

Act relating to free legal aid (Legal Aid Act)

Chapter I. General provisions

Heading amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005).

Section 1. Purpose of the Act.

Free legal aid pursuant to this Act is a social benefit scheme the purpose of which is to guarantee necessary legal assistance for persons who do not have the financial means themselves to enable them to meet a need for legal aid that is of great importance to their persons and their welfare.

Free legal aid pursuant to this Act shall be paid in whole or in part by the State and shall be granted as free legal advice, free legal representation or a waiver of court fees, cf. Chapters II, III and IV.

Amended by Acts no. 62 of 15 September 1995 (in force from 1 January 1997) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005).

Section 2. Who may provide free legal aid. The duty of lawyers to inform clients about the scheme.

Free legal aid in the form of free legal advice and free legal representation shall be given by a lawyer in private practice or by a public law office.

A practising lawyer or others who may provide free legal aid pursuant to this Act have an obligation to inform their clients about the possibility of applying for free legal aid in cases where it is conceivable that they are eligible for such assistance.

The Ministry may by regulation or in special cases consent to free legal aid being provided by persons other than lawyers.

In connection with a grant of free legal aid or to establish whether legal counsel in such form is necessary, the coverage of expenses for other expert assistance may be granted.

Amended by Acts no. 44 of 4 July 1991 and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005).

Section 3. *Remuneration for assistance.*

The King shall prescribe the rules for remuneration for assistance pursuant to this Act.

For work paid for out of public funds, the person providing free legal aid shall collect a contribution from the client pursuant to Section 9. Further remuneration may not be demanded or received from the client.

In cases before courts of law, additional expenses as a consequence of choosing a lawyer with an office outside the court's jurisdiction shall not be paid out of public funds. In other cases, additional expenses as a consequence of choosing a lawyer or legal services provider not in reasonable proximity to the place of residence or sojourn of the recipient of legal aid shall not be paid out of public funds.

The Ministry may by regulation issue rules on exemptions from the third paragraph.

Amended by Acts no. 92 of 17 December 2004 (in force from 1 January 2005 pursuant to Royal Decree no. 1673 of 17 December 2004) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005) as amended by Act no. 130 of 21 December 2005.

Section 4. *Who is eligible for free legal aid. What assistance may be covered.*

Free legal aid shall be granted to natural persons. When particular reasons so warrant, free legal aid may also be granted to non-profit organizations.

The legal aid must pertain to engagements that are natural for a lawyer in the realm to perform. However, such legal aid as is mentioned in Chapter III Free

legal representation may only be provided for cases heard by a Norwegian court of law or Norwegian administrative body. In exceptional cases, free legal advice may be granted for assistance before a foreign court of law or administrative body pursuant to the rules in Section 12.

Amended by Acts no. 62 of 15 September 1995 (in force from 1 January 1997) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005).

Section 5. *Subsidiary nature of the Act.*

Free legal aid does not include assistance that is covered by other schemes or that can be replaced in another manner, including through:

- the appointment of defence counsel or counsel for the victim in criminal cases pursuant to the Criminal Procedure Act,
- private insurance that covers legal aid,
- Section 36 of the Public Administration Act regarding the coverage of litigation costs,
- established public service and advisory offices,
- the government's obligation to provide information and guidance, cf. *inter alia* Section 11 of the Public Administration Act,
- membership in associations and clubs.
- private or public legal aid schemes in other countries.

Applications may be made pursuant to this Act for coverage of expenses in excess of those that may be covered or compensated by other schemes.

Inserted by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005) and section number of previous Section 5 changed to 6.

Section 6. *Retroactive authorization of free legal aid.*

Free legal aid may also be granted after the case or the particular problem for which free legal aid is applied for has been settled.

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 5.

Section 7. *Supplementary provisions.*

The Ministry may by regulation stipulate an upper limit on the number of hours of free legal aid that may be granted.

The Ministry may issue further provisions on the implementation and supplementation of the Act.

The Ministry may implement special legal aid measures for groups with special needs.

Amended by Acts no. 62 of 15 September 1995 (in force from 1 January 1997) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005).

