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 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**

☐1. There shall be judgment books in [the Court of Appeals and][1] in every district court which shall contain court judgments and also judges' decisions and rulings which constitute the conclusion of cases, signed by the judge.
☐2. Furthermore, registers shall be kept in [the Court of Appeals and][1] every district court covering the cases submitted for resolution under this Act.

[1] *Act 49/2016, Art. 7.*

■ Article 13

☐1. Documents submitted in court shall be originals if these are available. They shall be marked in continuous numerical order and their submission to the court shall be witnessed. The party submitting a document shall provide the number of copies thereof specified by the judge and shall also deliver copies to the other parties to the case.
☐2. Documents submitted shall be kept in the archives of the relevant court until they are delivered to the National Archives. If a party who has submitted a document needs it after the case is concluded, the original or a photocopy shall be released to him or her; if the original is released, then a photocopy shall be kept instead. While a case remains to be concluded, original documents shall not be released unless the parties agree to this or nothing in the action, or only immaterial aspects of the action, are based on them and the judge considers that they may be released on condition that they be replaced by photocopies.
☐3. Original documents shall only be released to persons other than the parties to the case if the person who submitted them gives his or her consent (see, however, paragraph 3 of Article 69).
☐[4. Judgment books, court record books, documents submitted and audio and audio-visual recordings shall be kept in the archives of the relevant court until they are delivered to the National Archives.] [1]

[1] *Act 49/2016, Art. 8.*

■ Article 14

☐1. [While a case is being conducted before the Court of Appeals or a district court, the judge or, as appropriate, the presiding judge][1] shall be obliged to provide those who have statutory interests at stake with certified copies of documents in the case and of the court records and judgments, … [2] as quickly as possible and not more than one month after this is requested.
☐[2. Before transcripts of court records and judgments [or copies of case documents][1] are released to persons other than the parties to the case, matters which it is natural to keep secret, with regard to public or private interests, shall be deleted from them.] [3]
☐[3.][3] While a case is being conducted [before the Court of Appeals or][1] a district court, or while it may be referred to a higher court or while it is being heard by a higher court, the judge shall, in return for payment of a fee, provide those involved with [audio-visual recordings][1] in accordance with paragraph 3 of Article 11, or permit them to listen to [and watch][1] such recordings, as quickly as possible after this is requested. After that time, a request to this effect may be granted if particular circumstances favour this.
☐[4.][3] The judge may demand payment in advance of the estimated fee under [paragraph 1.][1]
☐[5.][3] If the judge considers he or she is not permitted, or not obliged, to grant a request for a copy, or for permission to listen to [or watch][1] a recording, he or she shall deliver a ruling on this if required to do so.
☐[6. If the hearing of a case has been brought to a final conclusion before a district court, the president of the court shall take a decision on the release of a copy as provided for in paragraph 1 or deliver a ruling in accordance with paragraph 5.] [4]

[1] *Act 49/2016, Art. 9.* [2] *Act 38/1994, Art. 1.* [3] *Act 36/1999, Art. 48.* [4] *Act 78/2015, Art. 2.*

■ Article 15

☐[1. … [1]
☐2. [The Courts Administration shall set further rules covering the following matters before the Court of Appeals and the district courts]: [1]

a. registers of cases,
b. court record books, including electronic records,
c. equipment for [audio and audio-visual recordings] [1] in court sessions,
d. judgment books,
e. the preservation of case documents [and audio-visual recordings], [1]
f. [public access to transcripts of judgments and of court records, and also to documents submitted, including as regards the removal of information from them, after the final conclusion of a case], [1]
g. the form and presentation of case documents, including as regards the maximum length of a summons and of the observations by the defendant.] [2]

[1] *Act 49/2016, Art. 10.* [2] *Act 78/2015, Art. 1.*

Section III. Standing and representation.

■ **Article 16**

☐1. Any individual (natural person), company or institution that may have rights or bear obligations under law may be a party to a case. The courts shall have the power to judge cases involving all those capable of being parties to cases unless exceptions are made in law or according to international law.
☐2. A defence on grounds of a lack of legal standing shall result in acquittal if it is accepted by the court.

■ **Article 17**

☐1. An individual shall have agency in his or her case if he or she is competent in law to make disposals regarding the matter at issue.
☐2. If an individual who is resident abroad is considered capable of standing in his or her own person in a court case according to the laws of his or her home country, then he or she shall be regarded as being permitted to do so in Iceland. If the individual is considered capable of this in Icelandic law, then whether this is the case according to the law of his or her home country shall be irrelevant.
☐3. A legal guardian shall appear as the representative of a person who, not being legally competent, has standing in the case but lacks the ability to make disposals regarding the matter at issue.
☐4. Directors of companies, institutions or associations shall appear, singly or several acting jointly, as the representatives of such parties, according to general rules.
☐5. When the state or a municipality (local authority), or a state or municipal body or company, or a specific government authority, has standing in a case, then the individual who has the power of decision regarding the party's interests on which the matter at issue has a bearing shall represent it, unless other provisions are made in law.
☐6. If an individual party, or a representative, pleads his or her case in person and the judge considers him or her to be incapable of defending his or her interests by so doing, the judge shall require the party to engage a competent representative to plead the case. If the party concerned has not complied with this requirement by the next time the case is heard by the court, then the court may proceed with the case as if the party has not attended the court session.

■ **Article 18**

☐1. If more than one party have joint rights or bear joint obligations, then they shall have joint standing.
☐2. If those who bear joint obligations are not all given the opportunity of answering the charge, then the case shall be dismissed from court. The same shall apply if those who have joint rights do not act jointly in the prosecution of the case, to the extent that a claim is presented regarding the interests of any one of them who does not have standing in the case.
☐3. If not all of those who have joint standing attend the court, then those who do attend shall be regarded as having the right to bind the others in obligations.
☐4. If the claims presented, or declarations made, by those who have joint standing are incompatible, then all the parties shall be regarded as being bound by the claim or declaration that is most advantageous for the counter-party unless it can be demonstrated that it is wrong or that the party who made it lacked, through no fault of his or her own, awareness of facts of the case, or of his or her legal position.

■ Article 19

☐1. More than one party may prosecute a case jointly if their claims before the court originate from the same events, circumstances or legal instrument. Subject to the same conditions, more than one party may be prosecuted in the same case. Otherwise, the case shall be dismissed from court at the request of a defendant in so far as it concerns that defendant.
☐2. More than one party may be prosecuted in the same case in such a way that the claims are directed primarily at one of them, and at others as a reserve measure, if the conditions of paragraph 1 are met. Otherwise, claims against those who are prosecuted as a reserve measure shall be dismissed from court if they so demand.
☐3. If, after the case has been registered, the plaintiff wishes to summons a new party to face charges together with those that he or she has already summonsed, this shall only be permitted if the conditions of paragraph 1 are met and the fact that the plaintiff did not summons the new party before the case was registered cannot be attributed to negligence on the plaintiff's part.

■[Article 19 a

☐1. Three or more parties who have claims against the same party that originate from the same event, circumstances or legal instrument may, instead of prosecuting their case as provided for in the first paragraph of Article 19, have the prosecution of a case covering all their claims handled by an association under a joint prosecution agreement to which they are all parties. The association shall be established in order to pursue a specific case in court; liability of the members vis-à-vis the association's obligations may not be limited and the association may not be made to work on matters other than the case and, as appropriate, the satisfaction of the members' rights and the settlement of their claims. Where no special articles of association are set out for the association, the general articles of association determined by [the minister][1)] in a regulation shall apply.[2)] A register of members shall be kept. If a joint prosecution association is registered, no fee shall be paid for it to the Treasury.
☐2. Even if a prosecution association has standing in a case, its members shall, severally, have the interests that are at issue in the case and in this connection they shall have the same position as the parties except where other provisions are made in this article. The claim submitted to the court in the summons shall take the form of a single submission in the name of the association; at the same time, however, details of the members shall be given and of what share each of them has in the claim if it is for the payment of a sum of money. The judgment shall state the claim or other rights pressed by the association against the counter-party without the members being mentioned. The association shall exercise full authority to make disposals of all types regarding the matter at issue in a manner that shall be binding for

the members, including the right to drop the case or to conclude it by a settlement before the court. Should this prove necessary, the association shall seek satisfaction of the members' rights in its own name following conclusion of the case. Satisfaction of rights directed against a joint prosecution association may be sought against the members themselves.

☐3. If a new party joins a joint prosecution association after the case is brought but before it is heard, the association may augment the claims it makes before the court in the interests of the new member. Such amendment of the claims before the court shall be made, as necessary, by means of a supplementary summons, in which case the condition of Article 29, stating that it will not be regarded as negligence on the association's part that it did not initially submit all its claims in a single submission, shall not apply.

☐4. If, after a case has been brought, a member withdraws from the joint prosecution association, then the association shall no longer exercise authority over that member's interests in the case and shall be obliged to amend the claims it has submitted to the court in so far as this is occasioned by the withdrawal. A member in this situation may be sentenced to pay part of the counter-party's legal costs that may be decided by the court.] [3)]

[1)] *Act 162/2010, Art. 126.* [1)] *Reg. 818/2010.* [3)] *Act 117/2010, Art. 1.*

■ **Article 20**

☐ A third person may intervene in a case between other parties if the outcome of the case is legally of significance for the third party. In such cases, the person shall summons both or all of the original parties and submit the request that he or she be permitted to intervene and have the issue awarded to him or her in the judgment, or otherwise have the judgment delivered in such a way as to protect his or her right.

■ **Article 21**

☐1. If the outcome of a case may have a bearing on a third person according to law, one of the parties in the case may summons the person and so urge him or her to give the party support in the case or otherwise defend his or her rights.

☐2. If a third person attends court in a case but does not become a party to it, then no claims may be made against him or her and he or she may not make any claims other than for the payment of legal costs. Nevertheless, the person shall still have the right to intervene in the case and plead it on his or her own behalf to the extent that it is has a bearing on him or her according to law.

■ **Article 22**

☐1. If the plaintiff assigns the rights to which his or her claims before the court pertain after the case is brought but before it is accepted for judgment, the new owner shall take over his or her standing in the case as it is at the time.

☐2. If the plaintiff dies during the period specified in the first paragraph, his or her estate at death shall take over standing in the case if the rights to which the claim before the court pertains fall to it. Otherwise, the case shall be dropped, though the estate at death may be sentenced to pay legal costs.

☐3. If the plaintiff's estate is taken into bankruptcy proceedings during the period specified in paragraph 1, his or her bankruptcy estate shall take over standing in the case if the rights to which the claim before the court pertains fall to it. If the rights cease to apply due to the bankruptcy proceedings, then the case shall also collapse.

■ **Article 23**

☐1. If the defendant assigns an item or rights for the relinquishment of which he or she has been sued after the case is brought, then the plaintiff may nevertheless continue with the case against the original defendant. The party who then derives his or her rights from the defendant

shall be bound by the judgment in the case unless he or she has acquired the item or rights in such a way that other parties' rights against him or her are lost.

☐2. If the defendant dies during the time specified in paragraph 1, the estate at death shall take over his or her standing in the case if the obligations to which the claim before the court pertains fall to it. Otherwise, the case shall collapse, though the estate at death may be sentenced to pay legal costs.

☐3. If the defendant's estate is taken into bankruptcy proceedings during the period specified in paragraph 1, his or her bankruptcy estate shall take over standing in the case if the obligations to which the claim before the court pertains fall to it. The plaintiff may nevertheless demand that a judgment be delivered against the bankrupt person alone or against both the bankrupt person and against the bankruptcy estate.

Section IV. Matters at issue.

■ **Article 24**

☐1. The courts shall have the power to judge regarding any matter at issue covered by domestic law unless it is excluded from their jurisdiction by act of law, by contract, or according to custom or the nature of the case. If the matter at issue does not come under a court's jurisdiction, the judge shall dismiss the case from court.

☐2. If a judge considers that a case belongs under the jurisdiction of another court, or that it should be conducted according to the rules on [criminal][1] procedure or according to procedure relating to disputes over enforcement measures or the division of estates, he or she shall dismiss it from court.

[1] *Act 88/2008, Art. 234.*

■ **Article 25**

☐1. Courts may not be required to give opinions on legal matters or on whether a specific event has taken place except to the extent necessary to resolve a specific claim in a court case.

☐2. If a plaintiff has legally protected interests in having a court rule on the existence or substance of rights, or of a legal relationship, he or she may apply for a judgment recognising claims in this regard. This shall apply irrespective of whether he or she could, alternatively, have sought an enforceable judgment.

☐3. A company or association of persons may conduct a case in its own name for the recognition of specific rights of its members or their release from specific obligations, providing that the protection of the rights to which the claim before the court pertains is compatible with the aims of the company or association.

■ **Article 26**

☐1. If an action is brought for resolution regarding a right or obligation which the plaintiff admits does not yet exist, or which can otherwise be demonstrated as not yet existing, then the case shall be dismissed from court.

☐2. If a judgment is requested regarding an obligation that could be satisfied by enforcement, and it is found to rest with, or to be capable of resting with, the defendant, but the time at which the defendant could be required to fulfil the obligation has not yet arrived when the case is accepted for judgment, then the defendant shall be acquitted *pro tempore*.

■ **Article 27**

☐1. All claims against the same party that are of the same type, or originate from the same events, circumstances or legal instrument, may be pursued in a single action. Other claims shall be dismissed from court if the defendant so requests.

☐2. If a party has not pursued all the claims which he or she was entitled to pursue under paragraph 1, he or she may pursue the remainder of them in another action; however, the

defendant may not be adjudged to pay legal costs in the new action unless it is demonstrated that it was not possible to bring an action covering all the claims in the first place, or that doing so would have led to substantial delays or inconvenience.

Article 28

1. A defendant may present a counter-claim for the offset of debts in an action without submitting a counter-summons if the conditions for offsetting debts obtain. However, the counter-claim shall be presented in the defendant's observations and no independent judgment may be delivered regarding it.

2. By means of a counter-summons, a plaintiff may press a counter-claim in an action for an independent judgment and, as appropriate, the offset of debts, if the counter-claim is of the same type as the principal claim or if they both originate from the same events, circumstances or legal instrument, or if it has been agreed that the counter-claim may be pursued in the case regarding the principal claim. The counter-action must be brought within a month of registration of the principal action.

3. A counter-claim may be presented after the time specified in paragraphs 1 and 2 if this is done prior to the hearing of the case and if it cannot be interpreted as negligence on the part of the defendant that he or she did not present the counter-claim at the right time.

Article 29

It shall be possible, by means of a supplementary summons, to add to a previous claim or to present a new claim in an action after it has been registered but prior to the hearing, if the conditions of paragraph 1 of Article 27 are met and it cannot be interpreted as negligence on the part of the party that he or she did not present all the claims at once in the first place.

Article 30

1. If the judge considers it will promote clarity or convenience, he or she may decide, at the request of one or more of the parties, to combine two or more actions:

a. if they are conducted between the same parties and it would have been possible to bring a single action covering all the claims in accordance with paragraph 1 of Article 27,

b. if they are conducted between the same parties and it would have been possible to bring one of the actions as a counter-action against the other in accordance with paragraph 2 of Article 28,

c. if would have been possible to bring a single action covering the claims in accordance with paragraph 1 of Article 19.

2. The judge may not combine actions in accordance with the provisions of paragraph 1 in the face of objections by a party if bringing the actions in this way in the first place would have resulted in dismissal at his or her demand.

3. If the judge considers it necessary, in the interests of clarity or convenience, he or she may decide on his or her own initiative to separate claims which do not originate from the same events, circumstances or legal instrument, but have been advanced under a single action, the result being that each of them will be treated in an independent action.

Article 31

[1. The judge may decide, on his or her own initiative or at the request of one or both of the parties, to divide the substance of the case in such a way that specific points in the case will be judged separately while other points in it are rested and await judgment.] [1)]

2. If the substance of the case is divided in an action for compensation in such a way that judgment is passed first on compensatory liability, the judge may grant a request by the plaintiff that the judgment on that liability include a determination of an appropriate sum of money which the defendant is to pay immediately as a part-payment of the eventual compensation sum.

[1] *Act 78/2015, Art. 4.*

Section V. Venue.

Article 32

☐1. A person may be sued before a court in the court jurisdiction where he or she is registered as being permanently domiciled. If the person resides in a court jurisdiction other than that in which his or her permanent domicile is registered, he or she may also be sued in that jurisdiction.

☐2. A person who has no registered permanent domicile may be sued in the court jurisdiction in which he or she is normally resident. If his or her place of normal residence is unknown, the person may be sued in the jurisdiction in which he or she is residing, or where he or she is present, when the summons is served.

☐3. An Icelandic citizen who is resident abroad but cannot be sued there may be sued in Reykjavík if he or she is not registered as being permanently domiciled in another court jurisdiction.

☐4. A person who is resident abroad may be sued in the court jurisdiction in which he is present when the summons is served if the action involves a financial obligation on his or her part towards a person who is resident in Iceland or a company, institution or association which has its venue in Iceland.

☐5. A person who is not legally competent may be sued in the court jurisdiction in which his or her legal guardian may be sued under paragraphs 1-4 if the person himself or herself lacks the power to make disposals regarding the matter at issue.

Article 33

☐1. A registered company or firm may be sued in the court jurisdiction in which its venue is registered. If its headquarters are located in a jurisdiction other than that in which its venue is registered, it may also be sued in that jurisdiction. If the action concerns a registered branch of a company or firm, it may be sued in the jurisdiction in which the branch is located.

☐2. A non-registered company or firm may be sued in the court jurisdiction in which its domicile is regarded as being according to its articles of association or where its headquarters are. It may also be sued in the jurisdiction where its representative himself or herself could be sued under Article 32. The same shall apply regarding other types of non-registered associations or institutions not covered by the provisions of paragraphs 3 and 4.

☐3. The state may be sued before a court in Reykjavík. If, however, the action is directed at a government authority representing the state and its headquarters are in another jurisdiction, then it may be sued in that jurisdiction. Subject to the same conditions, a municipality (local authority) may be sued in the jurisdiction to which it belongs.

☐4. An institution or enterprise belonging to the state or a municipality, or an authority belonging to the state or a municipality, may be sued in the jurisdiction where its headquarters are located.

Article 34

☐1. If it may be necessary to examine an item of real estate property in an action concerning the real estate, then the action may be brought in the jurisdiction where the property is located. The same shall apply regarding other actions concerning real estate property rights and also actions which are brought to recover claims originating from such rights.

