

Act relating to the Courts of Justice (Courts of Justice Act)

Chapter 9. Service of writs, notifications¹ and electronic communication

⁰ Title amended by Act no. 24 of 25 April 2003 (effective 28 October 2005 pursuant to resolution no. 1240 of 28 October 2005).

¹ Cf. agreements of 30 January 1931, Articles 2-5; 1 March 1954, I; and 15 November 1965.

§ 159. The service of writs and notifications that are issued in connection with a case before a court shall be performed according to the rules in this chapter, unless otherwise provided by statute¹ or indicated by the circumstances.

⁰ Amended by Acts no. 34 of 3 June 1980, no. 87 of 17 December 1982, no. 44 of 3 June 1983, and no. 56 of 7 June 1985.

¹ See Enforcement Act §§ 5-14, cf. § 6-1 (2) and § 6-3 (1) i.f., Acts no. 17 of 14 December 1917 § 16 Item 1, no. 1 of 2 May 1947 § 10, no. 1 of 18 December 1959 § 9, no. 9 of 15 December 1967 § 67, no. 77 of 21 December 1979 § 13.

§ 159a. The court shall ensure that judgments in criminal cases are served in accordance with the rules in the second or third paragraphs, or that the judgment is served by postal means pursuant to the rules in § 163a. If this is not possible, the judgment may be served by process server pursuant to §§ 165 ff.

If the judgment is to be pronounced by reading it aloud, the court may determine that the service shall take place at the same time as pronouncement of the judgment (service of judgment). The defendant is obligated then to appear at the court hearing where the judgment is pronounced. If the defendant is present when the case is submitted for judgment, the rules in Criminal Procedure Act¹ § 42, second paragraph apply. If the defendant is not present, the court shall summon him to pronouncement of the judgment pursuant to the rules in Criminal Procedure Act¹ § 86, cf. § 87, first paragraph.

If the judgment is to be pronounced by signature, then the court may summon the defendant to service at the court's office or at another public office (service by appearance). The defendant is obligated then to appear for service. If the defendant is present when the case is submitted for judgment, the rules in Criminal Procedure Act¹ § 42, second paragraph apply. If the defendant is not present, the court shall summon him to service of the judgment pursuant to the rules in Criminal Procedure Act § 86, cf. § 87, first paragraph. Criminal Procedure Act § 89 applies correspondingly.

The second paragraph, third and fourth sentences, and Criminal Procedure Act¹ §§ 86, third paragraph, 88 and 89 apply correspondingly to summoning to in-person service.

⁰ Added by Act no. 16 of 4 May 2001 (effective 1 July 2001 pursuant to resolution no. 467 of 4 May 2001).

¹ Act no. 25 of 22 May 1981.

§ 160. The communication that is to be served shall be in writing. It must be signed and dated, unless it is merely an appendix to another document.

In accordance with the rules in §§ 162-185, a specimen of the document or a copy must be delivered to the person on whom it is to be served, or be placed at his disposal. If anyone is entitled to accept service for several persons without being their joint counsel, he shall be

given a specimen or copy for each of them.

§ 161. The person who requests that a service be performed should procure the necessary specimens or copies.¹ If he does not do so, the person who performs the service shall make the copies that are needed.

¹ See §§ 160 (2) and 177.

§ 162. All specimens of the document must include certification that they are identical, and all copies must have certification that they are correct. The certification shall be provided by a public official or a lawyer.²

A notary public¹ or process server is duty bound to provide certification when requested.

⁰ Amended by Acts no. 9 of 14 February 1969, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

¹ Cf. Act no. 12 of 26 April 2002.

² See §§ 220 ff.

§ 163. The document that is to be served may be delivered in closed cover. The cover must be provided with certification stating the name of the person who has requested that the service be performed and what is otherwise necessary to indicate the character of the document,¹ unless the service is performed by postal means pursuant to § 163a or by registered letter pursuant to § 178. The certification shall be given by a public official or a lawyer², and the cover shall be sealed with his seal. § 162, second paragraph, applies.

⁰ Amended by Acts no. 9 of 14 February 1969, no. 56 of 7 June 1985, no. 5 of 9 January 1998.

¹ Cf. § 177 (3).

² See §§ 220 ff.

§ 163a.¹ Documents that are to be served by public authorities, as mentioned in the second paragraph, shall be sent to the person that they are to be served on directly through a postal operator, either by ordinary letter with acknowledgement of receipt or by registered letter.² Conciliation board documents may also be served by ordinary letter without acknowledgement of receipt.

The following authorities perform service by postal means pursuant to the rules in this section: Ordinary courts of law, land courts, the Consumer Complaints Board,³ county committees for child and social welfare,⁴ prosecuting authorities, enforcement officers, rural police authorities, enforcement bailiffs, police stations with administration of justice duties⁵ and county governors.

A court of justice may order a plaintiff or defendant to obtain the address of the other party.

Lawyers⁶ who are to summon witnesses pursuant to Civil Procedure Act⁶ § 13-3 by service of a witness summons may serve the witness summons by postal means, either in an ordinary letter with acknowledgement of receipt or by registered letter.

The King may issue detailed regulations for service by postal means.

⁰ Added by Act no. 56 of 7 June 1985 no. 56, amended by Acts no. 83 of 11 June 1993, no. 5 of 9 January 1998, no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000), no. 67

of 30 August 2002 (effective 1 January 2003 pursuant to resolution no. 938 of 30 August 2002), no. 53 of 25 June 2004 (effective 1 January 2006 pursuant to resolution no. 901 of 19 August 2005) as amended by Acts no. 84 of 17 June 2005, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007) and no. 65 of 1 December 2006 (effective 1 January 2008 pursuant to resolution no. 1348 of 30 November 2007).

