

# Act on the Judiciary No.15/1998

*Translation from Icelandic*

## Act on the Judiciary No. 15, 25 March 1998

Entered into force on 1 July 1998, with the exception of Article 34. Amended by Act No. 47/2006 (entered into force on 1 July 2006), Act No. 88/2008 (entered into force on 1 January 2009, with the exception of transitional provision VII which entered into force on 21 June 2008), Act No. 147/2009 (entered into force on 1 January 2010), Act No. 45/2010 (entered into force on 29 May 2010), Act 162/2010 (entered into force on 1 January 2011) and Act 12/2011 (entered into force on 17 February 2011).

### Chapter I Judicial Organisation

#### Section 1

The Supreme Court of Iceland shall be the highest judicial authority in Iceland. The Court shall be a court of appeals, based in Reykjavík.

#### Section 2

The district courts shall be eight in number. Their names, places and areas of office shall be as follows:

1. The District Court of Reykjavík shall be based in Reykjavík, serving the areas of the following municipalities: Reykjavík, Seltjarnarnes, Mosfellsbær and Kjósarhreppur.
2. The District Court of Western Iceland shall be based at Borgarnes, serving the areas of the following municipalities: Akranes, Hvalfjarðarstrandarhreppur, Skilmannahreppur, Innri-Akraneshreppur, Leirár- og Melahreppur, Andakílhreppur, Skorradalshreppur, Lundarreykjadalshreppur, Reykholtshreppur, Hálsahreppur, Hvítársíðuhreppur, Þverárhlíðarhreppur, Borgarhreppur, Borgarbyggð, Álftaneshreppur, Kolbeinsstaðahreppur, Eyja- og Miklaholtshreppur, Snæfellsbær, Eyrarsveit, Helgafellssveit, Stykkishólmsbær, Dalabyggð and Saurbæjarhreppur.
3. The District Court of the West Fjords shall be based at Ísafjörður, serving the areas of the following municipalities: Reykhólahreppur, Vesturbyggð, Tálknafjarðarhreppur, Bolungarvík, Ísafjörður, Súðavíkurbhreppur, Árneshreppur, Kaldrananaeshreppur, Hólmanvíkurhreppur, Kirkjubólshreppur, Broddaneshreppur and Bæjarhreppur.

4. The District Court of Northwest Iceland shall be based at Sauðárkrókur, serving the areas of the following municipalities: Staðarhreppur, Fremri-Torfustaðahreppur, Ytri-Torfustaðahreppur, Hvammstangahreppur, Kirkjuhvammshreppur, Þverárhreppur, Þorkelshólshreppur, Áshreppur, Sveinsstaðahreppur, Torfalækjarhreppur, Blönduósbær, Svínavatnshreppur, Bólstaðarhlíðarhreppur, Engihlíðarhreppur, Vindhælishreppur, Höfðahreppur, Skagahreppur, Skefilsstaðahreppur, Skarðshreppur, Sauðárkrókur, Staðarhreppur, Seyluhreppur, Lýtingsstaðahreppur, Akrahreppur, Rípurhreppur, Viðvíkurhreppur, Hólahreppur, Hofshreppur, Fljótahreppur and Siglufjörður.

5. The District Court of Northeast Iceland shall be based at Akureyri, serving the areas of the following municipalities: Ólafsfjörður, Grímseyjarhreppur, Dalvík, Svarfaðardalshreppur, Hríseyjarhreppur, Árskógshreppur, Arnarneshreppur, Skriðuhreppur, Öxnadalshreppur, Glæsibæjarhreppur, Akureyri, Eyjafjarðarsveit, Svalbarðsstrandarhreppur, Grýtubakkahreppur, Hálshreppur, Ljósavatnshreppur, Bárðdælahreppur, Skútustaðahreppur, Reykdælahreppur, Aðaldælahreppur, Reykjahreppur, Húsavík, Tjörneshreppur, Kelduneshreppur, Öxarfjarðarhreppur, Raufarhafnarhreppur, Svalbarðshreppur and Þórshafnarhreppur.

6. The District Court of East Iceland shall be based at Egilsstaðir, serving the areas of the following municipalities: Skeggjastaðahreppur, Vopnafjarðarhreppur, Hlíðar-, Jökuldals- and Tunguhreppur, Fljótsdalshreppur, Skriðdalshreppur, Vallahreppur, Egilsstaðir, Fellahreppur, Eiðahreppur, Hjaltastaðahreppur, Borgarfjarðarhreppur, Seyðisfjörður, Neskaupstaður, Eskifjörður, Reyðarfjarðarhreppur, Mjóafjarðarhreppur, Fáskrúðsfjarðarhreppur, Búðahreppur, Stöðvarhreppur, Breiðdalshreppur, Djúpvogshreppur, Bæjarhreppur, Hornarfjörður, Borgarhafnarhreppur and Hofshreppur.

7. The District Court of South Iceland shall be based at Selfoss, serving the areas of the following municipalities: Skaftárhreppur, Mýrdalshreppur, Austur-Eyjafjallahreppur, Vestur-Eyjafjallahreppur, Austur-Landeyjahreppur, Vestur-Landeyjahreppur, Fljótshlíðarhreppur, Hvolhreppur, Rangárvallahreppur, Holta- og Landsveit, Áshreppur, Djúparhreppur, Vestmannaeyjar, Gaulverjabæjarhreppur, Stokkseyrarhreppur, Eyrarbyggðahreppur, Sandvíkurhreppur, Selfoss, Hraungerðishreppur, Villingaholtshreppur, Skeiðahreppur, Gnúpverjahreppur, Hrunamannahreppur, Biskupstungnahreppur, Laugardalshreppur, Grímsneshreppur, Þingvallahreppur, Grafningshreppur, Hveragerði and Ölfushreppur.

