Protection of the Rights, Freedoms and Lawful Interests of the Other Persons

1. If this is stipulated in the law, the state power bodies, local self-government bodies, organizations or citizens have the right to file an application to the court for the protection of the rights, freedoms and lawful interests of other persons at the latter's request, or for the protection of the rights, freedoms and lawful interests of an indefinite group of persons. An application in protection of the lawful interests of a legally incapable or underaged citizen may in such cases be filed regardless of the request from the interested person or from his legal representative.

2. The persons who have lodged an application in protection of the lawful interests of the other persons shall enjoy all the procedural rights and shall discharge all the procedural duties of the plaintiff, with the exception of the right to reach an amicable settlement and of the duty involved in the payment of the court expenses. If the bodies, organizations or citizens refuse to support the claim they have instituted in the interest of the other person, and also if the plaintiff refuses from the claim, the procedural consequences envisaged in the second part of Article 45 of the present Code shall set in.

Article 47. Participation in the Case of the State Bodies and of the Local Self-Government Bodies for the Issue of the Conclusion on the Case

1. In the cases stipulated by federal law, before the court of the first instance passes the decision, the state bodies and the local self-government bodies shall enter into the case at their own initiative or at the initiative of the persons taking part in the case for the issue of the conclusion on the case so as to discharge the duties imposed on them, and in order to protect the rights, freedoms and lawful interests of the other persons, or of the interests of the Russian Federation, of the subjects of the Russian Federation and of the municipal entities.

2. In the cases stipulated by federal law and in other necessary instances, the court may invite to take part in the case a government body or local self-government body in order to achieve the purposes indicated in the first part of the present Article.

Chapter 5. Representation in Court

Article 48. Conducting Cases in Court Through Representatives

1. Citizens have the right to prosecute their cases in court in person or through their representatives. The personal participation in the case of a citizen shall not deprive him of the right to have a representative on this case.

2. The cases of organizations shall be conducted in court by their bodies acting within the scope of the powers they are granted by the federal law, by other legal acts or constituent documents, or by their representatives.

The powers of the bodies conducting the cases of organizations, shall be confirmed by documents certifying the official status of their representatives, and if necessary by constituent documents.

On behalf of a liquidated organization, the floor in the court shall be taken by the authorized representative of the liquidation commission.

Article 49. Persons Who May Be Representatives in the Court

The legally capable persons possessing the properly formalized powers for conducting the case, with the exception of the persons mentioned in Article 51 of the present Code, may act as representatives in the court. The persons mentioned in Article 52 of the present Code possess the power of representatives by force of the law.

Article 50. Representatives Appointed by Court

The court shall appoint a lawyer as a representative, if the defendant whose place of residence is unknown has no representative, and also in the other cases stipulated by federal law.

Article 51. Persons Who Cannot Be Representatives in Court

Judges, investigators and public prosecutors cannot be representatives in court, with the exception of the instances of their participation in the proceedings as representatives of the corresponding bodies, or as legal representatives.

Article 52. Legal Representatives

1. The rights, freedoms and lawful interests of the legally incapable citizens or of citizens not endowed with complete legal capacity, shall be protected in court by their parents, adopters, guardians, trustees or other persons who are granted this right by federal law.

2. When a citizen recognized in the established order as missing takes part, a person, into whose trust management the property of the missing person is placed shall act as his representative.

3. The legal representatives shall carry out on behalf of the persons they represent all the procedural actions, the right to perform which belongs to the represented persons, with the restrictions stipulated by law.

The legal representatives may entrust prosecuting the case in the court to another person whom they have selected as their representative.

Article 53. Formalizing the Representative's Powers

1. The powers of the representative shall be expressed in a warrant issued and formalized in conformity with the law.

2. The warrants issued by citizens may be certified by a notary or by the organization, in which the trustee works or studies, or by the housing-management organization at the place of the trustee's residence, or by the administration of the institution for the social protection of the population in which the trustee is maintained, as well as by the stationary medical treatment institution where the trustee is undergoing a course of medical treatment, by the commander (the head) of the corresponding military unit, formation, institution or military educational establishment, if the warrants are issued by servicemen, workers of the relevant unit, formation, institution or military educational establishment, or by their family members. The warrants of persons kept in places of confinement shall be certified by the head of the relevant place of confinement.

3. A warrant on behalf of an organization shall be issued under the signature of its manager or of another person authorized for this by its constituent documents, and shall be certified with the seal of this organization.

4. The legal representatives shall submit to the court the documents certifying their status and their powers.

5. The lawyer's right to act in court as a representative shall be certified with an order issued by the corresponding lawyers' entity.

6. The powers of a representative may also be delineated in an oral statement entered into the minutes of the court session, or in a written statement of the trustee in court.

Article 54. Representative's Powers

The representative shall have the right to carry out all the procedural actions on behalf of the person he represents. Nevertheless, the right of the representative to sign a claim, to institute it in the court, to hand over the dispute for consideration to the tribunal and to lodge a counter-claim, the full or a partial refusal from the claims, the reduction of their amount, the acknowledgement of the claim, the change of the object or of the grounds of the claim, reaching an amicable settlement, handing over the powers to another person (the re-transfer of the powers), filing appeals against a court decision, the presentation of a writ of execution to an exaction and the receipt of the adjudged property or money shall be specially referred to in the warrant issued by the represented person.

Chapter 6. Proof and Proving

Article 55. Proof

1. Seen as the proof of the case shall be information obtained in the legally-stipulated order, about the facts on whose grounds the court establishes the existence or absence of the facts substantiating the claims and objections of the parties, as well as of other circumstances that are of importance for the correct consideration and resolution of the case.

This information may be obtained from the explanations of the parties and third persons, from the testimony of witnesses, from written and material evidence, from audio and video recordings, and from expert conclusions.

2. The proof obtained with a violation of the law shall have no legal force and the decision of the court cannot be based on them.

Article 56. Duty of Proving

1. Each party shall prove those facts to which it refers as to the grounds for its claims and objections, unless otherwise stipulated federal law.

2. The court shall determine what facts are of importance for the case and which party is obliged to prove them, and shall submit these facts for discussion, even if the parties have not referred to some of them.

Article 57. Supply and Reclamation of Proof

1. The proof shall be supplied by the parties and other persons participating in the case. The court has the right to suggest that they supply additional proof. If it is difficult for these persons to supply the necessary proof the court shall render them assistance at their petition in the collection and the reclamation of proof.

2. In the petition for the reclamation of proof shall be designated the proof and shall be indicated what particular facts of importance for the correct consideration and resolution of the case may be confirmed or refuted by this proof; the reasons interfering with the receipt of the proof shall also be pointed out and the place where the proof is shall be indicated. The court shall issue an inquiry to the party for obtaining the proof, or shall inquire for the proof directly. The person at whose disposal the proof inquired after by the court is shall forward it to the court, or shall put it into the hands of the person possessing the relevant inquiry for submitting it to the court.

3. The official persons or the citizens for whom it is impossible to submit the proof, inquired after, in general or to supply it within the time term fixed by the court shall notify to this effect the court in the course of five days as from the day of receiving the inquiry, with an indication of the reasons behind this. If they fail to notify the court, and also if they do not comply with the demand of the court to furnish the proof due to the reasons recognized by the court as invalid, upon the guilty official persons and citizens who are not participants in the case shall be imposed a fine - upon the official persons in the amount of up to ten minimum wages established by federal law, and upon citizens, of up to five minimum monthly wages established by federal law.

4. Imposing a fine shall not relieve the corresponding official persons and citizens possessing proof inquired after from the duty to present it to the court.

Article 58. Examination and Investigation of Proof at the Place of Their Location

1. The court may examine and investigate the written or material proof at the place of their storage or at the place of their location, if it is impossible or difficult to bring them to the court.

2. The examination and investigation of the proof shall be carried out by the court with the notification of the persons taking part in the case, but the latter's failure to appear shall not be seen as an obstacle to the examination and the investigation of this proof. If necessary, the experts, specialists and witnesses may be invited to take part in the examination and in the investigation.

3. If the examination and investigation of the proof are carried out at the place of their location, minutes shall be compiled.

Article 59. Referability of Proof

The court shall accept only that proof which is of importance for the consideration and resolution of the case.

Article 60. Admissibility of Proof

The facts of the case, which shall be confirmed by the particular means of proving in conformity with the law, cannot be confirmed by any other proof.

Article 61. Grounds for the Relief from Proving

1. The facts recognized by the court as generally known shall not require proving.

2. The circumstances established by the court decision on an earlier considered case, which has entered into legal force, are obligatory for the court. These facts shall not be proved again and shall not be subject to dispute when considering another case in which the same persons are taking part.

3. When considering a civil case, the facts established by decision of an arbitration court, which has come into legal force, shall not be proved and cannot be disputed by the persons if they have taken part in a case that was resolved by the arbitration court.

4. The court sentence on a criminal case which has entered into legal force is obligatory for the court, considering the case on the civil-law consequences of the actions of the person with respect to whom the court sentence is passed, as concerns the questions whether these actions have actually taken place and whether they have been committed by the given person.

Article 62. Letters of Request

1. If it is necessary to obtain proof which is in another city or district, the court considering the case shall send a letter of request to the corresponding court asking it to carry out particular procedural actions.

2. In the court ruling on a letter of request shall be described in brief the content of the case under consideration and shall be supplied information on the parties, on the place of their residence or place of their stay; the facts to be found out; and also the proof which the court executing the letter of request shall collect. This ruling is obligatory for the court to which it is addressed and shall be executed within a month as from the day of its receipt.

3. The proceedings on the case may be suspended for the time of the execution of a letter of request.

Article 63. Procedure for the Execution of a Letter of Request

1. A letter of request shall be executed in a court session in accordance with the rules established in the present Code. The persons taking part in the case shall be notified about the time and place of the session, but their failure to appear shall not be seen as an obstacle to the execution of the request. The protocols and all the proof collected while executing a letter of request shall be immediately sent over to the court considering the case.

2. If the persons taking part in the case the witnesses or experts who have given explanations, evidence and conclusions to the court which was executing the letter of request appear in court considering the case, they shall give explanations, evidence and conclusions in the general order.

Article 64. Providing for Proof

The persons who have reason to fear that the supply of proof necessary for them may subsequently become impossible or difficult may ask the court to provide for this proof.

Article 65. Application for Providing for Proof

1. An application for providing for proof shall be filed to the court in which the case is under consideration or in the district of whose activity the procedural actions aimed at providing for the proof shall be carried out. In the application shall be described the content of the case under consideration; information on the parties, or on the place of their residence or place of their stay; the proof which shall be provided for; the facts for the confirmation of which this proof are necessary; and the reasons which have compelled the applicant to lodge a request for providing for the proof.

2. A special complaint may be filed against the ruling of the judge on the refusal to provide for the proofs.

Article 66. Procedure for Providing for Proof

1. Providing for the proof shall be effected by the judge in accordance with the rules established in the present Code.

2. The protocols and all materials collected by way of providing for the proof shall be handed over to the court considering the case, with the notification to this effect of the persons taking part in the case.

3. If providing for the proof has not taken place in the court where the case is considered, the rules of Articles 62 and 63 of the present Code shall be applied.

Article 67. Assessment of Proof

1. The court shall assess the proof in accordance with its inherent conviction, based on an all-round, complete, objective and direct investigation of the proof contained in the case.

2. No kind of proof shall have for the court the force established in advance.

3. The court shall assess the referability, admissibility and authenticity of each piece of proof separately, as well as the sufficiency and the interconnection of the proof in their aggregate.

4. The court is obliged to reflect the results of the assessment of proof in the decision in which shall be cited the motives because of which some proof is accepted as the means for substantiating the conclusions of the court, while others are rejected by the court, as well as the grounds on which some proof is preferred to other proof.

5. In an assessment of documents or of other written proof, the court shall be obliged, when taking into account the other proof, to be convinced that such document or other written proof comes from the body authorized to submit the given kind of proof, that they are signed by the person possessing the right to confirm the document with his signature, and that they contain all the other inalienable requisites of the given kind of proof.

6. When assessing a copy of the document or of other written proof, the court shall check whether, when making a copy of the document, a change in the content of the copy of the document as compared with its original might have occurred, what technical method was applied to effect the copying, whether the copying guarantees the identity of the copy of the document with its original, and in what way the copy of the document was preserved.

7. The court cannot see as proven circumstances confirmed only by a copy of the document or of other written proof if the original of the document is lost and is not presented to the court, and if the copies of this document submitted by each adversary party are not identical, so that it is impossible to establish the genuine content of the original of the document with the assistance of other proof.

Article 68. Explanations of the Parties and Third Persons

1. The explanations of the parties and of third persons concerning the facts known to them which are of importance for the correct consideration of the case are subject to verification and assessment

along with other proof. If the party obliged to prove its claims or objections holds back the proof at its disposal and does not present them to the court, the court has the right to base its conclusions on the explanations of the other party.

2. The acknowledgement by the party of the circumstances on which the other party bases its claims or objections relieves the latter from the need to further prove these facts. The acknowledgement shall be entered into the protocol of the court session. The acknowledgement stated in a written application shall be enclosed with the case materials.

3. If the court has grounds to believe that the acknowledgement is made in order to conceal the actual circumstances of the case or under the impact of the deceit, threat or bona fide ignorance, it shall not accept the acknowledgement and shall issue a ruling to this effect. In this case, the given circumstances are subject to proving on general grounds.

Article 69. Witnesses' Evidence

1. A witness is a person who may dispose of certain information about the facts which are of importance for the consideration and the resolution of the case. Information supplied by a witness shall not be seen as proof if he cannot name the source of his knowledge.

2. A person requesting to summon a witness is obliged to indicate what particular facts of importance for the consideration and the resolution of the case the witness can confirm, and to inform the court about his surname, name and patronymic, as well as his place of residence.

3. The following persons shall not be interrogated as witnesses:

1) representatives in a civil case or the counsels for the defence in a criminal case, in a case on an administrative law offence - about the circumstances which have become known to them in connection with their discharge of the duties of the representative or of the counsel for the defence;

2) the judges, jurors, people's or arbitrage assessors - about the questions which have arisen in the retiring room in connection with the discussion of the circumstances of the case when passing the court decision or the verdict;

3) the priests of the religious organizations which have passed state registration, about the circumstances which have become known to them from a confession.

4. The following persons have the right to refuse from giving the witnesses' evidence:

1) the citizen against himself;

2) the spouse against the spouse, children, including adopted children, against the parents and the adopters, and the parents and the adopters against the children, including against the adopted children;

3) the brothers and sisters against one another, the grandmother and the grandfather against the grandchildren, and the grandchildren against the grandfather and the grandmother;

4) the deputies of the legislative bodies - in respect of information which has become known to them in connection with their discharge of deputies' powers;

5) the Authorized Person for Human Rights in the Russian Federation, in respect of information which has become known to him in connection with the discharge of his duties.

Article 70. Duties and Rights of a Witness

1. The person summoned as a witness is obliged to appear in court at the appointed time and to give truthful evidence. The witness may be interrogated by the court at the place of his stay if he is in no condition to come to the court summons because of illness, old age, invalidity and other valid reasons.

2. The witness shall bear the responsibility stipulated in the Criminal Code of the Russian Federation for giving deliberately false evidence and for the refusal to give evidence on motives not envisaged by federal law.

3. The witness has the right to the recompense of the outlays involved in the summons to the court, and to the receipt of a monetary compensation in connection with the loss of time.

Article 71. Written Proof

1. Seen as written proof shall be the acts, agreements, reference notes, business correspondence and other documents and materials made out in the form of digital or graphic recordings, including those obtained through the use of facsimile, electronic or other communication devices or by another method allowing to ascertain the authenticity of the document which contains information on the circumstances of importance for the consideration and for the resolution of the case. To written proofs shall be referred the verdicts and the decisions of the court and the other judicial resolutions, the protocols on carrying out the procedural actions, the protocols of the court sessions and enclosures to the protocols on carrying out the procedural actions (schemes, maps, plans and drawings).

2. Written proof shall be presented in the original or in the form of a properly attested copy.

The original documents shall be presented, if the case circumstances are subject to confirmation only by such documents in conformity with the laws and the other legal normative acts, if it is impossible

to resolve the case without the original documents or if the copies of the document differing in their content have been submitted .

3. The copies of written proofs submitted to the court by a person taking part in the case, or received by the court on demand, shall be forwarded to the other persons taking part in the case.

4. A document obtained in a foreign state shall be recognized as written proof in court if its authenticity is not refuted and if it is legalized in the established order.

5. Foreign official documents shall be acknowledged in the court as written proof without their legalization in the cases stipulated in the international treaty of the Russian Federation.

Article 72. Return of Written Proof

1. The written proof contained in the case file shall be returned to the persons who have submitted this proof, at their request after the decision of the court has entered into legal force. In the case file shall be left the copies of this written proof, attested by the judge.

2. Prior to the entry of the court decision into legal force, the written proof may be returned to the persons who have submitted them, if the court finds this possible.

Article 73. Tangible Evidence

Seen as tangible evidence shall be objects which in their external appearance, properties and place of location or because of their other features may serve as a means for the establishment of circumstances of importance for the consideration and resolution of a case.

Article 74. Storage of Tangible Evidence

1. Tangible evidence shall be kept in court, with the exception of the cases stipulated in the federal law.

2. Tangible evidence which cannot be brought to court shall be kept at the place of its location or in another place defined by the court. It shall be examined by the court, described in detail and, if necessary, photographed and sealed up. The court and the keeper shall take measures for the tangible evidence to remain in an invariable state.

3. The outlays on the storage of the tangible evidence shall be distributed between the parties in conformity with Article 98 of the present Code.

Article 75. Examination and Study of Perishable Tangible Evidence

1. Perishable tangible evidence shall be immediately examined and studied by the court at the place of its location or in another place defined by the court after which it shall be returned to the person who has supplied it for examination and study, or it shall be handed over to organizations which may use them to the purpose. In the latter case, the owner of the tangible evidence may be returned the objects of the same kind and standard, or the cost thereof.

2. The persons taking part in the case shall be notified of the time and place of the examination and the study of such tangible evidence. The failure of the duly notified persons taking part in the case shall not interfere with the examination and study of the tangible evidence.

3. The data of the examination and of the study of the perishable tangible evidence shall be entered into the minutes.

Article 76. Disposal of Tangible Evidence

1. After the court decision enters into legal force, the tangible evidence shall be returned to the persons from whom it was received, or handed over to the persons whose right to these objects was acknowledged by the court, or shall be realized in the order determined by the court.

2. The objects which in conformity with the federal law cannot be left in the ownership or possession of the citizens shall be handed over to the corresponding organizations.

3. After it is examined and studied, the court may return the tangible evidence before the end of the proceedings on the case to the persons from whom it was received, if the latter have filed a petition to this effect and if the satisfaction of such petition will not interfere with the correct resolution of the case.

4. On the issues involved in the disposal of the tangible evidence, the court shall pass a ruling against which a special complaint may be lodged.

Article 77. Audio and Video Recordings

A person who has submitted the audio and video recordings on an electronic or another kind of carrier, or who has filed a petition for their supply on demand, is obliged to point out when, by whom and under what conditions these recordings were made.

Article 78. Storage and Return of the Carriers of Audio and Video Recordings

1. The carriers of audio and video recordings shall be kept in the court. The court shall take measures to keep them in an invariable state.

2. In exceptional cases, after the court decision comes into legal force, the carriers of the audio and video recordings may be returned to the person or organization from whom (which) they were received. At a petition from the person taking part in the case, he may be issued with the copies of the recordings taken at his expense.

On the question of the return of the carriers of the audio and video recordings, the court shall pass a ruling against which a special complaint may be lodged.

Article 79. Appointment of Expert Opinion

1. If questions arise in the course of considering the case which require special knowledge in various fields of science, technology, the arts and the handicrafts, the court shall appoint an expert opinion. The performance of the expertise may be entrusted to a legal expert agency, to a particular expert or to several experts.

2. Each of the parties and the other persons taking part in the case have the right to put to the court questions, subject to resolution in conducting an expert opinion. The final circle of questions on which the conclusion of an expert is required shall be delineated by the court. The court is obliged to motivate a deviation from the suggested questions. The parties and the other persons taking part in the case have the right to request the court to appoint the performance of an expert opinion in a particular legal expert agency or to entrust it to a particular expert; to disqualify an expert; to formulate questions for the expert opinion; to get acquainted with the court ruling on the appointment of an expert opinion and with the questions formulated in it; to become acquainted with the expert conclusion; to file a petition to the court for an appointment of a repeated, additional or complex expertise, or for a commission expertise.

3. If a party avoids the participation in the expertise, if it does not supply experts with the necessary materials and documents for the study and in other cases, if it proves to be impossible to carry out the expertise because of the circumstances of the case and without the participation of this party, the court shall have the right, depending on what party avoids the expertise and of what importance it is for this party, to acknowledge the fact for the clarification of which the expertise was appointed, as established or as refuted.

Article 80. Content of a Court Ruling on the Appointment of an Expertise

1. In a ruling on the appointment of an expert examination the court shall supply the name of the court; the date of the appointment of the expertise; the names of the parties in the case under consideration; the facts for the confirmation or the refutation of which the expertise is appointed; the questions put to the expert; the surname, name and patronymic of the expert or the name of the expert institution to which conducting the expertise is entrusted; the materials and the documents provided to the expert for making a comparative study; the special conditions for handling them during the investigation, if such are necessary; and the name of the party which is paying for the expert opinion.

2. In the court ruling shall also be indicated that the expert is warned by the court or by the head of the legal expert agency, if the expert examination is carried out by a specialist from this agency, about the responsibility envisaged in the Criminal Code of the Russian Federation, for the supply of a deliberately false report.

Article 81. Obtaining of the Samples of the Handwriting for a Comparative Study of the Document, and of the Signature on the Document

1. If the authenticity of the signature on the document or on other written evidence is put in doubt by the person whose signature is seen on it, the court has the right to obtain the samples of this person's handwriting for the subsequent comparative study. The court shall pass a ruling on the need to obtain the samples of the handwriting.

2. The samples of the handwriting may be obtained by the judge or by the court with the participation of a specialist.

3. On the obtaining of the samples of the handwriting shall be compiled minutes, in which shall be reflected the time, place and conditions of the obtaining of the samples of the handwriting. The protocol shall be signed by the judge, by the person from whom the samples of the handwriting were obtained, and by the specialist, if he has taken part in the performance of the given procedural action.

Article 82. Complex Expertise

1. A complex expert appraisal shall be appointed by the court, if the establishment of the circumstances of the case requires the simultaneous performance of the studies with the involvement of various fields of knowledge or with the use of various lines of science in the framework of a single field of knowledge.

2. A complex appraisal shall be entrusted to several experts. Proceeding from the results of the carried out studies, the experts shall formulate a joint opinion on the circumstances and shall render it in a report which shall be signed by all the experts.

The experts who have not taken part in the formulation of the joint opinion or who disagree with it shall sign only the part of the report reflecting their own research.

Article 83. Commission Expert Opinion

1. A commission expert opinion shall be appointed by the court for establishing the facts by two or more experts in a single field of knowledge.

2. The experts shall confer between themselves and, having reached a common opinion, shall formulate it and sign the report. An expert who disagrees with the other expert or other experts shall have the right to present a separate report on all or on the individual issues which have caused the difference of opinion.

Article 84. Procedure for Carrying Out an Expert Opinion

1. An expert examination shall be conducted by the experts from the legal expert agencies on the orders of the heads of these agencies, or by the other experts to whom the court has entrusted it.

2. An expert opinion shall be carried out in the court session or out of the session, if this is necessary because of the character of the studies or if it is impossible or difficult to take the materials or the documents for the study in the session.

3. The persons taking part in the case have the right to be present at the expert examination, with the exception of the cases when such presence may interfere with the study, with the conference of the experts and with the compilation of the report.

Article 85. Expert's Duties and Rights

1. An expert is obliged to accept for the procedure the expertise entrusted to him by the court, and to carry out an exhaustive study of all the submitted materials and documents; to present a substantiated and objective report on the questions put to him and to direct it to a court which has appointed the expert opinion; to appear in court at the summons for personally taking part in the court session and to answer the questions, connected with the carried out expert appraisal and with the report he has submitted.

If the raised questions go beyond the scope of the expert's special knowledge, or if the materials and the documents are useless or insufficient for conducting the studies and presenting a report, the expert shall be obliged to direct to the court which has appointed the expertise a motivated written statement on the impossibility to present the report.

The expert shall ensure the security of the materials and documents, supplied to him for the study, and shall return them to the court together with the report or with the statement on the impossibility to present the report.

2. The expert has no right to collect materials for conducting an expert appraisal on his own; to enter into personal contacts with the participants in the proceedings, if this puts into doubt his lack of interest in the outcome of the case; to divulge information which has become known to him in connection with carrying out the expert appraisal, or to inform anyone about the results of the appraisal, with the exception of the court which has appointed it.

3. The expert shall have the right, insofar as it is necessary for him to submit the report, to become acquainted with the materials of the case concerning the object of the expert appraisal; to ask the court to supply him with additional materials and documents for the study; to put in the court session questions to the persons taking part in the case, and to the witnesses; to file petitions for inviting other experts for conducting an expert appraisal.

Article 86. Expert's Report

1. The expert shall submit his report in writing.

2. The expert's report shall contain a detailed description of the carried out study, the conclusions he has arrived at as a result of it, and the answers to the questions raised by the court. If the expert establishes, when conducting the expert appraisal, certain circumstances of importance for the consideration and resolution of the case about which no questions were put to him, he shall have the right to include conclusions on these circumstances into his report.

3. The expert's report is not obligatory for the court and shall be estimated by it in accordance with the rules established in Article 67 of the present Code. The court's disagreement with this report shall be motivated in the decision or in the ruling of the court.

4. The proceedings on the case may be suspended during the time of conducting an expert examination.

Article 87. Additional and Repeated Expertise

1. If the expert's report is insufficiently clear or incomplete, the court may appoint an additional expert opinion, entrusting its performance either to the same or to another expert.

2. In connection with the newly arisen doubts concerning the correctness or the substantiation of the formerly supplied report, or with the existence of contradictions in the reports of several experts, the court may appoint on the same questions a repeated expertise, the performance of which shall be ordered to another expert or to other experts.

3. In the court ruling on the appointment of an additional or of a repeated expertise shall be expatiated the motives for the disagreement of the court with the formerly submitted report of the expert or of the experts.

Chapter 7. Court Expenditures

Article 88. Court Outlays

1. The outlays of the court consist of the state duty and of the expenditures connected with the consideration of the case.

2. The amount and the procedure for the payment of the state duty shall be established by the federal laws on taxes and fees.

Article 89. Privileges in Respect of Paying the State Duty

Privileges in respect of paying the state duty shall be granted in the instances and in the procedure that are established by the laws of the Russian Federation on taxes and fees.

Article 90. Grounds and Procedure for Allowing to Postpone Payment of the State Duty or to Pay It by Installments

Grounds and procedure for allowing to postpone payment of the state duty or to pay it by installments shall be established in compliance with the laws of the Russian Federation on taxes and fees.

Article 91. Amount of the Claim

1. The amount of the claim shall be determined:

1) on claims for exaction of monetary funds - proceeding from the exacted sum of money;

2) on claims for exaction of property - proceeding from the cost of the exacted property;

3) on claims for exaction of alimony - proceeding from the aggregate payments for one year;

4) on claims for the due payments and issuances - proceeding from the aggregate of all payments and issuances, but for no more than three years;

5) on claims for payments without a fixed time term or for life payments and issuances - proceeding from the aggregate of payments and issuances for three years;

6) on the claims for a reduction or for an increase of the payments and issuances - proceeding from the sum by which the payments and the issuances are reduced or increased, but for no more than one year;

7) on claims for the termination of payments and issuances - proceeding from the aggregate of the remaining payments and issuances, but for no more than one year;

8) on the claims for the early cancellation of a contract of the property lease - proceeding from the aggregate payments for the use of property in the course of the remaining term of the contract, but for no more than three years;

9) on the claims for the right of ownership to an immovable property object belonging to the citizen by right of ownership - proceeding from the cost of the object, but not less than its inventory estimate or, in the absence of such - not less than the estimate of the cost of the object under the contract of insurance, and of an immovable property object belonging to the state - not less than the balance cost of the given object;

10) on the claims consisting of several independent demands - proceeding from each demand taken separately.

2. The amount of the claim shall be pointed out by the plaintiff. If the declared price is manifestly different from the actual cost of the exacted property, the price of the claim shall be determined by the judge when accepting the statement of a claim.

Article 92. Additional Payment to State Duty

1. Grounds and procedure for making an additional payment of the state duty shall be established in compliance with the laws of the Russian Federation on taxes and fees.

2. Where the amount of claim is increased, the consideration of the case shall be prolonged after the claimant's presenting the proof of paying the state duty or after the court's resolving the issue of postponing payment of the state duty, its payment by installments or of decreasing its amount in compliance with Article 90 of this Code.

Article 93. Grounds and Procedure for Returning or Setting Off the State Duty

Grounds and procedure for returning or setting off the state duty shall be established in compliance with the laws of the Russian Federation on taxes and fees.

Article 94. Expenses Involved in Considering a Case

To the expenses involved in the consideration of a case shall be referred:

- the sums to be paid to the witnesses, experts, specialists and interpreters;
- the outlays on the remuneration of the interpreter's services incurred by foreign citizens and by stateless persons, unless otherwise stipulated in the international treaty of the Russian Federation;
- the outlays on the fares and on the accommodation of the parties and of the third persons made by them in connection with the summons to court; outlays on the remuneration of the services of the representatives;
- the outlays on carrying out an examination on the spot;
- the compensation for the actual loss of time in conformity with Article 99 of the present Code;
- the postal expenditures incurred by the parties in connection with the consideration of the case; the other outlays recognized by the court as necessary.

Article 95. Sums of Money to Be Paid to Witnesses, Experts, Specialists and Interpreters

1. To the witnesses, experts, specialists and interpreters shall be compensated the expenses they have incurred in connection with the summons to the court on fares and accommodation; a daily allowance shall also be paid to them.

2. For working citizens summoned to the court as witnesses shall be preserved their average wages at the place of their work for the time of their absence in connection with the appearance in court. The witnesses not involved in labour relations shall receive compensation for being diverted from their customary occupations and for the loss of time proceeding from the actual expenditure of time and from the minimum monthly wage established by federal law.

3. The experts and specialists shall receive an award for the work they have performed on the orders of the court, unless this work is included in the circle of their official duties as employees of a state institution. The amount of the award to the experts and specialists shall be determined by the court with the parties' consent and by agreement with the experts and the specialists.

Article 96. Entry by the Parties of the Sums of Money to Be Paid Out to Witnesses, Experts and Specialists

1. The sums of money to be paid to witnesses, experts and specialists, or other expenditures involved in the consideration of the case which the court has recognized as necessary shall be entered in advance onto the bank account of the board (of the section) of the Judicial Department in the subjects of the Russian Federation by the party which has filed the corresponding request. If the said request is filed by both parties, the required sums shall be entered by the parties in equal parts.

2. If the summons of witnesses, the appointment of experts, the invitation of specialists and other actions subject to remuneration are carried out at the initiative of the court, the corresponding outlays shall be compensated from funds from the federal budget.

If the summons of witnesses, the appointment of experts, the invitation of specialists and other actions subject to remuneration are carried out at the initiative of the justice of the peace, the corresponding outlays shall be compensated at the expense of funds from budget of the subject of the Russian Federation on whose territory the justice of the peace is working.

3. The court, as well as the justice of the peace, may relieve a citizen from the payment of the outlays envisaged in the first part of the present Article, or to reduce their amount taking into account his property status. In this case, the outlays shall be compensated at the expense of the funds from the corresponding budget.

Article 97. Payment of the Sums of Money, Due to Witnesses and Interpreters

1. The sums of money, due to the witnesses and to the interpreters, shall be paid out after they have discharged their duties. The remuneration of the interpreters' services and the recompense of their outlays in connection with their appearance in the court shall be effected at the expense of the funds from the corresponding budget.

2. The procedure for the payment of the sums of money due to witnesses and interpreters, as well as the amount of these sums of money shall be established by the Government of the Russian Federation.

Article 98. Distribution of Court Expenses Between the Parties

1. To the party in whose favour the decision of the court was passed the court shall adjudge the compensation from the other party of all judicial expenses incurred in connection with the case, with the exception of the instances envisaged in the second part of Article 96 of the present Code. If the claim is satisfied only in part, the court expenses mentioned in the present Article shall be adjudged to the plaintiff

in proportion to the amount of the claims satisfied by the court, and to the defendant - in proportion to the part of the claims in which the plaintiff was refused.

2. The rules rendered in the first part of the present Article shall also concern the distribution of court expenses which the parties have incurred in connection with conducting the case in the appeals and in the cassation instances.

3. If the court of a higher instance alters the decision of the court of lower instance or adopts a new decision while not sending the case for new consideration, it shall correspondingly change the distribution of judicial expenses. If in these cases the court of a higher instance has not altered the decision of the court in the part of the distribution of judicial expenses, this question shall be resolved in the court of the first instance by application from the interested person.

Article 99. Exaction of Recompense for Loss of Time

The court may exact in favour of the other party compensation for the actual loss of time from the party which has instituted in bad faith an unsubstantiated claim or a dispute with respect to the claim, or which has systematically opposed the correct and timely consideration and resolution of the case. The amount of compensation shall be determined by the court within reasonable limits and taking account of the particular circumstances.

Article 100. Recompense of the Outlays on the Remuneration of the Representative's Services

1. The court shall adjudge at its written petition to the party in whose favour the court decision was passed the outlays on remuneration of the services of the representative from the other party within reasonable limits.

2. If the lawyer's services were rendered free of charge in the established order to the party in whose favour the court decision was passed, the outlays on the remuneration of the lawyer's services mentioned in the first part of the present Article shall be exacted from the other party in favour of the corresponding lawyers' entity.

