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The arbitration court will be able to initiate a preliminary investigation of the actions of the participants of the arbitration process and other persons

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23 Nov 2019 will enter into force the amended version of article 188.1 of the APC RF, which establishes the procedure for the court's particular decision in the case of violations of the law in the course of the trial.

Thanks to the amendment, the arbitration court has a new obligation: in case of detection of signs of crime in the actions of participants in the arbitration process, officials or other persons, a copy of the private determination is sent to the bodies of inquiry or preliminary investigation for verification in order to initiate criminal proceedings against these persons.

Previously, this duty was assigned to the defendants in the case. For example, the court checked the statement of falsification, the conclusions were reflected in the minutes of the court session, and it was decided to exclude unreliable evidence from the evidence in the case, but the duty to report to the relevant authorities on the detection of signs of a crime was not imposed on the court.

In our opinion, the introduction of this rule will improve arbitration proceedings, significantly simplify the procedure for combating crime, will prevent abuse by unscrupulous persons. It is worth noting that similar rules have already been introduced in the Civil procedure code and the code of administrative procedure.

We, in turn, continue to develop our diverse practice and will be happy to provide comprehensive legal support, as well as advise you on any issues related to the application of the current legislation.

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