

The Constitution of Norway.

A.

Form of Government and Religion

1.

The Kingdom of Norway¹ is a free, independent, indivisible and inalienable² realm. Its form of Government is a limited and hereditary monarchy.

¹ Norwegian Mainland, Svalbard [Spitsbergen] with Bear Island and the island of Jan Mayn. ² Norway's Antarctic possessions (Bouvet Island, Peter I's Island and the Antarctic Sector [Queen Maud Land] between the Falkland Islands Dependencies and the Australian Antarctic Dependencies) are *not* regarded as a constitutional part of the motherland.

2.

The Evangelical-Lutheran religion shall remain the public religion of the State.¹ The inhabitants professing it shall be bound to bring up their children in the same. Jesuits shall not be tolerated.

Cp. page 49 (Section 2 in the original Fundamental Act of May 17, 1814). ¹ About 96 per cent. of the population are members of the Norwegian Church. 3 per cent. are divided among Free Congregations; 1 per cent. join no church. There are a few Catholics and Orthodox Jews.

B.

The Executive Power, the King, and the Royal Family

3.

The Executive Power is vested in the King.

See s.s. 16, 17, 20, 75 (i).

4.

The King shall always profess the Evangelical-Lutheran religion, and maintain and protect the same.

See s.s. 16, 17, 20, 75 (i).

5.

The King's person shall be sacred; he cannot be blamed nor accused. The responsibility shall rest with his Council.¹

¹ See s.s. 12 and 30.

6.

The order of succession shall be lineal and agnatic, whereby only male, born in lawful wedlock, may succeed male; the nearer line shall pass before the more remote, and the elder in the line before the younger.

Among those entitled to the succession shall be reckoned also an unborn child, who shall immediately take his proper place in the line of succession the moment he is born into the world after the death of his father.

When a Prince entitled to succeed to the Crown of Norway is born, his name and the time of his birth shall be notified to the first Storting thereafter held, and be entered in the record of its proceedings.

7.

If there is no Prince entitled to the succession, the King may propose his successor to the Storting, which has the right to decide the election if the King's proposal is not agreed to by the Storting.

See s. 48.

8.

The age of majority of the King shall be fixed by law.¹

As soon as the King has attained the age of majority fixed by law, he shall make a public declaration that he has arrived at his majority.

See s.s. 43 and 47. ¹ 21 years of age.

9.

As soon as the King, being of full age, assumes the authority of Government, he shall take before the Storting the following oath¹: « I promise and swear that I will govern the Kingdom of Norway in accordance with its Constitution and Laws, so truly help me God, the Almighty and Omniscient! »

If the Storting is not in session at the time, the oath shall be delivered in writing to the Council of State, and be repeated solemnly by the King at the next ensuing session of the Storting.

¹ See s. 44.

10.

(Repealed)

11.

The King shall reside in the Kingdom and may not, without the consent of the Storting, stay outside the Kingdom¹ for more than six months at a time; otherwise he shall have forfeited, for his person, his right to the Crown.

The King may not accept any other crown or government without the consent of the Storting, a majority of two-thirds of the votes being required.²

¹ See s. 41. ² See s. 36.

12.

The King himself¹ chooses a Council of Norwegian citizens, who must not be under thirty² years of age. The Council shall consist of a Prime Minister and at least seven other members.³

More than half the number of the members of the Council of State shall profess the public religion⁴ of the State.

The King shall apportion the business among the members of the Council of State, as he deems suitable. On extraordinary occasions, the King may summon other Norwegian citizens to take a seat in the Council of State, beside the ordinary members of the Council of State, not, however, any member of the Storting.⁵

Husband and wife, parents and children, or brothers and sisters, may not, at the same time, have a seat in the Council of State.

Since 1884 the King has always chosen Councils which have enjoyed the confidence of the Storting. It must be reckoned as a firm constitutional custom that a Government is bound to resign if the Storting makes clear that it desires a change of government.

There are 12 ministries (1950): Royal Ministry of Foreign Affairs (Utenriksdepartementet), R. Ministry of Ecclesiastical Affairs and Education (Kirke- og undervisningsdepartementet), R. Ministry of Justice and Police (Justis- og politidepartementet), R. Ministry of Social Affairs (Sosialdepartementet), R. Ministry of Commerce (Handelsdepartementet),

R. Ministry of Industry, Handicrafts and Shipping (Industri-, håndverks- og skipsfartsdepartementet), R. Ministry of Fisheries (Fiskeridepartementet), R. Ministry of Agriculture (Landbruksdepartementet), R. Ministry of Communications (Samferdselsdepartementet), R. Ministry of Finance and Customs (Finans- og tolldepartementet), R. Ministry of Defence (Forsvarsdepartementet), R. Ministry of Municipal Affairs and Labour (Kommunal- og arbeidsdepartementet).

¹ See s.s. 21 and 28. ² See s. 92. ³ See s.s. 5, 22, 27, 29, 62. ⁴ See s. 2.
⁵ See s.s. 27, 29, 62.

13.

During his travels within the Kingdom,¹ the King may make over the administration of the Kingdom to the Council of State.² The Council of State shall carry on the Government in the King's name and on his behalf.³ They shall inviolably observe the provisions of this Constitution as well as the particular directions in accordance with which the King in an instruction shall communicate to them.

The matters of business shall be disposed of by vote; in the case of an equality of votes, the Prime Minister, or, in his absence, the next highest ranking member present of the Council of State is to have a second vote.

The Council of State shall present to the King a report of the business thus disposed of.

¹ See s. 41. ² See s. 12. ³ See s. 32.

14.

(Repealed)

15.

(Repealed)

16.

The King¹ shall give directions for all public Church and Divine services, all meetings and assemblies relating to religious matters, and shall ensure that the public teachers of religion follow the rules prescribed for them.

See s. 2. ¹ See s. 28.

17.

The King¹ may issue and repeal regulations concerning commerce, customs,² trade and industry, and police; they must not, however, be at variance with the Constitution or the laws

passed by the Storting (as hereinafter prescribed in sections 77, 78 and 79). They shall operate provisionally until the next Storting.

