

Øversettelse av norske lover

Lovens tittel: Lov om politiet

Dato og nr.: 4. august 1995 nr. 53

Sist endret:

Eventuelt korttittel: Politiloven

Lovens fulle tittel på engelsk: Act no. 53 av 4 August 1995 relating to the
Police.

Eventuelt korttittel: The Police Act

Oppdragsgiver: Justisdepartementet

Dato for øversettelsen: Mars 1996

ROYAL MINISTRY OF JUSTICE AND POLICE

THE POLICE ACT

no. 53 of 4 August 1995

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Chapter I Purpose, tasks etc.

Section 1 Responsibility and purpose

The State shall provide the police service needed by the community. Police duties shall be performed by the police and lensman services.

The police shall through preventive, enforcing and helping activities contribute to society's overall effort to promote and consolidate the citizens' security under the law, safety and welfare in general.

Section 2 Police functions

The police shall

- 1 protect persons, private and public property and uphold all lawful activity, maintain public order and security and, either alone or together with other authorities, provide protection against any threat to general security in the community
- 2 prevent crime and other violations of public order and security
- 3 expose and halt criminal activity and prosecute

- punishable acts in accordance with rules laid down in or pursuant to law
- 4 provide citizens with assistance and services in situations of danger, when mandated by law and otherwise when the circumstances are such that assistance is required and natural
- 5 upon request provide other public authorities with protection and assistance during the performance of their duties when this follows from law or custom
- 6 collaborate with other authorities and organisations that are assigned functions which bear on the sphere of operations of the police insofar as rules laid down in or pursuant to law do not prevent this
- 7 carry out other functions prescribed by law, or which follow from custom

Section 3 Relationship to international law

This Act applies with such restrictions as are recognised in international law or as follow from agreements with foreign states.

Chapter II Performance of police duties

Section 4 Police authority

Authority pursuant to this chapter may be exercised by persons who possess or have been assigned police authority pursuant to section 20 of this Act.

Section 5 Obligation to comply with police orders

Every person is obliged to comply immediately with orders, signs or other signals given by the police pursuant to the provisions of chapter II of this Act.

Section 6 General rules on performance of police duties

Endeavours shall be made to achieve the purpose of the police assignment through information, advice, order or warning or by taking regulatory or preventive action.

The police shall not employ stronger means unless weaker

means are presumed to be inadequate or inappropriate, or unless such means have been attempted to no avail. The means employed must be necessary and be commensurate with the gravity of the situation, the purpose of the action taken and the circumstances in general.

The police shall act in a businesslike and impartial manner and with consideration for persons' integrity, so as to ensure that anyone who is the object of police intervention is not laid open to public exposure to a greater degree than required by performance of the police action.

The police may apply such force as is necessary and appropriate during the performance of their duties.

Section 7 Enforcement of public peace and order

The police may intervene

- 1 to halt disturbances of public peace and order or when the circumstances give reason to fear such disturbances
- 2 to protect the safety of individuals or the general public
- 3 to avert or halt violations of the law

The police may in such cases regulate the traffic, prohibit loitering in certain areas, render harmless or impound dangerous objects, turn away, remove or apprehend persons, order activity to be halted or modified, enter private property or area or order areas to be evacuated. When the conditions of section 8 and section 10 respectively are present, the police may also take persons to a police station and search them.

Should anyone fail to comply with orders issued pursuant to the first paragraph, the police may, for the said person's account, see to it that the necessary action is taken to prevent the said person's negligence from causing damage or injury or from endangering the general public.

The police may intervene immediately in the spheres of responsibility of other public authorities when circumstances entail or threaten serious breaches of the peace, if the

public authority in question is not available or intervention by such authority is presumed to be impossible, futile or cannot take place in time. The competent authority shall be informed of the intervention as soon as possible.