¹ Cf. § 178.

² Cf. § 188.

³ See Act no. 18 of 28 April 1978.

⁴ Cf. Act no. 100 of 17 July 1992 Chapter 7 and Act no. 81 of 13 December 1991 Chapter 9.

⁵ Cf. Act no. 53 of 4 August 1995 § 16 (I).

⁶ See §§ 220 ff.

⁷ Act no. 90 of 17 June 2005 (Civil Procedure Act).

§ 164. The telegraph or telephone may be used, as determined by the King, to report what is to be served to the person who is to perform the service.¹

The King will provide detailed rules as to how it shall be verified that the communication received is consistent with the telegraphed or telephoned document. The conformity shall be certified by a public official or a lawyer², both on the telegraphed or telephoned document and on the telegraphic or telephonic communication that is drawn up.

The communication that is drawn up is to be regarded then as a certified copy of the telegraphed or telephoned document.

⁰ Amended by Acts no. 8 of 21 June 1935 and no. 9 of 14 February 1969.

¹ Cf. § 189.

² See §§ 220 ff.

§ 165.¹ Service of writs other than postal service pursuant to § 163a may always be performed by a process server.²

In lieu of a process server, public authorities may make use of a police employee³ or an employee in the correctional service for the service of writs in criminal cases.⁴ For military personnel in service the service of writs in criminal cases may also be performed by officers or the military police. If it is necessary to save time, the public authorities may have the writ served in other cases by a person whom the court has authorized thereto. For persons who accordingly perform the service of writs, the same applies as is determined for process servers.

⁰ Amended by Acts no. 2 of 13 February 1976, no. 56 of 7 June 1985, no. 68 of 16 June 1989, no. 36 of 24 June 1994 (effective 1 July 1997) and no. 21 of 18 May 2001 (effective 1 March 2002 pursuant to resolution no. 181 of 22 February 2002).

¹ Cf. § 63 and Act no. 2 of 5 February 1932 § 14 (2).

² Cf. § 63.

³ See Act no. 53 of 4 August 1995.

⁴ Cf. Criminal Procedure Act §2.

§ 166. Process servers¹ are bound to perform the service of writs when this is requested by a public authority. If delay can be avoided, they are also bound to perform the service of writs outside their district.

At the request of others, the process servers are bound to perform the service of writs within their district if the service is required by law and the writ that is to be served is in the prescribed form. If other communications, which are not contrary to law or decency, are

requested to be served by process servers, they cannot refuse to perform the service, unless it will interfere with their performance of other duties, or the communication is manifestly devoid of legal significance. If a process server refuses to perform a service, then the question may be submitted to the local district court or the court that is hearing the case.

⁰ Amended by Act no. 98 of 14 December 2001 (effective 1 January 2002 pursuant to resolution no. 1416 of 14 December 2001).

¹ Cf. § 63.

§ 167. On Sundays and holidays¹ or outside ordinary daytime hours, service should not be performed unless it is necessary.

¹ Cf. Acts no. 12 of 24 February 1995 and no. 1 of 26 April 1947.

§ 168. Service by process server¹ shall be served on the person himself whenever possible², preferably at his residence or regular place of work.³ If it is served on him in person, the service is valid wherever he is encountered.

⁰ Amended by Act no. 56 of 7 June 1985.

¹ Cf. § 63.

² Cf. § 169.

³ Cf. § 170 and § 195.

§ 169.¹ If he is not to be found at his residence or regular place of work,² the service may be performed on an adult person of the same household who is present there.³

At the place of residence the service may also be performed on the person with whom he is staying or on an adult person of the latter's household. Likewise the service may be performed on the owner of the house or on a person who looks after the house on his behalf, if they reside there.³

At the place of work the service may likewise be performed on the employer or a work foreman or, if it is an office, on a person who is employed there.³

¹ Cf. § 212.

² Cf. § 195.

³ See §§ 175, 176, 185 and 212.

§ 170.¹ In the case of a person engaged in commercial activity who has a permanent place of business², the service may always be performed at the place of business, if the case arises out of the business. If he is not encountered himself, the service may be performed on a person employed there.³

If no permanent place of business can be found, the service may be performed at the last permanent place of business on an adult person who is constantly present there,³ if not more than six months have elapsed since it was last used.

¹ Cf. § 212, Act no. 78 of 21 June 1985 §§ 3-1 to 3-6.

² Cf. § 195.

³ See §§ 175, 176, 185 and 212.

§ 171.¹ If a person who is staying in the Kingdom has neither a residence nor permanent

place of work here, and effort has been made to find him without success, the service may be performed at his temporary place of abode on an adult person of the same household or on the person with whom he is staying, or on an adult person of the latter's household.

¹ See §§ 175, 176, 185, 210 and 212.

§ 172. A person who is himself a party in the case cannot accept service on behalf of the other party.

§ 173. The process server shall make a signed endorsement on the document delivered when performing the service, stating when, where and on whom the service has been performed. This is, however, not necessary in the case of summonses to court hearings, which are served on the person himself.

§ 174. If the service is performed on the person himself, he may request that the process server read the document aloud to him or state what it contains.