☐2. If the real estate property is located in more than one jurisdiction, or the action concerns more than one item of real estate and they are not all in the same jurisdiction, then an action in accordance with paragraph 1 may be brought in any of the jurisdictions.

Article 35

☐1. Actions to secure the execution of, or release from the obligations of, a legal instrument or in connection with the non-performance or cancellation of a legal instrument, may be brought in the jurisdiction where the instrument was to be executed according to its wording, the expectations of the parties or the principles of law.
☐2. Actions concerning bills of exchange and cheques may be brought in the jurisdiction where the place of payment of the bill of exchange or cheque is located. If the place of payment of the bill of exchange or cheque was abroad, then the action may be brought in the jurisdiction where the person collecting the payment has his or her headquarters or place of business, providing the entity in question is a bank, savings bank or other person whose occupation is the collection of debts.

■ **Article 36**

☐1. Actions to secure payment of considerations for goods or services which have been obtained or received in a shop or other permanent place of business may be brought in the jurisdiction where the shop or place of business is located if the provision of such goods or services is the occupation of the original owner of the debt.
☐2. If goods or services have been delivered in a branch of the original owner of the debt in Iceland, the authorisation under the first paragraph may only be used to bring an action in the jurisdiction where the branch is located.
☐3. If goods or services have been delivered abroad in the manner described in the first paragraph, an action may be brought for the payment of consideration for them in the jurisdiction where the person collecting the claim has his or her place of business, providing the person has the collection of debts as his or her occupation.

■ **Article 37**

☐Purchasers may bring actions concerning the purchase of goods or services in Iceland in the jurisdictions where they themselves may be sued in accordance with Article 32 or Article 33.

■ **Article 38**

☐1. Actions for the payment of wages for work may be brought in the jurisdiction where the work was done, or in any of the relevant jurisdictions if it was done in more than one.
☐2. Seamen may bring actions for payment for their work in the jurisdiction where the vessel is registered.
☐3. Those who do their work on board aircraft may bring actions for the payment of their wages in the jurisdiction where the aircraft is registered.

■ **Article 39**

☐1. Vessel operators may be sued in actions concerning vessel operations in the jurisdiction where the vessel is registered. The same shall apply to actions against vessel captains or vessel crews in connection with the performance of their duties.
☐2. Actions for the payment of salvage awards may be brought in the jurisdiction where the salvage took place or where the items salvaged were brought ashore.
☐3. If a claim is secured by a maritime lien in a vessel, cargo or freight charge and the maritime lien has been arrested, then an action may be brought in the jurisdiction where the arrest took place.

■ **Article 40**

☐If an action originates in financial management or accounting, then it may be brought in the jurisdiction where the financial management or accounting took place.

■ **Article 41**

☐Actions for compensation, punishment or the satisfaction of other legal requirements resulting from violations of non-contractual provisions may be brought in the jurisdiction

where the violation was committed, or any of the relevant jurisdictions if the violation was committed in more than one.

■ **Article 42**

☐1. If claims are directed at more than one party in the same action, then the action may be brought in the venue of any of them.

☐2. Counter-claims and counter-actions shall normally be pursued in the venue of the principal action.

☐3. Parties may agree on having a case examined in any jurisdiction.

■ **Article 43**

☐1. The provisions of Articles 34–42 may be applied to sue an individual who is resident abroad, and also a company, firm, institution or association in the same circumstances, unless other provisions are made in an agreement with a foreign state.

☐2. The provisions of this section shall not interfere with the validity of separate rules on venue according to other acts of law.

Part 2. Demonstration and evidence.

Section VI. General rules on demonstration.

■ **Article 44**

☐1. The judge shall determine in any given instance, after assessing the evidence presented in the case, whether an assertion regarding a disputed event or circumstance is regarded as demonstrated to be true, providing that he or she is not specifically constrained by provisions in enacted law regarding assessment of this point.

☐2. Any person invoking custom or a foreign legal principle must demonstrate the existence and content of such custom or legal principle.

☐3. It shall not be necessary to demonstrate something that is common knowledge at the time and in the place where a judgment or ruling is delivered.

■ **Article 45**

☐A declaration by a party that is made in court and entails a disposal regarding the matter at issue shall, in accordance with the rules on the validity of promises, bind the party if he or she has the right to make disposals regarding the matter at issue.

■ **Article 46**

☐1. The parties shall gather evidence if they have the right to make disposals regarding the matter at issue.

☐2. To the extent that the judge considers it necessary in order to clarify the case, he or she may require the parties to gather evidence regarding specific aspects thereof.

☐3. If the judge considers it evident that a point which one of the parties wishes to demonstrate is of little significance, or that a piece of evidence is of no use for purposes of demonstration, he or she may deny the party the opportunity to present a demonstration.

■ **Article 47**

☐1. Evidence shall normally be gathered before the judge who judges the case. If this is not possible without substantial expense or inconvenience, the judge may decide, at the request of a party, that the evidence may be gathered before in accordance with the provisions of Section XI, providing that this will not result in unnecessary delay in the conduct of the case.

☐2. The provisions of the first paragraph shall not prevent the possibility of basing a case on evidence that has been gathered under the provisions of Section XII before the action is brought.

Section VII. Testimony by the parties.

■ **Article 48**

☐1. Parties may normally give testimony to the court on the circumstances of their case unless the judge considers it evident that this is unnecessary or would serve no purpose.

☐2. The judge may, at the request of a counterparty and subject to the same conditions as are stated in the first paragraph, call a party before the court to give testimony on the circumstances of the case.

☐3. The judge may, at his or her own initiative, call the parties before the court to give testimony if he or she considers this necessary in order to clarify the case.

☐4. Persons who appear as representatives of the parties (see paragraphs 3-5 of Article 17) shall be included under the term 'parties' for the purposes of the provisions of this Section.

■ **Article 49**

☐1. Parties may, without incurring any damage to their own position, avoid answering questions before the court if they would be forbidden to answer them as witnesses in the case.

☐2. Procedure when a party gives testimony to the court shall be in accordance with the provisions of paragraphs 3 and 4 of Article 51, Article 56 and paragraph 1 of Article 59, as appropriate.

■ **Article 50**

☐1. If a party who has the authority to make disposals regarding the matter at issue admits particular circumstances before the court which are to his or her disadvantage, this admission shall normally be accepted as an evidential basis providing that the judge considers it has been made with sufficient knowledge and understanding and that nothing comes to light that could refute it or substantially weaken it.

☐2. If a party does not heed a summons to attend court to give testimony, or does not adequately answer a question which he or she is not entitled to decline to answer, the judge may interpret this non-compliance, lack of clarity in answers or silence in the way that will be of maximum advantage to the counter-party.

Section VIII. Witnesses.

■ **Article 51**

☐1. All persons who have attained the age of 15, are subject to Icelandic jurisdiction and are not parties to a case or representatives of parties shall be obliged to attend court as witnesses in order to answer oral questions put to them concerning the circumstances of a case.

☐2. In any given instance, the judge shall assess, with regard to the circumstances, whether persons younger than specified in the first paragraph may be obliged to give testimony as witnesses. The judge shall exercise the same discretion regarding persons with mental or developmental disorders.

☐3. If a witness is unable to attend court due to illness or similar circumstances, the judge may decide that he or she is to give testimony in another place, if this is possible.

☐4. If a witness is situated far from the court, or would otherwise be put to great inconvenience to attend court, the judge may decide that his or her testimony is to be taken in court by telephone or other telecommunications equipment, providing that the taking of testimony is arranged in such a way that verbal exchanges with the witness can be heard by everyone present in court.

☐5. If a demand is made to this effect, the judge may, in a summons under paragraph 2 of Article 54, require a witness to bring items of evidence to show in court or to examine his or her books, documents and other items and to make summaries of specific items in them in order to throw light on the facts of the case.

■ **Article 52**

☐1. The following persons may refuse to give testimony as witnesses, totally or to some extent:

a. a person who is, or has been, the spouse of a party,

b. a party's relatives in direct line of descent, siblings and persons related to him or her in this way by adoption,

c. a party's step-parent or step-child,

d. a party's parent-in-law or child-in-law.

☐2. The judge may release other persons who are, or who have been, very close to a party, from the obligation to give evidence if he or she considers the relationship between them to be very close.

☐3. Witnesses shall be entitled to refuse to answer questions if there is reason to believe that an answer could constitute an admission, or an indication, that they have committed a punishable offence or an act which could bring them into moral disrepute or cause them substantial financial loss. The same shall apply if there is reason to believe that an answer would have the same consequences for any person connected with the witness in a manner described in the first or second paragraph.

☐4. The judge may exempt witnesses from revealing secrets regarding their commercial dealings, discoveries or inventions or other such activities if he or she considers the witness's interest in maintaining secrecy to outweigh substantially the interest of a party in obtaining the evidence.

☐5. Civil servants and functionaries shall not be obliged to appear in court to give testimony regarding matters that have occurred in their offices or in the execution of their official functions and may be sufficiently demonstrated by means of certificates from official records or some other official document.

■ **Article 53**

☐1. Witnesses may not, without the permission of the relevant government minister, answer questions about secret plans, resolutions or agreements made by persons exercising state power on matters with a bearing on the security, rights or prosperity of the state, or which are of great significance for the nation's trade or financial standing.

☐2. Witnesses may not, without the permission of the person concerned, answer questions concerning:

a. the identity of the author of, or the source of the information in, an article, report or announcement which has been published without his or her being named, if the witness is responsible in law for the contents of the printed publication or for other material which is published, or has gained a knowledge of the identity of the author or source through his or her work for the person responsible,

b. an individual's personal circumstances about which the witness has been told in confidence or of which the witness has become aware in another manner through work as an accountant, social worker, lawyer, pharmacist, physician, minister of religion or psychologist, or an assistant of any of these persons, or through other work to which a similar non-disclosure obligation pertains,

c. matters which they have found out through work in an official position and which should be kept secret,

d. secrets pertaining to commercial dealings, discoveries or inventions or other such activities of which they become aware in the course of their work.

☐3. If the judge considers the interests of a party in having matters covered by indents b to d of the paragraph 2 brought to light to be substantially greater than those of the relevant persons in having secrecy maintained, he or she may, at the demand of the party, require the

witness to answer a question even though permission has not been given, providing that the answer does not include a report on the personal circumstances of a person who does not have standing in the case. If the judge considers it unclear whether these conditions are met, he or she may require the witness to tell him or her first, in confidence, what sort of information the answer would contain.

Article 54

1. A party who wishes to produce a witness in court shall see to summonsing the witness to the session of the court.

2. Parties may summons witnesses to a session of the court by means of a written witness summons which they issue themselves, or they may submit the summons to the judge to have it issued. The summons shall state the witness's name and address, the reason for the summons, in its broad essentials, the name of the court, where and when the witness is to be called and what consequences it will have if the witness fails to attend. Witness summonses shall be served in the same manner, and with the same notice period, as case summonses.

3. If a witness is present at a session of the court, he or she shall be obliged to give testimony without notice, even though he or she was not summonsed for that purpose.

Article 55

1. If a witness fails to appear in court in accordance with a lawfully-served witness summons and without a lawful reason for non-appearance, the judge may comply with a request from a party to call the police to have the witness brought. The police shall be obliged to comply with instructions of this type from a judge.

2. If a witness appears in court but does not, in other respects, discharge his or her duties as a witness, the judge may, at the request of a party, impose a fine on him or her by means of a court decision. Punishment under the decision shall be waived if the witness then discharges his or her duty or if the party decides not to demand that the witness give evidence.

3. If a witness appears in court but is unable to discharge his or her duties as a witness because of his or her condition, e.g. as a consequence of inebriation or mental excitement, the judge may take the appropriate measures to ensure that the witness will be able to discharge these duties at a later time.

Article 56

1. When a witness appears in court, the judge shall first require him or her to state his or her name, ID number and address, and shall then check, as necessary, to see whether the witness has the right or obligation to give evidence. The judge shall then impress upon the witness in serious terms the obligation he or she is under to give a true and accurate account and not to conceal anything, drawing the witness's attention to the criminal liability involved in giving false evidence, consciously or through inattention.

2. When this has been done, questions shall be put to the witness. The judge may have the parties put their questions, in which case the party who called the witness shall put his or her questions first, followed by the counter-party. The judge may reword, modify and clarify questions put by the parties before the witness answers and prevent questions being put to the witness that are vague, ambiguous, loaded, needlessly offensive or insensitive, designed to confuse the witness or evidently pointless. The judge may deprive a party who violates this condition of the right to put questions to the witness and take the questioning into his or her own hands. In addition, the judge may demand that the witness explain an answer in more detail so as to express its content clearly, and may also put questions independently to the witness.

☐3. Each witness shall normally be examined separately, without other witnesses hearing what they say. At the demand of a party, the judge may, however, decide that a witness is to be questioned together with another witness or party.
☐4. If the court session is open and a question put to a witness is of such a nature that an answer to it will have a bearing on the personal circumstances of the witness, or of other persons, the judge may have the witness answer the question in writing. In that case, an entry shall be made in the records regarding the answer, and the parties and the witness shall be given the opportunity to check that the record is correct without it being read aloud.
☐5. The judge shall give witnesses guidelines regarding their duty and right to give evidence. If a witness considers that he or she is not under any obligation to give evidence or to answer individual questions, or maintains that he or she lacks permission to do so, the witness shall then be obliged to state arguments supporting the probable facts in this regard. The judge may permit a witness to call other persons before the court to give evidence for this purpose.

■ **Article 57**

☐1. When a witness gives evidence, the judge shall, as necessary, seek to establish matters regarding the assessment of the witness's credibility. In this, the judge shall normally seek to establish whether the testimony of the witness is based on the witness's own perception or on rumours borne by other persons. Furthermore, the judge shall make special efforts to establish whether the witness's attitude towards the case, or towards a party, is in some way such that it could influence the evidential value of the witness's testimony.
☐2. At the demand of a party, the judge shall have the witnesses attest the truth of their testimony by means of swearing an oath or giving a solemn declaration when they have finished giving evidence. Witnesses shall not, however, be required to attest the truth of their testimony if:

a. they have not attained the age of 15,

b. they are so intellectually deficient, or mentally disordered that they do not understand, or are incapable of grasping, the solemnity or import of such an attestation,

c. they are under an indictment for false testimony, or have been convicted of a violation of such a type,

d. they refuse to give an attestation and the provisions of paragraphs 1-3 of Article 52 apply, or

e. the judge considers that they are so closely connected with the parties, or have such great interests at stake in the outcome of the case, that such an attestation is inappropriate.

☐3. Before witnesses attest to the truth of their testimony, the judge shall impress on them the solemnity and the significance of the attestation, both for the outcome of the case and for the witnesses themselves, both legally and morally.
☐4. If a witness declares, in response to a question from the judge, that it is compatible with his or her religious attitudes to swear an oath and that he or she believes in God, the attestation shall involve the witness raising his or her right hand and repeating these words after the judge: 'I swear and declare before my God that I have said what I know to be most truthful and correct and have not concealed anything.'
☐5. If the conditions for the swearing of an oath according to the fourth paragraph do not obtain, then the witness shall make a solemn declaration by raising his or her right hand and repeating these words after the judge: 'I solemnly declare, on my honour and reputation, that I have said what I know to be most truthful and correct and have not concealed anything.'
☐6. Swearing an oath and making a solemn declaration have the same significance in law.

■ **Article 58**

1. The party who produces a witness shall be obliged to arrange, in advance, funds to pay for the witness's travelling costs, accommodation and maintenance at the place where the court is held.
2. If a witness so demands, after discharging his or her duties, the judge shall decide on payment to him or her to cover costs incurred in the course of discharging the obligations of a witness and a remuneration to cover loss of employment that may be regarded as being of significance to the witness, based on his or her financial standing and circumstances. The party who called the witness shall bear the costs and payment alone as an initial measure; if both parties demanded that the witness give evidence, or benefited from it, the judge may decide to divide the payment between them; they shall, however, undertake to pay it jointly. Payment shall be made immediately.

Article 59

The judge shall assess the evidential value of testimony when resolving the case. In this connection, consideration shall be given to matters including the attitude of the witness towards the parties, the witness's interests affected by the outcome of the case, his or her maturity, the reliability of his or her perception of events, his or her memory, condition and conduct while giving evidence, confidence and clarity in answering questions and the consistency of his or her account of events.

Section IX Assessment reports.

Article 60

1. Inspection reports and assessments, descriptions of objects and other investigative reports shall hereinafter be referred to by the single term 'assessment reports' or 'assessments' and the activity involved in them by the verb 'assess.'
2. Judges themselves shall assess matters which require general knowledge and education or a knowledge of Law.
3. If a public official is appointed once and for all to assess certain matters, a party may apply directly to that official if the official is obliged to carry out the assessment or is willing to do so without being appointed by the court, providing that it lies within his or her sphere of responsibility.

Article 61

1. If the procedures provided for in the paragraphs 2 and 3 of Article 60 cannot be followed, the judge shall appoint one or two assessors to carry out the assessment in accordance with a written request from a party. The request shall state clearly what is to be assessed, where that which is to be assessed is located and what the party intends to demonstrate by means of the assessment.
2. The parties shall be summonsed to a session of the court at which the application for assessment is considered. If they agree on a competent assessor, that person shall be appointed to carry out the task unless particular circumstances argue against this. Otherwise, all other things being equal, the judge shall inform the parties of the person he or she proposes to appoint to handle the assessment.
3. Only someone who has attained the age of 20, is in every respect an unassailable witness regarding the matter that is to be assessed and who has the necessary skill and knowledge to perform the task or, failing that, the best available skill and knowledge, may be appointed by the court to carry out the assessment. No one may refuse to accept a court appointment if they would be obliged and permitted to give evidence as a witness regarding the matter to be assessed; the fact that they may have to travel to a court jurisdiction area other than that in which they reside in order to carry out the task shall make no difference. Nevertheless, the

judge may accept reasoned grounds for not wishing to accept the appointment, providing that another equally competent person is available to take on the task.

☐4. A judge may appoint an assessor who is domiciled outside his or her jurisdiction area.

☐5. Appointments of assessors shall be noted in the court records. The records shall state clearly what is to be assessed, when the assessment is to be completed and those persons who are to be given an opportunity of defending their interests while it is being carried out. In addition, it shall be stated that the assessor is expected to perform the task in accordance with his or her best awareness and to prepare a reasoned assessment report, concerning which he or she may expect to have to give testimony in court.

