



DET KONGELIGE
OLJE- OG ENERGIDEPARTEMENT

Royal Ministry of Petroleum and Energy

Act

Acts relating to the energy and water resources sector in Norway (unofficial translation)



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Act No. 16 of 14 December 1917 relating to acquisition of waterfalls, mines and other real property etc. (Industrial Licensing Act)

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Act relating to acquisition of waterfalls, mines and other real property etc.

Chapter I. Waterfalls.

Section 1. Without the permission of the King (hereinafter referred to as licence) no one other than the State may with full legal effect acquire the right of ownership or of use to waterfalls (falls or rapids) that, when harnessed, can be expected to produce more than 4,000 natural horsepower either alone, or in conjunction with other waterfalls that the acquirer owns or uses when it can be appropriate to develop them jointly. The licence obligation also applies to agreements relating to acquisition of long-term disposition rights to hydropower resources.

However, a licence is not necessary when waterfalls are acquired through distribution of joint marital property or by inheritance, redemption of allodial property or transfer when the acquirer (the heir) has greater allodial rights than the transferor (the deceased), is the latter's spouse or is related to him by marriage in direct line of ascent or descent or in the first or second collateral branch. If a licence was previously granted for the waterfall in question, the conditions stipulated in the licence shall also apply to the new acquirer (cf., however, section 27).

Disputes about the amount of power shall be determined by appraisalment unless the acquirer agrees having the Ministry concerned take the decision.

When special considerations exist, the Ministry concerned may in individual cases make exceptions from the licence obligation and right of pre-emption.

Should the acquired waterfall not be utilised for power production, the King may permit acquisition without the application of the basic rules in section 2, fourth paragraph.

Should the licensee subsequently apply to develop the waterfall, the King shall stipulate terms and conditions in line with the basic rules of the Act in effect at the time in question. Should development be commenced without the stipulation of terms and conditions, the provisions in sections 31 and 32 will apply accordingly.

Section 2. Norwegian citizens and citizens in other states party to the EEA Agreement, other foreign nationals and legal persons, may under special circumstances be granted a licence to acquire ownership rights to waterfalls on specified conditions stipulated by the King.

The provision also applies to legal persons described in Article 34 of the EEA Agreement, which were formed in accordance with the law of one of these states, and have their registered office, central administration or principal place of business in such a state.

Should the acquisition concern a waterfall that, when harnessed, can be expected to produce more than 20,000 natural horsepower, or there is a conflict of vital interests, the matter shall be submitted to the Storting before a licence is granted, unless the Ministry deems this unnecessary.

In granting a licence and stipulating conditions, the following basic rules shall be adhered to:

1. The licence shall be granted to a specified person, company, corporation or foundation.

Companies shall be obliged to keep a list of all participants and their citizenship,

2. The licence permits the utilisation of the waterfall as a source of power in accordance with the licence conditions and the legislation in force at any given time respecting such activities.
3. Development of the waterfall must commence within a time limit of not more than five years. The work must be completed and the installation put into operation within a further time limit of not more than five years. Operation of the plant must not be continuously interrupted for a period as long as three years or reduced for the same period to less than one-third of the capacity of the machinery installed and intended for regular operation, not including the portion reserved for the State, municipality or county pursuant to subsection 12, and such interruptions or reductions must not add up to as much as five years over the course of ten years. The time calculations do not include time impossible to make use of due to *vis major*, strikes or lockouts. When necessary, permission may be granted to develop the waterfall in stages within specified time-limits, or for its partial development. The King may grant exemptions from these provisions.

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6. The licensee may be required to pay compensation for expenditure connected with stepped-up wildlife and fish monitoring during the period of construction.

The Ministry concerned may further stipulate that the licensee be required to guarantee immediate compensation to the survivors of someone who perishes in a work accident during the period of construction.

7. If the licence is expected to result in urban development or a large influx of people, the licensee may be required to cover all or part of the expenditure connected with preparing a zoning plan, and in certain cases, for the land use part

of the municipal master plan, as further stipulated by the Ministry.

If the licence entails a substantial encroachment in mountain regions, the licensee may be required to cover all or part of the expenditure connected with preparing a zoning plan and the land use part of the municipal master plan, as further stipulated by the Ministry.

8. The licensee should be required to pay compensation for all or part of the expenditure for maintaining and repairing public roads, bridges and quays, when these outlays are expected to rise considerably as a consequence of construction work and in consequence of transports to and from licensee-owned industrial works powered by the installation. Roads, bridges and quays built by the licensee shall be open to the public, unless the Ministry decides otherwise.

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10. It may be stipulated in the licence that should the licensee utilise the hydropower for industrial production, the export of the products shall not, without the consent of the Ministry concerned, take place at prices below normal world market prices. Furthermore, it may be stipulated that importation for production may not, without the consent of the Ministry, take place at prices above normal world market prices.

It may also be stipulated that remuneration for economic, technical and commercial assistance shall be subject to Ministry approval.

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12. It shall be stipulated in the licence that the licensee shall surrender to municipalities and counties in which the power plant is located up to 10 per cent of the average amount of power that the waterfall, when harnessed, can produce based on the expected rate of flow from one year to the next. The amount surrendered and its distribution shall be decided by the Ministry concerned on the basis of the county's or municipality's general electric power supply needs. The county or municipality may use power provided as it sees fit.

The licensee may be required in addition to surrender up to five per cent of the power to the State calculated as in subsection 12, first paragraph. The State may freely dispose over the allocated power.

The licence shall have provisions to notify the licensee before power is drawn on or terminated.

The Ministry shall decide how the power is to be surrendered and calculate the output and energy.

Power shall be drawn from the power station's transmission substation or the licensee's transmission lines for securing a supply of firm power and a utilisation

period as low as 5,000 hours a year. The licensee may not oppose power being drawn from another party's transmission lines, and is in that case obliged to make the power available. The cost of transforming and transmitting the power when drawn from somewhere other than the power station's transmission substation shall be paid by the party drawing the power.

The price of the power shall be set on the basis of the average cost for a representative sample of hydroelectric power stations throughout the country. Taxes calculated on the profit from power production in excess of a normal rate of return are not included in the calculation of this cost. Each year the Ministry shall set the price of power supplied at the power station's transmission substation. The provisions of the first and third sentences do not apply to licences valid prior to the entry into force of Act No. 2 of 10 April 1959.

A decision regarding the surrendering and distribution of power may be brought up for reconsideration after twenty years.

The King may issue further regulations relating to surrendering, distribution and prices.

13. The licensee shall be required to pay an annual fee to the State and an annual fee to the counties and rural and urban municipalities as determined by the King, calculated on the basis of the average amount of power that the waterfall, once its harnessing is completed, can produce, based on the expected rate of flow from one year to the next. The King shall lay down regulations regarding the maximum and minimum rates that are to apply. In laying down the regulations special allowance must be made for changes in the purchasing power of the krone. Should the waterfall be subject to annual regulation fees, the fees shall be deducted from the fees imposed under this subsection, in respect of that portion of the amount of power on which regulation fees are paid.

After five years, the stipulation of the fee may be re-examined by the licensing authorities.

Unless laid down by the King, further provisions regarding the payment of the fee and monitoring of water consumption shall be stipulated in each individual case by the Ministry concerned on the recommendation of the Norwegian Water Resources and Energy Directorate.

Payment of the fee is enforceable by attachment. Should it not be paid when due, interest shall be levied as laid down in pursuance of section 3, first paragraph, Act No. 100 of 17 December 1976 relating to interest on overdue payments, etc.

If the annual amount of the fee to the State or counties and municipalities comes to less than the minimum specified by the King, and the parties entitled to as well as subject to the fee agree, the Ministry may stipulate that the annual fee be paid in a lump sum pursuant to regulations laid down by the King. In special circumstances, the King or Storting, if the licence has been submitted to the latter,

may reduce or waive the fee for a specific period of time.

The fee to the counties and municipalities shall be apportioned among them as stipulated by the King for ten years at a time. The fee shall be set aside in a separate fund for each county or municipality to be used as stipulated by the county or municipal council. This authority may be delegated to another municipal or county body. In accordance with statutes subject to the approval of the Ministry concerned, the monies in the fund shall preferably be used for local industrial development. The Ministry may delegate the authority to approve the statutes to the county governor. The municipality may appeal the decision of the county governor according to rules further stipulated by the Ministry. Statutes for funds under an amount stipulated by the King do not require approval.

14. The licensee should be required to avoid the destruction of natural resources and areas when such avoidance is desirable on scientific or historical grounds or for reasons of the area's natural beauty or uniqueness. If such destruction cannot be avoided, the nature conservation authorities must be notified well in advance.

The licensee shall be required to ensure that the installations disfigure the countryside as little as possible, in accordance with further provisions from the Ministry concerned. The licensee is obliged to obtain a permanent right to use disposal sites and other areas necessary for carrying out orders issued pursuant to this paragraph. The licensee shall undertake a proper cleanup of the construction areas and the cleanup must be completed no later than two years after the installation in question has gone into operation.

The licensee should be required to the extent possible to plan temporary auxiliary installations so that they may be of permanent use to the public.

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16. The licensee shall be required to submit to the verification of his compliance with a list of conditions that the Ministry concerned deems necessary. The licensee may be required to cover expenses connected therewith.

17. The licence shall be granted for a specified period of time of up to sixty years reckoned from the date the licence is granted. When the licence period expires, the waterfall and all the facilities through which the course and bed of the water have been altered, such as dams, canals, tunnels, reservoirs, pipelines etc., the parcels of land and the rights acquired for the development and power plant, the power stations and appurtenant machinery and other equipment, as well as the housing built for workers and other buildings that belong to the power plant, shall revert to the State with full ownership rights and without any compensation. The State may redeem whatever property does not revert to it at a price appraised at its expense or order its removal within a time limit set by the Ministry.

When the licence period expires, the installation including buildings and installed machinery shall be in full working order. Disputes in this regard shall be

resolved by appraisalment. The licensee is obliged to comply with the decision of the court of appraisalment. The court shall decide which party shall pay the costs of appraisalment.

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21. A licence should be granted only if older mortgages, easements of considerable importance, leasing rights and similar encumbrances are removed or yield in priority to the obligations imposed in the licence, including coercive fines pursuant to section 26. When a waterfall is sold, the fact that the seller reserves, after the licence period, ownership rights to power from the plant that utilises the waterfall for his private domestic use, farming needs and any trades and small-scale manufacturing that can be carried out in natural connection with the farm, shall, however, pose no obstacle to the granting of the licence.

22. A licence is required for further transfer of the waterfall to parties other than the State or parties described in section 1, second paragraph. In any case the acquirer must abide by the conditions stipulated in the original licence (cf., however, section 27). In addition, the conditions described above under subsection 1 and such other conditions that otherwise may not be deviated from pursuant to the legislation in force at the time the new licence was granted may be stipulated in the licence. If the acquirer is a Norwegian municipality or county, the King may waive all or parts of the conditions that are not mandatory pursuant to section 4, third and fourth paragraphs.

23.

Further conditions may be set in the licence, including a requirement to establish an industrial development fund for the benefit of the individual municipality, when in the particular instance this is deemed necessary in the public interest or for protecting private interests that will suffer harm. The provisions stipulated for industrial development funds in section 12, subsection 17 of Act No. 17 of 14 December 1917 apply to the fund.

The licence and associated terms and conditions shall be officially registered at the expense of the licensee. All subsequently registered encumbrances on the properties and items enumerated in subsection 17 shall lapse when, according to the licence, said properties and items are transferred to or redeemed by the State. When the waterfall is transferred to the State, notice thereof shall be sent by the Ministry concerned to the registration authorities for registration.

Anyone who grants or has granted loans against a mortgage on a waterfall, may, when the conditions for acquisition pursuant to this Act are otherwise present, be granted pursuant to this section an advance licence to acquire the waterfall by forced sale, provided that the person in question, at the time of the forced sale, is still the mortgagee. The licence period is calculated from the licence notification date, whereas the other conditions enter into force when the acquisition takes place. If the

owner of the waterfall has acquired it under a time-limited licence before the mortgagee obtains his licence, the mortgagee shall be granted a licence for the remainder of the owner's licence period.

Section 3. (Repealed by Act No. 119 of 27 November 1992 (in force on 1 January 1994).)

Section 4. Enterprises organised according to the Act relating to State-owned Enterprises, Norwegian municipalities and counties may, when public interest does not weigh against it, be granted a licence to acquire ownership rights, rights of use or long-term disposition rights to waterfalls according to further conditions stipulated by the King. The same applies to limited liability companies, public limited liability companies, co-operative societies or other associations in which at least two-thirds of the capital and votes are held by enterprises organised pursuant to the Act relating to State-owned Enterprises, one or more municipalities or counties, provided the waterfall in question is to be utilised primarily for supplying electricity to the general public. The State has pre-emption rights to shares or interests pursuant to this provision should two-thirds of the capital and votes in limited liability companies, public limited liability companies, co-operative societies or other associations no longer be owned by one or more municipalities or counties. The State's right to exercise pre-emption arises as soon as the Ministry has been notified that the conditions for the licence are no longer being met. The decision to exercise the State's right of pre-emption must be taken within one year. When the right of pre-emption is exercised, the State is subrogated into the purchaser's rights and obligations.

Should the acquisition concern a waterfall that, when harnessed, can be expected to produce more than 20,000 natural horsepower, or there is a conflict of vital interests, the matter shall be submitted to the Storting before a licence is granted, unless the Ministry deems this unnecessary.

The licence may be granted for an indefinite period.

In stipulating other conditions the basic rules in section 2, subsections 2-8, 12-14, 16 and 22-23 shall apply accordingly.

The licence and associated conditions shall be officially registered at the expense of the licensee.

Section 5. Norwegian citizens and citizens of other states party to the EEA Agreement, other foreign nationals and legal persons, may, under special circumstances, be granted a licence to acquire the right to use or long-term disposition rights to waterfalls belonging to the State, enterprises organised pursuant to the Act relating to State-owned Enterprises, Norwegian municipalities or counties according to further conditions stipulated by the King.

The provision also applies to legal persons described in Article 34 of the EEA Agreement, which were formed in accordance with the law of one of these states, and have their registered office, central administration or principal place of business in such a state.

Should the rights of use concern a waterfall that, when harnessed, can be expected to produce more than 20,000 natural horsepower, or there is a conflict of vital interests, the matter shall be submitted to the Storting before a licence is granted, unless the Ministry deems this unnecessary.

In granting a licence and stipulating conditions, the following basic rules shall be adhered to:

1. The licence shall be granted for a specified period of time of up to sixty years reckoned from the date the licence is granted.
2. The licensee shall be required to pay an annual fee to the State and an annual fee to counties and rural and urban municipalities as determined by the King, calculated on the basis of the average amount of power that the waterfall, once its harnessing is completed, can produce, based on the expected rate of flow from one year to the next. The King shall lay down regulations regarding the maximum and minimum rates that are to apply. In laying down the regulations special allowance must be made for changes in the purchasing power of the krone. Should the waterfall be subject to annual regulation fees, the fees shall be deducted from the fees imposed under this subsection, in respect of that portion of the amount of power on which regulation fees are paid.

After five years, the stipulation of the fee may be re-examined by the licensing authorities.

Unless laid down by the King, further provisions regarding the payment of fees and monitoring of water consumption shall be stipulated in each individual case by the Ministry concerned on the recommendation of the Norwegian Water Resources and Energy Directorate.

Payment of the fees is enforceable by attachment. Should they not be paid when due, interest shall be levied as laid down in pursuance of section 3, first paragraph, Act No. 100 of 17 December 1976 relating to interest on overdue payments, etc.

If the annual amount of the fee to the State or counties and municipalities comes to less than the minimum specified by the King, and the parties entitled to as well as subject to the fee agree, the Ministry may stipulate that the annual fee be paid in a lump sum pursuant to regulations laid down by the King. In special circumstances the King or Storting, if the licence has been submitted to the latter, may reduce or waive the fee for a specific period of time.

The fee to the counties and municipalities shall be apportioned among them as stipulated by the King for ten years at a time. The fee shall be set aside in a separate fund for each county or municipality to be used as stipulated by the county or municipal council. This authority may be delegated to another municipal or county body. In accordance with statutes subject to the approval of the Ministry concerned, the monies in the fund shall preferably be used for local industrial development. The Ministry may delegate the authority to approve the statutes to the county governor. The municipality may appeal the decision of the county governor according to further rules stipulated by the Ministry. Statutes for funds under an amount stipulated by the King do not require approval.

3. The provisions in section 2, subsections 1-12, 14, 16 and 22-23 otherwise apply accordingly.

The licence and associated conditions shall be officially registered at the expense of the licensee.

Section 5a. The terms and conditions for a licence pursuant to the first chapter of this Act may be brought up for a general revision after thirty years. If a number of acquisition licences have been granted in the same watercourse, a shorter revision period may be stipulated. If the terms and conditions are revised, the licensee has the right to relinquish the licence within three months of being notified of the revised terms and conditions. If the licence is relinquished, the provisions in sections 31 and 32 apply accordingly. If the licence is not relinquished within the stipulated period, the licensee is bound by the new terms and conditions.

If applied for by the licensee, the King may amend the conditions stipulated in a licence granted pursuant to the first chapter of this Act or previous legislation.

The King may issue further regulations relating to administrative procedure in connection with the revision of licence terms and conditions.

Added by Act No. 62 of 19 June 1992.

Section 6.

1. If, according to section 1, a licence is required to acquire ownership rights to waterfalls, the State has the right of pre-emption, provided the acquisition does not take place through a forced sale.
2. Should other real property, rights or moveable property be sold during the same legal transaction, and the State wishes to exercise its right of pre-emption, it shall at the request of the licence applicant also be obliged to take over the other items to the extent requested. The request to this effect must be presented in conjunction with the licence application. Even if such a request is not presented, the State is entitled to extend its right of pre-emption to the parcels of land and rights sold jointly with the waterfall, and which are necessary for its harnessing, regulation of the watercourse or construction of the power station. Whether or not this is the case shall, in the absence of an amicable settlement, be determined by appraisalment.
3. The State's power to exercise its right of pre-emption to a waterfall arises as soon as an application for a licence is received by the Ministry. The decision to exercise the State's right of pre-emption must be made as soon as possible, though no longer than within one year. The Ministry shall immediately inform the county concerned if the right of pre-emption is not exercised.
4. When the right of pre-emption is invoked, the State enters into the purchaser's rights and obligations. The portion of the compensation that does not consist of money, benefits derived from a surrendered property, or delivery of power as described in section 2, subsection 21, or that depends on a condition over which the State has no control, shall nevertheless be converted to a sum of money. In the absence of an amicable settlement the amount shall be set by appraisalment. If the purchaser is a company, and part of the compensation is to be paid in shares or interests in the company, the State may, however, pay this portion of the compensation by paying the par value of the shares or interests. If a monetary value cannot be assigned to a conditional benefit, which likewise in case of dispute shall be determined by appraisalment, the benefit shall lapse without compensation.

Should the sales terms and conditions permit the seller to repurchase or annul the sale on conditions over which the State has no control, said right of repurchase or annulment may not be invoked vis-à-vis the State.

Should the State exercise its right of pre-emption, it shall, in addition to expenses incurred, compensate the licence applicant at the rate of 2 per cent of the first 50,000 kroner of the purchase price, and 1 per cent of the remainder.