Article 101. Distribution of the Judicial Expenses in an Instance of the Refusal from the Claim and of Reaching an Amicable Settlement

1. If the plaintiff refuses the claim, the judicial expenses he has incurred shall not be recompensed by the defendant. The plaintiff shall recompense to the defendant the outlays the latter has incurred in connection with conducting the case. If the plaintiff does not support his claims because of their voluntary satisfaction by the defendant after the institution of the claim, all the judicial expenses incurred by the plaintiff in connection with the case, including those on the remuneration of the services of the representative shall be exacted at the plaintiff's request from the defendant.

2. If an amicable settlement is reached, the parties shall envisage the procedure for the distribution of the court expenses, including those for the remuneration of the services of the representatives.

If the parties have not envisaged such procedure for the distribution of the court expenses as they reached an amicable settlement, the court shall resolve this issue as applied to Articles 95, 97, 99 and 100 of the present Code.

Article 102. Recompense of the Judicial Expenses to the Parties

1. If the claim of a person who has filed to the court in the law-envisaged instances an application for the protection of the rights, freedoms and lawful interests of the plaintiff is refused, fully or in part, the defendant shall be compensated at the expense of the funds from the corresponding budget the outlays he has incurred in connection with the consideration of the case, fully or in the proportion to that part of the claims, in the satisfaction of which the plaintiff is refused.

2. If a claim for the release of the property from under arrest is satisfied, the plaintiff shall be recompensed the judicial expenses he has incurred at the expense of the funds from the corresponding budget.

Article 103. Recompense of the Judicial Expenses the Court Has Incurred in Connection with the Consideration of the Case

1. The expenses incurred by the court in connection with consideration of the case and the state duty from the payment of which the plaintiff was relieved shall be exacted from a defendant who is not relieved from the payment of the court expenses into the federal budget proportionately to the satisfied part of the plaintiff's claims.

2. If the claim is rejected, the expenses incurred by the court in connection with the consideration of the case shall be exacted from a plaintiff who is not relieved from the payment of the court expenses into the federal budget.

3. If the claim is satisfied in part, while the defendant is relieved from the remuneration of the judicial expenses, the losses incurred by the court in connection with the consideration of the case shall

be exacted into the federal budget from a plaintiff who is not relieved from the payment of the court expenses proportionately to that part of his claims in the satisfaction of which he was refused.

4. If both parties are relieved from the payment of the judicial expenses, the losses incurred by the court in connection with the consideration of the case shall be compensated from the funds from the federal budget.

5. The procedure and the amount of remuneration of the court expenses which the court has incurred in conformity with the present Article shall be established by the Government of the Russian Federation.

Article 104. Appeal Against Court Rulings on the Issues Involved in Judicial Expenses

A special complaint may be filed against the court ruling on the issues involved in judicial expenses.

Chapter 8. Court Fines

Article 105. Imposition of Court Fines

1. The court fines shall be imposed by the court in the instances and in the amounts stipulated in the present Code.

2. The court fines imposed by the court on the official persons of the state bodies, of local self-government bodies and organizations who do not take part in the consideration of the case for a violation of the duties stipulated in the federal law shall be exacted from their personal funds.

3. A copy of the court ruling on the imposition of a court fine shall be forwarded to the person upon whom the fine is imposed.

Article 106. Relief from or Reduction of a Court Fine

1. Within ten days as from the receipt of a copy of the court ruling on the imposition of a court fine, the person upon whom the fine is imposed, may file to the court which has imposed the fine an application for either relief from or reduction of the fine. This application shall be considered in a court session within ten days. The person upon whom the fine is imposed shall be notified about the time and place of the court session, but his failure to appear shall not to be seen as an obstacle to considering the application.

2. A special complaint may be lodged against the refusal to cancel the court fine or to reduce its size.

Chapter 9. Procedural Time Terms

Article 107. Computation of the Procedural Time Terms

1. The procedural actions shall be performed within the procedural time terms established by federal law. In the instances when the time terms are not established by federal law, they shall be fixed by the court. The court shall establish the time terms taking account for the principle of reasonableness.

2. The procedural time terms shall be determined by the date, by an indication of an event which shall inexorably take place, or by a period. In the latter case, the procedural action may be performed in the course of the entire period.

3. The course of the procedural time term counted in years, months or days shall begin on the next day after the date or after the occurrence of the event, by which its start is defined.

Article 108. Termination of the Procedural Time Term

1. The procedural time term counted in years shall expire in the corresponding month and day of the last year of the term. The time term counted in months shall expire on the corresponding day of the last month of the term. If the end of the term counted in months falls on a month which has no corresponding day, the time term shall be seen as expired on the last day of this month.

2. If the last day of the procedural time term falls on a non-working day, seen as the day of the end of the term shall be the working day after it.

3. The procedural action for the performance of which the procedural term is fixed may be performed until twenty four hours before the last day of the term. If the complaint, the documents or the sums of money were brought to a postal communication agency until twenty four hours before the last day of the term, the latter shall not be seen as missed.

4. If the procedural action must be performed directly in the court or in another organization, the time term shall be seen as expired at the hour when in this court or organization the working day ends or the corresponding operations are stopped in accordance with the established rules.

Article 109. Consequences of Missing the Procedural Time Terms

1. The right to perform procedural actions shall be terminated on the expiry of the procedural time term established in the federal law or appointed by the court.

2. The complaints and documents filed after the expiry of the procedural time terms shall not be considered by the court and shall be returned to the person who has filed them, unless a petition is lodged for the restoration of the missed procedural terms.

Article 110. Suspension of the Procedural Time Terms

1. The course of all the non-expired procedural time terms shall be suspended simultaneously with the suspension of the proceedings on the case.

2. From the day of the resumption of the proceedings on the case, the course of the procedural time terms shall be resumed.

Article 111. Extension of the Procedural Time Terms

The procedural time terms which the court has appointed may be extended by the court.

Article 112. Restoration of Missed Procedural Time Terms

1. A missed procedural time term may be restored for persons who have missed the procedural time term fixed in the federal law because of reasons the court finds to be valid.

2. An application for the restoration of missed procedural deadlines shall be filed with the court in which the procedural action should have been performed, and shall be considered in a court session. The persons taking part in the case shall be notified on the time and place of the court session, but their failure to appear shall not be seen as an obstacle to the resolution of the issue set to the court.

3. Simultaneously with filing an application for the restoration of a missed procedural deadline shall be performed the necessary procedural action (a complaint shall be filed or the documents shall be submitted) with respect to which the time term is missed.

4. An application for the restoration of the missed procedural term, established in the second part of Article 376 and in the first part of Article 389 of the present Code, shall be filed with the court, which has considered the case in the first instance. This term may be reinstated only in the exceptional cases, if the court recognises as sound the reasons behind missing it because of the circumstances, objectively precluding the possibility to file a supervisory complaint within the fixed time term (a serious illness of the person, filing the supervisory complaint, his helpless state, etc.), and if these circumstances have taken place within a period of not later than one year since the day of entry of the appealed court decision into legal force.

5. A special complaint may be lodged against the court ruling on the restoration or refusal to restore a missed procedural deadline.

Chapter 10. Court Notices and Summons

Article 113. Court Notices and Summons

1. The persons taking part in the case, as well as the witnesses, experts, specialists and interpreters, shall be notified or summoned to the court by registered letter with a notification on handing it in, by a court summons with notification on handing it in, by a telephone message or telegram, by facsimile communication or with the use of other devices of communication and delivery ensuring the fixation of the court notice or summons and of handing it in to the addressee.

2. The court summons is one of the forms of judicial notices and summons. The persons taking part in the case shall be notified by the court summons of the time and place of the court session or about the performance of the individual procedural actions. Together with the notice in the form of a court summons or a registered letter, to the person taking part in the case shall be forwarded the copies of the procedural documents. The court summons shall also be issued so that to call to the court witnesses, experts, specialists and interpreters.

3. The court notices and the summons shall be handed in to the persons taking part in the case taking account of the fact that the said persons should have enough time to prepare for the case and to appear in court on time.

4. A court notice addressed to a person taking part in the case shall be forwarded to the address, given by the person, taking part in the case, or by his representative. If the citizen does not actually reside at the indicated address, the notice may be directed to the place of his work.

5. A court notice addressed to an organization shall be forwarded to the place of its location.

The court notice, addressed to an organization, may be forwarded to the place of location of its representation or affiliate, if such are mentioned in the constituent documents.

6. The forms for the court notices and summons envisaged in the present Article shall also be applied in respect of foreign citizens and foreign legal entities, unless a different order is established in the international treaty of the Russian Federation.

Article 114. Content of the Court Summons and of the Other Court Notices

1. In the court summons and other court notices shall be contained:

1) the name and the address of the court;

2) the time and the place of the court session;

3) the name of the addressee - the person notified or summoned to the court;

4) an indication of the capacity in which the addressee is summoned or notified;

5) the name of the case on which the summons or the notification of the addressee is effected.

2. In the court summons or other court notices addressed to the persons taking part in the case it shall be proposed to submit to the court all the evidence on the case at their disposal, and shall be indicated the consequences of the non-presentation of the evidence and of the failure to appear in court on the part of the notified or of the summoned persons, as well as their duty to inform the court about the reasons for their failure to appear.

3. Simultaneously with the court summons or other court notice addressed to the defendant, the judge shall direct a copy of the statement of claim, and with the court summons or with the other court notice addressed to the plaintiff also a copy of the defendant's explanations in written form, if such have come to the court.

Article 115. Delivery of the Court Summons and Other Court Notices

1. The court summons and other court notices shall be delivered by mail or by a person with whom the judge entrusts their delivery. The time of their handing in to the addressee shall be fixed by the method established in postal communication agencies, or in a document subject to the return to the court.

2. With the consent of the person taking part in the case the judge may issue into his hands the court summons or other court notice for handing it in to another notified or summoned person. The person whom the judge has ordered to deliver the court summons or the other court notice is obliged to return to the court the back of the court summons or a copy of the other court notice with the signature of the addressee for its receipt.

Article 116. Handing In the Court Summons

1. A court summons addressed to a citizen shall be handed in to him in person against receipt on the back of the summons subject to the return to the court. A court summons addressed to an organization shall be handed in to the corresponding official person, who shall sign for its receipt on the back of the summons.

2. If the person delivering the court summons does not find the citizen summoned to the court at the place of his residence, the court summons shall be handed in to any one of the adult family members residing together with him, with their consent to subsequently hand it in to the addressee.

3. If the addressee is temporarily absent, the person delivering the court summons shall write down on the back of the summons where the addressee has gone and when he is expected to come back.

4. If the place of the addressee's whereabouts is unknown, a note to this effect shall be made on the court summons, subject to handing in, with an indication of the date and the time of the performed action, as well as of the source of information.

Article 117. Consequences of the Refusal to Accept the Court Summons or Other Court Notice

1. If the addressee refuses to accept the court summons or the other court notice, the person delivering it or handing it in shall make the corresponding note on the court summons or on the other court notice, which shall be returned to the court.

2. An addressee who has refused to accept the court summons or other court notice shall be seen as notified about the time and place of the court investigation or of the performance of an individual procedural action.

Article 118. Change of Address During Proceedings on the Case

The persons taking part in the case are obliged to inform the court of a change of their address during the proceedings on the case. In the absence of such communication, the court summons or the other court notice shall be sent over to the last place of the addressee's residence or place of stay known to the court, and shall be seen as delivered, even though the addressee no longer resides or stays at this address.

Article 119. Absence of Information on the Defendant's Place of Stay

If there is no information on the place of the defendant's stay, the court shall start an investigation of the case after the arrival at the court of information to this effect from the last known place of the defendant's residence.

Article 120. Search for the Defendant

1. If the place of the defendant's stay is unknown, the judge is obliged to issue a ruling on announcing a search for the defendant on the claims filed in protection of the interests of the Russian Federation, of the subjects of the Russian Federation and of the municipal entities, as well as on the claims for an exaction of alimony or recompense of the harm inflicted by a severe injury, or of other damage to health, or as a result of the death of the bread winner.

2. An exaction of the outlays on the search for the defendant shall be effected on the grounds of an application from the internal affairs body, by way of an issue of a court order in the manner, stipulated in Chapter 11 of the present Code.

Section II. Proceedings in the Court of the First Instance

Subsection I. Warrant Proceedings

Chapter 11. Court Order

Article 121. Court Order

1. A court order is a judicial decision passed by the judge on his own on the grounds of an application for exaction of the sums of money or for the withdrawal of the movable property from the defendant on the claims envisaged in Article 122 of the present Code.

2. A court order is at the same time an executive document and shall be executed in accordance with the procedure established for the execution of the court decisions.

Article 122. Claims on Which a Court Order Is Issued

A court order shall be issued, if:

- the claim is based on a notarially certified deal;
- the claim is based on a deal made in a simple written form;
- the claim is based on a note of dishonour on the bill made by a notary about the non-payment, non-acceptance or non-dating of the acceptance;
- the claim is filed for exaction of alimony for underaged children not involved in the establishment of paternity, in disputing paternity (maternity), or in the need to invite other interested persons;
- the claim is put forward for an exaction from citizens of the arrears on the taxes, the fees and the other obligatory payments;
- the claim is instituted for exaction of the wages which are computed but not paid out to the worker;
- the claim is instituted by an internal affairs body for exaction of the outlays made in connection with the search for the defendant, for a debtor, or for a child taken away from the debtor in accordance with the court decision.

Article 123. Filing an Application for the Issue of Court Order

1. An application for the issue of a court order shall be filed to the court in accordance with the general rules for the cognisance established in the present Code.

2. An application on the issue of a court order shall be paid as a state duty in the amount of 50 per cent of the rate established for statements of an action.

Article 124. Form and Content of an Application for the Issue of an Order of the Court

1. An application for the issue of an order of the court shall be submitted in writing.

2. In an application on the issue of a court order shall be indicated:

1) the name of the court to which the application is filed;
2) the name of the exactor, his place of residence or place of stay;
3) the name of the debtor, his place of residence or of stay;
4) the exactor's claim and the facts on which it is based;
5) the documents confirming the substantiation of the exactor's claim;
6) the list of the enclosed documents.

If the movable property is claimed on demand, in the application shall be indicated the cost of this property.

3. An application for the issue of a court order shall be signed by the exactor or by his representative endowed with the corresponding powers. To the application filed by the representative shall be enclosed the document certifying his powers.

Article 125. Grounds for the Refusal to Accept an Application for the Issue of a Court Order

1. The judge shall refuse to accept an application for the issue of an order of the court on the grounds envisaged in Articles 134 and 135 of the present Code.

Besides this, the judge shall also refuse to accept an application, if:

1) a claim not envisaged in Article 122 of the present Code is presented;
2) the place of residence or place of stay of the debtor is outside the Russian Federation;
3) the documents confirming the presented claim are not submitted;
4) the application and the submitted documents give grounds to suspect the existence of an issue in law;
5) the filed claim is not paid for with state duty.

2. The judge shall issue a ruling on the refusal to accept an application for the issue of a court order within three days as from the day of arrival of the application.

Article 126. Procedure for the Issue of a Court Order

1. A court order on the merit of the filed claim shall be issued within five days of the day of arrival of the application for the issue of a court order to the court.

2. A court order shall be issued without judicial proceedings and the summons of the parties for hearing out their explanations.

Article 127. Content of a Court Order

1. In an order of the court shall be indicated:
1) the number of proceedings and the date of the issue of the order;
2) the name of the court, the surname and the initials of the judge who has issued the order;
3) the name, the place of residence or the place of stay of the exactor;
4) the name, the place of residence or the place of stay of the debtor;
5) the law on the basis of which the claim is satisfied;
6) the amount of sums of money subject to exaction, or the designation of movable property claimed on demand, with an indication of its cost;
7) the amount of arrears if their exaction is envisaged in a federal law or in a contract, as well as the amount of fines, if such are due;
8) the sum of state duty subject to exaction from the debtor in favour of the exactor or into the revenue of the corresponding budget.
9) the particulars of the collector's bank account to which collectable funds are to be remitted if the levy of execution is on funds of budgets of the budgetary system of the Russian Federation.

2. In a court order on an exaction of an alimony for underaged children, in addition to the information envisaged in Items 1-5 of the first part of the present Article shall be pointed out the date and place of the debtor's birth, his place of work, the name and date of birth of each child for the maintenance of whom the alimony is adjudged, the amount of payments to be exacted from the debtor every month, and the time term for their exaction.

3. An order of the court shall be compiled on a special form in two copies, which shall be signed by the judge. One copy of the court order is left in the file of the court proceedings. For the debtor shall be made a copy of the court order.

Article 128. Notification of the Debtor on the Issue of a Court Order

The judge shall send a copy of the court order to the debtor, who has the right to present objections regarding its execution within ten days from the day of its receipt.

Article 129. Cancellation of a Court Order

The judge shall cancel a court order if the debtor comes up with objections as concerns its execution within the fixed time term. In the ruling on the cancellation of a court order, the judge shall explain to the exactor that he cannot present the declared claim by way of contentious proceedings. The copies of the court ruling on the cancellation of the court order shall be directed to the parties not later than three days after its day of issue.

Article 130. Issue of a Court Order to the Exactor

1. If the debtor does not present objections to the court within the established time term, the judge shall issue the exactor with a second copy of the court order, certified with the official seal of the court, for its presentation for exaction. At the exactor's request, the order of the court may be directed by the court for execution to the officer of the law.

2. If the state duty is exacted from the debtor into the revenue of the corresponding budget on the base of a court order, a writ of execution shall be issued, which shall be certified with the official seal of the court and shall be directed by the court for execution in this part to the officer of the law.

Subsection II. Contentious Proceedings

Chapter 12. Institution of a Claim

Article 131. Form and Content of a Statement of an Action

1. A statement of an action shall be submitted to the court in written form.

2. In a statement of an action shall be pointed out:

1) the name of the court to which the application is filed;

2) the name of the plaintiff, his place of residence or, if the plaintiff is an organization, its place of location, as well as the name of the representative and his address, if the application is filed by the representative;

3) the name of the defendant, his place of residence or, if the defendant is an organization, its place of location;

4) in what consists the violation or the threat of a violation of the rights, freedoms and lawful interests of the plaintiff, and his claims;

5) the facts on which the plaintiff bases his claims, and the proof confirming these facts;

6) the price of the claim, if it is subject to an estimate, as well as the calculation of the exacted or disputed sums of money;

7) information on the observation of the pre-trial order for addressing the defendant, if this is ruled by the federal law or is envisaged in the parties' agreement;

8) the list of the documents enclosed to the application.

In the application may be given the telephone and fax numbers and the e-mail addresses of the plaintiff and of his representative, as well as of the defendant, and other information of importance for the consideration and resolution of the case; the plaintiff's petitions shall also be rendered.

3. In the statement of a claim submitted by the public prosecutor in protection of the interests of the Russian Federation, of the subjects of the Russian Federation and of the municipal entities, or in protection of the rights, freedoms and lawful interests of an indefinite group of persons shall be pointed out of what in particular their interests consist and what particular right has been violated; a reference law or to the other legal normative acts stipulating the ways for protecting these interests shall also be made.

If the public prosecutor comes out in protection of the lawful interests of a citizen, in the application shall be contained the substantiation of the impossibility of filing the claim by the citizen himself.

4. The statement of an action shall be signed by the plaintiff or by his representative, if the latter is endowed with the powers for signing the application and for lodging it to the court.

Article 132. Documents Enclosed with a Statement of an Action

With a statement of an action shall be enclosed:

- its copies in conformity with the number of the defendants and third persons;
- the document confirming the payment of state duty;
- the warrant or another document certifying the powers of the plaintiff's representative;
- the documents confirming the facts on which the plaintiff bases his claims, and the copies of these documents for the defendants and for the third persons, if they have no such copies;
- the text of the published legal normative act, if this is disputed;
- the proof confirming the fulfilment of the obligatory pre-trial procedure for regulating the dispute, if such procedure is stipulated in the federal law or in the international treaty;
- the calculation of the exacted or disputed sum of money signed by the plaintiff and his representative, with copies in accordance with the number of defendants and third persons.

Article 133. Acceptance of a Statement of an Action

The judge is obliged to consider the question of the acceptance of a statement of an action for the proceedings of the court within five days from the day of its arrival to the court. The judge shall issue a ruling on the acceptance of the application for the proceedings on the grounds of which a civil case is instituted in the court of the first instance.

Article 134. Refusal to Accept a Statement of an Action

1. The judge shall refuse to accept a statement of an action, if:

1) the given statement is not subject to consideration by way of civil legal proceedings because the given kind of application shall be considered and resolved in a different court procedure; the application is lodged in protection of the rights, freedoms or lawful interests of another person by a state body, a local self-government body, by an organization or by a citizen which (who) is not endowed with such right by the present Code or by the other federal laws; in an application filed on one's own behalf, are put into dispute the acts which do not infringe the rights, freedoms or lawful interests of the applicant;

2) there exists a court decision which has come into legal force on the dispute between the same parties for the same object and on the same grounds, or a court ruling on the termination of the proceedings on the case in connection with the acceptance of the plaintiff's refusal from the claim or with the approval of the parties' amicable settlement;

3) there exists a tribunal decision which has become obligatory for the parties and which has been passed on the dispute between the same parties for the same object and on the same grounds, with the exception of instances when the court has refused to issue a writ of execution for a forcible execution of the tribunal's decision.

2. The judge shall issue a motivated ruling on the refusal to accept the statement of an action, which shall be handed in or forwarded to the applicant together with the application and with all the documents enclosed with it, within five days from the day of arrival of the application to the court.

3. The refusal to accept a statement of an action shall be seen as an obstacle to the applicant's repeatedly lodging to the court a claim against the same defendant, for the same object and on the same grounds. Against the judge's ruling on the refusal to accept the application may be filed a special complaint.

Article 135. Return of a Statement of an Action

1. The judge shall return a statement of an action, if:

1) the plaintiff has not observed the pre-trial procedure for regulating a dispute established by the federal law for the given category of disputes or stipulated by the parties' agreement, or the plaintiff has not submitted the documents confirming the observation of the pre-trial procedure for the regulation of the dispute with the defendant, if this is envisaged in the federal law for the given category of disputes, or in the agreement;

2) the case is beyond the cognisance of the given court;

3) the statement of an action is filed by a legally incapable person;

4) the statement of an action is not signed, or the statement of an action is signed and filed by a person who is not endowed with the powers for signing it and lodging it to the court;

5) in the proceedings of one or other court or tribunal there is a case on the dispute between the same parties, for the same object and on the same grounds;

6) an application is filed by the plaintiff for the return of the statement of an action before the court has issued a ruling on the acceptance of this statement of a claim for its proceedings.

2. The judge shall issue a motivated ruling on the return of a statement of a claim, in which he shall point out to which court the applicant shall apply, if the case is beyond the cognisance of the given court, or how he can eliminate the circumstances interfering with the institution of a case. The court ruling shall be issued within five days from the day of filing the application to the court, and shall be handed in or forwarded to the applicant together with the application and with all the documents enclosed to it.

3. The return of a statement of an action is not an obstacle to the applicant's repeated filing of a claim against the same defendant, for the same object and on the same grounds, if the plaintiff eliminates the committed violation. Against the judge's ruling on the return of the application may be filed a special complaint.

Article 136. Leaving a Statement of an Action Without Motion

1. Having established that the statement of an action is filed to the court without observation of the demands established in Articles 131 and 132 of the present Code, the judge shall issue a ruling on leaving the application without motion; he shall inform to this effect the person who has filed the application, and shall grant him a reasonable time term for putting right the shortcomings.

2. If the applicant fulfils the judge's directions enumerated in the ruling within the fixed time term, the application shall be seen as filed on the day of its initial presentation to the court. Otherwise, the application shall be seen as not filed and shall be returned to the applicant with all the documents enclosed to it.

3. A special complaint may be lodged against the court ruling on leaving a statement of an action without motion.

Article 137. Lodging a Counter-Claim

The defendant has the right, before the court adopts the decision, to lodge a counter-claim against the plaintiff for its consideration jointly with the initial claim. The counter -claim shall be lodged in accordance with the general rules for filing a claim.

Article 138. Terms for the Acceptance of a Counter-Claim

The judge shall accept a counter-claim, if:

- the counter-claim is directed towards offsetting the initial claim;
- the satisfaction of the counter-claim will fully or partly preclude the satisfaction of the initial claim;
- there exists a mutual connection between the counter -claim and the initial claim, and their joint consideration will lead to a faster and more correct consideration of the disputes.

Chapter 13. Provision for a Claim

Article 139. Grounds for the Provision for a Claim

By application from the persons taking part in the case, the judge or the court may take measures to provide for a claim. Providing for a claim is admissible at any stage of the case if the failure to take measures to provide for this claim may interfere with or may make impossible the execution of the decision of the court.

Article 140. Measures for Providing for a Claim

1. Seen as measures for providing for a claim may be:

1) putting under arrest the property belonging to the defendant and maintained by him or by the other persons;

2) prohibiting the defendant from performing certain actions;

3) prohibiting the other persons from performing certain actions concerning the object of the dispute, including the transfer of the property to the defendant or the discharge of the other liabilities in respect of it;

4) suspension of the realization of the property, if a claim is filed for the release of the property from under arrest (for its exclusion from the inventory);

5) suspension of an exaction under an executive document disputed by the defendant in court.

If necessary, the judge or the court may take other measures to provide for the claim, which shall meet the goals indicated in Article 139 of the present Code. The judge or the court may allow several measures aimed at providing for the claim.

2. If the prohibitions mentioned in Items 2 and 3 of the first part of the present Article are violated, the guilty persons shall be subject to a fine in an amount of up to ten minimum monthly wages, established by federal law. Additionally, the plaintiff has the right to demand from these persons through the court compensation for the losses, caused by the non-execution of the court ruling on providing for the claim.

3. The measures aimed at providing for the claim shall be commensurate with the claim presented by the plaintiff.

4. The judge or the court shall immediately inform of the measures for providing for the claim the corresponding state bodies or local self-government bodies, registering property or the rights to it, and of their restrictions (burdens), transfer and termination.

Article 141. Consideration of an Application for Providing for a Claim

An application for providing for a claim shall be considered on the day of its arrival to the court without notifying the defendant and the other persons taking part in the case. The judge or court shall issue a ruling on taking measures to provide for the claim.

Article 142. Execution of the Court Ruling on Providing for a Claim

1. The court ruling on providing for a claim shall be executed immediately, in accordance with the procedure established for the execution of decisions of the court.

2. On the grounds of the court ruling on providing for a claim, the judge or the court shall issue to the plaintiff a writ of execution and shall forward to the defendant the corresponding copy of the court ruling.

Article 143. Replacement of Certain Measures for Providing for a Claim with Other Measures for Providing for the Claim

1. By application from a person taking part in the case shall be allowed the replacement of some measures for providing for a claim with other measures for providing for the claim in accordance with the procedure established in Article 141 of the present Code.

2. If the provision concerns a claim for an exaction of a sum of money, the defendant has the right to enter onto the account of the court the sum claimed by the plaintiff in replacement for the measures taken by the court to provide for the claim.

Article 144. Cancellation of the Provision for a Claim

1. The provision for a claim may be cancelled by the same judge or court at an application from the defendant, or at the initiative of the judge or of the court.

2. The issue of the cancellation of the provision for a claim shall be resolved in a court session. The persons taking part in the case shall be notified of the time and the place of the court session, but their failure to appear shall not be seen as an obstacle to the consideration of the question of cancelling the provision for the claim.

3. In cases of the refusal from the claim, the adopted measures for the provision for the claim shall be retained until the decision of the court enters into legal force. However, the judge or the court

may issue a court ruling on cancelling the measures for providing for the claim simultaneously with the adoption of the court decision or after it is adopted.

4. The judge or the court shall immediately inform of the cancellation of measures for providing for the claim the corresponding state bodies or local self-government bodies registering the property or the rights to it, as well as their restrictions (burdenings), transfer and termination.

Article 145. Appeals Against Court Rulings on the Provision for a Claim

1. A special complaint may be filed against all the court rulings on the provision for a claim.

2. If the court ruling on the provision for a claim was issued without notifying the person who has filed the appeal, the time term for filing an appeal shall be counted as from the day on which such person became aware of this ruling.

3. A special complaint filed against the court ruling on the provision for a claim shall not suspend the execution of this ruling. Filing a special complaint against the court ruling on the cancellation of the provision for a claim or on the replacement of certain measures aimed at the provision for a claim, with other measures for the provision for the claim shall suspend the execution of the court ruling.

Article 146. Recompense to the Defendant of the Losses Caused by the Provision for a Claim

The judge or the court, while allowing the provision for a claim, may demand from the plaintiff that he provide for the defendant's probable losses. After the court decision which has rejected the claim enters into legal force, the defendant has the right to present a claim against the plaintiff for the recompense of the losses caused to him by the measures for the provision for the claim taken at the plaintiff's request.

Chapter 14. Preparing a Case for Judicial Proceedings

Article 147. Court Rulings on Preparing a Case for Judicial Proceedings

1. After accepting an application, the judge shall issue a ruling on the preparation of the case for judicial proceedings and point out the actions which are to be performed by the parties and other persons taking part in the case, and the time terms for the performance of these actions to provide for the correct and timely consideration and resolution of the case.

2. Preparation for judicial proceedings is obligatory for each civil case and shall be carried out by the judge with the participation of the parties and the other persons taking part in the case, as well as of their representatives.

Article 148. Tasks Set in Preparing a Case for Judicial Proceedings

Seen as the tasks set in preparing a case for judicial proceedings are the following:

- specification of the actual circumstances of importance for the correct resolution of the case;
- determination of the law to be guided by in the resolution of the case, and establishment of legal relations between the parties;
- resolution of the question about the composition of the persons taking part in the case, and of other participants in the case;
- supply of the necessary evidence by the parties and other persons taking part in the case;
- reconciliation of the parties.

Article 149. Parties' Actions in Preparing a Case for Judicial Proceedings

1. As the case is being prepared for judicial proceedings, the plaintiff or his representative shall:

1) hand over to the defendant the copies of the evidence substantiating the actual grounds for the claim;

2) file petitions to the judge for the supply on demand of the proof which he cannot obtain on his own without assistance from the court.

2. The defendant or his representative shall:

1) specify the plaintiff's claims and actual grounds for these claims;

2) make written objections to the plaintiff or to his representative and to the court with regard to the claims;

3) hand over to the plaintiff or to his representative and to the judge the proof substantiating his objections with regard to the claim;

4) submit requests to the judge for the obtaining on demand of the proof which he cannot obtain himself without the court's assistance.

Article 150. Actions of the Judge in Preparing a Case for an Action at Law **1.** As he is preparing the case for an action at law, the judge shall be obliged:

1) to explain to the parties their procedural rights and duties;

2) to interrogate the plaintiff or his representative on the merit of the filed claims and to suggest, if necessary, that additional proof be supplied within a specific period of time;

3) to interrogate the defendant on the circumstances of the case and to find out what objections he has with regard to the claim and by what evidence these objections may be confirmed;

4) to resolve the question of entry into the case of co-plaintiffs, co-defendants and the third persons without independent claims concerning the object of the dispute, as well as the questions involved in the replacement of an improper defendant, in combining and dividing claims;

5) to take measures for reaching an amicable settlement by the parties and to explain to the parties their right to apply for the resolution of the dispute to the tribunal, as well as the consequences of such actions;

6) to notify about the time and the place of the judicial proceedings on the case the citizens or the organizations interested in the outcome of the case;

7) to resolve the question of the summons of witnesses;

8) to appoint an expert opinion and the expert for conducting it, and resolve the question about inviting a specialist and an interpreter to take part in the procedure;

9) by request from the parties and from the other persons taking part in the case, as well as from their representatives, to obtain on demand from the organizations or the citizens proof which the parties or their representatives cannot obtain on their own;

10) in the instances, not allowing for a delay, to carry out, with the participation of the persons taking part in the case an examination on the spot of written and tangible proof;

11) to forward court orders;

12) to take measures to provide for a claim;

13) in the instances envisaged in Article 152 of the present Code, to resolve the question of holding a preliminary court session and of its time and place;

14) to perform other necessary procedural actions.

2. The judge shall forward or hand in to the defendant the copies of the application and the documents enclosed with it substantiating the plaintiff's claims, and shall propose that the defendant submit proof in substantiation of his own objections within the time-term fixed by the judge. The judge shall explain that the defendant's failure to submit the proofs and the objections within the time term fixed by the judge is not an obstacle to the consideration of the case in accordance with the proof already contained in it.

3. If a party puts up systematic opposition to a timely preparation of a case to the judicial proceedings, the judge may exact from it in favour of the other party a compensation for the actual loss of time in accordance with the rules established in Article 99 of the present Code.

Article 151. Combination and Division of Several Claims

1. The plaintiff has the right to combine in a single application several interconnected claims.

2. The judge shall set apart one claim or several combined claims into a separate court procedure if he recognizes that a separate consideration of the claims will be more expedient.

3. If the claims are filed by several plaintiffs or several defendants, the judge has the right to set apart one claim or several claims into a separate court procedure, if he recognizes that a separate consideration of the claims will promote the correct and timely consideration and resolution of the case.

4. Having established that in the proceedings of the given court there are several homogeneous cases in which the same parties are taking part, or several cases on the claims of one plaintiff against different defendants, or of different plaintiffs against one defendant, the judge has the right to combine these cases into a single court procedure for their joint consideration and resolution with an account for the parties' opinion, if it recognizes that such combination will promote the correct and timely consideration and resolution of the case.

Article 152. Preliminary Court Session

1. A preliminary court session shall set as its goal the procedural confirmation of the directive actions of the parties they have performed in preparing the case for court proceedings, the determination of the circumstances of importance for the correct consideration and resolution of the case and of whether the proof on the case is sufficient, as well as the investigation of the facts of missing the time terms for applying to the court and the periods of limitation.

2. A preliminary court session shall be conducted by the judge alone. The parties shall be notified of the time and place of the preliminary court session. In the preliminary court session, the parties have the right to present evidence, put forward arguments and file petitions.

3. In complicated cases the judge may appoint, taking account for the parties' opinion, the time term for holding a preliminary court session, exceeding the limits of the time terms established for the consideration and resolution of cases in the present Code.

4. If there are circumstances envisaged in Articles 215, 216 and 220 and in the second-the sixth paragraphs of Article 222 of this Code, the proceedings on the case may be suspended or terminated in the preliminary court session and the application may be left without consideration.