☐6. If an assessor dies, is unable to attend to the task, proves incompetent to carry out the assessment or fails to perform it properly, the court shall appoint another assessor to replace him or her in accordance with a demand from the party requesting the assessment.

■ **Article 62**

☐1. The party requesting the assessment shall inform the assessor of the court's appointment and provide him or her with a copy of the court's record of the appointment.

☐2. The assessor shall inform the parties at the earliest opportunity and in a verifiable manner where and when the assessment is to take place. The parties, and the judge, shall be obliged to give the assessor guidelines, to the extent they are able to, concerning matters to be assessed. The assessor shall be expected to gather materials for use in the assessment; persons who are present shall be given the opportunity to state their position regarding them as necessary. Should it prove necessary to question witnesses in order to clarify matters to be assessed, the judge shall have this done immediately.

☐3. Any person who has something that is the object of an assessment under his or her control shall be obliged to give the assessor access to it unless he or she is entitled to refuse to give testimony as a witness concerning matters to be assessed or is forbidden to given evidence concerning them.

☐4. Assessors shall carry out their task even if the parties do not attend the assessment, unless information which they would have been able to provide is lacking.

■ **Article 63**

☐1. The assessor shall compile a reasoned assessment report detailing the points of view on which his or her opinion is based. The assessment report shall be delivered to the party who requested the assessment; however, payment in accordance with [paragraph 3][1)] may be demanded before this is done.

☐[2. If the party applying for the assessment so requests, the judge may decide that the assessor need not compile a written assessment report as provided for in paragraph 1 but shall instead attend the court before the case is heard and submit there written answers to the questions put to him or her in the assessment application and make a deposition on the conclusions of the assessment in accordance with paragraph 1 of Article 65. The assessor shall be entitled to demand payment in accordance with paragraph 3 before submitting the answers to the party who requested the assessment and attending court.] [1)]

☐[3.][1)] Assessors shall be entitled to an appropriate payment, as per invoice, from the party who requested the assessment for their work and payment to cover costs incurred. Assessors may demand payment in advance to cover travelling costs and also a deposit, if necessary, in accordance with a decision by the judge, to cover their payment.

[1)] *Act 78/2015, Art. 5.*

■ **Article 64**

☐A party may demand a revised assessment in which the matters that have been assessed are reassessed. The number of revising assessors shall be greater than that of the assessors in the

original assessment; in other respects, the provisions of Articles 61-63 shall apply to revised assessments.

Article 65

[1. At the request of a party, assessors shall attend court in order to make statements to clarify and confirm their assessment reports and matters related thereto. Where the assessor has not submitted a written assessment report, he or she shall be obliged to attend court at the demand of the party who requested the assessment, submit to it written answers to the assessment questions without supporting reasons and state the outcome of the assessment, and also to answer questions on matters related to the assessment. If the judge has called in a co-judge after the assessor attended court, the party may demand that the assessor attend court again in order to make a statement.

2. The provisions of Section VIII may be applied, as appropriate, to the making of statements in court by assessors.] [1)]

[1)] *Act 78/2015, Art. 6.*

Article 66

1. Judges shall resolve disputes concerning the appointment of assessors, their competence and payments to them by means of rulings. Furthermore, a judge may make a ruling on matters relating to how an assessment has been carried out, for example whether a matter that was to be assessed according to the court appointment has been properly assessed or whether an assessment report is sufficiently backed with reasons, if a dispute arises regarding a demand for a review of the assessment or a reassessment.

2. The judge shall assess other matters relating to assessment reports, including as regards their evidential value, when resolving other aspects of the case.

Section X. Documents and other visible items of evidence.

Article 67

1. If a party makes reference to a document that is in the party's own possession, he or she shall submit it at the request of the counter-party if it is to be taken into account in the resolution of the case.

2. If a party calls on the counter-party to submit a document that the counter-party has in his or her possession, the counter-party shall comply with this if the party is entitled to see the document irrespective of the case or if the contents of the document are such that the counter-party would be obliged to give evidence about it if he or she were not a party to the case.

3. If a document is in the possession of a person who is not a party to the case, a party may demand to have it released to him or her for submission in the case if the person who has possession of the document is obliged to release it to the party irrespective of the case or if the contents of the document are such that the person who has possession of it is obliged to give evidence about it in the case.

4. A party demanding a document as provided for in paragraph 2 or 3 shall bear the burden of proving that the document exists and that it is in the possession of the person in whose possession the party alleges it to be. If the party's allegations on this point are rejected, the party shall be obliged to submit a copy of the document, if possible, or else to describe its contents, as far as possible, and shall state what he or she intends to demonstrate by means of the document.

Article 68

1. If a party does not comply with a call as provided for in the second paragraph of Article 67 to submit a document when it is considered demonstrated that it is in his or her possession,

then the judge may interpret this as meaning that the party accepts the account given by the party calling for the document as to its contents (see, however, Article 69).

2. If the person who has a document in his or her possession does not comply with a demand by a party to release it, the party may submit the materials described in paragraph 4 of Article 67 to the judge together with a written request that the person who has the document in his or her possession be obliged by a court ruling to release it to the court. If the judge does not consider it out of the question that the document may be of significance in the case, he or she shall summon the party and the person possessing the document before the court and give them an opportunity to express their position with regard to the request. When this has been done, the judge shall make a ruling, if necessary, on the obligation of the person possessing the document to release it to the party (see, however, Article 69). The ruling may state that this obligation is to be performed by a certain deadline, failing which *per diem* fines, payable to the party to whom the obligation is owed, shall be imposed on the person. The ruling may also be enforced by means of an attachment in accordance with its main purport.

3. If the person possessing the document fails to attend court as provided for in paragraph 2, the judge may apply to the police to have him or her brought there if a party so demands.

Article 69

1. If a document that must be released under Article 67 contains matters on which the person concerned would not be obliged, or would be forbidden, to give evidence, the judge may decide that the document is to be submitted to him or her in confidence and under a non-disclosure obligation and that he or she will then make a transcription from the document of the matters that must and may be released, or compile a report on those matters.

2. If the person who is obliged to release a document under Article 67 makes a plausible case that it would cause him or her loss, damage or inconvenience to comply with this obligation, the judge may decide to agree to an arrangement under which the document will be released to the court for transcription. The same shall apply if the document is of great value to the person concerned or there is a particular danger that it will be lost or damaged if it is released. The person concerned may also demand that a deposit be paid to cover any loss or damage which the release of the document may entail for him or her before releasing it.

3. Original documents covered by the provisions of paragraphs 1 and 2 shall be delivered to the person concerned as soon as use has been made of them.

Article 70

Articles 67–69 shall apply, as appropriate, regarding the obligation to show and release visible items of evidence other than documents and to permit their use and grant access to them.

Article 71

1. Official documents are those issued by government officials or functionaries in the name of their offices regarding what is done in their offices or in the execution of their official functions.

2. Until proof is adduced to the contrary, an official Icelandic document shall be regarded as genuine if, in its form and content, it originated from a government official or functionary. The same shall apply regarding foreign official documents if a consul or other person acting in a relationship of trust vis-à-vis the Icelandic state in the foreign state in question certifies that the party issuing the document is authorised to do so under the laws of that state or this is demonstrated in another satisfactory manner.

3. Until proof is adduced to the contrary, the contents of an official document shall be considered correct if they relate to specific events which are said to have taken placed in the office or functions of the issuing party.

Article 72

1. A private document bearing the handwritten name of the issuing party shall be considered as having been issued by that party until proof is adduced to the contrary or the probability of the contrary is established.

2. If a person who claims to be the party who issued a document appears in court to give testimony and is alleged in the case that the signature on the document is forged, or that the contents of the document have been altered, the judge may, at the demand of a party to the case, require the person concerned to give a sample of his or her handwriting. If such a demand is directed at one of the parties to the case and he or she refuses to comply with it, then, all other things being equal, the view shall be taken that he or she concurs with the allegations made regarding the document by the counter-party. If a witness refuses to comply with such a demand, sanctions as provided for in the second paragraph of Article 55 may be imposed on him or her.

3. Judges shall assess the evidential value of private documents according to the circumstances in each individual instance.

Section XI. Gathering of evidence before another court.

Article 73

1. If a party wishes to make a deposition, produce witnesses, have an assessor appointed or gather documents or other visible evidence before a court other than the one where the case is being conducted, he or she shall submit a written petition to this effect to the judge who is sitting on the case. The petition shall state the reasons it is based on, where it is requested that the evidence be gathered, what materials are to be sent to the relevant court, who is to be given notice of the court session to be held there, and what further gathering of evidence will be involved. If a petition is made to produce witnesses, their names, ID numbers and addresses shall be stated, and also the specific matters on which the witnesses' evidence is to bear. If it is requested that an assessor be appointed, a petition to this effect shall normally be enclosed.

2. Petitions as provided for in the first paragraph shall be considered in a session of the court dealing with the case. As a condition for attending to a petition, the judge may require that the party pay the costs in advance or make a deposit to cover the costs entailed in what he or she is requesting.

3. If the judge considers that the conditions of the first paragraph of Article 47 are met in order to grant the petition, he or she shall record a decision to this effect in the court records. A ruling shall be delivered if this is demanded.

Article 74

1. If evidence is to be gathered before another court in Iceland, the judge sitting on the case shall send the court in question a written communication, together with the party's petition, originals or copies of the necessary documents and transcripts from the court records.

2. If evidence is to be gathered before a court in another state, the judge sitting on the case shall obtain translations of the documents listed in paragraph 1 at the party's expense. The judge shall send his or her written communication and the other documents, together with translations, to the court in question via the intermediary agency of the government ministries as appropriate. [The gathering of evidence in the other state will then be subject to the laws of the state in question and any international agreement that may be in force with the state in question.] [1)]

[1)] *Act 53/2008, Art. 1.*

Article 75

☐1. When evidence is gathered in accordance with the provisions of this Section in Iceland, those of Sections II and VII-X shall be observed, as appropriate. The judge before whom evidence is gathered shall take decisions and deliver rulings on matters concerning how it is gathered.
☐2. If there is particular reason to do so while evidence is being gathered before another court, a party may request that more evidence be gathered there than was originally requested. The judge in question shall decide whether to comply with such a request.
☐3. If the party who has requested the gathering of evidence before another court is not represented in court, the party's request shall be regarded as having been automatically cancelled unless the counter-party appears and demands that it nevertheless be considered. Non-attendance or non-representation shall have no other consequences (see, however, paragraph 4).
☐4. If a request is automatically cancelled in accordance with paragraph 3, account shall be taken of the expense it resulted in for the counter-party when the final decision is taken on legal costs, irrespective of the outcome of the case.

■ Article 76

☐[1.][1)] The provisions of Article 75 shall be applied, as appropriate, when evidence is gathered before a district court in connection with the conduct of a case before a higher court.
☐[2. Furthermore, the provisions of Article 75 shall also be applied, as appropriate, when evidence is gathered before a district court in Iceland in connection with the conduct of a case abroad, including cases before the EFTA Court. [If the request comes from another state, the gathering of evidence shall be in accordance with an international agreement, if such agreement is in force with the state in question, providing that this does not violate the provisions of this Act.] [2)]] [1)]

[1)] *Act 133/1993, Art. 27.* [2)] *Act 53/2008, Art. 2.*

Section XII. Gathering of evidence without an action having been brought.

■ Article 77

☐1. A party with legally-protected interests to defend may request the appointment of an assessor, even though the party has not presented any claim regarding the matters to be assessed in a legal action, if this is done in order to verify a claim or to prove events or circumstances on which it could be based.
☐2. If there is a danger of the loss of an opportunity to gather evidence regarding an event or circumstance that has a bearing on a party's legally enforceable interests, or that it will prove substantially more difficult to gather it later, the party may seek to demonstrate the occurrence of the event or circumstance before a court by producing witnesses or by presenting a document or other visible item of evidence, even though he or she has not presented any claim related to the event or circumstance in a court action. In the same way, a party may apply to have demonstrated, before a court, facts regarding his or her legally enforceable interests which may determine whether the party will go ahead and bring a case in defence of these interests.
☐3. The authorisations set out in the first and second paragraphs may not be used in order to obtain proof of criminal actions, prosecution of which lies with the state.

■ Article 78

☐1. A party who wishes to apply for verification or proof as provided for under Article 77 shall submit a written petition to this effect to the judge in the court jurisdiction area where a court action could be brought regarding his or her claim, where a witness is located, where a

visible item of evidence is to be found or where an object that is relevant to an assessment report is situated.

☐2. The petition shall state clearly the fact or circumstance concerning which the party seeks proof, how the party wishes this to be done, what rights are at stake and for what other parties the proof will be of significance in law. If proof is sought under the second paragraph of Article 77, reasons shall furthermore be stated why obtaining the proof is a matter of urgency or how it could be crucial in determining whether an action will subsequently be brought.

☐3. The judge shall assess, on his or her own initiative, whether the circumstances favour granting the petition. If the judge considers this not to be the case, or if a dispute arises over the question, he or she shall deliver a ruling on the matter.

☐4. The judge shall summon the party to the court where the evidence is being presented. If the petition concerns other parties, they shall also be summonsed to the court, providing the matter can accommodate the resulting delay.

■ **Article 79**

☐1. The provisions of Section II and Sections VII–X shall apply, as appropriate, when evidence is gathered under the provisions of this Section. The judge before whom the evidence is gathered shall take decisions and deliver rulings on the matters regarding the evidence which otherwise would have been under the authority of the judge when evidence was presented in the course of the hearing of the case.

☐2. If special circumstances arise during the gathering of evidence, a party may request that additional items of evidence be gathered to those initially requested. The judge shall decide whether to grant such a request.

☐3. If no one attends court on behalf of the party who made the petition, then the gathering of evidence shall not go ahead unless another person attends who has legally enforceable interests to defend, this person requests that the procedure nevertheless go ahead and the judge considers there is reason to grant this request.

☐4. The party who requests the gathering of evidence shall pay the costs resulting from it. If other parties attend court and so demand, the judge may award them payments, from the party, for inconvenience suffered.

Part 3. General rules on procedure in district courts.

Section XIII. Summonses and their service.

■ **Article 80**

☐1. The summons shall state, as clearly as possible:

a. the party's name, ID number and domicile or place of residence,

b. the names of the party's representatives, where such exist, their position and domicile or place of residence,

c. the person or persons who are to plead the case for the plaintiff,

d. the plaintiff's claims in the action, such as a sum of money in ISK, compensation for specific damage suffered (without a sum being specified if it is still unknown), interest (if applicable), the recognition of specific rights, a decision imposing, or granting relinquishment from, a specific obligation, punishment for specific utterances or actions, the pronouncement of specific comments as being null and void, legal costs, etc.,

e. the grounds for action on which the plaintiff bases his or her action, and also other circumstances which need to be stated for the background of the grounds to be clear; this description shall be concisely worded and sufficiently clear as to leave no doubt as to the substance of the case,

f. references to the principal statutory provisions or legal principles on which the plaintiff bases his or her action,

g. the principal items of evidence which the plaintiff possesses, and those items that he or she considers remain to be gathered,

h. the persons whom the plaintiff intends to produce as witnesses in court regarding the facts of the case,

i. the court session where the case is to be registered, the location of the court and the time of the session, and the period allowed between service of the summons and the registration,

j. a call to the defendant to attend the court when the case is registered, answer the charge there and submit evidence,

k. a warning that a judgment *in absentia* could be delivered if the defendant does not attend the court when the case is registered.

☐2. If the plaintiff's claims in the action can only be satisfied by means of an enforcement measure, one copy of the summons shall be written on legal document paper of A4 size with a margin of at least 4 cm on the left side of the front of the page and on the right side of the back of the page. This copy of the summons shall be submitted additionally to the judge when the case is registered unless a settlement has already been reached or the defendant accepts the plaintiff's claims and submits observations.

☐3. Plaintiffs are at all times entitled to issue summonses themselves. They may also submit them to a judge for issue, providing that the wording is appropriate. If a judge is asked to issue a summons, he or she shall bring to the plaintiff's attention any flaws in the presentation of the case which he or she sees and which could result in the case being dismissed; the judge may not, however, refuse to issue the summons for this reason, as judges are not bound by such private opinions when resolving the case.

■ **Article 81**

☐1. District commissioners shall appoint at least one person in each local government area to serve case summonses, other summonses and other announcements in their jurisdictions, and another as a deputy to carry out this work in the event that the main appointee is unable to do so. No one who meets the requirements laid down in the second paragraph may refuse this appointment.

☐2. No one may be appointed as a process server unless he or she has reached the age of 25, has an unblemished reputation and is sufficiently sound and healthy to be able to do the work.

☐3. Before beginning their work, process servers shall sign a solemn declaration, which the district commissioner shall keep, stating that they will do their work faithfully and conscientiously.

☐4. [The minister] [1] shall lay down a tariff of payments for the work of process servers.

[1] *Act 162/2010, Art. 126.*

■ **Article 82**

☐1. Where the remaining provisions of this Section specify that a summons is to be served to the defendant and other related persons, at a place connected with the defendant and with a notice period which is to take account of the defendant's personal circumstances, these rules shall also apply to representatives where representatives handle defendant's affairs.

☐2. Summonses may not be served on persons who are under 15 years of age.

☐3. Summonses may not be served on the defendant's counter-party or a person who may be a representative of the counter-party.

■ **Article 83**

☐1. Service of a summons shall be lawful if:

a. the process server or a notary public testifies to having served it on the defendant or somebody who was competent to receive it in his or her stead,

b. a copy of it is sent by registered post, which is delivered, and the postman testifies to having handed over the letter to the defendant or another person who was competent to receive a summons in his or her stead.

☐2. A summons shall also be regarded as having been satisfactorily served if it is advertised in the Law Gazette (*Lögbirtingablaðið)* in accordance with Article 89.

☐3. As an alternative to the methods provided for in paragraph 1, and an equally valid method, a summons may be regarded as having been presented if:

a. the defendant personally signs a declaration on the summons stating that a copy has been delivered to him or her,

b. a Supreme Court attorney or district court attorney signs a declaration of the same type in which it is also stated that the defendant has commissioned him or her with attending the court for him or her when the case is registered.