8. The District Court of Reykjanes shall be based at Hafnarfjörður, serving the areas of the following municipalities: Grindavík, Sandgerði, Gerðahreppur, Reykjanesbær, Vatnsleysustrandarhreppur, Hafnarfjörður, Garðabær, Bessastaðahreppur and Kópavogur.

The area of office of each district court shall be served by a single court. However, the [Minister of the Interior]<sup>1)</sup> may, by the issue of a regulation<sup>2)</sup>, provide for a different arrangement, having obtained the opinion of the district court in question and of the Judicial Council.

<sup>1)</sup>Act 162/2010, Art. 151. <sup>2)</sup>Reg. 395/1998, cf. 1109/2010.

### Section 3

There shall also be a Labour Court and a Court of Impeachment. The provisions of other Acts apply to these courts of special jurisdiction.

## **Chapter II The Supreme Court of Iceland**

### Section 4

The Supreme Court of Iceland shall be composed of nine judges, appointed for an indefinite period of time by the President of Iceland as proposed by the [Minister].<sup>1)</sup>

Only a person who fulfils the following conditions may be appointed to the office of Supreme Court judge:

1. Has attained the age of 35 years.
2. Is an Icelandic national.
3. Has the necessary mental and physical capacity.
4. Is legally competent to manage his or her personal and financial affairs, and has never been deprived of the control of his or her finances.
5. Has not committed any criminal act considered to be infamous in public opinion, or evinced any conduct detrimental to the trust that persons holding judicial office generally must enjoy.
6. Has completed a graduation examination in law, or graduated from a university with an education deemed equivalent thereto.
7. Has for a term of no less than three years been a district court judge, Supreme Court attorney, professor of law, commissioner of police, district commissioner, Director of Public Prosecutions, Assistant Director of Public Prosecutions, public prosecutor, permanent secretary of a ministry, director general of a department of [the Ministry]<sup>1)</sup>, or Althingi's Ombudsman, or has for such period discharged a similar function providing similar legal experience.
8. Is deemed capable to hold the office in the light of his or her career and knowledge of law.

A person who is, or has been, married to a Supreme Court judge already in office, or a person related to such judge by blood or marriage by ascent or descent, or in the second sideline, may not be commissioned to the office of a Supreme Court judge.

<sup>2)</sup> <sup>1)</sup>Act 162/2010, Art. 151, <sup>2)</sup>Act 45/2010, Art. 1.

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#### [Section 4(a)]

The [Minister]<sup>1)</sup> shall appoint an evaluation committee of five members to examine the qualifications of applicants for the office of Supreme Court judge or district court judge. Two members shall be nominated by the Supreme Court, of which one shall serve as chairman; at least one of the two shall not be in active service as a judge. The third member shall be appointed by the Judicial Council and the fourth by the Icelandic Bar Association. The fifth member shall be elected by the Althing. Alternate members shall be nominated and appointed in the same manner. The term of appointment to the evaluation committee is five years, with the proviso that the term of one member shall expire each year. The same member cannot be appointed as a principal member of the board for more than two consecutive terms.

The evaluation committee shall provide the [Minister]<sup>1)</sup> with a written and reasoned opinion concerning applicants for the office of Supreme Court judge. The opinion of the evaluation committee shall state the board's position regarding which applicant is best qualified for the post; the board may rank two or more applicants equally. In other respects, the Minister shall establish further rules<sup>2)</sup> on the functions of the Board.

No applicant may be appointed to the office of judge which the evaluation committee has not designated as the most qualified of the applicants, whether alone or equally ranked with others. However, derogation from this condition is permitted if the Althing adopts a motion of the [Minister]<sup>1)</sup> to appoint another identified applicant who, in the opinion of the evaluation committee, meets all the requirements laid down in the second and third paragraphs of Section 4. The Minister shall in such circumstances place the motion before the Althing within two weeks from the time of submission of the evaluation committee's opinion or within two weeks from the time that the Althing is next convened following submission of the opinion; the motion must be approved within one month from the time that it is placed before the Althing or the Minister will be bound by the opinion of the evaluation committee.]<sup>3)</sup>

<sup>1)</sup>Act 162/2010, Art. 151. <sup>2)</sup>Reg. 620/2010. <sup>3)</sup>Act 45/2010, Art. 2.

The judges of the Supreme Court shall elect a President of the Court for a term of [five]<sup>1)</sup>  
<sup>2)</sup> years at a time, and an alternate President for the same term. The alternate President shall act as President of the Court when the President is unable or absent. If the President or the alternate President request to be relieved from their duties, or cease to hold the office of a judge before the end of the term, the judges shall elect another person to the office until the end of the term. The Supreme Court shall announce the election of a President and alternate President of the Court by an announcement in the Legal Notice Journal.

The President shall be the director of the Court. Subject to the limitations laid down in other provisions of law, the functions of the President shall include administration of those of the Court's functions that do not form a part of litigation procedure, assign tasks to the individual judges and staff members, and exercise disciplinary authority over them. The President shall be in charge of the Court's day-to-day business and of its finances, and represent the Court outwardly, in addition to the particular functions provided for in other laws.