5. On the suspension and termination of the proceedings on the case, and on leaving the application without consideration, a court ruling shall be issued. Against the court ruling may be lodged a special complaint.

6. In a preliminary court session may be considered the defendant's objection to the plaintiff's missing without a valid reason the period of limitation for the protection of the right and the time term for applying to the court established by federal law.

If the fact of missing without valid reasons the period of limitation or the time term for applying to the court is established, the judge shall adopt a decision on the refusal in the claim without investigating the other actual circumstances of the case. The court decision may be complained against in accordance with the appeals or the cassation procedure.

7. On the carried out preliminary court session shall be compiled a protocol in conformity with Articles 229 and 230 of the present Code.

Article 153. Appointment of a Case for Judicial Proceedings

Having acknowledged the case as prepared, the judge shall issue a ruling on its appointment for investigation in a court session, shall notify the parties and the other persons taking part in the case, on the time and the place of the consideration of the case, and summon the other participants in the procedure.

Chapter 15. Judicial Proceedings

Article 154. Time Terms for the Consideration and Resolution of Civil Cases

1. Civil cases shall be considered and resolved by the court before the expiry of two months as from the day of arrival of the application to the court, and by the justice of the peace - before the expiry of one month as from the day of accepting the application for the proceedings.

2. The cases on the reinstatement in a job and on an exaction of an alimony shall be considered and resolved after the expiry of one month.

3. The federal laws may fix the reduced time terms for the consideration and resolution of the individual categories of civil cases.

Article 155. Court Session

The investigation of a civil case shall be conducted in a court session with an obligatory notification of the persons taking part in the case about the time and the place of the session.

Article 156. Presiding Justice in a Court Session

1. A judge considering a case alone shall discharge the duties of the presiding justice. If the case is considered in the district court collegiately, the session shall be presided over by the judge or president of this court, and the sessions of the other courts by the judge, the president or deputy president of the corresponding court.

2. The presiding justice shall lead the court session, create conditions for an all-round and complete investigation of the proof and the circumstances of the case, and eliminate from the judicial proceedings anything of no bearing on the case under consideration. If any of the participants in the case raises objections concerning the actions of the presiding justice, these objections shall be entered into the protocol of the court session. The presiding justice shall give explanations on his actions and if the case is considered collegiately, the explanations shall be supplied by the entire composition of the court.

3. The presiding justice shall take all necessary measures to ensure the proper order in the court session. The orders of the presiding justice are obligatory for all participants in the court procedure, as well as for the citizens, present in the court-room.

Article 157. Directness, Oral Nature and Continuity of Court Proceedings

1. When considering a case the court is obliged to directly investigate the proof of the case: to hear out the explanations of the parties and of the third persons, the testimony of witnesses, the expert conclusions, the advice and explanations of the specialists, to become acquainted with the written proof, to examine the tangible evidence, to hear out the audio recordings and to look through the video recordings.

2. The proceedings on a case shall be conducted orally and with the same composition of judges. If one of the judges is replaced in the course of the consideration of the case, the proceedings shall be conducted from the very beginning.

3. The court session on each case shall be held without interruptions, with the exception of the time assigned for rest. Until the end of the consideration of the started case, or until the postponement of its investigation, the court has no right to consider any other civil, criminal or administrative cases.

Article 158. Order in a Court Session

1. When the judges enter the court-room, all those present shall stand up. The announcement of the decision of the court, as well as the declaration of the court ruling in which the case is ended without adopting the decision shall be listened to by all those present as standing.

2. The participants in the court procedure shall address the judges with the words "Esteemed Court" and shall give their evidence and explanations as standing. A deviation from this rule may be allowed with the permission of the presiding justice.

3. The court proceedings shall take place under the conditions guaranteeing the proper order in a court session and the security of the participants in the procedure.

4. The actions of the citizens present in the court-room and carrying out photography and video recording, as well as the broadcasting and telecasting of the court session, shall not interfere with the proper order in the court session. These actions shall be performed at the places in the court-room indicated by the court, and may be restricted by the court in time, taking account for the opinion of the persons taking part in the case.

5. The participants in the court procedure and all the citizens present in the court-room during a session are obliged to observe the established order in the court session.

Article 159. Measures Applied Against Trouble-Makers in the Court Session

1. The presiding justice shall make a warning to a person disturbing the order in the court session on behalf of the court.

2. After a repeated violation of the order, the person taking part in the case, or his representative may be removed from the court-room on the grounds of the court ruling for the entire period of the court session or for a part of it. In the latter case, the presiding justice shall acquaint the person when he is admitted into the court-room again with the procedural actions performed in his absence. For repeated disturbance of the order, the citizens present in the court session shall be taken out of the court-room on the orders of the presiding justice for the entire period of the court session.

3. The court also has the right to impose upon the persons guilty of a disturbance of the order in the court session a fine in the amount of up to ten minimum monthly wages established by federal law.

4. If the actions of a person who is disturbing order in the court session comprise a crime, the justice shall direct the corresponding materials to the bodies of inquiry or preliminary investigation for instituting a criminal case against the disturber.

5. If the citizens present in the court session arrange a mass disturbance of the order, the court may remove from the court-room the citizens who are not taking part in the case, and consider the case in a closed court session, or postpone the investigation of the case.

Article 160. Opening a Court Session

The presiding justice shall open the court session at the time appointed for the consideration of the case, and shall declare what particular civil case is put under consideration.

Article 161. Checking the Presence of Participants in the Case

1. The secretary of the court session shall report to the court, who of the persons summoned on the civil case is present, whether those who have failed to appear were duly notified and what information is obtained about the reasons behind their absence.

2. The presiding justice shall identify the persons of the attending participants in the court procedure and shall verify the powers of the official persons and of their representatives.

Article 162. Explanation of His Rights and Duties to an Interpreter

1. The persons taking part in the case have the right to propose to the court the candidature of an interpreter.

2. The presiding justice shall explain to the interpreter his duty to translate the explanations, evidence and statements of the persons who have no command of the language in which the court proceedings are conducted, and for the persons who have no command of the language in which the court proceedings are conducted, the content of the explanations, of the evidence and of the statements contained in the case, of the persons taking part in the case, and of the witnesses, as well as of the read out documents, the audio recordings, the expert conclusions, the advice and the explanations of the specialists, of the orders of the presiding justice and of the ruling or of the decision of the court.

3. The interpreter has the right to ask the participants in the case present at the translation questions in order to render the translation more precise, to become acquainted with the minutes of the

court session or of an individual procedural action and to make remarks on the correctness of the translation, which shall be entered into the protocol of the court session.

4. The presiding justice shall warn the interpreter about the responsibility, stipulated in the Criminal Code of the Russian Federation, for a deliberately incorrect translation and shall enclose his signed note of promise to this effect to the protocol of the court session.

If the interpreter avoids the appearance in the court or the proper discharge of his duties, he may be subjected to a fine in the amount of up to ten minimum monthly wages established by federal law.

5. The rules of the present Article shall also to the person possessing the skills of surdo translation.

Article 163. Taking Witnesses Out of the Court-Room

The witnesses who have come shall be taken out of the court-room. The presiding justice shall take measures aimed at precluding the communication of the already questioned witnesses with those not yet questioned.

Article 164. Announcement of the Composition of the Court and Explanation of the Right to Self-Recusation and the Recusation

1. The presiding justice shall announce the composition of the court and declare who is taking part in the court session in the capacity of public prosecutor, secretary of the court session, representatives of the parties and third persons, as well as in the capacity of expert, specialist and interpreter; he shall also explain to the persons taking part in the case their right to declare self-recusations and recusations.

2. The grounds for self-recusations and recusations, the procedure for their resolution and the consequences of the satisfaction of applications for self-recusations and recusations are defined in Articles 16-21 of the present Code.

Article 165. Explanation to the Persons Taking Part in the Case of Their Procedural Rights and Duties

The presiding justice shall explain to the persons taking part in the case their procedural rights and duties, and to the parties - also their rights stipulated in Article 39 of the present Code.

Article 166. Resolution by the Court of Petitions from the Persons Taking Part in the Case

Petitions from the persons taking part in the case on the questions involved in the investigation of the case shall be resolved on the grounds of the court rulings after hearing out the opinions of the other persons taking part in the case.

Article 167. Consequences of Failure to Appear in the Court Session by the Persons Taking Part in the Case and by Their Representatives

1. The persons taking part in the case are obliged to notify the court of the reasons behind their failure to appear and to submit proof of the validity of these reasons.

2. If in the court session does not appear any one of the persons taking part in the case with respect to whom there is no information about their being notified, the case proceedings shall be postponed.

If the persons taking part in the case have been duly notified of the time and the place of the court session, the court shall postpone the proceedings on the case if it recognizes the reasons behind their non-appearance as valid.

3. The court has the right to consider the case if any one of the persons taking part in the case and notified of the time and the place of the court session does not appear, if they have not supplied information on the reasons for their failure to appear and if the court recognizes the reasons behind their non-appearance as invalid.

4. The court has the right to consider the case in the absence of a defendant notified of the time and the place of the court session if he has not informed the court about valid reasons for his non-appearance and has not requested to consider the case in his absence.

5. The parties have the right to request the court to consider the case in their absence and to direct to them copies of the decision of the court.

6. The court may postpone the proceedings on the case at the petition of the person taking part in the case in connection with the non-appearance of his representative because of a valid reason.

Article 168. Consequences of Non-Appearance in the Court Session of Witnesses, Experts, Specialists and Interpreters

1. If the witnesses, experts, specialists or interpreters do not appear in the court session, the court shall hear out the opinion of the persons taking part in the case on the possibility of considering the case in the absence of the witnesses, experts, specialists and interpreters, and shall issue a ruling on continuing the court proceedings or on their postponement.

2. If the summoned witness, expert, specialist or interpreter has failed to appear in the court session because of reasons the court has recognized as invalid, he may be imposed a fine in the amount of up to ten minimum monthly wages established by federal law. If the witness does not come without valid reasons for the second time, he may be taken to court forcibly.

Article 169. Postponement of Court Proceedings

1. The postponement of a case shall be admissible in the instances envisaged in the present Code, as well as if the court finds it impossible to continue with the consideration of the case in this court session because of the non-appearance of some of the participants in the court procedure, or of filing a counter-claim, or of the need to supply or obtain on demand additional proof, or of drawing into the case other persons, or of the performance of other procedural actions.

2. If the consideration of the case is postponed, the date of a new court session shall be appointed taking account for the time necessary for the summons of the participants in the court procedure or for the obtaining on demand of the proof about which the present persons shall be announced against receipt. The persons who have failed to appear and those newly drawn into participation in the case shall be notified of the time and place of the new court session.

3. The consideration of the case after its postponement shall be restarted.

4. If the parties do not insist on repeating the explanations of all the participants in the case, if they are acquainted with the case materials, including the explanations of the participants in the case given at an earlier date, and if the composition of the court has not changed, the court has the right to give the participants in the case an opportunity to confirm the earlier supplied explanations without repeating them, to supplement them and to ask additional questions.

Article 170. Interrogation of Witnesses, if the Investigation of the Case Is Postponed

If the investigation of the case is postponed, the court has the right to interrogate the witnesses who have appeared, if the parties are present in the court session. The resummons of these witnesses to a new court session is admissible only if necessary.

Article 171. Explanation to the Expert and the Specialist of Their Rights and Duties

The presiding justice shall explain to the expert and the specialist their rights and duties, and shall warn the expert about criminal responsibility for giving a deliberately false conclusion; the latter shall issue a signed promise to this effect, which shall be enclosed to the minutes of the court session.

Article 172. Starting the Consideration of the Case

The consideration of a case on merit shall be started with a report of the presiding justice or of one of the judges. Then the presiding judge shall find out if the plaintiff supports his claims, if the defendant acknowledges the claims of the plaintiff and if they wish to end the case by reaching an amicable settlement.

Article 173. Rejection the Plaintiff from the Claim, Acknowledgement of the Claim by the Defendant and an Amicable Settlement of the Parties

1. The plaintiff's statement about refusal from the claim, the acknowledgement of the claim by the defendant and the terms for the parties' amicable settlement shall be entered into the protocol of the court session and shall be signed by the plaintiff, defendant or both parties. If the refusal from the claim, the acknowledgement of the claim or the parties' amicable settlement are expressed in written statements addressed to the court, these statements shall be enclosed to the case, which shall be pointed out in the protocol of the court session.

2. The court shall explain to the plaintiff, the defendant or the parties the consequences of rejecting the claim, of the acknowledgement of the claim or of reaching an amicable settlement by the parties.

3. If the plaintiff rejects the claim and the court accepts it, or if the court approves the parties' amicable settlement, it shall issue a ruling by which the proceedings on the case are at the same time ended. In the ruling of the court shall be indicated the terms for the parties' amicable settlement approved by the court. If the defendant acknowledges the claim and the court accepts it, a decision shall be passed about the satisfaction of the claims put forward by the plaintiff.

4. If the court does not accept the plaintiff's refusal from the claim, or if the defendant acknowledges the claim, or if the court does not approve the parties' amicable settlement, it shall issue a ruling to this effect and shall continue the consideration of the case on merit.

Article 174. Explanations of the Persons Taking Part in the Case

1. After the case is reported, the court shall hear out the explanations of the plaintiff and of the third person taking part in the case on his side, and of the defendant and of the third person taking part on his side, and, afterwards, of the other persons taking part in the case. The public prosecutor, the

representatives of the state bodies and of the local self-government bodies, the organizations and the citizens, who (which) have applied to the court for the protection of the rights and the lawful interests of the other persons, are the first to give explanations. The persons taking part in the case have the right to ask each other questions. The judges have the right to put questions to the persons taking part in the case at any moment when the latter are giving explanations.

2. The written explanations of the persons taking part in the case who have failed to appear, and also in the instances envisaged in Articles 62 and 64 of the present Code, shall be announced by the presiding justice.

Article 175. Establishment of the Sequence in the Investigation of Proof

Having heard out the explanations of the persons participating in the case, and taking into account their opinion, the court shall establish the sequence in the investigation of the proof.

Article 176. Warning the Witness about Responsibility for the Refusal to Give Evidence and for Supplying the Deliberately False Evidence

1. Before the interrogation of the witness, the presiding justice shall identify himself, explain to him the rights and the duties of a witness and warn him about criminal responsibility for the refusal to give evidence and for the supply of the deliberately false evidence. The witness shall issue a signed note to the effect that he was explained his duties and his responsibility. The note shall be enclosed to the protocol of the court session.

2. To a witness who has not reached the age of sixteen years, the presiding justice shall explain his duty to honestly tell everything he knows about the case, but shall not warn him about responsibility for an unlawful refusal to give evidence and for the supply of the deliberately false evidence.

Article 177. Procedure for Questioning a Witness

1. Each witness shall be questioning separately.

2. The presiding justice shall find out the witness's relationships with the persons taking part in the case, and shall propose to the witness to inform the court about everything he personally knows about the circumstances of the case.

3. After this, the witness may be asked questions. The first to ask questions shall be the person at whose request the witness is summoned, and the representative of this person and after this the other persons taking part in the case and their representatives. The judges have the right to ask questions at any moment during the questioning of the witness.

4. If necessary, the court may question the witness once again in the same or in the next court session, and also to repeatedly question the witnesses in order to seek contradictions in their evidence.

5. The interrogated witness shall stay in the court-room until the end of the court proceedings on the case, unless the court permits him to leave earlier.

Article 178. Use of Written Materials by a Witness

When giving evidence, the witness may make use of written materials, if his evidence is connected with any kind of numerical or other data which is difficult to remember. These materials shall be presented to the court and to the persons taking part in the case, and may be enclosed to the case on the grounds of a court ruling.

Article 179. Questioning of an Underaged Witness

1. The interrogation of a witness below fourteen years of age, and at the court's discretion also the interrogation of a witness aged from fourteen to sixteen years, shall be conducted with the participation of a pedagogue, who shall be summoned to the court. If necessary, to the court shall also be summoned the parents, adopters, the guardian or the trustee of the underaged witness. These persons may put questions to the witness with the permission of the presiding justice and to share their opinion with the court regarding the character of the witness and the content of the evidence he has given.

2. In exceptional instances, if this is necessary for the establishment of the circumstances of the case, one or another person taking part in the case may be removed from the court-room for the time of the questioning of an underaged witness on the grounds of the court ruling, or one of the citizens present in the court-room may be removed. After he returns to the court-room, the person taking part in the case shall be told the content of the evidence of the underaged witness and shall be given an opportunity to put questions to the latter.

3. A witness who has not reached the age of sixteen years shall be taken out of the court-room after the end of his interrogation, unless the court recognizes the presence of this witness in the court-room as necessary.

Article 180. Pronouncement of the Witnesses' Evidence

The evidence of the witnesses obtained in the instances stipulated in Articles 62 and 64, in the first part of Article 70 and in Article 170 of the present Code shall be read out in the court session, after which the persons taking part in the case have the right to give explanations on them.

Article 181. Investigation of Written Proof

The written proof or the protocols on their examination compiled in the instances stipulated in Articles 62 and 64, and in Item 10 of the first part of Article 150 of the present Code shall be read out in the court session and shall be presented to the persons taking part in the case, as well as to their representatives and, if necessary, to the witnesses, experts and specialists. After this, the persons taking part in the case may give explanations.

Article 182. Pronouncement and Study of the Citizens' Correspondence and Telegraph Communications

To protect the confidentiality of the correspondence and of the telegraph communications, the correspondence and the telegraph communications of the citizens may be read out and studied by the court in an open court session only with the consent of the persons between whom this correspondence and these telegraph communications were carried out. If the consent of these persons is not received, their correspondence and telegraph communications shall be read out and studied in a closed court session.

Article 183. Investigation of Tangible Proof

1. Tangible proof shall be examined by the court and shall be presented to the persons taking part in the case and to their representatives and, if necessary, also to the witnesses, experts and specialists. The persons, to whom tangible proof are presented may draw the attention of the court to certain circumstances connected with the examination. Their statements shall be entered into the minutes of the court session.

2. The minutes of an examination of the material proof on the spot shall be read out in the court session, after which the persons taking part in the case may supply explanations.

Article 184. Examination on the Spot

1. The written and the material proof which it is impossible or difficult to take to court shall be examined and studied at the place of their location or in another place indicated by the court. On the performance of an examination on the spot the court shall issue a ruling.

2. The persons taking part in the case and their representatives shall be notified of the time and the place of the examination, but their failure to appear shall not be seen as an obstacle to carrying out the examination. If necessary, the witnesses, experts and specialists shall also be summoned.

3. The results of the examination on the spot shall be entered into the minutes of the court session. To the protocol shall be enclosed the plans, schemes, draughts and computations made or checked during the examination, the copies of the documents and the video recordings and the photographs of the written and of the material evidence made and taken during the examination, as well as the expert conclusion and the advice of the specialist in writing.

Article 185. Reproduction of an Audio and a Video Recording and Its Study

1. In the reproduction of an audio and a video recording containing information of a private nature, and also in its study shall be applied the rules stipulated in Article 182 of the present Code.

2. The reproduction of an audio and a video recording shall take place in the court-room or in other premises specially equipped for this purpose, with an indication in the protocol of the court session of the features of the reproducing sources of the evidence and of the time of their reproduction. After this, the court shall hear out the explanations of the persons taking part in the case. If necessary, the reproduction of an audio and a video recording shall be repeated, fully or in part.

3. For the purposes of the elucidation of information contained in an audio or a video recording, the court may invite a specialist. If necessary, the court may also appoint an expert opinion.

Article 186. Statement of the Forgery of Proof

If a statement is made to the effect that a proof contained in the case is forged, the court may appoint an expert opinion to check this statement, or it may propose that the parties supply the other proofs.

Article 187. Investigation of the Expert Conclusion. Appointment of an Additional or Repeated Expertise

1. The expert conclusion shall be read out in court session. For the purposes of an explanation and an extension of the conclusion, the expert may be asked questions. The first to ask them shall be the person at whose application the expert examination is appointed, and his representative and then the other persons taking part in the case and their representatives. If the expert opinion is appointed at the

initiative of the court, the first to put questions to the expert shall be the plaintiff and his representative. The judge has the right to put questions to the expert at any moment of his questioning.

2. The expert conclusion shall be studied in the court session, assessed by the court alongside with the other evidence and shall not have for the court the force established in advance. The disagreement of the court with the expert conclusion shall be motivated in the decision of the court on the case, or in the court ruling on the appointment of an additional or the repeated expertise to be carried out in the instances and in accordance with the procedure stipulated in Article 87 of the present Code.

Article 188. Consulting a Specialist

1. If this is necessary for an examination of the written or of the material proof, for the reproduction of an audio or a video recording, for the appointment of an expert examination and for the questioning of the witnesses, as well for taking measures to obtain the proof, the court may invite specialists for consultations and explanations and for being rendered direct technical assistance (in taking photographs, in compiling plans and schemes, in selecting the samples for the expertise, and in the appraisal of the property).

2. A person summoned as a specialist is obliged to appear in court, to answer questions put by the court, to give advice or explanations in writing and, if necessary, to render technical assistance to the court.

3. The specialist shall consult the court in oral or written form proceeding from his professional knowledge, without carrying out special studies which shall be appointed on the grounds of a court ruling. The specialist's opinion, given in writing, shall be read out in the court session and shall be enclosed to the case. The expert opinion and the explanations given orally shall be entered into the protocol of the court session.

4. For the purpose of an explanation and an expatiation of his opinion, the specialist may be asked questions. The first to ask questions shall be the person at whose application the expert was invited and the representative of this person, and after this questions shall be put by the other persons taking part in the case and by their representatives. To the specialist invited at the initiative of the court, the first to put questions shall be the plaintiff and his representative. The judges have the right to put questions to the specialist at any moment of his questioning.

Article 189. Ending the Consideration of a Case on Merit

After all the proof is investigated, the presiding justice shall give the floor for announcing the conclusion on the case to the public prosecutor, to the representative of the state body or to the representative of the local self-government body taking part in the case in conformity with the third part of Article 45 and with Article 47 of the present Code; then he shall find out from the other persons taking part in the case, and from their representative if they wish to come out with additional explanations. If no such statements follow, the presiding justice shall announce that the consideration of the case on merit is ended and that the court goes over to judicial debates.

Article 190. Judicial Pleadings

1. The judicial pleadings consist of the speeches of the persons taking part in the case and of their representatives. The first to take the floor in the judicial pleadings is the plaintiff and his representative, and then - the defendant and his representative.

2. The third person who has filed an independent claim concerning the object of the dispute in the started procedure, and his representative shall take the floor in the judicial pleadings after the parties and their representatives. The third person who has not filed any claims of his own for the object of the dispute and his representative shall take the floor in the judicial pleadings after the plaintiff and the defendant, on the side of one of whom the third person is taking part in the case.

3. The public prosecutor and the representatives of the state bodies, of the local self-government bodies, of the organizations and the citizens which (who) have applied to the court for the protection of the rights and of the lawful interests of the other persons shall be the first to take the floor in the judicial pleadings.

4. After speeches are made by all persons taking part in the case, and by their representatives, they may reply to what was said. The right of the last reply shall always belong to the defendant and his representative.

Article 191. Resumption of Considering a Case on Merit

1. After the consideration of the case on merit has ended, the persons taking part in the case, and their representatives have no right to refer in their statements to the circumstances which were not examined by the court, or to proof which was not investigated in the court session.

2. If the court finds it necessary to clarify the new circumstances of importance for the consideration of the case during or after the judicial pleadings or to study new proof, it shall issue a ruling

on the resumption of the consideration of the case on merit. After the consideration of the case on merit has ended, the judicial pleadings shall continue in the general order.

Article 192. Retirement of the Court for Taking the Decision

After the judicial pleadings the court shall go into the retiring room for adopting the decision, which the presiding justice shall announce to those present in the court-room.

Article 193. Announcement of the Court Decision

1. After the adoption and signing of the decision, the court shall return to the court-room, where the presiding justice or one of the judges shall announce the decision of the court. Then the presiding justice shall orally explain the content of the court decision, and the procedure and the time term for filing an appeal against it.

2. If only the substantive part of the court decision is announced, the presiding justice is obliged to explain when the persons taking part in the case and their representatives may become acquainted with the motivated decision of the court.

Chapter 16. Decision of the Court

Article 194. Adoption of the Decision of the Court

1. The resolution of a court of the first instance, by which the case is resolved on merit, shall be adopted in the name of the Russian Federation in the form of the decision of the court.

2. The court decision shall be adopted in the retiring room, where only the judge considering the case or the judges included in the composition of the court on the case may be present. The presence of other persons in the retiring room is inadmissible.

3. The conference of the judges shall take place in accordance with the procedure stipulated in Article 15 of the present Code. The judges shall not divulge judgements pronounced during the conference.

Article 195. Lawfulness and Substantiation of the Court Decision

1. The decision of the court shall be lawful and substantiated.

2. The court shall base its decision only on that proof that was investigated in the court session.

Article 196. Issues Resolved in the Adoption of the Court Decision

1. In adopting the decision, the court shall assess the evidence, determine which of the circumstances of importance for the consideration of the case have been established and what circumstances have not been established, what the legal relationships of the parties are, what law shall be applied in the given case, and whether the claim is subject to satisfaction.

2. Having recognized it necessary to discover some new circumstances of importance for the consideration of the case, or to investigate the new evidence, the court shall issue a ruling on the resumption of the court proceedings. After the end of the consideration of the case on merit, the court shall once again hear out the judicial pleadings.

3. The court shall adopt the decision on the claims lodged by the plaintiff. However, the court may beyond the framework of the filed claims in the instances stipulated in federal law.

Article 197. Presentation of the Court Decision

1. The decision of the court shall be presented in written form by the presiding justice or by one of the judges.

2. The court decision shall be signed by the judge if he is considering the case alone, or by all the judges, if the case is considered collegiately, among the others by the judge who has expressed a special opinion. The corrections introduced into the court decision shall be certified by the signatures of the judges.

Article 198. Content of the Court Decision

1. The court decision consists of introductory, descriptive, motivational and substantive parts.

2. In the introductory part of the court decision shall be indicated the date and the place of passing the court decision, the name of the court which has passed the decision, the composition of the court, the secretary of the court session, the parties and the other persons taking part in the case and their representatives, as well as the object of the dispute or instituted claim.

3. The descriptive part of the court decision shall contain an indication of the plaintiff's claim, of the defendant's objections and of the explanations given by the other persons taking part in the case.

4. In the motivational part of the court decision shall be presented the circumstances of the case established by the court; the proof on which the court conclusions concerning these circumstances are

based; the arguments because of which the court rejects certain circumstances; and the laws on which the court has relied.

If the claim is acknowledged by the defendant, in the motivational part of the court decision may be indicated only the acknowledgement of the claim and its acceptance by the court.

If the claim is rejected in connection with recognizing the reasons behind missing the term of limitation or the time term for applying to the court as invalid, in the motivational part of the court decision shall be indicated only the establishment by the court of the given circumstances.

5. The substantive part of the court decision shall contain the conclusions of the court on the satisfaction of the claim or on the refusal in the satisfaction of the claim, fully or in part, and an instruction on the distribution of the court expenses, as well as the time term and the procedure for filing an appeal against the court decision.

Article 199. Compiling a Motivated Court Decision

The decision of the court shall be adopted immediately after the investigation of the case. The compilation of the motivated decision of the court may be postponed for a term of no more than five days as from the day of the end of the investigation of the case, but the court is obliged to announce the substantive part of the decision in the same court session in which the investigation of the case was ended. The declared substantive part of the court decision shall be signed by all the judges and shall be enclosed to the case file.

Article 200. Correction of the Slips of the Pen and of Manifest Arithmetical Errors in a Court Decision

1. After announcing the decision, the court which has adopted the decision on the case has no right to cancel or amend it.

2. The court may, at its own initiative or by application from the persons taking part in the case correct slips of the pen or manifest arithmetical errors made in the decision of the court. The question of introducing corrections into the court decision shall be considered in a court session. The persons taking part in the case shall be notified of the time and place of the court session, but their failure to appear shall not be seen as an obstacle to the introduction of corrections into the court decision.

3. Against the court ruling on the introduction of corrections into the court decision may be filed a special appeal.

Article 201. Additional Court Decision

1. A court which has taken the decision on the case may adopt, at its own initiative or by application from the persons taking part in the case an additional decision of the court, if:

1) on one claim on which the persons taking part in the case presented proof and gave explanations, no court decision was adopted;

2) having resolved the question of law, the court did not indicate the amount of the adjudged sum or the property subject to the transfer, or the actions which the defendant is obliged to perform;

3) the court did not resolve the question of judicial expenses.

2. The question of the adoption of an additional decision of the court may be raised before the entry of the court decision into legal force. An additional decision shall be adopted by the court after the consideration of the question in the court session and may be appealed against. The persons, taking part in the case shall be notified of the time and the place of the court session, but their failure to appear shall not be seen as an obstacle to the consideration and the resolution of the question of taking an additional decision of the court.

3. Against the court ruling on the refusal to adopt an additional court decision may be filed a special appeal.

Article 202. Explanation of the Court Decision

1. If the decision is not sufficiently clear, the court which has adopted it has the right to explain this decision, while not altering its content, by application from the persons taking part in the case and from an officer of the law. The explanation of the court decision is admissible if it has not yet been executed and if the time term in the course of which the court decision may be executed by force has not expired.

2. The question of the explanation of the court decision shall be considered in a court session. The persons taking part in the case shall be notified of the time and place of the court session, but their failure to appear shall not be seen as an obstacle to the consideration and the resolution of the question of the explanation of the court decision.

3. Against the court ruling on the explanation of the decision of the court may be filed a special appeal.

Article 203. Postponement or Execution of the Court Decision by Instalments, the Change of the Method and of the Procedure for the Execution of the Court Decision

1. A court which has considered the case has the right to postpone or put onto the instalments principle the execution of the court decision, or to change the method and the procedure for its execution proceeding from the parties' property status or from other circumstances.

2. The applications mentioned in the first part of the present Article shall be considered in the court session. The persons taking part in the case shall be notified of the time and place of the court session, but their failure to appear shall not be seen as an obstacle to the consideration and resolution of the question put to the court.

3. A special appeal may be lodged against the court ruling on the postponement or on putting onto the instalments principle of the execution of the court decision, or on the change of the method and the procedure for its execution.

Article 204. Determining the Procedure and the Time Term for the Execution of the Court Decision and for the Provisions for Its Execution

If the court establishes a particular procedure and time term for the execution of the court decision, or turns the court decision to an immediate execution, or takes measures to provide for its execution, this shall be indicated in the substantive part of the decision of the court.

Article 205. Court Decision on the Adjudgement of the Property or of Its Cost

If the property is adjudged in kind, the court shall indicate in its decision the cost of this property, which shall be exacted from the defendant if this property proves to be unavailable at the moment of the execution of the court decision.

Article 206. Court Decision Obliging the Defendant to Perform Certain Actions

1. If the court adopts a decision obliging the defendant to perform certain actions not involved in the transfer of the property or in handing over the sums of money, the court may indicate in the same decision that, if the defendant fails to execute the decision within the fixed term, the plaintiff has the right to perform these actions at the expense of the defendant, with exaction of the necessary expenses from the latter.

2. If these actions may be carried out only by the defendant, the court shall establish in the decision the time term in the course of which the court decision shall be executed. The court decision obliging an organization or collegiate body to carry out certain actions (to execute the court decision) not involved in the transfer of the property or in handing over the sums of money shall be executed by their manager within the fixed term. If the decision is executed without any valid reason, the court which has adopted the decision or the officer of the law shall apply towards the manager of the organization or of the collegiate body measures envisaged by federal law.

Article 207. Court Decision in Favour of Several Plaintiffs or Against Several Defendants

1. If the court adopts the decision in favour of several plaintiffs, the court shall point out in what share it concerns every one of them or shall indicate that the right of an exaction is joint and several.

2. If the decision of the court is taken against several defendants, the court shall indicate in what share each of the defendants shall execute the court decision, or it shall point out that their responsibility is joint and several.

Article 208. Indexation of the Adjudged Sums of Money

1. At an application from the exactor or from the debtor, the court which has considered the case may carry out an indexation of the sums of money exacted by the court as on the day of the execution of the court decision.

2. The application shall be considered in a court session. The persons taking part in the case shall be notified of the time and the place of the court session, but their failure to appear shall not be seen as an obstacle to the resolution of the question about the indexation of the adjudged sums of money.

3. A special appeal may be lodged against the court ruling on the indexation of the adjudged sums of money.

Article 209. Entry of Court Decisions into Legal Force

1. The decisions of the court shall enter into legal force after the expiry of the time term fixed for lodging an appeal or a cassational appeal, unless they are appealed against.

If an appeal is filed, the decision of the justice of the peace shall enter into legal force after consideration of this appeal by the district court, unless the appealed decision is cancelled. If the decision of the justice of the peace is cancelled or amended by the decision of the district court and a new decision is adopted, it shall enter into legal force immediately.

If a cassational appeal is lodged, the decision of the court, unless it is cancelled, shall enter into legal force after the case is considered by the court of the cassation instance.

2. After the court decision comes into legal force, the parties taking part in the case and their legal successors cannot once again present in court the same claims and on the same grounds, or to dispute in another civil procedure the facts and legal relations which the court has established.

3. If after the entry into legal force of the decision of the court on the grounds of which periodical payments are exacted from the defendant, the circumstances exerting an impact upon determining the size of the payments or their duration, change, each party has the right to demand that the amount and the time terms of the payments be changed, too, by instituting a new claim.

Article 210. Execution of the Court Decision

The decision of the court shall be executed after its entry into legal force, with the exception of the instances when it shall be executed immediately in accordance with the procedure established in federal law.

Article 211. Court Decisions Subject to Immediate Execution

Subject to an immediate execution is a court order or a court decision on:

- the exaction of alimony;
- the payment to the worker of wages within three months;
- reinstatement in the job;
- inclusion of a citizen of the Russian Federation in the list of electors or participants in a referendum.

Article 212. Right of the Court to Direct the Decision to an Immediate Execution

1. The court may direct the decision to an immediate execution at the plaintiff's request, if because of the specific circumstances delay in its execution may lead to a considerable loss for the exactor, or if the execution may prove impossible. As it permits an immediate execution of the decision, the court may demand that the plaintiff guarantee an immediate turn of its execution if the cancellation of the court decision is possible. The question of an immediate execution of the court decision may be considered simultaneously with the adoption of such decision.