Section 8. *Reimbursement of public expenditures. Authorization to rescind grants of free legal aid.*

If a person's financial position is substantially improved through assistance provided pursuant to this Act, the public body that has granted free legal aid shall demand a reimbursement of the public expenditure made in connection with the legal aid. If a lawyer or legal services provider has granted free legal aid, the Ministry shall demand reimbursement. The claim is enforceable by attachment.

Such claims as are mentioned in the first paragraph shall be enforced by the Norwegian National Collection Agency. The Agency may recover the claim by garnishing earnings or other similar actions pursuant to Section 2-7 of the Satisfaction of Claims Act. The Agency may also enforce the claim by establishing an execution lien for the claim if the lien can be perfected when recorded in a register or when notified to a third person, cf. Chapter 5 of the Mortgage Act and the execution proceedings may be held on the Agency's premises pursuant to Section 7-9 first paragraph of the Enforcement of Claims Act.

An authorization of assistance pursuant to this Act approved following a means test may be rescinded if the applicant provided incomplete or incorrect

information about his financial situation or if the applicant's financial situation has improved substantially before the legal aid has concluded.

Claims for fees paid for which reimbursement is demanded pursuant to this section may be enforced by attachment. Section 8 second paragraph applies correspondingly.

Amended by Acts no. 86 of 26 June 1992, no. 62 of 15 September 1995 (in force from 1 January 1997), no. 70 of 27 September 2002 (in force from 1 September 2003 pursuant to Royal Decree no. 987 of 1 August 2003 and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005) as amended by Act no. 130 of 21 December 2005; section number changed from 11.

Section 9. *Payment of client's contribution.*

A recipient of free legal aid in means-tested cases shall pay a client's contribution towards expenses for assistance pursuant to this Act. The client's contribution shall be calculated on a base amount equivalent to the current fee rate for criminal cases and legal aid cases.

For free legal advice, a client's contribution shall be paid equal to the base amount.

For free legal representation, a client's contribution of 25% of expenses shall be paid, though not more than five times the base amount.

Further provisions for calculating the client's contribution shall be laid down by regulation.

Inserted by Act no. 62 of 15 September 1995 (in force from 1 January 1997), amended by Act no. 70 of 27 September 2002 (in force from 1 September 2003 pursuant to Royal Decree no. 987 of 1 August 2003), amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005) as amended by Act no. 130 of 21 December 2005; section number changed from 11a.

Chapter II. Free legal advice.

Heading amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005), chapter number changed from III.

Section 10. *Scope of the provisions.*

Free legal aid that is not covered by Section 15 shall be given as free legal advice, including proceedings before the Conciliation Board, cases of appraisalment decided administratively and arbitration cases.

Amended by Acts no. 43 of 3 June 1983, no. 53 of 25 June 2004 (in force from 1 January 2006 pursuant to Royal Decree no. 901 of 19 August 2005) as amended by Act no. 84 of 17 June 2005 and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 12.

Section 11. *Conditions for free legal advice.*

An application for free legal advice may be granted without means testing in the following instances:

- 1 to a foreign national who is eligible for free legal aid pursuant to Section 42 third paragraph, fourth paragraph first sentence and fifth paragraph of the Immigration Act.
- 2
 - a) to a person who is a party in a case in which the child welfare authorities have issued such an order as is mentioned in Section 7-2 litra g) of the Act relating to child welfare services, but in which the order has not been followed by the start of preparations by the child welfare authorities of a case to be heard by the county social welfare board pursuant to Chapter 7 of the Act relating to child welfare services.
 - b) to a person who is a party in a case in which the child welfare authorities have started preparations of a case to be heard by the county social welfare board, but in which the case has nonetheless not been submitted to the county social welfare board.

Translation from Norwegian

3 to persons against whom criminal charges are brought who sue for damages for wrongful prosecution pursuant to Chapter 31 of the Criminal Procedure Act.

4 to victims of violent crimes in damage suits against the perpetrator.

5 to conscripts in initial military service in such cases as are mentioned in the second paragraph.

6 to a person who has been subjected to abuse by a close family member, in connection with a criminal case against the perpetrator.

7 to a person who has been subjected to a forced marriage or an attempt at such, such as is mentioned in Section 222 second paragraph, cf. Section 49, of the General Civil Penal Code, but in which the case has not been reported and the necessary assistance is of the same kind such as is mentioned in Section 107 c of the Criminal Procedure Act or other relevant assistance.