If he refuses to accept the document, then the process server may leave it with him or submit it for collection at the office of the court or at the nearest post office or other suitable place.¹ The process server shall let him know whenever possible where he can obtain the document, and tell him that the service has been duly performed in spite of his refusal. If it relates to a summons to meet in person, the process server shall likewise inform him of the contents of the document whenever possible.

¹ Cf. § 182 (3).

§ 175.¹ The person who receives service on behalf of another party pursuant to §§ 169-171, shall inform the person concerned of the service and deliver the document to him without delay, if he can do so without expense or particular inconvenience. He shall immediately give notice of any circumstances that would prevent the person in question from receiving the information in time.

¹ Cf. § 212.

§ 176. If the persons mentioned in §§ 169-171 refuse to accept the document on behalf of the person concerned, or they are prevented from giving the notification, or there is no one on whom the service can be performed, the process server shall leave a written notice in closed cover that the document can be collected at the office of the court or at the nearest post office or other suitable place.¹

If the place where the service is being performed is closed, or if it is convenient on other grounds, the process server shall fasten the notice to the door or leave it at another conspicuous place. If there are people residing in the vicinity, he ought likewise to inform a couple of them about the service and request them to draw it to the attention of to the person concerned.

¹ Cf. § 182 (3).

§ 177. The process server shall certify the service either on a specimen of the document served, a copy of it or in a separate document.¹

The certification shall state on whom the service has been performed, and when and where it

has been performed. If it has not been performed on the person himself², the circumstances on which its legality rests shall likewise be stated. Likewise it shall be stated whether the recipient has made any statement, or whether the process server has obtained any other information, which may have significance for the question of whether the service is lawful, or whether the person concerned will receive the document in time.

If the certification is given in a separate document, it must also state the name of the person that performed the service, and what is otherwise necessary in order to identify the document that is served.

¹ Cf. § 182.

² See §§ 169 and 171.

§ 178. When service of a writ pursuant to special statutory provision may be performed by registered letter, a public official must deliver to the postal operator the specimen or the copy that is to be delivered to the person concerned. He shall give the document or the cover an endorsement as to when it was delivered to the postal operator.² § 162, last paragraph, shall apply correspondingly.

The service is deemed to have been performed two weeks³ after delivery to the postal operator, unless the party in question has received the letter earlier.⁴

The rules in this section do not apply to service pursuant to § 163 a.

⁰ Amended by Acts no. 56 of 7 June 1985 and no. 5 of 9 January 1998.

¹ See § 195 (2), Judicial Assessment Procedure Act § 29.

² Cf. § 163.

³ See §§ 148 and 149.

⁴ Cf. § 195 i.f.

§ 179. The service may be performed in private if the person who is to receive service gives proof that he has received the document.

Between public officials and lawyers¹ a written acknowledgement is sufficient proof.

Otherwise the signature must be attested by a judge, notary public², lawyer¹ or process server.

The acknowledgement should be dated. If it is written separately, it should clearly designate the document which has been received, and state the name of the person who performed the service. This person is required to acknowledge in writing that he has performed the service.

⁰ Amended by Acts no. 8 of 21 June 1935, no. 2 of 4 December 1964 and no. 34 of 28 April 2000 (effective 1 July 2000 pursuant to resolution no. 366 of 28 April 2000).

¹ Cf. §§ 220 ff.

² Cf. Act no. 12 of 26 April 2002.

§ 180. Service abroad on Norwegian public officials who are posted there may be performed through their superiors.

Service on Norwegian military personnel in service outside the boundaries of the Kingdom shall be performed through their superior officers.

Otherwise service on persons who have a known place of residence or abode abroad shall be performed in the manner that is warranted in the place concerned, or through the Norwegian foreign service mission concerned, if the foreign legislation¹ does not prevent this.² Documents that are to be served by a Norwegian foreign service mission³ may be served by postal means in accordance with the rules in § 163a, first paragraph, first sentence.

If a request from a court⁴ is necessary for the service of a writ, etc.⁵, any court may make such a request.

⁰ Amended by Act no. 60 of 15 June 2001 (effective 1 July 2001 pursuant to resolution no. 618 of 15 June 2001).

¹ Cf. agreements of 30 January 1931, Articles 2-5; 1 March 1954, I; and 15 November 1965. See also § 51 of the present Act.

² Cf. agreements of 30 January 1931, Article 4; 1 March 1954, I; and 15 November 1965, Article 8.

³ Cf. Act no. 13 of 3 May 2002 § 2.

⁴ See Criminal Procedure Act § 54 and Civil Procedure Act § 19-2.

⁵ Cf. § 49.

§ 181.¹ When a service cannot be performed in any of the manners mentioned above², and no other method is prescribed³, the court⁴ may determine in cases other than criminal cases that a copy of what is to be served, or of the essential contents of the same, shall be posted at the office of the court together with a notice that the document may be collected at the office of the court.⁵

If it relates to a document by which legal proceedings are instituted, a notice shall also be left whenever possible at the last known place of abode of the person in question that the document may be collected at the office of the court. Furthermore, the document shall be published in full or in part in the Norwegian Gazette⁶ and in one or more newspapers at his last known residence or place of abode here or abroad. If the court has some presumption of his whereabouts, an effort should also be made to notify him by registered letter or announcement in a newspaper that is distributed broadly in the locality.

In other especially important cases, the court⁴ should determine that the same procedure shall be followed.

Service pursuant to this section is deemed to have been performed when four weeks⁷ have elapsed after posting the notice at the office of the court, unless the court has stipulated a longer period, or the person on whom the service is to be performed reports earlier to the court and accepts the document.

