

Henrik Spang-Hanssen



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hssph "at" yahoo "dot" com

Unofficial translation *by Henrik Spang-Hanssen* **of the Danish Civil Procedure Code [Lov on rettens pleje], Consolidated Act no. 1261 of 23 October 2007.**

Chapter Twenty-two on Jurisdiction

These rules are valid for lawsuits brought on or after 21 December 2006

Kapitel 22 - Stedlig kompetence	Chapter 22 - Local Jurisdiction
<p>§235. Retssager anlægges ved sagsøgtes hjemting, medmindre andet er bestemt ved lov.</p> <p>Stk. 2. Hjemtinget er i den retskreds, hvor sagsøgte har bopæl. Har sagsøgte bopæl i flere retskredse, er hjemtinget i enhver af dem.</p> <p>Stk. 3. Har sagsøgte ingen bopæl, er hjemtinget i den retskreds, hvor han opholder sig.</p> <p>Stk.4. Har sagsøgte hverken bopæl eller kendt opholdssted, er hjemtinget i den retskreds, hvor han sidst har haft bopæl eller opholdssted.</p>	<p>§235. Subsection 1. Lawsuits are brought in the “home jurisdiction” of the defendant unless otherwise laid down by a specific statute.</p> <p>Subsection 2. The “home jurisdiction” of the defendant is the local jurisdiction where the defendant has permanent residence. If the defendant has permanent residence in several jurisdictions, the “home jurisdiction” shall be in each of these.</p> <p>Subsection 3. In case the defendant has no permanent residence, the “home jurisdiction” shall be the jurisdiction of the place where the defendant is staying.</p> <p>Subsection 4. If the defendant has neither a residence nor a known place of sojourn, the “home jurisdiction” shall be the jurisdiction, where the defendant last resided or stayed.</p>
<p>§236. Danske statsborgere, der er bosat i udlandet uden tillige at have bopæl i Danmark, og som ikke er undergivet bopælslandets domsmyndighed, har hjemting i København.</p>	<p>§236. Danish nationals domiciled outside Denmark without any residence in Denmark and without the jurisdiction of the country of residence have “home jurisdiction” in Copenhagen.</p>
<p>§237. Sager mod personer, der driver erhvervmæssig virksomhed, kan, når sagen vedrører virksomheden, anlægges ved retten på det sted, hvorfra virksomheden udøves.</p>	<p>§237. Lawsuits against natural persons who run a business can be brought in the jurisdiction of the permanent place(s) of the business when the lawsuit concerns the business.</p>
<p>§238. Selskaber, foreninger, private institutioner og</p>	<p>§238. Subsection 1. Corporations, associations,</p>

