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Opphevet 2002-05-03-13

## **THE FOREIGN SERVICE ACT**

**of the 18th July, 1958.**

1.

The Foreign Service is charged with preserving and promoting Norway's interests in her relations with foreign countries and providing advice, help and protection for Norwegian Nationals in their relations with foreign authorities, persons and institutions.

2.

The functions of the Foreign Service shall be directed by the Foreign Stations and the Ministry so designated by the King. The Ministry concerned shall supervise the activities of the Foreign Service and ensure that statutes and regulations are adhered to.

The King issues the detailed regulations for the Foreign Service.

3.

The Foreign Station may be an Embassy, Legation, Consular Station, Permanent Delegation or such other Foreign Service agency as has been or may be established in the course of international relations.

4.

Embassies and Legations are Diplomatic Stations. The same applies to other Foreign Stations whose Head enjoys diplomatic privileges.

Consular Stations may be Consulates-General, Consulates or Vice-Consulates.

5.

The Embassy or Legation shall supervise the Consular Service in the country or countries to which the Head of the station is accredited or appointed. These stations shall at the same time act as Consulates-General to the extent that the King may at any time decide.

The Ministry concerned may instruct a Foreign Station to supervise the Consular Service in other countries as well.

6.

The Personnel at Foreign Stations includes:

Foreign Service officials, who may be Career officials, Special Representatives or Honorary Foreign Service officials; other representatives who according to the decision of the Ministry concerned are attached to the station; and office staff.

When used in this Act, the term professional Foreign Service officer means Career officials and Special Representatives.

7.

Career officials at Diplomatic Stations may be Envoys (Ambassadors and Ministers), Embassy and Legation Counsellors, Secretaries of Embassies and Legations or Attachés.

8.

Career officials at Consular Stations may be Consuls General, Consuls, Vice-Consuls or Attachés.

9.

Career officials of a rank not lower than Embassy Counsellor and Legation Counsellor or Consul are appointed by Royal Decree (*in Norwegian: «embetsmann»*\*).

Other career officials are appointed and dismissed by the Ministry concerned.

\*) Note: The Norwegian term «embetsmann» is applied to those Senior Civil Servants who according to the Constitution are appointed by Royal Decree.

10. -

A Career official is obliged to accept transfer to any equivalent or superior post in the Ministry concerned or at a Foreign Station, unless it is stipulated otherwise in special cases. The same applies to officials in the Ministry to the extent decided by the King.

The King makes the decision regarding transfers to posts to which appointment is made by Royal Decree. The Ministry concerned makes the decision regarding transfers to posts to which appointment is made by the Ministry.

In cases of purely temporary service, the Ministry concerned may also decide regarding the transfer to a post ordinarily to be filled by appointment by Royal Decree.

The King decides which positions at Foreign Stations and in the Ministry are to be regarded as equivalent for the purpose of transfers.

11.

The King may instruct the Head of an Embassy or Legation to act at the same time as the Head of a Consular Station within his district.

12.

Envoys and Consular Heads of Stations are appointed to their offices.

Other Senior Career officials are appointed to their official rank and assigned for duty at a Foreign Station by the King.

Junior Career officials are appointed by the Ministry concerned to their rank and assigned for duty in the Ministry or at a Foreign Station.

13.

In the interests of Service requirements, a Career official may be placed at the disposal of the Ministry concerned. An official placed at the disposal of the Ministry retains his established pay and receives such allowances as are payable for an

equivalent position in the Ministry. While placed at the disposal of the Ministry, the Ministry may instruct him to carry out duties in the Ministry or at a Foreign Station.

14.

Special Representatives are officials charged with special tasks at a Foreign Station.

Special Representatives are nominated by the King for a specified period.

Special Representatives are subject to the authority of the Head of the Station concerned.

The provisions of Sections 19, 20 and 21 of this Act do not apply to Special Representatives.

15.

Honorary Foreign Service officials are the Consuls General, Consuls and Vice-Consuls who are not Career officials.

Honorary Consuls General and Consuls are appointed by Royal Decree.