If neither the President nor the alternate President is available, or if neither can take part in the conclusion of a matter or other official act, the judge longest holding office as a commissioned Supreme Court judge shall replace the President.

*<sup>1)</sup>Act 12/2011, Art. 1. <sup>2)</sup>With Act No 12/2011 of 15 February 2011 the first sentence of Section 5 was amended. The amendment concerns the duration of the term that the President of the Court shall serve. Prior to the amendment the term was two years but is now five years. It needs to be noted that the amendment applies with effect from the date when the next President will be elected. The current President, Ms. Ingibjörg Benediktsdóttir was elected 1 January 2010 and will, in accordance with Section 5 when elected, serve for a term of two years, i.e. until 31 December 2011. Accordingly the amendment will have effect from 31 December 2011.*

## Section 6

The President of the Supreme Court shall appoint a Director General for the Court, as the judges may decide, for a term of five years at a time. The Director General shall direct the day-to-day business of the Court as the President may decide in further detail, as an agent of the President, and discharge any other functions the President may commit to him. The Director General of the Supreme Court has the status of a public official, and his position shall in any other respects be governed by the general rules concerning public servants. Only a person who has graduated in law or has a similar degree in law or other university education may be appointed to this office.

The President shall engage assistants trained in law and other staff to the Court, and lay down the scope of their duties and their position in other respects. He shall also be

competent to terminate their employment subject to the generally applicable rules concerning public servants.

## Section 7

As the President may decide, three or five Supreme Court judges shall handle a case in court. [He may however decide that cases of exceptional importance shall be handled by more than five judges, but always an odd number of judges.]<sup>1)</sup> The President may furthermore decide that one judge shall handle a case subject to summary appeal, which does not involve important interests, and that one judge shall hold a session to decide on a matter of procedure or to announce a judgment rendered.

[The Supreme Court may decide to assign judges to divisions for a defined period of time according to a strict general rule.]<sup>1)</sup> In cases of extensive scope the President may decide that a judge, who otherwise does not take part in the handling of a case, shall hear the proceedings and take part in adjudication, if another judge later becomes unable to do so.

When the Supreme Court is performing a function as provided for by law, that does not involve the handling of a case in court, its decision shall, subject to the provisions of other laws, be taken by all the judges. If a judge cannot take part in the handling of the matter by reason of incapacity or inability, an alternate judge, as provided for in Section 8, shall generally not be required to take part, unless fewer than five judges are available.

Notwithstanding the provisions of the fourth paragraph, the Supreme Court may commit the resolution of petitions of particular categories to three or five judges, such as petitions for leaves of appeal or renewed procedure. The Court may also commit to the President alone the resolution of various minor matters.

<sup>1)</sup>Act 12/2011, Art. 2.

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## Section 8

If a Supreme Court judge lacks competency to take part in the handling of a case, or if a judge is granted a leave of absence or is unable to attend to his duties for a brief period of time, the [Minister]<sup>1)</sup> shall, in accordance with a proposal made by the President of the Court, appoint an alternate judge to take his place for the handling of the particular case.

An alternate judge shall be appointed from among district court judges, professors of law, Supreme Court attorneys or former Supreme Court judges, who fulfil the qualifications for appointment as Supreme Court judges.

If all the judges of the Supreme Court lack the competency to handle a case, the President of the Court shall propose to the [Minister]<sup>1)</sup> the appointment of a single alternate judge to preside over the Court for that case. When the alternate judge has been appointed, he shall propose to the Minister what other judges to appoint.

An alternate judge can not be relieved of his duties relating to a particular case except on his own request, or if he, in the opinion of the Supreme Court, is no longer in possession of the general qualifications for judges before his mission is concluded. The Supreme Court shall determine the remuneration of an alternate judge for each case handled by that judge.

<sup>1)</sup>*Act 162/2010, Art. 151.*

## Section 9

A Supreme Court Judge may not be granted a leave of absence lasting longer than twelve consecutive months unless he is absent due to illness. [The Minister]<sup>1)</sup> grants leaves of absence to judges. Having obtained the proposal of the Supreme Court, the Minister shall appoint a judge to replace the regular judge for the duration of his leave, provided the procedure provided for in Section 8 is not followed during the period of the leave.

Notwithstanding the provisions of the first paragraph, the Minister may grant a Supreme Court judge a leave for up to six years, upon his request, in order to enable him to become a member of an international tribunal or to serve an international institution. The office shall then be announced as vacant during the period of the leave, and when appointing a candidate the provisions of [Section 4(a)]<sup>2)</sup> shall be observed.

Only a person fulfilling the qualifications set for the office of a commissioned Supreme Court judge can be appointed to that office. The person appointed shall, during the period of the appointment, have the same status as an appointed judge, subject to any changes leading from an appointment of limited duration.

<sup>1)</sup>*Act 162/2010, Art. 151* <sup>2)</sup>*Act 45/2010, Art. 3*

## Section 10

The sessions of the Supreme Court shall, unless particular reasons dictate a different arrangement, be held in Reykjavík.

The President of the Supreme Court shall preside over the proceedings, or the alternate President, if the President is not among the judges handling a case. If neither the President nor the alternate President take part in the handling of a case, the proceedings shall be presided over by the judge longest holding office as a commissioned Supreme Court judge.

The Supreme Court may decide to limit or suspend its regular activities in order to accommodate for regular vacations of the judges and staff members.

#### Section 11

The Supreme Court shall lay down rules on court records, judgment records, voting records and dockets.