An application for free legal advice may be granted for a person with income and capital below certain limits as stipulated by the Ministry in the following instances:

1 in cases pursuant to the Marriage Act, Part II, cf. Chapter 4, of the Administration of Estates Act or Chapters 5, 6 and 7 of the Children Act, including enforcement proceedings and interim proceedings to secure a claim.

2 in cases pursuant to Act no. 45 of 4 July 1991 relating to the right to the joint residence and household goods when a household community ceases to exist.

3 to the injured party or survivor in a lawsuit for damages for personal injury or for the loss of a provider.

4 to a tenant in a case pursuant to Section 9-8 of the Tenancy Act and Section 13-2 third paragraph *litra c* of the Satisfaction of Claims Act when the case pertains to the dwelling the tenant occupies.

5 to a worker in a case pursuant to Sections 61-66 of the Working Environment Act¹.

6 to the injured party when applying for or appealing a case involving compensation for the victim of a violent crime.

7 in appeal cases to the county office of the National Insurance Service or the National Insurance Administration pursuant to Section 21-12 of the National Insurance Act.

8 in appeal cases to the executive administrative body in Aetat pursuant to Section 21-12 A of the National Insurance Act and pursuant to Section 22 of the Labour Market Act regarding benefits pursuant to the National Insurance Act.

In other cases free legal advice may be granted as an exception if the applicant fulfils the financial conditions pursuant to the second paragraph and the case seen from an objective point of view is especially pressing for the applicant. The assessment shall accord weight to whether the case has similarities with the areas of litigation in the first and second paragraphs.

In such cases as are mentioned in the second and third paragraphs, free legal advice may be granted even if the applicant does not fulfil the financial conditions prescribed in the second paragraph, provided that the expenses for legal assistance will be substantial relative to the applicant's financial situation.

Amended by Acts no. 97 of 21 December 1984, no. 64 of 24 June 1988, no. 80 of 6 December 1991, no. 62 of 15 September 1995 (in force from 1 January 1997), no. 3 of 10 January 2003 (in force from 1 January 2004 pursuant to Royal Decree no. 1471 of 12 December 2003), no. 67 of 2 July 2004 (in force from 1 January 2005 pursuant to Royal Decree no. 1408 of 29 October 2004), no. 50 of 10 June 2005 (in force from 9 September 2005 pursuant to Royal Decree no. 956 of 2 September

2005) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005) as amended by Act no. 130 of 21 December 2005; section number changed from 13. Amended by Act no. 20 of 16 June 2006 (in force from 1 July 2006 pursuant to Royal Decree of 16 June 2006).

1 Act no. 4 of 4 February 1977 (repealed).

Section 12. *Free legal advice before a foreign court or administrative body.*

An application for free legal advice may be fully or partly granted to a person with income and capital below certain limits stipulated by the Ministry in the following instances:

- 1 to a person who is a litigant in a case being heard by the European Court of Human Rights.
- 2 to a person whose child or children were unlawfully abducted from Norway, cf. Article 3 of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction.

In other cases before a foreign court or administrative body free legal advice may be granted wholly or in part as an exception if the applicant fulfils the financial conditions prescribed in the first paragraph and special circumstances so warrant.

In such cases as are mentioned in the first and second paragraphs, free legal advice may be granted even if the applicant does not fulfil the financial conditions prescribed in the first paragraph, provided that the expenses for legal assistance will be substantial relative to the applicant's financial situation.

Free legal advice shall not be granted pursuant to the first through third paragraphs if it is unreasonable for the assistance to be paid for out of public funds.

Inserted by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005).

Section 13. *Who decides on an application for free legal advice.*

Applications for free legal advice are decided on by the Ministry.

The Ministry may by regulation issue provisions on the authority of lawyers to grant free legal advice in cases such as are mentioned in Section 11 first and second paragraphs.

Amended by Acts no. 97 of 21 December 1984, no. 80 of 6 December 1991, no. 62 of 15 September 1995 (in force from 1 January 1997) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 14.

Section 14. *What free legal advice may comprise.*

Free legal advice comprises the necessary expenses for advice and assistance from a lawyer in respect of a relevant problem.