Honorary Vice-Consuls are appointed and dismissed by the Ministry concerned.

16.

Foreign Service officials may not accept any diplomatic, consular or other official position offered them by a foreign government without the consent of the King or the Ministry.

A professional Foreign Service officer must not on his own behalf or that of others engage in trade or any other business activity.

A professional Foreign Service officer must be a Norwegian National.

17.

When criminal proceedings are initiated against a professional Foreign Service officer, the action shall be taken in the

Oslo Courts, unless another court holds jurisdiction under the Penal Code.

A professional Foreign Service officer on Norwegian Government Service abroad shall be deemed to have his Legal domicile in Oslo, unless he is a resident of another place in Norway. For the purpose of taxation he shall be considered to be domiciled abroad.

In court cases concerning service matters all personnel mentioned in Section 6 of this Act shall come under the jurisdiction of the Oslo Courts, unless the case according to the ordinary rules of law has to be heard by a court elsewhere in the Realm.

18.

(1) The office staff at a Foreign Station may either be office employees who receive the established rates of pay for civil servants as well as any allowances payable for the position in question, or locally recruited personnel whose salary and working conditions are fixed by the Ministry concerned.

(2) Office employees who receive established civil service rates of pay may be chancellery clerks, head clerks or clerks (*in Norwegian: «kansellist», «fullmektig» or «assistent»*). They are appointed and dismissed by the Ministry concerned and may on application be transferred to serve at a Foreign Station. The Ministry may at any time recall such office employees to serve in an equivalent or superior post in the Ministry.

The Ministry concerned shall decide which posts at a Foreign Station or in the Ministry are to be regarded as equivalent for the purpose of transfers of these office employees.

The provisions of Sections 16 and 17 of this Act shall also apply to such office employees. In all other respects they are subject to the regulations governing civil servants in Norway

unless it is specifically stipulated otherwise or it follows from the fact that the service is performed outside the Realm.

(3) Locally recruited personnel are employed and dismissed by the Foreign Station after previously obtaining the consent of the Ministry concerned.

19.

Official duties which according to the law are to be performed at Consular Stations or by an official at a Consular Station, may with the same legal effect be performed by an official at a Diplomatic Station.

20.

To the extent that Norwegian Law, agreement with the foreign country concerned or the legislation of that country permits, a Foreign Service official or other official who is acting temporarily or is temporarily assigned to such a post, may transact any such official business as the Notary Public in Norway may transact, provided this is done for the benefit of Norwegian Nationals or that the matter is otherwise concerned with Norway or Norwegian interests. Oaths or affirmations, however, can only be accepted by an official specially authorised by the King, or in his absence by his deputy. With regard to the acceptance of oaths or affirmations the provisions in Section 6, second paragraph, of the Act of the 14th August, 1918, relating to the Coming into Force of the Legal Procedure shall not apply.

21.

To the extent that Norwegian Law, agreement with the foreign country concerned or the legislation of that country permits, a Foreign Service official specially authorized by the King, or in his absence his deputy, may solemnize marriages. The official may also be authorized to solemnize marriages

when only one of the parties is a Norwegian National or is domiciled in Norway. The official cannot be authorized to solemnize the marriage of persons who are citizens of the country in which the marriage is to take place.

The King may issue detailed rules for the solemnization of marriages by a Foreign Service official, including the form to be observed, and also for the reading of bans or other notifications before the marriage, notification to the Norwegian Authorities of the marriage as well as for the keeping of records and the issuing of certificates and transcripts.

The provisions of Section 11 of the Act relating to the solemnization of marriages by Norwegian authorities abroad and by foreign authorities in Norway shall also apply with regard to marriages solemnized contrary to the regulations of this Section and with regard to the recognition of invalid marriages.

22.

The King establishes a scale of fees for the Foreign Stations. A report on the scale of fees established shall be sent to the Storting.

23.

This Act shall come into force on the 1st July, 1958.

At the same time the Foreign Service Act of the 13th December, 1948, shall cease to have effect.