CIVIL PROCEDURE CODE OF UKRAINE

With amendments and additions provided by the Law of Ukraine
issued on 23rd June, 2005, N 2709-IV, OVU, 2005, N 29, art. 1694,
by the Administrative Code of Ukraine
as of 6th July, 2005 N 2747-IV, OVU, 2005, N 32, art. 1918,
by the Laws of Ukraine
issued on 8th September, 2005 N 2875-IV, OVU, 2005, N 38, art. 2362,
issued on 15th March, 2006 N 3538-IV, OVU, 2006, N 14, art. 961,
issued on 16th March, 2006 N 3551-IV, OVU, 2006, N 14, art. 963,
issued on 16th March, 2006 N 3570-IV, OVU, 2006, N 15, art. 1070,
issued on 1st December, 2006 N 424-V, OVU, 2007, N 1, pp. 1,
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issued on 19th April, 2007 N 962-V, OVU, 2007, N 44, art. 1774,
issued on 21st May, 2009 N 1397-VI, OVU, 2009, N 44, art. 1468

(Since 1st January, 2010 this Code will be amended in accordance with the Law of Ukraine
issued on 25th June, 2009 N 1568-VI)

The provisions of Article 7 of the Code considered
such that meet the Constitution of Ukraine (are constitutional)
(according to the decision of the Constitutional Court of Ukraine
issued on 22nd April, 2008 N 8-gr/2008)

Section I. General Provisions

Chapter 1. BASIC PROVISIONS

Article 1. Civil Justice Objectives

1.The objectives of civil justice are fair, impartial and well-timed consideration and resolution of civil cases to protect affected, unacknowledged or disputed rights, freedoms and interests of physical persons, the rights and interests of legal persons, state interests.

Article 2.Legislation on Civil Justice

1. Civil justice is performed in accordance with the Constitution of Ukraine, this Code and the Law of Ukraine “On International Private Law”.
2. If an international treaty, ratified by the Verkhovna Rada of Ukraine, provides other rules than those laid down by this Code, the rules of the international treaty shall be applied.
3. Proceeding in civil cases is performed in accordance with the laws in force at the time of the execution of certain proceedings, reviewing and solving the case.
4. The Law, that establishes new responsibilities, repeals or narrows the rights of appropriate members of civil process, or restrict their appliance has no retroactive force.

(As amended in accordance with
the Law of Ukraine issued on 23.06.2005, N 2709-IV)

Article 3. The right to appeal to the court for protection

1. Everyone is entitled in the manner prescribed by the Code to apply to the court for the protection of their violated, unrecognized or disputed rights, freedoms and legitimate interests.
2. To the extent permitted by applicable law, the court may contact agencies and persons granted the right to protect the rights, freedoms and interests of others, or state or public interests.
3. Waiver of the right to appeal the court for protection is invalid.

Article 4. Methods of protection applied by the court

1. Performing justice, the court protects the rights, freedoms and interests of physical persons, the rights and interests of legal persons, state and public interests in the manner determined by the laws of Ukraine.

Article 5. Implementation of justice based on respect for the honour and dignity, equality before the law and the court

1. The court is obliged to respect the honour and dignity of all the participants of the civil process and to perform justice on the basis of equality before the law and justice regardless of race, color, political, religious and other beliefs, sex, ethnic or social origin, property status, residence place, language and other characteristics.

Article 6. Transparency and openness of the trial

1. The reviewing of cases is performed verbally and openly in all the courts.
2. No one shall be deprived of the right to information about time and place of his case.
3. Closed trial is allowed if the public trial could lead to disclosure of state or other secrets, which is protected by law, as well as upon the petition of the persons involved in the case, to ensure the secrecy of adoption, preventing the disclosure of information or other intimate sides of personal live of the parties involved in the case, or information that may humiliate their honour and dignity.
4. Personal papers, letters, records of telephone conversations, telegrams and other correspondence may be declared in court only with the consent of the persons specified by the Civil Procedure Code of Ukraine. This rule is applied to the study of sound and video recordings of the same nature.
5. The persons involved in the case are entitled to be present at the process of closed trial, and if required – witnesses, experts, Scholars and interpreters.
6. The reviewing of the case in camera is performed in compliance with all the rules of civil procedure.
7. The Court shall enact a reasoned decision in the consultation room about reviewing of the case in camera, that should be immediately announced.
8. The participants of the civil process and other persons present at proceeding in open court, have the right to make written records, and use portable sound recording devices. Shooting video photo and sound using stationary equipment, and broadcast court proceedings on radio and television are allowed on the ground of the court decision and under the consent of the persons involved in the case.
9. The court decision declared publicly, except to the extent that the reviewing of the case was performed in camera. Persons involved in the case, as well as those who did not participate in the case, if the court decided the question of their rights, freedoms or obligations, are entitled to get at the court an oral or written information about the results of reviewing of the case. Those who did not participate in the case, if the court decided the question of their rights, freedoms or

obligations, are entitled to get acquainted with the papers of the case, make extracts from them, take copies of the documents added to the case, receive copies of decisions and rulings.
10. The case reviewing shall be fixed by technical means. The procedure of recording the court proceedings by technical means shall be established by this Code.
11. Only a technical record of the court session made by the court can be considered an official court session record.

(With additions made in accordance with
the Law of Ukraine issued on 16.03.2006, N 3570-IV)

Article 7. Language of the civil justice

1. Civil justice is performed by the State language.
2. Persons involved in the case and lack a knowledge of or do not have a good command of the state language, in the manner prescribed by this Code shall have the right to make statements, give explanations, to speak in court and present a petition in their native language or the language they speak, using the services of the interpreter, in the order established by this Code.
3. The court papers are settled in the national language.

The provisions of Article 7 of the Code considered such that meet the Constitution of Ukraine (are constitutional) (according to the decision of the Constitutional Court of Ukraine issued on 22nd April, 2008 N 8-gr/2008)

Article 8. Legislation under which the court solves the case

1. Court solves the cases according to the Constitution of Ukraine, the laws of Ukraine and international treaties, ratified by the Verkhovna Rada of Ukraine.
2. The court applies other legal acts adopted by the appropriate authority on the ground of within the authority and in a way established by the Constitution and the laws of Ukraine.
3. If during the proceedings the court have doubts pursuant to law or other legal act of the Constitution of Ukraine, the issue of the constitutionality of which is under the jurisdiction of the Constitutional Court of Ukraine, court shall appeal to the Supreme Court of Ukraine to resolve questions about the making to the Constitutional Court of Ukraine the submission on the constitutionality of the law or other legal act.
4. If a legal act is not in conformity with the law of Ukraine or international agreement, ratified by the Verkhovna Rada of Ukraine, the court shall apply the act of legislation, which has a higher legal force.
5. If the Law of Ukraine is not in conformity with the international agreement ratified by the Verkhovna Rada of Ukraine, the court shall apply the international treaty.
6. The rules of law of other states are applied by the court in cases when it is established by the Law of Ukraine or international agreement, ratified by the Verkhovna Rada of Ukraine.
7. The Court shall solve cases of public procurement with regard to the characteristics defined by the Law of Ukraine “On procurement of goods, works and services for public funds”.
8. If the disputed relationships are not regulated by law, the court shall apply the law that governs related relationships (analogy of statute), and failing – the court proceeds on the basis of the general principles of the legislation (analogy of law).
9. To deny the trial for reasons of absence, incompleteness, fuzziness, controversial legislation that regulates contentious relationship is prohibited.

(With changes and additions made in accordance with
Law of Ukraine issued on 01.12.2006, N 424-V)

Article 9. Excluded.

(according to the Law of Ukraine
issued on 23.06.2005 N 2709-IV)

Article 10. Competitiveness of the parties

1. Civil proceedings are performed on the ground of the competitiveness of the parties.
2. Parties and other persons involved in the case have equal rights on the submission of evidence of their research and bring to the court their credibility.
3. Each party must prove the circumstances which it refers to as the basis of their claims or objections, except the cases established by this Code.
4. The Court promotes a comprehensive and full understanding of the circumstances of the case: explains the persons involved in the case, their rights and responsibilities, warns of the consequences of committing or non committing of proceedings and assists the realization of their rights in cases established by this Code.

Article 11. Dispositive Civil Justice

1.The Court reviews civil cases simply on the petitions of physical or legal persons submitted under this Code within their stated requirements and based on the evidence of the parties and others involved in the case.
2. A person who participates in a case shall dispose of his\her rights concerning the matter of dispute on his\her own. The persons for the benefit of which the requirements were claimed (except those who do not possess civil procedural legal capacity) also have this right.
3. The Court involves the appropriate authority or person who was granted by the law the right to protect the rights, freedoms and interests of other persons, if the actions of the legal representative are contrary to the interests of the person he represents.

Article 12. The right to legal assistance

1 .A person who participates in a case entitled to get legal assistance provided by lawyers or other professionals in the field of law in the manner prescribed by law.

Article 13. Security of appeal and cassational appeal of court decisions

1. Persons involved in the case, as well as those not involved in the case, if the court solves the issue on their rights and responsibilities are entitled to appeal and cassation appeal of court decisions in cases and order established by this Code.

Article 14. Obligatoriness of court decisions

1 .Judicial decisions that have came into the force of law, mandatory for all government and local governments, enterprises, institutions, organizations, officers or employees and citizens and are to be observed throughout the territory of Ukraine, and in cases established by international treaties, ratified by the Verkhovna Rada of Ukraine – outside the territory of Ukraine.
2. Failure to carry out a judicial decision is the basis for liability established by law.
3. Obligatoriness of the court decision does not deprive those who did not participate in the case, from the opportunity to apply to court if taken judicial decision violates their rights, freedoms or interests.

Chapter 2.CIVIL JURISDICTION

Article 15. The competence of the courts on civil cases reviewing

1. The courts view on civil process cases concerning the protection of affected, unrecognized or disputed rights, freedoms or interests arising from civil, housing, land, family, labor relations and other legal relations, except when reviewing of such cases is performed under the rules of other legal proceedings.
2. The law may provide the review of other cases under the rules of civil procedure.
3. The courts review cases defined in the first clause of this article, in order of actional, mandatory and special proceedings.

Article 16. Reviewing of several interconnected requirements

1. Unless otherwise provided by law merging of requirements to be reviewed by the rules of different kinds of legal proceedings into one proceeding is not allowed.

Article 17. The right of parties to transfer the dispute to the arbitration court

1. Parties are entitled to refer the dispute to the arbitration court, except as prescribed by law.

Chapter 3. Composition of the Court. Challenge.

Article 18. Composition of the court

1. Civil cases in the courts of primary jurisdiction are reviewed by the judge alone, who is presiding and acting on behalf of the court.
2. In the cases established by this Code, civil cases in the courts of primary jurisdiction are reviewed by the panel consisting of one judge and two people's assessors, who during the proceeding have all the rights judges have.
3. Civil cases in the courts of appeals are reviewed by panels consisting of three judges, the presiding one amongst of them is determined in accordance with established law.
4. Civil cases in the court of cassation reviewed by panels consisting of at least three judges.
5. Civil cases with respect to the extraordinary circumstances are reviewed the by the panel of judges of Judicial Chamber on civil cases of the Supreme Court of Ukraine in the presence of at least two-thirds of its strength, and in cases established by this Code, panel of judges at the joint meeting of the appropriate chambers of the Supreme Court of Ukraine under their equal representation in the presence of at least two-thirds of the strength of each chamber.
6. During the reconsideration of the decision of the court or a court order in conjunction with the new circumstances the court shall perform its duties in the same stock as they were approved (alone or collectively).

(As amended in accordance with
the Law of Ukraine issued on 08.09.2005, N 2875-IV)

Article 19.Procedure of solving issues by the panel of judges

1. Questions that arise during the reviewing of a case by the panel of judges are solved by the majority judges` votes. Chairman shall vote after all the others.
2. In taking decisions on each issue none of the judges is entitled to refrain from voting and signing a decision or adoption.
3. The judge who does not agree with the decision may put in writing his dissenting opinion. This document is not published at the court session, enclosed to the case and is opened for review.

Article 20. Grounds for challenging of judges

1. A judge may not participate in the trial and be a subject to challenge (rejection of self) if:
1) during the previous solution of this case, he participated in the process as a witness, expert, Scholar, interpreter, representative, secretary of court session;
2) he\ she directly or indirectly interested in the result of the case;
3) he\ she is a family member or immediate relative (spouse, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, grandson, granddaughter, guardian or trustee, family member or immediate relative of these persons) of the parties or other persons involved in the case;
4) if there are other circumstances that raise a doubt on the objectivity and impartiality of judges.

2. The composition of the court can not include persons who are family members or close relatives of each other.

Article 21. Inadmissibility of second participation of judge in reviewing of case

1. A judge who has participated in solving the case in the court of primary jurisdiction, can not participate in consideration of the same case in the courts of appeal and cassation jurisdictions, in reconsideration due to exceptional circumstances as well as in a new consideration of the court of primary jurisdiction after the abolition of the previous decision or approval on closing the proceedings in the case.
2. A judge who has participated in solving the case in court of appeal can not participate in consideration of the same case in the courts of cassation and the primary jurisdiction, in reviewing the case in relation to exceptional circumstances and in the new trial after the cancellation of approval or a new decision of the court of appeal.
3. The judge, who participated in reviewing the case at the court of cassation jurisdiction, can not participate in consideration of one at the court of primary or appeal jurisdiction.
4. The judge, who participated in the revision due to exceptional circumstances is not entitled to take part in the consideration of one at the court of primary, appeal or cassation jurisdiction.

Article 22. Grounds for challenge for the secretary of judicial session, expert, Scholar, interpreter

1. Secretary of judicial session, expert, Scholar, interpreter can not participate in the trial and be subject to rejection on the grounds specified in Article 20 of this Code.
2. Expert or Scholar, aside from that can not participate in the trial if:
1) he\ she was or is in service or other relationship with the individuals involved in the case;
2) clarifying the circumstances relevant to the case, beyond the scope of his expertise.
3. Participation of the secretary of judicial session, expert, Scholar, interpreter in the court session during the previous reviewing of this case as either secretary of judicial session, expert, Scholar interpreters is not the ground for their challenge.

Article 23. Applications on rejection and challenge

1 .Upon the existence of the grounds referred to in Articles 20, 21 and 22 of this Code, the judge, secretary of judicial session, expert, Scholar, and interpreter shall declare his\ her rejection.
2. Upon the existence of the grounds referred to in articles 20, 21 and 22 of this Code, judges, secretary of judicial session, expert, Scholar and interpreter may be applied a challenge by persons involved in the case.
3. The challenge (rejection) must be motivated and declared prior to clarification of the circumstances of the case and checking them by the evidences. The challenge (rejection) application after this is allowed only in cases when the ground of challenge (rejection) became known after the beginning of clarification of the circumstances of the case and checking them by evidences
.

Article 24. Procedure for resolving application challenge

1. In case of declaration of the challenge the court should hear a person, who was declared the challenge, if he\ she wishes to explain, as well as view the point of view of the persons involved in the case.
2. An application on challenge is solved in the court room by the approval of the court that is reviewing the case. An application on challenge of several judges or all of the court is decided by a simple majority of votes.

Article 25. Consequences of challenge of the court (judge)

1. In case of allowance of appeal on challenge of the judge who reviews the case alone, the case is reviewed at the same court by another judge.
2. In case of allowance of appeal on challenge of any of the judges or all the court and if the case is reviewed by panel of judges, the case is reviewed at the same court by the same quantitative composition of the panel of judges without challenged judge or other judicial staff.
3. After the allowance of appeal on challenge (rejection) or upon the existence of the grounds specified in Article 21 of the Code, it is impossible to form a new composition of the court for reviewing of the case, the court solves the approval on the definition on the jurisdiction of the case in the manner prescribed by this Code.

Chapter 4. PARTICIPANTS OF CIVIL PROCESS

§ 1. Persons involved in the case

Article 26. Persons participating in civil process

1. The parties, third parties, representatives of the parties and third parties are the persons participating in cases of actional proceedings.
2. The applicants, other interested persons, their representatives are the persons participating in in cases of mandatory and special proceedings.
3. The organs and persons who were granted by law the right to protect the rights, freedoms and interests of others may also participate in cases.

Article 27.Rights and obligations of the persons involved in case

1. Persons involved in the case, are entitled to get acquainted with the papers of the case, make extracts from it, take copies of the papers added to the case, receive copies of decisions,

approvals, participate in court sessions, submit evidence, to participate in the evidence investigation, put questions to other persons involved in the case, as well as witnesses, experts, Scholars, claim petitions and challenges, give verbal and written explanations to the court, submit their arguments, views on issues that arise during the court session, and objections to the petitions ,arguments and considerations of others, enjoy legal assistance, get acquainted with the judgment docket, take copies from it and submit written commens about it incorrectness or incompleteness, listen to the recording of the court session fixed by technical means, take copies from it, submit written comments about it incorrectness or incompleteness, appeal the decisions and the approvals of the court, use other procedural rights, established by law.
2. Persons involved in the actional proceeding, to prove their claims or objections shall submit all the evidence at their disposal, or notify the court about the existence of them during the previous trial.
3. Persons involved in the case, shall perform their procedural rights and fulfill their procedural obligations in good faith.

Article 27^{1}. Ensuring the protection of infant or minors during the reviewing of the case

1. During the trial, except the rights and duties defined in Article 27 of this Code, an infant or a minor person also has the following procedural rights:
directly or through a representative or legal representative express his\ her opinion and get his help in expressing such an opinion;
get through a representative or legal representative information about the court session;
to carry out other procedural rights and fulfill the procedural obligations under international treaty, ratified by the Verkhovna Rada of Ukraine.
2. The Court shall explain infant or minor person his\ her rights and possible consequences of actions of his\ her representative or legal representative, if it is required by the benefits of the person and the age and health status permit him\ her to realize their value.
3. The Court shall promote the creating of appropriate conditions for an infant or a minor person to carry out his\ her rights determined by law and under the international treaty, ratified by the Verkhovna Rada of Ukraine.

(amended by adding the Article27^{1} in accordance with the Law of Ukraine issued on 21.05.2009, N 1397-VI)

Article 28. Civil legal standing

1. All physical and legal persons have the ability to have civil procedural rights and responsibilities of parties, third person, the applicant, interested person (civil legal standing).

Article 29. Civil procedural capacity

1. Persons who have came of legal age, as well as legal persons have ability to carry out the civil procedural rights and perform their duties in court individually (civil procedural capacity).
2. Minors under the age of fourteen to eighteen years, as well as those civilian whose civil capacity is restricted may individually carry out the civil procedural rights and perform their duties at the court cases arising from the relationship in which they are personally involved, unless otherwise provided by law. The court may involve to participate in such cases a legal representative of the minor or a person whose civil capacity is limited.
3. In the case of registration of marriage of the person who has not came of legal age it obtains civil procedural capacity from the date of marriage registration. A minor person may also obtain civil procedural capacity if it was granted by law in the manner prescribed by this Code.

Article 30. Parties

1. Parties in the civil proceeding are plaintiff and defendant.
2. The plaintiff and defendant may be physical and legal persons and the state.

Article 31. Procedural rights and responsibilities of the parties

1. The parties have equal procedural rights and responsibilities.
2. In addition to the rights and responsibilities specified in Article 27 of the Code, the plaintiff during all the period of the case reviewing is entitled to change the subject of the action, increase or decrease the amount of the prayer for relief, reject the action and the defendant is entitled to accept the action in full or in part and retaliate.
3. The parties may conclude a settlement agreement at any stage of civil process.
4. Each party is entitled to require performance of the court decision in part, related to that party.
5. Applicant and interested persons in individual proceedings have the rights and responsibilities of the parties, with the exceptions established in section IV of this Code.

Article 32. Participation of several plaintiffs or defendants in the case

1. The action may be brought by several plaintiffs in common or to several defendants. Each of the plaintiffs or defendants on the other party shall act in civil process on one's own behalf.
2. The participation of several plaintiffs and (or) defendants (joinder of parties) in the case is permitted if:
1) the subject of dispute is the common duties or responsibilities of several plaintiffs or defendants;
2) the rights and responsibilities of several plaintiffs or defendants aroused from the same common ground;
3) the subject of dispute is rights and duties of the same kind.
3. The accessories may authorize one of them to conduct a case if he has full civil procedural capacity.

Article 33. Replacement of an improper defendant, involving defendants

1. The court under the petition of the plaintiff, without interrupting the proceedings, shall replace the initial defendant by proper defendant if the action is brought not to the person who is to defend an action, or involve in the case other person to join. Upon the absence of the plaintiff's consent court shall involve in the case other person to join.
2. After replacing the defendant or the involvement in the case other person to join upon the request of a new defendant or defendants involved the case shall be reviewed from the beginning.

Article 34.Third parties that claim independent demands relative to the subject of the dispute

1. Third parties that claim independent demands relative to the subject of the dispute may join a case before the end of the trial through bringing the action to one or both parties. These persons have all the procedural rights and obligations of the plaintiff.
2. After join a case a third party that has claimed independent demands on the subject of the dispute, the case upon the petition of the third party is reviewed from the beginning
.

Article 35. Third parties that do not claim independent demands relative to the subject of the dispute

1. Third parties that do not claim independent demands relative to the subject of the dispute may join a case on the party of the plaintiff or defendant before the approval of a court decision, if a decision of the case could affect their rights or obligations relative to either of the parties.

2. Third parties that do not claim independent demands relative to the subject of the dispute may be involved to participate in the case upon the request of the parties and other persons involved in the case, or upon the initiative of the court.
3. Third parties that do not claim independent demands relative to the subject of the dispute have procedural rights and duties laid down in Article 27 of the Code.
4. Join a case of a third party that does not claim independent demands relative to the subject of the dispute, does not entail the case to be reviewed from the beginning.

Article 36. The procedure of involvement in case third parties that do not claim independent demands relative to the subject of the dispute

1. The party which will be granted the right in accordance with the court decision to appeal to the third party or to which in this case, the request may be declare by a third party, is obliged to notify the court about the third person.
2. The application on the involvement of third party should contain a name (title) of a third person, place of residence (of stay) or the location and the grounds on which he\ she is to be involved in the case.
3. The court shall notify a third party about the case, send a copy of the application on involvement of a third party and explain her right to declare about his\ her participation in the case. A copy of the application is sent to the persons involved in the case. If a third person doesn't send a notice of consent to participate in the case, the case is reviewed without it.
4. A third party that does not claim independent demands relative to the subject of the dispute may file an application on his\ her participation in the case.
5. If the persons involved in a case are against involving or oppose the admittance of a third party to participate in the case, this issue is decided by the court depending on the circumstances.
6. The court shall decree concerning the issue of involvement or admittance to participate the third party in a case.

Article 37.Procedural succession

1. In case of death of a physical person, dissolution of legal person, the replacement of a creditor or debitor in the obligation and also in other cases of replacing the person in the relationship on which the dispute arose, the court involves in case the successor of a corresponding party or third party at any stage of the civil process.
2. All the actions taken in the civil process before the successor joined are obligatory for him\ her at the same extent as they were obligatory for the party he\ she replaced.

Article 38. Participation of a representative in a case

1. Party, the third party, a person who under the law protects the rights, freedoms and legitimate interests of others, as well as applicants and other persons interested in cases of special proceedings (except for cases of adoption) may participate in a civil case individually or by proxy.
2. Individual participation in the case does not disable his\ her right to have a representative in this case.

3. Legal persons are represent by their bodies, acting within the powers granted them by law, statute or provisions, or their representatives.
4. State is represented by the relevant governmental authorities within their powers, by proxy
.

Article 39. Legal representatives

1. Rights, freedoms and interests of minor persons under the age of fourteen years, as well as disabled persons shall be defended in court by their parents, adopters, guardians or other persons specified by law.
2. Rights, freedoms and interests of minors aged fourteen to eighteen years, as well as those whose civilian capacity is restricted may be defended in the court respectively by their parents, adopters, guardians or other persons specified by law. The court may involve in such case minor person or persons whose civil capacity is restricted.
3. Rights, freedoms and interests of a person who is listed as missing, are defended by the guardian appointed for the care of her property.
4. Rights, freedoms and interests of the heirs of those who died or declared dead, if heritage is not accepted by anyone, are defended by testamentary executor or other person that takes measures related to protection of the ancestral property.
5. Legal representatives may brief the conduction of case at the court to others
.

Article 40.Persons who may be representatives

1. A representative in court may be a lawyer or other person who has reached eighteen years, has civil procedural capacity and certified in a proper way authority to perform representation at the court, except persons defined in Article 41 of the Code.
2. The same person can not be both representative of the other party, any third party claim separate requirements of the issue or taking part in proceedings on the other side.

Article 41. Persons who can not be representatives

1. Person involved in this process as a secretary of judicial session, interpreter, expert, scholar, witness can not be representatives in the court.
2. The judges, investigators, prosecutors can not be representatives in court, except when acting as representatives of the body that is a party or a third party in the case, or as legal representatives.

Article 42. Documents certifying the authority of representatives

1. Powers of representatives of the parties and others involved in the case should be certified by the following documents:
1) proxy of a physical person;
2) proxy of a legal person or documents that certify an official position and authority of its head;
3) child's birth certificate or a decision on the appointment of a guardian, trustee or the guardian of the ancestral property.
2. The proxy of a physical person must be certified by a notary or an officer of the organization where the principal works, studies, serves, gets hospital treatment or is under the court decision, or at his place of residence.
3. The proxy of a legal person is issued under the signature the officer authorized by law, statute or regulation, under seal of a legal person.
4. Powers of attorney as a representative may also be certified by the order issued by the relevant attorney association or a contract.

5. Originals of the documents mentioned in this article, or copies of documents certified by the judge, are enclosed to the case.
6. A physical person can provide the representative with powers by the oral application, which is fixed into the court magazine.

Article 43. Appointment or change of legal representative by the court

1. If a party or a third party recognized legally incapable or restricted in a civil capacity does not have a legal representative, the court upon the submission of a guardianship authority shall appoint a guardian or trustee by approval and involve them in a case as legal representatives.
2. If during the review of the case it is determined that infant or minor person deprived of parental care, has no legal representative, the court shall upon the submission of a guardianship authority appoint a guardian or trustee by approval and involve them in a case as legal representatives.
3. If a legal representative does not entitled to conduct proceeding on the grounds established by law, the court upon the submission of a guardianship authority replace a legal representative.
4. The court may appoint or replace a legal representative upon the request of an infant or a minor, if it suits his\ her interests.
5. Removal of a trustee or guardian if the court appointed them, and appointment of others is held in the manner prescribed by the second clause of the Article 241 of the Code.

(With changes and additions made in accordance with
the laws of Ukraine issued on 16.03.2006, N 3551-IV,
issued on 21.05.2009, the1397 N-VI)

Article 44. Representative authority in court

1. The representative who is authorized to conduct a case in the court may commit on behalf of the person he represents, all the actions the person he represents may commit.
2. The restrictions of a legal representative's authority to commit certain procedural steps must be reserved in the proxy issued to him.
3. The grounds and procedure of termination the representation by proxy defined in the Articles 248 – 250 of the Civil Procedural Code of Ukraine.
4. The court must be notified upon the termination of representation or restriction of representative's by proxy authority by filing written application or oral application made in court session.
5. If a representative denies authority granted him, the representative can not act as a representative of the other party in the same case

.

Article 45. Participation of bodies and persons who legally have the right to protect the rights, freedoms and interests of other persons in civil procedure

1. In the cases established by law, the Ukrainian Parliament Commissioner for Human rights, the prosecutor, public authorities, local governments, physical and legal persons may apply to the court for protection of rights, freedoms and interests of other persons or national or public interests and to participate in these proceedings.
2. The prosecutor performs the representation of citizens` or the state interest in court in the manner prescribed by this Code and other laws and may perform the representation at any stage of the civil process.
3. The government agencies and local governments may be involved in a case by court or take part in case on its own initiative for submission of conclusions pursuant to carrying out their authority. Participation of these bodies in a civil process for submitting conclusions in the case is mandatory in cases established by law or if the Court finds it necessary.

Article 46. Procedural rights of bodies and persons who legally have the right to protect the rights, freedoms and interests of other persons

1. Bodies and other persons who applied to the court pursuant to Article 45 of the Code for the benefit of other persons or national or public interests, have procedural rights and obligations of persons for the benefit of which they work, except the right to compromise.
2. Refusal of bodies and other persons who applied to the court in accordance with Article 45 of the Code for the benefit of other persons, from the application they filed or amendment of the requirements will not deprive the person whose the rights, freedoms and interests are to be defended according to the given application, of the right to demand from a court reviewing of the case and resolving claims in the original volume.
3. If a person who has civil procedural capacity and for the benefits of which the application is filed, does not support the stated requirements, the court leaves the application without consideration.
4. The prosecutor, who was not involved in the case, has the right to get acquainted with the papers of the case in court with intent to solve the question of the existence of grounds for filing the appeal or cassation petition, the application on reconsideration of the case in connection with exceptional or new circumstances,.
5. The government agencies and local governments involved in the case for submission of conclusion, have procedural rights and duties laid down in the Article 27 of this Code and have the right to express their views on resolving the case in essence.

§ 2. Other participants of civil process

Article 47. Persons who are other participants of civil process

1. Except those involved in the case, a secretary of judicial session, registrar, witness, expert, interpreter, scholar, a person who provides legal assistance are participants of the civil process,.

Article 48.Secretary of judicial session

1. Secretary of judicial session shall:
1) provide judicial summons and messages;
2) check the existence and ascertain the absence of persons who were summoned to court and report to the chairman;
3) provide the record of the court session by technical means;
4) keep a court journal;
5) execute the case materials;
6) perform such other orders of the chairman concerning the case.

2. Secretary of judicial session may clarify the essence of procedural action in order to properly display it in a court journal.

Article 49.Registrar

1. Registrar shall:
1) provide a proper state of the courtroom and invite there the participants civil process;

2) determine the number of persons that may be present in the courtroom; with respect to the number of seats and maintain order during the case reviewing
3) announce the entry and exit of the court, and invites all the present to get up;
4) monitor compliance with the order of the persons present in the courtroom;
5) execute the instructions of the presiding on putting under oath the interpreter, expert;
6) during a court session takes documents and other materials from the participants civil process and sends it to the court;
7) invite to the courtroom the witnesses and execute the instructions of the presiding on putting them under oath;
8) perform such other orders of presiding, associated with the creation of the conditions necessary for the proceedings.
2. Requirements of the registrar associated with the performance of duties specified in the first part of this article are mandatory for the participants of civil process.
3. Complaints about actions or inaction of the registrar are reviewed by the Court in this very process.

Article 50. Witness

1. Each person that knows any circumstances, related to the case may be a witnesses.
2. A witness must appear in court at the defined time and give truthful testimony about the circumstances known to him.
3. The witness must inform the court in advance if he\ she can not appear in court on judicial summon.
4. The witness is entitled to testify in his\ her native language or the language he\ she speaks, use written records, refuse to give evidence in the cases prescribed by law, and reimbursement of expenses connected with subpoena.
5. The witness is criminally responsible for deliberately false testimony, and for the refusal to give evidences on extralegal grounds, and is responsible by law for non-fulfillment of other duties

Article 51. Persons who are not entitled to examination as witnesses

1. The following persons are not entitled to examination as witnesses:
1) incapable physical persons, and persons who are registered in or undergo medical treatment at residential psychiatric facility and are not able to perceive circumstances that are relevant to the case correctly or to testify because of their physical or mental defects;
2) persons obliged by law to keep in secret information that had been entrusted to them in connection with their official or professional status – examination of such information;
3) the clergy – about the information they obtained during the confession of believers;
4) judges, people's assessors and jurors - about the circumstances of discussion of the issues that arose during the approval of decision or sentence in a courtroom.
2. The persons who have diplomatic immunity can not be examined as witnesses without their consent, and representatives of diplomatic missions – without the consent of a diplomatic representative.

