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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR
LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS
AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

NORWAY

Communicated by the Government of Norway

NOTE BY THE SECRETARY-GENERAL-- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

1959 Edition
(April)

ACT

of 26 February 1932

respecting

TEMPERANCE COMMITTEES AND THE TREATMENT OF INEBRIATES
AND DRUG ADDICTS ^{1/}

AS AMENDED BY THE ACTS OF 26 MAY 1939, 12 DECEMBER 1947
AND 6 JULY 1957

Article 1. A temperance committee shall be established in each municipality.

Subject to the consent of the competent Ministry,^{2/} this provision may, however, be dispensed with in municipalities where special conditions make it advisable to do so. In such case the public assistance board of the municipality shall assume the duties otherwise incumbent on the temperance committee.

Article 2. The committee^{3/} shall consist of such number of men and women elected by the municipal council for a period of four years as the said council may determine, but the number of members shall not be less than three. There shall be appointed as many deputies as there are members. When electing committee members, regard shall be had to any special qualifications that a person may possess to serve on the committee. Those elected shall be not less than twenty-five years of age and shall be of good repute. As regards eligibility and the duty to accept election, the same principles shall apply as for municipal elections.

Election of committee members shall be by majority vote in accordance with the provisions of the legislation relating to local authorities unless a member requests that an election be held on the basis of proportional representation. Where possible, one of the members of the committee shall be a medical practitioner.

^{1/} Act of 6 July 1957, No. 1

^{2/} Ministry of Social Affairs

^{3/} Act of 12 December 1947, No. 8

The committee shall elect its chairman and vice-chairman. Where^{1/} decisions are to be made under article 6, article 6a, first paragraph, and article 7, cf. article 8, the deliberations of the committee shall be presided over by the competent district or town judge.

Two-thirds of the committee members, including the chairman and vice-chairman, shall ordinarily constitute a quorum on condition that not less than three members are present. When dealing with matters^{1/} under article 6, article 6a, first paragraph, and article 7, cf. article 8, all committee members including the judge shall take part in the proceedings. If a committee member absents himself after the deliberations on such a matter have begun, the proceedings may be continued by the remaining members without calling in a deputy as long as at least two-thirds of the members, including the judge, and not less than three members, are present. If a vote is equally divided, the chairman shall have the deciding vote.

The municipal council may decide that committee members shall be remunerated for their work and shall, upon proposals made by the committee, appropriate the necessary funds for office expenses.

Article 3. The Committee shall have for its object the promotion of temperance in the municipality by:

(1)^{1/} Giving attention to persons who make excessive use of alcohol or other intoxicating or narcotic substances, making decisions, where necessary, as to their committal to a hospital or sanatorium (articles 6a, 7 and 8), and giving advice and assistance to their relatives (articles 6 and 12);

(2) Supporting and promoting, through the school and in other ways, education and publicity on the alcohol problem;

(3) Submitting proposals and opinions to the local authorities with a view to promoting the tasks with which the committee is charged.

Article 4. (1) If the committee is requested^{1/}, by a person entitled to do so, to take action against a person residing or staying in the municipality by reason of his use of alcohol or other intoxicating or narcotic substances to the obvious detriment of himself or his surroundings, the committee shall investigate the case without delay.

The committee may also on its own initiative take action against such a person and make an investigation.

(2) Such request may be made to the committee by:

(a) The person concerned, his spouse, relatives in the ascending or descending line, brothers and sisters, in-laws of equivalent relationship and - where applicable - a guardian or public trustee. The relationship between adoptive parents and adopted children and the relatives of such children in the descending line shall be considered the equivalent of consanguinity;

(b) A clergyman or medical practitioner, on condition that the request is made with the consent of the person concerned or with that of a relative mentioned in sub-paragraph (a);

(c)^{1/}A child welfare committee, a public assistance board, a welfare Association, a protective association or the police.

