Public Administration Act

Act of 10 February 1967 No. 00 relating to procedure in cases concerning the public administration with subsequent amendments, most recently by Act of 16 June 2017 No. 63.

Chapter I
Scope of the Act. Definitions

Section 1
The general scope of the Act

This Act applies to such activities as are conducted by administrative agencies unless otherwise prescribed in, or authorised by, statutory law. For the purpose of this Act, any central or local government body shall be considered as 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.

Amended by Acts of 27 May 1977 No. 40, 12 January 1995 No. 4 (in force on 1 April 1995).

Section 2
Definitions

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

a) *administrative decision*, a decision adopted in the exercise of public authority and 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 defined amount of information that is stored on a medium for subsequent reading, listening, presentation, transfer or similar;
g) *written/in writing*, includes an electronic report when the information it contains is also subsequently available;
h) *noting, writing down or recording*, include electronic noting when this fulfils the purposes of 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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40, 15 December 2000 No. 98 (in force on 1 April 2001 pursuant to decree of 2 March 2001 No. 179), 21 December 2001 No. 117 (in force on 1 January 2002 pursuant to decree of 21 December 2001 No. 1475), 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40, 6 January 1995 No. 2 (in force on 1 February 1995), 12 January 1995 No. 4 (in force on 1 April 1995).

Section 4
Exceptions in respect of certain public institutions and certain cases etc.

Unless otherwise specially provided, the 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 Arbitration Act, the Enforcement Act, the Judicial Assessment Act) or statutes associated 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.

The Act shall be applicable in Svalbard, unless otherwise prescribed by the King.

The Act shall 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.

Amended by Acts of 19 June 1969 No. 54, 12 December 1975 No. 59, 27 May 1977 No. 40, 17 July 1992 No. 99, 12 January 1995 No. 4 (in force on 1 April 1995), 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3, 21 June 2013 No. 100 (in force on 1 January 2016 pursuant to decree of 21 June 2013 No. 736).

Section 5
The King’s powers 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 as 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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40.

Chapter II
Concerning disqualification

Section 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 board of directors or the corporate assembly of

   1. a cooperative, or an association, savings bank or foundation that is a party to the case, or
   2. a company which is a party to the case. Nevertheless, this does not apply to a person who performs services or work for a company that is wholly-owned by the State and/or a municipality, and such

company, either alone or together with other similar companies or the State and/or a municipality, wholly owns the company 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 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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40, 29 June 2007 No. 81 (in force on 1 January 2008 pursuant to decree of 23 November 2007 No. 1287), 19 June 2009 No. 90 (in force on 1 November 2011 pursuant to decree of 19 June 2009 No. 819).

Section 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.

Section 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.

Amended by Act of 27 May 1977 No. 40.

Section 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.

Amended by Act of 19 June 1969 No. 54.

Section 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.

Amended by Acts of 19 June 1969 No. 54, 12 January 1995 No. 4 (in force on 1 April 1995).

Chapter III
General rules governing administrative proceedings

Section 11
Duty to provide guidance

The administrative agencies have, within their sphere of competence, a general duty to provide guidance. The purpose of guidance shall be to enable the parties and other interested parties to safeguard their interests in specific cases in the best possible manner. 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.

Amended by Act of 12 January 1995 No. 4 (in force on 1 April 1995 pursuant to decree of 12 January 1995 No. 22).

Section 11a
Time spent on dealing with a case, preliminary 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.

Added by Act of 27 May 1977 No. 40 (formerly section 22), amended by Act of 12 January 1995 No. 4 (in force on 1 April 1995).

Section 11b
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.

Added by Act of 25 June 1999 No. 47 (in force on 8 September 2000 pursuant to decree of 8 September 2000 No. 898).

Section 11c
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.

Added by Act of 27 May 1977 No. 40, amended by Acts of 25 September 1992 No. 107, 25 June 1999 No. 47 (in force on 8 September 2000 pursuant to decree of 8 September 2000 No. 898 – formerly section 11b).

Section 11d

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.