5. If it is noted in the licence application that the transfer is wholly or partly a gift and the sum entered on the application can be assumed to represent the property's value, this sum shall be considered the pre-emption purchase price, unless the Ministry concerned deems the amount to be too high. In that case the Ministry may have the purchase price set by appraisalment.

If a joint purchase price has been assessed for waterfalls and other real property, rights or moveable property sold with the waterfall, it shall likewise be decided by appraisalment how much of the joint purchase price covers the waterfall and how much covers the other property to be taken over by the State pursuant to subsection 2.

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7. If the seller is in possession of the property when the decision is made to invoke the right of pre-emption, he is obliged to surrender the property to the State in as good a condition as the contracting party is entitled to demand. Compensation may be demanded for any loss incurred by the State due to contravention of this rule.

If the contracting party has taken possession of the property without a licence he is obliged to surrender it in an undiminished condition. Otherwise, the State may demand a reduction of the purchase price corresponding to the depreciation. The amount of the deduction shall be determined by appraisalment, the cost of which shall likewise be deducted from the purchase price. If the acquirer has encumbered the property to the extent that the total amount of the encumbrances exceeds the pre-emption purchase price, less any aforementioned deductions, the excess amount of the encumbrances shall not be binding for the State.

Section 7. (Repealed by Act No. 65 of 19 June 1969.)

Section 8. (Repealed by Act No. 65 of 19 June 1969.)

Section 9.

1. If the State does not exercise its pre-emption rights pursuant to section 6, the county in which the waterfall is located may exercise its pre-emption rights.

If the acquisition pertains to waterfalls in several counties, they may exercise their right of pre-emption jointly. If they fail to come to an agreement, and if the waterfalls located in each of the counties cannot be adequately developed apart from the other falls, the right of pre-emption to all waterfalls devolves to the county or counties deemed to have the greatest interest in the sale, in view of general and economic factors. Any disputes arising in this connection shall be decided ultimately by the King. In conjunction with such a decision, the King may require the county entitled to exercise the right of pre-emption to provide electricity to the other counties, and stipulate further rules regarding the amount of power to be provided and the terms and conditions for the provision.

2. The right of the counties to exercise pre-emption arises as soon as with a decision or pursuant to section 6, subsection 3, it is clear that the State will not exercise its right of pre-emption.

The right of pre-emption lapses unless the decision to exercise it is taken within 3 months after the county has received the case from the Ministry with notification that the State's right of pre-emption will not be exercised.

The decision must be ratified by the King. Notification of the decision shall be sent immediately to the Ministry and the licence applicant and the seller shall likewise be informed. Unless information is provided at the same time about development plans, energy needs, etc., the Ministry shall set a deadline to present such information.

3. The provisions in section 6, subsections 2, 4, 5 and 7 apply correspondingly. If an appraisalment has already been made pursuant to section 6, subsections 2, 4 or 5, this will also be binding in relation to the county.

4. An agreement whereby for compensation a county relinquishes its right of pre-emption is invalid and the compensation may as stipulated by the Ministry concerned be confiscated by the treasury.

5. What a county has acquired through the right of pre-emption may not be sold without the permission of the King.

Section 10. When acquiring rights of use to a waterfall, the State and the county concerned may as stipulated in sections 6 and 9 similarly have the preferential right to be subrogated to the contract of use.

In cases where the State or the county concerned does not exercise its preferential right, the municipality concerned shall have the preferential right to be subrogated to the contract of use.

Chapter II. Mines.

Section 11. Without a licence, no one other than the State, Norwegian municipalities and counties may with full legal effect acquire the right of ownership or of use to deposits of claimable minerals that others have claimed or received a patent claim to pursuant to mining legislation. However, a licence is not necessary when waterfalls are acquired through distribution of joint marital property or by inheritance or transfer when the acquirer (the heir) is the spouse of the transferor (the deceased) or is related to him or related to him by marriage in direct line of ascent or descent or in the first or second collateral branch. If a licence was previously granted for acquisition of the deposit in question, the conditions stipulated in the licence shall also apply to the new acquirer (cf., however, section 27).

Nor may regular mining operations (cf., however, section 18) of claimable ores and metals in the kingdom be initiated without a licence by parties other than the State, Norwegian municipalities and counties.

Section 12. Acquisition of claimable deposits by claims and patent claims pursuant to mining legislation obliges the acquirer to commence trial operations pursuant to section 18 within ten years from the date of the patent claim letter or apply for a licence for regular operation pursuant to section 13. Following an application, the Ministry concerned may extend the deadline.

Extension of the time-limit should not be denied if the deposit of claimable mineral must be regarded as a reasonable reserve for the acquirer's mining operations. Unless warranted by other grounds, the extension should similarly not be denied if there are no reasonable grounds for assuming that operation of the deposit can commence if the extension is denied.

The time limit may be extended by up to ten years at a time.

Provided that trial operation has not commenced at the right time or an application for an operating licence has not been submitted, the provisions in sections 31 and 32 will apply correspondingly.

Section 13. Norwegian citizens and foreign nationals as well as limited liability companies, public limited liability companies and other companies with limited liability, corporations and foundations may, when the public interest does not weigh against it, receive a licence to acquire and operate mines or claimable deposits within one or more specified fields on conditions to be specified by the King.

In granting a licence and stipulating conditions, the following basic rules shall be adhered to:

1. The licence shall be granted to a specified person, company, corporation or foundation.

Provisions may be stipulated regarding the composition of capital, including that equity shall constitute a further specified minimum share of the total capital need for the acquisition, development and operation of the mine or deposit, and the facilities necessary for its exploitation.

Companies shall be obliged to keep a list of all participants and their citizenship.

2. The licence permits the exploitation of the mine or deposit in accordance with the licence conditions and the legislation in force at any given time pertaining to such activities.
3. Preparatory work for the commencement of mining operations must begin by a certain date.

Operations shall be carried out in a minerlike manner in conformity with the legislation in force at the time in question. This also includes development of ore stocks with a view to as steady operation as possible. If the Ministry concerned finds that the operation of a mine deviates substantially from said minerlike manner and requests to the licensee to remedy the situation are not complied with, the Ministry may demand that the licensee submit a plan for a specified period of time for future minerlike operation of the mine. The plan shall be submitted for Ministry approval no later than 4 months after the demand was made. Operation of the mine may be undertaken only in accordance with the Ministry's approved plan, although deviations may take place with the consent of the Ministry. In case of dispute the question of whether operations are carried out in a minerlike manner shall be decided by appraisalment. The extent to which operations are in conformity with the approved operations plan shall be determined in the same manner.

Closure of a mine may take place only with the approval of the Ministry concerned.

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6. If the licence can be anticipated to cause a major influx of construction workers, the licensee should be required at the commencement of work to provide a temporary assembly hall, or should it be more practical and not considerably more expensive, to participate in building or refurbishing a permanent assembly hall, such as a community centre. The licensee should also be required to furnish a suitable amount to fund general educational programmes for the workers and for clergy services as prescribed by the Ministry concerned.

Furthermore, as further stipulated by the Ministry concerned, the licensee should be required to cover all or part of medical expenses for workers and managers at the licensee's installation and enterprises, and their families, and to erect or expand a hospital or clinic. As prescribed by the Ministry concerned, the licensee may also be required to cover all or part of the expenditure of the municipality or municipalities concerned on general preventative health care and general social initiatives.

The licensee may likewise be required to pay compensation for expenditure connected with stepped-up wildlife and fish monitoring.

The Ministry concerned may further stipulate that the licensee be required to guarantee immediate compensation to the survivors of someone who perishes in a work accident.

7. In cases where circumstances make it necessary or desirable, the licensee should be required to provide, on reasonable terms and conditions and at no profit, workers and managers and their families with healthy and adequate housing and sites for building their own homes with roads, water mains, sewer lines and electricity as well as sites for common facilities, as further stipulated by the Ministry concerned.

If the licence is expected to result in urban development or a large influx of people, the licensee may be required to cover all or part of the expenditure connected with preparing a zoning plan, and in certain cases, for a master plan, as further stipulated by the Ministry.

If the licence entails a substantial encroachment in mountain regions, the licensee may be required to cover all or part of the expenditure connected with preparing a mountain plan, as further stipulated by the Ministry.

8. The licensee should be required to compensate all or part of the expenditure on maintenance and repair of public roads, bridges and quays, in those cases where the outlays can be deemed to have been substantially increased by the mining operations. Roads, bridges and quays built by the licensee shall be open to the

public, unless the Ministry decides otherwise.

9. It may be stipulated in the licence that without the consent of the Ministry concerned, the export of mining products may not take place at prices below the normal prices on the world market. Furthermore, it may be stipulated that without the consent of the Ministry, importation for production may not take place at prices above normal world market prices.

It may also be stipulated that remuneration for economic, technical and commercial assistance shall be subject to Ministry approval.

10. - - -.

11. To the extent it can take place without unreasonable inconveniences and expense, the licensee should be required to avoid the destruction of natural resources and areas when such avoidance is desirable on scientific or historical grounds or for reasons of the area's natural beauty or uniqueness. If such destruction cannot be avoided, the National Nature Conservation Board must be notified well in advance.

To the extent it can take place without unreasonable inconvenience and expenses, the licensee shall be required to ensure that the installations disfigure the countryside as little as possible, in accordance with further provisions from the Ministry concerned. The licensee is obliged to obtain a permanent right to use disposal sites and other areas necessary for carrying out orders issued pursuant to this paragraph. The licensee shall undertake a proper cleanup of the construction areas. Should the mine be closed, cleanup must be completed no later than within two years, at the same time as the licensee is obliged to take such steps as decided by the Ministry in order to prevent any danger or damage to the surroundings.

The licensee should be required to the extent possible to plan temporary auxiliary installations so that they may be of permanent use to the public.

12.
The licensee shall be required to submit to the verification of his compliance with a list of conditions that the Ministry concerned deems necessary. The licensee may be required to cover expenses connected therewith.
13. The licence may be granted for a limited time or without a time limit. When the licence is granted for an indefinite period, the terms and conditions for the licence may be brought up for a general revision in fifty years. If the terms and conditions are revised, the licensee has the right to relinquish the licence within three months of being notified of the revised terms and conditions. If the licence is not relinquished within the stipulated period, the licensee is bound by the new terms and conditions. If the licence is relinquished, the provisions in sections 31 and 32 apply accordingly.

14. - - -.

15. A licence is required for a new transfer of the mine or the deposits to parties other than the State or parties described in section 11, first paragraph, second sentence, even though the new acquirer is a Norwegian municipality or county. In any case the acquirer must abide by the conditions stipulated in the original licence (cf., however, section 27). In addition, the conditions described above under subsection 1 and such other conditions that otherwise may not be deviated from pursuant to the legislation in force at the time the new licence was granted, may be stipulated in the licence. If the acquirer is a Norwegian municipality or county, the King may waive all or part of the provisions stipulated in the original licence.
16. A licence should be granted only if older mortgages, easements of considerable importance, leasing rights and similar encumbrances are removed or yield in priority to the obligations imposed in the licence, including coercive fines pursuant to section 26.
17. There is a provision for setting further conditions in the licence when in the particular instance this is deemed necessary in the public interest or for protecting private interests that will suffer harm.

The licence and associated conditions shall be officially registered at the expense of the licensee.

Anyone who grants or has granted loans against a mortgage on a mine, may, when the conditions for acquisition pursuant to this Act are otherwise present, be granted pursuant to this section an advance licence to acquire and operate it, provided the acquisition takes place by forced sale and that at the time of the forced sale, the person in question is still the mortgagee. The licence period is calculated from the licence notification date, whereas the other conditions enter into force when the acquisition takes place. If the owner of the mine has acquired it under a time-limited licence before the mortgagee obtains his licence, the mortgagee shall be granted a licence for the remainder of the owner's licence period.

Section 14. (Repealed by Act No. 65 of 19 June 1969.)

Section 15. (Repealed by Act No. 46 of 22 June 1990.)

Section 16. (Repealed by Act No. 65 of 19 June 1969.)

Section 17. Notwithstanding the provision in section 2 of the Mining Act, said legal persons who at the time of the entry into force of this Act have acquired or subsequently acquire under the licence claimable deposits or mines covered by the mining legislation, may for a specified period be granted the right to prospect, claim and receive a patent claim for, or by other means acquire claimable deposits or mines within one or more specified areas. The licence may be renewed upon expiry of the time-limit. It also entitles the holder to commence regular mining operations on the deposits and mines thus acquired. If the original acquisition of a deposit or mine is based on a licence, the licensee shall in subsequent acquisitions also abide by the original conditions stipulated in the licence, and otherwise such conditions that otherwise may not be waived under the legislation at the time the new licence is granted. If no conditions have been stipulated for the original acquisition, the provisions of section 13 shall apply to the new licence.

Section 18. A licence pursuant to this Act is not required for trial operation if the sole purpose is the preliminary examination of the deposit to ascertain its commerciality,

and whereby not more than 10,000 tonnes of raw ore are extracted annually in each individual mine. Permission to extract more than 10,000 tonnes per year may be granted by the Ministry concerned. Whether or not the operation has the aforementioned purpose shall in cases of doubt be settled by the Ministry, which may decide that operations shall cease or be kept within specified limits. Contravention of the Ministry's decisions in this regard shall be punishable by fines.

Chapter III. Other real property.

Section 19. (Repealed by Act No. 79 of 23 December 1994 from 1 January 1995)

Section 20. (Repealed by Act No. 79 of 23 December 1994 from 1 January 1995)

Section 20a. (Repealed by Act No. 79 of 23 December 1994 from 1 January 1995)

Section 21. (Repealed by Act No. 79 of 23 December 1994 from 1 January 1995.)

Chapter IV. Leasing of electricity and export and import of electricity.

Section 22. (Repealed by Act No. 50 of 29 June 1990.)

Section 23. (Repealed by Act No. 50 of 29 June 1990.)

Section 23a. (Repealed by Act No. 50 of 29 June 1990.)

Chapter V. General provisions.

Section 24. Applications for licences pursuant to this Act shall be accompanied by descriptions that the Ministry may demand be supplemented by drawings, maps and the like.

Applications from a company shall be accompanied by a declaration from the board of directors that the information provided in conjunction with the licence application regarding the management of the company and ownership rights to the basic capital is exhaustive and covers the actual facts. If a licence is granted, the board of directors of the company shall subsequently, when requested, submit a similar declaration that the licence terms and conditions have been complied with.

Section 166 of the General Civil Penal Code shall apply should said declarations be incorrect.

As a general rule, a statement shall be obtained from the county and municipal council concerned before an application for a licence pursuant to this Act is decided.

Section 25. (Repealed by Act No. 3 of 25 June 1926.)

Section 26. For contravention of terms and conditions laid down for licences pursuant to this Act, the King may stipulate a coercive fine that accrues until the matter is remedied or falls due with each contravention. Any fine imposed is enforceable by attachment.

If a licence is granted on the basis of incorrect or incomplete information on matters of considerable importance or the acquirer violates stipulated terms and conditions of considerable importance, the licence may be revoked.

If the licence is revoked, a time limit shall be set for the holder to ensure that the property or the rights are transferred to someone who can legally acquire them. If the time limit is not complied with, section 32 shall apply accordingly.

Section 27. By application of the acquirer in question, the King may amend the conditions stipulated in a licence granted according to this Act or earlier legislation regarding acquisition of waterfalls, mines and other real property etc. However, the

amendment may not exceed the limits ensuing from the basic rules set forth in this Act for stipulating licence terms.

Section 28. If a foreign national who is not a resident of the kingdom is granted a licence pursuant to sections 2, 5, 13, 17 or undertakes operations as described in section 18, he shall, at the place where the property is located or operations take place, have a legal representative who is authorised in his absence to appear before the courts and other authorities in connection with matters concerning the licence, property, installation or its operation. In such cases, the legal representative shall receive summons to the local conciliation board and court. His name and residence shall be officially registered.

These provisions shall also apply to a corporation, foundation or a company that does not have its registered office in Norway, and that receives a licence pursuant to sections 2, 5, 13 or 17, or undertakes operation as described in section 18.

If the aforementioned provisions are not adhered to, the district court in the district where property is located or operations take place, shall, at the request of anyone interested in the case, appoint with binding effect such a representative for the licensee in question. The same applies should a corporation, a foundation or a company fail to comply with its obligation to have its registered office in the kingdom (cf. section 34).

Section 29. Enforcement of any agreement that might not be in conformity with the provisions in sections 1, 11 or 36, may be demanded only if the licence for the acquisition is granted.

Any option or other legal transaction by which a person reserves the right to acquire ownership rights or other rights to waterfalls or mines or deposits of claimable minerals, becomes invalid after five years. If it is officially registered, it shall be deleted from the land register upon its expiry.

Section 30. An application for a licence shall be sent to the Ministry concerned within four weeks after an agreement was concluded regarding acquisition of ownership rights or other rights for which a licence is required pursuant to this Act, or the acquirer gained possession of the property or right. In the event of a forced sale, the time limit shall be calculated from the confirmation of the bid.

If the provision in the first paragraph is not complied with, the Ministry concerned shall set a new time limit to apply for a licence.

If registration is requested for any document pertaining to an acquisition that pursuant to this Act requires a licence, and none is submitted, the registrar may, however, not refuse registration, but shall in that case, including when he finds reasons to doubt whether the acquisition is in conformity of the Act, make an annotation to this effect in the land register and on the document. The annotation shall be reported to the Ministry concerned, which may decide that it shall subsequently be deleted.

When the licence for the acquisition of electrical power is granted, both the supplier of the electricity and any intermediaries shall upon request send the Ministry concerned complete statements covering deliveries of electricity (output as well as energy) to the licensee. The Ministry may require the electricity supplier and any intermediaries to ensure that no more electricity than is permitted by the licence is delivered.

Section 31. If the application for a licence is not submitted by the time limit stipulated pursuant to section 30, second paragraph, or the application is denied, or a licence limited by time has expired, the Ministry shall set a time limit for the acquirer to ensure that the transfer is either reversed or that the property or rights are transferred to a party that can obtain a licence or does not need a licence. The time limit may be extended if warranted by special considerations.

The Ministry's decisions pursuant to this section shall be officially registered.

Section 32. If the time limit stipulated in accordance with section 31 for discontinuing the right of ownership is not met, the Ministry may demand that the property be sold through the execution and enforcement authority according, insofar as they apply, to the rules covering forced sales. The provision of section 11-20 of the Enforcement Act regarding the smallest bid that can be confirmed does not apply in this case.

If the time limit stipulated according to section 31 is not met with respect to other rights, the Ministry may either permit the forced sale of the right according to the provisions of the first paragraph or with binding effect declare the right as having lapsed.

The provisions of the first paragraph apply correspondingly to the transfer of shares or interests in companies with limited liability. Should the holder of a cooperative share certificate sold by forced sale pursuant to this section fail to surrender it, the purchaser may, at the joint expense of the owner and holder, demand the cancellation of the cooperative share certificate. The company is subsequently obliged to issue a new cooperative share certificate that expressly states that it replaces the cancelled certificate.

Section 33. (Repealed by Act No. 107 of 23 June 1988.)