Article 52. Those who have the right to refuse to testify

1. A physical person has the right to refuse to give evidences concerning himself, family members or close relatives (spouse, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, grandfather, grandmother, grandson, granddaughter, adopter or adopted, guardian or trustee, the person under the guardianship or trusteeship, family member or close relative of these persons).

2. A person who refuses to testify shall notify the reasons for refusal.

Article 53. Expert

1. Expert is a person entrusted to conduct study of tangible objects, phenomena and processes that contain information about the circumstances of the case and give opinion on issues that arise during the proceedings and related to areas of special knowledge.
2. A person who meets the requirements established by the Law of Ukraine "On legal expertise" and included in the State Register of certified court experts may be involved in case as an expert.
3. The expert must appear upon the summon to court, conduct a full examination and give founded and impartial written statement on the question posed to him, and if necessary – to explain it.
4. During the study the expert must preserve the object of examination. If the research is concerned with complete or partial destruction of the subject of review or change of its properties, the expert must obtain a permit from a court that is executed by the approval.
5. Expert has no right to collect materials for examination; communicate with persons involved in the case, as well as other members of civil process on his\ her own initiative, except for activities related to the examination; to disclose information that became known to him\ her in connection with the examination, or inform anyone other than court on the results of the examination.
6. The expert should promptly inform the court about the impossibility of performing the examination due to lack of special knowledge or without the involvement of other experts.
7. In case of doubt regarding the content and scope of the examination entrusted expert shall promptly submit to court a petition on its specification or notify the court about the impossibility of performing the examination on posed questions.
8. The expert has no right to relegate the examination to another person.
9. If the court issues a decree on termination of the examination, the expert must immediately submit case materials and other papers used for the examination.
10. The expert is entitled to:
1) get acquainted with case materials related to the subject of research;
2) appeal a petition on submission of additional materials and specimens to him\ her;
3) develop in the conclusion of legal expertise the facts relevant to the case and revealed during its implementation, he had not been posed question of;
4) be present during the commitment of proceedings relating to the subject and object of examination;
5) to pose questions to the persons involved in the case, and witnesses;
6) use other rights established by the Law of Ukraine "On legal expertise".
11. The expert is entitled to be paid for the work and get reimbursement of expenses related with the examination and summon to court.
12. Expert may refuse to give opinion, if he was submitted materials insufficient to carry out its duties. The application on refusal must be motivated.
13. The expert is criminally responsible for deliberately false testimony, and for refusal to perform the assigned duties without valid excuse, and is responsible by law for non-fulfillment of other duties

Article 54. Specialist

1. A person who has special knowledge and skills in the use of technical equipment and during the commitment of proceedings can consult on issues that require appropriate special knowledge and skills may carry out duties of a specialist.

2. The specialist may be involved to participate in the civil process by a court decree to provide direct technical assistance (photography, charting, drawing up plans, drawings, selection of specimens for examination, etc.) during the commitment of proceedings. The technical assistance of a specialist during the commitment of proceedings does not replace the expert's statement.
3. A specialist shall appear in court on summon, to answer questions posed by the court to give oral advice and written explanation, pay attention of the court on specific circumstances or peculiarity of evidence and provide technical assistance if necessary.
4. The assistance of a specialist can not relate to legal issues.
5. The specialist has a right to know the purpose of his summon to the court, refuse from the participation in civil proceeding, if he does not possess the relevant knowledge and skills, upon the permission of the court to pose question to the persons involved in the case, and witnesses, pay attention of the court on specific circumstances or peculiarity of evidences, to be paid for the work and get reimbursement of the expenses related to the subpoena.

Article 55. Interpreter

1. A person who has good command of the language of the civil proceeding, and other language skills necessary for interpretation or translation from one language to another, as well as the person who possesses technique of communication with deaf, dumb or deaf-mute may carry out duties of an interpreter.
2. The interpreter is allowed under a court decree upon the request of the person involved in the case.
3. The interpreter has the right to ask questions to clarify the translation, refuse from the participation in civil process, if he does not have sufficient language skills to translate, but also paid for the work and reimbursement of the expenses associated with subpoena.
4. The interpreter shall appear in court on summon, perform full and correct translation, certify the correctness of translation by his signature in the procedural papers handed to the parties translated in their native language or the language they speak.
5. The interpreter is criminally responsible for deliberately incorrect translation or refusal without valid reasons from performing assigned duties, and is responsible by law for non-fullfilment other duties.

Article 56. A person who provides legal assistance

1. Legal assistance may be provided by a person who is an expert in the field of law and has the right to provide legal assistance granted by the law.
2. The person named in the first clause of this article is entitled to: get acquainted with the materials of the case, make extracts from them, copy enclosed to the case documents, be present in court. A person who is entitled to provide legal assistance, allowed by a court decree upon the request of the person involved in the case.

Chapter 5. EVIDENCE

Article 57. Evidence

1. The evidence is any actual data on the ground of which the court determines the presence or absence of circumstances that establish the denial and claims of the parties, and other circumstances relevant to solving the case.
2. This data are defined on the ground of the explanations of the parties, third parties, their representatives examinated as witnesses, testimony of witnesses, physical evidence, including sound and video recordings, statements of experts.

Article 58. Belonging of evidence to a case

1. The evidence that include information on the fact in proof are considered to be relevant.
2. The parties are entitled to justify suitability of the concrete evidence to prove their claims or objections.
3. The Court shall not take into consideration the evidence that are not related to the fact in proof.

Article 59. Admissibility of evidence

1. The Court shall not take into account the evidence obtained with violation of the procedure established by law.
2. Circumstances of the case that must be approved by certain means of proof under the law can not be approved by any other means of proof.

Article 60. Duties of proof and submission of evidence

1. Each party must prove the circumstances which she refers to as the ground of their claims and objections, except as prescribed in Article 61 of this Code.
2. The evidence are submitted by the parties and others involved in the case.
3. The circumstances that are relevant to solving the case and are the dispute subject of parties and other persons involved in case are subject to proof.
4. The proof may not be based on assumptions.

Article 61. Grounds for dismissal of proof

1. The circumstances recognized by the parties and others involved in the case, are not the subject to proof.
2. The circumstances the court acknowledged to be in the public domain, do not require to be proved.
3. The circumstances defined by court decision in civil, commercial or administrative case that has come into legal force, shall not be proved when considering other cases involving the same person or persons relevant to whom these circumstances were defined.
4. The sentence in a criminal case that came into force of law or court decree in the case of administrative violation are of mandatory enactment by the court that is considering the case of civil legal consequences of actions of the person who was invoked a sentence, or a court decree on issues whether these actions occurred, and whether they were committed by this person.

Article 62. Explanation of the parties, third parties and their representatives

1. The parties, third parties and their representatives with their consent may be examined as witnesses on the issues related to the circumstances known to them that are relevant to the case.

Article 63. Testimony

1. A testimony - is a message on the known to witness circumstances relevant to the case. The witness's testimony is not considered an evidence if a witness can not name the source of his\ her awareness of certain circumstances.

Article 64. Written evidence

1. Any documents, acts, reports, official or personal correspondence or extracts from them, which contain information about the circumstances relevant to the case considered to be written evidence.
2. The written evidence is usually submitted in the original. If a copy of the written evidence was submitted, the court upon the request of the persons involved in the case, may require the submission of the original.

Article 65. Material evidence

1. The material evidence is material objects that contain information about the circumstances relevant to the case.
2. The material evidence is also magnetic, electronic and other media that contain audio-video information about the circumstances that are relevant to the case.

Article 66. Expert's statement

1. An expert statement – is a comprehensive review of the researches conducted by the expert, conclusions made on the ground of researches and reasoned answers to the questions raised by the court.

Chapter 6. Procedural terms

Article 67. Types of procedural terms

1. The period within which procedural steps are committed is established by law, and if not established by law – is set by the court.

Article 68. Calculation of procedural terms

1. The terms established by law or court are calculated in years, months and days, and can be determined by specifying an event that must inevitably occur.

Article 69. The beginning of the procedural term flow

1. The procedural term shall begin on the next day after the corresponding calendar date or occurrence of the event related to it beginning.

Article 70. The expiration of procedural terms

1. The term, calculated in years shall expire on the corresponding month and date of the last year of the term.
2. The term, calculated in months, shall expire on a corresponding date of the last month of the term. If the expiration of the period calculated in months falls on a month that has no an appropriate date, the term shall expire on the last day of the month.
3. If the expiration of the term falls on a holiday or other non-work day, than the last day of the term is the first work day thereafter.
4. The term, which expiration is connected with an event that must inevitably occur, shall expire the day after the event.

5. The last day of the term lasts for 24 hours, but when during this term a procedural action was to be done in court, where the working time expires earlier, term expires in accordance with the working time mentioned.
6. The term is not considered violated if an application, claim and other papers or materials or funds were deposited or transferred to the post or other appropriate means of communication before its expiration.

Article 71. Suspension of procedural terms

1. The suspension of the proceeding shall suspend the procedural term. The suspension of these terms shall begin with the occurrence of the event, due to which the court suspended the proceedings.

Article 72. Consequences of procedural terms violation

1. The right to commit a procedural action is lost with the expiration of the deadline established by law or court.
2. The papers submitted after the expiration of the procedural terms shall remain without consideration, if the court upon the request of the person who submitted them, shall not find reasons for renewal or extension of the term
.

Article 73. Renewal and extension of procedural terms

1. The court shall renew or extent the term established under the law or the court, upon the request of the parties or any other person if it was violated for valid reasons.
2. The question of renewal or extension of the violated deadline is decided by the court, which should be committed the procedural action at or should be submitted a paper or evidence to. The persons involved in the case shall be notified about the place and time of consideration of the case. The presence of these persons is not mandatory.
3. Along with the application for renewal or extension of the term the act, paper or evidence in respect of which the application is made should be respectively committed or submitted.
4. The court shall enact a decree on issues referred to in this article.

(As amended in accordance with
Law of Ukraine issued on 16.03.2006, N 3570-IV)

Chapter 7. JUDICIAL SUMMONS AND MESSAGES

Article 74. Judicial Summons

1. Court summons are carried out by judicial summons.
2. Court messages are carried out by judicial summons-messages.
3. The judicial summons shall be sent to the persons involved in case, witnesses, experts, scholars, interpreters and judicial summons-messages – to the persons involved in the case with reference to commitment procedural actions, where the participation of these persons is not mandatory.
4. The judicial summon must be handed in so that the person who is to appear in court had enough time to appear in court and prepare for participation in the case reviewing, but no later than seven days before court session, and judicial summon – message – in advance.
5. The judicial summon with the receipt, and in cases established by this Code, together with copies of relevant papers shall be sent by registered mail with message or via courier at the address of prescribed by the party or other person who participates in the case. The party or its representative with the consent of the party may be issued judicial summons to hand in to the

relevant participants of civil process. The judicial summon may be handed in directly in the courtroom, and in case of delay of the case reviewing the time and place of next session may be reported on receipt.
6. The persons involved in the case, as well as witnesses, experts, scholars and interpreters may be notified or summoned to court by telegram, fax or other means of communication which provide a record of a message or summon.
7. If the person does not actually reside at the address reported to the court judicial summon may be sent to the place of employment.
8. The judicial summon to legal person shall be sent to its place of business or to place of location of its main or representative offices, if the claim arose in connection with their activities.
9. The defendant whose place of residence (stay or work) or the place of location is unknown to plaintiff, even after his appliance to address bureau and law enforcement agencies, shall be summoned the court through advertisements in the press. Since publication of the announcement of the summon to court the defendant is considered to be notified about the time and place of case reviewing. These cases apply the rule of the fourth of this article.
10. The publishing house that shall publish the announcements of the summon during the next year, is determined no later than 1st December of the current year in the manner prescribed by the Cabinet of Ministers of Ukraine.

Article 75. Contents of the judicial summon and the announcement of the summons

1. The judicial summons shall contain:
1) the name of a physical person or title of a legal person name, which is addressed a summon;
2) the name and address of the court;
3) specification of the place, date and time of compulsory appearance;
4) the name of the case related to a summon;
5) indication of the quality of the person's participation in proceeding (as plaintiff, defendant, third party, witness, expert, scholar, interpreter);
6) indication of whether the person is summoned at a court session or at a preliminary court session, and in case of resummons of the party in connection with the need to give personal explanations – the need to give personal explanations;
7) if necessary – an offer to the person involved in the case, submit all the evidence unfiled previously;
8) mentioning the duty of the person who received the summons upon the absence of the sendee, to hand her to the sendee as promptly as possible;
9) explanation of the consequences of absenteeism, depending on the procedural status of the summoned person (fine, reconduction, consideration of the case without the summoned person, leaving the application without consideration), and the duty to inform the court about the reason of absence
2. In the announcement of the summons the data referred to in points 1 - 7 and 9 of the first clause of this Article shall be mentioned.
3. A judicial summon-message shall contain the name and address of the court, the name of the case, specification on what action will be committed, place, date and time of commitment, and the fact that participation in the commitment for this person is not mandatory.
4. If copies of relevant papers are enclosed to the summons, than summons shall contain the list of papers sent and the right of the person summoned to file an objection and relevant evidence on confirmation.

Article 76. The order of judicial summons handing over

1. Summons, addressed to physical persons, handed over to them against a receipt and legal persons – to the appropriate officer who shall sign the receipt.

2. The receipt of a summons with the date of delivery marked shall be returned to the court the same day by the person who handed it over .
3. If the summoned person is not found in the place of residence, the summon against receipt shall be handed over to any of adult family members who live with the summoned person and upon their absence – to an appropriate housing operating entity or executive bodies of the local self-government.
4. Upon the absence of the sendee, the person who delivers judicial summons, shall immediately return it to the court with the reason of summons being not handed over.
5. The summons handed over to a representative of the person involved in the case, is considered to be handed over to the person mentioned.
6. If a person involved in the case remains in custody or serves a sentence in the form of life imprisonment, deprivation of freedom for determined period, confinement in disciplinary military unit, restraint of liberty, arrest, the summons and other court papers shall be handed over to him\ her against receipt by the administration of the place of confinement of the person and immediately sent a receipt and written explanation of the person to court.
7. The persons residing outside Ukraine, summons shall be handed over in accordance with the procedure established by international treaties, ratified by the Verkhovna Rada of Ukraine, and upon the absence of such – via diplomatic and consular offices of Ukraine in the state of residence of these persons.
8. If the sendee refuses to receive summons the person who delivers it shall make an appropriate mark on the summons and return it to the court. The person, who refused to receive the summons, considered to be reported.
9. If the place of stay of the defendant is unknown, the court shall consider the case after receiving information about his\ her subpoena in the manner determined by this Code.

Article 77.The duty of the persons involved in the case to notify the court on change of the place of residence (stay, location) and on the reasons of absenteeism in court

1. The parties and other persons involved in the case, shall notify the court about change of the place of residence (stay, location) or place of location during the proceedings. If no application on the change of place of residence or location is sent, the summons shall be sent to the last known to the court address and is considered to be delivered, even if the person no longer resides or stays at this address.
2. The parties and other persons involved in the case are obliged to inform the court about the reasons of absenteeism in court. In case of failing to inform the court about the reasons for absenteeism the parties and others involved in the case are considered to skip the court session without valid reasons.

Article 78. The detection of the defendant

1. If the place of stay of the defendant in the case on recovery of alimony or the redress of an injury by maim or other health damage or death of a physical person is unknown, the court shall put him\ her into wanted list by a decree. The detection is carried out by law enforcement agencies and the expenses related to it are levied from the defendant to income of the state by a court decision.

Chapter 8. COURT COSTS

Article 79. Types of costs

1. The court costs consist of court fee and costs related to the proceedings.
2. The size of court fee, the order of its payment and exemption from payment is established by law.

3. Expenditures related to the proceedings include:
1) the cost for information and technical support;
2) the cost for legal assistance;
3) expenses of the parties and their representatives related to the appearance in court;
4) the costs associated with the involvement of witnesses, experts, interpreters and performance of judicial examination;
5) the costs associated with the review of evidence at their place of location and committing other actions necessary for the proceedings.

Article 80. Amount of the claim

1. Amount of the claim is determined by:
1) in claims for recovery of purse – by the amount recovered;
2) in claims for the declaration of rights on property ownership or reclaim – by the value of the property;
3) in claims for recovery of alimony – by the aggregate of all payments, but not more than for the period of six months;
4) in claims for rapid payments and withdrawal – by the aggregate of all payments or issue, but no more than for the period of three years;
5) in claims for irredeemable or lifetime payments and withdrawal – by the aggregate of payments or withdrawal for the period of three years;
6) in claims for the increase or decrease of the payment or withdrawal – by the amount by which the payments or withdrawals are decreased or increased, but not more than for the period of one year;
7) in claims for cessation of payments or withdrawals – by a combination of payments or withdrawals remaining, but not more than for a period of one year;
8) in claims for recession of contract of engagement (lease) or contract of engagement (lease) of property – by the aggregate fees for the use of property or housing during the period that remains before the end of the contract, but not more than for the period of three years;
9) in claims for land ownership belonging to physical persons under the right of private ownership – by the actual value of the real property and for land ownership belonging to legal persons – by the value no less than its balance sheet value;
10) in claims, which consist of several separate claims – by the total claims amount.

2. If the price determined by the plaintiff does not obviously meet the actual value of the disputed property or at the time of filing of a claim to establish its exact price is impossible, the claim amount is previously determined by the court followed by collection of unpaid or returning of overpaid court fee according to claim amount established by the court when solving the case.
3. In the case of increasing of the claim amount or presentation of new claims, outstanding amount of the court fee shall be paid before the application to the court with the corresponding statement. In case of reducing the amount of the claim, the issue on court fee refunding is decided according to the first part of Article 83 of the Code.

Article 81. Costs for information and technical support of the case

1. Costs for information and technical support of the case include the costs associated with informing the participants about the civil process and results of the case, as well as costs associated with the production and issuance of copies of court decisions.
2. The amount and procedure of payment of the costs for information and technical support of the case determined by the Cabinet of Ministers of Ukraine depending on the category of cases.
3. The costs of technical support are not subject to reimbursement when applying to the court and rely on the parties after the reviewing of the cases on:

1) reinstatement of employment;
2) recovery of wages, workers compensation, severance pay, compensation for the delay of the payments;
3) redress of an injury caused by maim, other injury to health or death of the physical person;
4) the recovery of alimony;
5) acknowledgement of paternity or maternity.

4. Costs of information and technical support are not subjects to reimbursement in cases on:
1) civil incapacity of a physical person, acknowledgment of a physical person's incapability and renewal of civil capacity of a physical person;
2) granting full civil capacity to minors;
3) providing a physical person with mental health services by enforcement;
4) mandatory hospitalization to antituberculous institutions;
5) reimbursement of the costs to person harmed by illegal decisions, actions or inaction of state authorities, authorities of the Autonomous Republic of Crimea or local authorities, their officials or employees, as well as illegal decisions, actions or inaction of the inquiry bodies, pretrial investigation, prosecutor office or court.
5. The costs for information and technical support are not subject too reimbursement in cases where, in the cases prescribed by law, the representation of benefits of citizens or state in court is carried out by prosecutor.
The costs for information and technical support are not subject too reimbursement in cases on protection the rights of infants or minors in cases where the representation of their interests in court according to law or international treaty, ratified by the Verkhovna Rada of Ukraine is carried out by the Ministry of Justice of Ukraine and/ or bodies of guardianship or services for children.

(With changes and additions made in accordance with
laws of Ukraine issued on 09.01.2007, N 543-V,
issued on 21.05.2009, N 1397-VI)

Article 82. Postponement and extension of the court costs, reducing their size or exemption from payment

1. The court by a decree may postpone or extent payment of court costs for technical support of proceedings for a specified period with respect to property status of the parties, but no more than to enactment a decision in the case.
2.If costs and expenses shall not be paid in a term established by court, an application under Article 207 shall remain without consideration, or costs shall be levied by a court decision in a case where payment of court fees was postponed or extended before enactment of the decision.
3. On the grounds specified in clause one of this article, the court may reduce the amount of payment of court costs related to the consideration of the case, or to exempt from it payment.
4. In the case of submission of a statement of claim after submission of a statement on securing of evidence or claim the amount of the court fee is reduced by the amount of court fee paid for the related statement of securing of evidence or claim.

Article 83. Reimbursement of the court fee and costs for information and technical support of the proceedings

1. The paid amount of the court fee is returned under the decree of the court if:
1) the amount of the claim is reduced or the court fee is paid in a greater amount than that prescribed by law;
2) the application or claim is returned;
3) the proceedings is failed to commence;

4) the application or complaint is left without consideration;
5) the proceedings is closed.
2. Amount paid in money to cover the costs of information and technical support of the case is returned by the court decree if:
1) the costs were paid in a greater amount than that prescribed by law;
2) the application or complaint is returned;
3) the proceedings is failed to commence;
4) the proceedings is closed on the grounds specified in point 1 of Article 205 of the Code;
5) the application is left without consideration on the grounds specified in points 1, 2 and 8 of Article 207 of the Code.
3. In cases prescribed by point 1 of the first and second clauses of paragraph 1 of this Article, the court fee and costs for information and technical support of the case are refunded in the amount of overpaid money, in other cases established by this article – refunded completely.
4. The court fee is returned in other cases established by law.

Article 84. The cost for legal assistance

1. The costs associated with payment for legal assistance of lawyer or other scholar in the field of law, are born by the parties, except cases of providing free legal assistance.
2. The limit the amount of costs for legal assistance reimbursement is established by law.

Article 85. Costs born by parties and their representatives related to the appearance in court

1. The costs associated with moving to another locality of the parties and their representatives as well as the hiring of housing, are born by parties.
2. Party whose favor the court approved the decision in, and its representatives are paid per diem expenses by another party (if moving to another locality) as well as compensation for earnings lost or isolation from ordinary activities. The compensation for earnings lost is calculated in proportion to the amount of the average month salary, and compensation for isolation from ordinary activities – in proportion to the amount of the minimum wage.
3. The indemnity limit of costs by court decision born by the parties and their representatives related to the appearance in the court, established by the Cabinet of Ministers of Ukraine.

Article 86. Costs associated with the involvement of witnesses, experts, interpreters and judicial expertise

1. The costs associated with moving to another locality of witnesses, experts, interpreters, experts, hiring a housing for them and judicial expertise are born by the party that has made an application on summons for the witnesses, scholar, interpreters and conducting judicial expertise.
2. The costs for judicial expertise are born by the party that has made an application on conducting expertise. If the application on examination has been made by both parties, the costs for it are born by both sides in equal amount. If the costs for conducting judicial expertise are not born in the term established by court, the court shall cancel a decree on conducting a judicial expertise.
3. Per diem expenses (if moving to another locality) as well as compensation for earnings lost or isolation from ordinary activities of witnesses, experts, interpreters, scholars are paid by the party not in favor of which a judicial decision was taken. The compensation for earnings lost is calculated in proportion to the amount of the average month salary, and compensation for the isolation from the ordinary activities – in proportion to the amount of a minimum wage. The costs for the services of an expert, scholar and interpreter are paid in the order mentioned above.

4. If in cases of special proceedings the subpoena of witnesses, appointment of judicial expertise, involvement of scholars is carried out at the initiative of the court, as well as in cases on exemption from costs payment or reducing the amount of payment, relative costs are reimbursed by the State Budget of Ukraine.
5. The indemnity limit of costs associated with the involvement of witnesses, experts, interpreters and conducting a judicial expertise, is established by the Cabinet of Ministers of Ukraine.

Article 87.Costs associated with the review of evidence at their location place and committing other acts necessary for the proceedings

1. The costs associated with the review of evidence at their location place and committing other acts necessary for the proceedings, are born by the party that has made an application on commitment of these actions. If the application on commitment of corresponding actions was submitted by both parties the costs for it is born by both parties in equal amount.
2. The indemnity limit of the costs related to holding an inspection of evidence at their location place and committing other actions necessary for proceeding are established by the Cabinet of Ministers of Ukraine.

Article 88. The allocation of court costs inter the parties

1. The party whose favor the decision was taken in is awarded by the court a reimbursement by the other party of the costs and expenses incurred and documented. If the claim is satisfied in part, the court costs are awarded to the plaintiff in proportion to the amount of satisfied claims and to the defendant – in proportion to the part of the claim, the defendant was denied in satisfaction.
2. If the party whose favor the decision was taken in is exempted from payment of court costs, the other party shall be recovered the court costs in favor of the persons who born it, in proportion to the satisfied or declined part of the claim. If both parties are exempted from payment of court costs, the costs are reimbursed by the state in the manner prescribed by the Cabinet of Ministers of Ukraine.
3. If the plaintiff whose favor the decision was taken in is exempted from paying court fee, the fee is recovered from to the defendant to the state income in proportion to the satisfied or declined part of the claim.
4. If the claim is left without satisfaction, the proceedings is closed or the claim of the plaintiff exempted from payment of court costs is left without consideration, the court costs incurred by the defendant shall be reimbursed by the state.
5. If the court of appeals and cassation changes or adopts a new decision without carrying out reconsideration of the case, the court shall respectively allocate the court costs.

Article 89. Allocation of costs in case of abandonment of claim and concluding a settlement agreement

1. In case of abandonment of the claim by plaintiff the costs he\ she incurred are not reimbursed by the defendant and the defendant’s costs upon an application are recovered from the plaintiff. However, if the plaintiff does not support his\ her demands cause they were satisfied by the defendant after an filing the claim, the court shall upon the request of the plaintiff award the recovery of all the costs incurred by him from the defendant.
2. If the parties when concluding a settlement agreement did not set the order the of costs allocation, each party shall pay the half of court costs.

3. In other cases of closing of proceedings, and leaving the application without consideration the defendant is entitled to file a claim on compensation of the costs incurred and associated with the consideration of the case due to unwarranted actions of the plaintiff.

Chapter 9. MEASURES OF PROCEDURAL COMPULSION

Article 90.Grounds and order of applying of procedural compulsion measures.

1. The procedural compulsion measures include the procedural acts established by this Code, that are applied by court to persons who violate the rules established at the court or obstruct the implementation of civil proceedings in illegal way.
2. Procedural compulsion measures shall be applied by the court immediately after the commitment of violation by means of enacting a decree.

Article 91. Types of measures of procedural compulsion

1. Procedural compulsion measures include:
1) caution;
2) expelling from the courtroom;
3) temporary dispensation of evidence for the purposes of investigations by the court;
4) summons.
2. One person can not be applied to several measures of procedural compulsion for the same offense.

Article 92. Caution and expelling from the courtroom

1. A caution is applied to the participants of civil process and other persons present at court session for breach of order during the court session or for non-fulfillment of the orders of the presiding, and in the case of re-committing these actions – expelling from the court room.
2. In case of re-committing the actions referred to in the first part of this article by interpreter, the court shall announce a break and give time to change him\ her.

Article 93. Temporary dispensation of evidence for the purposes of investigations by the court

1. If failing to submit the material or written evidence required by the court, without valid reason and failing to notify about the reasons of the failure, the court may enact a decree on temporary dispensation of the evidence for the purposes of investigations by the court.
2. The decree on the temporary dispensation of evidence for the purposes of a court investigation shall include: name (title) of the person who possesses the evidence, place of residence(stay) or location, title or description of written or material evidence, the grounds of carrying out its temporary dispensation.

Article 94. Summons of a witness

1. A properly summoned witness who, without valid reason failed to appear at court session or did not notify about the reasons for absenteeism, may be subjected to summons through the bodies of internal affairs of with recovering costs for its implementation to the income of the state.
2.The court shall enact a decree on summon that includes the name of a physical person who is liable to summon, place of residence, work or study, grounds for the application of summon, the time and place this person should be delivered to, who is entrusted to implement the summon.

3. The decree on summon shall be passed for implementation to law enforcement agencies respectively to the place of proceedings or the place or residence, work or study of the person who is liable to summon.
4. The persons who can not be examined under Article 51 of the Code are not liable to summon, as well as infants and minors, pregnant women, first and second group of the disabled and individuals who takes care of children under age of six or disabled children.
5. The decree on summon is announced to witness by the person who implements it.
6. Upon the impossibility of summon a person who implements the decree shall immediately return it to the court through the chief officer of law enforcement body with a written explanation of the reasons for failure.

Section II. MANDATORY PROCEEDINGS

Article 95. Recovery on the ground of court order

1. The court order is a special form of judicial decree on recovering money or vindication of property from the debtor upon the application of the person that owns the right to such claim.
2. The court order is enforceable under the rules established for execution of judgments in the manner prescribed by law.

Article 96. Requirements under which the court order may be issued

1. The court order may be issued if:
1) the claim based on the transaction implemented in writing is filed;
2) the claim on recovering of accrued but not paid amount of employee wages is filed;
3) the claim on recovering costs for the detention of the defendant, the debtor, child or vehicles of the debtor.
2. The court order may be issued in other cases established by law.

Article 97. Jurisdiction

1. The application on issuing a court order is filed to the court of primary jurisdiction under the general rules of jurisdiction established by this Code.

Article 98. Form and content of the application on a court order issuance

1. The application on a court order issuance is filed to the court in writing.
2. The application shall include:
1) name the court which is filed the application to;
2) name (title) of the applicant and the debtor and the name (title) of a representative of the applicant, if application is filed by the representative, their place of residence or location;
3) the claim of the applicant and the circumstances they are based on;
4) the value of property in case of its vindication;
5) the list of the documents attached to the application.
3. The application shall be signed by the applicant or his\ her representative and contain its copy and copies of the papers attached thereto according to the number of debtors.
4. The application filed by the representative of the applicant, shall be enclosed the document that proves its powers.
5. Improperly executed application is liable to the provisions of Article 121 of the Code.

Article 99. Court fee for filing an application on court order issuance

1. For filing of the application on court order issuance a court fee is paid at the amount of fifty percent rate, which determined in accordance with the amount disputed in case of applying to the court with a claim in order of actional proceedings.
2. In case of refusal to accept the application on a court order issuance or in case of cancellation of a court order the deposited amount of court fee shall not be returned to plaintiff. If the plaintiff files a claim to the debtor in accordance with the order of actional claim, this amount is counted to the amount of court fee provided by the statements of claim.

(As amended in accordance with
Law of Ukraine issued on 08.09.2005, N 2875-IV)

Article 100.Grounds for refusal to accept the application for a court order issuance

1. The judge shall refuse to accept the application for a court order issuance if:
1) the claim not provided by Article 96 of this Code is filed;
2) the dispute on the law is seen from the application and the papers submitted is considered.
2. The judge shall enact a decree on the refusal to accept the application.

Article 101. Effects of the return application or denial of its admission

1. The return of the application in case prescribed in the second part of Article 121 of the Code, is not an obstacle for re- application with the same application after eliminating its shortcomings.
2. The refusal to accept the application does not allow re- application with the same application. The applicant in such case may apply to the same claim in the order of actional proceeding.

Article 102. Procedure of considering application on court order issuance

1. In case of acceptation of the plaintiff's application on issuance of a court order, the court shall within three days issue a court order with respect to the asserted claim.
2. The issuance of a court order is carried out without court session and summon of the plaintiff and the debtor to hear their explanations.

Article 103. Contents of a court order

1. The court order shall specify:
1) the date of issuance of the order;
2) the name of the court, name and initials of the judge who issued the order;
3) name (names) of plaintiff and debtor, their place of residence or location;
4) the reference to the law under which the claim is a subject to satisfaction;
5) the amount of funds that are subjected to recovery, as well as the operating account of the debtor (legal person) in the offices of the bank if notified by the applicant, money should be recovered from, and the property awarded and its value;
6) the amount of court costs paid by the applicant and liable to recovery in his favor from the debtor.
2. The court order must meet the requirements for executive paper established by the Law of Ukraine "On enforcement proceeding".
3. The court order is drawn and signed by a judge in two copies, one of which is enclosed to the case, and second is sealed and issued to the plaintiff after having come into force.

