

## ACT

of 26th February, 1932, respecting

### **THE TEMPERANCE COMMITTEES AND MEASURES TO PREVENT THE ABUSE OF ALCOHOL AND OTHER INTOXICATING OR TRANQUILIZING SUBSTANCES**

as subsequently amended by Acts of 26th May, 1939, 12th December, 1947, 6th July, 1957 and 5th June, 1964.

#### **Section 1.**

1. In each municipality there shall be a temperance committee, provided no alternative decision has been made, cf. No. 3.
2. If it transpires during the investigation of a case under this Act that there are social problems involved which impinge upon other areas under the jurisdiction of the Social Welfare Board, the case shall be dealt with and decided by the Social Welfare Board. Measures such as those mentioned in sections 6, 6 a, and 7 of this Act can, however, be employed by the temperance committee only on the recommendation of the Social Welfare Board.
3. Where special conditions render it advisable, the municipal council may obtain the consent of the Ministry of Social Affairs to dispense with a special temperance committee for the municipality. Such decisions would come within the scope of the plan mentioned in section 12 of the Act on Social Care.
4. In proceedings or decisions concerning cases which conform to the conditions mentioned in No. 2 and No 3, the regulations established for the temperance committees shall also apply.
5. Tasks resulting from the provisions of this Act are included in the municipal social work which, in accordance with section 8 of the Act on Social Care, shall be dealt with by the Social Welfare Board.
6. This Act stipulates that cases of drunkenness shall be reported to the Social Welfare Board (or the social welfare office), cf. the Act on Social Care, section 9, No 2.

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The municipal council may itself determine the number of men and women to serve on the committee, but the number shall not be less than three. Committee members are elected by the municipal council for a period of 4 years. There shall be appointed as many deputies as there are members. When electing committee members, regard shall be had to any special qualifications that a person may possess to serve on the committee. Those elected must not be less than 25 years of age and must be of good repute. As regards eligibility and the duty to accept election the same rules apply as for municipal elections.

Election of committee members shall take place according to the majority rule for elections, as defined in the legislation relating to local authorities, unless a member demands that the election be based on proportional representation. There should if possible be a doctor on the committee. At least one member shall also be a member of the Social Welfare Board.

The municipal council elects the chairman and vice-chairman of the committee. When decisions are made under sections 6, 6 a, first paragraph and 7, cfr. section 8, the deliberations of the committee shall be presided over by the district judge.

Two-thirds of the committee members, including the chairman and vice-chairman, form a quorum provided that not less than three members are present. When dealing with matters under section 6, 6 a first paragraph and 7, cfr. section 8, all committee members including the judge must take part in the proceedings. If a committee member absents himself after the deliberations on such a case have begun the proceedings may be continued by the remaining members without calling in the deputy as long as at least two-thirds of the members, including the judge, and not less than three members, are present. In an equal division the chairman has the deciding vote.

The municipal council may decide that committee members shall be awarded a remuneration for their work.

### **Section 3.**

The committee has for its object the suppression of intemperance in the municipality and is charged with the followings duties:

1. To take care of persons who abuse alcohol or other intoxicating or tranquilizing substances, and in case of need make decisions as to their committal to an inebriate sanatorium (sections 6 a, 7 and 8), and give advice and assistance to their relatives (sections 6 and 12).

2. To support and promote education and information in regard to the drink problem, in schools and in other ways.
3. To submit proposals and opinions to the local authorities with a view to promoting the tasks with which the committee is charged.

#### Section 4.

1. If the committee is requested, by some one entitled thereto, to take action against a person residing or living in the municipality by reason of excessive use of liquors or other intoxicating or tranquilizing substances to the obvious detriment of himself and his surroundings, the committee shall without delay investigate the case. The committee may also on its own initiative take action against such persons and make investigations.
2. Entitled to make such request to the committee are:
  - a) The person concerned or his spouse, relatives in direct line, brothers and sisters or in-laws of equal relationship, and — if applicable — guardian or public trustee. The relationship between foster parents and adopted children and their relatives in direct line of descent is considered as the equivalent of consanguinity.
  - b) A parson or doctor, provided the request is made with the consent of the person concerned or with that of any such relative as mentioned under a).
  - c) Assistance societies and protection and parole societies or the Police.
3. Under regulations to be made by the Ministry, the Police is required to report to the committee concerned all punishable cases of drunkenness.
4. When such request as is mentioned above has been made, or when the committee deems it necessary to take action on its own initiative, it may by one or more of its members or by an employed official investigate conditions in the home and take statements from the person concerned, his family and from other persons conversant with the facts of the case. The committee can not order any one to make a statement, cfr. however, section 8, paragraph 7. The committee may, on the other hand, require a statement to be made by public authorities presumed to know the facts of the case.

