



The Holy See

One hundred years ago, after the former ordering of the tribunals of the *Papal Signatura of Favours and Justice* had been suppressed, our Predecessor Pope Saint Pius X restored, or rather instituted, the Supreme Tribunal of the Apostolic Signatura with the Apostolic Constitution *Sapientis consilio*,¹ issued on 29 June 1908, by which the ordering of the Roman Curia was suitably revised, and to which was attached the *Proper Law (Lex propria) of the Sacred Roman Rota and the Apostolic Signatura*.² The same Supreme Pontiff also deigned to confirm and ratify the *Rules to be Observed in Trials before the Supreme Tribunal of the Apostolic Signatura* on 6 March 1912;³ indeed, attributing to it the force and authority of special law (*lex peculiaris*) for the Supreme Tribunal of the Apostolic Signatura, he ordered it to be printed in the *Acta Apostolicae Sedis*, promulgated, and strictly observed thereafter by all to whom it pertained.

The competencies of the Apostolic Signatura defined in this way were augmented by his Successor, the Supreme Pontiff, Pope Benedict XV at the request of His Eminence Cardinal Michele Lega, Prefect of the Supreme Tribunal, by the chirograph *Attentis expositis* of 28 June 1915,⁴ and then they were set forth anew in the *Code of Canon Law* promulgated by our same Predecessor a little later, that is, on 27 May 1917.

These remained for the most part unchanged until the Apostolic Constitution *Regimini Ecclesiae universae*,⁵ by which the Supreme Pontiff, Pope Paul VI, of venerable memory, on 15 August 1967 readily brought to effect the new ordering of the Roman Curia, introduced the Second Section of the Tribunal of the Apostolic Signatura with the aim of protecting more adequately the most important and principal rights of the faithful, and extended its responsibility of exercising vigilance over the correct administration of justice to matrimonial causes as well.

Such major changes required that the *Normae speciales* be prepared as soon as possible; these were approved on an experimental basis by the same Supreme Pontiff on 23 March 1968.⁶ They thenceforth replaced the *Rules to be Observed* and were in force for forty years during a period of profound revision of canonical legislation.

Indeed, the Servant of God, Pope John Paul II promulgated the *Code of Canon Law* on 25 January 1983,⁷ the Apostolic Constitution *Pastor bonus* on 28 June 1988,⁸ and the *Code of Canons of the Eastern Churches* on 18 October 1990.⁹

Once all of this had been successfully completed, it was finally necessary to undertake the task of drawing up the *Lex propria*, which according to art. 125 of the Apostolic Constitution *Pastor bonus* was to govern the Supreme Tribunal of the Apostolic Signatura. The Most Eminent and Most Excellent Fathers of this Supreme Tribunal, under the direction of His Eminence Cardinal Agostino Vallini, Prefect of this Dicastery, carefully studied a prepared schema of the *Lex propria* in the Plenary assembly of 15-16 November 2007, and determined that an amended text of the norms was to be presented to Us so that it might be approved by Our Apostolic Authority.

Below is the text in question:

***Lex propria* of the Supreme Tribunal of the Apostolic Signatura.**

TITLE I

CONSTITUTION AND FUNCTIONS

Chapter I.

The Constitution of the Apostolic Signatura

Art. 1. § 1. The Supreme Tribunal of the Apostolic Signatura consists of a group of Cardinals and Bishops who are appointed by the Supreme Pontiff; a Cardinal Prefect, chosen by the same Supreme Pontiff, presides over it.

§2 Some clerics of good reputation, doctors in canon law and endowed with outstanding canonical knowledge can also be included in the group of Members.

§3 Unless it is otherwise provided, the Supreme Tribunal adjudicates causes by way of colleges, without prejudice to the faculty of the Prefect to refer them to the Plenary session of the Signatura.

§4 When the Holy See is vacant, the Prefect and the Members cease from their function.

Art. 2. § 1. The Secretary assists the Prefect in directing the affairs and personnel of the Apostolic Signatura.

§2. When the Holy See is vacant, the Secretary sees to the ordinary direction of the Apostolic Signatura, carrying out only ordinary affairs; but he needs the confirmation of the Supreme Pontiff within three months of his election.

Art. 3. The Promoter of Justice, the Defender of the Bond, the Substitute Promoters of Justice and the Head of the Chancery, as well as a suitable number of Officials and Assistants offer service in

the Dicastery. It is also assisted by Referendaries as its consultants.

Art. 4. The Secretary, the Promoter of Justice, the Defender of the Bond, the Substitute Promoters of Justice, inasmuch as they are major Officials, as well as Referendaries, are appointed by the Supreme Pontiff. The other Officials and Assistants are taken on according to the norm of the *General Regulations of the Roman Curia*.

Chapter II.

The Individual Functions

Art. 5. § 1. The Prefect governs the Apostolic Signatura, directs it, and acts in its name.

§2. It is principally his responsibility:

1° to constitute a College of Judges or convoke the Plenary session of the Signatura, to designate the *Ponens*, and to preside over the sessions of the Judges;

2° to preside over the *Congresso* and to issue decisions in it;

3° to grant requested favors and to issue decrees conveying a decision outside of the *Congresso*.

Art. 6. § 1. The Secretary, under the authority of the Prefect, carries out everything concerning the preparation (*instructio*) and the expeditious handling of business matters.