Article 104. Submission a copy of court order to debtor

1. After issuing a court order the court shall immediately send a copy to the debtor by registered letter with delivery notification.
2. Along with the copy of the court order the debtor is sent a copy of the plaintiff statement with copies of the papers attached thereto and his\ her right to apply for cancellation of the court order in case of objection to demands of the plaintiff within ten days starting from acceptance of the court order

.

Article 105.Entry of court order into legal force and issuance of it to plaintiff

1. If the statement from the debtor is not filed within three days after the expiration of its submission term and availability of data on acceptance by debtor a copy of the court order, the order shall come into legal force and the court issues it to the plaintiff for implementation.

Article 106. Cancellation of the court order

1. The debtor`s statement on cancellation of a court order, filed in time, shall be considered by the court within five days starting from the date of its acceptance without judicial consideration and summoning of parties, as enacted a decree that cancels the court order.
2. The debtor`s statement on cancellation of a court order, filed after the deadline set by the second part of Article 104 of the Code, is be left without consideration, if the court upon the request of the person who filed it shall not find reasons to renew the term of such an statement.
3. The decree on cancellation of a court order shall contain the court's explanation about the possibility of consideration of asserted claims in actional proceedings in compliance with the general rules for filing a claim.
4. The copies of the decree shall be sent to the debtor and the plaintiff not later than three days after her ruling.

Section III. ACTION PROCEEDINGS

Chapter 1. Jurisdiction

Article 107. Court of primary jurisdiction

1. All the cases that are subject to solving in accordance with civil procedure, are considered by the district, district in cities, city and municipal courts.

Article 108. Jurisdiction of cases in where one party is the court or judge

1. The jurisdiction of civil cases where one party is the court or judge of this court, is defined by a decree of the court of final jurisdiction without summoning of the parties.
2. The jurisdiction of cases where one party is the Supreme Court of Ukraine or the judge of this court is defined by the general rules of jurisdiction

.

Article 109. Jurisdiction of cases at the location of the defendant

1. The claims to a physical person shall be filed to the court at the place of residence.
2. The claims to legal persons shall be filed to the court at their location.

Article 110. Jurisdiction of the cases at the choice of the plaintiff

1. The claims on the recovery of alimony, the acknowledgement of paternity of the defendant, the claims arising from labor relationships may also be filed at the place of residence of the plaintiff.
2. The claims on divorce may be filed at the place of residence of the plaintiff also if he\ she has infant or minor dependant children or if he can not arrive to the place of residence of the defendant for health reasons or other valid reasons. By agreement of the spouses the case may be considered at the place of residence of any of them.
3. The claims on compensation of harm inflicted by injury, other health harm or death of physical person or harm as a result of committing a crime may also be filed at the residence place of the plaintiff or the place of causing damage.
4. The claims related to compensation of harm inflicted to the person by unlawful decisions, actions or inaction of the agencies of investigation, agencies of pre-judicial consideration investigation, prosecutor's office or court may also be filed at the place of residence of the plaintiff.
5. The claims on consumer protection may also be filed at the place of residence of the consumer or the place of inflicting harm or implementation of the contract.
6. The claims on compensation of harm caused to property of physical persons or legal persons may also be filed at the place of inflicting harm.
7. The claims arising from the activities of branches or offices of legal persons` representative may also be filed at their location place.
8. The claims arising from contracts that include a place of execution, or they shall be implemented only in a certain place because of their peculiarities, may also be filed at the place of execution of these contracts.
9. The claims to the defendant whose place of residence is unknown, shall be filed at the place of location the defendant's property or by his place of stay or last known place of residence of the defendant or his permanent employment (work) place.
10. The claims to a nonresident defendant in Ukraine may be filed at the place of his property location or the last known place of residence or stay in Ukraine. The place of property location and last known place of residence or stay of the defendant shall be established accurately in every case.
11. The claims on compensation of harm caused by the collision of ships, as well as the recovery of amounts of remuneration for salvage at sea may be filed at the place of location of the defendant ship or port of registration of the ship.
12. The claims to plaintiff on acknowledgement of executive order of notary not enforceable, or the return of the payment recovered in accordance with the executive order of a notary may also be filed at the place of its execution.
13. The claims of the Ministry of Justice of Ukraine on the ground of international treaties, ratified by the Verkhovna Rada of Ukraine, for the benefits and by proxy of the plaintiff, who has no residence in Ukraine, may also be filed at the place of location of the Ministry or its territorial bodies.
14. The plaintiff is entitled to choose among several courts, which under this Article shall be tried on the right, except the exclusive jurisdiction established by Article 114 of the Code.

(With changes and additions made in accordance with
laws of Ukraine issued on 08.09.2005, N 2875-IV,
issued on 15.03.2006, N 3538-IV,
issued on 21.05.2009, N 1397-VI)

Article 111. Jurisdiction of cases on disputes between citizens of Ukraine, where both parties reside outside

1. Jurisdiction of the case on a dispute between citizens of Ukraine, where both parties reside outside, upon the request of the plaintiff is determined by decree of the judge of the Supreme

Court of Ukraine. The jurisdiction of the case on divorce between a citizen of Ukraine and a foreigner or stateless person residing outside Ukraine is defined in the same order.

Article 112. Agreed venue

1. The parties are entitled to determine in writing the territorial jurisdiction of the case, except cases being established an exclusive jurisdiction.

Article 113. Jurisdiction of a few interconnected claims

1. The claims to few defendants who reside or stay in different places shall be filed at the place of residence or stay of one of the defendants at the choice of the plaintiff.
2. Counterclaim, regardless of its jurisdiction shall be filed to court at the place of consideration of the original claim.

Article 114. Exclusive jurisdiction

1. The claims arising on real property, shall be filed at the place of property or the main part of the property location.
2. The claims on exemption from the inventory of the property attached shall be filed at the place of location of the property or the main part of the property.
3. The claims of creditors of the ancestor, submitted to before the acceptance of an inheritance by the heirs, shall be filed at the place of the ancestral property or it major part location.
4. The claims to carriers, arising from contracts of cargo, passengers, baggage and mail transportation shall be filed at the place of location of the carrier.

Article 115. Consequences of violations of jurisdiction rules

1. If the judge, solving the issue of the opening of proceedings, determines that the case is not within jurisdiction of this court, the statement shall be returned to the plaintiff to submit it to the appropriate court, and the decree is enacted about it. A court decree together with the statement and all the attachments thereto shall be sent to the plaintiff.

Article 116.The referral of the case from one court to another

1. The court refers the case to the other court, if:
1) a claim on referral of the case at the place of residence or location of the defendant whose place of residence had not been unknown previously is satisfied;
2) after opening of the proceedings and before the consideration of the case it was emerged that that the statement had been filed with violation of the jurisdiction rules
3) it is impossible to create a new composition of the court for a consideration of the case after satisfaction of challenge (rejection);
4) the court that reviewed the case is eliminated.
2. In cases prescribed by points 3 and 4 of this Article, the case is referred to the nearest court.
3. The referral of the case from one court to another is carried out on the ground of the court decree after the expiration of its period for appeal, and in case of filing an statement – after it is left without satisfaction.
4. One may not refer to another court the case being considered by the court, except as prescribed by this Code.

Article 117. Inadmissibility of disputes on jurisdiction

1. The disputes on jurisdiction between the courts are not allowed.
2. The case referred from one court to another in accordance with Article 116 of the Code shall be adopted to court proceedings by the court it was referred.

\Chapter 2. FILING A CLAIM. OPENING A PROCEEDING

Article 118. Prosecution

1. A claim is filed by submitting a statement of claim to the court of primary jurisdiction, where it is registered, executed and referred to a judge in order of priority.
2. The plaintiff is entitled to join several interconnected requirements in one petition.

Article 119. Form and content of the statement of claim

1. The statement of claim is submitted in writing.
2. The statements of claim shall include:
1) name of the court the statement is filed to;
2) name (title) of plaintiff and defendant, and the name of a representative of the plaintiff, if the statement of claim is filed by the representative, their place of residence or location, postal code, number of means of communication, if such is known;
3) the content of the claim;
4) the amount of the claim related to the demands of property origin;
5) a review of the circumstances the plaintiff justifies his\ her demands on;
6) the list of evidence that corroborates each circumstance, the existence of grounds for exemption of proof;
7) the list of papers attached to the statement.
3. The statement shall be signed by the plaintiff or his representative and the date of its submission shall also be mentioned.
4. The statement of claims shall meet other requirements established by law.
5. The statement of claim is enclosed by the documents proving the court fee and costs for technical support proceedings being paid.
6. If a statement of claim is filed by the persons who act to protect the rights, freedoms and interests of another person, the statement shall contain the grounds for such appeal.
7. If the statement of claim is filed by the representative of the plaintiff, the claim shall be enclosed by letter of delegation or other document confirming his authority.
8. The statement of claim submitted after securing evidence or claim shall contain, except mentioned in the part two of this article, information on securing of evidence or claim.

Article 120. Submitting a copy of the statement of claim and enclosed documents

1. The plaintiff shall enclose to the statement of claim its copies and copies of all the documents enclosed respectively to the number of defendants and third parties.
2. The rules of this article on filing copies of the documents shall not be applied to the claims arising from labor relationships, as well as compensation of harm caused by crime or injury, other health damage or death of physical person, illegal decisions, actions or inaction of the agencies of investigation, prejudicial consideration investigation, prosecutor`s office or court.

Article 121. Leaving the statement of claim without movement, return of the statement

1. The judge having determined that a statement of claim was filed without the observance of the requirements set out in Articles 119 and 120 of the Code, or the court fee or the costs for information and technical support of the case were not paid, shall enact a decree where the grounds for leaving the statement without movement are stated and inform the plaintiff about it and give him time to eliminate the defects.
2. The statement of claim is considered to be filed on the day of its initial submission to the court if the plaintiff pursuant to the court decree fulfills the requirements stipulated in Articles 119 and 120 of the Code within the established term and pays the court fee and costs for the information and technical support of the case. Otherwise the statement is considered to be unfiled and shall be returned to the plaintiff.
3. Moreover, the statement is returned when:
1) the plaintiff before the opening of the proceedings applies a statement on the return of the claim;
2) a statement is filed by incapable person;
3) a statement on behalf of the plaintiff is filed by a person who has no authority to conduct case;
4) the case is not under the jurisdiction of that court;
5) the statement on divorce is filed while the wife is pregnant or the child is under the age of one year without observing the requirements established by the Family Code of Ukraine.
4. The court shall enact a decree on return of the statement claim.
5. The return of the statement of claim does not prevent from the repeat submission of a statement to the court, if the circumstances which were the grounds for the return of the statement of claim cease to exist,

Article 122. Opening of proceedings

1. The judge shall open proceedings in a civil case simply on the ground of statement submitted and executed in the manner prescribed by this Code.
2. The judge shall refuse to open proceedings, if:
1) the statement is not subject to review in the courts in the procedure of civil process;
2) there exist a decision or court decree on closing the proceedings in connection with plaintiff's denial from the claim or signing a settlement agreement by the parties on the dispute between the same parties on the same subject and for the same reason that has come into legal force. Denial of a claim does not deprive the other party of right to file the same claim to the person who had denied the claim;
3) in proceedings of this or another court there is the case on the dispute between the same parties on the same subject and for the same reason;
4) there is a decision of the arbitration court, taken within its competence, on the dispute between the same parties on the same subject and for the same reason, except when the court refused to issue an enforcement order on compulsory execution of the decision of the arbitration court or rescinded the decision of the arbitration court and the consideration of the case at the same arbitration court appeared to be impossible;
5) after the death of a physical person, as well as in connection with the suspension of the legal person, who is one of the parties of the case, the disputed legal relationships are not liable to legal succession.
3. The judge shall solve the issue on opening or refusal of the proceedings not later than in ten days after receiving the statement to the court or the expiration of the deadline set for eliminating defects.
4. The judge shall enact a decree on opening or refusal of the proceedings. The decree on opening of the proceedings shall include:
1) the name of the court, name and initials of the judge, who opened the proceedings, case number;
2) by whom and to whom the action is brought;

3) the content of the claim;
4) the time and place of the previous judicial consideration;
5) a proposition to the defendant to submit within a specified period written objections to the claim and reference to evidence that justify the objections.
5. The decree on refusal of opening the proceedings shall be immediately sent to the plaintiff along with the statement and all the papers enclosed thereto.
6. The refusal of opening of the proceedings prevents re-appealing to court with the same claim.

Article 123. Counterclaim

1. The defendant is entitled to to present a counterclaim before or during the preliminary court hearing.
2. The counterclaim is taken into consideration with the initial claim if both claims are interrelated and common consideration is appropriate, particularly when they arise from the same relationships, or when the requirements for claims may be counted, or when satisfying of a counter-claim may wholly or partially exclude the satisfaction of the original claim.
3. The requirements of the counterclaim are united by the court in one case along with an initial claim.

Article 124. Form and content of the counterclaim statement

1. Counterclaim statement that is filed in compliance with the general rules of making a claim shall also meet the requirements of Articles 119 and 120 of the Code.
2. A counter claim, filed with violation of the requirements established in part one of this article, is liable to the provisions of Article 121 of the Code.

Article 125. A claim by a third-person with separate requirements

1. The provisions of Articles 123 and 124 of the Code shall be applied to the claims by third parties who file separate requirements on the subject of the case where the proceeding is opened
.

Article 126. unification and separation of claims

1. The judge or court during the opening of proceedings or preparation to the court consideration of the case or during the court consideration is entitled to enact a decree on unification in one case of several homogeneous claims of the same plaintiff to the same defendant or to different defendants or claims of different plaintiffs to the same defendant.
2. Depending on circumstances of the case the judge or court is entitled to enact a decree on separation of several claims combined in one proceeding into separate proceedings if their joint consideration complicates the solution of the case.

Chapter 3. Proceedings prior to judicial consideration

Article 127.Submission a copy of the decree on opening proceedings, a copy of the statement of claim and the papers enclosed.

1. After opening the proceedings the court shall immediately sent to persons involved in the case, copies of decree on opening the proceedings.
2. Along with the copy of the decree on opening proceedings the defendant shall be sent a copy of the statement of claim with copies of the papers enclosed thereto, and the third person - a copy of the statement of claim.

Article 128. Defendant's objections to a claim

1. After receiving the copy of the decree on opening proceedings and statement of claim the defendant is entitled to file to court a written objection to claim.
2. The defendant may object to the claim, referring to the illegality of the plaintiff's claims, their groundlessness, the absence of the right to appeal to a court by plaintiff or an existence of obstacles to opening the proceedings.
3. The objection to claim may refer all the stated requirements or to specific parts or volume.

Article 129. The term of preliminary court session implementation

1. Preliminary court meeting shall be appointed and held within one month after opening the proceedings.

Article 130. Preliminary court session

1. Preliminary court session is held to determine the possibility of dispute settlement prior to court consideration of a case or to ensure proper and prompt solution of the case.
2. Preliminary court session is held by the judge with the parties and others involved in the case participation.
3. To settle the dispute before the court consideration, court shall clarify: whether or not a plaintiff refuses from the claim or the defendant admits the claim, or parties wish to conclude a settlement agreement or refer the case to the arbitration court.
4. The enactment of a court decree at a preliminary court session in case of refusal from claim, the acknowledgement of the claim, concluding a settlement agreement shall be carried out in accordance with Article 174 and 175 of the Code.
5. If the parties conclude the agreement on transferring the dispute consideration to arbitration court, the court shall enact a decree on leaving the statement without consideration.
6. If the dispute is not resolved in the manner specified by the third paragraph of this article, the court shall:
1) clarify the claim demands or objection to the claim;
2) define the composition of physical persons who will participate in the case;
3) determine the facts to be established to resolve the dispute and which of them are acknowledged by each party, and subject to proof;
4) clarify the evidence each side will justify their arguments by or objections to the unacknowledged circumstances, and set the terms of their submission;
5) upon the request of the persons involved in the case, decide the question on evidence vindication and summoning witnesses for examination, involving in the case scholar and interpreter, a person who provides legal assistance or court order on collecting evidence;
6) in urgent cases carry out the review of the place, review of the written and physical evidence;
7) upon the request of the persons involved in the case, decide the question on taking measures to ensure the claim;
8) commit other actions necessary to prepare case for court consideration;
9) determine the time and place of court session.
7. Preliminary court session is mandatory for each case, except as prescribed by this Code.
8. Upon the statement of one or both parties on inability to appear in court the preliminary court session may be postponed if the reasons of absenteeism will be found valid by a court.
9. In case of default to preliminary court session of the parties without valid reasons or failing to notify about the reasons for its absenteeism, clarification of the circumstances of the case is implemented on the ground of the evidence, the submission of which was announced before or during the previous court session. In the future the adoption of other evidence depends on validity of reasons of delay.
10. The court enacts a decree on the procedural steps required to be committed before the consideration of the case in court.

11. Preliminary court session is carried out according to general rules established by this Code for court consideration, with the exceptions established by this chapter.

Article 131. Submission of evidence

1. The parties shall submit their evidence or to notify the court about it before or during the preliminary court session on the case. The evidence shall be submitted within the period fixed by the court, respectively t the time required for submission of evidence.
2. The evidence submitted with violation of the requirements established in part one of this article shall not be accepted if the party would not prove that the evidence were not submitted in time for valid reasons.

Article 132. Court order on collecting evidence

1. The court where a case is reviewed, shall instruct the relevant court to carry out specific proceedings if it is necessary to collect evidence outside its territorial jurisdiction.
2. The essence of the case under review is summarized in the decree on a court order, it shall also include the persons who take part in it, the circumstances to be clarified, the evidence that are to be collected by the court that executes instructions, a list of questions posed to physical persons who participate in case and a court witness. This decree is obligatory for the court to which it is addressed.
3. The court order is carried out in court session in accordance with the rules established by this Code. The court shall notify those involved in the case about the time and place of meeting. Their presence is not mandatory.
4. The protocol and all the materials collected during the implementation of court order shall be promptly transferred to the court that is considering the case.
5. If the witnesses who testified to the court that implement an order shall come to court, that consider the case, they give testimony in a general manner.

Article 133. Securing evidence

1. If the persons involved in the case consider that the submission of required evidence is impossible, or they have difficulty in submitting the evidence, they are entitled to file the statement on securing of these evidence.
2. The ways applied by the court to ensure the evidence include examination of witnesses, the appointment of judicial examination, vindication and (or) the review of evidence, including at the place of their location. In appropriate cases the court may apply other ways to secure evidence.
3. The court may secure evidence before the filing of a claim and according to the statement of the person interested.
4. If an statement on evidence securing is filed before the statement of claim the applicant must file a claim within ten days after the decree on evidence securing was enacted. In case of failing to submit the statement of claim within a prescribed period the person who applied for securing evidence shall reimburse the court costs and damages incurred in connection with securing evidence.

Article 134. Statement on evidence securing

1. The statement of evidence securing shall include: the evidence necessary to secure; the circumstances that can be confirmed by these evidence; the circumstances indicating that the submission of required evidence may be impossible or complicated, and the case these evidence are required for or the purpose these evidence must be secured for.
2. The statement of securing evidence that does not meet the requirements of this Article, is liable to consequences, established by Article 121 of the Code.

Article 135. Consideration of the statement on evidence securing

1. The statement on evidence secure is considered by the court that investigates the case, and if the claim has not yet been filed – by local general court within the territorial jurisdiction of which procedural actions to secure the evidence may be committed.
2. The statement of evidence secure shall be considered within five days from its filing with notification of the parties and others involved in the case. The presence of these persons is not mandatory.
3. If the statement filed is grounded, and if one can not determine who will be subsequently filed a claim, the statement of the evidence secure shall be considered by the court without delay, only with the applicant present.
4. The question of securing evidence is solved by a decree. The appeal against the decree on securing evidence shall not stop its implementation, and prevent to the proceedings.
5. If after the commitment of procedural actions on securing evidence the statement of claim is filed to another court, the protocols and other materials on securing evidence shall be filed to the court that is considering the case
.

Article 136. Statement on summoning the witness

1. The statement on summoning of witnesses shall include his\ her name, place of residence (stay) or place of work, the circumstances that he can confirm.

Article 137. Vindication of evidence

1. The court upon the petition of the parties and others involved in the case shall vindicate such evidence that arise the complexity in obtaining of the persons involved in the case;
2. The statement on vindication of evidence shall contain the evidence required, the grounds under which a person considers that the evidence is in possession of another person, the circumstances this evidence may confirm.
3. The evidence required by court, shall be filed to court directly. The court may also authorize the interested person involved in the case to obtain evidence for submission to the court.
4. The persons who are unable to submit evidence required by court in general or within the period established by the court shall inform the court about it stating the reasons within five days after receiving a decree.
5. For failure to inform the court about inability to file evidence, as well as the failure of filing evidence, including the reasons the court did not recognize valid, perpetrators are liable to responsibility prescribed by law.
6. Bringing of the perpetrators to responsibility shall not exempt them from the obligation to file evidence to the court.
7. Upon the request of the party the court shall inform at a court session about the implementation of its requirements on vindication of the evidence.

Article 138. Return the original written evidence

1. The originals of written evidence before the entry into legal force of court decision shall be returned by the court upon the request of those who submitted them, if possible without prejudice to the proceedings. A certified by the judge. copy of the written evidence shall remain in the case

Article 139. The storage of physical evidence

1. The physical evidence shall be kept in case or checkroom of the court at a separate description before the entry of decision into force.
2. The physical evidence that could not be delivered to the court shall be kept at the place of their location according to the court decision; they should be detailed and sealed and, if necessary – photographed.
3. The court shall take measures to ensure the storage of physical evidence in the same condition.

Article 140. Review of evidence at their location place

1. Physical and written evidence that can not be delivered to the court, shall be examined at their location place.
2. The persons involved in the case shall be informed about the time and place of review evidence at their location. Failure of these persons to appear is an obstacle for the review.
3. If necessary, and upon at the petition of the person involved in the case, witnesses, interpreters, experts, scholars may be involved to participate in the review of evidence at the place of location, and also making pictures, sound and video record.
4. A protocol signed by all the parties involved in the review shall be drawn on review of the evidence at the place of their location. The protocol shall be enclosed to the inventory of all the drawn up or made during the inspection on site plans, drawings, copies, photos, written and physical evidence, videos, etc made during the review.
5. The persons involved in the review of evidence at the place of their location, are entitled to make comments on the review protocol.

Article 141. Review of perishable evidence

1. The products and other perishable physical evidence shall be immediately examined by a court with notifying the persons involved in the case about the appointed review. Failure of these persons to appear does not prevent the review of physical evidence.
2. If necessary, and upon at the petition of the person involved in the case, witnesses, interpreters, experts, scholars may be involved to participate in the review of evidence at the place of location, and also making pictures, sound and video record.
3. The review of products and other perishable physical evidence at the place of its location is carried out in accordance with Article 140 of the Code.
4. After the review physical evidence shall be returned to the persons they were received from.

Article 142. The return of evidence

1. After the review and investigation by the court physical evidence shall be returned to the persons they were received from, if the latter have declared the petition on it and if the satisfaction of the petition is possible without prejudice to the proceedings.
2. Physical evidence in form of objects removed from the civil circulation or limited in circulation shall be passed to relevant enterprises, institutions or organizations. Upon the request

of the state expert institutions such physical evidence may be submitted to them for use in expert and scientific work in the manner prescribed by the Cabinet of Ministers of Ukraine.
3. After the review physical evidence shall be returned to the persons they were received from or passed to the persons who were granted by the court the right to possess these things after the entry into force a court decree.

Article 143. Procedure of appointment of judicial examination

1. The court appoints an examination upon the petition of the persons involved in the case to clarify the circumstances that are relevant to the case and require special knowledge in science, art, technology, crafts, etc.,
2. If the parties have agreed to involve by experts certain persons, the court must appoint them in accordance with this agreement.
3. The persons involved in the case, are entitled to pose to court questions that require an answer from an expert. The number and content of questions which the examination shall be conducted on is determined by the court. The court shall motivate the rejection of the questions filed by the persons involved in the case.
4. The persons involved in the case, are entitled to request the court to conduct examination at the relevant forensic institution, authorize it to the specific expert, propose a disqualification of the expert, give explanations to expert, acquaint oneself with the opinion of the expert, ask the court to appoint a repeated, additional, commission or comprehensive expert examination.
5. If the expert examination is ordered to be conducted by special expert establishment, its head is entitled to order the conduction of expert examination to one or more experts, create a commission of experts of institution managed, if the court shall not set specific experts, replace if necessary the examination conductors, file a petition on the organization of conducting of examination outside expert institutions.

Article 144. A court order appointing expert

1. The expert examination is appointed by a court decree that shall include: grounds and period of examination conducting, the questions that require experts` opinion, name of expert or title of examination institution, the experts of which are ordered to conduct examination; objects to be examined, a list of materials that are committed for investigation and prevention of liability for deliberately false expert opinion and a refusal without valid reason from performing assigned duties.
2. If expert examination is ordered to be conducted to several institutions, the decree on its appointment shall contain the title of the lead institution, which is relied the conduction of the examination. If the conduction of expert examination is ordered to the institution and the person who is not an employee of the institution, the expert institution shall be considered as leading. The decree on the appointment of expert examination shall be sent to each organization – the performers, as well as those who are not employees of the expert institution. The objects of examination and materials of the case shall be sent to a leading institution.
3. In determining the objects and materials that are subject to transferring to expert examination, the court in appropriate cases, shall decide whether to take the appropriate specimen.
4. If required by specific circumstances of the case, the court may hear an expert on phrasing the issues that need clarification, instruct him on ordered task and give appropriate explanations to questions formulated. The persons involved in the case and entitled to participate in the implementation of the actions mentioned above shall be notified on its commitment.

Article 145. Compulsory appointment of an expert examination

1. The appointment of an expert examination shall be of compulsory implementation in case of the statement on conducting an expert examination is filed by both parties. The appointment of an expert examination shall also be of implementation if the petition is filed by at least one of the parties if the case should be determine:
1) the nature and extent of damage to health;
2) mental state of a person;
3) age of the person, if there are no relevant documents and it is impossible to get it.

Article 146.Effects of deviations from participation in the examination

1. In case of avoidance of the person who is involved in a case from submitting necessary materials, documents or from another part of the expert examination, and if it is impossible to conduct the examination, depending on who of the parties is avoiding, and the examination value for them, the court may acknowledge the fact the examination has been appointed to determine, or to deny in it acknowledgement
2. In case of avoidance of the defendant from DNA testing in cases on acknowledgement of paternity, maternity the court is entitled to enact a decree on conduction such testing in compulsory way.

Article 147. Conduction of examination and expert opinion

1. An expert examination shall be held in court or out of court, if necessary due to the nature of the investigation or if the object of examination can not be delivered to the court.
2. The expert shall give a reasoned opinion in writing that is enclosed to the case. The court is entitled to request the persons involved in the case, or on its own initiative to invite the expert to give an oral explanation of his\ her opinion. Verbal explanation shall be entered to the journal of the court session.
3. The opinion of the expert shall contain: when, where, by whom (name, education, specialty, certificate of awarding a qualification of a court expert, the expert work experience, academic degree, position of the expert), the ground examination was conducted under, the persons who were present during the examination, the questions posed to expert, the materials used by expert, a detailed description of the investigations conducted, findings and justified answers to questions posed by the court as a result of the investigations mentioned above.
4. The expert opinion shall state that the expert is warned about the responsibility for deliberately false opinion, and for refusing from performing assigned duties without valid reason.
5. If the expert during the examination determines the circumstances that are relevant to the case but he had not been posed questions on, he is entitled to include his\ her views on these facts to in his\her conclusion.
6. The expert opinion is not obligatory for the court and is evaluated by the court according to the rules established by Article 212 of the Code.
7. Disagreement with the expert opinion by the court shall be motivated in a decision or decree.

Article 148. Commission examination

1. Commission examination shall be conducted by at least two experts of one sphere of knowledge.

2. If according to the results of the examinations the views of experts coincide, they shall sign a single opinion. The expert that does not agree with the opinion of another expert (experts), shall give a separate opinion on all the questions or issues that caused disagreements.

Article 149. Comprehensive expert examination

1. A comprehensive expert examination shall be conducted by at least two experts from different disciplines or different directions within one sphere of knowledge.
2. The opinion of the experts shall mention the kind of investigations and the extent they were conducted by each expert, the facts established and opinions reached. Each expert shall sign the part of the opinion that contains the description of the investigation conducted by him, and carry out the responsibility of it.
3. The overall opinion shall be stated by experts, competent in assessing results and formulating a single opinion. In case of discrepancies between the experts the opinions shall be drawn according to the second part of Article 148 of the Code.

Article 150. Repeated and additional examination

1. If the expert opinion shall be found incomplete or ambiguous, the court may appoint additional examination assigned to the same or other expert (experts).
2. If the expert opinion shall be found incomplete or contrary to other materials of the case or the one that raises doubts concerning its accuracy, the court may appoint a repeated expert examination assigned to another expert (experts).

Article 151. The grounds for securing a claim

1. The court upon the request of the persons involved in the case may take measures to secure a claim.
2. The statement of claim shall include:
1) the causes in connection of which the claim shall be secured;
2) the type of claim secure which shall be applied with justification of its necessity;
3) other information required to secure a claim.
3. The claim secure is permitted at any stage of the proceedings, if non-appliance of the measures may hinder or make impossible the execution of court decision.
4. Upon the statement of the person concerned the court may secure a claim before filing a statement of claim in order to prevent piracy of intellectual property. The documents and other evidence confirming that this person is subject to the relevant intellectual property rights and that his\ her rights may be violated in the case of failure to apply measures to secure the claim shall be enclosed to the statement of claim securing. The statement shall also include its copies with respect to the number of the people the measures to secure a claim are asked to take about.
5. In case of filing a statement of claim securing before submitting the statement of claim the applicant shall submit the appropriate petition within ten days after the enactment of decree on claim securing.

Article 152. Types of claim securing

1. The claim shall be secured:
1) seizure of property or money belonging to the defendant and is in his or other persons` possession;
2) prohibition to perform some specific action;
3) establishing the obligation to carry out certain actions;

4) prohibition to others to make payments or transfer the property to the defendant or the performance of other related to him obligations;
5) stop of the distress sale, if a claim on ownership of the property or on excluding it from the description is filed.
6) stop the recovery on the basis of executive document claimed by the debtor in court;
7) the transferring of the thing that is in dispute to the deposit of others.
2. If necessary, the court may apply other types of claim. The court may use several types of claim.
3. The types of claim secure should be corresponding to the alleged plaintiff demands.
4. Not allowed the secure of claim by seizure of wages, pensions and scholarships, assistance on state social insurance paid in connection with a temporary disability (including taking care of the sick child), pregnancy and childbirth, for child care until the achievement of the age of three years, of assistance, paid by mutual funds, charitable organizations, as well as severance pay, unemployment benefits. This requirement does not apply to the claims for the recovery of maintenance for harm caused by injury, other health damage or death of a physical person, for damages caused by crime.
5. Perishable items can not be seized.
6. The claim securing by ceasing a temporary administration or liquidation of a bank, a ban or the establishment of the obligations to perform some specific actions for the benefit of the temporary administrator, the liquidator of the bank or National Bank of Ukraine during the implementation of the temporary administration or liquidation of the bank is not permitted.

Article 153. Consideration of the statement on claim securing, the implementation of a decree on securing evidence.

