DOMSTOL
ADMINISTRASJONEN

Act relating to the Courts of Justice of 13 August 1915 No . 5

(Courts of Justice Act)

Norway

(Unofficial translation)

Disclaimer

This unofficial translation of the Act relating to the Courts of Justice (Courts of Justice Act) is based on the Courts of Justice Act as it read by 1 October 2013. Any professional use of the Courts of Justice Act should be based on the Norwegian Official version.

The use of the translated version of the Act is done at the user´s own risk. The Norwegian Courts Administration disclaims any liability for errors made during the translation and consequences following such errors.

Act relating to the Courts of Justice (Courts of Justice Act)

Cf. Acts no. 2 of 21 July 1916, no. 1 of 1 June 1917, nos. 2 and 4 of 14 August 1918, no. 25 of 22 May 1981, no. 12 of 26 April 2002 § 5, no. 90 of 17 June 2005. The Act's short title added through Act no. 54 of 24 Aug 1990.

Chapter 1 The courts

§ 1. The ordinary courts are:

1. The Supreme Court
2. The courts of appeal
3. The district courts

The Conciliation Boards are mediation institutions with limited jurisdiction as laid down in § 6-10 of the Dispute Act.

Amended through Acts no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 2. The Special Courts are:

1. The Land Consolidation Courts
2. - – –
3. The Extraordinary Courts appointed in accordance with § 29
4. The Consular Courts abroad
5. The Court of Impeachment.

This Act applies to the courts referred to under nos. 1-4, unless determined otherwise. It does not apply to the Court of Impeachment.

Amended through Acts no. 2 of 22 December 1950 § 110, no. 6 of 26 November 1954, no. 8 of 17 June 1966, no. 34 of 28 April 2000, (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002, no. 71 of 27 June 2008 (effective 1 July 2010 pursuant to resolution no. 896 of 18 June 2010) as amended through Act no. 27 of 8 May 2009.

§ 3. The Supreme Court shall sit in the capital of the Kingdom of Norway unless special circumstances dictate otherwise. The court shall have a President and as many other judges as is determined at any one time.

Amended through Act no. 9 of 9 June 1939.

§ 4. When necessary due to the case load, the Supreme Court may, in respect of cases that are to be decided by a panel of five judges, be divided into a number of departments as determined by the King. In respect of cases that are to be decided by a panel of three judges, the Supreme Court may appoint one or more committees, which are designated as the Appeals Selection Committee of the Supreme Court. The Chief Justice of the Supreme Court shall lead the proceedings in departments and committees and the processing of cases in the grand chamber or plenary

session to which he or she is assigned. Otherwise, the proceedings shall be led by the most senior judge present.

Amended through Acts no. 9 of 9 June 1939, no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 5. In cases which by law are to be decided by the Appeals Selection Committee of the Supreme Court, the Supreme Court shall sit with three judges. It may be determined that such cases shall be decided by a department with a panel of five judges.

In cases other than those in accordance with the first paragraph, first point, the Supreme Court shall sit with a panel of five judges.

In particularly time-intensive cases, it may be decided that an additional one or two judges shall follow the proceedings and participate in the decision in the event of absence.

In cases in accordance with the first and second paragraphs which are of particular importance, it may be decided that the case, or the legal question that lies therein, shall be decided by the Supreme Court in the grand chamber, sitting with a panel of 11 judges. In the assessment, emphasis shall be placed on considerations such as whether a question arises concerning the setting aside of a legal interpretation that the Supreme Court has used as a basis in another case, or whether the case raises questions of conflict between laws, provisional arrangements or decisions by the Norwegian Parliament and the Constitution or provisions by which this realm is bound in international collaboration. In extraordinary cases, it may be decided that the case, or the legal question that lies therein, shall be decided by the Supreme Court in a plenary session, which shall then consist of all the Supreme Court's judges who are not disqualified or absent.

If any of the court's members are absent in cases pursuant to the fourth paragraph, the court may decide the case provided that at least five judges are still present. In the event of an equal number of judges, the youngest judge shall step down.

Amended through Acts no. 8 of 21 June 1935, no. 9 of 9 June 1939, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 6. Any decision according to which the Supreme Court is to have a different composition than that which follows from § 5 first paragraph first point shall be taken before the case is allocated to judges assigned to prepare the case for trial by the Chief Justice of the Supreme Court. Following allocation, the decision shall be taken by the Appeals Selection Committee, subject to the proviso that the court's chief judge shall take any decision according to which the case is to be considered in the grand chamber or a plenary session.

Any decision that the Supreme Court is to have a different composition than that which follows from § 5 second paragraph shall be taken by the chief judge of the court before the oral appeal hearing has commenced, or in written cases before the

parties have submitted their final written statements. Thereafter, two of the department's five judges may require the decision to be taken with a composition in accordance with § 5 fourth paragraph. The chief judge shall then decide whether the court should sit with 11 or all the Supreme Court's judges.

When it has been decided that the Supreme Court should sit in the grand chamber, the Chief Justice of the Supreme Court may instead decide that the decision should be taken by the Supreme Court in a plenary session. This shall be done if at least six of the Supreme Court judges so require. Administrative decisions in accordance with the first point and demands made in accordance with the second point must be presented before commencement of the appeal proceedings or the concluding written proceedings in the strengthened court.

Amended through Acts no. 9 of 9 June 1939, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 7. When the Supreme Court is to take decisions that do not apply to individual legal cases, five judges shall participate in the decision unless determined otherwise by law.

All judges shall participate in the decisions referred to in § 8 second point, but the decision may be taken even though one or more of the judges is absent.

Amended through Acts no. 9 of 9 June 1939, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 8. The Chief Justice of the Supreme Court shall lead the court proceedings, determine the times for its sessions, meetings and hearings and allocate the cases between the court's members and, where appropriate, its departments and committees. General rules concerning this may be laid down in rules of procedure.

If the Chief Justice is absent, the most senior judge shall serve unless another is appointed.

Amended through Acts no. 8 of 21 June 1935, no. 9 of 9 June 1939, no. 60 of 8 June 1984, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 9. The Supreme Court shall have a director, who shall manage the court's office, and as many clerks of the records and law clerks as the case load requires.

Amended through Act no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), 2000).

§ 10. The courts of appeal shall have a chief judge and as many appellate court chief judges and appellate court judges as determined at any one time.

The appellate court chief judge may summon judges from the district courts in the judicial district to sit in the court. The appellate court chief judge may in special circumstances also summon judges from the district courts and the appellate court of a different judicial district if they are willing to serve. The court may not sit with more than one summoned judge or retired person constituted pursuant to § 55 f except

when one of the appellate court's judges is unexpectedly unable to attend. To consider appeals or interlocutory appeals, no judges shall be summoned from the district court that considered the case in the first instance.

Amended through Acts no. 5 of 24 June 1933, no. 8 of 21 June 1935, no. 1 of 26 November 1954, no. 64 of 16 June 1989, no. 54 of 24 August 1990, no. 80 of 11 June 1993 (effective 1 August 1995 pursuant to resolution no. 513 of 2 June 1995 – see its V), no. 26 of 2 June 1995 (effective 1 August 1995 pursuant to resolution no. 513 of 2 June 1995 – no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), 1416), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), as amended through Act no. 98 of 14 December 2001. Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 11. The appellate court chief judge shall distribute the cases between the judges at the court.

If the appellate court chief judge is absent, the most senior of the appellate court judges or the most senior of the other judges shall serve as appellate court chief judge provided that no substitute has been appointed.

The appellate court chief judge may authorise the appellate court judges to carry out the activities assigned to the appellate court chief judge in accordance with other legal provisions.

Where necessary as a result of the case load, the appellate court may, in accordance with a decision by the Norwegian Courts Administration, be divided into departments. In such cases, a presiding judge may be appointed to lead each department. The appellate court chief judge shall distribute the cases between the departments and take decisions concerning the judges' service. The presiding judge shall distribute the cases between the judges within the department. The second and third paragraphs shall apply correspondingly.

The King may issue more detailed regulations concerning the distribution of the cases within the courts of appeal.

Amended through Acts no. 8 of 21 June 1935, no. 26 of 2 June 1995 (effective 1 August 1995), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 12. In an individual case, the court may sit with three judges unless laid down otherwise by law. Instead of the appellate court chief judge or an appellate court judge, one of the appellate court judges may serve as the presiding judge.

In respect of complicated cases, the appellate court chief judge may decide that an additional judge should follow the proceedings and sit in the court in the event of absence.

In respect of cases in which information is disclosed which is confidential pursuant to the Security Act, only judges who have the necessary clearance and are authorised for the security level concerned shall participate. The King may issue more detailed regulations concerning clearance and authorisation.

Amended through Acts no. 8 of 21 June 1935, 1935, no. 88 of 17 December 1982, no. 71 of 14 June 1985, no. 80 of 11 June 1993 (effective 1 August 1995), no. 26 of 2 June 1995 (effective 1

August 1995), no. 10 of 20 March 1998 (effective 1 July 2001 pursuant to resolution no. 720 of 29 June 2001), no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007. Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 13. Decisions and other measures that do not apply to individual legal cases shall be taken by the appellate court chief judge alone unless determined otherwise.

Amended through Act no. 26 of 2 June 1995 (effective 1 August 1995).

§ 14. In respect of criminal cases, the appellate court shall sit with a jury or lay judges, and in civil cases with lay judges in cases determined pursuant to the Criminal Procedure Act and the Dispute Act.

Amended through Acts no. 71 of 14 June 1985, no. 68 of 16 June 1989, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007. Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 15. If any of the members of the court or the jury are unable to attend after the main hearing has commenced, the main hearing may continue without any person being summoned to take their place provided there is only one juror or one lay judge and only one other judge fewer than there actually should be. In both civil cases and criminal cases, a judge who may serve as the presiding judge pursuant to § 12 first paragraph shall always be present.

When the appellate court is only composed of three professional judges, the proceedings may not continue if any of them is absent.

Amended through Acts no. 27 of 22 May 1981, no. 71 of 14 June 1985, no. 26 of 2 June 1995 (effective 1 August 1995 pursuant to resolution no. 514 of 2 June 1995), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007. Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 16. The division of the Kingdom into appellate court judicial districts and the subdivision of these judicial districts into court districts shall be determined by the King.

Amended through Act 22 no. 27 of May 1981.

§ 17. (Repealed through Act no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).)

§ 18. For each appellate court judicial district, the Norwegian Courts Administration shall determine one or more legal venues. When the size of the appellate court judicial district or other grounds render it appropriate, a number of legal venues shall be established, with each venue covering part of the appellate court judicial district. At these legal venues, the cases that belong in that part of the appellate court judicial district shall generally be processed.

When appropriate, courts may sit elsewhere in the appellate court judicial district or in a different appellate court judicial district.

Amended through Acts no. 8 of 21 June 1935, no. 27 of 22 May 1981, no. 26 of 2 June 1995 (effective 1 August 1995 pursuant to resolution no. 514 of 2 June 1995), 514), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 19. The district courts shall have a chief judge and as many district court judges as determined at any one time. A vice chief judge may also be appointed. If the chief judge and vice chief judge are absent, the most senior of the other judges shall serve, unless another person is appointed.

In order to take their seat in the court in one or more specific cases, the chief judge may summon judges who are willing to serve from district courts in the same or another judicial district. The chief judge may otherwise ask the appellate court to summon such judges within the judicial district.

If the district court has a number of judges, the chief judge shall distribute the cases between them.

Where the case load renders it necessary, the district courts may be divided into departments in accordance with a decision by the Norwegian Courts Administration. In such cases, a judge may be appointed to act as head of each department. The chief judge shall distribute the cases between the departments and take decisions concerning the judges' service. The head of the department shall distribute the cases between the judges in the departments. The first paragraph third and fourth sentences shall apply correspondingly to the departments. The chief judge may authorise the heads of department to perform the tasks that are incumbent on him or her in accordance with other legal provisions.

The King may issue more detailed regulations concerning the distribution of cases within the district courts.

Amended through Acts no. 26 of 2 June 1995 (effective 1 August 1995 pursuant to resolution no. 514 of 2 June 1995), no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), 1416), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002) as amended through Act no. 98 of 14 December 2001.

§ 20. The King may decide that one or more of the district courts' procedural areas should be managed independently by one or more of the judges or delegated to special senior civil servants.

The Norwegian Courts Administration may appoint a special judge to one or more specific criminal cases or to manage discretion, expropriation cases or cases that are brought together as a single case pursuant to § 4-5 first paragraph of the Dispute Act when necessary because the case is complicated or because the activities should be led by the same judge in a number of court districts. For discretion, expropriation cases and cases pursuant to § 4-5 first paragraph of the Dispute Act, the Norwegian Courts Administration may appoint a substitute member to follow the proceedings and join the court in the event of the absence of the presiding judge.

Amended through Acts no. 8 of 21 June 1935, no. 3 of 20 June 1952, no. 71 of 14 June 1985, no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), 1416), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to

resolution no. 421 of 7 May 2002) no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 127 of 21 December 2007.

§ 21. In the district court, decisions and other measures that do not apply to individual legal cases shall be taken by the chief judge, unless determined otherwise.

In an individual case, only one judge shall serve. In complicated cases, the chief judge may decide that an additional judge should follow the proceedings and serve if the judge is absent. When the court sits with one judge and one deputy judge and there is only one permanent judge at the court, the court shall summon one judge in accordance with the provisions of § 19 second paragraph of the Courts Act. The court shall sit with lay judges in cases that are determined pursuant to the Dispute Act and the Criminal Procedure Act. If a lay judge is absent in civil cases, § 15 first paragraph shall apply correspondingly.

In respect of cases in which information is disclosed which is confidential pursuant to the Security Act, only judges who have the necessary clearance and are authorised for the security level concerned shall participate. The King may issue more detailed regulations concerning clearance and authorisation. With regard to the clearance and authorisation of lay judges, § 91 first paragraph (e) shall apply.

Amended through Acts no. 8 of 21 June 1935, no. 1 of 26 February 1960, no. 71 of 14 June 1985, no. 26 of 2 June 1995 (effective 1 August 1995), no. 13 of 3 March 2000, no. 10 of 20 March 1998 (effective 1 July 2001 pursuant to resolution no. 720 of 29 June 2001), no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 22. The division of the Kingdom into court districts for the district courts shall be determined by the King.

Amended through Acts no. 43 of 3 June 1983, no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001).

§ 23. Deputy judges shall be appointed in the court districts in which the Norwegian Courts Administration deems it necessary.

The deputy judge may perform the judge's duties on his behalf. Notwithstanding the foregoing, he may not lead a main hearing or pronounce a verdict except with specific authorisation or in unforeseen cases of absence. Authorisation shall be given by the Norwegian Courts Administration or by the chief judge in accordance with provisions issued by the Norwegian Courts Administration.

Amended through Acts no. 64 of 16 June 1989, no. 26 of 2 June 1995 (effective 1 August 1995), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 24. (Repealed through Act no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).)

§ 25. The Norwegian Courts Administration shall determine one or more permanent legal venues for the district courts.

If the State does not provide court premises, the municipal authority or municipal authorities may acquire court premises and other necessary rooms at legal venues referred to in the first paragraph and also provide heating, lighting, cleaning and equipment in the rooms. The expenses attributable to this shall be covered in all cases by the municipal authority or municipal authorities concerned. The expenses shall be distributed between a number of municipal authorities according to their populations as of the most recent census. In special cases, the Norwegian Courts Administration may establish a different method of distribution.

The court premises must be approved by the Norwegian Courts Administration.

When appropriate, a court may sit in other locations.

Amended through Acts no. 11 of 18 December 1959, no. 43 of 3 June 1983, no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002) as amended through Act no. 98 of 14 December 2001. Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 26. (Repealed through Act no. 44 of 3 June 1983.)

§ 26a. The King shall determine the judicial districts and court districts that shall exercise jurisdiction on facilities and installations for the exploration or exploitation, storage or transport of subsea natural deposits in the Norwegian part of the continental shelf and in the Norwegian economic zone.

Added through Act no. 74 of 10 June 1977, amended through Act no. 86 of 26 June 1992.

§ 27. There shall be a Conciliation Board in each municipality.

The Conciliation Board shall have three members and as many substitute members. Among the members and substitute members, there shall be both men and women. The substitute members shall be summoned in the order indicated by the appointment.

The municipal council shall elect one of the members as chairperson. If this person is absent, the member who is mentioned first in the appointment and who is able to serve shall serve in place of the absent chairperson.

With the consent of the Ministry, the municipal council may establish that the Conciliation Board is to have two or more departments. Each department shall be elected in accordance with the second and third paragraphs. One chairperson shall be elected as the leader of the board. The other chairperson, or the other chairpersons in the order determined by the municipal authority, shall be the chairman's deputy as the chief judge.

Work, transport and expense reimbursement for members and substitute members shall be determined pursuant to provisions issued by the King. For certain municipalities, the Ministry may also specify that the chairperson and, in some cases,

the other members, shall have a temporary appointment in accordance with the Civil Service Act.

In sheriff districts, the sheriff shall act as the secretariat for the Conciliation Board. In enforcement officer districts, the enforcement officer shall act as the secretariat. In police station districts with civilian administration of justice duties, the police station shall act as the secretariat. The King may issue regulations concerning the relationship between the Conciliation Board and the secretariat.

Municipalities which have the same secretariat and are also situated in the same court district may, with the support of at least two thirds of each of the municipal boards' members, decide to have a joint Conciliation Board if the municipalities are in agreement concerning the number of members and substitute members that each municipality should elect and about how it will be ensured that there are both men and women among both members and substitute members. Conciliation Boards may be established independently of the function period in accordance with § 57.

Amended through Acts no. 86 of 17 December 1982, no. 48 of 27 June 1986, no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005) as amended through Act no. 84 of 17 June 2005.

§ 28. The Conciliation Boards shall meet once a month or more often if the case load so requires. The Conciliation Board may omit to meet in July. The Conciliation Board may also omit to meet in a particular month if there are no cases to be considered during that month. The meetings shall be held at the location in the Conciliation Board district determined by the Conciliation Board.

Amended through Acts no. 3 of 1 June 1934, no. 54 of 24 August 1990, no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005) 2005).

§ 29. Judicial commissions and other extraordinary courts must not be appointed except in statutory cases.

When the parties so consent, the King may appoint extraordinary courts to perform judicial tasks in non-criminal cases.

§ 30. When an extraordinary court is appointed or a special judge is appointed pursuant to § 20 to perform tasks in a number of court districts, it shall also be determined which court should consider appeals and requests for the reopening of cases if the law does not contain provisions concerning such matters.

Amended through Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 31. When a court hearing in a criminal case is conducted by a single judge and no defence counsel or representative of the prosecuting authority attends, there must be a court invigilator present during the court hearing. When a court hearing or enforcement procedure is conducted by a single judge and no counsel is present for any of the parties concerned, a court invigilator may be summoned when deemed necessary by the judge for special reasons.

Amended through Acts no. 1 of 10 June 1932, no. 8 of 21 June 1935, no. 8 of 17 June 1966, no. 24 of 22 May 1981, no. 86 of 26 June 1992.

§ 32. Spouses, parents and children, siblings and any person who is equally closely related may not sit in court at the same time as judges or jurors or as court invigilators in cases other than those covered by § 102[1] final paragraph.

Amended through Acts no. 5 of 21 June 1963, no. 71 of 14 June 1985.

1 § 102 is repealed.

Chapter 1 A. The Norwegian Courts Administration

Chapter added through Act no. 62 of 15 June 2011.

§ 33. The Norwegian Courts Administration shall be led by a board which shall ensure that the central administration of the courts is carried out in a defensible and appropriate manner.

Through the Norwegian Parliament's consideration of the budget proposition, annual guidelines shall be issued for the work of the Norwegian Courts Administration and the administration of the courts.

The King in State may take administrative decisions concerning the work of the Norwegian Courts Administration and the administration of the courts. The Norwegian Courts Administration shall be given the opportunity to issue statements before such administrative decisions are taken. The Norwegian Parliament shall be notified of the administrative decision.

Repealed through Act no. 54 of 24 August 1990 (effective 1 January 1991), added again through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 33a. The board of the Norwegian Courts Administration shall consist of nine members with personal substitute members. The King shall appoint three judges, one land consolidation judge or land consolidation chief judge, one representative from the other appointees in the courts and two lawyers to the board, and the Norwegian Parliament shall elect two members. The King shall establish which member is to be the chairman of the Norwegian Courts Administration board.

Appointment and election shall take place for a period of four years, with the right to re-appointment or re-election for one period.

An appointment or election may be withdrawn if a member is unable or unwilling to perform the task in an appropriate manner.

The King may remove the board from office if it fails to follow up criticism from the Office of the Auditor General of Norway. The board may also be removed from office if it can be blamed for not following up guidelines pursuant to § 33 second paragraph or administrative decisions by the King in State pursuant to § 33 third paragraph. The same shall apply if the board fails to comply with provisions laid down in a law or regulation. The King shall immediately notify the Norwegian Parliament that the board has been removed from office.

The director of the Norwegian Courts Administration or the person authorised by the director shall have a right of audience in the board, except when the board

considers appeals against the director's administrative decisions; cf. § 33 b first paragraph.

Added through Act no. 62 of 15 June 2001 (effective 1 August 2001 pursuant to resolution no. 619 of 15 June 2001, amended through Act no. 86 of 17 June 2005 (effective 1 August 2005). Amended through Act no. 7 of 20 February 2004 but the amendment was repealed through Act no. 130 of 21 December 2005 (effective 1 January 2006 pursuant to resolution no. 1608 of 21 December 2005). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 33b. The Public Administration Act and the Freedom of Information Act shall apply to the work of the Norwegian Courts Administration. The appeal body for the director's administrative decisions shall be the board and, for the board's administrative decisions, the King in State.

The board shall have authority to make appointments to the Norwegian Courts Administration's posts. In respect of senior posts, except that of director of the Norwegian Courts Administration, the director shall submit a proposal. In respect of other posts, the recommendation shall be given by an appointment board in accordance with the Civil Service Act. The board may delegate the task of appointments to the director.

When the board is the appointing authority, at least two representatives of the Norwegian Courts Administration's employees shall join the board. This shall also apply when the board considers cases referred to in the Civil Service Act, §§ 8 to 10 and §§ 12 to 17 no. 3.