Section 8 Short-term detention

The police may take to a police station, lensman station or other premises used during the performance of police service

- 1 anyone guilty in a public place of disturbing peace and order or lawful traffic
- 2 anyone failing to comply with a police order to remove their person from a public place, when the circumstances give reasonable grounds for fear of disturbance of public peace and order or of lawful traffic
- 3 anyone failing to give their name, date of birth, year of birth, position and residence upon demand by the police, or who supplies details whose accuracy there is reason to doubt
- 4 anyone encountered at or near a place where a crime must be presumed to have been committed immediately beforehand.

No-one may be detained longer than necessary pursuant to this provision and no longer than 4 hours.

Section 9 Intervention vis-à-vis intoxicated persons

The police may apprehend anyone who owing to intoxication caused by alcohol or other intoxicants or anaesthetics disturbs the public peace and order or the lawful traffic, accosts others or causes danger to himself or others.

Anyone apprehended pursuant to the first paragraph may be detained.

No-one may be detained longer than necessary and in no case after he has become sober.

The police may hand over the apprehended person for

detoxification and shall if necessary arrange a medical examination.

Even if the apprehended person is not detained, the police may seize and destroy the intoxicants he has on his person when apprehended.

Section 10 Search

The police may carry out a search to ascertain a person's identity if the person refuses to give his name, date of birth, year of birth, occupation and residence when asked to do so by the police, or there is reason to suspect that the stated identity is false. A search to establish identity may also be made pursuant to section 12, final paragraph.

The police may search anyone who is removed, apprehended or detained in order to bring to light weapons or other dangerous objects.

Persons taken into custody may be deprived of all objects likely to harm the person in question or others. If warranted by the condition of the detained person or by conditions in the gaol, the person concerned may also be deprived of money and other objects to ensure that they do not get damaged or lost.

The police may place objects as mentioned in the second and third paragraph in safe-keeping. The objects shall be handed back when the purpose of such safe-keeping ceases, unless the objects can be confiscated by law.

Section 11 Events in public places etc.

Anyone wishing to use a public place for a demonstration, procession, meeting, stand or the like shall notify the police accordingly well in advance. Furthermore, pursuant to section 14 of the Act, a bylaw may be laid down containing rules requiring an application to be submitted for certain events in public places or requiring notification of events which are generally accessible to the public.

Notification as mentioned in the first paragraph shall ordinarily be in writing and contain details as to the purpose

and scope of the event, the responsible organiser, date, venue and the measures the organiser intends to take to ensure public order.

The police may prohibit an event as mentioned in the first paragraph, but only when there is reason to fear that it may give rise to serious breach of public peace and order or of lawful traffic, or if the purpose which it is intended to promote or the manner in which this takes place is in conflict with the law.

The police may take necessary steps to ensure that lawful events as mentioned in the first paragraph can take place undisturbed and with the least possible inconvenience to general traffic. Conditions may also be attached to the proceedings so as to prevent such disturbance or violations as mentioned in the third paragraph. This may include conditions to the effect that participants in a demonstration or the like shall not bring with them objects that can be used to threaten or to inflict damage or injury.

Participants in an event as mentioned in the first paragraph are prohibited from wearing masks, except participants in plays, carnivals or the like.

The police may halt or break up events as mentioned in the first paragraph when they are held contrary to a ban imposed or conditions set, or if they cause such violations as mentioned in the third paragraph or if there is justifiable fear of such.

The police may also attach conditions to, prohibit, halt or break up other gatherings and events than those mentioned in the first paragraph in order to prevent anyone suffering molestation, to prevent serious breaches of public order or obstructions to traffic, or in order to re-establish peace and order after such events.

Section 12 Assistance to sick persons etc.

The police shall assist or provide for assistance to sick persons who are unable to take care of themselves when no relatives or other responsible persons are present and can

take care of them. The police shall in such cases immediately notify a doctor if a person's state of health gives grounds for assuming that medical assistance may be necessary and shall also attempt, through the responsible health authority or by other means, to find a satisfactory placement for such person.

