

The saga continues: Potpourri II approved

In our newsflash of [4 November 2015](#) we already reported on the entry into force of the first in a series of four "potpourri laws" intended to implement the justice plan of Minister Koen Geens. This first potpourri law aimed to reform the rules of civil procedure.

In the meantime, the second potpourri law has become a reality. On 28 January 2016, the Parliament approved the law, which amends the criminal law, criminal procedure law and criminal enforcement. Below we briefly summarise a number of the most important changes.

First of all, all crimes can now be dealt with by the Correctional Court, instead of by the Assize Court. While the Assize procedure continues to exist, it loses importance.

In addition, the second potpourri law contains a number of changes relating to criminal procedure. By analogy with the rules of civil procedure, the criminal judge will henceforth be able to set binding deadlines for the exchange of trial briefs. Moreover, an appeal must henceforth be filed via a request for appeal containing the grounds for challenging the contested judgement.

Furthermore, the prescription periods have once again been modified, and the possibilities for filing a Cassation appeal have been restricted.

The introduction of the so-called "guilty plea" is also worth mentioning: the Public Prosecutor's Office will henceforth be able to propose to a suspect that he plead guilty in exchange for a reduced sentence. This possibility has already long existed in the Anglo-Saxon legal systems and is primarily intended to avoid expensive and long trials as far as possible. In Belgium, the scope of application remains (provisionally) limited to minor offences for which the prison sentence amounts to fewer than five years.

Just as with the introduction of the first potpourri law, this change of law too has been subject to certain criticisms. A number of changes must be further elaborated in implementing royal decrees, so that the true impact cannot yet be precisely evaluated. Moreover, we are now looking forward to the third potpourri law, which will deal with a number of organisational aspects of the justice system, such as the personnel and the infrastructure. To be continued...

For more information on this topic, you can consult Joost Bats and Geert De Buyzer (the authors).

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