Where appropriate, the board shall establish a job description for the director and instructions for the processing of cases by the Norwegian Courts Administration.

Added through Act no. 62 of 15 June 2001 (effective 1 August 2001 pursuant to resolution no. 619 of 15 June 2001, amended through Act no. 16 of 19 May 2006 (effective 1 January 2009 pursuant to resolution no. 1118 of 17 Oct 2008).

§ 33c. The Norwegian Courts Administration shall submit proposals for budgets for the courts to the Ministry.

The Norwegian Courts Administration shall determine the number of permanent judges for each court. In addition, permanent judges that are common to a number of courts may be appointed. The Norwegian Courts Administration shall issue more detailed provisions concerning the organisation of the service of these judges. For the Supreme Court, the King shall determine the number of judicial posts.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), amended through Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 33d. The King may issue more detailed regulations concerning the work of the Norwegian Courts Administration.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

Chapter 2 General provisions concerning the court's judicial authority and letters of request, etc.

Heading amended through Act no. 8 of 17 June 1966.

§ 34. When a case is lawfully brought before a court, the court concerned shall, unless determined otherwise, continue to be the judicial authority in the case, even when changes are subsequently made which mean that the court could not have handled the case.

In the event that a number of courts have judicial authority in respect of a case, the court that was involved in the case first shall have precedence.

§ 35. If a court has declared that it does not have judicial authority, the decision shall be binding in respect of the matter for other courts of the same or lower order. This shall also apply until the decision has gained legal force. For a court of a lower order, the decision shall be binding even if it has previously reached the opposite decision and the decision has gained legal force.

§ 36. Unless determined otherwise, each court shall itself assess whether a case falls within its jurisdiction.

In connection with such assessments, the court shall base its deliberations in respect of civil cases and private criminal cases on the plaintiff's submission, provided that it has not been demonstrated that the submission is erroneous. Otherwise, the court shall carry out the necessary investigations without being bound by the parties' statements.

Amended through Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 37. If a court has agreed to consider a case but the case does not fall within Norwegian judicial authority, the government ministry concerned may, on behalf of the government, present an objection and submit an appeal to the Supreme Court to have the case handling and decision declared invalid. Such appeals shall not be subject to any deadline or jurisdictional amount for appeal.

Amended through Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 38. A court before which a case has been brought may, either upon receiving an application from a party or on its own initiative, decide that the case should be referred to another court of the same order, when special circumstances render it necessary or appropriate. The court shall give the other party, or the parties, and the court that is to take over the case the opportunity to issue statements before the decision to refer the case is taken. If the court that is proposed to take over the case objects to the case being referred, the matter shall be decided by the court that is immediately superior to the court before which the case has been brought, or by the Appeals Selection Committee of the Supreme Court if the case is before the appellate court. Applications for referral shall only have suspensive effect when the court so decides. Decisions taken pursuant to this section may not be challenged.

Amended through Acts no. 82 of 18 June 1971, no. 83 of 11 June 1993, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 39. (Repealed through Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.)

§ 40. The circumstance that a case has been decided by a higher court instead of a lower court does not constitute a basis for invalidity.

The circumstance that a case has been decided by a lower court instead of a higher court may not be cited as a basis for invalidity if the case could be referred for a full hearing before the higher court either immediately or following the granting of approval.

§ 41. If a court has erroneously begun to consider a case without lay judges or with lay judges from the ordinary selections instead of the special selection or with appointed lay judges instead of randomly drawn lay judges, the error shall be rectified through amendment of the court's composition without delay, and the handling of the case shall be repeated insofar as is deemed necessary.

A party that becomes aware of the error should demand rectification of the error as soon as possible. If the party was aware of the error, yet still participated in the hearing before the court, that party may not subsequently cite the error as a basis for invalidity. Notwithstanding the foregoing, it may always be cited that the case has been erroneously handled without lay judges.

Amended through Act no. 71 of 14 June 1985.

§ 42. Actions performed by a court for information purposes concerning the case or to safeguard the interests of the parties shall not be invalid and may not be challenged on the grounds that the case belongs under another court.

If there would be a risk in the event of delay, such actions should be carried out even if the case is otherwise dismissed because it has been brought before the incorrect court.

§ 43. Any court that is to decide on a case shall have the right to admit the necessary evidence, unless determined otherwise. In cases other than criminal cases, the hearing of evidence shall take place in accordance with the provisions of the Dispute Act.

A review commission, audit committee or other special body appointed by the King, the Norwegian Parliament, a ministry or a county governor in order to review actual circumstances with a view to identifying breaches of the law or reproachable circumstances may demand the hearing of evidence before the courts in accordance with § 44. As part of the preparation for or review of an individual administrative decision, an administrative body may demand such hearing of evidence. The provisions concerning the hearing of evidence in civil cases shall also apply to the cases referred to here unless determined otherwise by law.

Amended through Acts no. 59 of 15 November 1974 no. 54 of 24 August 1990, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 44. If judicial actions in a case being considered by a court are to be performed outside the territory covered by the court, they shall be carried out in accordance with the court's request by the court covering the location concerned. The request shall be submitted to the district court, unless otherwise is determined or follows from the nature of the business.

When consideration for the case renders it preferable or delays or costs can be avoided, the court considering the case may perform such actions itself. The main hearing may be conducted outside the territory covered by the court when there are special reasons for doing so.

If there would be a danger in the event of delay, any court that has received a rogatory letter may perform judicial actions outside its territory.

A court that performs judicial actions outside its territory shall notify the court of the location without delay.

Amended through Acts no. 26 of 2 June 1995 (effective 1 August 1995 pursuant to resolution no. 514 of 2 June 1995), no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001).

§ 45. If a court that has received a rogatory letter pursuant to § 44 finds that it does not have the authority to perform the action, the request shall be refused through an interlocutory order. Appeals may be submitted both by the parties and by the court that submitted the request.

If a court that has received a rogatory letter finds that it should have been sent to another court or authority, it may forward the request to the appropriate court or authority. In such a case, the court concerned shall notify the court that made the request without delay.

Amended through Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 46. Rogatory letters from foreign courts or other foreign authorities shall only be complied with when they are sent through the appropriate Norwegian government ministry, unless determined otherwise by the King or follows from an agreement with the foreign state concerned.

The request shall be sent to the location's district court, unless otherwise has been determined or follows from the nature of the action. When considerations of appropriateness indicate that a number of courts are competent, the ministry shall decide the court though which the action should take place. The court itself shall consider whether it has authority to perform the action. The court's decision may be appealed by the government ministry concerned. If the court finds that the request should have been submitted to another court or authority, it may forward the request to that court or authority.

The procedure shall be carried out in accordance with Norwegian law. Notification of the parties shall not be necessary, unless such notification has been expressly demanded. If a special form or procedure is expressly requested, the request shall be complied with insofar as is possible, provided that it is not prohibited under Norwegian law.

The King may issue more detailed regulations concerning letters rogatory from foreign authorities.

That which is laid down above shall not apply to enforcements of foreign interlocutory orders or preliminary injunctions to ensure such enforcement. It shall also not apply to the extradition of persons who have been sentenced or are being prosecuted abroad, or to the use of coercive measures in accordance with the Criminal Procedure Act.

In accordance with the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, Protocol 5 Article 25, the EFTA Court may submit a request for the hearing of evidence directly to the court that is responsible for hearing the evidence.

Amended through Acts no. 39 of 13 June 1975 no. 24 of 1 June 1979, no. 113 of 27 November 1992 (effective 1 January 1994), no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007, no. 52 of 22 June 2012 (effective 1 January 2013 pursuant to resolution no. 1208 of 14 December 2012).

§ 47. A court that is considering a case may decide that the hearing of evidence should if possible be conducted by a foreign authority. If a case has not been brought before any court, such a decision may be taken upon application by the district court covering the territory where the applicant is resident, or where there is a legal venue for the case.

Before the decision is taken, the court shall in respect of civil cases give the other party an opportunity to comment, or in respect of criminal cases, the prosecuting authority, the accused and the defence counsel where such a counsel has been appointed.

A party that requests the hearing of evidence shall provide security for the associated costs if the court so requires.

The hearing of evidence in criminal cases involving a foreign authority shall also be subject to Act no. 39 of 13 June 1975 on the extradition of criminals, etc. § 23 b.

Amended through Acts no. 2 of 13 February 1976 no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007, no. 52 of 22 June 2012 (effective 1 January 2013 pursuant to resolution no. 1208 of 14 December 2012).

§ 48. If a court decides pursuant to § 47 to submit a request to a foreign authority for the hearing of evidence, the request shall be issued by the court itself, or alternatively by the presiding judge if it has a number of members. The request shall be sent

through the relevant government ministry, unless determined otherwise by the King or otherwise follows from an agreement with a foreign state.

The request shall contain a brief presentation of the case circumstances and state precisely what is being requested.

If the court finds that the forms that are prescribed in Norwegian law provide special reassurance, compliance with such forms should be requested if there authority to do so. In particular, the other party should be given access to safeguard his interests in a corresponding manner to that applicable under Norwegian law.

That which is laid down in an agreement with a foreign power or through regulations provided by the King shall otherwise apply.

The hearing of evidence abroad shall be considered fault-free if the forms of the foreign court or the Norwegian court are complied with.

Amended through Acts no. 8 of 17 June 1966 no. 127 of 21 December 2007 (effective 1 January 2008), no. 52 of 22 June 2012 (effective 1 January 2013 pursuant to resolution no. 1208 of 14 December 2012).

§ 48a. If a rogatory letter from a Norwegian court is necessary for enforcement that is to be carried out in another state, the request shall be issued by the court that decided the case in the first instance.

Added through Act no. 86 of 26 June 1992.

§ 49. The King may issue the necessary regulations concerning letters rogatory to foreign authorities in cases other than those referred to in § 47.

§ 50. The hearing of evidence abroad may take place through a Norwegian Consular Court if there is authority to do so with respect to the foreign state. This evidence shall be considered equivalent to evidence that is heard before Norwegian courts.

The hearing of evidence shall take place in accordance with the regulations that apply to domestic judicial actions insofar as they can be followed appropriately. More detailed regulations concerning the procedure may be provided by the King.

Amended through Act no. 27 of 22 May 1981.

§ 51. The Consular Court shall be led by a Norwegian foreign official authorised by the King.

A court invigilator shall be summoned to court hearings. One or two expert court invigilators may be summoned when special expert knowledge is required.

The King may issue more detailed regulations concerning Consular Courts.

Amended through Acts no. 8 of 17 June 1966 no. 27 of 22 May 1981, no. 2 of 7 January 2005 (effective 1 July 2008 pursuant to resolution no. 226 of 23 February 2007).

§ 51a. When a Norwegian court considering a case must decide on an interpretation of the Agreement on the European Economic Area and protocols, annexes and the legal documents that the annexes concern, it may, pursuant to Article 34 of the

Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, refer the interpretation question to the EFTA Court. A court's decision that an interpretation question should or should not be referred to the EFTA Court may not be challenged.

Courts that are not referred to in §§ 1 or 2 first paragraph shall also have the right to refer interpretation questions to the EFTA Court. Conciliation Boards shall not have authority to refer interpretation questions to the EFTA Court.

Added through Act no. 113 of 27 November 1992 (effective 1 January 1994), amended through Acts no. 83 of 11 June 1993, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

Chapter 3 Judges and the court's other senior civil servants and officials

Heading amended through Act no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 52. For the purposes of this Act, 'judge' shall, unless otherwise specified or follows from the context, mean all the members of a court which can take or participate in judicial decisions, both those who are permanently appointed and those who are only serving for a fixed period of time or in an individual case. 'Judges' shall also include members of Conciliation Boards. Jurors are not referred to as judges.

Amended through Acts no. 71 of 14 June 1985, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 53. Judges must be Norwegian citizens, men or women, who are trustworthy and who have not been deprived of their right to vote in respect of public affairs. Lay judges shall be subject to the requirements set out in § 70, while judicial assessment members shall be subject to the provisions of § 14 of the Act on valuation and expropriation.

If a judge is untrustworthy, his or her judicial actions shall however not be invalid for that reason. The parties shall also not be entitled to claim that a judge should withdraw because he or she is untrustworthy.

Amended through Acts no. 14 of 11 May 1979, no. 71 of 14 June 1985, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 54. Supreme Court judges, appellate court chief judges and appellate court judges must be at least 30 years of age and have a law degree.

Appellate court judges and district court judges must be at least 25 years of age and have a law degree.

Deputy judges must be at least 21 years of age and have a law degree.

Amended through Acts no. 8 of 21 June 1935, no. 26 of 2 June 1995 (effective 1 August 1995 pursuant to resolution no. 514 of 2 June 1995), no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 2 of 15 January 2010 (effective

1 March 2010 pursuant to resolution no. 33 of 15 January 2010). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 55. Judges sitting in the Supreme Court, the courts of appeal, the land consolidation high courts and the land consolidation courts shall be appointed as a senior civil servant by the King pursuant to § 21 of the Constitution.

Judges should be appointed from among persons who satisfy exacting requirements concerning professional qualifications and personal characteristics. Judges sitting in the Supreme Court, the courts of appeal and the district courts should be recruited from among lawyers with varying professional backgrounds.

Judges shall be independent in his or her judicial activity. Judges shall perform their judicial duties impartially and in a manner which engenders general trust and respect.

Judges may not be laid off or relocated against their will and may only be dismissed in accordance with legal procedures or interlocutory orders.

Amended through Acts no. 8 of 21 June 1935, no. 9 of 9 June 1939, no. 54 of 24 August 1990, no. 26 of 2 June 1995 (effective 1 August 1995), no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002) as amended through Act no. 98 of 14 December 2001, no. 7 of 20 February 2004 (effective 1 April 2004 pursuant to resolution no. 399 of 20 February 2004). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013). Amended through Act no. 100 of 21 June 2013 (effective from the date determined by the King).

§ 55a. The Judicial Appointments Board for Judges shall submit a recommendation in connection with the appointment of judges and perform individual constitutions in accordance with the applicable provisions in §§ 55 e and 55 f. The Judicial Appointments Board shall consist of three judges from the Supreme Court, the courts of appeal or the district courts, one lawyer, one jurist employed by the public sector and two members who are not jurists. When the Judicial Appointments Board considers matters which concern the appointment or constitution of land consolidation chief justices or land consolidation judges, one judge from the land consolidation high court or the land consolidation court and one land consolidation candidate shall participate instead of one judge and the jurist employed by the public sector. The King shall appoint the members of the Judicial Appointments Board with personal substitute members and determine which member should chair the Judicial Appointments Board.

The appointment shall take place for a period of four years with the right to re-appointment for one period.

The appointment may be withdrawn if a member is unable or unwilling to perform the task in an appropriate manner.

The director of the Norwegian Courts Administration or the person authorised by the director shall have a right of audience in the Judicial Appointments Board.

Added through Act no. 62 of 15 June 2001 (effective 7 May 2002 pursuant to resolution no. 421 of 7 May 2002), 2002), amended through Act no. 7 of 20 February 2004 (effective 1 January 2006

pursuant to resolution no. 901 of 19 August 2005). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 55b. The King shall obtain a recommendation from the Judicial Appointments Board for Judges before a judge is appointed in accordance with § 55.

The Judicial Appointments Board shall obtain the information that is necessary in order to give a recommendation. In respect of judicial appointments to the district court, the appellate court, the land consolidation court and the land consolidation high court, the court's president shall issue a written statement.

The Judicial Appointments Board shall give a justified recommendation of three applicants for judicial appointments. If the Judicial Appointments Board does not recommend three applicants, this must be justified.

In respect of the position of Supreme Court judge, the Chief Justice of the Supreme Court shall issue a verbal or written statement directly to the Ministry after the Judicial Appointments Board has given its recommendation.

§§ 106 and 108 shall apply with regard to the legal competence of members of the Judicial Appointments Board.

The King may issue more detailed regulations concerning the handling of recommendation cases.

The provisions in this section shall not apply to the appointment of Chief Justice of the Supreme Court.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002) as amended through Act no. 98 of 14 December 2001, 2001, amended through Act no. 7 of 20 February 2004 (effective 1 January 2006 pursuant to resolution no. 1099 of 30 September 2005). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 55c. If the King is considering appointing an applicant who has not been recommended, a statement shall be requested from the Judicial Appointments Board regarding the applicant concerned. An applicant who is recommended by a minority of the Judicial Appointments Board shall be deemed to have been recommended.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), 2002).

§ 55d. Temporary judges for the Supreme Court, the courts of appeal, the district courts, the land consolidation high courts and the land consolidation courts may only be constituted or employed in the cases referred to in §§ 55 e to 55 g.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), 2002) as amended through Act no. 98 of 14 December 2001, 2001, amended through Act no. 7 of 20 February 2004 (effective 1 January 2006 pursuant to resolution no. 1099 of 30 September 2005). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 55e. Alongside their permanent position, a judge who has been appointed pursuant to § 55 may be constituted as a judge for a parallel court for a period of up to two years in the event of:

1. leave or absence in a judicial position
2. declared legal disqualification of a judge
3. a need for additional judges, or
4. the reorganisation of courts.

The constitution of judges to a land consolidation high court or a land consolidation court may take place for a period of up to four years.

Notwithstanding the foregoing, a judge or retired judge may, with the exception of judges in the land consolidation high courts and the land consolidation courts, be constituted at another court in order to perform marriage ceremonies. Such constitutions shall be conducted by the chief judge where the marriage ceremony is to be performed.

Decisions concerning constitutions as referred to in the first paragraph shall be made by the Judicial Appointments Board for Judges. The Judicial Appointments Board may delegate the task of performing the constitution to the Norwegian Courts Administration. Constitutions with a duration of up to three months may be performed by the chief judge.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2004), amended through Acts no. 7 of 20 February 2004 (effective 1 April 2004 pursuant to resolution no. 399 of 20 February no. 7 of 20 February 2004 (effective 1 January 2006 pursuant to resolution no. 1099 of 30 September 2005). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 55f. If a need as referred to in § 55 e first paragraph is not met through a constitution alongside a permanent judicial position pursuant to § 55 e third paragraph or through a mobile judge pursuant to § 33 c second paragraph, a new judge may be constituted for a period of up to two years. § 55 e first paragraph second point shall apply correspondingly.

Decisions concerning constitutions as referred to in the first paragraph shall be made by the Judicial Appointments Board for Judges, but by the King if the constitution will have a duration in excess of one year or the constitution concerns the Supreme Court. The Judicial Appointments Board may delegate the task of performing constitutions to the Norwegian Courts Administration. Before the King reaches a decision concerning a constitution for a court other than the Supreme Court, the King shall obtain a recommendation from the Judicial Appointments Board. In respect of constitutions as a Supreme Court judge, the Chief Justice of the Supreme Court shall issue a verbal or written statement directly to the Ministry.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), amended through Act no. 7 of 20 February 2004 (effective 1 January 2006 pursuant to resolution no. 1099 of 30 September 2005).

§ 55g. Deputy judges shall be appointed by the chief judge for a period of up to two years.

The chief judge may extend the deputy judge's service, but the total period of service may not exceed three years. The Ministry may establish exceptions from the provisions concerning the period of service of deputy judges.

The Ministry may issue more detailed regulations concerning the appointment of deputy judges.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 55h. Temporary judges, including deputy judges and land consolidation judges with general permission pursuant to § 7 fourth paragraph of the Land Consolidation Act, may not be made redundant or relocated against their will and may only be dismissed in accordance with legal procedures and interlocutory orders during the period covered by the constitution or appointment. If a constitution or appointment has lasted more than one year, the temporary judge shall be given at least one month's notice before the position ceases. After expiry of the period, temporary judges shall vacate their position without further notice or dismissal.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), 2002), amended through Act no. 7 of 20 February 2004 (effective 1 April 2004 pursuant to resolution no. 399 of 20 February 2004). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 55i. The Public Administration Act and the Freedom of Information Act shall apply to the appointment of permanent and temporary judges.

Official applicant lists for judicial positions shall state the names and ages of all applicants, as well as their education and work experience in both the public and private sectors.

A Judicial Appointments Board recommendation without justification shall be public. The same shall apply to requests for additional assessments pursuant to § 55 c, but without the applicant's name being public, and the Judicial Appointments Board's additional recommendation.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), 2002) amended through Act no. 16 of 19 May 2006 (effective 1 January 2009 pursuant to resolution no. 1118 of 17 Oct 2008).

§ 55j. The Norwegian Courts Administration shall decide on applications for leave from permanent and temporary judges. Leave with a duration of up to three months shall be decided by the chief judge.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), 2002) as amended through Act no. 98 of 14 December 2001, 2001.

§ 56. Conciliation Board members must be at least 25 years of age. § 70 second paragraph no. 1 concerning an upper age limit and §§ 71-74 shall also apply correspondingly to Conciliation Board members.

Conciliation Board members shall only be elected from among persons who are considered particularly well-suited to the task and who have a good verbal and written command of Norwegian.

Any person who is not resident in the municipality may refuse to accept election.

Amended through Acts no. 4 of 19 June 1947, no. 2 of 4 December 1964, no. 48 of 27 June 1986, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 57. Conciliation Board members and substitute members shall be elected by the municipal board itself. The election shall take place by 15 October in the year after each municipal board election and shall only apply for a period of four years from 1 January of the following year.

The election shall be subject to the provisions in Chapter 6 of the Local Government Act with the deviations that follow from this section and from § 27.

In the event of a majority election, the order for both members and substitute members shall be determined according to the number of votes they received, or through the drawing of lots in the event of an equal number of votes, unless the municipal board determines the order unanimously.

If, in connection with proportional elections, it is necessary in order to fulfil the requirement in § 27 that there must be both men and women among the members, and promotion pursuant to § 37 no. 3 of the Local Government Act within an individual list is disqualified, candidates from the under-represented gender shall be promoted up the list that has the fewest votes. The same shall apply if it is necessary in order to fulfil the requirement that there must also be both men and women among the substitute members. In the event of promotion pursuant to the first point on the list which has received the fewest votes, the promotion of substitute members shall take place on the list that has received the next fewest votes. In the event of an equal number of votes, lots shall be drawn to determine the list on which promotion is to take place.