2. The question of permitting an immediate execution of the decision of the court shall be resolved in a court session. The persons taking part in the case shall be notified about the time and the place of the court session, but their default of appearance is not an obstacle to the resolution of the question about an immediate execution of the decision of the court.

3. Against the court ruling on an immediate execution of the court decision may be lodged a special appeal. Filing a special appeal against the court ruling on an immediate execution of the decision of the court shall not suspend the execution of this ruling.

Article 213. Providing for the Execution of a Decision of the Court

The court may provide for the execution of the decision of a court which is not directed to an immediate execution in accordance with the rules established in Chapter 13 of the present Code.

Article 214. Sending the Copies of the Court Decisions to the Persons Taking Part in the Case

The copies of the court decision shall be sent to the persons taking part in the case but not attending the court session, not later than five days as from the day of taking the decision of the court in final form.

Chapter 17. Suspension of the Proceedings on the Case

Article 215. Duty of the Court to Suspend Proceedings on the Case

The court is obliged to suspend the proceedings on the case in the following instances:

- the death of the citizen, if the disputable legal relation allows for legal succession, or the reorganization of the legal entity, who (which) are the parties or the third persons with independent claims;
- recognition of a party to be legally incapable or an absence of the legal representative of the person recognized as legally incapable;
- participation of the defendant in the hostilities, the fulfilment of the tasks under the conditions of an emergency or a military situation, as well as under the conditions of military conflicts, or at the request of the plaintiff taking part in the hostilities or in the fulfilment of the tasks under the conditions of an emergency or a military situation, and under those of military conflicts;
- impossibility to consider the given case before the resolution of another case which is being tried by the civil, administrative or criminal proceedings;
- the court's turning to the Constitutional Court of the Russian Federation with an inquiry for the correspondence of the law, subject to application, to the Constitution of the Russian Federation.

Article 216. Right of the Court to Suspend Proceedings on the Case

The court has the right to suspend the proceedings on a case by application from the persons taking part in the case, or at its own initiative in the following instances:

- a party is in a medical treatment institution;
- the defendant is being searched for;
- an expert opinion is appointed by the court;
- the guardianship and trusteeship body appoints an inspection of the living conditions of the adopters in a case on the adoption (for a son or daughter) and in the other cases infringing upon the rights and lawful interests of children;
- direction by the court of a court order in conformity with Article 62 of the present Code.

Article 217. Time Terms for the Suspension of the Proceedings on a Case

The proceedings on a case shall be suspended in the instances envisaged:

- in the second and third paragraphs of Article 215 of the present Code - until the legal successor of the person taking part in the case is identified, or until a legal representative is appointed for a legally incapable person;
- in the fourth paragraph of Article 215 of the present Code - until the elimination of the circumstances which have served a grounds for the suspension of the proceedings on the case;
- in the fifth paragraph of Article 215 of the present Code - until the entry into force of the court resolution, the decision of the court, the sentence or the court ruling, or until the adoption of the resolution on the materials of the case considered by the administrative proceedings;
- in the sixth paragraph of Article 215 of the present Code - until the Constitutional Court of the Russian Federation passes the corresponding resolution.

Article 218. Appeal Against a Court Ruling on the Suspension of the Proceedings on a Case

A special appeal may be filed against a court ruling on the suspension of the proceedings on a case.

Article 219. Resumption of the Proceedings on a Case

The proceedings on a case shall be resumed after the elimination of the circumstances which have caused their suspension on the grounds of an application from the persons taking part in the case, or at the initiative of the court. If the proceedings are resumed, the court shall inform to this effect the persons taking part in the case.

Chapter 18. Termination of the Proceedings on the Case

Article 220. Grounds for the Termination of the Proceedings on a Case

The court shall terminate the proceedings on a case, if:

- the case is not subject to the consideration and the resolution in the court by way of the civil legal proceedings on the grounds envisaged in Item 1 of the first part of Article 134 of the present Code;
- there is a decision of the court or the court ruling which has entered into legal force, adopted on the dispute between the same parties, for the same object and on the same grounds, on the termination of the proceedings on the case in connection with the acceptance of the plaintiff's rejection of the claim or with the approval of the parties' amicable settlement;
- the plaintiff has rejected the claim and the refusal is accepted by the court;
- the parties have reached an amicable settlement and it is approved by the court;
- there is a decision of a tribunal which has become obligatory for the parties and which is adopted on the dispute between the same parties, for the same object and on the same grounds, with the exception of the instances when the court has refused to issue a writ of execution for a forcible execution of the decision of the tribunal;
- after the death of the citizen who was one of the parties in the case, the disputed legal relation does not admit the legal succession, or if the liquidation of the organization which was one of the parties in the case is completed.

Article 221. Procedure and Consequences of Terminating the Proceedings on a Case

The proceedings on a case shall be terminated by a court ruling, in which it is indicated that a repeated application to the court on the dispute between the same parties, for the same object and on the same grounds is inadmissible.

Chapter 19. Leaving an Application Without Consideration

Article 222. Grounds for Leaving an Application Without Consideration

The court leaves an application without consideration, if:

- the plaintiff has not observed the pre-trial procedure for regulating the dispute established by federal law for the given category of cases or envisaged in the agreement between the parties;

- the application is filed by a legally incapable person;

- the application is signed or filed by a person not endowed with the powers for signing it or filing a claim;

- in the proceedings of the same or another court, or of an arbitration court there is a case on the dispute between the same parties, for the same object and on the same grounds instituted at an earlier date;

- there is an agreement between the parties on handing over the given dispute for the consideration and the resolution of the tribunal, or if before the start of the consideration of the case on merit, an objection came in from the defendant concerning the consideration and the resolution of the case in court;

- the parties which did not submit a request for the consideration of the case in their absence have not appeared in the court at the resummons;

- the plaintiff who did not submit a request for the consideration of the case in his absence has not appeared in the court at the resummons, while the defendant does not insist on the consideration of the case on merit.

Article 223. Procedure and Consequences of Leaving a Case Without Consideration

1. If an application is left without consideration, the proceedings on the case are terminated by the issue of a court ruling. In this ruling the court is obliged to point out how shall be eliminated the circumstances named in Article 222 of the present Code, which interfere with the consideration of the case.

2. After the elimination of the circumstances which have served as grounds for leaving an application without consideration, the interested person has the right to once again file an application in the general order.

3. At a petition from the plaintiff or from the defendant, the court shall cancel its ruling on leaving an application without consideration on the grounds mentioned in the seventh and the eighth paragraphs of Article 222 of the present Code, if the plaintiff or the defendant submits evidence, confirming the validity of the reasons for the failure to appear in the court session and the impossibility to inform the court about them. A special appeal may be filed against the court ruling on the refusal to satisfy such petition.

Chapter 20. Court Ruling

Article 224. Procedure for the Issue of Court Rulings

1. The judicial resolutions of the first instance court, by which the case is not resolved on merit, shall be passed in the form of court rulings. The court rulings shall be passed in the retiring room in accordance with the procedure envisaged in the first part of Article 15 of the present Code.

2. When resolving uncomplicated questions, the court or the judge may issue the rulings without going into the retiring room. Such rulings shall be entered into the protocol of the court session.

3. The court rulings shall be announced immediately after they are issued.

Article 225. Content of a Court Ruling

1. In a court ruling shall be indicated:

1) the date and place of passing the ruling;

2) the name of the court which has issued ruling, the composition of the court and the secretary of the court session;

3) the persons taking part in the court, the object of the dispute or the declared claim;

4) the question on which the ruling is issued;

5) the motives, on which the court has arrived at its conclusions, and a reference to the laws on which the court was relying;

6) the court resolution;

7) the procedure and time term for appealing against the court ruling, if it is subject to an appeal.

2. A ruling which is issued by the court without going into the retiring room shall contain the information described in the fourth sixth parts of the present Article.

Article 226. Special Rulings of the Court

1. In the instances of violating legality, the court has the right to issue a special ruling and to forward it to the corresponding organizations or to the corresponding official persons, which (who) are obliged to inform it of the measures they have taken in the course of one month.

2. If no information about the taken measures comes in, upon the guilty official persons may be imposed a fine in the amount of up to ten minimum monthly wages established by federal law. The

imposition of a fine does not relieve the corresponding official persons of their duty to report on the measures taken in accordance with the special ruling of the court.

3. If the court reveals the signs of a crime in the actions of a party of the other participants in the case, of the official or another person, while considering the case, it shall inform the bodies of inquiry or preliminary investigation to this effect.

Article 227. Sending the Copies of a Court Ruling to the Persons, Taking Part in the Case

If the persons taking part in the case have not appeared in the court session, the copies of the court ruling on the suspension or on the termination of the proceedings on the case, or on leaving the application without consideration shall be sent to them not later than three days as from the day of issue of the court ruling.

Chapter 21. Protocols

Article 228. Obligatory Nature of Keeping a Protocol

A protocol shall be compiled in the course of every court session of a court of the first instance, as well as of every individual procedural action performed out of the court session.

Article 229. Content of a Protocol

1. The protocol of a court session or of an individual procedural action performed out of the court session shall contain all essential information on the investigation of the case or on the performance of an individual procedural action.

2. In the protocol of a court session shall be indicated:

1) the date and the place of the court session;

2) the time of the start and of the end court session;

3) the name of the court considering the case, the composition of the court and the secretary of the court session;

4) the designation of the case;

5) information on the attendance of the persons taking part in the case, their representatives, of witnesses, experts, specialists and interpreters;

6) information on the explanation to the persons taking part in the case, and to their representatives, as well as to the witnesses, experts, specialists and interpreters, of their procedural rights and duties;

7) the instructions of the presiding justice and the rulings issued by the court in the court-room;

8) the applications petitions and explanations of the persons taking part in the case and of their representatives;

9) the testimony of the witnesses, the explanations supplied by the experts on their conclusions and the advice and explanations of the specialists;

10) information on reading out the written proof and the data of an examination of the material evidence, of hearing out the audio recordings and looking through the video recordings;

11) the content of conclusions of the public prosecutor and of the representatives of the state bodies and the local self-government bodies;

12) the content of the judicial pleadings;

13) information on the pronouncement and the explanation of the content of the court decision and of the court rulings, and on the explanation of the procedure and time term for filing an appeal against them;

14) information on the explanation to the persons taking part in the case, of their rights to become acquainted with the minutes and to submit their remarks on it;

15) the date of compiling the minutes.

Article 230. Compilation of the Minutes

1. The minutes is compiled in the court session or when a separate procedural action is performed out of court session by the secretary of the court session. The minutes shall be compiled in written form. To provide for the fullness of the minutes, the court may use of stenography, audio recording and other technical devices.

In the minutes shall be indicated that the secretary of the court session has made use of audio recording and other technical devices to reflect the course of the court session. The carrier of the audio recording shall be enclosed to the protocol of the court session.

2. The persons taking part in the case and their representatives have the right to request that a certain part of the minutes be read out and that into the minutes be entered information on the circumstances which they think is of importance for the case.

3. The minutes of the court session shall be compiled after the end of the court session, and the minutes of the individual procedural action not later than on the next day after the day of its performance.

4. The minutes of the court session shall be signed by the presiding justice and the secretary of the court session. All the amendments, addenda and corrections entered into the protocol shall be specified and certified by the signatures of the presiding justice and of the secretary of the court session.

Article 231. Remarks on the Minutes

The persons taking part in the case and their representatives have the right to become acquainted with the protocol and within five days from the day of its signing to submit in writing their remarks on the protocol with an indication of inaccuracies in it, and (or) of its being not full.

Article 232. Consideration of Remarks on the Minutes

1. The remarks on the minutes shall be considered by the judge who has signed it - the presiding justice of the court session, who shall certify their correctness if he agrees with the remarks, and if not - he shall issue a motivated ruling on their complete or partial rejection. The remarks shall be enclosed with the case file in any case.

2. The remarks on the protocol shall be considered within five days as of the day of their presentation.

Chapter 22. Proceedings in Absentia

Article 233. Grounds for Proceedings in Absentia

1. If a defendant duly notified about the time and the place of the court session who has not reported about the valid reasons behind his failure to appear and who has not requested to consider the case in his absence does not come to the court session, the case may be considered by way of proceedings in absentia. The court shall issue a ruling on the consideration of a case in accordance with such procedure.

2. If several defendants are taking part in the case, the consideration of the case by way of proceedings in absentia shall be possible only if all defendants fail to appear at the court session.

3. If a plaintiff who has come to the court session does not consent to consideration of the case by way of proceedings in absentia in the absence of the defendant, the court shall postpone the consideration of the case and shall forward to the defendant a notification of the time and place of a new court session.

4. If the defendant alters the object or grounds of the claim, or if he increases the amount of the claim, the court has no right to consider the case by way of the proceedings in absentia in the given court session.

Article 234. Procedure for the Proceedings in Absentia

If the case is considered by way of proceedings in absentia, the court shall conduct the court session in the general order, shall investigate the proof, supplied by the persons taking part in the case, shall take into account their arguments and shall adopt the decision named as the decision in absentia.

Article 235. Content of the Court Decision in Absentia

1. The content of the court decision in absentia shall be defined in accordance with the rules of Article 198 of the present Code.

2. In the substantive part of the court decision in absentia shall be pointed out the deadline and the procedure for filing an application for the cancellation of this court decision.

Article 236. Sending a Copy of the Court Decision in Absentia

1. A copy of the court decision in absentia shall be sent to the defendant not later than three days as from the day of its adoption, with a notification on handing it in.

2. To a plaintiff who was not attending the court session and who has requested the court to consider the case in his absence, a copy of the court decision in absentia shall be sent not later than three days as from the day of its adoption, with a notification on handing it in.

Article 237. Appeal Against a Court Decision in Absentia

1. The plaintiff has the right to file to the court which has adopted the decision in absentia an application for the cancellation of this court decision within seven days as from the day when a copy of this decision was handed in to him.

2. The decision of the court in absentia may be appealed against by the parties also by way of cassation, and the decision in absentia of the justice of the peace - by way of an appeal within ten days of the expiry of the time term for submitting by the defendant of an application for the cancellation of this court decision, and if such an application is submitted - in the course of ten days as from the day of the issue by the court of a ruling on the refusal to satisfy this application.

Article 238. Content of an Application for Cancelling the Court Decision in Absentia

1. An application for the cancellation of the court decision in absentia shall contain:

1) the name of the court which has passed the decision in absentia;

2) the name of the person who is filing the application;

3) the circumstances testifying to the validity of the reasons for the defendant's default of appearance in the court session about which he had no opportunity to inform the court in time, and the proof confirming these circumstances, as well as the circumstances and the proof which may exert an impact upon the content of the court decision;

4) the request of the person filing the application;

5) the list of materials enclosed to the application;

2. The application for the cancellation of the court decision in absentia shall be signed by the defendant or, if he possesses the proper power, by his representative, and shall be submitted to the court with the copies whose number shall correspond to the number of the persons taking part in the case.

3. An application for the cancellation of the court decision in absentia is not subject to payment with state duty.

Article 239. Actions of the Court after Accepting an Application for Cancelling the Court Decision in Absentia

The court shall inform the persons taking part in the case about the time and the place of the consideration of an application for cancelling the court decision in absentia and shall direct to them the copies of the application and of the materials enclosed to it.

Article 240. Consideration of an Application for Cancelling the Court Decision in Absentia

An application for cancelling the court decision in absentia shall be considered by the court in a court session within ten days of the day of its arrival to the court. The non-appearance of the persons taking part in the case and duly notified about the time and the place of the court session is not seen as an obstacle to considering the application.

Article 241. Powers of the Court

Having considered an application for cancelling the court decision in absentia, the court shall issue a ruling on the refusal to satisfy of the application or on the cancellation of the court decision in absentia and on the resumption of the consideration of the case on merit in the same or in a different composition of judges.

Article 242. Grounds for Cancelling the Court Decision in Absentia

The court decision in absentia is subject to cancellation if the court establishes that the defendant's failure to appear in the court session was due to valid reasons which he had no opportunity to timely report to the court, and that the defendant refers in this case to the circumstances and submits the proof which may exert an impact on the content of the decision of the court.

Article 243. Resumption of the Consideration of a Case

If the court decision in absentia is cancelled, the court shall resume the consideration of the case on merit. If a defendant duly notified about the time and the place of the court session fails to appear, the decision of the court taken in the new investigation of the case shall not be seen as the decision in absentia. The defendant has no right to once again file an application for revising this decision by way of the proceedings in absentia.

Article 244. Legal Force of the Court Decision in Absentia

The court decision in absentia shall enter into legal force after the expiry of the deadlines for filing an appeal against it envisaged in Article 237 of the present Code.

Subsection III. Proceedings on Cases Arising from Public Legal Relations

Chapter 23. General Provisions

Article 245. Cases Arising from Public Legal Relations

The court shall consider the cases arising from public legal relations:

- at the applications from citizens and organizations, and from the public prosecutor for putting into dispute the legal normative acts fully or in part, unless the consideration of these applications is referred by the federal law to the competence of the other courts;

- at the applications for disputing the decisions and the actions (inaction) of the state power bodies, of the local self-government bodies, of official persons and of government and municipal employees;

- at the applications for protecting their electoral rights or the right to take part in a referendum from the citizens of the Russian Federation;

- the other cases arising from public legal relations and referred by the federal law to the competence of this court.

Article 246. Procedure for the Consideration and the Resolution of Cases Arising from Public Legal Relations

1. The cases arising from public legal relations shall be considered and resolved by the judge on his own, and in the instances envisaged in the federal law, collegiately, in accordance with the general rules for the contentious proceedings and with the specifics established in the present Chapter, in Chapters 24-26 of the present Code and in the other federal Laws.

2. When considering and resolving the cases arising from public legal relations, the rules for the proceedings in absentia established in Chapter 22 of the present Code shall not be applied.

3. When considering and resolving the cases arising from public legal relations the court shall not be bound by the grounds and the arguments of the instituted claims.

4. In considering and resolving the cases arising from public legal relations the court may recognize as obligatory the attendance at the court session of the representative of the state power body or of the local self-government body, or of an official person. If they do not come, a fine may be imposed upon the said persons in the amount of up to ten minimum monthly wages established by federal law.

Article 247. Procedure for Applying to a Court

1. The court shall start the investigation of a case arising from public legal relations on the grounds of an application lodged by an interested person.

In the application shall be pointed out what particular decisions and actions (lack of action) shall be recognized as illegal and what particular rights and freedoms of the person are violated by these decisions and actions (by inaction).

2. The interested person's applying to a body standing higher in the hierarchy of subordination, or to an official person shall not be seen as an obligatory condition for lodging an application to the court.

3. If when filing an application to the court it is established that it is an issue in law subject to the jurisdiction of the given court, the judge shall leave the application without motion and shall explain to the applicant the need to formalize the statement of an action with the observation of the demands laid out in Articles 131 and 132 of the present Code. If the rules for the cognisance of the case are violated in doing this, the judge shall return the application.

Article 248. Refusal to Accept an Application or the Termination of the Proceedings on a Case Arising from Public Legal Relations

The judge shall refuse to accept an application or shall terminate the proceedings on a case arising from public legal relations if there exists a decision of the court accepted at an application for the same object which has come into legal force. Proceedings in a case of protection of the suffrage and of the right of taking part in a referendum of citizens of the Russian Federation may be terminated on the grounds set out in a federal law.

Article 249. Distribution of the Duties Involved in Proving the Cases Arising from Public Legal Relations

1. The duties involved in proving the circumstances which have served as the grounds for the acceptance of a legal normative act, and of proving its legality, as well as of the legality of the disputed decisions and actions (of inaction) of the state power bodies and of the local self-government bodies, of official persons and of government and municipal employees, shall be imposed upon the body which has adopted the legal normative act, and upon the bodies and the persons which (who) have adopted the disputed decisions or have performed the disputed actions (inaction).

2. As it considers and resolves the cases arising from public legal relations, the court may obtain proof on demand at its own initiative for the purpose of correctly resolving the case. Upon the official persons who fail to fulfil the court's demands on the supply of proof, a fine shall be imposed in an amount of up to ten minimum monthly wages, established by federal law.

Article 250. Legal Force of a Court Decision

After the decision of the court on a case arising from legal public relations has entered into legal force, the persons taking part in the case as well as other persons, cannot institute in the court the same claims and on the same grounds.

Chapter 24. Proceedings on Cases on Recognizing Legal Normative Acts as Invalid, Fully or in Part

Article 251. Filing Applications for Disputing Legal Normative Acts

1. A citizen and an organization believing that the legal normative act of a state power body, of a local self-government body or of an official person, passed and published in the established order, infringes upon their rights and freedoms guaranteed by the Constitution of the Russian Federation, by the laws and the other legal normative acts, as well as the public prosecutor within the scope of his competence, have the right to lodge an application to the court for recognizing this act as contradicting the law, fully or in part.

2. The right to lodge an application for recognizing a legal normative act as contradicting the law, fully or in part, is also enjoyed by the President of the Russian Federation, by the Government of the Russian Federation, by the legislative (representative) body of a subject of the Russian Federation, by the top official of a subject of the Russian Federation, by the local self-government body and by the head of a municipal entity, who (which) believe that the legal normative act, passed and published in the established order, infringes their competence.

3. Not subject to the consideration in the court in accordance with the procedure envisaged in the present Chapter are applications for putting into dispute the legal normative acts, the verification of whose legality is referred to the exclusive competence of the Constitutional Court of the Russian Federation.

4. Applications for disputing legal normative acts shall be submitted in accordance with the cognisance established in Articles 24, 26 and 27 of the present Code. Applications for putting into dispute the legal normative acts not mentioned in Articles 26 and 27 of the present Code, shall be lodged with a district court. An application shall be filed to a district court at the place of location (stay) of the state power body, of the local self-government body or of the official person which (who) has adopted the legal normative act in question.

5. An application for putting into dispute a legal normative act shall correspond to the demands stipulated in Article 131 of the present Code, and shall contain in addition the data on the name of the state power body, of the local self-government body or of the official which (who) has passed the disputed legal normative act, on its (his) name and on the date of adoption; and an indication of what rights and freedoms of the citizen or of an indefinite group of persons are infringed upon by this act or by a part of it.

6. To an application for disputing a legal normative act shall be enclosed a copy of the disputed legal normative act or of its part, with an indication of in what particular mass media and when this act was published.

7. Filing an application for disputing a legal normative act in the court shall not suspend the operation of the disputed legal normative act.

8. The judge shall refuse the acceptance of an application if there exists the decision of the court that has come into legal effect which has verified the legality of the disputed legal normative act of the state power body, of the local self-government body or of the official on the grounds cited in the application.

Article 252. Consideration of Applications for Disputing Legal Normative Acts

1. The persons who have filed to the court applications for disputing legal normative acts, the state power body, the local self-government body or the official person, which (who) has passed the disputed legal normative act, shall be notified about the time and the place of the court session.

2. An application for putting a legal normative act into dispute shall be considered in the course of one month as from the day of its filing with the participation of the persons who have lodged the application to the court, and of the representative of the state power body, of the local self -government body or of the official which (who) has passed the disputed legal normative act, and of the public prosecutor. Depending on the circumstances of the case, the court may consider the application in the absence of some of the interested persons notified about the time and the place of the court session.

3. The refusal of the person who has applied to the court from his claim shall entail the termination of the consideration of the case on merit. The acknowledgement of the claim by the state power body, by the local self-government body or by the official person which (who) has adopted the disputed legal normative act is not obligatory for the court.

Article 253. Decision of the Court on an Application for Disputing a Legal Normative Act

1. Having recognized that the disputed legal normative act does not contradict the federal law or the other legal normative act of a great legal force, the court shall adopt the decision on the refusal in the satisfaction of the corresponding application.

2. Having established that the disputed legal normative act or a part of it contradicts the federal law or the other legal normative act of a great legal force, the court shall recognize the legal normative act as invalid, fully or in part, as from the day of its adoption or of another moment pointed out by the court.

3. The court decision on recognizing a legal normative act or part of it as invalid shall come into legal effect in accordance with the rules envisaged in Article 209 of the present Code, and shall entail the loss of the force of this legal normative act or of a part of it, as well as of the other legal normative acts based on the legal normative act which is recognized as invalid, or reproducing its content. Such decision of the court or the communication about the decision after its entry into legal effect shall be published in

the printed edition in which the legal normative act was officially published. If the given printed edition has ceased to function, such decision or communication shall be published in another printed publication in which the legal normative acts of the corresponding state power body, of the local self-government body or of the official are published.

4. The decision of the court on recognizing a legal normative act as invalid cannot be overcome by a repeated adoption of the same act.

Chapter 25. Proceedings on the Cases on Disputing Decisions and Actions (Inaction) of the State Power Bodies and Local Self-Government Bodies, of Official Persons and of Government and Municipal Employees

Article 254. Lodging Applications for Disputing the Decision or the Action (Inaction) of a State Power Body, a Local Self-Government Body, of an Official Person or of a Government or a Municipal Employee

1. A citizen and an organization has the right to dispute in court the decision or the action (inaction) of a state power body, of a local self-government body, of an official person and of a government or a municipal employee, if they believe that their rights and freedoms are infringed upon. A citizen and an organization have the right to apply directly to the court or to a state power body placed higher in the hierarchy of subordination, or to a local self-government body, or to an official person or a government or municipal employee.

2. An application shall be filed to the court in accordance with the cognisance established in Articles 24-27 of the present Code. An application may be lodged by a citizen to the court at the place of his residence or at the place of location (of stay) of the state power body, of the local self -government body, of the official person or of a government or a municipal employee whose decision or action (inaction) is disputed.

The refusal to permit the exit from the Russian Federation in connection with the fact that the applicant possesses information comprising state secrets shall be disputed in the corresponding Supreme Court of the Republic, or in the territorial or the regional court, in the court of a city of federal importance, in the court of the autonomous region or in the court of an autonomous area at the place of adoption of the decision on leaving the request for the exit without satisfaction.

3. An application from a serviceman putting into dispute the decision or the action (inaction) of a body of the military administration or of the commander (the head) of a military unit shall be lodged to a military court.

4. The court has the right to suspend the operation of the disputed decision before the decision of the court enters into legal force.

Article 255. Decisions and Actions (Inaction) of the State Power Bodies and Local Self-Government Bodies, of Official Persons and of Government and Municipal Employees Subject to Disputing in the Civil Legal Proceedings

To the decisions and actions (inaction) of the state power bodies, of the local self-government bodies and of official persons, as well as of government and municipal employees litigated by way of the civil legal proceedings, shall be referred collegiate and one-man decisions and actions (inaction) as a result of which:

- the rights and freedoms of a citizen are infringed;
- obstacles are set up to the citizen's exercise of his rights and freedoms;
- upon the citizen is unlawfully imposed a certain duty, or he is unlawfully brought to responsibility.

Article 256. Time Term for Applying to the Court

1. A citizen has the right to apply to the court within three months as from the day when he became aware of a violation of his rights and freedoms.

2. Missing the three-month term for applying to the court is not a ground for the court to refuse in the acceptance of the application. The reasons for missing the term shall be found out in the preliminary court session or in the court session and may be seen as a ground for the refusal to satisfy the application.

Article 257. Consideration of an Application for Putting into Dispute the Decisions and Actions (Inaction) of a State Power Body and a Local Self-Government Body, and of an Official, a Government or Municipal Employee

1. An application shall be considered by the court within ten days with the participation of the citizen, of the head or the representative of the state power body, of the local self-government body, of the official and of the government or municipal employee whose decisions and actions (inaction) are disputed.

2. The failure to appear at the court session of any one of the persons mentioned in the first part of the present Article duly notified about the time and the place of the court session is not seen as an obstacle to considering the application.

Article 258. Court Decision and Its Implementation

1. Having recognized an application as substantiated, the court shall adopt the decision on the liability of the corresponding state power body, local self-government body, official person, government or municipal employee to eliminate in full volume the committed infringement upon the rights and freedoms of the citizen or the obstacle to the exercise by the citizen of his rights and freedoms.

2. The decision of the court shall be forwarded for the elimination of the committed law offence to the head of the state power body or of the local self-government body, to the official or to the government or the municipal employee whose decisions and actions (inaction) were put into dispute within three days as from the day of the entry of the court decision into legal effect.

3. The court and the citizen shall be informed of the execution of the decision of the court not later than one month as from the day of receiving the decision. The decision shall be executed in accordance with the rules mentioned in the second part of Article 206 of the present Code.

4. The court shall refuse the satisfaction of the application if it establishes that the disputed decision or action was adopted or performed in conformity with the law within the scope of powers of the state power body, of the local self-government body, or of the official person, of the government or municipal employee, and that the rights or freedoms of the citizen were not violated.

Chapter 26. Proceedings on the Cases on Protecting Electoral Rights and the Right to Take Part in a Referendum of the Citizens of the Russian Federation

Article 259. Submitting an Application for Protection of Electoral Rights and Right to Take Part in a Referendum of the Russian Federation

1. Voters, participants in a referendum, candidates and their proxies, electoral associations and their proxies, political parties and their regional branches, other public associations, referendum initiative groups and their authorised representatives, other groups of participants in a referendum and their authorised representatives, observers, a prosecutor who believe that decisions or actions (omissions) of a governmental body, local self-government body, public associations, electoral commission, referendum commission or an official violate the electoral rights or the right to take part in a referendum of Russian Federation citizens are entitled to file an application with the court.

2. The Central Electoral Commission of the Russian Federation, the electoral commissions of subjects of the Russian Federation, the electoral commissions of municipal formations, district, territorial and polling station electoral commissions, the relevant referendum commissions are entitled to file an application with the court in connection with a breach of the legislation on elections and referendums by a governmental body, local self-government body, officials, a candidate, an electoral association, a political party or its regional branch, another public association, a referendum initiative group, another group of participants in a referendum, and also by an electoral commission, referendum commission, member of an electoral commission or of a referendum commission.

3. An application for revocation of registration of a candidate (a list of candidates) may be filed with the court by the electoral commission that has registered the candidate (the list of candidates), a candidate registered in the same constituency, the electoral association that has its list of candidates registered in the same constituency, and also in the cases established by a federal law, the prosecutor.

4. An application for dissolution of an electoral commission or referendum commission may be filed with the court by the persons established by a federal law.

5. An application for revocation of registration of a referendum initiative group or another group of participants in a referendum may be filed with the court by the Central Electoral Commission of the Russian Federation when a referendum of the Russian Federation is held; by the electoral commission of a subject of the Russian Federation when a referendum of the subject of the Russian Federation is held; by the electoral commission of a municipal formation when a local referendum is held.

6. An application for protection of the electoral rights and right to take part in a referendum of Russian Federation citizens shall be filed with the court according to the jurisdictions established by Articles 24, 26 and 27 of the present Code and other federal laws.

Article 260. Term for Applying to the Court and for Considering Applications

1. An application may be filed with the court within three months after the day when the applicant learned or had to learn of a breach of the legislation on elections and referendums or a breach of his electoral rights or his right to take part in a referendum.

2. An application concerning a decision of an electoral commission or referendum commission on registration, a refusal to register a candidate (a list of candidates), referendum institutive group or another group of participants in a referendum may be filed with the court within ten days after the decision

deemed the subject matter of the application was adopted by the electoral commission or referendum commission. The procedural term established by this part is not subject to reinstatement.

3. An application for revocation of registration of a candidate (a list of candidates) may be filed with the court at least eight days before polling day.

4. After the publication of the results of an election or referendum an application concerning a breach of the electoral rights or right to take part in a referendum of Russian Federation citizens that took place during the election campaign or referendum campaign may be filed with the court within one year after the official publication of the results of the election or referendum.

5. An application for dissolution of an electoral commission or referendum commission may be filed with the court within the term established by a federal law.

6. During an election campaign or referendum campaign an application received by a court before polling day shall be considered and determined within five days after the receipt thereof but not later than the day preceding polling day, and an application received on the day preceding polling day, on polling day or on the day following polling day shall be considered and determined immediately. If the facts contained in an application need an additional verification the application shall be considered and determined within ten days after the submittal.

7. An application concerning an irregularity in lists of voters or participants in a referendum shall be considered and determined within three days after it is received by the court but not later than the day preceding polling day, and if received on polling day, immediately.

8. An application concerning a decision of an electoral commission or referendum commission on the results of voting, the results of an election or referendum shall be considered and determined within two months after its is received by the court.

9. A decision on an application for revocation of registration of a candidate (a list of candidates) shall be taken by the court of original jurisdiction at least five days before polling day.

10. A decision on an application for revocation of registration of a referendum initiative group or another group of participants in a referendum shall be taken by the court at least three days before polling day.

11. A decision on an application for dissolution of an electoral commission or referendum commission shall be taken by the court within 14 days, or during an election campaign or referendum campaign, within three days after it is received by the court.

Article 260.1. Procedure for Hearing Cases of Protection of the Electoral Rights and Right to Take Part in a Referendum of Russian Federation Citizens

1. An application shall be considered by the court with participation of the applicant, a representative of relevant governmental body, local self-government body, political party, other public association, electoral commission, referendum commission, official, prosecutor. The said persons' failure to report to the court, if duly notified of the place and time of court hearing, shall not be deemed an obstacle for hearing the case and determining it.

2. The court shall notify an electoral commission or referendum commission that it has accepted for hearing an application for dissolution of the electoral commission or referendum commission. Cases of dissolution of electoral commissions or referendum commissions shall be heard by the court collectively as represented by three professional judges.

3. While hearing and determining cases of protection of the electoral rights and right to take part in a referendum of Russian Federation citizens during an election campaign or referendum campaign the following shall not be done as a measure to secure a claim until the date of publication of the results of the election or referendum:

1) the arrest or seizure of election ballot papers, referendum ballot papers, lists of voters or participants in the referendum, other electoral documents or referendum documents;

2) an injunction whereby electoral commission or referendum commission are prohibited to commit the law-established actions of preparation and conduct of the election or referendum.

4. A decision of a court of the first instance on revocation of the registration of a candidate (a list of candidates) shall not be executed immediately.