The Ministry may consent to the applicant's own substantial and necessary expenses related to the legal advice being covered in whole or in part, including expenses for medical or other expert assistance. When particular grounds so warrant and medical or other expert advice is necessary to establish whether there is a need for free legal advice, the Ministry may consent to free legal advice covering substantial and necessary expenses for such expert assistance.

On special application, the Ministry may extend free legal advice to cover assistance in bringing to the attention of government authorities general matters that might pertain to the applicant's problem and to recommend changes and improvements to statutory rules or administrative practices.

The Ministry shall determine remuneration for assistance pursuant to this section.

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 15.

Chapter III. Free legal representation.

Translation from Norwegian

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005), chapter number changed from IV.

Section 15. *Scope of the provisions.*

Free legal aid in civil proceedings before the ordinary courts of law (except the Conciliation Council), special courts of law as well as in administrative cases pursuant to Section 17 shall be granted as free legal representation or a waiver of court fees, cf. Chapter IV. Courts regarded as special courts are those mentioned in Section 2 of the Courts of Justice Act as well as labour courts.

Amended by Acts no. 17 of 26 March 1999 (in force from 1 January 2000 pursuant to Royal Decree no. 248 of 26 March 1999) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 16.

Section 16. *Conditions for free legal representation.*

Free legal representation shall be granted without means testing in such cases as are mentioned in Section 11 first paragraph nos. 4, 5 and 7, as well as in the following instances:

- 1 to the conscript in conscientious objector cases pursuant to Act no. 3 of 19 March 1965 relating to exemption from military service for reasons of personal conviction.
- 2 to a person at which a coercive measure is aimed in cases involving the re-examination of administrative coercive measures pursuant to Section 33 of the Dispute Act.
- 3 to the private party in cases where a lawsuit is recommended by the Storting's Ombudsman for public administration.
- 4 to a foreign national in such instances as are mentioned in Section 42 first paragraph and fourth paragraph second sentence of the Immigration Act.
- 5 to a person in respect of whom petition is being filed to be declared incompetent or who is petitioning to have a guardianship removed pursuant

to the Act relating to declaring of a person as incapable of managing his own affairs.

6 to the person for whom a lawyer is appointed in pursuance of Section 61 first paragraph no. 5 of the Children Act.

In such cases as are mentioned in Section 11 second paragraph nos. 1-5, an application for free legal representation may be granted to a person with an income and capital under certain limits as stipulated by the Ministry.

In other cases free legal representation may be granted as an exception if the applicant fulfils the financial conditions pursuant to the second paragraph and the case seen from an objective point of view is especially pressing for the applicant. The assessment shall accord weight to whether the case has similarities with the litigation areas in the first and second paragraphs.

In such cases as are mentioned in the second and third paragraphs, free legal representation may be granted even if the applicant does not fulfil the financial conditions prescribed in the second paragraph, provided that the expenses for legal assistance will be substantial relative to the applicant's financial situation.

Free legal representation shall not be granted pursuant to the second through fourth paragraphs if it is unreasonable for the assistance to be paid for out of public funds.

Inserted by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005) as amended by Act no. 130 of 21 December 2005; section number of previous Section 16 changed to 15.

Amended by Act no. 130 of 21 December 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 1608 of 21 December 2005).

Section 17. *Free legal representation before certain administrative bodies.*

Free legal representation may be granted in appeal cases pursuant to Act no. 9 of 16 December 1996 relating to appeals to the National Insurance Appeals

Council if the applicant fulfils the financial conditions prescribed in Section 16 second or fourth paragraph.

Free legal representation pursuant to the first paragraph shall not be granted if it is unreasonable for the assistance to be paid for out of public funds.

Free legal representation shall be granted without means testing in the following cases:

- 1 cases to be heard by a county social welfare board pursuant to Chapter 9 of the Act relating to social services.
- 2 cases to be heard by a county social welfare board pursuant to Chapter 7 of the Act relating to child welfare services.
- 3 cases before the Control Commission pursuant to Section 6-4 of Act no. 62 of 2 July 1999 relating to the establishment and implementation of mental health care services (Mental Health Care Act).
- 4 cases to be heard pursuant to Chapter 5 of Act no. 55 of 5 August 1994 relating to control of communicable diseases.