Section 34. When a corporation, a foundation or a company that has been granted a licence pursuant to this Act or previous legislation relating to waterfalls, mines or other real property etc. subsequently undergoes such changes that the statutory or licence-stipulated terms and conditions are no longer present with respect to registered office, board of directors or voting rights shares, or if it appears that such conditions were not present from the outset, the provisions in sections 30, 31 and 32 shall apply correspondingly.

The same applies if a corporation, a foundation or a company has, without needing a licence, acquired ownership or other rights covered by this Act, and has subsequently undergone such changes with respect to operations, registered office, board of directors or voting rights shares that the terms and conditions for acquisition without licence pursuant to this Act, or the statutory provisions in force at the time of the acquisition, are no longer present.

Section 34a. (Repealed by Act No. 79 of 23 June 1994.)

Section 35. (Repealed by Act No. 107 of 23 June 1988.)

Section 36. When shares or interests in a company with limited liability are acquired in such quantity that the acquirer thus becomes the owner of shares or interests representing more than one-fifth of all shares, interests or votes in the company, a licence is required provided the company possesses ownership or other rights that the acquirer could not acquire without a licence pursuant to this Act. A licence is similarly required when two or more persons or other legal persons, either jointly or individually, acquire shares or interests in a company with limited liability in such quantity as described above, when the acquisition has taken place in accordance with

a previous mutual agreement. Shares or interests belonging to the acquirer's spouse, children, parents or siblings shall be counted together with his own shares or interests. Shares or interests belonging to the company or the other members of the company shall also be included if the acquirer is a member of a general partnership or a limited company. This rule shall apply correspondingly to the owner and the silent partner of a silent company. If the acquirer is a company with limited liability, shares and interests belonging to the company's board of directors and officers or another company shall also be counted if the majority of the company's board of directors consists of persons who are also members of the board of directors of the first company.

This Act's provisions regarding acquisition of shares or interests in companies with limited liability, shall also apply to acquisition of shares or interests in companies (holding companies), that directly or indirectly own shares or interests representing a fifth of all shares, interests or votes in other companies that hold ownership or other rights as covered in this Act.

Likewise, the provisions of this Act regarding acquisition of shares or interests shall apply correspondingly in cases where there is an increase in the voting rights share of the shares or interests in question or share of the basic capital in consequence of the company purchasing its own shares or interests for amortisation purposes.

Acquisition of shares or interests requiring licensing pursuant to this section, is in no case valid without the consent of the company's board of directors.

A licence is not necessary in the event of a change in marital joint ownership or when the acquirer is the owner's spouse, or is related or related by marriage to him in direct line of ascent or descent or in the first or second collateral branch. If a licence was previously granted for acquisition of the shares or interests in question, the terms and conditions stipulated in the licence shall also apply to the new acquirer (cf., however, section 27).

When a licence is granted pursuant to this section the King may stipulate such terms and conditions deemed necessary in the public interest.

In the case of acquisition of shares or interests in companies with ownership rights to waterfalls of a capacity described in section 1, first paragraph, for which transfer to the State without compensation has been stipulated, it may be stipulated that the shares or the interests shall revert to the State without compensation at the expiry of a licence-stipulated time limit that must not exceed sixty years.

Section 37. (Repealed by Act No. 79 of 23 June 1994.)

Section 37a. (Repealed by Act No. 107 of 23 June 1988.)

Section 38. When the right of ownership or another right covered by this Act is allegedly held by someone who does not need a licence to acquire it, but circumstances are said to exist whereby it must be considered likely that the property or the right belongs to someone who could not acquire it without a licence, or that the latter has such rights with respect to the property or the right that the ostensible owner's right to control it or derive financial gains from it are substantially curtailed, the property or right shall, for the purposes of this Act, be regarded as belonging to the person who thus in reality can be considered to be the owner or holder of such rights.

Real property may not be taken by antichresis or be the subject of a court-ordered transfer into mortgagee's use and possession for a period longer than three years

without a licence. Should the time limit be exceeded, the provisions in sections 30, 31 and 32 shall apply correspondingly.

When a share or interest in a company is registered in the name of a person who does not need a licence to acquire such properties or rights as are held by the company, but circumstances are said to exist whereby it must be considered likely that the share or interest actually belongs to someone who could not acquire the company's properties and rights without a licence, or that the latter has such rights with respect to the share or interest that the ostensible owner's right to control it or derive financial gains from it are substantially curtailed, the share or interest shall, for the purposes of this Act, be regarded as belonging to the person who thus in reality can be considered to be the owner or holder of such rights.

Section 39. (Repealed by Act No. 79 of 23 June 1994.)

Section 39a. (Repealed by Act No. 79 of 23 June 1994.)

Section 39b. Wilful or negligent contravention of the provisions in sections 30 or 32 shall be punishable with fines.

Liability to punishment pursuant to this section is statute-barred after ten years.

Public prosecution shall take place only when it is deemed necessary in the public interest.

Section 40. The claim applicant's right according to the mining legislation to obtain the land and water necessary for mining operations, shall not be infringed by the provisions of Chapter III of this Act.

Section 41. When less than twenty-five years remain of the licence period for a waterfall that pursuant to licence shall revert to the State, the King, with the Storting's consent, has the power to enter into an agreement with the licensee to the effect that the waterfall and its installations shall revert to the State immediately. At the same time, the licensee is permitted to acquire ownership rights to the rights that have reverted to the State for a new period of fifty years.

When less than twenty-five years remain of the licence period for a waterfall that, according to the licence, shall revert to the State, the King, with the consent of the Storting, has the power to enter into an agreement with the licensee on the acquisition of the right of use to the relevant waterfall with appurtenant installations at the expiry of the licence period, or, if applicable, leasing of electric power from the State, and issue an undertaking that the necessary licences will be granted, cf. sections 5 and 13.

The licensee should normally have the right to enter into such agreements on the right to use waterfalls with appurtenant installations as described above. Such agreements should be signed, or an undertaking given, no later than three years after the licensee has raised questions in this regard.

During the last three years of the licence period for a waterfall that pursuant to licence shall revert to the State, the State shall have unhindered access to the installations and have the right to undertake the necessary steps to prepare for the State's take-over and ensure continued operation. However, this must not take place to the exclusion or detriment of the licensee's utilisation of the regulating installation in accordance with the licence. The licensee is obliged to provide such information and such assistance of an advisory nature deemed necessary for the State to be able to protect its interests pursuant to this provision. Expenses connected herewith shall be covered by the State.

When a waterfall with appurtenant installations reverts to the State pursuant to a licence, a portion of the installations or their value, though not over one-third, shall be allocated to the municipalities in which the waterfall, power plant or regulating installations are located. In such instances the Storting shall determine the value and the municipalities' shares and apportion these among them. The Storting may also decide that the monies shall be used to set up a fund for the benefit of the municipalities or that the municipalities be paid a share of any profits from the installations.

Section 41a. In licences for acquisition and operation of claimable deposits or mines where pursuant to earlier legislation transfer to the State without compensation is conditional, the condition lapses provided the licensee otherwise abides by new licence terms and conditions stipulated by the King in accordance with the rules in this Act.

Section 42. This Act enters into effect immediately. It shall not apply in cases where its provisions are at variance with existing treaty obligations.

The Act of 18 September 1909 relating to acquisition of waterfalls, mines and other real property is hereby repealed. References to said Act in other statutes shall hereafter apply to the corresponding provisions in this Act.

Act No. 17 of 14 December 1917 relating to regulations of watercourses.

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MOST RECENTLY AMENDED: Act No. 57 of 25 June-2004

AMENDS:

Act relating to regulations of watercourses

Section 1. This Act applies to regulations of watercourses. Regulations of watercourses are understood to be installations or other measures for regulating a watercourse's rate of flow, including expanding or altering older regulating installations. Installations or works intended to increase the rate of flow by diverting water and pumping water to a reservoir located at a higher elevation are likewise to be regarded as regulations of watercourses.

The Water Resources Act also applies to measures covered by this Act insofar as separate rules are not laid down in this Act.

Section 2. Regulations of watercourses for the generation of electrical energy that increase their water power:

- a) by at least 500 natural horsepower in a single waterfall or series of waterfalls that can be exploited as a single waterfall, or
- b) with at least 3,000 natural horsepower in the entire watercourse, or
- c) that by themselves or together with previous regulations have a substantial impact on natural conditions or the public interest may be undertaken only by the State or a party who has obtained a permit from the King (licence).

If a regulation of a watercourse increases the water power in the watercourse by at least 20,000 natural horsepower or there is a conflict of vital interests, the matter shall be submitted to the Storting before a licence is granted, unless the Ministry deems this unnecessary.

The increase of the water power in the first and second paragraphs shall be calculated on the basis of the increase of the watercourse's low water flow that the regulation is assumed to result in over and above the rate of flow that could be expected from one year to another for 350 days of the year. In calculating this increase, it shall be assumed that the reservoir will be exploited in such a manner that the rate of flow during the low water period will be as even as possible.

Section 3.

1. A licence shall not be required for the re-erection of lawfully existing installations on the same site, provided the work begins within a time limit of five years, is completed with reasonable speed and does not involve any enlargement of the regulation. Nor is a licence required for the repair and rebuilding of such installations, when the work does not involve any enlargement of the regulation.

2. - - -

Section 4.

1. Any person or persons wishing to undertake a regulation project may request a statement from the Ministry concerned as to whether a licence is required pursuant to this Act, when submitting to the Ministry a plan for the contemplated work and the information required pursuant to section 5.

Before the Ministry issues its statement, opinions shall be solicited from the concerned municipal boards, timber floating associations, fishery boards, agricultural and forestry companies, local bodies for inland fisheries and for agriculture and forestry as well as other stakeholders.

2. The Ministry, or the person or persons wishing to undertake a regulation, may request a determination by appraisal of whether the regulation will result in an increase of the hydroelectric power in excess of the limit stated in section 3 [*sic*; section 3 in original, but the limit is stated in section 2], whether a series of waterfalls can be suitably developed as a single waterfall, or whether the project will harm or inconvenience the public interest.

Section 4a. (Repealed by Act No. 62 of 19 June 1992.)

Section 5. An application to carry out a regulation project pursuant to this Act shall be submitted to the Ministry concerned and, in general, be accompanied by:

- a. a comprehensive plan, including the requisite measurements, results of geological surveys, explanations, drawings, calculations and estimates of costs;
- b. a statement of the benefits that the project will result in and of the quantity of the water power that may be provided or exploited;
- c. environmental impact assessments pursuant to chapter VII-a of Act No. 77 of 14 June 1985 appended to the application;
- d. for retaining dams, proposed rules for reservoir operation;
- e. a complete account of the exploitable head in the watercourse concerned including an account of flow conditions;
- f. information as to whether all owners of works and waterfalls located downstream have been given the opportunity to participate in the project (cf. section 9);

- g. The King may issue further regulations regarding the contents of the licence application.

Section 6.

1. When an application with the information deemed to be necessary pursuant to section 5 has been received by the Ministry, the documents shall be displayed in the office of the Norwegian Water Resources and Energy Directorate and in the offices of the municipality or other appropriate place in the district for the inspection of those whom the case concerns. The application shall be submitted to the affected municipal, county and central government authorities and agencies concerned. The application shall also be submitted to organisations, associations and the like whose interests are particularly affected. At the same time they are to be notified that comments must be submitted to the Ministry by a time limit that in general may not be less than three months.

An announcement concerning the application along with a brief description of the plans and information regarding where the documents are on display and the deadline for submitting comments shall be inserted twice in the Norwegian Official Journal and in one or more newspapers that are commonly read in the district.

The expenses connected with display and announcements shall be borne by the applicant.

To an extent deemed reasonable, the applicant shall compensate landowners, licensees, municipalities and other interested parties for expenses for necessary legal and other expert assistance that have accrued after notification has been made available for public inspection as specified in section 33-3, second paragraph, of Act No. 77 of 14 June 1985. In special circumstances, the Ministry may issue advance authorisations to cover expenses up to a certain amount.

Reimbursement may be claimed from the applicant for necessary expenses for the municipal planner from the date notification is submitted to the municipality, cf. section 33-3, second paragraph, of Act No. 77 of 14 June 1985. The decision is made by the Ministry.

2. All contentions regarded to be of importance to deciding on the application shall be reported to the applicant, who may be given a deadline to comment. If the licensing authorities find grounds to do so, the applicant's new statement shall be submitted to the interested parties for a possible comment within a specified time limit.

Section 7. (Repealed by Act No. 82 of 24 November 2000 (in force on 1 January 2001 pursuant to Royal Decree No. 1169 of 24 November 2000).)

Section 8. A licence for a regulation of a watercourse should ordinarily be issued, only if the benefits of the regulation are deemed to outweigh the harm or inconvenience to the public or private interests. Moreover, other deleterious or beneficial effects of importance to society should be taken into account.

If a licence application is rejected pursuant to the provisions in the preceding paragraph, the licence applicant may demand that the decision be submitted to the Storting.

Section 9.

1. Provided several owners of a waterfall or works in a watercourse have joined together in an association for the improvement and exploitation of the watercourse for industrial purposes (a water management association), and its articles of association are approved by the King, a licence for regulating the watercourse should preferably be given to the water management association, as long as the State itself does not choose to regulate the watercourse.
2. If there is no water management association in the watercourse, no license for a regulation should be granted on behalf of one or more waterfall owners until all interested owners of waterfalls or works in the watercourse have had the opportunity to form a water management association.
3. No owner of a waterfall or works in the watercourse who is willing to abide by a water management association's articles of association may be excluded from membership in that association.
4. The apportionment of the costs of constructing regulating installations and the expenses connected with the installations' operation and maintenance etc. may be specified by an agreement among the waterfall and works owners participating in the construction of the installations or, in the case of a water management association, in its articles of association, with the approval of the King.

If the apportionment is not specified in any of these manners, the share that the owner of each participating waterfall or works shall pay shall be calculated in proportion to the value of the increased rate of flow that the regulation will supply to the waterfall or works in question. Such an assessment should normally be undertaken before a licence is granted. Owners of waterfalls representing at least one-fourth of the water power obtained may demand a new assessment, though not more often than every ten years, unless all the interested parties are in agreement. The results of the new assessment shall not affect the apportionment of previously incurred costs. If all interested parties are in agreement, the assessment may be performed by the Norwegian Water Resources and Energy Directorate. Otherwise it will be carried out by appraisalment.

5. Owners of waterfalls or works who did not participate in the construction of the regulating installations have the right to become co-owners of the installations at a later date by paying the share of the costs of construction accounted for by their waterfall or works as apportioned according to the rules laid down in subsection 4, though with a proportionate deduction for the period of the licence that has passed after the construction of the regulation.

When such a party has become a co-owner, he is obliged thereafter to share in the expenses connected with the installations' operation and maintenance etc. in the same manner as the other co-owners.

6. The waterfall or works owners who are not co-owners of the regulating installations do not have the right to make use of the service water obtained by the regulation authorised by a licence pursuant to this Act. They are obliged hereby to submit to such verifications that the Ministry decides.

If a waterfall or works owner makes unauthorised use of the service water, he is to be regarded as a co-owner of the installations and as such will be obliged to comply with the rules in subsection 5.

7. In special circumstances the Ministry may grant a waterfall or works owner who is not a co-owner of the regulating installations a permit to use service water obtained by the regulation for an annual fee payable to the owner or owners of the regulating installations. In the event of a dispute this fee shall be set by the Ministry.
8. If the diversion of water from one watercourse to another is brought about by developing waterfalls the flow of which is not increased by the diversion, the provisions of subsection 4, second paragraph, and subsections 5, 6 and 7 will not apply. Instead, the waterfall or works owners who utilise the diverted flow shall pay an annual fee to the owner of the diversion system for the use of the service water obtained. The fee shall be set by appraisalment, unless otherwise agreed.
9. The waterfall or works in question shall serve as a security for those obligations that are incumbent on a waterfall or works owner pursuant to this section. Registration of the mortgage may be demanded at the waterfall or works owner's expense and the lien lapses if it is not registered within four months after the scope of the obligations was finalised, cf. subsection 4.

Section 10.

1. Licences for the regulation of watercourses that fall within the scope of this Act shall be granted for a specified period of time of up to sixty years reckoned from the date the licence is granted.
2. If a regulation is to be utilised primarily for supplying electricity to the general public and considerations of other public interests do not weigh against it, the licence for the regulation may be granted for an indefinite period for watercourses whose water power is to be utilised by enterprises organised pursuant to the Act relating to state-owned enterprises, one or more Norwegian municipalities or counties jointly or by limited liability companies, public limited companies, co-operative societies or other associations in which 2/3 of the capital and votes are held by enterprises organised pursuant to the Act relating to state-owned enterprises or one or more municipalities or counties.

For companies that obtain a licence for an indefinite period, conditions may be set as to the composition of the board of directors, the marketability of the shares and maintenance of the objects of the company. A stipulation limiting the right to acquire shares shall be written on the shares.

If considerations of other public interests do not weigh against it, a licence for

a regulation may also otherwise be granted for an indefinite period for watercourses whose water power shall in its entirety be utilised by a Norwegian municipality or by several Norwegian municipalities jointly.

3. The terms and conditions for the licence may be brought up for a general revision after thirty years. If more than one regulation licence has been granted in the same watercourse at different times, a shorter revision period may be stipulated. If the terms and conditions are revised, the licensee has the right to relinquish the licence within three months of being notified of the revised terms and conditions. If the licence is relinquished, section 10, subsection 4, and section 21, subsections 1, 3, 4 and 5, apply accordingly. If the licence is not relinquished within the stipulated period, the licensee is bound by the new terms and conditions.

If applied to by the owner of the regulating installations, the King may amend the conditions stipulated in a licence granted pursuant to this Act or previous legislation relating to the regulation of watercourses.

The King may issue further regulations relating to administrative procedure in connection with the revision of terms and conditions of licences.

4. At the end of the period stipulated in the regulation licence, the State shall have the right to demand the surrender without compensation of the regulating installations with adjacent land and appurtenant rights, including the buildings and other facilities erected on account of the regulation. In the event of a dispute, the buildings and facilities that the State may demand shall be decided by appraisalment. If the regulation consists of extensions or enlargements of an older regulation, the State may demand the surrender of the parts in all of the installations etc. that belong to the party or parties participating in the additional regulation. If the older regulation is not time-limited, the waterfall owners in question are in that case entitled to service water on the basis of the output of the older regulation in exchange for paying a proportionate share of the expenses for operation, maintenance and refurbishment. This payment shall be set by the Ministry concerned.

When the licence period expires, the regulating installations with appurtenant buildings and facilities shall be in full working order (cf., however, section 21). Disputes in this regard shall be resolved by appraisalment. The licensee is obliged to comply with decision of the court of appraisalment. The court shall decide which party shall pay the costs of appraisalment.

5. If the regulation licence is granted for a period of less than sixty years, it may be stipulated in the licence that for surrender pursuant to subsection 3 a redemption amount shall be paid for all or part of what is surrendered. Unless otherwise stipulated the redemption amount shall be calculated such that the price of parcels of land and rights as well as hydraulic engineering works and buildings shall be their demonstrable cost at acquisition less amortisation according to an amortisation period of sixty years, whereas other appurtenant facilities shall be redeemed at their technical value according to appraisalment at the State's expense.