Article 261. Court Decision on Cases of Protecting Electoral Rights and the Right to Take Part in a Referendum of the Citizens of the Russian Federation, and Its Execution

1. The court shall recognize the disputed decision or the action (inaction) of the state power body, body of local self-government, public association, election committee, referendum committee or the official as illegal, if the substantiation of the application is established, and shall oblige to satisfy the applicant's claim, or shall restore in full volume in some other way the latter's violated electoral rights or his right to take part in a referendum.

The decision of the court which has entered into legal effect shall be directed to the head of the corresponding state power body or local self-government body, or of the public association, or to the chairman of the election committee or of the committee of the referendum, or to the official person, and is

subject to execution within the time terms fixed by the court in accordance with the rules established in the second part of Article 206 of the present Code.

2. The court shall refuse the satisfaction of an application if it establishes that the disputed decision or action (inaction) is legal.

3. A cassation complaint against a court decision, a private complaint against a court ruling in a case of protection of the electoral rights and right to take part in a referendum of Russian Federation citizens issued during an election campaign or a referendum campaign before polling day may be filed within five days after the court took the said decision or ruling.

Subsection IV. Special Procedure

Chapter 27. General Provisions

Article 262. Cases Considered by the Court by Way of a Special Procedure

1. The court shall investigate the following cases by way of a special procedure:

1) on establishing facts on juridical importance;

2) on the adoption (for a son or daughter);

3) on recognizing a citizen as missing, or on declaring a citizen as deceased;

4) on restricting a citizen's legal capability, or on recognizing a citizen as legally incapable, on restricting or depriving an underaged person of fourteen to eighteen years of the right to independently dispose of his incomes;

5) on declaring an underaged person as fully legally capable (on emancipation);

6) on recognizing a movable object as ownerless and on acknowledging the right of the municipal ownership to an ownerless immovable object;

7) on the restoration of rights to the lost bearer securities or order securities (the summons procedure);

8) on the forcible hospitalization of a citizen in a mental hospital and on a forcible psychiatric examination;

9) on the introduction of corrections and amendments into the entries of the civil status acts;

10) on the applications concerning the carried out notarial actions or the refusal to carry out such;

11) on the applications for the restoration of the lost judicial proceedings;

2. The federal laws may also refer other cases for consideration by way of a special procedure.

Article 263. Procedure for the Consideration and the Resolution of Cases Investigated by the Court by Way of a Special Procedure

1. The cases subject to a special procedure shall be considered and resolved by the court in accordance with the general rules for the contentious proceedings, with the specifics established in the present Chapter and in Chapters 28-38 of the present Code.

2. The court shall consider the cases of a special procedure with the participation of the applicants and other interested persons.

3. If when the application is filed or when the case is considered by way of a special procedure the existence of an issue in law subject to the jurisdiction of the given court is identified, the court shall pass a ruling on leaving the application without consideration, in which it shall explain to the applicant and the other interested persons their right to resolve the dispute by way of the contentious proceedings.

Chapter 28. Establishment of Facts of Juridical Importance

Article 264. Cases on the Establishment of Facts of Juridical Importance

1. The court shall establish the facts, on which the arising, the modification or the termination of the personal or the property rights of the citizens and the organizations depend.

2. The court shall investigate cases on the establishment of:

1) blood relations;

2) the fact of being dependent;

3) the fact of the registration of the birth, of the adoption (for a son or for a daughter), of the marriage, of the dissolution of a marriage and of the death;

4) the fact of the acknowledgement of the paternity;

5) the fact of the right-establishing documents (with the exception of the military documents, of the passport and of the certificates issued by the registry offices for civil status acts) belonging to a person whose surname, name and patronymic as indicated in the document do not coincide with the name, patronymic or surname of this person as cited in the passport or in the birth certificate;

6) the fact of the possession and of the use of immovable property;

7) the fact of an accident;

8) the fact of the death at a particular time and under particular circumstances, if the bodies of the registry office for the civil status acts refuse in the registration of the death;

9) the fact of the acceptance of the inheritance and of the place of opening of the inheritance;

10) the other facts of juridical importance.

Article 265. Conditions Necessary for the Establishment of Facts of Juridical Importance

The court shall establish the facts of juridical importance, only if it is impossible for the applicant to obtain the proper documents certifying these facts in an other way, or if it is impossible to restore the lost documents.

Article 266. Filing an Application for the Establishment of a Fact of Juridical Importance

An application for the establishment of a fact of juridical importance shall be lodged with the court at the place of the applicant's residence, with the exception of an application for the establishment of a fact of the possession and of the use of the immovable property, which shall be filed to the court at the place of location of the immovable property.

Article 267. The Content of an Application for Establishing a Fact of Juridical Importance

In an application for the establishment of a fact of juridical importance shall be pointed out why it is necessary for the applicant to establish the given fact, and the proof shall be supplied in confirmation of the impossibility for the applicant to obtain the proper documents or of the impossibility of restoring the lost documents.

Article 268. Court Decision on an Application for the Establishment of a Fact of Juridical Importance

The decision of the court on an application for the establishment of a fact of juridical importance shall be seen as the document confirming the fact of juridical importance, and as concerns a fact subject to the registration, it shall serve as a ground for such registration but shall not substitute the documents issued by the bodies which are engaged in carrying out the registration.

Chapter 29. Adoption of a Child (of a Son or Daughter)

Article 269. Filing an Application for the Adoption of a Son or Daughter

1. An application for the adoption of a son or daughter (hereinafter referred to as the adoption) shall be filed by the citizens of the Russian Federation who wish to adopt a child, to the district court at the place of their residence or at the place of stay of the adopted child.

2. The citizens of the Russian Federation permanently residing outside the territory of the Russian Federation, the foreign citizens or the stateless persons wishing the adopt a child who is a citizen of the Russian Federation shall lodge an application for the adoption, respectively, to the Supreme Court of the Republic, the territorial or regional court, the court of a city of federal importance, the court of the autonomous region and to court of an autonomous area at the place of their residence or at the place of stay of the adopted child.

Article 270. Content of an Application for Adoption

In an application for the adoption shall be indicated:

- the surname, name and patronymic of the adopters (of the adopter), and the place of their (his, her) residence;
- the surname, name and patronymic and the date of birth of the adopted child, his place of residence or of stay, and information on the parents of the adopted child and on his possession of brothers and sisters;
- the circumstances substantiating the request of the adopters (of the adopter) for the adoption of the child, and the documents confirming these circumstances;
- the request for the change of the surname, name and patronymic and of the birthplace of the adopted child, as well as of the date of his birth (if the child is adopted at an age below one year), and for naming the adopters (the adopter) as the parents (the parent) in an entry of the act on the birth.

Article 271. Documents Enclosed to an Application for Adoption

1. To an application for adoption shall be enclosed:

1) a copy of the birth certificate of the adopter - if the child is adopted by an unmarried person;

2) a copy of the adopters' (of the adopter's) marriage certificate - if the child is adopted by married persons (by a married person);

3) if the child is adopted by one of the spouses - the consent of the other spouse or the document confirming that the spouses have ceased their marital relations and have not been residing together for over a year. If it is impossible to enclose the corresponding document to the application, in the application shall be supplied proof confirming these facts;

4) a medical conclusion on the state of health of the adopters (of the adopter);

5) a reference note from the place of work on the occupied post and on the wages, or a copy of the declaration on incomes, or another document on the incomes;

6) the document confirming the right to the use of the living quarters or the right of ownership to the living quarters;

7) the document on the citizen being put onto the records as a candidate for adopter.

2. To an application from the citizens of the Russian Federation permanently residing outside the territory of the Russian Federation, from foreign citizens and stateless persons for the adoption of a child who is a citizen of the Russian Federation shall be enclosed the documents mentioned in the first part of the present Article, as well as the conclusion of a competent body of the state, of which the adopters are the citizens (if the child is adopted by the stateless persons - of the state in which these persons have their permanent place of residence), about their living conditions and about the possibility for them to act as adopters, the permit from a competent body of the corresponding state for the admittance of the adopted child to this state and an indication of his permanent place of residence on the territory of this state.

3. To an application from the citizens of the Russian Federation for the adoption of a child shall be enclosed the documents mentioned in the first part of the present Article, as well as the consent of the representative of the child and of the competent body of the state of which he is a citizen, and, if this is required in conformity with the legal norms of this state and (or) with the international treaty of the Russian Federation - the consent of the child himself to the adoption.

4. The documents of foreign citizen adopters shall be legalized in the established order. After the legalization they shall be translated into the Russian language, and the translation shall be notarially certified.

5. All the documents shall be submitted in two copies.

Article 272. Preparing a Case on the Adoption for the Court Investigation

1. When a case is prepared for the court investigation, the judge shall oblige the guardianship and trusteeship bodies at the place of residence or at the place of stay of the adopted child to submit to the court the conclusion about the substantiation and the correspondence of the adoption to the interests of the adopted child.

2. To the conclusion of the guardianship and trusteeship body shall be enclosed:

1) the act of the inspection of the living conditions of the adopters (of the adopter) compiled by the guardianship and trusteeship body at the place of residence or at the place of stay of the adopted child, or at the place of residence of the adopters (of the adopter);

2) the birth certificate of the adopted child;

3) the medical conclusion on the state of health and on the physical and mental development of the adopted child;

4) the consent of the adopted child who has reached the age of ten years to the adoption as well as to the probable change of his name, patronymic and surname and to the entry of the adopters (of the adopter) as his parents (with the exception of instances when such consent is not required in conformity with federal law);

5) the consent of the child's parents to his adoption, if the child of the parents, who have not reached the age of sixteen years, is being adopted, as well as the consent of their legal representatives, and in the absence of legal representatives - the consent of the guardianship and trusteeship body, with the exception of the instances envisaged in Article 130 of the Family Code of the Russian Federation;

6) the consent to the adoption of the child of his guardian (trustee), of his foster parents or of the head of the institution in which a child left without parental care is maintained;

7) if the child is adopted by citizens of the Russian Federation permanently residing outside the territory of the Russian Federation, by foreign citizens or by stateless persons who are not the child's relatives - the document confirming the existence of information on the adopted child in the state data bank on children left without parental care, as well as documents confirming the impossibility of handing over the child for bringing up to a family of the citizens of the Russian Federation or of the adoption of the child by his relatives, regardless of the citizenship and of the place of residence of these relatives.

3. If necessary, the court may also demand the supply of other documents.

Article 273. Consideration of an Application for the Adoption

An application for the adoption shall be considered in closed court session with an obligatory participation of the guardianship and trusteeship body, of the public prosecutor, of a child who has reached fourteen years of age, and if necessary, also of the parents of the other interested persons and of the child himself aged from ten to fourteen years.

Article 274. Court Decision on an Application for Adoption

1. Having considered an application for adoption the court shall take the decision, in which it either satisfies the request of the adopters (of the adopter) for the adoption of the child, or refuses to satisfy such request. If the request for the adoption is satisfied, the court shall acknowledge the child as adopted by the particular persons (person) and shall indicate in the decision of the court all the data on the adopted child and on the adopters (on the adopter) necessary for the state registration of the adoption in the registry offices of the civil status acts.

Having satisfied an application for the adoption, the court may refuse in the part of meeting the request of the adopters (of the adopter) for naming them as the child's parents (parent) in an entry of the act on his birth, and for a change of the date and the place of the child's birth.

2. If the application for adoption is satisfied, the rights and duties of the adopters (of the adopter), and of the adopted child shall be established as from the day of the entry into legal force of the court decision on the adoption of the child.

3. A copy of the court decision on the adoption of the child shall be forwarded by the court within three days as from the day of the entry of the court decision into legal force to the registry office of the civil status acts at the place of passing the court decision for the performance of the state registration of the adoption of the child.

Article 275. Cancellation of the Adoption

The cases on the cancellation of the adoption shall be investigated and resolved in accordance with the rules for the contentious proceedings.

Chapter 30. Recognizing a Citizen as Missing or Declaring a Citizen as Deceased

Article 276. Filing an Application for Recognizing a Citizen as Missing or for Declaring a Citizen as Deceased

An application for recognizing a citizen as missing or for declaring a citizen as deceased shall be lodged with the court at the place of residence or at the place of stay of the interested person.

Article 277. Content of an Application for Recognizing a Citizen as Missing or for Declaring a Citizen as Deceased

In an application for recognizing a citizen as missing or for declaring a citizen as the deceased shall be indicated the purpose because of which it is necessary for the applicant to recognize the citizen as missing or to declare him as deceased; in addition, the circumstances confirming a missing citizen, or the circumstances threatening the missing person with death or giving grounds for supposing that he might have perished in a certain accident shall also be described. With respect to servicemen or other citizens who have been missing in connection with the hostilities, in the application shall be pointed out the day of the end of the hostilities.

Article 278. Judge's Actions After Accepting an Application for Recognizing a Citizen as Missing or for Declaring a Citizen as Deceased

1. When the case is prepared for the court proceedings, the judge shall find out who can supply information on the missing citizen and shall also inquire of the corresponding organizations the last known place of residence and place of work of the missing person, the internal affairs bodies and the military unit for information on this person they have at their disposal.

2. After an application for recognizing a citizen as missing or for declaring a citizen as deceased is accepted, the judge may propose to the guardianship and trusteeship body to appoint a trust manager for the property of such citizen.

3. The cases on recognizing a citizen as missing or on declaring a citizen as deceased shall be considered with the participation of the public prosecutor.

Article 279. Court Decision on an Application for Recognizing a Citizen as Missing or for Declaring a Citizen as Deceased

1. The decision of the court on recognizing a citizen as missing is seen as grounds for handing over his property to a person with whom the guardianship and trusteeship body signs a contract for the trusted management of this property, if it requires a constant management.

2. The court decision by which a citizen is declared as deceased is seen as grounds for the registry office of the civil status acts to make an entry on his death into the state register of the civil status acts.

Article 280. Consequences of the Appearance or of Finding Out the Place of Stay of the Person Recognized as Missing or Declared as Deceased

If a citizen who is recognized as missing or is declared as deceased appears or if his place of stay is found out, the court shall cancel by a new decision the decision it has adopted formerly. The new

decision of the court, respectively, shall comprise the grounds for cancelling the management of the citizen's property and for cancelling the entry on his death in the state register of the civil status acts.

Chapter 31. Restriction of a Citizen's Legal Capacity, Recognizing a Citizen as Legally Incapable, Restriction or Deprivation of the Right of an Underaged Person of Fourteen to Eighteen Years to Independently Dispose of His Incomes

Article 281. Filing an Application for Restricting a Citizen's Legal Capability, for Recognizing a Citizen as Legally Incapable, on the Restriction or the Deprivation of an Underaged Person of Fourteen to Eighteen Years of the Right to Independently Dispose of His Incomes

1. A case on restricting a citizen in his legal capacity because of alcohol abuse or narcotics abuse may be instituted on the grounds of an application from the members of his family, from the guardianship and trusteeship body, or from a psychiatric or a phsycho-neurological institution.

2. A case on recognizing a citizen as legally incapable because of a mental disorder may be instituted in the court on the grounds of an application from his family members or from his close relations (the parents, children, brothers and sisters), regardless of whether they reside together, from the guardianship and trusteeship body, or from a psychiatric or a psycho-neurological institution.

3. A case on the restriction or on the deprivation of an underaged person of fourteen to eighteen years of the right to independently dispose of his earnings, of a stipend or of other incomes may be instituted on the grounds of an application from his parents, adopters or trustee, or from the guardianship and trusteeship body.

4. An application for restricting a citizen in his legal capacity, for recognizing a citizen as legally incapable and for the restriction or the deprivation of an underaged person of fourteen to eighteen years of the right to independently dispose of his incomes, shall be filed to the court at the place of residence of the given citizen, and if the citizen is placed into a psychiatric or psycho-neurological institution - at the place of location of this institution.

Article 282. Content of an Application for Restricting a Citizen in Legal Capacity, for Recognizing a Citizen as Legally Incapable and for the Restriction or Deprivation of an Underaged Person of Fourteen to Eighteen Years of the Right to Independently Dispose of His Incomes

1. In an application for restricting a citizen in legal capacity shall be described the circumstances testifying to the fact that a citizen abusing alcoholic drinks or narcotic substances puts his family into a difficalt material situation.

2. In an application for recognizing a citizen as legally incapable shall be exposed the circumstances testifying to the citizen suffering from a mental disorder because of which he cannot understand the meaning of his actions or to guide them.

3. In an application for the restriction or deprivation of an underaged person of fourteen to eighteen years of the right to independently dispose of his earnings, his stipend or the other incomes, shall be described the circumstances proving that the disposal by the underaged persons of his earnings, stipend or other incomes is manifestly unreasonable.

Article 283. Appointment of an Expert Opinion for Defining the Mental State of a Citizen

By way of preparations for the judicial proceedings on a case on recognizing a citizen as legally incapable if there is sufficient data on the citizen's suffering from a mental disorder, the judge shall appoint a forensic psychiatric examination. If the citizen against whom the case is instituted avoids undergoing the expert examination, the court may issue a ruling, in a court session with the participation of the public prosecutor and a psychiatrist, on forcibly directing the citizen to pass a forensic psychiatric examination.

Article 284. Consideration of an Application for Restricting a Citizen's Legal Capability, for Recognizing a Citizen as Legally Incapable and for Restricting or Depriving an Underaged Person of Fourteen to Eighteen Years of the Right to Independently Dispose of His Incomes

1. An application for restricting a citizen's legal capability, for recognizing a citizen as legally incapable and for the restriction or the deprivation of an underaged person of fourteen to eighteen years of the right to dispose of his earnings, stipend or other incomes on his own shall be considered by the court with the participation of the citizen himself, of the applicant, of the public prosecutor and of the representative of the guardianship and trusteeship body. The citizen with respect to whom the case is investigated on recognizing him as legally incapable shall be summoned to the court session if this is possible, taking into account his state of health.

2. The applicant shall be relieved of the payment of the expenses involved in the consideration of an application for restricting a citizen in his legal capability, for recognizing a citizen as legally incapable or for restricting or depriving an underaged person of fourteen to eighteen years of the right to

independently dispose of his incomes. Having ascertained that the person who has filed the application acted in bad faith for a deliberately unsubstantiated restriction or deprivation of the citizen of legal capability, the court shall exact from such person all the expenses connected with the examination of the case.

Article 285. Court Decision on an Application for Restricting a Citizen's Legal Capability or for Recognizing a Citizen as Legally Incapable

1. The decision of the court by which a citizen is restricted in his legal capability, shall be seen as a ground for an appointment for him as a trustee by the guardianship and trusteeship body.

2. The decision of the court by which a citizen is recognized as legally incapable shall be seen as a ground for appointment for him as a guardian by the guardianship and trusteeship body.

Article 286. Cancelling a Citizen's Restriction in Legal Capability and Recognizing a Citizen as Legally Capable

1. In the instance envisaged in Item 2 of Article 30 of the Civil Code of the Russian Federation, the court shall take the decision on cancelling the restriction of a citizen in legal capability on the ground of an application from the citizen himself, from his representative, from a member of his family or from his trustee, from the guardianship and trusteeship body, or from the psychiatric or the psycho-neurological institution.

2. In the instance envisaged in Item 3 of Article 29 of the Civil Code of the Russian Federation, the court shall take the decision on recognizing the citizen as legally capable at an application from the guardian, from a member of the family, from the psychiatric or the psycho-neurological institution, or from the guardianship and trusteeship body, and also on the grounds of the corresponding conclusion of the forensic psychiatric expertise. On the grounds of the decision of the court, the guardianship established over him shall be cancelled.

Chapter 32. Declaring an Underaged Person as Completely Legally Capable (Emancipation)

Article 287. Filing an Application for Declaring an Underaged Person as Completely Legally Capable

1. An underaged person who has reached the age of sixteen years may apply to the court at the place of his residence for declaring him as legally capable in the instance envisaged in Item 1 of Article 27 of the Civil Code of the Russian Federation.

2. An application for declaring an underaged person as completely legally capable shall be accepted by the court in the absence of the consent of the parents (or of one of the parents), of the adopters or of the trustee to declaring the underaged person as completely legally capable.

Article 288. Consideration of an Application for Declaring an Underaged Person as Completely Legally Capable

An application for declaring an underaged person to be completely legally capable shall be considered by the court with the participation of the applicant, of the parents (of one of the parents), of the adopters (of the adopter) and of the trustee, and also of the representative from the guardianship and trusteeship body and of the public prosecutor.

Article 289. Court Decision on an Application for Declaring an Underaged Person as Completely Legally Capable

1. Having considered the application for declaring an underaged person as completely legally capable on merit, the court shall adopt a decision by which it either satisfies or rejects the applicant's request.

2. If the filed request is satisfied, an underaged person who has reached sixteen years shall be declared as completely legally capable (emancipated) as from the day of entry of the court decision on the emancipation into legal effect.

Chapter 33. Recognizing a Movable Object as Ownerless and Acknowledging the Right of Municipal Ownership to an Ownerless Immovable Object

Article 290. Filing an Application for Recognizing a Movable Object as Ownerless and for Recognizing the Right of Municipal Ownership to an Ownerless Immovable Object

1. An application for recognizing a movable object as ownerless shall be lodged with the court by the person who has entered into the ownership thereof at the place of the applicant's residence or stay.

An application for recognizing a movable object confiscated by federal executive power bodies in conformity with their competence as ownerless shall be filed to the court by the financial body at the place of the object's location.

2. An application for recognizing the right of municipal ownership to an ownerless immovable object shall be lodged with the court at the place of its location by the body authorized for the management of the municipal property.

If the body authorized for the management of the municipal property applies to the court before the expiry of one year as from the day of the object being put onto the records by the body performing the state registration of the right to the immovable property, the judge shall refuse the acceptance of the application and the court shall stop the proceedings on the case.

Article 291. Content of an Application for Recognizing a Movable Object as Ownerless or for Recognizing the Right of Municipal Ownership to an Ownerless Immovable Object

1. In an application for recognizing a movable object as ownerless it shall be indicated what particular object is to be recognized as ownerless and its principal features shall be described; proof shall also be supplied testifying to the refusal of the owner of the right of ownership to this object, as well as the proof testifying to the fact that the applicant has entered into the ownership of the object.

2. In an application from the body authorized to perform the management of the municipal property, for acknowledging the right of municipal ownership to an ownerless immovable object it shall be pointed out by whom and when the immovable object is put onto the records, and shall also be supplied the evidence testifying to the absence of the owner.

Article 292. Preparing a Case for the Court Proceedings and Consideration of an Application for Recognizing a Movable Object as Ownerless or for Acknowledging the Right of Municipal Ownership to an Ownerless Immovable Object

1. When the case is prepared for the court proceedings, the judge shall find out what persons (owners, actual possessors and others) may supply information on the belonging of the property, and shall also inquire the corresponding organizations for information at their disposal.

2. An application for recognizing an object as ownerless or for acknowledging the right of municipal ownership to an ownerless immovable object shall be considered by the court with the participation of the interested persons.

Article 293. Court Decision on an Application for Recognizing a Movable Object as Ownerless or for Acknowledging the Right of Municipal Ownership to an Ownerless Immovable Object

1. Having recognized that the owner has refused the right of ownership to a movable object, the court shall take the decision on recognizing a movable object as ownerless and on handing it over to the ownership of the person who has entered to the possession thereof.

2. Having recognized that an immovable object has no owner or that the owner of the object is unknown and that it has been put onto the records in the established order, the court shall adopt the decision on acknowledging the right of municipal ownership to this object.

Chapter 34. Restoration of Rights to the Lost Bearer Securities or Order Securities (the Summons Procedure)

Article 294. Filing an Application for Recognizing as Invalid the Lost Bearer or Order Security and on the Restoration of Rights on It

1. A person who has lost a bearer security or an order security (hereinafter referred to in the present Chapter as the document) may ask the court in the instances indicated in federal law to recognize the lost bearer or order security as invalid and to restore the rights on it.

2. The rights on the lost document may also be restored if the document has lost the signs of payability as a result of an improper storage or because of other reasons.

3. An application for recognizing as invalid the lost bearer or order security and for the restoration of the rights on them shall be lodged with the court at the place of stay of the person who has issued the document on which the execution shall be performed.

Article 295. Content of an Application for Recognizing the Lost Bearer or Order Security as Invalid and for the Restoration of Rights on It

In the application for recognizing as invalid the lost bearer or order security and for the restoration of the rights on them shall be indicated the features of the lost document, the name of the person who has issued it, the circumstances under which the loss of the document has taken place, and the applicant's request to prohibit the person who has issued the document from making payments or issuances on it.

Article 296. Actions of the Judge after Accepting an Application for Recognizing as Invalid the Lost Bearer or Order Security and for the Restoration of Rights to It

1. After accepting an application for recognizing as invalid the lost bearer or order security and for the restoration of rights to them, the judge shall pass a ruling on prohibiting to the person who has issued the document from effecting payments or issuances on the document, and shall forward a copy of the ruling to the person who has issued the document and to the registrar. In the court ruling shall also be pointed out that a publication shall always be made in a local printed publication at the applicant's expense, which shall contain:

1) the name of the court to which an application concerning the loss of the document has arrived;

2) the name of the person who has filed the application, and his place of residence or of stay;

3) the designation and the features of the document;

4) the proposal to the holder of the document whose loss is declared to file to the court an application for his rights to this document in the course of three months as from the day of the publication.

2. Against the refusal to issue a court ruling may be filed a special appeal.

Article 297. Application from the Document Holder

The holder of the document whose loss is declared shall be obliged before the expiry of three months as from the day of publication of information mentioned in the first part of Article 296 of the present Code, to lodge to the court which has issued the ruling an application for his rights to the document and to submit the genuine documents.

Article 298. Actions of the Court After the Arrival of an Application from the Document Holder

1. If an application from the holder of the document comes in before the expiry of three months as from the day of the publication of information mentioned in the first part of Article 296 of the present Code, the court shall leave the application of the person who has lost the document without consideration and shall fix the time term in the course of which the person who has issued the document is prohibited to make payments and issuances on it. This term shall not exceed two months.

2. The judge shall at the same time explain to the applicant his right to institute in the general order a claim against the document holder for obtaining this document on demand, and to the document holder - his right to exact from the applicant the losses caused him by the adopted prohibitive measures.

3. Against the court ruling on the issues mentioned in the present Article a special appeal may be filed.

Article 299. Consideration of an Application for Recognizing as Invalid the Lost Bearer or Order Security and on the Restoration of Rights to It

The court shall consider a case on recognizing as invalid the lost bearer or order security and on the restoration of the rights on it after the expiry of three months as from the day of the publication of information mentioned in the first part of Article 296 of the present Code, unless an application from the holder of the document referred to in Article 297 of the present Code has come in.

Article 300. Court Decision on an Application for Recognizing as Invalid the Lost Bearer or Order Security and on the Restoration of Rights to It

If the applicant's request is satisfied, the court shall take the decision by which it recognizes the lost document as invalid, and shall restore the rights on the lost bearer or order security. This decision of the court shall be seen as a ground for the issue of a new document to the applicant instead of that recognized as invalid.

Article 301. Right of the Document Holder to Institute a Claim Against a Groundless Acquisition or Preservation of the Property

A document holder who has not applied for his rights to this document in time for any reason may institute against the person whose right to the receipt of the new document instead of the lost document is acknowledged, a claim against the groundless acquisition or preservation of the property after the court decision on recognizing the document as invalid and on the restoration of the rights on the lost bearer or order security enters into legal force.

Chapter 35. Forcible Hospitalization of a Citizen in a Mental Hospital and Forcible Psychiatric Examination

Article 302. Filing an Application for a Forcible Hospitalization of a Citizen in a Mental Hospital or for an Extension of the Time Term of a Forcible Hospitalization of a Citizen Suffering from a Mental Disorder

1. An application from the representative of the mental hospital for forcible hospitalization or for an extension of the time term for a forcible hospitalization of a person, suffering from a mental disorder, shall be filed at the place of location of the mental hospital, to which the citizen is placed.

2. To an application in which shall be indicated the grounds for forcible hospitalization in a mental hospital of a citizen suffering from a mental disorder which are envisaged in a federal law shall be

enclosed a motivated conclusion of the commission of psychiatrists on the necessity of the citizen's stay in a mental hospital.

Article 303. Time Term for Filing an Application for a Forcible Hospitalization of a Citizen in a Mental Hospital

1. An application for a forcible hospitalization of a citizen shall be filed within forty-eight hours as from the moment of placing the citizen in a mental hospital.

2. As he institutes a case, the judge shall at the same time extend the citizen's stay in a mental hospital for a time term necessary for considering the application for a forcible hospitalization of the citizen in a mental hospital.

Article 304. Consideration of an Application for a Forcible Hospitalization of a Citizen in a Mental Hospital or for an Extension of the Time Term for a Forcible Hospitalization of a Citizen Suffering from a Mental Disorder

1. The judge shall consider an application for a forcible hospitalization of a citizen in a mental hospital or for an extension of the time term for a forcible hospitalization of the citizen suffering from a mental disorder within five days as from the day when the case was instituted. The court session shall be held in the premises of the court or of the mental hospital. The citizen has the right to take a personal part in the court session on the case for his forcible hospitalization or for an extension of the time term of his forcible hospitalization. If in accordance with information received from a representative of the mental hospital the psychological state of the citizen does not allow for his personal participation in the court session on the case on his forcible hospitalization or for an extension of the term of his forcible hospitalization, the application for a forcible hospitalization of the citizen or for an extension of the term of his forcible hospitalization shall be considered by the judge at the mental hospital.

2. The case shall be considered with the participation of the public prosecutor, of the representative of the mental hospital who has filed the application for forcible hospitalization of the citizen in a mental hospital or for an extension of the term of his forcible hospitalization, and of the representative of the citizen with respect to whom the question of forcible hospitalization or an extension of the term of his forcible hospitalization is being resolved.

Article 305. Court Decision on an Application for a Forcible Hospitalization of a Citizen in a Mental Hospital or for an Extension of the Time Term of a Forcible Hospitalization of a Citizen Suffering from a Mental Disorder

1. Having considered an application for a forcible hospitalization of a citizen in a mental hospital or for an extension of the time term for forcible hospitalization of a citizen suffering from a mental disorder in a mental hospital, the judge shall adopt the decision by which he either satisfies or rejects the application.

2. The decision of the court on the satisfaction of the application is a ground for a forcible hospitalization of the citizen in a mental hospital or for an extension of the term for a forcible hospitalization of a citizen suffering from a mental disorder, and for the further maintenance of a citizen suffering from a mental disorder in a mental hospital in the course of the law-established term.

Article 306. Forcible Psychiatric Examination

An application from a psychiatrist for a forcible psychiatric examination of a citizen shall be filed to the court at the place of residence of the citizen. To the application shall be enclosed a motivated conclusion of the psychiatrist on the need to carry out such examination and the other available materials. Within three days as from the day of filing an application the judge shall consider the application for a forcible psychiatric examination of the citizen on his own and shall adopt the decision either on a forcible psychiatric examination of the citizen, or on the refusal of the forcible psychiatric examination of the given citizen.

Chapter 36. Consideration of the Cases on the Introduction of Corrections or Amendments into the Entries of the Civil Status Acts

Article 307. Filing an Application for the Introduction of Corrections or of Amendments to an Entry of a Civil Status Act

1. The court shall consider the cases on the introduction of corrections or of amendments to the entries of the civil status acts, if the registry offices of the civil status acts have refused to introduce the corrections or amendments into the effected entries in absence of the dispute in law.

2. An application for the introduction of corrections or of amendments into an entry of a civil status act shall be filed to the court at the place of residence of the applicant.

Article 308. Content of an Application for the Introduction of Corrections or of Amendments into an Entry of a Civil Status Act

In an application for the introduction of corrections or of amendments into an entry of a civil status act shall be pointed out the actual error made in the entry of a civil status act, and also when and what particular registry office of the civil status acts has refused to correct or to amend the given entry.

Article 309. Court Decision on an Application for the Introduction of Corrections or of Amendments into an Entry of a Civil Status Act

The decision of the court by which an error in an entry of a civil status act is established is a ground for the correction or for the amendment of such entry by the registry office of the civil status acts.

Chapter 37. Consideration of Applications on the Performed Notarial Actions or on the Refusal to Perform Such

Article 310. Filing an Application on the Performed Notarial Action or on the Refusal to Perform Such

1. An interested person believing that the performed notarial action or the refusal to perform the notarial action is erroneous has the right to file an application to this effect to the court at the place of location of the notary or at the place of location of an official person authorized for the performance of notarial actions.

The applications on an incorrect certification of wills and warrants, or on the refusal to certify these by the official persons indicated in the federal laws shall be filed to the court, respectively, at the place of location of a hospital, clinic, sanatorium or other stationary medical treatment institution; of a social maintenance institution, including the homes for the aged and for invalids, and of institutions for the social protection of the population; of expeditions, military units, formations, institutions and military educational establishments, as well as of prisons.

An application on an incorrect certification of a will or on the refusal to certify it by the captain of a sea-going vessel, or of a mixed navigation ship, or an inland water vessel flying the State Flag of the Russian Federation shall be filed to the court at the place of registration of the ship.

2. An application shall be lodged with the court within ten days of the day when the applicant has become aware of the performed notarial action or of the refusal to perform the notarial action.

3. The issue in law, based on the performed notarial action, which has arisen between the interested persons, shall be considered by the court by way of contentious proceedings.

Article 311. Consideration of an Application on the Performed Notarial Action or on the Refusal to Perform Such

An application on the performed notarial action or on the refusal to perform such shall be considered by the court with the participation of the applicant, as well as of the notary and official person who have performed the notarial action or who have refused to perform such. However, their failure to appear shall not be an obstacle to the consideration of the application.

Article 312. Court Decision on an Application on the Performed Notarial Action or on the Refusal to Perform Such

The decision of the court by which an application on the performed notarial action or on the refusal to perform such is satisfied either cancels the performed notarial action or obliges to perform such action.

Chapter 38. Restoration of Lost Judicial Proceedings

Article 313. Procedure for the Restoration of Lost Judicial Proceedings

1. The restoration of the judicial proceedings on a civil case lost fully or in part which was ended by the adoption of the court decision or by the issue of a ruling on the termination of the judicial proceedings on the case shall be carried out by the court in accordance with the order established in the present Chapter.