(3) Under regulations made by the Ministry, the police shall inform the committees in the various municipalities of residence of all persons who have been convicted of drunkenness.

(4) Where a request has been made or information furnished as aforesaid, or where the committee on its own initiative considers it necessary to take action as aforesaid, the committee may, through one or more of its members or through an employed official, investigate conditions in the home and take statements from the person concerned or his family or from other persons conversant with the circumstances. The committee may not order any person to make a statement, cf., however, article 8, seventh paragraph. The committee may, on the other hand, require a statement from public authorities presumed to know the circumstances.

The person concerned shall be obliged to answer the summons of the committee. If he fails to appear, the committee may call on the police for assistance in fetching him.

The committee may call for assistance from the police or ask that statements be taken by the district or town court if it considers this necessary in order to obtain the information needed to decide on appropriate measures.

The committee^{1/} may call for assistance from the police in carrying out a decision taken pursuant to articles 6a and 7.

Article 5. If the committee considers^{1/} that the investigation gives grounds for doing so, it shall endeavour to induce the person concerned to mend his ways. Among the means to this end, it may urge him to abstain from alcohol or other intoxicating or narcotic substances, assist him in getting work or in changing his surroundings so that he is less exposed to temptations to over-indulgence, induce him to accept an arrangement under which his wages or money due to him are drawn or taken care of by his spouse or some other person, urge on him the need for consulting a medical practitioner and following the practitioner's advice, or induce him to apply for admission to a hospital, supervised home, suitable nursing home or sanatorium.

The committee shall ensure that the arrangement arrived at is observed, and it may decide to place the person, for a period of not more than one year, under the special care of one or more committee members or under the care of specially selected persons or institutions.

Article 6. Where, as a result of over-indulgence in alcohol or other intoxicating or narcotic substances, a person neglects^{1/} his duty to support his family, the committee may under the provisions of article 8 decide that his wages, his public assistance allowance or money due to him shall, in whole or in part, be drawn and taken care of by his spouse or some other person if he does not voluntarily accept an arrangement of this kind. Such a decision shall be made for a specified period, which may not exceed two years but may be renewed if the conditions referred to in the first sentence of this article are still present when the period expires.

The employer, the public assistance authorities and the person from whom the money is due shall be obliged to conform to the decision made by the committee under the first paragraph

when they have been notified in writing thereof. The King may make regulations to ensure the execution of decisions made by the committee under the first paragraph.

An arrangement arrived at under the first paragraph may be discontinued by the committee before the expiry of the specified period if it is regarded by the committee as no longer necessary. A decision by the committee to this effect shall not be governed by the provisions of article 8.

Article 6a.^{1/} Under the provisions of article 8, the committee may, if a medical practitioner considers such action necessary, order the person concerned to go to a hospital designated by the committee for the purpose of examination or treatment, for a period not to exceed thirty days.

On the recommendation of the responsible physician of the hospital, the committee may order continued hospitalization for maximum periods of thirty days, provided that the total period of hospitalization ordered by the committee shall not exceed ninety days in a single year. The provisions of article 8 shall not apply to decisions by the committee concerning the prolongation of hospitalization. Such a decision may be submitted to the Ministry for examination within a period of three days from the time that the person concerned is notified thereof. An appeal shall not have suspensory effect.

The Ministry shall make regulations concerning the hospitals to which a person may be sent pursuant to this article and pursuant to article 7.

Article 7.^{1/} Where the person concerned fails to comply with an order of the committee, or in the opinion of the committee there are other reasons for taking such action, the committee may, under the provisions of article 8 and whether or not the person consents thereto, decide to commit him for a maximum period of two years, to a sanatorium approved by the King, if as a result of the excessive use of alcohol or other intoxicating or narcotic substances that person:

1. Ill-treats his spouse or his children or exposes his children to moral depravation or neglect;
2. Neglects his duty to support his family according to the laws in force;
3. Exposes himself to serious physical or mental injury, endangers himself or others or repeatedly molests his surroundings;
4. Becomes a public charge or a burden on his family;
5. Squanders or dissipates his possessions to such an extent that he or his family are likely to fall into need.