When there are evident grounds for fearing that a person whom the police have to take care pursuant to the first paragraph may be a danger to himself or others, the police may temporarily place the person in safe custody until a satisfactory placement is found. Such custody shall be as brief as possible and must not exceed 24 hours.

The police may force entry to a house, room or other premises in order to search for missing persons or to assist sick, injured or other persons who are or are presumed to be unable to take care of themselves when the circumstances give grounds for fear that the life or health of the person concerned may be under threat.

Measures as mentioned in the third paragraph may also be implemented when a person is or is presumed to be dead.

The police may carry out a search in order to establish the identity of a person as mentioned in the third paragraph. Every person is otherwise obliged to give the police temporary access to photographs, documents and other objects suitable for identification of persons as mentioned in the third and fourth paragraph, unless provisions laid down in or pursuant to law prevent this.

Section 13 Intervention vis-à-vis children

The police may send or take home unaccompanied children that are loitering in a public place after 2200hrs.

The police may also take care of children encountered in circumstances that clearly entail a serious risk to the health or development of the children, and in such case immediately ensure that the children are conveyed to a legal guardian or other person in loco parentis or if necessary to the child welfare authorities.

The first paragraph may be applied at children who are presumed to be below 15 years of age. Pursuant to the second paragraph the police may also intervene vis-à-vis children above 15 years of age if there is reason to believe that such intervention will serve a useful purpose.

Section 14 Police bylaws

In bylaws laid down by the municipality and approved by the ministry or the authority stipulated by the ministry, provisions may be set out

- 1 concerning the maintenance of peace and order, safeguarding public passage and prevention of littering and defacing, including pasting and painting on walls, brickwork and the like, in places frequented by the public or intended for public use
- 2 in accordance with local custom and practice, concerning house- or property-owners' duty in places as mentioned in subparagraph 1 to keep the pavement or similar area immediately adjoining the property clean and tidy, to clear away snow and to grit the surface when slippery
- 3 concerning the duty to notify that is incumbent on anyone wishing to arrange an event that is open to the public, even if the event does not take place at a public venue, when the nature or size of the event makes it probable that police supervision will be necessary in the interest of peace and order or of handling the traffic. The notification duty may also encompass gatherings with dancing or other arrangements of a predominately social or entertainment nature for members of an association or similar group
- 4 to the effect that in respect of any event at a public venue which is predominately of an entertainment, artistic, social or commercial nature, and which is on a scale that will evidently necessitate substantial regulation of traffic or security arrangements, an application must be submitted instead of notification

- pursuant to section 11. A time-limit for submitting such application may be prescribed
- 5 to the effect that children below 15 years of age shall not be admitted to public dances or similar events open to the public unless accompanied by parents or other persons in loco parentis
- 6 concerning regulation of commercial activity in a public place which is not regulated by other acts
- 7 concerning police supervision of pawnbroking

Municipal bylaws as mentioned in the first paragraph are enforced by the police. Should anyone omit to take the action incumbent on them pursuant to such bylaws or orders made in pursuance of the bylaws, the police may have such action taken at the expense of the person in question. In case of events as mentioned in subparagraph 3 and 4, the rules of section 11 of this Act apply correspondingly.

Chapter III Organisation of the Police Service

Section 15 Central authority

The Police Service is a national police service headed by such ministry as the King may decide.

Section 16 Division into regions etc.

The realm is divided into police regions each of which is headed by a chief of police. Unless otherwise provided, the police regions are subdivided into small geographical areas, including lensman districts. The division and subdivision are prescribed by the King, who also determines how the regional divisions are to be applied in relation to the Norwegian part of the continental shelf and areas outside the territorial waters where Norwegian law is applicable.

The King may provide

- 1 that separate police agencies shall be set up for one or more particular areas of police work

- 2 that certain areas of police work shall be under a common leadership covering several police districts
- 3 that a chief of police shall, as a permanent arrangement, be exempt entirely or in part from particular duties, and that such duties be assigned to another chief of police or to another police agency.