2. A case on the restoration of lost judicial proceedings shall be initiated at the applications from the persons taking part in the case.

Article 314. Filing an Application for the Restoration of Lost Judicial Proceedings

1. An application for the restoration of lost judicial proceedings shall be filed with the court which has adopted the decision on the merit of the dispute, or which has issued a ruling on the termination of the judicial proceedings on the case.

2. In an application for the restoration of the lost judicial proceedings shall be indicated for the restoration of which particular court procedure the applicant requests, whether the court has adopted the decision on merit or the proceedings on the case were stopped, what procedural position the applicant

occupied, who else took part in the case and in what procedural position, the place of residence or of stay of these persons and what is known to the applicant about the circumstances under which the proceedings were lost, and about the place of location of the copies of the documents or of information about them, the restoration of which particular documents the applicant believes to be necessary and for what purpose the restoration thereof is necessary.

To the application shall be enclosed the documents or their copies which are preserved and which have a bearing on the case, even if the latter were not certified in the established order. The applicant shall be relieved of the payment of the judicial expenses sustained by the court in the consideration of the case on the restoration of the lost judicial procedure.

Article 315. Leaving an Application for the Restoration of the Lost Judicial Proceedings Without Motion or Without Consideration

1. If in an application for the restoration of the lost judicial proceedings the corresponding purpose of the request is not indicated, the court shall leave the application without motion and shall appoint the time term necessary for the applicant to describe this purpose.

2. If the purpose of the request named by the applicant is not connected with the protection of his rights and lawful interests, the court shall refuse to institute a case on the restoration of the lost judicial procedure, or it shall leave the application without consideration by an issue of a motivated ruling, if the case is instituted.

Article 316. Refusal of the Restoration of the Lost Judicial Procedure

1. A judicial procedure lost before the consideration of a case on merit is not subject to restoration. In this instance, the plaintiff has the right to present a new claim. In the court ruling on the institution of a case on a new claim in connection with the loss of the judicial proceedings, the given circumstance shall be reflected by all means.

2. In the consideration of a case on the new claim, the court shall make use of the preserved parts of the judicial proceedings, of the documents issued to the citizens and organizations from the case file before the judicial proceedings were lost, the copies of these documents and the other documents related to the case.

The court may interrogate as witnesses the persons who were present at the performance of the procedural actions and, if necessary also the judges who have considered the case, the judicial proceedings on which were lost, as well as the persons who have executed the decision of the court.

Article 317. Court Decision on the Restoration of the Lost Judicial Proceedings

1. The decision of the court or the court ruling on the termination of the judicial proceedings, if such was taken on the case, is subject to restoration, with the exception of the instances envisaged in Article 318 of the present Code.

2. In the decision of the court on the restoration of the lost court decision or court ruling on the termination of the judicial proceedings, it shall be pointed out on the ground of which data submitted to the court and investigated in a court session with the attendance of all the persons taking part in the case on the lost proceedings, the court believes the content of the restored judicial resolution to be established.

In the motivation part of the court decision on the restoration of the lost proceedings shall also be indicated the court conclusions on the fact that the circumstances which the court has discussed are proved, and on what procedural actions were performed on the lost proceedings.

Article 318. Termination of the Proceedings on a Case on the Restoration of Lost Judicial Proceedings

1. If the collected materials are not sufficient for an accurate restoration of the court resolution connected with the lost judicial proceedings, the court shall terminate the proceedings on the case on the restoration of the lost judicial proceedings by a ruling and explain to the persons taking part in the case their right to institute a claim in the general order.

2. The consideration of an application for the restoration of the lost judicial procedure is not limited by the term of its storage. However, if an application for the restoration of the lost judicial procedure is filed for the purpose of its execution, if the time term for the presentation of the writ of execution has expired and is not restored by the court, the court shall also terminate the proceedings on the case on the restoration of the lost judicial proceedings.

Article 319. Procedure for Appealing Against Court Resolutions Connected with the Restoration of the Lost Judicial Proceedings

1. The court resolutions connected with the restoration of the lost judicial proceedings shall be appealed against in accordance with the order established in the present Code.

2. If the application is deliberately false, the judicial expenses involved in the institution of a case at the application for the restoration of the lost judicial proceedings shall be exacted from the applicant.

Section III. Proceedings in a Court of the Second Instance

Chapter 39. Appeal Proceedings Against the Decisions and Rulings of the Justices of the Peace

Article 320. Right of Appeal

1. Decisions of the justices of the peace may be complained against by way of filing appeals by the parties and by other persons taking part in the case to the corresponding district court through the justice of the peace.

2. The public prosecutor taking part in a case may make an appeals presentation against the decision of the justice of the peace.

Article 321. Time Term for Filing an Appeal or Presentation

An appeal or presentation may be filed within ten days from the day of adoption by the justice of the peace of the decision in its final form.

Article 322. Content of an Appeal or a Presentation

1. An appeal or presentation shall contain:

1) the name of the district court to which the appeal or the presentation is addressed;

2) the name of the person lodging the appeal or the presentation, his place of residence or stay;

3) an indication of the decision of the justice of the peace appealed against;

4) the arguments of the appeal or of the presentation;

5) the request of the interested person;

6) the list of documents enclosed to the appeal.

2. An appeal shall not contain any claims which were not declared to the justice of the peace.

3. An appeal shall be signed by the person lodging the appeal, or by his representative. To an appeal filed by the representative shall be enclosed the warrant or another document certifying the power of the representative, if such power is not contained in the case.

An appeals representation shall be signed by the public prosecutor.

4. To an appeal shall be enclosed the document confirming the payment of the state duty, if the given appeal is subject to payment.

5. An appeal and a presentation, and also the documents enclosed with them, shall be submitted with copies, the number of which shall correspond to the number of persons taking part in the case.

Article 323. Leaving an Appeal or a Presentation Without Motion

1. If an appeal or presentation are filed which do not satisfy the demands stipulated in Article 322 of the present Code, and also if an appeal not paid with state duty is filed, the justice of the peace shall issue a ruling on the grounds of which he leaves the appeal or the presentation without motion, and shall appoint for the person who has lodged the appeal or the presentation a time term for amending the defects.

2. If the person who has filed an appeal or the public prosecutor, who has made an appeals presentation carries out the instructions of the justice of the peace contained in the ruling within the fixed term, the appeal or presentation shall be seen as filed as on the day of their initial arrival at the court.

Article 324. Return of an Appeal or Presentation

1. An appeal shall be returned to the person who has lodged it, and a presentation - to the public prosecutor who has made it, if:

1) the instructions of the justice of the peace contained in the court ruling on leaving the appeal or the presentation without motion are not fulfilled within the established term;

2) the time term for filing an appeal has expired, unless in the appeal or in the presentation is contained a request for the restoration of this term or if its restoration is refused.

2. The justice of the peace shall return an appeal also by request from the person who has filed it, and a presentation - if it is recalled by the public prosecutor, unless the case is sent to the district court.

3. The return of the appeal to the person who has lodged it, and of the presentation to the public prosecutor shall be effected on the grounds of a ruling of the justice of the peace. The person who has filed the appeal and the public prosecutor who has made the presentation have the right to appeal against the said ruling to the district court.

Article 325. Actions of the Justice of the Peace After the Receipt of an Appeal or a Presentation

1. After he receives an appeal or a presentation lodged within the time term established in Article 321 of the present Code and corresponding to the demands of Article 322 of the present Code, the justice of the peace is obliged to forward to the persons taking part in the case the copies of the appeal and of the presentation, and of the documents enclosed with them.

2. The persons taking part in the case have the right to present to the justice of the peace written objections concerning the appeal or the presentation with an enclosure of the documents confirming these objections and the copies thereof, whose number shall correspond to the number of the persons taking part in the case; they also have the right to become acquainted with the materials of the case and with the appeal or the presentation which has come in, and with the objections to it.

3. After the expiry of the time term fixed for filing an appeal, the justice of the peace shall forward the case with the appeal, the presentation and the objections to them to the district court. A case cannot be forwarded to the district court before the time term fixed for appeal expires.

Article 326. Rejection of an Appeal or Recall of an Appeal Presentation

The person who has filed an appeal has the right to reject it in writing, and the public prosecutor has the right to recall an appeal presentation before the court passes the decision or the ruling. If he has accepted the refusal from the appeal or the recall of the presentation, the judge shall issue a ruling on the termination of the appeals proceedings, unless the decision or the ruling is appealed against by the other persons.

Article 327. Consideration of the Case by a Court of Appeal

1. The court shall notify the persons taking part in the case about the time and place of the court session.

2. The case shall be considered by a court of appeal in accordance with the rules for the proceedings in a court of first instance.

3. The court has the right to establish new facts and to investigate new proofs.

Article 328. Rights of a Court of the Appeals Instance in Considering an Appeal or a Presentation

When considering an appeal or a presentation, a court of appeal instance has the right:

- to leave the decision of the justice of the peace without alteration and the appeal or the presentation without satisfaction;
- to alter the decision of the justice of the peace, or to cancel it and adopt a new decision;
- to cancel the decision of the justice of the peace, fully or in part, and to terminate the court proceedings, or to leave the application without consideration.

Article 329. Resolution of a Court of Appeal

1. In the instances envisaged in the third paragraph of Article 328 of the present Code, the resolution of the district court shall be passed in the form of an appeals decision, which fully or in part substitutes the decision of the justice of the peace, and in the instances envisaged in the second and in the fourth paragraphs of Article 328 of the present Code, a ruling shall be issued.

2. The resolution of a court of the appeals instance shall enter into legal force as from the day of its adoption.

Article 330. Grounds for Cancelling or Altering the Decision of the Justice of the Peace by Way of an Appeal

1. The decision of the justice of the peace may be cancelled or altered by way of an appeal on the grounds stipulated in Articles 362-364 of the present Code.

2. If the appeal or the presentation is left without satisfaction, the court is obliged to indicate in the ruling the motives because of which the appeal or the presentation is recognized as incorrect and as comprising no grounds for the cancellation of the decision of the justice of the peace.

Article 331. Right of Appeal Against a Ruling of the Justice of the Peace

1. A ruling of the justice of the peace may be appealed against in the district court by the parties and by the other persons taking part in the case apart from the decision of the court and the public prosecutor may make a presentation, if:

1) this is stipulated in the present Code;

2) the ruling of the justice of the peace precludes the possibility of the further motion of the case.

2. No separate appeals or public prosecutor's presentations shall be filed against the rest of the rulings of the justice of the peace, with the exception of those mentioned in the first part of the present Article, but the objections against these rulings may be included in an appeal or a presentation.

Article 332. Time Term for Filing a Separate Appeal or a Presentation of the Public Prosecutor

A separate appeal or a presentation of the public prosecutor may be lodged within ten days as from the day of issue of the ruling by the justice of the peace.

Article 333. Procedure for Filing and Considering a Separate Appeal or a Presentation of the Public Prosecutor

A separate appeal or a presentation of the public prosecutor shall be filed and considered in accordance with the procedure envisaged for an appeal against the decision of the justice of the peace.

Article 334. Rights of a Court of the Appeals Instance in Considering a Separate Appeal or a Presentation of the Public Prosecutor

Having considered a separate appeal or the presentation of the public prosecutor, the court of the appeals instance has the right:

- to leave the ruling of the justice of the peace without alteration and the appeal or the presentation without satisfaction;

- to cancel the ruling of the justice of the peace, fully or in part, and to resolve the question on merit.

Article 335. Legal Force of the Ruling of a Court of Appeal Instance

The ruling of a court of appeal passed on a separate appeal or on a presentation of the public prosecutor shall enter into legal effect as from the day of its issue.

Chapter 40. Proceedings in a Cassation Court

Article 336. Right to File a Cassational Appeal or Presentation

The parties and the other persons taking part in the case may file a cassational appeal and the public prosecutor taking part in the case may make a cassational presentation against the decisions of all courts in the Russian Federation adopted in the first instance, with the exception of the decisions of justices of the peace.

Article 337. Procedure for Filing a Cassational Appeal or Presentation

1. The following decisions of a court of the first instance which have not entered into legal force may be appealed against by way of cassation:

1) decisions of district courts and decisions of garrison military courts, respectively to the Supreme Court of the Republic, to the territorial or regional court, the court of a city of federal importance, the court of the autonomous region, the court of an autonomous area, or to a district (naval) military court;

2) decisions of the Supreme Courts of the Republics, of the territorial and the regional courts, of the courts of the cities of federal importance, of the court of the autonomous region, of the courts of autonomous areas and of the district (naval) military courts - to the Supreme Court of the Russian Federation;

3) decisions of the Judicial College for Civil Cases and of the Military College of the Supreme Court of the Russian Federation - to the Cassation College of the Supreme Court of the Russian Federation.

2. A cassational appeal or presentation shall be filed through the court which has adopted the decision.

Article 338. Time Term for Filing a Cassational Appeal or Presentation

A cassational appeal or presentation may be filed within ten days from the day of adoption of the decision by the court in final form.

Article 339. Content of a Cassational Appeal or Presentation

1. A cassational appeal or presentation shall contain:

1) the name of the court to which the appeal or the presentation is addressed;

2) the name of the person filing the appeal or the presentation and his place of residence or of stay;

3) an indication of the court decision which is appealed against;

4) the demands of the person filing the appeal, or the demands of the public prosecutor making the presentation, as well as the grounds on which they believe that the decision of the court is incorrect;

5) the list of the proofs enclosed with the appeal or presentation.

2. The reference of the person lodging a cassational appeal, or of the public prosecutor making a presentation to new proof which was not presented to the court of the first instance shall be admissible only if it is substantiated in the appeal or in the presentation that it was impossible to present this proof to the court of the first instance.

3. A cassational appeal shall be signed by the person who is filing the appeal, or by his representative, and a cassational presentation by the public prosecutor. To an appeal filed by the representative shall be enclosed the warrant or another document certifying the representative's power, unless such power is contained in the case.

4. To the cassational appeal shall be enclosed the document confirming the payment of the state duty, if this appeal is subject to payment as it is filed.

Article 340. Copies of a Cassational Appeal or Presentation

A cassational appeal or presentation and the written proof enclosed to them shall be filed to the court with the copies, whose number shall correspond to the number of the persons taking part in the case.

Article 341. Leaving a Cassational Appeal or Presentation Without Motion

1. If a cassational appeal or presentation is filed, which does not satisfy the demands stipulated in Articles 339 and 340 of the present Code, and also if an appeal is filed not paid with state duty, the judge shall issue a ruling on the grounds of which he leaves the appeal or the presentation without motion, and shall appoint for the person who has lodged the appeal or has made the presentation a time term for amending the defects.

2. If the person who has filed a cassational appeal or presentation fulfils the instructions contained in the court ruling within the fixed term, the appeal and the presentation shall be seen as filed on the day of their initial arrival at the court.

3. A separate appeal or a presentation of the public prosecutor may be filed (made) against the ruling of the judge on leaving a cassational appeal or presentation without motion.

Article 342. Return of a Cassational Appeal or Presentation

1. A cassational appeal shall be returned to the person who has filed it, and a cassational presentation to the public prosecutor, if:

1) the instructions of the judge contained in the ruling on leaving the appeal or the presentation without motion are not fulfilled within the fixed term;

2) the term for filing an appeal expires, unless in the appeal or in the presentation a request is contained for the restoration of this term, or if its restoration is refused.

2. A cassational appeal shall also be returned at a request from the person who has filed it and a cassational presentation - if the public prosecutor recalls it, unless the case is sent over to a court of the cassation instance.

3. The return of a cassational appeal to the person who has filed it and of the cassational presentation to the public prosecutor shall be carried out on the grounds of the ruling of a court of the first instance. The person who has filed the appeal and the public prosecutor who has made the presentation have the right to file an appeal against the said ruling to a higher-placed court.

Article 343. Actions of the First Instance Court After the Receipt of a Cassational Appeal or Presentation

1. After the receipt of a cassational appeal or presentation filed within the time term established in Article 338 of the present Code and corresponding to the demands of Articles 339 and 340 of the present Code, the judge is obliged:

1) not later than on the day following their receipt to forward to the persons taking part in the case the copies of the appeal or of the presentation and of the written proof enclosed to them;

2) to notify the persons taking part in the case about the time and place of the consideration of the appeal or of the presentation by way of cassation in the Supreme Court of the Republic, in the territorial or the regional court, in the court of a city of federal importance, in the court of the autonomous region, in the court of an autonomous area, or in the district (naval) military court. About the day of the consideration of the appeal or of the presentation in the Supreme Court of the Russian Federation, the persons taking part in the case shall be informed by the Supreme Court of the Russian Federation;

3) after the expiry of the term fixed for filing a cassational appeal to send the case to a court of the cassation instance.

2. Before the expiry of the time term fixed for filing a cassational appeal nobody may obtain the case file from the court on demand. The persons taking part in the case have the right to become acquainted in the court with the case materials, with the filed cassational appeal and presentation, and with the objections to the appeal or to the presentation.

Article 344. Objections Concerning a Cassational Appeal or Presentation

1. The persons taking part in the case have the right to present objections in written form concerning a cassational appeal or presentation with an enclosure of documents confirming these objections.

2. The objections to a cassational appeal or presentation and the documents enclosed with them shall be filed with copies whose number shall correspond to the number of the persons taking part in the case.

Article 345. Refusal from a Cassational Appeal or Recall of a Cassational Presentation

1. The person who has filed a cassational appeal has the right to reject it in writing in the cassation court before the latter passes the corresponding judicial resolution. The public prosecutor who

has made a cassational presentation, has the right to recall it before the start of the court session. The persons taking part in the case shall be notified about the recall of the cassational presentation.

2. The court of the cassation instance shall issue a ruling on the acceptance of the rejection of a cassational appeal or of the recall of the cassational presentation by which it terminates the cassational proceedings, unless an appeal against the decision of the court of the first instance is filed by the other persons.

Article 346. Refusal of the Plaintiff or an Amicable Settlement of the Parties in a Court of the Cassation Instance

1. The refusal of the plaintiff from the claim or an amicable settlement between the parties effected after the acceptance of a cassational appeal or presentation, shall be expressed in written applications submitted to the court of the cassation instance.

2. The procedure and the consequences of considering an application for the plaintiff's refusal from the claim or an application from the parties on their reaching an amicable settlement shall be defined in accordance with the rules of the second and the third parts of Article 173 of the present Code. If the plaintiff's refusal from the claim is accepted or if the parties' amicable settlement is approved, the court of the cassation instance shall cancel the adopted decision of the court and shall terminate proceedings on the case.

Article 347. Limits of the Consideration of a Case in a Court of the Cassation Instance

1. The court of the cassation instance shall check the legality and the substantiation of the decision of the court of the first instance, proceeding from the arguments supplied in the cassational appeal or presentation and in the objections to the appeal or to the presentation. The court shall assess the proof contained in the case, as well as that supplied additionally, if it recognizes that the party could not have supplied them to the court of the first instance, shall confirm the facts and the legal relations indicated in the court decision appealed against, or shall establish new facts and legal relations.

2. The court of the cassation instance has the right to verify the decision of the first instance court in full volume in the interests of legality.

Article 348. Deadlines for the Consideration of a Case in a Court of the Cassation Instance

1. The Supreme Court of the Republic, the territorial and the regional court, the court of a city of federal importance, the court of the autonomous region, the court of an autonomous area and the district (naval) military court shall consider a case which has come in by way of cassational appeal or presentation not later than one month as from the day of its arrival.

2. The Supreme Court of the Russian Federation shall consider a case instituted on cassational appeal or presentation not later than two months as from the day of its coming in.

3. A cassation complaint or a representation in a case of protection of the electoral rights and right to take part in a referendum of Russian Federation citizens received by a cassation court for examination during an election campaign or a referendum campaign before polling day shall be considered by the court within five days after the receipt thereof.

3.1. An appeal or an appeal representation in respect of a decision in a case of registration of a candidate (list of candidates), refusal to grant registration to a candidate (list of candidates), deletion of a candidate from an attested list of candidates, cancellation of the registration of a candidate (list of candidates) received during an election campaign before the ballot day shall not be considered by the court later than on the day preceding the ballot day, and in this case the registration of the candidate (list of candidates) may be cancelled by an appeal court at least two days before the ballot day.

4. Federal laws may fix reduced the deadlines for the consideration of cassational appeals and presentations on the individual categories of cases in a court of the cassation instance.

Article 349. Procedure for a Court Session in a Court of the Cassation Instance

The procedure for a court session in a court of the cassation instance and the measures providing for it shall be defined in accordance with the rules of Articles 158 and 159 of the present Code.

Article 350. Court Session in a Court of the Cassation Instance

The court session in a court of the cassation instance shall be conducted in accordance with the rules of the present Code established for holding a court session in a court of the first instance, and taking account for the rules described in the present Chapter.

Article 351. Start of the Consideration of a Case

The presiding justice shall open a court session and shall declare, what case, on whose cassational appeal or presentation, and against the decision of what court is subject to consideration, and shall find out which of the persons taking part in the case and of their representatives have come; it shall

also identify the persons of those who are in attendance and check the powers of the official persons and their representatives.

Article 352. Declaration of the Composition of the Court and Explanation of the Right of Recusation

1. The presiding justice shall declare the composition of the court and shall explain to the persons taking part in the case their right to make recusations.

2. The grounds for the self-recusations and recusations, the procedure for resolving them and the consequences of the satisfaction of such applications are defined in Articles 16-21 of the present Code.

Article 353. Explanation to the Persons Taking Part in the Case of Their Procedural Rights and Duties

The presiding justice shall explain to the persons taking part in the case their procedural rights and duties.

Article 354. Consequences of the Failure to Appear in the Court Session of the Persons Taking Part in the Case

1. If any of the persons taking part in the case and not duly notified about the time and the place of the consideration of the case fails to appear, the court shall put off the investigation of the case.

2. The failure to appear of the persons taking part in the case and duly notified about the time and place of the consideration of the case shall not be seen as an obstacle to the investigation of the case. However, the court has the right to put off the investigation of the case in these instances as well.

Article 355. Resolution by the Court of Petitions from the Persons Taking Part in the Case

Petitions from the persons taking part in the case on all the issues involved in the investigation of a case in a court of the cassation instance, shall be resolved by the court after hearing out the opinions of the other persons taking part in the case. The submitted petitions shall be resolved by the court in accordance with the rules of Article 166 of the present Code.

Article 356. Reporting the Case

The consideration of a case in a court of the cassation instance starts with a report of the presiding justice or of one of the judges. The reporting judge shall describe the circumstances of the case, the content of the decision of the court of the first instance, the arguments of the cassational appeal or presentation and the objections which have come in with regard to them, as well as the content of the new proof submitted to the court; he shall also report the other data, which the court is obliged to consider to verify the decision of the court.

Article 357. Explanations of the Persons Taking Part in the Case in a Court of the Cassation Instance

After the report of the presiding justice or of one of the judges, the court of the cassation instance shall hear out the explanations of the persons taking part in the case who have come to the court session, and of their representatives. The first to take the floor shall be the person who has filed the cassational appeal, or his representative, or the public prosecutor, if he has made the cassational presentation. If the decision of the court is appealed against by both parties, the first to take the floor shall be the plaintiff.

Article 358. Investigation of Proof

1. After the explanations of the persons taking part in the case, the court of the cassational instance shall read out, if necessary, the proof contained in the case, and shall also study the newly supplied proof if it recognizes that the latter could not have been presented by the party to the court of the first instance. On the acceptance of the new proof the court shall issue a ruling.

2. The parties have the right to submit petitions for the summons to the court and for the interrogation of additional witnesses and for obtaining on demand of the other proof the investigation of which was rejected by the court of the first instance.

3. The study of the proof shall be carried out in the order established for a court of the first instance.

Article 359. Judicial Pleadings in a Court of the Cassation Instance

1. If the court of the cassation instance has studied the new proof the judicial pleadings shall be conducted in accordance with the rules envisaged in Article 190 of the present Code. In this case, the first to take the floor shall be the person who has lodged the cassational appeal, or the prosecutor who has made the cassational presentation.

2. After the end of the judicial pleadings, the court shall go into the retiring room for the issue of a cassational ruling.

Article 360. Issue of a Cassational Ruling and Its Announcement

The conference of the judges shall be held in accordance with the procedure stipulated in Article 15 of the present Code. A cassational ruling shall be issued and announced in accordance with the rules envisaged in Articles 194 and 193 of the present Code, respectively.

Article 361. Rights of a Court of the Cassation Instance in Considering a Cassational Appeal or Presentation

When considering a cassational appeal or presentation, the court of the cassation instance has the right:

- to leave the decision of the first instance court without alteration and the cassational appeal or presentation without satisfaction;
- to cancel the decision of the first instance court, fully or in part, and to send over the case for a new consideration to the court of the first instance in the same or in a different composition of judges, if the violations committed by the first instance court cannot be put right by the court of the cassation instance;
- to amend or cancel the decision of the first instance court and to adopt a new decision, while not sending over the case for a new consideration, if the circumstances which are of importance for the case are established on the basis of the already obtained and additionally supplied proof;
- to cancel the decision of the first instance court fully or in part, and to terminate the proceedings on the case, or to leave the application without consideration.

Article 362. Grounds for Cancelling or Altering the Decision of the Court by Way of Cassation

1. The following shall be seen as the grounds for the cancellation or for the alteration of a court decision by way of cassation:

1) the circumstances of importance for the case are defined incorrectly;

2) the circumstances of importance for the case which are established by the court of the first instance are not proved;

3) the conclusions of the court of the first instance presented in the decision of the court do not correspond to the circumstances of the case;

4) the norms of the substantive law or the norms of the procedural law are either violated or applied incorrectly.

2. The decision of the court of the first instance, which is essentially correct, cannot be cancelled for formal reasons alone.

Article 363. Violation or Incorrect Application of the Norms of the Substantive Law

The norms of the substantive law shall be considered as violated or as incorrectly applied, if: the court has not applied the law subject to application; the court has applied a law not subject to application; the court has incorrectly interpreted the law.

Article 364. Violation or Incorrect Application of the Norms of the Procedural Law

1. A violation or incorrect application of the norms of the procedural law is seen as a ground for the cancellation of the decision of the court of the first instance only under the condition that this violation or incorrect application has led, or could have led to an erroneous resolution of the case.

2. The decision of the court of the first instance is subject to cancellation regardless of the arguments of the cassational appeal or presentation, if:

1) the case is considered by the court in an illegal composition;

2) the case is considered by the court in the absence of any one of the persons taking part in the case and not notified about the time and place of the court session;

3) when the case was considered, the rules for the language in which the court proceedings shall be held were violated;

4) the court has resolved the question of the rights and duties of the persons not drawn into the participation in the case;

5) the court decision is not signed by the judge or any one of the judges, or the court decision is signed by a different judge or different judges than those named in the court decision;

6) the court decision is adopted by different judges than those included in the composition of the court which has considered the case;

7) there are no minutes of the court session in the case file;

8) when the decision of the court was being adopted, the rules for the secrecy of the conference of the judges were violated.

Article 365. Cancellation of the Decision of the First Instance Court with the Termination of the Proceedings on the Case or Leaving the Application Without Consideration

The decision of a court of the first instance is subject to cancellation by way of cassation with the termination of the proceedings on the case or leaving the application without consideration on the grounds pointed out in Articles 220 and 222 of the present Code.

Article 366. Content of a Cassational Ruling

1. The resolution of a court of the cassational instance shall be passed in the form of a cassational ruling.

2. In a cassational ruling shall be indicated:

1) the date and the place of issue of the ruling;

2) the name of the court which has issued the ruling and the composition of the court;

3) the person who has filed the cassational appeal or presentation;

4) a brief content of the decision of the first instance court, appealed against, of the cassational appeal or presentation, of the submitted proof and of the explanations given by the persons taking part in the consideration of the case in the court of the cassation instance;

5) conclusions of the court in accordance with the results of the consideration of the cassational appeal or presentation;

6) the motives because of which the court has come to its conclusions, and a reference to the laws by which the court was guided.

3. If the cassational appeal or presentation is left without satisfaction, the court is obliged to present the motives because of which the arguments of the appeal or of the presentation were rejected.

4. If the decision of the court is cancelled, fully or in part, and the case is sent over for a new consideration, the court is obliged to indicate the actions, which the court of the first instance is obliged to perform as it considers the case again.

Article 367. Legal Force of a Cassational Ruling

The cassational ruling enters into legal effect as soon as it is issued.

Article 368. Special Ruling of a Court of the Cassation Instance

The court of the cassation instance has the right to issue a special ruling in the instances envisaged in Article 226 of the present Code.

Article 369. Obligatory Nature of the Instructions of a Court of the Cassation Instance

1. The instructions concerning the need to perform the procedural actions which are presented in the ruling of the court of the cassation instance if the decision of the first instance court is cancelled and the case is sent over for a new consideration are obligatory for the court which is considering the given case anew.

2. The court of the cassation instance has no right to resolve in advance the questions about the authenticity or the unauthenticity of a certain proof, about certain proof being preferable to others or about which court decision shall be adopted in the new consideration of the case.

Article 370. Procedure for Considering a Cassational Appeal or Presentation Which Has Come In to a Court of Cassation Instance after the Consideration of the Case

1. If a cassational appeal or presentation submitted within the established time term or after the restoration of the missed term are filed to a court of the cassation instance after the case is considered on the other appeals, the court is obliged to accept such appeal or presentation for its proceedings.

2. If as a result of the consideration of the cassational appeal or presentation mentioned in the first part of this Article, the court of the cassation instance arrives at the conclusion that the formerly passed cassational ruling is illegal or unsubstantiated, this ruling shall be cancelled and a new cassational ruling shall be issued.

Article 371. Right to Lodge Appeals Against the Rulings of a Court of the First Instance

1. The rulings of a court of the first instance, with the exception of the rulings of the justices of the peace, may be appealed against in a court of the cassation instance apart from the decision of the court by the parties and by the other persons taking part in the case (a special appeal), and the public prosecutor may make a presentation, if:

1) this is stipulated in the present Code;

2) the court ruling precludes the possibility of a further motion of the case.

2. No special appeals or presentations of the public prosecutor shall be filed (made) against the rest of the rulings of the first instance court, but the objections to these may be included into the cassational appeal or presentation.

Article 372. Time Term for Filing a Special Appeal or a Public Prosecutor's Presentation

A special appeal or a presentation of the public prosecutor may be lodged within ten days as from the day of issue of the ruling by the court of the first instance.

Article 373. Procedure for Filing and Considering a Special Appeal or a Public Prosecutor's Presentation

A special appeal or a presentation of the public prosecutor shall be filed (made) and considered in the court in accordance with the procedure envisaged in this Chapter.

Article 374. Rights of a Court of the Cassation Instance in Considering a Special Appeal or a Public Prosecutor's Presentation

Having considered a special appeal or a presentation of the public prosecutor, the court of the cassation instance has the right:

- to leave the ruling of the court of the first instance without alteration, and the appeal or the presentation of the public prosecutor without satisfaction;
- to cancel the court ruling and send over the question for a new consideration to the court of the first instance;
- to cancel the court ruling, fully or in part, and to resolve the question on merit.

Article 375. Legal Force of the Ruling of a Court of the Cassation Instance Issued on a Special Appeal or on a Public Prosecutor's Presentation

The ruling of the court of the cassation instance issued on a special appeal or on a presentation of the public prosecutor shall enter into legal effect as from the day of its issue.

Section IV. Revision of the Court Decisions Which Have Entered into Legal Force

Chapter 41. Proceedings in a Court with Supervisory Authority

Article 376. Right to Appeal to a Court of the Supervisory Instance

1. The court decisions which have entered into legal force (with the exception of the judicial resolutions of the Presidium of the Supreme Court of the Russian Federation) may be appealed against in accordance with the procedure established in the present Chapter, to a court of the supervisory instance by the persons taking part in the case, and by other persons if their rights and lawful interests are infringed by the judicial resolutions.

2. Court decisions may be appealed against with a court of the supervision instance within six months as from the day of their entry into legal force, under the condition that the said persons have exhausted the other methods for appealing against the court decisions, established in the present Code, before the day of its entry into legal force.

3. If the public prosecutor has taken part in the consideration of the case, the right to appeal to a court of the supervisory instance with a presentation for revising the decisions and the rulings of the court which have come into legal effect shall belong to the official persons from the public prosecutor's office mentioned in Article 377 of the present Code.

Article 377. Procedure for Filing a Supervisory Appeal or Presentation

1. A supervisory appeal or presentation of the public prosecutor shall be lodged directly with the court of the supervisory instance.

2. A supervisory appeal or presentation of the public prosecutor shall be filed:

1) against the cassational rulings of the Supreme Courts of the Republics, of the territorial and the regional courts, of the courts of the cities of federal importance, of the court of the autonomous region and of the courts of the autonomous areas; against the appeals decisions and rulings of the district courts; against the court orders, decisions and rulings of district courts and justices of the peace which have come into legal effect, respectively, to the Presidium of the Supreme Court of the Republic, of the territorial or of the regional court, of the court of a city of federal importance, of the court of the autonomous region, or of the court of an autonomous area;

2) against the cassational rulings of the district (naval) military courts; against the decisions and the rulings of the garrison military courts - to the presidium of the district (naval) military court;

3) against the decisions of the Presidiums of the Supreme Courts of the Republics, of the territorial and the regional courts, of the courts of cities of federal importance, of a court of autonomous region and of the courts of the autonomous areas; and also against the decisions and the rulings of the district courts they have passed in the first instance, unless the said decisions and rulings were appealed, respectively, with the presidiums of the Supreme Court of a Republic, of a territorial or regional court, of the court of a city of federal importance, of the court of an autonomous region, or of the court of an autonomous area - to the Judicial College for Civil Cases of the Supreme Court of the Russian Federation;

4) against the decisions of the presidiums of the district (naval) military courts; against the cassational rulings of the district (naval) military courts, and also against the decisions and the rulings which have entered into legal force, of the garrison military courts, if the said judicial decisions were appealed with the presidium of the district (naval) military court - to the Military College of the Supreme Court of the Russian Federation;

5) against the decisions and rulings of the Supreme Courts of the Republics, of the territorial and regional courts, of the courts of the cities of federal importance, of the court of the autonomous region and of the courts of the autonomous areas they have adopted in the first instance, which have entered into legal force, unless the said decisions and rulings were an object of cassation consideration at the Supreme Court of the Russian Federation; against the decisions and rulings of the district (naval) military courts, which have entered into legal force, unless the said decisions and rulings were an object of cassation consideration at the Supreme Court of the Russian Federation; against the decisions and rulings of the Supreme Court of the Russian Federation it has adopted in the first instance, which have entered into legal force; against the rulings of the Cassation College of the Supreme Court of the Russian Federation; against the rulings of the Court Chamber on Civil Cases of the Supreme Court of the Russian Federation it has passed by way of cassation; against the rulings of the Military College of the Supreme Court of the Russian Federation it has passed by way of cassation - to the Presidium of the Supreme Court of the Russian Federation.