1. The statement on claim securing shall be considered by the court implementing the proceeding of the case, on the day it was filed without notifying the defendant and others involved in the case.
2. The statement on claim securing filed before the statement on claim shall be considered by the court no later than two days after its submission. If the applicant's demand is justified the statement on claim securing filed before the statement on claim shall be considered only in its hearing without the notifying the person the measures to secure the claim are asked to be taken on.
3. The court, when considering the statement on claim securing filed before the statement on claim, may require the applicant to submit additional documents and other evidence proving the need for claim securing.
4. The court allowing the claim securing, may require the applicant to ensure his demand by a deposit sufficient to prevent abuse of the claim securing, that shall be paid in a court deposit account. The deposit amount shall be determined by the court with respect to the circumstances of the case, but should not be greater than the amount of claim price.
5. The court shall enact a decree on taking measures to secure the claim that shall indicate the type of claim and the grounds of its selection, the order of execution, amount of deposit, if appointed. A copy of the decree shall be sent to the applicant and interested parties immediately after the enactment.
6. Depending on the circumstances of the case, the court may secure the claim in full or in part.
7. In case of enactment of the decree without notifying of the person the measures to secure the claim are asked to be taken on the copy of the decree shall be sent to the person mentioned above immediately upon its execution.
8. The court having found that the statement on claim securing was filed without compliance of the requirements stated in Article 151 of the Code, shall return it to the applicant, and enact a decree on it.

9. The decree on the claim securing shall be implemented immediately in the manner prescribed for execution of judgments. If the applicant's demands are secured by the deposit the decree on the claim securing shall be referred to execution immediately after paying the deposit in full.
10. The appeal of the decree on the claim securing shall not stop its implementation, and prevent to further proceedings.
11. The appeal of the decree on cancellation of claim securing or replacing of one securing by another shall stop the execution of this decree.
12. The persons guilty of violating the measures of claim securing, are subjects to responsibility, prescribed by law.

Article 154. Changing the type of claim securing or cancellation of the measures of claim securing.

1. The court may allow the replacement of one type of claim securing by other upon the request of one of the parties and with reference to the explanation of the other party. The statement on changing of type of claim securing shall be considered by the court in terms established by the second part of Article 153 of the Code. The replacement of type of the claim secure upon the statement of the defendant requires the consent of the plaintiff, except as specified in part two of this article.
2. In case of securing a claim on recovering money the defendant may upon the permission of the court instead admitted type of securing pay to the deposit account of the court the sum specified in the statement of claim.
3. The measures of the claim securing may be canceled by the court that is considering the case.
4. The person the measures of claim securing had been taken on without the notification within ten days after receiving the copy of the decree may apply to the court a statement on its cancellation, which shall be considered by the court within two days.
5. The question on cancellation of the measures of claim securing shall be decided at court session with notifying the persons involved in the case. Failure of these persons to appear in court shall not preclude the consideration of the question on cancellation of the measures of claim securing.
6. If the claim was denied, proceedings closed or the statement left without consideration, the measures of the claim securing taken shall have been applying before the entry into legal force of a judicial decision. However, the court concurrently with taking judicial decision or afterwards may enact a decree on cancellation of the measures of claim securing.
7. The measures of claim securing taken by the court before filing the statement of claim, shall also be cancelled by the court if:
1) non-filing by the applicant the relevant statement of claim in accordance with the fifth part of Article 151 of the Code;
2) return the claim;
3) failure to commence proceedings.

Article 155. Compensation of losses caused by the claim securing, and return of subject of deposit.

1. In case of cancellation of the measures of the claim securing, entry into legal force of the decision on denial of securing claim satisfaction or of the decree on termination of proceedings or abandonment of the statement without consideration the person the measures of securing claim were taken on is entitled to the right to recover damages caused by the claim.
2. In case of introduction by the plaintiff the subject of deposit, the compensation of losses caused by claim securing shall be executed primarily for account of the subject of deposit.
3. The subject of deposit shall be returned to the plaintiff if the claim on damages is not filed within two months after the occurrence of circumstances specified in part one of this article.

Also, the subject of deposit shall be returned to the plaintiff if the decision of the court on satisfying the claim has come into legal force or if the parties entered into settlement agreement.

Article 156. Appointment of a case to review

1. After preparation of the case to the court review the judge shall enact a decree where he\ she mentions the preparatory acts performed by him, and sets the date of case review.
2. The case shall be intended for consideration no later than fifteen days after the termination of actions related to the preparation for the court review.

Chapter 4. Judicial consideration

Article 157. Terms of cases consideration

1. The court shall consider the case within a reasonable term but not more than two months after opening proceedings and the cases on reinstatement in a job, the recovery of alimony – a month.
2. In exceptional cases, upon the request of the parties, with respect to peculiarities of the case, the court may extend the consideration of the case, but no more than for a month.

Article 158. Consideration of the case by court at a court session

1. Consideration of civil cases shall be implemented at a court session with mandatory notification of the persons involved in the case.
2. A person who participates in a case is entitled to file a petition on case consideration in her\ his absence.
3. The court session shall be held in specially equipped premises of the court – the courtroom.

Article 159. The directness of the judicial consideration. Breaks in court session

1. The court during the hearing shall directly investigate the evidence in the case.
2. The case is considered by the same composition of the court. If replacing one of the judges during the consideration the case shall be considered from the beginning.
3. The court session may be paused by the breaks the duration of which is determined according to the circumstances of the case consideration that caused it.

Article 160. The person presiding at a court session

1. During the consideration of the case by a single judge in the court of primary jurisdiction the presiding is the judge that is considering the case.
2. The presiding shall direct the flow of the court session, ensure compliance and consistency of the carrying out of the proceedings, members of civil process their procedural rights and performing their duties, directs the judicial consideration to full, comprehensive and objective clarification of the circumstances of the case, eliminate out of judicial consideration everything that has no significant value for resolving the case.
3. In case of appearing any objections among any of the persons involved in the case, as well as witnesses, experts, scholars, interpreters for the actions of the presiding these objections shall be entered in the journal of judicial consideration and the court enacts a decree on its acceptance or rejection.
4. The presiding shall take the necessary measures to ensure a proper order in the court.

5. The presiding shall consider the appeals from action or inaction of the registrar for his\ her assigned responsibilities, and enacts a decree on it.

Article 161.Adress to court at court session

1. The persons involved in the case, witnesses, interpreters, experts and scholars shall adress to the court by the words "Your honor."

Article 162. Duties of the persons present in the courtroom

1. Those present in the courtroom shall stand up the court enters and leaves. The court's decision the persons present in the room shall hear standing. The persons involved in the case, witnesses, experts, scholars, interpreters provide explanations, evidence, opinions, advice, etc. standing.
2. Deviation from the requirements established in part one of this article is allowed upon the permission of the presiding.
3. The participants of civil process and other persons present in the courtroom shall adhere to the established order during the court session and unquestionably obey orders presiding.
4. The persons involved in the case, shall pass documents and other materials to the presiding through the registrar.

Article 163. Opening of the court session

1. At the time appointed for the judicial consideration of the case the presiding shall open and announce the case that will be considered.
2. The secretary of court session shall report to the court, who from the summoned persons have appeared in court, whether court summons and messages are handed to those who had not appeared, and inform about the reasons for their absenteeism, if known.
3. The court shall determine the persons appeared, as well as examine the credentials of representatives.

Article 164. Explanation to the interpreter his rights and obligations. The oath of the interpreter

1. The presiding shall explain to the interpreter his rights and obligations established by this Code, and warn the interpreter against receipt about criminal responsibility for deliberately wrong translations and the refusal from performing assigned duties without valid reason.
2. The presiding shall adjure the interpreter: "I, (last, first and middle names), swear to faithfully serve as an interpreter, using all my professional opportunities."
3. The text of the oath shall be signed by the interpreter. Signed interpreter oath and the receipt are enclosed to the case.

Article 165. Removal of the witness from the courtroom

1. The witnesses shall be removed from the courtroom to the designated rooms.
2. The registrar shall take measures to ensure witnesses questioned by the court not to communicate with those who has not yet been questioned.

Article 166. Announcement of the composition of the court and the right of rejection

1. The presiding shall announce the composition of the court, as well as names of experts, interpreters, scholar, secretary of court session and explain to the persons involved in the case, the right to appeal rejection.
2. The grounds for rejection, the order of consideration of statement on withdrawal and consequences of its satisfaction are determined by chapter 3, title I of this Code.

Article 167. Explanation to the persons involved in the case, their rights and responsibilities

1. The presiding shall explain to the parties and others involved in the case, their rights and responsibilities that shall be mentioned in the journal of judicial consideration.

Article 168. Consideration of statements and petitions of persons involved in the case by the court

1. The statements and petitions of the persons involved in the case shall be considered by the court after the opinion of the other present at the court session participants that are involved in the case will be heard, the decree shall be enacted on. The court decree on denial a petition shall not prevent its re-statement.

Article 169. Consequences of non-appearance in court by the person who participates in the case

1. The court shall postpone the judicial consideration within the terms stipulated in Article 157 of the Code, if the following shall happen:
1) non-appearance in court of one of the parties or any of the other persons involved in the case, about which there no information that they were summoned;
2) non-appearance in court of the parties or any other persons involved in the case, notified in accordance with the order prescribed about time and place of judicial consideration if they reported on the causes absenteeism, which the court had considered valid;
3) the first absence of duly notified plaintiff to the court session without valid reasons, or failure by him to inform about non-appearance, if he shall not send a statement on the proceedings in his absence;
4) If the court shall find necessary the party applied for the proceedings in the absence, to give a personal explanation. The summoning of the plaintiff or defendant for personal explanations is possible in case when their representatives participate in case.
2. Failure of the representative to appear in court without valid reason or failure of him to inform about the reasons of absenteeism is not an obstacle to the proceedings. Upon the request of the parties and with respect to the circumstances of the case the court may postpone its consideration.
3. In case of re-default at judicial consideration of the plaintiff, duly notified, without valid reasons or failure of him to inform about cause of repeated absenteeism, if he\ she didn’t apply a statement on the proceedings in his absence, the court shall leave the statement without consideration.
4. If the court has no information about the cause of absenteeism of the defendant, duly notified, or the reason of absenteeism is found invalid, the court shall decide the case on the ground of existing data or evidence (enacts a default judgment).
5. The consequences defined by the second – fourth parts of this article shall come if the party leaves the courtroom.

Article 170. Consequences of non-appearance in court of witness, expert, scholar, interpreter

1. In case of non-appearance to the court session of witnesses, experts, scholars, interpreters the court shall hear the opinion of persons involved in the case, on the possibility of proceedings in the absence of witnesses, experts, scholars, interpreters, who did not appear, and enact a decree on continuation of the judicial consideration or on suspending proceedings for a specified period. At the same time the court shall decide the question of the responsibility of witnesses, experts, scholars, interpreters, who did not apear.

Article 171. Explanation to the expert of his rights and duties. Oath of the expert

1. The presiding shall explain to expert his rights and obligations established by this Code and warn expert against receipt about criminal liability for deliberately false conclusion and refuse from performing assigned duties without valid reason.
2. The presiding shall adjure the expert: "I, (last, first, middle names), swear to faithfully serve as an expert using all my professional opportunities."
3. The text of the oath is signed by the expert. The action of the oath shall be applied to those cases when the opinion was drawn before its proclamation. Signed by the expert the text of oath and receipt are enclosed to the case.
4. If the expert examination is appointed during the judicial consideration, the rights, obligations and the responsibility of the experts shall be explained by the presiding immediately after bringing them to participate in civil proceedings.
5. The experts employed at the state expert institutions, shall be explained the rights and duties of the expert and adjured by the head of the expert agencies during the appointment of persons to office and conferring a qualification of court expert s. The signed text of the oath and receipt of familiarization with the responsibility under the law and about criminal liability for failure from performing assigned duties and for deliberately false opinion without valid reason shall be enclosed to the personal file. The copies of these documents stamped by the expert agencies shall be filed upon the request of the court.

Article 172. Explanation to scholar his rights and obligations

1. The presiding shall explain to scholar his rights and obligations established by this Code.

Article 173. The beginning of case consideration in essence

1. The judicial consideration shall actually begin with the report of the presiding on the content of the demands stated and the acknowledgement by parties of certain circumstances during the preliminary judicial consideration, then it shall be turned out, whether the plaintiff acknowledges the demands of the defendant and whether the parties wish to enter into settlement agreement or apply to arbitration court for the settlement of the dispute.
2. In case of proceedings in the absence of the defendant the presiding shall report on the position of the latter regarding the stated demands, submitted in the form of written explanations. If the plaintiff changes his demands, the presiding shall propose to put these changes in writing, set for the statement of claim. In case of partial acknowledgement of the claim the presiding shall ascertain the part of the claim recognized.

Article 174. Abandonment a claim by plaintiff, acknowledgement of claim by defendant

1. The plaintiff may abandon the claim and the defendant - acknowledge the claim within the whole period of judicial consideration, by making an oral statement. If denial of the claim of the plaintiff, the acknowledgement of claim are submitted in the written statements addressed to the court, these statements shall be enclosed to the case.

2. Before the enactment of the decree in connection with abandonment a claim by plaintiff or the acknowledgement of the claim by defendant the court shall explain the consequences of the respective procedural actions to parties, verify whether the representative of the party that has expressed the intention to commit these acts is capable in the authority concerning the commitment of these acts
3. In case of abandonment a claim by plaintiff the court shall enact a decree on closing the proceedings.
4. In case of acknowledgement of the claim by defendant the court shall approve a decision on satisfaction of the claim upon the existence of legitimate reasons for it. If the acknowledgement of the claim by the defendant is contrary to the law or violates the rights, freedoms or interests of other persons, the court shall enact a decree on refusal to accept acknowledgement of the claim by the defendant and continue the judicial consideration.
5. The court shall not accept the refusal of the claim by plaintiff, the acknowledgement by defendant of the claim, where the person is represented by her legal representative, if his actions are contrary to the interests of the people he represents.

Article 175. Settlement agreement of parties

1. The settlement agreement shall be entered into by the parties with the aim of settlement the dispute on the basis of mutual concessions and relate only to the rights and obligations of the parties and the subject of the claim.
2. The parties may conclude a settlement agreement and inform the court by submitting a joint statement. If the settlement agreement, or message on it is submitted by a written statement addressed to the court by the parties, this statement shall be enclosed to the case.
3. Before the enactment of the decree in connection with entering of the parties into settlement agreement, the court shall explain the consequences of the respective decision to parties, verify whether the party's representative who has expressed the intention to commit these acts is capable in the authority concerning the commitment of these acts
4. In case of entering of the parties into settlement agreement the court shall enact a decree on closing the proceedings.
5. When closing the proceedings, the court upon the request of the parties may enact a decision on acknowledgement of the settlement agreement. If the settlement agreement is contrary to the law or violates the rights, freedoms or interests of other persons, the court shall enact a decree on refusal of acknowledgement of the settlement agreement and continue the judicial consideration.
6. The court shall not acknowledge the settlement agreement in the case where one party is represented by a legal representative, if his actions are contrary to the interests of the people he represents.

Article 176. Explanations of the persons involved in the case

1. After the report on case the court shall hear an explanation of the plaintiff and the third party who participates in favor of the plaintiff, the defendant and a third person who participates in favor of the defendant, as well as others involved in the case.
2. If representatives take part in the case along with the party, the third person the court shall hear an explanation of the representatives after that of the parties and the third person. Upon the request of the party, the third parties only representative may provide an explanation. Those who appealed to the court for protection of the rights, freedoms and interests of others shall provide explanation in the first turn.
3. If the case contains several demands stated, the court may require the parties and others involved in the case to give a separate explanation on each of the demands.

4. If the parties and others involved in the case, express their thoughts in a vague manner and according to their words the conclusion on whether they acknowledge the circumstances or retort them, the court may require such persons to give particular answers - "yes" or "no."
5. The parties and other persons involved in the case may pose questions to each other.
6. If the case contains written explanations of the parties and others involved in the case the presiding shall announce the content of these explanations.

Article 177. Establishment of clarification of circumstances procedure and evidence investigation

1. The court, having heard the explanations of the parties and others involved in the case, shall establish the procedure of clarification of the circumstances which the parties refer to as the ground of their demands and objections, and the procedure of investigation of evidence that justify the circumstances mentioned above.
2. The procedure of investigation of evidence shall be determined by the court depending on the content of legal disputes and, if necessary, be changed.

Article 178. Refusal to acknowledge the circumstances

1. The refusal to acknowledge the circumstances at a preliminary court session shall be accepted by the court if the party that refuses, shall prove that it have acknowledge these circumstances because of an error that is essential, fraud, violence, threats, grave conditions or the circumstances have been acknowledged as a result of ill-intentioned agreement of the representative with the other party.
2. The court shall enact a decree on accepting the party’s refusal to acknowledge the circumstances.
3. If the court accepts the refusal of the party to acknowledge the circumstances they shall be proved according to the standard procedure.

Article 179. Evidence investigation

1. The facts that justify filed demands or objections or have other value for the solution of the case (causes of skipping the term of claim duration, etc.) and are subject to defining when enacting a court decision are the subjects of proof at a judicial consideration.
2. The witness testimony, written and material evidence, the opinion of experts shall be examined to establish at court session the facts mentioned in the first clause of this article.

Article 180. Procedure of witnesses examination

1. Each witness shall be examined separately.
2. The witnesses who have not yet given testimony may not be present in the courtroom during the proceedings.
3. Before the examination of the witness the presiding shall establish his identity, age, occupation, place of residence and relationship with the parties and others involved in the case, explain his\ her rights and ascertain whether the witness refuses in accordance to the grounds established by law from giving testimony.
4. The refusal to give testimony shall be accepted by the court by means of a enacting a decree.
5. If the obstacles to the examination of a witness have not been defined, the presiding shall warn the witness against receipt about criminal liability for deliberately false testimony and refusal to give testimony and adjure him: “I, (first last middle names), swear to tell the truth, without hiding and distorting anything”.

6. The text of the oath shall be signed by the witness. The text of the oath signed by the witness and receipt shall be enclosed to the case.
7. The examination of the witness shall begin with the proposal of the court to tell everything what he personally knows about the case, and then questions are posed in the first turn by the person whose statement caused the summon of the witness and then by others involved in the case.
8. The court entitled to clarify the essence of the answer of a witness to the question posed by the persons involved in the case and pose questions to the witness after termination of his examination performed by the persons involved in the case.
9. The presiding is entitled upon the request of the persons involved in the case, to take off the questions posed by witnesses, if the questions` content offends the honor or dignity of the person, the questions are suggestive or non-relating to the subject of consideration.
10. Each examined witness shall stay in the courtroom till the end of the case consideration. The court may allow examined witnesses to leave the courtroom before the end of the case consideration upon the consent of the parties.
11. A witness may be examined again at the same or the next session upon his own statement, the statement of the parties and others involved in the case, or on the initiative of the court. During the investigation of other evidence the witnesses may be posed question to by the parties, other persons involved in the case and court.
12. The court may examine witnesses simultaneously to clarify the causes of differences in their testimony.

Article 181. Using of written records by a witness

1. A witness may use recordings in those cases when his testimony is related to any calculations and other data that are difficult to keep in memory when giving evidence. These records are submitted to court and persons involved in the case, and may be enclosed to the case by the court decree.

Article 182. Procedure of examination of underaged and minor witnesses

1. The examination of minor witnesses and, at court discretion, underaged witnesses shall be performed in the presence of parents, adoptive parents, guardians, trustees, if they are not interested in the case, or representatives of guardianship institution, as well as services for children.
2. The witnesses who are under age of sixteen, the presiding shall explain the duty on the need to give truthful testimony, without notice of responsibility for refusing to testify and deliberately false testimony, and not adjure them.
3. The persons mentioned in the first part of this article may upon the permission of the court pose questions to the witness and express their views on the witness, the content of his testimony.
4. In exceptional cases when it is necessary to objectively determine the circumstances of the case, during the examination of the persons under age of eighteen upon the court decree somebody or other involved in the case may be removed from the courtroom for a period of court consideration. After returning to the courtroom of the person the presiding shall inform him\ her about testimony of the witness and provide an opportunity to pose questions to the examined person.
5. The witness who is under age of sixteen, after being examined shall be removed from the courtroom, except when the court found necessary the presence of the witness in courtroom.

(With changes and additions made in accordance with
Law of Ukraine issued on 21.05.2009, N 1397 -VI)

Article 183. Announcement of witnesses` testimony

1. In case of delay of judicial consideration the testimony of witnesses obtained by court orders in accordance with the procedure of evidence secure during examining at their residence place, or testimony given by them at the court session the canceled decision was taken at, shall be announced and examined at the court session, the decision was taken at, if the participation of these witnesses at a new court session is impossible. The persons involved in the case, are entitled to express their attitude to the testimony and give their explanation related to it.

Article 184. Examining the parties, third parties, their representatives as witnesses

1. If a party, third party, their representatives say that the facts relevant to the case, are known by them personally, they with their consent may be questioned as witnesses in accordance with Articles 180 – 182 of the Code.

Article 185. Investigation of written evidence

1. The written evidence or protocols of its review shall be announced at court session and provided for acquaintance to the persons involved in the case, and if necessary - to experts, scholars and witnesses. The persons involved in the case, may give their explanations related to the evidence or to the protocol of its review. The persons involved in the case, may be pose questions related to the evidence mentioned to the witnesses, as well as experts, scholars.
2. In case of submission of the statement on that the document enclosed to the case or submitted to the court by a person who participates in a case for acquaintance raises doubts about its authenticity or is false, the person who have filed the document, may request the court to exclude it from among the evidence and consider the case on the ground of other evidence.

Article 186. Announcement and investigation of the content of personal papers, letters, records of telephone conversations, telegrams and other correspondence

1. The content of personal papers, letters, records of telephone conversations, telegrams and other correspondence of physical persons shall be announced and investigated at the open court session with the consent of the persons specified in the Civil Code of Ukraine.

Article 187. Investigation of physical evidence

1. The physical evidence shall be reviewed or otherwise studied by the court and submitted for acquaintance to the persons involved in the case, and if necessary - to experts, scholars and witnesses. Those who were submitted for acquaintance the physical evidence, may draw attention of the court to certain circumstances in connection with the review. These statements shall be enclosed the journal of judicial session.
2. The protocols of evidence review shall be announced at the court session. The persons involved in the case, may give their explanations related to these protocols.
3. The persons involved in the case, may pose questions related to the evidence to witnesses and experts, scholars who reviewed them.

Article 188.Playback of sound and video recordings and its investigation

1. During playback of sound and video recordings of private character, and during its study the rules of this Code related to announcement and investigation of the content of personal correspondence and telegraph messages shall be applied.

2. Playback of sound and video recordings shall be held at court session or in another room, specially prepared for this, with entering to court consideration journal the features of materials announced and playback time. After that, the court shall hear to explanations of the persons involved in the case.
3. If necessary the playback of sound and video recordings can be repeated in full or in part.
4. In order to clarify the information contained in the materials of sound and video, as well as in case of filing the statements on its falsehood the court may engage scholar or appoint an expert examination.

Article 189. Research of expert opinion

1. The expert opinion shall be announced at a court session.
2. The expert may be posed questions to clarify and complete the opinion. The person whose statement caused the examination and its representative shall pose questions to the expert in the first turn, then shall the others involved in the case. If the examination is performed upon the request of both sides, the plaintiff and his representative shall pose questions to the expert in the first turn.
3. The court is entitled to clarify the essence of the expert`s answers to questions of the persons involved in the case, as well as pose questions to the expert after his examination by the persons involved in the case.
4. Set out in writing and signed by the expert explanations and additions to the opinion shall be enclosed to the case.

Article 190. Consultation and clarification by scholar

1. During the investigation of evidence, the court may use oral advice or written explanations (conclusions) of the scholars.
2. The scholar may be posed questions on the essence of provided oral consultation and written explanations. The person whose petition caused the engagement of a scholar and its representative shall pose questions in the first turn, then shall the others involved in the case. If the expert involved upon the request of both parties or at the initiative of the court, the first to pose questions to the scholar shall be the plaintiff and (or) its representative.
3. The court is entitled to clarify the essence of scholar’s answers to questions posed by the persons involved in the case and pose questions to scholar after his examination by persons, involved in the case.
4. Set out in writing and signed by scholar explaining shall be enclosed to the case.

Article 191.Delay of case consideration or suspension of its consideration

1. The court may delay the proceedings in the cases established by this Code, and if it can not consider the case in connection with the need to replace the judge assigned to the rejection or involvement in the case of other persons.
2. If it is impossible to continue the proceedings for the reasons of the need of new evidence submission the court shall announce a break for the period of time necessary for this.
3. The court delaying the judicial consideration or announcing a break in its proceedings, shall designate a day of a new judicial consideration or its extension, and notify against receipt all the members of a civil process, present in the courtroom. The participants of civil process, who are not present or involved in case by the court for the first time shall be summoned to participate in court session on the appointed day.

4. In case of delay of judicial consideration of the case the court shall pose questions to the witnesses who appeared. Only in exceptional cases, upon the court decree witnesses are not examined and shall be summoned again.
5. In the case of divorce the court may delay proceedings and prescribe the term to reconcile for couples.
6. If the judicial consideration has been delayed, the case shall be considered from the beginning.
7. In cases when the parties do not insist on repeated explanations of participants of a civil process, given previously, acquainted with the case materials, including the explanations of civil process participants, if the composition of the court has not changed, and others were not involved to participate in the case the court is entitled to provide a possibility for participants of civil process to confirm the previously given explanations without its repetition, complete them and pose additional questions.

Article 192. Termination of clarification of circumstances and verification by evidence

1. After clarification of all the circumstances of the case and its verification by evidence the presiding shall give the parties and others involved in the case, an opportunity to give additional explanations, which can complete the materials of the case.
2. In connection with additional explanations of the person involved in the case, the court may pose questions to other members of civil process.
3. Having heard the additional explanations and decided the filed petitions of the persons involved in the case, the court enact a decree on termination of clarification of the circumstances of the case and its verification by evidence and go to the judicial debate.

Article 193.Judicial debates

1. The persons involved in the case may deliver a speech in the judicial debates. These speeches may contain invocations only on circumstances and the evidence defined at court session.
2. In judicial debates the first word is given to the plaintiff and his representative.
3. Third parties without independent claims shall act in the debate after the person they participate in favor of.
4. The third party that filed separate claims on the subject of dispute, and its representative in the debate shall act after the parties.
5. Upon the petition of the parties and others only their representatives may act in the judicial debates
6. The bodies and persons who granted by law the right to protect the rights, freedoms and interests of others, shall act in the judicial debates in the first turn. The next shall act the person whose statement caused opening of the proceedings.
7. The court may not limit the duration of the judicial debate by a particular term. The presiding may stop the speaker only when it goes beyond the case, which is considered by the court, or repeated. With the permission of the court speakers may share remarks. The right of the last remark shall always belong to the defendant and his representatives.

Article 194. Return to clarification of the circumstances of the case

1. If during the court debates a necessity of clarification of new circumstances that are relevant to the case or investigation of new evidence arises, the court shall enact a decree on return to clarification of the circumstances of the case. After clarifying the circumstances of the case and its verification by proofs the court debates are held in the general order.

Article 195. Exit of the court to approve a decision

1. After the judicial debates the court shall exit to a consultation room (specially equipped to approve judgments decisions) to approve a decision, having informed about a tentative time of its announcement.
2. If during the decision approval a need to determine any fact by re-examination of witnesses or other proceedings arises, the court without approving a decision shall enact a decree on renewal of judicial consideration.
3. The judicial consideration in the case specified in clause two of this article is implemented solely within clarification the circumstances that require additional review.
4. After the termination of renewed judicial consideration the court depending on the results shall open judicial debates on further investigated circumstances and exit to consultation room to approve a decision, or if the commitment of the necessary proceedings at this court session is impossible, enacts a decree on delay of the proceedings or announces a break.

Article 196. The Secret of Consultation Room

1. During the adjudication no one has the right to stay in consultation room, except for the composition of the court that is considering the case.
2. During his stay in the consultation room the judge has no right to consider other cases.
3. The judges have no right to disclose the order of the discussion and decision-approving in the consultation room.

Chapter 5. Civil process fixing

Article 197. Fixing of judicial session by technical means

1. The court during the judicial consideration of a case shall perform a complete recording of court proceedings by soundrecording technical advice.
2. Fixing of judicial consideration by technical advice shall be provided by the Secretary of the court session or other court employee upon the order of the presiding.
3. Full or partial reproduction of technical record of court session is performed upon the petition of the person who is involved in the case, or at the initiative of the court.
4. The media, which was performed a technical judicial consideration record on (cassette, diskette, etc.) is a supplement to the journal the judicial consideration and after the end of judicial consideration shall be enclosed to the case materials.
5. Upon the request of the person involved in a case for payment full or partial printing of a technical record of judicial consideration may be made upon the order of the presiding. A person who participates in a case may obtain a copy of information from the media, which was carried out the technical record of civil process on.
6. Size of payment for printing technical judicial consideration record is established by the Cabinet of Ministers of Ukraine.

Article 198. Journal of judicial consideration

1. At the same time of holding the record by technical means the secretary of the court session shall keep the journal of judicial consideration.
2. The journal of the judicial consideration shall indicate the following:
1) year, month, date and place of judicial consideration;
2) name the court to consider the case name and initials of the judge, secretary of the court session;
3) the case under review, the names (titles) of the parties and others involved in the case;
4) serial number of the commitment of proceedings;
5) the name of legal proceedings;

6) the time of commitment of legal proceedings;
7) other information specified by this Code.
3. The journal of judicial consideration shall be kept by the secretary of judicial consideration and signed by him immediately after the judicial consideration and enclosed to the case.

Article 199. Comments on technical recording of judicial consideration, the journal of judicial consideration and its consideration

1. The persons involved in the case, have the right to view the technical record of judicial consideration, journal of judicial consideration and within seven days after the approval of the decision to submit to the court written comments on the incompleteness or irregularity of their entry.
2. The presiding shall consider comments on technical record of judicial consideration and journal of judicial consideration, and enacts an appropriate decree.
3. In case of missed deadline of comments submission and not existing of reason for its renewal the presiding shall leave them without consideration.
4. The comments on technical record of judicial consideration or journal of judicial consideration shall be reviewed not later than five days after its submission.

Article 200. The procedure of protocols on physical person proceedings drawing and execution

1. During the commitment of separate procedural steps outside judicial session the protocol is executed. Technical means can be used in its execution.
2. The protocol of the commitment of separate procedural steps shall include the following information:
1) year, month, date and place of commitment of proceedings;
2) start of the commitment of proceedings;
3) name the court to consider the case name and initials of the judge hearing the Secretary;
4) the case under review, the names (names) of the parties and others involved in the case;
5) information about the appearance of persons involved in the case, experts, scholars, interpreters, witnesses;
6) information about explaining to the parties and others involved in the case of their procedural rights and duties;
7) All orders and decrees enacted by presiding;
8) statement and petitions of the parties and others involved in the case;
9) the essence of explanation of the parties, third parties, their representatives and others involved in the case, and testimony, oral explanation of their findings by experts and answers to additional questions posed to them; advice and opinions of the experts;
10) evidence, and if the evidence is not enclosed to the case, - number, date and contents of written evidence, description of evidence;
11) end time of the proceedings commitment;
12) other information specified by this Code.
3. The protocols shall be drawn up not later than the day after the commitment of separate proceedings.
4. The protocol shall be enclosed to the case.

Chapter 6. Suspension and closing of the proceedings. Leaving the statement without consideration

Article 201. The duty of the court to terminate the proceedings

1. The court shall stop the proceedings if:
1) death or announcement of a physical person who was a party in the case to be dead, if the disputed relationships permit succession;
2) merger, accession, division, transformation of the legal person that was a party in the case;
3) a stay of the plaintiff or defendant in the armed forces of Ukraine and other established under the law military units, which transferred to a martial law;
4) the impossibility to consider this case before resolving another case, which is considered in accordance with the procedure of constitutional, civil, economic, criminal or administrative proceedings;
5) the appointment or replacement of a legal representative in cases defined by part one - third of article 43 of this Code.
2. In cases referred to in this article, the court shall enact a decree.