§2 It is principally his responsibility:

1° to entrust [to the appropriate persons] petitions received and other questions to be examined;

2° to reject recourses or other petitions at the outset (*a limine*), if the case warrants it;

3° to fulfill the function of Auditor;

4° to be present at the meeting of the Judges to explain a cause, without prejudice to art. 47, § 2;

5° to take care that letters and decrees to be signed by the Prefect or by himself are properly prepared;

6° to administer goods.

§3 He acts in the place of the Prefect when the latter is absent or impeded, except for cases reserved to the Prefect himself.

Art. 7. § 1. The Promoter of Justice, assisted by at least two Substitutes, intervenes in causes and questions pertaining to the correct administration of justice.

§2 In judicial and contentious-administrative causes, he acts impartially in favor of justice and truth; but in penal and disciplinary causes, at the mandate of the Prefect, he initiates and advances the action.

§3 He acts in place of the Secretary when the latter is absent or impeded.

§4 He ceases from his function with the completion of his seventy-fifth year.

Art. 8. § 1. The Defender of the Bond must intervene in causes and matters which concern the nullity of sacred ordination or the nullity or dissolution of marriage; apart from the cases in which his intervention is evidently required by the nature of the matter, it is for the Secretary to decide whether or not he must intervene, without prejudice to art. 22.

§2 He is bound by the obligation of proposing and explaining everything that can reasonably be brought forward against nullity or dissolution.

§3 He ceases from his function with the completion of his seventy-fifth year.

Art. 9. For a just cause, the Secretary can depute, in addition to major Officials, Referendaries and other experts, to exercise the function of Promoter of Justice or Defender of the Bond in a case.

Art. 10. § 1. Without prejudice to art. 9, Referendaries assume the function of consultants, who offer an opinion (*votum*) about a proposed question in accord with their knowledge and experience.

§2. Referendaries must have a doctorate in canon law and be known for uprightness of life, prudence, and expertise in the law.

Art. 11. § 1. The Head of the Chancery directs the same Office under the guidance of the Secretary.

§2 It is his principal responsibility to sign acts to be prepared in the name of the Chancery, to keep the seal of the Apostolic Signatura, to compile the *summarium* (dossier) of causes, and to prepare orders for making or requesting payment.

§3 With the assistance of the Notaries and staff, he also sees to it that all acts which arrive at the Signatura are entered in the register; that notation is made about the progress of causes; that letters, decrees, and rescripts, according to the received mandates, are properly drawn up and delivered; that acts are properly preserved in the archives; and that the necessary reference works

are in the library.

§4 He is to take care that all the decisions are collected, some of which, selected annually by the Prefect in *Congresso*, are to be published by provision of the Supreme Tribunal.

Art. 12. § 1. The Head of the Chancery and the other Notaries certify the acts carried out in their presence and attest by their signature to the trustworthiness of copies.

§2. The Secretary can entrust the function of Notary *ad actum* to Chancery staff.

Art. 13. § 1. Notaries and Chancery staff, in accord with the particular functions entrusted to them, draw up letters, decrees, and rescripts, and they prepare reports about the state of questions to be treated.

§2. It is the responsibility of the Notary who is senior by appointment to take the place of the Head of the Chancery when the latter is temporarily absent or impeded.

Art. 14. The receptionists of the Signatura also exercise the function of courier.

Art. 15. Major Officials, Officials, and Assistants listed in the Apostolic Signatura's Table of Organization (*Tabella organica*) are to fulfill the functions assigned to them carefully under the guidance of their Superiors.

Chapter III.

Procurator-Advocates (*Patroni*)

Art. 16. § 1. The parties can stand in trial only through a Procurator-Advocate (*patronus*).

§2. But if the recurrent party, after being informed of this, has not provided for one within the prescribed time limit nor offered a suitable justification or obtained free legal representation, the Secretary declares the cause to be abated.

Art. 17. § 1. Advocates in the Roman Curia can assume the legal representation of causes.

§2 Advocates of the Roman Rota are also admitted in the judicial causes mentioned in art. 33 and in the disciplinary causes mentioned in art. 35, 1°.

§3 In the contentious-administrative causes mentioned in art. 34, the Prefect can admit *ad casum* Advocates of the Roman Rota, provided they are truly experts in the matter, or, if the case warrants it, another person who is truly an expert and possesses a doctorate in canon law.

§4. Advocates of the Roman Curia at the beginning of their function, and others at the beginning of a contentious-administrative cause they have assumed, are bound to make an oath to observe secrecy and to fulfill their function properly and faithfully.

Art. 18. §1. In accord with his function, a Procurator-Advocate is bound to protect the rights of the party and to observe the secrecy of office.

§2. It is his responsibility to represent the party, to present petitions or recourses, to inform the party about the status of the cause, to receive notifications for him, and to defend him.

Art. 19. §1. The Procurator-Advocates enjoy the right to suitable compensation.

§2. If a question arises about compensation, the Secretary decides the matter at the request of the party or *ex officio*, after hearing the interested parties, with due regard for the right of recourse to the Prefect and without prejudice to artt. 35, 1° and 113.

Art. 20. The Procurator-Advocates are bound to offer free legal representation by mandate of the Secretary, without prejudice to fair compensation to be paid, if the case warrants it, from the account of the Supreme Tribunal.

Chapter IV.

