

## **ACT OF 23 JUNE 2000 No. 56: The Act on Health and Social Preparedness**

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### KEY REGULATIONS

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## **The Act on Health and Social Preparedness**

Cf. the Act of 15 December 1950 No. 7 – Cf. the *previous* Act of 2 December 1955 No. 2 on Health Preparedness.

### **Chapter 1. Introductory provisions**

#### **Section 1-1.** *The purpose and instruments of the Act.*

The purpose of this Act is to protect the life and health of the population and to ensure that necessary health care and social services can be provided to the population in time of war and in the event of crises and disasters in peacetime.

To fulfil the purpose of the Act, enterprises to which this Act applies shall be capable of continuing and if necessary reorganizing and expanding their operations in time of war and in the event of crises and disasters in peacetime, on the basis of their daily services, updated plans and regular drills, as provided in or pursuant to this Act.

#### **Section 1-2.** *The geographical extent of the Act*

The King may issue regulations regarding the application of this Act to Svalbard and Jan Mayen and lay down special provisions that take account of local conditions. The King may issue regulations regarding whether and to what extent the Act shall apply to Norwegian vessels engaged in foreign trade, on Norwegian civilian aircraft in international traffic, and on installations and vessels at work on the Norwegian continental shelf.

#### **Section 1-3.** *Enterprises to which this Act applies:*

This Act shall apply to:

- a) public health and social services,
- b) private enterprises which pursuant to statute or agreement provide health and social services to the population,
- c) private enterprises which without formal connection with a municipality, a county, a regional health enterprise or the state provide health and social services
- d) local food control authorities, including public and private laboratories,
- e) waterworks,
- f) pharmacies, wholesalers and manufacturers of pharmaceuticals.

The Ministry may in regulations decide that other enterprises that provide materiel, equipment and services of significance for the health and social services shall also be covered by this Act.

Amended by the Act of 15 June 2001 No. 93 (in force from 1 January 2002 in accordance with the Decree of 14 December 2001 No. 1417).

**Section 1-4.** *Personnel to whom this Act applies*

This Act shall apply to personnel serving in enterprises covered by this Act. The Ministry may in regulations provide that personnel who have served in such enterprises, and specially qualified personnel, shall be covered by this Act.

**Section 1-5.** *When the enabling provisions of this Act apply*

Sections 3-1, 4-1, 5-1 and 5-2 shall apply:

1. when the realm is at war or when there is a threat of war,
2. in the event of crises or disasters in peacetime pursuant to a decision by the King. If necessary in order to protect life and health, the Ministry may make a provisional decision regarding application. Such a decision shall be confirmed by the King as soon as possible. A decision regarding application shall be made for a limited period of time and for not more than one month. The decision may be repeated for up to one month at a time.

**Chapter 2. Responsibility for preparations and implementation**

**Section 2-1.** *The principle of responsibility*

Any person who is responsible for a service is also responsible for necessary emergency preparations and for executive services, including financing, in time of war and in the event of crises and disasters in peacetime, unless otherwise provided in or pursuant to a statute. Correspondingly, any person who supervises an enterprise shall also supervise the enterprise's preparedness activities.

**Section 2-2.** *Planning and requirements regarding emergency preparations and preparedness work*

Municipalities, counties, regional health enterprises and the state have a duty to draw up a preparedness plan for the health and social services which they are charged with providing or for which they are responsible. The preparedness plan shall also cover services which pursuant to statute or agreement are provided by private enterprises as part of the respective services. Insofar as is necessary, subsidiary plans shall also be drawn up for relevant institutions and areas of service.

Hospitals that are covered by section 1-3, first paragraph, (a) and (b), and enterprises mentioned in (d) and (e), have a duty to draw up a preparedness plan for their activities.

The Ministry may issue regulations to the effect that enterprises mentioned in section 1-3, first paragraph, (c) and (f), and enterprises covered by the Act pursuant to section 1-3, second paragraph, shall have a duty to draw up a preparedness plan for their activities. The Ministry may decide that such enterprises as are mentioned shall be included in the preparedness plan mentioned in the first paragraph.

The Ministry may issue regulations regarding requirements for emergency preparations and preparedness work, including requirements for operational safety, storage of materiel and equipment, and drills and training for personnel.

The Ministry may issue regulations regarding the statutory duty of enterprises to assure the quality of emergency preparations and preparedness work.

Amended by the Act of 15 June 2001 No. 93 (in force from 1 January 2002 in accordance with the Decree of 14 December 2001 No. 1417).

### **Section 2-3. *Notification and reporting***

Enterprises covered by this Act have a duty to give notice of matters within the health and social services which may give grounds for measures pursuant to this Act. Notice shall be given to the Ministry or the authority decided by the Ministry.