(As amended in accordance with
Law of Ukraine issued on 16.03.2006, N 3551-IV)

Article 202. The right of court to suspend the proceedings

1. The court may upon the request of the person involved in the case, as well as on its own initiative suspend the proceedings in the cases:
1) stay at the active military service or alternative (civilian) service not at the place of residence;
2) diseases of the parties, confirmed by a medical certificate, which excludes the possibility of appearance in court for a long time;
3) stay of the parties in long-term business trip;
4) detection of the defendant in the event of failure of the proceedings in his absence;
5) the appointment of a court examination.
2. The court shall not suspend proceedings in the cases prescribed in clauses 1 - 3 of this Article, if the absent party conducts the case by its representative.
3. In cases referred to in this article, the court shall enact a decree.

Article 203. Terms the proceedings is suspended for

1. The proceedings is suspended in cases established by:
1) clauses 1, 2 and 5 of the first part of Article 201 of the Code – till the involvement in case of the successor or legal representative;
2) point 3 of the first clause of Article 201 and Article 202 of the Code:
till the termination of the party in the armed forces of Ukraine and other established under the law military units, which transferred into martial law on active military service or alternative (civilian) service, business trip;
during the illness of the party;
till the end of the detection of the defendant;
during the expert examination;
3) point 4 of the first clause of Article 201 of the Code - till the entry into legal force the court decision solving the case depends on.

Article 204. Renewal of proceedings

1. Proceedings shall be renewed by the court decree upon the request of the person involved in the case, or on the initiative of the court after elimination of the circumstances that caused its termination.
2. Since the renewal of the proceedings the progress of procedural deadlines shall be extended.

3. After the renewal of the proceedings the court shall summon the parties and others involved in the case, and continue judicial consideration according to the rules of Chapter 4, Title III of this Code.

Article 205. Grounds for closing of the proceedings

1. Court shall close proceedings by its decree, in cases if:
1) is not subject to review in accordance with the order of civil process;
2) gaining legal force of a court decision or court decree on closing the proceedings in connection with abandonment a claim by plaintiff or signing a settlement agreement by the parties, approved or enacted on the dispute between the same parties on the same subject and for the same reason ;
3) plaintiff had abandoned the claim and refusal was accepted the court;
4) the parties had signed a settlement agreement and it was acknowledged by the court;
5) there is a decision of the arbitral court taken within its competence, on the dispute between the same parties on the same subject and for the same reason, except when the court refused to issue an order on enforceable implementation of arbitration court decision or returned the case to a new proceedings before the arbitral tribunal, which approved the decision, but the proceedings at the same arbitration court was impossible;
6) died a physical person who was one of the parties in the case, if legal relationships do not allow the succession;
7) liquidated legal person who was one of the parties in the case.

Article 206. Consequences of closing of the proceedings

1. The court shall enact a decree on closing of the proceedings.
2. If the proceeding is closed on the grounds specified in point 1 of the first clause of Article 205 of the Code, the court shall notify the applicant on the jurisdiction of which courts the consideration of such cases is referred to.
3. in case of closing the proceedings repeated appeal to the court on the dispute between the same parties on the same subject and on the same grounds is not allowed. The existence of the decree on closing the proceedings in connection with the adoption of the plaintiff's abandonment of the claim shall not deprive the defendant in this case of the right to appeal to the court to resolve this dispute.

Article 207. Leaving the statement without consideration

1. The court shall enact a decree on leaving the statement without consideration if:
1) a statement was filed by a person who has no civil procedural capacity;
2) a statement on behalf of the person concerned was filed by a person who has no authority to conduct a case;
3) properly notified plaintiff again failed to appear in court without valid reasons or again failed to inform about the causes of absenteeism, if a statement on the proceedings in his absence was not received from him;
4) a dispute between the same parties on the same subject and for the same reason is considered in another court;
5) The plaintiff filed a statement on abandonment the claim;
6) the parties entered into agreement on transferring the dispute for solving to arbitration court and the defendant sent an objections to the settlement of the dispute in court prior to clarification the circumstances of the case and its verification by evidence;
7) The person in whose favor in cases defined by law the proceedings is opened upon the request of another person, shall not support the filed demands, and sent the appropriate statement;

8) proceedings is opened upon the statement submitted without the observance of the requirements set out in Articles 119 and 120 of the Code, and court fee or the costs for informational and technical support of the case were not paid and the plaintiff had not eliminated the deficiencies in the period set by the court;
9) the plaintiff left the court session before the end of the court consideration and did not submit a statement on judicial consideration of the case in his absence.
2. A person whose statement is left without consideration, after eliminating the conditions that were the grounds for leaving the statement without consideration, may go to court again.

Chapter 7.Judicial decisions

Article 208. Types of Judicial decisions

1. Judicial decisions are presented in two forms:
1) decree;
2) decision.
2. Issues related to case progress in the court of primary jurisdiction, the petitions and the statements of the persons involved in the case, questions on delay of the proceedings, suspension, termination or closing of the proceedings, leaving the statement without consideration in cases established by this Code , shall be solved by means of court decree.
3. The judicial consideration shall end with the approval of the decision of the court.

Article 209. Procedure of approving decisions and enactment of decrees, its form

1. The courts approve decision in the name of Ukraine immediately after the end of judicial consideration.
2. The decisions of the court shall be approved, issued and signed in a consultation room by a judge and, in case of collegial consideration – by the judges who considered the case.
3. In exceptional cases, depending on the complexity of the case a complete solution can be postponed for not more than five days after the end of the case, but the introductory and operative parts the court shall announce at the same session, when the judicial consideration ended. Announced introductory and operative parts of the decision must be signed by all court staff and enclosed to the case.
4. The decrees of the court, which are drawn as a separate procedural document shall be enacted in the consultation room, other decrees may be enacted by the court without exiting to consultation the room.
5. The decree of the court enacted as a separate procedural document, shall be signed by a judge (judges) and enclosed to the cause. The decrees enacted by the court without leaving to consultation room are entered in the journal of judicial consideration.
6. The decrees of the court enacted at the court session shall be announced immediately after the enactment.
7. Correction in the decisions and decrees must be reserved before the signature of a judge.

Article 210. Contents of the court decree

1. A court decree that is enacted as a separate document shall consist of:
1) the introductory part stating:

time and place of its enactment;
names and initials of the judge (judges - in case of collective consideration);
names and initials of the secretary of judicial session;
names (titles) of the parties and others involved in the case;
subject of the claim;
2) descriptive part indicating the essence of the question that is solved by decree;
3) the motivational part with stating reasons which the court made conclusion of, and the law, the court was guided by when enacting a decree;
4) resolution part stating:
opinion of the court;
date and manner of entry into force of law a decree and its appeal.
2. The decree, which is resolved by court without leaving to consultation room shall contain the information specified in points 3, 4 of the first part of this Article.
3. If the decree has a force of an enforcement document and shall be executed according to rules established for enforcement of judicial decision, this decree shall be draw up with respect to the requirements established by the Law of Ukraine “On enforcement proceeding”.

Article 211. Separate decrees of the court

1. The Court, having found the proceedings violated the law and found the causes and conditions that contributed to the occurrence of violations may enact a separate decree and send it to the relevant persons or authorities to take measures to eliminate these causes and conditions. The court that enacted a separate decree must be notified on the measures taken within one month from the date of receiving of a separate decree.
2. A separate decree may be appealed by persons whose interests it relates, in accordance to the general procedure established by this Code.

Article 212. Evaluation of evidence

1. The court evaluates the evidence for its internal conviction, based on a comprehensive, full, impartial and immediate investigation of existing evidence.
2. No evidence has to court a pre-set value.
3. The Court evaluates affiliation, admissibility, reliability of each evidence separately, and the adequacy and mutual connection of evidence in total.
4. The results of evaluation of evidence the court shall show in the decision, where the reasons for its acceptance or denial of are indicated.

Article 213.The legality and justification of the court's decision

1. The court decision must be lawful and justified.
2. Lawful is the decision the court, having followed all the requirements of civil proceedings, solved the case by in accordance to law.
3. A justified decision is the decision taken on the ground of fully and comprehensively understood circumstances which the parties referred to as the ground of their claims and objections, confirmed by those evidence that have been investigated in court.

Article 214. The issues that the court solves during the decision approval

1. While the decision approval the court shall decide the following issues:
1) whether there were circumstances that justified claims and objections, and what evidence they are confirmed by;

2) whether there are other actual data (the skipping of the deadline of claim duration, etc.) that are relevant to solving the case, and evidence for its confirmation;
3) what legal relationships of the parties arise from the established circumstances;
4) what legal norm shall be applied to these relationships;
5) whether to satisfy or to deny a claim;
6) how to allocate court costs between the parties;
7) Is there a reason to allow the immediate execution;
8) whether there are grounds for cancellation of the measures of claim secure
.

Article 215. Content of court decision

1. The court's decision consists of:
1) the introductory part stating:
time and place of its approval;
name of the court that approved the decision;
names and initials of the judge (judges – in case of collective consideration);
names and initials of the secretary of judicial session;
names (titles) of the parties and others involved in the case;
subject of the claim;
2) narrative part stating:
generalized position of the defendant;
explanations of the persons involved in the case;
other evidence investigated by the court;
3) the motivational part stating:
circumstances established by the court and relationships identified according to it;
the motives on which the court considers the presence or absence of established facts, which justified demands or objections, takes into consideration or rejects the evidence, applies mentioned in the decision regulatory enactments;
whether the rights, freedoms or interests for the protection of which the person addressed to the court had been violated, not acknowledged or disputed and if were, by whom;
title of article, its clauses, paragraph, point, sub-point, the case solved under, as well as procedural law, the court was guided by;
4) of the resolution part stating:
opinion of the court on satisfaction or denial of the claim in full or in part;
opinion of the court on the essence of the claim;
court costs allocation;
date and manner of entry into force the court decision and its appeal.

Article 216.Court decisions in favor of several plaintiffs or against several defendants

1. The Court, taking a decision in favor of several plaintiffs or against several defendants, shall indicate the part of the decision relating to each of them, or indicate that the obligation or right of recovery is the joint.

Article 217. Determination of the deadline and the manner of court's decision implementation, securing of its implementation

1. The court that approved a decision may determine the order of execution, to give a deferral or permit execution by installments, take measures on its implementation, as noted in the decision.

Article 218. Declaration court

1. The court's decision or its introductory and operative parts shall be announced immediately and publicly after the end of judicial consideration, except the cases established by this Code. The presiding shall explain the content of the decision, order and term of its appeal. If the announcement in court includes only introductory and resolution parts of the court decision the court shall inform the time when the persons involved in the case can read the full court decision.
2. After the proclamation of the court decision, the court which approved it, may not cancel or change this decision.

Article 219. Correction of slips of the pen and arithmetic mistakes in the judicial decision

1. The court may on its own initiative or at the request of the persons involved in the case, correct committed in court decision slips of the pen or arithmetical mistakes. The question of the corrections is solved in court, the decree is enacted on. The persons involved in the case, shall be informed on time and place of session. Their absence does not prevent the consideration of the question on mistakes corrections.

Article 220. Additional decision of the court

1. The court that approved a decision may upon the statement of the persons who are involved in the case, or on its own initiative to take an additional decision if:
1) in respect of any claim, about which the parties submitted evidence and give an explanation, the decision not approved;
2) the court having solved the matter of law, have not mentioned the exact amount of money to be recovered, property which is transferable, or what actions should be executed;
3) the court did not allow the immediate execution in the cases stipulated in Article 367 of the Code;
4) the court has not resolved the question of court costs.
2. The statement on the approval of an additional decision may be filed before the expiration of the decision.
3. The Court shall adopt a decision after further consideration in the court to notify the parties. Their presence is not mandatory.
4. The additional decision can be lodged a complaint.
5. The court shall enact a decree on refusal to approve additional decision.

Article 221.Clarification of the court decision

1. If the decision of the court is incomprehensible to those who participated in a case or for the public user, the court shall enact a decree upon their statement that contain the explanation of its decision, without any change to its content.
2. Applying the statement on explanation of the court decision is allowed if it has not been done yet or the period during which a decision can be submitted to enforceable execution has not expired.
3. The statement on explaining the decision of the court shall be considered within ten days. The absence of the persons involved in the case and (or) the state executive shall not prevent the consideration of the question on the explanation of court decision.
4. The decree which clarifies the court decision shall be sent to persons involved in the case, as well as the public executive, if the court decision is explained upon his\ her statement.

Article 222. Issuing or sending copies of court decisions to the persons, involved in the case

1. Part one is enclosed.

2. The copies of the court decision shall be issued to the persons involved in the case at their request no later than five days after the proclamation of the decision.
3. The copies of court decisions are sent within five days after the proclamation of the decision by registered letter with notification of receipt to the persons involved in the case, but not present in court,
4. The copies of court decisions re-issued at the request of a person for a fee in the amount prescribed by law.

(As amended in accordance with
Law of Ukraine issued on 08.09.2005, N 2875-IV)

Article 223. Entry of the court decision into legal force

1. The court decision comes into legal force after the expiration of statement for appeal term if the statement for appeal was not filed. If there were a statement of appeal but the appeal was not filed within the period fixed by Article 294 of the Code, the decision of the court shall cpme into force after the expiration of this period. In the case of an appeal filed the decision, if not canceled, shall come into force after consideration of the case by court of appeal.
2. After the entry into legal force of court decision the parties and third parties with separate claims, and their successors may not file back to court the same claim demand on the same grounds, as well as challenge in another process established by the court facts and legal relationships.
3. If a case is considered upon the statement of the persons defined by the second part of Article 3 of the Code, the court decision entered into force is mandatory for the person the proceeding was started for the benefit of.
4. If, after the entry into legal force of a court decision what is the ground of periodic recovery from the defendant, the circumstances that affect the certain amount of payments, their duration or termination shall be changed, each party has the right by bringing a new claim to demand change of amount, terms of payment or exemption from them.

Chapter 8. Judicial consideration of the case in absentia

Article 224. Conditions of consideration of the case in absentia

1. In case of non-appearance at judicial session of the defendant, duly notified and from which no cause of absenteeism was informed about or if these reasons are considered invalid, the court may approve a decision in absentia based on existing evidence, if the plaintiff has no objection to this decision of the case.
2. In the case of participation in the case of several defendants the proceedings in absentia is possible in case of non-appearance in court of all the defendants.
3. If the plaintiff changes the subject, amount or cause of claim, the court shall postpone judicial consideration for notification about it the defendant.

Article 225.The order of judicial consideration of the case in absentia

1. The court enacts a decree on the judicial consideration of the case in absentia.
The judicial consideration and the approval of the decision shall be carried out according to general rules with exceptions and additions set forth by this chapter.

Article 226. Form and content of the correspondence decision

1. On form and content the decision in absentia shall meet the requirements stipulated in Articles 213 and 215 of the Code, and, in addition, it shall contain the term and procedure for applying for a review.

Article 227. Notification on the decision in absentia.

1. The defendant who failed to appear in court, is sent by registered mail with notification a copy of the decision in absentia no later than five days after its announcement.

Article 228. The procedure and deadline for statement for review of decision in absentia

1. The decision in absentia may be reviewed by the court that had approved it, upon written request of the defendant.
2. The statement on review the decision in absentia may be filed within ten days after receiving a copy.

Article 229. Form and content of statement on review of the decision in absentia

1. The statement on review of the decision in absentia shall be submitted in writing.
2. The statement on review of the decision in absentia shall contain:
1) the name of the court that approved the decision in absentia;
2) name (title) of the defendant or his representative who shall submit a statement, their place of residence or location, number of means of communication;
3) circumstances that indicate the validity of causes of absenteeism in court and failure to inform the court about it and evidence about it;
4) reference to evidence the defendant justifies his objection to the claim of the plaintiff by;
5) a petition on reviewing a decision in absentia;
6) List of enclosed to the statement materials.
3. The statement on review of the decision in absentia signed by the person who submits.
4. The statement on review of the decision in absentia shall be enclosed its copies with respect to the number of the persons involved in the case, and copies of all enclosed materials.
5. The statement on review of the decision in absentia filed by the representative of the defendant shall be the attached a letter of delegation or other document confirming his authority.
6. For an statement of the statement on review of the decision in absentia the court fee is not paid.
7. The improperly executed statement on review of the decision in absentia is liable to rules of article 121 of the Code.

Article 230. Court actions after receiving the statement on review of the decision in absentia

1. Having accepted a properly executed statement on review of the decision in absentia, the court shall immediately send its copy and the copies of enclosed materials to others involved in the case. Simultaneously, the court shall notify the persons involved in the case, about the time and place of statement review.
2. The statement on review of the decision in absentia shall be reviewed within fifteen days of its receiving.

Article 231. Procedure for review the statement on review of the decision in absentia

1. The statement on review of the decision in absentia is considered at court session. The absence of duly notified about time and place of session shall not preclude the consideration of the statement.

2. The presiding opens the hearing and finds out who from the persons involved in the case appeared, establishing their identity, verifies the credentials of representatives and then notify the content of the statement and determine the views of the parties and others involved in case upon a request for review a decision in absentia.
3. As a result of consideration of the statement on review of the decision in absentia the court may by its decree:
1) leave a statement without satisfaction;
2) cancel the decision and appoint a part-time work for consideration in the general procedure.
4. In the case of leaving the statement on review a decision in absentia without satisfaction decision in absentia may be appealed according to the general procedure established by this Code. In this case, the period during which the statement have been considering shall not be included in the term to appeal the decision.

Article 232.Cancellation and appeal of the decisions in absentia

1. The decision in absentia is liable to cancellation if the court shall establish that the defendant failed to appear in court and inform about the reasons for absenteeism due to valid reasons and evidence he refers to, are essential for the proper solution of the case.
2. The plaintiff has the right to appeal the decision in absentia in accordance with the general procedure established by this Code.
3. Repeated decision in absentia may be appealed in accordance with the general procedure established by this Code.

Article 233. Legal force distance decision

1. The decision in absentia shall come into force according to general procedure established by this Code.

TITLE IV. SEPARATE PROCEEDINGS

Chapter 1. General provisions

Article 234. Separate proceedings

1. A separate proceeding – is a type of special civil proceedings, civil cases on confirmation of the presence or absence of legal facts relevant for the protection of the rights and interests of a person or the creation of conditions of performing his\ her personal non-property or property rights, or confirmation of presence or absence non-disputed rights are considered in order of.
2. The court considers in order of separate proceedings cases on:
1) limitation of civil capacity of physical person, acknowledgement of incapability of a physical person, renewal of civil capacity of physical person;
2) granting minors the full civil capacity;
3) acknowledgement of physical person to be missing or announcement of its dead;
4) adoption;
5) establish the facts of legal significance;
6) restoration of the rights on lost securities to the bearer and promissory notes;
7) transfer of ownerless immovable property in the communal property;
8) acknowledgement of heritage from the dead;
9) providing mental health care to a person in the enforcement order;
10) compulsory admission to antituberculous institutions;

11) the disclosure by the bank information containing bank secrecy regarding the legal and physical persons.
3 The case for the right to marry, divorce at the request of a marriage that has children, the renovation of marriage after its dissolution, on a regime of separation at the request of the spouses and other cases are also considered in order of separate proceedings established by law.
4. In cases prescribed by points 1, 3, 4, 9, 10 of the second part of this article, cases consideration is held by the court composed of one judge and two people's assessors.

Article 235. The order of consideration of cases of separate proceedings

1. During the consideration of cases of separate proceedings the court shall clarify to the persons involved in the case, their rights and duties assist in the implementation and protection guaranteed by the Constitution and laws of Ukraine rights, freedoms and legitimate interests of physical or legal persons to take measures for a comprehensive, complete and objective clarification of the circumstances of the case.
2. In order to clarify the circumstances of the case the court may on its own initiative vindicate the necessary evidence.
3. The cases of separate proceedings are considered by the Court in compliance with the general rules established by this Code, except provisions on competition and limits of judicial review. Other features of consideration of these cases are established by this title.
4. The cases of separate proceedings are considered by the court in presence of the applicant and interested persons.
5. The cases of separate proceedings may not be referred to the arbitration court and may not be closed in connection with a settlement agreement.
6. If during the consideration of the case in order of separate proceedings a dispute on the right arises, that is solved in the accordance with the claim proceeding, the court shall leave the statement without consideration of the stakeholders and explain that they have a right to claim on a general basis.
7. When approving the decision by the court the costs and expenses are not reimbursed, unless otherwise provided by law.

Chapter 2. Review by the court cases on restrictions of civil capacity of a, acknowledgement a physical person to be incapable, and renewal of civil capability of physical person

Article 236. Jurisdiction

1. The statement on restriction of civil capacity of physical person, including minor, or acknowledgement of physical person incapacity is submitted to the court at the place of residence of the person, and if it stays under treatment at addiction or psychiatric institution - at the place of location of this institution.

Article 237. Persons who may be plaintiffs

1. The statement on restrictions of civil capacity of a physical person may be filed by the members of her\ his family, the body of guardianship, addiction or psychiatric institution.
2. The statement on limitation a minor of the right to manage his earnings, scholarships or other income or deprivation of this right may be filed by the parents (adopters), guardianship authority.
3. The statement on acknowledgement of physical person incapacity may be filed by family members, close relatives, regardless of their joint residence, the guardianship and addiction or psychiatric institution
.

Article 238. Contents of statement

1. The statement on the restriction of civil capacity of physical person shall contain the circumstances that indicate mental disorder, substantially affecting its ability to realize the significance of its actions and (or) manage it, or circumstances supporting the action a physical person abuse alcohol, drugs, toxic substances by, etc., put themselves or their family and other persons he\ she obliged to maintain by law, in a difficult financial position.
2. The statement on restrictions of the right of minor to manage its earnings, scholarships or other income or deprivation of this right shall contain circumstances that indicate the negative material, mental or other implications for the juvenile exercise of this right.
3. The statement on the acknowledgement of physical person incapacity shall contain circumstances that indicate a chronic, stable mental disorder, resulting in a person non- ability to realize the significance of his\ her actions and (or) manage it.

Article 239. Appointment of an expert examination

1. The court upon the availability of sufficient data about mental health disorder of a physical person shall appoint to establish her mental state forensic psychiatric examination.
2. In exceptional cases where the person whom the proceeding in the case on restriction of its civil capacity or acknowledgement of its incapacity opened against, clearly avoids passing the examination, the court at a court session in presence of a doctor-psychiatrist may enact a decree on compulsory referral of the physical person to forensic psychiatric examination.

Article 240. The cases consideration

1. The cases on restriction of civil capacity of physical person or acknowledgement of physical person incapability are considered by the court with the participation of the applicant and representative of the guardianship body. The question about the summon of the physical person whom the case on the acknowledgement of its incapacity is considered against, is solved in each case by the court with respect to the state of his\ her health.
2. Court costs associated with the proceedings on the acknowledgement of physical person incapacity or restriction of civil capacity of physical person, related to the state.
3. The court having set that the applicant acted in bad faith without reasonable grounds for this, shall recover all the legal costs from the applicant.

Article 241. Court decision

1. The court, approving the decision on restriction physical person in civil capacity (including the restriction or deprivation a minor person of the right to manage his\ her income) or acknowledgement of an physical person incapability, shall set over it a guardianship or trusteeship and upon the recommendation of guardianship or trusteeship body appoint him\ her a guardian or a trustee.
2. The court at the request of the body of guardianship or a person appointed as a guardian or trustee, shall within one month release this person from the authorities of trustee or guardian and appoint upon the submission of guardianship body another person, what the decree is enacted about. The court at the request of a person, whom guardianship is set over, shall release the trustee from his authority and appoint upon the submission of the guardianship body another trustee, what the decree is enacted about.

The court is considering the question on releasing of a guardian or trustee at court session with notifying the persons concerned. Failure of these persons to appear shall not preclude the consideration of the case on releasing of a guardian or trustee.
3.Cancellation of the court's decision on the restriction of civil capacity of a physical person and renewal civil capacity of the physical person, whose civil capacity was restricted, shall be performed by the court decision and upon the statement of the physical person itself, his\ her guardian, family members or authority of guardianship.
4. Cancellation of the court's decision on the restriction of civil capacity of a physical person and renewal civil capacity of the physical person, whose civil capacity was restricted, in case of recovery or significant improvement of her mental condition is performed by the court decision on the basis of relevant opinion of forensic psychiatric examination at the request of a guardian, body of guardianship.
5. The court decision after its entry into legal force shall be sent to the guardianship body.

(With changes and additions amended according to
Law of Ukraine issued on 16.03.2006, N 3551-IV)

Chapter 3. Review by the court the cases on granting full civil capacity to minors

Article 242. Jurisdiction

1. The statement of a minor person under age of sixteen, on granting to him\ her full civil capacity in cases established by the Civil Code of Ukraine, in the absence of consent of the parents (adoptive parents) or guardian shall be submitted at the court's place of residence.

Article 243. Contents of statement

1. The statement on granting minors a full civil capacity shall contain the data on that the minor person works under the labor contract or is a mother or father of the child according to the record of civil status.

Article 244. Judicial consideration of the case

1. The cases on granting minors a full civil capacity are considered by the court with the participation of the applicant, one or both parents (adoptive parents) or guardian, as well as representatives of the guardianship. The participation of representatives of guardianship in the judicial consideration of the case is mandatory.

Article 245. Court decisions

1. The court, having considered the statement on granting minors a full civil capacity in essence, approves a decision that satisfies or refuses to satisfy the requirements of the applicant.
2. If the requirements are satisfied the minor person shall be granted a full civil capacity after the entry of the decision of the court into force.
3. The court decision on granting minors the full civil capacity after its entry into legal force shall be sent to the guardianship body.

Chapter 4. Review by the court cases on acknowledgement of physical person to be missing or proclamation of its death

Article 246. Jurisdiction

1. The statement on acknowledgement a physical person to be missing or proclamation of its death is filed to court at the residence place of the applicant or the last known place of residence (stay) of physical persons whose whereabouts is unknown, or at the place of location of her property.

Article 247. Contents of the statement

1. The statement on the acknowledgement of an physical person to be missing or proclamation of its death shall contain: the purpose the applicant need a physical person accepted to be missing for or proclamation of its death; the circumstances, confirming the absence of unknown physical person, or circumstances that threatened by death to the person who disappeared without trace, or circumstances that give grounds to suppose her death caused by a particular accident.

Article 248. Preparing a case for review

1. The court prior to judicial consideration of the case shall establish the identity of persons (relatives, staff, etc.) that can give evidence about a physical person whose whereabouts is unknown, and ask relevant institutions of the last place of residence of the missing (housing and service, law enforcement entities or local government) and the last job on the availability of information about a physical person, whose whereabouts is unknown.
2. At the same time the court takes measures through the guardianship and custody bodies on establishing guardianship over the property of the physical person, whose whereabouts is unknown if the custody of the property has not been established yet

.

Article 249. Judicial consideration of the case

1. The court considers case involving the applicant, the witnesses mentioned in the statement, and those which the court itself defines necessary to question, and approves a decision on the acknowledgement of a physical person to be missing or proclamation of its death.
2. After the entry into legal force of a decision on proclaiming the physical person died the court shall send the decision to the appropriate bodies of state registration of the acts of civil position for death of a physical person and to the notary at the place of opening heritage, and in locality where there is no notary - to relevant local government entity to take measures to protect the ancestral property. In the case of a existing of several notaries in the locality, as well as when the place of opening of heritage is unknown, the decision shall be sent to the state archives of the notary to transfer its affiliation with an authorized notary to take measures to protect the ancestral property.

Article 250.Actions of the court case of appearance of a physical person that has been proclaimed missing or dead

1. When receiving a statement on the appearance of a physical person that has been proclaimed missing or dead, or information about the whereabouts of the person the court at the place of residence of the person or court that has approved a decision on the acknowledgement of the person to be missing or proclaimed dead, shall assign the case to review with this person, applicant and other interested persons and cancel its decision on acknowledgement a physical person to be missing or died. The statement may be filed by a person that has been declared missing or dead, or other interested person.
2. A copy of the court decision shall be sends to the appropriate bodies of state registration of the acts of civil position for death of a physical person.

Chapter 5.Review by the court cases on adoption

Article 251. Jurisdiction

1. The statement on adoption of a child or adult person who has no mother or father has been deprived of their care, shall be submitted to the court at the place of residence.

Article 252. Contents of the statement

1. The statement on adoption shall include: name of the court the statement is filed to, the first name, place of residence of the applicant, and also second and middle names, the age of the child adopted, her place of residence, information about the state of health of the child. The statement on adoption may also include a petition on change of first last middle names, date, place of birth, account of the applicant as a mother or father of the child.
2. The statement on adoption if there shall be added the following documents to:
1) copy of marriage certificate, and written consent of the other spouse, notarized - when adopting a child by one of the spouses;
2) medical report on the state of health of the applicant;
3) certificate of employment stating salary or a copy of the declaration of income;
4) the document that proves the right of ownership or use of housing facilities;
5) other documents specified by law.
3. The statement on adoption by persons without citizenship, permanently residing outside Ukraine, or foreigners, except documents mentioned in part two of this article, shall be added the permission of the authorized body of executive power, opinion of the competent authority on life conditions and the possibility to be adopters, the permission of the competent authority of the state to enter the adopted child and his\ her permanent residence in that state, the obligation of adopter, registered in the notary order on notifying the representatives of diplomatic entities of Ukraine abroad about adopted child and the possibility of communication with the child.
4. The statement of citizens of Ukraine on the adoption of a child who is a citizen of another state, except documents mentioned in part two of this article shall be included the consent of the legal representative of the child and the consent of the competent authority of the state a child is the citizen of .
5. The documents of adopters who are citizens of other countries shall be legalized in the manner established by legislation, unless otherwise provided by international treaties, ratified by the Verkhovna Rada of Ukraine. These documents shall be translated into ukrainian language and translation must be notarized.
6. The statement on adoption of full-aged person shall contain the information specified in part one of this article, as well as data about the absence of mother, father or depriving of care. The statement shall be added to the documents mentioned in point 1 of clause 2 of this article, as well as the person's consent to adoption.

Article 253. Preparing a case for review

1. The judge during the preparation of the case on adoption of a child to review shall decide whether to participate in it as the stakeholders of the body of guardianship, and in cases where the proceedings is opened upon the statement of foreigners - an authorized executive body.
2. The guardianship authority shall submit to court a derivation on whether the adoption is reasonable and it compliance with the interests of the child.
3. Derivation of the guardianship body shall be added to:
1) Act of survey of living conditions of the applicant, compiled at his place of residence;
2) child's birth certificate;
3) medical report on the state of health of the child, its physical and mental development;

4) in cases established by law, the consent for adoption of the parents, guardian, custodian, child, school health or educational institution and of the child.
The court, if necessary, may require submission of other documents.

Article 254. Consideration of the case

1. The court considers case on the adoption with mandatory participation of the applicant, guardianship authority or the competent authority of the executive and the child, if age and state of health allow him\ her to realize the fact of adoption, with the summoning of interested and other persons the court finds necessary to question.
2. The court considers case on the adoption of full-aged persons with compulsory participation of the applicant (s) adopted persons concerned with the summoning of interested and other persons the court finds necessary to question.
3. To ensure the secrecy of adoption in cases established by the Family Code of Ukraine, the court shall consider the case in a closed court session.
4. The court examines the legality of the grounds for adoption, including the availability of consent of adopted child if such consent is required, or an agreement of adopted full-aged person.