The Discipline to be Observed

Art. 21. The College of Judges is constituted by five members, unless the Prefect in *Congresso* decides that recourse against a decree of rejection issued in *Congresso*, should one be given, is to be judged by a College of three Judges.

Art. 22. § 1. In the *Congresso*, the Prefect issues the decision; the Secretary, the Promoter of Justice, the Defender of the Bond, and the Substitute Promoters of Justice are to take part, as well as others who may be deputed for the function of Promoter of Justice or Defender of the Bond in the causes being handled. The Head of the Chancery is to be present. At the discretion of the Prefect, Referendaries whose presence is deemed useful can also be invited to it.

§2. In an urgent case, it is sufficient that, in addition to the Prefect and the Secretary or the one taking his place, only two among those convoked be present.

Art. 23. § 1. The Prefect, Judges, Secretary, Promoter of Justice, and Defender of the Bond must abstain from handling a cause in the cases mentioned in cann. 1448, § 1 of the Code of Canon Law and 1106, § 1 of the Code of Canons of the Eastern Churches.

§2 If the Prefect abstains from a cause, his functions are to be exercised in the cause by the Secretary up to the point of the session of the Judges, over which the Cardinal Judge who is senior by order and appointment presides.

§3 If the Secretary abstains from a cause, his functions are to be exercised by the Promoter of Justice.

Art. 24. § 1. In these cases, unless they themselves abstain, a party can recuse them.

§2. If the Prefect or another Cardinal is recused, the recusing party, after notifying the Signatura, is to refer the matter to the Supreme Pontiff; in other cases, the Prefect makes a judgment about the recusal.

Art. 25. Upon taking office, all are bound to make a profession of faith and an oath to observe secrecy and to fulfill their function properly and faithfully, before the Prefect in the presence of a Notary.

Art. 26. § 1. Upon request, the Procurator-Advocates can obtain a copy of the acts with the permission of the Secretary and after the Promoter of Justice has been heard. They are bound by the grave obligation not to hand over a copy of any acts whatsoever, in whole or in part, to others, including the parties.

§2 The publication or communication of decisions is carried out, with all the effects of law, by handing over or transmitting a copy of them to the Procurator-Advocates.

Art. 27. § 1. Time limits established for procedural acts are prescriptive, unless they are peremptory by law or by express declaration.

§2. Nevertheless, the Prefect and the Secretary have the right to establish peremptory time limits if this is required for expeditiously resolving a case.

§3 The time limits established in this *Lex* are understood to be useful.

Art. 28. § 1. Unless it is otherwise provided, one can make recourse, supported by reasons, to the Prefect, against a decree issued by the Secretary that is not merely procedural; such recourse is to be proposed within the peremptory time limit of ten days.

§2. Whenever the possibility of making recourse to the College against a decree of the *Congresso* is given, the recourse, supported by reasons, is to be presented within the peremptory time limit of ten days.

Art. 29. § 1. In addition to the Latin language, it is appropriate to address the Apostolic Signatura also using languages widely known today. If one approaches it in another language, though, the Secretary can require that he use a more widely known language.

§2. Other requests, defenses, and opinions (*vota*) are to be presented in the Latin language.

Chapter V.

Expenses and Free Legal Representation

Art. 30. § 1. The *Congresso* establishes norms for the submission of deposits, judicial expenses, reimbursement, and taxes for rescripts.

§2 For a just cause, the Secretary can establish otherwise in individual cases for the submission of a deposit or the payment of a tax.

§3 In decisions, there is a determination about expenses, reimbursement and, if the case warrants it, the reparation of damages.

Art. 31. § 1. One who requests free legal representation must enjoy a presumably founded right to bring a cause and must present proofs which explain his financial condition apparent.

§2 The Prefect, having heard the Secretary and the Promoter of Justice, grants or denies the benefit by decree, in whole or in part.

§3 There is no appeal from the decree of the Prefect, but the party can make recourse to the Prefect himself within fifteen days.

§4 When free legal representation is granted, the Secretary appoints a Procurator-Advocate *ex officio*.

TITLE II

THE COMPETENCE OF THE APOSTOLIC SIGNATURA

Art. 32. In addition to the function it exercises as of Supreme Tribunal, the Dicastery sees that justice is correctly administered in the Church.

Art. 33. The Apostolic Signatura adjudicates:

1° complaints of nullity against definitive decisions, or those having the force of a definitive sentence, of the Roman Rota;

2° petitions for a *restitutio in integrum* against decisions of the Roman Rota;

3° recourses in causes concerning the status of persons against the denial of a new examination of a cause by the Roman Rota;

4° exceptions of suspicion and other causes against Judges of the Roman Rota on account of acts placed in the exercise of their office;

50 conflicts of competence between tribunals which are not subject to the same appellate tribunal, unless other provision is made by law.

Art. 34. § 1. The Apostolic Signatura adjudicates recourses made within the peremptory time limit of sixty useful days against singular administrative acts issued by Dicasteries of the Roman Curia or approved by them, whenever it is contended that the challenged act violated some law in the substance of the decision (*in decernendo*) or in the procedure used (*in procedendo*).

§2 In these cases, besides a judgment about unlawfulness, it can also make a judgment about the reparation of damages inflicted by the unlawful act, if the recurrent requests it.

§3 It also adjudicates other administrative controversies which may be referred to it by the Roman Pontiff or by the Dicasteries of the Roman Curia, as well as conflicts of competence between Dicasteries.