☐4. If the defendant attends court when the case is registered, it shall be immaterial whether a summons was served on or presented to him or her, or whether there was a flaw in the service or the service took place at too short notice.

■ **Article 84**

☐1. When a summons is to be served as provided for in paragraph 1 of Article 83, the plaintiff shall give the original summons to the person carrying out the service, together with a copy for each person on whom it is to be served. Each copy shall be accompanied by an open envelope, bearing the name and address of the defendant and the statement that it contains a summons in a specific case and the latest date for the service that will ensure the required notice period between the service and the registration of the case. When the person carrying out the service has made sure that the copy is worded in exactly the same way as the original, he or she shall put it into the envelope and seal it. The plaintiff shall also provide an envelope with his or her own name and address and the name of the case in which to place the original of the summons.

☐2. The person carrying out the service may make it a condition for doing so that he or she receives payment of the costs in advance from the plaintiff.

☐3. Any person who is a party to the case, the spouse of a party or someone related to a party by blood or marriage in direct line of descent, or as an uncle, aunt or first cousin, shall lack competence to serve a summons.

■ **Article 85**

☐1. Service of a summons shall take place on a business day between the end of the eighth hour and the end of the twenty-second hour. Service may, however, take place on another day or at another time if this is necessary in order to secure the required notice period between the service and the registration of the case.

☐2. Summonses shall normally be served on defendants themselves at their registered place of domicile or where they are permanently resident, or temporarily resident, or at their place of work. Service shall nevertheless at all times be valid even though it takes place at another location if the summons is served on the defendant in person.

☐3. Service shall also be lawful, even though it does not take place as provided for under the paragraph 2, if:

a. the summons is served at the defendant’s registered place of domicile on someone in his or her household; if no member of the defendant’s household is available, then it may be served on a person temporarily residing at the defendant’s registered place of domicile, and if no such person is available, then it may be served on any person found there,

b. the summons is served at a place other the defendant's registered place of domicile to someone in his or her household who says that the defendant is permanently or temporarily resident there,

c. the summons is served at the defendant's place of work to his or her employer or immediate superior or colleague.

☐4. If a company is summonsed, service may at all times take place at its headquarters, even though it is not the representative's regular place of work, in which case it shall normally be served on the highest-ranking employee available. The same procedure may be followed when another legal person, such as a firm, NGO, institution, the state, a government authority or a local authority, is summonsed.

■ Article 86

☐1. Any person whom the process server meets when a summons is to be served shall be obliged to state his or her name and other information on which the lawfulness of the service may depend.

☐2. The person carrying out the service shall give the person on whom it is being served a copy of the summons and draw his or her attention to the nature of the procedure taking place. If the summons is served on a person other than the defendant, that person's attention shall be drawn to his or her obligations under paragraph 3.

☐3. If the summons is served on a person other than the defendant, that person shall be obliged to give a copy of the summons to the defendant or, if this is not possible, to the person who can be considered most likely to have the copy given to the defendant by the deadline.

☐4. If it comes to light that the defendant can no longer be found at the place stated in the summons, then the person carrying out the service shall seek information regarding another place to effect the service if this is possible. If no information is obtainable regarding another place, or if the person carrying out the service is not permitted to serve it there, then the summons shall be returned immediately to the plaintiff, together with details of any information that was obtained.

■ Article 87

☐1. When the service of the summons is complete, the person who effected it shall issue a dated and signed certificate of service stating the following:

a. where service was effected and, as appropriate, whether it was stated that the place was the defendant's registered domicile, permanent residence, temporary residence or place of work,

b. the person on whom it was served; if this was someone other than the defendant, it shall be stated what connections were said to exist between them so as to establish whether the service was lawful,

c. when exactly service was effected,

d. the professional designation or position of the person who effected the service.

☐2. The service certificate shall be entered on the original of the summons or on a piece of paper which is attached to it. The original shall then be delivered or sent to the plaintiff.

☐3. The contents of the service certificate shall be regarded as correct until the contrary is demonstrated.

■ Article 88

☐1. If the declaration in accordance with paragraph 3 of Article 83 is written on the summons, the signature on it shall be regarded as being that of the defendant or, as appropriate, the defendant's lawyer, until the contrary is demonstrated. The plaintiff shall not be required to produce proof that a lawyer who signs such a declaration was empowered by the defendant to do so.

☐2. If there is no date and time on the declaration in accordance with paragraph 3 of Article 83, it shall be assumed that the defendant has, in a binding manner, waived the right to insist on the full period of notice between service of the summons and the registration of the case.

■ Article 89

☐1. A summons may be served in the Law Gazette if:

a. information on where the summons may be served according to the ordinary rules cannot be found,

b. the authorities of a foreign state refuse, or neglect, to comply with a request for service in accordance with Article 90,

c. the summons is not directed at specified individual.

☐2. If a summons is served as provided for in the first paragraph, the reason this is done shall be stated in it.

■ Article 90

☐[1. If the defendant has a known domicile or place of abode abroad, or it is otherwise established that the defendant is domiciled in another specified state and it is not possible to serve the summons in Iceland in accordance with other provisions of this Section, then service shall be subject to the laws of that state and an international agreement if such agreement has been made with the state in question.

☐2. A summons or other announcement from another state shall be served in Iceland according to the rules of this Section and in accordance with an international agreement, if such agreement is in force with the state in question, providing that this is not at variance with the provisions of this Act.] [1)]

[1)] *Act 53/2008, Art. 3.*

■ Article 91

☐1. If the defendant has a registered domicile, permanent residence or temporary residence in the court jurisdiction in which the case is to be registered, he or she must be granted a notice period of three full days between the service of the summons and the registration of the case. The same shall apply if the court location is shared by two or more court jurisdictions, the defendant has a registered domicile, permanent residence or temporary residence in one of them and the case is to be registered in another. In this regard, the jurisdictions of the Reykjavík and Reykjanes district courts shall be considered, jointly, as constituting a single jurisdiction.

☐2. If, on the other hand, the defendant has a registered domicile, permanent residence or temporary residence in Iceland outside the court jurisdiction where the case is to be registered, the notice period between service of the summons and registration of the case shall be one week.

☐3. If the defendant has a home or temporary residence abroad, or his or her whereabouts or that of his or her home is unknown, the notice period between the service of the summons and registration of the case shall be one month.

☐4. If a legal person is summonsed and its representative does not have a registered domicile, permanent residence or temporary residence in the same court jurisdiction in which the legal person has its headquarters, the notice period between the service of the summons and registration of the case shall be based on the court jurisdiction in which the headquarters are located if this will result in a shorter notice period.

☐5. If it is necessary to summons the original party in intervention action, supplementary action or counter-action, the party shall be given three full days' notice between the service of the summons and the registration of the case, irrespective of the provisions of paragraphs 2, 3 and 4. The summons may be served on the agent of the party in the case.

■ **Article 92**

☐1. Announcements from the judge to a party shall be served on or sent to the party in a demonstrable manner according to the judge's decision. The judge shall determine, in each given instance, an appropriate notice period for this purpose.

☐2. If the time due to elapse before a new session of the court is decided during a session of the court, no further announcements of the decision to a party present when it is stated shall be required.

Section XIV. Case procedure.

■ **Article 93**

☐An action shall be regarded as having been brought when the summons is served or signed confirming that a copy of it has been received (see paragraph 3 of Article 83) or, alternatively, when the defendant appears before the court where the plaintiff gives him or her a copy of the summons and registers the case.

■ **Article 94**

☐1. Registration of a case takes place when the summons is submitted to the court.

☐2. If the plaintiff does not attend court when his or her case is to be registered and does not have a legitimate excuse, his or her presentation of the case shall be invalid. If the defendant attends court, the judge may award him or her a payment from the plaintiff, at the defendant's demand, in compensation for inconvenience suffered.

☐3. A counter-claim for the set-off of debts shall be registered when it is made before the court.

☐4. Once a case has been registered, it shall not be possible to apply for a judgment covering any claims made in it in another case. If a judgment is applied for regarding a claim in another case, the claim shall be dismissed from court.

■ **Article 95**

☐1. When the case is registered, the plaintiff shall submit the summons and the documents relating to his or her presentation of the case, or on which he or she bases his or her claims, and also a register of the documents being submitted. The plaintiff may also submit his or her own written observations on the facts of the case.

☐2. The judge may give the plaintiff a short period in which to submit materials other than the summons in accordance with paragraph 1 if the parties agree to this or the judge considers that the plaintiff may not be required to submit them immediately.

■ **Article 96**

☐1. If the defendant does not attend court when the case is registered and it is not known that he or she has a legitimate excuse, the case shall be accepted for judgment in the way it is presented, providing that the plaintiff has not been allowed a period for further submissions as provided for in the second paragraph of Article 95. The case shall then be judged in accordance with the plaintiff's claims and presentation of the case to the extent that this is compatible with the materials submitted, unless there are flaws in the case which entail its dismissal without this being requested.

☐2. If the defendant does not attend court later when the case is heard and has not submitted observations, the procedure shall be as is laid down in paragraph 1.

☐3. If the defendant submitted observations before failing to appear in court, the plaintiff may be given the opportunity of replying to his or her defence in a written prosecution action; when this is presented, the case shall be accepted for judgment. The case will then be judged in the light of the claims, evidence and plaintiff's prosecution action as these have been presented, taking account of what has been submitted on behalf of the defendant.

☐4. The defendant may not appeal to a higher court against a judgment that has been delivered in accordance with paragraphs 1, 2 or 3 except by means of a counter-appeal after the plaintiff has made his or her own appeal. The defendant may request the reopening of the case at the district court level in accordance with the provisions of Section XXIII.

■ **Article 97**

☐1. The following shall be regarded as legitimate excuses for non-attendance by a party at a court session:

a. the illness of the party himself or herself, or of a member of the party's household or another person whom the party is obliged to look after or for whom the party is obliged to seek medical assistance,

b. the weather, the impossibility of travel or other circumstances beyond the party's control,

c. the fact that the party would suffer a substantial loss of employment or professional damage or damage to other interests,

d. the necessity of travelling a long distance,

e. work as a government official or administrative functionary which was decided in advance and cannot be postponed,

f. attendance at a previously decided court session.

☐2. Legitimate excuses for non-attendance by a party's agent are of equal validity to those applying to the party himself or herself.

☐3. If the judge is aware that a party will not be in attendance due to a legitimate reason, he or she shall postpone the case and announce when it is to be resumed.

☐4. If a party failed to attend in a case but had a legitimate excuse of which the judge did not know, and it was not possible to inform the judge in advance, the party may apply to the judge with proof of the reason for non-attendance and a written application for the re-opening of the case, providing that judgment has not been delivered in the case. The judge shall then re-open the case by means of an entry in the court records, as from the time when the party last attended, or as from the date when the case was to be registered, if the party did not attend on that occasion, and announce to the parties when the case is to be considered again.

■ **Article 98**

☐1. If the defendant attends court and accedes to the plaintiff's claims in all respects, but without a settlement of the claims being agreed, then the case shall be accepted for judgment and judged in accordance with the defendant's accession.

☐2. The provisions of Section XV shall apply to attempts to reach a settlement, the making of settlements and their effect.

■ **Article 99**

☐1. If the defendant attends court when the case is registered, he or she shall be entitled to a suitable period of time in which to adopt a position on the plaintiff's claims and examine the materials that have been submitted.

☐2. If the defendant offers a defence in the case, he or she shall submit written observations stating the defence arguments before the end of the period granted under paragraph 1. The observations shall state the names of the parties, the authorisation to appear as the defendant's legal counsel, the defendant's claims, the materials submitted by the defendant and the materials that he or she considers remain to be gathered. The observations shall also describe, in clear and concise terms, the defendant's grounds for action and other circumstances which need to be stated so as to clarify the background of the grounds, and reference shall be made to the principal enacted provisions or legal principles on which the defendant bases his or her case. Furthermore, the observations shall specify the persons whom the defendant intends to produce in court to give evidence on the facts of the case. The judge may give the defendant a

further period in which to submit observations if he or she considers there is just reason to do so. [If the defendant demands that the case be dismissed from court, he or she may submit observations containing this demand alone, providing that they are submitted within four weeks of the registration of the case. If the case is not dismissed from court, then the judge shall be obliged to grant the defendant a special period in which to submit observations presenting substantive defence arguments.] [1)]

☐3. Like the plaintiff, the defendant may submit materials, and his or her own written observations on the facts of the case.

[1)] *Act 78/2015, Art. 7.*

■ Article 100

☐1. When the defendant has submitted his or her observations, the judge shall check whether there are flaws in the case that may lead to its dismissal without a demand being made to this effect. If the judge considers that there are such flaws, he or she shall give the parties the opportunity of expressing their position about this orally. If the case is to be dismissed without demand, the judge shall deliver a ruling on the dismissal as soon as this has been done.

☐2. If the defendant demands in his or her observations that the case be dismissed, oral pleading on this demand in the case shall proceed before any further discussion of the substance of the case takes place, and the demand shall be resolved in a court order. Departure may be made from this procedure if the demand is based on arguments that also have a bearing on the substance of the case and it is not considered that sufficient information on that aspect has been obtained about them.

☐3. If a judge rejects a demand to dismiss the case, he or she shall not be bound by that ruling if new information comes to light at a later stage of the hearing of the case relating to the matters covered by the ruling.

☐4. If the judge becomes aware, after the case is accepted for judgment, that there are flaws in it which entail the dismissal of one or more of the claims, but not of them all, he or she may decide on the dismissal of part of the case and resolve the substance of other parts of it in the judgment. The same shall apply if more than one party is involved in the prosecution or in the defence and the dismissal relates to one or more of them, but not to them all.

☐5. If a judgment of a higher court sets aside a ruling on the dismissal of a case, in its entirety or in part, the district court judge shall then re-open the case in accordance with the provisions of the higher judgment as it was when he or she made that ruling.

■ Article 101

☐1. If the defendant presents a defence in the case and the case cannot be dismissed from court, it shall be pleaded orally. The judge may, however, decide that the case is to be pleaded in writing if he or she considers that there will be a danger that it will not be sufficiently clarified through oral pleading. The judge may also decide that the case is to be accepted for judgment without pleading if the parties agree to this.

☐2. If the case involves complex financial transactions, the judge may give the parties an opportunity to submit the calculations on which their claims are based, providing that such information has not been submitted in a satisfactory manner in other materials in the case.

☐3. The parties shall be obliged to give clear and comprehensible statements to the court as far as they are able. The judge shall follow the case in all its details and ask the parties about every point that he or she considers is unclear and may be of significance, and shall make every effort to obtain sufficiently clear statements from them.

☐4. Judges shall be obliged to guide parties who are not legally trained and who plead their own cases regarding the formal aspects of the case to the extent that they consider necessary.

☐5. Grounds for action, and objections, shall be stated as soon as the occasion arises for doing so. Alternatively, such declarations may not be accepted unless the counterparty accedes to them or a party was in need of guidance from the judge but did not receive it.

■ **Article 102**

☐1. When the defendant has submitted his or her observations, one session in the case shall normally held with a view to seeking a settlement and giving the parties the opportunity of submitting visible evidence that they have not previously had reason to submit or the opportunity of submitting. At that session, as appropriate, the parties' replies shall be sought to the question of the purpose for which they themselves intend to make statements or produce individual witnesses in order to establish whether, and to what extent, it will be necessary to have evidence given in court. The judge may ask the parties what length of time they will require for their pleading during the hearing, and shall subsequently determine how long the hearing is to stand in the light of that information.

☐2. The judge may comply with a request from a party to postpone a case further if he or she considers that this would be likely to bring about a settlement or that it is necessary to gather materials for which the time previously allowed was not sufficient; in such a case, both parties are to use the same extra time in which to gather materials. Otherwise, the judge shall normally refuse to grant an extension, even though the parties are in agreement on requesting it.

☐3. If the judge becomes aware that a [criminal case][1] has been brought or that … [1] an investigation is in progress in connection with a punishable act and it may be considered that the outcome of that case or investigation will be of substantial significance for the outcome of the civil case, he or she may then postpone the case at his or her own initiative until the end of the [criminal case][1] or investigation is in sight. In the same way, a case may be postponed if another private action has been brought regarding a matter which will have a substantial bearing on the resolution of the present case or if the matter in the other case has been submitted to a government authority for resolution in the correct manner.

☐4. The judge may comply with a party's request to be permitted to make an oral statement in court on a matter concerning the gathering of materials before the hearing of the case begins. Similarly, a deposition may be taken by the court before the gathering of visible evidence is complete if this must be done according to the provisions of Section XI of this Act or if the person who is to give evidence will be absent for legitimate reasons when the court session is held for the hearing of the case.

☐5. Normally, the judge shall not decide when the court is to convene to hear the case until the parties have announced that the gathering of visible evidence is complete. After that, the parties shall normally not be permitted to submit further visible evidence. The judge may, however, make exceptions to this if doing so will not cause the case to be delayed, or if it was not previously possible to gather specific items of evidence or if the guidance or instructions he or she provided was insufficient.

[1] *Act 88/2008, Art. 234.*

■ **Article 103**

☐1. When the gathering of materials is complete in accordance with Article 102, the judge shall decide, with suitable notice, when the court is to be convened to hear the case; in the hearing, oral testimony and the oral pleading of the case shall normally take place in a single session. If the judge considers there is reason to do so, he or she may order the parties to submit written statements of claim and presentations of their grounds for action during the hearing.

☐2. The hearing shall begin with the judge giving the plaintiff the opportunity to give a short account of the case, after which the defendant shall have the opportunity to make short comments and criticisms of the plaintiff's description. Then testimony shall be taken from the parties and from witnesses and, if necessary, a site visit shall be made.
☐3. After testimony has been taken, the oral pleading of the case shall begin. The plaintiff shall speak first, then the defendant; the court may be addressed twice on behalf of each. The judge may permit the parties themselves to make short comments and criticisms after the oral pleading by their representatives. The judge shall direct the pleading, ensuring that the speaker keeps to the point and that the pleading is clear and decorous. The judge may limit the right of expression of any person who does not take account of his or her reproofs or substantially exceeds the time that the pleading was expected to take.
☐4. Where the pleading is written, the case shall be adjourned after testimony has been taken so that the plaintiff will have an opportunity of submitting his or her prosecution. When this has been submitted, the case shall be adjourned anew so that the defendant may submit a defence. The case shall then be adjourned yet again so that both parties have the opportunity of submitting written replies once.
☐5. When pleading is complete, the judge shall accept the case for judgment.