The Ministry may order such enterprises as are mentioned in the first paragraph to report formally on matters of significance for the health and social services. The Ministry may issue regulations regarding the duty to report.

## **Chapter 3. Requisition of real property, rights and movable property**

### **Section 3-1. *Requisition***

When the conditions of section 1-5 are fulfilled, the Ministry may, subject to the limitations that follow from the second paragraph, demand that real property, rights and movable property of any kind that is needed for use by the health and social services, for the housing of personnel or the storage of materiel and equipment, shall in return for compensation be ceded to the state for ownership, use or other special disposition. Cession for use includes the right to make such changes to the object or the real property as are deemed necessary.

It may be required that the right of ownership to real property be ceded pursuant to this Act only when the realm is at war or when there is a threat of war, and the purpose of such cession cannot be achieved by means of a time-limited right of use or other special disposition of the property.

The Ministry may permit other persons also to demand such cession as is mentioned in the first paragraph. In such case, the second paragraph applies correspondingly. The Ministry may decide that any person who receives such permission as is mentioned in the first sentence shall cover all or part of the costs of cession.

The Ministry may order the owner or user of movable property to make the item available at a specified place.

It may be required that cession shall be implemented immediately, even if no compensation has been paid or determined. In such case, the requisitioning authority shall make sure to obtain the descriptions and information necessary to determine compensation. An assessment pursuant to section 3-3 shall be carried out as soon as possible. When necessary, the cession may be implemented with the assistance of the police.

Requests for cession shall be put forward in writing. When the cession has taken place, a written receipt shall be issued with an accurate specification of what has been ceded, and the time and the place of the cession.

### **Section 3-2. *Preparatory measures with a view to requisition***

As part of preparatory measures, the authorities appointed by the King may indicate real property and movable property that shall be ceded pursuant to section 3-1, and order owners and users of movable property in specified cases to make the item available at a specified place.

At the request of the authorities, owners and users of real or movable property have a duty to acknowledge receipt of notification of such measures or orders as are mentioned, and to provide information and grant access for inspection. If necessary, it may be ordered that movable property shall be brought to a certain place for inspection. Such orders shall be complied with without compensation, unless otherwise decided by the King.

Pursuant to a decision by the authorities appointed by the King, real and movable property may be improved or otherwise altered to make it suitable for the intended purpose.

**Section 3-3. *Determination of compensation***

Unless an amicable agreement is reached, compensation for cession pursuant to section 3-1 and for loss and expenses incurred in complying with orders pursuant to section 3-2 shall be determined by assessment pursuant to the Act of 1 June 1917 No. 1 on Assessment and Expropriation Cases, unless otherwise provided in or pursuant to the present Act.

The King may decide that assessment is to be carried out by the boards appointed pursuant to section 13, cf. section 14, of the Act of 29 June 1951 No. 19 on Military Requisitions.

**Section 3-4. *Fixing of rates***

The Ministry may fix rates for the use of housing, storage space and movable property and for expenses incurred in complying with orders pursuant to section 3-1 and section 3-2, first paragraph. Such rates may be fixed for the entire realm or for parts of it.

**Section 3-5. *Coordination of requisitions***

When military authorities have the right of requisition pursuant to the Act of 29 June 1951 No. 19 on Military Requisitions, section 8 of the same Act shall apply correspondingly to requests for cession pursuant to the present Act to the extent decided by the King.

**Chapter 4. The duty to serve, assignment and registration****Section 4-1. *The duty to serve and assignment***

When the conditions of section 1-5 are fulfilled, personnel who are subject to assignment pursuant to section 1-4 may be ordered by their employer to remain in service beyond their ordinary working hours. On the same conditions, the Ministry may order such personnel as are mentioned to come to a specified place and carry out specifically assigned work in enterprises covered by the present Act.

Any person issuing an order pursuant to the first paragraph, second sentence, is authorized to give instructions to the person who receives the order. Orders pursuant to the first paragraph shall not otherwise affect the relationship between employee and employer. Section 65 A of the Act of 4 February 1977 No. 4 on Worker Protection and Working Environment, etc. applies correspondingly to absence on account of provisions of the present Act.

Orders pursuant to the first paragraph may not be given to pregnant women or to persons under 18 or over 65 years of age.

In the event of crises or disasters in peacetime, orders pursuant to the first paragraph may not be given to persons who are the sole care providers for children under 16 years of age or for disabled persons. In time of war or when there is a threat of war, the said persons should as far as possible be exempted from such orders as are mentioned. If orders are nonetheless given, the person giving the order is responsible for procuring necessary relief care.

The duty to serve pursuant to this section applies only insofar as it is not precluded by the Defence Forces' mobilization measures, unless otherwise provided by statute.

The duty pursuant to the first paragraph applies independently of the provisions regarding working hours in the Act of 4 February 1977 No. 4 on Worker Protection and Working Environment, etc.

