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Honorary judgeship at the administrative court

Heruntergeladen am 22.06.2025

<https://fimportal.de/xzufi-services/598988094/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99030023061002, 99030023061002
Leistungsbezeichnung I	Honorary judgeship at the administrative court
Leistungsbezeichnung II	
Typisierung	4 - Land: Regelung
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	Gerichtliche Verfahren, Anzeige und Klage (1150200)
Einheitlicher Ansprechpartner	Nein

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Fachlich freigegeben am	06.01.2025
Fachlich freigegeben durch	Ministry of Justice of Lower Saxony
Handlungsgrundlage	https://www.gesetze-im-internet.de/gg/art_97.html https://www.gesetze-im-internet.de/vwgo/_5.html https://www.gesetze-im-internet.de/vwgo/_9.html#:~:text=Verwaltungsgerichtsordnung%20(VwGO),dem%20Oberverwaltungsgericht%20werden%20Senate%20gebildet. https://www.gesetze-im-internet.de/vwgo/_10.html#:~:text=Verwaltungsgerichtsordnung%20(VwGO),dem%20Bundesverwaltungsgericht%20werden%20Senate%20gebildet https://www.gesetze-im-internet.de/vwgo/_19.html https://www.gesetze-im-internet.de/drigr/_44.html https://www.gesetze-im-internet.de/jveg/_5.html https://www.gesetze-im-internet.de/jveg/_15.html https://www.gesetze-im-internet.de/gg/art_97.html https://www.gesetze-im-internet.de/vwgo/_5.html https://www.gesetze-im-internet.de/vwgo/_9.html#:~:text=Verwaltungsgerichtsordnung%20(VwGO),dem%20Oberverwaltungsgericht%20werden%20Senate%20gebildet. https://www.gesetze-im-internet.de/vwgo/_10.html#:~:text=Verwaltungsgerichtsordnung%20(VwGO),dem%20Bundesverwaltungsgericht%20werden%20Senate%20gebildet https://www.gesetze-im-internet.de/vwgo/_19.html https://www.gesetze-im-internet.de/drigr/_44.html https://www.gesetze-im-internet.de/jveg/_5.html https://www.gesetze-im-internet.de/jveg/_15.html
Teaser	How you, as an honorary judge, can contribute your experience, knowledge and assessments to negotiations and the joint deliberation of court cases.
Volltext	The participation of honorary judges in the administration of justice is an essential element of German jurisdiction. It is of great importance as a practical implementation of the principle of democracy. Volunteer judges are expected to contribute the experience, knowledge and values they have gained in their daily, professional and social environment to the hearings and joint deliberations,

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thereby meaningfully supplementing the more legalistic perspective of the professional judges.

In the administrative courts, honorary judges work at the administrative courts and, where applicable, at the Higher Administrative Court/Administrative Court of Justice.

The administrative courts have local jurisdiction for administrative law disputes from the district assigned to them. The chambers of the administrative courts generally decide with three professional judges and two honorary judges.

The honorary judges do not take part in decisions outside the oral hearing (e.g. in proceedings for interim legal protection, in court orders and in proceedings that have been assigned to a single judge). The same applies if the parties to the proceedings have agreed to a decision by the presiding judge or the appointed judge-rapporteur and the professional judge in question makes use of this declaration.

The respective state law regulates whether and, if so, in which cases honorary judges participate in the Higher Administrative Court/Administrative Court of Justice, which mainly acts as a court of appeal, but also acts as a court of first instance in certain areas. Honorary judges do not sit on the Federal Administrative Court, which was established at federal level and is based in Leipzig.

Like professional judges, honorary judges are subject only to the law. They are not subject to any orders or instructions when determining the law and are obliged to maintain absolute neutrality. They have the same rights and responsibilities as professional judges in oral hearings and in reaching a verdict.

In Lower Saxony, the senates of the Higher Administrative Court generally decide with three judges and two honorary judges (Section 76 (1) NJG).

