

Act of 10 February 1967 relating to procedure in cases concerning the public administration as subsequently amended, most recently by Act of 1 August 2003 No. 86 (short title: Public Administration Act)

**Chapter I
Scope of the Act. Definitions**

§ 1. *(the general scope of the Act)*

This Act applies to such activities as are conducted by administrative agencies unless otherwise provided by or pursuant to statute. For the purposes of this Act, any central or local government body shall be considered to be an administrative agency. A private legal person shall be considered to be an administrative agency in cases where such person makes individual decisions or issues regulations.

§ 2. *(definitions)*

For the purposes of this Act, the following terms shall have the following meanings:

- a) administrative decision, a decision made in the exercise of public authority which generally or specifically determines the rights or duties of private persons (individual persons or other private legal persons);
- b) individual decision, an administrative decision relating to the rights or duties of one or more specified persons;
- c) regulation, an administrative decision relating to the rights or duties of an indefinite number or an indeterminate group of persons;
- d) public official, a senior official or other person employed in central or local government service;
- e) party, a person to whom a decision is directed or whom the case otherwise directly concerns;
- f) document, a logically limited amount of information stored in a medium for subsequent reading, listening, presentation or transfer;
- g) written/in writing, includes an electronic report when the information it contains is also subsequently available;
- h) noting, writing down and recording, include electronic noting when this fulfils the purposes of noting just as well as noting on paper.

Decisions relating to the appointment, discharge, suspension, dismissal or transfer of a public official shall be considered to be individual decisions. The same applies to administrative decisions imposing a disciplinary penalty on a public official

or granting him a pension. The King may in cases of doubt decide what are to be considered individual decisions under this paragraph or that other cases concerning public service shall be considered to be individual decisions.

Decisions relating to the summary dismissal of a case or involving the use of special enforcement measures for the implementation of an administrative decision shall also be considered to be individual decisions.

In the application of the first paragraph, an administrative agency shall have the same status as a private legal person if the agency has the same interest or status in the case as private parties may have.

§ 3. *(the scope of certain provisions of the Act)*

The provisions of Chapters IV to VI are applicable only to cases concerning individual decisions and the provisions of Chapter VII only to cases concerning regulations.

With regard to such individual decisions as are mentioned in section 2, second paragraph, the King may prescribe that Chapters IV to VI shall, in whole or in part, not apply to certain specified cases or to certain officials. Administrative decisions relating to appointments shall in any case be excepted from the provisions in sections 24 and 25 requiring grounds to be given for a decision, the provisions in sections 28 to 34 inclusive concerning appeal, and the provisions in section 35, third paragraph, concerning reversal of a decision unless the administrative agency concerned otherwise decides. An administrative decision relating to discharge or dismissal made by a municipal or county municipal body is excepted from the provisions in sections 28 to 34 inclusive concerning appeal.

§ 4. *(exceptions in respect of certain public institutions and certain cases etc.)*

Unless otherwise specially provided, this Act shall not apply to

- a) the functions of the courts of law, including registration and notarial transactions and similar functions which are performed at the office of a judge,
- b) cases dealt with or decided by the administrative agency itself pursuant to the statutes relating to the administration of justice (the Criminal Procedure Acts, the Courts of Justice Act, the Civil Procedure Act, the Enforcement Act, the Judicial Assessment Act) or statutes connected with such Acts (the Bankruptcy Act, the Administration of Estates Act, and the Debt Settlement Act), or the Land Consolidation Act or the Court Fees Act.

Nevertheless, if an administrative decision that comes under the first paragraph may be appealed to the Ministry, this Act shall apply to the Ministry's handling of the case under appeal.

This Act applies to Svalbard, unless otherwise prescribed by the King.

This Act does not apply to the Storting, the Office of the Auditor General, the Storting's Ombudsman for Public Administration or to other institutions of the Storting.

§ 5. *(the King's power to issue certain provisions concerning the scope of this Act)*

In cases of doubt, the King may decide how the definitions in section 2, first paragraph, shall be applied within a particular sector. He may in cases of doubt also prescribe what shall be considered an administrative agency for the purpose of applying this Act and what shall be considered a court of law. He may prescribe that

the provisions of the Act regarding individual decisions or regulations shall apply, in whole or in part, to decisions that do not constitute administrative decisions by virtue of section 2.

When the realm is at war or under the threat of war or the independence or security of the realm is endangered, the King may prescribe that this Act or other provisions governing administrative procedure shall in whole or in part cease to apply. Sections 3 and 4 of Act of 15 December 1950 No. 7 shall apply correspondingly.

Chapter II Concerning disqualification

§ 6. *(requirements as to impartiality)*

A public official shall be disqualified from preparing the basis for a decision or from making any decision in an administrative case

- a) if he himself is a party to the case;
- b) if he is related by blood or by marriage to a party in direct line of ascent or descent, or collaterally as close as a sibling;
- c) if he is or has been married or is engaged to a party, or is the foster parent or foster child of a party;
- d) if he is the guardian or agent of a party to the case or has been the guardian or agent of a party after the case began;
- e) if he is the head of, or holds a senior position in, or is a member of the executive board or the corporate assembly of a company which is a party to the case and which is not wholly owned by the State or a municipality, or an association, a savings bank or foundation that is a party to the case.

He is similarly disqualified if there are any other special circumstances which are apt to impair confidence in his impartiality; due regard shall inter alia be paid to whether the decision in the case may entail any special advantage, loss or inconvenience for him personally or for anyone with whom he has a close personal association. Due regard shall also be paid to whether any objection to the official's impartiality has been raised by one of the parties.

If the superior official is disqualified, the case may not be decided by any directly subordinate official in the same administrative agency.