**Section 4-2. *Preparatory measures, the duty to register and the duty to participate in training exercises***

Personnel who are subject to assignment pursuant to section 1-4 have a duty to be entered in a register, and to make themselves available for the implementation of measures pursuant to this Act. The personnel concerned have a duty to help ensure that information necessary for registration and disposition may be obtained. Personnel who are not subject to mobilization in the Defence Forces may in peacetime be ordered to take part in courses and training exercises of not more than three weeks' duration.

The provisions of section 4-1, second paragraph, second and third sentences, apply correspondingly to participation in courses and training exercises pursuant to this section. The same applies to the provision in section 33 C of the Act of 4 February 1977 No. 4 on Worker Protection and Working Environment, etc.

The Ministry may issue regulations regarding the implementation of registration.

## **Chapter 5. Other powers**

### **Section 5-1. *The allocation of responsibility, functions and resources***

When the conditions of section 1-5 are fulfilled, the Ministry may order one or more enterprises covered by this Act to receive and provide necessary medical assistance or social services to persons, regardless of where the latter reside or are staying. The Ministry may further decide that the resources of such an enterprise as regards health and social services, including human resources, shall be made available to a municipality, a county, a regional health enterprise or the state.

Amended by the Act of 15 June 2001 No. 93 (in force from 1 January 2002 in accordance with the Decree of 14 December 2001 No. 1417).

### **Section 5-2. *Reorganization and restrictions on sales***

When the conditions of section 1-5 are fulfilled, the Ministry may order enterprises covered by this Act to wholly or partly reorganize their operations, expand their operations or move the enterprise. Enterprises covered by section 1-3, first paragraph, (e) and (f), may on the same conditions be ordered to introduce restrictions on sales and ration their goods.

### **Section 5-3. *Preparatory measures with a view to reorganization and restrictions on sales***

In order to be able to implement measures pursuant to section 5-2, the Ministry may order enterprises to carry out certain preparations.

## **Chapter 6. Miscellaneous provisions**

### **Section 6-1. *Financing***

Expenses incurred in connection with orders pursuant to sections 3-1, 4-1, 5-1 and 5-2 shall be defrayed by the state.

The Ministry may order municipalities, counties and regional health enterprises to wholly or partly refund expenses pursuant to the first paragraph.

Amended by the Act of 15 June 2001 No. 93 (in force from 1 January 2002 in accordance with the Decree of 14 December 2001 No. 1417).

### **Section 6-2. *Regulations***

The Ministry may issue regulations regarding the supplementation and implementation of this Act, including regulations regarding the supervision of planning and implementation of measures pursuant to this Act and regarding the administration and operation of health and social services in time of war, and in the event of crises and disasters in peacetime.

When the conditions of section 1-5 are fulfilled, the King may issue regulations regarding operations, organization and distribution of responsibility that depart from current legislation on health and social affairs.

**Section 6-3.** *Relationship to the Public Administration Act*

The Act of 10 February 1967 on Procedure in Cases concerning the Public Administration shall apply to the handling of cases pursuant to this Act, unless otherwise provided by or pursuant to statute. In time of war or in the event of crises or disasters in peacetime, advance notification to the parties to the case may be omitted if advance notification may lead to the case being delayed in an unfortunate manner. The King may decide that grounds may not be required to be given for administrative decisions made pursuant to this Act and that such decisions may not be appealed in time of war or in the event of crises or disasters in peacetime.

**Section 6-4.** *Legal effects of failure to comply with orders pursuant to this Act*

If an order pursuant to this Act, which results in expenses that are not to be defrayed by the state pursuant to section 6-1, is not complied with within a reasonable time limit, whatever the order requires may be done at the owner's expense.

Claims for the refund of expenditure are enforceable by execution.

**Section 6-5.** *Penalties*

Any person who wilfully or negligently contravenes this Act or regulations or orders made pursuant to this Act shall be liable to fines or a term of imprisonment not exceeding six months, unless the offence is subject to a more stringent penal provision. The same applies to an accomplice to such a contravention.

**Chapter 7. Entry into force and transitional provisions. Amendments to other Acts**

**Section 7-1.** *Entry into force*

This Act enters into force from the time decided by the King. The King may decide that the individual provisions of the Act shall enter into force at different times.

From the same date the Act of 2 December 1955 No. 2 on health preparedness shall be repealed.

**Section 7-2.** *Transitional provisions*

The King may in regulations prescribe transitional arrangements in connection with the entry into force of this Act, including a provision that requirements and orders laid down in or pursuant to this Act shall be complied with within a certain time limit.

**Section 7-3.** *Amendments to other Acts*

From the time this Act enters into force, the following amendments shall be made in other Acts: - - -