¹ See s. 28. ² See s. 75 (a).

18.

The King¹ shall, as an ordinary rule, cause the taxes and duties imposed by the Storting² to be collected.

¹ See s. 28. ² See s. 75 (a).

19.

The King¹ shall superintend the management of the estates and regalia belonging to the State, to ensure that they are utilized and administered in the manner determined by the Storting and to the best advantage of the community.

¹ See s. 28.

20.

The King in Council¹ shall have the right of pardoning criminals after sentence has been passed. The criminal shall have the choice whether he will accept the King's grace or submit to the punishment awarded to him.

In the actions which the Odelsting² causes to be brought before the Constitutional Court of the Realm³ [*Riksrett*] no other pardon than exemption from capital punishment may be granted.

¹ See s. 28. ² A Division of the Storting. See s. 73. ³ Deals with impeachment for political offences. See s. 86.

21.

The King, with the advice of his Council of State,¹ shall choose and appoint all civil, ecclesiastical, and military officials [*embetsmenn*].² Such officials shall swear, or, if by law exempted from taking the oath, solemnly affirm obedience and allegiance to the Constitution and the King. The Royal Princes must not hold civil offices.

¹ See s. 28. ² See s.s. 22, 28, 92. Only a few per cent. of the public servants are *embetsmenn*.

22.

The Prime Minister and the other members of the Council of State, as well as officials attached to the Government offices or to the Diplomatic or Consular services, Chief civil and

ecclesiastical officials,¹ Chiefs of regiments and other military forces, Commandants of forts and Commanders-in-chief of warships, may, without any preceding judicial sentence, be dismissed by the King, who shall previously have heard the opinion of the Council of State on the subject. Whether pensions should be granted to officials thus dismissed, shall be determined by the next Storting. In the meantime they shall receive two-thirds of their previous pay.²

Other officials may only be suspended by the King, and shall then at once be prosecuted before the tribunals; but they must not, unless judgment has been pronounced against them, be removed from office, nor must they, against their will, be transferred to another place.

All officials [*embetsmenn*]³ may, without any preceding judicial sentence, be dismissed when they have attained a age-limit determined by law.⁴

¹ Chief civil official in practice means the chief administrative authority in a province (governor of a province, *fylkesmann*); chief ecclesiastical official in practice means the bishop. See s.s. 21, 28 and 92. ² See s. 75 (i). ³ See s.s. 21, 28 and 92. ⁴ The present limit is usually 70 years of age.

23.

The King may confer decorations on whomever he pleases as a reward for distinguished services, which must be publicly notified; but he must not confer any other rank or title than such as each office carries with it. The order exempts no one from the common duties and burdens of the citizens, nor does it carry with it any preferential admission to the offices of the State. Officials who are released from office with assurances of Royal favour, retain the title and rank of the office they have filled. This does not, however, apply to the members of the Council of State.

No personal or mixed hereditary privileges must henceforth be granted to any one.¹

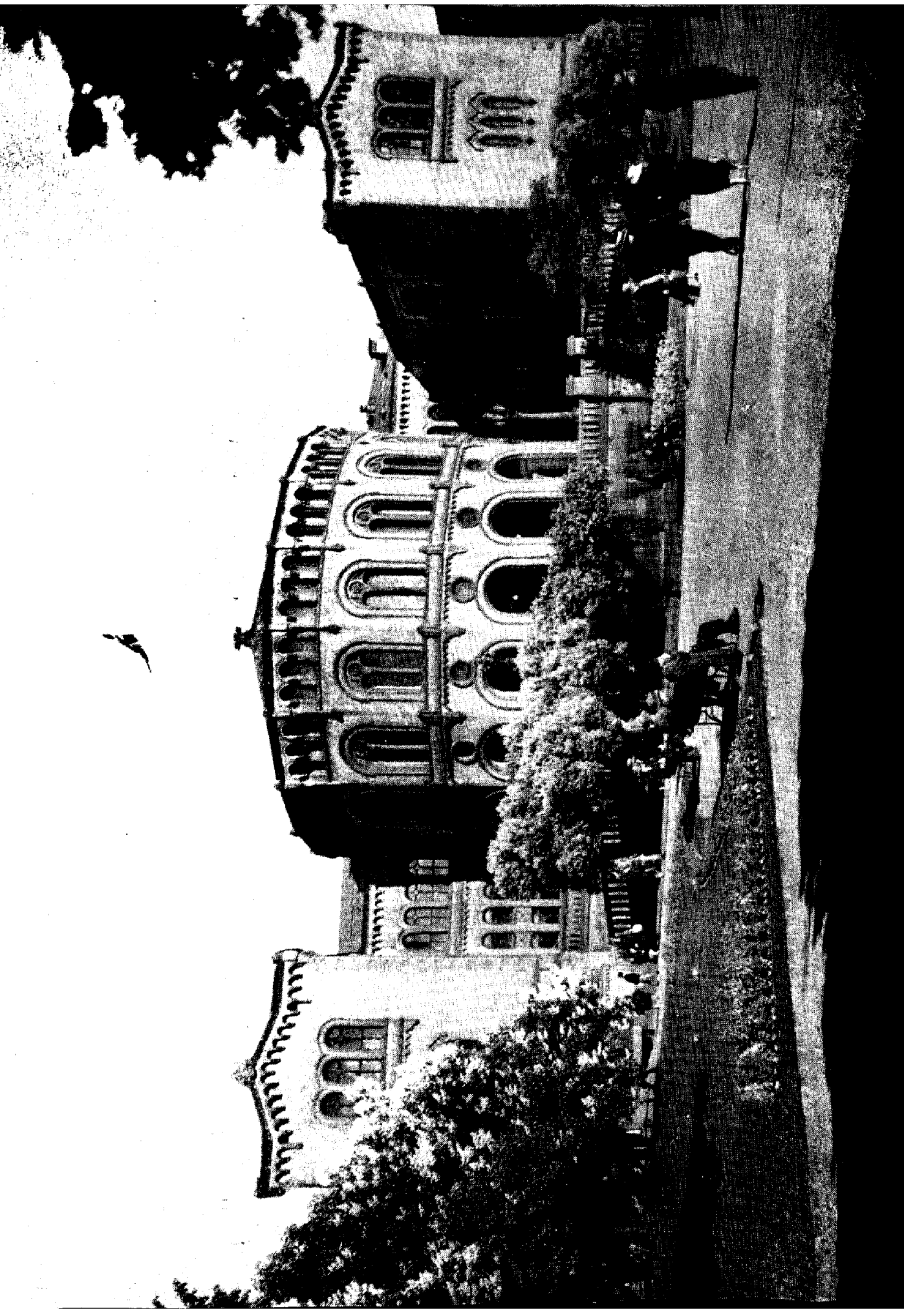
¹ See s.s. 95, 101, 108, 109. Nobility was abolished in 1821.