Article 255. Court decisions

1. Based on the review of statements on the adoption court approves a decision.
2. If a statement is satisfied the court shall mention in resolution part a decision on the adoption of a child or full-aged physical person by the applicant (s).
3. At the request of the applicant (s) the court decides whether to change the first, last, middle names, date and place of birth of the adopted child, to change the first, last, middle names of the adopted full-aged person on record the adopters as parents.
4. The court costs associated with the case on adoption are related to the applicant (s).
5. If after approval of the decision on adoption, but before its entry into legal force, the child's parents withdraw their consent to its adoption, the court shall cancel its decision and restores hearing.
6. In case of withdrawal of statement on adoption after the decision about adoption, but before its entry into legal force, the court shall cancel its decision and leave the statement without consideration.
7. Adoption is considered to be performed after the entry into legal force the court decision. To change the record of the birth of the adopted child or full-aged person, a copy of the court's decision shall be sent to the body of state registration of civil position at the place of decision approval, and in cases of adoption of a child by foreigners - to the competent authority of the executive.

Chapter 6. Review by the court of affirmative proceedings that are legally significant

Article 256. Affirmative proceedings, that are legally significant

1. The court considers case on affirmative proceedings of:
1) family relations between physical persons;
2) dependence of a physical person;
3) injury, if required for pension appointment or assistance on compulsory state social insurance;
4) the registration of marriage, divorce, adoption;
5) civil marriage ;

6) belonging of the documents of title to the person, whose first, last, middle names, place and time of birth mentioned in the document do not match with the first, last, middle names, place and time of birth of this person referred to in the certificate of birth or passport;
7) a person born in a certain time in the event of failure by a register body of state registration of acts of civil status of the fact of birth of fact;
8) the death of a person in a certain time in the event of failure of registration by a register body of state registration of acts of civil status of the fact of the death.
2. Other facts that affect the occurrence, change or termination of personal or property rights of a physical person may also be established in accordance to the court order if other procedure of its defining is not set by law.
3. The cases on establishing the fact of belonging to person a passport, military service record card, ticket of membership in the association of citizens, as well as certificates issued by the bodies of state registration of acts of civil status, are not subjects to judicial consideration in separate proceedings.

Article 257. Jurisdiction

1. The statement of a physical person on affirmation of the fact that has legal value, shall be submitted to the court at the place of residence.

Article 258. Content of the statement

1. The statement shall include:
1) the fact that the applicant requests to set up and for what purpose;
2) the reasons of impossibility to obtain or restore the documents that certify this fact;
3) evidence proving the fact.
2. The statement shall be included evidence confirming the circumstances contained in the statement and reference on the impossibility of restoring the lost documents.

Article 259. Contents of court decision on the affirmation the fact that has legal value

1. The court decision shall contain information about the facts established by the court, the purpose of its establishment, as well as evidence the court established that fact on the ground of.
2. The court's decision on establishing the fact that is to be registered in the bodies of state of registration of acts of civil status or notarized, shall not substitute the documents issued by these bodies, but there is a reason for obtaining these documents.

Chapter 7.Review by the court the cases of restoration of rights to lost to bear securities and promissory notes

Article 260. Jurisdiction

1. The person who has lost a bearer bill or promissory note may apply to the court to acknowledge them invalid and to restore its rights to lost security.
2 The statement is submitted to the court at the place of location of the issuer of the security to the bearer or promissory note.

Article 261. Contents of statement

1. The statement to the court on acknowledgement of the lost bearer securities or promissory notes to be invalid and restore the rights to them shall be specified in:
1) the name and residence of applicant, name and location of legal entity – the applicant;

2) the circumstances the bearer security or promissory note were lost under;
3) complete and accurate name of the issuer of lost bearer securities and the information, and for a promissory note – the type, form number, note amount, date and place of assembly, time and place of payment, name of the maker of promissory note and others known to the applicant, liable on note persons, as well as the first drawer.

Article 262. A court decree before the judicial consideration

1. The court having received the statement, shall enact by its decree:
1) make the publication of summon of holder of lost bearer securities or promissory note to the court;
2) to prohibit any transactions by a lost bearer securities or a note.
2. The decision shall be sent to the issuer of lost bearer securities. In case of annulment of lost bills and renewal the rights to its the court decree shall be sent immediately to the persons liable on the bill, if their addresses is known to the court and, if the term of a bill payment does not happen, to address of all the relevant notary district where the territory of the domicile is located. When submitting the bill to the notary to commit a protest, on which was enacted a decree, prohibiting any transactions by it, the notary shall inform the appropriate court of submitting such a bill for lodging a protest.
3. From the date of the decree enactment the progress of all terms of turnover by lost bearer securities or bill, established by the legislation on the circulation of bills shall stop

Article 263. Content of the publication

1. The publication on the summon of lost bearer securities or promissory notes holder, the statement about was submitted to court shall contain the information specified in points 1 and 3 of Article 261 of the Code, and offer the holder of the lost bearer securities or promissory notes to inform the court within three months of its rights on a security bill.
2. The publication is made by the applicant's account in a local newspaper, at the place of location of the issuer or the place of payment of a bill, and at one of the official publications.

(As amended in accordance with
Law of Ukraine issued on 08.09.2005, N 2875-IV)

Article 264.Duties of lost bearer securities or a bill holder

1. The holder of the lost bearer securities or bills shall within the period of time defined by the court submit to the court that enacted a decree, with the bearer securities or bill the statement on that he is the holder.

Article 265. The term of filing a claim by the applicant to the holder of the lost securities or a promissory note

1. If the holder of the lost bearer securities or a bill applies to the court, the court shall enact a decree on leaving the plea of lost bearer securities or bill invalid and restore the rights to it without consideration, and set the deadline for submission of a claim by the applicant in the general order to the holder of the bearer securities or bills .
2. The term for submission a claim by the applicant to the holder of the lost bearer securities or promissory notes shall not exceed two months.
3. If the applicant term prescribed by the court does not submit a claim to the holder of the lost bearer securities or promissory notes, the court shall enact a decree on lifting the ban on any transactions by the bearer securities or a bill.

4. A copy of the decree shall be sent to the persons referred to in the second part of Article 262 of the Code.

Article 266. Appointment of case consideration

1. If within three months from the date of publication of the summon of lost bearer securities or promissory note holder the statement referred to in Article 264 of the Code is not be received, the court shall appoint the case to judicial consideration.
2. The applicant and the issuer of lost bearer securities or persons obligated on the bill are notified by the court on the day of judicial consideration,.

Article 267. Solving the case

1. According to the result of the proceedings the court approves a decision on the acknowledgement of the lost bearer securities or promissory note invalid or on refusal to meet the declared requirements. The decision on acknowledgement the lost bearer securities or promissory note is invalid is the reason for granting the applicant bearer securities instead that declared invalid or performing of operations set by it; for payment on a bill or a issue the bill to the applicant instead that declared invalid and to restore the parties liable on the bill of endorsements.
2. The court decision on declaring the lost bearer securities or promissory notes invalid is published in the manner prescribed by second part of Article 263 of the Code.

Article 268. Rights of the holder of bearer securities or a bill for damages recovering

1. In case of acceptance by a court the decision on refusal to meet the alleged demands the holder of bearer securities or promissory note may apply to the court for compensation for losses due to the applicant, caused him to ban any transactions with bearer securities or a bill.
2. The holder of bearer securities or promissory note, which does not appeal in time for any reason on his\ her right to bearer or bill, may file a claim to the person who was acknowledged the right to a bearer security on the bill.

Chapter 8.Review by the court cases on transferring an ownerless immovable thing to communal property

Article 269. Jurisdiction

1. The statement on transferring of an ownerless immovable property in the local community under the conditions specified in the Civil Code of Ukraine shall be submitted to the court at the place of location of the thing by the body authorized to manage property of the respective local community.

Article 270. Contents of statement

1. The statement on the transfer of ownerless immovable property of the respective local community shall specify the immovable thing the applicant requests to transfer to ownership of the local community, the main characteristics of immovable thing, references to the documents on registration of ownerless immovable thing by the body of the state registration of rights on real property, print media, the announcement of the registration of appropriate immovable thing was printed at

.

Article 271. Refusal to accept statement

1. The court refuses to accept statement on transfer of ownerless immovable property to the local community ownership, if it is not registered by the authority that carries out state registration of rights to real property, or if a statement is filed before the expiration of one year from the date of adoption of its registration.

Article 272.Judicial consideration of the case

1. The right on the transfer of ownerless immovable property to the ownership of local community is considered by the court with the participation of the applicant with the mandatory notification of all the persons interested.

Article 273. Court decision

1. The court, having found that immovable thing is derelict and has been registered by the body that carries out state registration of rights to real property, as well as the term of one year after registration of fixed things expired shall decide on the transfer of ownerless immovable property to the ownership of the respective communities.

Chapter 9. Review by the court cases on acknowledgement the heritage ABANDONED

Article 274. Jurisdiction

1. Statement on acknowledgement heritage abandoned in cases established by the Civil Code of Ukraine, shall be submitted to court by local authority at the place of opening of heritage.

Article 275. Contents of statement

1. The statement on the acknowledgement of heritage abandoned shall provide with information about time and place of opening of heritage, property inherited, and evidence showing that property belongs to the testator, the lack of heirs of the covenant and the law or deprivation of their right to inheritance, or rejection of their heritage, or refusal of its acceptance.

Article 276. Refusal to accept statement

1. The court refuses to accept statements on acknowledgement of heritage abandoned if the local government shall apply before one year since the opening of the heritage.

Article 277. Judicial consideration of the case

1. The case on acknowledgement heritage abandoned is considered by a court with compulsory participation of the applicant and the mandatory notification of all interested persons.

Article 278. Court decisions

1. The court, having found that the are no heirs of the covenant and the law or they are deprived from the right to inheritance, or the heirs did not accept the heritage or refused to accept it, shall decides on the acknowledgement of heritage abandoned and the transfer to the ownership of local community at the place of opening heritage.

Chapter 10. Review of statement on providing psychiatric assistance to physical persons in compulsory manner

Article 279. Jurisdiction

1. On the conditions determined by the Law of Ukraine "On psychiatric assistance", the statement of the doctor-psychiatrist on psychiatric review of the person in a compulsory manner, on providing an outpatient mental health care to the person and its continuation in a compulsory manner is submitted to the court at the place of residence of the person and the statement by the representative of the psychiatric institution on psychiatric hospitalization of persons at psychiatric facilities and statement on the compulsory continuation of such hospitalization shall be submitted to the court at the location of this facility.
2. The statement of the person who is provided by the court an outpatient mental health care in the enforcement order, or her\ his legal representative on the termination of assistance shall be submitted to the court at the place of residence of the person and on termination of hospitalization at psychiatric institutions in compulsory manner – to the court at the location of mental health facilities.

Article 280. Contents of statement and time of its submission

1. The statement on a psychiatric review of the physical person in the compulsory manner, on providing an outpatient mental health care to person in the compulsory order and its continuation, on admission to psychiatric institutions in the enforcement order and the continuation of such hospitalization shall state the grounds for granting compulsory psychiatric care in order prescribed by law.
2. The statement on psychiatric examination or on providing an outpatient psychiatric care in compulsory manner shall be annexed by the conclusion of psychiatrists, and on providing an outpatient mental health care to the person in the compulsory order, on the compulsory hospitalization and its continuation – conclusion of the committee of doctors, psychiatrists and other relevant materials.
3. The statement of a physical person or a legal representative of the cease outpatient psychiatric care or hospitalization at psychiatric institutions in the enforcement order shall contain the circumstances and evidence these claims are grounded upon.
4. When under the law the compulsory hospitalization was carried out by a doctor-psychiatrist and declared advisable by the commission of psychiatrists, the psychiatric institution, where the person is under treatment shall send a statement to the court about her hospitalization in compulsory order within 24 hours.
5. The statement of a physical person or a legal representative on cease providing a psychiatric care in compulsory order may be filed within three months from the day the court approved the decision on outpatient mental health care in compulsory order or its continuation, hospitalization in the compulsory order, its continuation.

Article 281. Judicial consideration of the case

1. The statement on psychiatric care in compulsory manner is considered by the court in the following terms starting from the date of receipt to the court: on the hospitalization of person to a psychiatric institution - within 24 hours; on psychiatric review - within three days; for outpatient mental health care, its continuation and extension of hospitalization - for ten days.
2. The case on the provision of psychiatric care in compulsory order or on cease to provide outpatient psychiatric care, hospitalization in compulsory order is considered in the presence of a person whom settled the issue of her mental health care in the compulsory manner against, with the obligatory participation of the prosecutor, psychiatrists, representative of psychiatric

institutions that filed the claim, and the legal representative of the person whom the questions associated with the provision of psychiatric care are considered against.

Article 282. Court decisions

1. Depending on the circumstances defined the court shall approve the decision on satisfaction or denial of its satisfaction.
2. The decisions on satisfaction of the statement of psychiatrists, representative of psychiatric institutions are subject to the provision of appropriate psychiatric care in the compulsory manner.
3. The decisions on refusal to satisfy statement on continuation outpatient mental health care, continued hospitalization, as well as the decision on satisfaction of a physical person statement or its legal representative are grounds for immediate termination of the mentioned compulsory psychiatric care.

Chapter 11. Review by the court the cases on compulsory hospitalization to antituberculous institutions

Article 283. Jurisdiction

1. The statement on compulsory hospitalization of the patient to antituberculous institution consumptive with contagious form of tuberculosis, which deviates from the treatment, is submitted to the court at the place of location of antituberculous institution that provides medical (clinical) supervision of these patients or to the court at the place of detection of such patient.

Article 284. Contents and term of statement

1. The statement on compulsory hospitalization for antituberculous institution or continuation of treatment shall be referred the grounds prescribed by law for such hospitalization. The statement is enclosed by a reasoned conclusion of the medical commission about the need for mandatory hospitalization for antituberculous institution or continuation of treatment, where the period during which treatment will be conducted shall be indicated.
2. The statement is filed within 24 hours from the time of detection of a threatening form of tuberculosis of the person.

Article 285. Judicial consideration

1. The cases on compulsory hospitalization for antituberculous institution or continuation of treatment the court considers not later than three days after the opening of the proceedings. The person shall be entitled to personal participation in court, except when according to the data of antituberculous institution the person possesses a threat to the spread of the disease.
2. Participation in the judicial consideration the antituberculous institution representative whose statement caused opening of the proceedings, a representative of the person whom the question of hospitalization is considered against.

Article 286. Court decisions

1. Having reviewed the statement on compulsory hospitalization to antituberculous institution or continuation of treatment, the court shall enact a decree that rejects or satisfies the statement.
2. The decision on satisfying the statement mentioned in the first part of this article is subject to compulsory hospitalization or further treatment of persons in antituberculous on statutory period.

Chapter 12.Review by the court of disclosure by banks of information containing bank secrecy related to legal and physical persons

Article 287. Jurisdiction

1. The statement on disclosure of bank information containing bank secrecy regarding the physical or legal persons in cases established by law, shall be submitted to the court at the place of location of the bank, which serves such a legal or physical person.

Article 288. Contents of statement

1. The statement to the court on bank disclosure of information containing bank secrecy regarding the physical or legal person shall contain:
1) name of the court the statement is filed to;
2) name (title) of the applicant and the person whom the disclosure of information containing bank secrets required against, their place of residence or location and name of the representative of the applicant when statement is filed by the representative;
3) name and location of the bank that serves the person whom the banking secrets need to be disclosed against;
4) justification of the need and the circumstances which are required to disclose information containing bank secrecy regarding a person under, with stating the provisions of laws providing the appropriate authority or the rights and interests are infringed;
5) amount (limit the disclosure of) of the information containing bank secrecy regarding the identity and purpose of its use
.

Article 289. Judicial consideration of the case

1. The case on disclosure of bank information, which includes banking secrecy, is considered within five days after receiving the statement in a closed court session with notification of the applicant, a person whom required disclosure of bank secrecy against and bank, and in cases when it is considered in order to protect state interests and national security with notifying the applicant only.
2. Failure to appear at a judicial session without valid reasons, the applicant and (or) the person whom required disclosure of bank secrecy against, or their representative or representatives of the bank does not prevent proceedings if the court did not accept their participation mandatory.
3. If during the proceedings it is established that the statement is based on the dispute, which is considered in the order of actional proceedings, the court shall leave the statement without consideration and explain the interested persons that they have a right to claim on a general basis.

Article 290. Court decisions

1. The decision on disclosure of bank information containing bank secrecy regarding the physical or legal person shall include:
1) name (title) of information destinee, his place of residence or location and name of the representative of the destinee when the information is obtained by a representative;
2) name (title) of a person whom the bank should disclose information containing bank secrets against, place of residence or location of that person;
3) name and place of location of the bank that serves the person whom to disclose banking secrets against;
4) amount (limit the disclosure of) of information containing bank secrecy, which shall be provided to the beneficiary's bank, and the purpose of its use.

2. If during the judicial consideration it is be established that the applicant requires disclosing information containing bank secrecy regarding the physical or legal person without reasons and authority established by law, the court shall approve the decision not to meet the statement.
3. The decision approved by a court is to be executed immediately. The copies of the court decision shall be send to bank that serves the legal or physical person, the applicant and the person whom the information provided against. The person whom the bank discloses banking secrecy against, or the applicant shall have the right within five days to appeal the decision approved by the court to the court of appeal in the prescribed manner. The appeal against decision is not the ground to stop its execution.

Chapter V. REVIEW OF COURT DECISIONS

Chapter 1. APPEAL PROCEEDINGS

Article 291. Courts of appeal instance

1. Appeals instance in civil cases is the appellate court on civil cases of general appellate courts the local court is within the territorial jurisdiction of which; the local court that approved a decision that is appealed now.

Article 292.Right of appeal

1. The parties and other persons involved in the case, as well as those who did not participate in the case, if the court solved the question related to their rights and responsibilities, have the right to appeal the decision of the court of first jurisdiction in whole or in part.
2. The decree of the court of first jurisdiction is appealed in order of appeal separately from the court in cases provided for in Article 293 of the Code.

Article 293. The decrees, which may be filed appeals to separately from the court decision

1. The decrees of the court of first jurisdiction may be appealed apart from the decision of the court at the court of appeal:
1) refusal to accept the statement o a court order or cancellation of the court order;
2) the claim, as well as the abolition of the claim;
3) return of the statement to the plaintiff (the applicant);
4) failure to commence proceedings;
5) commencement of the proceedings without observing the rules of jurisdiction;
6) transfer cases to be reviewed by another court;
7) the refusal to renew or extend the procedural term missed;
8) acknowledgement of a settlement agreement upon the request of the parties;
9) determining the amount of court costs;
10) introduction of changes in the decision;
11) refusal to approve additional decision;
12) clarification of the decision;
13) suspension of proceedings;
14) closure of the proceedings;
15) leaving the statement without consideration;
16) abandonment of statement on review of the decision in absentia without consideration;
17) rejection of the statement on review of judicial decision in relation to new circumstances;
18) issuing a duplicate copy of the enforcement order;
19) renewal of the deadline missed to submission of executive documents for execution;

20) postponement and extension, alteration or defining the method and order of decision execution;
21) temporary placement of a child to the child or medical institution;
22) detection of the defendant (the debtor) or the child;
23) compulsory entry into a dwelling;
24) reclaiming the recovering of the funds on the accounts;
25) change of the side of actional proceeding;
26) determination of the debtor's part in the property he owns jointly with other persons;
27) decisions, actions or inaction of the executive or any other state officer of the state executive service;
28) turning the execution of the decision of the court;
28^{1}) correction of errors in the enforcement order or acknowledgment of the order to be not enforceable;
29) denial of renewal of the lost proceedings;
30) removal (appointment) of guardian or trustee
.
2. The objections to decisions that can not be appealed separately from the court, shall be included in the appeal on the court's decision.

(With additions made in accordance with
laws of Ukraine issued on 15.03.2006, N 3538-IV,
issued on16.03.2006, N 3551-IV)

Article 294. Terms of appeal

1. The statement on appeal against the decision of the court of primary jurisdiction may be filed within ten days after the proclamation of the decision. The appeal to the court decision is filed within twenty days after submission of the appeal.
2. The statement on appeal against the court of primary jurisdiction may be filed within five days of the proclamation of decision. The appeal to the court is filed within ten days after submission of the appeal.
3. The statement on appeal or the appeal filed after the deadlines established by this Article shall remain without consideration, if the court of appeal upon the request of the person who submitted them, shall not find reasons to renew the term, the decree is enacted on.

Article 295. Form and content of the statement on appeal and appeal petition

1. The statement on appeal and the appeal petition shall be submitted in writing.
2. The statement on appeal shall contain:
1) name the court the statement is filed to;
2) name (title) of the person who submits an statement, its place of residence or location;
3) the decision or ruling that is appealed.
3. The appeal shall contain:
1) name of the court the petition is filed to;
2) name (title) of the person who is the complainant, his\ her place of residence or location;
3) name (title) of the persons involved in the case, their place of residence or location;
4) the date of submission of appeal;
5) The illegality and (or) inconsistence of the decision or decree (incomplete substantiation of the facts relevant to case, and (or) wrong substantiation of the facts relevant to the case, because of non-founded refusal to accept evidence, improper investigation or evaluation, failure to submit evidence for valid reasons and (or) incorrect definition according to the defined by court circumstances of legal relationship);

6) new circumstances that are subject to substantiation, the evidence that are subject to investigation or evaluation, justifying the validity of the reasons for failure to submit evidence to the court of primary jurisdiction, objections to the evidence used by the court of primary jurisdiction;
7) petition of the person who filed a complaint;
8) list of the enclosed documents and other materials.
4. The appeal petition may be filed without prior submission of the statement on appeal if the petition is filed within the period fixed for the submission of the statement on appeal.
5. The statement on appeal and the appeal petition shall be signed by the person who submits them, or its representative.
6. The statement on appeal or an appeal petition filed by the representative shall be added to a letter of delegation or other document certifying the authority of the representative, if those documents were not submitted previously.
7. The statement on appeal and the appeal petition shall be included by a copy of the statement, of the petition and the attached written material according to the number of people involved in the case.

Article 296. The procedure of submission the statement on appeal and appeal petition

1. The statement on appeal and the appeal petition shall be filed to the court of appeal through the court of primary jurisdiction that approved the decision that is appealed.
2. The court of primary jurisdiction after receiving of all the appeals in the case on the persons who have filed statements on appeal, or three days after the expiration of the term for filing of appeal petition shall send them together with the case to the court of appeal. The appeal petitions filed after that shall be sent to the court of appeal, not later than the next working day after their receiving

(As amended in accordance with
Law of Ukraine from 16.03.2006, N 3570-IV)

Article 297. Procedure for acceptance of appeal petition to review

1. The case is registered in the court of appeal and is transferred in the order of precession to the judge-rapporteur. Within three business days after receipt of the case judge shall decide the question on acceptance of appeal petition to review at the court of appeal.
2. The appeal petition that is drawn not in accordance with the requirements stipulated in Article 295 of the Code, and in case of failure to pay court fees or non-paying the costs for technical support of the case the provisions of Article 121 of the Code shall be applied.
3. The judge enacts a decree on accepting an appeal petition for review or return of the petition. The judge's decree on the return of an appeal petition may be appealed in the order of cassation.
4. When the improperly executed case is filed, with pending comments on the correctness and completeness of the record of the judicial consideration by technical means or pending written comments on the completeness or incorrectness of court session protocol, or without solving the question on approving an additional decision the judge shall return the case to the court of primary jurisdiction, and enacts the decree with mentioning the term the court of primary jurisdiction shall remove the shortcomings within.

(With additions made in accordance with
Law of Ukraine issued on16.03.2006, N 3570-IV)

Article 298. Submission copies of the statement on appeal, appeal petition and attached to them materials to physical persons who participate in the case

1. The court of appeal not later than the day after the enactment of the decree on adoption of appeal petition to review shall send a copies of the statement on appeal, appeal petition and

attached to them materials to the persons involved in the case, and set the term they may submit the denial on appeal petition within.

Article 299. Joining to appeal petition

1. The persons involved in the case are entitled to join the appeal filed by the person whose side they were acting on. Physical persons who did not participate in the case, if the court decided the question of their rights and responsibilities are entitled to join the appeal petition join.
2. The statement on joining the appeal petition may be filed before the hearing in the appellate court.
3. The court fee is not paid for submission of the statement on joining the appeal.

Article 300.Addition, change or withdrawal of appeal or its abandonment

1. The person who filed the appeal has the right to amend or change it within the time limit for appeal.
2. The person who filed the appeal has the right to withdraw it before the hearing in the Court of Appeal, and the other party is entitled to accept reasonable appeal entirely or partially.
3. With the withdrawal of appeal a judge who prepared the case for consideration in the appellate court decides on the return of the complaint.
4. The person who filed the appeal has the right throughout the proceedingss to abandon it entirely or partially. The consideration of the adoption of appellate appeal and in connection with the closing of the proceedingss is decided by the Court of Appeal which considers a case. Re-appeal of the decision on the same grounds is not allowed.
5. Recognition of the appeal by the other party is counted by the Court of Appeal concerning the presence or absence of the facts relevant to solving the case.

Article 301.The preparation for the case hearing by the Court of Appeal

1. Within ten days of receipt of the case the Judge-Rapporteur makes the following:
1) Clarifies the composition of the persons involved in the case;
2) Determines the nature of the legal dispute and the law that governs it;
3) Clarifies the circumstances linked to the parties and others involved in the case as the basis of their claims and objections;
4) Clarifies the circumstances which are recognized or denied by the parties and the others;
5) Decides whether the reasons are valid for failing to give evidence to the court of the first instance;
6) At the request of the parties and the others involved in the case, the judge decides on weather to call evidence, appoint expert examination, claim evidence, or court orders regarding the collection of evidence, involving participation of the specialist and translators;
7) At the request of the persons involved in the case, the judge decides on whether to take measures to ensure the claim;
8) Commits other actions connected with maintenance of the appellate proceedingss.
2. The preparatory steps outlined in paragraphs 6 - 8 of this Article shall be made by the rules established in the Chapter 3, Section III of this Code.

Article 302.Sanctioning the case in the Court of Appeal

1. After performing the preparatory actions the judge-rapporteur reports on them the panel of judges, who if necessary decide on performing the additional preparatory actions and appointing of the case to trial.

2. The case must be assigned to consideration in a reasonable period but not later than fifteen days after completion of the preparatory actions of the case to trial.

Article 303.The marchess of the case hearing in the Court of Appeal

1. During the appellate procedure the court examines the legality and validity of the court of the first instance within the reasons of appeal and the requirements stated in the court of the first instance.
2. The Court of Appeal examines the evidence that the court of the first instance have been studied with violation of the established procedure or the examination was wrongfully denied and the new evidence, failure of which to the court of the first instance was due to valid reasons.
3. The Court of Appeal is not limited with arguments appeal, if the proceedingss will have incorrect application of substantive law or procedural violations that are mandatory grounds for cancellation of the decision.
4. If the obvious illegality or unjustified decision of the court of the first instance for a separate proceedings passes over, the appellate court examines the case in full.

Article 304.Procedure for hearing in the Court of Appeal

1. The case is considered by the Court of Appeal under the rules established to hear the case in the court of the first instance, with the exceptions and additions set forth by this chapter.
2. The judge-rapporteur reports on the content of the decision (approval), which was appealed, arguments appeal, limits to which the verification of the decision (approval), establishment of the circumstances and evidence examining should be fulfilled.
3. After the report of the judge-rapporteur explanation gives the person who filed the appeal. If the appeals are filed by both parties - first unravels the plaintiff. Then the other persons give explanations involved in the case.
4. After investigation the circumstances and verification of the evidence, the appellate court gives individuals involved in the case, to speak in court debate in the same order in which they gave an explanation.
5. At the beginning of the trial the court may declare the time allocated for legal debate. Each person who participates in the review of appellate court granted equal time to speak.
6. After the debate the court leaves to the judge room.
7. If necessary, the hearing may be suspended or postponed.

Article 305.Consequences of absenteeism in the trial of persons involved in

1. Appeal Court postpones the hearing in default at the trial of the person involved in the case, for which there is no information about the presentation of a service of summons, or on application, when advised reasons of default will be found by a court respectful.
2. Absence of the other parties or persons involved in the case, who have been properly notified of the time and place of hearing, does not bar the proceedings.

Article 306.Abandonment of claim and amicable agreement of parties

1. In the Court of Appeal the plaintiff has the right to abandon the claim and the parties may conclude an amicable agreement in accordance with the general rules of these proceedingss, regardless of who has filed the appeal.

Article 307.Powers of the Court of Appeals

1. According to the results on appeal the decision of the court of the first instance the Court of Appeal has the right:
1) Decide on dismissing an appeal and leaving the decision unchanged.
2) Recall the decision of the court of the first instance and make a new decision on substantive claim;
3) Reverse the decision;
4) Decide on recalling the decision of the court of the first instance and closing proceedingss or abandoning of the application without consideration;
5) Decide on full or partial recalling the decision of the court of the first instance and expedite the case for the new proceedings to the court of the first instance.
2. By the result of the complaint investigation of the court of the first instance the Court of Appeals has the right:
1) Decide on dismissing an appeal and leaving the decision unchanged;
2) Recall the decision or make a new decision;
3) Reverse the decision;
4) Recall the decision and expedite the case for the new proceedings to the court of the first instance.

Article 308.Grounds for rejecting an appeal and leaving the decision unchanged

1. The Court of Appeal rejects the appeal and leaves the decision unchanged, if it is satisfied that the court of the first instance decided on in compliance with the rules of substantive and procedural law.
2. Essentially adequate and fair decision can not be recalled ruling from the mere formal reasons.

Article 309.Grounds for recalling the decision of the court of the first instance and making new decisions or changes in decision

1. The reasons for the recalling the decision of the court of the first instance and making new decisions or changes in decisions are:
1) Incomplete investigation of circumstances by the court, relevant to the case;
2) Unascertained circumstances relevant to the case that the court considered established;
3) Incompliance of court decisions to the case circumstances;
4) Violation or incorrect application of the rules of substantive or procedural law.
2. Substantive rights are deemed violated or incorrectly applied, if applicable law does not apply to these legal relations, or the applicable law is not subject to the application.
3. Violation of procedural law may appear as the grounds for termination or change of the decision, if the violation resulted in the wrong decision.

Article 310.Grounds for recalling the decision with closing proceedings or leaving the application without consideration

1. The decision of the court is subject to recalling through the appellate procedure with closing proceedings or abandonment without consideration of the application on the grounds specified in the Articles 205 and 207 of the Code.
2. If the court of the first instance made a legitimate and reasoned decision, an individual's death or termination of legal entities - parties in contentious legal relationships after the decision, which does not allow for succession, can not be grounds for the application of the requirements of this Article.

Article 311. Grounds for recalling the decision and transferring the case for new proceedings

1. The court's decision is subject to recalling with the direction to a new proceedings if:
1) The case is considered illegitimate by the judge or the court staff;
2) The decision is not made or signed by the judge, who judged the case;
3) The case was considered in the absence of any of the persons involved in the case, who were not properly notified of the time and place of trial;
4) The court decided the question of the rights and obligations of persons who are not involved in the case;
5) The court has considered fewer then all the requirements and this shortcoming was not and could not be removed by the decision of the court of the first instance;
6) Case is considered with violation of the rules of exclusive jurisdiction.
2. Conclusions and motives, which repealed the decision, are binding on the court of the first instance in the new trial.
(With additions made in accordance with the Law of Ukraine from 15.12.2006 N 483-V)

Article 312.Grounds for rejecting appeal from judgment of the court of the first instance or modifying or withdrawing approval

1. Having reviewed the complaint to the court of the first instance, the court of appeal:
1) Rejects the complaint and affirms the court decision, if the decision of the court of the first instance was made in compliance with the requirements of the law;
2) Changes or recalls the decision of the court of the first instance and decides on the matter if it was made by the court of the first instance with violation of procedural law or under the adequate decision the essence of legal proceedings or grounds for its application were incorrectly formulated;
3) Recalls the decision and transfers it to the court of the first instance, if the latter violated the order, set for its decision.