A person who makes excessive use of intoxicating or narcotic substances other than alcohol may, if the conditions referred to in the first paragraph are present and in accordance with the provisions of that paragraph, also be committed to a hospital for a maximum period of two years.

The King may make regulations governing the relationship between the committee and the prosecuting authority in dealing with matters relating to compulsory committal.

Article 8. Where 1/ the committee considers that a case should be dealt with under article 6, article 6a, first paragraph, or article 7, it shall make a decision to that effect. The reasons for the decision shall be stated. The committee shall transmit a copy of the decision, together with the other documents in the case, to the competent judge, cf. article 2, third paragraph, and shall request him to preside over the proceedings. It shall at the same time cause notice of the decision to be served on the person concerned. The notice shall state that he may obtain a transcript of the decision at the office of the judge. If the person concerned is under disability, such notice shall also be served on his guardian.

The provisions of chapter 6 of the Courts of Justice Act in respect of the disqualification of judges shall also apply to committee members.

The Chairman, on his own initiative, shall ensure that the case is fully investigated and is considered without undue delay. He shall make orders and decisions in matters pertaining to procedure.

The person who is the subject of the proceedings shall be summoned to appear. If he fails to do so without valid reason, the committee may have him fetched by the police to attend its current or a subsequent meeting. If he is under disability, his guardian shall also be summoned.

The person who is the subject of the proceedings shall be entitled to the assistance of a lawyer or some other agent acceptable to the chairman of the committee. The prosecuting authority, either through one of his own officials or through a lawyer entitled to represent the prosecution in criminal cases before a district or town court, may take part in the proceedings in order to safeguard the public interest. The chairman of the committee shall give notice of the case to the prosecuting authority. If the prosecuting authority appears in a case, the chairman of the committee shall, upon request, appoint a lawyer to act for the person who is the subject of the proceedings if that person is without means. If there are no special reasons to the contrary, the lawyer desired by the person who is the subject of the proceedings shall be appointed.

The person who is the subject of the proceedings, as well as his lawyer or agent, shall be entitled to be made acquainted with the information on which the decision made by the committee under the provisions of the first paragraph is based, and also with the information which subsequently comes to hand. They shall be entitled to be present at the committee meetings dealing with the case except when the committee is deliberating or voting. The same shall apply to the prosecuting authority, cf. the preceding paragraph.

The Committee shall be entitled to take evidence. The provisions of the Civil Causes Act in respect of the taking of evidence shall apply mutatis mutandis. The recording of statements made before the committee shall be governed by the provisions of article 127 of the Civil Causes Act. The person who is the subject of the proceedings, his lawyer or agent and the prosecuting authority may request the committee to have evidence taken. The chairman shall decide whether such request shall be granted. If the request is denied, the denial shall be in the form of an order.

No decision on compulsory committal to a sanatorium may be made in the absence of a medical certificate. If the medical certificate leaves any doubt as to whether the person who is the subject of the proceedings is mentally disordered, the committee may decide that he be made to undergo a psychiatric examination.

The chairman may decide that the proceedings shall be held in private. This should as a rule be done when the person who is the subject of the proceedings so desires.

The proceedings may not be published. The decisions may likewise not be published except with the committee's consent. Such consent should only be given where there are special reasons for doing so.

When^{1/} the committee considers that the case has been adequately dealt with, it shall, in the form of an order, render its decision on whether any restrictions shall be applied to the free disposal of wages, etc., under article 6 and on whether compulsory committal shall be carried out under article 6a, first paragraph, or article 7. The decision shall be made known to the person who is the subject of the proceedings and, where applicable, to his guardian and the public prosecutor. If such persons are not present when the order is made, notice thereof shall be served on them.

