

Act of 17 July 1925 relating to Svalbard

Chapter I. Relation of Svalbard to Norway.

§ 1.

Svalbard forms a part of the Kingdom of Norway.

To Svalbard belong Bear Island, West Spitsbergen, North-East Land, Barents Island, Edge Island, King Charles Land, Hope-Island, Prince Charles Foreland, together with all islands, great or small and rocks appertaining thereto between 10° and 35° longitude east of Greenwich and between 74° and 81° latitude north.

§ 2.

Norwegian civil and penal law and the Norwegian legislation relating to the administration of justice apply to Svalbard, where nothing to the contrary has been provided.

Other statutory provisions do not apply to Svalbard, unless specifically provided.

§ 3.

The statutes relating to public officials, to payment for public acts, to coins, measure and weight, to the postal and telegraph services, to labour protection and to labour disputes shall apply to Svalbard with such amendments as the King may lay down out of regard for the local conditions.

§ 4.

The King may issue general regulations concerning the church, school and poor relief services, concerning public order, concerning expulsion, concerning the medical and health services, concerning the building and fire services, concerning combustible articles, concerning shipping, aviation and other communications, concerning patents etc. concerning mining, hunting, catching, fishing and other industries, concerning protection of animals, plants, natural formations, tracts of land and antiquities and concerning returns to the central statistical office.

Chapter II. Government and administration of justice.

§ 5.

In Svalbard there shall be a Governor appointed by the King.

The Governor shall have the same authority as a District Governor. He is also chief of police, notary public and assistant judge in the court of first instance, in so far as no special officials are appointed to these posts.

§ 6.

The Court of Assessors for Svalbard shall be the Court of Assessors in the judicial circuit which the King determines.

§ 7.

The functions of the court of first instance, probate court judge and judicial recorder shall be assigned to the court of first instance which the King determines.

§ 8.

Under the Governor as assistant judge shall sort:

- (1) Cases which the Act relating to judicial procedure in penal cases or other statutes have assigned to the court of first instance;
- (2) paternity cases which the judge of the court of first instance deems can best be elucidated in Svalbard;
- (3) cases concerning private service or other private employment relationships;
- (4) other cases relating to capital claims, when the value of the object in dispute does not exceed NOK 2 000,- or when both parties ask for a judgment and the Governor is willing. The Governor can also perform taking of evidence and registrations.

§ 9.

In cases where mediation between the parties is obligatory the court shall undertake such mediation.

The court stipulates the time and place for court sittings and the notice which parties and witnesses shall have.

The statutory provisions relating to court vacations do not apply to Svalbard.

Witnesses and experts are not bound to meet at a distance exceeding 10 km from the place where they reside or sojourn when summons is served, unless the court gives them special order to attend.

As regards allowance for conveyance and board the King shall issue regulations.

§ 10.

Evaluation in expropriation cases is undertaken by three legal surveyors. Appeal against an evaluation is heard by five legal surveyors with the Governor as chairman.

If the case is particularly important, the King may, on the petition of a party, determine that the Governor and two legal surveyors shall effect the evaluation. Appeal against the evaluation shall in such case be heard by five legal surveyors with a surveyor judge, whom the King appoints, as chairman.

§ 11.

Court witnesses, legal surveyors, lay judges and assessors for court sittings in Norway shall be selected from the panels which are established for the court in question.

In Svalbard the Governor shall appoint court witnesses, legal surveyors and lay judges. They must be Norwegian subjects, be of age and not deprived by judgment of their right of voting in public affairs.

The persons appointed are bound to accept the task. Allowance for conveyance and board can be granted to them according to rules laid down by the King.

Process-servers shall be appointed by the Governor.

§ 12.

Seizure, sequestration, distraint proceedings, and forced sale relating to real property or mining rights in Svalbard shall be performed in Norway by the judge of the court of first instance. Other enforcement action shall sort under the Governor.

Forced sale of real property and mining rights shall be announced once in the Norwegian Gazette with at least 3 months' notice and by affixation of a notice at the office of the court. Forced sale of moveables shall be announced by notices and in other suitable manner.

§ 13.

The register of mortgages in Svalbard shall have a separate folio for each real property, each mining claim and each leased piece of State land.

As to the designation of properties and mining claims in the register of mortgages and as to the keeping of the register of mortgages, the King shall issue more detailed regulations.

Chapter III. Special rules concerning personal legal relations.

§ 14.