3. The appeals and the presentations of the public prosecutor against the rulings of the Judicial College for Civil Cases of the Supreme Court of the Russian Federation and of the Military College of the Supreme Court of the Russian Federation which they have adopted by way of supervision shall be lodged with the Presidium of the Supreme Court of the Russian Federation under the condition that such rulings violate the uniformity of the judicial practice.

4. The right to file presentations for revising the decisions, the rulings of the courts and decisions of the presidiums of the court of supervisory instance in the Russian Federation belongs to:

1) the Procurator-General of the Russian Federation and his Deputies - to any court of the supervisory instance;

2) the public prosecutor of the Republic, of the territory or of the region, of a city of federal importance, of the autonomous region, of an autonomous area, or of a military district (navy) - respectively, to the Presidium of the Supreme Court of the Republic, of the territorial or of the regional court, of the court of a city of federal importance, of the court of the autonomous region, of the court of an autonomous area or of the district (naval) military court.

Article 378. Content of a Supervisory Appeal or Presentation of the Public Prosecutor

1. A supervisory appeal or presentation of the public prosecutor shall contain:

1) the name of the court to which it is addressed;

2) the name of the person who is filing the appeal or the presentation, his place of residence or stay and his procedural position in the case;

3) the names of the other persons taking part in the case, and their places of residence or of stay;

4) an indication of the courts which have considered the case in the first, in the appeals, cassation or supervisory instances, and the content of the decisions they have taken;

5) an indication of the decision or of the ruling of the court and decisions of the presidium of the court of the supervisory instance which is being appealed against;

6) an indication of what the essential law offence committed by the courts is;

7) the request of the person who is filing the appeal or the presentation.

2. In the supervisory appeal or presentation of the public prosecutor against a ruling of the Judicial College for Civil Cases of the Supreme Court of the Russian Federation or of the Military College of the Supreme Court of the Russian Federation passed by way of supervision, it shall be indicated what is the violation of the uniformity of the judicial practice, and the corresponding grounds of this violation shall be indicated.

3. In the supervisory appeal of a person who has not taken part in the case, shall be pointed out what rights or lawful interests of this person are violated by the judicial resolution which has entered into legal effect.

4. If the supervisory appeal or presentation of the public prosecutor has been lodged with the supervisory instance formerly, the adopted decision of the court shall be cited in them.

5. The supervisory appeal shall be signed by the person filing the appeal, or by his representative. To an appeal filed by the representative shall be enclosed the warrant or another document certifying the powers of the representative. The presentation of the public prosecutor shall be signed by the public prosecutor mentioned in the fourth part of Article 377 of the present Code.

6. To a supervisory appeal or presentation of the public prosecutor shall be enclosed the copies of the judicial resolutions certified by the corresponding court which were adopted on the case.

7. A supervisory appeal or presentation of the public prosecutor shall be filed with copies, whose number shall correspond to the number of the persons taking part in the case.

8. Abrogated upon the expiry of thirty days after the date of the official publication of Federal Law No. 330-FZ of December 4, 2007.

Article 379. Abrogated upon the expiry of thirty days after the date of the official publication of Federal Law No. 330-FZ of December 4, 2007.

Article 379.1. Return of a Supervisory Complaint or of a Public Prosecutor's Presentation Without Consideration on the Merit

1. A supervisory complaint or a Public Prosecutor's presentation shall be returned by the judge without consideration on the merit, if:

1) the supervisory complaint or the public prosecutor's presentation does not satisfy the demands, stipulated in Items 1-5 and in Item 7 of the first part, and in the fourth-seventh parts of Article 378 of the present Code;

2) the supervisory complaint or the public prosecutor's presentation has been filed by a person, who has no right to appeal to the supervisory instance court;

3) the time term for filing an appeal against the court decision by way of supervision is missed and to the supervisory complaint is not enclosed the court ruling on the restoration of this term, which has entered into legal force;

4) a request has come in for the return or withdrawal of the supervisory complaint or of the public prosecutor's presentation;

5) the supervisory complaint or the public prosecutor's presentation has been filed with a violation of rules for the cognizance, established in Article 377 of the present Code.

2. The supervisory complaint or the public prosecutor's presentation shall be returned within ten days as from the day of their arrival at the supervisory instance court.

Article 380. Abrogated upon the expiry of thirty days after the date of the official publication of Federal Law No. 330-FZ of December 4, 2007.

Article 380.1. Actions of the Supervisory Instance Court after the Arrival of a Supervisory Complaint or of a Public Prosecutor's Presentation

The supervisory complaint or the public prosecutor's presentation, filed in conformity with the rules, established in Articles 376-378 of the present Code, shall be studied:

1) at the Presidium of the Supreme Court of the Republic, of the territorial or regional court, of the court of the city of federal importance, of the court of the autonomous region, of the district (naval) military court - by the chairman or by the deputy chairman of the corresponding court, or by the judge of the given court on their orders;

2) at the Court Chamber on Civil Cases of the Supreme Court of the Russian Federation, of the Military College of the Supreme Court of the Russian Federation, at the Presidium of the Supreme Court of the Russian Federation - by the judge of the Supreme Court of the Russian Federation.

Article 381. Consideration of a Supervisory Complaint or of a Public Prosecutor's Presentation

1. The judges, pointed out in Article 380.1 of the present Code, shall study the supervisory complaint or the public prosecutor's presentation by the materials, enclosed to them, or by the materials of the reclaimed case. If a case is reclaimed, the judge has the right to pass a ruling on suspending the execution of the court decision until the end of the proceedings at the supervisory instance court, if a request to this effect is contained in the supervisory complaint, in the public prosecutor's presentation or in another petition.

2. By the results of the study of the supervisory complaint or of the public prosecutor's presentation, the judge shall pass a ruling:

1) on the refusal to hand over the supervisory complaint or the public prosecutor's presentation for consideration in the court session of the supervisory instance court, if there are no grounds for revising the court decisions by way of supervision. In this case the supervisory complaint or the public prosecutor's presentation, as well as the copies of the appealed court decisions shall be left at the supervisory instance court;

2) on handing over the supervisory complaint or the public prosecutor's presentation together with the case for consideration in the court session of the supervisory instance court.

3. The Chairman of the Supreme Court of the Russian Federation or his Deputy has the right not to agree with the ruling of the judge of the Supreme Court of the Russian Federation on the refusal to hand over the supervisory complaint or the public prosecutor's presentation for consideration in the court session of the supervisory instance court and to pass a ruling on its cancellation and on handing over the supervisory complaint or the public prosecutor's presentation with the case for consideration in the court session of the supervisory instance court.

4. The supervisory complaint or the public prosecutor's presentation, filed to the Court Chamber on Civil Cases of the Supreme Court of the Russian Federation or to the Military College of the Supreme Court of the Russian Federation against the court decisions, pointed out in Items 3 and 4 of the second part of Article 377 of the present Code, together with the case if they are handed over for consideration in the court session of the supervisory instance court, shall be forwarded, respectively, to the Court Chamber on Civil Cases of the Supreme Court of the Russian Federation or to the Military College of the Supreme Court of the Russian Federation.

Article 382. Time Terms for the Consideration of a Supervisory Complaint or of a Public Prosecutor's Presentation

1. At the supervisory instance court, with the exception of the Supreme Court of the Russian Federation, a supervisory complaint or a public prosecutor's presentation shall be considered for no more than one month, if the case was not reclaimed, and for not over two months, if the case was reclaimed, not counting the period of time as from the day of reclaiming the case and till the day of its arrival at the supervisory instance court.

2. At the Supreme Court of the Russian Federation, a supervisory instance complaint or a public prosecutor's presentation shall be considered for not over two months, if the case was not reclaimed, and for no more than three months, if the case was reclaimed, not counting the period of time as from the day of reclaiming the case and till the day of its arrival at the Supreme Court of the Russian Federation.

3. If the case is reclaimed, the Chairman of the Supreme Court of the Russian Federation or his Deputy may extend the term for the consideration of the supervisory complaint or of the public prosecutor's presentation with an account for its complexity, but by no more than by two months.

Article 383. Ruling of the Judge on the Refusal to Hand Over a Supervisory Complaint or a Public Prosecutor's Presentation for Consideration in the Court Session of the Supervisory Instance Court

1. The judge's ruling on the refusal to hand over a supervisory complaint or a public prosecutor's presentation for consideration in the court session of the supervisory instance court shall contain:

the date and the place of issue of the ruling;

the surname and initials of the judge who has issued the ruling;

the name of the person who has filed the supervisory appeal or presentation of the public prosecutor;

an indication of the judicial resolutions which are appealed against;

the motives, for which it is refused to hand over a supervisory complaint or a public prosecutor's presentation for consideration in the court session of the supervisory instance court.

2. Abrogated upon the expiry of thirty days after the date of the official publication of Federal Law No. 330-FZ of December 4, 2007.

Article 384. Ruling on Handing Over a Supervisory Complaint or a Public Prosecutor's Presentation Together with the Case for Consideration in the Court Session of the Supervisory Instance Court

1. The ruling on handing over a supervisory complaint or a public prosecutor's presentation together with the case for consideration in the court session of the supervisory instance court shall contain:

1) the date and the place of issue of the ruling;

2) the surname and the initials of the judge who has issued the ruling;

3) the name of the court of the supervisory instance to which the case is sent for the consideration on merit;

4) the name of the person who has filed the supervisory appeal or presentation of the public prosecutor;

5) an indication of the judicial resolutions which are appealed against;

6) a rendering of the content of the case on which the judicial resolutions are passed;

7) a motivated presentation of the grounds for handing over a supervisory complaint or a public prosecutor's presentation together with the case for consideration in the court session of the supervisory instance court;

8) proposals of the judge who has issued the ruling.

2. The judge shall forward the supervisory appeal or presentation of the public prosecutor, together with the materials of the case, to a court of the supervisory instance.

Article 385. Notification of the Persons, Participating in the Case, about Handing Over a Supervisory Complaint or a Public Prosecutor's Presentation with the Case for Consideration in the Court Session of the Supervisory Instance Court

1. The supervisory instance court shall direct to the persons, participating in the case, the copies of the ruling on handing over a supervisory complaint or a public prosecutor's presentation together with

the case for consideration in the court session of the supervisory instance court and the copies of a supervisory complaint or of a public prosecutor's presentation. The court shall appoint the time for the consideration of the supervisory complaint or of the public prosecutor's presentation in the court session of the supervisory instance court with an account for the possibility for the persons, taking part in the case, to appear before the court in session.

2. The persons taking part in the case shall be notified of the time and place of the consideration of the case, but their failure to appear shall not be an obstacle to its consideration.

Article 386. Time Terms and Procedure for the Consideration of a Supervisory Complaint or of a Public Prosecutor's Presentation in the Court Session of the Supervisory Instance Court

1. The cases shall be considered by a court of the supervisory instance in a court session for no longer than one month, and in the Supreme Court of the Russian Federation - for no longer than two months as from the day of issue of the ruling by the judge.

2. A case considered by way of supervision in the presidium of the corresponding court shall be reported by the chairman of the court or by his deputy, or on their orders by another member of the presidium or by another judge of this court who has not taken part in the consideration of the given case formerly.

In the Judicial College for Civil Cases of the Supreme Court of the Russian Federation or in the Military College of the Supreme Court of the Russian Federation, the case is reported by one of the judges of the relevant College.

3. Attending the court session shall be the persons taking part in the case, their representatives and the other persons who have filed the supervisory appeal or presentation of the public prosecutor, if their rights and lawful interests are directly infringed upon by the judicial resolution which is appealed against.

If the public prosecutor is a person taking part in the consideration of the case, in the court session shall participate:

- the public prosecutor of the Republic, of the territory or region, of a city of federal importance, of the autonomous region or of an autonomous area, of the military district (navy), or his deputy in the Presidium of the Supreme Court of the Republic, of the territorial or of the regional court, of the court of a city of federal importance, of the court of the autonomous region or of an autonomous area, or of the district (naval) military court;
- the Procurator-General of the Russian Federation or his Deputy in the Presidium of the Supreme Court of the Russian Federation;
- an official from the public prosecutor's offices on the orders of the Procurator-General of the Russian Federation in the Judicial College for Civil Cases of the Supreme Court of the Russian Federation and in the Military College of the Supreme Court of the Russian Federation.

4. The reporter shall present the circumstances of the case, the content of the judicial resolutions adopted on the case, the motives of the supervisory appeal or presentation of the public prosecutor and of the ruling on handing over a supervisory complaint or a public prosecutor's presentation for consideration in the court session of the supervisory instance court. The judges may put questions to the reporter.

5. The persons mentioned in the third part of the present Article, if they have come to the court session, have the right to give explanations on the case. The first to give an explanation shall be the person who has filed the supervisory appeal or presentation of the public prosecutor.

6. The presidium of the court of the supervisory instance shall issue a decision on the basis of the results of the case's consideration, while the Civil Chamber and the Military Chamber of the Supreme Court of the Russian Federation shall issue rulings.

7. When the case is considered by way of cassation, all questions shall be resolved by majority vote. If the votes cast for revising the case by way of supervision and those cast against its revision fall equally, the supervisory appeal or presentation of the public prosecutor shall be seen as rejected.

8. The persons taking part in the case shall be informed about the the ruling or decision issued by the court of the supervisory instance.

Article 387. Grounds for the Cancellation or Amendment of the Court Decisions by Way of Supervision

As the grounds for the cancellation or the amendment of the court decisions by way of supervision shall be seen essential violations of the norms of the real or the procedural law, which have exerted an impact upon the outcome of the case, without eliminating which the restoration and protection of the violated rights, freedoms and lawful interests, as well as the defence of the law-protected public interests, are impossible.

Article 388. Ruling or Decision of a Court of the Supervisory Instance

1. The following must be pointed out In the ruling or decision of a court of the supervisory instance:

1) the name and the composition of the court that has issued the ruling or decision;

2) the date and place of issue of the ruling or decision;

3) the case on which the ruling or decision is issued;

4) the name of the person who has filed the supervisory appeal or presentation of the public prosecutor for revising the case by way of supervision;

5) the surname and initials of the judge, who has passed the ruling on handing over the supervision complaint or the public prosecutor's presentation with the case for consideration in the court session of the supervisory instance court;

6) the content of the appealed judicial decisions of the lower courts;

7) the law on whose grounds the ruling or decision on the results of the consideration of the case on merit is issued.";

2. The decision of the presidium of the corresponding court shall be signed by its chairman, and the ruling of the judicial college - by the judges who have considered the case by way of supervision.

Article 389. Revising the Court Decisions by Way of Supervision at the Presentation of the Chairman of the Supreme Court of the Russian Federation or of the Deputy Chairman of the Supreme Court of the Russian Federation

1. For the purposes of providing for the uniformity of the court practice, the Chairman of the Supreme Court of the Russian Federation or the Deputy Chairman of the Supreme Court of the Russian Federation has the right to file at a complaint from the interested persons or at a public prosecutor's presentation, to the Presidium of the Supreme Court of the Russian Federation a presentation for revising by way of supervision the court decisions, violating the rights, freedoms or lawful interests of an indefinite circle of persons or the other public interests, or those adopted with a violation of the rules for jurisdiction or cognizance.

2. A complaint from the interested persons or a public prosecutor's presentation may be filed in the course of six months as from the day of entry of the court decisions into legal force.

3. At a presentation of the Chairman of the Supreme Court of the Russian Federation or of the Deputy Chairman of the Supreme Court of the Russian Federation, the case shall be considered by the Presidium of the Supreme Court of the Russian Federation in the order, stipulated in Article 386 of the present Code.

4. The Chairman of the Supreme Court of the Russian Federation or the Deputy Chairman of the Supreme Court of the Russian Federation, who has made the presentation, cannot take part in the consideration of the case, about revising which he has made a presentation, by the Presidium of the Supreme Court of the Russian Federation.

Article 390. Powers of a Court of the Supervisory Instance

1. Having considered a case by way of supervision, the court has the right:

1) to leave the judicial resolution of the court of the first, second or supervisory instance without alteration, and an appeal or a presentation of the public prosecutor for revising the case by way of supervision without satisfaction;

2) to cancel the judicial resolution of the court of the first, second or supervisory instance and to send the case for a new consideration;

3) to cancel the judicial resolution of the court of the first, second or supervisory instance fully or in part and to leave the application without consideration, or to terminate the proceedings on the case;

4) to leave in force one of the judicial resolutions passed on the case;

5) to cancel or to amend the judicial resolution of the court of the first, second or supervisory instance and to adopt a new judicial resolution, while not sending the case for new consideration, if an error is made in the application and in the interpretation of the norms of the substantive law.

6) to leave an appeal filed by way of supervision or presentation of the public prosecutor without consideration on merit in the presence of the grounds provided for by Article 379.1 of this Code.

1.1. When considering the cases by way of supervision, the court shall check the correctness of the application and interpretation of the norms of the real and the procedural law by the courts, considering the case, within the framework of the supervisory complaint or of the public prosecutor's presentation. In the interests of legality, the supervisory instance court has the right to transgress the framework of the arguments of the supervisory complaint or of the public prosecutor's presentation. Nevertheless, the supervisory instance court has no right to check the legality of the court decision in that part, in which they are not complained against, or the legality of the court decisions, which are not appealed.

2. The directions of the higher-placed court on the interpretation of the law are obligatory for the court considering the case anew.

Article 391. Entry into Legal Force of the Ruling or Decision of a Court of the Supervisory Instance

The ruling or decision of a court of the supervisory instance shall enter into legal force as from the day of its issue.

Chapter 42. Revision of the Court Decisions, Rulings or Decisions of the Presidium of a Court of the Supervisory Instance Which Have Entered into Legal Force on the Newly Exposed Facts

Article 392. Grounds for Revising the Court Decisions, Rulings or Decisions of the Presidium of a Court of the Supervisory Instance Which Have Entered into Legal Force on the Newly Exposed Facts

1. The decisions and rulings of the court, decisions of the presidium of a court of the supervisory instance which have entered into legal force may be revised in connection with newly exposed facts.

2. The following shall be seen as the grounds for the revision of the newly exposed facts of the decisions and the rulings of the court, decisions of the presidium of a court of the supervisory instance which have come into legal effect:

1) the facts of importance for the case which have not been and could not have been known to the applicant;

2) the deliberately false evidence of a witness, the deliberately false conclusion of an expert, the deliberately incorrect translation or falsification of the proof which has entailed the adoption of an illegal or unsubstantiated decision or ruling of the court, decisions of the presidium of a court of the supervisory instance and has been established by a court sentence that has come into legal effect;

3) the crimes of the parties and other persons taking part in the case, as well as of their representatives, and the crimes of the judges which they have committed during the consideration and resolution of the given case and which have been established by a court sentence which has come into legal effect;

4) the cancellation of the decision, of the sentence, rulings of the court or decisions of the presidium of a court of the supervisory instance, or of the resolution of the state body or of the body of local self-government which has served as a ground for the adoption of the court decision or for the issue of the court ruling;

5) recognition by the Constitutional Court of the Russian Federation of the law, applied in a particular case, as not corresponding to the Constitution of the Russian Federation, in connection with adopting the decision, against which the applicant has turned to the Constitutional Court of the Russian Federation.

Article 393. Courts Revising the Court Decisions, Rulings or Decisions of the Presidiums of Courts of the Supervisory Instance in Connection with the Newly Exposed Facts

The decision or the ruling of a court of the first instance shall be revised in connection with the newly exposed facts by the court which has adopted this decision or ruling. The revisions in connection with the newly exposed facts of the decisions and the rulings of the courts of the appeals, of the cassation and of the supervisory instances, decisions of the presidiums of courts of the supervisory instance on the grounds of which the decision of the first instance court is amended or the new decision is adopted, shall be effected by the court which has altered the decision of the court or which has passed the new decision.

Article 394. Filing an Application or Presentation for the Revision of the Court Decisions, Rulings or Decisions of the Presidium of a Court of the Supervisory Instance in Connection with Newly Exposed Facts

An application or presentation for the revision in connection with the newly exposed facts of the decision, of the ruling of a court, the decision of the presidium of a court of the supervisory instance shall be handed in by the parties, public prosecutor and other persons taking part in the case to the court which has passed the decision or ruling. Such application or presentation may be lodged within three months as from the day when the grounds for the revision are established.

Article 395. Computation of the Deadline for Filing an Application for Revising the Court Decision, Ruling or Decision of the Presidium of a Court of the Supervisory Instance in Connection with the Newly Exposed Facts

The time term for filing an application for the revision of the court decision or ruling, decisions of the presidium of a court of the supervisory instance in connection with the newly exposed circumstances shall be computed in the instances envisaged in:

- Item 1 of the second part of Article 392 of the present Code - as from the day of revealing the facts of importance for the case;

- Items 2 and 3 of the second part of Article 392 of the present Code - as from the day of entry into legal effect of the sentence on a criminal case;

- Item 4 of the second part of Article 392 of the present Code - as from the day of entry into legal force of the decision, the sentence or the ruling of the court, the decision of the presidium of a court of the

supervisory instance which is cancelling the formerly passed decision, sentence or ruling of the court, the decision of the presidium of a court of the supervisory instance or the resolution of the state power body or of the local self-government body, on which the presently revised court decision or ruling, the decision of the presidium of a court of the supervisory instance was based; or as from the day of adoption by the state power body or by the local self-government body of a new resolution on which the disputed decision or ruling of the court, the decision of the presidium of a court of the supervisory instance was based;

- Item 5 of the second part of Article 392 of the present Code - as from the day of entry into force of the corresponding decision of the Constitutional Court of the Russian Federation.

Article 396. Consideration of an Application for Revising a Court Decision, Ruling or Decision of the Presidium of a Court of the Supervisory Instance in Connection with the Newly Exposed Facts

The court shall consider an application for revising the decision or the ruling of a court, the decision of the presidium of a court of the supervisory instance in connection with the newly exposed facts in a court session. The parties, the public prosecutor and the other persons taking part in the case shall be notified about the time and place of the court session, but their failure to appear shall not be an obstacle to the consideration of the case.

Article 397. Court Ruling on Revising a Court Decision, Ruling or Decision of the Presidium of a Court of the Supervisory Instance in Connection with the Newly Exposed Facts

1. Having considered an application for revising the decision or the ruling of the court, the decision of the presidium of a court of the supervisory instance in connection with the newly exposed circumstances, the court shall either satisfy the application and cancel the court decision or ruling, the decision of the presidium of a court of the supervisory instance, or shall refuse to revise them.

2. The ruling of the court on the satisfaction of an application for revising the court decision or ruling, the decision of the presidium of a court of the supervisory instance in connection with the newly exposed facts is not appealable.

3. If the court decision or ruling, the decision of the presidium of a court of the supervisory instance is cancelled, the case shall be considered by the court in accordance with the rules established in the present Code.

Section V. Proceedings on Cases Involving Foreigners

Chapter 43. General Provisions

Article 398. Procedural Rights and Duties of Foreigners

1. Foreign citizens and stateless persons, foreign organizations and international organizations (hereinafter in the present section also referred to as foreign persons or as foreigners) have the right to apply to the courts in the Russian Federation for the protection of their violated or disputed rights, freedoms and lawful interests.

2. Foreign citizens shall enjoy all the procedural rights and shall discharge the procedural duties as Russian citizens and organizations.

3. Legal proceedings on cases involving foreigners shall be conducted in conformity with the present Code and other federal laws.

4. The Government of the Russian Federation may establish reciprocal restrictions with respect to foreigners - the citizens of those states in whose courts the same restrictions of procedural rights of Russian citizens and organizations are introduced.

Article 399. Civil Procedural Capacity and Legal Capacity of Foreign Citizens and of Stateless Persons

1. The civil procedural capacity and the legal capacity of foreign citizens and of stateless persons shall be determined by their personal law.

2. Seen as the personal law of a foreign citizen is the law of the country of which the given foreigner is a citizen. If the given citizen possesses, alongside with the citizenship of the Russian Federation, foreign citizenship, seen as his personal law shall be the law of the Russian Federation. If the citizen has several foreign citizenships, seen as his personal law shall be the law of the country in which the citizen has his place of residence.

3. If a foreign citizen has his place of residence in the Russian Federation, seen as his personal law is the Russian law.

4. Seen as the personal law of a stateless person shall be the law of the country in which this person has the place of residence.

5. A person who is not a procedurally legally capable person on the grounds of the personal law may be recognized as procedurally legally capable on the territory of the Russian Federation if he possesses the procedural legal capacity in accordance with Russian law.

Article 400. Procedural Legal Capacity of a Foreign Organization and of an International Organization

1. Seen as the personal law of a foreign organization shall be the law of the country in which this organization is instituted. Its procedural legal capacity is determined on the basis of the personal law of the foreign organization.

2. A foreign organization not enjoying procedural legal capacity in conformity with the law may be recognized as legally competent on the territory of the Russian Federation in conformity with Russian law.

3. The procedural legal capacity of an international organization shall be established on the grounds of an international treaty in conformity with which it is created, or of its constituent documents or on the grounds of an agreement with the competent body of the Russian Federation.

Article 401. Claims Against Foreign States and International Organizations. Diplomatic Immunity

1. The institution of a claim against a foreign state in a court of the Russian Federation, drawing of a foreign state to participation in a case in the capacity of the defendant or of the third person putting the property of a foreign state situated on the territory of the Russian Federation under arrest and the adoption towards this property of other measures aimed at providing for the claim, as well as turning an exaction onto this property by way of execution of the court decisions shall be admissible only with the consent of the competent bodies of the corresponding state, unless otherwise envisaged in the international treaty of the Russian Federation or in federal law.

2. International organizations are subject to the jurisdiction of the courts in the Russian Federation on civil cases within the limits defined in the international treaties of the Russian Federation and in federal laws

3. The diplomatic representatives of foreign states and the other persons mentioned in the international treaties of the Russian Federation or in federal laws who are accredited in the Russian Federation are subject to the jurisdiction of the courts in the Russian Federation on civil cases within the limits defined by the generally recognized principles and norms of international law or by the international treaties of the Russian Federation.

Chapter 44. cognisance of Cases Involving Foreigners in the Russian Federation

Article 402. Application of the Rules for cognisance

1. Unless otherwise established in the rules of the present Chapter, the cognisance of cases with the participation of foreigners to the courts in the Russian Federation is defined in accordance with the rules of Chapter 3 of the present Code.

2. The courts in the Russian Federation consider cases involving foreigners, if the defendant organization is situated on the territory of the Russian Federation or if the defendant citizen has his place of residence in the Russian Federation.

3. The courts in the Russian Federation also have the right to consider cases involving foreigners, if:

1) the management body, an affiliate or a representation of the foreign person is situated on the territory of the Russian Federation;

2) the defendant has property situated on the territory of the Russian Federation;

3) the plaintiff in a case on the exaction of alimony and on the establishment of paternity has his place of residence in the Russian Federation;

4) the damage is caused on the territory of the Russian Federation or the plaintiff has his place of residence in the Russian Federation in a case on the recompense of the damage caused by a serious injury or by other harm to health, or by the death of the bread-winner;

5) an action or other circumstance which has served as the grounds for filing a claim for the recompense of the damage in a case on the compensation for the damage inflicted upon the property has taken place on the territory of the Russian Federation;

6) the claim stems from an agreement in accordance with which the full or partial execution shall take place or has taken place on the territory of the Russian Federation;

7) the claim stems from an unjust enrichment which has taken place on the territory of the Russian Federation;

8) the plaintiff in a case on the dissolution of a marriage has his place of residence on the territory of the Russian Federation, or if eithier of the spouses is a Russian citizen;

9) the plaintiff in a case on the protection of the honour, dignity and business reputation has his place of residence in the Russian Federation.

Article 403. Exclusive cognisance of Cases Involving Foreigners

1. To the exclusive cognisance of the courts in the Russian Federation are referred:

1) cases on the right to immovable property situated on the territory of the Russian Federation;

2) the cases on disputes arising from a contract of shipment, if the shippers are on the territory of the Russian Federation;

3) the cases on the dissolution of a marriage of Russian citizens with foreign citizens or with stateless persons, if both spouses have their place of residence in the Russian Federation;

4) the cases envisaged in Chapters 23-26 of the present Code.

2. The courts in the Russian Federation shall consider the cases of the special proceedings, if:

1) the applicant in a case on the establishment of the fact of juridical importance has his place of residence in the Russian Federation, or the fact which it is necessary to establish is taking place or has taken place on the territory of the Russian Federation;

2) the citizen with respect to whom an application is filed for adoption (for a son or for a daughter), for the restriction of a citizen's legal competence or for recognizing him as legally incapable, or for recognizing an underaged person as completely legally competent (emancipation), for forcible hospitalization into a mental hospital, for extension of the time term for the forcible hospitalization of a citizen suffering from a mental disorder, or for a forcible psychiatric examination, is a citizen of, and has his place of residence in, the Russian Federation;

3) the person with respect to whom an application is filed for recognizing him as missing or for declaring him as the deceased, is a Russian citizen or had his last known place of residence in the Russian Federation, and if on the resolution of the given question depends the establishment of the rights and duties of the citizens who have their place of residence in the Russian Federation, or of the organizations which have their place of location in the Russian Federation;

4) an application is filed for recognizing an object located on the territory of the Russian Federation as ownerless or for acknowledging the right of municipal ownership to an ownerless immovable object located on the territory of the Russian Federation;

5) an application is filed for recognizing as invalid the lost bearer or order security issued by a citizen or to a citizen who has his place of residence in the Russian Federation, or by an organization or to an organization located on the territory of the Russian Federation, and for the restoration of rights to it (the summons procedure).

Article 404. Agreed cognisance of Cases Involving Foreigners

1. The parties in a case involving foreign person have the right to reach an agreement on changing the cognisance of the case (the prorogation of jurisdiction) before the court accepts it for its proceedings.

2. The cognisance of the cases with the participation of foreigners established in Articles 26, 27, 30 and 403 of the present Code cannot be changed by the parties' agreement.

Article 405. Invariability of the Place for Considering a Case

The case accepted by the court in the Russian Federation for its proceedings with the observation of the rules for the cognisance shall be resolved by this court on merit, even if in connection with the change of the citizenship, of the place of residence or of the place of location of the parties, or with the other circumstances it has become cognisant to the court of another country.

Article 406. Procedural Consequences of Considering a Case in a Foreign Court

1. The court in the Russian Federation shall refuse to accept a statement of an action for its proceedings or shall terminate the proceedings on the case, if there is a court decision on the dispute between the same parties, for the same object and on the same grounds adopted by a foreign court with which the Russian Federation has signed an international agreement envisaging the mutual recognition and execution of the court decisions.

2. The court in the Russian Federation shall return the statement of an action or shall leave this statement without consideration, if in the foreign court whose decision is subject to recognition or execution on the territory of the Russian Federation was earlier instituted a case on the dispute between the same parties, for the same object and on the same grounds.

Article 407. Court Orders

1. The courts in the Russian Federation shall execute the orders of foreign courts passed over to them in accordance with the procedure established in the international treaty of the Russian Federation or in the federal law, for the performance of individual procedural actions (such as handing in notices and other documents, the obtaining of the parties' explanations, of the evidence of the witnesses and of the conclusions of the experts, an examination on the spot, etc.).

2. The order from a foreign court on the performance of the individual procedural actions is not subject to execution, if:

1) the execution of the order may cause damage to the sovereignty of the Russian Federation or presents a threat to the security of the Russian Federation;

2) the execution of the order is beyond the competence of the given court.

3. The orders from foreign courts shall be executed in accordance with the procedure established by Russian law, unless otherwise stipulated in an international treaty of the Russian Federation.

4. The courts in the Russian Federation may turn to foreign courts with orders on the performance of the individual procedural actions. The procedure for intercourse of the courts in the Russian Federation with foreign courts is determined by the international treaty of the Russian Federation or by the federal law.

Article 408. Recognition of the Documents Issued, Compiled or Certified by the Competent Bodies of Foreign States

1. The documents which are issued, compiled or certified in conformity with the foreign law and in accordance with the established form by the bodies of foreign states outside the Russian Federation with respect to Russian citizens or organizations or to foreign persons, shall be recognized by the courts in the Russian Federation if they are legalized, unless otherwise envisaged in the international treaty of the Russian Federation or in the federal law.

2. The documents compiled in a foreign language shall be presented to the courts in the Russian Federation with the properly certified translation into the Russian language.

Chapter 45. Acknowledgement and Execution of the Decisions of Foreign Courts and of Foreign Tribunals (Arbitrages)

Article 409. Acknowledgement and Execution of the Decisions of Foreign Courts

1. The decisions of foreign courts, including decisions on the approval of an amicable settlement, shall be acknowledged and executed in the Russian Federation if this is stipulated in the international treaty of the Russian Federation.

2. Interpreted as the decisions of foreign courts shall be decisions on civil cases, with the exception of cases on economic disputes and of other cases connected with the performance of business and other economic activity, and the sentences on the cases in the part of the recompense for the loss caused by a crime.

3. The decision of a foreign court may be presented for a forcible execution within three years as from the day of an entry into effect of the decision of a foreign court. A term missed due to a valid reason may be restored by the court in the Russian Federation in accordance with the procedure stipulated in Article 112 of the present Code.

Article 410. Petition for Forcible Execution of the Decision of a Foreign Court

A petition from the exactor for a forcible execution of the decision of a foreign court shall be considered by the Supreme Court of the Republic, by the territorial or the regional court, by the court of a city of federal importance, by the court of the autonomous region or of an autonomous area at the debtor's place of residence or stay in the Russian Federation, and if the debtor has no place of residence or stay in the Russian Federation, or if the place of his stay is unknown, at the place of location of his property.