Art. 35. The Apostolic Signatura also has responsibility to exercise vigilance over the correct administration of justice, and especially:

1° if it is necessary, to correct ministers of tribunals, advocates, and procurators;

2° to handle petitions presented to the Apostolic See to obtain the commission of a cause to the Roman Rota, a dispensation from procedural laws, not excluding the Eastern Churches, or another favour related to the administration of justice;

3° to extend the competence of lower tribunals;

4° to grant the approval of an appellate tribunal when this is reserved to the Holy See;

5° to promote and approve the erection of interdiocesan tribunals;

6° to make a judgment about those matters which are assigned to the Apostolic Signatura by conventions between the Holy See and sovereign states;

TITLE III

THE JUDICIAL PROCESS

Chapter I.

General Norms

Art. 36. Recourse is introduced by a written petition to which there must be attached an authentic copy of the sentence or decree, if one is being challenged.

Art. 37. The Secretary examines all the acts pertaining to the case.

Art. 38. The Secretary provides by decree for the notification of the petition to all interested parties and to the Defender of the Bond, if he is participating in the trial, for establishing a time limit for choosing a Procurator-Advocate, insofar as one is required and without prejudice to art. 16, and for bringing forward written arguments.

Art. 39. § 1. When the time limit has elapsed, the Promoter of Justice submits an opinion about the truth of the matter (*votum pro rei veritate*).

§2 The Secretary takes care to communicate this opinion, together with the written arguments mentioned in art. 38, to the parties, who have the right, if they wish, to reply within ten days.

§3 After giving the Defender of the Bond the opportunity to reply a second time, the Promoter of Justice is permitted to intervene last.

Art. 40. The Prefect establishes the date for holding the *Congresso*, and he orders it to be communicated to the parties.

Art. 41. § 1. After all of this, the *Congresso* admits or rejects the recourse.

§2. The decisions of the *Congresso* are to be communicated to the parties in writing.

Art. 42. § 1. Unless it is otherwise provided by law, one can make recourse against a decree of rejection to the College of Judges; the recurrent is informed of this right in the same decree.

§2 The recourse, supported by reasons, is to be proposed within the peremptory time limit of ten days.

§3 Notification about the proposal of recourse is made to the parties, who enjoy the right to propose their observations within ten days.

§4 Once the *votum* of the Promoter of Justice has been presented, the recourse is referred as soon as possible to the College, whose decision is subject to no legal remedy.

Art. 43. § 1. When the recourse is admitted, the Secretary convokes all interested parties to establish the terms of the controversy (*litis contestatio*).

§2. It is for the Secretary, after hearing the interested parties, to establish the formula of the doubt by decree, to direct the instruction of the cause according to the norm of law, and to resolve incidental questions expeditiously, if they arise.

Art. 44. Once the instruction is completed, the Secretary, with the assistance of the Promoter of Justice and having heard the parties' Procurator-Advocates and the Defender of the Bond, provides for the compilation of the dossier of the cause; in addition, in accord with the norm of artt. 38-39, he asks for the briefs of the parties, the observations of the Defender of the Bond and the *votum* of the Promoter of Justice, and orders them to be communicated.

Art. 45. Once the responses of the parties, the Defender of the Bond and the Promoter of Justice have been presented, the cause is to be concluded.

Art. 46. Once everything required by law has been carried out, the Prefect refers the decision concerning the case to the College.

Art. 47. §1. At the meeting of the Judges, the *Judge-Ponens*, or the Relator, makes a report about the controversy and identifies the reasons in favour of the recourse and in opposition to it.

§2 Then, with no one else being present, the Judges present their conclusions in order with reasons pertaining to both the law and the facts. These written conclusions are handed to the *Ponens* for writing the sentence; then they are attached to the acts of the cause, to be preserved in secrecy.

§3 Once the discussion is completed, the College issues its decision, for which the majority of the votes is sufficient.

§4 The dispositive part is put into writing by the *Judge-Ponens*, or Relator, signed by the individual Judges, and immediately handed to the Secretary.

Art. 48. § 1. The *Judge-Ponens*, or Relator, prepares the text of the decision as soon as possible.

§2. The Prefect of the Supreme Tribunal, if the case warrants it, can order that the reasons for the decision with respect to the law and the facts be put into writing by the Promoter of Justice.

Art. 49. If the College of Judges orders further instruction, the Secretary carries it out.

Art. 50. Unless it is expressly established otherwise, there is no possibility for introducing a challenge against the decisions of the College.

Chapter II.

Complaint of Nullity against Decisions of the Roman Rota

Art. 51. A complaint of nullity can be proposed not only against definitive sentences but also against interlocutory sentences and decrees issued in any way by the Roman Rota, provided that they have the force of a definitive sentence, unless it is otherwise provided by law.

Art. 52. § 1. If one acted in the name of another without a legitimate mandate, the defect is considered sanated by the appeal made by the party himself before the nullity was alleged, and indeed by any act whatsoever of the same party placed before the complaint, provided that it corresponds to a ratification.

§2. In the case mentioned in § 1, the recourse is rejected at the outset by decree of the Secretary.

Art. 53. § 1. If a complaint of nullity is joined to an appeal, the former is to be lodged before the Apostolic Signatura, and the latter before the Roman Rota.

§2. The decision about the complaint must precede the decision about the appeal, unless the Apostolic Signatura has decreed otherwise.