6. When regulating installations with buildings and facilities revert to the State pursuant to a licence, a portion of the installations or their value, though not over one-third, shall devolve to the municipalities in which the waterfall, power plant or regulating installations are located. In such instances the Storting shall determine the value and the municipalities' shares and apportion these among them. The Storting may also decide that the monies shall be used to set up a fund for the benefit of the municipalities or that the municipalities be paid a share of any profits from the installations.
7. If a waterfall or works owner pursuant to legislation relating to the acquisition of ownership rights owns his waterfall for a limited time only, his share of the regulating installations shall accompany the waterfall when his rights to this cease, even if the period stipulated pursuant to subsection 1 has not expired. Provided this provision leads to surrender without compensation before sixty years have passed, the provisions in subsection 4 may apply accordingly to the individual waterfall or works owner's part of the regulating installations.

Section 11.

1. A condition for a watercourse regulation licence pursuant to this Act shall be to pay an annual fee to the State and the counties and rural and urban municipalities as determined by the King, calculated according to the increase of the water power obtained by the regulation. The King shall lay down regulations regarding the maximum and minimum rates that are to apply. In laying down the regulations special allowance must be made for changes in the purchasing power of the krone.

After five years, the stipulation of the fee may be re-examined by the licensing authorities.

What is to be regarded in each case as the increase in water power obtained by the regulation shall be decided according to the provisions of section 2, third paragraph, the decision of the Ministry being final. In cases where a watercourse was previously regulated, or when special circumstances otherwise make it desirable, the increase in power in the watercourse or in certain parts thereof may be calculated according to the water flow that arises when the new reservoir is divided evenly by a number of days that corresponds to the longest period of time during which it is reckoned that the reservoir will be in use from year to year. The decision may be made for the entire period of the regulation or for a temporary period of ten years, after which a final decision is made for the remainder of the period.

2. The fee accruing to the State shall be paid into a common fund for the entire country, to be used as further stipulated by the Storting.

The fee to the counties and municipalities shall be apportioned among them as stipulated by the King for ten years at a time. The fee shall be set aside in a separate fund for each county or municipality to be used as stipulated by the county or municipal council. This authority may be delegated to another municipal or county body. In accordance with statutes subject to the approval of the Ministry concerned, the monies in the fund shall preferably be used for local

industrial development. The Ministry may delegate the authority to approve the statutes to the county governor. The county or municipality may appeal the decision of the county governor according to rules further stipulated by the Ministry. Statutes for funds under an amount stipulated by the King do not require approval.

3. The fee, on which interest is due as laid down in pursuance of section 3, first paragraph, of Act No. 100 of 17 December 1976 relating to interest on overdue payments, etc., is payable by the individual waterfall or works owners. The obligation to pay the fee commences gradually as the water power obtained by the regulation is put to use. If the licence has been granted to a water management association, the association is liable for the fees payable by its members.
4. Unless laid down by the King, further provisions regarding the payment of the fee and monitoring of water consumption shall be stipulated in each individual case by the Ministry concerned. Payment of the fee is enforceable by attachment.
5. A portion of the fee may be required to be paid in advance, as soon as work has begun. In no case shall this portion of the fee be refundable.
6. If the annual amount of the fee to the State or counties and municipalities comes to less than the minimum specified by the King, and the parties entitled to as well as subject to the fee agree, the Ministry may stipulate that the annual fee be paid in a lump sum pursuant to regulations laid down by the King. In special circumstances the King or Storting, if the licence is submitted to it, may reduce or waive the fee for a specific period of time.

Section 12. In addition to the provisions laid down in sections 10 and 11, the regulation licence shall stipulate terms and conditions in accordance with the following basic principles:

1. Work must commence within a period not exceeding five years and must be completed within a further period not exceeding five years. The King may grant exemptions from these provisions. The time limits do not include time impossible to make use of due to *vis major*, strikes or lockouts.
2. - - -.
3. - - -.
4. The Ministry concerned may stipulate that the licensee be required to guarantee immediate compensation to the survivors of someone who perishes in a work accident during the period of construction.
5. If the licence is expected to result in urban development or a large influx of people, the licensee may be required to cover all or part of the expenditure connected with preparing a zoning plan, and in certain cases, for the land use part of the municipal master plan, as further stipulated by the Ministry.

If the licence entails a substantial encroachment in mountain areas, the

licensee may be required to cover all or part of the expenditure connected with preparing a zoning plan and the land use part of the municipal master plan, as further stipulated by the Ministry.

6. The licensee should be required to pay compensation for all or part of the expenditure for maintaining and repairing public roads, bridges and quays, when these outlays are expected to rise considerably as a consequence of construction work. Roads, bridges and quays built by the licensee shall be open to the public, unless the Ministry decides otherwise.

7. - - -.

8. The licensee may be required to pay a compensation to promote agriculture and forestry in the district, either by paying a suitable amount to be set aside in a fund or through annual payments. A similar stipulation may be made for promoting reindeer herding in the district.

The licensee may be required to pay a subsidy to promote fishing in the municipality (or municipalities), either by paying a suitable amount to be set aside in a fund or through annual payments. Other conditions for promoting fishing in the municipality or municipalities may also be stipulated.

Statutes for funds and their administration are subject to the approval of the Ministry concerned. Payment into the funds comes due when the licence is granted, unless otherwise stipulated. If payments into such funds are stipulated as annual payments, the annual amount shall be adjusted in the same manner as specified for annual compensation in section 16, subsection 5, seventh paragraph.

The licensee may likewise be required to pay compensation for expenditure connected with stepped-up wildlife and fish surveillance during the period of construction.

9. - - -.

11. In the event of war, measures may be taken by the military to blow up dams, without the installation's owner having a right to remuneration or compensation for the resulting inconvenience or limitations with respect to the installation or its use. The owner of the installation must submit without remuneration to any use of the installation undertaken for the purpose of war.
12. Regulation facilities shall be operated in accordance with regulations stipulated in advance by the King. If urgent reasons prevent the regulations from being stipulated at the same time as the licence, it should be done as soon as possible thereafter and in any case before appraisalment on compulsory purchase begins.

Before the regulations are issued, the affected competent State authorities, county or counties, municipality or municipalities, regulation associations, fishery associations or other parties whose interests are especially affected, including those of the public, are to have had the right to comment. The same shall also

apply if it is later deemed necessary to amend the regulations.

13. As further specified by the Ministry, the owner of the regulating installation shall carry out the hydrological observations required in the public interest and make the material obtained available to the public authorities. For dams, the permitted head of water and, if applicable, the lowest limit for drawing-off shall be indicated permanently and clearly by a high and low water mark, as approved by the public authorities. Copies of all maps that the licensee had to have drawn for the purpose of the installation shall be sent to the Norwegian Mapping Authority with information on how the measurements were carried out.

The licensee may be required to conduct and defray the cost of follow-up studies of the regulation's impacts on affected interests. The studies with appurtenant material shall be made available to the public authorities. The Ministry may issue further provisions on which studies are to be conducted and who is to conduct them.

14. Without compensation for the installations carried out, the owner shall submit to any further regulation in the watercourse in question that does not reduce the output of the allowed regulation, and he shall provide without compensation the necessary service water for possible subsequent canals constructed at State expense.
15. The licence shall stipulate that the licensee shall surrender to the counties and municipalities in which the power plant is located up to ten per cent of the increase in water power obtained for each waterfall, calculated according to the rules in section 11, subsection 1, cf. section 2, third paragraph. The amount surrendered and its distribution shall be decided by the Ministry concerned on the basis of the county's or municipality's general electric power supply needs. The county or municipality may use power provided as it sees fit.

The licensee may be required in addition to surrender up to five per cent of the power to the State calculated as in subsection 15, first paragraph. The State may freely dispose over the allocated power.

The licence shall have provisions to notify the licensee before power is drawn on or terminated.

The Ministry shall decide how the power is to be surrendered and calculate the output and energy. Power shall be drawn from the power station's transmission substation or the licensee's transmission lines for securing a supply of firm power and a utilisation period as low as 5,000 hours a year. The licensee may not oppose power being drawn from another party's transmission lines, and is in that case obliged to make the power available. The cost of transforming and transmitting the power when drawn from somewhere other than the power station's transmission substation shall be paid by the party drawing the power.

The price of the power shall be set on the basis of the average cost for a representative sample of hydroelectric power stations throughout the country. Taxes calculated on the profit from power generation in excess of a normal rate of

return are not included in the calculation of this cost. Each year the Ministry shall set the price of power supplied at the power station's transmission substation. The provisions of the first and third sentences do not apply to licences valid prior to the entry into force of Act No. 2 of 10 April 1959.

No decision shall be made regarding the surrendering of power in pursuance of licence terms stipulated according to the provisions of this subsection, if terms regarding the surrendering of licensed power have been stipulated for the same waterfall pursuant to section 2, third paragraph, no. 12 of Act No. 16 of 14 December 1917.

A decision regarding the surrendering and distribution of power may be brought up for reconsideration after twenty years.

The King may issue further regulations relating to surrendering, distribution and prices.

16. The licensee should be required to avoid the destruction of natural resources and areas when such avoidance is desirable on scientific or historical grounds or for reasons of the area's natural beauty or uniqueness. If such destruction cannot be avoided, the nature conservation authorities must be notified well in advance.

The licensee shall be required to ensure that the installations disfigure the countryside as little as possible, in accordance with further provisions from the Ministry concerned. The licensee is obliged to obtain a permanent right to use disposal sites and other areas necessary for carrying out orders issued pursuant to this paragraph. The licensee shall undertake a proper cleanup of the construction areas and the cleanup must be completed no later than two years after the installation in question has gone into operation.

The licensee should be required to the extent possible to plan temporary auxiliary installations so that they may be of permanent use to the public.

17. Further conditions may be set in the licence, including a requirement to establish an industrial development fund for the benefit of the individual municipality, when in the particular instance this is deemed necessary in the public interest or for protecting private interests that will suffer harm. Payment into the fund is due when the licence is granted. Otherwise, section 11, subsection 2, third paragraph, subsection 3 and subsection 4, apply to the industrial development fund insofar as they are appropriate. If payments into such funds are specified as annual payments, the annual payments shall be adjusted in the same manner as stipulated for annual compensation in section 16, subsection 5, seventh paragraph.

18. - - -

19. The licensee shall be required to submit to the verification of his compliance with conditions in the licence or in pursuance thereof that the Ministry concerned deems necessary. The licensee may be required to cover expenses connected therewith.

20. The licensee is liable for compliance with the provisions laid down in the Act or in pursuance thereof.
21. The licence shall stipulate that in the event of an infringement of the provisions of the Act or in pursuance thereof, the licensee shall rectify the matter after being requested to do so by the Ministry. Such a request cannot be made later than twenty years after the end of the calendar year during which the work was completed or the measure went into operation.

For infringement of the provisions of the Act or in pursuance thereof, the license shall stipulate a coercive fine, which either accrues until the matter is rectified or comes due for each infringement. Payment of a coercive fine may be enforced by attachment. Coercive fines received shall go into the same fund as the annual fees to the State pursuant to section 11, subsection 1.

Likewise, the licence shall stipulate that repeated or continued infringements of the most important further specified licence terms common to all who are participating in the regulation will result in the revocation of the licence. In that case the State may demand the surrender of the regulating installation with adjacent land and rights, with the buildings and other facilities erected on account of the regulation, for a redemption amount calculated in the same manner as in accordance with the provisions of section 10, subsection 5. Disputes in this regard shall be decided by appraisal. If the State does not wish to take over the installation, section 21 shall apply accordingly.

Infringements as mentioned in the preceding paragraph of special licence terms for the individual participants in the regulation will result in the lapse of the right of the waterfall or works owner to make use of the service water obtained by the regulation.

22. In respect of waterfalls the regulation of which is expected not to produce more than 1,000 natural horsepower, the King may grant an exemption from the terms and conditions in sections 10 - 12, provided the power is to be utilised for the owner's own needs for light, heat, farm operations, craftsman's trade or small-scale manufacturing or is leased to another party on generous terms for the same purpose.
23. For a regulation that does not result in an increase in water power greater than 3,000 natural horsepower in the entire watercourse, or in an increase greater than 500 natural horsepower in a single waterfall or series of waterfalls that can be exploited as a single waterfall, the King may stipulate that the provisions of section 10, section 11 and section 12, subsections 4, 5, 6, 11, 13, 15, 16 and 17 shall not apply in full or in part.

Section 13. If in order to carry out a regulation project a licensee must dispose over a lake to which in its entirety he does not have title, the licence shall furthermore be made conditional upon the payment to the State of a one-time compensation of up to NOK 3 for each of the natural horsepower obtained by the regulation of the lake, calculated according to the rules in section 11, subsection 1, cf. section 2, third paragraph.

This compensation shall be paid into the same fund as the annual fees pursuant to section 11, subsection 1. As determined by the Storting, the compensation may be transferred in full or in part to the municipalities whose interests are affected by the regulation of the lake. The apportionment among the municipalities shall be stipulated by the King. The provisions of section 11, subsections 3, 4 and 5 apply correspondingly to the aforementioned compensation.

Section 14.

1. A licence for a regulation shall be officially registered. The Ministry may specify the jurisdiction in which the registration shall take place. The Ministry may decide that an extract of the licence shall be registered as an encumbrance on the properties or works in the watercourse for which the regulation may entail obligations.
2. The regulation licence shall not be transferable. The regulating installation or shares therein may not be made over, mortgaged or made the object of a seizure or attachment unless in connection with waterfalls in the same watercourses downstream from the installation.
3. When the installation passes into State hands, the Ministry shall register a notice thereof.
4. All encumbrances attached to the installation lapse when in accordance with the regulation licence it is transferred to the State. If an older regulating installation pursuant to section 10, subsection 3, is also to be transferred to the State, older mortgages, easements of considerable importance, lease rights and similar encumbrances must be removed or yield in priority to the obligations imposed in the licence, including coercive fines pursuant to 12, subsection 21, by the time this licence is granted.

Section 15.

1. When watercourse regulations are carried out by the State pursuant to this Act, the owners of the waterfalls and works that will use the service water obtained by the regulation are obliged to abide by the conditions stipulated by the King with the consent of the Storting.
2. The same applies when a regulating installation or share in a regulating installation pursuant to section 10, subsection 2, is transferred to the State in accordance with an awarded regulating licence.
3. Interest shall accrue from the due date on charges imposed for the use of the service water obtained in accordance with subsections 1 or 2 at a rate of interest as laid down in pursuance of section 3, first paragraph, of Act No. 100 of 17 December 1976 relating to interest on overdue payments etc., and may be

enforced by attachment.

Section 16.

1. When a watercourse regulation is to be carried out at State expense or when a licence for a watercourse regulation is issued in pursuance of this Act, every person is obliged to surrender, for compensation as determined by appraisalment, the necessary land, built-on or not, including roadbeds, gravel pits or stone quarries, older regulating installations and so forth, and to bear whatever encumbrances and accept whatever damage or curtailments that the regulation might entail to the property or its amenities – in accordance with the plan adopted by State authorities or stipulated in the licence.

As determined by the King, owners and rights holders may be summoned to a compulsory purchase valuation in the manner prescribed by section 1-8 of Act No. 59 of 19 June 1992 relating to rural commons. Service of summons etc. may be performed in the manner prescribed in section 1-7 of the same act.

2. Compensation shall be determined on the assumption that the installation will be permanent.
3. In determining compensation, 25 per cent is to be added to the amount of the value of the surrendered property that is set by appraisalment and of that which otherwise is subject to compensation.

Appraisalment can decide that the owner of the regulating installation shall undertake measures or payments that in full or in part repairs the damage or compensates for the property surrendered. Such a decision may only be made when the expenses connected with the measure or payments do not, in the opinion of the court, exceed the financial compensation that would have to be paid if the decision had not been made. Land and rights necessary for carrying out the measures may be required to be surrendered pursuant to the provisions of subsection 1, first paragraph, when the appraisalment finds that the damage or burden imposed by the surrender is small relative to the advantages attained. The rights holder must be specially summoned. The provisions of the first paragraph and in subsections 2, 5 and 7 apply accordingly.

4. If compensation is not to be paid pursuant to section 13, and the total compensation that is due the owners of and rights holders to land adjacent to a regulation basin, when the increment pursuant to subsection 3, first paragraph, is included or that would have been due them, provided that they were all due compensation pursuant to the present section, does not amount to at least NOK 1 for each natural horsepower obtained by the regulation of the basin, calculated according to the provisions of section 2, third paragraph, the appraisalment shall nevertheless increase the increment for each owner of and rights holder to land adjacent to the basin by up to a percentage so high, that the total compensation is equal to the aforementioned amount for each natural horsepower obtained. The number of natural horsepower obtained shall be determined by the Ministry. If compensation for any portion of the land or rights adjacent to the basin is not paid in accordance with this section, the size of the compensation that would have been paid for this portion or these portions if the provisions of subsections 1-3 had been

applied shall be determined by appraisal, insofar as it is deemed necessary to determine whether the present provision shall apply.

5. Compensation for the surrender of and damage to or inconvenience regarding real property, including the increment pursuant to subsection 3, first paragraph, shall be stipulated by appraisal separately for each property as annual compensation, if the compensation is less than the minimum amount determined by the King. Nevertheless, lump-sum compensation shall be stipulated if the property is surrendered in its entirety or a substantial portion thereof is surrendered or the surrendering party demands it.

Previously stipulated compensation under the minimum amount determined by the King may be converted to a lump-sum compensation if one of the parties so demands.

The annual compensation shall be a right that is inseparable from the property and may not be separately transferred, mortgaged or made subject to seizure or attachment. If the property is divided, the entire compensation shall follow the main works, unless an independent farm is detached therefrom. In that case, the Ministry concerned shall decide whether, and if so, how the annual compensation shall be divided.

The Ministry concerned may in an agreement between the owner of the regulating installation and the injured parties consent to monetary compensation instead of carrying out measures and work, if the monetary compensation is used by the injured parties for further specified measures and work for the property.

The appraisal may determine that several injured parties shall be granted joint compensation, either in the form of money for carrying out work or by seeing that the owner of the regulating installation undertakes the necessary measures.

Compensation pursuant to the third or fourth paragraph is due for payment as the work or measure is carried out. The Ministry concerned may monitor the performance of the work.

Annual compensation shall be adjusted every five years on the basis of adjustment standards stipulated by the King. Special consideration shall be taken of changes in the purchasing power of the krone in determining these standards.

In the event of a compulsory purchase, the administrator of the appraisal shall, at the installation owner's expense, see to registering a copy of the transaction, insofar as it is relevant for the annual compensation. This compensation is to be noted for each property on its page in the Register of Land and Land Charges. The payment of annual compensation shall be noted on the condemned property's page in the Register of Land and Land Charges.

When a licence is granted for a limited time and with a provision requiring reversion to the State, the licensee shall furnish such security as the Ministry

approves, so that at the expiry of the term of the licence or in the event the licence is relinquished pursuant to section 10, subsection 3, first paragraph, or redeemed pursuant to section 12, subsection 21, third paragraph, an amount is placed at the disposal of the State equal to fifteen times the compensation valid at the time. The security shall be normally provided in the form of a guarantee from a bank or insurance company. When the State has received this amount, after taking possession of the regulating installation, the State shall be responsible for paying the annual compensation in the future.

