

Act of 12 June 1987 No. 56 concerning the Sameting (the Sami parliament) and other Sami legal matters (the Sami Act) as subsequently amended, most recently by Act of 11 April 2003 No. 22

Chapter 1. General provisions.

§ 1-1. The purpose of the Act.

The purpose of the Act is to enable the Sami people in Norway to safeguard and develop their language, culture and way of life.

§ 1-2. The Sameting.

The Sami people are to have their own nation-wide Sameting elected by and among the Sami population.

§ 1-3. The annual report of the Sameting.

The annual report of the Sameting is to be sent to the King.

§ 1-4. The financial liability of the State.

The particular expenses incurred by county municipalities and municipalities in connection with elections to the Sameting are to be covered by the State.

The King will issue regulations regarding the implementation of the provision in the first paragraph.

§ 1-5. Sami languages.

Sami and Norwegian are languages of equal worth. They shall be accorded equal status pursuant to the provisions of Chapter 3.

§ 1-6. The Sami flag

The Sami flag is the flag adopted at the 13th Nordic Sami Conference on 15 August 1986.

The Sameting may issue regulations prescribing further rules for how the flag is to be used.

Chapter 2. The Sameting.

§ 2-1. The business and authority of the Sameting.

The business of the Sameting is any matter that in the view of the parliament particularly affects the Sami people.

The Sameting may on its own initiative raise and pronounce an opinion on any matter coming within the scope of its business. It may also on its own initiative refer matters to public authorities and private institutions, etc.

The Sameting may delegate authority to administer the allocations granted for the purposes of the Sami people over the annual fiscal budget. The Ministry will lay down rules for the financial management of the Sameting.

The Sameting has the power of decision when this follows from other provisions in the Act or is

otherwise laid down.

§ 2-2. Seeking the view of the Sameting.

Other public bodies should give the Sameting an opportunity to express an opinion before they make decisions on matters coming within the scope of the business of the Sameting.

§ 2-3. Method of election, time of election and electoral term.

Election to the Sameting is by direct ballot.

Proportional representation is to be the method of election when more than one proposed list of candidates is approved in a constituency. In other cases election is by majority vote.

Elections are to be held on the same day as elections to the Storting.

The Sameting is elected for a period of four years. The electoral term is reckoned from the first day of October in the election year.

§ 2-4. Constituencies and distribution of seats.

At elections to the Sameting three members with alternates are to be elected from each of the following constituencies:

1. Varanger (South Varanger, Nesseby, Vadsø, Vardø and Båtsfjord municipalities),
2. Tana (Tana, Berlevåg and Gamvik municipalities),
3. Karasjok (Karasjok municipality),
4. Kautokeino (Kautokeino municipality),
5. Porsanger (Porsanger, Lebesby, Nordkapp and Måsøy municipalities),
6. Alta/Kvalsund (Kvalsund, Hammerfest, Sørøysund, Alta, Hasvik and Loppa municipalities),
7. Nord-Troms (Kvænangen, Nordreisa, Skjervøy, Kåfjord, Storfjord and Lyngen municipalities),
8. Midt-Troms (Karlsøy, Tromsø, Balsfjord, Målselv, Bardu, Lenvik, Berg, Torsken and Tranøy municipalities),
9. Sør-Troms (Sørreisa, Dyrøy, Salangen, Lavangen, Gratangen, Skånland, Ibestad, Harstad, Bjarkøy and Kvæfjord municipalities),
10. Nordre Nordland (Andøy, Øksnes, Bø, Sortland, Hadsel, Vågan, Vestvågøy, Flakstad, Moskenes, Værøy, Røst, Lødingen, Tjeldsund, Evenes and Narvik municipalities),
11. Midtre Nordland (Ballangen, Tysfjord, Hamarøy, Steigen, Sørfold, Bodø, Fauske, Skjerstad, Saltdal, Gildeskål, Beiarn and Meløy municipalities),
12. The South Sami area (the municipalities in the county of Nordland from and including Rana and Rødøy and southwards, the counties of Nord-Trøndelag and Sør-Trøndelag and the municipality of Engerdal in the county of Hedmark),

13. South Norway (the counties of Møre og Romsdal, Sogn og Fjordane, Hordaland, Rogaland, Vest-Agder, Aust-Agder, Telemark, Buskerud, Vestfold, Akershus, Østfold, Oppland, Hedmark (except Engerdal municipality) and Oslo.

§ 2-5. The right to vote.

All persons having the right to vote in local government elections in the constituency and who on polling day are included in the Sami electoral register in the constituency (cf § 2-6) have the right to vote at elections to the Sameting.

§ 2-6. The Sami electoral register.

All persons who make a declaration to the effect that they consider themselves to be Sami, and who either

- a. have Sami as their domestic language, or
- b. have or have had a parent, grandparent or great-grandparent with Sami as his or her domestic language, or
- c. are the child of a person who is or has been registered in the Sami electoral register

may demand to be included in a separate register of Sami electors in their municipality of residence.