The rules governing disqualification shall not apply if it is evident that the official's connection with the case or the parties will not influence his standpoint and neither public nor private interests indicate that he should stand down.

The scope of the second and fourth paragraphs may be further specified in regulations prescribed by the King.

§ 7. *(provisional decision)*

Regardless of whether an official is disqualified, he may deal with a case or make a provisional decision in a case if it cannot be postponed without causing considerable inconvenience or harm.

§ 8. *(decision concerning the question of disqualification)*

The official shall himself decide whether he is disqualified. He shall submit the question to his immediate superior for decision if a party so requests and this may

be done without undue loss of time, or if the official himself otherwise finds reason to do so.

In collegiate bodies the decision shall be made by the body itself, without the participation of the member concerned. If, in one and the same case, the question of disqualification should arise in respect of several members, none of them may participate in the decision regarding their own or another member's disqualification, unless the collegiate body would otherwise lack a quorum for deciding the question. In the latter case all attending members shall participate.

A member shall give ample notice of any circumstance which disqualifies or may disqualify him. Before the question is decided, his deputy or other substitute should be summoned to attend and participate in the decision if this may be done without undue expense or loss of time.

§ 9. *(appointment of a substitute)*

If an official is disqualified, a substitute shall, if necessary, be appointed or elected in his stead.

If the appointment of a substitute will be particularly inconvenient, the King may decide that the case in question shall be transferred to a coordinate or superior administrative agency.

§ 10. *(persons to whom the rules on disqualification shall apply)*

Besides public officials, the provisions of this Chapter shall apply correspondingly to any other person who performs services or work for an administrative agency. The provisions shall not apply to members of the Council of State in their capacity as members of the government.

Chapter III

General rules governing administrative proceedings

§ 11. *(duty to provide guidance)*

The administrative agencies have, within their sphere of competence, a general duty to provide guidance. The purpose of such guidance shall be to enable the parties and other interested persons to safeguard their interests in specific cases in the best possible way. The extent of such guidance must, however, be adapted to the situation and capacity of the administrative agency to undertake such activity.

Administrative agencies that deal with cases involving one or more private parties shall of their own motion assess the parties' need for guidance. At the request of a party and otherwise when the nature of the case or the party's circumstances so warrant, the administrative agency shall provide guidance concerning:

- a) current statutes and regulations and common practice in the administrative sphere in question, and
- b) rules of procedure, especially those concerning rights and duties pursuant to the Public Administration Act. If possible, the administrative agency should also draw attention to circumstances that may be of particular importance for the result in the specific case.

Independently of any case proceedings, the administrative agency is within its sphere of competence bound to provide such guidance as is mentioned in the second paragraph to a person who inquires about his rights and duties in a specific matter that is of real interest to him.

If any person applies to the wrong authority, the administrative agency that receives the application shall, if possible, refer the person concerned to the proper agency. If an application to an administrative agency contains errors, misconceptions, inaccuracies or other defects that should be corrected by the sender, the agency shall, if necessary, notify him accordingly. The agency should at the same time set a time limit for correcting defects and if appropriate provide guidance on how this should be done.

The King may make further provisions concerning the extent of the duty to provide guidance and the manner in which guidance shall be provided.

§ 11 a. *(time spent on dealing with a case, provisional reply)*

The administrative agency shall prepare and decide the case without undue delay.

If it is expected that it will take a disproportionately long time before an application can be answered, the administrative agency that received the application shall as soon as possible give a provisional reply. In this reply the reason why the application cannot be dealt with earlier shall be explained, and it shall, as far as possible, be stated when a reply can be expected. A provisional reply may be omitted if it is considered obviously unnecessary.

In cases concerning individual decisions, a provisional reply shall be given pursuant to the second paragraph if an application cannot be answered within one month of its being received.

§ 11 b. *(the King's power to determine time limits)*

The King may in specific areas determine time limits within which an administrative agency shall deal with cases concerning individual decisions. The King may by regulations prescribe further rules for the calculation of time limits.

§ 11 c. *(the King's power to prescribe rules concerning committees)*

The King may prescribe rules concerning the appointment and composition of central government committees (executive boards, councils and other collegiate administrative bodies), including the duty to serve, term of office and release from the assignment. The King may also prescribe rules concerning the administrative procedure to be followed in the committees and on the delegation of tasks within the committee or to the committee's secretariat. Rules concerning the delegation of authority may also be prescribed for the individual committee.

The King's powers pursuant to the first paragraph shall apply only to questions which are not exhaustively regulated by statute.

§ 11 d. *(oral conferences and recording of information)*

Insofar as it is compatible with a proper performance of public duties, a party who has due cause for doing so shall be given the opportunity to communicate orally with a public official employed at the administrative agency that is dealing with the case. If a minor is a party to the case and is represented by a guardian, this provision also applies to the minor himself.

If in the course of oral negotiations, conferences, or telephone conversations, new information or arguments of importance for the decision of the case are submitted by a party, they shall as far as possible be written down or recorded. The

same applies to any observations made by an official in connection with an inspection etc.

§ 12. *(advocate or other agent)*

A party has the right to call on the assistance of an advocate or other agent at all stages of the proceedings.

Any person who is of age or any organization of which the party concerned is a member may be employed as an agent. The administrative agency may nevertheless reject any person who, although not an advocate, seeks a gainful occupation by acting on behalf of others in administrative cases, but may not do so in cases where the agent concerned is entitled to render legal assistance, pursuant to section 218 of the Courts of Justice Act. An official employed by an administrative agency within the administrative sector to which the case belongs, may not act as an agent.

All enquiries in a case may be made through an agent, and the party concerned has the right to be accompanied by his agent when he appears in person before the administrative agency. All notifications and requests from the administrative agency shall be made to the party's agent insofar as they fall within the scope of his power of attorney. The party may also be notified directly, if this is deemed appropriate. The party may require the notification to be sent to him, in addition to, or instead of, the agent.