6. When a compulsory purchase valuation pursuant to a regulating licence is not summoned within one year after the resolution, the regulation may not be proceeded with without a new licence. When it is deemed unobjectionable, a new licence may be issued in such cases without the provisions of section 6 and of chapter VII-a of Act No. 77 of 14 June 1985 applying.
7. If there is no compulsory purchase following a final compulsory purchase valuation, the party that arranged the appraisalment, shall pay the landowners and rights holders that would have been compensated according to the appraisalment, in addition to the costs imposed pursuant to section 20, remuneration equal to 5 per cent of the value of the measures and work ordered and of the amount of compensation awarded including an increment in accordance with subsection 3, first paragraph, and subsection 4, but in no instance more than NOK 3,000 to each landowner or rights holder. In the absence of an agreement on the value of the measures and work ordered, the value shall be stipulated by appraisalment.

Section 17. (Repealed by Act No. 62 of 19 June 1992.)

Section 18. (Repealed by Act No. 62 of 19 June 1992.)

Section 19.

1. Provided it can be done without inordinate expense or work, the owner of the regulating installation is obliged to undertake such measures and to provide water to the degree that general traffic or the floating of timber is inconvenienced as little as possible. In the event of a dispute, the question of the measures he shall undertake shall be decided by appraisalment. Land and rights necessary for carrying out the measures may be required to be surrendered pursuant to the provisions of section 16, subsection 1, first paragraph, when appraisalment finds that the damage or burden imposed by the surrender is small relative to the benefits attained. The rights holder must be specially summoned. The provisions of the first paragraph and of section 16, subsections 2, 3, 5 and 7 apply accordingly.

Any harm or burdens inflicted by hindrances or inconvenience to general traffic, the floating of timber or fishing and that are not remedied by the provisions of the first paragraph, are to be compensated in accordance with the general principles of compulsory purchase law.

2. The King may grant the owner of the regulating installation a permit to dispose of all the water for the purposes of the regulation, when the preponderant public interest so warrants. The permit shall stipulate the terms and conditions deemed to be required in consideration of the public interests on which the enlargement

inflicts harm, or to promote the benefits of the measure to society. The permit does not exempt the holder from the requirements pursuant to section 10 of the Water Resources Act.

The consideration of, and decision on, applications for such permits follow the provisions regarding applications for a regulation licence, insofar as they are appropriate. For power obtained on the basis of the permit, higher fees may be levied pursuant to section 11 than those stipulated in the terms of the licence for power obtained by regulation in the ordinary manner.

3. Appraisalment pursuant to this section and pursuant to section 16 shall be treated as a single case. Nevertheless, appraisements regarding circumstances pertaining to timber floating may be held separately. Section 21 of Act No. 3 of 23 October 1959 relating to the expropriation of real property applies accordingly for appraisalment pursuant to this section.

4. - - -

Section 20.

1. Members of the court of appraisalment should preferably be appointed from among persons knowledgeable about agricultural and forestry matters of particular importance in the district in question.

The Ministry concerned may issue further regulations regarding the procedure for preparing for appraisalment pursuant to this Act.

2. The costs connected with the appraisalment or reappraisalment pursuant to this Act shall be borne by the party who wishes to carry out the regulation project or who puts it into operation. When the appraisalment is not requested by him, the court may nevertheless release him from bearing up to a fourth of, and in the event of a reappraisalment, up to half of, the costs, provided the court unanimously finds that the request for the appraisalment in question is patently unjustified.

Section 20a. When less than twenty-five years remain of the licence period for a regulating installation that pursuant to licence may be required to be surrendered to the State, the King has the power to issue the licensee a regulating licence or the promise of a regulating licence for a new licence period of up to fifty years.

During the last three years of the licence period for a regulating installation that pursuant to licence may be required to be surrendered to the State, the State shall have unhindered access to the installation and have the right to undertake the necessary steps to prepare for the State's take-over and ensure continued operation. However, this must not take place to the exclusion or detriment of the licensee's utilisation of the regulating installation in accordance with the licence. The licensee is obliged to provide such information and such assistance of an advisory nature deemed necessary for the State to be able to protect its interests pursuant to this provision. Expenses connected herewith shall be covered by the State.

Section 21.

1. If the State does not wish to take over a regulating installation upon the expiry of the period stipulated in the licence, and no agreement is reached either on a new

regulation licence, the owner is obliged upon the demand of the Ministry concerned to remove the installation within a period of time set by the Ministry.

2. Otherwise, a regulating installation that has been constructed under a licence pursuant to this Act shall not be closed down without the permission of the King. If the Storting had consented to the construction of the installation, its consent must also be obtained to close it down.
3. In the event an installation is closed down, the owner is obliged to take such action as required by the public authorities to avoid any danger or damage to the surroundings or to properties upstream and downstream from the installation.
4. The obligation to pay annual compensation ceases from the end of the calendar year in which the installation has been closed down.
5. The owner is obliged to pay compensation according to appraisal for damage or inconvenience the closedown inflicts on property or rights, though not for the loss of benefits that the installation created and for which no compensation has been given, either for reduced compensation for a compulsory purchase or otherwise. He is likewise obliged to pay lump-sum compensation for damage or inconvenience the installation will continue to inflict after it is closed down.

Section 22. The provisions of section 2, second paragraph, sections 3 - 8, section 10, subsection 3, sections 11, 12 with the exception of subsection 21, third and fourth paragraphs, sections 13 and 14, subsection 1, section 16 with the exception of subsection 5, ninth paragraph, as well as sections 19 and 20 apply correspondingly to watercourse regulations carried out at State expense.

Section 23. Following an application from the party who wishes to undertake a regulation for which a licence is not required pursuant to this Act, the King may decide that the regulations in section 9, subsections 3 - 8, shall apply between the party undertaking the regulation and the waterfall or works owners who are supplied with additional service water on account of the regulation.

Section 24. Whoever wilfully or negligently undertakes a regulation of a watercourse without the necessary licence, or contravenes the provisions of, or pursuant to, the Act, shall be punished by fines or imprisonment of up to three months. Complicity shall be punished in the same manner.

Section 25. (Repealed by Act No. 3 of 15 March 1940.)

Section 26.

1. This Act enters into effect immediately.
2. Act of 4 August 1911, with amendments of 20 February 1913, relating to watercourse regulations for industrial purposes, is repealed.
3. This Act applies in the ordinary manner to regulating installations constructed according to licences pursuant to previous legislation, so that the licence is considered to be equivalent to a licence pursuant to this Act.
4. Regulating installations constructed without a licence pursuant to previous

legislation may continue without a licence pursuant to this Act.

Regulations

Ministry of Petroleum and Energy, 1987-12-04 945

Regulation governing the adjustment of licence fees, annual compensation and funds, etc., in pursuance of watercourse legislation. Amended on 5 Oct 2001, No. 1149

Section 9

Ministry of Petroleum and Energy, 1984-10-12 1758

Regulation governing the delegation of approval authority pursuant to the Watercourse Regulation Act - approval of water management associations' articles of association.

Section 10

Ministry of Petroleum and Energy, 2000-08-25 880

Delegation of authority to the Ministry of Petroleum and Energy pursuant to section 27 of the Act relating to the acquisition of waterfalls, mines and other real property, etc., and section 10, subsection 3, second paragraph, of the Act relating to regulation of watercourses.

Ministry of Petroleum and Energy, 2001-01-19 72

Delegation of authority to the Ministry of Petroleum and Energy pursuant section 10, subsection 3, second paragraph, of Act No. 17 of 14 December 1917 relating to regulation of watercourses.

Section 11

Ministry of Petroleum and Energy, 1993-11-19 1035

Delegation of authority to stipulate a ceiling for payment for industrial development funds the statutes of which do not require approval pursuant to the Watercourse Regulation Act and the Industrial Licensing Act.

Act no. 50 of 29 June 1990: Act relating to the generation, conversion, transmission, trading, distribution and use of energy etc. (The Energy Act)

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Act relating to the generation, conversion, transmission, trading, distribution and use of energy etc. (The Energy Act)

Chap. 1. General provisions

Section 1-1. (*Scope*)

This Act applies to the generation, conversion, transmission, trading and distribution of energy.

This Act does not apply in Norwegian territorial waters.

This Act does not apply to the acquisition of ownership rights or the right of use of waterfalls and the regulation and development of watercourses. This Act does not apply to installations that only generate and convey thermal energy for their own industrial activity.

The Ministry specifies how large an output or how many customers a district heating plant shall have in order for the Act to apply. Plants that are exempted from the Act may be ordered to connect with other plants pursuant to the provisions in section 5-3.

The King may decide that certain parts of the Act shall apply to Svalbard.

Section 1-2. (*Purpose*)

The Act shall ensure that the generation, conversion, transmission, trading, distribution and use of energy are conducted in a way that efficiently promotes the interests of society, which includes taking into consideration any public and private interests that will be affected.

Section 1-3. (*Definitions*)

In this Act, electrical installation is defined as: a generic term for electrical equipment and associated building structures for the generation, conversion, transmission and distribution of electrical energy.

In this Act, district heating plant is defined as: a term for technical equipment and associated building structures for the generation, transmission and distribution of hot water or some other heating medium to external consumers.

Section 1-4. (*State-owned installations*)

The Act's provisions in sections 2-2, paragraphs two and three, 3-2, 3-3, 3-5, 7-2 and 7-3 do not apply to state-owned installations.

Chap. 2. Administrative procedures

Section 2-1. (*Application*)

Pursuant to this Act, an application shall be submitted to the licensing authority.

For applications that are covered by Chapter VII-a of the Planning and Building Act no. 77 of 14 June 1985, an environmental impact assessment shall be submitted with the application.

The application shall provide the information that is necessary in order assess whether a licence should be granted and which conditions shall be specified. The Ministry may specify the information or studies that the applicant must provide.

An application for the construction of an installation for the generation, conversion and transmission of electrical power shall usually be submitted simultaneously with the application for power plant development in accordance with the water resources legislation.

Applications that meet the requirements specified in this paragraph shall be distributed for comment in the Norwegian Water Resources and Energy Directorate and in affected municipalities or some other appropriate place in that district. When the application is distributed for comment, a deadline will be set for submitting comments to the licensing authority. When it is deemed unobjectionable, the distribution of an application for comment may be omitted.

A public announcement of the application, a brief description of the plans, information about where the application has been distributed for comment and the deadline for submitting comments shall be posted in the Official Norwegian Gazette and in one or more newspapers that are commonly read in the district. The applicant pays the costs of distribution for comment and public announcement of the application. When it is deemed unobjectionable, the public announcement may be omitted.

Public bodies and others to whom the measure directly applies shall have a copy of the application sent to them for comment. When the application is sent out for comment, a deadline will be set for submitting comments to the licensing authority. When it is deemed unobjectionable, a public consultation may be omitted.

The processing of an application in accordance with this Act may be postponed pending an energy plan pursuant to section 5B-1.

Section 2-2. (*Decisions*)

Decisions in accordance with this Act are made by the Ministry.

A licence in accordance with Chapters 3, 4 and 5 is issued for a limited period of up to 30 years starting on the date when the licence was issued.

A licence is issued to a specific person, company, cooperative, municipality or county.

Chap. 3. Electrical installations

Section 3-1. (*Licences for installations*)

Installations for the generation, conversion, transmission and distribution of high voltage electrical energy, may not be built or operated without a licence. The same applies to the rebuilding or expansion of existing installations.

The Ministry specifies how high the voltage for an electrical installation shall be in order for this provision to be applicable.

Section 3-2. (*Local area licences*)

Within a specific area, a licence may be granted for the construction and operation of installations for the distribution of electrical energy with voltages up to a level that is specified by the Ministry.

Section 3-3. (*Mandatory delivery*)

The party that is granted a local area licence pursuant to section 3-2 shall provide electrical energy to the customers within the geographical area where the licence is applicable.

The Ministry may grant an exemption from mandatory delivery when special grounds warrant it.

Section 3-4. (*Conditions*)

For licences pursuant to sections 3-1 and 3-2 the Ministry may issue further regulations and specify conditions:

1. taking into consideration the demand for electrical energy and rational energy supplies.
2. relating to the start-up, construction, design, commissioning, maintenance, operation and shut-down of the electrical installation.
3. relating to the utilisation of the individual power plant.
4. in order to avoid damage to the natural environment and cultural heritage.
5. relating to the licensee's organisation and expertise, the expertise of the party to whom operational tasks are entrusted and provisions that regulate the outsourcing

of operations.

In connection with the individual licence, the Ministry may specify further conditions if it is deemed necessary by public or private interests.

Section 3-5. (*Expropriation of electrical installations*)

The Ministry may make decisions regarding the expropriation of installations for the conversion, transmission and distribution of electrical energy.

Expropriation can first occur at the expiration of the period for which the licence has been granted and must be undertaken for the benefit of some other energy utility or the State.

Chap. 4. Trade in electrical energy

Section 4-1. (*Trading licence*)

No one but the State may engage in the trade in electrical energy without a licence. In case of doubt, the Ministry decides whether a licence is mandatory.

For licences pursuant to paragraph one, the Ministry may issue further regulations and specify conditions regarding:

1. the internal organisation and accounting of the licensee.
2. market access to all customers who want grid services by offering non-discriminatory and objective point tariffs and terms.
3. impartial behaviour of a grid owner.
4. specification and calculation of tariffs and revenue from the sale of grid services.
5. information to customers connected to the licensee's grid.
6. other activities in connection with the development and utilisation of common infrastructure.
7. coordination of grid and grid services.

The Ministry may specify further conditions if the consideration of public interests so requires.

In special cases, the Ministry may grant an exemption from provisions or conditions specified in paragraphs two and three.

Section 4-2. (*Export and import of electrical energy*)

No one but the State may export or import electrical energy without a licence.

Conditions may be specified in the licence if public considerations so require.

Section 4-3. (*Metering, settlement and invoicing*)

The Ministry lays down regulations governing metering, settlement and invoicing.

Authority pursuant to the legislation specified in paragraph one to coordinate the metering and settlement of power trading, is delegated to the party designated by the Ministry under further stipulated conditions. The entity responsible for settlement shall see that all feeds into and taps from the grid of electrical energy will be correctly settled so that an economic balance in the power market is achieved.

Anyone who fully or partly owns or operates a grid, power generation or an organised marketplace pursuant to section 4-5, together with trading companies and end users is required to comply with the instructions of the entity responsible for settlement during the coordination of the settlement, and to comply with the provisions relating to metering, settlement and invoicing specified in or pursuant to this Act. Decisions that are made by the entity responsible for settlement while exercising his responsibility for settlement are exempted from Chapters IV-VI and VIII of the Public Administration Act.

Section 4-4. (*Restructuring energy use and energy generation*)

The Ministry may decide that a trading licensee that charges for grid services shall add a mark-up to the consumption tariff for electricity for end use in the grid, which shall be paid as a contribution to an energy fund.

The fund's assets shall be used for measures aimed at the restructuring of energy use and energy generation in accordance with rules that are specified by the Ministry.

A contribution owed is a basis for execution. Should the contribution not be paid when due, interest shall be levied as laid down in pursuance of Act No. 100 of 17 December 1976 relating to interest on overdue payments etc.

The Ministry issues regulations concerning the formulation and implementation of the scheme, including the size of the mark-up, the basis, the calculation of the contribution, payments into the fund, interest, collection and supervision etc.

Chapters IV, V and VI of the Act of 10 February 1967 relating to procedure in cases concerning the public administration (the Public Administration Act) do not apply when the administrator of the energy fund makes individual decisions on behalf of the State regarding the allotment of assets from the energy fund.

Section 4-5. (*Organised marketplace*)

No one but the State can engage in the organisation or operation of a marketplace for the trade in electrical energy without a licence. In case of doubt, the Ministry decides whether a licence is mandatory.

Conditions may be specified in the licence if public considerations so require. The Ministry may issue regulations governing the players' duty to disclose information.

Chap. 5. District heating plants

Section 5-1. (*Licence for district heating plant*)

A district heating plant may not be built or operated without a licence. The same applies to the rebuilding and expansion of district heating plants.

The Ministry may specify the size of the output or the number of customers a district heating plant shall have in order for this provision to apply.

The Ministry may specify that this provision is not applicable to district heating plants that provide heat to public institutional buildings, large commercial buildings, industrial operations, housing cooperatives or commonhold associations.

Section 5-2. (*Conditions*)

For licences pursuant to section 5-1, the Ministry may issue further regulations and specify conditions:

1. relating to the start-up, construction, design, commissioning, maintenance, operation and shut-down of the district heating plant.
2. relating to the licensee's organisation and expertise, the expertise of the party to whom operational tasks are entrusted and provisions that regulate the outsourcing of operations.

In connection with the individual licence, the Ministry may specify further conditions if it is deemed necessary by public or private interests.

Section 5-3. (*Mandatory connection*)

The Ministry may order any district heating plant to connect with other district heating plants if the plant has a heating system that can be connected.

Section 5-4. (*Mandatory delivery*)

The licensee has a duty to provide connected customers with district heating, either from his own generation or through an agreement with some other supplier in accordance with the plan for the plant or as agreed with the customers. If a mandatory connection is required pursuant to section 66a of the Planning and Building Act, and the buildings cannot be connected to the district heating plant because of delays relative to the specified deadline for completion, the licensee may be ordered by the Ministry to guarantee the buildings a temporary heat supply.

The duty to provide district heating is waived in the event of war, a strike, a lockout, or any other sudden and unforeseen event that makes a delivery impossible or unreasonably burdensome. The provision of district heating may be interrupted when there is a danger of personal injury or damage to property or when it is necessary for repair and maintenance.

The licensee is obligated to take temporary measures to avert damage and disadvantages from the interruption of the deliveries to the greatest possible extent when this is possible.

Section 5-5. (*Prices*)

The charge for district heating can be calculated in the form of a connection fee, a fixed yearly charge and a charge for the heat that is used. The charge for district heating shall not exceed the charge for electrical heating in the same supply area.

Installations for which a licence is required shall notify the licensing authority about prices and other terms of delivery and any changes that may occur in them.

Anyone who is ordered to connect to a district heating plant pursuant to section 66 a of the Planning and Building Act, has a right to appeal to the licensing authority about prices and other terms of delivery. The licensing authority may issue orders regarding changes in the price or other terms of delivery.

When a mandatory connection to a district heating plant is ordered pursuant to section 66a of the Planning and Building Act, the customer shall pay a connection fee and a fixed yearly charge regardless of whether or not the district heating is used.

Section 5-6. (*Shut down*)

A district heating plant that is operated in accordance with a licence pursuant to this Act must not be shut down without a permit from the Ministry.

When a licence expires, a licence renewal may be granted upon application pursuant to this Act. If such a licence is not granted, the plant can be taken over free of charge by the State, the county or the municipality.

If the installation is not taken over by the public authorities, and no new licence is granted, the owner is obligated to remove the plant by a specified deadline. The Ministry may decide that buried components of the plant shall not be dug up again.

When the plant is shut-down, the owner is obligated to implement measures that are required by the public authorities to avert danger or damage to the surroundings and to property that is affected by the plant and for the protection of the customers' interests.

Chap. 5A. Responsibility for system operation, rationing and electricity supply quality

Section 5A-1. (*Responsibility for system operation*)

The Ministry issues regulations governing the responsibility for system operation.

