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Utenriksdepartementets  
Arkiv

Act no 3 of 19 March 1965 relating to Exemption from  
Military Service for Reasons of Personal Conviction

Chapter I. Conditions for exemption

§ 1. If there is reason to assume that a conscript is unable to perform military service of any kind without coming into conflict with his serious convictions, he shall be exempted from such service by the competent Ministry or by judgement pronounced pursuant to the rules of this Act.

For the purpose of this Act, conscripts also include men liable for enlistment and liable for duty in the Home Guard.

Chapter II. The handling of cases relating to exemption

§ 2. When so requested his military superiors and the enlistment authorities shall instruct him as regards his rights to apply for exemption from military service and as regards procedure to be followed.

The earliest opportunity for presenting the application will be the enrolment session or after the conscript has been otherwise classified. The reasons for the application must be stated and the application must be accompanied by the attestations to be used as evidence by the applicant.

The application is to be filed with the military unit to which the applicant belongs or, if presented before he has been assigned to any unit, with the enrolment board. The enrolment board will forward the application to the chief of police in the applicant's place of residence, together with its statement and such information as the military authorities may have concerning the applicant. The chief of police shall obtain the applicant's oral statement and procure all possible information about the applicant's general mode of life etc., which can serve to clarify the latter. He shall thereafter forward the documents in the case to the competent Ministry together with his recommendation.

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The King shall issue more detailed regulations relating to the handling of such application.

§ 3. If a conscript acts as described in § 34, cf. § 35 of the Military Penal Code, or in § 48 of the Compulsory Military Service Act, and there are grounds for believing that he does so for such reasons as are indicated in § 1 of this Act, his military superiors, the enrolment authorities or the public prosecutor shall request him to apply for exemption from military service.

If he fails to comply with such requests, the public prosecutor may, of his own accord, ask the Ministry for its decision in the matter. The public prosecutor may also do so if the conscript by declaration to any public authority, by his conduct in public, participation in any organisation or otherwise, provides grounds for assuming that he will fail to perform his compulsory military service for reasons of personal conviction.

The provisions in §§ 2 and 9 shall apply correspondingly to the handling of cases described in this section.

§ 4. If the Ministry refuses an application filed by a conscript for exemption from military service, or decides a case of exemption at the request of the public prosecutor, the reasons for the decision shall be stated and notice thereof shall be served on the conscript.

If exemption has not been granted, the conscript, when notice of the decision is served on him, shall be informed of the rules in § 5.

The declarations of the Ministry cannot be appealed.

§ 5. If the Ministry has not granted exemption from military service and if the conscript has not performed his military service or declared himself willing to do so or commenced performing it, and three weeks have passed since notice of the Ministry's decision was served on him, the Public Prosecutor shall bring action against him on behalf of the State, and claim that the conditions for exemption from military service under § 1 have not been satisfied.

Said action shall be brought without undue delay. Any application filed by the conscript pursuant to § 2 will not postpone the action.

The procedure in the action shall follow the rules in the Act of 13 August 1915, relating to judicial procedure in civil cases, except as otherwise provided below.

§ 6. Mediation in a Conciliation Board shall not take place.

A conscript is qualified to litigate in court irrespective of age. The court appoints counsel for him. Unless there are special objections the conscript's own choice of counsel shall be appointed.

If the conscript, having been summoned to appear in court personally, fails to appear without valid reason, the court may rule that he be brought in by the police to the same or a subsequent sitting of the court.

The court may, on its own initiative, determine the calling of any evidence it deems necessary. Extrajudicial statements and declarations may at any time be used if the court finds such procedure unobjectionable.

Court vacations shall not apply. The court shall expedite the proceedings as much as possible. Notice of the date of the main proceedings may be reduced to one week. The time limit for appeal is two weeks.

§ 7. A declaration of appeal proper or interlocutory appeal and the request for a resumption of the case may be made by the public prosecutor (the State) irrespective of the outcome of the decisions.

