

Advanced Civil Procedure (B001725)

Due to Covid 19, the education and evaluation methods may vary from the information displayed in the schedules and course details. Any changes will be communicated on Ufora.

Course size	<i>(nominal values; actual values may depend on programme)</i>		
Credits 6.0	Study time 180 h	Contact hrs	45.0 h

Course offerings and teaching methods in academic year 2022-2023

A (semester 2)	Dutch	Gent	microteaching	2.5 h
			online seminar: coached exercises	0.0 h
			online lecture	0.0 h
			online lecture: plenary exercises	0.0 h
			guided self-study	0.0 h
			lecture: response lecture	0.0 h
			lecture	5.0 h
			online seminar	0.0 h
			online discussion group	0.0 h
			self-reliant study activities	7.5 h
			integration seminar	30.0 h

Lecturers in academic year 2022-2023

Taelman, Piet	RE21	lecturer-in-charge
Broeckx, Karen	RE21	co-lecturer
Vandenbussche, Wannas	RE21	co-lecturer

Offered in the following programmes in 2022-2023

	crdts	offering
Master of Science in Teaching in Social Sciences (main subject Laws)	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

Guided self-study, lecture, integration seminar, microteaching, online discussion group, self-reliant study activities, lecture: response lecture, online lecture, online lecture: plenary exercises, online seminar, online seminar: coached exercises

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, ...

Learning materials and price

A Code of Belgian Civil Procedure (incl. the main international treaties and regulations on judicial protection into force in Belgium).

A reader will be available via the electronic learning environment.

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.
- G. De Leval e.a., *Droit judiciaire - Manuel de procédure civile*, Dl. 2, Brussel, Larcier, 2015.
- J. Laenens, K. Broeckx, D. Scheers en P. Thiriar, *Handboek Gerechtelijk Recht*, Antwerpen, Intersentia, 2012 (third edition),
- P. Taelman en P. Van Orshoven, *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).
- E. Dirix, K. Broeckx, Beslag, in *Algemene Praktische Rechtsverzameling*, Kluwer, Mechelen, 2010, 627 p.
- 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.

Course content-related study coaching

Individual coaching in case of problems.

Evaluation methods

end-of-term evaluation and continuous assessment

Examination methods in case of periodic evaluation during the first examination period

Written examination, oral examination

Examination methods in case of periodic evaluation during the second examination period

Written examination, oral examination

Examination methods in case of permanent evaluation

Participation, assignment

Possibilities of retake in case of permanent evaluation

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.