The provisions of article 123, first paragraph, articles 129-130 and 132-139 and chapters 8-10 of the Courts of Justice Act, chapter 11 and articles 164-165 of the Civil Causes Act, and the provisions of the Act relating to the remuneration of witnesses and experts shall apply mutatis mutandis, save as otherwise provided in the present Act.

The fee of an appointed lawyer shall be determined by the chairman.

Article 9. An order^{1/} providing for intervention under article 6, article 6a, first paragraph, or article 7 shall be subject to appeal to the Supreme Court by the person to whom the order applies. With the consent of the Appeals Committee of the Supreme Court, the case may be brought before that court. Such consent should not be given unless it is considered likely that the decision embodied in the order will be altered.

The time-limit for appeals shall be two weeks.

If there is reason to fear that a person whose compulsory committal to a sanatorium has been decided may do serious injury to himself or others, the committee may have him taken into custody irrespective of the appeal. The committee may request the prosecuting authority to place the person under arrest.

An appeal against any other order or decision of the committee or its chairman may be lodged with the Appeals Committee of the Supreme Court by the person who is the subject of the proceedings.

Appeals to the Supreme Court or its Appeals Committee shall, save as otherwise provided by this Act, be subject to the same provisions as civil causes; provided that an appeal to the Appeals Committee against a decision in respect of custody as provided in the third paragraph shall be governed by the provisions of the Criminal Procedure Act.

An appeal from a decision under article 6 shall not have suspensory effect. Other appeals shall have suspensory effect unless the committee decides otherwise. Such decision may

be reversed by the Supreme Court or its Appeals Committee in connexion with the consideration of the appeal.

An appeal against a decision under article 8, ninth paragraph, in respect of a psychiatric examination shall have suspensory effect.

Article 10. If leave to appeal is granted, the presiding judge of the Supreme Court shall appoint a barrister to conduct the case for the appellant and another barrister to plead against, unless the party concerned has himself appointed a barrister. As a general rule the appointees shall be chosen from among the barristers who are authorized to plead before the Supreme Court in criminal cases. Another barrister may, however, be appointed at the request of the party concerned on condition that no extra expense to the Treasury is thereby incurred.

The Court shall determine the fees of the barristers appointed.

Article 11. No court fees shall be assessed for the consideration of cases under this Act. There shall likewise be no payment for the issue of transcripts or certificates.

The Treasury shall pay for the service of documents and summonses, travelling expenses of the judge, compensation for witnesses and experts, the remuneration of lawyers and barristers and other expenses incurred in connexion with the case. This provision shall not apply to the remuneration of a barrister, lawyer or other agent retained by the party concerned, nor to expenses incurred in the taking of evidence requested by such party, barrister, lawyer or agent in connexion with an appeal.

Where an appeal from an order on compulsory measures, being an order made under article 6, article 6a, first paragraph, or article 7, is denied, the person who is the subject of the proceedings shall generally be required to reimburse the Treasury for costs in an amount which shall be determined by the Court in an equitable manner so as to ensure that it will not be markedly disproportionate to his means.

Article 12. If a person^{1/} - being a person who allows himself to be committed to a hospital or to a sanatorium approved by the King, where the committee has declared that such committal is desirable, or who is compulsorily committed under this Act - has a wife or children to support or is required to contribute to the maintenance of a wife from whom he is divorced, and if, as a result of the committal, the wife, children or divorced wife are left with no means of support, then the committee shall make a decision providing for the necessary assistance for as long as the person is so committed. Such assistance shall not be considered public assistance.

The committee shall determine the extent of the assistance in each particular case, and the municipal council shall make an annual appropriation of the amount presumed to be needed for such assistance.