Article 313.Procedure for making decisions by the Court of Appeal

1. The Court of Appeal makes a decision and decides on under the rules of the Article 19 and Chapter 7, section III of this Code with the exceptions and additions mentioned in the Articles 314 - 316 of the Code.
2. The decision of the Court of Appeal is executed by the judge-rapporteur and signed by the all court staff, who reviewed the case.

Article 314.The decree and the decision of the Court of Appeal

1. Having reviewed the case, the appellate court makes decision in the following cases:
1) Rejection and dismissing of a complaint and affirmation of the court decision;
2) Recalling the decision with transferring the case to a new hearing;
3) Falsifying the court decision with the closure of the proceedings or leaving the application without hearing;
4) Dismissing the appeal and affirming the court decision;
5) Changing the decision of the court of the first instance;
6) Falsifying the decision and expediting it to a new hearing or deciding the problem on its merits.

2. The Court of Appeal decides in cases of falsifying the decision and makes new or changes decisions.

Article 315.Contents of the Court of Appeal decree

1. The decree of the Court of Appeal consists of:
1) introductory part stating:
time and place of the decision;
name of the court;
names and initials of the chancellor of the court and the presiding judges;
names and initials of the secretary of the court session;
business name and full name (names) of persons involved in the case;
2) narrative part indicating:
summary of the requirements of appeal and the decision of the court of the first instance;
generalized arguments of the person who filed the appeal;
generalized arguments and objections of others involved in the case;
facts substantiated by the court of the first instance;
3) the motivation part specifying:
motives for decision amendment, recalling of the court of the first instance and a new making a new decision;
4) the resolution part stating:
conclusion of the Court of Appeal;
distribution of costs;
date and manner of entry into the force of the law and the decision of its appeal.
2. In case of rejection of appeal the decision shall indicate the grounds for its rejection.
3. In case of recalling the decision of the court of the first instance and transferring the case to a new hearing to the court of the first instance the decision should indicate the violations of law made by the court of the first instance.

Article 316.Contents of the decision of the Court of Appeal

1. The Court of Appeal decision consists of:
1) introductory part stating:
time and place of the decision;
name of the court;
names and initials of the chancellor of the court and the presiding judges;
names and initials of the secretary of the court session;
business name and full name (names) of persons involved in the case;
2) narrative part indicating:
summary of the requirements and the decision of the court of the first instance;
summery of the requirements of appeal
generalized arguments of the person who filed the appeal;
generalized arguments and objections of the others involved in the case;
3) the motivation part specifying:
motives for decision amendment, recalling of the court of the first instance and a new decision making;
circumstances identified by the court of the first instance, and the Court of Appeal, and identified relevant legal relations to them;
whether the rights, freedoms or interests of a the person, addressed to the court, have been violated, unrecognized or challenged and by whom;
titles, articles, their parts, paragraphs, clauses, sub-clauses, under which the case is solved, as well as procedural law, which guided the court;

4) resolution part stating:
conclusion of the Court of Appeal concerning changing or cancellation of the decision, satisfaction of the claim or denying the claim in full or in part;
conclusion of the Court of Appeal in the merits;
distribution of costs;
date and manner of entry into the force of the law and the decision of its appeal.

Article 317.Annunciation of the decisions and decrees of the Court of Appeal

1. The decision and decrees of the Court of Appeal are announced under the rules set forth in the Article 218 of the Code.

Article 318.Examination procedure of the appeal that came before the Court of Appeal after appeal hearing

1. If the appeals from the court of the first instance decisions or decrees were filed in due time, set by this Code, but came to the court after the appeal hearing or when the time for filing an appeal in connection with the transmission of valid reasons have been updated or extended and the person who has filed an appeal was not present during the proceedings, the Court of Appeal considers the complaint by the rules of this chapter.
2. Depending on the validity of the complaint referred to in the first paragraph of this article, the court decides under the Article 307 of the Code. However, the presence of grounds the decision or resolution of the Court of Appeal can be reversed.

Article 319.Legal force of the decisions and decrees of the Court of Appeal

1. The decision or decree of the Court of Appeal shall become invalid after their announcement.

Article 320.A separate decree of the Court of Appeal

1. The Court of Appeal in cases and in accordance with the Article 211 of the Code may make separate decisions. The court may also make a separate decision, wherein noted violations of law and mistakes of the court of first instance, which are not grounds for recalling the decision of the court of the first instance.

Article 321.Registration of judgments, issuing or sending them to parties and others involved in

1. The decisions of the Court of Appeal are performed, issued or sent in accordance with the Article 222 of the Code.
2. Copies of decisions of the Court of Appeal re-issued by the court of first the instance, where the case is being preserved.

Article 322.Return of case

1. After the appellate proceedings within seven days the case is expedited to the court of the first instance, which considered it.

Chapter 2.Cassation proceedings

Article 323.The court of cassation

1. Cassation court in civil cases is the court, established by the Law of Ukraine "On the Judicial System of Ukraine" as a court of cassation instance in these cases.

Article 324.The right of cassation appeal

1. The parties and the other persons involved in the case, as well as those who did not participate in the case, if the court decided the question of their rights, freedoms or obligations have the right to appeal in cassation proceedings from:
1) the decision of the court of the first instance, after hearing it in appellate procedure, and decisions and decrees of the Court of Appeal approved under the results of the appeal proceedings;
2) decisions of the court of the first instance, mentioned in paragraphs 1, 3, 4, 13, 14, 15, 16, 17, 18, 20, 24, 25, 26, 27, 28, 29 of the first part of the Article 293 of the Code, after the appeal review and the appellate court decision, if they bar the further proceedings.
2. The grounds for cassation appeal are the improper use of court rules of substantive law or procedural violations.

(As amended in accordance with
Law of Ukraine from 16.03.2006, N 3570-IV)

Article 325.The term for cassation appeal

1. A cassation appeal may be filed within two months from the date of entry into legal force of the decision (decisions) of the Court of Appeal.
2. If the time limit established in part one of this article, for the valid reasons, the judge of cassation court at the request of the person who filed a complaint, may renew this period.
3. Cassation appeal, filed after the expiration of the term for appeal in cassation proceedings, is returned to the person who filed it, unless it raises the question of renovation of this period, and when the period updating is denied.
4. The question of the renovation of the term for appeal in cassation proceedings and the return of the cassation appeal is decided by the judge-rapporteur, whereof the appropriate decision is made.

(As amended in accordance with
Law of Ukraine from 16.03.2006, N 3570-IV)

Article 326.Form and content of cassation

1. Cassation appeal is submitted in written form.
2. Cassation appeal shall include:
1) the name of the court to which the appeal is filed;
2) the name (names) of persons who is appealing, their place of residence or location;
3) the name (names) of persons involved in the case, their place of residence or location;
4) the decision (decree) which appealed;
5) the essence of abuse by the court of the rules of substantive law or procedural violations;
6) the request of the appealing person;
7) the list of written materials attached to the appeal.
3. Cassation appeal signed by a person who is complaining or the representative.
4. Cassation appeal filed by the representative must be supported with the power of attorney or the other document certifying the authority of the representative.
5. Cassation appeal must be supported with the appeal copy and enclosed materials according to the number of persons involved in the case, as well as the copies of the appealed decisions (decrees) of the appellate court and the court of the first instance.

(With changes and additions made in accordance with

Law of Ukraine dated 16.03.2006, N 3570-IV)

Article 327.Procedure for filing a cassation appeal

1. Cassation appeal is submitted directly to the court of cassation, where it is recorded and transmitted in turn to the judge-rapporteur, who verifies the compliance with the requirements set forth in the Article 326 of the Code.
2. In case of receipt of cassation appeal, executed out of accordance with the requirements stipulated in the Article 326 of the Code, or in case of failure to pay court fees or the costs of technical support of the case the provisions of the Article 121 of the Code are in effect, whereof the appropriate decision by judge-rapporteur is made.

(As amended in accordance with
Law of Ukraine from 16.03.2006, N 3570-IV)

Article 328.Opening of the cassation proceedings

1. Upon receipt of appeal, executed in accordance with the Article 326 of the Code, the judge-rapporteur shall decide within ten days upon the opening of the cassation proceedings, whereof the appropriate decision is made, evoke, send copies of cassation appeal and the enclosed materials to persons involved in the case, and sets the term during which objections can be filed to appeal. If there is the request of the person who filed appeal, the judge-rapporteur if necessary decides on suspension of the decision (decisions) of the court.
2. Judge-rapporteur sends back the appeal filed after the expiration of the term for appeal in cassation proceedings, to the person who filed it, unless it raises the question of renovation of this period.
3. Judge-rapporteur refuses to open the cassation proceedings, if:
1) the case is not subject to cassation review in the civil proceedings;
2) the case have not been reviewed in appellate proceedings;
3) there is the decree on the closure of the cassation proceedings in connection with the refusal of the person from the cassation appeal from this decision or decree;
4) there is the decree to reject the cassation appeal of the person or the refusal to open the cassation proceedings for that person at this same decision or decree;
5) the cassation appeal is inconsistent and stated arguments does not necessitate examination of case materials.
4. Improper application of substantive law or procedural violation is grounds for opening cassation proceedings, regardless of the validity of cassation appeal.
5. A copy of the decision of cassation appeal return or refusal to open the appeal proceedings with the attached materials to the appeal are sent to the person who filed the appeal and the cassation appeal preserves in the court of cassation.

(The Law of Ukraine
from 16.03.2006, N 3570-IV)

Article 329.Join to cassation

1. Persons involved in the case are entitled to join the cassation appeal filed by the person as the party. The cassation appeal may be joined by a person who does not participate in the case, if the court decided the question of their rights and responsibilities.
2. Application of joinder the cassation appeal may be filed within ten days after receiving copies of cassation.
3. For an application of joinder the cassation appeal the court fee is not paid.
4. Part four is excluded.

(As amended in accordance with

Law of Ukraine from 16.03.2006, N 3570-IV)

Article 330.Addition, change of cassation appeal, recalling and abandonment

1. The person who filed appeal has the right to add or change it for the duration of cassation appeal.
2. The person who has filed appeal shall be entitled to withdraw it before the hearing in the court of cassation.
3. The person who filed appeal has the right to abandon it before the end of the cassation proceedings. On the adoption of appeal abandonment and closing the proceedings the court makes decision.
4. When recalling a cassation judge who prepares the case for hearing in the court of cassation, decides on the return of the appeal.
5. In case of closure cassation proceedings in connection with the abandonment of a cassation appeal re-appealing is not allowed.

(With additions made in accordance with
Law of Ukraine from 16.03.2006, N 3570-IV)

Article 331.Preparation of the case to the cassation hearing

1. After receiving the case judge-rapporteur within ten days of preparing the report, which outlines conditions necessary for the decision the court of cassation, clarifies the composition of the persons involved in the case.

Article 332.Preliminary trial

1. The preliminary trial must be held within five days after drawing up the report by the judge-rapporteur by panels of three judges in judge room without the person involved in the case.
2. During previous court session the judge-rapporteur reports to the panel of the preparatory steps and conditions necessary for adjudication by the court of cassation.
3. The court of cassation rejects appeal and leaves the decision unchanged, if there are no grounds for setting aside a trial.
4. The court of cassation decision repealing the presence of bases, which entail the abolition of obligatory judicial decision.
5. The court of cassation assigns the case to trial in the absence of grounds set out in parts three and four of this article. The case is assigned to trial if even one judge of the court came to this conclusion. Assigning the case to trial is made by decree, which is signed by all court staff.

(As amended in accordance with
Law of Ukraine from 08.09.2005, N 2875-IV)

Article 333.Procedure for trial of cassation

1. The cassation case is considered by the panel of five judges without informing those involved in the case. If necessary, a person involved in the case, may be called upon to provide explanations in the case.
2. Chancellor opens the hearing and announces the cause for appeal, who files appeal, decisions which the court considered.
3. Judge-rapporteur reports in the required amount the content of appeal and the arguments of the cassation appeal.
4. The parties and the other persons involved in the case, gives their explanations; the party filed the appeal gives explanations first. If the decision is challenged on both sides, first unravels the

plaintiff. The court may limit the duration of the explanations, checking for all persons involved in the case, equal time, as announced at the beginning of the trial.
5. In their explanations parties and other persons involved in the case, could cite only those arguments relating to the grounds of cassation proceedings.
6. When they heard the explanation of people involved in the case the court goes to judge room.
7. If necessary, the proceedings may be suspended or postponed.

(As amended in accordance with
Law of Ukraine from 08.09.2005, N 2875-IV)

Article 334.Abandonment of claim and amicable agreement of parties

1. Regardless of cassation for any of the persons involved in the case was opened cassation proceedings in the court of cassation plaintiff has the right to abandon the claim and the parties have the right to make a compromise between them compliance with the rules of this Code, regulating the procedure and consequences of committing these proceedings.

Article 335.Marchess of the case hearing in the court of cassation

1. During the proceedings the court checks within the cassation the correctness of application substantive or procedural law by the first or cassation courts and can not install or (and) take for granted the circumstances that were not installed in solution or rejected it, to solve the issue of credibility or unacknowledged of any evidence some evidence of superiority over others.
2. The Cassation Court examines the legality of judicial decisions only within the claim, stated in a court of first instance.
3. The court is not limited to arguments cassation, if the proceedings will find incorrect application of substantive law or procedural violations that are mandatory grounds for cancellation of the decision.

Article 336.Powers of the court of cassation

1. Further to hearing of the cassation appeal the court of cassation has the right to:
1) Adopt a resolution to dismiss the cassation appeal and leave the decision unchanged;
2) Adopt a resolution on full or partial cancellation of the decision and refer the case for new proceedings to trial or appeal;
3) Adopt a resolution to abolish the Court of Appeal decision and keep in force a judicial court of first instance that was mistakenly abolished by the Court of Appeal;
4) Adopt a resolution to abolish judicial decisions and to close the proceedings in the case or leave the application without consideration;
5) Reverse and adopt a new decision or change the decision, not transferring the case to a new review.
2. Further to consideration of the cassation appeal the court of cassation has the right to:
1) Adopt a resolution to dismiss the cassation appeal and leave the decision unchanged;
2) Cancel the decision and refer the matter to the trial or appeal;
3) Modify or cancel the decision and decide on the merits;
4) Cancel the decision and keep in force the decision that was mistakenly abolished by the Court of Appeal.

Article 337.Grounds for rejection of cassation appeal and leaving decision unchanged

1. The Court of Cassation rejects appeal if satisfied that the decision made in compliance with the rules of substantive and procedural law.
2. It can not be canceled essentially correct and fair decision on formal grounds alone.

Article 338.Grounds for cancellation of the decision and transfer the case to a new review

1. Judicial decision is subject to mandatory cancellation or the transfer for new proceedings if:
1) case is considered illegitimate by the judge or court staff;
2) the decision was not made or signed by a judge or judges who considered the case;
3) case was considered in the absence of any of the persons involved in the case, who was not properly notified of the time and place of trial;
4) the court decided the question of the rights and obligations of persons who are not involved in the case;
5) the court has considered not all the requirements and this shortcoming was not or could not be removed approval of an additional decision;
6) the case was considered in violation of the rules of exclusive jurisdiction.
2. Other violations or improper use of procedural law may be grounds for cancellation of the court's decision only on condition that the violation resulted in the wrong case decision.
3. If the offense referred to in the first paragraph of this article was made by a court of first instance and was not removed at the same time by the Court of Appeal or the Court of Appeal allowed after the abolition of judicial decisions, the case is transferred to the new consideration of the court of first instance. In case of approval of these violations only appellate court case is transferred to a new appellate review.
4. Conclusions and reasons for the court of cassation, which rescinded the decision is binding on the trial or appeal to the second trial.

(With additions made in accordance with
Law of Ukraine from 15.12.2006 city N 483-V)

Article 339. Grounds for cancellation of court decisions and leaving in force a court decision, deleted by mistake

1. Having determined that the Court of Appeal made decision in accordance with the law, the court of cassation decision abolishing the Court of Appeal and leave to stand trial court of first instance.

Article 340.Grounds for cancellation of the decision of closing the proceedings or leaving the application without consideration

1. Judicial decision is subject to cancellation in cassation to the closure of proceedings or abandonment without consideration of the application on the grounds specified in Articles 205 and 207 of the Code.
2. If the court of the first instance or the appellate court made legitimate and reasoned decision, an individual's death or termination of legal entities - parties to the disputed legal relations that do not allow the succession, after the decision can not be grounds for the application of the first part of this article.

Article 341.Grounds for reversal of the decisions and adopt a new decision or change the decision

1. The court of cassation has the right to cancel court decisions and adopt a new decision or change the decision, if applicable law does not apply to these relations, is not applied the law, and is subject to application.

Article 342.Reasons for rejecting the cassation appeal from court decision or change or withdraw

1. Having reviewed the appeal the court of cassation:
1) rejects the complaint and leaves the decision intact, if the court ruling made in compliance with the requirements of the law;
2) abolishes the decision and sends the issue to a new consideration to the trial if the order were violated, set for its decision;
3) changes or cancels decision and decides on ruling the matter if it was decided contrary to legal procedures or when the right decision was wrongly formulated and the essence of legal proceedings or grounds for its application.

Article 343.Order of the decision and the ruling by the court of cassation rulings

1. The court of cassation decides and adopts a resolution in accordance with the rules established in Article 19 and Chapter 7, section III of this Code with exceptions and additions referred to in Articles 344 - 346 of the Code.
2. None of the judges has the right to refrain from expressing views on the issues discussed and the accuracy of judicial decision appealed against.
3. Decision or the court of cassation resolution is performed by the judge-rapporteur and signed by all court staff, who reviewed the case.
4. Judges have no right to disclose the considerations that were expressed in judge room.

Article 344.Resolution and decision of the court of cassation

1. Having reviewed the case, the court of cassation decides in case of:
1) rejection the cassation appeal on court decisions and leaving it unchanged;
2) abolition of judgments of the case and sending it to a new consideration;
3) abolition of judicial decisions with the closure of proceedings or abandonment of application without consideration;
4) abolition of judicial decisions and leaving in force a court decision that was mistakenly abolished by the Court of Appeal;
5) rejection of cassation decision and leaving it unchanged;
6) changing or cancellation the resolution with sending the case to a new review or addressing the issue on the merits.
2. Cassation court decides in case of abolition of judicial decisions and the adoption of new one or changing decisions.

Article 345.Contents of the court of cassation resolution

1. The court of cassation resolution shall include:
1) the time and place;
2) the name of the court, the names and initials ща the presiding judges;
3) epy name and business name (names) of persons involved in the case;
4) summarized requirements;
5) reference to the trial and appellate courts;
6) summarized arguments;
7) the motives of court with reference to the law, which guided the proceedings;
8) the impact of the cassation appeal, which stated in the resolution part the conclusion of the court of cassation, distribution of costs, duration and order of entry decision into legal force and its appeal.
2. In case of rejection the cassation appeal the decree shall indicate the reasons for its rejection.
3. In case of cancellation of a court decision and sending the case for new proceedings the decree should note that there had been a violation of law by the court of first appeal.

(As amended in accordance with
laws of Ukraine from 08.09.2005, N 2875-IV,
from 16.03.2006, N 3570-IV)

Article 346.Contents of the court of cassation decision

1. The decision of the court of cassation shall include:
1) the time and place of its adoption;
2) the name of the court, the names and initials and the presiding judges;
3) name and business name (names) of persons involved in the case;
4) summarized requirements;
5) reference to the decisions of the first instance and appellate courts, established facts and identified according to their relationships;
6) summarized arguments of the person, who has filed appeal;
7) the motives on which the court of cassation changed or canceled the court decision and enacted a new;
8) whether the rights, freedoms or interests have been repudiated or appealed, which should be protected by the court decision;
9) title, its part, paragraph, article, sub-law, under which decided the case, as well as procedural law, which guided the court;
10) the court conclusion to abolish or change the decision, satisfaction of the claim or deny the claim in full or in part, instructions on distribution of costs, duration and order of entry of decision into legal force and his appeal.

(As amended in accordance with
laws of Ukraine from 08.09.2005, theN 2875-IV,
from 16.03.2006, N 3570-IV)

Article 347.Announcement by the court of cassation of the decision (ruling)

1. On the decision (ruling) the court of cassation declares to the persons involved in the case.

(The Law of Ukraine
from 16.03.2006, N 3570-IV)

Article 348. Procedure for consideration of cassation complaint to the court of cassation after the second trial

1. If the appeal from the court decision was made in established terms of the Code, but it entered the court of cassation after the second trial, or when time to file second appeal in connection with the transmission of valid reasons have been renewed or extended and the person who has filed appeal was not present during the proceedings, court of cassation is considering such appeal by the rules established by this chapter.
2. Depending on the feasibility of this in the first paragraph of this article, the court decides to appeal decision or makes decisions in accordance with the Articles 345 and 346 of the Code. However, the presence of bases can be reversed or a court decision of cassation.

(With amendments according to
Law of Ukraine from 16.03.2006, N 3570-IV)

Article 349.Legal force of decision and resolution of the court of cassation

1. Decision and resolution of the court of cassation shall become valid after their announcement.
2. Since the announcement of the decision or resolution by the court of cassation the recalled decisions and resolutions of the court first appeal lose legal force.

(As amended in accordance with

Law of Ukraine from 16.03.2006, N 3570-IV)

Article 350.A separate decision by the court of cassation

1. The court of cassation in cases and in accordance with Article 211 of the Code may make a separate decision. The court may also decide to separate ruling, which noted violations of law and mistakes of the first trial or appeal, are not grounds for revocation of a decision or resolution.

Article 351.Exeeution of decisions of the court of cassation, the issuance and sending to individuals who participated in.

1. Court of cassation decisions are executed issued or sent in accordance with Article 222 of the Code.
2. Copies of the decisions of the court of cassation are re-issued by court of first instance, where the case preserved.

Article 352.Return of case

1. After the cassation proceedings the case within ten days returns to the court that considered it.
(As amended in accordance with
Law of Ukraine from 16.03.2006, N 3570-IV)

Chapter 3.Proceedings in connection with exceptional circumstances

Article 353.The right to appeal from court decisions in connection with the extraordinary circumstances

1. Parties and other persons involved in the case, as well as those who did not participate in the case when the court decided the question of their rights and responsibilities have the right to appeal in Ukraine's Supreme Court the decisions in civil cases because of exceptional circumstances after review in cassation.

Article 354.The grounds for appeal in connection with the extraordinary

1. Judicial decisions in civil cases can be viewed in relation to extraordinary circumstances, after viewing them in the cassation proceedings, if challenged on grounds of:
1) unequal application of justice (courts) of cassation of the same provisions of law;
2) recognition of judicial decisions of the international judicial institution, whose jurisdiction is recognized by Ukraine, as that violates the international obligations of Ukraine.

Article 355.Procedure for filing appeals in connection with the extraordinary circumstances

1. An appeal may be filed within one month after opening of extraordinary circumstances.
2. An appeal in connection with the extraordinary circumstances is filed according to the rules of filing of cassation appeals in cassation proceedings.
3. The form and content of the appeal must meet the requirements of Article 326 of the Code. The appeal should be supported with copies of court decisions that are appealed.
4. In case of appeal executed without complying with the requirements specified in this Article, or in case of failure to pay court fees or the amount of costs for technical support proceedings

rules established by Article 121 of the Code are applied, as reporting judge within ten days of receipt of appeal adopts relevant resolution.
5. For filing and hearing the appeal on the grounds set out in paragraph 2 of Article 354 of the Code, the court fee and costs for information and technical support of the case are not paid.

Article 356.Acception of the appeal for proceedings in connection with the extraordinary circumstances

1. The questions about accepting of the appeal for proceedings in connection with extraordinary circumstances is decided by the panel of seven judges without calling the persons involved in the case, within fifteen days of the complaint. At the same time, this question can be solved on renovation period to appeal because of exceptional circumstances.
2. Complaint is admitted to the proceedings in connection with the extraordinary circumstances and the case is sought, if at least three judges agreed on the need for this.
3. The court decides on admission or denial of the appeal for the proceedings, on evocation. The decision on admission of appeal and evocation is sent to the appropriate court.
4. A copy of the decision on admission of appeal and evocation is sent together with a copy of the appeal to persons involved in the case, and in case of refusal for accepting - a person who has filed appeal.
5. If the appeal is allowed to consideration due to exceptional circumstances, the court may suspend its decision by the relevant resolution.
6. The appeal, filed on the grounds set out in paragraph 2 of Article 354 of the Code, the provisions of the first – fourth points shall not be applied.

Article 357.The order of proceedings in connection with the extraordinary circumstances

1. Trial due to exceptional circumstances is a kind of cassation proceedings.
2. The matter of the proceedings in connection with the extraordinary circumstances is considered by the panel of judges of the Chamber of Civil Cases of the Supreme Court of Ukraine in the presence of at least two-thirds of its strength, except in cases established by the part three of this article.
3. If after the cassation proceedings the unlike application of the same provisions of law is found then the case is considered by the panel of judges at the joint meeting of the chambers of the Supreme Court of Ukraine in the presence of at least two-thirds of its strength of each chamber. The Chairman of the meeting is the Chairman of the Supreme Court of Ukraine or one of his deputies.
4. Proceedings in connection with the exceptional circumstances are held under the rules established by this Code for the cassation proceedings, taking into account the characteristics defined in this Chapter.

Article 358.Powers of the Supreme Court of Ukraine to trial in connection with the extraordinary circumstances

1. Considering the case in the order of proceedings in relation to exceptional circumstances, the Supreme Court of Ukraine has the right to:
1) Decide on dismissing the appeal and the abandonment decision, resolution unchanged;
2) Decide on full or partial cancellation of a court decision and remand the case according to a new trial in the first trial, appeal or cassation;
3) Decide on abolishing the court decision and keeping in force a court decision that was mistakenly discarded by the Court of Appeals and cassation;
4) Decide on the abolition of decisions and closure of the proceedings or leaving the application without consideration;

5) Reverse and adopt a new decision on the merits or change the decision, not transferring the case to a new review.
2. Where allowed by the court of first instance violations of the law were not resolved by the Court of Appeal or cassation or the first time allowed by the court, appellate and cassation instances, the Supreme Court of Ukraine cancels all decisions and resolutions.

Article 359.Grounds for cancellation or change of the court decisions

1. The Supreme Court of Ukraine cancels or changes approved decisions only on the grounds specified in Article 354 of the Code.

Article 360. Legal force of decisions and resolutions of the Supreme Court of Ukraine

1. Approved by the Supreme Court of Ukraine it was decided that the decision or resolution shall become valid after their declaration and not subject to appeal.

Chapter 4.Proceedings in connection with new circumstances

Article 361.Grounds for review

1. Decision or court order, which completed the trial, which entered into the force and a writ can be viewed in relation to new circumstances.
2. Reasons for the review decision, resolution or a court order in connection with the new circumstances are:
1) essential for business circumstances that were not and could not be known to the person filing the statement during trial;
2) established by the court sentence which entered into the force, deliberately false testimony, knowingly incorrect expert opinion, deliberately wrong translations, false documents or physical evidence that caused the adoption of illegal or unreasonable decision;
3) cancellation of a court decision, which became the basis for a decision or resolutions that are subject to revision;
4) The Constitutional Court of Ukraine established the unconstitutionality of the law, other legal act or its separate provisions applied by the court in deciding the case, if the court decision is pending.

Article 362.Term for applications for review in connection with the new circumstances

1. Applications for review in connection with the new circumstances may be submitted by the parties and others involved in the case within three months from the date when the circumstances that justify a change.
2. The time allowed for filing applications for review in connection with the new circumstances is calculated:
1) in cases established by paragraph 1 of the second part of Article 361 of the Code - from the date of circumstances substantiation that are essential for case;
2) in cases prescribed by paragraph 2 of the second part of Article 361 of the Code - from the day when the verdict in a criminal case came into legal force;
3) in cases established by paragraph 3, second part of Article 361 of the Code - from the date of entry into legal force of a decision that canceled a court decision that became the basis for a decision or resolution which are subject to revision;
4) in cases established by paragraph 4 of the second part of Article 361 of this Code - from the day the Constitutional Court of Ukraine made the relevant decision.

Article 363.Courts to review in connection with the new circumstances

1. Decisions, resolutions or writ are reviewed in connection with the new circumstances by the court, which decided, adopted resolution, or issued a writ.
2. The decision whether the appellate court of cassation, which rejected an appeal against the court of the first instance or appeal in case of review decision or resolution in relation to new circumstances is losing its force.

Article 364.Form and content of the application

1. Application of decision, resolution or writ review in connection with the new circumstances in form and content must meet the requirements of this Code concerning the processing of applications to the Court of First Instance.
2. The statement shall include:
1) the name of justice, to which the application is addressed;
2) the name (names) of a person who submits an application, place of residence or location;
3) other persons involved in the case;
4) the adoption date and content of resolution and decision, writ, which filed the revision application;
5) new circumstances that justified the requirement of review, resolution or a writ and the date of discovery or installation;
6) reference to evidence confirming the new circumstances.
3. The statement is added up according to the number of people involved in the case.

Article 365.Application consideration

1. Application of decision, resolution or writ review in connection with the new circumstances is considered in the court. The applicant and other persons involved in the case are reported on time and place of meeting. Failure of these persons is not an obstacle to review applications.
2. Having reviewed the application, the court decides on granting the application and meets or revokes the decision, resolution or writ in connection with the new circumstances, or refuses to meet it when the statement is inconsistent.
3. After the cancellation of the decision, resolution or writ the case is considered by the court according to the rules established by this Code.

Article 366.Appeal from the court decision

1. A writ for the satisfaction of the application for revision of a court order, distance solutions, decision or approval in relation to new circumstances may not be appealed.
2. A writ for failure to meet the application for revision of a court order, distance solutions, decision or approval in connection with the new circumstances may be appealed in the manner prescribed by this Code.

Section VI. Procedural matter related to the execution of judgments in civil cases and the outcome of other bodies (officials)

Article 367.Immediate satisfaction of decision

1. Court allows immediate satisfaction of decisions in cases of:
1) collecting child support - in the amount of payment for one month;

2) the award of employee salaries, but not more than one month;
3) damages caused injury, other health damage or death to individuals - within the amount of penalty for each month;
4) renovation work illegally released or transferred to another job worker;
5) take the child and to return it because, with whom it lived;
6) disclosure of bank information containing bank secrecy regarding the legal and natural persons.
2. The court, taking the decision could allow the immediate satisfaction in case of recovery of all debt in awarding payments specified in paragraphs 1, 2 and 3 of this Article.

Article 368.Petition of judgments satisfaction

1. Questions related to the petition of judgment satisfaction consider the local court which heard the case.
2. Every court decision that has entered into legal force, according to the people in favor of which it is adopted, issues a writ of execution. If on the basis of the decision property is to be transferred, which is in several places, or if the decision taken in favor of several plaintiffs or against multiple defendants, the court may upon application issue a recipient execution, just noting that part of the solution must fulfill for each execution.
3. Executive documents of the court fee shall be levied by the court to local state tax service.
4. If the court has taken steps to ensure action on the application of those in favor of a judicial decision which approved the court with the execution issues a copy of documents that confirm the decisions of the court on the claim.