Art. 54. When the recourse is admitted, the doubt is to be established under the formula: *Whether the nullity of the decision of the Roman Rota is proven.*

Chapter III.

Petitions for a *Restitutio in integrum* against Decisions of the Roman Rota

Art. 55. § 1. A petition for a *restitutio in integrum* suspends the execution of a sentence that has not yet been initiated.

§2. If, however, from probable indications there is suspicion that the petition has been made in order to introduce delays in the execution, the *Congresso* can decree that the sentence is to be brought to execution, providing a suitable guarantee to the one requesting the *restitutio* that there will be indemnity, if the *restitutio in integrum* is granted.

Art. 56. When the recourse is admitted, the doubt is to be established under the formula: *Whether the restitutio in integrum is to be granted.*

Art. 57. When the *restitutio* has been granted, unless the Supreme Pontiff has provided otherwise, the cause is returned to the Roman Rota so that it may judge the merits of the cause according to its own norms.

Chapter IV.

Recourses against the Denial of a New Examination of a Cause by the Roman Rota

Art. 58. In causes concerning the status of persons, recourse against the denial of a new examination of a cause by the Roman Rota can be proposed within the peremptory time limit of thirty days.

Art. 59. § 1. Once the other party has been notified, the Secretary establishes a brief time limit for the recurrent party to explain the reasons for the petition; then, the Defender of the Bond prepares his observations; finally, the Promoter of Justice submits his *votum pro rei ventate*.

§2. The *Congresso* admits or rejects the new proposition of the cause, without there being any legal remedy whatsoever.

Art. 60. The decree issued by the *Congresso* is communicated to the recurrent party and to the Dean of the Roman Rota, and the other party is notified.

Art. 61. While the recourse is pending before the Apostolic Signatura, the *Congresso* can make a judgment about granting or revoking the suspension of the execution of the sentence.

Chapter V.

Exceptions of Suspicion against Judges of the Roman Rota

Art. 62. An exception of suspicion can be proposed against a Judge of the Roman Rota in the cases mentioned in cann. 1448, § 1 and 1624 of the Code of Canon Law and cann. 1106, § 1 and 1305 of the Code of Canons of the Eastern Churches.

Art. 63. § 1. Having immediately notified the recused Judge, the Secretary establishes a time limit for the petitioner to explain the allegations brought forward; then, having considered the briefs of the parties in the matter, as well as the observations of the Defender of the Bond, if he is involved, and the *votum pro rei ventate* of the Promoter of Justice, the cause is referred to the *Congresso*.

§2. If the recused Judge requests it or the case warrants it, he is heard by the Secretary.

Art. 64. The *Congresso* decides whether or not there is reason for the recusal of the Judge, without there being any legal remedy whatsoever.

Art. 65. The decree issued by the *Congresso* is communicated as soon as possible to the Dean of the Roman Rota.

Chapter VI.

Cases against Judges of the Roman Rota

Art. 66. § 1. A process in penal or contentious cases against Judges of the Roman Rota for acts placed during the exercise of their function carried out according to artt. 36-49 and the prescripts of the Code of Canon Law, making appropriate adjustments.

§2. The injured party can bring within the penal trial itself a contentious action for the reparation of damages inflicted on him because of a delict.

Art. 67. § 1. The Promoter of Justice exercises the role of petitioner in a penal trial.

§2. The Prefect carries out the matters concerning the promotion and initiation of a penal trial, which are usually the competence of the Ordinary.

Art. 68. The sentence is issued by a College of five Judges.

Art. 69. A party who deems himself aggrieved, as well as the Promoter of Justice, have legal remedies available to them before the Apostolic Signature, not excluding an appeal of the case.

Chapter VII.

Conflicts of Competence between Tribunals

Art. 70. Without prejudice to the competence mentioned in art. 35, 2°-3°, when a conflict of competence is referred to it, the Apostolic Signatura first determines whether there truly is a conflict, and indeed one that is to be resolved according to the norms of the articles of this chapter.

Art. 71. After considering all the circumstances of the conflict, the Secretary suspends the pending processes insofar as the case warrants it.

Art. 72. § 1. Once the acts of the cause have been acquired, as well as the briefs of the parties, and, if the case warrants it, after the Tribunals have been heard, the Defender of the Bond

presents his observations, if he is to intervene in the trial, and the Promoter of Justice presents his *votum pro rei veritate*.

§2. Without there being any legal remedy whatsoever, the *Congresso* resolves the proposed conflict by decree, establishing, inasmuch as it is necessary, the competent forum and the manner of proceeding.

TITLE IV

THE CONTENTIOUS-ADMINISTRATIVE PROCESS

Chapter I.

Recourses against Singular Administrative Acts

Art. 73. § 1. A recourse must convey the following:

- 1° by whom it is proposed;
- 2° the act which is challenged;
- 3° what is requested;
- 4° on what right it is based;
- 5° the day on which the notification of the challenged act was received;
- 6° the signature of the recurrent party.

§2. The following must be attached to the recourse:

- 1° the act which is challenged, unless it cannot be presented by the recurrent;
- 2° the mandate duly conferred on the Procurator-Advocate or a petition, supported by documentation, for obtaining free legal representation.

Art. 74. § 1. A recourse must be presented within the peremptory time limit of sixty useful days from the day that the notification of the act was completed.

§2. A waiver for an expired time limit (*remissio in terminos*) is granted by the Roman Pontiff alone.