Added by Act of 12 January 1995 No. 4 (in force on 1 April 1995), amended by Acts of 25 June 1999 No. 47 (in force on 8 September 2000 pursuant to decree of 8 September 2000 No. 898 – formerly section 11c), 1 August 2003 No. 86 (in force on 1 October 2003 pursuant to decree of 1 August 2003 No. 991).

Section 11e

Prohibition against using children as interpreters

Administrative agencies shall not use children to interpret or otherwise communicate information between the administration and persons who lack sufficient language skills to communicate directly with the administration. Exceptions may be made when necessary to avoid loss of life or serious damage to health, or when necessary in other emergency situations. Exceptions may also be made in circumstances when it must be deemed judicious, having regard to the interest of the child and the other circumstances of the case.

Added by Act of 10 June 2016 No. 23 (in force on 1 July 2016 pursuant to decree of 10 June 2016 No. 638).

Section 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.

Amended by Acts of 13 May 1998 No. 26, 4 July 1991 No. 44.

Section 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.

Added by Act of 27 May 1977 No. 40, amended by Act of 11 June 1982 No. 47.

Section 13a
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,
4. information being made known that a named convicted or fined person has been conditionally pardoned or not, and the conditions of the pardon.

Added by Act of 27 May 1977 No. 40, amended by Act of 17 December 2010 No. 85 (in force on 17 December 2010 pursuant to decree of 17 December 2010 No. 1668).

Section 13b
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. 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,
6. the administrative agency from reporting or providing information (cf. also item 5) about violations of the law to the prosecuting authorities or the relevant supervising authority if this is deemed desirable in the public interest or if prosecution of the offence falls naturally within the scope of the reporting agency's functions,
7. the administrative agency from giving another administrative agency information (coordination) as required in the Act on Reporting Obligations,
8. the administrative agency from giving an administrative agency in another EEA state information as provided for in the Services Act.

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 in this paragraph is punishable pursuant to section 209 of the Penal Code, provided the person concerned has been warned that any breach may have such consequences.

Added by Act of 27 May 1977 No. 40, amended by Acts of 6 June 1997 No. 35 (in force on 1 November 1997) 19 June 2009 No. 103 (in force on 28 December 2009 pursuant to decree of 19 June 2009 No. 672), 9 May 2014 No. 16 (in force on 9 May 2014 pursuant to decree of 9 May 2014 No. 625), 19 June 2015 No. 65 (in force on 1 October 2015).

Section 13c
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.

Added by Act of 27 May 1977 No. 40.

Section 13d
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.

Added by Act of 27 May 1977 No. 40.

Section 13e
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 13d, second paragraph. If the results of the research are to be published or used in any other way, section 13a, items 1 and 2, shall apply correspondingly.

Breach of the duty of secrecy or of terms and conditions pursuant to section 13d, second paragraph, is punishable pursuant to section 209 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 13c, first paragraph.

Added by Act of 27 May 1977 No. 40, amended by Act of 19 June 2015 No. 65 (in force on 1 October 2015).

Section 13f
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 13e 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.

Added by Act of 27 May 1977 No. 40, amended by Act of 16 May 1986 No. 21.

Section 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.

Amended by Act of 27 May 1977 No. 40.

Section 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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40.

Section 15a
Electronic communication

An administrative agency may use electronic communication when contacting third parties. This does not apply if otherwise prescribed by law or regulation laid down pursuant to law.

Any person who contacts an administrative agency may use electronic communication provided the administrative agency has appropriate arrangements for electronic communication in place, it is done in the prescribed manner and such communication is not contrary to law or regulation laid down pursuant to law.

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

a) the forms of electronic communication that may be used,
b) registration of contact details for private individuals, etc. and their powers of attorney,
c) the right for private individuals etc. to object to electronic communication and registration of such reservations,
d) how time limits in the Public Administration Act and other legislation shall apply to electronic communication,
e) signing, authenticating, securing integrity and confidentiality,
f) requirements that apply to the products, services and standards that may be used,
g) 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.

