

PROCEDURAL LAW: EXCEPTIONAL MEASURES REGARDING DEADLINES AND TRIALS

Royal Decree Law 463/2020 of 14 March, which ordered the state of alarm in Spain, adopted a series of measures in the procedural field.

I. General suspension of terms and deadlines

The first point of the second additional provision of the Royal Decree Law lays down the suspension of terms and the suspension and interruption of the deadlines provided for in the procedural laws for all jurisdictions since its publication on 14 March 2020. The calculation of the deadlines shall resume at the moment when the state of alarm or, if applicable, its extensions cease to be valid.

This is a general suspension measure, as it applies to all proceedings in all jurisdictions. In the case of proceedings in which such a suspension has already been agreed before the state of alert has been declared, the suspension shall apply from that moment.

By order of the Supreme Judicial Council of 14 March 2020, the suspension also extends to the holding of hearings and court trials.

II. Exceptions to the general suspension of terms and deadlines

The general suspension of terms and deadlines shall not apply to the following procedures:

- in the area of criminal law: procedures and measures with a higher degree of protection, such as habeas corpus, on-call services, assistance to the detainee or precautionary measures in the field of gender-based violence and procedures in juvenile criminal law, as well as any other investigative measures which cannot be postponed because of their urgency.
- In the area of administrative law, the procedure for the protection of fundamental rights of individuals under Article 114 of the Law on Administrative Procedure remains in force.
- In the field of labour law, procedure for collective conflicts.
- In proceedings concerning the capacity of individuals, for judicial measures in the event of involuntary detention.
- In family law matters, for protective measures, maintenance, child abduction and protective orders.

The Royal Legislative Decree also gives the judges certain discretion in assessing the measures required in any proceedings to protect the rights and legitimate interests of the parties in order to avoid irreparable harm.

III. Suspension of limitation and lapse periods of actions and rights

In accordance with the fourth additional provision of the Royal Decree Law, the periods of limitation and lapse of any actions and rights have been suspended during the period of validity of the state of alarm and, when applicable, its extensions.



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