The person concerned is obliged to answer the summons of the committee. If he fails to appear, the committee may have him fetched by the Police.

The committee may call for assistance from the Police or for statements to be taken by the district court if it considers this necessary

appropriate measures.

The committee may call for assistance from the Police in order to carry out the measures decided upon in support of sections 6 a and 7.

#### **Section 5.**

If the committee finds that the investigation warrants the adoption of such a course, it shall bring its influence to bear on the person so as to make him mend his ways. As a means to this end it may urge on him to abstain from the use of liquors or other intoxicating or tranquilizing substances, assist him in getting work, or procure for him a change of surroundings so that he is less exposed to temptations to drink, induce him to accept an arrangement under which his wages or money due to him are drawn and taken care of by his spouse or some other person, urge on him the need for consulting a doctor and following the doctor's advice, or induce him to apply for admission to a suitable institution or inebriate sanatorium.

The committee shall see to it that the arrangement arrived at is observed and may decide to place the person for a period of up to one year under the special care of one or more committee members or under the care of specially selected persons or institutions.

#### **Section 6.**

If a person neglects his duty to support his family as a result of overindulgence, the committee may under the provisions of section 8 decide that his wages, or money due to him, shall partly or wholly be drawn and taken care of by his spouse or some other person if he does not voluntarily accept an arrangement of this kind. Such decisions are made for a certain period of time which should not exceed two years, but which may be renewed if the conditions laid down in the first sentence of this section are still present when the period expires.

The employer and the debtor concerned are obliged to conform to the decisions made by the committee under the first paragraph, when they have received a written notification thereof. The King may make regulations providing for control over the execution of the committee's decisions under the first paragraph.

The committee may order the discontinuance of an arrangement arrived at under the first paragraph before expiry, if it should find that the arrangement is no longer necessary. The provisions of section 8 do not apply to the committee's decisions to this effect.

#### **Section 6 a.**

In accordance with the rules in section 8, the committee can — where a doctor deems it necessary — compel the person concerned to submit to examination or a course of treatment in a hospital selected by the committee, for a period not exceeding thirty days.

After consultation with the doctor in charge of the hospital, the committee can order extension of the stay in the hospital by up to thirty days a time, provided the total period of hospitalisation ordered by the committee does not exceed ninety days in the course of one year. The rules in section 8 do not apply to measures adopted by the committee in connection with the extension of the stay in the hospital. A resolution of this type can be brought up to the Ministry for consideration within three days of the persons concerned being informed of it. Appeals do not involve a stay of execution.

The Ministry gives further rules concerning the hospitals to which the addict can be committed in compliance with this section and section 7.

#### **Section 7.**

If the person does not obey the orders given by the committee, or if it should otherwise be found necessary, the committee may decide under the provisions of section 8 to commit him, whether he consents thereto or not, to an inebriate sanatorium approved by the King, for a maximum period of two years, if he as a result of excessive use of intoxicating liquors or narcotics:

1. illtreats his spouse or his children or exposes his children to moral debasement or neglect;
2. neglects his duty to support his family according to the laws in force;
3. exposes himself to serious physical or mental harm, exposes himself or other persons to danger, or repeatedly molests his surroundings;
4. becomes a burden on the Public Welfare Board or on his family;
5. squanders or dissipates his possessions to such an extent that he himself or his family are likely to fall into need.

Persons who abuse intoxicating or tranquilizing substances other than alcohol — when the circumstances mentioned in section 1 are present and in accordance with the regulations laid down in this connection — may be committed to sanatoria for a period of up to two years. regulations governing the mutual position of the committee and the

#### **Section 8.**

When the committee finds that a case should be dealt with under sections 6 a first paragraph or 7, it makes a decision to that effect. The decision should be accompanied by the reasons for its adoption. The committee forwards the decision and the other documents of the case to the judge, cfr. section 2, 3rd paragraph, and requests him to preside over the proceedings. It shall at the same time cause notification of the decision to be served on the person concerned. The notification shall state that he may obtain a transcript of the decision at the office of the judge. If the person has a guardian the latter shall be notified also.

The provisions of the Courts of Justice Act, chapter 6, concerning disqualification of judges also apply to committee members.

The chairman shall of his own accord see to it that the case is fully investigated and considered without undue delay. He makes decision in matters pertaining to procedure.

