

Code of Criminal Procedure

No. 88, 12 June 2008

Ferill málsins á Alþingi. Frumvarp til laga.

Took effect 1 January 2009 (see, however, Interim Provisions VII and VIII). Amended by [Act 156/2008](#) (took effect 31 Dec. 2008), [Act 70/2009](#) (took effect 30 June 2009 except Articles 1–3, 12–26 and Interim Provisions V and VI, which took effect 1 July 2009, Article 4, which took effect on 1 Sept. 2009 and Interim Provision IV, which took effect 16 June 2009; implemented in accordance with the provisions of Article 29; cf. also [Act 97/2009](#) (took effect 3. sept. 2009)), [Act 80/2009](#) (took effect 7 August 2009), [Act 123/2009](#) (took effect 30 Dec. 2009), [Act 52/2010](#) (took effect 12 June 2010), [Act 162/2010](#) (took effect 1 Jan. 2011), [Act 82/2011](#) (took effect 1 Sept. 2011, except for the Interim Provision which took effect 30 June 2011), [Act 126/2011](#) (took effect 30 Sept. 2011), [Act 168/2011](#) (took effect 30 Dec. 2011), [Act 15/2013](#) (took effect 9 Mar. 2013), [Act 116/2013](#) (took effect 15 Nov. 2013), [Act 103/2014](#) (took effect 4 Nov. 2014), [Act 47/2015](#) (took effect 1 Jan. 2016 except for the Interim Provisions and Articles 22 and 23, which took effect 15 July 2015), [Act 78/2015](#) (took effect 1 Aug. 2015), [Act 15/2016](#) (took effect 31 Mar. 2016), [Act 23/2016](#) (took effect 5. April 2016), [Act 49/2016](#) (took effect 1 Jan. 2018; regarding conflict of laws, see Article 78; cf. [Act 117/2016](#), Article 76, [Act 53/2017](#), Article 4, and [Act 90/2017](#), Article 8), [Act 99/2016](#) (took effect 24 Sept. 2016), [Act 103/2016](#) (took effect 1 Jan. 2017), [Act 117/2016](#) (took effect 1 Jan. 2018, except Articles 52, 53, 75, 76 and 79–81, which took effect 28 Oct. 2016), [Act 34/2017](#) (took effect 16 June 2017), [Act 53/2017](#) (took effect 20 June 2017), [Act 90/2017](#) (took effect 29 Dec. 2017), [Act 17/2018](#) (took effect 13 April 2018), [Act 67/2018](#) (took effect 11 June 2018), [Act 141/2018](#) (took effect 1 January 2019) and [Act 18/2019](#) (took effect 21 March 2019).

Where mention is made in this Act of ‘the minister’ or ‘the ministry’ without further definition, the reference intended is to the **Minister of Justice** or the **Ministry of Justice**, which is responsible for the implementation of this Act. Information on the division of responsibilities between ministries according to a presidential decree may be found [here](#).

Part 1. General rules on criminal procedure.**Section I. [Scope of the Act; judges in the district courts and the Court of Appeals.]¹⁾**

Act 49/2016, Art. 36.

■ Article 1

Procedure laid down in this Act shall apply to all cases that are brought by the prosecution to secure punishment under the law unless other arrangements are prescribed in acts of law.

The same shall apply to cases brought to apply punitive sanctions, such as preventive detention and other preventive measures, seizure of property, deprivation of rights and declaring comments null and void, if the prosecution authorities are in charge of prosecuting the case, even though no claim is submitted for punishment in the case.

■ Article 2

Procedure according to this Act shall also apply to the resolution of a request for the extradition of criminals and the enforcement of foreign punitive sentences in Iceland and the handling of requests from foreign courts and authorities to have actions taken in Iceland in connection with criminal cases. Furthermore, procedure according to this Act shall apply to those cases where such procedure is prescribed in other acts of law.

Civil law claims may be presented and adjudicated in a criminal case in accordance with Section XXVI of this Act. The same shall apply to claims of a public-law nature, such as claims for taxes, the ending of an unlawful situation or the prohibition of unlawful activities.

■ Article 3

At the district court level, cases covered by this Act shall come under the ordinary district courts.

The court in each case [at district court level]¹⁾ shall consist of one judge except under the circumstances described in the third, fourth and fifth paragraphs.

[If there is a dispute over facts and the judge considers that specialist knowledge is needed in the court so as to resolve the issue, he or she may summon one co-judge who possesses such knowledge, and the president of the court shall decide which district court judge is to sit on the bench with the presiding judge and the expert co-judge. However, the judge may summon two co-judges if he or she considers that specialist knowledge is needed in the court in more than one field.]¹⁾

...¹⁾

[If the case is otherwise broad in scope, or if the offence covered by the indictment may lead to a sentence of 10 or more years' imprisonment],¹⁾ or if the matter at issue is of great general significance, the president of the court

may decide that three district court judges are to sit on the bench in the case, or else two district court judges together with one expert co-judge.

Act 49/2016, Art. 32.

■ Article 3 a

□ If an expert co-judge has taken part in the hearing of a case at the district court level which has been substantively resolved there but a dispute continues regarding facts before the Court of Appeals, and the president considers that specialist knowledge is needed in the court to resolve the issue, then the president may, on his or her own initiative or in accordance with a recommendation from the presiding judge in the case, appoint one co-judge with such specialist knowledge, who shall then sit on the bench in the case together with two judges of the Court of Appeals. If the case has been allocated to three judges of the Court of Appeals, the president of the court shall decide which of them is to step down. If the president of the court considers that specialist knowledge is needed in more than one field, but no co-judge with specialist knowledge in both or all fields is available, he or she may appoint two expert co-judges to take part in the hearing of the case along with three judges of the Court of Appeals. The president may also decide, if the case is broad in scope, the offence covered by the indictment may lead to a sentence of 10 or more years' imprisonment or the matter at issue is of great general significance, and the district court sat in plenary session, that three judges of the Court of Appeals are to sit on the bench together with two expert co-judges, or that five judges of the Court of Appeals are to sit on the bench in the case.]¹⁾

Act 49/2016, Art. 33.