Guardians for minors or for persons declared incapable of managing their own affairs shall be appointed by the Governor.

He shall without delay send notification of such appointment and a statement of the capital assets of the person under guardianship.

The King shall issue more detailed regulations as to how the assets shall be administered and as to supervision of the guardians.

§ 15.

The declaring of a person as incapable of managing his own affairs on account of mental infirmity can be done temporarily by the Governor, when a medical certificate of the infirmity is presented.

§ 16.

Both civic and ecclesiastical solemnization of marriage may be performed without publication of banns.

§ 17.

If a marriage contract (ektepakt) is executed and the person performing the solemnization of the marriage endorses the contract with an attestation of the date, the contract shall be valid also in relation to a third party from the date of the solemnization of the marriage, if it is registered within one year.

§ 18.

Mediation between spouses under the provisions of the Marriage Act may be performed by the Governor or by a person authorized to solemnize marriage.

§ 19.

The Governor shall also function as bailiff of alimony pursuant to the statutes relating to parents and children.

§ 20.

The child welfare committee shall consist of the Governor and two members whom he appoints. At least one of the members shall be a woman.

§ 21.

The statutes relating to allodial possession (odelsrett) and right of primogeniture (âsetesrett) shall not apply to Svalbard.

Chapter IV. Special rules relating to property.

§ 22.

All land which is not assigned to any person as his property pursuant to the Treaty relating to Svalbard shall be State land and as such be subject to the State's right of ownership.

No one may gain a prescriptive right of ownership or use of State land. Rights which the State possesses over vended State land cannot be lost by prescriptive right.

§ 23.

Over land which has been assigned to a private proprietor under the Treaty relating to Svalbard, subjects of the states which are parties to the Treaty can without special licence acquire both right of ownership and right of use. The same applies to a lawfully formed company, the board of which has its seat in these states.

The keeper of the register of mortgages may demand evidence from the authorities concerned in the home state that a foreigner or a foreign company fulfils these conditions.

§ 24.

If the proprietor or user of real property in Svalbard does not reside or have permanent abode in Norway or Svalbard, he must have an authorized agent who is resident in the Kingdom to represent him in all matters relating to this property. The same applies when the proprietor or user is a company, whose board has its seat in a foreign state.

The power of attorney with the name and status of the agent shall be registered.

If no such power of attorney has been given and registered, the judge of the court of first instance can appoint an agent at the request of anyone interested. The appointment shall be registered and shall be valid until the owner or user himself registers a power of attorney.

§ 25.

The King can issue regulations as to how the boundaries of private land shall be marked.

When a real property is divided, the Governor shall appoint two men to draw up a certificate of division with the necessary particulars of the part separated off. Title-deed to the separated portion must not be registered before the certificate of division.

§ 26.

The ground proprietor has sole right of hunting and catching on the property:

- a) in the vicinity of dwelling, houses, magazines, work-shops and other buildings which have as their purpose the utilization of the property;
- b) within a distance of 10 km from the main seat of the activity or utilization of the property.

The ground proprietor has the sole right of hunting, catching, collecting of eggs and down in eggeries or downeries which are protected by licence of the King. The protection shall be announced in the Norwegian Gazette and the locality shall be marked in the manner the King prescribes.

§ 27.

Outside the areas which are specified in § 26 hunters, catchers, fishermen, collectors of eggs and down shall be entitled to have cabins and other establishments which they need for sojourn and work, provided that it is not an inconvenience to the ground proprietor.

Anyone who wishes to carry on scientific investigations shall have the same right outside the areas specified in § 26, litra a).

Dispute concerning the application of these regulations shall be decided by the Governor with final effect.

§ 28.

Enforced relinquishment of a right of ownership or use of real property in cases other than are warranted by the Mining Code may be permitted the King:

- (1) when the State or a private person wishes to build a harbour, quay, dock, road, transport device, water conduit, power line, telegraph or telephone installation.
- (2) when the State in other respects needs the ground for public or scientific use.

The proprietor and other possessors of rights shall be given opportunity to make a statement before the King gives the permission.

Chapter V. Miscellaneous provisions.**§ 29.**

The King can decide that persons and companies from states not party to the Treaty relating to Svalbard can acquire mining rights, rights of ownership or use of real property in Svalbard, wholly or partly on the

same conditions as the ones to which they would be subject if they belonged to one of the Contracting Parties.

§ 30.

This Act shall enter into force on the date decided by the King.