Judgments of the Supreme Court shall be published. The arrangements of the publication shall be decided by the Supreme Court with the approval of the [Minister].<sup>1)</sup>

<sup>1)</sup>*Act 162/2010, Art. 151.*

### **Chapter III The District Courts**

#### Section 12

The judges of the district courts shall be 38 in number, appointed to their offices for an indefinite period of time by the [Minister].<sup>1)</sup>

Only a person fulfilling the following qualifications may be appointed to the office of a district court judge:

1. Has attained the age of 30 years.
2. Is an Icelandic national.
3. Has the necessary mental and physical capacity.
4. Is legally competent to manage his or her personal and financial affairs, and has never been deprived of the control of his or her finances.
5. Has not committed any criminal act considered to be infamous in public opinion, or evinced any conduct detrimental to the trust that persons holding judicial office generally must enjoy.
6. Has completed a graduation examination in law, or graduated from a university with an education deemed equivalent.

7. Has for a period not shorter than three years been a Member of Parliament or has, without interruption, been an attorney representing litigants in court, or has been, as a main occupation, engaged as a lawyer with national or municipal public authorities. The periods in each of these occupations may be added together.

[8. Is considered qualified for the post based on his or her professional career and knowledge of the law.]<sup>2)</sup>

The provisions of Section 4(a) shall apply, *mutatis mutandis*, to appointments to the office of district court judges.]<sup>2)</sup>

<sup>1)</sup>Act 162/2010, Art. 151 <sup>2)</sup>Act 45/2010, Art. 4

### Section 13

The Judicial Council shall be composed of five members appointed by the [Minister]<sup>1)</sup>. Two shall be elected by district court judges from among their peers, two by the chief judges of the district courts from among their peers, and the Minister shall appoint one member, who is not an active judge, without a nomination. The term of appointment to the Judicial Council shall be five years, with the proviso that the term of one member shall expire each year. Each of the five members shall have an alternate who is appointed, and, as the case may be, nominated, in the same manner as a principal. A principal member of the Judicial Council shall not be appointed for more than two consecutive terms.

If a district court judge or a chief judge with a seat on the Judicial Council ceases to hold office as such before his term of appointment is concluded, or if he is relieved from his duties as a member of the Council, another member shall be elected and appointed in his place to serve until the end of the term. The Minister shall appoint a new member of the Judicial Council if the member appointed by him without a nomination leaves the Council before the end of his term.

The Judicial Council shall elect its chairman as from the beginning of each calendar year. The Council shall decide at what location its functions shall be performed.

[The Senior Civil Servants Salary Board]<sup>2)</sup> shall decide on the remuneration for service in the Judicial Council.

<sup>1)</sup>Act 162/2010, Art. 151 <sup>2)</sup>Act 47/2006, Art. 13

### Section 14

In addition to the functions provided for in other provisions of this Act, the functions of the Judicial Council shall be the following:

1. To control the financial affairs of the district courts on its own responsibility, make proposals to the [Minister]<sup>1)</sup> on financial appropriations to them, and to distribute among them the funds to be appropriated to them in a single sum under the Budget Act.
2. To determine the number of judges and staff members at each district court, and to issue general rules on transfer of judges between district courts.
3. To organise continuing education for district court judges and other lawyers in service of the district courts.
4. To issue rules on co-ordinated judicial practice, which the Council may give binding effect to the extent they do not relate to the handling of a court case for which a judge is solely responsible, as provided for in Section 24, first paragraph.
5. To collect information on the number of cases in the district courts, and the conclusions of cases, and make, as necessary, any proposals related thereto, and to otherwise promote efficiency and expediency in the handling of cases in the district courts.
6. To issue, as necessary, general rules on the presence of district court judges in their workplaces and their vacation arrangements, including whether, and if so how, the activities of the district courts may be limited on account of any vacations of judges and staff members.
7. To represent the district courts collectively to executive authorities and others.
8. To make proposals on any matter conducive to improving the functions of the district courts, or amending the legislation applicable to them.

The Judicial Council shall annually publish a report on its own functions and those of the district courts.

<sup>1)</sup>*Act 162/2010, Art. 151.*

## Section 15

The Judicial Council shall decide with what district court each district court judge shall generally serve. The Council may however decide that up to three district court judges shall not serve with any particular district court, but with any district court as cases for handling at each of them may be assigned to them in accordance with the Council's

general authority. The Council shall decide where such judges shall have their place of work.

A decision of the Judicial Council on a judge's location of assignment according to the first paragraph may apply either for a definite or indefinite period. When the office of a district court judge is vacant, a decision shall be taken on the primary assignment of the prospective judge before the office is announced for application.

The Judicial Council shall make every effort to take the personal wishes of a judge into account when a decision is made on his or her location of assignment.

A district court judge is entitled to have his or her assignment location changed as soon as possible after having been in office for three consecutive years at the same district court, or without a permanent appointment to a particular district court, provided the provisions of the fifth paragraph do not prevent his transfer to another location, cf., also, the provisions of Section 39.

Unless approved by a district court judge, he can not be transferred to a new location of assignment for a term longer than six months in each 10 years, if the judge can not attend work there in a trouble-free manner without transfer of residence. This shall however not apply if a judge must be transferred by reason of a permanent reduction of the number of judges in office at a particular court.

If a district court judge who is permanently engaged to serve with a particular district court is needed for adjudication of a particular case at another district court, including for taking a seat in a multi-member court, the Judicial Council shall decide who shall be given the assignment. A judge is obliged to heed such a decision of the Council.