⁰ Amended by Acts no. 27 of 22 May 1981, no. 5 of 9 January 1998 and no. 45 of 20 June 2003 (effective 1 July 2003 pursuant to resolution no. 712 of 20 June 2003).

¹ Cf. Act no. 7 of 8 April 1981 § 19.

² See §§ 164 to 180.

³ See note regarding § 159.

⁴ See Criminal Procedure Act § 54 and Civil Procedure Act § 19-2.

⁵ Cf. § 182 (3).

⁶ See Act no. 1 of 11 October 1946.

⁷ See §§ 148 and 149.

§ 182. The person who has requested the service shall be informed of the same in good time, accompanied by the documents appurtenant thereto.

If it has not been possible to perform the service, he shall be notified without delay of what has been done and the reason why it has not been possible to perform the service.

If the document that is to be delivered has been left for collection at a public office¹, the latter shall give notice if the document is collected.

¹ See §§ 174 (2), 176 (1) and 181.

§ 183. Even if there has been some error in the performance of the service, it is legal¹ if the document delivered has reached the proper person. In such cases the service is deemed to have been performed at the time it can be proven that he received the document.

¹ Cf. §§ 51 and 180 (3).

§ 184. If the person on whom a service is to be performed has no known residence or place of abode, it is the duty of the police to make an investigation, if a court¹ demands such.

¹ See Criminal Procedure Act § 54 and Civil Procedure Act § 19-2.

§ 185. If a service has not been performed on the person himself by a process service, and it is of great importance that the proper person is reached, effort shall be made to inform him of the service, if this can be done in time.

⁰ Amended by Act no. 48 of 27 June 1986.

§ 186. When something is to be notified¹, and the service of a writ is not required by statute, the notification shall be given in the manner deemed appropriate in each individual case.²

Certification by a public authority or the written acknowledgement of the person concerned is proof that the notification has been given. Proof to the contrary is not excluded.

¹ Cf. § 159, Civil Procedure Act § 19-5.

² Cf. Civil Procedure Act § 465.

§ 187.¹ Notification that is given to the person himself in a court hearing² concerning the contents of the court records will take the place of service, unless otherwise provided by statute. The person in question shall be asked, however, whether he demands a written copy, and notification in such cases shall be given if possible within 24 hours.

¹ Cf. Judicial Assessment Procedure Act § 2.

² See § 122.

§ 188. When a public authority so requests, Posten Norge AS shall ensure that letters¹ relating to legal proceedings are brought to the addressee, even if letters usually are not delivered otherwise to addressees at the place in question.

⁰ Amended by Acts no. 5 of 9 January 1998, no. 43 of 21 June 2002 (effective 1 July 2002 pursuant to resolution no. 569 of 21 June 2002).

¹ Cf. § 163a.

§ 189. The telegraph may be used for giving written notices, requests and declarations¹ to the court according to further provisions issued by the King.

¹ Cf. § 164.

§ 190. The King may issue more detailed rules relating to service of writs and notifications.

§ 191. For the State it is the Prime Minister or the head of the ministry concerned who accepts the service of writs and notifications, for county authorities it is the County Council Chairman, and for municipalities it is the Mayor.

For public establishments and foundations¹, savings banks², associations, companies, cooperatives,³ state-owned enterprises or estates, the service of writs and notifications are accepted by the person who manages their affairs, or, if they are managed by several persons jointly, by the chairman of the governing board. If there is no chairman, they may be addressed to each board member.

These provisions do not apply if statutory provisions state otherwise.⁴

⁰ Amended by Acts no. 43 of 13 June 1975, no. 71 of 30 August 1991 and no. 81 of 29 June 2007 (effective 1 January 2008 pursuant to resolution no. 1287 of 23 November 2007).

¹ See Act no. 59 of 15 June 2001.

² See Act no. 1 of 24 May 1961.

³ See Act no. 81 of 29 June 2007.

⁴ See Bankruptcy Act § 149 and Administration of Estates Act §§ 20 and 29.

§ 192.¹ A person who has the power of procuration² or other ordinary power of attorney³ to take care of the affairs of his principal may accept the service of writs and notifications on his behalf in legal proceedings that fall within the scope of the power of attorney.

¹ Cf. Civil Procedure Act § 271, Judicial Assessment Procedure Act § 21, Acts no. 16 of 14 December 1917 § 28, no. 11 of 17 July 1925 § 24, no. 1 of 12 June 1931 §§ 18 and 27, no. 4 of 3 March 1961 § 31 and no. 9 of 15 December 1967 § 67, ordinance of 7 August 1925 § 3, Act no. 33 of 29 May 1970 §§ 12 and 45 and Maritime Code § 73.

² See Act no. 80 of 21 June 1985.

³ See, for example, Act no. no. 44 of 13 June 1997 (Limited Companies Act) § 6-30, § 6-31, § 6-32 and Act no. 45 of 13 June 1997 (Public Limited Companies Act) § 6-30, § 6-31, § 6-32, and Maritime Code § 104 and § 137.

§ 193. When a party has granted general power of attorney¹ to his counsel in a case, the service of writs and notifications in this case may be addressed to the counsel², unless otherwise provided by statute.³

The service of writs and notifications concerning appeals against decisions that conclude a case or an independent part of a case, or concerning the rehearing⁴ or reopening⁵ of a case, cannot be addressed to the party's counsel, unless the power of attorney expressly warrants this or correspondingly authorises the aforementioned legal steps. The same applies to the service of writs and notifications in connection with the enforcement of a judgment or order.

