

Code of Civil Procedure

No. 91, 31 December 1991.

Ferill málsins á Alþingi. Frumvarp til laga.

Took effect 1 July 1992. Amended by [Act 133/1993](#) (took effect 1 Jan. 1994; *The EEA Agreement*: Annex V, Directive 64/221/EEC; Annex VII, Directive 67/43/EEC; Annex V, Directives 68/360/EEC and 72/194/EEC; Annex VIII, Directives 73/148/EEC, 75/34/EEC and 75/35/EEC; Annex VII, Directives 77/249/EEC and 89/48/EEC; Annex VIII, Directives 90/364/EEC, 90/365/EEC and 90/366/EEC), [Act 38/1994](#) (took effect 1 July 1994), [Act 15/1998](#) (took effect 1 July 1998, except Art. 38, which took effect 3 April 1998), [Act 36/1999](#) (took effect 1 May 1999), [Act 97/1999](#) (took effect 27 Dec. 1999; *The EEA Agreement*), [Act 72/2003](#) (took effect 10 April 2003), [Act 7/2005](#) (took effect 24 Feb. 2005), [Act 53/2008](#) (took effect 7 June 2008), [Act 88/2008](#) (took effect 1 Jan. 2009 except for Interim provision VII, which took effect 21 June 2008), [Act 70/2009](#) (took effect 30 June 2009 except Articles 1–3, Articles 12–26 and Interim provisions V and VI, which took effect 1 July 2009, Article 4, which took effect 1 Sept. 2009 and Interim provision IV, which took effect 16 June 2009; implemented under instructions in Art. 29, cf. also [Act 97/2009](#) (took effect 3 Sept. 2009)), [Act 117/2010](#) (took effect 23 Sept. 2010), [Act 162/2010](#) (took effect 1 Jan. 2011), [Act 126/2011](#) (took effect 30 Sept. 2011), [Act 72/2012](#) (took effect 4 July 2012, except Art. 7, which took effect 15 July 2012), [Act 6/2013](#) (took effect 1 Jan. 2013, published in Law and Ministerial Gazette 13 Feb. 2013), [Act 15/2013](#) (took effect 9 March 2013), [Act 80/2013](#) (took effect 4 July 2013, ceased to apply 1 Jan. 2015), [Act 78/2015](#) (took effect 1 August 2015), [L. 49/2016](#) (took effect 1 Jan. 2018; on separation of laws, see Art. 78, cf. [Act 117/2016](#), Art. 76, [Act 53/2017](#), Art. 4, and [Act 90/2017](#), Art. 8.), [Act 99/2016](#) (took effect 24 Sept. 2016) and [Act 90/2017](#) (took effect 29 Dec. 2017).

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 civil procedure.

Section I. [Scope of the Act; judges in the district courts and the Court of Appeals.]¹⁾

¹⁾[Act 49/2016, Art. 5.](#)

■ Article 1

1. This Act shall apply to court cases that are neither subject to special procedure according to provisions of other acts of law nor come under the jurisdiction of special courts according to law.

2. At the district court level, cases covered by this Act shall come under the regular district courts in accordance with the legislation on the appointment of the judiciary at the district court level.

■ Article 2

1. The court shall consist of one judge in each case [at the district court level]¹⁾ unless co-judges [are appointed]²⁾ under paragraph 2 or 3.

□[2. If there is a dispute over facts that are presented as grounds for action and the judge considers there is a need for expert knowledge 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 there is a need for expert knowledge in the court in more than one field.] ¹⁾

□3. If the case is broad in scope or the substance of the case is of great general significance, [the president of the court may decide that three district court judges are to sit on the bench, or two district court judges with one expert co-judge]. ²⁾

¹⁾[Act 49/2016, Art. 1.](#) ²⁾[Act 15/1998, Art. 36.](#)

■ Article 2 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 which are presented as grounds for action before the Court of Appeals, and the president considers that expert 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 expert 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 there is a need for expert knowledge in more than one field, but no co-judge with expert 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 or the substance of the case is of great general significance, that three judges of the Court of Appeals are to sit on the bench together with two expert co-judges.] ¹⁾

¹⁾[Act 49/2016, Art. 2.](#)

■ Article 3

□1. 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 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.