24.

The King chooses and dismisses at his own pleasure his Royal household¹ and Court attendants.

¹ See s.s. 62 and 75 (e).





25

The King is Commander-in-chief of the Army¹ and the Navy of the Kingdom. These forces must not be increased or reduced without the consent of the Storting. They must not be transferred to the service of foreign powers, nor must any military forces in the service of foreign powers, excepting auxiliary troops against hostile attacks, be brought into the Kingdom without the consent of the Storting.

The territorial levy [*landevern*] and the other troops that cannot be classed among the line troops must never, without the consent of the Storting, be employed beyond the borders of the Kingdom.

The armed forces are organized in the following branches of service: *Army*, including Home Guard, *Naval Defence*, comprising Navy and Coastal Artillery, *Air Defence*: Air Force and Anti-Aircraft Artillery.

¹ See s.s. 26, 28, 31, 99, 109.

26.

The King shall have the right to assemble troops,¹ to commence war in the defence of the Kingdom and to conclude peace, to make and denounce treaties,² to send and to receive diplomatic envoys.

Treaties bearing on matters of special³ importance, and, in any case, such treaties as, according to the Constitution, necessitate a new law or a decision on the part of the Storting in order to be carried into effect, shall not be binding until the Storting has given its consent thereunto.

¹ See s. 25. ² See s. 75 (g). ³ See s. 28.

27.

All members of the Council of State shall, unless by lawful impediment prevented from attending, be present in the Council of State, and no resolution must be taken there unless more than half the number of its members be present.¹

Members of the Council of State who do not profess² the public religion³ of the State, do not take part in the consideration of matters which concern the Established Church.

¹ See s.s. 12 and 29. ² See s. 12 (2). ³ See s. 2.

28.

Reports on the subject of appointments to offices [*embeter*]¹ and other matters of importance² shall be introduced in the Council of State by the member to whose department they belong, and the decisions are to be carried out by him in accordance with the resolution taken in the Council of State. Matters strictly relating to military command may, however, to the extent determined by the King, be excepted from being dealt with in the Council of State.

¹ Only a few per cent. of the situations in the State are *embeter* where *embetsmenn* are appointed. See s.s. 21, 22 and 92. ² See s.s. 16—22, 69, 76, 78.

29.

If a member of the Council of State is by lawful impediment prevented from attending the meeting and from introducing the matters belonging to his department, these may be introduced by another member whom the King may depute for the purpose.

If so many, by lawful impediment, are prevented from attending that not more than half of the fixed number are present, other men or women shall, to the number required, be deputed to take seats in the Council of State.¹

¹ See s.s. 12 and 27.

30.

All the proceedings of the Council of State shall be entered in the minutes of the Council. Diplomatic matters which the Council of State have decided to keep secret shall be entered in a special record. The same applies to matters relating to military command, which the Council of State has decided to keep secret.¹

Every one who holds a seat in the Council of State is in duty bound to express fearlessly his opinions, to which the King is bound to listen. But it remains with the King to make a resolution according to his own judgment.²

If any member of the Council of State finds that the King's resolution is at variance with the form of government or the laws of the Kingdom, or is manifestly prejudicial to the Kingdom, it is his duty to make strong remonstrances against it,

and also to have his opinion recorded in the minutes. A member who has not thus protested, shall be deemed to have been in agreement with the King, and shall be answerable therefor in such manner as may be subsequently decided, and may be impeached by the Odelsting before the Constitutional Court of the Realm [*Riksrett*].³

¹ See s.s. 75 (f) and 75 (g). ² See s. 5. ³ See s.s. 86 and 87.

31.

All resolutions made by the King shall, in order to become valid, be countersigned.¹ The resolutions relating to military command² shall be countersigned³ by the person who has introduced the report; other resolutions shall be countersigned by the Prime Minister or, if he has not been present, by the next highest ranking member of the Council of State present.

¹ See s.s. 5 and 28. ² See s. 75 (f). ³ Cp. p. 53 (s. 35 in the original Fundamental Act of May 17, 1814).

32.

The resolutions made by the Government during the absence of the King, shall be drawn up in the King's name and be signed by the Council of State.¹

¹ See s. 13.

33.

(Repealed)

34.

The nearest heir to the Throne, if he is the son of the reigning King, shall bear the title of Crown Prince. The other persons entitled to succeed to the Crown, are to be called Princes, and the daughters of the Royal House, Princesses.

See s. 21.

35.

As soon as the heir to the Throne has completed his eighteenth year, he is entitled to take a seat in the Council of State, but without vote or responsibility.

See s. 12.

36.

No Prince of the Royal House may marry without the sanction of the King. Nor may he accept any other crown or govern-

ment without the sanction of the King and the Storting; to obtain the sanction of the Storting, two-thirds of the votes¹ are required.

If he acts contrary to this rule, he, as well as his descendants, forfeit their rights to the Norwegian Throne.

¹ See s. 11.

37.

The Royal Princes and Princesses¹ shall not be answerable personally to any other than the King, or to such person as he may appoint to sit in judgment on them.

¹ See s. 75 (h).

38.

(Repealed)

39.

If the King dies, and the heir to the Throne is still under age, the Council of State shall immediately summon the Storting.