## Section 16

The [Minister]<sup>1)</sup> shall appoint a chief judge to each district court for a period of five years at a time. Where three or more judges are engaged with the same district court, they shall elect one of their number for the office, but where there are two judges, the Judicial Council shall nominate one of them for the office if they fail to agree upon the appointment. An election or a nomination is not binding for the Minister. A single judge serving with a district court shall be appointed chief judge. The appointment of a chief judge shall not be affected by any reduction of, or increase in, the number of judges during the term of appointment.

The judges of a district court where three or more district court judges are permanently engaged can elect an alternate chief judge, but if this is not done, the district court judge longest holding office as an appointed district court judge shall be the chief judge's deputy.

If a judge serving the office of chief judge is transferred to another court, if he is relieved of his duties as such, or from the office of district court judge, a new chief judge shall be appointed as provided for in the first paragraph.

If the Judicial Council finds a chief judge in breach of professional conduct as chief judge, he shall be afforded an opportunity to express himself on the matter. If the Council considers the chief judge's explanations unacceptable, the Council may admonish him in writing. In case of a serious or repeated breach, the Council may, in a reasoned proposal, propose that the chief judge be relieved. The [Minister]<sup>1)</sup> shall decide whether a chief judge shall be relieved, but the provisions of the Administrative Procedures Act shall apply in other respects on the handling of the matter.

In addition to judicial functions, a chief judge shall be in charge of the court and be responsible for its business. The chief judge shall assign duties to the judges and staff members; he may divide the court into different chambers and shall assign individual cases to the judges or chambers. The chief judge shall engage any staff members other than judges, and terminate their employment. The chief judge shall monitor the activities of judges and staff members, and exercise disciplinary authority to the extent this is not committed to others under the provisions of Sections 28 – 30. He shall be responsible for the funds allocated to the court by the Judicial Council, maintain relations with the Judicial Council in the context of any matters coming within the scope of its functions, and perform any other tasks the Council may assign to him. The chief judge shall also represent the court outwardly and answer for it as regards any affairs particular to that court.

<sup>1)</sup>*Act 162/2010, Art. 151.*

## Section 17

Lawyers meeting the qualifications stated in Section 12, second paragraph (2 – 6), may be engaged to the district courts for assisting the judges. These shall be engaged by the chief judge and the general rules applying to government employees shall apply to them, with the exception that they shall be temporarily engaged for a term not exceeding five years at the same court.

## Section 18

When assigning cases to the various judges or chambers, the chief judge shall attempt to maintain, as far as possible, an even workload among them, while endeavouring to distribute assignments between judges on the basis of chance. The Judicial Council may issue guidelines on the assignment of cases.

If a case is assigned to a chamber of the court, the judges of that chamber shall decide what judge shall handle the case.

Each case shall be handled by one district court judge, unless a different arrangement is prescribed by law. The chief judge may however decide, under the provisions of other laws, that a case shall be handled by many district court judges. In this event, he shall assign a case to them all, and select one judge to preside. If a district court judge from another court is needed to take part in the handling of a case, the chief judge shall contact the Judicial Council, which shall assign the task to a judge.

The petition of a judge not to be assigned to a particular case may be granted by reason of the judge's relationship to the matter in controversy, the parties, their non-legal representative or their attorney, even if the judge can not be deemed to lack competency to handle the case, provided the judge's petition is soundly reasoned and another judge is available at the court to handle the case. A judge may also ask not to be assigned a case by reason of workload, and on the grounds that workload is not evenly distributed. The chief judge shall decide on such petitions, but the judge in question shall be free to refer his decision to the Judicial Council for review. The Council's decision can not be referred to any other administrative authority.

The chief judge may withdraw a case already assigned from a judge without the petition of the judge to whom the case was assigned, if the judge does not heed the chief judge's recommendation to bring it to a conclusion within a reasonable period of time, or if illness or other special circumstances impair a judge's capacity to attend to the case. The judge in question shall be free to refer the decision to the Judicial Council for review. The Council's decision can not be referred to any other administrative authority.

If a district court judge withdraws from a case, the chief judge shall assign it to another judge, provided that judge fulfils the special competency requirements to handle that case. If necessary, the chief judge may ask the Judicial Council to commit the handling of the case to a judge serving another court.

## Section 19

If no judge serving a particular district court fulfils the special competency requirements to handle a case, the chief judge shall pronounce a court decision to the effect that all the judges withdraw. If no judge serving another court proves to have competency to handle the case, the Judicial Council shall prepare a written and reasoned opinion on the matter. The [Minister]<sup>1)</sup> shall then appoint a judge *ad hoc* to handle the case.

A judge appointed *ad hoc* shall fulfil the requirements set for appointment to the office of a district court judge. If a judge appointed *ad hoc* considers that the court should be composed of many judges, other than expert assistant judges, or if this is necessary according to law, the the [Minister]<sup>1)</sup> shall, upon his request, appoint two other judges *ad hoc* to handle the case with the first judge, and the judge first appointed shall preside.

A judge appointed *ad hoc* can only be relieved from his duties subject to the same conditions as appointed regular judges. The Judicial Council shall decide on the remuneration of a judge appointed *ad hoc*, and this shall be paid by the State Treasury.

<sup>1)</sup>Act 162/2010, Art. 151.