A resumption of the case may be requested so long as the liability for military or civilian service applies and also as a result of circumstances which have arisen after the case has been decided by a judgment which has become *res judicata*.

If the Ministry has granted exemption it may reconsider the decision provided that the circumstances are such as to justify a resumption of the case. In such a case the provisions laid down in §§ 4 et seq. shall apply correspondingly.

§ 8. All costs incurred in cases brought for trial according to §§ 5-7 shall be defrayed by the State. The conscript may be reimbursed for expenses incurred in connection with his appearance before the court in accordance with the rules applicable to witnesses.

If the conscript has lodged an appeal proper or an interlocutory appeal or requested a resumption of the case without

this resulting in a change in his favour, the court may rule that the conscript shall reimburse, in whole or in part, the processual costs before the courts of higher instance, or the costs of resumption of the case, if the court finds that he had no justifiable reason to use the legal remedy in question. The court may otherwise, if special circumstances so indicate, rule that the conscript, in whole or in part, shall reimburse the State the processual costs.

The conscript shall at all times be directed to reimburse in whole or in part costs which the court finds clearly unnecessary and which have been incurred wilfully or through gross negligence.

§ 9. Any conscript who has applied for exemption from military service for reasons of personal conviction, will not be called up for ordinary peacetime service as long as his application is under consideration. If the application is filed after the conscript has been called up, or has presented himself for military service, he shall, as decided by his military superiors, be granted a postponement, until the application has been decided. In the event of mobilisation or other summons to wartime service, or to extraordinary service in peacetime, the application for exemption pursuant to this Act will have no effect on the conscript's service status.

### Chapter III. Compulsory service

§ 10. Conscripts who are exempted from military service under this Act, shall perform compulsory civilian service for the periods stipulated in § 11.

The service shall be of a civilian nature and under civilian administration. It shall have no relation to military installations or undertakings. The produce of such service shall accrue to the State.

The King shall issue more detailed rules relating to the organization of the civilian service.

§ 11. For conscripts, the initial civilian service is of the same duration as the initial service in the Army with an additional period to be determined by the King. Such additional period shall not exceed 180 days. Initial military service which has been

performed, or which has lapsed pursuant to § 12, second paragraph, of the Compulsory Military Service Act, will be deducted day for day until the deducted number of days is equal to that of the initial service in the Army.

The conscripts can be ordered to perform civilian repetitional service. The intervals between the summons to such service and the duration of each training period shall be determined by the King; provided however that the total civilian repetitional service shall have the same duration as that stipulated for privates in the Army in the plans at any time in force for military repetitional training.

Persons liable to serve in the Home Guard shall complete their compulsory civilian service in the form of a non-recurrent service of a duration equal to their remaining ordinary Home Guard service with an addition of up to 58% to be determined by the King. However, the duration of the civilian service shall not be less than 30 days.

If large contingents of the Army or Home Guard are called up for extraordinary service, civilian service of the same duration may be imposed.

If the Defence Forces or parts thereof have been placed on a war footing, civilian service shall be performed for any duration determined by the King.

§ 12. The service shall be entered upon without undue delay and shall be completed with the least possible interruption. The King shall issue rules concerning the possibility for postponement or interruption of the service whenever the public interest or weighty reasons of welfare render this desirable.

Unless the person liable to serve has himself caused the postponement or interruption, the obligation to perform the service under § 11, first, second and third paragraphs, which the postponement or interruption concerns, shall lapse if the service has not been commenced within three years from the date on which the exemption from military service was decided by the Ministry or by final judgment. In regard to repetitional service, the three year period runs from the date of the decision to grant postponement or interruption. The preceding provisions notwithstanding, the obligation to perform initial service under § 11, first paragraph, will not lapse before the obligation to perform initial service in the Defence Forces.

§ 13. If the service has been postponed or interrupted, the person liable to serve is obliged to perform civilian service of the duration applying at the time when he presents himself. Any part of the service which has been performed shall be deducted day for day.