Article 369.Registration of writ of execution, its correction and the recognition of the writ as non-executive

1. Writ of execution must meet the requirements for executive documents, The Law of Ukraine "On execution proceedings".
2. The court which issued the execution may upon application or recipient of the debtor to correct mistakes in their registration or issue, whether to admit such execution as non-executive, and to charge for the benefit of the debtor without a recipient received for execution.
3. The Court considers the application within ten days with notification of recipient and the debtor and adopts a resolution. Failure of the debtor and the recipient is not an obstacle to review applications. The court is entitled to stop penalty of execution, and to request execution.
4. Court decision amends the writ, but in case it was issued in error or if the debtor's obligation is missing wholly or partly in connection with its voluntary suspension of execution of the debtor or other person or for other reasons, the court recognizes the execution such as non-executive in whole or in part. If the penalty for such execution has already occurred in whole or in part, the court at the request of the debtor at the same time charge in its favor without a recipient received for execution.

(The Law of Ukraine
from 15.03.2006, N 3538-IV)

Article 370.Issuance of a duplicate of the writ or court order

1. Instead of the lost original of writ or court order the court which issued the writ or court order is entitled to request the submission of the State recipient or user to issue him a duplicate.
2. Application for issue of a duplicate is considered in court to challenge the parties and stakeholders. Their absence is not an obstacle to resolving the question of issuing a duplicate.
3. A duplicate of the writ or court order recipient charge at the rate established by the Cabinet of Ministers of Ukraine.

Article 371.Renewal of term for submission of executive documents for execution

1. Recipient, who missed the deadline for submission of executive documents for execution of the reasons the court recognized serious, missed period may be renewed.
2. Application to renew the deadline is given to the court which issued the execution or to the court at the place of execution and is heard in the court with notification the parties involved in the case. Their absence is not an obstacle to resolving the issue of the resumption of the missed deadline. The Court considers the following application in ten days.

Article 372.Amicable agreement in process of execution

1. Amicable agreement reached between the parties, or recipient refusal of enforcement in the execution is filed in writing to executive officers, not later than three days passes it to the court at the place of execution for recognition.
2. The court has the right to check and accept compromise or refusal of the recipient if it is contrary to law or violate the rights or freedoms of others.
3. In view of the results of consideration of an amicable agreement or refusal to enforce the court adopts a resolution in accordance with the provisions of this Code.

Article 373.Postponement or extension of execution, change or installation of method and procedure

1. In presence of the circumstances, that makes the decision more difficult (illness of the debtor or his family members, lack of property awarded in nature, natural disaster, etc.), according to the State Executive or the application side of the court which issued the executive a document within ten days considering deferral or installment plan execution, modification or installation method and procedures for implementation of the decision in court challenge to the parties and in exceptional cases, can delay or extend performance change or establish the manner and order of execution.

Article 374.Resolution of the issue of temporary placement of the child to the child or medical institution

1. Question of the temporary placement of the child to the child or medical institution is decided by the court upon submission of state executor.
2. Court within ten days shall consider the matter in court to challenge the parties and the obligatory participation of guardianship. Absence does not preclude the parties to resolve the issue of temporary placement of the child to the child or medical institution.

Article 375.Resolution of the issue of retrieval of the debtor or the child

1. Retrieval of the debtor or the child is declared at the place of execution or the last known place of residence (stay) of the debtor or the child or the location of their property, or residence (stay) recipient.
2. The court is entitled to request from the state executor all the necessary documents for the issue of retrieval.
3. The court is considering filing of state executor within ten days.

Article 376.Resolution of the issue of enforcement entry into a dwelling or to the other property of a person

1. The issue of enforcement entry into a dwelling or the other property of the debtor - individual or individuals whose assets are located or the debtor's property and money due the debtor from other persons, or child, to which is the executive instrument of its deprivation, the execution of judicial decisions and decisions of other bodies (officials) made by the court at the location of dwelling or other property of a person for representation of state executor.
2. The court immediately considers filing referred to in the first paragraph of this article without a notification of the parties and other persons concerned with state executor.

(As amended in accordance with
Law of Ukraine from 15.03.2006, N 3538-IV)

Article 377.Resolution of the issue of reclaiming the funds that are on accounts

1. Question of reclaiming funds due to the debtor from other persons, which are the accounts of these persons in the banks and other financial institutions in the enforcement of court decisions and decisions of other bodies (officials) as well as questions about reclaiming the money the debtor that are in the bank accounts and other financial institutions in carrying out the decisions of other bodies (officials) decided by the Court upon the submission of state executor, agreed with the Head of state executive service.
2. Court immediately considers filing of state executor without notification or calling the parties and other persons concerned with state executor.

Article 378.Change of parties of executive proceedings

1. In case of leaving of one party of executive proceedings under the submission of state executor or under the application of the parties the court changes the parties of executive proceedings of its successors.
2. The court within ten days shall consider the matter with notification of the parties and stakeholders. Failure of the parties and others is not an obstacle to resolving the issue of changing of parties of executive proceedings.

Article 379.Definition of the debtor's property in the property which he owns jointly with others

1. The question of determining the share of assets of the debtor in property that he owns jointly with others is decided under the submission of the state executor.
2. The court within ten days shall consider the matter with notification of the parties and stakeholders. Failure of the parties and others is not an obstacle to resolving the issue of determining the share of assets of the debtor in property that he owns jointly with others.

Article 380.Procedure for resolving the issue of restitution

1. Questions on restitution decides the court of the cassation or appellate instance, if, having recalled the decision, it closes the proceedings, leaving the claim without consideration, denying a claim fully or satisfies the claim in a lesser amount.
2. If the decision after execution has been canceled and the case have been returned to a new consideration, and if new trial has denied a claim or a claim is satisfied in the smaller size, or proceedings is closed or the application is left without consideration, the court, taking decisions shall require the claimant to return to the defendant unreasonably withdrawn property by the recalled decision.
3. In case of failure to return property, the decision or resolution provides for reimbursement of the property in the amount of money received from its implementation.

Article 381.Term for application for restitution

1. If the question on restitution has not been decided by the court at the new trial or a court of appeal or cassation, the application of the defendant for the return the satisfied under the canceled decision is considered by the court, which considers the case. Application for restitution may be filed within the limitation period.
2. For an application to turn enforcement no fee is paid.
3. The court considers the application for restitution with notification of the parties and makes decision.

Article 382.Particularities of restitution in certain categories of cases

1. In case of cancellation due to new circumstances in cases of reparation, other health damages or death of the individual, restitution performance is allowed if the cancelled decision was grounded on the plaintiff communicated false information or forged documents presented by him.
2. In cases of recovery of alimony, as well as of the recovery of wages or other benefits arising from employment relationships, restitution performance may not matter in regardless the procedure of deciding, except when the decision was justified on false documents or false statements of a plaintiff.

Section VII. Judicial monitoring for execution of court decisions

Article 383.The right to appeal

1. Members of executive proceedings and those involved in carrying out execution may appeal if they believe that the decision, action or inaction of the state executor or other official of the state executive service during execution, approved pursuant to this Code, their rights or freedom were violated.

Article 384.Complaint

1. Complaint may be filed directly to court or after the appeal decision, action or inaction of the executor or any other state official of the state executive service to the chief of the department of executive services.
2. Complaint is filed to the court which issued the executive document.
3. On complaint the court shall notify the relevant department of state executive service not later than the day following its adoption by the court.

Article 385.Term fro complaining

1. Complaint may be filed to the court:
within ten days from the date when the person discovered or should know of the violation of its' rights or freedoms;
within three days from the day when the person discovered or should know of the violation of its' rights or freedoms, should appeal the decision to suspend proceedings execution.
2. Missed term for valid reasons for filing a complaint may be renewed by the court.

Article 386.Processing of complaint

1. Abuse is considered in the ten days with the applicant and the state executor or other official of the state executive service, whose decision, action or inaction is challenged.
2. If the applicant, a government agent or other official or state executive service may not appear in court for valid reasons, the case could be dealt with their representatives.
3. If the court finds that a person, whose decision, action or inaction is challenged, is not employed at the previous post, it involves participation of the officer, whose responsibility belongs to the issue of eliminating violations of the rights and freedoms of the applicant.

Article 387.Court decision on the complaint

1. According to the complaint the court makes decision.
2. In case the court recognizes the validity of the complaint the decision, acts or omissions are recognized as illegal and obliges the performer or other state officials of the state executive service to meet the demand of the applicant and to eliminate the violation or otherwise affect by restoring its rights or freedom.
3. If disputed decision, action or inaction taken or committed under the law, within the powers of the performer or other state government officials and law enforcement service or the applicant's freedom was not violated, the court decides to deny complaint.

Article 388.Distribution of costs associated with the complaint

1. Legal costs associated with the complaint are laid on the applicant, if it was decided not to meet its complaints, or on executive department of state service, if it was decided to satisfy the complaint of the applicant.

Article 389.Execution of the court resolution

1. On adoption of resolution the appropriate authority of state executive service informs the court and the applicant not later than one month from the date of receipt of the court.

Section VIII. On recognition and enforcement of foreign courts in Ukraine

Chapter 1.Recognition and impleading to the foreign court decision execution, subject to compulsory performance

Article 390.Conditions of recognition and enforcement of foreign court decisions, subject to enforcement

1. The decision of a foreign court recognized and implemented in Ukraine if its recognition and enforcement provided by international treaties, ratified by the Verkhovna Rada of Ukraine, or the principle of reciprocity for the ad hoc arrangement with a foreign state court decision which must perform Ukraine.

Article 391.Terms for presentation of a foreign court decisions to enforce

1. The decision of a foreign court may be brought to enforce in Ukraine for three years from the date of entry into legal force, except a decision on recovery of periodic payments which may be brought to enforce the entire term of the recovery of arrears over the past three years.

Article 392.Courts, considering the cases for granting permission for the enforcement of foreign court decisions

1. Question of granting permission for the enforcement of foreign court decisions in the recipient's application is considered by the court at the place of residence (stay) or the location of the debtor.
2. If the debtor has no place of residence (stay) or the location on the territory of Ukraine or its place of residence (stay) or whereabouts unknown the question of granting permission for the enforcement of foreign court decisions is considered by the court at the location of the debtor's property in Ukraine.

Article 393.Procedure for filing a petition for permission to enforcement of foreign court decisions

1. Application for permission to enforcement of foreign court decision shall be submitted to the court directly by recipient or to the procedures established by international treaties, ratified by the Verkhovna Rada of Ukraine.
2. If international treaties, ratified by the Verkhovna Rada of Ukraine, provide an application for permission to enforcement of foreign court decisions by state authorities of Ukraine, the court takes into consideration the request, that received by public authorities of Ukraine.

Article 394.Requirements for application for permission to enforcement of foreign court decisions

1. Application for permission to enforcement of foreign court decision shall be in writing and must contain:
1) name (name) of recipient or his representative (if the petition is filed by the representative), an indication of their place of residence (stay) or location;
2) name (names) of the debtor, an indication of his place of residence (stay), its location or the location of his property in Ukraine;
3) reasons for application.
2. A petition for permission to enforcement of foreign court decisions should be attached with documents provided by international treaties, ratified by the Verkhovna Rada of Ukraine.
3. If international treaties, ratified by the Verkhovna Rada of Ukraine, does not define the list of documents that are added to the petition, or such agreement absents, the following documents should be attached to the application:
1) certified in the prescribed manner a copy of the decision of a foreign court, the enforcement of which is filed a petition;
2) an official document that the foreign court decision gained legal force (if not specified in the decision);
3) document certifying that the party against whom the decision was made by a foreign court and did not participate in the trial, and was properly notified of the time and place of hearing;
4) document that defines in which part or how long the decision of a foreign court is in forced (if it has already done previously);
5) a document certifying the authority of the representative of recipient (if the petition is filed by the representative);
6) certified according to the laws translated documents in Ukrainian language or the language provided by international treaties of Ukraine.

4. The court having determined that the petition and documents attached to it are not executed in accordance with the requirements prescribed under this chapter or the application is added with not all of the documents, then it leaves it without consideration, and returns the application together with documents, addenda, to recipient (or his representative).

Article 395.Consideration of a motion for permission to enforcement of foreign court decisions

1. On receipt of a petition for permission to enforcement of foreign court decision the court within five days shall notify the debtor and invites him in a month term submit objections to this application.
2. After the submission of objections by the debtor in writing or in case of his rejection of the submission of objections, as well as in the month since the message received by the court on the debtor's petition is not filed an objection, the judge makes the decision which determines the time and place of trial motion about the recipient and the debtor is notified in writing not later than ten days prior to its consideration.
3. According to the application of recipient or the debtor and the presence of valid reasons, the court may postpone the consideration of a petition, whereof informs the parties.
4. Consideration of a motion for permission to enforcement of foreign court decisions is made by a single judge in open court.
5. Absence without valid reasons in court of recipient or the debtor, or their representatives in respect of which the court is aware of the timely delivery of the summons them to a subpoena, is not a barrier to consideration of the application, if any of the parties was not affected by the issue of transfer of the trial.
6. Having reviewed the papers and hearing the explanations of the parties, the court decides on the permission fro enforcement of foreign court decision or refusal to petition on the issue. A copy of the decision is sent to the debtor and the recipient within three days after adoption of resolution.
7. If the decision of a foreign court has been used before, the court determines in which part or what time it is enforceable.
8. If in the decision of a foreign court a penalty amount indicated in foreign currency, the court is to consider this motion, determining the amount in local currency at the rate of National Bank of Ukraine on the day of the adoption of resolution.

Article 396.Grounds for denial of a motion for permission to enforcement of foreign court decisions

1. Application for permission to enforcement of foreign court decisions is not satisfied in the cases stipulated by international treaties, ratified by the Verkhovna Rada of Ukraine.
2. If in international treaties, ratified by the Verkhovna Rada of Ukraine, such cases are not provided for the petition may be denied:
1) if the decision of a foreign court under the laws of the State in which it was decided have not gained legal force;
2) if the party against whom the decision was made by a foreign court was unable to participate in the trial because he was not properly notified of the proceedings;
3) if the decision taken in the case, consideration of which belongs exclusively to the competence of a court or other authorized body according to the law of Ukraine;
4) if the Court of Ukraine decided the dispute between the same parties on the same subject and on the same grounds that entered into legal force or if court proceedings in the case of Ukraine is the dispute between the same parties, with the same subject and on the same grounds, the time of opening of proceedings in foreign courts;

5) if it was omitted the term presenting the decision of a foreign court to enforce in Ukraine set by international treaties and this Law, ratified by the Verkhovna Rada of Ukraine;
6) if the subject of the dispute under the laws of Ukraine is not subject to judicial review;
7) if the decision threatened the interests of Ukraine;
8) in other cases established by laws of Ukraine.

Article 397.Appeal from the court decision

1.The decision on granting permission for the enforcement of foreign court decision or a refusal to petition on this matter may be appealed in the procedure and terms stipulated by this Code.

Article 398.Appeal to the enforcement of foreign court decisions

1. On the basis of foreign court decisions and on granting permission for its enforcement, that has the force of law, the court issues a writ of execution, which is sent for execution in the manner prescribed by law.

Chapter 2.Recognition of foreign court decision, which is not subject to compulsory performance

Article 399.Conditions of recognition of foreign court decision, which is not subject to enforcement

1. The decision of a foreign court that is not subject to enforcement is recognized in Ukraine if the recognition provided by international treaties, ratified by the Verkhovna Rada of Ukraine, or the principle of reciprocity for the ad hoc arrangement with a foreign state court decision which has operated in Ukraine.

Article 400.Proceedings for application for recognition of foreign court decision, which is not subject to enforcement

1. Application for recognition of foreign court decision is not subject to enforcement, provided that it is stipulated by international treaties, ratified by the Verkhovna Rada of Ukraine, is filed to court by an interested person in order prescribed in the Articles 392 - 394 of the Code for filing a petition for permission to enforcement of foreign court decisions, taking into account the peculiarities defined in this Chapter.
2. Before applying for recognition of a foreign court decision, which is not subject to enforcement, the following documents should be attached:
1) certified in the prescribed manner a copy of a foreign court decision, which violated the recognition application;
2) an official document that the foreign court decision gained legal force, unless it is stated in the decision;
3) certified compliance with the legislation listed documents translation in Ukrainian language or the language provided by international treaties, ratified by the Verkhovna Rada of Ukraine.

Article 401.Consideration of application for recognition of foreign court decision, which is not subject to enforcement

1. On receipt of the request for recognition of foreign court decision, which is not subject to enforcement of the court within five days shall notify the person concerned and offers him a month to submit possible objections to this application.

2. After the interested person has filed objection in writing or in case of non submission of the proposal, as well as when in a month since the person concerned about the message received by the court denying a petition is not filed, the judge decides on the time and place of trial motion whereof interested persons notified in writing not later than ten days prior to its consideration.
3. According to the application of a person concerned and the presence of valid reasons, the court may postpone the consideration of a petition, whereof informs the persons concerned.
4. Consideration of application for recognition of foreign court decision is not subject to enforcement, and is conducted by a single judge in open court.
5. Absence without valid reason in the trial of the persons concerned or their representatives in respect of which the court is aware of the timely delivery of the summons them to a subpoena, is not a barrier to consideration of the application, if any of the persons concerned did not raise the question about the postponement of the trial.
6. As a result of consideration of the request and denial should arrive court decides on recognition in Ukraine of a foreign court decisions and leaving it without satisfaction or denial for satisfaction of a motion on the recognition of foreign court decisions, which is not subject to enforcement.
7. The recognition in Ukraine of a foreign court decision, which is not subject to enforcement, may be denied on the grounds specified in the Article 396 of the Code.
8. A copy of the decision is sent to interested parties by the court within three days after adoption of resolution.
9. The decision on recognition in Ukraine of the foreign court decision or a denial to petition for recognition of foreign court decision, which is not subject to enforcement, may be appealed to the procedure and terms established by this Code.

Section IX. Restoration of lost proceedings

Article 402.Procedure for restoration of the proceedings

1. Restoration of fully or partially lost proceedings in the civil case, completed with decision making or closure of proceedings, is performed in the manner prescribed by this Code.

Article 403.Persons who are entitled to apply to the court for the reopening of proceedings

1. Lost proceedings in a civil case can be reopened at the request of the persons involved in the case, or at the initiative of the court.

Article 404.Amenablility of the statement of restoration proceedings

1. Application of restoration of the proceedings is filed in court, which decided on the merits and decided to close the proceedings.

Article 405.Contents of statement of restoration proceedings

1. The statement must indicate the restoration of proceedings which is being applied for by the applicant, whether the case was decided on the merits or the ruling was decided to close the proceedings, which person was the plaintiff among the number of persons involved in the case, specifically and as who involved in the case, place of residence or whereabouts of those persons known to the applicant about the circumstances of the loss of the proceedings, the location of copies of proceedings or information about them, which documents the applicant considers necessary to be renewed, for what purpose they need renovation.

2. The application for restoration of proceedings should be attached with documents or copies thereof, even if they are not certified in the prescribed manner, that preserved the applicant or in the case.

Article 406.Consequences of failure to adhere to the application requirements, the denial of proceedings or abandonment of the application without consideration

1. If the statement does not specify the purpose of restoration of proceedings or information necessary for its restoration, the court decides on the statement without leaving the movement, which sets the time the applicant is required to address these deficiencies.
2. If the purpose of appeal to the court, stated by the applicant, does not relate to the protection of his rights and interests, the court refuses to commence proceedings for the reopening of the proceedings or reserve the statement without examination, if the proceedings were opened.
3. Judicial proceedings, lost before the end of the trial can not be renewed in order established by this section. The applicant in this case may present a new claim. In the court proceedings in the opening of a new case in connection with the loss of unfinished proceedings this fact must be stated.

Article 407.Trial

1. At trial the court uses the part of the proceedings that preserved, documents issued to individuals or business entities to the loss of the proceedings, copies of these documents and other information, securities, information relating to matters of enforcement.
2. The court may interrogate witnesses as the persons who were present during the commission proceedings, people (their representatives) who participated in the case, and if necessary - those who belonged to the court that considered the matter, which lost proceedings and persons who performed a court decision.

Article 408.Court decisions

1. On the basis of collected and tested materials the court decides on the restoration of proceedings in whole or in part, that in his opinion should be restored.
2. It should be mentioned in the court decision on the restoration of the proceedings, where under data submitted to the court and examined in court with the participation of all members of civil process of lost proceedings, the court considers the established content of the restored court decision, conclusions are showed to the court to proof who studied the evidence and which court proceedings performed from lost proceedings.
3. For lack of material collected for accurate restoration of the proceedings the court closes the application processing for the reopening of the proceedings and explains the parties involved in the case, the right to re-treatment with the same request for the necessary documents.
4. The period of custody of the proceedings is not important to address the statements about its restoring, unless filing of such a statement for execution, if the term for submission of the writ for execution expired and the court did not renew.

Article 409.Exemption from the applicant's legal costs

1. In the case of the restoration of proceedings the applicant is exempt from paying court costs. In the case of filing of a fouls statement legal costs reimbursed are by the applicant.

Section X. Proceedings involving foreign persons

Article 410.Procedural rights and obligations of foreign persons

1. Foreigners, stateless persons, foreign legal entities, foreign governments (their bodies and officials) and international organizations (hereinafter - foreign persons) are eligible to apply to courts of Ukraine for the protection of their rights, freedoms and legitimate interests.
2. Foreign persons have procedural rights and obligations along with natural and legal persons of Ukraine, with the exceptions established by the Constitution and laws of Ukraine and international treaties, ratified by the Verkhovna Rada of Ukraine.
3. Law of Ukraine may establish appropriate limits on individuals and entities those States that offer special restrictions of civil procedural rights of persons or entities of Ukraine.

Article 411.Excluded.

(according to the Law of Ukraine from 23.06.2005, N 2709-IV)

Article 412. Excluded.

(according to the Law of Ukraine from 23.06.2005, N 2709-IV)

Article 413.Claims of foreign states and international organizations. Diplomatic immunity.

1.Prosecution to a foreign country, the claim and reclaiming the property of a foreign state, which is located in Ukraine may be admitted only with the consent of the competent authorities of the State, unless otherwise stipulated by international agreement, consent to be bound by the Verkhovna Rada of Ukraine or laws of Ukraine.
2. Accredited foreign minister in Ukraine and other persons specified in the relevant laws of Ukraine and international treaties, ratified by the Verkhovna Rada of Ukraine shall be subject to the jurisdiction of courts of Ukraine in civil matters only to the extent defined by the principles and norms of international law or international treaties, consent to be bound by the Verkhovna Rada of Ukraine.
3. International organizations are subject to the jurisdiction of courts of Ukraine in civil cases within the limits defined by international treaties, ratified by the Verkhovna Rada of Ukraine or laws of Ukraine.

Article 414.Ukraine cognizance of civil cases to courts in disputes involving foreigners, as well as disputes in which at least one of the parties involved in the dispute, lives abroad

1.Ukraine cognizance of civil cases to courts in disputes involving foreigners, as well as disputes in which at least one of the parties involved in the dispute, live abroad, are determined by the laws of Ukraine.

Article 415.Execution of court orders of foreign courts and appeals of courts of Ukraine with orders to foreign courts

1. Courts of Ukraine perform assigned to them decisions in due order of foreign courts of certain proceedings (serving of summons and other documents, interviewing parties and witnesses, examination and review of the place, etc.) except when:
1) enforcement of orders of Ukraine's sovereignty would be violated or threatened to the national security of Ukraine;
2) enforcement of orders is not the jurisdiction of the court.
2. Responding to requests of foreign courts to commit certain proceedings is conducted under the laws of Ukraine. At the request of a foreign court during commission proceedings may be performed using the law of another state if such use does not contradict the legislation of Ukraine and its public order.

3. Court of Ukraine can apply to foreign courts on behalf of individual proceedings. The procedure of courts of Ukraine relations with foreign courts is governed by the laws of Ukraine and international treaties, ratified by the Verkhovna Rada of Ukraine.

Chapter XI. FINAL AND TRANSITIONAL PROVISIONS

1. This Code takes effect from January 1, 2005, but not before the entry into force of the Code of Administrative Justice of Ukraine.

(paragraph 1 of Section XI, as amended by the Code Administrative Procedure Ukraine from 06.07.2005, N 2747-IV)

2. Part Two of the Article 84 of this Code shall take effect upon entry into force of the relevant law. By this time, limiting amount of compensation costs for legal aid is established by the Cabinet of Ministers of Ukraine.

2^1. Until January 1, 2008 complete recording of court proceedings with sound – recording technical means by the court is performed only at the request of the person involved in the case, or at the initiative of the court. In all other cases, the progress of the trial is recorded in court records, which shall include:

1) year, month, date and place of trial;
2) the start of the trial;
3) name of the court to consider the case, last name and initials of the judge (judges), Secretary of the trial;
4) the case under review, the name (names) of the parties and others involved in the case;
5) information about the presence of persons involved in the case, experts, specialists, interpreters, witnesses, or their absence, the absence of service and serving summons;
6) information explaining the parties and others involved in the case of their procedural rights and duties;
7) all orders and decisions of the Presidency, decided without entering into judge rooms, as well as information on the proclamation of decisions, is to be decided in judge room;
8) the essence of applications and petitions of the parties and others involved in the case, and the course of their discussion;
9) the essence of explanations of persons involved in the case, and testimony, oral clarification and supplement of expert opinions, oral explanation of specialists;
10) presented evidence in court, the progress of evidence research, and if the evidence is not attached to the case, - number, date and contents of written evidence, as well as indications and properties of real evidence;
11) the content of judicial debate;
12) information about the proclamation of the decision, the decision after hearing the explanations and individuals involved in the case, the content of decisions, resolutions, procedures and duration of the appeal, and the rights and the period of familiarization with court records, submitting to it comments;
13) end time of trial.

Court minutes must show all the essential points of the case in the order in which they took place in the courtroom.

The minutes constitute the Secretary of trial. The minutes must be completed and signed by President and Secretary of hearing no later than three days after the end of the trial. If necessary, the deadline for registration and signing of the minutes can be extended by the Presidency, but not more than ten days after the hearing. On the signing of a minutes a persons involved in the case are notifies whereof.

Persons involved in the case have the right to meet with court records and within three days after notification of minutes or after expiration of minutes to submit their written comments on the incompleteness or irregularity protocol.

Chairperson considers comments to the minutes and certifies their correctness if he agrees. In case of disagreement with the presiding submitted comments are reviewed by the court to notify the persons involved in the case of time and place of hearing.

After reviewing the comments, the court decides ruling, which certifies the accuracy of comments or reject them. In case of missed deadline comments and no reasons to update it they are left without court review.

Comments should be reviewed not later than five days of receipt of the court.
Remarks join the case materials, including if they had not been considered in connection with the disposal of the Presidency.

(Section XI completed in accordance with paragraph 21
Law of Ukraine from 08.09.2005, N 2875-IV)

3. The following become invalid with the entry into force of this Code:
Civil Procedural Code of Ukraine on July 18, 1963, with amendments;

Law of Ukrainian SSR "On approval of the Civil Procedural Code of the Ukrainian SSR"
(Bulletin of the Verkhovna Rada of the USSR,1963, N 30, art. 464);

Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR from December 9, 1963
"On the order of introduction of the Civil and Civil Procedural Code of the Ukrainian SSR
(Bulletin of the Verkhovna Rada of the USSR, 1963, N 51, art. 731).

4. To amend the following laws of Ukraine:

1) The Law of Ukraine "On the Judicial System of Ukraine" (Bulletin of the Verkhovna Rada of Ukraine, in 2002, N 27 - 28, art. 180):
a) The second sentence of the third part in Article 13 of the following wording: "a new trial because of exceptional circumstances by the Supreme Court of Ukraine within the established legal procedures;
b) the sixth paragraph 1 of Article 25 to be deleted;
c) in paragraph 1 of Article 47 the second word "considering in the cassation procedure the decision of the courts in cases within its jurisdiction legislation; review in order to re-appeal all other cases, the courts of general jurisdiction in the court of review "should read" review of the case due to exceptional circumstances in the procedure stipulated by law; reviewing the case in the court of review in cases established by law;
d) the second sentence of paragraph 9 of the first subparagraph of paragraph 3 of section VII "Final and Transitional Provisions" set out in the following wording: "The legal definition of court that will exercise the powers of cassation in civil cases, its establishment and review of these cases in the court of review exercises Chamber of Civil Cases of the Supreme Court of Ukraine;
2) the first part of Article 14 of the Law of Ukraine "On Taxation System" (Bulletin of the Verkhovna Rada of Ukraine, in 1997, N 16, art. 119, 1999, N 5 - 6, pp. 39, N 20 - 21, pp. 192, N 26, art. 215, N 51, art. 455, 2000, N 36, art. 298, 2002, N 5, pp. 30, 2003, N 10 - 11, art. 87 , N 12, art.88, N 33 - 34, pp. 267, 2004, N 7, Art. 56) to add paragraph 28 to read:
28) Court Fee.

5. Before entry into force of the law that governs the order of payment and size of the court fee, when applying to a court it is paid in the amounts prescribed by law of state duty.

6. Statements and complaints filed before the entry into force of this Code in accordance with the Civil Procedural Code of Ukraine of 1963 are considered by this Code. Such statements or complaints can not be left without movement or refunded in accordance with Article 121, 297, 327, 355 of the Code if they are submitted in compliance with the relevant requirements of the Civil Procedural Code of Ukraine in 1963.

7. Statements that are filed before the entry into force of this Code in accordance with the Civil Procedural Code of Ukraine of 1963 and the requirements that can be addressed by the rules of writ proceedings at the request of the plaintiff are considered in order prescribed under section II "writ proceedings of the Code, if the trial has not begun by the rules of limitation proceedings.

8. Complaints, statements relating to notarial acts or denial of the commission given to the enactment of this Code under Chapter 39 of the Civil Procedural Code of Ukraine in 1963, is considered by the rules of limitation proceedings established by this Code.

9. Statements and complaints in cases of arising from administrative legal relations, as well as in cases of denial of state authority of civil registration to correct the assembly record of civil status, filed with the enactment of this Code on the rules established by the heads of 29 - 32,36 of the Civil Procedural Code of Ukraine in 1963, should be dealt with in order established by the Code of Administrative Justice of Ukraine.

(paragraph 9 of Section XI, as amended by the Code Administrative Procedure Ukraine from 06.07.2005, N 2747-IV)

10. Judicial decisions are made by the court of the first instance till enactment of this Code and not gaining legal force can be appealed in appellate proceedings without application to appeal if the appeal period pursuant to the Civil Procedural Code of Ukraine of 1963 has not expired. Unappealed judicial decisions made by the court of the first instance till enactment of this Code, shall become null and void in the manner prescribed by the Civil Procedural Code of Ukraine in 1963.

11. Judicial decisions made in the appellate court before the entry into force of this Code may be appealed in cassation, unless the term of the second appeal in accordance with the Civil Procedural Code of Ukraine in 1963 has not expired.

12. Applications for review of decisions and rulings in connection with the exceptional circumstances presented before the entry into force of this Code in accordance with the Civil Procedural Code of Ukraine of 1963 are considered under the procedure established by this Code. The reason for the cancellation or change of judicial decisions on such statements, except for reasons specified in Article 354 of the Code could also be detected after the second trial of courts of general jurisdiction provision of the law contrary to the Constitution of Ukraine.

13. Cabinet of Ministers of Ukraine:
includes in the Law of State Budget of Ukraine for 2005 and subsequent years to ensure the full costs of fixing trial by technical means;
within three months from the date of publication of this Code:
prepares and submits to the Verkhovna Rada of Ukraine proposals on amending laws in compliance with this Code;
adopts of acts arising from this Code to bring it into compliance with their regulations.

22. During the organization and the finals of the UEFA Cup in 2012 in Ukraine, the court decides the cases on infringement of intellectual property of UEFA in seven days without a preliminary hearing.

(Section XI completed in accordance with paragraph 22
Law of Ukraine 19.04.2007, N 962-V)

The President of Ukraine **L. KUCHMA**

Kyiv
March18, 2004
N 1618-IV