



Ruling Council of the Empire of Adammia Act 49 Court Procedures Act 2018

In accordance with the Supreme Directive of the Empire of Adammia, on the authority of the Ruling Council and His Imperial Majesty the Emperor, this following Act of Council is hereby enacted, with the purpose of clarifying the measures outlined in Act 48 to ensure that the Empire's judicial system is robust and functional. This Act shall function in part as a large amendment to Act 48 which was incomplete, thus

Section 1: Amendments to Act 48 Section 1:

- a) Section 1 shall be amended to contain the following:

"c) Imperial Law

i. Imperial Law is the system of Law that the Empire of Adammia operates under, containing three streams of law: Criminal, Civil and Constitutional. All Law in Adammia shall fall into one of these classifications."

- b) Section 1's introductory text shall replace 'two' with 'three'.

- c) Section 1 e) shall be inserted, reading:

"To be brought into Court under a Criminal, Civil or Constitutional matter, both the injured and defending party must be Legal Persons to be capable of bringing a matter to the Court. "

- d)

- e) Section 1 f) shall be inserted, reading:

Legal Person

i A Legal Person is: any Individual who is a citizen or honorary citizen of the Empire of Adammia; the various institutions of the Imperial Government; any organisation made up of citizens and honorary citizens that declares that it is subject to Imperial Law and has had its status both registered with and approved by the appropriate legislation; any external organisation that declares it is subject to Imperial Law and has had its status both registered with and approved by the appropriate legislation.

Section 2: Judicial Verdicts (Amendments to Act 48 Section 5)

- a) Section 5 i) shall be a new clause, with the subsection counters modified appropriately, reading:

“Judges are capable of handing down the following verdicts:

- a.i. Guilty – This is a criminal verdict. This acknowledges that the Defendant has committed the Crime(s) that they have been charged with and thus subject to a Sentence, and the Plaintiff may be entitled to a Remedy.
 - a.ii. Not Guilty – This is a criminal verdict. This acknowledges that the Defendant has not committed the Crime(s) that they have been charged with and is thus not subject to any Sentence, nor the Plaintiff entitled to any Remedy.
 - a.iii. Guilty of Lesser – This is a criminal verdict. This acknowledges that the Defendant has committed a Crime that is of a lesser character than the Crime the Prosecution charged them of. This verdict may only be delivered where a Jury finds the same.
 - a.iv. Liable – This is a Civil and Constitutional Verdict. This acknowledges that the Respondent is responsible for the Civil or Constitutional Offence that they have been charged with by the Claimant and thus subject to a sentence, and the Plaintiff may be entitled to a Remedy.
 - a.v. Not Liable – This is a Civil and Constitutional Verdict. This acknowledges that the Respondent is not responsible for the Civil or Constitutional Offence that they have been charged with by the Claimant and is not subject to any Sentence, nor is the Plaintiff entitled to a Remedy.”
- b) Section 5 c) shall now read:
“The Monarch may make use of any appropriate (i.e. non-illegal discriminatory) criteria such as relative expertise and experience when appointing a judge.”

Section 3: The Attorney General (Amendments to Act 48 Section 8)

- a) Section 8 a) shall now read:
“The Attorney General is the legal counsel to the Office of the Emperor and the Imperial Government.”
- b) Section 8 c) shall be a new clause, with the subsection counters modified appropriately, reading:
“The Attorney General shall represent the government as either the claimant or respondent in Civil cases.”
- c) Section 8 g) shall be inserted, reading:
“The Attorney General may be appointed by the Monarch at the time and for the duration of their choosing. “
- d) Section 8 h) shall be inserted, reading:
“The Attorney General may be any citizen (but not honorary citizen) that the Monarch believes to be capable of performing the role.”

Section 4: Section 10 shall be inserted into Act 48 reading thusly:

“Section 10: This section hereby defines Criminal, Civil and Constitutional Law.

- a) Criminal Law contains offences that cause harm recognised by legislation to be more severe than a merely Civil harm and thus may require a harsher sentence.
- b) Criminal Law also encompasses the relevant sentences and remedies defined in Section 5 i).
- c) Only an individual Legal Person is capable of being charged under Criminal Law. Legal Persons that are governmental institutions or organisations cannot face Criminal conviction.

- d) Civil Law contains offences that cause harm to a Legal Person that is not so severe as to require a higher level of punishment, and are not Criminal or Constitutional offences.
- e) Civil Law also encompasses the relevant sentences and remedies defined in Section 5 i).
- f) Constitutional Law contains offences that are committed by the government against a Legal Person.
- g) Such offences can be found in Article XI subsection 5 of the Supreme Directive.
- h) Constitutional Law also encompasses the relevant sentences and remedies defined in Section 5 i).”

