

## **Judiciary**

### **Organisation**

**1.** Each court only has jurisdiction for a given part of the territory (principle of territoriality). Belgian territory is divided up on a judicial level as follows:

- 162 cantons (Justice of the Peace)
- 12 judiciary districts, comprising 13 Courts of First Instance (1 per district, except in Brussels where there are two Courts of First Instance, one French-speaking and one Dutch-speaking) and 15 police courts (1 per district, except in Brussels where there is one French-speaking and one Dutch-speaking court, plus one police court in Halle and Vilvoorde)
- 5 jurisdictions, which comprise 9 business courts, 9 labour courts and 5 courts of appeal:
  - The Brussels Court of Appeal has jurisdiction over the provinces of Walloon Brabant, Flemish Brabant and the bilingual region of Brussels–Capital
  - The Gent Court of Appeal has jurisdiction over the provinces of East and West Flanders
  - The Antwerpen Court of Appeal has jurisdiction over the provinces of Antwerp and Limburg
  - The Liège Court of Appeal has jurisdiction over the provinces of Liège, Namur, and Luxembourg
  - The Mons Court of Appeal has jurisdiction over the province of Hainaut.
- 1 Supreme Court of Appeal (also called Court of Cassation) with jurisdiction over the entire country (article 147 of the Constitution)

**2.** The judgements of the lower courts are called “jugements/vonnissen” in French/Dutch respectively. The judges are called “juges/rechters”.

**3.** The judgements of the higher courts are called “arrêts/arresten” in French/Dutch respectively. The judges are called “conseillers/raadsheren”.

**4.** The Justices of the Peace deal with civil litigation to the level of a certain amount. For certain matters such as leases, expropriations... the Justice of the Peace always has competence, irrespective of the amount at stake.

**5.** The Courts of First Instance settle civil litigation that exceeds the competence of the Justice of the Peace. They also deal with appeals against the decisions of Justices of the Peace in civil acts.

**6.** The Business Courts deal with all litigation between companies, irrespective of the amount at issue and provided that these cases are not the competence of another court.

**7.** With regard to criminal courts, jurisdiction is defined in relation to the nature of the crime:

- The police courts deal with misdemeanours (minor offences) or more serious offences considered as a misdemeanour following the admission of attenuating circumstances. They decide on claims for compensation in case of a traffic accident, irrespective of the amount at stake.
- The Correctional Courts deal with crimes (intermediate category of crime).
- The Assize Court, assisted by a jury advised by professional judges, deals with felonies (the most serious crimes) as well as political crimes and crimes of the press, with the exception of press crimes inspired by racism or xenophobia. Felonies are also frequently dealt with by the Correctional Courts. An offence is classified by the chamber of the counsel and the chamber of indictment. They may “correctionalise” a felony i.e. refer it to the Correctional Court instead of the Assize Court.

**8.** The Assize Court judges in the “first and last instance”. In other words you cannot appeal against the decisions of this court.