An agent who is not an advocate shall produce a written power of attorney. An advocate need not produce a written power of attorney, unless the administrative agency finds reason so to request.

§ 13. *(duty of secrecy)*

It is the duty of any person rendering services to, or working for, an administrative agency, to prevent others from gaining access to, or obtaining knowledge of, any matter disclosed to him in the course of his duties concerning:

- 1) an individual's personal affairs, or
- 2) technical devices and procedures, as well as operational or business matters which for competition reasons it is important to keep secret in the interests of the person whom the information concerns.

The term "personal affairs" shall not include place of birth, date of birth, national registration number, nationality, marital status, occupation or place of residence or employment, unless such information discloses a client relationship or other matters that must be considered personal. Moreover, the King may prescribe further regulations concerning what kind of information is to be considered personal, which agencies may give private individuals such information as stated in the preceding sentence and other information concerning an individual's personal status, as well as prescribing the terms and conditions for providing such information.

The duty of secrecy shall continue to apply after the person concerned has terminated his service or work. Nor may he exploit such information as is mentioned in this section in his own business activities or in service or work for others.

§ 13 a. *(limitations to the duty of secrecy when there is no need for protection)*

The duty of secrecy pursuant to section 13 shall not prevent:

1. information from being made known to those it directly concerns or to others, insofar as those to whom the duty of secrecy is owed consent thereto,

2. information from being used when the need for protection must be deemed satisfied by the information being presented in the form of statistics or by otherwise eliminating identificatory characteristics, or
3. information from being used when no legitimate interest indicates that it should be kept secret, for example when it is generally known or generally accessible elsewhere.

§ 13 b. *(limitations to the duty of secrecy by reason of private or public interests)*

The duty of secrecy pursuant to section 13 shall not prevent:

1. information in a case from being made known to the parties to the case or their representatives,
2. the information from being used for achieving the purpose for which it was provided or obtained; such information may inter alia be used in connection with the preparation of a case, the actual decision, the implementation of the decision, the follow-up and control,
3. the information from being accessible to other officials within the administrative agency or service to the extent that this is necessary to establish suitable work routines and filing systems, inter alia for use as guidance in other cases,
4. the information from being used for statistical processing, for the preparation of plans and reports, or in connection with auditing or other forms of control of the public administration,
5. the administrative agency from providing other administrative agencies with information concerning a person's connection with the agency and decisions made and, in addition, from giving such information as it may be necessary to provide in order to facilitate performance of the tasks assigned to the said agency pursuant to statute, instructions, or its terms of reference, and
6. the administrative agency from reporting or providing information (cf. also item 5) concerning violations of the law to the prosecuting authorities or the supervising authority concerned if this is deemed desirable in the public interest or if prosecution of the offence falls naturally within the scope of the functions of the said agency.

A party or a party's representative who is apprised of information in accordance with the first paragraph, item 1, may only use such information to the extent this is necessary to protect the said party's interests in the case. The administrative agency shall notify him accordingly. The administrative agency may impose a duty of secrecy if witnesses and the like receive information subject to the duty of secrecy in connection with statements they make to the agency. Breach of the duty of secrecy under this paragraph is punishable pursuant to section 121 of the Penal Code, provided the person concerned has been warned that any breach may have such consequences.

§ 13 c. *(information concerning the duty of secrecy, safekeeping of confidential information)*

The administrative agency concerned shall ensure that the duty of secrecy is made known to those to whom it applies, and it may require a statement in writing to the effect that they are familiar with and will observe the rules.

Documents and other material which contain information subject to a duty of secrecy shall be kept in safe custody by the administrative agency.

The King may prescribe further rules concerning the safekeeping of documents and other material subject to a duty of secrecy, the destruction of documents or material, and the cessation of the duty of secrecy after a certain time. The duty of secrecy ceases to apply after a period of 60 years unless otherwise provided in accordance with the preceding sentence.

§ 13 d. (*information for use in research*)

The Ministry may, when this is deemed reasonable and no undue inconvenience is caused thereby to other interests, decide that an administrative agency may or shall provide information for use in research and that this shall be done notwithstanding the agency's duty of secrecy pursuant to section 13.

Terms and conditions may be attached to such administrative decisions as are mentioned in the first paragraph. Such terms and conditions may, inter alia, contain provisions as to who shall be responsible for the information and who shall have access to it, as well as provisions regarding the safekeeping and return of borrowed material, the destruction of transcripts, whether researchers shall be entitled to contact or obtain further information concerning those persons about whom information has already been provided, and on the use of such information in other respects.

The King may prescribe further regulations concerning administrative decisions pursuant to this section.

§ 13 e. (*researchers' duty of secrecy*)

It is the duty of any person who performs any service or work in connection with a research assignment which an administrative agency has supported, approved, or to which it has provided information subject to a duty of secrecy, to prevent others from gaining access to or knowledge of:

1. information subject to a duty of secrecy which the researcher obtains from an administrative agency,
2. information received from private sources upon pledge of secrecy in connection with the research, and
3. information concerning persons who are dependent upon the body (school, hospital, institution, enterprise, public authority etc.) which has arranged for their contact with the researcher.

The information may only be used for purposes necessary for the research itself and in accordance with such terms and conditions as may be laid down pursuant to section 13 d, second paragraph. If the results of the research are to be published or used in any other way, section 13 a, items 1 and 2, shall apply correspondingly.

Breach of the duty of secrecy or of terms and conditions pursuant to section 13 d, second paragraph, is punishable under section 121 of the Penal Code. The Ministry or administrative agency concerned shall apprise the researcher and his staff of the duty of secrecy and of the penal provision, cf. also section 13 c, first paragraph.