□2. 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], ¹⁾ [judges of the Court of Appeals, employees of the Court of Appeals], ²⁾ government ministers, permanent secretaries in the ministries, bishops, clergymen and the heads of recognised religious groupings [and registered life-stance associations], ³⁾ the Parliamentary Ombudsman, the Director of Public Prosecutions, district commissioners, directors of customs and commissioners of police and their legally-qualified employees or lawyers and their deputies. Nor may heads of public bodies and employees in the health services be required to take seats as co-judges if the substance of the case has a bearing on the institutions in which they work.

□[3. The Judiciary Act shall apply regarding other aspects of the choice of expert co-judges.] ²⁾

¹⁾[Act 15/1998, Art. 36.](#) ²⁾[Act 49/2016, Art. 3.](#) ³⁾[Act 6/2013, Art. 14.](#)

■ Article 4

□1. 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.

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

3. Co-judges shall take part in the hearing and [the writing 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, and shall act alone in delivering rulings on matters other than the dismissal of cases, including as regards the competence of co-judges, and shall issue appointments, summonses and announcements, [hold a session of the court for the delivery of judgment], ²⁾ see to the enactment and confirmation of acts of the court and represent the court to other parties.

4. The presiding judge shall determine the fee paid to expert co-judges [in accordance with rules set by the Courts Administration.]. ¹⁾ ... ³⁾

¹⁾[Act 49/2016, Art. 4.](#) ²⁾[Act 78/2015, Art. 1.](#) ³⁾[Act 15/1998, Art. 35.](#)

■ Article 5

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

a. is a party to the case, or a representative of a party,

b. has acted as a legal advisor to a party regarding the substance of the case, or has provided a party with guidance concerning it which he or she was not obliged to provide by law;

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 has been, the spouse of one of the parties, or related by blood or marriage to one of the parties in a direct line of descent, or as an uncle, aunt or first cousin, or is related to one of the parties in the same way as a result of adoption,

e. is related to, or has been related to, the representative or legal counsel of one of the parties in the way described in indent d;

f. is related to, or has been related to, a witness in the case in the way described in indent d, or to an assessor or rapporteur or a person who refuses to release evidence, or

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

■ Article 6

1. Judges shall, on their own initiative, assess their competence and that of their co-judges to deal with cases; a party to the case may also demand that the judge, or the co-judges, step down.

2. Judges shall themselves deliver rulings on demands made by parties that they step down, and also if they disqualify themselves on their own initiative.

3. ... ¹⁾

4. 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.

¹⁾[Act 15/1998, Art. 35.](#)

Section II. Court sessions, court records, etc.

■ Article 7

1. 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 order someone to stop speaking if they do not stick to the subject of the case.

2. 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, a party to the case, a representative or a legal counsel as is described in indent d of Article 5. If the court witness is not an employee of the court, the judge shall decide on the fee to be paid to him or her by one of the parties.

■ Article 8

1. Sessions of the court shall be open. Whether at the demand of one of the parties or not, the judge may nevertheless decide to hold a session *in camera* if it proceeds outside the normal court venue or if the judge considers this necessary:

- a. to protect a party, a person related to a party, a witness or other person concerned,
- b. because of the need of a party, witness or other person concerned to keep secret matters that have a bearing on business interests or in view of comparable circumstances,
- c. in view of the public interest, or that of the state,
- d. for reasons of propriety,
- e. to maintain peace for the court to do its work.

2. A decision by the judge to hold the session *in camera* shall be recorded, the reason for the decision being stated.

3. Even though a session is held in open court, the judge shall be empowered to limit the number of those present to what the courtroom can comfortably accommodate. The judge may also deny access to persons aged under 15 or to those who are in such condition as is not compatible with good courtroom procedure.

■ Article 9

1. Sound recording and photography are forbidden during court sessions. The judge may grant exemption from this prohibition in special circumstances.