Art. 75. A recourse is null if the persons or the object concerned remain absolutely uncertain.

Art. 76. § 1. After hearing the Promoter of Justice, by decree the Secretary rejects at the outset a recourse which undoubtedly and evidently lacks grounds, such as when:

1° it does not concern a matter pertaining to an administrative tribunal;

2° the recurrent lacks legitimate personal standing in the trial;

3° the law which is allegedly violated is not apparent;

4° the time limit for proposing recourse have elapsed.

§2 The Secretary is to inform the Promoter of Justice and, if the case warrants it, the competent Authority about this decree.

§3 The recurrent is notified in this decree of the faculty to make recourse to the *Congresso* within the peremptory time limit of ten days from when it was received.

§4 The decree by which the *Congresso* confirms a rejection at the outset is not subject to any legal remedy.

Art. 77. Without prejudice to art. 16, § 2, the Secretary provides a time limit for repeating the recourse if it contains defects which can be corrected.

Art. 78. § 1. At any stage of the process, the litigation can be ended by abatement, revocation of the challenged act, renunciation, or peaceful resolution.

§2 A peaceful resolution made between the parties requires the approval of the *Congresso*.

§3 For the other cases of an concluded litigation (*lis finita*), the Secretary issues a decree about the matter which is to be communicated to the interested parties.

Art. 79. § 1. By his decree, the Secretary:

1° orders that the competent Dicastery and all legitimately intervening before the Dicastery be notified of the reception of the recourse, and he invites them to designate a Procurator-Advocate by legitimate mandate;

2° asks the Dicastery to transmit a copy of the challenged act and all the acts pertaining to the controversy within the time limit of thirty days;

3° appoints a Promoter of Justice for the cause;

4° orders the Chancery to inform the recurrent and the others mentioned in 1° of the requirements to be duly fulfilled.

§2. The Secretary proceeds in the same manner with other parties who may be involved, making the appropriate adjustments.

Art. 80. If the Dicastery does not appoint a Procurator-Advocate for itself, the Prefect names one *ex officio*.

Art. 81. § 1. Once the acts of the Dicastery have been received, the Secretary, having informed the recurrent's Procurator-Advocate, sets for him, by decree, a time limit within which he is to present a brief, in which the laws which were allegedly violated are to be clearly indicated and the recourse is to be explained, completed, or emended, and possibly to present or request any further documentation.

§2 Once the time period mentioned in § 1 has elapsed, the Secretary sets a time limit, likewise by decree, for the resistant party's Procurator-Advocate such that, after examining everything mentioned in § 1, he is to present a brief and possibly bring forward new documents.

§3 After all this has occurred, the Promoter of Justice submits his *votum pro rei veritate*.

Art. 82. After the written arguments have been exchanged, the Procurator-Advocates can respond within ten days; but the Promoter of Justice can write last.

Art. 83. § 1. When the *Congresso* has been convoked according to the norm of art. 40, the Prefect decides whether the recourse is to be admitted to discussion or rejected because it manifestly lacks a grounding or foundation. In the second case, he expresses the reasons.

§2. The decisions of the *Congresso* are communicated to the parties in writing.

Art. 84. Without prejudice to art. 76, § 4, recourse, which is to be proposed and handled according to the norm of art. 42, can be made to the College against the decree of rejection.

Art. 85. § 1. When a recourse has been admitted, once the Procurator-Advocates and the Promoter of Justice have been convoked as soon as possible for a summary oral examination, and in light of their petitions and responses, the Secretary sets the terms of the controversy, establishing the agreed upon doubts by his decree.

§2 Recourse can be made against this decree within ten days to the Prefect, without there being any further legal remedy whatsoever.

Art. 86. After the summary oral examination is completed, if the case warrants it, the Secretary completes the instruction of the cause. If, however, the parties lodge an exception, he makes an expeditious judgment about it.

Art. 87. After the dossier of the cause has been prepared, no further document can be brought forward by the parties, unless the Prefect has established otherwise, and without prejudice to art. 49.

Art. 88. § 1. Once the dossier of the cause has been prepared, the Procurator-Advocates each present their conclusive brief within a set time limit.

§2. When the time period has elapsed, the Promoter of Justice presents his *votum pro rei veritate*.

§3 The Procurator-Advocates can present responses within ten days; the Promoter of Justice has the right to intervene last.

Art. 89. After everything required has been carried out, the process continues according to the norm of artt. 46-49.

Art. 90. In order to resolve the controversy, the Judges can determine in the sentence the immediate and direct effects of illegality.

Art. 91. § 1. Only the remedies of a complaint of nullity and a petition for a *restitutio in integrum* are available against sentences of the College, being always mindful, however, of the nature of the Supreme Tribunal.

§2. If the case warrants it, the Prefect can immediately refer the matter to the College of Judges.

Art. 92. § 1. Unless it is otherwise established, the Dicastery which issued or approved the challenged act must see to the execution of the sentence, either itself or through another.

§2. If the Dicastery refuses or neglects to do this, or delays it beyond a reasonable or established amount of time, without prejudice to the right to reparation of damages possibly inflicted, and at the request of the interested party, the execution pertains to the Supreme Tribunal itself, and the Superior Authority is notified.

Art. 93. § 1. The executor must execute the sentence itself according to the proper meaning of the words considered in its text and context.