40.

Until the Storting has assembled and made provisions for the Government during the minority of the King, the Council of State shall carry on the administration of the Kingdom in accordance with the Constitution.

See s. 48.

41.

If the King is absent from the Kingdom, otherwise than by reason of his being in the field,¹ or if he is prevented by illness from attending to the Government, the Prince next entitled to succeed to the Throne shall conduct the Government as being temporarily invested with the Royal power,² provided, that he has attained the age fixed for the King's majority.³ If that be not the case, the Council of State shall carry on the administration of the Kingdom.

¹ See s. 11. ² See s. 44. ³ Twenty one years of age.

42.

(Repealed)

43.

The election of guardians who are to conduct the Government on behalf of the King during his minority,¹ shall rest with the Storting.²

¹ See s. 8. ² See s. 47.

44.

The Prince, who in the cases mentioned in section 41 conducts the Government, shall deliver to the Storting the following oath¹ in writing: «I promise and swear that I will conduct the Government in accordance with the Constitution and the Laws, so truly help me God, the Almighty and Omniscent!»

If the Storting is not in session at the time, the oath shall be delivered to the Council of State and be afterwards transmitted to the next Storting.

The Prince who has once taken the oath shall not repeat it later on.

¹ See s. 9.

45.

As soon as their administration of the State ceases, the guardians shall render to the King and the Storting an account of the same.

46.

If the persons in question neglect immediately to summon the Storting in accordance with section 39, it becomes the unconditional duty of the Supreme Court of Justice [*Høyesterett*], as soon as four weeks have elapsed, to cause this summons to be issued.

See s.s. 88 and 90.

47.

The superintendence of the education of the King during his minority shall, if his father has not left any directions for the purpose in writing, be determined by the Storting.

48.

If the male line of the Royal family has become extinct, and no successor to the Throne has been designated, then a

new King shall be chosen by the Storting. Meanwhile the Executive Power shall be exercised in accordance with section 40.

See s. 7.

C.

Citizenship and the Legislative Power

49.

The people¹ shall exercise the Legislative Power² through the *Storting*, which consists of two divisions, the Lagting and the Odelsting.³

It is an established constitutional custom that the courts refuse to give judicial sentence according to laws which are at variance with the Constitution. See the note to section 88.

¹ See s. 3. ² See s.s. 75 (a), 76—79 and 81. See also s.s. 16 and 17.
³ See s. 73.

50.

Entitled to vote¹ are Norwegian citizens, men and women, who have completed their 21st year, who have been domiciled in the Kingdom for five years, and are living there.

Norwegian civil servants holding positions in the Diplomatic and Consular Services,² and members of their household, are, when otherwise meeting the above-mentioned requirements, entitled to vote in the electoral district in Norway where they last had their domicile.

Cp. p. 54 (s. 50 in the original Fundamental Act of May 17, 1814).
¹ See s. 60. ² See s. 62.

51.

The rules concerning the electoral registers and the registration of the persons entitled to vote, shall be determined by law.

52.

The right of voting shall be suspended in the case of any person who:

- (a) is prosecuted by the Crown for criminal offences, subject to such provisions as may be laid down by law;
- (b) is declared incapable of managing his/her own affairs.

Cp. p. 54 (s. 52 in the original Fundamental Act of May 17, 1814).

53.

The right of voting shall be lost in the case of any person who:

- (a) is sentenced for criminal offences, subject to such provisions as may be laid down by law;
- (b) enters the service of a foreign power without the consent of the Government;
- (c) acquires citizenship in a foreign State.¹ In the case of women who are domiciled in the Kingdom and have acquired such citizenship through marriage with a foreign subject, the loss shall not take effect until they have left the Kingdom;
- (d) is found guilty of having bought votes, or sold his/her own vote, or of having voted at more than one poll.

Cp. p. 55 (s. 53 in the original Fundamental Act of May 17, 1814).

¹ See s. 50.

54.

Elections shall be held every four years.¹ They shall be completed by the end of November.

Cp. p. 55 (s. 54 in the original Fundamental Act of May 17, 1814).

¹ See s. 71.

55.

Elections shall be conducted in such manner as shall be determined by law. Disputes as to the right of voting shall be settled by the polling officers, from whose decision an appeal may be brought to the Storting.

56.

Before the elections commence, sections 50—64 of the Constitution shall be read out aloud by the presiding officer of the poll.

57.

The number of representatives to be elected as members of the Storting shall be fixed at one hundred and fifty.¹

The number of the representatives of the country districts and the number of the representatives of the towns shall always be in the proportion of two to one.

The election in October 1949 resulted as follows: Conservatives 23, Liberals 21, Agrarians 12, Christian Popular Party 9, Social Democrats 85.

The Communists and the Community Party did not obtain any mandates. Occupational status of the M.P.s in the period 1950—54 is as follows: agriculture and fishery 54, craftsmen and workmen 19, functionaries and clerks 17, teachers 14, newspapermen 11, leaders of trade and industry 11, higher local civil servants 8, military officers 2, lawyers 2, judges 2, clergymen 2, other intellectual occupations 5, housewives 3. Of a total of 150 M.P.s 7 are women.

Cp. p. 55 (s. 59 in the original Fundamental Act of May 17, 1814).

58.

Of the number of representatives to be elected by the country districts,¹ the province of Østfold shall elect six; the province of Akershus seven; the province of Hedmark seven; the province of Opland six; the province of Buskerud five; the province of Vestfold four; the province of Telemark five; the province of Aust-Agder four; the province of Vest-Agder four; the province of Rogaland five; the province of Hordaland eight; the province of Sogn og Fjordane five; the province of Møre og Romsdal seven; the province of Sør-Trøndelag six; the province of Nord-Trøndelag five; the province of Nordland eight; the province of Troms five; and the province of Finnmark three.