If the person committed^{1/} and the persons who, for the purposes of this article, may be classified as dependants are resident in different municipalities, the expenses shall be borne by the municipality where such dependants are residing or, if they have no permanent residence, by the municipality where they are staying. The decision that assistance shall be granted shall be made by the committee of such municipality. The committee which has dealt with the person

committed shall in such cases forthwith inform the committee in the municipality where the dependants are residing or staying. In case of dispute as to which municipality shall bear the expenses, the latter, until such time as the matter can be decided in accordance with the last paragraph of this article, shall be provisionally defrayed by the municipality where the dependants are staying.

Disputes as to residence for the purposes of this article shall be decided by the competent Ministry.

Article 13. A person who by the decision of a temperance committee has been committed to a sanatorium in pursuance of this Act may be discharged on probation before the expiry of the period for which he was committed if there are grounds for assuming that he will lead a sober and orderly life. The King may make regulations setting out the conditions for such discharge.

Article 14. The King may make regulations concerning the disciplinary measures that may be taken against persons who have been committed to a sanatorium under this Act or who of their own accord have sought admission to such a sanatorium, and concerning the obligation of such persons to work, the course of treatment and the transfer of such persons from one sanatorium to another.

Article 15. (1) The King, with the consent of the Storting, shall determine the charges for Government-operated sanatoria. In the case of other approved sanatoria the charges shall be determined by the competent Ministry.

(2)^{1/} Expenses connected with the committal to and stay in a hospital or sanatorium which are not defrayed by the person committed shall be chargeable to the municipality whose temperance committee made the decision providing for the committal or agreed on the desirability of committal to a hospital or committal in accordance with the provisions of article 16. The municipality may claim reimbursement of the expenses from the person committed as far as he has the means to defray them. If he fails to pay, the expenses may be recovered by distress.

If the municipality is unable to recover its expenses in this manner, it shall be entitled to full compensation from the Treasury.

(3)^{1/} Expenses connected with the committed person's travel to and from the hospital or sanatorium, transfer from one hospital or sanatorium to another and return in case of escape, which are not paid by the committed person shall be defrayed by the Treasury in those cases where the committee made the decision providing for the committal or agreed on the desirability of committal to a hospital or committal in accordance with the provisions of article 16. The King shall make regulations to this effect.

(4) Expenses connected with the committee's activities shall be defrayed by the municipality concerned. The municipality may obtain full or partial reimbursement for these expenses from the Treasury if the Storting appropriates the necessary funds. Applications for such reimbursement shall be sent to the competent Ministry.

(5) Within a time-limit set by the executive committee of the municipal council, the temperance committee shall each year forward to the executive committee an estimate of the amounts required for the next financial year to meet expenses incurred under this Act.

Article 16. A person^{1/} who makes excessive use of alcohol or other intoxicating or narcotic substances and who consents to being committed to a sanatorium approved by the King may, if the certificate issued to the sanatorium confers on it the necessary powers, and if the person in charge considers such action necessary to effect a cure, be kept at the sanatorium for such length of time not exceeding two years as the person so committed decided on at the time of his committal.

If a person who has been voluntarily committed to a sanatorium escapes, he may be brought back with the assistance of the police.

The King shall make regulations respecting leave of absence, discharge on probation or final discharge before the expiry of the period for which the person may be retained.

Expenses connected with committal, stay and return after escape in cases other than those mentioned in article 15, paragraphs (2) and (3), shall be defrayed by the person himself. The same shall apply to his travel to and from a sanatorium, and to his transfer from one sanatorium to another.

Article 17. Any person who makes a request to the committee under article 4 without due cause shall be punished by a fine.

Article 18. The King or a person authorized by him may make regulations concerning the conduct of business by the temperance committees, the manner in which they are to discharge their tasks, the submission of reports, co-operation between the various temperance committees and co-operation between those committees and other public and municipal authorities and institutions.

Article 19. This act shall come into force as from the date determined by the King.^{4/}

^{4/} In force as from 1 July 1939, by virtue of a decree of 26 May 1939.