Amended through Acts no. 6 of 17 July 1925, 25 February 1927, no. 4 of 19 June 1947, no. 1 of 26 November 1954, no. 2 of 4 December 1964, no. 48 of 27 June 1986, no. 34 of 23 June 1995, no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 58. The election shall be notified to the county governor. If he deems the election lawful, he shall issue appointments for those elected in the order that was determined through the election. Otherwise, he shall demand that a new election be held insofar as is necessary.

The county governor shall supervise the work of the Conciliation Board.

Amended through Acts no. 6 of 17 July 1925, 25 February 1927, no. 20 of 22 June 1928 no. 1 of 26 November 1954.

§ 59. When a Conciliation Board member or substitute member dies or move out of the municipality, or when it is announced that the person concerned does not fulfil

one or more of the conditions referred to in §§ 53 or 56 first paragraph, or the person concerned is otherwise prevented from serving, the municipal board shall hold a new election for a member or substitute member for the remaining period. The election shall be conducted as a majority election.

The municipal board may permit a member or substitute member to vacate his or her position prematurely and in such a case shall conduct a new election in accordance with the provisions of the first paragraph.

If any person is absent with the result that the Conciliation Board is unable to hold a quorate meeting, the county governor may appoint deputies for an individual case or for a period of up to three months. If there is insufficient time to obtain the county governor's decision, two officiating Conciliation Board members may temporarily summon a deputy with the consent of the parties.

Any person who is appointed as a member or substitute member in accordance with this section shall follow in sequence after those who were appointed previously. If an election for a new member is held because the chairman has vacated his or her position or similar, the municipal board may itself elect a new chairman independently of the first point.

Amended through Acts no. 4 of 19 June 1947, 4, no. 5 of 21 June 1963, no. 48 of 27 June 1986, no. 34 of 23 June 1995, no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 60. All judges except lay judges and judicial assessment members shall give a written affirmation that they will perform their duties conscientiously. The affirmation shall be sent to the Norwegian Courts Administration or to the county governor as regards process servers relating to judges in the Conciliation Board. The King shall determine how the process server is to be worded.

Amended through Acts no. 14 of 11 May 1979, no. 71 of 14 June 1985, no. 62 of 15 June 2001, (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 61. The director of the Supreme Court shall be a senior civil servant appointed by the King.

Clerks of court and law clerks of the Supreme Court shall be appointed by the Ministry, or by the Supreme Court in accordance with provisions issued by the Ministry. Clerks of court and law clerks may be appointed for a fixed term.

Amended through Acts no. 2 of 4 December 1964, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 62. Court officials shall be subject to Act no. 3 of 4 March 1983 relating to civil servants, etc. unless otherwise follows from this Act.

In accordance with provisions issued by the Norwegian Courts Administration, the chief judge may appoint deputies for the court's officials for a shorter or longer period of time or for an individual case.

Amended through Acts no. 4 of 14 August 1918, § 84, no. 2 of 4 December 1964, no. 5 of 18 June 1965, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 62a.

Added through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 63. In sheriff districts, the county governor shall act as the chief process server. In enforcement officer districts, the enforcement officer shall act as the chief process server. In police station districts with civil administration of justice duties, the head of the police station shall act as the chief process server.

Assistant process servers for a chief process server must be approved by the district court. If the decision falls within the jurisdiction of a number of courts, it shall be taken by the Norwegian Courts Administration in the absence of agreement.

In the case of the Supreme Court, one or more process servers may be appointed to serve judgements in the municipality in which the Supreme Court is sitting.

Process servers shall make an affirmation to the court concerned that they will conscientiously perform their duties as a process server. The King shall determine how the process server is to be worded.

Amended through Acts no. 4 of 14 August 1918, § 84, no. 5 of 18 June 1965, no. 12 of 2 March 1973, no. 86 of 17 December 1982, no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002) as amended through Act no. 98 of 14 December 2001, 98, no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005) as amended through Act no. 84 of 17 June 2005.

§ 63a. Judges and others who serve or perform work for a judicial office shall be obligated to prevent others from gaining access to, or a knowledge of, what they become aware of in connection with their service or work regarding:

1) any person's personal circumstances, or
2) technical installations and procedures, as well as operating or business circumstances which should be kept secret for commercial reasons out of consideration for the party that the information concerns.

§§ 13 to 13 e of the Public Administration Act and § 121 of the Penal Code shall apply correspondingly.

The section shall also not apply to anything that has been disclosed in a court hearing or interlocutory order. The duty of confidentiality shall also not apply to anything that has been disclosed in sections of a case document to which the general public may gain access pursuant to the provisions of Chapter 14 of the Dispute Act.

Added through Act no. 21 of 16 May 1986, amended through Acts no. 37 of 21 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001), no. 90 of 17 June

2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007. Amended through Act no. 28 of 20 May 2005 (effective from the date determined by law) as amended through Act no. 74 of 19 June 2009.

Chapter 4 Selection of jurors and lay judges

Heading amended through Acts no. 71 of 14 June 1985, no. 48 of 27 June 1986, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007). - Cf. Acts no. 11 of 17 July 1925 § 11, no. 77 of 21 December 1979 § 8.

§ 64. For cases before an appellate court, there shall be two pools of jurors and lay judges, one for women and one for men, in each appellate court judicial district.

The chief judge of the appellate court shall determine the number of pool members such that it can be anticipated that each member will serve on two cases per year. The chief judge of the appellate court shall then distribute the pool members between the municipalities of the appellate court judicial district according to population. Notwithstanding the foregoing, each municipality shall have at least one member in each pool. No later than 1 March of the year in which the election takes place, cf. § 66, the chief judge of the appellate court shall notify the municipalities of the allocation.

Amended through Acts no. 4 of 19 June 1947, no. 71 of 14 June 1985, no. 80 of 6 December 1991, no. 34 of 23 June 1995, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007), no. 47 of 25 June 2010.

§ 65. For cases before a district court, there shall be two pools of lay judges, one for women and one for men, in each court district

The chief judge shall determine the number of pool members such that it can be anticipated that each member shall serve on two cases per year. The chief judge shall then distribute the pool members between the municipalities of the court district according to population. Notwithstanding the foregoing, each municipality shall have at least one member in each pool. No later than 1 March of the year in which the election takes place, cf. § 66, the chief judge shall notify the municipalities of the allocation.

Amended through Acts no. 26 of 2 June 1995 (effective 1 August 1995), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007), no. 47 of 25 June 2010.

§ 66. The members of the pools of jurors and lay judges shall be elected by the municipal board every four years. The election shall be held by 1 July in the year after each municipal board election and shall apply for a period of four years from 1 January of the following year.

If a municipality is split between a number of court districts, the pool members shall be specifically elected for each part of the municipality from among those resident in the part concerned. In such cases, the provisions of §§ 64 and 65, second paragraph in both cases, and § 76 shall apply correspondingly as regards the individual parts of the municipality. Deletion in accordance with § 76 shall also be carried out when someone who has been entered in the lists cannot be elected in accordance with this paragraph, first point.

If allocation is to be carried out during an election period, special elections shall be conducted for the remainder of the period as referred to in the second paragraph, first point. The election shall then be conducted in accordance with rules laid down by the Norwegian Courts Administration. From the allocation, the period of service shall cease for those who were previously elected from the municipality.

Amended through Acts no. 2 of 4 December 1964, no. 25 of 13 June 1969, no. 34 of 12 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 62 of 15 June 2001 (effective 1 November 2001 pursuant to resolution no. 619 of 15 June 2001, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007), no. 47 of 25 June 2010.

§ 66a. If special circumstances arise during the election period which mean that the requirement for members of the pools of jurors and lay judges is markedly greater than first anticipated, the chief judge may decide that additional members shall be elected to the pools for the remainder of the period. The chief judge shall determine the number of members to be elected and distribute these members between the municipalities in the district according to population.

The municipality shall conduct the election within three months after notification from the chief judge has been received. The election shall apply from the date determined by the chief judge.

(Repealed through Act no. 38 of 15 June 2007), added again through Act no. 47 of 25 June 2010.

§ 67. The pools of jurors and lay judges shall have a varied composition, such that they are as representative of all parts of the population as possible. The municipality shall encourage the general public to propose candidates for the election.

Amended through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 68. The chairmanship or the permanent committee to which the municipal board has delegated the task shall carry out preparations for the election, decide on requests for exemption from election and submit proposals for election pursuant to § 67. The proposal shall be distributed for public review for at least two weeks. In the announcement concerning this, any person who has any objections to the proposal shall be asked to notify their objections to the municipality by a fixed deadline.

After reaching decisions concerning objections and exemption requests received since the announcement referred to in the first paragraph, final point, the municipal board shall determine the number of members of each of the pools that have been determined in accordance with §§ 64 and 65.

No one may be elected to more than one of the pools.

Amended through Acts no. 27 of 22 May 1981, no. 71 of 14 June 1985, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 69. A list of elected jurors and lay judges shall be kept by the municipality. The lists shall state the full name, address, national ID number, telephone number, profession and position of the pool members.

A copy of the list shall be sent to the court concerned by 15 September in the year after each municipal board election. In the case of elections pursuant to § 66 a, the deadline shall be two weeks after the election has been conducted. The Norwegian Courts Administration may issue additional regulations concerning the lists.

Amended through Acts no. 71 of 14 June 1985, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007), no. 47 of 25 June 2010.

§ 70. Any person who is elected must possess an adequate command of Norwegian and otherwise be personally suitable for the task.

In addition, the person concerned must:

1. be aged over 21 and under 70 at the start of the election period,
2. not have been deprived of the right to vote on public affairs,
3. not be the subject of official debt negotiations or bankruptcy proceedings or be under bankruptcy quarantine,
4. be entered in the national population register as resident in the municipality as of the election date, and
5. be a citizen of Norway or another Nordic country, or have been entered in the national population register as being resident in the Kingdom for the last three years prior to the election date.

Amended through Acts no. 5 of 24 June 1933, no. 27 of 22 May 1981, no. 34 of 23 June 1995, no. 26 of 2 June 1995 (effective 1 August 1995 pursuant to resolution no. 514 of 2 June 1995), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 71. The following are disqualified from election due to their position:

1. The Norwegian Parliament's representatives and deputy representatives,
2. the Council of State's members, Secretaries of State, the Council of State's personal political advisers and employees of the Prime Minister's office,
3. county governors and assistant county governors,
4. appointed and constituted judges and staff at the courts,
5. employees of the prosecution authority, the police and the correctional services and people who have been assigned limited police authority,
6. employees of the Ministry of Justice, the Police Directorate and the Norwegian Courts Administration and its board,
7. employees and students at the Police University College and the Correctional Service of Norway Staff Academy,
8. practising lawyers and associates,
9. municipal heads of administration (members of the municipal council in municipalities with a parliamentary governance system) and other municipal offices who are directly involved in preparations for or holding of the election.

Amended through Acts no. 71 of 14 June 1985, no. 34 of 23 June 1995, no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2007), no. 62 of 15 June 2001 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007), no. 47 of 25 June 2010.

§ 72. The following are disqualified from election due to their past conduct:

1. any person who has been sentenced to unconditional prison for more than one year,
2. any person who has been taken into custody or had special measures imposed on them pursuant to §§ 39 – 39 c of the Penal Code,
3. any person who has been sentenced to unconditional prison for one year or less where at the start of the election period it is less than 15 years since the verdict had legal force,
4. any person who has been sentenced to conditional prison where at the start of the election period it is less than 10 years since the verdict had legal force,
5. any person who has been issued with or had approved a penalty fine for a circumstance which in accordance with the law could result in imprisonment for more than one year and at the start of the election period it is less than 10 years since the verdict had legal force or the decision was adopted,
6. any person who has been the subject of a decision of conditional non-indictment or deferment of sentence for a circumstance which in accordance with the law could result in imprisonment for more than one year where it is less than 10 years since the decision had legal force.

Sentences involving community service may result in disqualification pursuant to the first paragraph no. 1 or 3, depending on the duration of the subsidiary prison sentence. In the case of partially conditional prison sentences, each part shall be considered separately in accordance with the first paragraph.

Amended through Acts no. 6 of 17 July 1925, 6, no. 5 of 21 June 1963, no. 71 of 14 June 1985, no. 80 of 6 December 1991, no. 34 of 23 June 1995, no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007). Amended through Act no. 28 of 20 May 2005 (effective from the date determined by law) as amended through Act no. 74 of 19 June 2009.

§ 73. The municipality shall conduct checks to ensure that no one is elected in breach of §§ 70-72.

Amended through Acts no. 71 of 14 June 1985, no. 34 of 23 June 1995, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007). Amended through Act no. 82 of 21 June 2013 (effective from the date determined by the King).

§ 74. Any person may request to be declared exempt from election due to their health or for other special reasons or if the person concerned has been a member of a pool of jurors or lay judges for two previous periods.

Decisions concerning exemption shall be taken by the municipality.

Amended through Acts no. 27 of 22 May 1981, no. 3 of 1 March 1985, no. 71 of 14 June 1985, no. 48 of 27 June 1986, no. 34 of 23 June 1995, no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2007), no. 62 of 15 June 2001 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 75. Exemption provisions for undertaking public commissions that are granted in other laws shall not apply to the post of juror or lay judge.

Amended through Acts no. 27 of 22 May 1981, no. 3 of 1 March 1985, no. 71 of 14 June 1985, no. 48 of 27 June 1986, no. 34 of 23 June 1995, no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2007), no. 62 of 15 June 2001 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 76. When a pool member dies or moves out of the municipality, the municipality's head of administration shall delete the person concerned from the pool . The same shall apply if the person concerned does not fulfil the electability conditions pursuant to §§ 70-72. Pool members who move to another municipality in the district shall be transferred to the list for the new municipality.

Any person who has ended up in a situation as referred to § 74 first paragraph may request that they be removed from the pool.

Any person who believes that they have been unfairly entered or not entered in a pool, or who believes that they have been unfairly deleted or denied deletion from a pool, may appeal against the decision to the court that the list concerns. The court shall reach its decision through an interlocutory order.

The final decision concerning deletion pursuant to this section shall be notified to the court without delay.

Amended through Acts no. 71 of 14 June 1985, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007), no. 47 of 25 June 2010. Amended through Act no. 82 of 21 June 2013 (effective from the date determined by the King).

§ 77. The King may issue regulations which require the Norwegian Courts Administration to verify every six months whether the members of the pools of jurors and lay judges and judicial assessment members have been entered in the list in breach of § 72, and in particular concerning the right of the Norwegian Courts Administration to request information from the criminal records register.

Repealed through Act no. 24 of 22 May 1981, added again through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007). Amended through Act no. 82 of 21 June 2013 (effective from the date determined by the King).

§ 78. If the court finds that someone has been unduly entered in the list or should have been deleted pursuant to § 76, the court shall remove the person concerned from the list. The decision may be brought before a higher court. The municipality shall be notified of the deletion.

Repealed through Act no. 24 of 22 May 1981, added again through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007). Amended through Act no. 82 of 21 June 2013 (effective from the date determined by the King).

§ 79.

(Repealed through Act no. 38 of 15 June 2007), (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007). Added through Act no. 100 of 21 June 2013 (effective from the date determined by the King).

§ 80. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 81. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 82. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 83. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 84. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 84a. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

Chapter 5 Selection of jurors, lay judges and court invigilators

Heading amended through Acts no. 71 of 14 June 1985, no. 86 of 26 June 1992 no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007). - Cf. Acts no. 1 of 1 June 1917 §§ 13 to 15 and no. 11 of 17 July 1925 § 11.

§ 85. Jurors, lay judges and substitute members for lay judges shall be drawn for an individual case pursuant to the provisions of §§ 86-92, unless the conditions for summoning pursuant to § 93 are met.

The outcome of the draw and the decisions that are taken pursuant to § 91 shall be recorded in writing and archived with the case documents.

Expert lay judges shall be appointed pursuant to the provisions of § 94.

Amended through Acts no. 1 of 10 June 1932, no. 5 of 24 June 1933, no. 8 of 21 June 1935, no. 1 of 1 February 1936, 1, no. 5 of 21 June 1963, no. 27 of 22 May 1981, no. 27 of 22 May 1981, no. 48 of 27 June 1986, no. 71 of 14 June 1985, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 86. Members shall be drawn from the court district for the district court and the appellate court judicial district for the appellate court. Through the issuing of a regulation, the Norwegian Courts Administration may divide appellate court judicial districts and court districts into a number of draw pools.

Jurors, lay judges and substitute members for lay judges shall be drawn randomly from among all those who are registered in the pools in the draw district where the court hearing is to be held. The chief judge may decide that substitute members for lay judges are to be drawn from the municipality in which the court hearing is to be held or the nearest municipalities.

When an appellate court judicial district or court district is divided into a number of draw districts and there are special grounds for doing so, a judge may decide in an individual case that jurors, lay judges and substitute members should be drawn from another draw district or other districts within the court district or appellate court judicial district. When it is necessary in order to obtain impartial lay judges or jurors, a

judge may nevertheless decide that members should be drawn from pools outside the court district, appellate court judicial district or judicial district. The court may ask the court concerned to draw members from outside the court district or the judicial district or do it itself.

Any person who has served as a juror or lay judge, or who has attended for a court hearing as a juror, lay judge or substitute member for such a hearing without serving shall not participate in the drawing of members for other cases until the court begins to draw from the entire pool on the next occasion. Any person who has been drawn to serve as a juror, lay judge or substitute member at a court hearing that has not yet been held shall also not participate in the draw. If, following this, there are not at least twice as many people remaining in the pool as the number that is to be drawn, the draw shall take place from the entire pool.

Amended through Acts no. 1 of 10 June 1932, no. 8 of 21 June 1935, no. 9 of 9 June 1939, 9, no. 5 of 21 June 1963, no. 27 of 22 May 1981, no. 71 of 14 June 1985, no. 48 of 27 June 1986, no. 68 of 16 June 1989, no. 54 of 24 August 1990, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 86a. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 87. When a case is to be considered with a jury, a judge or one of the court officials shall, in good time before the main hearing, draw eight jurors from each of the pools pursuant to § 64.

In cases referred to in § 355 second paragraph of the Criminal Procedure Act, nine jurors may be drawn from each of the pools.

If a case is rescheduled or deferred for reconsideration, a judge shall decide whether new jurors should be drawn for the case.

Amended through Acts no. 5 of 21 June 1963, no. 8 of 17 June 1966, no. 43 of 3 June 1983, no. 71 of 14 June 1985, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 88. When a case is to be considered with lay judges, a judge or one of the court officials shall, in good time before the main hearing, draw lay judges and substitute members for these, with an equal number from each of the pools pursuant to § 64 for an appellate court and § 65 for a district court. If an odd number of lay judges or substitute members is to be drawn, lots shall be drawn to determine the pool from which the final lay judge or the final substitute member is to be drawn.

Two substitute members shall be drawn for the lay judges. A judge may nevertheless decide that only one substitute member should be drawn. In cases where the main hearing is expected to be completed in a single day, a judge may decide that no substitute members should be drawn. The chief judge shall determine whether deputy members for lay judges should be ordered to meet at the court session when they are notified of the draw. A judge may deviate from such a decision in an individual case.

If substitute members are to follow the hearings, lots shall be drawn to select the persons concerned, though such that there is an equal number of men and women insofar as is possible.

If it is decided that a case should be considered with a jury and the jurors are drawn, but it is subsequently decided that the case should be considered by a composite court, lay judges and substitute members may be drawn from among the selected jurors. If the appeal hearing has commenced, the lay judges may be drawn from among the jurors who are serving. The first paragraph second sentence and third paragraph shall apply correspondingly.

When a case is rescheduled or deferred for reconsideration, a judge shall decide whether new lay judges and substitute members should be drawn for the case.

Amended through Acts no. 13 of 25 June 1937, no. 7 of 28 July 1949, no. 5 of 21 June 1963, no. 8 of 17 June 1966, no. 7 of 7 February 1969, no. 7 of 8 April 1981, no. 43 of 3 June 1983, no. 27 of 22 May 1981, no. 71 of 14 June 1985, no. 48 of 27 June 1986, no. 68 of 16 June 1989, no. 38 of 5 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 89. In connection with the draw, a judge may decide that the same jurors or lay judges should serve on a number of cases if the cases are to be considered consecutively and it must be anticipated that they will not last for a combined total of more than ten days. If there are compelling grounds for doing so, the same jurors or lay judges may also be ordered to serve on a number of cases consecutively when it must be anticipated that they will last for a combined total of more than ten days. The chief judge may take a general decision pursuant to the first point if cases involving optional penalty writs are to be considered consecutively on the same day.

Amended through Acts no. 71 of 14 June 1985, no. 62 of 15 June 2001, (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 90. Any person who is unable to attend for a valid reason shall not be obligated to serve as a juror, lay judge or court invigilator. The same shall apply to any person who has served as a juror or lay judge for 15 days or more during the year in which the case is to be considered or who has served in a corresponding manner for 60 days or more during the election period. Any person who believes they have a valid reason for absence or an entitlement to exemption pursuant to this provision shall immediately notify the court of this and the associated reason.

A valid reason for absence shall be deemed to exist if illness or other hindrances render it impossible or disproportionately burdensome to attend. Official posts, with the exception of military service and service for a higher court, shall not normally be deemed to be valid absence for jurors and lay judges.

A new draw shall be conducted if it is clear at the time of the draw that circumstances as referred to in the first paragraph exist. Otherwise, § 92 shall apply.

Decisions concerning the validity of absence shall be taken by a judge or court official in accordance with guidelines issued by the chief judge.

Decisions concerning the validity of absence that have been taken by an official may be referred to a judge. The judge's decision may be referred to a higher court.

Amended through Acts no. 27 of 22 May 1981, no. 48 of 27 June 1986, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 91. A juror, lay judge or substitute member shall not serve if the person concerned:

a) should have been deleted pursuant to § 76,

b) does not possess an adequate command of Norwegian,

c) is charged with a punishable offence, without the charge resulting in an optional penalty writ,

d) is disqualified from serving pursuant to § 106 or § 107, or

e) will participate in a case where information is disclosed which is confidential pursuant to the Security Act and cannot be cleared and authorised for the security level concerned.

A new draw shall be conducted if it is clear at the time of the draw that circumstances referred to in the first paragraph exist. Otherwise, § 92 shall apply.

It may be left to one of the court's officials to reach a decision pursuant to the first paragraph letters a and c. Otherwise, decisions pursuant to the first paragraph shall be taken by a judge.