Amended by Acts no. 70 of 12 June 1987, no. 81 of 13 December 1991, no. 100 of 17 July 1992, no. 144 of 18 December 1992, no. 85 of 11 June 1993, no. 55 of 5 August 1994 (in force from 1 Jan 1995), no. 62 of 15 September 1995 (in force from 1 January 1997), no. 19 of 28 February 1997 (in force from 1 May 1997), no. 62 of 2 July 1999 (in force from 1 January 2001 pursuant to Royal Decree no. 1197 of 1 December 2000), no. 45 of 20 June 2003 (in force from 1 July 2003 pursuant to Royal Decree no. 712 of 20 June 2003) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 22.

Section 18. *Expanded authority for the Supreme Court to grant free legal representation.*

When a civil case has been referred to the Supreme Court for hearing, the Court may authorize free legal representation, even if a litigant does not meet the financial conditions prescribed in Section 16, if it finds this reasonable on the basis

of the case's public importance. If special grounds warrant, the Court may grant free legal representation to parties other than natural persons.

Inserted by Act no. 60 of 15 June 2001 (in force from 1 January 2002 pursuant to Royal Decree no. 1418 of 14 December 2001), amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 21a.

Section 19. *Who may grant free legal representation.*

Free legal representation pursuant to Section 16 first paragraph and Section 17 shall of its own motion be granted by the court or administrative body that is hearing the case. In other instances applications for free legal representation shall be decided on by the Ministry.

In such cases as are mentioned in Section 16, the Ministry may delegate approval authority to parties other than those identified in the first paragraph, including deciding that the court hearing the case or the lawyer of the litigant concerned may grant free legal representation.

Inserted by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005), previous Section 19 repealed.

Section 20. *Appointment of counsel in matrimonial and family cases.*

In matrimonial and family cases pursuant to Section 16 second paragraph, cf. Section 11 second paragraph no. 1, the court may, if it deems it to be necessary, appoint counsel for a defendant/respondent who has failed to appear or has not submitted a notice of intention to defend/answer during the preparation of the case, or has failed to appear at the main hearing. Such an appointment may be made even if the defendant/respondent does not fulfil the financial conditions prescribed in Section 16. The defendant/respondent shall be obliged to reimburse the public funds paid out for providing counsel. The amount may be recovered by attachment.

Amended by Acts no. 86 of 26 June 1992, no. 40 of 20 June 2003 (in force from 1 April 2004 pursuant to Royal Decree no. 728 of 20 June 2003) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 21.

Section 21. *Appointment of counsel.*

In accordance with the granting of free legal representation, the competent court or administrative body shall appoint counsel for the litigant. In the appointment of counsel, the wishes of the litigant shall be decisive.

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 23.

Section 22. *What free legal representation comprises.*

Free legal representation comprises covering the fees of counsel in whole or in part. It also covers fees and subsidiary expenses connected with the case pursuant to the provisions concerning the waiver of court fees in Chapter IV. The court hearing the case shall decide whether the granting of free legal representation shall also include procedural steps before another court of law.

The court or administrative body hearing the case may consent to the litigants' own substantial and necessary expenses in connection with the case being covered in whole or in part. The same applies to the litigants' expenses for the assistance of experts who are not appointed by the court.

An authorization of free legal representation shall also cover the hearing of the case in higher courts only if an independent appeal is filed by the adversary party and the lower court has found in whole or in part for the party that has free legal representation.

On the application of the party granted free legal representation, the Ministry may in special cases cover in whole or in part the liability to pay litigation costs vis-à-vis the adversary party.

On special application, the Ministry may extend the authorization to cover assistance in bringing to the attention of government authorities general matters that might pertain to the applicant's problem and to recommend changes and improvements to statutory rules or administrative practices.

The court or administrative body hearing the case shall set the remuneration for counsel and any experts.

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 24.

Section 23. *Costs to the public treasury.*

If a litigant receiving free legal aid wins the case, pursuant to Chapter 13 of the Dispute Act, the public treasury shall be awarded costs to the extent that this is necessary to cover the expenditure connected with providing free legal aid.