Article 411. Content of the Petition for a Forcible Execution of the Decision of a Foreign Court

1. A petition for forcible execution of the decision of a foreign court shall contain:

1) the name of the exactor or of his representative, if the petition is submitted by the representative, an indication of the place of residence, and if the exactor is an organization, an indication of the place of its location;

2) the name of the debtor and an indication of his place of residence, and if the debtor is an organization, an indication of the place of its location;

3) the exactor's request for permitting a forcible execution of the decision or for pointing out from what particular moment its execution is to be demanded.

In the petition may also be supplied other information, including the telephone and fax numbers, and e-mail addresses, if these are necessary for a correct and timely resolution of the case.

2. To the petition shall be enclosed the documents envisaged in the international treaty of the Russian Federation, and if this is not envisaged in the international treaty, the following documents:

1) a copy of the decision of a foreign court certified by the foreign court for a forcible execution of which the petition is filed;

2) an official document about the fact that the decision has come into legal effect, unless this stems from the text of the decision itself;

3) the document on the execution of the decision, if it was formerly executed on the territory of the corresponding foreign state;

4) the document from which it follows that the party against which the decision is adopted and which has not taken part in the procedure was properly notified about the time and the place of considering the case and on time;

5) the certified translation of the documents mentioned in Items 1-3 of the present Item into Russian.

3. The petition for a forcible execution of the decision of a foreign court shall be considered in an open court session, with the notification of the debtor about the time and the place of considering the petition. The failure to appear without a valid reason on the part of the debtor, to whom, as far the court knows, the summons was handed in, is not an obstacle to the consideration of the petition. If the debtor has filed to the court a request for postponing the time of the consideration of the petition and this request was recognized by the court as valid, the court shall postpone the time of the consideration and shall inform the debtor to this effect.

4. Having heard out the debtor's explanations and having considered the supplied proof, the court shall issue a ruling on the forcible execution of the decision of a foreign court, or on the refusal to do this.

5. On the grounds of the decision of a foreign court and of the court ruling on a forcible execution of this decision which has entered into legal effect, a writ of execution shall be issued, which shall be forwarded to the court at the place of execution of the decision of the foreign court.

6. If certain doubts arise in the court when it resolves the question of a forcible execution, it may request an explanation from the person who has filed the petition for a forcible execution of the decision of the foreign court, and may also interrogate the debtor on the merit of the petition, and if necessary, may demand an explanation from the foreign court which has adopted the decision.

Article 412. Rejection of a Forcible Execution of the Decision of a Foreign Court

1. A rejection of a forcible execution of the decision of a foreign court may be admissible if:

1) the decision in accordance with the law of the country on whose territory it was adopted has not entered into legal effect or is not subject to execution;

2) the party against which the decision is adopted was deprived of the possibility of taking part in the proceedings because it was late and not properly notified about the time and the place of the consideration of the case;

3) the consideration of the case is referred to the exclusive cognisance of the courts in the Russian Federation;

4) there is a decision of a court in the Russian Federation which has entered into legal force on the dispute between the same parties, for the same object and on the same grounds, or in the proceedings of a court in the Russian Federation there is a case instituted on the dispute between the same parties, for the same object and on the same grounds before the case was instituted in the foreign court;

5) the execution of the decision may cause damage to the sovereignty of the Russian Federation or present a threat to the security of the Russian Federation, or contradicts public law and order in the Russian Federation;

6) the limitation term for presenting the decision for a forcible execution has expired and this term is not restored by a court in the Russian Federation by a petition from the exactor.

2. The copies of the court ruling issued in conformity with the fourth part of Article 411 of the present Code shall be directed by the court to the exactor and to the debtor within three days of the day of passing the court ruling. This ruling may be appealed against to a higher placed court in accordance with the procedure and within the time terms established in the present Code.

Article 413. Acknowledgement of the Decisions of Foreign Courts

1. The decisions of foreign courts which do not require a forcible execution shall be acknowledged without any further proceedings, unless objections to this come in from an interested person.

2. An interested person at the place of his residence or stay may submit to the Supreme Court of the Republic, to the territorial or the regional court, to the court of a city of federal importance, to the court of the autonomous region or to a court of an autonomous area the objections to the acknowledgement of this decision within one month after he has learned about the arrival of the decision of the foreign court.

3. The objections of an interested person to the acknowledgement of the decision of a foreign court shall be considered in an open court session with notifying this person about the time and the place of the consideration of the objections. The failure to appear of the interested person to whom, as the court knows, the summons was handed in, shall not be an obstacle to the consideration of the objections. If the interested person applies to the court with a request for putting off the time fixed for the consideration of the objections and if this request is recognized by the court as valid, the court shall postpone the time of the consideration and shall inform the interested person to this effect.

4. After the court has considered the objections to the acknowledgement of the decision of a foreign court, the corresponding ruling shall be issued.

5. A copy of the court ruling shall be forwarded to the person at whose application the decision of the foreign court was acknowledged, and to his representative, as well as to the person who has submitted objections to the acknowledgement of the decision. The court ruling may be appealed against to the higher-placed court in accordance with the procedure and within the time terms established in the present Code.

Article 414. Refusal in the Acknowledgement of the Decision of a Foreign Court

A refusal to recognize the decision of a foreign court which is not subject to a forcible execution shall be admissible if there are the grounds, envisaged in Items 1-5 of the first part of Article 412 of the present Code.

Article 415. Acknowledgement of the Decisions of Foreign Courts Not Requiring Further Proceedings

The following decisions of foreign courts not requiring further proceedings because of their content are recognized in the Russian Federation:

- those related to the status of the citizen of a state whose court has adopted the decision;
- on the dissolution or on recognizing as invalid the marriage between a Russian citizen and a foreign citizen, if at the moment of the consideration of the case even one of the spouses resided outside of the boundaries of the Russian Federation;
- on the dissolution or on recognizing as invalid the marriage between Russian citizens, if both spouses resided outside of the boundaries of the Russian Federation at the moment of considering the case;
- in the other instances envisaged in the federal law.

Article 416. Acknowledgement and Execution of the Decisions of Foreign Tribunals (Arbitrages)

1. The rules of Articles 411-413 of the present Code, with the exception of the second part of Article 411 and of Items 1-4 and 6 of the first part of Article 412 of the present Code, shall also be applied towards the decisions of foreign tribunals (arbitrages).

2. The party requesting to acknowledge or execute the decision of a foreign tribunal (arbitrage) shall present the genuine decision of the foreign tribunal (arbitrage) or its properly certified copy, as well as the genuine arbitration agreement or its properly certified copy. If the arbitrage decision or the arbitrage agreement is rendered in a foreign language, the party shall is also obliged to present a certified translation of these documents into Russian.

Article 417. Refusal in the Acknowledgement and Execution of the Decisions of Foreign Tribunals (Arbitrages)

1. The recognition and the execution of the decision of a foreign tribunal (arbitrage) may be refused:

1) at a request from the party against which it is directed, if this party presents to the competent court of which the acknowledgement and the execution are requested evidence that:

- one of the parties of the arbitration agreement was to a certain extent legally incapable or this agreement is invalid in conformity with the law to which the parties have subjected it, and in the absence of such evidence - in conformity with the law of the country in which this decision was adopted;
- the party against which the decision was adopted was not properly notified about the appointment of an arbiter or about the arbitration investigation, or it could not have submitted evidence because of any other reasons, or the decision was passed on a dispute not envisaged in the arbitration agreement or not falling under its terms, or contains resolutions on issues outside the framework of the arbitration agreement. If the resolutions on the questions embraced by the arbitration agreement can be separated from the resolutions on the questions not embraced by such agreement the part of the court decision in which the resolutions are contained on the questions embraced by the arbitration agreement, may be acknowledged and executed;
- the composition of the tribunal or the arbitration investigation did not correspond to the arbitration agreement or in the absence of such agreement it did not correspond to the law of the country in which the foreign tribunal (the arbitrage) took place;
- the decision has not yet become obligatory for the parties, or it was cancelled, or its execution was suspended by the court of the country in conformity with whose law it was adopted;

2) if the court establishes that the dispute cannot be an object of the arbitration investigation in conformity with the federal law or that the acknowledgement and execution of this decision of the foreign tribunal (arbitrage) contradict the public law and order of the Russian Federation.

2. If in the court is put forth a petition for the cancellation or for the suspension of the execution of the decision of a foreign tribunal (arbitrage), the court of which the acknowledgement and the execution are requested may put off the adoption of its decision if it finds it proper.

Section VI. Proceedings on the Cases on Disputing the Decisions of Tribunals and Those on the Issue of Writs of Execution for a Forcible Exaction of the Tribunals' Decisions

Chapter 46. Proceedings on the Cases on Disputing Tribunals' Decisions

Article 418. Disputing a Tribunal's Decision

1. The decision of a tribunal adopted on the territory of the Russian Federation, may be put into dispute by the parties of the tribunal investigation by filing an application for the cancellation of the tribunal's decision in conformity with Article 419 of the present Code.

2. An application for cancelling the decision of a tribunal shall be filed to the district court on whose territory the tribunal's decision is adopted within a time term not exceeding three months as from the day of receipt of the disputed decision by the party which has filed the application, unless otherwise envisaged in the international treaty of the Russian Federation or in the federal law.

3. An application for cancelling the tribunal's decision shall be paid with state duty in an amount envisaged in the federal law for the payment for an application on the issue of a writ of execution for a forcible execution of the tribunal's decision.

Article 419. The Form and Content of an Application for Cancelling a Tribunal's Decision

1. An application for the cancellation of the decision of a tribunal shall be lodged in writing and shall be signed by the person disputing the decision, or by his representative.

2. In an application for cancelling the decision of a tribunal shall be indicated:

1) the name of the court to which the application is lodged;

2) the name and the composition of the tribunal which has passed the decision;

3) the names of the parties in the tribunal investigation and their places of residence or stay;

4) the date and place of adoption of the tribunal's decision;

5) the date of receipt of the disputed decision of the tribunal by the party which has filed the application for cancelling the said decision;

6) the applicant's claim for cancelling the tribunal's decision and the grounds on which it is put into dispute.

In the application may also be supplied the telephone and fax numbers e-mail addresses and other information.

3. To an application for the cancellation of a tribunal's decision shall be enclosed:

1) the genuine decision of the tribunal or its properly certified copy. The copy of the decision of a permanently functioning tribunal shall be certified by the chairman of the permanently functioning tribunal, and the copy of the decision of an ad hoc tribunal for resolving a particular dispute shall be certified by a notary;

2) the genuine agreement on the tribunal investigation or the properly certified copy thereof;

3) the documents submitted in substantiation of the claim for cancelling the tribunal's decision;

4) the document confirming the payment of the state duty in accordance with the procedure and in the amount established in federal law;

5) a copy of the application for cancelling the tribunal's decision;

6) the warrant or another document confirming the powers of the person for signing the application.

4. An application for cancelling the decision of a tribunal filed with a violation of the demands envisaged in the present Article shall be returned to the person who has signed it, or shall be left without motion in accordance with the rules established in Articles 135 and 136 of the present Code.

Article 420. Procedure for Considering an Application for Cancelling a Tribunal's Decision

1. An application for cancelling a tribunal's decision shall be considered by the judge on his own within a time term not exceeding one month as from the day of arrival of the application to the district court in accordance with the rules envisaged in the present Chapter.

2. When preparing the case for the judicial proceedings by petition from both parties in the tribunal proceedings, the judge may obtain on demand from the tribunal the materials of the case, the decision on which is disputed in the district court, in accordance with the rules envisaged in the present Code for an obtainment of proof on demand.

3. The parties in the tribunal procedure shall be notified by the district court about the time and place of the court session. The default of the said persons properly notified about the time and place of the court session shall not be seen as an obstacle to consideration of the case.

4. While considering the case, the district court shall establish in the court session the existence or absence of grounds for the cancellation of the tribunal's decision envisaged in Article 421 of the present Code by way of an investigation of the evidence supplied to the court in substantiation of the presented claims and objections.

Article 421. Grounds for Cancelling a Tribunal's Decision

1. The decision of a tribunal is subject to cancellation only in the instances envisaged in this Article.

2. The decision of a tribunal is subject to cancellation if the party which has filed to the court an application for cancelling the tribunal's decision supplies to the court evidence that:

1) the tribunal's agreement is invalid on the grounds stipulated in the federal law;

2) the party was not properly notified about the election (the appointment) of the tribunal judges or about the tribunal proceedings, including about the time and place of the tribunal's session, or it could not have presented its explanations due to other valid reasons;

3) the tribunal's decision is adopted on a dispute not envisaged in the tribunal agreement or not falling within its terms, or contains resolutions on the issues outside the framework of the tribunal agreement. If the resolutions on the issues embraced by the tribunal's agreement can be separated from the resolutions on the issues, not embraced by such agreement, the court may cancel only that part of the tribunal's decision which contains resolutions on the issues beyond the framework of the tribunal agreement;

4) the composition of the tribunal or the procedure for the tribunal proceedings did not correspond to the parties' tribunal agreement or to the federal law.

3. The court shall also cancel the tribunal's decision, if it establishes that:

1) the dispute considered by the tribunal cannot be an object of the tribunal investigation in conformity with the federal law;

2) the tribunal's decision infringes upon the basic principles of the Russian law.

Article 242. Court Ruling on the Case on Disputing a Tribunal's Decision

1. The court shall issue a ruling on the cancellation of a tribunal's decision or on the refusal to cancel a tribunal's decision in accordance with the results of considering the case on disputing the decision of the tribunal.

2. In the court ruling on the cancellation of a tribunal's decision or on the refusal to cancel a tribunal's decision shall be contained:

1) information on the disputed decision of the tribunal and on the place of its adoption;

2) the name and the composition of the tribunal, which has passed the disputed decision;

3) the name of the parties in the tribunal investigation;

4) an indication of the cancellation of the tribunal's decision, fully or in part, or of the refusal to satisfy the applicant's claim, fully or in part.

3. The cancellation of the tribunal's decision shall not be an obstacle for the parties in the tribunal investigation to once again apply to the tribunal, if the possibility of applying to the tribunal is not lost, or to a court, in accordance with the rules envisaged in the present Code.

4. If the decision of the tribunal is cancelled by the court, fully or in part, because of the invalidity of the tribunal agreement, or if the decision is taken on a dispute not envisaged in the tribunal agreement or not falling within its terms, or contains the resolutions on issues not embraced by the tribunal agreement, the parties in the tribunal procedure may apply for the resolution of such dispute to a court in accordance with the general rules envisaged in the present Code.

5. The court ruling on cancelling a tribunal's decision or on the refusal to cancel a tribunal's decision may be appealed against to a higher-placed court in accordance with the procedure and within the time terms established in the present Code.

Chapter 47. Proceedings on the Cases on the Issue of Writs of Execution for a Forcible Execution of the Tribunals' Decisions

Article 423. Issue of a Writ of Execution for a Forcible Execution of a Tribunal's Decision

1. The question about the issue of a writ of execution for a forcible execution of the decision of a tribunal shall be considered by the court by application from the party in the tribunal investigation in whose favour the tribunal's decision is passed.

2. An application for the issue of a writ of execution for a forcible execution of a tribunal's decision shall be filed to the district court at the place of the debtor's residence or stay, or if his place of residence or of stay is unknown, at the place of location of the property of the debtor party in the tribunal investigation.

Article 424. Form and Content of an Application for the Issue of a Writ of Execution for a Forcible Execution of a Tribunal's Decision

1. An application for the issue of a writ of execution for a forcible execution of a tribunal's decision shall be lodged in writing and shall be signed by the person in whose favour the decision is adopted, or by his representative.

2. In an application for the issue of a writ of execution for a forcible execution of a tribunal's decision shall be indicated:

1) the name of the court to which the application is filed;

2) the name and the composition of the tribunal which has adopted the decision;

3) the names of the parties in the tribunal procedure and the places of their residence or stay;

4) the date and the place of adoption of the tribunal's decision;

5) the date of receipt of the tribunal's decision by the party which has filed the application;

6) the applicant's claim for the issue of a writ of execution for a forcible execution of the tribunal's decision.

In the application may also be supplied the telephone and fax numbers, e-mail addresses and other information.

3. To an application for the issue of a writ of execution for a forcible execution of a tribunal's decision shall be enclosed:

1) the genuine decision of the tribunal or its properly certified copy. The copy of the decision of a permanently functioning tribunal shall be certified by the chairman of the permanently functioning tribunal, and the copy of the decision of an ad hoc tribunal for resolving a particular dispute shall be certified by a notary;

2) the genuine tribunal agreement or its properly certified copy;

3) the document confirming the payment of state duty in accordance with the order and in the amount established by federal law;

4) a copy of the application for the issue of a writ of execution for a forcible execution of the tribunal's decision;

5) a warrant or another document confirming the powers of the person for signing the application.

4. An application for the issue of a writ of execution for a forcible execution of a tribunal's decision lodged with a violation of the demands envisaged in this Article and in Article 423 of the present Code, shall be left without motion or shall be returned to the person who has filed it in accordance with the rules envisaged in Articles 135 and 136 of the present Code.

Article 425. Procedure for Considering an Application for the Issue of a Writ of Execution for a Forcible Execution of a Tribunal's Decision

1. An application for the issue of a writ of execution for a forcible execution of the tribunal's decision shall be considered by the judge on his own within a time term not exceeding one month as from the day of arrival of the application to the court, in accordance with the rules envisaged in the present Code.

2. When the case is prepared for court proceedings, the judge may obtain on demand from the tribunal, by application from both parties in the tribunal investigation, the materials of the case for which a writ of execution is claimed, in accordance with the rules stipulated in the present Code for an obtainment of proof.

3. The parties in the tribunal investigation shall be notified by the court about the time and the place of the court session. The failure to appear by the said persons notified about the time and the place of the court session shall not be an obstacle to the consideration of the case.

4. When the case is considered in a court session, the court shall establish the existence or absence of the grounds envisaged in Article 426 of the present Code, for the refusal to issue a writ of execution for a forcible execution of the tribunal's decision by way of investigation of the proof presented to the court in substantiation of the declared claims and objections.

5. If in the court mentioned in the second part of Article 418 of the present Code there is under consideration an application for the cancellation of a tribunal's decision, the court in which the application for the issue of a writ of execution for a forcible execution of this decision is under consideration may put off the consideration of the application for the issue of a writ of execution, if it finds it expedient, and at a petition from the party which has applied for the issue of a writ of execution, it may also oblige the other party to guarantee the proper provision in accordance with the rules stipulated in the present Code.

Article 426. Grounds for Refusal to Issue a Writ of Execution for a Forcible Execution of a Tribunal's Decision

1. The court shall refuse to issue a writ of execution for a forcible execution of a tribunal's decision only in the instances when the party in the tribunal procedure against which the tribunal's decision is adopted supplies the evidence of the fact that:

1) the tribunal's decision shall be invalid on the grounds envisaged in the federal law;

2) the party was not properly notified about the election (appointment) of the tribunal judges or about the tribunal proceedings, including about the time and place of the session of the tribunal, or that it could not have given its explanations to the tribunal due to other valid reasons;

3) the tribunal's decision is passed on a dispute not envisaged in the tribunal agreement or not falling under its terms, or contains the resolutions on the issues out of the framework of the tribunal agreement. If the resolutions on the issues embraced by the tribunal agreement can be separated from the resolutions on the issues not embraced by such agreement, the court shall issue a writ of execution only for that part of the tribunal's decision, which contains the resolutions on the issues embraced by the tribunal agreement;

4) the composition of the tribunal or the procedure for the tribunal investigation did not correspond to the tribunal agreement or to the federal law;

5) the decision has not yet become obligatory for the parties in the tribunal procedure or has been cancelled by the court in conformity with the federal law on whose ground the tribunal's decision was adopted.

2. The court shall also refuse to issue a writ of execution for a forcible execution of a tribunal's decision if it establishes that:

1) the dispute considered by the tribunal cannot be an object of a tribunal investigation in conformity with the federal law;

2) the tribunal's decision infringes upon the basic principles of Russian law.

Article 427. Court Ruling on the Issue of a Writ of Execution for a Forcible Execution of a Tribunal's Decision

1. The court shall pass a ruling on the issue of a writ of execution or on the refusal to issue a writ of execution for a forcible execution of a tribunal's decision in accordance with the results of examination of the application for the issue of a writ of execution for a forcible execution of the tribunal's decision.

2. In the court ruling on the issue of a writ of execution for a forcible execution of the tribunal's decision shall be contained:

1) the name and composition of the tribunal which has adopted the decision;

2) the names of the parties in the tribunal procedure;

3) information on the tribunal's decision, for the issue of a writ of execution for a forcible execution of which the applicant claims;

4) an indication of the issue of a writ of execution for a forcible execution of the tribunal's decision, or of the refusal to issue a writ of execution.

3. The refusal to issue a writ of execution for a forcible execution of a tribunal's decision shall not be an obstacle for the parties in the tribunal investigation to once again apply to the tribunal if the possibility of applying to the tribunal is not lost, or to the court, in accordance with the rules envisaged in the present Code.

4. If the issue of a writ of execution for a forcible execution of a tribunal's decision is refused by the court, fully or in part, on account of the invalidity of the tribunal agreement, or if the decision was adopted on a dispute not stipulated in the tribunal agreement, or if it does not fall under the latter's terms or contains the resolutions on the issues not embraced by the tribunal agreement, the parties in the tribunal investigation may apply for the resolution of such dispute to the court in accordance with the rules envisaged in the present Code.

5. A court ruling passed in conformity with the first part of this Article may be appealed against to a higher -placed court in accordance with the procedure established in the present Code.

Section VII. Proceedings Involved in the Execution of the Court Decisions and of the Decisions of Other Bodies

Article 428. Issue of a Writ of Execution by the Court

1. A writ of execution shall be issued by the court to the exactor after the court resolution enters into legal force, with the exception of the instances of its immediate execution, if a writ of execution is issued directly after the court resolution is passed. A writ of execution shall be issued to the exactor or, at his request, it shall be directed by the court for execution.

2. The issue of a court order on the execution shall be effected in accordance with the rules envisaged in Article 130 of the present Code.

3. If a court judgement requires levy of execution on funds of budgets of the budgetary system of the Russian Federation the writ of execution that is issued must be accompanied with a copy of the court judgement for the execution of which the writ of execution is issued, the copy being attested to by the court in the established procedure.

4. The garnishment issued before the entry into legal force of a court decision, except for the cases of immediate execution, shall be null and void and shall be recalled by the court that passed its decision.

5. The forms of the slips of garnishments, the procedure for the manufacture, accounting, storing and destroying them shall be endorsed by the Government of the Russian Federation.

Article 429. Issue of Several Writs of Execution on a Single Court Decision

1. On each decision of the court shall be issued one writ of execution. However, if the decision is adopted in favour of several plaintiffs or against several defendants, and also if the execution should be carried out in different places, the court shall issue by request from the exactor several writs of execution, with a precise indication of the place of execution or of that part of the decision which is subject to execution under the given writ of execution.

2. On the grounds of the court decision or of the court sentence on an exaction of the sums of money from the solidary defendants, at the exactor's request shall be issued several writs of execution, whose number shall correspond to the number of solidary defendants. In every writ of execution shall be indicated the total sum of the exaction and shall be indicated all the defendants, as well as their sole responsibility.

Article 430. Issue by the Court of the Duplicate of a Writ of Execution or of a Court Order

If the original of a writ of execution or of a court order (of the executive documents) is lost, the court which has adopted the decision or which has passed the court order may issue duplicates of the executive documents. An application for the issue of the duplicate shall be considered in a court session. The persons taking part in the case shall be notified about the time and the place of the session, but their failure to appear is not an obstacle for the resolution of the question of the issue of the duplicate. A special appeal may be lodged against the court ruling on the issue of a duplicate.

Article 431. Liability for the Loss of a Garnishment or a Court Order

The official guilty of the loss of the garnishment given to him for execution or of a court order may be fined in the amount of up to twenty five minimal labour remuneration rates fixed by the Federal Law.

Article 432. Interruption and Restoration of the Time Term for the Presentation of a Writ of Execution for Execution

1. The time term for presenting a writ of execution for execution shall be interrupted by its presentation for execution, unless otherwise established by federal law, as well as by a partial execution of the court resolution by the debtor.

2. The missed time term may be restored for the exactors who have missed the time term for the presentation of the executive document for execution due to reasons recognized by the court as valid, unless otherwise established by federal law.

3. An application for the restoration of the missed time term shall be filed to the court which has issued the executive document, or to the court at the place of execution and shall be considered in accordance with the procedure envisaged in Article 112 of the present Code. A special appeal may be filed against the court ruling on the restoration of the missed time term.

Article 433. The Explanation of the Court Order

1. In the event of the indefinite nature of the demand contained in the court order or of the indefinite nature of the method and the order of its execution the recoveror, the debtor and the bailiff-executor shall have the right to make recourse to the court that adopted a judicial act, with a statement on the explanation of the court order, the method and the order of its execution.

2. The statement on the explanation of the court order shall be examined in the judicial sitting within ten days since the day of the reception by the court of the said statement.

Article 434. Postponement or Instalment Principle in the Execution of a Court Resolution, the Alteration of the Method and Procedure for Its Execution, and the Indexation of the Adjudged Sums of Money

If there are certain circumstances interfering with the execution of the court resolution or of the resolutions of the other bodies, the exactor, the debtor and the officer of the law have the right to raise before the court which has considered the case, or before the court at the place of execution of the court resolution the question of the postponement or the instalment principle of the execution, about altering the method and the procedure for the execution, as well as about the indexation of the adjudged sums of money. Such application and presentation of the officer of the law shall be considered in accordance with the procedure envisaged in Articles 203 and 208 of the present Code.

Article 435. Abrogated from February 1, 2008.

Article 436. The Duty of the Court to Suspend the Court Enforcement Action

The court shall be obliged to suspend the court enforcement action in full or in part in cases provided for by the Federal Law on Court Enforcement Action.

Article 437. The Right of the Court to Suspend the Court Enforcement Action

The court shall have the right to suspend the court enforcement action in full or in part in cases provided for by the Federal Law on Court Enforcement Actions.

Article 438. Resumption of an Executive Procedure

1. An executive procedure shall be resumed by the court by application from the exactor, from the officer of the law or at the initiative of the court after the circumstances which have caused its suspension are eliminated.

2. The time terms established by the federal law for the suspension of an executive procedure may be reduced by the court.

Article 439. Termination of an Executive Procedure

1. The court shall terminate the court enforcement action in cases stipulated by the Federal Law on the Court Enforcement Actions.

2. If the exactor rejects the exaction and if an amicable settlement is reached between the exactor and the debtor, the rules shall be applied envisaged in Article 173 of the present Code.

3. In case of the termination of the court enforcement action all the stated measures on execution shall be cancelled by a bailiff. The terminated court enforcement action may not be resumed anew.

Article 440. Procedure for the Suspension or Termination of an Executive Procedure by Court

1. The questions involved in the suspension or termination of an executive procedure shall be considered by the court in the district of whose activity the bailiff performs his duties, within ten days. The exactor, debtor and officer of the law shall be notified to this effect, but their failure to appear shall not be an obstacle to the resolution of these questions.

2. The court shall issue a ruling in accordance with the results of the consideration of an application for the suspension or for the termination of the executive procedure which shall be directed to the exactor, the debtor and the officer of the law to whom the executive document is handed over for execution.

3. A special appeal may be filed against the court decision on the suspension or on the termination of the executive procedure.

4. The suspension of the executive procedure by the court shall be resumed with a ruling of the same court after the elimination of the circumstances which have entailed its suspension.

Article 441. The Filing of an Application for Contesting Decisions by the Officials of the Service of Bailiffs, Their Actions or Inaction

1. Decisions by the Chief Bailiff of the Russian Federation, the Chief Bailiff of a Constituent of the Russian Federation, the senior bailiff, their deputies and the bailiff-executor, their actions or inaction may be disputed by the recoveror, the debtor or by the persons whose rights and interests were violated by such decisions, actions or inaction.

2. The application for disputing the decisions of the official of the service of bailiffs, his actions or inaction shall be filed to the court, in the district of whose activity the said official discharges his duties, within ten days since the day of the passing of the decision, the commission of actions or since the day when the recoveror, the debtor or the persons whose rights and interests are violated by such decision, actions or inaction, became aware of the breach of their rights and interests.

3. The application for contesting the decisions of the official of the service of bailiffs, his actions (inaction) shall be considered in the order prescribed by Chapters 23 and 25 of the present Code, with exceptions and additions stipulated by the present Article.

4. The refusal to challenge a bailiff-executor may be appealed against in the order provided by the present Article.

Article 442. Protection of the Rights of Other Persons in the Execution of a Judicial Resolution or of the Resolution of a State or Another Body

1. If when placing under arrest the property the officer of the law commits a violation of federal law which is a ground for lifting the arrest irrespective of the fact of whether the property belongs to the debtor or to other persons, the debtor's application for the cancellation of the arrest of the property shall be considered by the court in accordance with the procedure envisaged in Article 441 of the present Code. Such application may be lodged before the arrested property is realized.

2. A dispute which is instituted by the persons taking part in the case in connection with the appurtenance of the property onto which an exaction is turned shall be considered by the court in accordance with the rules for contentious proceedings.

The claims for the relief of property from under arrest (for its removal from the inventory) shall be presented to the debtor and to the exactor. If the arrest or the inventory of the property were effected in connection with the confiscation of property brought to the court in the capacity of the defendants shall be the person whose property is subject to confiscation, and the corresponding state body. If property arrested or included in the inventory is already realized, a claim shall also be presented to the acquirer of the property.

If the claim for the return of the realized property is satisfied, disputes between the acquirer of the property, the exactor and the debtor shall be considered by the court in accordance with the rules for contentious proceedings.

3. If the court establishes the circumstances mentioned in the first part of this Article, irrespective of the application from the interested persons, it shall be obliged to cancel the arrest of the property as a whole or to exclude a part of the property from the inventory.

Article 443. Reversal of the Execution of a Court Decision

If an executed decision of the court is cancelled and if after a new consideration of the case the court adopts the decision on the refusal of the claim, fully or in part, or issues a ruling on the termination of the proceedings on the case or on leaving the application without consideration, to the defendant shall be returned everything that was exacted from him in favour of the plaintiff under the presently cancelled court decision (the reversion of the execution of the court decision).

Article 444. Procedure for the Reversion of the Execution of a Court Decision by the Court of the First Instance

1. The court to which the case is sent over for new consideration is obliged to consider the question of the reversal of the execution of the court decision at its own initiative and to resolve the case in the new decision or in the new ruling of the court.

2. If the court, which is considering the case anew has not resolved the question of the reversal of the execution of the decision of the court, the defendant has the right to file to this court an application for the reversion of the execution of the court decision. This application shall be considered in a court session. The persons taking part in the case shall be notified about the time and the place of the court session, but their failure to appear shall not be an obstacle to the consideration of the application on the reversion of the execution of the court decision.

3. A special appeal may be filed against the ruling of the court on the reversion of the execution of the court decision.

Article 445. Procedure for the Reversal of the Execution of a Court Decision by the Courts of the Appeals, Cassation or Supervisory Instance

1. If a court considering a case in the court of appeals cassation or supervisory instance finally resolves the dispute or terminates the proceedings on the case in its decision, ruling or resolution, or leaves the application without consideration, it is obliged to resolve the question of the reversal of the execution of the court decision or to send the case for resolution to the first instance court.

2. If in the decision, ruling or resolution of a higher-placed court there are no instructions on the reversal of the execution of the court decision, the defendant has the right to lodge the corresponding application to the court of the first instance.

3. If the court decision on a case on an exaction of alimony is cancelled in the court of appeals or of the cassation instance, the reversion of the execution of the court decision shall be admissible only in those instances when the cancelled decision of the court was based on false information or on the forged documents supplied by the plaintiff.

If the court decisions on an exaction of the sums of money on claims stemming from labour relations, or on exaction of the remuneration for the use of the rights to the works of science, literature and art and to their performance, to discoveries, inventions, useful models and industrial samples, on the exaction of alimony, on recompense for the harm inflicted by a serious injury or other harm upon health or by the death of the bread-winner, the reversal of the execution of the decision is admissible only if the cancelled court decision was based on false information or on the forged documents the plaintiff has supplied.

Article 446. Property onto Which an Exaction under the Executive Documents Cannot Be Turned

1. An exaction under the executive documents cannot be turned onto the following property belonging to the debtor citizen by right of ownership:

- living quarters (a part of these), if they are the only dwelling fit for the permanent residence of the debtor citizen and for his family members residing together in the living quarters they possess, with the exception of the property indicated in the present paragraph, if it is an object of mortgage and execution may be levied on it in accordance with the legislation on mortgage;
- the land plots on which are situated the objects mentioned in the second paragraph of the present Item, with the exception of the property indicated in the present paragraph, if it is an object of mortgage and execution may be levied on it in accordance with the legislation on mortgage;
- the objects of habitual household furniture and utensils, items of personal use (clothes, footwear, etc.), with the exception of jewellery and other items of luxury;
- property necessary for the debtor citizen's professional occupation with the exception of objects whose cost exceeds one hundred minimum monthly wages established by federal law;

- the pedigree and dairy cattle, draught animals, deers, rabbits, poultry, bees, fodder necessary for their maintenance before they are driven to pasture (before leaving for an apiary), and also household structures necessary for their maintenance;

- seeds necessary for regular sowing;

- foodstaffs and money to the total sum of not less than the fixed living wage of the insolvent citizen and his dependants;

- the fuel necessary for the family of the debtor citizen to cook their everyday meals and to heat their living quarters during the cold season;

- transport vehicles and the other property necessary for the debtor citizen in connection with his being an invalid;

- prizes, government rewards, honorary and memorial tokens with which the debtor citizen was awarded.

2. The list of the property of the organizations onto which exaction under the executive documents cannot be turned is defined in the federal law.

3. An electoral deposit shall not be collected under a writ of execution.

President
of the Russian Federation

V. Putin

Moscow, the Kremlin