The Ministry delegates the authority to exercise responsibility for system operation according to further specified conditions. The entity responsible for system operation shall see that there will be an instantaneous balance at any given time between the total generation and the total consumption of power taking account of the power exchanges with interconnected foreign systems.

Anyone who fully or partly owns or operates a grid, power generation or an organised marketplace pursuant to section 4-5, together with trading companies and end users are required to comply with the instructions of the entity responsible for system operation during the operation of the system, and to comply with the provisions relating to the responsibility for system operation specified in or pursuant

to this Act. Decisions that are made by the entity responsible for system operation while exercising his responsibility for system operation are exempted from Chapters IV-VI and VIII of the Public Administration Act.

Section 5A-2. (*Rationing*)

The Ministry may put into effect electricity rationing, including enforced reductions in supply or requisitioning, if extraordinary circumstances make this necessary.

The Ministry appoints a rationing authority that is responsible for planning and administrative implementation of any measures required in connection with rationing pursuant to paragraph one.

The rationing authority may delegate decision-making authority in connection with the implementation of rationing to the Power Supply Preparedness Organisation (KBO). Chapter VI relating to appeals and reversals in the Act of 10 February 1967 relating to procedure in cases concerning the public administration (the Public Administration Act) does not apply to individual decisions that are made by the rationing authority or KBO in connection with the implementation of rationing. For cases that are processed by KBO, Chapter II of the Public Administration Act, which concerns disqualification, does not apply either. However, cases shall be prepared and decided using justifiable, reasonable and impartial administrative procedures.

The Ministry issues regulations governing the planning and implementation of electricity rationing, requisitioning of power and enforced reductions in supply.

Section 5A-3. (*Delivery quality*)

The Ministry issues regulations governing the delivery quality in the power supply system and to the duty to disclose information in connection with this quality.

Chap. 5B. Energy planning

Section 5B-1. (*Energy planning*)

Anyone who has a licence pursuant to sections 3-1, 3-2 and 5-1 is obligated to take part in energy planning.

The Ministry issues regulations and conditions pertaining to this planning.

Chap. 6. Emergency preparedness

Section 6-1. (*The Power Supply Preparedness Organisation*)

During a state of emergency and in a time of war, control of power supplies shall pass to the Power Supply Preparedness Organisation. This organisation includes all the entities responsible for power supplies during peacetime.

The Ministry shall coordinate contingency planning and administer the power supplies during a state of emergency and in a time of war.

The Power Supply Preparedness Organisation may also be assigned duties during peacetime in the event of damage to power supply installations as a result of natural conditions, technical failure, terrorist acts or sabotage, and likewise in connection with rationing pursuant to section 5A-2.

Section 6-2. (*Decision-making authority*)

In accordance with this chapter, the Ministry may make decisions regarding the protection of power supply installations against damage that is due to natural conditions, technical failure or deliberate sabotage during peacetime, in a state of emergency or in a time of war. The contingency measures may also include the management and operation of the power supplies.

Section 6-3. (*Contingency measures*)

Decisions regarding contingency measures at power supply installations in accordance with this chapter can be made for existing installations, installations under construction or planned installations that are or probably will become important for the country's power supplies.

In paragraph one, installation means:

- a. A power plant with a generating capacity of at least 15,000 kVA.
- b. A transformer or switching station with a throughput capacity of at least 10,000 kVA, and a converter station with a throughput capacity of at least 2,000 kVA.
- c. An electrical power line intended for at least 132 kV nominal voltage.
- d. Dams or other water flow regulation facilities capable of storing at least 5 million cubic metres of water.
- e. A district heating plant that has an output of at least 10 MJ/s (10,000 kW).
- f. Operation control centres.

When special circumstances warrant it, the Ministry may decide that installations that do not meet the minimum requirements specified in paragraph two shall also be regarded as important installations for the nation's power supplies.

Section 6-4. (*Orders*)

Companies engaged in activities covered by this chapter, may be ordered to put into effect at their own expense the contingency measures that the Ministry deems necessary in each individual case. If the implementation of an order entails significant expenses for the company that are not offset by corresponding benefits, the Ministry determines the compensation that the company shall receive.

When it is deemed necessary and irrespective of previous orders, it may be required that new or amended measures be put into effect.

Orders may not include the purchase of arms.

Section 6-5. *(Division of expenses and compensation)*

If an installation is not operated at the owner's expense, expenses and compensation pursuant to section 6-4 may be divided between the owner and operator on a reasonable basis.

If an order pertaining to contingency measures is essentially implemented for the benefit of particular consumers of electrical power or thermal energy, the expenses that this entails may be fully or partly charged to these consumers.

Section 6-6. *(Mandatory notification)*

Anyone who wants to build, rebuild, alter or expand an installation as specified in section 6-3, shall notify the Ministry before the work commences so that it may specify the contingency measures that shall be implemented at the installation. Plans, descriptions, drawings and maps that are necessary in order to make a decision shall be submitted with the notification.

An owner or operator of an installation is required to give the Ministry and those to whom the Ministry grants authority the information they request and access to the installation for those with valid identification papers.

Section 6-7. *(Fee to cover expenses)*

The Ministry may decide that a fee shall be charged to cover the expenses incurred by the emergency preparedness authorities' contingency planning work for power supplies. The expenses are charged to the owners and operators of the installations encompassed by this chapter.

Chap. 7. Miscellaneous provisions

Section 7-1. *(Monitoring)*

The Ministry may issue the orders that are necessary for the implementation of provisions specified in or pursuant to this Act. The Ministry monitors compliance with provisions specified in or pursuant to this Act. The monitoring expenses related to chapters 3 and 5 and section 4-2 shall be paid by the licensee.

Anyone who has a licence shall see that the installation and the operation of the installation or the activities meet the requirements specified in or pursuant to this Act. The Ministry issues regulations governing internal controls and internal control systems.

Everyone is obligated to give the Ministry the technical and economic information that is necessary for the execution of authority pursuant to this Act. The Ministry issues regulations governing the duty to disclose information.

Section 7-2. *(Deadlines etc.)*

The Ministry shall be notified as soon as possible and no later than three months after entry into an agreement that requires a licence pursuant to section 4-2. Notification shall also be given if any of the parties find it doubtful that the trading of power is subject to a requirement to obtain a licence pursuant to this Act.

An application for a licence shall be submitted to the Ministry as soon as possible and no later than three months after an agreement relating to the import or export of electrical energy has been signed. Upon application, the Ministry may extend this deadline.

If an application for a licence is refused, or if a licence application is not submitted in accordance with the provisions in paragraph 2, or if a time-limited licence expires, the Ministry shall set a deadline for the licensee to see that the agreement is amended. The deadline must not be set for any less than three months or any longer than three years.

The Ministry may order that the output or intake of power be interrupted with immediate effect until a licence has been granted.

The rules in paragraphs 1 to 4 will likewise be applicable if an energy utility that has been granted a licence pursuant to this Act has changed its head office or Board of Directors so that the conditions for the licence are no longer met. The same applies if the conditions have not been met from the very start.

Section 7-3. *(Non-compliance with conditions and orders)*

In the event of non-compliance with this Act or provisions or orders issued pursuant to this Act, a coercive fine may be imposed that either accrue until the situation has been remedied or that are payable for each infringement.

The Ministry may set a particular deadline for compliance with an order pursuant to Chapter 6 and impose a daily coercive fine payable to the Treasury if the deadline is exceeded. If the order is not complied with by the stipulated deadline, the Ministry may have the order executed at the expense of the party in question.

A coercive fine and expenses for the execution of orders may be recovered by distraint.

If a licence has been granted on the basis of incorrect or incomplete information about circumstances of considerable importance, or if the licensee violates this Act or provisions or orders issued pursuant to this Act, the licence may be withdrawn.

If a licence for an installation pursuant to Chapter 3 or Chapter 5 is withdrawn, a deadline shall be set for ensuring that the installation is taken over by some other party that can legally operate it. The provisions in section 26 of Act no. 19 of 31 May 1974 relating to concession and to the public authorities' right of pre-emption in the acquisition of real property are likewise applicable if the deadline is exceeded. For a district heating plant it may be required that the installation be shut down. In the event of closure, the provisions in section 5-6 will likewise be applicable.

If electrical power is exported or imported in violation of section 4-2 or of specified conditions for a licence, the transmission of power can be interrupted by measures initiated by the public authorities.

Section 7-4. *(Amendments)*

In special cases the specified conditions can be amended in the public interest. Consideration shall be given to the costs that an amendment will impose on the licensee and the advantages and disadvantages that the amendment will otherwise entail.

Amendments in conditions may also be made upon application from the licensee. The provisions in section 2-1 will be applicable insofar as they are appropriate.

Section 7-5. (*Penalties*)

Anyone who wilfully violates this Act or provisions or orders issued pursuant to this Act, will be punished with fines or imprisonment of up to 1 year or both. Complicity is punished in the same way.

Anyone who negligently violates a provision as specified in paragraph one or who is complicit in such a violation, will be punished with fines or imprisonment of up to three months or both.

A provision issued pursuant to this Act may specify that a breach of the provision is not a punishable offence.

Section 7-6. (*Regulations*)

The Ministry may issue regulations for the implementation and supplementation of this Act and its scope.

The Ministry may issue the regulations that are necessary for the protection of Norway's obligations pursuant to the EEA Agreement.

Section 7-7. (*Violation fines*)

The Ministry may impose a violation fine on anyone who negligently or wilfully violates section 5A-2 of this Act. The same applies to any violation of provisions or orders issued pursuant to section 5A-2 where the right to impose a violation fine has been particularly specified.

Imposed fines are a basis for execution. Claims for fines are collected by the State Agency for the Recovery of Fines, Damages and Costs (*Statens innkrevingsentral*). The State Agency for the Recovery of Fines, Damages and Costs can recover the claim through deductions in pay and other similar payments pursuant to the rules in section 2-7 of the Satisfaction of Claims Act. The State Agency for the Recovery of Fines, Damages and Costs may also recover the claim by creating a lien by distraint for the claim if the lien can be given legal protection through registration in a register or by notifying a third party, cf. Chapter 5 of the Mortgage Act, and the execution proceedings may be conducted at the office of the State Agency for the Recovery of Fines, Damages and Costs pursuant to section 7-9, paragraph one of the Enforcement Act.

Section 7-8. (*Undertakings*)

When a violation that may result in a violation fine pursuant to section 7-7 is committed by someone who has acted on behalf of an undertaking, a violation fine may be imposed on the undertaking. This applies even if a violation fine may not be imposed on any individual. Undertaking is defined here as a company, sole proprietorship, foundation, association or other amalgamation, estate or government agency.

In the decision of whether a violation fine shall be imposed on an undertaking and in the meting out of the sanction, particular emphasis shall be given to:

- a) the seriousness of the violation,
- b) whether the undertaking could have prevented the violation with guidelines, instruction, training, monitoring or other measures,
- c) Whether the violation was committed to promote the undertaking's interests,
- d) Whether the undertaking has had or could have derived any benefit from the violation,
- e) Whether this is a repeated offence,
- f) the undertaking's financial capacity.

Chap. 8. Entry into force. Amendments to other Acts.

Section 8-1. (*Entry into force and transitional rules*)

‘Sections 22 and 23 of Act no. 16 of 14 December 1917 relating to acquisition of waterfalls, mines and other real property etc. are repealed with immediate effect.

The King decides when the remaining parts of the Act will enter into force. The King may decide that specific provisions in the Act shall enter into force at various times.

The provisions in sections 5-1, 5-2, 5-4 and 5-6 do not apply to district heating plants that are already in operation when the Act enters into force.

Section 8-2. (*The relationship to previous legislation*)

Regulations specified in accordance with statutory provisions that are repealed pursuant to section 8-3 shall apply until they are amended or repealed in accordance with this Act.

Permits issued in accordance with statutory provisions that are repealed pursuant to section 8-3 shall remain valid until they expire. Licences to purchase up to 5,000 kW of power will cease to apply with immediate effect.

If an application has been submitted for a permit in accordance with statutory provisions that are repealed pursuant to section 8-3 before this Act enters into force, the application shall be decided in accordance with the rules in this Act.

Section 8-3. (*Amendment of other Acts*)

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Regulations

Ministry of Petroleum and Energy, 1991-01-11 13, Safety provisions for power supplies.

Ministry of Petroleum and Energy, 2001-12-14 1455, Delegation of authority to the Norwegian Water Resources and Energy Directorate pursuant to the Energy Act.

Section 2-3

Ministry of Petroleum and Energy, 1991-01-18 24, Delegation of authority to the Ministry of Petroleum and Energy pursuant to the Energy Act.

Section 4-4

Ministry of Petroleum and Energy, 2001-12-10 1377, Regulations concerning the payment of mark-up on grid tariffs to the Energy Fund (Regulations concerning the Energy Fund).

Section 7-6

Ministry of Petroleum and Energy, 1990-12-07 959, Regulations concerning the generation, conversion, transmission, trading, distribution and use of energy etc. (The Energy Act regulations), as subsequently amended on 10 December 1993, no. 1128, 18 February 1999, no. 165, 14 December 2001, no. 1456 (including the title), 2 January 2002, no. 1.

Ministry of Petroleum and Energy, 1991-01-11 12, Delegation of authority to the Ministry of Petroleum and Energy pursuant to the Energy Act.

Ministry of Petroleum and Energy, 1992-12-11 1065, Regulations concerning the implementation in Norwegian law of Annex IV, Section 1 of the EEA Agreement (Council Regulation (EEC) No. 1056/72) on notifying the Commission of

investment projects of interest to the Community in the petroleum, natural gas and electricity sectors.

Ministry of Petroleum and Energy, 1999-03-11 301, Regulations concerning metering, settlement and coordination of electricity trading and invoicing of network services, as subsequently amended on 30 January 2001, no. 86 and 17 December 2001, no. 1461.

Ministry of Petroleum and Energy, 1999-03-11 302, Regulations concerning financial and technical reporting, permitted income for network operations and transmission tariffs, as subsequently amended on 15 December 1999 no. 1286, 13 December 2000 no. 1255, 16 October 2001, no. 1394, 17 December 2001 no. 1486 (including the title).

Ministry of Petroleum and Energy, 2001-12-10 1377, Regulations concerning the payment of mark-up on grid tariffs to the Energy Fund (Regulations concerning the Energy Fund).

Ministry of Petroleum and Energy, 2001-12-17 1421, Regulations concerning the planning and implementation of requisitioning of power and enforced reductions in supply in connection with electricity rationing.

Act No. 82 of 24 November 2000 relating to river systems and groundwater (Water Resources Act)

DATE:	Act No. 82 of 24 November 2000
MINISTRY:	Ministry of Petroleum and Energy
PUBLISHED:	In 2000 part 26
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MOST RECENTLY AMENDED:	
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Act relating to river systems and groundwater (Water Resources Act)

Chapter 1. Purpose and scope

Section 1. *(purpose)*

The purpose of this Act is to ensure socially proper use and management of river systems and groundwater.

Section 2. *(definition of river systems and groundwater for the purposes of the Act)*

A river system is defined as all stagnant or flowing surface water with a perennial flow, with appurtenant bottom and banks up to the highest ordinary floodwater level. Even if certain sections of a river system flow underground or under glaciers, it is considered to be a river system in its entirety. Watercourses without a perennial flow are also considered to be river systems if they are clearly distinct from their surroundings.

The rules in the Act for river systems also apply to

- a) artificial watercourses with a perennial flow excluding pipelines and tunnels;
- b) artificial reservoirs directly connected to groundwater or a river system.

The Act applies to river systems abutting the sea provided

- a) at the mean rate of flow, the river system lies above sea level at normal low tide;
or
- b) the bottom is characterised by an inflow of fresh water.

The King may stipulate

- a) where the boundary to solid ground shall run pursuant to paragraph one;
- b) where the boundary to the sea shall run pursuant to paragraph three;
- c) that the Act shall apply in full or in part to *poller* (rounded fjords with a narrow inlet) and other landlocked bodies of water without outlets to the sea, when it is

reasonable to treat them as the equivalent of a river system;

- d) by regulation the extent to which the provisions of the Act shall apply to artificial watercourses and reservoirs;
- e) by regulation that beyond chapter 9 the Act shall also apply in full or in part to pipelines and tunnels that carry water under pressure.

Groundwater is defined as water in the saturated zone in the ground.

Section 3. (*definitions*)

In this Act, the following terms are so defined:

- a) measures in a river system: watercourse installations and other measures in a river system that by their nature are apt to affect the rate of flow, water level, the bed of a river or direction or speed of the current or the physical or chemical water quality in a manner other than by pollution;
- b) watercourse installation: building or structure in or above a river system other than overhead lines;
- c) perennial flow: flow of water that at a mean temperature above freezing does not dry up from natural causes more often than every ten years on average;
- d) highest ordinary floodwater level: water level at the highest flood that may be expected empirically every ten years on average.

Section 4. (*territorial scope of the Act*)

The King may stipulate the extent to which the Act shall apply to Svalbard, Jan Mayen and the dependencies, and may lay down for these areas such special rules that local conditions warrant.

The Act applies to trans-boundary river systems with the limitations deriving from ordinary international law or conventions that the King has entered into. River systems that constitute or cross the border to another State are considered to be trans-boundary river systems. The King may issue regulations for implementing rules under international law.

For trans-boundary river systems adjoining Sweden the Act applies provided it is compatible with Act No. 1 of 12 June 1931 pursuant to the convention between Norway and Sweden relating to certain issues regarding river system law of 11 May 1929.

Chapter 2. General rules concerning river systems

Section 5. (*stewardship and duty of care*)

Care shall be taken by all to avoid harm or nuisance in the river system to public or private interests.

Measures in a river system shall be planned and implemented so as to harm or inconvenience public or private interests as little as possible. This duty applies as long as it can be met without disproportionate expense or inconvenience. The water

authorities may by regulation lay down further rules relating to planning, implementing and operating certain types of measures in a river system.

Measures in a river system shall meet all requirements that may reasonably be set to safeguard against hazards to people, property or the environment.

Section 6. *(relationship to the Neighbouring Properties Act)*

The rules in the Neighbouring Properties Act are applicable to measures that affect neighbours to river systems unless otherwise stated in this section.

The rules on neighbour notification and neighbour appraisal in sections 6 - 8 of the Neighbouring Properties Act do not apply to measures requiring a licence pursuant to this Act or Act No. 17 of 14 December 1917 relating to regulations of watercourses (Watercourse Regulation Act).

A neighbour may not demand corrective measures pursuant to section 10 of the Neighbouring Properties Act of measures licensed pursuant to this Act or the Watercourse Regulation Act.

That harm or nuisance is permitted pursuant to this Act is no obstacle to ordering the developer to pay compensation or remuneration as long as this is in accordance with the rules in the Neighbouring Properties Act.

Section 7. *(the flow of water in river systems and infiltration into the ground)*

No one may impede the flow of water in river systems without authority in this Act.

Development and other utilisation of land should preferably take place so that precipitation can still drain by infiltration into the ground. The water authorities may order measures that will improve infiltration into the ground, provided this can be implemented without unreasonable costs.

Section 8. *(measures subject to a licensing requirement)*

No one may implement measures in a river system that may be of appreciable harm or nuisance to any public interest in the river system or the sea, unless this is done in pursuance of the rules in section 12 or section 15 or with a licence from the water authorities.