## Section 20

A district court judge can not be granted a leave from his duties for a period exceeding twelve consecutive months, except on grounds of health. The Judicial Council may however grant an exception from this and allow a longer period of leave, for up to twelve months at a time, if a judge requests this for purposes of education. The Judicial Council shall, in other respects, issue rules on leaves. The judicial council shall grant leaves on account of vacations, and shall decide on applications for leaves for other reasons lasting up to one month in total. In other cases the Council shall propose how the application of a district court judge for a leave shall be replied to, but the [Minister]<sup>1)</sup> shall, having received the proposal, decide whether the application shall be granted.

If a district court judge is unable to attend to his duties or if he is granted a leave under the terms of the first paragraph, another person shall only be appointed to replace him if this is demanded by a particularly high workload and the Judicial Council recommends that this be done. The [Minister]<sup>1)</sup>, having received the proposals of the Judicial Council, shall then appoint a judge to replace him. The Minister may, however, either on his own initiative or according to a proposal made by the Judicial Council, announce the office as vacant for the duration of the leave of the appointed regular district court judge, but the Judicial Council shall select one person from among the applicants to recommend for the position.

Notwithstanding the foregoing the [Minister]<sup>1)</sup> may grant a district court judge, upon his request, a leave for up to six years in order to enable him to serve on an international tribunal or to serve an international institution. The office shall then be announced as vacant for another judge during the period of the leave, and when appointing a candidate the provisions of [Section 4(a)]<sup>2)</sup> shall be observed.

Only a person fulfilling the qualifications set for appointment to the office of a district court judge can be engaged for that office. The person so engaged shall, during the term of the engagement, have the same status as an appointed judge.

<sup>1)</sup>Act 162/2010, Art. 151 <sup>2)</sup>Act 45/2010, Art. 5

## Section 21

Each district court shall hold sessions at the location where it is based, and in other locations as the [Minister]<sup>1)</sup> decides, if sessions shall be held at more than one location within the area of the court. This shall be laid down in a regulation<sup>2)</sup> issued by the Minister after having obtained the proposals of the district court in question.

A district court judge may hold court sessions in individual cases outside the regular location and within the area of his office, if this is deemed desirable with a view to their

handling. A district court judge may also, subject to the same conditions, hold sessions outside the area of his office in order to handle a case after it has been filed.

<sup>1)</sup>Act 162/2010, Art. 151 <sup>2)</sup>Reg. 395/1998, cf. 1009/2010

#### Section 22

The district courts shall hold regular sessions at permanent locations as the Judicial Council, having obtained the proposals of the chief judges, shall decide. The Judicial Council shall announce such decisions in the Legal Notice Journal.

### **Chapter IV Rights and Duties of Judges**

#### Section 23

The provisions of this Chapter shall apply to both Supreme Court and District Court judges, unless an alternative arrangement is expressly provided for.

For the discharge of the functions provided for in this Chapter, the [Minister]<sup>1</sup> shall appoint three persons to form a Committee on Judicial Functions, and three alternates. One member shall be appointed as proposed by the Icelandic Association of Judges, another as proposed by the Law Faculty of the University of Iceland, and the third without a nomination. The person appointed without a nomination shall serve as chairman, and shall fulfil the requirements set for appointment to the office of a Supreme Court judge. The term of appointment shall be six years, with the proviso that the term of one member shall expire every second year. Alternates shall be appointed in the same manner. A principal member of the Committee shall not be appointed for more than two consecutive terms.

The decisions taken by the Committee on Judicial Functions can not be referred to any higher administrative authority.

The Committee on Judicial Functions shall, as necessary, maintain co-operation with the Judicial Council. [The Senior Civil Servants Salary Board]<sup>2</sup> shall determine the remuneration of its members.

<sup>1)</sup>Act 162/2010, Art. 151 <sup>2)</sup>Act 47/2006, Art. 13

#### Section 24

Judges shall discharge their judicial functions independently and on their own responsibility. They shall, in resolving a case, proceed solely according to law, and shall

never be subject to the authority of any other person. A judicial resolution can not be revised, except by appeal to a higher court.

A judge shall bring the cases assigned to him to a conclusion within a reasonable period of time, and discharge his functions conscientiously and carefully. In any respects unrelated to the handling and resolution of court cases, a judge is subject to the authority of the person in charge of the court. District court judges shall also respect any decisions lawfully taken by the Judicial Council.

Judges shall endeavour to maintain their knowledge of law. They shall, as possible, be afforded opportunities for leave and support for continuing education.

#### Section 25

[The Senior Civil Servants Salary Board]<sup>1)</sup> shall decide on the remuneration of judges for work carried out in official capacity.

<sup>1)</sup>*Act 47/2006, Art. 13*

#### Section 26

A judge may not accept an occupation or become the owner of a share in a company or enterprise if this is not compatible with his office or carries a risk that he will not be able to discharge his official duties properly.

The Committee on Judicial Functions shall issue general rules<sup>1)</sup> concerning which additional functions may be considered compatible with a judge's official functions. A judge shall report any additional functions to the Committee before accepting them. If the general rules issued by the Committee do not enumerate that function, a judge shall seek its permission in advance.

The Committee on Judicial Functions shall issue general rules<sup>1)</sup> concerning the extent to which ownership of a share in a company or enterprise is compatible with the office of a judge. A judge shall report any share acquired by him in a company or enterprise to the Committee. If the general rules issued by the Committee do not provide for his right to own such a share, the judge shall seek its permission in advance.