§2 If it concerns monetary compensation, though, payment must be made within the time period of thirty days from when the sentence is communicated, unless another provision has been made by

the Supreme Tribunal.

§3 If the illegality was declared with regard to the procedure used (*in procedendo*), the Authority can issue the same act again only according to the norm of law and according to the manner and terms possibly determined in the sentence.

§4 If, however, the unlawfulness was declared with regard to the substance of the decision (*in discernendo*), the Authority can reexamine the matter only according to the norm of law and according to the manner and terms possibly determined in the sentence.

Art. 94. If a controversy should arise about the manner of execution, the *Congresso* resolves the matter expeditiously.

Chapter II.

Suspension of the Execution of an Administrative Act

Art. 95. § 1. The total or partial suspension of the execution of the challenged act can be requested, bringing forward reasons, in any stage of the case whatsoever.

§2 In more serious cases, the Promoter of Justice himself can propose the suspension of the execution of the challenged act.

§3 If, however, a question should arise about the suspension, it is to be examined more closely as soon as possible.

Art. 96. § 1. Unless in the judgment of the Secretary, having heard the Promoter of Justice, the petition for the suspension of the execution of the challenged decision is to be rejected at the outset, once the petition has been communicated to the Authority and the other interested parties, the Secretary sets a time limit as quickly as possible for presenting written arguments and the day for the decision.

§2 When the time period has elapsed, the Promoter of Justice presents his *votum pro rei veritate* as soon as possible.

§3 The *Congresso* grants or denies the suspension of the execution within sixty days from when the petition was made.

Art. 97. When it has been decided to suspend the execution, the decision, which is immediately effective, is communicated to the competent Authority as quickly as possible.

Art. 98. There is no legal remedy against the decision of the *Congresso*; nevertheless, if new reasons are presented, the question can be proposed again.

Art. 99. Unless another provision has been expressly made by the decree of the *Congresso*, the suspension of the execution remains in force while the cause is pending, and it is not retroactively valid.

Art. 100. With regard to actions and exceptions about the sequestration of a thing and the restriction of the exercise of a right, the norms of this chapter are to be observed with appropriate adjustments.

Chapter III.

The Reparation of Damages

Art. 101. The petition mentioned in art. 34, § 2 for the reparation of damages inflicted by an unlawful act can be proposed up to the time of the summary oral examination.

Art. 102. The Authority is summoned and is to respond insofar as the alleged damages may have occurred because of its decisions.

Art. 103. In order to avoid excessive delays, the Prefect or the College can defer the question of damages until the Supreme Tribunal issues a definitive sentence about illegality.

Chapter IV.

Administrative Controversies Referred to the Supreme Tribunal

Art. 104. Unless in individual cases the Roman Pontiff has established otherwise, in administrative controversies referred to it, the Supreme Tribunal makes a judgment about the merits of the case according to the norms concerning the contentious-administrative process and the prescripts of the ordinary contentious process, making the appropriate adjustments.

Chapter V.

Conflicts of Competence between Dicasteries

Art. 105. When a conflict of competence arises between Dicasteries, after they have been heard and the *votum* of the Promoter of Justice submitted, the matter is resolved expeditiously in

Congresso.

TITLE V

THE ADMINISTRATIVE MANNER OF PROCEEDING

Art. 106. § 1. Unless it is otherwise established, the Prefect makes a decision in the matters mentioned in art. 35, after the *votum* of the Promoter of Justice has been submitted and the Secretary has been heard; in addition, the Defender of the Bond is heard according the norm of art. 8, § 1.

§2. Without prejudice to art. 6, § 3, the Prefect can habitually entrust to the Secretary the handling of certain ordinary matters after the *votum* of the Promoter of Justice has been submitted.

Art. 107. § 1. Affairs of greater importance are addressed in *Congresso*.

§2 Apart from the cases mentioned, it pertains to the Prefect to decide that a question is to be discussed in *Congresso*.

§3 Nothing serious and extraordinary is done unless the Supreme Pontiff has been informed in advance.

Art. 108. It is the responsibility of the Secretary, after the *votum* of the Promoter of Justice has been submitted, to reject a recourse or a petition at the outset due to a manifest defect of a presupposition or foundation, without prejudice to the ability to make recourse according to the norm of art. 28, § 1.

Art. 109. Those whose rights could be injured are to be heard insofar as possible.

Chapter I.

Vigilance over the Correct Administration of Justice

Art. 110. § 1. After submitting the annual report and the sentences of a tribunal to an examination, the Secretary offers suitable counsel and observations.

§2 In the case of a denunciation against a tribunal, after its Moderator, the Judicial Vicar or the judge of a cause has been heard, insofar as the case warrants it, and after the *votum* of the Promoter of Justice has been submitted, it is the responsibility of the Secretary to decide when

and how the matter is to proceed, without prejudice to the competence of tribunals and judges.

§3 He refers the matter to the Prefect if he perceives that certain more serious matters need to be considered.

Art. 111. § 1. If truly serious irregularities have been detected, a decision is made in *Congresso* concerning precepts to be given to tribunals in order to safeguard a correct jurisprudence or the future observance of the manner of proceeding prescribed by law, the transfer of a cause to another tribunal, the suspension of the execution of a decision issued, and the inspection of a tribunal.

§2 In an urgent case, in order that irreparable damages not arise, the suspension of the execution of a judicial decision is ordered by the Prefect or the Secretary, after the *votum* of the Promoter of Justice or of the Defender of the Bond has been submitted, until a judgment about the matter is made in *Congresso*.