The water authorities may by regulation or in the individual case stipulate that measures outside of the river system that may have tangible impacts on a river system must have a licence. In that case the Act's other rules regarding measures in a river system shall also apply, except the power pursuant to section 18 to petition for an advance decision on whether the measures are subject to a licensing requirement.

If measures in a river system that fall under paragraph one must be implemented immediately to prevent material damage, notification shall be given to the water authorities as soon as possible. If necessary, the water authorities may issue orders on its design and to take corrective action.

In other respects, further rules in chapter 3 apply to the requirement to obtain a licence and licensing.

Section 9. *(quality targets for river systems)*

The water authorities may set quality targets for river systems, *inter alia* on rate of flow, the content of substances and occurrence of species in the river system and provisions on the obligations of the water authorities if the quality targets are not

reached. Quality targets that are to be binding on the exercise of public authority shall be set pursuant the rules for regulation in the Public Administration Act.

Quality targets for pollutants shall be set pursuant to the Pollution Control Act.

Section 10. (*abstraction of water and minimum permitted rate of flow*)

When water is abstracted or diverted, changing the rate of flow in rivers or streams with a perennial flow, at least the ordinary low water flow must remain, unless otherwise stated in this section. The same applies when water is retained by damming.

In a licence for abstraction, diversion or damming, the specification of terms and conditions for the minimum permitted rate of flow in rivers and streams shall be decided according to a specific evaluation. In deciding, importance shall be attached *inter alia* to preserving

- a) water levels,
- b) the value of the river system to flora and fauna,
- c) water quality and
- d) groundwater body.

The water authorities may grant permission to derogate from the terms and conditions pursuant to paragraphs one and two in individual cases without environmental impacts. Decisions pursuant to this paragraph cannot be appealed.

Section 11. (*riparian vegetation*)

Along the banks of river systems with a perennial flow, a limited natural belt of vegetation shall be maintained to counteract runoff and provide a habitat for plants and animals. However, this provision does not apply to construction necessarily connected to the river system or where an opening is needed to ensure access to the river system.

The landowner, developer and affected authorities may require that the municipality stipulate the width of the belt. The width may also be stipulated in legally binding plans pursuant to the Planning and Building Act.

In special cases the water authorities may grant exemptions from the requirement in paragraph one.

Section 12. (*restoration of the course of a river*)

When a river or stream assumes a new course, is clogged with sediment or is deepened, the original course may, without a licence pursuant to section 8,

- a) be restored within three years if the change is owing to a single event;
- b) earth may be removed or filled in up to the depth or width that the river or stream had five years previously.

Restoration pursuant to paragraph one that may be of appreciable harm or nuisance to any public interest must be notified to the water authorities. The

restoration may be carried out by the landowner himself, by other owners in the river system or by the water authorities.

In connection with restoration pursuant to paragraph one, use of another person's property may be made provided it does not cause material harm or nuisance that can reasonably be avoided. The landowner shall be notified in advance in reasonable time.

Ditches on agricultural or forestry holdings may be cleaned up without a licence pursuant to section 8 in accordance with regulations pursuant to provisions laid down in or pursuant to the Act of 21 May 1965 relating to forestry and forest protection and Act No. 23 of 12 May 1995 relating to land.

With regard to beaver dams, the rules in Act No. 38 of 29 May 1981 relating to wildlife and wildlife habitats apply.

Section 13. *(the general rule regarding the landowner's rights)*

A river system belongs to the owner of the land it covers, unless otherwise dictated by special legal status. When all or part of a river system is located on commonhold property, the rules in Act No. 6 of 18 June 1965 relating to jointly-owned property apply to the relationship between the joint-owners.

The owners on each side of a river system have equal rights to exploiting its hydropower, unless special legal grounds dictate otherwise.

The landowner may oppose others exercising rights to a river system belonging to him without special legal grounds. Within the framework set by the legislation the landowner himself may control the river system provided no special rights are an obstacle to this.

The water authorities may stipulate restrictions on the rights to a property in the interest of a future supply of drinking water that is being planned. Such a restriction may not be imposed for more than five years. The restriction may be renewed once for up to five additional years.

Section 14. *(reopening of river systems)*

The water authorities may with six months' notice reopen a closed river system. The landowner has a right to compensation pursuant to the rules in Act No. 17 of 6 April 1984 relating to compensation for the expropriation of real property for losses due to the reopening. Unless otherwise agreed, the compensation shall be set by an appraisal requested by the water authorities.

Section 15. *(supplemental rules relating to the landowner's abstraction of water)*

A landowner along a river system may without a licence pursuant to section 8 abstract water for his household and domestic animals on the property. This applies provided the abstraction does not contravene the rules in sections 5 and 10.

If there is a shortage of water, the landowners along the river system have equal rights as needed to abstract water for the following purposes according to the following ranking:

1. permanent household,
2. domestic animals.

If necessary, the water authorities may issue further administrative decisions regarding the distribution and implementation of the abstraction of water during shortages, including taking into account adjacent properties not abutting the river

system and the public interest. If the water authorities receives a request to issue a decision on distribution or implementation, the decision on whether or not the request is to be honoured shall be considered to be an individual decision.

The landowner's abstraction right pursuant to paragraph two also applies with regard to measures in a river system licensed pursuant to section 8, unless the licensee provides another water supply. Nevertheless, the water authorities may stipulate in the rules for reservoir operation or terms and conditions for the licence that the abstraction right shall be limited to a certain quantity or be annulled completely in exchange for the licensee paying compensation for damage or nuisance.

Section 16. *(the general public's rights to river systems)*

Anyone may use a river system for

- a) abstraction of water without digging trenches or using a permanent pipe or engine power;
- b) swimming in accordance with Act No. 16 of 28 June 1957 relating to outdoor recreation;
- c) non-motorised traffic;
- d) motorised traffic on open or ice-covered river systems when taking place in accordance with Act No. 82 of 10 June 1977 relating to motorised traffic on uncultivated land and in watercourses and the landowner has not prohibited it pursuant to paragraph two.

The use of river systems in accordance with paragraph one shall take place with such consideration that it does not cause nuisances of significance for the landowner or other users. The landowner may prohibit motorised traffic in the river system. The water authorities may set aside a prohibition, if after weighing the interests put forward the prohibition would have to be deemed unreasonable. The water authorities may grant permission to charging a reasonable fee for traffic in canals and river systems that have been adapted for this purpose.

Everyone has the right to retrieve objects that have sunk in river systems and to float logs in river systems that are deep enough to float logs provided that this does not trigger a requirement to obtain a licence pursuant to section 8. If a retrieved object would have to be considered lost property, the rules in Act No. 3 of 29 May 1953 relating to lost property apply. If it must be regarded as waste, the rules the Pollution Control Act apply. Regarding the right to fish, the rules in Act No. 47 of 15 May 1992 relating to salmonids and fresh-water fish etc.

Section 17. *(rights to the centre portion of lakes)*

The state controls what is the unrestricted centre portion of larger lakes. If the lake is located on State-owned common land, the centre portion is included in the common land. Private individuals have the right to use the centre portion pursuant to law or other legal basis.

Chapter 3. Further details regarding licences for measures in a river system etc.

Section 18. *(special decision on the requirement to obtain a licence)*

The water authorities may by regulation or individual decision stipulate whether measures in a river system require a licence pursuant to section 8 or issue regulations to the effect that certain measures in a river system shall be notified to the water authorities. The water authorities shall issue individual decisions pursuant to paragraph one if the developer, affected competent authority or others with a legal interest request it and may prohibit implementation before the decision is reached. An appeal of a decision stipulating that the measure requires a licence will not delay the decision's entry into effect. The provisions of section 27 apply correspondingly.

Section 19. *(special rules for hydropower development)*

A licence for hydropower development that includes watercourse regulations shall be granted pursuant to the rules in Act No. 17 of 14 December 1917 relating to regulation of watercourses (Watercourse Regulation Act) when this follows from sections 1 and 2 of that Act. This Act nevertheless applies to such watercourse regulations insofar as no exemption has been made pursuant to this Act or special rules have been laid down in the Watercourse Regulation Act.

For run-of-river power stations with mean annual generation above 40 GWh, section 5 litra a-d and f, section 6 and section 8, paragraph one, of the Watercourse Regulation Act apply instead of sections 20 and 23-25 of this Act. Section 10, subsection 3, section 12, subsections 1-13, 16-20, 21, except for paragraphs three and four, section 16, subsections 1-3, section 19 and section 20 of the Watercourse Regulation Act apply to licences for such run-of-river power stations instead of sections 26 and 27-29 of this Act. If a licence has not been granted for a run-of-river power station with mean annual generation above 40 GWh pursuant to Act No. 16 of 14 December 1917 relating to the acquisition of waterfalls, mines and other real property, etc., the licence fee shall be stipulated pursuant to the rules in section 2, paragraph four, no. 13, cf. section 5, paragraph three, no. 2, of that Act.

For other hydropower plants, this Act applies in full, though such that section 12, subsection 1, of the Watercourse Regulation Act regarding construction deadlines applies instead of section 27.

Section 20. *(coordination of permits)*

The water authorities may lay down in regulation or in the individual case that no licence is required pursuant to this Act for measures that

- a) require a permit pursuant to section 7, paragraph two or three, or section 10 of Act No. 47 of 15 May 1992 relating to salmonids and fresh-water fish etc.;
- b) require a permit pursuant to section 11 of the Pollution Control Act or to regulation in pursuance of the Pollution Control Act;
- c) require a dispensation from a conservation decision pursuant to Act no. 63 of 19 June 1970 relating to nature conservation or are implemented as a management measure pursuant to the Nature Conservation Act;

- d) are permitted in a zoning plan or building development plan pursuant to the Planning and Building Act; or
- e) are approved pursuant to a regulation in pursuance of section 17 a of the Act of 21 May 1965 relating to forestry and forest protection or of section 11 of the Land Act.

The King may issue regulations to the effect that licensing pursuant to this Act may in certain types of cases replace licensing pursuant to certain other Acts.

Section 21. (*reconstruction of watercourse installations*)

The reconstruction of watercourse installations with a licence pursuant to section 8 may take place without a new licence if the work is initiated within five years of the time the installation became inoperative and is completed with reasonable speed. The water authorities may extend the deadline once.

Section 22. (*planning in river systems*)

Once central public authorities have instituted preparation of a master plan for the use or protection of river systems for a larger area, the water authorities may without further consideration delay or reject an application for a licence that pertains to a river system included in the scope of the plan. A licence may be granted only if the measure is without appreciable importance for the plan.

When a plan as mentioned in paragraph one is completed, the processing of applications for licences shall be based on it. An application that is at variance with the plan may be rejected without further consideration. Only the Ministry may grant a licence for measures in a river system that may reduce the hydropower in river systems that are assigned to power development in the plan.

A master plan for various measures within a single river system should preferably be drawn up pursuant to the rules in the Planning and Building Act.

Measures in a river system subject to a licensing requirement must have a licence pursuant to this Act, and legally binding plans pursuant to the Planning and Building Act may not substitute for a licence.

Section 23. (*content of applications; case documentation*)

An application for a licence pursuant to section 8 must, in accordance with regulations pursuant to section 65, provide the necessary information about the planned measures and the advantages and disadvantages connected therewith and about the relationship to legally binding plans pursuant to the Planning and Building Act.

The water authorities may require further information from the applicant and may decide that the applicant must undertake or defray the cost of studies or reports required to ascertain the advantages or disadvantages of the measures. For measures that fall under the rules relating to environmental impact in the Planning and Building Act, these rules apply instead.

If measures in a river system can cause substantial damage or nuisances, the impact assessment must consider relevant alternatives such as a different siting, different technical solutions or a different design. If the measures will have an impact on the use of the river system in other respects, the assessment must clarify such impacts.

Section 24. (*publication of applications*)

The application is subject to public disclosure in accordance with the rules in the Freedom of Information Act.

Public notice of the application must be made at the applicant's expense according to the rules in section 27-1, no. 2, of the Planning and Building Act. The water authorities may exempt the applicant from the public notice requirement if

- a) the matter can be completely notified in some other way;
- b) it is evident that consideration must be postponed pursuant to section 22; or
- c) it is evident that the application must be rejected.

Section 25. (*criteria for a licence*)

A licence may be granted only if the benefits of the measure outweigh the harm and nuisances to public and private interests affected in the river system or catchment area.

When measures are of a permanent nature or may for other reasons have longer-term impact, the requirement in paragraph one must be met in the longer term.

Section 26. (*terms and conditions of a licence*)

In a licence, terms and conditions may be set for counteracting harm or nuisances to public or private interests. The emphasis must be on promoting safeguards against harm to people, property or the environment, ensuring that the measures are as well adapted to the landscape as possible and maintaining the natural aquatic life. Terms and conditions may be set for *inter alia*

- a) safeguarding against harm through design and functional requirements and requirements for the necessary maintenance of watercourse installations;
- b) ensuring clean-up or restoration when the measures are closed down;
- c) adapting the measures to another relevant use;
- d) allowing others to be participants in the measures in the river system;
- e) mitigating damage and nuisances connected with older measures in the river system, including the reopening of streams, re-establishment of edge zones and other restoration of natural areas, if this is reasonably connected with what the licence pertains to.

If measures in a river system can impact the rate of flow and water level, limits shall be set for the water level and rate of flow in accordance with section 10, with the necessary mandates for compliance monitoring, and, if necessary, instructions shall be issued for how reservoir operation is to take place.

In a licence for measures in a river system that may impose substantial inconvenience on other utilisation of the river system or catchment area, terms and conditions may be set for the developer to facilitate such utilisation elsewhere or provide subsidies for this purpose.

The licence may be limited in time. The licensing authority may decide that the licence shall be revised after a certain period of time.

Terms and conditions may be set for security for any liability to pay compensation for damage or nuisance that the measures cause. If the developer himself owns and controls the land on which the measures are to be implemented, and the measures will obviously not cause losses or damage, the water authorities may exempt the developer from having to request appraisal to determine possible compensation.

Section 27. *(lapse of a licence)*

The licence lapses if construction work is not initiated by later than three years after the licence was granted. The same applies if construction work is subsequently stopped for more than two years. The water authorities may extend the time limit once by up to three additional years.

Section 28. *(modifying licences)*

In special cases, the water authorities can rescind or amend terms and conditions or set new terms and conditions in the public or private interests. Consideration shall be given to the losses that an amendment will impose on the licensee and the advantages and disadvantages that the amendment will otherwise entail. This provision does not apply to measures dealt with pursuant to Act No. 17 of 14 December 1917 relating to regulations of watercourses.

Section 29. *(consideration of modification cases)*

For the consideration of cases pursuant to section 28, the rules in section 23 will apply insofar as they are applicable.

Changes of rules for reservoir operation that permit the licence holder to vary the water level or rate of flow must be submitted for consultation pursuant to the rules in the Public Administration Act regarding regulations and made public pursuant to the rules in section 27-1, no. 2, of the Planning and Building Act. The water authorities shall hold public meetings on the case at the applicant's expense, unless the Ministry exempts him from this.

Chapter 4. Common measures

Section 30. *(facilitating common measures for supplying water and draining)*

Measures for supplying water or draining shall to a reasonable extent be implemented so as to benefit other landowners.

When the water authorities consider an application for a licence pursuant to section 8 for supplying water or draining, they should, by public or individual notification, seek to establish whether the measures can also meet the needs of other interested parties. In the terms and conditions for the licence, the water authorities may stipulate in detail how this is to take place, *inter alia* that other interested parties shall be able to participate in ownership or with a subsidy, cf. section 31.

Section 31. *(refunding expenses for common measures)*

Anyone drawing substantial benefits from measures in a river system or the utilisation of groundwater shall be considered to be a participant in the measures with regard to dividing the measures' expenses for installations, maintenance or operation.

The participants may conclude an agreement on the division of the measures' expenses.

If not all of the common expenses are divided as agreed among the participants or according to special rules, they may be divided among the participants

- a) by the water authorities. The decision is enforceable by attachment;
- b) by appraisalment upon the request of a participant or referral from the water authorities. A new appraisalment may be requested after ten years;
- c) in the event of the dissolution of joint ownership of land upon the request of a participant or referral from the water authorities, if the measures in the river system are connected with other measures subject to the dissolution.

A common expense may be divided only among the participants that benefit from it. When one part of the measures depends on another part that more than one person benefits from, the expenses for both parts shall be divided among them all. No participant has to pay so high a share of the measures' common costs that said participant is worse off than if the measures had not been implemented.

The King may issue further regulations concerning the division of costs for common measures.

Chapter 5. Protected river systems

Section 32. *(protected river systems)*

In this Act, protected river systems are understood to be river systems protected from hydropower development by a resolution of the Storting on a protection plan for a river system or by another resolution of the Storting.

Protected river systems shall be announced in the Norwegian Law Gazette.

Changes in the extent of protected river systems may only be made by a resolution of the Storting. Such resolutions shall be announced in the Norwegian Law Gazette.

Section 33. *(rules for protected river systems)*

In protected river systems, protection is guaranteed in particular by

- a) the rules in this Act, including the special rules in this chapter,
- b) the provisions of decisions pursuant to Act no. 63 of 19 June 1970 relating to nature conservation, or
- c) legally binding plans pursuant to the Planning and Building Act.

Insofar as the river system comes under decisions pursuant to the Nature Conservation Act, the rules in and in pursuance of the Nature Conservation Act apply instead of this Act. Nevertheless, the rules in the Act concerning safety, supervision, compensation and who may exercise rights apply. If a protected river system comes under a binding plan pursuant to the Planning and Building Act, the rules in this Act apply alongside such a plan.

Section 34. *(hydropower development in protected river systems)*

No one may undertake hydropower development in contravention of Storting resolutions on the protection of river systems.

All plans for hydropower development in protected river systems must be notified to the water authorities for assessment before the measures are implemented.

The rules in section 35 apply insofar as they are applicable to measures connected with hydropower development in protected river systems.

Section 35. (*other measures in protected river systems*)

In protected river systems in which protection is guaranteed by this Act, existing installations may remain and ongoing activities may continue, unless otherwise dictated by sections 66 and 67. In other respects the following special rules apply:

1. Existing installations may not be utilised for new purposes without a licence pursuant to section 8.
2. If a change in ongoing activities within the framework of a current licence will affect the conservation value of the river system, this may take place only with a new licence. The same applies to the resumption of activities that have been stopped for at least five years.
3. Measures pursuant to section 12, paragraph one, in protected river systems are not exempted from the requirement to obtain a licence pursuant to section 8.
4. The water authorities may stipulate for specified areas in protected river systems that all measures are to be subject to notification.
5. New installations may be permitted only if the interest of the conservation value of the river system does not weigh against them.
6. The rebuilding of an existing installation that involves expansions may be permitted only if after an overall assessment, conditions in the river system will be as environmentally favourable as before the rebuilding.
7. Abstraction of water is permitted in accordance with section 15. Nevertheless, the water authorities may set a limit for the total abstraction of water.
8. When the water authorities issue decisions applying to a protected river system pursuant to this Act, the interest of its conservation value shall be given preponderant weight. The water authorities may reject an application for a licence without further consideration. If a licence is granted, the justification for the decision shall show how the conservation value is assumed to be affected and why this was not crucial for the decision.
9. The water authorities may issue decisions to re-establish vegetation along protected river systems that is natural to the site in a zone along their banks that is stipulated in a binding plan pursuant to the Planning and Building Act. Compensation pursuant to the rules in Act No. 17 of 6 April 1984 relating to compensation for the expropriation of real property shall be paid for losses due to the decision. Unless otherwise agreed, the compensation shall be set by an appraisal requested by the water authorities.