The Sami electoral register is drawn up on the basis of the national population register in the municipality, the register of Sami electors at the time of the last election and the demands for inclusion or deletion received during the electoral term.

When a person has been included in the Sami electoral register, this may be registered in the national population register. Such registration shall only be accessible to the authority responsible for holding elections to the Sameting, or with the consent of the Ministry.

The Sami electoral register may be kept by electronic means.

§ 2-7. Eligibility for election and right to propose candidates.

All persons who are included in the Sami electoral register in the constituency are eligible for election to the Sameting. Those standing for election must also be included in the national population register as being resident in the constituency on polling day. Administrative staff of the Sameting are not however eligible for election.

All persons who are included in the Sami electoral register in the constituency have the right to propose candidates in the constituency. A proposal for a list of candidates must be signed by at least 15 Sami having the right of proposal.

A group, party or similar association may apply to the Sameting for registration under a specified party name. The request for registration shall be supported by the signatures of at least 200 persons who are entitled to vote and propose candidates in elections to the Sameting. Decisions regarding registration may not be appealed. The King may lay down further provisions regarding the conditions and procedure for registration.

§ 2-8. Obligation to accept election, grounds for exemption and obligation to attend meetings.

All those who are eligible for election to the Sameting are under an obligation to accept election unless they are exempted in accordance with the provisions of the second paragraph.

The right to claim exemption from election may be exercised by all those who

- a. have reached the age of sixty years by the end of the election year, or
- b. have served as members of the Sameting during the last four years, or
- c. prove to the Sami electoral board in the constituency that they will not be able to fulfil their obligations as members of the Sameting without undue difficulty.

Any person who is elected as a member of the Sameting or a body appointed by the Sameting is under an obligation to participate in meetings of the Sameting or the respective body unless he or she has a valid reason for not attending.

Employees are entitled to take leave from work to the extent necessitated by their obligations in the Sameting or in the body to which the persons concerned have been appointed as a member.

§ 2-9. Exemption and retirement during the electoral term.

Members of the Sameting who are unable to fulfil the obligations of their office without undue difficulty may on application be relieved of their office by the Sameting for a specified period of time or for the rest of the electoral term.

Members who lose the right to vote pursuant to Article 53 of the Constitution, or who join the administrative staff of the Sameting, shall retire from the Sameting for the rest of the electoral term..

§ 2-10. Electoral authority.

The Sameting is the highest electoral authority at elections to the Sameting.

§ 2-11. Supplementary electoral provisions.

The King may issue supplementary provisions concerning elections to the Sameting.

§ 2-12. The administration, organization and procedures of the Sameting.

The Sameting is to have its own administration. Administrative staff are to be appointed by the Sameting.

The employees of the Sameting shall be subject to the legislation that applies to civil servants insofar as this is appropriate.

The Sameting may establish any boards, councils or committees that it may find appropriate and, unless otherwise provided, delegate authority to them.

The power of decision pursuant to sections 2-9, 2-10 and 2-14 may not be delegated.

Individual decisions made by a board, council or committee appointed by the Sameting may, in

accordance with the provisions of the Public Administration Act, be appealed to the Sameting or to a special appeals board appointed by the Sameting.

§ 2-13. Language used in proceedings.

At meetings of the Sameting all persons have the right to speak Sami or Norwegian as they wish.

§ 2-14. Rules of procedure.

The Sameting will issue rules concerning the summoning and order of business of the Sameting.

§ 2-15. Full-time members of the Sameting are entitled to a pension in accordance with a separate pension scheme. The King may issue regulations providing that other members of the Sameting are also entitled to a pension.

The King may issue further regulations relating to the calculation of pension rights and the implementation of the pension scheme.

Chapter 3. The Sami language.

§ 3-1. Definitions.

The following definitions shall apply in this chapter:

1. The term “Sami language administrative district” shall mean the municipalities of Karasjok, Kautokeino, Nesseby, Porsanger, Tana and Kåfjord.
2. The term “public body” shall mean any state or municipal body.
3. The term “local public body in the administrative district” shall mean any municipal, county municipal or state body whose jurisdiction comprises a municipality or part of a municipality in the Sami language administrative district.
4. The term “regional public body in the administrative district” shall mean any county municipal or state body whose jurisdiction comprises all or part of more than one of the municipalities in the Sami language administrative district, but which nevertheless does not cover the entire country.

§ 3-2. Translation of rules. Announcements and forms.

Statutes and regulations of particular interest to all or parts of the Sami population shall be translated into Sami.

Announcements by public bodies which are particularly addressed to all or parts of the population in the administrative district shall be made in both Sami and Norwegian.

Forms to be used in connection with a local or regional public body in the administrative district

shall be available in both Sami and Norwegian. The King will issue further rules regarding the implementation of this provision.