■ **Article 104**

☐ If, after the case has been accepted for judgment, the judge becomes aware that there is a serious lack of clarity in the parties' declarations or in the information about the facts of the case and the lack of clarity may be attributed to a failure on the part of the judge to give the parties sufficient guidance or instruction, the judge shall then summon the parties to court and, as appropriate, question them or point out to them the necessity of obtaining further materials. The case may be postponed as needed; after this has been done, the judge shall give the parties the opportunity of making further comments and criticisms of their earlier pleading, and shall then accept the case for judgement anew.

■ **Article 105**

☐1. The case shall be dropped if:

a. the defendant discharges the obligation which he or she is required to discharge in the case,

b. the plaintiff does not attend court and has no legitimate excuse,

c. the plaintiff so demands,

d. the plaintiff, or his representative, is ordered to leave the court, with the result that no one is present to represent him or her,

e. the plaintiff fails to pay legitimate charges at the demand of the judge.

☐2. If a case is dropped under items b-e of paragraph 1 and the defendant attends court and demands the payment of legal costs by the plaintiff, the judge shall deliver a ruling on this demand and the dropping of the case. The judge may set aside such a ruling if the plaintiff demonstrates that he or she had a legitimate excuse at the time that he or she failed to attend court.
☐3. In cases other than those covered by paragraph 2, the case shall be dropped by means of an entry in the court records unless there is a dispute over whether this is to be done, in which case the judge shall adopt a position on this in a ruling.

Section XV. Settlements.

■ **Article 106**

☐1. Judges shall attempt to effect a settlement if the parties have the authority to make disposals regarding the matter at issue unless they consider it certain that an attempt at settlement will be unsuccessful due to the nature of the case, the attitude of the parties or other reasons.
☐2. The judge shall normally seek to effect a settlement after the defendant has submitted his or her observations and before the court is convened for the hearing. The judge may seek to effect a settlement earlier, and also during the hearing or after the pleading of the case is complete. The fact that earlier attempts at effecting a settlement were unsuccessful shall not prevent further attempts being made.
☐3. The resolution of a case by a district court may not be set aside by a higher court on the grounds that no attempt was made to effect a settlement.

■ **Article 107**

☐1. The judge may comply with a party's request to refer an attempt to effect a settlement in a case to the district commissioner in the court jurisdiction where the action was brought if the judge considers this will be likely to produce results and will not lead to unnecessary delay. The parties may also agree on referring their case to the district commissioner for an attempt to effect a settlement without the assistance of the judge during periods between examinations of their case at sessions of the court or before the action is brought.
☐2. When an attempt to effect a settlement is referred to a district commissioner, the party doing so shall provide the district commissioner with case materials to the extent necessary. The district commissioner shall then, at the earliest opportunity, summon the parties to a meeting and attempt to effect a settlement between them.
☐3. The district commissioner shall drop attempts at effecting a settlement if a meeting for this purpose is not attended by both parties or when he or she considers it evident for other reasons that the attempts will be unsuccessful.
☐4. If a settlement is effected before the district commissioner, a record of it shall be entered in a special record book of the district commissioner. If a settlement is effected to some extent, but not completely, then the continuation of the case before the court shall be in accordance with paragraph 2 of Article 108.
☐5. A settlement made before a district commissioner shall constitute the end of the court case, to the extent (where appropriate) that settlement has been reached. The discharge of obligations according to settlements before a district commissioner may be effected through enforcement measures.

■ **Article 108**

☐1. A judge may refuse to make a court settlement between parties if he or she considers it would be unlawful to do so, that the substance of the settlement is unclear or that it would be impossible to honour it. The judge shall deliver a ruling to this effect if this is requested.
☐2. A court settlement may be made regarding part of a case, after which procedure shall continue regarding other parts of the case. If the settlement covers matters other than legal costs, then legal costs shall be determined in a ruling.
☐3. A settlement may be made concerning claims even though the claims have not been presented before the court.
☐4. A court settlement may be made concerning a matter that has been the subject of a district court judgment in the nine months immediately following delivery of the judgment.

■ **Article 109**

☐A court settlement shall be recorded in the court record book, at which time it shall take effect. The court settlement shall be made in writing and signed by the parties. If it is not recorded in its entirety in the court records, it shall be submitted as a document in the case. If

the case is continued in some part, this shall be mentioned in the entry; otherwise, the case shall be closed.

■ Article 110

☐1. A court action may be brought to have a court settlement voided in part or in its entirety.

☐2. If a party bases his or her right on a court settlement in a court case, the counter-party may question the validity of the settlement. The same shall apply if a right is based on a court settlement in an enforcement action or division of an estate.

☐3. The judge in a court case under paragraphs 1 or 2 shall be bound by the resolution by a judge at the same judicial level as regards those matters on which he or she has adopted a position.

☐4. The provisions of paragraphs 1 and 2 shall apply to settlements made before a district commissioner.

Section XVI. Resolutions of cases by district courts.

■ Article 111

☐1. Judges may not address matters outside the parties' claims in their judgments or rulings except as regards points which they are obliged to give attention on their own initiative. Any claim that is not stated in the summons shall be dismissed from court unless the defendant has agreed that it be included without being stated in the summons. The same shall apply to increases in claim amounts or other changes to the disadvantage of the defendant.

☐2. Judges may not base their conclusions on a ground for action or objections which could have been expressed, but were not expressed, during the hearing of the case. If a circumstance was mentioned in a document submitted to the court, but the party made no special mention of it as a ground for action during the pleading of the case, the judge shall assess, according to the circumstances, whether it can be accepted as a ground for action.

☐3. Judges shall assess, according to the circumstances, whether or not a party's silence in response to an assertion or claim by the counterparty is to be interpreted as agreement.

■ Article 112

☐1. Where no other arrangements are laid down in other provisions of this Act and there is no dispute on the matter, the judge shall adopt a position on points concerning the conduct of the case in the form of a decision which shall be recorded, as appropriate, in the court records. Such points may also be resolved by means of a decision even if they are the subject of a dispute if the matter in dispute may not be the subject of an appeal to a higher court.

☐2. The judge shall resolve other matters which must be concluded before the case is accepted for judgment by means of a ruling. Rulings shall be delivered immediately during the court session where this is possible, or else at the earliest opportunity.

☐3. Rulings shall be written and shall be recorded in the court records or register of judgments. The judge shall state the reasons for his or her conclusion in the ruling, without mentioning the circumstances of the case or the parties' claims or arguments; the conclusion shall be stated concisely at the end. [Instead of a written ruling, the judge may simply record the conclusion of the ruling in the court records and present the reasoning on which it is based orally, except where the ruling constitutes the final conclusion of the case. If an appeal is brought against a ruling to a higher court, the judge shall compile a written ruling as provided for above.] [1)]

☐4. If a ruling constitutes the final conclusion of a case, the statement of the conclusion of the ruling shall be accompanied by a summing up of the premises on which it is based in the same way as if it were a judgment. However, if the case is dismissed from court without this being demanded by the defendant, or if it is dropped, then the judge may simply record, in the

premises, the identity of the parties and the date of registration of the case, the parties' claims and the reasoning behind the conclusion.

☐5. A judge may change his or her decision on matters concerning the conduct of the case, and also a ruling that does not constitute the final conclusion of a case (see, however, paragraph 2 of Article 105).

[1] *Act 78/2015, Art. 8.*

■ Article 113

☐[1. If the defendant has failed to attend, or be represented, in court, or has not submitted observations, or if the plaintiff's claims are such that they may be satisfied by means of an attachment and the judge considers that there are no flaws in the plaintiff's case and consequently that his or her claims may be recognised (see paragraph 1 of Article 96), the judge may conclude the case by writing on the summons a statement (endorsement) to the effect that the claims may be satisfied by means of an attachment, together with a decision on legal costs. In the same way, the judge may, by means of an endorsement on the summons, agree that a lien right be confirmed to secure the payment of claims. The judge may, at the same time, correct evident mistakes in the summons in the light of the documents on which the plaintiff bases his or her case. Moreover, the judge may dismiss the case by writing an endorsement to this effect on the summons if there are flaws in it which, without any doubt, entail dismissal of the case without this being demanded by a party. If the plaintiff does not accept this decision by the judge, he or she may demand that a ruling be delivered on the dismissal within two weeks. If the case is not concluded in the manner described above, then a judgment or ruling shall be delivered in accordance with the ordinary rules.] [1]

☐2. An endorsement on the summons by a judge as provided for in paragraph 1 shall have the same validity as a judgment. No appeal may be made against it to a higher court.

[1] *Act 78/2015, Art. 9.*

■ Article 114

☐1. If a case is not dropped or dismissed from court, or concluded by a settlement or a judge's endorsement as provided for in Article 113, then a written judgment shall be compiled in which a summing up of the premises accompanies the statement of the conclusion. The name and number of the case shall appear at the beginning of the judgment, and also where and when it was delivered; then, in the summing up, the following shall be stated:

a. when the case was brought and accepted for judgment,

b. the names and addresses of the parties,

c. the parties' claims,

d. a short survey of the circumstances behind the case and the matters in dispute in the case,

e. the parties' principal grounds for action and the sources of law on which they base their cases, [though only to the extent to which this is necessary for the resolution of the case], [1]

f. the conclusion, backed with reasoning, regarding matters of demonstration and legal technicalities,

g. comments on the conduct of the case and the imposition of fines in connection with judicial procedure,

h. legal costs,

i. the names of the judges, and the identity of the president of the court if the bench is in plenum, and also the professional designations of the co-judges.

☐2. The statement of the conclusion at the end of the judgment shall present, concisely, the overall conclusion of the case, such as an acquittal if the defendant is acquitted of all material claims, those of the plaintiff's claims that are recognised, etc.

☐3. Judgments shall be short and clear.

☐4. No reference may be made in the judgment to demonstrations or circumstances that may arise at a later date. Nevertheless, it shall be possible to comply with a demand that the defendant be obliged to discharge a duty in return for a specific consideration from the plaintiff, or that an obligation involving something other than the payment of a sum of money, be imposed on the defendant, under pain of *per diem* fines.

☐5. At the demand of a party, it may be specified in the judgment that an attachment is to be postponed if there is considered to be particular reason for deviating from the ordinary statutory rules applying to the procedure. Furthermore, at the demand of a party, it may be stated in a judgment, if important interests are seen to be at stake, that an appeal in the case will not postpone an attachment according to the judgment; as appropriate, this may be made subject to the condition that the adjudged party put up a specific surety to cover the attachment. A demand for provisions of this type in the judgment may be made during the hearing of the case.

[1] *Act 78/2015, Art. 10.*

■ Article 115

☐1. Judgments shall be delivered at the first opportunity. If judgment in a case that was pleaded orally is not delivered within four weeks from the date on which the case was accepted for judgment, the case shall be pleaded anew unless the judge and the parties consider this to be unnecessary.

☐2. If the court is in plenum and the case is pleaded orally, then all the judges shall have listened to the pleading of the case. If they are not all able to participate in the [compilation] [1] of the judgment, a judge shall be nominated instead of the one who has dropped out and the oral pleading shall be repeated. A simple majority of votes shall determine the outcome of every issue. If a judge is in a minority on a matter, he or she shall nevertheless take part in decisions on other matters; the matter over which there was not full agreement shall be mentioned in the judgment. The presiding judge shall direct the voting and be in charge of the compilation of the judgment.

☐3. The judge shall inform the parties of where and when judgment or rulings are to be delivered if a defence has been presented in the case. When delivery takes place, the conclusion of the judgment or ruling shall be read out at a session of the court so that it can be heard by those present. A transcript of the judgment or ruling shall normally be available when it is delivered.

☐4. Periods specified in a judgment or ruling shall begin to run immediately they have been delivered, irrespective of whether the parties are present at the delivery.

[1] *Act 78/2015, Art. 11.*

■ Article 116

☐1. A judgment shall constitute a binding resolution of the matter at issue between the parties to the case, and other parties who succeed them in law, regarding the claims that are substantively resolved therein.

☐2. A claim that has been substantively resolved in a judgment may not be referred again to the same court, or a court of equivalent status, otherwise than is provided for in this Act. Any new case regarding the same claim shall be dismissed from court.

☐3. Judgments shall be binding on judges after they have been read aloud. Judges may, however, correct typographical errors, mistakes in calculations, mistakes in the writing of names and other obvious errors in judgments, providing that they give the parties to the case, who have received copies of the judgment, new copies without delay.

☐4. Judgments shall constitute full evidence regarding those facts of the case that are described in them until demonstration is made to the contrary.

Part 4. Exceptional procedure in private cases at the district court level.
Section XVII. Cases involving bills of exchange, cheques and promissory notes.

■ **Article 117**

☐The cases covered by this Section are as follows:

a. cases involving bills of exchange; these consist of cases against the drawer, endorser and acceptor of a bill of exchange against another person and against the drawer and endorser of a person's own bill of exchange for the payment of an exchange claim or to advance a repayment claim according to the right conferred by a bill of exchange, cases against the drawer and endorser of a bill of exchange due to a lack of acceptance to pay the amount of the bill in its entirety or in part and cases against the guarantors (*ábekingar*) for the amount of the bill,

b. cases involving cheques; these consist of cases involving claims for the recovery of sums from cheque debtors according to the law applying to cheques,

c. cases involving promissory notes; these consist of cases for the payment of debts according to promissory notes, providing it is stated in the text of the notes that cases concerning them may be conducted according to the provisions of this Section.

■ **Article 118**

☐1. The defendant may only offer the following defences against the substance of the case:

a. that the case has been brought by the wrong party or that it is wrongly directed at the defendant,

b. that a party lacked competence in law to undertake the obligation,

c. that a signature on a document has been forged or that the contents of the document have been falsified.

☐2. In cases involving bills of exchange, the defendant may also offer a defence concerning the form and content of the bill of exchange, the method used to maintain the validity of a claim according to a bill of exchange and other matters which constitute the conditions for exercising the right conferred by a bill of exchange according to the Bills of Exchange Act. The same shall apply to cases involving cheques.

☐3. In cases involving a bill of exchange, the defendant may also offer a defence if he or she is not required to demonstrate the truth of the assertions on which the defence is based or if it is possible to demonstrate their truth by means of documents which he or she presents at the time.

☐4. A counter-claim may be made for a set-off of debts, or for an independent judgment in a case covered by the provisions of this Section if the counter-claim is of the same type as the principal claim or if the counter-claim is based in another manner on a bill of exchange or cheque. In a case involving a bill of exchange or a cheque, it shall also be possible to make a counter-claim that arises because a party did not give the notifications to his or her predecessors on the bill of exchange or cheque that are prescribed in the Bills of Exchange Act or the Cheques Act.

■ **Article 119**

☐1. If the plaintiff grants consent, the defendant may present further defences over and above those set out in Article 118.

☐2. If the defendant misses the opportunity of presenting defences in a case due to the provisions of Article 118, he or she may then bring an action against the plaintiff according to the general rules in order to claim compensation.

☐3. The provisions of Part 3 shall apply in other respects regarding cases under this Part.

Section XVIII. Annulment cases and cases brought to establish ownership.

■ **Article 120**

☐1. Promissory notes that are lost, or have disappeared, may be annulled by a court judgment according to the rules of this Section, providing that no special provisions in other acts of law apply to their annulment. A judgment of annulment shall authorise the person to whom it is awarded to make disposals regarding the referent of the document just as if he or she were in possession of the document.

☐2. Actions for the annulment of a promissory note secured by a lien shall be brought in the court jurisdiction in which it was, or would be, registered. Actions for the annulment of other documents shall be brought in the court jurisdiction where they were issued. If this is not possible, but the document may nevertheless be annulled in Iceland, the action shall be brought before a court in Reykjavík.

■ **Article 121**

☐1. Any person who wishes to bring an action to have a document annulled shall submit a writ to a judge for issuing and a copy of the document or an accurate description of its contents. The writ shall state what is known about what has happened to the document and explain with reasons how the person concerned considers himself or herself to have entitlements in the light of this.

☐2. If the judge considers that the conditions for a judgment of annulment are not met, he or she shall refuse to issue the writ. A ruling on this refusal shall be delivered if this is requested.

☐3. If the judge considers that the conditions for a judgment of annulment are met, he or she shall issue a writ which shall contain a call on any person who may have the document in his or her possession to attend court when the case is registered, failing which it may be expected that it will be annulled by a judgment. The writ shall be published once in the Law Gazette.

☐4. If no one appears with the document when the case is registered and no one makes any other objection to having it annulled, a judgment of annulment shall be delivered unless flaws in the presentation of the case entail its dismissal. If a defence is offered, then the judgment shall either prescribe the annulment of the document or a refusal to annul it.

☐5. Other aspects of procedure in annulment cases shall be subject to the provisions of Part 3.

■ **Article 122**

☐1. If a person demonstrates, or adduces a likelihood, that he or she has acquired rights over real-estate property, a registered vessel or aircraft, a registered automobile or a negotiable financial instrument by contract or according to custom, but lacks documentary proof of these rights, he or she may then seek a judgment establishing ownership. Judgments establishing ownership shall give those to whom they are awarded the authorisation to control and dispose of the property just as if they held a deed of assignment for it or another appropriate document.

☐2. The provisions of the second paragraph of Article 120 and of Article 121 shall apply, *mutatis mutandis*, regarding venue in cases brought to establish ownership and procedure therein.

Section XIX. Accelerated processing of civil actions.

■ **Article 123**

☐1. A party who intends to bring an action in connection with a decision or action on the part of a government authority or a strike, lock-out or other measure connected with an industrial dispute, may find that it would normally be subject to the general provision of this Act. The party may then request that the case be processed under the provisions of this Section if there

is an urgent need for a quick resolution, providing that the resolution has general significance or concerns very substantial interests of the party.

☐2. A party requesting processing of a case under the rules of this Section shall submit a summons to the president of the court together with a written request to have it issued and the case materials that may support this request. There shall be a blank space in the summons so that the judge will be able to enter therein the place and time when the case will be registered and the notice period required between the issue of the summons and the registration; the text shall state that the judge has acceded to a request that the case be processed under the provisions of this Section. The request shall give detailed reasons why the conditions of the first paragraph may be considered as being met.

☐3. If the conditions of the first paragraph are not met, the judge shall refuse to issue the summons. A ruling on this refusal shall be delivered if this is requested.

