

Update
Administrative Law

Will August 2020 be a holiday month? Focus on the Supreme
Court's Order of October 28, 2019

13th January 2020

With regard to the appeal (No 5041/2019) against the order of the Administrative Chamber of 4 April

The Supreme Court has admitted the appeal in cassation (No. 5041/2019) against the Order of 4 April of the Contentious-Administrative Chamber, Third Section, of the High Court of Justice of Galicia, which rejected the contentious-administrative appeal against a decision of the Xunta de Galicia. The Court reasoned that the month of August should be taken into account when setting the deadline for the filing of the contentious-administrative appeal and, therefore, the appeal was out of time.

The Galician Chamber applied Article 5 of the Civil Code and calculated the two-month deadline for filing the appeal including the month of August. The Admissions Section of the High Court believes that there is an objective appeal interest in calculating the period for filing the contentious-administrative appeal when the month of August is the middle of the period.

The Supreme Court's pronouncement will confirm whether Article 128.2 LJCA should continue to be understood as it appears from its wording: *"During the month of August, the period for lodging **the contentious-administrative appeal or any other period of time provided for in this Law shall not run**, except for the procedure for the protection of fundamental rights in which the month of August shall have the character of an expedient". Otherwise, the approach of the High Court of Justice of Galicia will not only shake our legal pillars (and with it a good number of procedures that will be supervised in cause of inadmissibility) but perhaps, with greater risk, many holiday expectations".*

In short, it is a matter of domestic interest of unquestionable importance whose mere propensity will make us reconsider the way to proceed when August is in the way.

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