<p>andre sammenslutninger, der kan optræde som part i retssager, har hjemting i den retskreds, hvor hovedkontoret ligger, eller, hvis et sådant ikke kan oplyses, i den retskreds, hvor et af bestyrelsens eller direktionens medlemmer har bopæl.</p> <p>Stk. 2. 2. Sager mod de i stk 1 nævnte sammenslutninger, der driver erhvervsvirksomhed uden for hjemtinget, kan, når sagen vedrører virksomheden, anlægges ved retten på det sted, hvorfra virksomheden udøves.</p> <p>Stk. 3. Sager, der vedrører sammenslutningen, og som rejses af sammenslutningen mod de enkelte medlemmer eller opstår imellem disse, kan anlægges ved sammenslutningens hjemting.</p> <p>Stk. 4. Sager om erstatning mod stiftere, bestyrelsesmedlemmer og direktører i de i stk 1 nævnte sammenslutninger kan anlægges ved sammenslutningens hjemting.</p>	<p>private institutions and other kinds of organization that can be a party to an action have “home jurisdiction” in the jurisdiction where the main office is located, or, if such is unknown, in the jurisdiction of the residence of a member of the board of directors or the executive board.</p> <p>Subsection 2. Lawsuits brought against organizations mentioned in subsection 1 that run business outside the “home jurisdiction” can be brought in the jurisdiction of the permanent place(s) of the business when the lawsuit concerns the business.</p> <p>Subsection 3. Lawsuits concerning an organization brought against the individual members or between these can be brought in the “home jurisdiction” of the organization.</p> <p>Subsection 4. Lawsuits concerning damages or compensation brought against a original subscriber to the memorandum of association of a company, members of the board of directors or the executive board can be brought at the court of the “home jurisdiction” of the organization.</p>
<p>§239. Kommuner har hjemting i den retskreds, hvor hovedkontoret ligger.</p>	<p>§239. The “home jurisdiction” of local authorities is the jurisdiction where the head office is located.</p>
<p>§240. Staten har hjemting i den retskreds, hvor den myndighed, som stævnes på statens vegne, har kontor.</p> <p>Stk. 2. Sager, som behandles ved landsret i 1. instans i medfør af §225, stk. 1, anlægges, hvor sagsøger har hjemting. Har sagsøger ikke hjemting i Danmark, anlægges sagen ved statens hjemting.</p>	<p>§240. Subsection 1. The “home jurisdiction” of the State is the jurisdiction of the office of the authority that the lawsuit concerns.</p> <p>Subsection 2. Lawsuits that begin at the Danish High Court as first instance pursuant to §225 subsection 1 shall be brought at the “home jurisdiction” of the defendant. If the defendant has no “home jurisdiction” in Denmark, the lawsuit shall be brought at the “home jurisdiction” of the State.</p>
<p>§241. Sager vedrørende rettigheder over fast ejendom kan anlægges ved retten på det sted, hvor ejendommen ligger.</p>	<p>§241. Lawsuits concerning rights [overing more than title] to real estate can be brought at the jurisdiction of the estate.</p>
<p>§242. Sager om kontraktsforhold kan anlægges ved retten på det sted, hvor den forpligtelse, der ligger til grund for sagen, er opfyldt eller skal opfyldes.</p> <p>Stk. 2. Bestemmelsen i stk.1 finder ikke anvendelse på pengekrav, medmindre kravet er opstået under ophold i retskredsen under sådanne omstændigheder, at det skulle opfyldes, inden stedet forlades.</p>	<p>§242. Subsection 1. Lawsuits concerning contracts can be brought at the place where the obligation or responsibility on which the claim is based has been or should be fulfilled.</p> <p>Subsection 2. Subsection 1 does not apply to pecuniary claims unless the claim arose while the defendant stayed in the jurisdiction and the obligation or responsibility was to be fulfilled before his leaving the jurisdiction.</p>
<p>§243. Sager, hvorunder der påstås straf, erstatning eller oprejsning i anledning af retskrænkelser, kan anlægges ved retten på det sted, hvor retskrænkelsen er foregået.</p>	<p>§243.Lawsuits concerning breach of law involving claim of penalty, damages or redress of a wrong can be brought in the jurisdiction of the location where the breach of law took place.</p>
<p>§244. I sager om forbrugeraftaler, som ikke er indgået ved personlig henvendelse på den erhvervsdrivendes</p>	<p>§244. Lawsuits concerning consumer contracts that are not entered into by the consumer at the</p>

<p>faste forretningssted, kan forbrugeren anlægge sag mod den erhvervsdrivende ved sit eget hjemting.</p>	<p>permanent place of the business can be brought against the business at the “home jurisdiction” of the consumer.</p>
<p>§245. Parterne kan aftale, ved hvilken af flere ligeartede retter sagen skal anlægges. Stk. 2. I sager om forbruger aftaler er en forudgående aftale om værneting ikke bindende for forbrugeren.</p>	<p>§245. Subsection 1. The parties may agree at which court, among courts at the same level, lawsuits can be brought. Subsection 2. In lawsuits concerning consumer contracts, an agreement is only valid if entered into after the dispute has arisen.</p>
<p>§246. Sager mod personer, selskaber, foreninger, private institutioner og andre sammenslutninger, der ikke har hjemting i Danmark, kan anlægges her i landet, for så vidt nogen ret efter bestemmelserne i §§237, 238, stk. 2, 241, 242, 243 og 245 kan anses som værneting i sagen. I sager om forbruger aftaler kan forbrugeren anlægge sag mod de i 1. pkt. nævnte personer og sammenslutninger ved sit eget hjemting, såfremt fremsættelsen af særligt tilbud eller reklamering i Danmark er gået forud for aftalens indgåelse og forbrugeren her i landet har foretaget de dispositioner, der er nødvendige til indgåelse af aftalen. Stk. 2. Kan ingen ret efter stk. 1 anses som værneting i sagen, kan sager vedrørende formueretsforhold mod de i stk. 1 nævnte personer anlægges ved retten på det sted, hvor de ved stævningens forkyndelse opholder sig. Stk. 3. Sager vedrørende formueretsforhold mod de i stk. 1 nævnte personer og sammenslutninger kan endvidere, hvis der ikke er værneting efter reglen i stk. 1, anlægges ved retten på det sted, hvor den pågældende person eller sammenslutning på tidspunktet for sagens anlæg har gods, eller hvor det gods, kravet angår, befinder sig på tidspunktet for sagens anlæg. Afværger arrest i gods gennem sikkerhedsstillelse, betragtes sikkerhedsstillelsen som gods, der befinder sig på det sted, hvor arrestbegæringen er eller i givet fald skulle være indgivet.</p>	<p>§246. Subsection 1. Lawsuits against persons, corporations, associations, private institutions and other kinds of organization that does not have “home jurisdiction” in Denmark can be brought in Denmark if any court pursuant to §§ 237, 238, subsections 2, 241, 242, 243 and 245 can be regarded as jurisdiction for the case. In lawsuits concerning consumer contracts, the consumer can bring a lawsuit against the said persons and organizations at the consumers “home jurisdiction” if a special offer or advertising in Denmark was made before the agreement was entered into and the necessary actions for the fulfillment of the agreement were made by the consumer in Denmark. Subsection 2. If no court can be regarded as having jurisdiction in the case pursuant to subsection 1, then lawsuits concerning financial circumstances against the persons mentioned in subsection 1 can be brought at the court at the place, where the [natural] person stayed at the time of service of process. Subsection 3. If there is no jurisdiction according to subsection 1, lawsuits concerning financial circumstances against the persons and organizations mentioned in subsection 1 can be brought at court at the place where the defendant has property at the time of filing the suit or where the property that the dispute concerns is located at the time when the suit is filed. If arrest of property (as an interim remedy) is avoided by giving security, the security is regarded as property located where the application for attachment was or should have been filed.</p>
<p>§246a. Sager om stadfæstelse af arrest i et skib og om den fordring, for hvilken arresten er gjort, kan anlægges ved retten på det sted, hvor arresten er foretaget eller ville være foretaget, hvis den ikke var afværget ved sikkerhedsstillelse.</p>	<p>§246a. Lawsuits concerning the confirmation of arrest, as an interim remedy, of a vessel and concerning the claim that was the basis for the arrest can be brought at the court at the place where the arrest was, and, if security had not been given, could have been made.</p>
<p>§247. I sager, der er omfattet af en international overenskomst, som er gennemført i dansk ret ved lov om EF-domskonventionen m.v. eller lov om Bruxelles</p>	<p>§247. Subsection 1. In lawsuits covered by an international agreement implemented in Danish law by the E.U. Judgment Convention Act [=</p>