The person against whom proceedings are taken shall be summoned for examination. If he fails to appear without valid reason, the committee may have him fetched by the Police to the same or to a subsequent meeting. If he has a guardian, the latter shall be summoned also.

The person against whom proceedings are taken is entitled to the assistance of a lawyer or some other agent acceptable to the chairman. The public prosecutor may take part in the proceedings in order to look after the public interest, either by one of his own officials or by a lawyer entitled to act as public prosecutor in criminal cases before a district court. The chairman of the committee shall give notification of the case to the public prosecutor. If the public prosecutor appears in a case, the chairman shall upon request appoint a lawyer to act for the person against whom proceedings are taken if the latter is without means. If there are no special reasons to the contrary, the lawyer desired by the person against whom proceedings are taken should be appointed.

The person concerned, as well as his lawyer or agent, is entitled to be made acquainted with the information on which the decision, made by the committee under the provisions of the first paragraph, is based, and also with the information which has subsequently come to hand. They are entitled to be present at the committee meetings dealing with the case, but not during the committee's deliberations and the

casting of the votes. The same applies to the public prosecutor, and preceding paragraph.

The committee may itself take down depositions. The provisions of the Act relating to testimony in judicial disputes (Tvistemålsloven) should be applied in so far as they are suitable. As regards the recording of the evidence the provisions of section 127 of the Act relating to judicial disputes should be applied. The person concerned, his lawyer or agent and the public prosecutor may request the committee to have evidence taken. The chairman decides whether the request is to be granted. If the request is refused a decision should be made to that effect.

When decisions are made providing for compulsory committal to an inebriate sanatorium, a doctor's certificate should be available. If the medical certificate leaves any doubt as to whether the person concerned is insane, the committee may decide that he be made to undergo a psychiatric examination.

The chairman may decide that the proceedings shall take place in camera. This should as a rule be done when the person concerned desires it.

The proceedings should not be published, nor should the decisions made be published unless it be done with the committee's consent. Such consent should only be given when special reasons make it advisable.

When the committee considers that the case has been fully investigated, it renders its decision as to whether any restrictions shall be applied to the free disposal of wages, etc., under section 6 or compulsory committal under section 6 a, first paragraph or 7. The decision is made known to the person concerned and, if pertinent, to his guardian and the public prosecutor. If these are not present when the decision is announced, notice of the decision shall be served on them.

The provisions of the Courts of Justice Act, section 123, 1st paragraph, sections 129—130, 132—139 and chapters 8—10, the Judicial Disputes Act chapter 11 and sections 164—165, and the Act relating to the remuneration of witnesses and experts, shall apply as far as suitable and if no provisions to the contrary are contained in this Act.

The fee of an appointed lawyer is determined by the chairman.

#### **Section 9.**

Decisions providing for action under sections 6, 6 a, first paragraph and 7 may be appealed to the Supreme Court by the person against whom the decision is made. With the consent of the Judicial Committee

on Appeals the case may be brought before the Supreme Court. Such consent should not be given unless it is considered likely that the decision will be changed.

The time limit for appeals is two weeks.

If there is reason to fear that a person, who has a decision for compulsory committal to an inebriate sanatorium made against him, may do serious injury to himself or others, the committee may have him taken into custody irrespective of the appeal. The committee may request the public prosecutor to proceed to the arrest of the person.

Decisions otherwise made by the committee or its chairman may be taken to the Judicial Committee on Appeals of the Supreme Court by the person against whom they are made.

Appeals and consideration by the Judicial Committee on Appeals are governed by the same rules as apply to judicial disputes with such exceptions as are due to the provisions of this Act. However, consideration by the Judicial Committee on Appeals of decisions for arrests made in accordance with the above provision, 3rd paragraph, takes place in accordance with the provisions of the Act relating to procedure in criminal cases.

Appeals of decisions under section 6 do not involve a stay of execution. Appeals in other cases involve a stay of execution unless the committee decides otherwise. A decision to this effect may be reversed by the Supreme Court or by the Judicial Committee on Appeals in connection with the consideration of the appeal.

Consideration by the Judicial Committee on Appeals of a decision providing for a psychiatric examination under section 8, 9th paragraph, involves a stay of execution.

#### **Section 10.**

If leave to appeal is granted, the presiding judge of the Supreme Court appoints a barrister to conduct the case for the appellant and another barrister to plead against, unless the person concerned has himself appointed a barrister. As a general rule the appointees are chosen from among the barristers who are appointed to plead before the Supreme Court in criminal cases. Another barrister may, however, be appointed at the request of the person concerned on condition that extra expense to the Treasury is not thereby incurred.