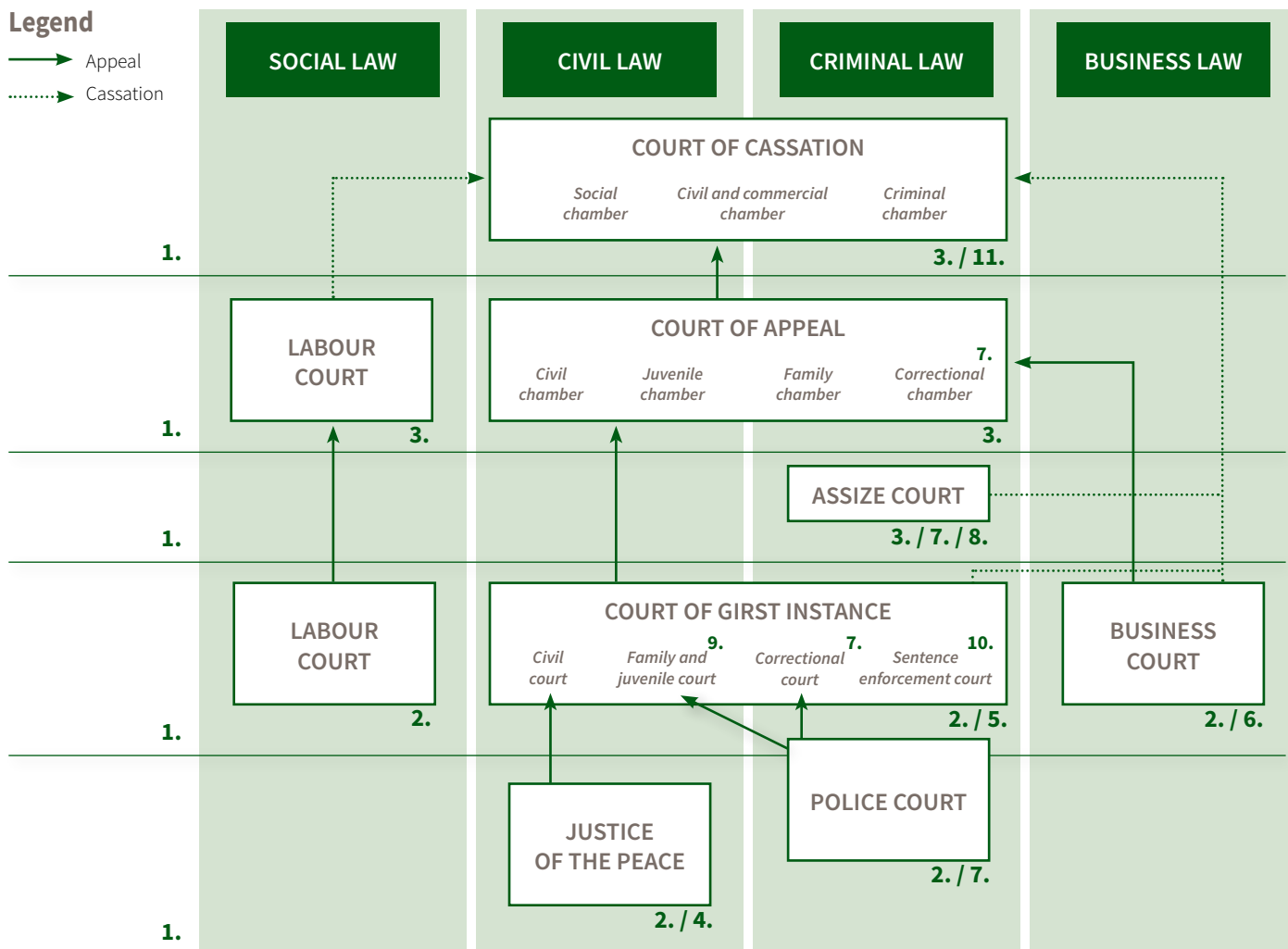
**9.** The Family and Juvenile Court is competent for civil family disputes as well as criminal cases involving minors. Particular emphasis is placed on conciliation between the parties.

**10.** The Sentence Enforcement Court decides on the arrangements for application of sentences imposed on people sentenced for a minimum of three years.

**11.** It is generally said that the Supreme Court of Appeal (Court of Cassation) only judges “in law” and does not examine “the facts”. More precisely, it only checks that the law has been correctly interpreted and applied and that no procedural error has been committed. The Supreme Court of Appeal never judges on the case in itself. It is consequently not an instance of appeal as the case is not totally re-examined.

## Legend

- Appeal
- .....→ Cassation



## » The 12 judicial districts

1. **West Flanders**  
(Bruges – Kortrijk – Veurne – Ieper)
2. **East Flanders**  
(Ghent – Dendermonde – Oudenaarde)
3. **Antwerp**  
(Antwerp – Turnhout – Mechelen)
4. **Limburg**  
(Hasselt – Tongeren)
5. **Leuven**
6. **Brussels**
7. **Walloon Brabant**
8. **Eupen**
9. **Liège**  
(Liège – Verviers – Huy)
10. **Namur**  
(Namur – Dinant)
11. **Luxembourg**  
(Marche – Neufchâteau – Arlon)
12. **Hainaut**  
(Mons – Tournai – Charleroi)