The Committee on Judicial Functions can, by a reasoned decision, prevent a judge from discharging an additional function or owning a share in a company or enterprise. A judge shall be obliged to heed such prohibition, but is entitled to seek a judicial resolution on its legality.

<sup>1)</sup>[Reg. 463/2000.](#)

## Section 27

Any person who considers that a judge has committed an infringement against his or her rights in the discharge of judicial functions can lodge a written complaint of the matter with the Committee on Judicial Functions. The events in question shall be described in the complaint, and reasons presented for the allegation that the rights of the complainant have been infringed upon. If the Committee, having received a complaint, immediately considers evident that it does not warrant any further action, it shall dismiss the complaint. If not, the Committee shall afford the judge, and the person in charge of the court in question, an opportunity to present their written observations within a specified period of time. The Committee may consider two or more complaints at once, if they relate to the same judge.

If a complaint is considered worthy of consideration, the Committee on Judicial Functions shall bring the matter to a conclusion by a written and reasoned opinion. If the Committee considers that action should be taken on the matter, it may state in what manner the judge in question failed to observe his duties, or admonish the judge as provided for in Section 28.

## Section 28

If the person in charge of a court considers that the professional conduct or performance of a judge, or his private conduct, is worthy of censure, without the provisions of the second paragraph being applicable, he may request, orally or in writing, that the judge correct the matter.

If a request made in accordance with the first paragraph is not successful, or if the person in charge of the court considers the matter so serious that a request of this kind is not suitable, the person in charge of the court shall refer the matter to the Committee on Judicial Functions in writing, stating the reasons. The same procedure shall be followed in case a judge does not heed a decision of the Judicial Council or a prohibition laid down in accordance with the provisions of Section 26, fourth paragraph.

The [Minister]<sup>1</sup> may refer a matter to the Committee on Judicial Functions in the manner provided for in the second paragraph. The Committee may also consider a matter on its own initiative if the situation is such as described there.

If the Committee on Judicial Functions receives a matter for consideration in the manner described in the second or third paragraphs, the Committee shall afford the judge in question an opportunity to reply to the allegations in a written exposition. The Committee shall in other respects collect evidence as it may consider necessary. The procedure shall

in other respects be governed by the provisions of the Administrative Procedures Act, as applicable.

The Committee on Judicial Functions shall bring a matter to a conclusion by a written and reasoned opinion on whether the judge in question shall be admonished. An admonition shall be made in a manner offering proof, and a copy shall also be sent to the person in charge of the relevant court and to the [Minister]<sup>1</sup>. If the judge is a district court judge, the Judicial Council shall also be sent a copy.

A judge who has been admonished may take legal action for its invalidation against the [Minister]<sup>1</sup> on behalf of the State within one month from when the admonition was served the judge.

<sup>1)</sup>*Act 162/2010, Art. 151*

## Section 29

A judge may be relieved from his office temporarily if he has been admonished and fails to heed the admonition within a suitable period of time, or if his conduct provides an occasion for a new admonition within a period of three years. A judge may also be relieved from his office temporarily if he is no longer in possession of the general qualifications required for judicial office. This shall also apply if a judge is subject to a [criminal investigation]<sup>1</sup>, or if a [criminal action]<sup>1</sup> is brought against him where the charges, if sustained, would have the effect of depriving the judge of the general qualifications for judicial office.

The President of Iceland shall relieve a judge of the Supreme Court from office temporarily as proposed by the [Minister]<sup>2</sup>, and the Minister shall have this power with regard to district court judges. The Minister shall seek a written opinion of the Committee on Judicial Functions before a judge is temporarily relieved from office. If a judge has been relieved from office temporarily for reasons other than those mentioned in the final sentence of the first paragraph, legal action shall be brought against him within a period of two months as provided for in Section 30, first paragraph, and if this is not done, the decision shall be cancelled automatically. If the case is dismissed from court or the action is cancelled, the decision shall also be automatically cancelled unless a new action is brought within a period of two weeks; however, this may occur only once. A decision taken to relieve a judge from office, as provided for in the final sentence of the first paragraph shall stand until ...<sup>1</sup> the investigation is concluded with a decision not to prosecute the judge, six months have passed without an indictment having been issued, a [criminal action]<sup>2</sup> is brought to a conclusion of final acquittal, or until two weeks have passed from the pronouncement of a final judgment finding the judge guilty.

A judge shall retain his official salary in full while temporarily relieved from office.

<sup>1)</sup>Act 88/2008, Art. 234. <sup>2)</sup>Act 162/2010, Art. 151

### Section 30

When a judge has been temporarily relieved from office, the [Minister]<sup>1)</sup>, shall on behalf of the State, take legal action against him before the District Court of Reykjavík, requesting dismissal from office by judgment. The action shall be governed by the general rules on civil procedure, with the exception that expeditious procedure shall apply and that the case shall be handled by three district court judges.

After a judgment has been rendered by the district court in a legal action taken as provided for in the first paragraph, the decision to relieve the judge from office temporarily shall remain in effect until the general time limits for appeal have passed, and, in case of appeal, while the action is in progress before the Supreme Court.

A final judgment on dismissal from office has automatically that effect.

If the court denies a request for dismissal from office, the judge is automatically reinstated in office as from the date a rendered judgment enters finally into effect.

<sup>1)</sup>Act 162/2010, Art. 151.

### Section 31

The President of Iceland shall relieve a judge of the Supreme Court from office as proposed by the [Minister]<sup>1)</sup>, and the [Minister]<sup>1)</sup> shall have this power with regard to district court judges.