§ 13 f. (*provisions concerning the duty of secrecy and the duty to provide information etc., in other statutes*)

If a person who performs any service or work for an administrative agency is subject to a duty of secrecy pursuant to a provision in another statute, regulation or instruction out of consideration for private interests, sections 13 to 13 e shall apply as supplementary rules unless otherwise provided or authorized by statute.

Provisions in other statutes concerning the right or duty to provide information shall not restrict the statutory duty of secrecy unless the provision concerned lays down or clearly implies that the duty of secrecy shall not apply.

§ 14. (*preparation of cases and appeals in the event of orders to provide information*)

If a person is ordered to supply information, the authority for such an order shall be stated. The person concerned shall have the right to appeal against the order if he considers that he is not under an obligation or lawfully entitled to provide the information. He shall be informed of his right of appeal in connection with the order. The appeal, which may be made orally, must be lodged immediately if the person to whom the order related is present, and otherwise within three days. If the administrative agency concerned considers it imperative in order to carry out its statutory functions, it may request that the information be supplied before the appeal is decided. The provisions of Chapter VI apply correspondingly insofar as they are relevant.

§ 15. (*investigation procedures etc.*)

During investigations, including the searching of premises and auditing of accounts which are not carried out in a public office or other specific government premises, the official conducting the proceedings shall, without being requested to do so, produce his credentials, and state the purpose of the proceedings and the statutory authority applicable. However, this shall not apply if the person whom the proceedings concern knows the official and does not request this.

The person whom the proceedings concern shall have the right to have a witness present. He shall be informed of this right unless it is considered obviously superfluous. The names of the persons present, the object of the investigation, the purpose and the statutory authority applicable shall be taken down in writing or recorded.

The provisions of the first and second paragraphs shall apply only insofar as they may be implemented without undue inconvenience or without jeopardizing the purpose of the proceedings.

The person whom the proceedings concern shall have the right to appeal against the decision to carry out the proceedings. The appeal, which may be made orally, must be lodged immediately if the person concerned is present, and otherwise within three days. If the administrative agency concerned considers it imperative in order to carry out its statutory functions, the proceedings may be implemented before the appeal is decided. The provisions of Chapter VI shall apply correspondingly insofar as they are relevant.

§ 15 a. (*electronic communication*)

The King may prescribe regulations relating to electronic communication between the administration and the public and to electronic case processing and communication in the administration, including further rules concerning

- a) which electronic address or information service shall be used,
- b) signing, authenticating, securing integrity and confidentiality,
- c) acknowledging the receipt of electronic reports,
- d) requirements as to the products, services and standards that may be used,
- e) the administration's right to bar users who misuse data intended for signing,

authenticating, securing integrity or confidentiality, and concerning what shall be regarded as misuse.

Chapter IV

Preparation of cases concerning individual decisions

§ 16. *(advance notification)*

A party who has not already expressed his opinion on the case through an application or by other means shall be notified before an administrative decision is made and be given an opportunity to express his opinion within a stipulated time limit. If a minor over 15 years of age is a party to the case and is represented by a guardian, this provision shall also apply to the minor himself. The time limit runs from the day on which the notification is dispatched unless otherwise expressly stated.

The advance notification shall explain the nature of the case, and otherwise contain such information as is considered necessary to enable the party to protect his interests in a proper manner. Normally, such advance notification shall be in writing. The advance notification in writing may be given by means of electronic communication when the recipient has explicitly approved of this method and has stated the electronic address that is to be used for such a purpose. Should it be especially burdensome to provide notification in writing, notification may be given orally or in some other way.

Advance notification may be omitted if:

- a) such notification is not practicable or would entail a risk that the administrative decision cannot be implemented,
- b) the party has no known address and tracing him would require more time or effort than is reasonable having regard to the party's interests and to the significance of the notification,
- c) the party concerned has already been informed by other means of the impending administrative decision and has had reasonable opportunity and time to express an opinion, or if such notification for other reasons is considered to be obviously unnecessary.

§ 17. *(the administrative agency's duty to clarify the case and to provide information)*

The administrative agency shall ensure that the case is clarified as thoroughly as possible before any administrative decision is made. The agency shall insure that minors who are parties to the case have been given an opportunity to express their views insofar as they are capable of forming their own opinions about the case in question. Due weight shall be attached to the minors' views in accordance with their age and state of maturity.

If, during the preparation of the case, the administrative agency receives information concerning a party, or the activity which he is engaged in or is planning, and the party, pursuant to section 18, cf. section 19, is entitled to acquaint himself with such information, it shall be submitted to him for comment. This shall not, however, apply if

- a) the information is confirmed by an account the party himself has given or checked in connection with the case, or if the party's whereabouts are unknown,

- b) a rapid decision in the case is required having regard to other parties or to the public interest,
- c) the information is not of decisive significance for the administrative decision or if notification for other reasons is unnecessary or serves no purpose as far as the party himself is concerned, for example because he will be apprised of the information in connection with the notification of the administrative decision.

In addition, the parties should also be apprised of any information of substantial importance upon which it may be assumed that they have good grounds for, and an interest in, expressing their opinion, and with which the party, in accordance with section 18, cf. section 19, has a right to acquaint himself. Due regard shall be paid to whether a rapid decision is desirable and whether the interests of the party are sufficiently safeguarded by other means, for example by his being informed of his right in accordance with section 18, cf. section 19, to examine the documents in the case.

If a minor over 15 years of age is a party to the case and is represented by a guardian, such information as is specified in the second and third paragraphs shall also be presented to the minor himself unless he has stated that this is not necessary.