☐4. If the court agrees that the case is to be processed according to the provisions of this Section, it shall then be assigned immediately to a judge for examination. The judge shall issue a summons and at the same time decide where and when the case is to be registered (which shall normally be done outside a regular sitting of the court) and what notice period is to elapse between the service of the summons and the registration of the case; this may not be shorter than 24 hours.

☐5. The provisions of this Article may be applied to the bringing of a counter-action so that the case shall, from that time, be processed as a whole in accordance with the rules of this Section. If a request is received to this effect, the president of the court shall nevertheless give the counterparty an opportunity of expressing himself or herself before a position is adopted on it.

■ **Article 124**

☐1. If a defence is offered in a case, the case shall only be postponed to the extent dictated by urgent necessity. Attention shall be given to the matters set forth in the first paragraph of Article 102 in the session of the court when the defendant submits his or her observations, and all other things being equal, the gathering of visible evidence shall be completed at this time.

☐2. At the demand of one of the parties, the judge may decide that witnesses are to be summonsed to appear in court at shorter notice than is laid down in the second paragraph of Article 54.

☐3. Judgment shall be delivered as quickly as possible after the case is accepted for judgment.

☐4. If an appeal is lodged with a higher court regarding ruling by the judge on a matter concerning the conduct of the case, the period provided for in the first paragraph of Article 149 shall be three full days (72 hours).

☐5. The period granted in which to appeal a case subject to procedure under this Act to a higher court without a special licence for an appeal shall be [two] [1] weeks from delivery of the judgment. … [2] Periods granted in a case before a [higher court] [1] shall be as short as possible.

☐6. Procedure in other respects in these cases shall be according to general rules.

[1] *Act 49/2016, Art. 11.* [2] *Act 38/1994, Art. 3.*

Part 5. Legal aid, legal costs and procedural fines.

Section XX. Legal aid.

■ **Article 125**

☐1. In this section, the term ‘legal aid’ is used to cover aid to cover both prosecution and defence actions.

☐2. [The minister][1] shall appoint a legal aid committee consisting of three lawyers for terms of four years at a time to comment on applications for legal aid. One member shall be appointed in accordance with a nomination by the Icelandic Bar Association and another in accordance with a nomination by the Icelandic Judges' Association. [[The minister] [1] may set out further provisions on the workings of the legal aid committee in a regulation. [2]] [3]
☐3. Applications for legal aid shall be made in writing and directed to [the minister]. [1] An application shall give a clear account of the case in question, with arguments demonstrating that the conditions for granting legal aid are fulfilled. Applications shall be accompanied by materials as necessary.
☐4. [The minister] [1] shall grant legal aid in accordance with applications. Legal aid may only be granted if the legal aid committee so recommends.

[1] *Act 162/2010, Art. 126* [2] *Reg. 45/2008, cf. 1059/2010, 616/2012 and 1164/2017.* [3] *Act 7/20, Art.1*

■ Article 126

☐1. [Legal aid may only be granted if the applicant's case constitutes sufficient occasion for bringing a prosecution action or offering a defence and, in addition, either of the following two conditions is met:

a. the applicant's financial standing is such that the cost of protecting his or her interests in the case would evidently be overwhelming, providing that it may be regarded as natural in other respects that legal aid be provided from public funds,

b. the resolution of the case will be of substantial general significance or be of very substantial significance for the applicant's employment, social position or other private circumstances.

☐2. The minister may issue a regulation [1] setting out further conditions for granting legal aid, including when there is sufficient occasion for granting legal aid, the matters to be taken into consideration when assessing applicants' financial standing and authorisations for limiting legal aid in accordance with the first paragraph of Article 127.] [2]
☐3. Legal aid may furthermore be granted in accordance with provisions made in other acts of law.
☐4. If legal aid is granted, the legal aid document shall state to what case it applies, whether it is granted for the conduct of a case before a district court or a higher court and whether it is limited in some way.

[1] *Reg. 45/2008, cf. 1059/2010, 616/2012 and 1164/2017.* [2] *Act 72/2012, Art. 7.*

■ Article 127

☐1. To the extent that no provisions to the contrary are laid down here, legal aid shall commit the state to the payment of the legal costs incurred by the grantee. Legal aid may, however, be limited so as to cover only specific parts of the legal costs, or not to exceed a specified maximum sum.
☐2. If the fee to a legal aid grantee's representative for pleading the case is not exempted from cover by legal aid, it shall be determined in the judgment. If a settlement is reached in the case, the judge shall decide the fee in the ruling.
☐3. Legal aid grantees shall be exempt from all payments to the Treasury in connection with cases covered by legal aid, including payments for official certificates and other materials that are submitted in the case.
☐4. Unless otherwise specified in the legal aid document, legal aid shall also cover the cost of enforcing the grantee's rights by means of an attachment or sale in execution.
☐5. If the grantee's counterparty appeals against the judgment to a higher court, legal aid shall also cover the grantee's legal costs before that court, including the cost of bringing a

counter-appeal or counter-defence in the appeal case, unless other provisions are made in the legal aid document.

■ **Article 128**

☐1. Legal aid shall not cease to apply in the event of the death of the legal aid grantee.

☐2. [The minister] [1] may revoke legal aid if it comes to light that it was granted without good reason, if the financial standing of the grantee has changed so that it is no longer needed or if the grantee neglects to demand the payment of legal costs by the counterparty. On revocation, the state's payment obligation shall come to an end, irrespective of whether costs have already been incurred in connection with the case. However, the grantee may not be required to pay costs which he or she avoided paying under the third paragraph of Article 127 before legal aid was revoked.

☐3. Legal aid shall make no alteration to the fact that the grantee himself or herself may be made to pay the counterparty's legal costs.

☐4. If the counterparty of the grantee is adjudged to pay legal costs, the fact that legal aid was granted shall not be taken into consideration when legal costs are determined. If the grantee himself or herself has incurred costs in the case, payment of legal costs to him or her shall be determined to this extent in the judgement; the state shall be adjudged to pay the other parts of legal costs.

[1] *Act 162/2010, Art. 126.*

Section XXI. Legal costs.

■ **Article 129**

☐1. Legal costs comprise:

a. the cost of pleading the case,
b. the cost of serving the writ of summons, other summonses and other announcements,
c. fees paid to the Treasury in connection with the case,
d. unavoidable travelling costs paid by a party and his or her representative,
e. fees to assessors, witnesses, translators and court witnesses,
f. the costs of copies, court papers and summaries of court papers,
g. other costs stemming directly from the case.

☐2. The party who requests a judicial action shall pay the cost thereof *pro tempore*.

☐3. Parties shall be entitled to demand payment of their legal costs by their counterparties, including the costs in counter-actions and intervention actions, at the discretion of the court or according to an itemised invoice that is submitted no later than at the hearing of the case. Legal costs shall only be awarded in the judgment if they have been demanded.

☐4. Legal costs awarded to be paid to a party by the counterparty shall bear arrears interest as from the fifteenth day after the delivery of the judgment or ruling and until the date of payment, even though this is not specifically requested or mentioned in the judgment or ruling.

■ **Article 130**

☐1. A party who loses the case in all substantive aspects shall normally be adjudged to pay the counterparty's legal costs.

☐2. The plaintiff shall be ordered to pay the defendant's legal costs if the case is dismissed from court or dropped for any reason other than that the defendant has discharged the obligation he or she is required to discharge in the case.

☐3. If a party wins a case in part, but loses it in part or there are substantial points of doubt in the case, the other party may be adjudged to pay part of the first party's legal costs, or both may be ordered to bear their own costs in the case. The same may be done if the one who lost

the case was not aware, and could not have been aware, until after the action was brought, of those facts of the case that proved crucial in determining the outcome.

☐4. If more than one legal case is being conducted and this could have been avoided by suing for the claims in all of them in a single case, as a counter-claim where appropriate, then the legal costs of the party who wins the case may be reduced in view of this (*cf.* also the second paragraph of Article 27).

■ **Article 131**

☐1. Irrespective of the outcome of the case, a party may be adjudged to pay the counterparty's legal costs if he or she has:

a. brought the case unnecessarily or without any occasion having been given by the counterparty,

b. caused unnecessary delay in the case, on purpose or through disregard or careless blunders,

c. made demands, assertions or objections which he or she knew, or could be expected to have known, were incorrect or without substance.

☐2. If the degree of culpability in the actions referred to in the first paragraph is great, the party may be adjudged to pay the counterparty a premium on the legal costs.

☐3. Irrespective of the outcome of the case, a party may also be adjudged to pay, specifically, the costs that he or she has caused to the counterparty through measures taken in the conduct of the case or in connection therewith if they were evidently unnecessary or pointless.

☐4. If a party's representative played a part in the lapses mentioned in the first and third paragraphs, he or she may be adjudged, alone or jointly with the party, to pay the counterparty his or her legal costs, including a premium in accordance with the second paragraph, whether or not a demand to this effect is made in the case.

■ **Article 132**

☐1. If parties acting jointly under Article 18 are to be awarded legal costs, this shall normally be done in a single sum. The same procedure shall be followed if parties acting jointly are to be adjudged to pay legal costs; in that case, they shall guarantee the payment on a one for all, all for one basis.

☐2. If, alternatively, there is more than one party on the plaintiff side or on the defendant side, and they are awarded legal costs, these shall then be decided for each of them separately. If such parties are to be adjudged to pay legal costs, then these shall normally be determined as a single sum so that they guarantee the payment on a one for all, all for one basis.

■ **Article 133**

☐1. The defendant may demand, when the case is registered, that the plaintiff is to put up a surety for the payment of legal costs if:

a. the plaintiff is resident [outside the European Economic Area], [1] [outside a state signatory to the Convention establishing the European Free Trade Association or the Hague Convention of 1 March 1954 on Civil Procedure] [2] and persons who are resident in Iceland are not exempt from putting up such deposits in the plaintiff's home country,

b. it may be considered likely that the plaintiff will not be capable of paying legal costs.

☐2. The judge shall decide whether the plaintiff is to be required to put up a surety, the monetary sum involved, in what form it is to be and within what period this is to be done. Disputes on these matters shall be resolved by a ruling.

☐3. If the plaintiff fails to put up a surety in accordance with the judge's decision, the case shall be dismissed from court.

☐[4. If a person who is resident in Iceland has been exempted from putting up a surety for legal costs in a state signatory to the Hague Convention of 1 March 1954 on Civil Procedure,

then a resolution by a foreign court imposing an obligation on that person to pay legal costs or court fees shall be enforceable in Iceland.] [2)]

[1)] *Act 97/1999, Art. 1.* [2)] *Act 53/2008, Art. 4.*

Section XXII. Procedural fines.

■ **Article 134**

☐1. The judge shall determine fines under the rules of this Section on his or her own initiative; the fines are to be paid to the Treasury.

☐2. If punishment is also prescribed in other acts of law for offences covered in this Section, it may be imposed in another court action irrespective of the decision to impose a procedural fine.

■ **Article 135**

☐1. Fines may be imposed on parties for:

a. bringing an action unnecessarily,

b. placing their counterparties undeservedly in a position in which it was necessary for them to bring an action,

c. intentionally causing unnecessary delay in a case,

d. knowingly making incorrect demands, assertions or objections,

e. improper written or oral comments in court about the judge, the counterparty, the counterparty's representative or other persons,

f. being in contempt of court in other ways through their conduct during a court session.

☐2. Fines may be imposed on parties' representatives who are guilty of offences under items c-f of the first paragraph, either by themselves or together with the parties.

☐3. A fine may be imposed on a person who gives evidence in court for violations of items e or f of the first paragraph.

☐4. Fines may be imposed on parties other than those covered by the first, second and third paragraphs for not obeying orders from the judge aimed at maintaining order in court or for otherwise behaving scandalously or indecently.

☐5. Fines may be imposed by a higher court on parties, their representatives or both together for bringing an appeal without due occasion.

■ **Article 136**

☐1. If judgment is delivered in a case, any fines on a party or the party's representative shall be determined therein. If a ruling is delivered on the dismissal of the case from court, any fines on them shall be determined therein. If a case is dropped, a special ruling shall be delivered on any fines against a party or the party's representative.

☐2. Fines imposed on other persons shall be determined in a ruling as soon as the violation is committed.

Part 6. Reopening of cases; appeals.

Section XXIII. Reopening of cases judged *in absentia* in a district court.

■ **Article 137**

☐1. If a judgment has been delivered, or an endorsement has been written on the summons in accordance with Article 113 in a case in which the defendant did not attend court or the defendant's attendance came to an end, the defendant may request that the case be reopened within three months of its conclusion at the district court level, providing that the request is received by the judge within a month of the defendant's being informed of the outcome of the case.

☐2. After three months have elapsed after the conclusion of the case at the district court level, but within a year of the conclusion, the defendant may request the reopening of a case judged *in absentia* if the request is received by the judge within a month of the defendant's being informed of the outcome of the case and the defendant demonstrates that one of the following conditions is met:

a. that the summons was not served on the plaintiff or any other person on whom it could have been served,

b. that the claims against the defendant should have been dismissed automatically from court, in part or in their entirety,

c. that the defendant should have been acquitted, without this being requested, in part or entirely,

d. that the plaintiff consents to the reopening of the case.

☐3. The court will not act on a request for reopening of a case unless the defendant first puts up a surety, which the judge accepts as valid, to cover the payment of the legal costs imposed on the defendant in the judgment or endorsement on the summons, or demonstrates that he or she has paid the legal costs. Deviations may, however, be made from this condition with the consent of the plaintiff.

☐4. A defendant may not request that a case be reopened if the plaintiff has appealed it to a higher court.

☐5. When the period provided for in the second paragraph is ended, the case may not be reopened at the district court level except by the decision of the [committee on reopening cases as provided for under the Judiciary Act (see the first paragraph of Article 167).] [1)]

[1)] *Act 78/2015, Art. 12.*

■ **Article 138**

☐1. A request for the reopening of a case shall be directed to the court where the judgment was delivered or the endorsement was written on the summons. The request shall state clearly what changes the defendant demands as compared with the way the case was concluded previously and the grounds for action, sources of law and evidence on which it is based and also when and how the defendant was informed of the outcome of the case. If reopening is requested under the second paragraph of Article 137, then reasons shall also be given for the view that one of the conditions set out there is met. Materials shall be submitted with the request.

☐2. If a request is unsatisfactory, or is received by the wrong court, or the judge considers it evident that the conditions of Article 137 are not met, the judge shall then reject the request for the reopening of the case immediately; a ruling on the rejection shall be delivered if this is demanded. Otherwise, the judge shall call both parties before the court in order to consider the request.

☐3. If the defendant does not attend court when his or her request is considered, it shall be regarded as being dropped. If the plaintiff attends court, the judge may award him or her a payment from the defendant for inconvenience suffered if the plaintiff so requests. In such circumstances, no second request for the reopening of the case may be made.

☐4. If the plaintiff does not attend court when the request is considered, then the case shall be reopened, with procedure as prescribed in the second paragraph of Article 140.

☐5. If both parties attend court when the request is considered, the plaintiff may raise objections against the case being reopened, in which case they shall be resolved by means of a ruling before any further steps are taken. If no objections are raised, the case shall be reopened.

■ **Article 139**

☐1. When a case has been reopened, the defendant may demand that the judge state, in a ruling, that the legal effects of the judgment or endorsement on the summons will cease, partially or entirely, until the case has been resolved anew at the district court level. The judge shall assess, in the light of the circumstances, whether, or to what extent, there is occasion to accede to such a demand.
☐2. The reopening of a case shall not interfere with an enforcement measure on the basis of the judgment or endorsement on the summons except in so far as the plaintiff's demand under the first paragraph has been granted. A ruling made under the first paragraph shall not affect the validity of any enforcement measure previously taken.
☐3. No appeal may be made to a higher court against the original judgment in a case after the case has been reopened except where the reopened case ends with the judgement remaining in force without alteration under the second or fourth paragraph of Article 140 and the plaintiff appeals against it.

■ **Article 140**

☐1. When it has been decided to reopen a case, the conduct of the case shall continue in accordance with the rules of this Act from the point at which the defendant failed to attend court, in so far as no other procedure follows from the provisions of this Section.
☐2. The case will not be dropped if the plaintiff fails to attend court after it has been reopened. However, the defendant may then decide not to go through with the hearing of the case, in which case the original resolution shall remain in full force. Alternatively, the defendant shall then have the option of offering a defence, and the case will be judged anew in accordance with the parties' claims and pleading.
☐3. If the defendant does not attend court after the case has been reopened, procedure shall be as prescribed in the third paragraph of Article 96. If a judgment *in absentia* is then delivered against the defendant, the fourth paragraph of Article 96 shall apply regarding authorisation for appealing the case to a higher court.
☐4. If neither party attends court after the case has been reopened, the processing of the case shall end with the original resolution remaining in full force.

■ **Article 141**

☐1. If a case is concluded neither as provided for in the second or fourth paragraphs of Article 140 nor by a settlement, then the judge shall deliver a new judgment in the case in accordance with the ordinary rules unless the case is dismissed from court by a ruling. The former resolution of the case shall then automatically become invalid.
☐2. In the face of objections from the plaintiff, claims, grounds for action and evidence submitted by the defendant when a case is reopened may only be considered if any one of the following conditions is met:

a. that the defendant's failure to attend court in the first place may be considered excusable,

b. that it would damage the defendant's case if consideration were not given to his or her new claim, new grounds for action or new evidence,

c. that the claim or grounds for action concerned matters which the judge should have given attention on his or her own initiative in the original resolution of the case.

☐3. In the judgment or ruling, the judge shall determine legal costs collectively for the whole case. All other things being equal, the defendant shall be ordered to pay all the plaintiff's legal costs, irrespective of the outcome produced by the reopening of the case.

■ **Article 142**

☐1. Cases may not be reopened a second time under the provisions of this Section.
☐2. The plaintiff may appeal the case to a higher court following the reopening of the case in accordance with the ordinary rules.

☐3. After receiving a licence to appeal under Article 154, the defendant may appeal the case to a higher court after judgment has been delivered in a case that has been reopened, providing that it was not an *in absentia* judgment against him or her.