Chapter 6. Safeguarding against harm

Section 36. *(regulations concerning requirements for safeguards)*

The water authorities may issue regulations to promote safeguarding against harm to people, property and the environment.

Section 37. *(maintenance of measures in a river system)*

The party or parties responsible at the time in question for measures in a river system that may cause damage shall keep such measures in proper order. This maintenance obligation runs until the installation is legally closed down pursuant to section 41.

The water authorities may issue orders to take measures pursuant to paragraph one. The authorities shall consider any order as soon as possible when any party with a legal interest so requests. The decision is an individual decision even if an order is not issued.

Section 38. *(emergency preparedness plans)*

The developer with the responsibility for measures in a river system that can cause substantial harm to people, property or the environment shall have an emergency preparedness plan. The plan shall provide guidelines for what is to be done if an accident occurs or in the event of a sudden increase of risk. The plan shall be modified or replaced as needed.

The water authorities may

- a) require that an emergency preparedness plan be prepared and submitted for approval;
- b) issue orders for changes to the plan;
- c) issue orders for several developers to collaborate on an emergency preparedness plan or for the plan to be prepared by a joint organisation;
- d) issue regulations concerning emergency preparedness plans and emergency preparedness for sudden accidents in the river system.

Section 39. *(requirements for professional qualifications)*

The water authorities may by regulation or individual decision stipulate requirements regarding the professional qualifications of personnel to be in charge of planning, building, operating and conducting investigations of measures in a river system.

Section 40. *(measures in serious hazardous situations)*

When the conditions in a river system create a special and extraordinary hazard to people, the environment or property, the water authorities can order any developer to arrange his operations so as to reduce the hazard. If the responsible party is patently incapable of meeting his maintenance obligation for installations that pose a risk of substantial harm, the water authorities shall see to the necessary maintenance pursuant to section 37 or close-down pursuant to section 41.

The water authorities may, if necessary, implement measures on the property of a third-party to protect people, property or the environment from a particular risk of

serious harm. If such measures are implemented on a property that is not threatened, the owner has a right to compensation pursuant to the rules regarding liability for emergency actions.

Chapter 7. Closing down of watercourse installations

Section 41. *(power to close down watercourse installations)*

If the owner of a watercourse installation no longer wishes to maintain the installation, the installation is to be removed and the river system restored as much as possible to the conditions as they were before the installation was built. Prior to closing down, the owner shall inform all interested parties in ample time in advance.

If the shut-down can result in tangible harm or nuisance to the public interest, a licence pursuant to section 8 is required. Such a licence shall be granted unless special grounds warrant otherwise. The water authorities may set terms and conditions in the licence according to the rules in section 26.

The water authorities may grant a licence for the shut-down to take place in a manner other than that mentioned in paragraph one, provided this will not result in any increased hazard or harm.

Section 42. *(transfer of watercourse installations instead of closing down)*

The water authorities may transfer a watercourse installation from a party wishing to close it down to one wishing to maintain it, unless the owner abandons his plans to close it down.

Section 43. *(dissolution of timber floating associations)*

Before a timber floating association is dissolved, the association's timber floating installations shall be transferred or closed down in accordance with the rules in this chapter and other necessary clean-up shall be undertaken, or such security shall be pledged for continued operation and maintenance as well as possible liability as the water authorities stipulate. The water authorities may order a timber floating association to pledge security for expenses connected with the closing down of timber floating installations.

Chapter 8. Groundwater

Section 44. *(rights to groundwater)*

Groundwater belongs to the owner of the land in the ground of which the water occurs, unless special legal circumstances dictate otherwise. If a groundwater body lies under more than one property, it is contiguous to the properties as a joint holding whereby each property's share corresponds proportionally to its area on the surface. Section 10, paragraph two, of Act No. 6 of 18 December 1965 relating to joint-ownership does not apply to these shares of the jointly-owned property.

Rights to groundwater must be exercised in accordance with the requirements in sections 10 and 15, paragraphs two and three. Abstraction of groundwater shall be limited to what the groundwater reservoir will tolerate.

For damage or nuisance resulting from exercising rights to groundwater, the rules in chapter 9 regarding compensation for damage apply insofar as they are appropriate.

Section 45. *(requirement to obtain a licence for rights to groundwater)*

A landowner may without a licence abstract water for his household and domestic animals on his property.

Rights to groundwater are subject to a requirement to obtain a licence pursuant to section 8, cf. chapter 3, for

- a) abstraction of water in excess of a limit that the water authorities have stipulated in regulation;
- b) abstraction of water in excess of the scope that is natural for the activity normally engaged in on such properties;
- c) other rights to or impact on groundwater, provided the water authorities have determined this in regulation or in the individual case.

Section 46. (*groundwater drilling*)

Anyone who engages in drilling for water shall act with due care to avoid damage and nuisance as a consequence of drilling. The provisions of section 39 are likewise applicable to groundwater drilling.

After drilling is completed, the party in question shall, as soon as possible and by three months at the latest, submit a notification of the drilling to the water authorities.

The Ministry may issue regulations concerning the information that a notification pursuant to paragraph two shall contain. Regulations may be issued concerning the implementation of drillings, including how surveys and sample taking are to be carried out.

Anyone who conducts surveys of groundwater and prepares a report about that survey shall send notification of this to the water authorities as soon as possible and within three months at the latest after the submission of the report. The water authorities may, if necessary, request a copy of the report with necessary documentation.

Chapter 9. Compensation for damage

Section 47. (*liability to pay compensation*)

The developer may be held liable pursuant to ordinary compensation rules for infringement of section 5, paragraph one, and section 46, paragraph one.

The developer is liable regardless of any culpability

- a) for damage or nuisance from measures in a river system owing to faults or defects in the execution of the measures pursuant to section 5, paragraphs two and three, or the maintenance of the measures pursuant to section 37, paragraph one, or in connection with a breach of the requirement to obtain a licence pursuant to section 8 or terms and conditions of a licence pursuant to section 26;
- b) for damage or nuisance to property or rights from licensed measures in a river system;
- c) for damage or nuisance to property or rights in connection with the closing down of a watercourse installation, cf. section 41;
- d) for damage from water pipelines or water tunnels;

- e) for damage due to motorised traffic or floating in the river system;
- f) when it otherwise follows from ordinary compensation rules.

Section 48. (*onus of proof*)

If measures in a river system are in violation of this Act or decisions pursuant to this Act, and the measures cause damage, the developer has the onus of proof for the condition prior to the damage if it no longer can be observed.

Section 49. (*scope and meting out of compensation*)

Compensation for damage or nuisance to property from lawful measures in a river system may be claimed only to the extent the damage or nuisance is unreasonable or unnecessary pursuant to section 2, paragraphs two through four, of the Neighbouring Properties Act.

For compensation for damage and nuisance affecting the exercise of public rights, the rules in section 57, litra d, cf. section 58, of the Pollution Control Act apply correspondingly, and such that the water authorities act in lieu of the pollution control authorities.

For mitigation of the liability to pay compensation, section 5-2 of Act No. 26 of 13 June 1969 relating to compensation in certain circumstances. In assessing damage to real property or objects, consideration shall also be taken of whether the property or the object is particularly sensitive to damage.

Section 50. (*obligation to be insured*)

The water authorities may issue an order that measures in a river system that can cause substantial damage shall be insured for possible liability to pay compensation.

Chapter 10. Compulsory purchase and compensation for compulsory purchase

Section 51. (*the relationship to ordinary compulsory purchase law*)

In the event of a compulsory purchase of the rights to a river system or groundwater, the rules of Act No. 3 of 23 October 1959 relating to the expropriation of real property and Act No. 17 of 6 April 1984 relating to compensation for the expropriation of real property apply, unless otherwise stipulated in this chapter. Compulsory purchase may also take place pursuant to other legislation.

In the event of a compulsory purchase for hydropower generation, all compensation shall be increased by 25 per cent.

Permission to undertake a compulsory purchase pursuant to the Act relating to expropriation should be granted at the same time as a licence pursuant to section 8.

Awarded compensation shall be set at an annual amount unless the compensation is less than the minimum amount that the King decides. Nevertheless, lump-sum compensation shall be stipulated if the property is surrendered in its entirety or a substantial portion thereof, or if the acquiring authority demands it.

Previously stipulated compensation under the minimum amount determined by the King may be converted to a lump-sum compensation if one of the parties so demands.

Section 52. *(compensation for latent damage)*

If measures in a river system cause damage of significance that was not foreseen at the time of the earlier settlement, the injured party may sue for compensation for the damage. The provisions of section 51, paragraph two, are likewise applicable.

Chapter 11. Supervision of river systems and groundwater

Section 53. *(supervision)*

The water authorities shall supervise measures in a river system and the condition of and developments in river systems, unless otherwise stipulated in other legislation. The water authorities may by regulation or in an individual case hand over this supervisory duty to others.

The rules in this chapter apply to supervision of groundwater and groundwater measures insofar as they are appropriate.

Section 54. *(internal controls)*

The party responsible for a watercourse installation shall see that the installation and the operation thereof meet the requirements that are specified in or pursuant to this Act. The water authorities shall issue regulations concerning internal controls and internal control systems.

Section 55. *(the right to information and inspection)*

To perform their supervisory duties the water authorities shall have unimpeded access to measures in a river system, river systems and catchment areas. The developer is obliged when ordered to furnish the water authorities with information, documents or other material of importance for these supervisory duties. When special grounds warrant it, such information may be officially requested by others.

Section 56. *(establishing water-level gauges)*

The water authorities have the right to establish water-level gauges or set up devices for taking measurements in river systems and catchment areas. The landowner shall be notified prior to establishment or set-up. The water authorities may upon application also grant others the right to undertake such establishment or set-up.

Provided the purpose of the placement makes it possible, the placement shall take place without inconveniencing the landowner or other interests in the river system.

Section 57. *(investigations)*

The water authorities may conduct investigations in river systems and catchment areas. If the investigations cause damage or nuisance beyond what one reasonably would have to accept, the injured party may claim compensation.

The water authorities may order a developer in a river system to see to or defray the cost of studies or similar measures that may reasonably be requested to determine the measures' functional reliability. The same applies to a developer with a licence pursuant to this Act to determine the measures' effects on the natural conditions in the river system.

Section 58. *(fee for inspecting measures in a river system)*

The water authorities may issue regulations regarding a fee for inspecting measures in a river system. The rates for this fee shall be set so that the fees overall do not exceed the water authorities' costs for inspection and for measures pursuant to section 40, paragraph one, second sentence. The fee is recoverable by attachment.

Should the fee not be paid when due, interest shall be levied as laid down in pursuance of section 3, paragraph one, of Act No. 100 of 17 December 1976 relating to interest on overdue payments, etc.

Chapter 12. Implementation of the Act and decisions pursuant to the Act

Section 59. *(orders to take corrective action)*

Anyone who has a legal interest therein may demand that corrective action be taken of situations in violation of the Act or of decisions pursuant to the Act. Once the water authorities have established the existence of a situation contrary to law in connection with measures in a river system or measures to utilise groundwater subject to a licensing requirement, it shall issue an order to take corrective action if a licence pursuant to section 8 is not granted or the previous decision is modified pursuant to section 28. If necessary, the water authorities may order a stoppage of ongoing activities.

If the water authorities find other circumstances that may cause a hazard or nuisance to people, property or the environment, they may issue an order to take corrective action in accordance with the rules in sections 28 or 40.

In connections with demands for corrective action, the rule in section 48 likewise applicable.

Section 60. *(coercive fines)*

To ensure that decisions pursuant to this Act are carried out, the water authorities can impose coercive fines payable to the State on the responsible party.

A coercive fine may be stipulated when a violation of the Act or of a decision pursuant to the Act has been discovered. The coercive fine begins to accrue if the party responsible exceeds the time limit for rectifying the situation that the water authorities have set. A coercive fine may also be stipulated in advance and accrue from the time any violation begins. It may be stipulated that the coercive fine shall accrue as long as the unlawful situation persists, or that it comes due for each violation.

The water authorities may waive an accrued coercive fine.

Section 61. *(immediate implementation by the water authority)*

If the water authority has issued an order to take action pursuant to this Act with which the responsible party does not comply, the water authorities may see to it that the action is taken.

The water authority may implement such measures without a prior order if this is necessary to avert an impending danger or if under the circumstances it would be unreasonably burdensome to find the responsible party.

Coverage of the expenses for implementation may be claimed from the responsible party. They are recoverable by attachment.

Section 62. *(use of another person's property for implementation)*

If it is necessary for implementation pursuant to sections 59 or 61, the water authorities may make use of the property of the responsible party or of another person. The water authorities may, if necessary, grant the responsible party the right to use another person's property.

If use is made of another person's property pursuant to paragraph one, the party in question shall be compensated for losses due to damage or nuisance. The water authorities shall vouch for the amount of compensation.

Chapter 13. Penalties

Section 63. (*criminal liability*)

Whoever wilfully or negligently

- a) implements measures that are subject to a requirement to obtain a licence pursuant to this Act without authorisation in a licence or permission in a plan;
- b) implements measures subject to notification in a river system without following the rules in the Act or pursuant to this Act relating to the duty of notification;
- c) oversteps a licence or violates the terms and conditions of a licence or orders stipulated pursuant to this Act;
- d) violates the provisions of section 5, paragraph three, section 10, paragraph one (cf. section 44, paragraph two), sections 11, 16, paragraph two, 37, paragraph one, 38, paragraph one, first sentence, 39, 46 or 54;
- e) violates a provision of regulations pursuant to sections 36, 38, paragraph two, litra d, or 39, for which the regulations set penalties.

shall be punished with fines or up to three months' imprisonment.

Whoever wilfully violates the provisions of section 44, paragraph two, shall be punished in the same manner.

If a risk has been inflicted of considerable harm to people, property or the environment, or there exist aggravating circumstances in other respects, violations pursuant to paragraphs one and two may be punished by up to two years' imprisonment, unless a more severe penal provision is applied. The same applies in instances where the violation has inflicted harm on persons or the conservation value in a protected river system.

Complicity shall be punished in the same way.

Chapter 14. Administrative provisions

Section 64. (*the water authorities*)

The King stipulates who shall be the water authorities and which water authorities may issue decisions pursuant to the Act, including assigning tasks pursuant with the Act to municipalities. The Ministry may also assign tasks pursuant to the Act to entities other than the water authorities, including to private legal entities.

The country governor is the appeals body for decisions made by a municipality.

The King may grant anyone with authority pursuant to the Act instructions on how this authority is to be exercised and how it is to be delegated.

Section 65. *(implementation provisions)*

The Ministry may issue regulations for the implementation and supplementation of the Act, including regarding

- a) the content of applications and notifications and regarding the administrative body's processing of them;
- b) collaboration between the water authorities and other public authorities.

Chapter 15. Final provisions**Section 66. *(relationship to older measures)***

The Act also applies to measures in a river system that were begun before the Act enters into force (older measures in a river system).

A licence pursuant to sections 104 and 105 of Act No. 3 of 15 March 1940 relating to watercourses (Watercourse Act) or a decision pursuant to section 144 serves as a licence pursuant to this Act.

Older measures in a river system that did not require a permit pursuant to previous water resource legislation may continue to operate without a licence pursuant to section 8. In special cases the water authorities may nevertheless decide in an individual decision that the measures must have a licence, and that the measures will be unlawful if an application is not submitted by a stipulated deadline.

Section 10 applies to older measures in a river system to the extent that the measures have not made use of the ordinary low water flow before the Act's entry into force. Section 10 applies in full in connection with the licensing of older measures in a river system pursuant to paragraph three, second sentence. If older measures in a river system have a licence pursuant to the Watercourse Act, requirements may be set in accordance to section 10, paragraph two, if the licence is modified pursuant to section 28. Section 10 does not apply to older measures in a river system that come under the Watercourse Regulation Act.

Paragraphs one through four apply to the exercise of rights to groundwater insofar as they are appropriate. Abstraction of groundwater established before the Act's entry into force may be engaged in to the same extent as previously regardless of the provisions of section 44, paragraph one.

Section 67. *(relationship to decisions issued pursuant to previous legislation)*

Regulations or individual decisions stipulated pursuant to statutory provisions that have been repealed pursuant to sections 68 and 69 remain in force until they are amended or repealed pursuant to this Act.

Parties to agreements on the delivery of electric power pursuant to the rules in the previous Act No. 3 of 15 March 1940 relating to watercourses may seek to have them superseded by appraisalment in exchange for full compensation.

Section 68. *(entry into force)*

This Act enters into force on the date decided by the King.

From the same date, all sections, except for sections 2-6, of Act No. 3 of 15 March 1940 relating to watercourses are hereby repealed.

Section 69. *(amendments to other Acts)*

When the Act enters into force, the following amendments shall be made to other Acts: - - -

Regulations

Section 2

Ministry of Petroleum and Energy, 2002-12-15 1271

Regulations governing the safety and inspection of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1317

Regulations governing the classification of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1318

Regulations governing qualifications for the person who is in charge of the planning, construction and operation of watercourse installations.

Section 36

Ministry of Petroleum and Energy, 2002-12-15 1271

Regulations governing the safety and inspection of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1317

Regulations governing the classification of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1318

Regulations governing qualifications for the person who is in charge of the planning, construction and operation of watercourse installations.

Section 38

Ministry of Petroleum and Energy, 2002-12-15 1271

Regulations governing the safety and inspection of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1317

Regulations governing the classification of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1318

Regulations governing qualifications for the person who is in charge of the planning, construction and operation of watercourse installations.

Section 39

Ministry of Petroleum and Energy, 2002-12-15 1271

Regulations governing the safety and inspection of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1317

Regulations governing the classification of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1318

Regulations governing qualifications for the person who is in charge of the planning, construction and operation of watercourse installations.

Section 51

Ministry of Petroleum and Energy, 1987-12-04 945

Regulations governing the adjustment of licence fees, annual compensation and funds etc., pursuant to water resources legislation

Section 53

Ministry of Petroleum and Energy, 2002-12-15 1271

Regulations governing the safety and inspection of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1317

Regulations governing the classification of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1318

Regulations governing qualifications for the person who is in charge of the planning, construction and operation of watercourse installations.

Section 54

Ministry of Petroleum and Energy, 2002-12-15 1271

Regulations governing the safety and inspection of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1317

Regulations governing the classification of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1318

Regulations governing qualifications for the person who is in charge of the planning, construction and operation of watercourse installations.

Section 58

Ministry of Petroleum and Energy, 2002-12-15 1271

Regulations governing the safety and inspection of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1317

Regulations governing the classification of watercourse installations.

Ministry of Petroleum and Energy, 2002-12-18 1318

Regulations governing qualifications for the person who is in charge of the planning, construction and operation of watercourse installations.

Section 64

Ministry of Petroleum and Energy, 2002-12-15 1270

Regulations governing who is to be the water authority pursuant to the Water Resources Act.