

Presentation of the Court

In Spain, the activity of the various Public Administrations is subject to the judicial review of the administrative jurisdiction. This jurisdiction hears claims derived from the actions of the Public Administrations subject to Administrative Law and to general provisions inferior to Acts. The administrative jurisdiction also hears appeals against the failure to act of the Administration and against the actions embarked on by the Administration without legal warrant.

Therefore, it concerns a separate branch of the Law that is served by professional judges, many of whom are specialised in Administrative Law.

The administrative jurisdiction is divided into three instances or levels, which are, in ascending order:

- Administrative Tribunals. Served by a single judge.
- High Courts of Justice. They constitute the second instance and hear appeals lodged against the judgements of the Administrative Courts and certain direct appeals against actions of special importance by the Public Administrations. There are 21 Divisions for Administrative Proceedings, at least one in each Autonomous Region, and in some Autonomous Regions more than one.
- Supreme Court. It is the last instance. It hears the appeals in cassation and only exceptionally hears certain direct appeals lodged against administrative actions of the Government and the constitutional bodies.

The Supreme Court has jurisdiction over the entire State and is the superior jurisdictional body in all the branches of the Law (except for the ultimate protection of the constitutional guarantees entrusted to the Constitutional Court). It comprises a President and 85 judges. The Supreme Court heads the judicial organisation on all matters and is composed of five Divisions:

First Division -, Hears appeals under Civil and Mercantile law.

Second Division- Hears appeals under Criminal Law.

Third Division - Hears appeals under Administrative Law.

Fourth Division. Hears appeals under Labour and Social Security Law.

Fifth Division. Hears appeals under Military Law.

The Third Division allocated for the hearing of appeals under Administrative Law consists of a President and 36 judges, sitting in 7 Chambers. The Third Division of the Supreme Court receives some 8,000 appeals per annum, pronouncing some 5,500 judgements and issuing 3,000 orders per year.

The Supreme Court undertakes only jurisdictional functions and not those of a consultatory or advisory nature. Consultatory and advisory activity to the Administration is separate from the jurisdictional activity and is fundamentally entrusted to the Council of State.