Added by Act of 21 December 2001 No. 117 (in force on 1 January 2002 pursuant to decree of 21 December 2001 No. 1475), amended by Act of 14 June 2013 No. 42 (in force on 7 February 2014 pursuant to decree of 7 February 2014 No. 101).

Chapter IV
Preparation of cases concerning individual decisions

Section 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. 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.

Amended by Acts of 27 May 1977 No. 40, 8 April 1981 No. 7, 21 December 2001 No. 117 (in force on 1 January 2002 pursuant to decree of 21 December 2001 No. 1475), 1 August 2003 No. 86 (in force on 1 October 2003 pursuant to decree of 1 August 2003 No. 991), 14 June 2013 No. 42 (in force on 7 February 2014 pursuant to decree of 7 February 2014 No. 101).

Section 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 in which he is engaged or which he is planning, and the party, pursuant to sections 18 to 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.

The parties should also be apprised of any information of substantial importance upon which it may be assumed that they have grounds for, and an interest in, expressing their opinion, and with which the party, pursuant to sections 18 and 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 pursuant to sections 18 to 19 to examine the case documents.

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.

Amended by Acts of 27 May 1977 No. 40, 1 August 2003 No. 86 (in force on 1 October 2003 pursuant to decree of 1 August 2003 No. 991), 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 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 to the extent sections 18 to 19 provide otherwise. 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.

If there is occasion to exempt information from access, the administrative agency shall nonetheless consider granting full or partial access. Access should be granted if the interests of the party outweigh the need for exemption.

Amended by Acts of 27 May 1977 No. 40, 11 June 1982 No. 47, 25 September 1992 No. 107, 15 December 2000 No. 98 (in force on 1 January 2001 pursuant to decree of 15 December 2000 No. 1259), 25 January 2002 No. 2, 1 August 2003 No. 86 (in force on 1 October 2003 pursuant to decree of 1 August 2003 No. 991), 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 18a
Documents drawn up for the internal preparation of a case

A party shall not have the right to acquaint himself with documents that an administrative agency has drawn up for its own internal preparation of the case (internal documents). The provision in the preceding sentence does not apply to submissions in cases that are dealt with by the King in council, after the case has been decided, nor to precedent cards, unless the card records internal agency considerations.

The King may in regulations prescribe that exemptions may not be granted pursuant to the first paragraph for specific documents in specific state agencies or state-affiliated agencies.

Added by Act of 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 18b

Documents obtained externally for internal preparation of a case

Where it is necessary in order to ensure proper internal decision processes, an administrative agency may exempt from access any document that the agency has obtained from a subordinate agency for use in its internal preparation of a case. The same applies to documents that a ministry has obtained from another ministry for use in its internal preparation of a case.

Exemptions may be made for parts of any document that contain advice on and assessments of what position an administrative agency should take on a case, and which the agency has obtained for use in its internal preparation of the case, where this is required in order to adequately protect the government's interests in that case.

The exemptions in this section apply correspondingly to documents concerning the procurement of a document mentioned in the first and second paragraphs, and to notices of and minutes from meetings between a superior and a subordinate agency, between ministries and between an administrative agency and any person who gives advice or assessments as mentioned in the second paragraph.

Added by Act of 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 18c

Access to information on facts

Notwithstanding that a document is exempted from access, in part or in whole, pursuant to sections 18a and 18b, a party shall have the right to acquaint himself with those parts of a document that contain information on the facts or a summary or other restatement of the facts. This does not apply to information on the facts that are immaterial to the decision, or when the information or restatement is available in another document to which the party has access.

Added by Act of 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 18d

Access to internal documents of the municipal authorities and county authorities

The exemptions of sections 18a and 18b do not apply to:

a) case documents with enclosures presented to a publicly elected municipal or county body,
b) the agenda for any meeting of a publicly elected municipal or county body,
c) documents to or from any municipal or county control committee, audit committee or appeals board, and
d) documents in cases where a municipal or county entity acts as an external party in relation to another such entity.

Section 18a nonetheless applies to documents that are exchanged between any municipal and county control committee and the secretariat to such committee.

The exemption in section 18a does not apply to documents from or to a municipal or county body established by special statute or a municipal or county undertaking pursuant to Chapter 11 of the Local Government Act.