The person it concerns may request that a circumvention question be referred to a judge when it has been decided by an official. The judge's decision may be referred to a higher court.

Amended through Acts no. 71 of 14 June 1985, no. 48 of 27 June 1986, no. 97 of 18 December 1987, no. 80 of 6 December 1991, no. 26 of 2 June 1995 (effective 1 August 1995), no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 10 of 20 March 1998 (effective 1 July 2001 pursuant to resolution no. 720 of 29 June 2001), no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007). Amended through Act no. 82 of 21 June 2013 (effective from the date determined by the King).

§ 92. If a lay judge who has been drawn is unable to serve or attend, a substitute member of the same gender shall be summoned. If this substitute member is prevented from serving or only one substitute member has been drawn and this deputy member is not of the same gender as the lay judge who is unable to attend, a new lay judge shall be drawn, unless this would cause disproportionate inconvenience. In other cases, the substitute member who is available shall serve.

If no substitute member has been drawn for the lay judges, in such cases as referred to in the first paragraph first point, a new lay judge of the same gender as the lay judge who is not to serve shall be drawn.

If the court summons a substitute member to serve, a new substitute member may be drawn.

Amended through Act no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 93. If during the last two working days prior to the court hearing or on the day on which the court hearing is to be held, it becomes clear that a lay judge will be unable

to attend or serve and no substitute member who is able to serve has been drawn, the court may summon a lay judge from the pools who is able to attend. The summoning of a substitute member may only be omitted if such summoning would cause disproportionate inconvenience. The first and second points shall also apply after the court has sat in cases where the court has, but does not exercise, the right to continue the hearings with fewer members pursuant to § 15 first paragraph and § 21 second paragraph final point. In such a case, the hearings must be repeated insofar as is necessary.

If it becomes clear during the same period as that pursuant to the first paragraph first point that the number of jurors who attend and are able to serve in a case is fewer than twelve, or, when the jury must be composed of more than ten jurors, fewer than fourteen, without the jury list being invalid in its entirety, the court may summon the necessary number of jurors from the pools who are able to attend at short notice. Summoning may be omitted if the parties are willing to not exclude more jurors than would result in there being at least ten members remaining who are able to serve or, where applicable, the necessary greater number. The first paragraph third and fourth points shall apply correspondingly.

Decisions concerning summoning pursuant to this section may be taken by a judge or one of the court's officials. Decisions concerning summoning pursuant to the first paragraph third point shall be taken by the professional judge or professional judges who are participating in the court hearing.

The summons shall insofar as is possible be issued on a random basis. Insofar as is possible, a juror or lay judge of the same gender as the original juror or lay judge who was drawn shall be summoned.

Repealed through Act no. 5 of 18 June 1965, added again through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 94. When appointing expert lay judges, the court shall appoint persons who possess specialist expertise within the field that the case concerns and who fulfil the conditions pursuant to this Act in order to be a lay judge. The upper age limit pursuant to § 70 second paragraph no. 1 and § 70 no. 4 shall not apply to the appointment of expert lay judges.

If more than one expert lay judge is to be appointed, an equal number of each gender shall be appointed insofar as is possible. The court shall appoint one or more substitute members for the expert lay judges, unless it is obviously unnecessary to do so. In the event of absence, § 92 shall apply.

Repealed through Act no. 27 of 22 May 1981, added again through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 95. The court shall ensure that jurors, lay judges and substitute members are notified as soon as possible that they have been selected. They shall also be notified of the parties to the case, the time and place of the court hearing and the anticipated duration of the period of service. If substitute members for lay judges are drawn and they are not summoned to attend, they shall be notified at the same time to remain ready to attend at short notice.

No later than the day prior to the main hearing, the parties shall be issued with a list of the jurors who will serve in the case. In respect of cases that will be considered by lay judges, the parties shall upon application to the court be notified of the people who have been drawn as lay judges and substitute members.

Amended through Acts no. 27 of 22 May 1981, no. 3 of 1 March 1985, no. 71 of 14 June 1985, no. 80 of 6 December 1991, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 96. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 97. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 98. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 99. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 100. On the first occasion any person serves as a lay judge, the presiding judge shall impose on him the obligations that are incumbent on a lay judge and receive his affirmation that in both this case and all future cases he will pay heed to everything that is disclosed in court and that he will judge as he deems to be truest and fairest in accordance with the law and the evidence in the case.

All those present shall stand while the affirmation is given.

Amended through Acts no. 71 of 14 June 1985, no. 97 of 18 December 1987, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 101. Court invigilators shall be appointed by the court or the official who is to preside over the proceedings.

Any person who is entered in the most recent electoral role for municipal elections in the court district shall be obligated to serve as a court invigilator, including witnesses in connection with enforcement procedures and registration procedures, unless the person concerned would be disqualified pursuant to § 110 or has a valid reason for being unable to attend. §§ 71 and 74 shall apply correspondingly, though such that deputy judges and employees without judicial authority may be court invigilators. Any person who has moved out of the court district may request exemption.

If specialist expertise is required, the court may decide to appoint expert court invigilators.

Insofar as is possible, court invigilators should be given at least three days' notice. If a case needs to be considered urgently, the court invigilators should be given one day's notice insofar as is possible.

Amended through Acts no. 8 of 17 June 1966, no. 24 of 22 May 1981, no. 71 of 14 June 1985, no. 97 of 18 December 1987, no. 86 of 26 June 1992, no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).

§ 102. (Repealed through Act no. 24 of 22 May 1981.)

§ 103. Court invigilators shall not serve more than one day, unless they consent to continue or the processing of the same case lasts longer and they are not released.

They shall closely follow the proceedings and point out misunderstandings or errors in the comprehension or recording of the proceedings.

Upon conclusion of the court hearing or proceedings, they shall be asked whether they wish to make any remarks. Their statements shall be recorded in the minutes.

Amended through Act no. 86 of 26 June 1992.

§ 104. On the first occasion any person serves as a court invigilator in a court, the judge or person who presides over the proceedings shall inform the invigilator about the obligations that are incumbent on court invigilators and receive the invigilator's affirmation that they will fulfil them dutifully.

Amended through Act no. 86 of 26 June 1992.

§ 105. (Repealed through Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 105a. The reimbursement payable to jurors, land consolidation lay judges and lay judges shall be determined by the presiding judge in accordance with regulations provided by the King. The same shall apply to expert court invigilators at Consular Courts.

Court invigilators shall be reimbursed in accordance with regulations provided by the King. The expenses shall be covered by the government. Officials at the office responsible for the proceedings shall not be entitled to such reimbursement.

Decisions concerning reimbursement in accordance with this section may be appealed pursuant to the provisions of Act no. 2 of 21 July 1916 concerning reimbursement for witnesses and experts, etc. § 12.

Added through Act no. 86 of 17 December 1982, amended through Acts no. 71 of 14 June 1985, no. 47 of 29 June 1990, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

Chapter 6. Disqualification.

§ 106. A person may not serve as a judge or juror if he/she:

1. is themselves a party in the case, or co-entitled, co-obliged or liable to recourse in relation to another party, or is, in criminal proceedings, the aggrieved party in relation to the offense;
2. is related by blood or marriage in ascending or descending line, or collaterally as

close as siblings, to someone who has such a connection to the case as is stated in no. 1;

3. is or has been married, is engaged, or is foster father, foster mother or foster child to someone who has such a connection to the case as is stated in no. 1;
4. is the legal guardian of someone who has such a connection to the case as is stated in no. 1, or became the legal guardian of one of the parties after the commencement of court proceedings;
5. is the chairperson, a member/deputy member of the board of a company, co-operative, association, savings bank, foundation or government body, or mayor/deputy mayor in a municipality or county municipality, who has such a connection to the case as is stated in no. 1, or is the chairperson or a member/deputy member of the board of an estate which has such a connection to the case as is stated in no. 1, and where the district court is not itself handling administration of the estate;
6. has acted on behalf of one of the parties in the case, or for the prosecuting authority or the aggrieved party;
7. is related by blood or marriage in ascending or descending line, or collaterally as close as siblings, or is married or engaged to someone acting on behalf of one of the parties in the case, or for the prosecuting authority or the aggrieved party;
8. Has previously had dealings with the case in the capacity of arbitrator, or in the lower courts, as judge or juror;
9. Is related by blood or marriage in ascending or descending line, or collaterally as close as siblings, to someone who sat as a judge in the case in the lower courts.

Amended by Acts no. 71 of 14 June 1985, no. 97 of 18 December 1987, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002), no. 45 of 20 June 2003 (effective 1 July 2003 pursuant to resolution no. 712 of 20 June 2003), no. 25 of 14 May 2004 (effective 1 January 2005 pursuant to resolution no. 751 of 14 May 2004), no. 81 of 29 June 2007 (effective 1 January 2008 pursuant to resolution no. 1287 of 23 November 2007), no. 9 of 26 March 2010 (effective 1 July 2013 pursuant to resolution no. 338 of 5 April 2013) as amended by Act no. 12 of 5 April 2013.

§ 107. A judge or juror may not sit as an expert witness in the same case.

A person who is a witness in the case may not be a judge[2] or juror, insofar as he/she has given testimony that is relevant to the case.

If a judge or juror is asked to appear as a witness but has no evidence to give concerning the case, he/she may make a statement from the bench. Under the same circumstances, the court may decide that this statement will be given in advance at a court hearing, of which the parties are notified. This decision may not be challenged.

Amended by Acts no. 71 of 14 June 1985, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 108. [1]Nor may a person serve as a judge[2] or juror when other special circumstances exist that are capable of undermining confidence in his impartiality. This applies in particular when a party demands that he/she withdraw from the case on these grounds.

Amended by Acts no. 5 of 24 June 1933, no.71 of 14 June 1985.

§ 109. If the presiding judge or the district court judge exercising supervision over the deputy judge is disqualified, the deputy judge will also be disqualified unless the parties agree to waive recusal of the deputy judge.

Amended by Acts no. 97 of 18 December 1987, no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001). Amended by Act no. 100 of 21 June 2013 (effective 1 January 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 110. Any party who has such a connection to the case as is stated in § 106 nos. 1 - 6, may not participate in proceedings as clerk of the records or court reporter, cf. § 61, or manage selection procedures for lay judges or jurors.

A person may not serve as a process server, clerk of the records, or court invigilator, including in relation to a debt enforcement company, a temporary injunction or a district court-ordered inventory of assets, when that person has such a connection to the case as is stated in § 106 no. 1, or is related by blood or marriage in ascending or descending line, or collaterally as close as siblings, to someone who has such a connection. The same applies to court invigilators in proceedings pertaining to the Debt Settlement Act.

Furthermore, the court may require the abovementioned officials to step down, where said parties are not connected to the case in the ways stipulated in §§ 106 and 107. The same applies to §108, should any party require it.

Amended by Acts no. 48 of 27 June 1986, no. 86 of 26 June 1992, no. 99 of 17 July 1992, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002).

§ 111. Any party wishing to file a motion to recuse another party should do so as soon as he/she becomes aware of circumstances that provide grounds for the motion.

A party may not motion for recusal in accordance with § 108 where that party, having knowledge of the special circumstances, nonetheless has entered into negotiations before the court.

The motion shall be presented orally or in writing and shall state the grounds on which it is made.

§ 112. When a sole judge or chief judge is in such a position as stated in § 106 or § 107, he/she shall him/herself take the necessary steps.

Other officials in the same position shall inform the presiding judge in a timely manner.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to 26 January 2007 no. 88) as amended by Act no. 3 of 26 January 2007.

§ 113. If a judge finds him/herself in a position whereby the parties are entitled to require his/her recusal in accordance with § 108, and the situation is not presumed to be common knowledge, he/she shall ensure that the parties are notified of this as

soon as possible. If there are several members of court, he/she shall notify the presiding judge who will decide on the action to be taken.

If a juror, a court invigilator, a clerk of the records or another senior civil servant or official finds him/herself in such a position, he/she shall inform the presiding judge.

Amended by Acts no. 5 of 24 June 1933, no. 71 of 14 June 1985, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 114. (Repealed by Act no. 38 of 15 June 2007 (effective 1 July 2007 pursuant to resolution no. 654 of 15 June 2007).)

§ 115. Prior to the commencement of proceedings in the individual case, the presiding judge shall alert the jurors or lay judges to the fact that they will be disqualified from serving if they have such connections to the case as stated in § 106 or § 107, or if such circumstances as addressed in § 108 are present: he/she shall request notification of the abovementioned where relevant.

Amended by Acts no. 5 of 24 June 1933, no. 71 of 14 June 1985, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 116. No judge may contribute to any decision regarding his/her own disqualification, if the court is still quorate. Neither should he/she participate in the decision when another judge from the same court may be summoned in his/her stead without incurring any significant inconvenience or expense.

Amended by Act no. 82 of 18 June 1971.

§ 117. Where issues regarding recusal arise prior to the court hearing in the Supreme Court where the case is to be heard, a court may sit to decide the issue.

Other courts may also decide on issues related to recusal prior to the court hearing for the case. In this event, the chief judge may him/herself make a decision where there are multiple members of court, but there may be an ordinary hearing to decide on the issue in advance, when this can be done without incurring significant inconvenience or expense. Where the issue centres around the recusal of a sole judge, or the presiding judge, or two permanent members of the court, the sole judge or the presiding judge may decide to bring the issue before the closest higher court or before the Appeals Selection Committee of the Supreme Court, if the case is to be heard before the court of appeal.

Amended by Acts no. 82of 18 June 1971, no. 60 of 8 June 1984, no. 83 of 11 June 1993, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 118. A ruling is given when a court decision on recusal is made or when one party's motion to recuse is dismissed. Where multiple judges face recusal, a decision on each individual judge shall be reached.

The court may decide to recuse a judge or other official without hearing from the parties. However, where possible, a statement from the party facing recusal should be required.

Should the grounds for recusal require further investigation, the court will undertake the investigation on its own motion. Where grounds for recusal are of the type stated in § 108, the court may call upon the party in question to give a more detailed account of the grounds for recusal and present the information in a convincing manner acceptable to the court. Where required, a hearing may be held in order to address the issue.

§ 119. Where one party requires all, or the majority of the judges in a court to recuse themselves as ineligible to participate in the court proceedings of a case, the closest higher court, or the Appeals Selection Committee of the Supreme Court – if the case is to be heard before the Court of Appeal – upon application by the presiding judge, may decide to transfer the case to another court at the same level. The higher court's decision may not be challenged.

Where application for such a transfer is made after a court, pursuant to the provisions in §§ 116 to 118, has decided to recuse all/the majority of the court's judges from the case, the higher court may reverse the ruling where it finds no valid grounds for the decision to recuse.

Amended by Acts no. 82of 18 June 1971, no. 83 of 11 June 1993, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution 26 January 2007 no. 88) as amended by Acts no. 3 of 26 January 2007, no. 127 of 21 December 2007.

§ 120. If the authority responsible for appointing a substitute for a recused official finds insufficient grounds for said recusal, it can appeal against the ruling with suspensive effect. If the verdict is given during the main hearing, this will only apply if proceedings are in any case to be suspended.

Otherwise a ruling on judicial disqualification may not be challenged.

A ruling that rejects recusal in the instances stated in § 110, third paragraph, may also not be challenged.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no.88 of 26 January 2007) as amended by Act no. 3of 26 January 2007.

§ 121. Where a court official finds him/herself in any of the positions stated in §§ 106 and 107, cf. § 110, or when another party has filed a motion for his/her recusal, he/she is constrained only to undertake those actions that cannot be postponed without significant inconvenience.

Where there is a decision to recuse and § 119 is not applicable, another court official or a deputy member shall be called in with immediate effect or a substitute appointed.

The recused party may undertake such actions as cannot be postponed.

Chapter 6A. Extra-judicial activities etc. of the judge.

Chapter added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 121a. "Extra-judicial activities" refers to membership of, office or other engagement in or on behalf of companies, organisations, associations or governmental bodies, municipalities or county municipalities.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 121b. A Supreme Court judge or judges sitting in the Courts of Appeal, District Courts or Land Consolidation Courts may not perform legal services on an ongoing basis or for a consideration.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002) as amended by Act no. 98of 14 December 2001, amended by Act no. 7 of 20 February 2004 (effective 1 April 2004 pursuant to resolution no. 399 of 20 February 2004). Amended by Act no. 100 of 21 June 2013 (effective 1 January 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 121c. A Supreme Court judge or judges sitting in the Courts of Appeal, District Courts or Land Consolidation Courts must apply for authorisation to perform extra-judicial activities.

1. that may, on more than an occasional basis, render the judge disqualified
2. that may obstruct or delay the performance of judicial duties
3. in collegiate administrative bodies, where it is probable that the decision will be brought before the courts for judicial review
4. related to private or public sector business operations
5. related to enquiry
6. in private dispute settlement tribunals and
7. as a member of a court of arbitration

The following exceptions to authorisation apply:

1. election or appointment by the Norwegian Parliament or the King in Council
2. election as a Member of Parliament, a Member of the Sami Parliament or as a member of a municipal or county-municipal democratically elected body and
3. office in a registered political party.

When the King in Council appoints parties in accordance with the first paragraph, cf. second paragraph, no. 1, a statement from the Norwegian Courts Administration shall be obtained, unless the appointment is to the Board of Inquiry or the Board of the Norwegian Courts Administration , the Supervisory Board or the Judicial Selection Committee.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no.421 of 7 May 2002) as amended by Act no. 98 of 14 December 2001, amended by Acts no. 7of 20 February 2004 (effective 1 January 2006 pursuant to resolution no. 1099 of 30 September 2005), no. 2 of 15 January 2010 (effective 1 March 2010 pursuant to resolution no. 33 of 15 January 2010). Amended by Act no.100 of 21 June 2013 (effective 1 January 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 121d. Authorisation of a judge's extra-judicial activities is given by the Norwegian Courts Administration. The Norwegian Courts Administration may delegate responsibility to decide on issues of authorisation. The extra-judicial activities of Supreme Court judges are authorised by the Chief Justice.

In relation to authorisation issues, the provisions of the Public Administration Act apply to the individual decision, nonetheless, decisions made by the Norwegian Courts Administration and the Chief Justice may not be challenged.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 42 of 17 May 2002), amended by Act no. 2 of 15 January 2010 (effective 1 March 2010 pursuant to resolution no. 33 of 15 January 2010).

§ 121e. The extra-judicial activities of judges in the Supreme Court, Courts of Appeal, District Courts or Land Consolidation Courts shall be registered. The same applies to information concerning the last position held prior to appointment or engagement as judge.

The following exceptions to registration apply:

1. membership of political parties, religious communities, special interest groups and idealistic organisations
2. office and suchlike in idealistic organisations with fewer than 100 members and
3. isolated speeches, lectures and suchlike

The exceptions stated in the second paragraph nos.1 and 2 do not apply to extra-judicial activities in idealistic organisations whose members are bound by special mutual obligation to each other (brotherhood or sisterhood).

Investments representing ownership interests in companies shall be registered should they exceed a limit stipulated by the King.

Added by Act no. 62 of 15 June 2001 (effective 1 Nov 2002 pursuant to resolution no. 421 of 7 May 2002) as amended by Act no. 98 of 14 December 2001, amended by Act no. 7 of 20 February 2004 (effective 1 January 2006 pursuant to resolution no. 1099 of 30 September 2005). Amended by Act no. 100 of 21 June 2013 (effective 1 January 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 121f. The register of extra-judicial activities will be maintained by the Norwegian Courts Administration.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 121g. A judge shall notify the registrar of any extra-judicial activities at the earliest possible opportunity, and, at the latest, within a month from the date the task was undertaken. Notification shall include the following information:

1. the judge's title, name and court affiliation
2. the nature and content of the additional task
3. where relevant, the identity of the client
4. the time period and duration of the additional task and
5. whether or not the judge is in receipt of compensation.

A registered additional task shall be struck from the record after three years from the completion of the additional task.

Notification of investment shall include the name and address of the company in which the individual investment has been made.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 121h. All parties are entitled to access the information contained in the register. The Norwegian Courts Administration determines methods of access to the information for interested parties.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 121i. A judge may not receive wages or any other form of remuneration from his/her previous or future employer or from his/her previous or future place of work.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 121j. A person appointed to a permanent judicial post may not concurrently be on a leave of absence from a post held outside the courts.

Added by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 121k. The King may provide more detailed regulations pertaining to the extra-judicial activities of judges.

Chapter 7. Hearings, language of the court, court holidays and assurances

Heading amended by Act no. 15 of 7 April 1995.

§ 122. "Hearing" refers to a proceeding held by a court to facilitate court proceedings between parties, or to take statements from parties, witnesses or expert witnesses, or examine real evidence, or those proceedings specially identified by law as "hearings".

In accordance with further provisions issued by the King, any member of the general public shall, on request, be provided with information regarding the time and venue for scheduled hearings. The King may issue regulations to the effect that the abovementioned information shall be made available via notices at the court office.

Amended by Acts no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 123. The presiding judge opens, conducts and concludes proceedings. He/she determines the sequence in which proceedings shall take place. All parties must seek permission to speak from the presiding judge.

If the court has multiple members, the entire court will decide on objections to the presiding judge's trial management.

Amended by Act no. 90 of 17 June (effective 1 January 2008 pursuant to resolution no.88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 124. Hearings are open to the public, and proceedings and judicial decisions may be reported publicly, unless otherwise decided by law, or by the court pursuant to the law.

Issues related to setting limitations on public access will be negotiated in camera.

The court shall, at the commencement of hearings, or as soon as it has reached a decision on limitations, give a statement regarding any public access limitations on hearings.

The pronouncement of a judgement always takes place in public. Personal data may be omitted in the interest of protection of privacy.

Amended by Act no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001).

§ 125. The court may decide to hold a hearing, in whole or in part, in camera

a. in the interests of the nation's relationship to a foreign power,

b. in the interests of protection of privacy or decency,

c. where special circumstances give grounds to fear that public accessibility will complicate the elucidation of the proceedings, thereby necessitating closed doors,

d. where a defendant is under 18 years of age, protection of the aggrieved party's reputation requires it, or an accused or a witness requests it on grounds that the court finds satisfactory,

e. where a witness is questioned anonymously cf. the Criminal Procedure Act § 130 a, or

f. in wartime, as necessitated by military operations or the security of military divisions, or other special circumstances.