§3-3. Right to a reply in Sami.

Any person who makes an application in Sami to a local public body in the administrative district is entitled to a reply in Sami. However, this does not apply in the case of oral applications to officials who are carrying out assignments outside the office of the said body.

Any person who makes a written application in Sami to a regional public body in the administrative district is entitled to a written reply in Sami. In special cases, the King may make exceptions for specified regional public bodies.

§3-4. Extended right to use Sami in the judicial system.

In the case of courts of law whose jurisdiction comprises all or parts of the administrative district, the following rules regarding the use of Sami shall also apply:

1. Any person has a right to submit written pleadings with appendices, written evidence or other written applications in Sami. If the court is to transmit the application to an opposite party, it shall ensure that the document is translated into Norwegian. The translation may be omitted with the consent of the opposite party.
2. Any person has a right to make an oral application to the court in Sami if statutory legal procedure allows oral instead of written applications. If the court is under an obligation to record the application in writing, the person making the application may demand that it be written in Sami. Such a demand does not interrupt any time limit. Subsection 1, second and third sentences, apply correspondingly.
3. Any person has a right to speak Sami at court sittings. If a person who does not speak Sami participates in the proceedings, an interpreter appointed or approved by the court shall be used.
4. At the request of one of the parties, the president of the court may decide that the language used in the proceedings shall be Sami. Subsection 3, second sentence, shall apply correspondingly.
5. If the language used in the proceedings is Sami, the president of the court may decide that the court records shall also be kept in Sami. The court will ensure that the records are translated into Norwegian.
6. The court will ensure that court records which are written in Norwegian are translated into Sami when one of the parties so demands. Such a demand does not interrupt any time limit.

Police and prosecuting authorities whose jurisdiction comprises all or parts of the administrative district shall also be subject to the following rules regarding the use of Sami:

1. Any person has a right to speak Sami during interviews in the body's office.
2. Any person has a right to use Sami when making a formal complaint orally or giving oral notice of seeking a judicial remedy.

Prison institutions in Troms and Finnmark shall also be subject to the following rules regarding the use of Sami:

1. Section 3-5 applies correspondingly to prison inmates.
2. Prison inmates are entitled to speak Sami to each other and to their relatives.
3. Prison inmates are entitled to speak Sami when giving oral notice of seeking a judicial remedy to the prison authorities.

§ 3-5. Extended right to use Sami in the health and social sector.

Any person wishing to use Sami in order to protect his or her own interests vis-à-vis local and regional public health and social institutions in the administrative district is entitled to be served in Sami.

§ 3-6. Individual church services.

Any person is entitled to receive individual church services in Sami in the Church of Norway's congregations in the administrative district.

§ 3-7. Right to leave of absence for educational purposes.

Employees in a local or regional public body in the administrative district are entitled to leave with pay in order to acquire a knowledge of Sami when the said body is in need of such knowledge. This right may be made contingent on the employee undertaking to work for the said body for a specified period after completing the training. The King may issue further rules regarding the implementation of these provisions.

§ 3-8. Right to tuition in Sami.

Any person is entitled to receive tuition in Sami. The King may issue further rules regarding the implementation of this provision.

As regards tuition in and through the medium of Sami in primary and secondary school, the provisions made in and pursuant to the Act relating to Primary and Lower Secondary Education and the Act relating to Upper Secondary Education shall apply.

§ 3-9. The Sami language in the municipal administration.

The municipal council may decide that Sami shall have the same status as Norwegian in all or parts of the municipal administration.

§ 3-10. Extension of the scope of these provisions.

The King may decide that the provisions of this chapter which are limited to local or regional public bodies in the administrative district shall wholly or partly also apply to other public bodies or to private legal persons when they make decisions on behalf of the State or a municipality.

§ 3-11. Appeal.

If a public body does not comply with the provisions of this chapter, the person directly

concerned by the case may appeal to the body that is immediately superior to the body which the appeal concerns. The county governor is the appeal body when the appeal concerns municipal or county municipal bodies.

Nation-wide Sami organisations and national public bodies which have functions of particular importance for all or parts of the Sami population have the right to appeal in such cases. The same applies in cases where no individual person is particularly affected.

§ 3-12. The Sami Language Council

A Sami Language Council has been established. The Sameting appoints the members of the council and determines who is to be the chairman and vice-chairman of the council.

The King will issue further rules regarding the composition, organisation, term of office, functions, etc. of the council.

Chapter 4. Transitional rules and commencement

§ 4-1. Transitional rules.

The Sameting is a further development of the Norwegian Sami Council. The Sameting is to assume all the functions, rights and obligations of the Norwegian Sami Council.

The King will issue rules regarding the summoning and order of business of the Sameting. These rules shall apply until the Sameting has established its rules of procedure pursuant to § 2-14.

§ 4-2. Commencement.

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