Section XXIV. [Appeals to the Court of Appeals.][1)]

[1)] *Act 49/2016, Art. 16.*

■ **Article 143**

☐1. Appeals may be made to the [Court of Appeals] [1)] against rulings by district court judges on the following matters:

a. whether they step down,

b. matters regarding testimony by the parties and witnesses in court,

c. matters regarding assessments,

d. the duty of a party or guardian to release a document or other visible item of evidence, or to grant access thereto,

e. refusal of authorisation to gather evidence before another court,

f. refusal of authorisation to gather evidence without an action having been brought,

g. payment of compensation for inconvenience suffered, legal costs or payment of a fee from legal aid, providing no other arrangement is made in a ruling,

h. that a period of grace is to be granted,

i. refusal to reopen a case in view of a party's having had a legitimate excuse for not attending court,

j. dismissal of a case from court,

k. whether the case is to be dropped,

l. whether authorisation to make a court settlement is to be refused,

m. refusal to issue a summons in an annulment action or an action brought to establish ownership,

n. refusal to issue a writ for accelerated processing of a case,

o. surety for the payment of legal costs,

p. a procedural fine,

q. whether a case that has been judged may be reopened,

r. whether the legal effect of a judgment or of an endorsement on a summons is to cease to apply due to the reopening of the case.

☐2. After the hearing of a case has begun, a ruling by a district court judge may not be appealed to a higher court unless it concerns:

a. the duty of a witness to appear in court or answer a question, and it is the witness who makes the appeal,

b. the duty of a third person to release a document or grant access to an item of visible evidence, and it is the third person who makes the appeal,

c. the dismissal of the case from court,

d. the dropping of the case,

e. refusal of authorisation to make a court settlement,

f. a procedural fine.

☐3. … [2)]

[1)] *Act 49/2016, Art. 12.* [2)] *Act 15/1998, Art. 35.*

■ **Article 144**

☐1. A person who wishes to appeal against a judicial action shall submit a written appeal to the district court judge within two weeks of the delivery of the ruling or judicial action if the person, or his or her representative, was present in court at the time, or else within two weeks

of the time when the person, or his or her representative, became aware of the ruling, decision or judicial action.

☐2. A witness or assessor, who is present in court when a ruling is delivered or a judicial action is announced may nevertheless declare an appeal orally, in which case an entry concerning it shall be made in the court records.

☐3. Appeals shall defer further actions taken on the basis of a ruling until the case is resolved by a higher court.

■ **Article 145**

☐1. The appeal shall state:

a. the judicial action that is the subject of the appeal,

b. a demand that the action be amended,

c. the reasoning on which the appeal is based.

☐2. An appeal may make reference to new evidence. An appellant who wishes to adduce new items of evidence shall state in the appeal what they are and also what he or she proposes to demonstrate by means of them. Originals, or attested transcripts, of such items of evidence shall accompany the appeal.

☐3. The appellant shall pay the district court judge the legally-prescribed court fees for the [Court of Appeals]. [1)]

[1)] *Act 49/2016, Art. 12.*

■ **Article 146**

☐1. If an appeal is submitted late, the district court judge shall instruct the appellant to withdraw it.

☐2. If an appeal does not meet the requirements set out in paragraph 1 of Article 145, the district court judge shall call upon the appellant to rectify the deficiencies therein.

☐3. If it seems to the district court judge that an appeal is not based on any logical grounds, he or she may decide, in response to a demand, that the appellant is to put up surety to cover the payment of damages that he or she may cause the counterparty if the appeal results in a delay in the case. Surety shall be put up within two weeks of the declaration of the intention to appeal. Failing this, the appeal case shall proceed no further.

■ **Article 147**

☐[1. The district court judge shall send the appeal to the [Court of Appeals] [1)] and to the appellant's counterparty at the first opportunity, unless the judge himself or herself chooses to annul the ruling against which the appeal has been made.

☐2. If the district court judge did not compile the ruling in writing (see paragraph 3 of Article 112), he or she shall do so within one week and deliver it to the person making the appeal. Judges may at all times have their written comments on the substance of the appeal enclosed [when they send the appeal to the Court of Appeals]. [2)]

☐3. The party appealing against a ruling or judicial action shall send the [Court of Appeals], [1)] within two weeks of the date on which his or her appeal was received by the district court, those case materials, in quadruplicate, that he or she considers are particularly necessary for the resolution of the matter at issue in the appeal. The party shall also, if he or she so chooses, deliver written observations to the [Court of Appeals][1)] setting forth his or her demands and the grounds on which they are based. He or she shall, at the same time, deliver one copy of the appeal materials and the observations to the counterparty. Materials shall be accompanied by a list of the materials themselves, and shall be in the form prescribed by the [Court of Appeals]. [1)]

☐4. If a person appealing against a ruling or judicial action fails to deliver observations, if these are involved, and the appeal documents to the [Court of Appeals] [1] within the period prescribed in the third paragraph of this Article, the case will proceed no further.
☐5. Appellants may base their case on new evidence, in which case procedure shall be as prescribed in paragraph 2 of Article 145.
☐6. [The Court of Appeals] [1] shall set more detailed rules [3] on the preparation of case documents in appeals.] [4]

[1] *Act 49/2016, Art. 12.* [2] *Act 49/2016, Art. 13.* [3] *Rules 3/2018.* [4] *Act 78/2015, Art. 13.*

■ **Article 148**

☐[When the person appealing against a ruling or judicial action has delivered the case documents to the [Court of Appeals][1] the counterparty shall have the opportunity of submitting, within a week, written observations to the [Court of Appeals][1] setting forth his or her claims and grounds for action. If he or she considers that the appellant has not provided the [Court of Appeals][1] with all the case materials that are needed to resolve the matter at issue in the appeal, he or she may enclose with these observations those case materials he or she considers to be lacking. [He or she shall, at the same time, deliver to the party making the appeal one copy of the observations and the case materials that accompany them.] [2] If the counterparty chooses to submit materials on his or her own account, this shall be done in the format which the [Court of Appeals][1] prescribes.] [3]

[1] *Act 49/2016, Art. 12.* [2] *Act 49/2016, Art. 14.* [3] *Act 78/2015, Art. 14.*

■ **Article 149**

☐[1. When one week has elapsed from the time when the appeal documents were received by the [Court of Appeals,][1] the court may judge the matter at issue in the appeal; however, it shall also examine documents submitted later by the parties as long as the case has not been concluded at that time.] [2]
☐2. If an appeal is not prepared as prescribed in paragraph 1 of Article 145, or if the presentation of the case is deficient in other ways, the [The Court of Appeals][1] may require the appellant to rectify the deficiencies within a certain period. If the appellant does not comply with this, the [The Court of Appeals][1] may dismiss the appeal.
☐3. The [Court of Appeals][1] may, with notice that it considers appropriate, give the parties the opportunity of pleading the appeal case orally.

[1] *Act 49/2016, Art. 12.* [2] *Act 78/2015, Art. 15.*

■ **Article 150**

☐1. The [Court of Appeals][1] shall deliver a [ruling][2] in the appeal case in the light of the case documents and oral pleading (where there is oral pleading). The [ruling][2] shall be delivered at the first opportunity.
☐2. The [Court of Appeals][1] shall determine the cost of the appeal case.
☐3. After the [ruling][2] has been delivered, the [Court of Appeals][1] shall send the district court judge a copy of the [ruling].[2] The district court judge shall inform the parties of the outcome of the appeal.
☐4. In other respects, the rules on case appeals shall be applied to appeals where appropriate.

[1] *Act 49/2016, Art. 12.* [2] *Act 49/2016, Art. 15.*

Section XXV. [Case appeals to the Court of Appeals.] [1]

[1] *Act 49/2016, Art. 28.*

■ **Article 151**

☐1. [Subject to the restrictions following from other provisions of this Act, the parties may appeal against district court judgments to the [Court of Appeals.][1] When appeals are made

against judgments, it shall be possible to apply for a review of rulings delivered and decisions made in the conduct of the case at district court level.

☐2. If the substance of the case was divided as provided for in Article 31, appeal must be made against each judgment separately before continuing with the conduct of the case.

☐3. An appeal may be made against a judgment with a view to having its substance altered or to having it upheld, to having it set aside and the case sent back to the district court for lawful processing or to having the case dismissed from the district court.

☐4. Both or all of the parties may appeal against a judgment. In such instances, the case shall be pleaded in a single action before the [Court of Appeals]. [1)]

☐5. The right of appeal may not be waived, either expressly in words or tacitly, until judgment has been delivered at the district court level.] [2)]

[1)] *Act 49/2016, Art. 12.* [2)] *Act 38/1994, Art. 5.*

■ Article 152

☐[[1. If the case concerns a financial claim, the condition for an appeal is that the sum involved amounts to at least ISK 1,000,000. This sum shall change at the beginning of each year, reflecting the change in the consumer price index as from 1 January 2018; the minister shall advertise the new figure in the Law Gazette no later than 10 December each year.] [1)]

☐2. The sum involved in an appeal shall be determined according to the principal of the claim presented in the writ of appeal. If the case concerns more than one claim, they shall be added together when the appeal sum is determined. If a counter-claim has been presented for a set-off, it shall not be taken into consideration when the appeal sum is determined.

☐3. If the case concerns a claim other than a financial claim, the [Court of Appeals][2)] shall decide whether the interests involved are commensurate with the appeal sum. Before taking its decision, the [Court of Appeals][2)] may seek the comments of the parties to the case.

☐4. If the claim is less than the appeal sum, or the [Court of Appeals][2)] considers that the interests at stake are insufficient for an appeal under paragraph 3, it may grant an application for a licence to appeal the case if any one of the following conditions is met:

a. the outcome of the case has substantial general value,

b. the outcome of the case has a bearing on important interests of the party seeking a licence to appeal,

c. the possibility cannot be excluded, in the light of the materials available, that the judgment could be substantially amended.] [3)]

[1)] *Act 49/2016, Art. 17.* [2)] *Act 49/2016, Art. 12.* [3)] *Act 38/1994, Art. 6.*

■ Article 153

☐1. [Appeals against judgments may be made to [a higher court within four weeks][1)] of delivery.

☐2. The [Court of Appeals][2)] may grant an application for a licence to appeal against a judgment if the application is received [during the four weeks][1)] following the end of the period prescribed in the first paragraph if the conditions of paragraph 4 of Article 152 are met, providing that the delay in the appeal is justified by sufficient reasons.

☐3. If a party appeals against a judgment, the counterparty may bring a counter-appeal irrespective of the period in which the appeal must be brought; however, the counter-appeal summons must be issued during the period permitted to the counter-party for submitting observations to the [Court of Appeals][2)] (*cf.* paragraph 1of Article 158).

☐4. If a case against which an appeal has been made to the [Court of Appeals][2)] within the period prescribed in paragraphs 1-3, is not registered, is dropped by the Court of Appeals or is dismissed therefrom, the party may submit it again to the Court of Appeals even though the period in which to bring an appeal has then ended. In such a case, the appeal summons must

be issued anew within four weeks of the date on which the case was to be registered or on which the judgment dropping the case or dismissing it was delivered. This authorisation may not be applied more than once in each case.] [3)]

[1)] *Act 49/2016, Art. 18.* [2)] *Act 49/2016, Art. 12.* [3)] *Act 38/1994, Art. 7.*

Article 154

1. [Persons seeking a licence to appeal under Article 152 or Article 153 shall send the [Court of Appeals][1)] a written application to this effect, together with the appeal summons they wish to have issued and a copy of the district court judgment. Detailed reasoning shall be stated in the application regarding how the applicant considers that the conditions for an appeal licence are met.

2. The [Court of Appeals][1)] may give the other parties in the case the opportunity of expressing their position regarding the application before a decision is taken.

3. If the [Court of Appeals][1)] turns down an application for an appeal licence, the same party may not apply for it a second time.

4. If an appeal licence is granted, the appeal summons that accompanied the application shall be issued, with an endorsement stating that the licence has been granted. The [Court of Appeals][1)] may not be required to give reasons for this decision.

5. If an appeal licence is refused, the person who applied for it shall be notified of this conclusion in writing. The reasons for the refusal shall be stated in the notification.] [2)]

[1)] *Act 49/2016, Art. 12.* [2)] *Act 38/1994, Art. 8.*

Article 155

1. [Persons wishing to appeal against a [district court][1)] judgment shall submit an appeal summons to the [registry of the [Court of Appeals][1)]],[2)] together with a copy of the judgment. The appeal summons shall state:

a. the name and number given to the case before the district court, which district court resolved the case and when judgment was delivered,

b. the names of the parties, their ID numbers and places of domicile or residence, and also the names of their representatives, if appropriate, and their positions and places of domicile or residence,

c. the person or persons who are to plead the case for the appellant,

d. the purpose of the appeal and what claims the appellant is presenting to the court,

[e. persons whom the appellant intends to produce in court to give testimony on the circumstances of the case and for what purpose this is to be done], [1)]

[f.] [1)] [the deadline by which the defendant must notify the Court of Appeals that he or she intends to offer a defence in the case; the registry of the Court of Appeals shall decide a date for this purpose when the summons is issued, but such date shall not be decided immediately if the appellant is seeking permission from the Supreme Court to appeal the case directly to the Supreme Court (*cf.* Article 175)], [1)]

[g.] [1)] what consequences it will have if the defendant fails to send a notification [according to indent f], [1)]

[h. a statement that the appellant is seeking permission from the Supreme Court to appeal the case directly to the Supreme Court]. [1)]

2. Two copies of the appeal summons, which the [Court of Appeals][3)] may retain, shall be delivered to the [registry of the [Court of Appeals][3)]].[2)]

3. [Issue of an appeal summons shall be refused if it is not considered to be in the correct state.] [2)] If the end of the period for issuing an appeal summons is fast approaching, the [Court of Appeals] [1)] may decide a short grace period for the appellant to rectify the deficiencies in the appeal summons, in which case it may be issued without an appeal licence if it is

submitted anew for issuing in a proper state by the end of the grace period, even though the period for issuing the appeal summons has then ended. The grace period for this purpose shall not be longer than one week, and it may only be granted once. An appellant may demand a formal decision of the [Court of Appeals][1] on the refusal … [2] to issue an appeal summons.

☐4. [The registry of the [Court of Appeals][3]][2] shall issue the appeal summons in the name of the court.

☐5. The appeal summons must be served not later than one week before the end of the period granted to the defendant [under indent f][1] of paragraph 1. In other respects, the provisions of Section XIII shall apply to the service of the appeal summons.] [4]

[1] *Act 49/2016, Art. 19.* [2] *Act 15/1998, Art. 36.* [3] *Act 49/2016, Art. 12.* [4] *Act 38/1994, Art. 9.*

■ Article 156

☐[[1. Following service of the appeal summons, but prior to the end of the period granted to the defendant under indent f of paragraph 1 of Article 155, the appellant shall deliver the summons to the Court of Appeals together with evidence of its service and also his or her own observations. The appellant shall also submit case materials in the number of copies decided by the Court of Appeals; this term refers to copies, including transcripts of oral statements made before the district court and also the case documents and audio-visual recordings on which the appellant intends to base his or her case before the Court of Appeals and which are already available. The case shall then be registered before the Court of Appeals. No later than when the case is registered, the appellant shall deliver to the defendant a copy of the case documents submitted to the Court of Appeals.] [1]

☐2. The appellant's observations shall state:

a. The purpose for which the appeal is being made and exactly what the appellant demands before the [Court of Appeals],[2] and also whether the appeal is being made in order to have a specific ruling or decision by the district court judge set aside or annulled.

b. The grounds for action on which the appellant bases his or her case before the [Court of Appeals].[1] The description of these shall be concise and sufficiently clear to leave no doubt as to the grounds on which the appeal is based; regarding them, the appellant may, as appropriate, refer to specific case documents [and also audio-visuals recordings of oral testimony given before the district court].[1] If the appellant does not accept the account given of other circumstances in the district court judgment, he or she shall, in the same way, explain how he or she considers they would be described correctly.

c. A reference to the principal legal principles on which the appellant bases his or her case before the [Court of Appeals]. [2]

d. The materials that the appellant is submitting straight away to the [Court of Appeals], [2] and also materials that the appellant considers he or she will have to gather subsequently, [such as assessments which he or she intends to gather before the Court of Appeals]. [1]

[e. Persons whose testimony, as parties and witnesses, or supplementary statements before the Court of Appeals the appellant considers will be necessary, and arguments for this view, including as regards why it will not be sufficient to rely on recordings (see paragraph 3 of Article 11) if the party or witness gave testimony before the district court. Furthermore, it shall be stated what recordings, or parts of recordings, of testimony given by parties and witnesses before the district court the appellant considers it will be necessary to play during the hearing of the case in order to reassess their evidential value.] [1]

☐3. When the case has been registered, [the registry of the [Court of Appeals][2]][3] shall require the district court where the case was resolved to deliver the records of its actions in the case to the [Court of Appeals.][2]

☐4. The [Court of Appeals] [2] shall set further rules [4] on the presentation of case materials and records of court actions.] [5]

[1] *Act 49/2016, Art. 20.* [2] *Act 49/2016, Art. 12.* [3] *Act 15/1998, Art. 36.* [4] *Rules 461/1994. Rules 601/2014. Rules 2/2018.* [5] *Act 38/1994, Art. 10.*

■[Article 157

☐1. If the appellant fails to deliver an appeal summons, observations or case materials in accordance with the instructions in Article 156 to the [Court of Appeals,][1] the case will proceed no further.

☐2. If no representation is made in court on the appellant's behalf at a later stage, the case will be dropped by a judgment. If the plaintiff has submitted observations in the case, he or she may be awarded legal costs, paid by the appellant.] [2]

[1] *Act 49/2016, Art. 12.* [2] *Act 38/1994, Art.11.*

■[Article 158

☐[1. If the defendant intends to submit observations in the case, his or her written notification to this effect shall be received by the Court of Appeals within the period allowed to him or her for this purpose in the appeal summons. When the case is registered, the registry of the Court of Appeals shall decide on a period of four to six weeks for the defendant to submit his or her observations. The appellant shall be informed of the period allowed to the defendant. The defendant shall send the appellant a copy of his or her observations and other case documents that he or she submits.] [1]

☐2. A counter-appeal shall not entitle the defendant to a separate period.

☐3. If the [Court of Appeals][2] does not receive a notification as provided for in paragraph 1, or if the defendant does not submit observations within the period allowed, the court shall take the view that he or she demands that the district court judgment be upheld. The case shall then be accepted for judgment; first, however, the appellant may be granted a short period in which to complete the gathering of the materials which he or she indicated would be gathered in his or her observations. The [Court of Appeals][2] shall deliver judgment in the case on the basis of the materials submitted, without oral pleading of the case.