Provisions concerning other organisational matters are laid down by the ministry. The ministry may hereunder establish collaborative arrangements between districts, lay down provisions concerning the use of police forces beyond district boundaries and concerning arrangements as mentioned in the second paragraph, subparagraph 3, when this is done for a particular occasion or for a limited period.

Section 17 The police service in lensman districts

In a lensman district the lensman is in charge of the police under the chief of police unless the ministry prescribes otherwise. The chief of police may issue decisions in the particular case.

Duties which pursuant to other acts are assigned to the police shall, in a lensman district where the lensman performs police service, rest with the lensman.

The ministry may, after the opinion of the chief of police and the municipality has been obtained, exempt the lensman entirely or in part from his police duties. The ministry may also issue decisions regarding other arrangements in connection with duties as mentioned in the second paragraph.

Chapter IV Administration and personnel

Section 18 Personnel

All persons to be appointed to positions in the police and lensman service must have a spotless reputation. Appointees with police authority must be Norwegian nationals.

The ministry lays down further rules on requirements as to appointment, including requirements as to previous police

training, probation year, conditions for admission to the National Police Academy and special conditions for promotion.

The ministry decides rank structure and rank designations in the police and lensman service.

Section 19 Appointment

Chiefs of police and assistant chiefs of police are appointed as senior civil servants.

The head of the Police Security Service is appointed by the King for a term of 6 years at a time. The person appointed head of the security police may be dismissed without notice by the King and is in such case entitled to pay for up to 6 months. This entitlement to pay lapses to the extent that the person in question receives pay in another central government post.

The King may decide that other heads of special services and chiefs of police shall be appointed for a term of years. The King may lay down further provisions regarding the number of years, renewal and termination.

For other categories of post in the police and lensman service the appointment procedure is prescribed by the ministry.

Section 20 Conferment of police authority and identification

Senior civil servants and staff members holding police ranks, lensmen, first deputy lensmen and assistant lensmen have police authority throughout the realm by virtue of their position. The ministry may make exceptions for certain positions.

The ministry determines which heads of special services have police authority, and lays down provisions regarding conferment of police authority on students at the National Police Academy, officers in the reindeer police and personnel in the police reserve.

Police authority may exceptionally be conferred on others. Police authority shall in such cases ordinarily be of

limited duration or limited to specific matters or functions. The ministry lays down further rules for conferment and the application of limited police authority. The ministry also lays down further rules on the right of police employees to perform individual assignments with limited police authority.

Persons having police authority shall during the exercise of such authority carry police identification. Any restrictions on such police authority shall be stated in the identification. The officer is obliged, as far as conditions at the time and place allow, to state his name and rank or post when requested to do so by the person whom his action directly concerns. Anyone not wearing police uniform shall present police identification on demand if he is unknown to the person demanding it.

The King may lay down further rules regarding uniform and police identification.

Section 21 Area of service for police personnel

Senior officials and staff members with police authority are ordinarily appointed to serve in a police district or in one of the police service's special agencies. They are duty bound, should the need arise, to serve without regard to district boundaries.

Senior state officials and officers in the police and lensman service may be ordered to serve temporarily in another district, in one of the police service's special agencies, in the ministry or to serve without regard to district boundaries, as well as to take courses at the Police College or receive other training for police service.

When provided pursuant to section 16 that certain police duties or a particular police action shall be carried out under a joint leadership for several police districts, the ministry may order senior state officials and officers in the police and lensman service to perform such joint leadership or other duties associated with the assignment in question.

The provisions of this section do not apply to personnel who do not have police authority, unless the said provisions

are expressly given effect in the terms and conditions of employment.

Section 22 Residential obligation, service obligation in off-duty hours and sideline occupations

Senior civil servants and staff members with police authority are obliged to take up residence within reasonable reach of their place of work from the point of view of their police duties. Moreover, they are obliged in special cases to serve in their off-duty time. The King lays down further rules in this regard.