The Court determines the fees of the barristers.



#### **Section 11.**

For consideration of cases under this Act no fee is payable to the Court, nor are any payments made for the issuance of certificates or copies.

The Treasury pays for judicial services, summonses, travelling expenses of the judge, remuneration of witnesses and experts, lawyers and barristers, as well as other expenses incurred in connection with the case. This does not, however, apply to the remuneration of barrister, lawyer or other agent retained by the person concerned, and expenses involved in the taking of evidence requested by such barrister, lawyer or agent in connection with an appeal.

When leave to appeal from a decision involving compulsory measures under sections 6, 6 a, first paragraph or 7 of the Act is refused the person concerned is generally required to refund to the Treasury, in respect of expenditure involved in the conduct of the case, a sum assessed by the court, due regard being had to the financial means of the person, from whom the money is due.

#### **Section 12.**

If the person who seeks admission to an inebriate sanatorium with the approval of the committee or who is compulsorily committed to such institution, has wife and children to support or is required to contribute to the maintenance of a wife from whom he is divorced, and these are left without maintenance as a result of the committal, the committee shall make a decision providing for necessary assistance for their support for as long as the person is so committed. Before the assistance is granted, the committee shall confer with the Social Welfare Board.

The committee determines the extent of the assistance in each individual case, while the municipal council makes an annual appropriation of the amount presumed to be needed for such assistance.

If the inebriate and the persons who may require support under the provisions of this section live in different municipalities, the expenses shall be borne by the municipality where the supported persons are domiciled, or if they have no fixed domicile, by the municipality where they are staying. Decisions that support is to be granted are made by the committee in the same municipality. The committee which has taken care of the inebriate shall in such cases immediately inform the committee in the municipality where those entitled to support are domiciled or are living. In case of dispute as to which municipality shall

bear the expenses, the latter shall be provisionally defrayed by the municipality where those entitled to support are staying, until the matter can be decided in accordance with the last paragraph of this section.

Disputes as to questions of domicile under this section are decided by the competent Ministry.

#### **Section 13.**

A person who by decision has been committed to an inebriate sanatorium under this Act may be discharged on probation before the expiry of the period for which he was committed if there are grounds for assuming that he will lead a sober and orderly life. The King may make rules laying down the conditions for such discharge.

#### **Section 14.**

The King may make regulations concerning the disciplinary measures that may be taken against persons who have been committed to an inebriate sanatorium under this Act or who of their own accord have sought admission to such sanatorium, the obligations to which they are subject with respect to work, course of treatment as well as the transfer of a person from one sanatorium to another.

#### **Section 15.**

1. The King determines, subject to the consent of the Storting, the prices to be charged at the Government-operated sanatoria. In other approved sanatoria the prices charged shall be determined by the competent Ministry.
2. Expenses arising out of the committal to and stay in the sanatorium, which are not defrayed by the person concerned, shall be charged to the municipality where the committee has made the decision providing for the committal, or has agreed that admission is desirable in accordance with the provisions of section 16.  
The municipality may claim refund of the expenses from the person concerned as far as he has the means to defray them. If he fails to pay, the money may be recovered by distraint.
3. The expenses incurred as a result of the committee's activities are defrayed by the municipality concerned.

#### **Section 16.**

Persons who habitually abuse alcohol or other intoxicating or tranquilizing substances, and who have had to seek admission to an approved sanatorium may, if the certificate issued to the sanatorium confers on it the necessary powers, and if the person in charge considers it necessary to effect a cure, be kept at the sanatorium for the length of time which they had themselves decided on at the time of admission, within the limits of a maximum period of two years.

If a person, who has voluntarily sought admission to an inebriate sanatorium escapes, he may be brought back with the assistance of the Police.

The King makes regulations respecting leave of absence, discharge on probation or final discharge before the period for which the person may be retained expires.

Expenses in connection with admission, stay and return after escape in other cases than those mentioned under section 15, paragraph 2, shall be defrayed by the person himself. The same applies to the person's travel to and from a sanatorium, and to his transfer from one sanatorium to another.

#### **Section 17.**

A person who without due cause makes a request to the committee under section 4 is punishable by a fine.

#### **Section 18.**

The King, or the person he empowers thereto, may make regulations concerning the procedure to be used by the temperance committees, the manner in which they are to discharge their tasks, the submission of reports, co-operation between the committees and between the committees and other public and municipal authorities and institutions.

#### **Section 19.**

This Act shall come into force from the time determined by the King.