§ 18. *(the right of the parties to acquaint themselves with the documents in the case)*

A party has the right to acquaint himself with the documents in the case except insofar as is otherwise provided in this section or in section 19. If a minor is a party to the case and is represented by a guardian, this provision also applies to the minor himself. The right to inspect documents shall also apply after an administrative decision has been made in the case. A minor under 15 years of age shall not be provided with information that is subject to a statutory duty of secrecy.

A party shall not have the right to acquaint himself with documents that an administrative agency has drawn up for its internal preparation of the case. Nor does he have the right to acquaint himself with documents relating to the internal preparation of the case drawn up

- a) by a subordinate agency,
- b) by special advisers or experts,
- c) by a ministry for use in another ministry.

The provision in the preceding sentence also covers any document concerning the acquisition of such documents as are referred to under items a, b or c.

Even if the document is excepted pursuant to the provisions of the second paragraph, the party shall have the right to acquaint himself with those parts of the document which contain factual information or summaries or other presentation of the facts. This shall not, however, apply to factual information which is without significance for the decision, nor shall it apply when the information or presentation thereof is to be found in another document to which the party has access.

The second paragraph shall not apply to case documents with enclosures presented to a publicly elected municipal or county municipal body.

§ 19. *(restricted access to certain kinds of information)*

A party shall not have the right to acquaint himself with information in a document

- a) which is of significance for the security of the realm, relations with foreign states or national defence,

- b) concerning technical devices, production methods, business analyses and calculations and any other industrial and trade secrets, if these are of such a nature that others may exploit them in their own business activities, or
- c) which it may be considered inadvisable to reveal to him on account of his health or his relations with persons with whom he has close ties; nevertheless, such information may, upon request, be made known to a representative of the said party if there are no special reasons for not doing so.

Similarly, unless it is of particular importance to a party, he shall not have the right to acquaint himself with the information in a document concerning

- a) another person's state of health, or
- b) other circumstances which for special reasons should not be disclosed further.

The King may prescribe regulations which supplement or further specify how sections 18 and 19 shall be applied in particular sectors. If weighty considerations so indicate, the regulations may also include exceptions to these sections.

§ 20. *(examination and loan of documents)*

The administrative agency shall, with due regard for procedural requirements, decide how the documents shall be made available to the parties. If disclosure to a party might impede the process of clarifying the case, it may be determined that the party shall not have access to the documents as long as investigations are in progress. A person sitting for an examination or similar test may be denied access to his examination papers or the like until such papers have been finally assessed.

A party shall upon request be supplied with a transcript, print-out or copy of a document. An advocate acting as agent for a party shall be permitted to borrow documents if there are no special reasons to the contrary. A time limit should be set in the case of loan of documents. If the documents are not returned to the administrative agency on time, the claim for their return constitutes grounds for summary enforcement pursuant to Chapter 13 of the Enforcement Act.

If the parties have a right to see parts of a document, the information may be supplied to them in the form of an extract thereof if the administrative agency deems it appropriate.

Transcripts, print-outs and copies shall be provided free of charge. The King may, however, prescribe regulations concerning payment for transcripts, print-outs or copies.

If a party has requested permission to acquaint himself with a document which he is entitled to examine pursuant to section 18, he shall be allowed a certain period of time in which to submit his opinion, insofar as no time limit has been set pursuant to section 16 or the stipulated time limit is considered insufficient. This rule shall not, however, apply if a postponement would be contrary to substantial public or private interests.

§ 21. *(appeal against a refusal to be allowed to examine a document)*

If a request for permission to examine a particular document or information is refused, the party shall be informed of the provision upon which the refusal is based, and shall be notified that an appeal may be lodged pursuant to the second paragraph.

The person who has submitted the request may appeal against the refusal in accordance with the provisions of Chapter VI. If the refusal has been effected by a municipal or county municipal body, the appeal may be brought before the County Governor.

§ 22. [Repealed by Act of 12 January 1995 No. 4.]

Chapter V

Concerning the administrative decision

§ 23. *(the formal requirements for individual decisions)*

An individual decision shall be in writing except where, for practical reasons, this would be particularly burdensome for the administrative agency.

§ 24. *(when grounds shall be given for individual decisions)*

Grounds shall be given for individual decisions. The administrative agency shall state the grounds at the same time as the decision is made.

In cases other than appeal cases, the administrative agency may refrain from giving any grounds at the time of making its decision if it grants an application and there is no reason to believe that any party will be dissatisfied with the administrative decision. The same applies in cases concerning the distribution of permits or other benefits between several parties. A party may, however, request that grounds be given after the administrative decision has been made. A request for grounds to be given must be submitted within the time limit for an appeal or, if there is no time limit for an appeal, no later than three weeks from the date on which the party received notification of the administrative decision. The provisions of sections 29, 30 and 31 shall apply correspondingly.

Grounds may be omitted insofar as they cannot be given without disclosing information with which the party is not entitled to acquaint himself pursuant to section 19. In cases governed by section 19, first paragraph, c, the grounds shall be given upon request to a representative of the party unless there are special reasons for not doing so, provided, however, that an oral explanation may be given instead of giving grounds in writing.

The King may, for particular sectors, prescribe provisions to the effect that grounds may be omitted when special circumstances so require. The King may similarly prescribe that grounds shall be given for certain decisions coming under the first paragraph in accordance with the provisions of the second paragraph, or that grounds shall be given for certain decisions coming under the second paragraph in accordance with the provisions of the first paragraph.

§ 25. *(the contents of the grounds)*

The grounds shall refer to the rules on which the administrative decision is based, unless the party is familiar with the rules. Insofar as it is necessary in order to enable the party to understand the administrative decision, the grounds shall also cite the contents of the rules or the assessment of the problem on which the administrative decision is based.