Any unlawful absence from the service shall always be compensated day for day regardless of the provision in the first sentence of the preceding paragraph, and regardless whether he has been punished or disciplined for his absence.

The King may issue rules for the compensation for absence from service on account of sickness or other causes not attributable to the person liable to serve. If the absence is due to sickness, it shall be compensated only if the number of sick days amounts to more than one-tenth of the service period.

§ 14. The King determines the extent to which the service shall be postponed or interrupted on account of penal prosecution.

Any judgment pronouncing a forfeit of the right to serve in the Defence Forces shall have a corresponding effect on the compulsory civilian service.

§ 15. The King may decide that persons liable to serve, who on account of their civilian position or special skills should be permitted to continue their activities in wartime, shall be exempted from or granted a postponement on reporting for civilian service when the Defence Forces or any part thereof is placed on a war footing.

The King may also decide that persons liable to serve, as described in the preceding paragraph, shall be exempted from service in peacetime, wholly or in part.

§ 16. On condition of reciprocity, the King may conclude an agreement with a foreign State to the effect that exemption from military service in that State shall be valid in Norway. In such case, the exempted person shall perform civilian service pursuant to this Act if he is resident in Norway and could have been ordered to serve under the Compulsory Military Service Act.

Any person liable to serve, who proves that he has performed civilian substitute service in another State, may under rules issued by the King be exempted from compulsory civilian service in Norway, wholly or in part. Military service which has been completed or, which has otherwise lapsed, can be considered

equal to Norwegian military service for the purpose of § 11, according to more detailed rules issued by the King.

§ 17. The King shall issue rules concerning the extent of the servicemen's obligation to report any absence, change of address, emigration or employment on board ships in foreign trade. The King may also issue rules to the effect that persons liable to serve must have permission in order to leave the Kingdom, emigrate or take employment on board ships in foreign trade.

§ 18. The servicemen shall during their service receive sustenance and clothing or an allowance therefor in accordance with rules laid down by the Storting. They shall further receive travelling allowance, call-up supplement, family support supplement and sick pay under the same rules as those applying to corporals and privates in the Army.

#### Chapter IV. Measures as a result of violations

§ 19. Any serviceman who

- (1) fails to present himself after being called up for service or without permission leaves or fails to appear at his place of service, or
- (2) fails to comply with orders which he receives in the course of his service, or otherwise intentionally sets aside his service obligations will be punished with fines or imprisonment for up to three months.

The same penalty shall be imposed on any accomplice to such violation as is described in the preceding paragraph.

Failure to submit such report or obtain such permission as is described in § 17 will be punished with fines.

§ 20. If any person liable to serve has acted as described in § 19 first or second paragraph, the Ministry may decide that he shall be confined in a special camp or in an institution under the administration of the Prisons Administration for enforced completion of the service period. He cannot be so confined unless it has been established by judgment that the conditions for doing so, as stipulated by the Act, have been satisfied. Any requirement to this effect shall be included in a penal action under § 19 or be brought as a separate action. In the latter event, the

proceedings in the case will follow the rules applying to penal cases which have been initiated by the service of an optional writ.

The duration of the confinement shall equal the period of service which has not been served or which has not been completed. The period of absence shall be considered as including also the time during which the serviceman has been staying at the place of service without complying with service orders. The Ministry may decide that any term of imprisonment served under § 19 shall be deducted, wholly or in part.

The Ministry may decide that any serviceman who acts as described in § 19, first or second paragraph, shall promptly be discharged. In any case he shall be discharged when a judgment ordering his confinement for enforced completion of the service period has become final, and until such confinement can start.

While serving in an institution under the administration of the Prisons Administration, the inmates are obliged to perform such work as is imposed on them and to comply in general with the provisions issued by the King. Subject to the exceptions and amendments stipulated by the King, the rules of the Prison Act, Chapter V, shall apply.

