

## Advanced Civil Procedure (B001725)

**Course size** *(nominal values; actual values may depend on programme)*

**Credits 6.0**

**Study time 180 h**

**Course offerings and teaching methods in academic year 2024-2025**

A (semester 2)

Dutch

Gent

seminar

independent work

peer teaching

lecture

**Lecturers in academic year 2024-2025**

Taelman, Piet

RE21

lecturer-in-charge

Broeckx, Karen

RE21

co-lecturer

Vandenbussche, Wannes

RE21

co-lecturer

**Offered in the following programmes in 2024-2025**

[Master of Science in Teaching in Social Sciences\(main subject Laws\)](#)

**crdts**

**offering**

6

A

[Master of Laws in Laws](#)

6

A

**Teaching languages**

Dutch

**Keywords**

Civil Procedural Law, Judicial Authorities, Legal Proceedings, Legal Remedies, Review, Summary Proceedings, Enforcement, Seizure, Conservatory Measures and Forced Execution

**Position of the course**

This course aims to provide students with an outspoken interest in the legal profession a thorough and scientific knowledge of and a clear insight in the rules of civil procedural law and the law of enforcement and seizures, their objectives and their legal and social functions.

**Contents**

During the course several capita selecta of civil procedural law will be examined thoroughly. An in-depth and critical analysis will be made on the basis of a study of case law, doctrine, case studies and study of real proceedings files.

A close track of current issues concerning civil procedural law is kept as well.

Further on, attention will be paid to the methods for the forced realization of different kinds of contracts. The rules concerning the forced execution of no-money obligations, eventually with an "astreinte" and those concerning the forced execution of money-obligations by means of seizure measures, will be analyzed. This research will be based upon concrete cases. Different kinds of seizures and possible remedies of the debtor will be the object of this study.

**Initial competences**

Students must have achieved the final objectives of the course on "Procedural Law".

**Final competences**

- 1 The students should have an advanced knowledge - and insight - of Belgian civil procedural law, enforcement law and the European regulations on procedural matters.
- 2 Student should adopt a critical and reflective attitude towards these rules, taking in consideration their constant evolution via changes of the law and jurisprudence.
- 3 Students should be able to apply these rules in an ethical way and they should be aware that a judicial proceeding is an *ultimum remedium*.
- 4 Student should be able to solve relevant legal problems concerning civil procedural law.

5 Students should be competent to apply (the changing) rules of law in new and complex cases.

6 Students should be able to present their (critical) findings both orally and in writing.

### Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

### Conditions for exam contract

This course unit cannot be taken via an exam contract

### Teaching methods

Seminar, Lecture, Independent work, Peer teaching

### Extra information on the teaching methods

Students are encouraged to participate to extra curriculum activities (colloquia, lectures by guest professors, extra training, etc.). An active participation of the students is expected. Throughout the semester they have to keep track of the developments in the field of procedural law, follow-up what appears in the media and discuss the different views, ...

### Study material

Type: Syllabus

Name: Burgerlijk Procesrecht 2024-2025

Indicative price: Free or paid by faculty

Optional: no

Available on Ufora : Yes

Type: Slides

Name: Slides of classes

Indicative price: Free or paid by faculty

Optional: no

Language : Dutch

Number of Slides : 350

Available on Ufora : Yes

Online Available : Yes

Available in the Library : No

Available through Student Association : No

Type: Reader

Name: Case law and legal scholarship

Indicative price: Free or paid by faculty

Optional: no

Available on Ufora : Yes

Type: Other

Name: Up-to-date edition of the Judicial Code

Indicative price: € 40

Optional: no

Type: Other

Name: All kinds of media reports, recent rulings, reports, notes and plans concerning current developments in the fields covered

Indicative price: Free or paid by faculty

Optional: no

Available on Ufora : Yes

### References

The bilingual (Dutch/French) edition of the Code of Civil Procedure by Prof. Dr. M. STORME and Prof. Dr. P. Taelman, E. Story-Scientia.

P. Taelman en P. Van Orshoven (eds.), *De wet van 26 april 2007 tot wijziging van het Gerechtelijk Wetboek met het oog op het bestrijden van de gerechtelijke achterstand doorgelicht*, Brugge, die Keure 2007 (tweede druk).

B. Allemeersch, P. Taelman, P. Van Orshoven en B. Vanlerberghe, *Nieuwe Justitie*, Antwerpen, Intersentia 2014, xi + 179 blz.

B. Allemeersch en P. Taelman (eds.), *Hervorming van de burgerlijke rechtspleging door Potpourri I*, Brugge, die Keure, 2016, xi + 160 p.

P. Taelman en B. Allemeersch (eds.), *Het burgerlijk procesrecht opnieuw hervormd*, Antwerpen, Intersentia, 2019, xiv + 284 p.

J. Laenens e.a. *Handboek Gerechtelijk Recht*, Antwerpen, Intersentia, 2020, xxiv + 969 p.

G. De Leval e.a., *Droit judiciaire*, Tome 2, Manuel de procédure civile, Brussel, Larcier, 2021, 3 Volumes.

E. Dirix, Beslag, in *Algemene Praktische Rechtsverzameling*, Kluwer, Mechelen, 2018, 615 p.

#### **Course content-related study coaching**

Individual coaching in case of problems.

#### **Assessment moments**

end-of-term and continuous assessment

#### **Examination methods in case of periodic assessment during the first examination period**

Oral assessment, Written assessment

#### **Examination methods in case of periodic assessment during the second examination period**

Oral assessment, Written assessment

#### **Examination methods in case of permanent assessment**

Participation, Assignment

#### **Possibilities of retake in case of permanent assessment**

examination during the second examination period is not possible

#### **Extra information on the examination methods**

Permanent evaluation details: participation during lectures, oral presentation.

Periodical evaluation details: written examination and oral examination with written preparation.

#### **Calculation of the examination mark**

80% written - oral exam

20% permanent evaluation

To be able to obtain a credit for this course the student must be present at every evaluation moment.

#### **Facilities for Working Students**

no