When a summons to a court hearing is served on a party in person, his counsel shall be given notice⁶ of the hearing.

⁰ Amended by Acts no. 3 of 20 June 1952, no. 80 of 11 June 1993 (effective 1 August 1995 pursuant to resolution no. 513 of 2 June 1995, see Chapter V) and no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007).

¹ Cf. Civil Procedure Act § 3-4.

² Cf. Civil Procedure Act Chapter 3, cf. Enforcement Act § 5-1 (1) and § 6-1 (1), Judicial Assessment Procedure Act § 2, Bankruptcy Act § 149 (5), Administration of Estates Act § 22.

³ See §§ 193 (2) and 197, cf. Civil Procedure Act § 13-2.

⁴ Cf. Civil Procedure Act §§ 16-12 ff.

⁵ Cf. Civil Procedure Act Chapter 31.

⁶ Cf. § 186.

§ 194.¹ If a party has granted power of attorney to another party to accept the service of writs and notifications on his behalf,² the service of writs and notifications may be addressed to the authorized party when it relates to matters that are at the free disposal of the parties.³ If it is found, or the circumstances give reason to believe, that service of a writ has not reached the principal by this means, the court⁴ should inform him of the service, if it can do so in time.

In matters that are not at the free disposal of the parties³, such power of attorney may only be granted if the court⁴ approves it. The approval may be revoked at any time.

¹ Cf. Enforcement Act § 5-14 cf. § 6-1 2).

² Cf. Act of 28 November 1898 §8.

³ See § 197.

⁴ See Criminal Procedure Act § 54 and Civil Procedure Act § 19-2.

§ 195. If a party does not have residence or any permanent place of work or business in this Kingdom, where service can be performed pursuant to the rules in §§ 168, 169, and 170, first paragraph, and he has no counsel¹ who has a residence or office in the court locality or the vicinity thereof, the court may,² if necessary by service of writ, order him to name a person who is resident in the locality, or in the vicinity thereof, to whom the service of writs and notifications can be addressed during the case within a specified time limit.³ The decision of the court cannot be challenged.

This duty will remain in effect until the case has been decided by a final and enforceable judgment.⁴ If he does not observe this duty, the service may be performed by registered letter⁵ to his last known address, and the service will then be deemed to have been performed when the letter is delivered to the postal operator.

⁰ Amended by Acts no. 5 of 9 January 1998, no. 90 of 17 June 2005 (effective 1 January 2008 pursuant to resolution no. 88 of 26 January 2007).

¹ See Civil Procedure Act Chapter 3.

² See Criminal Procedure Act § 54 and Civil Procedure Act § 19-2 (2).

³ Cf. § 197.

⁴ See Civil Procedure Act § 19-14.

⁵ See § 178.

§ 196. If a party, his lawful deputy,¹ counsel² or any other person to whom the service of writs and notifications may be addressed pursuant to §§ 191, 192, 194 or 195, changes his place of residence during a case,³ this must be reported to the court. If this is not reported, service may be performed at his previous residence pursuant to § 163a or § 176, unless his new address is known in advance, or it is known that service can be performed at his regular place of work.

⁰ Amended by Act no. 56 of 7 June 1985.

¹ Cf. Civil Procedure Act § 2-3.

² Cf. Civil Procedure Act Chapter 3.

³ Cf. § 197.

§ 197. In criminal cases¹ the provisions in §§ 193-196 only apply to the private plaintiff and aggrieved party who have associated themselves with the prosecution².

¹ Cf. Criminal Procedure Act §2.

² See Criminal Procedure Act §§ 80 and 402, as well as 404.

§ 197a.¹ The King may issue regulations² stipulating that communication with the courts that is to be made in writing pursuant to statutes may also be made electronically.

The King may issue regulations² that grant exemption from statutory requirements for written communication with the courts when the communication takes place electronically.

The King may issue regulations² that provide detailed rules for electronic communication with the courts, including rules for signatures, authentication, integrity and confidentiality, and rules that stipulate requirements for the products, services and standards that are required for such communication.

⁰ Added by Act no. 24 of 25 April 2003 (effective 28 October 2005 pursuant to resolution no. 1240 of 28 October 2005).

¹ Cf. Enforcement Act § 2-13.

² Cf. Act of 10 February 1967 § 2 and Chapter VII.

CHAPTER 11. LEGAL AID WORK AND LAWYERS

I. Legal aid work

§ 218. Any person who wishes to carry on legal aid work must have a licence to practise as a lawyer pursuant to section 218 b. By legal aid work is meant professionally or constantly giving legal aid.

From the provision in the first sentence of the first paragraph the following exceptions apply:

1. Any person who has a law degree but not a licence to practise law may give legal aid. Such legal aid work may only be carried on in one-man firms owned by the person concerned.
2. Any person who is licensed to practise as a chartered accountant or who is registered as an accountant may assist in the completion of income-tax forms, business returns, tax appeals, and other applications to the income-tax authorities.
3. Any person who has satisfactory qualifications in any special legal fields may be permitted by the King to give legal aid in such fields. When there are special reasons for doing so, the King may permit special legal-aid measures.
4. District sheriffs (lensmen) may give such legal aid as is specified in accordance with Act No. 7 of 16 June 1961 relating to district sheriffs (lensmen).
5. The King will by regulation prescribe to what extent and on what conditions foreign lawyers shall have the right to provide legal aid.