Of the number of representatives to be elected by the towns, the towns in the provinces of Østfold and Akershus shall elect, together, four; Oslo seven; the towns in the provinces of Hedmark and Opland, together, three; the towns in the province of Buskerud, together, four; the towns in the provinces of Telemark and Aust-Agder, together, five; the towns in the provinces of Vest-Agder and Rogaland, together, seven; Bergen five; the towns in the province of Møre and Romsdal, together, three; the towns in the provinces of Sør-Trøndelag and Nord-Trøndelag, together, five; and the towns in the provinces of Nordland, Troms, and Finnmark, together, four. Any town in a province not mentioned here shall be included in such town electoral constituency as may be determined by law.

Cp. p. 55 (s.s. 57—58 in the original Fundamental Act of May 17, 1814).

¹ Svalbard (with Bear Island) and Jan Mayn are not included in any special polling districts. The inhabitants of these islands are entitled to vote in the polling district on the Norwegian Mainland in which they had their last residence.

59.

Every town and, in the country districts, every municipality, as well as every non-chartered town [*ladested*] possessing a

municipal council¹ of its own, shall constitute a separate polling district. The towns may, by law, be divided into several polling districts.

The elections shall be held separately for each polling district. At the poll the votes are cast, by the method of direct election, for the representatives in the Storting of the whole electoral district and their substitutes.

The system of election is proportional. The rules to be applied hereunto, as well as the particular regulations concerning the elections, shall be determined by law, subject to the provisions laid down in the Constitution.

1 Norway is divided into 64 urban and 680 rural municipalities. The municipalities have had extensive local self-government since 1837. The election period for the municipal councils is now 4 years. An urban council consists of not less than 20 and not more than 84 members. The number of members of rural councils shall be not less than 12 and normally not more than 48 members.

The municipalities have extensive taxation rights to enable them to undertake their numerous tasks, the most important being school and health services, social welfare, and building and maintenance of roads and streets. The funds required by the municipalities are mainly obtained by direct taxation, and in some parts by State subsidies.

Svalbard (Spitsbergen) and the other Arctic islands are administrated directly from the Ministry of Industry, Handicrafts and Shipping in Oslo. The chief official in Svalbard is the *sysselmann* (the governor of the province).

60.

How far and in what manner qualified voters may be allowed to deliver their ballot papers without going personally to the poll, shall be determined by law.

If a voter is absent from his polling district on election day, he can deliver his ballotpaper in advance; but if he is in his polling district on the day of election he must vote personally at the poll.

61.

No one shall be qualified for election as a representative to the Storting, unless he is 21 years old, has been domiciled 10 years in the Kingdom, and has the right to vote¹ in the electoral district for which he has been nominated.

Notwithstanding the above provision, a person, who holds, or has previously held, the position of Prime Minister or that of a member of the Government, may be elected as a repre-

sentative also in electoral districts where he is not entitled to vote, provided he is otherwise qualified for election.²

Cp. p. 56 (s. 61 in the original Fundamental Act of May 17, 1814).

¹ See s.s. 50 and 53. ² See s. 63.

62.

Officials employed in the Government offices and attendants or servants and pensioners of the Court¹ are debarred from being nominated as representatives. The same applies to persons attached to the Diplomatic or Consular services.

The members of the Council of State² must not attend at the Storting as representatives as long as they have a seat in the Council of State.

¹ See s. 24. ² See s.s. 12 and 29.

63.

Every one who is elected as a representative shall be in duty bound to accept the election, unless he is elected under the circumstances mentioned in section 61, paragraph 2, or is prevented by an impediment which the Storting judges to be valid. If any one has attended as a representative at each ordinary session of the Storting following one election, he shall not be obliged to accept election at the next election for the Storting.

If anyone is elected as a representative without being obliged to accept such election, he must, within the time and in the manner prescribed by law, make a declaration stating whether he accepts the election or not.

The time within which a person returned for two or more electoral districts shall state which election he accepts, and the manner in which this shall be done, shall likewise be fixed by law.

64.

The representatives elected shall be furnished with certificates, the validity of which is submitted to the judgment of the Storting.¹

¹ See s. 55.

65.

Every representative and every substitute called to the Storting shall be entitled to receive, as fixed by law, reimburse-

ment from the treasury for travelling expenses to and from the Storting, and from the Storting to his home and back again, during vacations lasting at least fourteen days, and also for expenses for medical treatment in the case of illness.

He shall further be entitled to receive compensation, as determined by law, for attending sittings of the Storting.

¹ The compensation is kr. 11 000 (£550, \$1550) provided that the session of the Storting does not last more than 6 months.

66.

The representatives shall be exempt from personal arrest while on their way to and from the Storting, as well as during their stay there, unless they are apprehended in public crimes; nor shall they be called to account outside the meetings of the Storting for the opinions they have expressed there. Every representative shall be bound to conform to the rules of the Storting.

67.

The representatives elected in the aforesaid manner shall constitute the *Storting* of the Kingdom of Norway.

68.

The Storting shall as a rule assemble¹ on the first weekday after the 10th of January every year in the capital² of the Kingdom, unless the King, by reason of extraordinary circumstances, such as hostile invasion or infectious disease, shall appoint for the purpose another town in the Kingdom. Such an appointment must then be publicly notified in good time.

Cp. page 56 (section 68). ¹ See s. 69, see also s.s. 70 and 80. ² Oslo.

69.

In extraordinary cases the King shall have the right to summon the Storting at a time other than the ordinary one.

An extraordinary Storting has been summoned nine times (1814, 1822, 1828, 1836, 1858, 1864, 1882, 1918 and 1939).

70.

Such an extraordinary Storting may be dismissed by the King when he thinks fit.

See s. 80.

71.

The members of the Storting shall act as such for four successive years in extraordinary as well as in ordinary Stortings held during that period.

72.

If an extraordinary Storting is still sitting at the time when an ordinary Storting is due to open, the former shall be dismissed before the latter assembles.

73.

The Storting shall nominate from among its members one-fourth to constitute the *Lagting*;¹ the remaining three-fourths shall constitute the *Odelsting*.² This nomination shall take place at the first ordinary Storting that assembles after a new general election, and thereafter the Lagting shall remain unchanged at all Stortings that meet after the same election, except in so far as any vacancy which may occur among its members has to be filled by special nomination.