2. It is forbidden to give public reports of *in camera* proceedings without the judge's permission. Even when a session is held in open court, the judge may prohibit the giving of public reports on proceedings there, providing that he or she announces a decision to this effect to those present and has it entered in the records. Violations of these prohibitions shall be punishable by fines unless more severe punishments are prescribed in other acts of law.

3. The judge may expel a person from the court if his or her presence seems likely to interfere with the functioning of the court or if his or her conduct, in word or deed, is improper. If such a person is one of the parties, his or her representative or his or her legal counsel, then the judge shall normally reprove the person and give him or her the opportunity of adopting more acceptable conduct before ordering him or her to leave. A judge's decision to expel someone from the court may be enforced with the assistance of the police if necessary. If the person is one of the parties, his or her representative or his or her legal counsel, then the expulsion shall be noted in the records.

■ Article 10

1. The language of the court shall be Icelandic.

2. If a person gives testimony in court and does not have sufficient command of Icelandic, the party who has arranged for the giving of testimony shall call in an authorised court interpreter. However, if this is provided for under an agreement with a foreign state, then the judge shall call in the authorised court interpreter. If no authorised court interpreter is available, then the judge shall consent to having another competent person act as interpreter;

that person shall then sign a pledge in the court records stating that he or she will perform the task to the best of his or her ability, and shall be obliged to confirm the accuracy of his or her interpretation or translation before the court if it is called in question. The party shall pay the cost of the interpreter's work; however, this cost shall be paid by the Treasury in private prosecutions and in actions to establish paternity and to deprive persons of legal competence, and also where the judge has called the interpreter in accordance with the provisions of an agreement with a foreign state.

□3. Documents in foreign languages shall normally be accompanied by Icelandic translations to the extent that they serve as the basis for action in the case unless the judge considers himself or herself able to translate them. If the parties to the case do not agree amongst themselves as to the correct translation of a document, the translation shall be made by an authorised translator. If no authorised translator is available, a translation by another competent person may be submitted; that person shall be obliged to confirm the accuracy of his or her translation before the court if it is called in question. The provisions of paragraph 2 shall apply regarding the cost of the translator's work.

□4. If a person who is to give testimony in court is not capable of engaging in verbal exchanges through the medium of speech, then the party who has arranged for the giving of the testimony shall call in a qualified person to assist him or her. The provisions of paragraph 2 shall apply regarding the pledge to be signed by that person, the confirmation of the quality of his or her services and costs resulting from his or her work. The judge may, however, decide that instead of following this procedure, questions may, as appropriate, be put to the witness and he or she shall then answer them in writing before the court.

■ Article 11

□1. There shall be record books in [the Court of Appeals and]¹⁾ in every district court for use in civil cases. Judges may have material that would otherwise be entered in such record books typed or written on a computer; material recorded in this way shall then be preserved in printed form, with the judge's signature as confirmation, and shall then be stapled or bound together as a court record book.

□2. When a court session is held, a report of its proceedings shall be written up in the record book. This shall normally record where and when the session was held, the name of the judge presiding over the case before the court, the evidence submitted, who was in attendance in the court and who appeared before the court and the decisions taken about the conduct of the case, and also the judge's decisions and rulings delivered during the conduct of the case. Declarations made by the parties which have not been submitted in writing shall also be recorded. Otherwise, where no provision is made elsewhere in this Act stating that particular matters are to be recorded, the judge shall decide what is to be recorded in the record book and shall sign the record at the end of the court session. If the judge considers there is reason to do so, he or she shall acquaint those present with the contents of the records, in part or in their entirety, and shall give those involved the opportunity of signing them.

□[3. Audio-visual recordings shall be made of oral testimony (see, however, paragraphs 3 and 4 of Article 51). In exceptional cases, the judge may also decide to record, audio-visually or in writing, his or her summary of testimony, in which case the person concerned shall be given the opportunity of commenting on what he or she is quoted as saying and on how testimony was taken.]¹⁾

¹⁾[Act 49/2016, Art. 6.](#)

■ Article 12