§3 Whenever it seems necessary to safeguard a correct jurisprudence, the Apostolic Signatura can request from the Supreme Pontiff the power of judging even with regard to the merits of the case.

Art. 112. It is the responsibility of the Fathers of the Apostolic Signatura together with the Secretary to examine and approve the text of a general executory decree or an instruction prepared in *Congresso*, and also to treat general questions pertaining to the correct administration of justice.

Chapter II.

Disciplinary Sanctions

Art. 113. § 1. If there are objections with regard to officials of a given tribunal, advocates, or procurators, the Prefect ordinarily notifies the Moderator of the tribunal so that he may attend to the matter and, if necessary, make a provision and then send a report; but his decision, even *ex officio*, can be revoked or emended in *Congresso*.

§2 If, however, a disciplinary action is instituted before the Apostolic Signatura, the Promoter of Justice prepares the *libellus* and, having weighed the defense, confirms or emends it; once an opportunity for responding has been given, the matter is handled in *Congresso*.

§3 A warning can be given by the Prefect even outside of the *Congresso*.

Chapter III.

Hierarchical Recourses

Art. 114. § 1. Proposed hierarchical recourses pertaining to the administration of justice are handled according to the norm of art. 106, § 1, without prejudice to artt. 107-109.

§2. Within ten days of his receipt of the Prefect's decree, the recurrent can request, having presented reasons, its revocation or amendment.

Chapter IV.

Commissions and Other Rescripts

Art. 115. § 1. Upon the acceptance of a petition for entrusting a cause to the Roman Rota or to a tribunal with no competence whatsoever in the matter, or for extending the competence of a tribunal that is not normally competent in the matter, or for the concession of another favour pertaining to the administration of justice, it is handled according to the norm of art. 106, § 1, without prejudice to artt. 107-109.

§2 However, the granting of a dispensation from a double conforming decision in case of the nullity of marriage or the entrusting of a case to the judgment of the Tribunal of the Roman Rota can only be decided in *Congresso*.

§3 When the benefit of a new hearing is requested, the matter is referred to the *Congresso*.

§4 After taking into account the circumstances of the case and the gravity of the concerned law, a judgment is to be made about whether there is a just and reasonable cause for proceeding with the case; however, there cannot be a dispensation from those things that essentially constitute a judicial process.

Art. 116. § 1. Unless a petition for a favour that can be granted by the Roman Pontiff alone is to be rejected at the outset, without prejudice to artt. 106, § 1 and 109, it is to be decided in *Congresso*:
“Whether His Holiness is to be advised to grant the favour.”

§2. Should the decision be negative, the Apostolic Signatura communicates this to the interested parties.

Art. 117. The procedure mentioned in art. 106, § 1 is used in approving decrees erecting interdiocesan tribunals or tribunals of appeal, when the approval of the designation is reserved to the Holy See.

Chapter V.

Declaration of the Nullity of Marriage

Art. 118. When the Apostolic Signatura makes a judgment about declaring the nullity of marriage in cases which do not require a deeper examination or investigation, the case is referred to the *Congresso* once the observations of the Defender of the Bond and the *votum* of the Promoter of Justice have been obtained.

Chapter VI.

Decrees of Execution in Order to Obtain Civil Effects

Art. 119. § 1. It pertains to the Secretary, at the request of an interested party, to issue the decree needed in order for decisions to be executed in cases of nullity of marriage to obtain civil effects before nations which have entered into a convention with the Holy See in this matter.

§2 If a doubt about the matter arises, it is handled according to the norm of art. 106, § 1, without prejudice to artt. 107-109.

§3 While a challenge against those decisions is pending before the forum competent by law, the decree of execution is ordinarily not given.

Art. 120. § 1. There is no possibility for introducing a challenge against a decree of executivity.

§2. However, without prejudice to art. 109, and after hearing the Defender of the Bond, the Promoter of Justice, and the Secretary, it is for the Prefect to suspend or revoke the same decree *ex officio* for a grave cause.

Art. 121. A similar procedure is followed in causes of the dissolution of the bond of a ratified and non-consummated marriage.

TITLE VI

THE LAW TO BE APPLIED

Art. 122. With regard to those things which are not provided for in this proper law, the procedural norms of the Codes are to be observed insofar as they can be applied, taking into account also canonical tradition and the praxis of the Apostolic Signatura.

And so, by our Authority, we approve, decree, and establish these things, anything whatsoever to the contrary notwithstanding.

Given at Rome, at Saint Peter's, on 21 June 2008, the fourth of Our Pontificate.

POPE BENEDICT XVI

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 3. APOSTOLIC SIGNATURA, *Regulae servandae in iudiciis apud Supremum Signaturae Apostolicae Tribunal approbatae et confirmatae a Pio Papa X*, 6 March 1912, in AAS 4 (1912) 187-206.
 4. BENEDICT XV, Chirograph *Attentis expositis*, 28 June 1915, in AAS 7 (1915) 325. The petition of Cardinal Lega is found *ibid.*, at 320-324.
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10. SECRETARY OF STATE, *Regolamento generale della Curia Romana*, 30 April 1999, in AAS 91 (1999) 629-699; see artt. 13-22 at 636-641. English translation in *Exegetical Commentary on the Code of Canon Law*, Angel.

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