The grounds shall also mention the factual circumstances upon which the administrative decision is based. If the factual circumstances have been described by the party himself or in a document whose contents have been disclosed to the party, a reference to the previous account shall suffice. In this case a copy of the said account shall be appended to the notification to the party.

Mention should be made of the chief considerations which have been decisive for the exercise of the administrative agency's discretionary powers. If guidelines

have been given for the exercise of such powers, reference to these guidelines will as a rule be sufficient.

§ 26. [Repealed by Act of 25 September 1992 No. 107.]

§ 27. (*notification of the administrative decision*)

The administrative agency that has made the administrative decision shall ensure that the parties are notified of the decision as soon as possible. If a minor over 15 years of age is a party to the case and is represented by a guardian, the agency shall also notify the minor himself. Notification shall be given by the administrative agency that has made the decision unless there are special reasons for leaving this to another agency. Normally the notification shall be in writing. The written notification may be given by means of electronic communication when the recipient has explicitly approved of this method and has stated the electronic address that is to be used for such purpose. Should it be particularly burdensome for the administrative agency to give written notification, or if the matter is urgent, notification may be given orally or by other means. In such a case a party may request written confirmation of the administrative decision. Notification of the administrative decision may be entirely omitted insofar as such notification may be regarded as obviously unnecessary and the decision does not cause any harm or inconvenience to the party concerned.

In cases where, according to section 24, grounds shall be given at the time of making the administrative decision, the grounds should be stated in the notification. Wherever special circumstances prevent this, and similarly, where the parties may request that grounds be given pursuant to section 24, second paragraph, the notification shall instead inform the parties of how they may acquaint themselves with the grounds for the decision.

The notification shall furthermore provide information on the right of appeal, the time limit for an appeal, the appellate instance, and the specific procedure to be followed for appeals as well as on the right to examine the documents in the case pursuant to section 18, cf. section 19. If it is conceivable that the administrative decision may be implemented to the detriment of a party before the appeal case is decided, the said party shall be notified of the right to request that such implementation be deferred, cf. section 42, first paragraph. If, pursuant to section 437, first paragraph, of the Civil Disputes Act or any other statutory provision, legal action is conditional upon an appeal having been lodged, or if, pursuant to section 437, second paragraph, or any other statutory provision, judicial review is conditional upon legal action having been taken within a certain time limit, the said party shall also be duly notified thereof and of the duration of such time limit.

In addition to the guidance pursuant to the third paragraph, the notification of an individual decision to the parties to the case shall inform them about the following matters when there is reason to do so under the circumstances:

- a) the right to apply for free legal advice,
- b) the administrative agencies' duty to provide guidance pursuant to section 11 and regulations prescribed pursuant thereto, and
- c) the right to be awarded costs pursuant to section 36.

§ 27 a. Unless otherwise provided, the King may prescribe regulations concerning payment for dealing with applications for licences, permits, authorizations etc. granted by an administrative agency. A certificate or attestation of a previous

administrative decision shall be provided free of charge. A claim for payment pursuant to this provision constitutes grounds for enforcement by execution.

Chapter VI

Concerning appeal against and reversal of administrative decisions

§ 28. *(administrative decisions which may be appealed, the appellate instance)*

Individual decisions may be appealed, by a party or another person having a legal interest in appealing the case, to the administrative agency (the appellate instance) which is the immediate superior of the administrative agency that made the administrative decision (the subordinate instance).

In the case of an individual decision made by an administrative agency established pursuant to the Act relating to municipalities and county municipalities, the appellate instance is the municipal council or the county council, or if the latter so decide, the municipal executive board or county executive board or one or more special appeal boards appointed by the municipal council or county council. The Ministry is, however, the appellate instance when an administrative decision has been made by the municipal council or the county council. When an administrative decision has been made in accordance with authority delegated by a central government administrative agency, the said central government agency is the appellate instance.

Unless otherwise provided by the King, no appeal may be brought against an administrative decision of the appellate instance in an appeal case. An appeal may, however, be brought against an administrative decision of the appellate instance to dismiss the appeal summarily, except:

- a) when the subordinate instance has also made an administrative decision to dismiss the appeal summarily,
- b) when the subordinate instance has tried the issue of summary dismissal and concluded that the conditions for a hearing on the merits are fulfilled,
- c) when the King is to act as an appellate instance,
- d) when the appeal is summarily dismissed by an independent appeal board.

If there is a right to appeal against an administrative decision to dismiss an appeal summarily made by a municipal or county municipal body acting as an appellate instance, the appeal shall be brought before the county governor.

The King may, in respect of particular sectors, prescribe rules of appeal which supplement or depart from the provisions of this Chapter. Regulations which restrict the right of appeal or which otherwise alter the rules considerably to the detriment of the parties' interests may only be made when weighty grounds so indicate.

§ 29. *(time limit for appeals)*

The time limit for lodging an appeal shall be three weeks from the date on which notification of the administrative decision has reached the party concerned. If notification is made by public announcement, the time limit for an appeal shall run from the date on which the administrative decision was first published.

For a person who has not received notification of the administrative decision, the time limit shall run from the date on which he has or should have obtained knowledge of the decision. However, in the case of administrative decisions that confer a right on any person, the time limit for an appeal for other persons shall expire

not later than three months from the date on which the administrative decision was made.

If a party has requested to be informed of the grounds for an administrative decision pursuant to section 24, second paragraph, the time limit for an appeal shall be interrupted. A new time limit for an appeal shall begin to run from the date on which notification of the grounds has reached the party or he has otherwise been apprised of them.

The subordinate instance or the appellate instance concerned may in special cases extend the time limit for an appeal before it expires.