Any person who gives legal aid pursuant to the second paragraph, his employees and other assistants have a duty to keep secret from unauthorized persons whatever they get to know about any person's personal affairs or industrial or business relations in connection with legal aid work. This shall not apply if there is no justifiable interest requiring confidentiality.

Any person who gives legal aid pursuant to the second paragraph may not give legal aid during legal proceedings unless the said person is entitled to be a

legal representative or defence counsel according to law or pursuant to special permission from the court in a particular case.

Legal aid may be given by any person as far as such legal aid is necessary for giving proper and complete assistance in any other work. Such legal aid may also be given though it is not connected with any task included in the main enterprise. The fourth paragraph shall apply correspondingly.

Legal aid may also be given by the state or a municipality.

§ 218 a. The King may decide that any person who wishes to give legal aid pursuant to section 218, items 1 and 3 to 5, shall provide security for any liability to pay compensation that the said person may incur in carrying on such legal aid work. The King may make further rules relating to the provision of security.

For legal aid pursuant to section 218, second paragraph item 1, the King may make provisions concerning the duty to notify and the duty of the person giving legal aid to establish beforehand that the conditions for giving legal aid have been fulfilled, including the submission of a police certificate. In the case of permissions granted pursuant to section 218, second paragraph items 3 and 5, conditions and restrictions may be imposed.

The Ministry may impose a prohibition against giving legal aid pursuant to section 218, second paragraph item 1, and revoke permissions granted in accordance with section 218, second paragraph items 3 and 5, if the person concerned is or becomes guilty of conduct that renders the said person unfit or unworthy to give legal aid, or the said person contravenes provisions relating to the furnishing of security in accordance with the first paragraph or provisions, conditions or restrictions in accordance with the second paragraph.

II. Lawyers

§ 218 b. Licence to practise as a lawyer shall be granted by the Ministry.

It may only be granted to persons who have reached 20 years of age and who prove by reliable testimony that they are of respectable character.

Moreover there must be no such circumstances as would cause the licence to

practise law to be invalidated or revoked pursuant to the provisions of sections 229, 229 a or 230. If a previous licence to practise law is revoked for reasons mentioned in section 229, second paragraph items 2 to 4, no new licence shall be granted until the matter that led to the revocation has been settled.

§ 219. In order to obtain permission to appear as an advocate before courts other than the Supreme Court (a practising certificate) the applicant must establish:

1. that the said person has obtained a law degree, and
2. that the said person has for altogether not less than two years after obtaining a law degree been engaged in practice
 - a. as an authorized assistant to a lawyer who himself carries on a legal practice, cf. the third paragraph,
 - b. as a judge or deputy judge,
 - c. in a position with the prosecuting authority in which conducting legal proceedings is an essential part of the work, or
 - d. as a university lecturer in jurisprudence.

In order to fulfil the requirement for practical experience in item 2 of the first paragraph the Ministry may by regulation or in particular cases wholly or partly approve other legal work.

The King may by regulation prescribe rules relating to procedural experience as a condition on which practical experience mentioned in item 2 of the first paragraph shall be taken into account.

The King may by regulation determine that the completion of a course in subjects of special significance for legal practice shall be a condition for granting a licence to practise law. The King may make further rules concerning the contents and completion of the course.

The King may by regulation make provisions concerning the issuing of a licence to practise law on the basis of a corresponding right in a foreign country.

§ 220. In order to obtain permission to appear as an advocate before the Supreme Court the applicant must establish:

1. that the said person has a licence to practise law, cf. section 219,

2. that the said person has been engaged in practice
 - a. for not less than one year as a lawyer, or
 - b. for not less than three years in a position mentioned in section 219, first paragraph item 2. Section 219, second paragraph, shall apply correspondingly. Not less than two of these three years must have been spent as an assistant lawyer. For any person who has been acting as a public prosecutor or assistant to the Director General of Public Prosecutions for not less than two years, one year spent as an assistant lawyer is sufficient.
3. that the said person has shown himself to be fit to conduct a case before the Supreme Court by undergoing a test in the Supreme Court, cf. the second and third paragraphs.

Any person who wishes to undergo a test must send the president of the Supreme Court a statement from the Ministry to the effect that the said person may be granted permission if he passes the test. The test consists of conducting two cases orally, of which at least one is a civil case for the appellant. In the case of a public prosecutor or assistant to the Director General of Public Prosecutions a criminal case may be approved as a test case even though the conditions prescribed in items 1 and 2 of the first paragraph are not fulfilled. There can only be one advocate to be tested in the same case.

The decision that the test has been passed shall be made by all the Supreme Court judges who have taken part in the adjudication of the cases conducted by the applicant. A certificate that the test has been passed will be issued by the president of the Supreme Court. Any applicant who does not pass the test may not be permitted to undergo a new test until two years have passed since the court's decision. No one may take the test more than twice.

§ 221. Any person who wishes to practise as a lawyer shall notify the County Governor of the location of his office. He shall also give notification when he moves his office to another municipality or ceases to have an office. The County Governor shall inform the Ministry.

§ 222. Any person who wishes to practise as a lawyer in his own name shall provide security. Such security shall cover any liability to pay compensation that the said person may incur in carrying on his legal practice. Such security shall not cover any liability for which the lawyer has provided other security pursuant to any statutory provision.

The King may make further regulations relating to the provision of security. The King may by regulation exempt lawyers who are employed by the state or a municipality and who only carry out tasks for their employer from the obligation to provide security.