Each Ting shall hold its meetings separately and nominate its own President and Secretary. Neither of the Tings may hold a meeting unless at least one-half of its members are present. Bills concerning amendments to the Constitution may not be dealt with unless at least two-thirds of the members of the Storting are present.³

¹ See s. 86. ² See s. 76. ³ See s. 112.

74.

As soon as the Storting is constituted, the King or the person he appoints for the purpose, shall open its proceedings with a speech, in which he shall inform it of the state of the Kingdom and of the subjects to which he particularly desires to call the attention of the Storting. No deliberations may take place in the presence of the King.

When the proceedings of the Storting are opened, the Prime Minister and the members of the Council of State have the right to attend at the Storting, as well as at both of its divisions, and have the same rights as the Storting members to

take part in the proceedings in so far as these are conducted in open session, without, however, having the right to vote. They may take part in matters which are discussed in private session¹ only in so far as permission is granted by the appropriate Ting.

¹ See s. 84.

75.

The duties and prerogatives of the Storting¹ are:

- (a) to enact and to repeal laws;² to impose taxes,³ duties, customs, and other public charges, which, however, shall not remain operative longer than the first of July of the year in which the next ordinary Storting assembles, unless they are expressly renewed by the same;
- (b) to open loans on the credit of the Kingdom;
- (c) to control the finances of the Kingdom;
- (d) to vote the sums of money necessary to meet the expenditure of the State;⁴
- (e) to decide how much shall yearly be paid to the King for his Royal household, and to determine the apanage of the Royal family, which must not, however, consist of real property;⁵
- (f) to have laid before it the minutes of the Council of State, and all public reports and documents; the records of such diplomatic matters and of such matters relating to military command as, in pursuance of a decision to that effect, are to be kept secret, shall, however, be laid before a committee⁶ consisting of at the most nine members chosen from among the members of the Odelsting, and may further be brought into the Odelsting if any member of the committee moves that the Odelsting give its opinion on the subject, or that an action be brought in the Constitutional Court of the Realm [*Riksrett*].
- (g) to have communicated to it the treaties and agreements⁷ that the King, on behalf of the State, has entered into with foreign powers; the provisions contained in paragraph (f) concerning such matters as are to be kept secret,

shall apply equally to secret clauses which, however, must not be at variance with the public ones;

- (h) to have power to summon any one to meet before it in matters of State, the King and the Royal family excepted; this exception, however, does not apply to the Royal Princes in case they hold any public office;
- (i) to revise the lists of salaries and pensions temporarily granted and to make therein such alterations as it finds necessary;⁸
- (j) to appoint five auditors, who shall annually examine the accounts of the State and publish extracts of the same in print, which accounts shall for this purpose be delivered to the auditors within six months of the expiration of the year for which the grants of the Storting are made; and to provide for the organization of an office to approve the accounts of the State accountants;
- (k) to naturalize aliens.⁹

¹ See s.s. 7, 11, 19, 25, 36. ² See s.s. 49 and 76—79; see also s.s. 16—17. ³ See s. 18. ⁴ See s. 19. Total expenditure 1950: kr. 2,562,000,000 [current expenditure: kr. 2,278,000,000 (£ 114,000,000, \$ 320,000,000), capital expenditure 284,000,000 (£ 14,200,000, \$ 40,600,000)]. ⁵ Total expenditure (1950): kr. 2,668,000 (£ 133,500, \$ 373,700). ⁶ See s.s. 28, 30, 31. ⁷ See s. 26. ⁸ See s. 22. ⁹ See s. 92 (d).

76.

Every bill¹ shall first be introduced in the Odelsting, either by one of its own members, or by the Government through a member of the Council of State.

If the bill is passed, it is sent to the Lagting, which either approves or rejects it,² and in the latter case sends it back with comments appended. These are taken into consideration by the Odelsting, which either lets the bill fall or again sends it to the Lagting, with or without alteration.

When a bill from the Odelsting has twice been laid before the Lagting and has been a second time rejected by it, the whole Storting shall meet in joint session, and the bill is then disposed of by a majority of two-thirds of the votes.

Between each of these deliberations there shall be an interval of at least three days.

¹ See s.s. 49, 73, and 75 (a). ² See s. 77.

77.

When a bill passed by the Odelsting has been approved by the Lagting or by the Storting in joint session, it shall be sent to the King, with a request that it may receive the King's assent.

78.

If the King assents to the bill, he shall attach to it his signature, whereby it becomes law.¹

If he does not assent to it, he shall return it to the Odelsting with the declaration that he does not for the time being find it expedient to give his assent to it.² In this case the bill must not again be submitted to the King by the Storting then assembled.

Up to the introduction of the parliamentarism in 1884 $\frac{1}{8}$ of all bills failed to obtain Royal assent. The last time the King rejected a bill was in 1905 (cp. pages 64—65). ¹ See s. 81. ² See s. 80.

79.

If a bill¹ has been passed unaltered by two ordinary sessions of the Storting, constituted after two separate successive elections and separated from each other by at least two intervening ordinary sessions of the Storting, without any divergent bill having been passed by the Storting in the period between the first and the last passing, and it is then submitted to the King with the petition that His Majesty shall not refuse his assent to a bill which, after the most mature deliberation, the Storting considers to be for the benefit of the country, it becomes law, even if the Royal assent is not accorded before the Storting separates.²

One bill only has become law without Royal assent (the Flag Act of 1898). ¹ See s. 80. ² See s. 81.

80.

The Storting¹ shall remain in session as long as it may find necessary. When, having finished its business, it is dismissed by the King, he shall at the same time communicate his decision with regard to the bills that have not already been disposed of (see sections 77-79), either by assenting to them or by rejecting them.² All such bills as he does not expressly assent to, are considered as having been rejected by him.

Cp. page 58 (section 80). ¹ See s. 70. ² See s. 78.

81.