In cases relating to the Marriage Act or the Children Act, and in proceedings between spouses or divorced parties regarding the division or allocation of assets, the hearing shall be held in camera, unless the court, on special grounds, decides to hold all or part of the proceedings in public. The same applies to equivalent cases involving previously or currently cohabiting parties.

Hearings concerning the exclusion of evidence pertaining to information as stated in the Criminal Proceedings Act § 216, first paragraph, third sentence, litra d), first sentence, shall be held in camera.

Amended by Acts no. 36 of 24 June 1994 (effective 1 July 1997), no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001), no. 73 of 28 July 2000 (effective 1 August 2001 pursuant to resolution no. 756 of 6 July 2001), no. 86 of 21 June 2013 (effective 13 sep 2013 pursuant to resolution no. 1078 of 13 September 2013).

§ 126. Hearings addressing an application to testify anonymously, cf. the Criminal Procedure Act § 130 a, or § 234 a, shall be held in camera. The same applies to applications in accordance with the Criminal Procedure Act §§ 28 third paragraph, until the sixth sentence, 242 a, 264 sixth paragraph, 267 first paragraph, third sentence, cf. 264 sixth paragraph and 292 a.

The public may always be excluded from judicial examination wherever the court finds it expedient.

Amended by Acts no. 4 of 10 March 1939, no. 27 of 22 May 1981, no. 71 of 14 June 1985, no. 50 of 1 July 1994 (effective 1 January 1995), no. 73 of 28 July 2000 (effective 1 August 2001 pursuant to resolution no. 756 of 6 July 2001), no. 37 of 4 June 1999, as amended by Act no. 73 of 28 July 2000 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001), paragraph number amended from § 128, no. 30 of 9 May.

§ 127. When a hearing is held in camera, the court may nonetheless allow access to parties other than those directly involved in the case, where this may be justified by special circumstances. In criminal proceedings, the aggrieved party has the right to be present unless special grounds prohibit it. The same applies to surviving relatives as stated in the Criminal Procedure Act § 93 a, second paragraph, first sentence.

Amended by Acts no. 13 of 26 June 1937, no. 7 of 8 April 1981, no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001), paragraph number amended from § 129, no. 5 of 7 March 2008 (effective 1 July 2008 pursuant to resolution no. 242 of 7 March 2008).

§ 128. When a hearing is heard in camera and the court finds that information pertaining to the case, in part or in whole, and by reason of special grounds, should be kept confidential, for the foreseeable future or permanently, the court will issue an order obligating the attending parties to maintain confidentiality. In hearings concerning the exclusion of evidence pertaining to information as stated in the Criminal Procedure Act § 216, first paragraph, 3(d), first sentence, cf. § 216 m, sixth paragraph, the parties in attendance shall maintain the confidentiality of all proceedings, until such time as any ruling is given allowing the information to be included as evidence.

Amended by Acts no. 48 of 27 June 1986, no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001), paragraph number amended from § 130, no. 86 of 21 June 2013 (effective 13 September 2013 pursuant to resolution no. 1078 of 13 September 2013).

§ 129. In criminal proceedings, no party may publicly divulge details of any of the proceedings that took place during the hearing outside of the main proceedings, with the exception of summary trials based on a plea of guilty pursuant to the Criminal Procedure Act § 248.

In addition, the court may rule to prohibit public disclosure, in part or in whole, of negotiations during a hearing

a. where the court fears that public disclosure of negotiations may be to the detriment of the elucidation or adjudication of the case, or

b. where the hearing is being held, or may be held, in camera.

In cases relating to the Marriage Act or the Children Act, and in proceedings between spouses or divorced parties regarding the division or allocation of assets, proceedings shall not be publicly disclosed unless the court, on special grounds, decides to allow, in part of in whole, public, anonymous disclosure. The same applies to equivalent cases involving previously or currently cohabiting parties.

The reporting prohibition, pursuant to the first or second paragraphs, applies until such time as the court decides to lift it. Prohibition pursuant to second paragraph, (a) only ever applies until such time as the ruling is handed down. Prohibition pursuant to the second paragraph shall be lifted when the grounds for the prohibition are deemed no longer present and may be challenged by parties in attendance during the proceedings.

Added by Act no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001), amended by Acts no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 130. The court may prohibit public disclosure, in whole or in part, of the judicial decision where

a. protection of privacy or the aggrieved person's posthumous reputation necessitates it, or

b. considerations in respect of an investigation demand that a decision or a ruling handed down in criminal proceedings, outside the main proceedings, is not publicly disclosed.

The prohibition applies until the court decides to lift it. Prohibition pursuant to litra a) does not apply to a decision in so far as it may be disclosed without divulging the identity of (a) party/parties. Any party may challenge a prohibition or a refusal to lift a prohibition pursuant to this paragraph.

The court may prohibit a judicial decision from being publicly disclosed prior to notification of the decision being given to the parties, the aggrieved party or surviving relatives, in statutory succession, cf. the Criminal Procedure Act, § 93 a, second paragraph, second sentence. Such prohibitions nevertheless only apply for a period of two weeks after the judicial decision is handed down.

In cases relating to the Marriage Act or the Children Act, and in proceedings between spouses or divorced parties regarding the division or allocation of assets, judicial decisions may only be publicly disclosed in an anonymous manner. The same applies to equivalent cases involving previously or currently cohabiting parties.

Rulings prohibiting the use of information as evidence, as stated in the Criminal Procedure Act, § 216, first paragraph, third sentence, litra d), first sentence, cf. § 216 m, sixth paragraph, may only be publicly disclosed in an anonymous manner.

Added by Act no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001), amended by Acts no. 45 of 20 June 2003 (effective 1 July 2003 pursuant to resolution no. 712 of 20 June 2003), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007, no. 5 of 7 March 2008 (effective 1 July 2008 pursuant to resolution no. 242 of 7 March 2008), no. 86 of 21 June 2013 (effective 13 September 2013 pursuant to resolution no. 1078 of 13 sep 2013).

§ 131. – – –

Amended by Acts no. 13 of 25 June 1937, no. 4 of 10 March 1939, no. 27 of 22 May 1981, no. 71 of 14 June 1985, no. 50 of 1 July 1994 (effective 1 January 1995), repealed by Act no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001). Re-added by Act no. 37 of 4 June 1999 (effective from a date provided by the King).

§ 131a. Photographing, filming and recording for radio or television are prohibited during criminal proceedings. Photography or filming the defendant or the convicted party en route to or from the hearing, or in the building in which the hearing is being held, is also forbidden without that party's consent.

Where special grounds allow, the court may, during the main proceedings, make an exception to the ban, where it cannot be deemed to have a detrimental effect on the conducting of proceedings, and where no other factors are present which may be deemed potentially detrimental. The parties shall have the opportunity to comment before permission is granted.

The King may provide more detailed regulations pertaining to satisfying and implementing these provisions.

The King may issue regulations for the rules of procedure pertaining to satisfying the regulations in the Provision of Services Act in relation to an application for permission to photograph, film and make recordings for radio or television, including procedural deadlines and the legal consequences of deadline violation. Exception from the Provision of Services Act § 11, second paragraph, may only be made where this is justified by compelling public interest, including consideration of a private party's protection-worthy interests.

Added by Act no. 27 of 22 May 1981, amended by Act no. 103 of 19 June 2009 (effective 28 December 2009 pursuant to resolution no. 672 of 19 June 2009).

§ 132. During a public hearing, access may be denied to parties under 18 years of age, and to any party presenting themselves in such a way that his/her presence impugns the dignity or good order of the court. In criminal proceedings, the same applies to any party who has been deprived by a court judgement of their right to vote in public affairs, or who in the course of the last five years has been sentenced to imprisonment for an offense.

The presiding judge may limit the number in attendance in order to prevent overcrowding in the courtroom.

Amended by Acts no. 48 of 27 June 1986, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007. To be amended by Act no. 28 of 20 May 2005 (effective from a date determined by law) as amended by Act no. 74 of 19 June 2009.

§ 133. The presiding judge oversees that proceedings take place in an orderly and dignified manner. He/she may reprimand any party who disrupts proceedings, makes inappropriate statements or personal attacks, or whose actions in any way impugn the dignity of the court.

When one party, or that party's proxy, legal representative or counsel for the defence is reprimanded, the court may decide to deprive him/her of the right to speak, should he/she continue to act inappropriately.

Any party that disrupts proceedings or impugns the dignity of the court may be removed from court. Those parties involved in the case may however only be removed if they act in an inappropriate manner subsequent to receiving a reprimand; the decision is reached by the court.

When it is deemed equivalent to an absence from court proceedings, that one party or his/her proxy or counsel for the defence is removed from court or deprived of the right to speak, he/she must first be notified of this consequence.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 134. Should a party break into the courtroom after being removed or continue to disrupt proceedings in another fashion, notwithstanding having received a warning, the court may give a ruling to detain him/her in custody for the duration of the hearing, but for no longer than three days.

Such detention does not preclude prosecution of the act taking place in the normal fashion; but it will be taken into account during sentencing.

§ 135. Where a party who cannot speak Norwegian takes part in proceedings, an interpreter, appointed or approved by the court, will be used. The minutes of the court shall be written in Norwegian. Where the importance of the case demands it, the court may decide that the minutes shall also be taken in the relevant foreign language, either in the court records or separately as an appendix, and submitted for adoption.

An interpreter is not necessary where the court, the court invigilator and the parties can all speak the relevant foreign language. The same applies to cases other than criminal cases where the members of the court know the language and the parties forgo an interpreter.

During investigation in criminal cases, interpreters are unnecessary where the judge him/herself knows the foreign language.

Where court invigilators who cannot speak Norwegian are used, court proceedings and entries to the court records shall, as far as possible, be relayed to them by an interpreter.

Amended by Act no. 71 of 14 June 1985.

§ 136. Pleadings must be written in Norwegian or accompanied by a translation. Concomitant appendices and written evidence written in a foreign language shall likewise be accompanied by a translation. Exceptions to these regulations may be made by the court, in part or in whole, when all the parties concerned are able to understand the foreign language.

The translation must be certified by a state-authorised translator or by an interpreter appointed or approved by the court. In cases other than criminal cases, however, authorisation is not necessary where there is a consensus between the parties that the translation is accurate and the court finds no grounds to doubt this assessment.

§ 136a. The extended right to use the Sami language within the judicial system is governed by the Sami Act, § 3-4.

Added by Act no. 78 of 21 December 1990.

§ 137. Where a party who is deaf or dumb is to testify before the court, this may be achieved by way of written questions and responses, or through an interpreter.

§ 138. Concerning the appointment of court interpreters and the obligations and disqualification of interpreters, the rules governing expert witnesses apply. In addition, §§ 103 and 104 apply correspondingly.

The position of court interpreter may be combined with that of keeper of the minutes or court invigilator.

Amended by Act no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 139. The daily working hours of the court should not generally exceed eight hours.

Hearings must not be held on public holidays except in urgent cases.

Disregarding the rules stipulated in this section will not invalidate proceedings, or enable the summonsed party to refuse to attend court.

Amended by Act no. 54 of 24 August 1990.

§ 140. Court holidays run from and include the last Saturday before Palm Sunday up to and including Black Monday, from and including 1 July until and including 15 August, and from and including 24 December until and including 3 January.

During court holidays, those deadlines for proceedings that are necessary to avert decisions in absentia do not run. The part of the deadline remaining at the beginning of a court holiday period starts to run again at the end of the holiday period. Where a deadline should have started to run during a court holiday period, it will run from the end of that holiday period.

The court may decide to allow the deadline to run during a court holiday period where the case demands a timely hearing or where the interests of the parties will not

be adversely affected. The decision may not be challenged. On issuing the order for the action, the party shall be notified that a decision has been reached whereby the deadline for the action shall also run during the court holiday period.

Amended by Acts no. 54 of 24 August 1990, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 141. Where no other procedure is stipulated by or pursuant to law, oral assurance is given whereby the party seeking assurance asks: “Do you assure that...?” To which the party providing assurance stands and responds: “Yes, I assure it.”

Where assurance is given in writing, the following confirmatory phrase is used: “I assure it”.

Repealed by Act no. 48 of 27 June 1986, re-added by Act no. 15 of 7 April 1995, amended by Acts no. 26 of 2 June 1995 (effective 1 August 1995), no. 34 of 23 June 1995 (effective 1 August 1995).

§ 142. The Norwegian Courts Administration may provide more detailed regulations on the use of cloaks and other clothing for judges and other court officials, lawyers and prosecutors and other representatives of the prosecuting authority, during hearings.

Repealed by Act no. 54 of 24 August 1990, Added by Act no. 34 of 23 June 1995 (effective 1 August 1995), amended by Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 143. The King may issue regulations establishing pilot schemes at individual District Courts and Courts of Appeal concerning the use of remote meeting technology during preparatory proceedings and main hearings in: civil cases, settlement hearings, remand hearings pursuant to the Criminal Procedure Act, summary trials on a plea of guilty pursuant to the Criminal Procedure Act § 248, examination of witnesses, and expert witnesses and the use of interpreters in criminal cases and civil cases.

Repealed by Act no. 54 of 24 August 1990, re-added by Act no. 130 of 21 December 2005.

§ 144. (Repealed by Act no. 54 of 24 August 1990.)

Chapter 8. Deadlines

Heading amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 145. Where this law, or laws concerning court practice and procedure in civil and criminal cases, or where the law concerning legal enforcement has stipulated a deadline, which must be stated on issuing a summons to appear in court or a judicial meeting, to the deadline shall be added that period of time assumed necessary to travel from a place of residence to the venue and make the necessary arrangements for such a trip.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 146. Where a service of process is to take place while a deadline is running, the document must be submitted, prior to the expiry of the deadline, to the public official who shall perform the service, or to the postal operator or telecoms provider who shall perform the service or relay the document to the relevant public official. Where electronic communication is used, the deadline will be terminated upon sending to the correct electronic address.

Where a notification, petition or statement in a case is submitted during a deadline period, it will be sufficient, unless otherwise decided, that the document be submitted, prior to the expiry of the deadline, to the postal operator, telecoms provider or public official who will relay the document. The same applies when a deadline is terminated upon the institution of legal proceedings or similar measures, or upon issuance of a third-party notice. Where electronic communication is used, the deadline will be terminated upon sending to the correct electronic address.

Should the document not be received, or the service of process not performed, the abovementioned steps in proceedings must be repeated within one week from the date the relevant party received notification, or could reasonably be expected to have understood the situation, or, where the original deadline is earlier, within an identical time limit to this. If a step in proceedings is not taken by registered letter or telegram, this must still, in all such cases, be repeated at the latest within one month from the date on which the step originally should have been taken, whether via confirmed electronic transmission, registered letter or telegram, or via verifiable delivery of the document to the relevant party at the destination. Where electronic communication is used, the deadlines in the first and second sentences are one day and one week respectively.

The King may issue more detailed regulations establishing that a submission effective in accordance with this section may also take place to an official, postal operator, or telecoms provider in a foreign country.

Amended by Acts no. 9 of 14 February 1969, Act no. 5 of 9 January 1998, Act no. 24 of 25 April 2003 (effective pursuant to resolution no. 1240 of 28 October 2005).

§ 147. Where a court or a judge has set a deadline, or when the law allows a judicial decision to be the outset of a deadline, the deadline will start to run, unless otherwise decided, from the point at which the deadline stipulation or the judicial decision is legally served or advised.

§ 148. Where calculating deadlines measured in days, the day on which the deadline starts to run is not counted. In contrast, the day of the hearing, or the earliest or latest date on which the action to which the deadline applies may be taken is counted.

Deadlines, calculated in weeks, months or years, end on the day in the last week or month, which corresponds in day of the week or date, to the day the deadline started to run. Where the month does not include this date, the deadline will end on the last day of that month.

The end of a deadline may also be indicated by a fixed calendar day.

§ 149. Where a deadline ends on a Saturday, public holiday or a day which, in accordance with legislation, is equivalent to a public holiday, the deadline will be extended to the following working day.

Where the deadline is measured in hours, public holidays and days which, in accordance with legislation, are equivalent to public holidays, are not included in the time limit.

Amended by Act no. 24 of 1 June 1979.

§ 150. If the deadline to carry out the same step in legal proceedings expires at different times for joinders of parties, a joinder of parties may still undertake the action after his/her own deadline has expired, provided that the deadline is still running for another joinder of parties undertaking the same action.

§ 151. The court may shorten both the statutory deadlines and those it has itself stipulated, where the parties are in agreement, or with the consent of the party to whom the deadline applies.

Where one party is obstructed in carrying out the step in legal proceedings before expiry of the deadline, the court may, where petitioned, extend the deadline either from the outset or while the deadline is running. In the case of a statutory deadline, it may only be extended where specially determined by law. The parties' consensus on an extension is not decisive. A deadline that has been extended once may not be extended again unless the other party, has been given every possible opportunity to comment.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 152. If a step in legal proceedings is not taken at the prescribed time or within the stipulated deadline, it may not subsequently be taken, unless otherwise determined by law.

The statutory consequences of omitting a step in proceedings will be automatically incurred, unless otherwise determined by law.

Where the consequence is only incurred via petition, a step in proceedings may also be taken after the expiry of the deadline, provided the petition has not been submitted, or where an omission has taken place in a hearing, provided proceedings around the submitted petition have yet to be concluded.

§ 153. (Repealed by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.)

§ 154. (Repealed by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.)

§ 155. (Repealed by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.)

§ 156. (Repealed by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.)

§ 157. (Repealed by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.)

§ 158. (Repealed by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.)

Chapter 9. Service of process, notifications and electronic communication

Heading amended by Act no. 24 of 25 April 2003 (effective 28 October 2005 pursuant to resolution no. 1240 of 28 October 2005).

§ 159. Service of process and notifications, issued in connection with legal proceedings, shall be performed in accordance with the rules contained in this chapter, unless otherwise determined by law or indicated by specific circumstances.

Amended by Acts no. 34 of 3 June 1980, no. 87 of 17 December 1982, no. 44 of 3 June 1983, no. 56 of 7 June 1985.

§ 159. Service of process and notifications, issued in connection with legal proceedings, shall be performed in accordance with the rules contained in this chapter, unless otherwise determined by law or indicated by specific circumstances.

Amended by Acts no. 34 of 3 June 1980, no. 87 of 17 December 1982, no. 44 of 3 June 1983, no. 56 of 7 June 1985.

§ 159a. The court shall ensure that judgements in criminal cases are served pursuant to the rules contained in the second or third paragraph, or that the judgement is sent by post in accordance with the rules contained in § 163 a. Where this is not possible, the judgment may be served by a process server pursuant to §§ 165 ff.

Where the judgement is to be served by reading it aloud, the court may determine that the service shall take place at the same time as pronouncement of the judgement (service of judgement). The defendant is obligated then to appear at the court hearing where the judgment is pronounced. If the defendant is present, or is participating in the hearing by means of remote meeting technology when the case is submitted for judgment, the rules in the Criminal Procedure Act § 42, second paragraph apply. If the defendant is not present, the court shall summon him/her to pronouncement of the judgement pursuant to the rules in the Criminal Procedure Act § 86, cf. § 87, first paragraph.

If the judgement is to be pronounced by signature, then the court may summon the defendant to service at the court's office or at another public office (service by appearance). The defendant is obligated then to appear for service. If the defendant

is present, or is participating in the hearing by means of remote meeting technology when the case is submitted for judgement, the rules in the Criminal Procedure Act § 42, second paragraph apply. If the defendant is not present, the court shall summon him/her to service of the judgement pursuant to the rules in the Criminal Procedure Act § 86, cf. § 87, first paragraph. Criminal Procedure Act § 89 applies correspondingly.

The second paragraph, third and fourth sentences, and the Criminal Procedure Act §§ 86, third paragraph, 88 and 89 apply correspondingly to summonsing to in-person service.

Added by Act no. 16 of 4 May 2001 no. 16 (effective 1 July 2001 pursuant to resolution no. 467 of 4 May 2001), amended by Act no. 76 of 10 December 2010 (effective 1 September 2011 pursuant to resolution no. 834 of 12 August 2011).

§ 160. The communication that is to be served shall be in writing. It must be signed and dated, unless it is merely an appendix to another document.

Pursuant to the rules contained in §§ 162-185, a specimen or copy of the document must be delivered to the party being served, or otherwise made available to him/her. Where a party that is not a common legal representative for multiple parties is entitled to accept service for them, he/she must obtain a specimen or a copy for each party.

§ 161. A party requesting service of process should obtain the necessary specimens or copies. Where he/she fails to do so, the process server shall provide the necessary copies.

§ 162. All document specimens must be certified identical and authentic. Certification must be given by a public official or a lawyer.

Notary Publics and process servers are obligated to provide certification where required.

Amended by Act no. 9 of 14 February 1969, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 163. The document to be served may be delivered in a sealed cover. The cover must bear certification stating the identity of the party requesting the service of process, and any other information necessary to identify the document, where service of process is not being executed by postal means pursuant to § 163 a or by registered letter pursuant to § 178. Certification is provided by a public official or a lawyer and the cover sealed with his/her personal seal. § 162, second paragraph applies.

Amended by Acts no. 9 of 14 February 1969, no. 56 of 7 June 1985, no. 5 of 9 January 1998.

§ 163a. Those documents to be served by the public authorities stated in the second paragraph, shall be sent directly by postal operator to the parties being served, either in the form of an ordinary letter with attached delivery confirmation notice, or by registered letter. Conciliation Board documents may also be served via ordinary letter without a delivery confirmation notice.

The following authorities undertake postal service of process pursuant to the rules contained in these provisions: Ordinary courts of law, the land consolidation courts, the Consumer Disputes Commission, the county social welfare boards for child protection and social issues, the prosecuting authority, district sheriffs, the Execution and Enforcement Commissioner, police stations with administration of civil justice duties and county governors.

A court may order a complainant or a plaintiff to obtain the opposing party's address.

Lawyers summoning witnesses pursuant to the Disputes Act, § 13-3 by service of subpoena, may serve subpoenas by post, either in the form of an ordinary letter with attached delivery confirmation notice or by registered letter.

The King may provide more detailed regulations regarding postal service of subpoenas.