Nor does the exemption in section 18a apply to documents from or to any municipal or county entity in matters where such entities have independent power of decision. The exemption in section 18a nonetheless applies to documents in cases where the chief executive or the municipal executive board implements control measures against an entity, and to draft decisions and recommendations put before the chief executive or the municipal executive board before a decision is made, or before a recommendation is put before a publicly elected body. The exemption in section 18a also applies to comments from the chief executive or the municipal executive board on such drafts as mentioned in the preceding sentence.

Added by Act of 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 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 Norway’s foreign states or national defence and security interests, if access to such information can be exempted pursuant to sections 20 and 21 of the Freedom of Information Act,

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,
c) concerning research ideas or research projects in cases concerning financial aid or advice from a public body in connection with a research project, or
d) which it is 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 shall, 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,
b) or other circumstances which for special reasons should not be disclosed further.

The King may make regulations which explain or lay down in more detail how sections 18 and 19 shall be applied in specific kinds of cases. If weighty considerations so indicate, the regulations may also include exceptions to these sections.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40, 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118), 30 January 2009 No. 7 (in force on 30 January 2009 pursuant to decree of 30 January 2009 No. 76).

Section 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 be given a paper or electronic copy of the document upon request. 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.

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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40, 11 June 1982 No. 47, 17 December 1982 No. 86, 26 June 1992 No. 86, 12 January 1995 No. 4 (in force on 1 April 1995), 21 December 2001 No. 117 (in force on 1 January 2002 pursuant to decree of 21 December 2001 No. 1475), 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 21

Appeal against a refusal to be allowed to examine a document

Refusal of a request for access shall be given in writing. If a request from a person to acquaint himself with a particular document or information is refused, the party shall be informed of the provision upon which the refusal is based and which paragraph and item of the provision that has been applied. The refusal shall contain information about the right to appeal pursuant to the second paragraph and the time limit for lodging an appeal pursuant to section 29.

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

Added by Act of 27 May 1977 No. 40, amended by Acts of 11 June 1993 No. 85, 10 January 1997 No. 7 (in force on 1 March 1997), 19 May 2006 No. 16 (in force on 1 January 2009 pursuant to decree of 17 October 2008 No. 1118).

Section 22

Repealed by Act of 12 January 1995 No. 4.

Chapter V
Concerning the administrative decision

Section 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.

Section 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 administrative 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 item d, 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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40, 12 January 1995 No. 4 (in force on 1 April 1995), 10 December 2010 No. 76 (in force on 10 December 2010 pursuant to decree of 10 December 2010 No. 1574).

Section 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.

Amended by Acts of 27 May 1977 No. 40, 12 January 1995 No. 4 (in force on 1 April 1995).

Section 26

Repealed by Act of 25 September 1992 No. 107.

Section 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. 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 27b of this Act or any other statutory provision, the right to file a legal action is conditional upon a party having availed himself of the right to bring an administrative appeal, or legal action being filed with a certain time limit, the party shall be duly notified of such conditions in the notification of the decision. If this is not done, such conditions for filing a legal action shall not apply to the said party.

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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40, 12 January 1995 No. 4 (in force on 1 April 1995), 21 December 2001 No. 117 (in force on 1 January 2002 pursuant to decree of 21 December 2001 No. 1475), 1 August 2003 No. 86 (in force on 1 October 2003 pursuant to decree of 1 August 2003 No. 991), 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January No. 88) as amended by Acts of 26 January 2007 No. 3 and 21 December 2007 No. 127, 14 June 2013 No. 42 (in force on 7 February 2014 pursuant to decree of 7 February 2014 No. 101).

Section 27a

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.

Added by Act of 17 December 1982 No. 86, amended by Act of 26 June 1992 No. 86.

Section 27b

Conditions for filing an action before the courts for judicial review of the decision

The administrative agency that has made the decision may decide that legal action concerning the validity of the administrative decision or a claim for compensation as a result of the decision may not be filed unless the party in question has availed himself of his right to bring an administrative appeal and the administrative appeal has been determined by the most superior appeal body available. Notwithstanding, legal action may always be filed if six months has passed since the date when the administrative complaint was first filed and, for reasons not attributable to the appellant, no decision of the appeal body has been made.