§ 30. *(when the appeal must be lodged)*

For an appeal to be lodged in time, it is sufficient that, prior to the expiry of the time limit, the notice of appeal has been delivered to a postal operator who shall ensure that it is transmitted to the administrative agency, to a public official who is authorized to receive the notice of appeal, or that it reaches the electronic address that the administrative agency has stated for the receipt of electronic appeals. If the notice fails to arrive, the procedure must be repeated within one week from the date on which the appellant was informed of this or should have understood this or, if the original time limit is shorter, within a time limit of the same duration as the latter. The time limit is calculated in accordance with the provisions of sections 148 and 149 of the Courts of Justice Act.

§ 31. *(exceeding the time limit for an appeal)*

Even if the appellant has exceeded the time limit for an appeal, the appeal may be dealt with if

- a) the party or his agent cannot be blamed for having exceeded the time limit or for having been tardy in lodging the appeal afterwards, or
- b) special circumstances indicate that it would be reasonable for the appeal to be tried.

When deciding whether the appeal should be tried, due regard shall also be paid to whether altering the administrative decision may be detrimental or cause inconvenience to others.

The appeal may not be dealt with as an appeal case if more than one year has elapsed since the administrative decision was made.

§ 32. *(the addressee, form and contents of the appeal)*

The notice of appeal shall:

- a) be lodged with the administrative agency that has made the administrative decision; if an oral appeal is permitted, the notice shall be drawn up in writing by the administrative agency concerned;
- b) be signed by the appellant or his agent or be authenticated as laid down in the regulations, or pursuant to the regulations, cf. section 15 a;
- c) mention the administrative decision against which the appeal is lodged, and if necessary provide information regarding the appellant's right of appeal and whether the time limit for an appeal has been observed;
- d) state the alteration desired in the administrative decision which is the object of the appeal.

The notice should also mention the grounds on which the appeal is based.

If a notice of appeal contains errors or defects, the administrative agency shall set a short time limit for correcting or supplementing the notice.

A notice of appeal may be lodged by means of electronic communication if the administrative agency that is to receive the appeal has arranged for this to be done.

§ 33. *(preparation of an appeal case)*

Unless otherwise prescribed by the provisions of this section, Chapters IV and V shall apply correspondingly to the preparation etc. of appeal cases.

The subordinate instance shall carry out such investigations as are warranted by the appeal. It may rescind or alter the administrative decision if it considers the appeal justified. If the conditions for dealing with the appeal are not fulfilled, the subordinate instance shall summarily dismiss the case, cf. however section 31.

If any person is regarded as a respondent in the case, the subordinate instance shall as soon as possible notify the person concerned, cf. however section 16, third paragraph. At the same time a time limit shall be set for expressing an opinion. If the respondent in the appeal case is notified by letter, a copy of the appeal shall be attached unless the respondent may, pursuant to section 19, be denied access to it.

Should no such decision as is referred to in the second paragraph be made, the documents in the case shall be sent to the appellate instance as soon as the case has been properly prepared. If the subordinate instance gives the appellate instance an opinion which the parties may, notwithstanding section 19, request to examine, it shall send a copy to the parties, unless the King is the appellate instance.

The appellate instance shall ensure that the case is clarified as thoroughly as possible before an administrative decision is made. It may require the subordinate instance to undertake further investigations etc.

§ 34. *(the competence of the appellate instance)*

If the conditions for dealing with the appeal are not fulfilled, the appellate instance shall summarily dismiss the case, cf. however section 31. The appellate instance shall not be bound by the fact that the subordinate instance has considered the conditions to have been fulfilled.

If the appeal is given a hearing, the appellate instance may try all aspects of the case and thereunder take new circumstances into account. It shall consider the views presented by the appellant, and may also take into consideration matters not addressed by him. If a state body is the appellate instance for a decision made by a municipality or county municipality, the appellate instance shall attach due importance to the interests of local self-government when trying discretionary issues.

The administrative decision may not be altered to the detriment of the appellant unless it is considered that his interests must yield out of consideration for other private individuals or the public interest. Notification of any such alteration must be sent to the appellant within three months of the receipt of the appeal by the subordinate instance. The limitations set out in the first and second sentences shall not, however, apply if an appeal has also been brought against the administrative decision by another appellant, and his appeal has been upheld.

The appellate instance may itself make a new administrative decision in the case or rescind the previous administrative decision and return the case to the subordinate instance for a new hearing of the whole or part of it.

§ 35. *(reversal of an administrative decision in the absence of an appeal)*

In the absence of an appeal, an administrative agency may reverse its own administrative decision if

- a) the reversal is not to the detriment of any person to whom the administrative decision is directed or who directly benefits thereby, or
- b) notification of the administrative decision has not reached the person concerned and the administrative decision has not been publicly announced, or
- c) the administrative decision must be deemed invalid.

If the conditions prescribed in the first paragraph are fulfilled, the administrative decision may also be reversed by the appellate instance, or by another superior agency.

If consideration for other private individuals or the public interest so indicates, the appellate instance or superior authority may reverse the subordinate agency's administrative decision to the detriment of the person to whom the administrative decision is directed or who directly benefits thereby, even if the conditions prescribed in the first paragraph, b or c, are not fulfilled. In such cases, notification that the administrative decision will be reviewed must be sent to him within three weeks from the date on which notification of the administrative decision was sent, and notification that the administrative decision has been reversed must be sent to him within three months from the same date. In the case of a review of an administrative decision in an appeal case, notification that the administrative decision has been reversed must nevertheless be sent to the person concerned within three weeks.

The second and third paragraphs shall not apply to municipal, county municipal or central government agencies which are appellate instances pursuant to section 28, second paragraph, first or second sentence. Central government appellate instances may, however, rescind administrative decisions that must be deemed invalid.