Added by Act no. 56 of 7 June 1985, amended by Acts no. 83 of 11 June 1993, no. 5 of 9 January 1998, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no.67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002), no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005) as amended by Act no. 84 of 17 June 2005, no. 90 of 17 June 2005 (effective 1 January 2000 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007, no. 65 of 1 December 2006 (effective 1 January 2008 pursuant to resolution no. 1348 of 30 November 2007).

§ 164. The King may decide that the party to be served may be notified by fax or other mode of communication than the one used by the process server, and may stipulate more detailed rules concerning this. It may also be decided that notification may be sent via another authority. The first and second sentences also apply to documents originating from foreign authorities that shall be served in Norway.

Amended by Acts no. 8 of 21 June 1935, no. 9 of 14 February 1969, no. 52 of 22 June 2012 (effective 1 January 2013 pursuant to resolution no. 1208 of 14 December 2012).

§ 165. Service of process by other than postal means pursuant to § 163 a may always be performed by a process server.

Instead of a process server, public authorities may use a police or probation services employee for service of process in criminal cases. Service of process in relation to currently serving military personnel in criminal cases may also be

performed by officers or military police. Where it is necessary to save time, public authorities may allow service to be performed in other cases by a party authorised by the court to do so. To those parties thus performing service of process, the provisions relating to process servers apply.

Amended by Acts no. 2 of 13 February 1976, no. 56 of 7 June 1985, no. 68 of 16 June 1989, no. 36 of 24 June 1994 (effective 1 July 1997), no. 21 of 18 May 2001 (effective 1 March 2002 pursuant to resolution no. 181 of 22 February 2002).

§ 166. Process servers are obligated to perform service of process when required by a public authority. Where delays can be avoided, they are also obligated to perform service of process outside their district.

Upon a party's submission of a petition, process servers are obligated to perform service of process within their district, where the service of process is necessary pursuant to legislation and the petitioned service of process is in the prescribed form. Where other communication, which does not contravene the law or decency, is requested served by a process server, the latter may not refuse to perform service unless so doing would be obstructive to other undertakings, or the communication is plainly bereft of legal significance. Where a process server refuses to perform a service of process, the issue may be brought before the local District Court or the court that is hearing the case.

Amended by Act no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001).

§ 167. Service of process should not take place on public holidays or outside normal daytime hours, unless this is unavoidable.

§ 168. Service of process by a process server shall to the greatest possible extent take place in person, preferably at the recipient's place of residence or regular workplace. Where he/she is personally served, the service is valid regardless of where the encounter takes place.

Amended by Act no. 56 of 7 June 1985.

§ 169. Where the party to be served is not to be found at his/her place of abode or regular workplace, process may be served on an adult person from the same household who is present there.

At said abode, process may also be served on a person with whom the party to be served is staying, or an adult person from the latter's household. Similarly, process may be served on the owner of the property or a person who is taking care of the property on the owner's behalf, provided they are resident there.

Similarly, at the workplace, process may be served on an employer or a supervisor, or, if it is an office workplace, on an employee.

§ 170. In the case of a businessperson, with a permanent place of business, process may always be served at the place of business, where the case arises out of the business. Where the party to be served is not to be found there, process may be served on an employee at the place of business.

Where no permanent place of business can be proved, service of process may take place at the last permanent place of business on an adult person who is continuously present there, provided no more than six months have elapsed since the place was last thus used.

§ 171. Where a person, resident in Norway, has neither a place of abode or a regular workplace here, and attempts at locating him/her in person have failed, process may be served at his/her temporary address on an adult person from the same household, or on a person with whom he/he is staying, or on an adult person from the latter's household.

§ 172. Any person who is themselves a party in the case may not accept service of process for the opposing party.

§ 173. The document delivered by the process server upon service of process, is furnished, by the process server, with a signed statement of when, where and on whom process was served. However, this is not necessary in the case of a summons to appear in court, which is served on the summonsed parties in person.

§ 174. Where a process is personally served on a party, said party may request that the process server read aloud from the document or state the nature of its contents.

Where said party refuses to accept the document, the process server may leave it with him/her or deposit it for collection from the court office or the nearest post office or other appropriate place. The process server shall, to the extent this is possible, inform him/her of where the document may be collected and explain that the process has been served regardless of his/her refusal to accept service. Where a summons to attend in person is concerned, the process server shall also, to the greatest possible extent, inform him/her of the content of the document.

§ 175. A person who accepts service of a document on behalf of another party pursuant to §§ 169-171, shall, without delay, inform said party of the service and deliver the document to him/her, where this can be done without expense or particular inconvenience. The former party shall immediately give notification of any circumstances which to his/her knowledge may prevent the intended recipient receiving this information in time.

§ 176. Where those parties stated in §§ 169-171 refuse to accept a document on behalf of the intended recipient, or where they are prevented from giving notification, or where no suitable person may be found on which service of process may be performed, the process server shall leave written notification, in a sealed cover, that

the document may be collected from the court office or the nearest post office, or other appropriate place.

Where the place where the process should be served is closed, or where for other reasons it is expedient, the process server shall attach the notification to a door or place it in another prominent position. Where people are resident nearby, he/she should also inform two such parties of the service of process and request that they draw the intended recipient's attention to it.

§ 177. The process server shall provide certification of the service of process either on a specimen of the document served or on a copy of it, or on a separate document.

Certification shall state on whom the process was served and when and where service was performed. Where a process was not personally served, notification of the circumstances shall be given on which its legality is dependent. Likewise, notification shall be given where the recipient has stated, or the process server has otherwise become aware of, something that may be pertinent to the legality of the service or the document reaching the recipient in a timely manner.

Where certification is given in a separate document, notification must also be given of the identity of the person who performed the service and any other details necessary to identify the document served.

§ 178. When service of process, pursuant to special legal provisions, may be performed via registered letter, a public official must deposit with the postal operator the specimen or copy to be delivered to the party concerned. He/she shall endorse the document or its cover in respect of when it was deposited with the postal operator. § 162, final paragraph applies correspondingly.

Service of process is deemed performed two weeks after depositing with the postal operator, where the party concerned has not already received the letter.

The rules in this section do not apply to service of process pursuant to § 163 a.

Amended by Acts no. 56 of 7 June 1985, no. 5 of 9 January 1998.

§ 179. Service of process may be performed privately, where the party to be served provides proof that he/she has received the document.

Between public officials and lawyers a written acknowledgement constitutes sufficient proof.

Otherwise, signature must be certified by a judge, a notary public, a lawyer or a process server.

The acknowledgement should be dated. Where it is written in a separate document, it should clearly identify the document that has been received, and state

the identity of the person who performed the service. The latter is obligated to provide on request a written acknowledgement that he/she has performed the service of process.

Amended by Acts no. 8 of 21 June 1935, no.2 of 4 December 1964, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 180. Service of process abroad on Norwegian public officials who are posted there may be performed via their superiors.

Service of process on Norwegian military officials serving outside the borders of the Kingdom is performed via their superiors.

Otherwise process shall be served on people who have a registered address or place of abode abroad, in the manner warranted by the laws of the place in question, or through the relevant Norwegian Foreign Service Mission, where foreign legislation is no impediment to this. Documents to be served by a Norwegian Foreign Service Mission, may be served by post pursuant to the rules in § 163 a first paragraph, first sentence.

Where a court order is necessary to perform a service of process, any court may issue the order.

Amended by Act no. 60 of 15 June 2001 (effective 1 July 2001 pursuant to resolution no. 618 of 15 June 2001).

§ 181. When a service of process cannot be performed by any of the means stated above, and where no other procedure is prescribed, the court may, in cases other than criminal cases, decide that a copy of the document to be served, or of the most significant content of said document, shall be posted at the court office together with notice that the document may be collected from the court office.

As regards documents concerning the institution of proceedings, to the greatest extent possible, notification that the document may be collected from the court office shall also be left at the party's last known abode. Further, the document shall, in part or in whole, be published in the Norwegian Public Advertiser and in one or more newspapers local to his/her last known abode or residence here or abroad. Where the court has a theory as to where the party may be living, it should also attempt to notify him/her via registered letter or through an announcement in a newspaper that enjoys a wide circulation in the area in question.

In other especially important cases, the court should decide that the same procedure shall be followed.

Service of process pursuant to this section is deemed to have been performed after four weeks have elapsed from the date the notice was first displayed at the

court office, provided the court has not stipulated a longer time period, or the party to be served has not previously reported to the court and accepted the document.

Amended by Acts no. 27 of 22 May 1981, no. 5 of 9 January 1998, no. 45 of 20 June 2003 (effective 1 July 2003 pursuant to resolution no. 712 of 20 June 2003).

§ 182. The party requesting the service shall be given timely notification of said service as well as all accompanying documentation.

Where it was not possible to perform service, said party shall immediately be notified of the actions taken and the reason the process was not served.

Where a document to be delivered, is deposited for collection at a public office, said office shall give notice upon collection of the document.

§ 183. Where errors have been made in carrying out a service of process, said service is still legal once the submitted document has been delivered to the correct party. In such cases, process is deemed to have been served at the point at which it can be proven that said party has received the document.

§ 184. Where the party to be served has no known abode or place of residence, the police are obligated to carry out an investigation upon the request of the court.

§ 185. Where a process has not been personally served on a party by a process server, and where it is of special significance that the document reaches the correct party, efforts shall be made to notify said party regarding the service, where this can be done in time.

Amended by Act no. 48 of 27 June 1986.

§ 186. Where notification is to be given, and service of process is not required by law, said notification shall be given in the manner deemed appropriate in each case.

Certification by a public authority, or the written acknowledgment of the party in question, constitutes proof that notification has been given. Proof to the contrary is not excluded.

§ 187. Notification given to the party personally in a hearing regarding the content of court records, takes the place of service, unless otherwise determined by law. However, the party in question shall be asked if he/she desires a written copy; in such cases, notification will be given within 24 hours, where possible.

§ 188. On the request of a public authority, Posten Norge AS shall ensure that letters concerning court proceedings, are brought to the addressee, even though letters are not normally brought to the addressee at the place in question.

Amended by Acts no. 5 of 9 January 1998, no. 43 of 21 June 2002 (effective 1 July 2002 pursuant to resolution no. 569 of 21 June 2002).

§ 189. Telegraph may be used to transmit written notifications, requests and declarations to the court pursuant to further provisions issued by the King.

§ 190. Further rules regarding service of process and notifications may be issued by the King.

§ 191. On behalf of the state, the Prime Minister or the head of the relevant ministry accepts service of process and notifications; for a county municipality it is the chairperson of the county council; for the municipality it is the mayor; for a joint municipality, it is the chairperson of the inter-municipal board.

For public establishments and foundations, savings banks, associations, companies, cooperatives, state-owned enterprises or estates, service of process and notifications are accepted by the person managing their affairs, or, if they are managed jointly by multiple parties, by the chairperson of the board. Where there is no chairperson, they may be addressed to each board member.

These provisions do not apply where other legal provisions state otherwise.

Amended by Acts no. 43 of 13 June 1975, no. 71 of 30 August 1991, no. 81 of 29 June 2007 (effective 1 January 2008 pursuant to resolution no. 1287 of 23 November 2007), no. 28 of 25 May 2012 (effective 1 July 2012 pursuant to resolution no. 49 of 25 May 2012).

§ 192. A person who has power of procuration or other ordinary power of attorney to manage the affairs of his/her principal, may accept service of process and notifications on the latter's behalf in legal proceedings that fall within the remit of the power of attorney.

§ 193. Where a party has granted ordinary power of attorney in a case, service of process and notifications in this case shall be addressed to the legal representative, unless otherwise determined by law.

Service of process and notifications regarding appeals against judicial decisions that conclude a case, or an independent part of a case, or concerning the reinstatement or re-opening of a case, may not be addressed to the legal representative unless power of attorney explicitly warrants this or correspondingly authorises the abovementioned legal steps. The same applies to service of process and notifications in the context of the execution of a judgement or ruling.

When a summons to appear in court is personally served on a party, his/her legal representative shall be given notification of the hearing.

Amended by Acts no. 3 of 20 June 1952, no. 80 of 11 June 1993 (effective 1 August 1995 pursuant to resolution no. 513 of 2 June 1995 – see Chapter V), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 194. Where a party has granted another party power of attorney to accept service of process and notifications on his/her behalf, service of process and notifications may be addressed to the authorised party in relation to matters at the full disposal of the parties. Where it transpires, or where circumstances give reason to believe, that a service of process has not reached the principal by these means, the court should notify him/her of the service of process, where this can be done in time.

In matters where the parties do not have full disposal, such authority may only be given on the approval of the court. Approval may be revoked at any time.

§ 195. Where a party does not have an abode or regular place of business in the Kingdom where service of process may be performed pursuant to the rules in §§ 168, 169 and 170 first paragraph, and does not have a legal representative with an abode or office at the venue or in its vicinity, the court may, if necessary by service of process, order him/her to provide, within a stipulated time period, the name of a person resident in the locality of the court or in its vicinity, to whom service of process and notifications may be addressed during the case. The court's decision may not be challenged.

The obligation stands until the case has been decided by a legally enforceable judgement. Where he/she does not fulfil the obligation, service of process may be performed via registered letter to his/her last known address, and service is deemed performed when the letter is deposited with the postal operator.

Amended by Acts no. 5 of 9 January 1998, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 196. When a party or his/her proxy or legal representative, or other party to whom service of process and notifications may be addressed pursuant to §§ 191, 192, 194 or 195, changes address during a case, his/her new address must be reported to the court. Failure to do so may result in service of process being performed at his/her previous address pursuant to § 163 a or § 176, unless his/her new address is known in advance, or it is known that service may be performed at his/her regular workplace.

Amended by Act no. 56 of 7 June 1985.

§ 197. In criminal cases, the provisions in §§ 193-196 only apply to private prosecutors and aggrieved parties who have endorsed the prosecution.

Service of indictment and summons to the main hearing in criminal cases may be sent to the defendant's public appointed counsel with a request that the latter conducts service on the defendant pursuant to the rules in § 179.

Amended by Act no. 76 of 10 December 2010 (effective 10 December 2010 pursuant to resolution no. 1574 of 10 December 2010).

§ 197a. The King may issue regulations to the effect that communication with the courts that, pursuant to the law, takes place in writing, also may take place electronically.

The King may issue regulations that establish an exception to statutory requirements for written communication with the courts, when said communication takes place electronically.

The King may issue regulations that provide more detailed rules for electronic communication with the courts, including rules governing signatures, authentication, integrity and confidentiality, and regulations that set requirements for the products, services and standards necessary for such communication.

Added by Act no. 24 of 25 April 2003 (effective 28 October 2005 pursuant to resolution no. 1240 of 28 October 2005).

Chapter 10. Sanctions and liability in connection with legal proceedings

§ 198. Any party, who, during a hearing, disrupts proceedings, makes inappropriate statements or personal attacks, or whose actions in any way impugn the dignity of the court, or who disregards an order of the court or its presiding judge, may be penalised by a fine.

The same applies to any party who, in written submissions, insults the court or makes other improper statements.

Fines will also be incurred by any party photographing or making recordings in violation of the regulations contained in § 131 a, or who publishes a photograph or a recording that was taken or made in violation of these regulations.

The imposition of sanctions pursuant to this paragraph does not preclude prosecution of the act taking place in the normal fashion, but it will be taken into account during sentencing.

Amended by Act no. 27 of 22 May 1981.

§ 199. Fines will be incurred by any party who causes or contributes to a part of the proceedings during a hearing in camera, which is intended to be kept confidential, becoming known to unauthorised parties, or to a matter being publicly broadcast in violation of § 129 or § 130.

Amended by Act no. 37 of 4 June 1999 (effective 1 September 2001 pursuant to resolution no. 755 of 6 July 2001). To be amended by Act no. 28 of 20 May 2005 (effective from a date determined by law) as amended by Act no. 74 of 19 June 2009.

§ 200. A public official, legal representative, co-counsel or private appointed counsel for the defence, who commits negligent or otherwise inappropriate acts during court proceedings, legal enforcement or a temporary injunction, may be penalised by fines, and compelled to pay full or partial damages to the injured party.

The state is responsible in terms of any liability for damages incurred by a public official. However, the state is not liable to the defendant in terms of liability incurred by a public defender, when he/she is appointed at the request of the defendant, and is not a permanently appointed public defender within the court district

An action for damages in relation to liability incurred by a public official or the State in the context of a judicial decision may not be raised unless

a) the decision is revoked or amended,

b) the decision has lapsed with the effect that a timely appeal against it may not be processed or decided upon, or

c) The public official is pronounced guilty of a criminal offence in relation to the decision.

In relation to claims made to the State for compensation of litigation costs on the grounds of procedural error by the court, the Dispute Act, § 20-12 applies.

Amended by Acts no. 86 of 26 June 1992, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 201. Where a higher court finds that a lower court has made an evident error in its decision, it may order the judge responsible to meet the additional costs, in part or in whole, which will thereby have been incurred.

§ 202. Any party who, without clear grounds, has brought a civil action, or allowed a civil action to be brought or filed an appeal against a judgement or submitted a petition for the reinstatement or re-opening of a case, shall be ordered to compensate the State, in whole or in part, for the relevant legal costs; in addition, said party may also be penalised by fines.

The same applies to interveners, proxies, legal representatives or legal assistants.

Fines may also be imposed on a party, an intervener, a proxy, legal representative or co-counsel, where he/she complicates the case unnecessarily or where he/she, by making false or patently insignificant claims or excuses, or by other improbity has attempted to obstruct the due administration of justice, or render proceedings unduly protracted.

The provisions in the first and second paragraphs are not applicable to accused persons in criminal cases, or to the prosecuting authority.

Amended by Acts of 25 February 1927, no. 3 of 1 June 1934, no. 66 of 20 July 1991, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 203. Any party, who, clearly without grounds, has filed an appeal against a ruling or judicial decision, may be penalised by fines. Where the appeal has legal suspensive effect, said party may also be ordered to compensate, in whole or in part, for the costs incurred by the delay. § 202, second paragraph applies correspondingly.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 204. Where a party has, against his/her better judgement, caused the commencement of legal enforcement or temporary injunction proceedings, he/she may be penalised by fines. The same applies where he/she, by making false or patently insignificant claims or excuses, or by other improbity, has attempted to obstruct the due administration of legal enforcement proceedings, or to undermine or impede the enforcement of a judgement. § 202, second paragraph applies correspondingly.

Amended by Act no. 86 of 26 June 1992.

§ 205. Where a witness fails to appear without authorisation for their absence, or where they have neglected to give timely notification of said absence, or leaves the courtroom without authorisation before the session is over, he/she may be penalised by fines and ordered to compensate, in whole or in part, for the costs incurred.

Where the witness has received a summons or a request to appear in court, and again fails to appear, sanctions and liability to pay compensation may once more be imposed.

Where an intoxicated witness must be removed from court, this is deemed equivalent to an unauthorised absence.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 206. Where a witness refuses to give evidence or give affirmation and provides no grounds or provides only those grounds that are dismissed by a legally enforceable ruling, said witness may be penalised by fines and ordered to compensate, in whole or in part, for the costs incurred. A party may also be penalised by fines in cases concerning attachment or garnishment of earnings, where he/she wilfully fails to provide the enforcement authority with the information said party is obligated to provide pursuant to the Enforcement Act, § 7-12.

Sanctions and liability for damages may not be incurred more than twice, where multiple instances of refusal take place within the same case or in relation to largely identical subjects of evidence.

Amended by Acts no. 71 of 14 June 1985, no. 86 of 26 June 1992. To be amended by Act no. 28 of 20 May 2005 (effective from a date determined by law) as amended by Act no. 74 of 19 June 2009.

§ 207. Where a witness fails or refuses to obey an order issued by the court to examine registered accounting information, accounting records, letters or other items, or to create and bring with them records, this is deemed equivalent to an unauthorised absence.

Amended by Acts no. 27 of 22 May 1981, no. 56 of 17 July 1998 (effective 1 January 1999), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 208. Where an expert witness or a court interpreter refuses to take over an assignment, and provides no grounds or provides only those grounds that are dismissed by a legally enforceable ruling, or where he/she fails to appear without authorisation for their absence, or has neglected to give timely notification of the absence, or leaves the courtroom without authorisation before the session is over, or commits other negligent or improper acts, said parties may be penalised by fines and ordered to compensate, in whole or in part, for the costs incurred.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 209. Where someone, who is not a party in the case, fails to obey an order, issued by the court, to present or provide access to real evidence, and he/she does not provide any grounds or only provides those grounds that are dismissed by a legally enforceable ruling, he/she may incur sanctions and liability to pay damages pursuant to the same rules as apply to a refusal to testify.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 210. Sanctions and liability for damages pursuant to §§ 205, 206, 207 and 209 may also be imposed on parties and proxies when they, pursuant to the Disputes Act, § 23-1 or § 23-2, are obligated to appear in court, give evidence or assurance, or when they, pursuant to § 26-8, second paragraph, of the same Act, are obligated to present or provide access to real evidence. Sanctions pursuant to § 206 may also be imposed on a defendant who, in a case concerning legal enforcement or a temporary injunction, wilfully fails to provide the enforcement authority with the information said party is obligated to provide pursuant to the Enforcement Act, § 5-9, first paragraph.

Amended by Acts no. 3 of 12 June 1936, no. 8 of 21 December 1956, no. 71 of 14 June 1985, no. 97 of 18 December 1987, no. 86 of 26 June 1992, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

§ 211. Where witnesses, expert witnesses and court interpreters, through unlawful conduct during court proceedings, legal enforcement or temporary injunctions generate expenses for a party in circumstances other than those stated in §§ 205 to 209, they may be ordered to compensate in whole or in part for said costs.

Amended by Act no. 86 of 26 June 1992.

§ 212. Where any party stated in §§ 169-171 refuses to accept service on behalf of another party, or fails to fulfil his/her obligations pursuant to § 175, he/she may be penalised by fines and ordered to compensate in whole or in part for incurred costs.

§ 213. Except where judges are involved, any court dealing with a case may impose sanctions and liability for damages pursuant to this chapter without instituting a separate legal action or prosecution. In those cases stated in § 200, the court may also impose fines pursuant to other penal provisions. The Conciliation Board may not impose sanctions or liability for damages pursuant to this chapter. The issue of liability in the context of a case before the Conciliation Board may be brought before the District Court.

Judges may be imposed such liability by higher courts without instituting a separate legal action or prosecution.