Erforderliche Unterlagen

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Voraussetzungen

Only persons who are German within the meaning of the Basic Law may be appointed as honorary judges. In addition, the persons should be over the age of twenty-five and reside within the judicial district. Specialist knowledge is not required.

Exclusion and grounds for disqualification

The following are excluded from the office of honorary judge

1. Persons who, as a result of a judicial decision, are not qualified to hold public office or who have been sentenced to more than six months' imprisonment for an intentional offense,
2. Persons against whom charges have been brought for an offense that may result in the loss of the ability to hold public office,
3. Persons who do not have the right to vote for the legislative bodies of the country.

Persons who have fallen into financial difficulties should not be appointed as honorary judges.

The following may not be appointed as honorary judges

1. Members of the Bundestag, the European Parliament, the legislative bodies of a Land, the Federal Government or a Land government,
2. judges,
3. civil servants and employees in the public service, unless they work in an honorary capacity,
4. professional soldiers and temporary soldiers,

lawyers, notaries and persons who deal with legal matters on behalf of third parties.

Kosten

Honorary judges receive compensation in accordance with the Judicial Remuneration and Compensation Act. -Compensation Act.

Verfahrensablauf

The districts and independent cities shall draw up a list of candidates for honorary judges every fifth year. In order to be included in the list, the approval of two

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thirds of the members of the representative body of the district or independent city present, but at least half of the statutory number of members, is required.

The honorary judges are appointed by an election committee, which is appointed by each administrative court and, if applicable, the Higher Administrative Court/Administrative Court of Justice to elect the honorary judges. The election committee elects the required number of honorary judges from the nomination lists with a majority of at least two thirds of the votes. The term of office is five years.

The honorary judges are assigned to one or more chambers or one or more senates at the beginning of their term of office and then for each financial year by resolution of the Presidium of the Administrative Court or Higher Administrative Court/Administrative Court. Before the start of the financial year, the Presidium of the respective Administrative Court or Higher Administrative Court/Administrative Court shall also determine the order in which the honorary judges are to be called to the hearings.

Bearbeitungsdauer
Frist
weiterführende Informationen

https://justizportal.niedersachsen.de/startseite/gerichte_und_staatsanwaltschaften/verwaltungsgerichtsbarkeit/ehrenamtliche_richterinnen_und_richter/
https://justizportal.niedersachsen.de/startseite/gerichte_und_staatsanwaltschaften/verwaltungsgerichtsbarkeit/ehrenamtliche_richterinnen_und_richter/

Hinweise

Honorary judges are generally obliged to accept the office.

Appointment to this office can only be refused in exceptional cases. The following are entitled to do so:

Clergymen and ministers of religion

Lay judges and other honorary judges

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Aldermen and other honorary judges

Persons who have served two terms as an honorary judge in courts of general administrative jurisdiction

Doctors, nurses, midwives, pharmacy managers who do not employ another pharmacist

Persons who have reached the age of 65

NOTE: In cases of particular hardship (e.g. infirmity, predominantly working abroad or needing to care for underage children), an application can be made to be exempted from taking up office. The decision is made by the competent senate of the Higher Administrative Court/Administrative Court.

Honorary judges receive compensation for their work in accordance with the German Judicial Remuneration and Compensation Act (JVEG). This includes

Reimbursement of travel expenses,

Compensation for expenses,

compensation for other expenses,

compensation for lost time,

compensation for disadvantages in housekeeping and

compensation for loss of earnings.

Rechtsbehelf

Kurztext

Ansprechpunkt

The honorary judges are elected from nomination lists

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	that are drawn up by the districts and independent cities every five years.
Zuständige Stelle	The honorary judges are elected from nomination lists that are drawn up by the districts and independent cities every five years.
Formulare	
Ursprungsportal	Honorary judgeship at the administrative court, Ehrenamtliches Richteramt beim Verwaltungsgericht übernehmen