All Acts (with the exception of those mentioned in section 79) shall be drawn up in the King's name, under the seal of the Kingdom of Norway, and in the following terms: «We N. N. make it publicly known that the following resolution of the Storting of (such and such a date) in the following terms has been laid before us (here follows the resolution). In consequence whereof We have assented to and confirmed, as We hereby assent to and confirm the same as a law under Our hand and the seal of the Kingdom.»

82.

(Repealed)

83.

The Storting may demand the opinion of the Supreme Court of Justice [*Høyesterett*] on questions of law.

The Storting has on nine occasions demanded the opinion of the Supreme Court (1815, 1818, 1821, 1833, 1842, 1845, 1857, 1933 and 1945).

84.

The Storting shall meet in open session, and its proceedings shall be published in print, except in those cases in which a majority decides to the contrary.

85.

Any person who obeys an order the purpose of which is to disturb the liberty and the security of the Storting, shall thereby be guilty of treason against the country.

D.

The Judicial Power*

86.

The Constitutional Court of the Realm [*Riksrett*] shall pronounce judgment in the first and last instance in such actions as are brought by the Odelsting against members of the Council of State, or against members of the Supreme Court

* See s.s. 37, 55 and 64.

of Justice [*Høyesterett*], or against members of the Storting for criminal offences which they may have committed in that capacity.¹

The particular rules concerning impeachment by the Odelsting, according to this section, shall be determined by law. The period within which a prosecution may be instituted in the Constitutional Court of the Realm shall not, however, be fixed at less than fifteen years.

The ordinary members of the Lagting² and the permanent members of the Supreme Court of Justice shall be judges of the Constitutional Court of the Realm. The provisions contained in section 87 shall apply to the Constitution of the Constitutional Court of the Realm in each particular case. In the Constitutional Court of the Realm the President of the Lagting takes the chair.

A person sitting in the Constitutional Court of the Realm as a member of the Lagting, does not vacate his seat in the Court if the period for which he is elected a member of the Storting should expire before the Constitutional Court of the Realm has terminated the trial of the case. If, for any other reason, he ceases to be a member of the Storting, he shall resign as a judge of the Constitutional Court of the Realm. The same shall apply if a judge of the Supreme Court of Justice, sitting as a member of the Constitutional Court of the Realm, retires as a member of the Supreme Court of Justice.

The Court has pronounced eight judgments (1816, 1821, 1822, 1827, 1836, 1845, 1884 and 1927). ¹ See s.s. 20 (2), 30 (3), 66. ² See s. 73.

87.

The accused and the person prosecuting on behalf of the Odelsting have the right to challenge members of the Lagting and the Supreme Court of Justice [*Høyesterett*], provided that fourteen of the members of the Lagting and seven members of the Supreme Court of Justice remain as judges in the Constitutional Court of the Realm [*Riksrett*]. Each party has the right to challenge an equal number of the members of the Lagting, the accused having, however, the preferential right of challenging one more, if the number to be challenged is not divisible into two equal parts. The same shall apply to the

challenging of the members of the Supreme Court of Justice. If, in an action, there are more than one accused, they shall exercise the right of challenge collectively in accordance with rules to be determined by law. If challenge is not made to the extent permitted, members of the Lagting and of the Supreme Court of Justice in excess of fourteen and seven respectively shall withdraw as determined by ballot.

When the action comes up for judgment, the members of the Court in excess of fifteen shall withdraw from the Court, the selection being made by ballot; the remaining judges who are to pass judgment, shall number ten members at most of the Lagting and five of the Judges of the Supreme Court of Justice.

The President of the Constitutional Court of the Realm and the President of the Supreme Court of Justice shall not in any case retire as a result of a ballot.

If the Constitutional Court of the Realm cannot be constituted so as to contain the number of members of the Lagting and the Supreme Court of Justice prescribed in the preceding paragraphs, the case may nevertheless be tried and judgment be passed provided that the Court numbers at least ten judges.

Further provisions as to the manner in which the Constitutional Court of the Realm shall be constituted shall be laid down by law.

88.

*The Supreme Court of Justice*¹ shall pronounce judgment in the last instance.² The right to bring an action in the Supreme Court of Justice may, however, be limited as determined by law.

The Supreme Court of Justice shall consist of a President and at least four other members.³

¹ See s.s. 46, 83, 86; see also the note to section 49. ² See s. 90. ³ The Supreme Court consists of one President [*Justitiarius*] and about 20 permanent judges. In each case the court is made up of 5 judges, the senior judge of each section acting as chairman. In cases where two of the judges are of the opinion that the case must be decided in a way which is not in accordance with the interpretation of law previously laid down by the Supreme Court of Justice, or if two judges consider that a provision laid down by an Act, by decision of the Storting or by decree given by

the administration, is at variance with the Constitution, then the case must be decided by the complete court. The same applies in other cases where questions of a particularly doubtful nature have been raised.

89.

(Repealed)

90.

The judgments of the Supreme Court of Justice may not in any case be appealed against.

See s. 88.

91.

No one may be appointed a member¹ of the Supreme Court of Justice before he is 30 years of age.²

¹ See s. 92. ² See s.s. 12 and 92 (4).

E.

General Provisions*

92.

To official posts [*embeter*] in the State shall be appointed¹ only Norwegian citizens who speak the language of the country, and who at the same time

- (a) either were born in the Kingdom of parents who at that time were subjects of the State;
- (b) or were born in a foreign country of Norwegian parents who were not at that time subjects of another state;
- (c) or shall hereafter have resided ten years in the Kingdom;
- (d) or are naturalized by the Storting.²

Others may, however, be appointed as teachers at the University and the secondary schools, as physicians and as consuls in foreign places.

No one must be appointed chief civil or ecclesiastical official before he is 30 years of age, or magistrate,³ judge of an inferior court or sub-prefect [*fogd*]³ before he is 25 years of age.⁴

* See s. 23 (2).

How far women having the qualifications prescribed for men by the Constitution may become State officials shall be determined by law.⁵

¹ See s. 21. Only a few per cent. of the public servants are *embetsmenn*. ² See s. 75 (1). ³ These official posts are abolished. ⁴ See s.s. 12, 91. ⁵ An Act of 1938 states that men and women have equal rights to become state officials with the qualification that a woman ought not to be appointed priest if the congregation is against it on principle.