If those offences stated in § 200 and §§ 205-212 are committed in a court other than the one in which the main hearing is being held, imposition of liability for damages may be entrusted to that court.

The issue of liability in the context of a case concerning legal enforcement or a temporary injunction in relation to an enforcement officer may be brought before the District Court.

The issue of liability in the context of investigation may be brought before the District Court where the act being appealed against took place, in the absence of any other court before which the issue may be brought pursuant to the abovementioned rules.

Amended by Acts no. 27 of 22 May 1981, no. 86 of 26 June 1992, no. 67 of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007. To be amended by Act no. 28 of 20 May 2005 (effective from a date determined by law) as amended by Act no. 74 of 19 June 2009.

§ 214. Sanctions and compensation to the State, and compensation to the accused in criminal cases, are imposed by the court on its own motion or on submission of a petition, but, in relation to other liability for damages, only on submission of a petition by the affected party. The decision is handed down in a judgement or ruling which concludes the case, or, when §§ 201-203 are not applicable, in a separate judgement during proceedings.

The question of liability may also be decided without instituting a separate action or prosecution after the conclusion of the proceedings, where a legal representative, legal assistant or private counsel for the defence has behaved in an unlawful manner towards a party and a petition is submitted no later than one month after the conclusion of the case.

The question of liability for unlawful behaviour or negligence during legal enforcement or a temporary injunction may be brought before the court at the latest one month after legal enforcement was concluded or suspended.

Also in the latter two cases, the decision is handed down in an interlocutory order.

Amended by Act no. 86 of 26 June 1992.

§ 215. Prior to a party having sanctions or liability for damages imposed upon them, without a separate action or prosecution being instituted, said party shall as far as possible, be given the opportunity to comment. However, this does not apply to sanctions pursuant to § 202, first and second paragraphs and § 203 and sanctions or liability for damages on the grounds of failure to appear.

The order which imposes liability for absence on the absent party may be reversed where a petition is submitted within two weeks.

§ 216. Where the question of liability cannot be adequately elucidated without difficulty or delay, save by the institution of a separate action or prosecution, the court may decide not to rule on the matter.

Where sanctions or compensation to the State is concerned, the court may in such cases submit a report to the prosecuting authority. The same applies where liability cannot be imposed by the court pursuant to the rules in this chapter.

Where the question of liability is not raised in this manner, as mentioned in § 214, or where it is not decided, it may be made the subject of separate proceedings in circumstances other than those stated in §§ 202 and 203.

§ 217. Decisions, which impose sanctions or liability for compensation in such a way as permitted by this chapter, or that dismiss a petition to impose liability for compensation or sanctions in other circumstances than are stated in §§ 202 and 203, may be appealed against. Where the case is decided by a judgement, the assessment of evidence is predominantly binding for the appellate court.

If the main hearing is brought before a higher court, said court may, in whole or in part, revoke the sanctions or liability for damages, where this is a consequence of the outcome of the appeal proceedings or of the court's decision on the justiciable question, or of said court's assessment of demonstrability in the case, when these can be tried by the higher court.

Where an appeal is filed against a ruling that imposed sanctions on a party due to his/her failure to comply with a judicial decision, the appellate court may also test the accuracy of the ruling in contravention.

Amended by Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended by Act no. 3 of 26 January 2007.

Chapter 11 Concerning legal aid practice and lawyers

Heading amended through Acts no. 2 of 4 December 1964, no. 44 of 4 July 1991 (effective 1 January 1993). – Cf. Dispute Act, Chapter 3 and § 6-7, Criminal Procedure Act §§ 95, 410 and 421.

I. Legal aid practice

Entire section amended through Act no. 60 of 1 September 1995 (effective 1 January 1997).

§ 218. Any person who wishes to carry on legal aid practice must have a license to practise as a lawyer pursuant to § 220. 'Legal aid practice' means the professional or continual provision of legal aid.

The following exceptions apply with respect to the provision in the first sentence of the first paragraph:

1. Any person who has a law degree but is not licensed to practise as a lawyer may give legal aid.
2. Any person who is licensed to practise as a state-authorised public accountant or registered as a public accountant may assist in the completion of tax returns,

trading statements, tax appeals and other communication with the tax authorities.

3. Any person who has satisfactory qualifications in any specialist legal fields may be given permission by the Supervisory Council for Legal Practice to provide legal aid in such fields. Where there are special reasons for doing so, the Supervisory Council for Legal Practice may grant permission for special legal aid measures.
4. The King shall determine through regulations the extent to which and under which conditions foreign lawyers are to be entitled to provide legal aid.

Any person who provides legal aid pursuant to the second paragraph and his or her employees and other assistants shall have a duty to keep secret from unauthorised persons information concerning personal, operating or commercial circumstances of which he or she becomes aware in connection with the provision of legal aid services. The foregoing shall not apply if there is no justifiable interest requiring confidentiality.

Any person who provides legal aid pursuant to the second paragraph may not provide legal aid during legal proceedings unless the said person is entitled to be a legal representative or defence counsel pursuant to the law or special permission from the court for an individual case.

Legal aid may be provided by any person insofar as such legal aid is necessary in order to provide appropriate and complete assistance as part of another activity. Such legal aid may also be provided even though it is not associated with a task which forms part of the main enterprise. The fourth paragraph shall apply correspondingly.

Legal aid may also be provided by the State or a municipality.

Added through Act no. 44 of 4 July 1991 amended through Acts no. 113 of 27 November 1992 (effective 1 January 1994), no. 83 of 11 June 1993, (effective 1 August 1993), no. 60 of 1 September 1995 (effective 1 January 1997), no. 91 of 5 September 2003 (effective 1 March 2004 pursuant to resolution no. 1118 of 5 September 2003), no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005), no. 51 of 30 June 2006 (effective 30 June 2006 pursuant to resolution no. 771 of 30 June 2006, no. 2 of 15 January 2010 (effective 1 March 2010 pursuant to resolution no. 33 of 15 January 2010).

§ 219. The King may decide that any person who provides legal aid pursuant to § 218 second paragraph no. 1, 3 or 4 shall provide security for any liability to pay compensation that the person concerned may incur during provision of the legal aid. The King may issue more detailed regulations concerning the provision of security and order any person who provides such security to notify the Supervisory Council for Legal Practice of any compensation claims that are made. The King may issue regulations concerning accounting and audit obligations for those who carry on legal aid practice and concerning the treatment of entrusted funds. In respect of legal aid pursuant to § 218 second paragraph no. 1, the King may issue provisions concerning notification obligations and the obligation for providers of legal aid to demonstrate in advance that the conditions for providing legal aid are met, including the presentation of a criminal record certificate. With regard to the organisation of such legal aid practice, §§ 219 a and 219 b shall apply. Conditions and restrictions may be imposed in permits issued pursuant to § 218 second paragraph no. 3 and 4.

The Supervisory Council for Legal Practice shall supervise the provision of legal aid that is practised pursuant to § 218 second paragraph no. 1, 3 and 4, cf. § 225. The King may issue regulations concerning the obligations of any person who is carrying on such legal aid practice to keep the Supervisory Council informed of the activity. The King may further decide that any person who carries on such practice shall pay contributions to the Supervisory Council. Outstanding contributions shall provide a basis for the enforcement of distress.

The Lawyer Licence Committee of the Norwegian Supervisory Council for Legal Practice may issue bans prohibiting any person who has a law degree from carrying on legal aid practice pursuant to § 218 second paragraph no. 1, and may withdraw permits issued pursuant to § 218 second paragraph no. 3 and 4, if the person concerned has been or is guilty of circumstances that render the person concerned unfit or unworthy to provide legal aid or the person concerned breaches provisions issued pursuant to the first or second paragraph or conditions or restrictions referred to in the first paragraph fourth point.

Amended through Acts no. 3 of 20 June 1952, no. 2 of 4 December 1964, no. 71 of 14 June 1985, no. 44 of 4 July 1991, no. 113 of 27 November 1992, no. 60 of 1 September 1995 (effective 1 January 1997), no. 94 of 17 December 2004 (effective 1 January 2005 pursuant to resolution no. 1647 of 17 December 2004), no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005) as amended through Act no. 84 of 17 June 2005, no. 51 of 30 June 2006 (effective 30 June 2006 pursuant to resolution no. 771 of 30 June 2006), no. 2 of 15 January 2010 (effective 1 March 2010 pursuant to resolution no. 33 of 15 January 2010).

§ 219a. Unless otherwise provided by statute, legal aid practice as referred to in § 218 second paragraph no. 1 may only be organised as a sole trader owned by a legal aid provider or as a company in accordance with this section.

Legal aid practice on behalf of the company may only be carried on by persons who hold a permit pursuant to § 218 second paragraph no. 1 in accordance with a declaration from the Supervisory Council for Legal Practice, cf. § 1-1 of the Lawyer Regulations. Such practice may nevertheless be carried out on behalf of the company by any person who has the right to do so pursuant to permission other than as referred to in the first point when security has been provided for any liability that the person concerned may incur pursuant to § 219 b.

In the case of companies that carry on legal aid practice, the name of the company shall contain the word 'legal aid' or 'legal aid provider'.

§ 231 second, fourth and sixth paragraphs shall apply correspondingly insofar as is appropriate.

Added through Act no. 51 of 30 June 2006 (effective 30 June 2006 pursuant to resolution no. 771 of 30 June 2006).

§ 219b. § 232, with the exception of the fourth and seventh paragraphs, shall apply correspondingly insofar as appropriate.

In the case of companies where any person provides legal aid on behalf of the company pursuant to § 219 a second paragraph second point, the person concerned may be designated as being responsible for tasks that the person concerned is

authorised to perform. In such a case, § 232, except the third and fourth paragraphs, shall apply correspondingly insofar as appropriate.

Added through Act no. 51 of 30 June 2006 (effective 30 June 2006 pursuant to resolution no. 771 of 30 June 2006).

II. Lawyers

Heading added through Act no. 44 of 4 July 1991. Entire section amended through Act no. 60 of 1 September 1995 (effective 1 January 1997).

§ 220. Licenses to practise as a lawyer shall be granted by the Supervisory Council for Legal Practice.

In order to obtain a licence to practise as a lawyer before courts other than the Supreme Court, the applicant must verify:

1. that they have a degree in law, and
2. that they have been practising for a total of at least two years since graduating with a degree in law:
   a. as an authorised assistant to a lawyer who himself practises as a lawyer,
   b. as a judge or deputy judge,
   c. in a position with the prosecuting authority that involves a significant element of conducting legal proceedings, or
   d. as a university lecturer in jurisprudence.

In order to fulfil the requirement for practice experience in no. 2 in individual cases, the Ministry may through a regulation or the Supervisory Council wholly or partly approve other legal work. The King may issue rules in a regulation concerning procedural experience as a condition for the practical experience referred to in no. 2 letter a to be taken into consideration.

The King may establish through a regulation that the completion of a course in subjects of particular importance for practising as a lawyer shall be a condition for the granting of a lawyer's licence. The King may issue more detailed rules concerning the content and taking of the course.

A lawyer's licence may only be issued to persons who have reached the age of 20 and who demonstrate through their criminal record certificate that they have conducted themselves honestly. There must furthermore be no circumstances which would have resulted in the lawyer's licence being invalidated or revoked pursuant to § 230. If a previous lawyer's licence is revoked for reasons referred to in § 230 first paragraph no. 2 to 4, a new licence may not be granted until the reason why the licence was revoked has been rectified.

The King may issue rules in a regulation concerning the issuing of lawyers' licences on the basis of a corresponding entitlement abroad.

Amended through Acts no. 4 of 16 May 1930, no. 1 of 10 June 1932, no. 1 of 1 February 1936, no. 9 of 9 June 1939, no. 3 of 20 June 1952, no. 1 of 26 November 1954, no. 2 of 4 December 1964, no. 8 of 31 March 1978, no. 97 of 18 December 1987, no. 44 of 4 July 1991, no. 60 of 1

September 1995 (effective 1 January 1997), no. 2 of 15 January 2010 (effective 1 March 2010 pursuant to resolution no. 33 of 15 January 2010). Amended through Act no. 82 of 21 June 2013 (effective from the date determined by the King).

§ 221. In order to obtain permission to appear as a lawyer before the Supreme Court, the applicant must verify:

1. that they hold a lawyer's licence,
2. that they have practised
   a. for at least one year as a lawyer, or
   b. for at least three years in a position referred to in § 220 second paragraph no. 2. § 220 second paragraph second point shall apply correspondingly. Not less than two of these three years must have been as an associate. For any person who has been practising for at least two years as a public prosecutor or associate with the Director General of Public Prosecutions, one year as an associate shall be sufficient.
3. that they have proven themselves to be capable of conducting cases in the Supreme Court through a test taken for the Supreme Court; cf. second and third paragraphs.

Any person who wishes to undergo the test must send the Chief Justice of the Supreme Court a declaration from the Supervisory Council for Legal Practice that the person concerned may be given permission if the test is passed. The test consists of conducting of two cases orally. At least one of these cases must be a civil case for the appellant unless the Appeals Selection Committee of the Supreme Court gives permission otherwise for special reasons. For a public prosecutor and associate with the Director General of Public Prosecutions, a criminal case may be accepted as a test case even if the conditions pursuant to the first paragraph no. 1 and 2 are not met. In a single case, there must be no more than one lawyer who is taking the test, unless the Appeals Selection Committee of the Supreme Court gives permission otherwise for special reasons.

The decision as to whether the test has been passed shall be taken by all the Supreme Court judges who have taken part in the assessment of the cases conducted by the applicant. A certificate to confirm that the test has been passed shall be issued by the President of the Supreme Court. Any applicant who does not pass the test shall not be entitled to take a repeat test until two years have passed since the court's decision. No one may take the test on more than two occasions.

Amended through Acts no. 1 of 1 February 1936 (previously § 224), no. 1 of 2 June 1960, no. 2 of 4 December 1964, no. 60 of 1 September 1995 (effective 1 January 1997), no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 222. Any person who wishes to practise as a lawyer under their own name must provide security. The security shall cover any liability to pay compensation that the person concerned may incur while practising as a lawyer. The security may not be used to cover liability for which the lawyer has provided other security pursuant to a provision in or pursuant to the law.

The King may issue more detailed regulations concerning the provision of security and order any person who provides security to provide the Supervisory Council for Legal Practice with information on any compensation claims that are made. Through a regulation, the King may release lawyers who are employed by the State or a municipality and who only perform assignments for their employer from the obligation to provide security.

The King may issue provisions concerning the provision of security by any foreign lawyer who is employed as a legal representative or defence counsel in this realm.

Added through Act no. 1 of 1 February 1936, amended through Acts no. 1 of 26 November 1954, no. 1 of 2 June 1960, no. 2 of 4 December 1964, no. 27 of 25 May 1973, no. 86 of 26 June 1992 as amended through Act no. 20 of 8 January 1993 no. 44 of 4 July 1991, no. 60 of 1 September 1995 (effective 1 January 1997).

§ 223. Any lawyer shall be entitled to have an authorised associate act on his or her behalf in legal proceedings. The associate may not act before the Supreme Court, in respect of cases that are being considered orally before an appellate court or in connection with main hearings before a district court in cases concerning sentencing for crimes which according to the law could result in imprisonment for more than six years unless the person concerned holds a permit pursuant to § 221 or § 220 to act as a lawyer before the court concerned. In respect of individual cases, the appellate court may permit a lawyer to act through an authorised associate at a main hearing in cases other than those concerning sentencing for crimes which pursuant to the law could result in imprisonment for more than six years. In civil cases, the associate may act before the Appeals Selection Committee of the Supreme Court when the appeal concerns an interlocutory order or decision pronounced by the courts of appeal.

Authorisation shall be given by the Supervisory Council for Legal Practice. The associate must have a degree in law and it must be verified through a criminal record certificate that they have conducted themselves honestly. There must furthermore be no circumstances which pursuant to § 230 would have resulted in the authorisation being invalidated or revoked. If a previous authorisation is revoked for reasons referred to in § 230 first paragraph no. 4 (cf. fifth paragraph), a new authorisation may not be issued until the circumstance for which the authorisation was revoked has been rectified.

(Repealed through Act no. 1 of 2 June 1960, added through Act no. 44 of 4 July 1991, amended through Acts no. 60 of 1 September 1995 (effective 1 January 1997), no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 3, no. 2 of 15 January 2010 (effective 1 March 2010 pursuant to resolution no. 33 of 15 January 2010). Amended through Act no. 82 of 21 June 2013 (effective from the date determined by the King). Amended through Act no. 28 of 20 May 2005 (effective from the date determined by law) as amended through Act no. 74 of 19 June 2009.

§ 224. The profession of lawyer shall be practised in accordance with good legal practice. Good legal practice requires, among other things, the profession of lawyer to be practised diligently, conscientiously and in accordance with what justified considerations for the interests of clients would indicate, and duties to be performed sufficiently expediently.

The Norwegian Bar Association may draw up more detailed rules as regards what is to be considered good legal practice. The rules may be ratified by the King and shall then take effect as a regulation.

The King may issue regulations concerning supervision to ensure that the profession of lawyer is practised in accordance with the law and good legal practice. The King may issue provisions concerning accounting and audit obligations for any person who practises as a lawyer. The King may also issue provisions concerning the handling of entrusted funds. Such regulations may also be issued directly for companies that provide legal services other than as referred to in § 233 first paragraph letter a.

(Repealed through Act no. 1 of 2 June 1960, added through Act no. 60 of 1 September 1995 (effective 1 January 1997), amended through Act no. 94 of 17 December 2004 (effective 1 January 2005 pursuant to resolution no. 1647 of 17 December 2004), 2004).

§ 225. Practising of the profession of lawyers shall be supervised by the Supervisory Council for Legal Practice. The Supervisory Council shall also supervise companies that carry on legal practice other than as referred to in § 233 first paragraph letter a.

The Supervisory Council shall be led by a board of three members. The chairman of the board shall be a lawyer. One member shall be a state-authorised public accountant. The members and substitute members shall be appointed by the King.

If any party on which the Supervisory Council has carried out supervision has acted in breach of rules issued by or pursuant to this or another law, the Supervisory Council may issue the party concerned with a reprimand. In serious cases, the Supervisory Council may issue the party concerned with a warning. If the Supervisory Council finds that an administrative decision should be taken in accordance with § 219 third paragraph or § 230, the Council shall present a proposal for such a decision to the Lawyer Licensing Board.

Decisions taken by the Supervisory Council in accordance with §§ 218, 220, 221, 223, 228 or 233 or in accordance with a regulation issued pursuant to § 219 first paragraph third point, § 220 fifth paragraph or § 235 second paragraph which is in disfavour of the party at which it is aimed may be appealed to the Lawyer Licensing Board. Other decisions taken by the Supervisory Council may not be appealed. Legal proceedings against decisions taken by the Supervisory Council for Legal Practice shall be brought against the State through the Supervisory Council for Legal Practice.

Lawyers who practise the profession of lawyer under their own name shall be obliged to pay contributions to the Supervisory Council. The King shall determine the size of the contribution. The King may also prescribe that companies that carry on legal practice other than as referred to in § 233 first paragraph letter a shall pay a contribution to the Supervisory Council. Outstanding contributions shall provide a basis for the enforcement of distress.

The King may issue regulations concerning the obligation for lawyers to keep the Supervisory Council informed of the legal practice. The King may also issue regulations concerning an obligation for lawyers to give the Supervisory Council access to registered accounting information and accounting material, records and

business documents and to give information to the Supervisory Council. Such regulations may also be issued directly in respect of companies that carry on legal practice other than as referred to in § 233 first paragraph letter a.

The King shall issue more detailed regulations concerning the work and administration of the Supervisory Council.

The Public Administration Act shall apply to the work of the Supervisory Council.

Amended through Acts no. 1 of 1 February 1936, no. 1 of 26 November 1954, no. 2 of 4 December 1964, no. 27 of 25 May 1973, no. 60 of 1 September 1995 (effective 1 January 1997), no. 56 of 17 July 1998 (effective 1 January 1999), no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 226. The Lawyer Licensing Board shall consist of three members. The chairman shall be a judge and one of the members shall be a practising lawyer. Members and substitute members shall be appointed by the King.

The Lawyer Licensing Board shall decide cases in accordance with § 219 third paragraph and § 230 in accordance with proposals from the Supervisory Council or the Disciplinary Board. If the Lawyer Licensing Board does not approve a proposal, it may instead issue the party concerned with a reprimand or a warning. The board shall also be the appeal body for decisions taken by the Supervisory Council as referred to in § 225 fourth paragraph. Decisions taken by the Lawyer Licensing Board may not be appealed. Legal proceedings against decisions taken by the Lawyer Licensing Board shall be brought against the State through the Lawyer Licensing Board.

With regard to the legal competence of members of the Lawyer Licensing Board, §§ 106 and 108 of the Courts Act shall apply. § 225 seventh and eighth paragraphs shall apply correspondingly. The board's expenses shall be covered by the Supervisory Council.

Amended through Acts no. 1 of 1 February 1936, (previously § 222), no. 2 of 4 December 1964, no. 60 of 1 September 1995 (effective 1 January 1997 pursuant to resolution no. 1151 of 20 December 1996), no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 227. Disciplinary authority with respect to lawyers shall be exercised by the Disciplinary Board. The Disciplinary Board shall consist of five members: one judge as chairman, two lawyers and two members who are not lawyers or judges. The members and substitute members shall be appointed by the King.

With regard to the legal competence of members of the Disciplinary Board, §§ 106 and 108 of the Courts Act shall apply. With regard to the duty of confidentiality of the board's members and others who perform work or service, § 13 of the Public Administration Act shall apply correspondingly.

Complaints that a lawyer has acted in breach of good legal practice or otherwise in breach of this or another law may be brought before the Disciplinary Board. A lawyer who has acted in breach of good legal practice or otherwise in breach of this or another law shall be issued with a reprimand or a critical assessment. In serious cases, the person concerned may be issued with a warning. The Disciplinary Board

may also consider complaints from clients who do not receive their fee back in accordance with decisions taken by other disciplinary bodies. If the board finds that an administrative decision should be taken pursuant to § 230, the board shall present a proposal for a decision to the Lawyer Licensing Board.