Section 5: Bringing Criminal Action under Imperial Law

- a) In order to bring Criminal Action under Imperial Law, the injured Legal Person must have been the victim of a Crime as defined in Act 48 Section 10 a) - c).
- b) The injured Legal Person must then submit an application to the Attorney General who will bring Criminal Action against the perpetrator.
- c) Once the application has been received, the Attorney General must notify the Monarch that it will be necessary to hold a Court session.
- d) Once the Monarch has acknowledged the Attorney General’s notice, they must notify the Defendant of the action being brought against them and give sufficient time for the prosecution and defence to prepare their evidence and arguments.
- e) The Monarch must also select a judge as defined under Act 48 Section 5.

Section 6: Bringing Civil Action under Imperial Law

- a) In order to bring Civil Action under Imperial Law, the injured Legal Person must have been the victim of a Civil Offence under Imperial Law as defined in Act 48 Sections 10 d) and 10 e).
- b) The injured Legal Person must then submit an application to the Attorney General who will notify the Monarch that it will be necessary to hold a Court session.
- c) Once the Monarch has acknowledged the Attorney General’s notice, they must notify the Respondent of the action being brought against them and give both the Plaintiff and Respondent the relevant legal materials to argue the case, as well as to prepare their evidence and arguments.
- d) The Monarch must also select a judge as defined under Act 48 Section 5.

Section 7: Bringing Constitutional Action under Imperial Law

- a) In order to bring Constitutional Action under Imperial Law, the injured Legal Person must have suffered harm as a result of a Constitutional Offence as defined in Section 10 f) - h).
- b) The injured Legal person must then submit an application to the Office of State who will notify the relevant governmental institution that it will be necessary to hold a Court session.
- c) The procedure described in Article XI subsection 5 of the Supreme Directive shall then take place.

Section 8: Court Procedures – Criminal

- a) Once the appropriate process outlined in Section 5 has been completed and the Court officially summoned, Court proceedings shall occur in the manner specified below.
- b) Firstly, the Judge shall confirm that the Plaintiff, Attorney General, Defendant, the Defendant’s Representative, Jurors, Witnesses and the Scribe are present.

- c) The Judge will then invite the Attorney General to present the prosecution's case against the Defendant, who will explain the charges levelled against the Defendant and present the relevant evidence. The Prosecution's Witnesses shall not be allowed yet to speak. The Attorney General (Henceforth referred to as the 'Prosecution') shall be given reasonable time to do so.
- d) Once the Prosecution has finished giving its testimony, the Judge will invite the Defendant or their Representative (Henceforth referred to as the 'Defence') to present their challenge to the charges put forward by the Prosecution and give relevant evidence. The Defence's Witnesses shall not be allowed yet to speak. The Defence shall be given reasonable time to do so.
- e) When the Defence has concluded their presentation, the Judge will announce that the cross-examination phase has begun.
 - a) The Prosecution shall begin the cross-examination phase, presenting their witnesses. The witness must give their initial statement uninterrupted. When their initial statement has been concluded, the Prosecution may ask for further information. The Defence may question the witnesses, as well as challenge the Prosecution on any points of Law and Evidence presented. Once the Defence and Prosecution are satisfied, the Prosecution's cross-examination phase concludes.
 - f) The Defence's cross-examination phase will begin once the Prosecution's phase has concluded. The Defence shall present their witnesses who must give their initial statements uninterrupted. When their initial statement has been concluded, the Defence may ask for further information. The Prosecution may question the witness, as well as challenge the Defence on any points of Law and Evidence presented. Once the Prosecution and Defence are satisfied, the Defence's cross-examination phase concludes.
 - g) The Judge will then halt courtroom proceedings to allow a reasonable time for the Jury to consider the evidence laid before them. Once a reasonable time has elapsed, the Judge will invite the Jury to give their verdict.
 - h) Once the Jury's verdict has been given, the Judge must hand down a ruling as defined in Act 48 Section 5 i) and Section 5 j).
 - i) In the event that the Judge's ruling derogates from that of the Jury, then Act 48 Section 6 b) iv takes effect.
 - j) Within one week of the trial, the Judge must present an explanation of their reasoning for public information purposes as well as record-keeping purposes.