■ Article 4

□ Only persons who have sufficient maturity and mental and physical health, are Icelandic citizens, are legally competent and are aged 25 years or older, have charge of their financial affairs and [have received prison sentences for criminal acts committed after they attained the age of 18 years]²⁾ not been convicted of a criminal offence that can be regarded as disgraceful in the eyes of the ordinary public, or exhibited conduct that may diminish the trust that judges must normally enjoy, may be appointed to sit on the bench as expert co-judges.

□ Any person who meets the conditions of paragraph 1 shall be obliged to accept an appointment to work as a co-judge. This shall not apply, however, to Supreme Court judges, employees of the Supreme Court, [judges of the Court of Appeals, employees of the Court of Appeals],¹⁾ district court judges and their assistants, government ministers, permanent secretaries in the ministries, bishops, clergymen and the heads of recognised religious groupings [and registered life-stance associations],¹⁾ the Parliamentary Ombudsman, the Director of Public Prosecutions, the Director of the National Prosecution

Service, district commissioners, directors of customs and commissioners of police and their legally-qualified employees [or]¹⁾ lawyers and their deputies.

[The Judiciary Act shall apply regarding other aspects of the choice of expert co-judges.]¹⁾

¹⁾Act 49/2016, Art. 34. ²⁾ Act 141/2018, Art. 10.

■ Article 5

Co-judges shall take their seats on the bench no later than at the beginning of the hearing of the case. All other things being equal, the judge shall inform the parties to the case with some notice of who he or she intends to appoint to sit on the bench, so giving them the opportunity of raising objections if they consider there is reason to do so.

An entry shall be made in the records noting the appointment of the co-judges in a case when they first take their seats on the bench. ...¹⁾

Co-judges shall participate in the hearing of the case and [the compilation of the judgment]²⁾ and have the same rights and obligations as the presiding judge in the case. The presiding judge shall nevertheless direct the court, shall act alone in delivering rulings on matters other than the dismissal of the case, and shall issue summonses and notifications, convene a session of the court for the delivery of judgment, see to the preparation and confirmation of actions taken by the court and represent the court to external parties.

The presiding judge shall determine the fee paid to expert co-judges [in accordance with rules set by the Courts Administration].¹⁾

¹⁾Act 49/2016, Art. 35. ²⁾Act 78/2015, Art. 17.

■ Article 6

A judge (this also applies to a co-judge) shall be disqualified from handling cases if he or she:

a. is the accused, the injured party in the case or a representative of either;
b. has defended the interests of the accused or the injured party in the case;
c. has given testimony, or been summonsed to give testimony, on the facts of the case, for legitimate reasons, or has acted as an assessor or rapporteur regarding the substance of the case;

d. is, or used to be, the spouse of the accused or the injured party, or is related by blood or marriage to either of them in a direct line of descent or as an uncle, aunt, nephew, niece or first cousin, or is related to either of them in the same way as a result of adoption;

e. is related to, or used to be related to, the representative or legal counsel of the accused or the injured party in the way described in indent d;

f. is related to, or used to be related to, a witness in the case in the way described in indent d, or to an assessor or rapporteur;

g. if other events or circumstances are such as to cast reasonable doubt on his or her impartiality.

In addition, a judge shall step down on a case following the issue of the indictment if he or she acceded to a request that the defendant be remanded in custody under the second paragraph of Article 95.

■ Article 7

Judges shall, on their own initiative, assess their competence to judge a case; either of the parties may also demand that they step down. The presiding judge shall make a similar assessment of the competence of expert co-judges.

The judge, or the presiding judge if the court is in plenum, shall deliver a ruling on a demand by one of the parties that he or she, or the co-judges, step down, and also when deciding to step down on his or her own initiative. When three district court judges sit on the bench, they shall all deliver such rulings.

Even though a judge steps down, he or she shall be obliged to take such measures as may be necessary to keep the case in proper order until another judge takes it on. During this time, he or she may also release copies of documents in the case and confirm actions taken by the court.

Section II. Court sessions, court records, etc.

■ Article 8

Judges shall direct sessions of the court and ensure that they proceed in accordance with the appropriate rules. They shall decide in what order cases are examined. No one may speak without the judge's permission, and the judge may, after issuing a warning, order someone to stop speaking if they do not stick to the subject of the case.

When one person sits on the bench, there shall normally be one court witness. He or she shall meet the ordinary requirements for being a witness and may not be so closely related to the judge, the prosecutor, the accused, the injured party or a representative or a legal counsel as is described in indent d of the first paragraph of Article 6. If the court witness is not an employee of the court, the judge shall decide on the witness's remuneration.

■ Article 9

Sessions of the court shall be held in the regular court premises. A session maybe held elsewhere, however, if this is considered more convenient, e.g. in a prison or a hospital if it is necessary to question someone who is there. [If it is necessary to question an injured party who is under the age of 15, this shall be done in special premises for questioning children unless the interests of the injured party dictate that this be done in some other way. Furthermore, the judge may decide that questioning of witnesses under the age of 15 take place in specially designed premises of this type.] ¹⁾

¹⁾Act 78/2015, Art.18.

■ Article 10