If the board finds that a lawyer has claimed an excessively high fee, it shall determine what constitutes a reasonable and necessary fee. The board may order a lawyer who has received an excessively high fee to repay the excess amount. If an appeal is successful, the board may order the lawyer to reimburse the appellant's case costs for the board. Orders issued pursuant to this section shall provide a basis for the enforcement of distress.

The King shall issue more detailed regulations concerning the work and administration of the Disciplinary Board and concerning the handling of disciplinary cases. The King may issue regulations concerning the right of the board to demand that an appeal be considered by another disciplinary body first. The King may also issue rules concerning the rejection of cases by the Disciplinary Board and concerning the reporting obligation of the Disciplinary Board with respect to the Supervisory Council for Legal Practice.

Lawyers who practise as a lawyer under their own name shall be obliged to pay a contribution to the Disciplinary Board. The King shall determine the size of the contribution. Outstanding contributions shall provide a basis for the enforcement of distress.

Administrative decisions taken by the Disciplinary Board may not be appealed. Legal proceedings against decisions taken by the Disciplinary Board shall be brought against the State through the Disciplinary Board.

Amended through Acts no. 14 of 1 February 1936, (previously § 223), no. 2 of 4 December 1964, no. 27 of 22 May 1981, no. 60 of 1 September 1995 (effective 1 January 1997), no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 228. If a lawyer's legal practice is not administered or wound up in another satisfactory manner and it is necessary in order to avoid damage or loss for the enterprise's clients, the Supervisory Council may appoint another lawyer to act as administrator of the practice if:

1. the lawyer dies or is deprived of the right to practise as a lawyer pursuant to § 29 of the Penal Code, or the licence of the person concerned is revoked or forfeited pursuant to § 230 of the Courts Act,
2. the lawyer's licence is suspended pursuant to § 230 of the Courts Act, or
3. the legal practice is otherwise not being carried on or cannot be carried on in an appropriate manner.

The administrator shall administer the legal practice so as to avoid damage and loss for clients insofar as possible. If it is necessary in order to prevent a client from suffering damage or loss, the administrator may act on behalf of the client to the same extent as the lawyer was able. An administrator that has been appointed pursuant to the first paragraph no. 1 shall also wind up the legal practice by returning ongoing cases and entrusted funds, etc. to clients. An administrator that has been appointed pursuant to the first paragraph no. 2 or 3 shall only return ongoing cases

and entrusted funds, etc. to clients insofar as is necessary in order to avoid damage or loss.

During the administration, the lawyer or his heirs shall not be entitled to have at their disposal the company's assets and documents, etc. insofar as it would prevent or hinder the administrator in the performance of his or her duties.

An administrator that has been appointed pursuant to the first paragraph no. 1 may request that the estate of which the legal practice is part be subject to administration as a bankruptcy estate or insolvent decedent estate if the estate is insolvent and the insolvency prevents the administrator from performing his tasks.

The costs attributable to the administration or winding up shall be covered by the Supervisory Council. The Supervisory Council may claim reimbursement from the estate of which the legal practice is part. Claims for reimbursement shall act as a basis for the enforcement of distress.

If, alongside the legal practice, other activity was carried out with a natural association to the legal practice, the second to fifth paragraphs shall also apply to this activity.

The King shall issue more detailed regulations concerning the administrator arrangement, including the administrator's tasks, security, reporting obligations and reimbursement, and concerning the lawyer's obligation to assist the administrator. The lawyer's duty of confidentiality shall not apply with respect to the administrator.

This section shall not apply to legal practice as referred to in § 233 first paragraph.

Amended through Acts no. 14 of 1 February 1936, (previously § 225), no. 3 of 20 June 1952, no. 1 of 2 June 1960, no. 2 of 4 December 1964, no. 27 of 25 May 1973, no. 35 of 13 May 1977, no. 44 of 4 July 1991, no. 60 of 1 September 1995 (effective 1 January 1997). Amended through Act no. 28 of 20 May 2005 (effective from the date determined by law) as amended through Act no. 74 of 19 June 2009.

§ 229. Senior civil servants in a judicial position, county governors, civil servants and officials of the courts and the county governors, as well as civil servants and officials of the prosecution authority and the police may not practise as lawyers. The first point shall not apply to lawyers who have been appointed to serve in such a position for a short period of time or in an individual case. The King shall decide whether other official service should prevent the carrying on of legal practice.

A lawyer may not attend court as a legal representative or defence counsel when that person's spouse or fiancée or any person to whom that person is related by blood or marriage in a direct line of ascent or descent or laterally as close as sibling is serving as the sole judge or as the sole judge learned in the law in the court. The first point shall not apply when the lawyer has opened an office in the court district before the judge was appointed.

Amended through Acts no. 14 of 1 February 1936, no. 1 of 26 November 1954, no. 1 of 2 June 1960, no. 2 of 4 December 1964, no. 27 of 25 May 1973, no. 44 of 4 July 1991, no. 60 of 1 September 1995 (effective 1 January 1997 pursuant to resolution no. 1151 of 20 December

1996), no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

§ 230. The Lawyer Licensing Board may revoke a lawyer's licence if the lawyer:

1. is guilty of conduct that renders the person concerned unfit or unworthy to carry on legal practice or which cause the person concerned to lose the confidence that is necessary in order to practise the profession,
2. fails to fulfil the obligation pursuant to § 222 to provide security or the obligation pursuant to § 225 or § 227 to pay contributions to the Supervisory Council or the Disciplinary Board,
3. fails to fulfil his or her obligations in accordance with provisions issued pursuant to § 224 third paragraph or § 225 sixth paragraph, including the granting of access to enable checks to be conducted,
4. omits to provide a satisfactory explanation to the Supervisory Council, the Lawyer Licensing Board or the Disciplinary Board concerning circumstances relating to the legal practice when the person concerned has been asked to provide such an explanation, or
5. carries on legal practice in breach of the provisions of §§ 231 to 233.

Administrative decisions in accordance with the first point may be brought before the court, which may review all aspects of the case. The court may decide that the administrative decision should not take effect until an interlocutory order or final interlocutory order has been issued.

If a lawyer is placed under guardianship or the estate of the person concerned becomes the subject of bankruptcy proceedings, the licence of the lawyer concerned shall be suspended until the guardianship is abolished or until the debt is settled through payment in full or waiving of a fulfilled debt settlement or lapses in some other way. If a lawyer's bankruptcy was not brought about by a circumstance referred to in the first paragraph no. 1, the Lawyer Licensing Board may, upon receiving an application, grant the lawyer the right to utilise the lawyer's licence in spite of the bankruptcy.

A lawyer who as a result of mental illness or impairment is unfit to practise as a lawyer may have his lawyer's licence revoked through an interlocutory order. Decisions concerning the instigation of cases shall be taken by the Lawyer Licensing Board. The board may decide that the licence should be suspended until the case has been decided with final effect. A lawyer who has had his or her lawyer's licence revoked in accordance with the first point shall be entitled to be issued with a new licence when the person concerned applies for such a licence and demonstrates in a satisfactory manner that circumstances referred to in the first point no longer exist.

If a lawyer is charged with a crime or offence which could result in the loss of that lawyer's licence, the Lawyer Licensing Board may decide that the licence should be suspended until the case has been decided with final effect.

The provisions in the first paragraph nos. 1 and 4 and second point, as well as the fourth paragraph, shall apply correspondingly to authorisation as an associate.

Amended through Acts no. 14 of 1 February 1936, (previously § 227), no. 3 of 20 June 1952, no. 2 of 4 December 1964, no. 44 of 4 July 1991, no. 60 of 1 September 1995 (effective 1 January 1997), no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007. Amended through Act no. 28 of 20 May 2005 (effective from the date determined by law) as amended through Act no. 74 of 19 June 2009.

III. Organisation of legal practice

Heading added through Act no. 44 of 4 July 1991 (effective 1 February 1992).

§ 231. Legal practice may only be organised as a sole trader enterprise owned by a lawyer or as a company pursuant to this section, unless otherwise follows from the law. 'Legal practice' means practice that a lawyer's licence entitles the holder to carry on. Notwithstanding the foregoing, 'legal practice' shall not include such activity when the activity is carried out pursuant to any arrangement other than a lawyer's licence.

Within companies that carry on legal practice, only persons who carry out a significant part of their professional activity in the service of the company may own shares or hold a position as board member or deputy board member. Shares in a company that carries on legal practice may also be owned by another company provided that all shares in the owning company are owned by persons who carry out a significant part of their professional activity in the service of the company that is owned, and provided that the owning company fulfils the provisions in the fourth to sixth paragraphs.

For companies that carry on legal practice, the name of the company shall contain the word 'lawyer'.

Other than legal practice, the company may only carry on activity that is naturally connected with legal practice.

Such practice as referred to in the first paragraph second point may only be carried out on behalf of the company by lawyers. Such practice may nevertheless be carried out on behalf of the company by another person if that person otherwise has the right to do so other than through a lawyer's licence and security has also been provided for any liability that the person concerned may incur pursuant to § 232 seventh cf. second paragraph. The King may issue more detailed regulations concerning the provision of security.

If any person or company that owns a share in a company that carries on legal practice ceases to fulfil the conditions in the second paragraph for owning shares, the shares must be disposed of within two years. If the circumstance is not due to the loss of a lawyer's licence or other corresponding licence, the share may nevertheless be retained for as long as the party concerned has exercised a significant proportion of his professional activity in the service of the company or the owned company. If a shareholder dies, the heirs or surviving spouse of the person concerned may retain the share for up to two years after the death.

Added through Act no. 44 of 4 July 1991 (effective 1 February 1992 pursuant to resolution no. 30 of 24 January 1992 with the exception of the first paragraph, second and third points which entered into force on 1 January 1993 pursuant to resolution no. 852 of 20 November 1992),

amended through Acts no. 44 of 13 June 1997 (effective 1 January 1998 pursuant to resolution no. 615 of 17 July 1998), no. 91 of 5 September 2003 (effective 1 March 2004 pursuant to resolution no. 1118 of 5 September 2003).

§ 232. Companies that carry on legal practice shall appoint one of the company's lawyers as being responsible for a particular task under the legal practice or a number of specified lawyers as being responsible for particular aspects of the task. The client shall be notified of the lawyer who has been appointed. If a client has approached a particular lawyer within the company, this lawyer shall be deemed to have been appointed unless the client has been notified that a different lawyer has been appointed as being responsible. The company may not instruct the lawyer appointed with regard to the professional performance of the task.

The lawyer appointed shall be jointly and severally liable with the company with regard to any liability to pay compensation that the company may incur in connection with the task. In addition to the lawyer appointed, other lawyers within the company who have independently caused the company to incur a liability to pay compensation in connection with the task shall also be jointly and severally liable with the company.

If the client has not been notified which lawyer has been appointed and it is also not clear from the circumstances which lawyer is liable, the lawyer that has actually performed the task shall be jointly and severally liable with the company.

If an associate causes the company to incur a liability to pay compensation during the legal practice and the client has not been notified which lawyer has been appointed, and it is also not clear from the circumstances which lawyer is liable, the lawyers for which the associate is authorised shall be jointly and severally liable with the company.

In the case of private unlimited liability companies, it may be agreed that the partners in the company should not have apportioned liability for any liability to pay compensation which the company incurs during the legal practice when at least one of the company's lawyers is jointly and severally liable with the company pursuant to the first to fourth paragraphs. § 2-4 third paragraph of the Partnership Act shall apply correspondingly.

For internal partnerships, only the first paragraph fourth point of this section shall apply.

In the case of companies where any person who is not a lawyer carries on activity that is referred to in § 231 first paragraph second point on behalf of the company pursuant to § 231 fifth paragraph, the person concerned may be designated as being liable for assignments that the person concerned is authorised to perform. In such cases, the provisions concerning lawyers in this section, with the exception of the third and fourth paragraphs, shall apply correspondingly.

Added through Act no. 44 of 4 July 1991 (effective 1 February 1992 with the exception of the seventh paragraph, which entered into force on 1 January 1993).

§ 233. The provisions in § 231 shall not apply to:

(a) Legal practice carried on by an employee who primarily performs tasks for his employee or other companies within the same group. For such legal practice, no

indication that independent legal practice is being carried on must be given externally.

(b) Legal practice carried on by a lawyer employed by an association or a society when the assistance is primarily given to the members, and the assistance given to non-members is of the same type as that given to members.

(c) Legal practice carried on by the State or a municipality.

The provisions in § 232 first to fourth paragraphs shall apply correspondingly to legal practice that is carried on by legal entities other than companies unless otherwise follows from this section third paragraph first point.

With regard to legal practice that is referred to in the first paragraph letter a, the provisions in § 232 first to fourth paragraphs shall only apply in respect of assistance that is given to parties other than the lawyer's employer and companies within the same group. The provisions in § 232 fifth to seventh paragraphs shall not apply.

In special cases, the Supervisory Council for Legal Practice may permit legal practice to be organised in ways other than as referred to in § 231 first paragraph. Conditions may be imposed for such permission.

Added through Act no. 44 of 4 July 1991 (effective 1 February 1992), amended through Act no. 60 of 1 September 1995 (effective 1 January 1997).

IIIa. Relationship to the Provision of Services Act

Section added through no. 103 of Act 19 June 2009 (effective 28 December 2009 pursuant to resolution no. 672 of 19 June 2009).

§ 233a. The King may issue regulations concerning case handling rules to supplement the rules in the Provision of Services Act concerning permit schemes in or pursuant to this chapter, including with regard to case handling deadlines and legal implications for failing to meet deadlines. Exceptions from § 11 second paragraph of the Provision of Services Act may only be made when they are justified on the basis of compelling general considerations, including consideration for the privacy of private individuals. The case handling regulations may deviate from the regulations in this Act and the Public Administration Act.

Added through Act no. 103 of 19 June 2009 (effective 28 December 2009 pursuant to resolution no. 672 of 19 June 2009).

IV. Penal provisions

Heading added through Act no. 44 of 4 July 1991 (effective 1 January 1993).

§ 234. Any person who wilfully provides or aids and abets the provision of legal aid without having the right to do so shall be punished through fines or imprisonment for up to three months or both.

Any person who wilfully breaches or aids and abets the breaching of the following shall be punished through fines or imprisonment for up to three months or both:

a. the duty of confidentiality pursuant to § 218 third paragraph, the provision concerning the provision of security pursuant to § 219 first paragraph or § 222, or the conditions or limitations referred to in § 219 first paragraph fourth point, or

b. the provisions concerning the organisation of legal practice in § 231 to § 233, provided that the provisions are breached repeatedly or the breach is gross.

c. the provisions concerning the organisation of legal aid practice in §§ 219 a and 219 b, provided that the rules are breached repeatedly or the breach is gross.

Any person who breaches or aids and abets breaches as referred to in the first or second paragraph through negligence shall be punished through fines.

For lawyers and associates, §§ 324 and 325 of the Penal Code shall apply correspondingly.

Added through Act no. 44 of 4 July 1991 (effective 1 January 1993), amended through Acts no. 83 of 11 June 1993 (effective 1 August 1993), no. 60 of 1 September 1995 (effective 1 January 1997), no. 51 of 30 June 2006 (effective 30 June 2006 pursuant to resolution no. 771 of 30 June 2006). Amended through Act no. 28 of 20 May 2005 (effective from the date determined by law) as amended through Act no. 74 of 19 June 2009.

Chapter 12. Concerning complaints and disciplinary measures for judges

Chapter added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 235. The Supervisory Committee for Judges shall consider complaints and assess disciplinary measures against judges. The Supervisory Committee shall consist of two judges from the Supreme Court, the courts of appeal or the district courts, one lawyer and two members as representatives of the public. When the Supervisory Committee considers cases which concern a land consolidation chief justice or a land consolidation judge, one judge from the land consolidation high court or land consolidation court shall participate instead of a judge. The King shall appoint the members of the Supervisory Committee with personal substitute members, and determine which member should chair the Supervisory Committee.

Appointment and election shall take place for a period of four years with the right to re-appointment or re-election for one period.

The appointment and election may only be withdrawn if a member is unable or unwilling to perform the duties incumbent on the post in an appropriate manner.

Added through Act no. 62 of 15 June 2001 (effective 7 May 2002 pursuant to resolution no. 421 of 7 May 2002), previously § 235 has been moved to a new § 241, amended through Act no. 7 of 20 February 2004 (effective 1 January 2006 pursuant to resolution no. 907 of 19 August 2005). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 236. The Supervisory Committee for Judges may take administrative decisions concerning disciplinary measures when a judge in the Supreme Court, an appellate court, a district court or a land consolidation court either wilfully or negligently

breaches the obligations that are incumbent on the position or otherwise acts in breach of proper conduct of judges.

As a disciplinary measure, a judge may be issued with a critical assessment or a warning.

The Supervisory Committee for Judges may issue a statement concerning what constitutes good conduct of judges without taking any disciplinary action against the judge.

The Supervisory Committee may not consider matters that could be reviewed pursuant to other provisions in legislation pertaining to administration of justice.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), as amended through Act no. 98 of 14 December 2001, amended through Act no. 7 of 20 February 2004 (effective 1 January 2006 pursuant to resolution no. 1099 of 30 September 2005). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 237. The following shall have the right to submit complaints concerning a judge before the Supervisory Committee:

1. parties, counsels, experts, witnesses and other persons who believe that a judge has breached the provisions in § 236 and who have themselves been directly affected by such a breach
2. the Ministry
3. the Norwegian Courts Administration
4. the chief judge of the court to which the judge is affiliated, and
5. the Norwegian Bar Association or others who have a special interest in obtaining the Supervisory Committee's assessment of the judge's conduct.

Only the Ministry, the Norwegian Courts Administration and the chief judge of the court to which the judge is affiliated shall have the right to make a complaint about a judge before the Supervisory Committee as a result of circumstances outside the service.

The Supervisory Committee may consider a case at the request of parties other than those who are entitled to submit complaints pursuant to the first paragraph or on its own initiative.

Complaints must be submitted to the Supervisory Committee within three months after the circumstance that forms the basis for the complaint arose or after the complainant became aware or should have become aware of the circumstance. The Supervisory Committee may not consider a disciplinary case following a complaint or on its own initiative when more than a year has passed since the circumstance arose. The King may establish in a regulation a different date for calculation of the deadline.

The Supervisory Committee may not consider circumstances for which a judge has previously been sentenced.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

§ 238. The Supervisory Committee's decisions concerning disciplinary measures constitute individual administrative decisions pursuant to the Public Administration Act. The Public Administration Act and the Freedom of Information Act shall apply to the Supervisory Committee's case handling with the special rules that follow from this section and § 239.

A party shall be entitled to testify orally to the Supervisory Committee. This shall however not apply if the Committee considers such testimony to be obviously unnecessary given the information available in the case. When the Committee believes that it would contribute important information to a case, the Committee may order a party to give a statement to the Committee. The Committee may decide that a statement should be given through the examination of a party remotely.

The Supervisory Committee may decide that witnesses should be examined and witness statements given remotely. The provisions in the Dispute Act concerning duty to testify and testifying shall apply insofar as they are appropriate.

The Supervisory Committee shall reach its administrative decisions in a meeting. In order for the Committee to be quorate, all members must be present. The meetings shall be conducted behind closed doors. When oral hearings are conducted and the Committee deems it appropriate out of consideration for the parties to the case, the Committee may decide that the meeting should be conducted as an open meeting. In special cases, the Committee may consider the case in writing.

The regulations in Chapter 6 concerning legal competence shall apply correspondingly to the members of the Supervisory Committee.

The Supervisory Committee may give the Committee's chairman or another of the Committee's members authority to:

1. reject a complaint where there is no right to submit a complaint in accordance with this law
2. decide on a complaint case when the complaint is obviously unjustified.

The Supervisory Committee's administrative decisions concerning disciplinary cases are public in anonymised form.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), amended through Acts no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007 no. 16 of 19 May 2006 (effective 1 January 2009 pursuant to resolution no. 1118 of 17 October 2003).

§ 239. The Supervisory Committee's administrative decisions may not be appealed pursuant to the provisions of the Public Administration Act.

The parties to the case may refer the Supervisory Committee's administrative decision to the district court through legal proceedings. The deadline for instigating legal proceedings is two months after the parties have been notified of the Supervisory Committee's administrative decision.

The court may only review the legality of the administrative decision. When reviewing the legality of an administrative decision, the court shall decide whether the

content of the decision is lawful, whether the decision has been taken by the authority that is required in accordance with this law and whether the decision has come about in a lawful manner. When a case is considered by a district court or appellate court, the court shall sit with lay judges.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), as amended through Act no. 98 of 14 December 2001, amended through Act no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) as amended through Act no. 3 of 26 January 2007.

§ 240. The King may issue more detailed regulations concerning the organisation and handling of disciplinary cases by the Supervisory Committee.

Added through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002).

Chapter 13. Final provisions

Added through Act no. 27 of 25 May 1973, amended through Act no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), altered the chapter number from the twelfth chapter.

§ 241. When this or another law requires a law degree for appointment as a civil servant by the King or appointment to a position, the governing power may in special cases accept a corresponding law degree abroad if it is demonstrated that the person concerned has a sufficient knowledge of Norwegian law. The decision shall be taken following an overall assessment of the qualification and the experience of the person concerned, particularly in this realm, supplemented if necessary with a test.

For other cases where this or another law requires a law degree, the King may issue regulations which set out the extent to which a law education abroad can be accepted and on what conditions.

Added through Act no. 27 of 25 May 1973, amended through Acts no. 44 of 4 July 1991 (effective 1 February 1992), altered section numbers from § 231, no. 113 of 27 November 1992 (effective 1 January 1994), no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), altered section numbers from § 235, no. 2 of 15 January 2010 (effective 1 March 2010 pursuant to resolution no. 33 of 15 January 2010). Amended through Act no. 100 of 21 June 2013 (effective 1 June 2016 pursuant to resolution no. 736 of 21 June 2013).

§ 242. The date of entry into force of this law shall be determined through a separate law.[1]

Section numbers added through Act no. 27 of 25 May 1973, amended through Acts no. 44 of 4 July 1991 (effective 1 February 1992), altered section numbers from § 232, no. 62 of 15 June 2001 (effective 1 November 2002 pursuant to resolution no. 421 of 7 May 2002), altered section numbers from § 236.

1 This Act entered into force on 1 July 1927 in accordance with Act no. 4 of 14 August 1918 § 1.