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National ordinary courts

Luxembourg

In this section you will find an overview of the ordinary courts of law in Luxembourg.

Ordinary courts of law - introduction

The Constitution requires the courts to exercise judicial power and to apply general and local regulations and orders only insofar as they comply with the law.

Ordinary courts of law

The Supreme Court of Justice

At the top of the hierarchy of courts in the judicial system stands the Supreme Court of Justice (*Cour supérieure de Justice*), which comprises a **Court of Cassation** (*Cour de Cassation*) and a **Court of Appeal** (*Cour d'Appel*), plus a **Public Prosecutor's Office** (*Parquet Général*).

The **Court of Cassation** is primarily responsible for hearing cases seeking to **cancel or set aside on points of law** decisions given by the various divisions of the Court of Appeal and judgments by courts of last resort. Representation by a lawyer is compulsory.

The **Court of Appeal** hears civil, commercial and criminal cases and cases decided by the industrial tribunals in the country's two judicial districts.

Representation by a lawyer is compulsory, except in criminal cases and applications for interim measures (*référé*s). The criminal division of the Court of Appeal hears appeals against judgments by the criminal division of the District Court (*Tribunal d'Arrondissement*).

District Courts

The country is divided into **two judicial districts** (*arrondissements judiciaires*), each of which has a District Court: one in Luxembourg and the other in Diekirch.

The two District Courts are divided; each District Court has its own **Public Prosecutor's Office** comprising a State Prosecutor (*Procureur d'Etat*) and assistant prosecutors (*substituts*). **Investigating judges** (*juges d'instruction*) at each of the District Courts are responsible for conducting a pretrial judicial inquiry into the more serious categories of offence (*affaires criminelles* and *affaires correctionnelles*).

In civil and commercial cases the District Court is the court that **has residual jurisdiction**: it tries all cases other than those falling expressly within the jurisdiction of another court by reason of the nature or the amount of the claim.

It has **jurisdiction *ratione valoris*** in claims in excess of EUR 15 000.

It has **exclusive jurisdiction** to hear cases which, owing to their nature, are specifically assigned to it by law. It alone can hear applications for authority to enforce judgments handed down by foreign courts and legal instruments authenticated by public officers in other countries. District Courts also exercise noncontentious jurisdiction, for example in respect of adoption, guardianship, emancipation, etc.

The District Court hears **appeals** against judgments given at first instance by justices of the peace hearing cases within the Court's judicial district.

Proceedings before the District Court are as a rule initiated by the issue of a writ (*assignation*), which is served on the defendant by a bailiff.

The presidents of the District Courts, or the judges replacing them, hear applications for interim measures in urgent cases, both civil and commercial.

District Courts exercise criminal jurisdiction through their **criminal divisions** (*chambre criminelle ou correctionnelle*). They have jurisdiction in all offences in the intermediate category (*délits*) and in the most serious category of offences (*crimes*) where the case is referred to the District Court by the pre-trial division (*Chambre du Conseil*) or by the pre-trial division of the Court of Appeal. Defendants must appear in person, except where the punishment for the offence is no more than a fine, in which case they may be represented by a lawyer.

As a rule, representation by a lawyer is compulsory before the District Court, although the law does permit certain exceptions, for example in commercial cases and applications for an interim order, when the parties may argue their own cases.

Justices of the Peace

There are **three courts of justices of the peace** (*justices de paix*): one in Luxembourg, one in Esch-sur-Alzette (which is in the Luxembourg judicial district), and one in Diekirch (Diekirch judicial district).

In civil and commercial cases, justices of the peace hear all cases over which they have been given jurisdiction by the new Code of Civil Procedure or by other legislation; They have **final jurisdiction** up to a value of EUR 2 000, and jurisdiction **subject to appeal** up to a value of EUR 15 000.

They hear certain cases such as, for example, garnishee orders for attachment of earnings, pensions and annuities, and rule on the distribution of sums raised by such orders whatever the amount of the debt.

As a rule, an action is brought before a justice of the peace by the issue of a summons (*citation*) served by a bailiff. A certain number of cases are brought by filing an application with the office of the clerk of the court (*greffe*). Parties appear before justices of the peace either in person or through a representative.

This representative may be a lawyer, or a spouse, a relative by blood or marriage in the direct line, or a relative by blood or marriage in a collateral line up to and including the third degree of kinship, or a person working exclusively in the service of the party or in his or her business.

In criminal proceedings, the courts of the justices of the peace are also known as **police courts**. In this capacity they try minor offences (*contraventions* or *infractions*) punishable by fines of between EUR 25 and EUR 250, and intermediate offences (*délits*) where the case is referred to the police court by the pretrial division (*Chambre du Conseil*).

They also hear cases concerning minor offences which carry a penalty that exceeds the levels normally within the jurisdiction of a police court, where jurisdiction is given to them by statute. Judgments handed down by police courts are always open to appeal. The time allowed for lodging **notice of appeal** is forty days counting from the date judgment is delivered or, if judgment is delivered by default, from the date the judgment is served on the person or at the person's address. The appeal will be heard by the District Court (*Tribunal d'Arrondissement*).

All justices of the peace have jurisdiction in industrial disputes and the power to adjudicate in disputes relating to employment contracts and apprenticeship agreements. Appeals in such cases are made to the Supreme Court of Justice.

Legal databases

Is access to the database free of charge?

Yes, access to the databases is **free of charge**.

Brief description of contents

Please refer to the [Ordinary courts](#) website.

Please refer to the [Administrative courts](#) website.

Related links[Ministry of Justice](#)

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