Added by Act of 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3.

Chapter VI
Concerning appeal against and reversal of administrative decisions

Section 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.

Amended by Acts of 19 June 1969 No. 54, 27 May 1977 No. 40, 25 September 1992 No. 107, 10 January 1997 No. 8 (in force on 1 March 1997), 27 June 2003 No. 66 (in force on 1 August 2003 pursuant to decree of 27 June 2003 No. 773).

Section 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.

Section 30

When the appeal must be lodged

An appeal shall be deemed to be lodged in time if, prior to the expiry of the time limit, the notice of appeal has been delivered to a supplier of postal services who shall ensure that it is transmitted to the administrative agency, or to a public official who is authorized to receive the notice of appeal. 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.

Amended by Acts of 9 January 1998 No. 5, 21 December 2001 No. 117 (in force on 1 January 2002 pursuant to decree of 21 December 2001 No. 1475, 14 June 2013 No. 42 (in force on 7 February 2014 pursuant to decree of 7 February 2014 No. 101), 4 September 2015 No. 91 (in force on 1 January 2016 pursuant to decree of 4 September 2015 No. 1027).

Section 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.

Amended by Act of 27 May 1977 No. 40.

Section 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 15a;
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.

Amended by Acts of 21 December 2001 No. 117 (in force on 1 January 2002 pursuant to decree of 21 December 2001 No. 1475), 14 June 2013 No. 42 (in force on 7 February 2014 pursuant to decree of 7 February 2014 No. 101).

Section 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.

Amended by Act of 27 May 1977 No. 40.

Section 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. It shall be stated in the decision how the appellate instance has placed particular emphasis on the municipalities' right to self-government.

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.

Amended by Acts of 27 May 1977 No. 40, 12 January 1995 No. 4 (in force on 1 April 1995), 10 January 1997 No. 7 (in force on 1 March 1997), 26 June 1998 No. 46, 16 June 2017 No. 63 (in force on 1 January 2018 pursuant to decree of 16 June 2017 No. 757).

Section 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.

Amended by Acts of 27 May 1977 No. 40, 25 September 1992 No. 107.

Section 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.

Added by Act of 19 June 1969 No. 54, amended by Acts of 27 May 1977 No. 40, 12 January 1995 No. 4 (in force on 1 April 1995).

Chapter VII
Concerning regulations

Section 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.

Amended by Act of 19 June 1969 No. 4 (formerly sections 36 and 37).

Section 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, and a reference in accordance with the EEA Public Hearing Act section 12 in cases where the regulation contains technical rules pursuant to such Act;
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.

Amended by Acts of 19 June 1969 No. 54, 17 December 2004 No. 101 (in force on 1 January 2005 pursuant to decree of 17 December 2004 No. 1675), 10 December 2010 No. 76 (in force on 10 December 2010 pursuant to decree of 10 December 2010 No. 1574).

Section 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.

Section 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
The effect of errors and deferred implementation

Chapter heading amended by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 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.

Section 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.

Amended by Acts of 27 May 1977 No. 40, 12 January 1995 No. 4 (in force on 1 April 1995).

Chapter IX
Administrative sanctions

Chapter added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 43
Scope

The provisions in this Chapter apply to cases concerning administrative sanctions.

By administrative sanction is meant a negative reaction that may be applied by an administrative agency in response to an actual breach of a statute, regulation or individual decision, and which is deemed to be a criminal sanction pursuant to the European Convention on Human Rights.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 44
Administrative fine

Administrative agencies may impose administrative fines (non-compliance penalty) when permitted by statute.

An administrative fine may be imposed according to standardised rates or be fixed individually (individual assessment) within an upper limit that must be prescribed by or pursuant to statute. The Ministry may issue regulations regarding such limits.