Senior civil servants and staff members with police authority must not hold another paid position, carry on private trade or possess a public licence to pursue business without the approval of the chief of police or director of the police institution in question. Approval may not be given in cases where doubt may arise as to which capacity which the police officer is acting in, or as to his independence in official matters. Nor may approval be given in cases where the sideline occupation may reduce the police officer's ability or opportunity to perform his duties in a proper manner. The ministry gives approval to chiefs of police and other senior officers in the police. Approval may be revoked at any time. The rules of the Lensman Act apply to lensmen.

Section 23 Prohibition of intoxicants

Senior civil servants officials and staff members with police authority must not consume or be under the influence of intoxicants when they are on duty, nor when they are off duty if wearing uniform in a public place. They must also display strict sobriety elsewhere. When there is reason to believe that the prohibition of the first sentence has been contravened, they are duty bound to submit to medical examination and to have a blood sample taken.

The ministry may lay down further rules giving exemption from the total prohibition against consumption of intoxicants in connection with the performance of special assignments.

Section 24 Duty of confidentiality

Sections 61a - 61e of the Criminal Procedure Act on the duty of confidentiality apply to police procedures in criminal cases. Section 8 of the Registration of Convictions Act and sections 13 - 13f of the Public Administration Act apply to other activities of the police service subject to the additions and limitations resulting from this section.

The duty of confidentiality also applies to information about the operational activities of the police service and the organisation of such activities, as well as to information which it is necessary to keep secret in the interests of surveillance or investigation. The duty of confidentiality applies to any person performing service or work for the police.

Section 13a subsection 1 of the Public Administration Act does not apply to information which, if made known, may impair police efforts to prevent or uncover offences or maintain peace and order.

The duty of confidentiality of the police does not prevent information from being made known to

- 1 other officers in the police service and the prosecuting authority to the extent required in the course of duty
- 2 other public authorities and to foreign collaborating police and security authorities when the purpose is to prevent or avert criminal acts
- 3 witnesses and sources when this is necessary to enable the police to obtain information or assistance with a view to preventing or averting criminal acts.

Chapter V Various provisions

Section 25 Special police supervision at public events

When, in the interests of public order, special police supervision is required at gatherings or events, e.g. public dances, parties, concerts, festivals, performances, sports meetings and the like that are open to the general public, the organiser may be required to meet all or part of the expenses of such supervision.

Section 26 Prohibition against private law enforcement

It is prohibited for others than the police to organise or participate in private activity whose purpose is to maintain public peace and order or to carry on other forms of ordinary law enforcement in a public place.

The prohibition of the first paragraph does not prevent a guard from being mounted with the aim of protecting people or property or the natural environment. Nor does the prohibition prevent the organiser of a gathering or event that is open to the general public from mounting a guard to maintain peace and order during the event.

Section 27 Accident and disaster situations

It is incumbent on the police to initiate and organise rescue operations in cases where people's lives or health are threatened, unless such responsibility is assigned to another authority.

The King lays down further provisions on the rescue service's functions and organisation.

In case of accident and disaster situations it is incumbent on the police to implement such measures as are necessary to avert danger and limit damage. Until responsibility is assumed by another authority, the police shall organise and co-ordinate the relief work.

Section 28 Svalbard, Jan Mayen etc.

This Act applies to Svalbard and Jan Mayen and to areas subject to Norwegian sovereignty as dependencies, with such amendments as the King may prescribe in consideration of local conditions.

Section 29 Power of instruction

The King establishes general instructions for the police service. The ministry issues service regulations and special instructions. The chief of police may issue supplementary service rules when local conditions render this necessary.