Section 9: Court Procedures – Civil

- a) Once the appropriate process outlined in Section 6 has been completed and the Court officially summoned, Court proceedings shall occur in the manner specified below.
- b) Firstly, the Judge shall confirm that the Claimant, the Claimant's Representative, Respondent, the Respondent's Representative, Witnesses and the Scribe are present.
- c) The Judge will then invite the Claimant or their Representative (Henceforth referred to as the 'Claimant') to present their case against the Respondent, who will explain the charges levelled against the Respondent and present the relevant evidence. The Claimant's Witnesses shall not be allowed yet to speak. The Claimant shall be given reasonable time to do so.
- d) Once the Claimant has finished giving their testimony, the Judge will invite the Respondent or their Representative (Henceforth referred to as the 'Respondent') to present their challenge to the charges put forward by the Claimant and give relevant evidence. The Respondent's Witnesses shall not be allowed yet to speak. The Defence shall be given reasonable time to do so.

- e) When the Defence has concluded their presentation, the Judge will announce that the cross-examination phase has begun.
- b) The Claimant shall begin the cross-examination phase, presenting their witnesses. The witness must give their initial statement uninterrupted. When their initial statement has been concluded, the Claimant may ask for further information. The Respondent may question the witnesses, as well as challenge the Claimant on any points of Law and Evidence presented. Once the Respondent and Claimant are satisfied, the Claimant's cross-examination phase concludes.
- f) The Respondent's cross-examination phase will begin once the Claimant's phase has concluded. The Respondent shall present their witnesses who must give their initial statements uninterrupted. When their initial statement has been concluded, the Respondent may ask for further information. The Claimant may question the witness, as well as challenge the Respondent on any points of Law and Evidence presented. Once the Claimant and Respondent are satisfied, the Defence's cross-examination phase concludes.
- g) The Judge will then halt courtroom proceedings to allow themselves a reasonable time to come to a decision on the liability of the Respondent. Once a reasonable time has elapsed, the Judge will hand down their verdict as defined in Act 48 Section 5 i) and Section 5 j).
- h) Within one week of the trial, the Judge must present an explanation of their reasoning for public information purposes as well as record-keeping purposes.

Section 10: Court Proceedings – Constitutional

- a) Constitutional Law proceedings will follow the manner of the Civil Court, except that the proceedings shall be conducted in accordance with Article XI subsection 5 of the Supreme Directive.
- b) The Chancellor or a competent body assigned by the Chancellor may give the verdicts, sentences and remedies outlined in Act 48 section 5 i) and 5 j).

Section 11: Hosting of Court Sessions

- a) The Court may gather in any physical location within the territory of the Empire of Adammia.
- b) Alternatively, the Court may be held in an 'e-trial' on an agreed Internet website and service. The Monarch and Judge must consult on whether to hold a physical or e-trial, and on which service the e-trial is to be held.
- c) Additionally, only the persons who are involved in the trial are permitted to attend it. No public visitations are permitted.

Section 12: Witnesses

- a) In Criminal, Civil and Constitutional Trials witnesses may be called forth during the Cross-Examination phases.
- b) All witnesses must be made known to the Judge before they can be called in.
- c) The Judge may strike out any unfair questioning performed by the parties and the question (and any answer given) struck from the Scribe's records.
- d) Unfair questioning includes inquiries into information relevant to the case at hand, or inquiries that are framed so as to discredit or embarrass the witness.
- e) Witness identities may not be declared in public case reports, however their identities may be noted for official Court record-keeping purposes.

Section 13: Court Scribe and Records

- a) The Court Scribe notes down the events and arguments presented in the Court, as well as the verdict.
- b) The appointment of the Court Scribe shall be conducted by the Monarch after citizens have expressed interest in such a role. The Monarch may select themselves as the Court Scribe.
- c) The Court Scribe may make use of any appropriate (i.e. non-illegal discriminatory) criteria such as relative expertise and experience when appointing a Court Scribe.
- d) The Scribe's report shall have two versions:
 - a.i. A detailed, confidential report on the events of the trial which contains all relevant details and events of the trial. The report must be true to fact.
 - a.ii. An anonymised version of the report which is for public consumption to be released via the Adammic Express. This may be abridged for ease of reading, but the events must be true to fact.
- e) A Scribe whose report is found to be false may be charged with Perjury.
- f) Where a person distributes the confidential Court report they may be charged with leaking under Act 22 Section 4 c).

Section 14: Definitions

- a) Claimant – This is the party in a Civil case bringing the action.
- b) Respondent – This is the party in a Civil case who the action is being brought against.
- c) Plaintiff – This is the party in a Criminal case who brings the action
- d) Defendant – This is the party in a Criminal case who the charge is being brought against.

Written and tabled by Lord Sir Alexander Helliker: *Prime Minister of Adammia*

AYES: 7		NOES: 0
Adam I		
A. Helliker		
E. Simpson		
A. Bond		
C. Gurr		
H. Peace		
S. Maude		

Abstentions: O. Davies

PASSED

Signed,

Adamus Primus Imperator

14th June 2018 15:54

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