In the individual assessment of administrative fines against natural persons, regard may be had to the extent and effect of the breach, the advantages that have or could have been gained by the breach, as well as the offender's fault and financial means. For enterprises, section 46 second paragraph applies.

Pre-notification can be omitted when administrative fines are imposed on the spot.

The deadline for paying the fine is four weeks from the date of the decision. Longer deadlines may be prescribed in the decision or later.

The administrative fine shall accrue to the treasury.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 45

Administrative deprivation of rights

Administrative agencies may order the administrative deprivation of rights when permitted by statute. Administrative deprivation of rights is an administrative sanction that withdraws or limits a public licence.

Administrative deprivation of rights may only be ordered to the extent it is deemed to be proportional having regard to the nature and gravity of the breach and the other circumstances of the case. The decision shall apply for a fixed period of time.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 46

Administrative corporate sanctions

When a statute prescribes that administrative sanctions may be imposed against an enterprise, such sanction may be prescribed even if no individual person is at fault. By enterprise is meant a company, cooperative undertaking, association or other cooperation, sole proprietorship, foundation, estate or public activity.

When deciding whether an administrative sanction shall be imposed on an enterprise and in the individual assessment of the sanction, regard may be had, among other things, to:

a) the preventive effect of the sanction;
b) the gravity of the breach, and whether any person acting on behalf of the enterprise is at fault;
c) whether the enterprise could have prevented the offence through guidelines, instructions, training, controls or other measures;
d) whether the breach was committed in order to promote the interests of the enterprise;
e) whether the enterprise has or could have obtained any advantage by the offence;
f) whether there is any repetition;
g) the economic capacity of the enterprise;
h) whether other sanctions have been imposed on the enterprise or any person acting on behalf of the enterprise as a consequence of the breach, including whether an administrative sanction or criminal penalty has been imposed on any natural person;
i) whether any treaty with a foreign state or international organisation presumes the use of administrative corporate sanctions or corporate criminal penalties.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 47

Coordination of sanctions

If an administrative agency has reason to believe that both a criminal penalty and an administrative sanction may be an appropriate reaction for the same breach, the administrative agency shall consult with the prosecution authority to clarify whether the breach shall be pursued criminally, administratively, or both criminally and administratively.

If an administrative agency has reason to believe that another agency may have grounds to impose an administrative sanction for the same breach, the administrative agency shall ensure that the question of imposing sanctions is dealt with in a coordinated manner.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 48

Information about the right of confidentiality etc.

In cases concerning administrative sanctions, the administrative agency shall inform all relevant parties that they may have a right to not answer questions or disclose documents or objects when the answer or such disclosure may subject the person in question to an administrative sanction or criminal penalty. The information duty shall not apply if the party must be assumed to be aware of such right.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 49

Notification of the outcome of the case

A party shall be informed when a case concerning administrative sanctions is closed at first instance with no sanction being imposed. The provisions of section 27 first paragraph apply correspondingly. The notice shall contain a brief summary of the reasons why the case has been closed.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 50

Competence of the courts when reviewing decisions concerning administrative sanctions

The courts can review all aspects of the case when reviewing individual decisions concerning administrative sanctions.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Chapter X
Coercive fines

Chapter added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 51

Coercive fines

An administrative agency may, when permitted by statute, impose coercive fines to ensure compliance with obligations pursuant to statute, regulation or individual decision.

The coercive fine may be determined as a continuous fine or as a fixed amount which falls due upon each breach. A coercive fine shall not run if compliance becomes impossible for reasons not attributable to the responsible party.

The administrative agency may reduce or waive accrued coercive fines in exceptional circumstances.

Coercive fines shall accrue to the treasury.

Matters related to the imposition of a coercive fine may be appealed separately. The provisions of sections 28 to 36 apply correspondingly.

Added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Chapter XI
Entry into force

Chapter added by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713).

Section 52

Entry into force

The date of entry into force[1] of the Act shall be prescribed by special statute.

Amended by Act of 27 May 2016 No. 15 (in force on 1 July 2017 pursuant to decree of 9 June 2017 No. 713), formerly section 43.

[1] 1 January 1970 according to Act of 19 June 1969 No. 54.