

No. 71/1997

## Chapter I

### Legal Competence

#### Section 1

##### Legal Competence

1. A person shall become legally competent when attaining the age of 18 years. A legally competent person shall be competent to manage his or her personal and financial affairs.

2. A person not legally competent by reason of minor age who enters marriage shall be legally competent as from when the marriage takes place.

#### Section 2

##### Personal Competence

Subject to other provisions of law, a person possessing personal legal competence shall be competent to manage

any of his or her personal affairs other than financial affairs.

### Section 3

#### Financial Competence

Subject to other provisions of law, a person possessing financial legal competence shall be competent to manage any of his or her financial affairs.

### Chapter II

#### Deprivation of Legal Competence

### Section 4

#### Conditions for Deprivation of Legal Competence, etc.

By judicial decision a person can, if necessary, be deprived of legal competence, personal competence alone, financial competence alone, or both:

a. If he or she is unable to manage his or her personal or financial affairs by reason of mental debility, old age

infirmity or mental disease, or by reason of other serious health condition.

b. If he or she is, as a result of excessive use of alcohol or drugs of habituation or dependence, unable to manage his or her personal or financial affairs.

c. If he or she is not able to manage his or her personal or financial affairs in a satisfactory manner by reason of physical disability, health failure or other impairment, and therefore decides to request deprivation of legal competence.

d. If the provisions of health care legislation make it necessary to commit the person in question to a hospital without his or her approval.

## Section 5

### Limited Deprivation of Legal Competence

1. A person can be deprived of legal competence for a limited period of time if deprivation unlimited in time is not considered necessary. Such time-limited deprivation of

legal competence shall however not be ordered for less than six months at a time. Time-limited deprivation of legal competence shall be automatically cancelled at the end of the period of deprivation if a request has not been submitted in court for its continuation or for deprivation unlimited in time. In such cases the time-limited deprivation shall be extended until the decision of a judge has been rendered.

2. A person can be deprived of financial competence in relation to particular property, for a definite period of time or indefinitely. This shall be limited to:

- a. Real property, aircraft, and ships and vehicles for which registration is required;
- b. negotiable instruments, and
- c. money on deposit accounts with commercial banks and savings banks, and shares owned in securities funds.

The provisions of this Act on deprivation of personal competence and its legal effects shall also apply to time-limited deprivation of personal competence in accordance with paragraph 1. The provisions of this Act on deprivation

of financial competence and its legal effects shall also apply to time-limited deprivation of financial competence in accordance with paragraph 1 and, unless a different arrangement is provided for, also to deprivation of financial competence in accordance with paragraph 2.

## Section 6

### Provisional Deprivation of Legal Competence

1. After a request for deprivation of legal competence has been submitted to the court in question in accordance with the other provisions of this Chapter, a person may be provisionally deprived of legal competence if the conditions provided for in Section 4 are deemed fulfilled and deprivation of legal competence is urgently needed.

2. The provisions of this Chapter shall apply to cases where provisional deprivation of legal competence is requested.

The provisions of Section 10 paragraph 3, on the duty of a judge to afford the respondent an opportunity to request the appointment of a particular defence counsel, the