Section 30 Penalties

Fines or imprisonment not exceeding 3 months will be handed down to any person who wilfully or through negligence

- 1 fails to comply with police orders, signs or signals, cf. section 5
- 2 refuses the police access to material as mentioned in section 12, fifth paragraph, second sentence
- 3 fails to abide by the obligation to report pursuant to section 11 first paragraph, breaches the prohibition in section 11 fifth paragraph or conditions set pursuant to section 11 fourth or seventh paragraph
- 4 contravenes provisions laid down pursuant to section 14
- 5 contravenes section 28

or is accessory thereto, unless the contravention falls within a severer penal provision.

Chapter VI Concluding provisionsSection 31 Commencement and transitional provisions

This Act comes into force on the date decided by the King.

Regulations, including municipal bylaws, issued pursuant to laws that are repealed in section 32 subsection 1, remain in force until they have been replaced with new regulations provided they do not conflict with the provisions of this Act.

Section 32 Amendments to other Acts

1 The following Acts are repealed as from the date of commencement of this Act:

Act of 26 May 1866 on the Police Service in Christiania.
 Act of 17 June 1869 on the Police Service in Self-Governing Towns.
 Act of 22 May 1875 on the Right to Give Dramatic and Other Performances etc.
 Act of 28 May 1881 on the Police Service in Coastal Towns Without Full Urban Status.
 Act of 6 June 1891 on Police Bylaws for the Districts of the

Realm.

Act of 12 June 1914 on Amendment of the Act of 26 May 1866 containing Substantive Provisions on the Police Service in Christiania.

Act no. 3 of 17 June 1932 on Supplements to the Police Legislation.

Act no. 8 of 19 May 1933 on Police Rights of Requisition.

Act no. 3 of 13 March 1936 on the Police.

Act no. 1 of 29 May 1936 on Amendments to the Police Legislation.

2 The following individual provisions are revoked in other Acts as from the date of commencement of this Act:

Act no. 5 of 31 May 1900 on Vagrancy, Mendicancy and Drunkenness.

Sections 7 and 20 to be revoked.

Act no. 11 of 22 May 1902 on Commencement of the General Civil Penal Code.

Section 15 to be revoked.

Act no. 7 of 16 June 1961 on Lensmen.

Section 3 first and fourth paragraph to be revoked.

Act no. 25 of 22 May 1981 on Procedure in Criminal Cases (Criminal Procedure Act).

Section 191 to be repealed.

3 The following amendments take effect in individual provisions of other Act as from the date of commencement of this Act:

Act no. 10 of 22 May 1902 on the General Civil Penal Code.

Section 333, first paragraph, shall read:

Any person shall be liable to fines or imprisonment for a term not exceeding three months who refuses to state his name, date of birth, year of birth, position, or place of residence to a process server, police officer, or any other public authority, when such information is required in the course of public duty, or who in such case states a false name, date of birth, year of birth, position, or place of residence, for

himself or another, or who is accessory to such refusal or false statement.

Act no. 7 of 16 June 1961 on Lensmen.

Section 2 shall read:

Lensmen shall be appointed by an appointments board. The board shall be chaired by the Chief of Police and otherwise be composed according to the rules of section 5 of the Civil Service Act.

In section 82 second paragraph the reference to section 191 shall be replaced with a reference to section 8 of the Police Act.

Act no. 29 of 13 May 1988 on Guard Activities

Section 2, fourth paragraph, shall read:

Authorisation to carry on guard activities shall be granted by the chief of police in the locality whence the activity is to be carried on or by whichever police authority the ministry decides.

Act no. 33 of 20 May 1988 on Police Authority in the Military Defence.

In section 3 first paragraph, the reference to section 191 of the Criminal Procedure Act shall be replaced with a reference to section 8 of the Police Act.

Act no. 64 of 24 June 1988 concerning the Entry of Foreign Nationals into the Kingdom, etc.

Section 27 second paragraph first sentence shall read:

A decision to reject pursuant to the first paragraph, sub-paragraphs a - f, is made by the chief of police or whoever he designates.

Section 57, second paragraph, first sentence shall read:

A decision to reject pursuant to the first paragraph, sub-paragraphs a and b is made by the chief of police or whoever he designates.