93.

(Repealed)

94.

The first, or if this is not possible, the second ordinary Storting, shall make provision for the publication of a new general civil¹ and criminal² code. In the meantime the laws of the State now in operation shall remain in force, provided that they are not at variance with this Constitution or the provisional ordinances that may be issued in the meantime.

The existing permanent taxes shall likewise continue in operation until the next Storting.

See s. 17. ¹ A civil code has never been published. ² A criminal code was first published in 1842. The present criminal code is from 1902 with later amendments.

95.

No dispensations, protections, postponements of payments or redresses must be granted after the new general code¹ has come into operation.²

¹ See s. 94. ² A general code has never been published. To-day the Constitution is construed in the way that it forbids dispensations granted by the administration unless being authorized by law.

96.

No one must be convicted except according to law,¹ or be punished except according to judicial sentence. Examination by torture must not take place.²

¹ See s.s. 16, 17, 75 (a). ² See s.s. 99 and 102.

97.

No law must be given retroactive effect.

98.

To fees paid to officials of the Courts of Justice shall not be annexed taxes to the public treasury.

99.

No one must be arrested and committed to prison except in the cases determined by law and in the manner prescribed by the laws. For unjustifiable arrest and illegal detention the officer concerned shall be responsible to the person imprisoned.

The Government is not entitled to employ military force against subjects of the State, except in accordance with the forms prescribed by law, unless any meeting should disturb the public peace and not immediately disperse after the articles of the Statute-book relating to riots have been read out aloud three times by the civil authority.

100.

There shall be liberty of the Press. No person must be punished¹ for any writing, whatever its contents may be, which he has caused to be printed or published, unless he wilfully and manifestly has either himself shown or incited others to disobedience to the laws, contempt of religion or morality or the constitutional powers, or resistance to their orders, or has advanced false and defamatory accusations against any other person. Every one shall be free to speak his mind frankly on the administration of the State or on any other subject whatsoever.²

¹ See s. 96. ² See s. 66.

101.

New and permanent privileges implying restrictions on the freedom of trade and industry must not be granted to any one in future.

See s.s. 23 (2) and 108.

102.

Domiciliary visits shall not be made except in criminal cases.

103.

Asylum for the protection of debtors shall not be granted to such as hereafter become bankrupt.

104.

Forfeiture of lands and goods shall be abolished.

105.

If the welfare of the State demands that any person shall surrender his movable or immovable property for the public use, he shall receive full compensation from the public treasury.

See s. 97.

106.

The purchase-money, as well as the revenues of the landed property constituting ecclesiastical benefices, shall be applied solely to the benefit of the clergy and to the promotion of education. The property of charitable institutions shall be applied solely to the benefit of their purpose.

107.

The Odal and Åsete rights shall not be abolished.¹ The further conditions under which these rights shall continue for the greatest benefit of the State and the best advantage of the rural population, shall be determined by the first or second Storting following.

The Odal (right of allodial possession) is the ancient right of complete ownership of land in the country districts, including the right of redemption by the family if it has been sold.

The Åseterett (right of succession to landed property) is the right of the eldest son to retain possession of the property at a moderate price.

Literature: *A. Taranger*: The meaning of the words ôdal and skeyting in the old laws of Norway. (Essays in legal history. Ed. by P. Vinogradoff, London 1917, p.p. 159—173). *Halvdan Koht* and *Sigmund Skar*: The Voice of Norway (New York 1944), p.p. 17, 36 and 68. *A. W. Brøgger*: Ancient Emigrants, Norse settlements of Scotland (Oxford 1929), p.p. 10, 135—143. *O. Büchner*: Die Vererbung des ländlichen Grundbesitzes und Geschichte des Anerbensrechts in Norwegen. (Berlin 1908.)

¹ The Odal and Åsete rights are excluded from Svalbard.

108.

No earldoms, baronies, majorats or perpetuities must be created in the future.

See s. 23 (2).

109.

Every citizen of the State is in general equally bound to defend his native country during a certain time, without any regard to birth or fortune.

The application of this principle and the restrictions it may become subject to, shall be determined by law.

Conscription is compulsory for all *men* from the age of 20. The period of service varies in the various branches, but is generally 9—12 months.

110.

(Repealed)

111.

The form and the colours of the Norwegian Flag shall be determined by law.

Both the National (Merchant) Flag and the Split Flag are red with a blue cross trimmed with white, but the Split Flag has the «swallow-tail» and tongue. The breadth of the National Flag in proportion to the length is as 16 to 22. The breadth of the blue cross must be $\frac{2}{16}$ of the breadth of the flag, and the breadth of the white cross $\frac{1}{16}$ of the flag's breadth.

The *National Flag* (also Merchant Marine) was given its present form in 1821. In 1844, however, the «union badge» was inserted in the upper corner nearest the flagpole. This was again removed in 1898.

The *Split Flag* was similar to the Swedish flag from 1815 to 1844, the only modification being a diagonal white cross on a red field, instead of the upper inner blue field. From 1844 this flag was replaced by the present naval flag, though with a «union badge» which was removed in 1905. The Split Flag is now flown by state institutions and military units.

See illustrations page 14.

112.

If experience proves that any part of the Constitution of the Kingdom of Norway ought to be changed, a proposal¹ to this effect shall be submitted to the first, second or third ordinary Storting after a General Election, and be published in print. But it shall be left to the first, second or third ordinary Storting after the following General Election to decide, whether or not the proposed amendment shall be adopted.²

Such amendment should, however, never contradict the principles embodied in this Constitution, but only relate to modifications of particular provisions which do not alter the spirit of this Constitution, and should receive the support of two-thirds³ of the members of the Storting.

An amendment of the Constitution adopted in the manner aforesaid shall be signed by the President and the Secretary of the Storting, and be sent to the King for public notification in print, as forming an integral part of the Constitution of the Kingdom of Norway.

¹ See s. 76. ² See s. 75 (a). ³ See s. 73 (2).