Any serviceman who is to be transferred for enforced completion of his service period may be apprehended and transported to the camp or institution.

§ 21. Any serviceman who acts as described in § 19, first or second paragraph, without providing reason for penal prosecution, or who fails to perform his service obligations, acts insultingly or disrespectfully to his superiors or otherwise contrary to customary rules of good conduct and order in the service, may be subject to disciplinary sanctions.

Such sanctions may be:

- (1) Reprimand
- (2) Extra work during off-duty hours, for up to 14 days
- (3) Refusal of leave for a period of up to one month
- (4) Fine of up to Kr. 100,-
- (5) Restriction of liberty, including arrest for up to 20 days.

Before any such sanction is imposed, the serviceman concerned shall be given an opportunity to make a statement, and the case shall be clarified as thoroughly as possible.



The King shall issue more detailed rules concerning the exercise of disciplinary authority.

§ 22. If a serviceman for reasons which can be imputed to him, fails to perform a reasonable amount of work, the Ministry may decide to prolong his service period by up to one-tenth, but not more than by 60 days. If the service is performed by enforcement in a special camp, the service period may be prolonged by up to one-sixth, but not more than by 90 days.

The decision of the Ministry cannot be appealed against, but the person liable to serve can, within three weeks after he was notified of the decision, require through his superiors, the decision to be tried by the court. Redress may be granted against overstepping of the time-limit. The court shall try the judicial as well as the discretionary basis of the decision. If the request is lodged within 48 hours, it shall have postponing effect. Conditions may be made for such decision. The case shall be heard in accordance with the rules which apply for judicial proceedings in penal cases where an optional writ has been issued.

Prolongation of the service may be imposed in addition to any penalty or disciplinary sanction. The Ministry may decide that any term of imprisonment served pursuant to § 19 shall be deducted, wholly or in part.

The King may issue more detailed rules concerning the prolongation of the service and may, wherever practically possible, establish standards of performance to be used in determining the serviceman's performance of work.

§ 23. Officials at civilian work camps or administration centres for civilian service have police authority over servicemen and, others staying inside or in the immediate vicinity of the camp area or the administration centre or at outcamps or other service places. The Ministry may grant such authority also to officials at other public institutions and establishments where servicemen are staying continuously or performing service.

Any serviceman may be provisionally arrested if he disturbs the public order, or commits any serious breach of discipline, and such arrest is considered necessary in order to maintain discipline.

Such provisional arrest is subject to the rules of apprehension and custody contained in the Act relating

to judicial procedure in penal cases. The serviceman may be placed in custody when his conduct gives reason to fear that he would, if released, cause a serious disturbance of the discipline at the place of service.

#### Chapter V. Miscellaneous provisions

§ 24. Any conscript who has been exempted from military service pursuant to this Act, shall be returned to military status at his own application or in the event of a reversal of the decision under the rules of § 7.

Any serviceman who has been returned to military status is obliged to perform service in the Defence Forces of the same duration as stipulated for conscripts (including Home Guard conscripts) in general. Civilian service will be credited as military initial service day for day. The returned serviceman is, however, in all cases obliged to perform at least six months military service, unless the liability for initial service has lapsed pursuant to § 12, second paragraph, of the Compulsory Military Service Act.

§ 25. This Act enters into force from such date as the King may decide.

From the same date the following Acts shall be repealed:

- (1) The Act of 17 June 1937 relating to conscripted civilian workers
- (2) The Military Penal Code of 22 May 1902, § 35, fifth paragraph.

§ 26. The King may issue transitional provisions, and may, in this respect, issue special regulations concerning the duration of the initial civilian service for conscripts who, at the time of entry into force of this Act, has completed or begun his initial military service.

§ 27. The provisions laid down in pursuance of the Act of 17 June 1937 relating to conscripted civilian workers shall remain in force insofar as they do not conflict with this Act until such time as they are repealed or replaced by provisions issued in pursuance of this Act.