Such restrictions on the right to reverse an administrative decision as are provided for in the first, second and third paragraphs shall not apply when the right to amend is based on another statute, on the administrative decision itself or on general provisions of administrative law.

§ 36. *(costs of the case)*

If an administrative decision is altered in favour of a party, he shall be awarded such substantial costs as have been necessarily incurred to get the said decision altered unless the alteration is due to the party's own circumstances or to circumstances beyond the party's and the administrative agency's control, or if other special circumstances otherwise indicate.

In a case that is essentially a dispute between parties, the party who has claimed alteration of an administrative decision, but whose claim has not been upheld on any essential point, may be ordered to reimburse the other party, in whole or in part, such particular costs as ensue from the claim. Due consideration shall be given to whether the claimant's request for an alteration of the administrative decision was properly founded, and whether it is reasonable in view of the nature of the case and the respondent's circumstances to impose liability for costs.

The question whether a party shall be awarded costs shall be decided by the appellate instance, but by the subordinate instance if such instance has made a new administrative decision in the case. The agency making the decision is responsible for ensuring that the public authorities' expenses in accordance with the first paragraph are covered, but if the liability for costs arises from an error in the administrative

decision or preparation of the case, it may be determined that liability shall, in whole or in part, rest with the decision-making agency or agencies responsible for the error. The claim must be submitted not later than three weeks from the date on which notification of the new administrative decision has reached the person concerned; however, section 29, fourth paragraph, and sections 30 to 32 apply correspondingly. The decision may be appealed according to the provisions of this Chapter, unless otherwise prescribed by the King. For particular sectors, the King may prescribe rules of appeal which supplement or depart from these provisions, including appeals where the decision was made by a municipal administrative agency as mentioned in section 28, second paragraph. An award of costs pursuant to the provisions of the second paragraph may be enforced pursuant to the rules applying to court judgments.

If the administrative decision has been altered, the party shall be notified of his right to claim reimbursement of costs in the case, unless he is unlikely to have incurred any substantial costs or it must be assumed that he himself or his agent are apprised of this right. If in other cases it appears reasonable that the question of reimbursement of costs should be considered, the party should be given the necessary guidance.

Chapter VII Concerning regulations

§ 37. (obligation to clarify the case, advance notification and opinions from interested parties)

The administrative agency shall ensure that the case is clarified as thoroughly as possible before an administrative decision is made.

Public and private institutions and organizations for enterprises, professions and skilled trades or interest groups which the regulations concern or will concern, or whose interests are particularly affected, shall be given an opportunity to express their opinions before the regulations are issued, amended or repealed. Opinions should also be obtained from others to the extent necessary to clarify all aspects of the case.

The administrative agency shall decide the procedure for advance notification and may set a time limit for submitting an opinion.

Advance notification may be omitted insofar as it:

- a) is not practicable, or
- b) may render the implementation of the regulation difficult or impair its effectiveness, or
- c) must be considered obviously unnecessary.

Opinions shall be submitted in writing. In an individual case, the administrative agency may consent to opinions being given orally. When so warranted by the nature of the case, the administrative agency may decide that negotiations in the case shall take the form of meetings.

§ 38. (requirements as to form and publication)

Regulations shall:

- a) contain an explicit reference to the provision(s) authorizing the administrative agency to issue the regulations;
- b) state the name of the administrative agency that has issued the regulations;
- c) be published in the Norwegian Law Gazette;
- d) be designated as regulations in the published announcement.

When practical considerations so warrant, the announcement may be limited to a brief description of the regulations, indicating where the text thereof may be obtained or found.

If regulations relate to a specific event, or if they will be applicable for a short time only, and such publication as is mentioned in item c) of the first paragraph does not serve any purpose, the regulations may instead be announced in some other manner. The King may make the same provision for such sectors or other cases where announcements pursuant to the provisions of item c) of the first paragraph do not serve any purpose because of the nature, contents or scope of the regulations.

The King may prescribe guidelines for the application of the second and third paragraphs and may provide that regulations shall be kept generally available.

§ 39. *(the effect of failure to announce regulations)*

Regulations cannot be invoked against any person until they have been published as prescribed in section 38, unless it is established either that the administrative agency has in some other manner made the regulations known to the public or to the enterprises, professions or skilled trades or interest groups concerned, or to the person against whom the regulations are invoked, or that such person has been acquainted with the regulations.

§ 40. *(right to depart from regulations)*

An administrative agency may not depart from regulations unless authorized to do so by the regulations themselves or the enabling statute.

Chapter VIII

Provisions on the effects of errors, on the deferred implementation of administrative decisions and on entry into force

§ 41. *(effects of procedural errors)*

If the rules of procedure set out in this Act or regulations made in pursuance thereof have not been observed in dealing with a case concerning an individual decision, the administrative decision shall nevertheless be valid when there is reason to assume that the error cannot have had a decisive effect on the contents of the administrative decision.

§ 42. *(deferred implementation of an administrative decision)*

The subordinate instance, the appellate instance or other superior agency may decide that an administrative decision shall not be implemented until the time limit for an appeal has expired or the appeal has been decided. When a party or other person with a legal interest in an appeal intends to take legal action or has taken legal action in order to have the administrative decision reviewed by a court of law, such agency as referred to above may defer the implementation until a final judgement has been delivered. The same applies when a party or another person with a legal interest in an appeal intends to bring or has brought a case before the Storting's Ombudsman for Public Administration. Requests for deferment shall be decided as soon as possible. Otherwise other statutory provisions regarding the staying effects of appeals, legal actions etc. shall apply.

Conditions may be set for the deferment. Grounds shall be given if a request for deferment is refused. The grounds shall be given at the same time as the refusal.

§ 43. (*entry into force*)

The date of entry into force of this Act¹ shall be determined by a special Act.

¹1 January 1970