A judge shall be relieved from office at his own request, subject to the rules generally applicable to government employees.

A judge shall be deemed to be relieved automatically if he accepts a commission or appointment to another office.

A judge may be relieved from office when he has attained the age of 65 years, but he shall subsequently be entitled to a pension as if he had been in office until the age of seventy, unless he is entitled to further rights according to constitutional law.

A judge shall in any case be relieved from office when he has attained the age of seventy years.

<sup>1)</sup>Act 162/2010, Art. 151.

### Section 32

The General Penal Code and the special provisions of other laws shall govern any criminal liability resulting from a judge's conduct in office.

The State shall be liable for damages in accordance with the generally applicable rules if the actions or inaction of a judge lead to harm. Damages can not be claimed from a judge personally, but following a judgment ordering damages, the State may claim refund from the judge if harm was due to an intentional act on his part.

Litigation on this account shall be governed by the generally applicable rules.

### Section 33

In other respects than provided for above, the rules applying to government employees in general shall apply to judges, as applicable.

## **Chapter V. Entry into force, repeal of earlier legislation, etc.**

### Section 34

This Act shall enter into force on 1 July 1998, with the exception of the provisions of Section 38, which shall enter into force immediately.

...

## **Chapter VI Interim provisions**

### Section 37

The entry into force of this Act shall not affect permanent or temporary appointments to the post of judge.

Persons serving in the post of district court judges in district courts on the entry into force of this Act shall automatically assume the official title of district court judge, which shall not be attached on any specific court.

Persons serving in the post of chief judge at a district court on the entry into force of this Act shall retain their positions until the end of their current period of appointment.

### Section 38

The [Minister]<sup>1)</sup> shall appoint members of the Judicial Council, evaluation committee for positions of district court judges and Committee on Judicial Functions when this Section has entered into force. The Council and committees shall then commence their work immediately.

On the first appointment to the Judicial Council, one principal member and one alternate member shall be appointed for a term of one year, a second principal member and alternate member shall be appointed for a term of two years, and so on, so that the fifth member and alternate member are appointed for a term of five years. The term of each member shall be decided by lot when it has been established which members will serve on the Council.

[On the entry into force of this Act, the provisions on the appointment of an evaluation committee in the third paragraph of Section 12 of the Act shall be repealed. On the first appointment to a new evaluation committee pursuant to the provisions of Section 4 of the Act, one principal member and one alternate member shall be appointed for a term of one year, a second principal member and alternate member shall be appointed for a term of two years, and so on, so that the fifth member and alternate member are appointed for a term of five years. The term of each member shall be decided by lot when it has been established which members will serve on the board.]<sup>2)</sup>

On the first appointment to the Committee on Judicial Functions one principal member and one alternate member shall be appointed for a term of two years, a second principal member and alternate member shall be appointed for a term of four years and the third principal member and alternate member for a term of six years. The term of each member shall be decided by lot when it has been established which members will serve on the Council.

<sup>1)</sup>Act 162/2010, Art. 151 <sup>2)</sup>Act 45/2010, Art. 6

### Section 39

A District Court Judge who is appointed to a post on the entry into force of this Act cannot be ordered to change his or her place of work against his or her will unless he or she can without difficulty attend the new place of work without relocation to a new place of residence. However, this does not apply if a judge needs to be relocated from a place of work owing to a permanent reduction in the number of judges in that place of work.

The provision of the sixth paragraph of Section 15 apply to a district court judge even when appointed to office before the entry into force of this Act.

#### Section 40

...<sup>1)</sup>

<sup>1)</sup>*Act 45/2010, Art. 7.*

#### Section 41

...<sup>1)</sup>

<sup>1)</sup>*Act 45/2010, Art. 7.*

#### Section 42

If the name of a municipality referred to in Section 2 is changed, or if two or more of those municipalities merge, it shall be assumed that the new municipality pertains to the court district the previous district or districts pertained to. If two or more municipalities pertaining each to its respective court district pursuant to the provisions of Section 2 are merged, the [Minister]<sup>1)</sup> shall decide by a regulation<sup>2)</sup> to which district the new municipality should pertain until a different arrangement is provided for by law.

<sup>1)</sup>*Act 162/2010, Art. 151.* <sup>2)</sup>*Reg. 473/2009.*

#### [Section 43

Notwithstanding the provisions of Section 12, first paragraph, the number of district court judges, as of the entry into force of this Act, shall be 43, but no appointments shall be made to posts vacated after 1 January 2013 until such appointments are needed to arrive at the figure provided for in Section 12, first paragraph.]<sup>1)</sup>

<sup>1)</sup>Act 147/2009, Art. 1.

[Section 44

Notwithstanding the provisions of Section 12, first paragraph and Section 43, the number of district court judges, as of 1 March 2011 shall be 48, but no appointments shall be made to posts vacated after 1 January 2013, until such appointments are needed to arrive at the figure provided for in Section 12, first paragraph.]<sup>1)</sup>

<sup>1)</sup>Act 12/2011, Art. 3.

[Section 45

Notwithstanding the provisions of Section 4, first paragraph, the number of Supreme Court judges, as of 1 March 2011, shall be 12, but no appointments shall be made to posts vacated after 1 January 2013, until such appointments are needed to arrive at the figure provided for in Section 4, first paragraph.]<sup>1)</sup>

<sup>1)</sup> Act 12/2011, Art 3.