Where there are grounds for doing so, the court may grant a petition by a litigant receiving free legal aid to dismiss the case as settled without claiming costs to the public treasury.

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 23.

Chapter IV. Waiver of court fees.

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005), chapter number changed from V.

Section 24. *What waiver of court fees comprises.*

Waiver of court fees comprises procedural fees and subsidiary expenses in connection with the court or administrative body to which the grant applies, pursuant to Act no. 86 of 17 December 1982 relating to court fees, Act no. 2 of 21 July 1916 relating to remuneration for witnesses and experts etc. and Act no. 2 of 14 August 1918 relating to extracts in civil and criminal cases.

The Ministry may issue further regulations concerning the fees and subsidiary expenses for which a waiver may be granted.

Translation from Norwegian

Amended by Acts no. 86 of 17 December 1982 and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 26.

Section 25. Conditions for waiver etc.

A waiver of court fees may be granted as part of an authorization of free legal representation pursuant to Section 22 in accordance with the same rules applicable to such authorizations.

A person who is not eligible for free legal representation may be granted a waiver for court fees if he fulfils the financial conditions prescribed in Section 16 second or fourth paragraph. Such waivers are granted by those empowered to authorize free legal representation in connection with the case.

In probate cases, the court may grant a waiver of court fees, if the applicant fulfils the financial conditions prescribed in Section 16 second or fourth paragraph.

An application for a waiver of court fees may be rejected when it is unreasonable for the assistance to be paid for out of public funds.

Amended by Acts no. 67 of 30 August 2002 (in force from 1 January 2003 pursuant to Royal Decree no. 938 of 30 August 2002) and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 27. To be amended by Act no. 90 of 17 June 2005 (in force from the date determined by the King).

Chapter V. Provisions concerning appeal etc.

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005), chapter number changed from VI.

Section 26. Appeal.

With the exception of such decisions as are mentioned in Section 27, decisions made in pursuance of this Act may be appealed to the Ministry in accordance with the provisions of the Public Administration Act. The Ministry may

decide the extent to which the Public Administration Act shall apply to proceedings before the courts of law and the National Insurance Appeals Council in pursuance of this Act.

Decisions made by the Ministry in pursuance of this Act may not be appealed.

Amended by Acts no. 47 of 29 June 1990, no. 34 of 28 April 2000 (which inadvertently amended Section 28; it should have been Section 28 a – in force from 1 July 2000 pursuant to Royal Decree no. 366 of 28 April 2000), no. 16 of 4 May 2001 and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 28.

Section 27. *Appeals in cases heard by courts of law and the National Insurance Appeals Council.*

Decisions made pursuant to this Act by a court of law may be appealed to a superior court. Decisions made by a Labour Court may not be appealed. Decisions made by the National Insurance Appeals Council may be appealed to the Borgarting Court of Appeal.

Unless otherwise provided by this section, the provisions of the Dispute Act and the Courts of Justice Act apply to appeals made pursuant to the first paragraph.

With regard to a person who has been notified of a decision, the time limit for lodging an appeal shall be one month from the date on which the person concerned received such notification. With regard to others, the time limit is one month from the date on which the person concerned obtained or should have obtained knowledge of the decision, but shall not exceed three months from the date on which the decision was made.

The court shall prepare the case for the court of appeal and provide any information relating to the case that is required by the latter.

With regard to the coverage of litigation costs by the public authorities, Section 36 first paragraph and third paragraph first and second sentence shall apply accordingly.

Translation from Norwegian

Inserted by Act no. 47 of 29 June 1990, amended by Acts no. 4 of 12 January 1995 (in force from 1 April 1995), no. 34 of 23 June 1995 (in force from 1 August 1995), no. 16 of 4 May 2001 and no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 28a.

Chapter VI. Entry into force.

Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); chapter number changed from VII.

Section 28. *Entry into force and amendments of other Acts.*

This Act enters into force from the date determined by the King.¹

From the date this Act enters into force, the Acts specified below shall be amended as follows:

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Amended by Act no. 17 of 15 April 2005 (in force from 1 January 2006 pursuant to Royal Decree no. 339 of 15 April 2005); section number changed from 29.

¹ From 1 January 1981 pursuant to Royal Decree of 31 October 1980.

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