<p>I-forordningen m.v., herunder ved bekendtgørelse i medfør af de nævnte love, anvendes overenskomstens værnetingsregler. Dette gælder dog ikke sager, der anlægges ved det i § 246 a nævnte værneting, og som er omfattet af konventionen af 10. maj 1952 om arrest i søgående skibe.</p> <p>Stk. 2. Hvor der ikke efter dansk lovgivning i øvrigt er værneting for en sag, der efter en international overenskomst som nævnt i stk. 1, 1. pkt., skal eller kan anlægges her i landet, anlægges sagen ved sagsøgerens hjemting eller, såfremt sagsøgeren ikke har hjemting her i landet, i København.</p>	<p>Bruxelles Convention of 1968] etcetera or the E.U. Council Regulation 44/2001 of 22 December 2000 etcetera, among other things by executive order pursuant to these acts, the rules by those Acts are used, unless the lawsuit is filed pursuant to §246a and covered by the Convention on Seizure of Seagoing Vessels of 10 May 1952.</p> <p>Subsection 2. In cases where Danish law does not provide jurisdiction for a lawsuit which, pursuant to an international agreement mentioned in subsection 1, first sentence, can or has to be filed in Denmark, the lawsuit can be brought at the plaintiff's "home jurisdiction" or, if the plaintiff does not have any "home jurisdiction", in Copenhagen.</p>
<p>§248. Retten påser af egen drift, om sagen er indbragt for rette værneting. Fremsætter sagsøgte ikke indsigelse mod rettens kompetence i svarskriftet eller, hvis sagen ikke forberedes skriftligt, i det 1. retsmøde under forberedelsen, anses retten for rette værneting.</p> <p>Stk. 2. Er sagen anlagt ved en ret, som ikke er rette værneting til at behandle sagen eller et af de rejste krav, henviser retten om muligt sagen eller kravet til afgørelse ved rette domstol. Afgørelse om henvisning træffes ved kendelse. Kan henvisning ikke ske, afviser retten sagen ved dom.</p>	<p>§248. Subsection 1. The court ensures ex officio that the lawsuit is brought at the competent jurisdiction. If the defendant does not make any objection to the competence of the court in the first statement of defense, or in the case of preliminary proceedings, objections were not made in writing at the first pre-trial procedure, the court is regarded as the correct jurisdiction.</p> <p>Subsection 2. If the lawsuit is filed at a court that does not have jurisdiction or cannot deal with one of the claims, if possible the court shall transfer the case or the claim to the correct court. A decision of transfer is done in the form of a court order. If transfer is not allowed, the court shall dismiss the lawsuit by a judgment.</p>