§ 223. Lawyers' practice shall be supervised by the Supervisory Council for Legal Practice pursuant to further rules to be made by the King. The Supervisory Council shall also supervise firms that carry on legal practice other than that mentioned in section 233, first paragraph litra a. The King will make rules relating to the Council's work and administration.

Any lawyer who carries on legal practice in his own name is obliged to pay a contribution to the Supervisory Council for Legal Practice. The King will determine the amount of the contribution. The King may also determine that firms that carry on legal practice other than that mentioned in section 233, first paragraph litra a, shall pay their own contribution to the Supervisory Council.

§ 224 a. The King may make rules concerning the provision of security for a foreign lawyer who is employed as a legal representative or defence counsel in this realm and the implementation of such security.

§ 225. Every lawyer is entitled to have an authorized assistant to act for him in legal proceedings. Such assistant cannot appear before the Supreme Court or in a main hearing before the High Court unless he has permission pursuant to section 220 or section 219 to appear as an advocate before the court in question.

Authorization may be granted by the Ministry. The conditions are that the assistant has a law degree and establishes by reliable testimony that he is of respectable character. Moreover there must be no such circumstance as would cause the authorization to be invalidated or revoked pursuant to the provisions of

section 229 or section 230. If a previous authorization is revoked for reasons mentioned in section 229, second paragraph item 4, cf. the third paragraph, no new authorization shall be given before the matter that caused the revocation has been settled.

§ 226. Senior state officials holding judicial office, clerks of the court, and county governors, their deputies and assistants, and officials employed by the prosecuting authority or the police may not practise as lawyers. This provision shall not apply to lawyers who are appointed to serve in any such position for a brief period or in a particular case.

The King will decide whether any other public service shall prevent any person from practising as a lawyer.

§ 227. A lawyer may not appear as a legal representative or defence counsel when his spouse or fiancée or any person to whom he is related by blood or marriage in ascending or descending line, or collaterally as close as siblings, is sitting as sole judge or as the only legally qualified judge in the court.

This provision shall not apply if the lawyer has opened an office within the jurisdiction before the judge was appointed or before this Act was drafted.

§ 228. The King may make regulations relating to checking that legal practice is carried on in accordance with the law and proper professional standards and relating to the duty of lawyers and firms that carry on legal practice other than that mentioned in section 233, first paragraph *litra a*, to place their books and business papers at the disposition of and give information to the Supervisory Council for Legal Practice. The King may also make regulations relating to entrusted funds.

§ 229. If a lawyer is placed under guardianship or if his estate is subject to bankruptcy proceedings, his licence to practise law becomes invalid until the guardianship is abolished or until his debt is settled by full payment, remission, or effective voluntary arrangement, or lapses in some other way. If the lawyer's bankruptcy is not caused by a matter mentioned in item 1 of the second

paragraph of this section, the Ministry may on application grant him the right to use his licence to practise law despite his bankruptcy.

The Ministry may revoke a licence to practise law if the lawyer:

1. becomes guilty of conduct that renders him unfit or unworthy to carry on legal practice, or causes him to lose the confidence that is necessary in his profession,
2. fails in his duty pursuant to section 222 to provide security or in his duty pursuant to section 223 to pay a contribution to the Supervisory Council for Legal Practice,
3. neglects his duties pursuant to provisions made in or in accordance with section 228, including allowing checks to be made,
4. omits to give a satisfactory explanation to the Ministry about matters concerning legal practice when the Ministry requests such an explanation, or
5. carries on legal practice contrary to the provisions of sections 231 to 233.

The provisions in items 1 and 4 of the second paragraph shall apply correspondingly to authorization of an assistant lawyer.

The lawyer or the assistant lawyer shall simultaneously with the notification of the revocation be informed of the reason for it. The Ministry's decision may within two weeks be brought with suspensive effect before the Interlocutory Appeals Committee of the Supreme Court.

§ 229 a. If a lawyer is by reason of mental illness or impaired mental capacity unfit to carry on legal practice, he may be deprived of his licence to practise law by a court judgment. A decision to institute legal proceedings will be made by the Ministry concerned.

A lawyer who is deprived of his licence to practise law in accordance with this section is entitled to a new licence when he applies for it and proves in a satisfactory manner that such circumstances as are mentioned in the first paragraph no longer subsist.

§ 230. If a lawyer or an assistant lawyer is subjected to a public prosecution for a felony of misdemeanour that may entail the loss of his licence to practise, the

Ministry concerned may decide that the licence shall be of no effect until the case is finally decided. The Ministry may also make such a decision when it has decided to institute legal proceedings pursuant to section 229 a.

III. Organization of Legal Practice

§ 231. Legal practice may only be organized as a one-man enterprise owned by a lawyer, or as a firm in accordance with this section, unless it is otherwise provided by statute. By legal practice is meant such practice as the possessor of a licence to practise law is entitled to carry on. Such practice is not, however, considered to be legal practice when it is carried on in accordance with something other than a licence to practise law.

In firms that carry on legal practice only persons who perform a considerable part of their professional activity in the service of the firm may own shares or hold office as a director or deputy director. In the case of joint-stock companies an endorsement to this effect shall be entered on all the share certificates. Shares in a firm that carries on legal practice may also be owned by another firm provided that all the shares in the owner firm are owned by persons who perform a considerable part of their professional activity in the service of the firm that is owned and the owner firm fulfils the provisions of the fourth to seventh paragraphs.

In the case of firms that carry on legal practice the name of the firm shall contain the word lawyer.

In addition to legal practice the firm may only carry on such business as is naturally connected with legal practice.

Such practice as is mentioned in the second sentence of the first paragraph may only be carried on on the firm's behalf by lawyers. Such practice may, however, be carried on on the firm's behalf by another person if the said person has the right to do so in accordance with something other than a licence to practise law and has also provided security for the liability the said person may incur pursuant to section 232, seventh cf. second paragraph. The King may make further regulations relating to the provision of security.

If a person or a firm that owns a share of a firm that carries on legal practice no longer fulfils the conditions in the second paragraph for owning shares, the share must be disposed of within two years. If this circumstance is not due to loss of a licence to practise law or some similar licence, the share may nevertheless be retained as long as the said person has performed a considerable part of his professional activity in the service of the firm or the firm that is owned. If a share-owner dies, his heirs or surviving spouse may retain the share for up to two years after his death.

§ 232. Firms that carry on legal practice shall specifically appoint one of the firm's lawyers to be responsible for each particular task undertaken in the legal practice or different specific lawyers to be responsible for specific parts of the task. The client shall be informed as to which lawyer has been appointed. If a client has applied to a specific lawyer in the firm, the latter shall be deemed to be appointed unless the client is informed that another lawyer has been appointed to be responsible. The firm may not instruct the lawyer appointed concerning the professional performance of the task.

The lawyer appointed is jointly and severally liable with the firm for any liability to pay compensation incurred by the firm in connection with the task. Besides the lawyer appointed other lawyers in the firm who have independently brought liability to pay compensation on the firm in connection with the task are jointly and severally liable with the firm.

If the client has not been informed as to which lawyer has been appointed and the circumstances do not make it quite clear which lawyer is liable, the lawyer who has actually performed the task shall be jointly and severally liable with the firm.

If an assistant lawyer brings liability to pay compensation on the firm in the course of legal practice and the client has not been informed as to which advocate has been appointed and the circumstances do not make it quite clear which lawyer is liable, the lawyers for whom the assistant is authorized to act shall be jointly and severally liable with the firm.

In partnerships it may be agreed that the partners shall not be liable as partners in regard to liability to pay compensation incurred by the firm in the

course of legal practice when at least one of the firm's lawyers is jointly and severally liable with the firm pursuant to the first to fourth paragraphs. Section 2-4, third paragraph, of the General Partnerships Act shall apply correspondingly.

To other firms only the fourth sentence of the first paragraph of this section shall apply.

In the case of firms in which a person who is not a lawyer performs such work as is mentioned in section 231, first paragraph second sentence, on the firm's behalf in accordance with section 231, fifth paragraph, the said person may be appointed to be responsible for tasks that he has the right to perform. In such cases the provisions relating to lawyers in this section shall apply correspondingly, with the exception of the third and fourth paragraphs.

§ 233. The provisions of section 231 shall not apply to:

- (a) Legal practice carried on by a person employed as a lawyer who essentially performs tasks for his employer or for other firms belonging to the same group. In the case of such legal practice outsiders shall not be given the impression that an independent legal practice is being carried on.
- (b) Legal practice carried on by a person employed as a lawyer in an association or society if the assistance is essentially given to the members thereof, and the assistance to persons other than the members is of the same kind as the assistance given to the members.
- (c) Legal practice carried on by the state or a municipality.

The provisions of section 232, first to fourth paragraphs, shall apply correspondingly to legal practice carried on by juristic persons other than companies unless it is otherwise provided by the first sentence of the third paragraph of this section.

In the case of such legal practice as is mentioned in the first paragraph *litra a*, the provisions of section 232, first to fourth paragraphs, shall apply only to assistance given to persons other than the lawyer's employer and firms belonging to the same group. The provisions of section 232, fifth to seventh paragraphs, shall not apply.

The King may in special cases permit legal practice to be organized in ways other than those mentioned in section 231, first paragraph. Conditions for such permission may be imposed.

IV. Penal provisions

§ 234. Any person who intentionally gives legal aid without being entitled to do so or who is accessory thereto shall be liable to fines or imprisonment for a term not exceeding three months or to both.

Any person shall be liable to fines or imprisonment for a term not exceeding three months or to both who intentionally contravenes or is accessory to contravening

- a. the duty of secrecy pursuant to section 218, third paragraph, the provisions relating to the furnishing of security in accordance with section 218 a first paragraph, or section 222, or any conditions or restrictions in accordance with section 218 a, second paragraph, or
- b. the provisions relating to the organization of legal practice in sections 231 to 233, provided that the provisions have been repeatedly contravened or that the contravention is serious,

Any person who negligently contravenes or is accessory to contravening the provisions of the first or second paragraph shall be liable to fines.

Moreover sections 324 and 325 of the Penal Code shall apply correspondingly to lawyers and assistant lawyers.

CHAPTER 12. FINAL PROVISIONS

§ 235. When this Act or any other Act requires a law degree for appointment to an office or employment in a position, the authority concerned may in special cases accept a similar foreign law degree, provided that it is established that the person concerned has sufficient knowledge of Norwegian law. The decision shall be made after an overall assessment of the degree obtained and the work of

the person concerned, especially in this country, supplemented by a test if necessary. If the Act requires a law degree of the highest class, the foreign law degree must be of a similar class.

For other cases in which this Act or any other Act requires a law degree, the King may make regulations concerning to what extent and on what conditions foreign legal qualifications may be accepted.