☐4. If the defendant has submitted observations, but representation on his or her behalf in court ceases at a later stage of the case, the appellant may be given the opportunity of responding to his or her defence in a written plaintiff's statement and of completing the gathering of materials. The case shall then be accepted for judgment and judged in the light of the claims and materials then available, and the appellant's plaintiff's statement, taking account of what has been stated on the defendant's behalf.

☐5. If the defendant has not submitted observations, the [Court of Appeals][2] shall have the option of allowing him or her to offer a defence in the case, with or without the consent of the appellant, providing that the defendant has substantial interests at stake and his or her neglect is considered excusable. The same procedure may be adopted if the defendant's representation in court ceases at a later stage of the case.] [3]

[1] *Act 49/2016, Art. 21.* [2] *Act 49/2016, Art. 12.* [3] *Act 38/1994, Art. 12.*

■[Article 159

☐1. The defendant's observations shall state:

a. the person or persons who are to plead the case for the defendant,

b. the defendant's claims; here, it shall be stated clearly whether, and if so, how, the defendant has changed his or her claims as compared with what they were in the district court case, and also whether he or she accedes to any points in the appellant's demands, and if so, then precisely which ones,

c. the grounds for action to which the defendant refers before the [Court of Appeals];[1)] this description shall be concisely worded and sufficiently clear as to leave no doubt as to the grounds on which the defendant's case is based. If the defendant does not accept the account given of other circumstances of the case in the district court judgment or, as appropriate, in the appeal summons, he or she shall, in the same way, state how he or she considers the circumstances would be described correctly,

d. a reference to the principal legal principles on which the defendant bases his or her case before the [Court of Appeals], [1)]

e. comments and criticisms of the appellant's case, if necessary,

f. materials that the defendant considers he or she will have to gather subsequently,

[g. persons whose testimony, as parties and witnesses, or supplementary statements before the Court of Appeals the appellant considers will be necessary, and arguments for this view, including as regards why it will not be sufficient to rely on recordings (see paragraph 3 of Article 11) if the party or witness gave testimony before the district court. Furthermore, it shall be stated what recordings, or parts of recordings, of testimony given by parties and witnesses before the district court the defendant considers it will be necessary to play during the hearing of the case in order to reassess their evidential value]. [2)]

☐[2. Together with his or her observations, the defendant shall deliver case materials in the number of copies decided by the Court of Appeals; this term covers the case documents and audio-visual recordings of oral testimony before the district court on which the defendant intends to base his or her case before the Court of Appeals and which are already available, providing that the appellant has not already delivered these materials.] [2)]

☐3. The provisions of paragraph 4 of Article 156 shall apply to the defendant's case materials.] [3)]

[1)] *Act 49/2016, Art. 12.* [2)] *Act 49/2016, Art. 22.* [3)] *Act 38/1994, Art. 13.*

■**[Article 160**

☐[1. The appellant shall be notified when the Court of Appeals has received the defendant's observations and case materials. If the parties have not already declared that their gathering of materials is complete, they shall at the same time be given, jointly, a period for the gathering of further materials. This shall normally not be longer than one month. Each party shall submit, in a single submission, their new materials, in originals with photocopies, or transcripts thereof, in the same format as is prescribed in Articles 156 and 159. The parties shall also send their counterparties copies of the materials. After the end of the period, the gathering of visible evidence shall be considered as automatically ended unless the court has previously acceded to a written request from a party for a longer period, or unless the court later informs a party that he or she may gather specific materials. The Court of Appeals may, however, permit parties to submit new materials after the end of the material-gathering period if it was not possible to obtain them previously or if circumstances have changed in a significant manner after that time.] [1)]

☐2. As soon as the gathering of materials has ended, each party shall, separately, inform the [Court of Appeals][1)] of the length of time he or she considers will be needed for his or her oral pleading speech in the case [and for the taking of testimony he or she has requested before the Court of Appeals]. [1)]

☐[3. If there is occasion to do so, the Court of Appeals shall consider the case at a session of the court in order to finalise matters regarding its conduct, including the gathering and submission of materials, what testimonies are to be permitted before the Court of Appeals and what recordings are to be played during the hearing. The parties shall be summonsed to the court with suitable notice for this purpose. The presiding judge shall normally examine cases

for this purpose alone, and shall take decisions regarding the conduct of the case, against which no appeal may be made, alone.][1] [2]

[1] *Act 49/2016, Art. 23.* [2] *Act 38/1994, Art. 14.*

[Article 161

[1. When the gathering of materials is complete in a case in which the defendant has submitted observations, and when matters regarding the conduct of the case have been finalised, the Court of Appeals shall decide when oral pleading is to take place and announce whether parties' and witnesses' testimony will be heard by the court and, if so, which persons will be involved, and how much time has been estimated for this purpose and for each party's pleading. Parties shall be informed of this with not less than two weeks' notice. The provisions of Sections VII and VIII shall apply as regards other aspects of testimony in court.

2. If, in a case before the Court of Appeals, claims are presented for the annulment of a district court judgment, the dismissal of a case from a district court, dismissal from the Court of Appeals or the dropping of a case, or if the Court of Appeals considers that there may be flaws in the case which could lead to the same conclusion, even though no such claims have been presented, the Court of Appeals shall, within a month of the date on which the case has been assigned, have a case pleaded regarding the formal aspects of the case before it is accepted for further substantive examination. The presiding judge may decide, however, that a separate case on the formal aspects is to be pleaded later, or that pleading on the substantive and formal aspects is to take place at the same time.] [1]

3. If the defendant has submitted observations in a case, it shall be pleaded orally. The [Court of Appeals][2] may, however, decide that the case is to be pleaded in writing if particular circumstances favour this. The [Court of Appeals][2] may also accede to wishes expressed in identical terms by the parties that the case be accepted for judgment without separate pleading.

4. At the same time as the time scheduled for oral pleading is announced, the [Court of Appeals][2] may require the parties to submit, separately and with a certain period of notice, a brief survey of the circumstances of the case in chronological order, their grounds for action and references to legal principles, and also references to academic works and judgments to which they intend to refer in their pleading.

5. The [Court of Appeals][2] may limit the speaking time allowed to each party for oral pleading of the case. When announcing the date for oral pleading, the court may state how much time each party will be permitted.] [3]

[1] *Act 49/2016, Art. 24.* [2] *Act 49/2016, Art. 12.* [3] *Act 38/1994, Art. 15.*

[Article 162

[1. At the opening of the hearing at a session of the court, an account shall be given of the conclusion of the district court judgment and the appeal summons to the extent that the presiding judge considers this necessary for an understanding of the pleading. At the hearing, testimony and oral pleading of the case shall normally proceed in a single session. First, recordings of testimony given by the parties and witnesses in the district court shall be viewed and listened to, to the extent that the Court of Appeals has decided. Then, testimony shall be taken from the parties and from witnesses who did not testify before the district court or who the parties have requested be allowed to give additional testimony, the Court of Appeals considering that this may be of significance for the resolution of the case. When this is complete, the parties shall deliver their oral pleading. Site visits shall normally be made at the beginning of the hearing if this is considered necessary.

2. An exposition shall be delivered, first on behalf of the appellant and then on behalf of the defendant, unless the presiding judge has decided on a different order and the parties were

informed of such a decision when they were summoned to plead their cases. Following the expositions, an opportunity shall be given for the parties themselves, or their representatives, to make brief responses in the same order. If a lawyer pleads the case on behalf of a party, the presiding judge may permit the party himself or herself to make brief comments after his or her lawyer's responses.] [1)]

☐3. In the pleading, an account shall be given of the claims presented, what the matters in dispute between the parties consist of, their grounds for action and other reasoning behind their claims. Long-windedness shall be avoided, and pleading shall concentrate on the matters that are in dispute or of which it is necessary to give an account in order to throw light on matters in dispute.

☐4. The [presiding judge][1)] shall direct the court. He or she may require a speaker to keep to the point and not to discuss those aspects of the case which are not in dispute or concerning which, for other reasons, there is no need to give any further account. The [presiding judge] [1)] may stop the pleading if the speeches run to excessive length, or set time limits and stop the pleading when these are reached.

☐5. When pleading is completed, the [Court of Appeals][2)] shall accept the case for judgment.][3)]

[1)] *Act 49/2016, Art. 25.* [2)] *Act 49/2016, Art. 12.* [3)] *Act 38/1994, Art. 16.*

■[Article 163

☐1. Judgments of the [Court of Appeals][1)] shall be based on what has been revealed in the case and has been demonstrated or is recognised. The provisions of Article 111 shall apply to judgments of the [Court of Appeals]. [1)]

☐2. If a party presents claims or cites grounds for action which he or she did not present in the district court case, the [Court of Appeals][1)] may base its resolution of the case on them if they are stated in the party's observations, the basis of the case will not be distorted, the fact that they were not presented in the district court case was excusable and it would damage the party's case if they were not taken into consideration.] [2)]

[1)] *Act 49/2016, Art. 12.* [2)] *Act 38/1994, Art. 17.*

■[Article 164

☐[1. In so far as other provisions of this Act do not prescribe otherwise and no dispute exists, the Court of Appeals shall adopt a position on matters concerning the conduct of the case by means of a decision. Such matters may also be resolved by a decision, even if they are disputed, if the matter in dispute does not qualify for an appeal to the Supreme Court or its resolution will not result in the end of the case before the court; in such instances, a ruling shall be delivered, with the reasoning on which it is based. No special reasons shall be given for the decision, but its substance shall be mentioned in the court records as necessary.

☐2. The Court of Appeals shall deliver rulings on appeal cases; nevertheless, judgments shall be delivered where this is prescribed in other acts of law. If the resolution by the Court of Appeals comprises the final resolution of the case without any pleading of the substance of the case taking place, a ruling shall be delivered. Rulings shall be delivered as quickly as possible. If an appeal is pleaded regarding the substance alone, or concurrently concerning form and substance, the Court of Appeals shall deliver a judgment, irrespective of the outcome of the case.

☐3. Judgments and rulings by the Court of Appeals shall be backed with reasoning. If a case is dropped or dismissed from the Court of Appeals, however, then only the reasons for this shall be mentioned in the ruling or judgment; mention shall also be made of legal costs where appropriate. The same shall apply if a district court judgment is annulled and the case is sent back to the district court, or if it is dismissed from the district court. If a judgment constitutes

a conclusion of the case of a type other than those described above, it shall contain such account of the parties' claims as is necessary so as to render the conclusion clear. Where observations on the circumstances of the case are deficient, this shall be rectified in the judgment of the Court of Appeals. If the district court's resolution of the case is amended, and to the extent that this is done, the reasoning behind this shall be stated in the judgment of the Court of Appeals. If the Court of Appeals concurs with the conclusion reached by the district court, but not with the reasoning on which it is based, it may give an account of its own reasoning to the extent considered necessary.] [1)]

☐4. Other aspects of judgments of the [Court of Appeals] [2)] shall be subject, as appropriate, to the provisions of Article 114.] [3)]

[1)] *Act 49/2016, Art. 26.* [2)] *Act 49/2016, Art. 12.* [3)] *Act 38/1994, Art. 18.*

■[Article 165

☐1. Judgment shall be delivered as soon as possible after the case has been accepted for judgment, and at no time more than four weeks after that date. Where this is not possible, and if the case was pleaded orally, pleading shall be repeated to the extent deemed necessary by the [Court of Appeals.][1)]

☐[2. Immediately after the case is accepted for judgment, the judges shall, *in camera*, discuss the reasoning and conclusion of the case. The presiding judge shall be the first speaker at the meeting, and shall direct it, put questions, take measures to enable each judge's opinion to be expressed as clearly as possible at the meeting and count their votes. A simple majority of votes cast shall determine issues. Following discussion, the presiding judge shall draft a judgment. If the judges are divided into a majority and a minority, the presiding judge shall draft a judgment for the group to which he or she belongs, while the other judges shall decide which of them is to draft the judgment for them if they form the majority. However, a Court of Appeals judge forming a majority together with an expert co-judge shall draft the judgment. A judge voting for the annulment of a district court judgment or the dismissal of the case, who will be in the minority, shall also vote on the substance of the case. Judges shall render judgments jointly, with or without dissenting opinions.] [2)]

☐3. When judgment is delivered, the conclusion of the judgment shall be read aloud at a session of the court as is considered necessary. If there is a dissenting opinion in the judgment, mention shall also be made of this.

☐4. … [3)]] [4)]

[1)] *Act 49/2016, Art. 12.* [2)] *Act 49/2016, Art. 27.* [3)] *Act 15/1998, Art. 35.* [4)] *Act 38/1994, Art. 19.*

■[Article 166

☐Other aspects of procedure in appeal cases shall be subject to the rules of this Act on procedure in district court cases, as appropriate.] [1)]

[1)] *Act 38/1994, Art. 20.*

[Section XXVI. Appeals to the Supreme Court.][1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 167

☐1. Appeals may be brought before the Supreme Court regarding rulings by the Court of Appeals on the following:

a. dismissal of cases from a district court or from the Court of Appeals or the dropping of cases, partially or in their entirety, before a district court or the Court of Appeals,

b. whether a judge in the Court of Appeals is to step down from a case,

c. surety for the payment of legal costs before the Court of Appeals,

d. procedural fines in the Court of Appeals,

e. the obligation of witnesses to answer questions under Article 53.

☐2. Application may be made for a licence from the Supreme Court to appeal against rulings by the Court of Appeals in appeal cases when this is prescribed in other acts of law. When assessing whether the Supreme Court should agree to examine such appeal issues, consideration shall be given to whether the appeal issue has a bearing on important public interests, has value as a precedent or is of fundamental significance for procedure in the case. Furthermore, the Supreme Court may examine appeal issues if there is reason to consider that the judicial action which is the subject of the appeal is evidently incorrect, in form or substance.

☐3. The Supreme Court may, however, at any stage of the case, refuse to examine an appeal issue under the first or second paragraph if it considers the appeal as being made without due occasion or evidently presented with the aim of impeding the progress of the case.] [1)]

[1)] *Act 49/2016, Art. 29.*

■**[Article 168**

☐1. If a person wishes to appeal, or petition for licence to appeal, against a judicial action by the Court of Appeals, he or she shall submit a written appeal to the Court of Appeals and, as appropriate, a petition for an appeal licence to the Supreme Court, together with a written appeal, before two weeks have elapsed since the pronouncement of the judicial action if the person, or his or her agent was present at the court session at the time or, otherwise, before two weeks have elapsed since the time when the person or his or her agent received notification of the judicial action.

☐2. An appeal, or petition for an appeal licence, shall defer further moves on the basis of the court's action until the issue is resolved before the Supreme Court.] [1)]

[1)] *Act 49/2016, Art. 29.*

■**[Article 169**

☐1. An appeal shall state:

a. the judicial action against which the appeal is made,

b. reasoning as to why the appeal should be examined,

c. a demand for the amendment of the judicial action,

d. the grounds on which the appeal is based.

☐2. An appeal may be backed with new evidence. If an appellant wishes to refer to new items of evidence, he or she shall identify them in the appeal and also state what he or she intends to demonstrate by means of them. Such items of evidence shall be enclosed with the appeal, in original form or in a certified copy.

☐3. Appellants shall pay the Court of Appeals the fees prescribed in law for the Supreme Court.][1)]

[1)] *Act 49/2016, Art. 29.*

■**[Article 170**

☐1. If an appeal, or a petition for an appeal licence, is submitted late, the Court of Appeals shall instruct the appellant to retract it.

☐2. If an appeal does not meet the requirements of paragraph 1 of Article 169, the Court of Appeals shall call on the appellant to rectify its deficiencies.

☐3. If it seems to the Court of Appeals that an appeal or a petition for an appeal licence is being made without due reason, it may decide that the appellant is to put up a surety to cover damage or loss that the appellant may cause the counterparty if the appeal causes a delay in the case. Surety shall be set within 48 hours of the time when the appeal is declared. Failing this, the appeal case shall proceed no further.][1)]

[1)] *Act 49/2016, Art. 29.*

[Article 171

1. The Court of Appeals shall send the appeal, or petition for an appeal licence, to the Supreme Court and to the appellant's counterparty as quickly as possible unless the Court of Appeals itself chooses to annul the judicial action against which the appeal is made.

2. The party appealing, or petitioning for a licence to appeal, against a judicial action by the Court of Appeals shall, within a week of when the Court of Appeals sent the Supreme Court the appeal or [petition for][1] an appeal licence, those case documents, in quadruplicate, that he or she considers are particularly necessary for the resolution of the matter at issue in the appeal. The party shall also, at that time, … [1] deliver to the Supreme Court written observations containing his or her demands and the grounds on which they are based, together with reasoning as to why the appeal should be considered. The party shall, at the same time, deliver one copy of the appeal case materials and the observations, to the counterparty or counterparties. Materials shall be accompanied by a list of the materials themselves, and shall be in the form prescribed by the Supreme Court.

[3. If a person making an appeal or petitioning for an appeal licence fails to deliver the appeal materials to the Supreme Court within the period prescribed in the second paragraph, the case shall proceed no further.] [1]

4. The Supreme Court shall set more detailed rules[2] on the preparation of case documents in appeal cases.] [3]

[1] *Act 90/2017, 6.* [1] *Rules 140/2018.* [3] *Act 49/2016, Art. 29.*

[Article 172

When the person who is appealing against a ruling or judicial action or petitioning for an appeal licence has delivered the case materials to the Supreme Court, the counterparty shall have the opportunity of submitting, within a week, written observations to the Supreme Court setting forth his or her position on the matter at issue in the appeal, demands and grounds for action and, as appropriate, his or her position as to whether the appeal petition is to be granted. If the counterparty considers that the appellant has not delivered to the Supreme Court those materials that are necessary for the resolution of the matter at issue in the appeal, he or she may enclose with his or her observations the case materials that he or she considers are lacking. At the same time, the counterparty shall deliver to the appellant one copy of the case materials and his or her observations. If the counterparty chooses to submit materials on his or her own account, this shall be done in the format which the Supreme Court prescribes.] [1]

[1] *Act 49/2016, Art. 29.*

[Article 173

1. When one week has passed since the appeal documents and, as appropriate, the counterparty's observations were received by the Supreme Court, the court may decide whether the appeal is to be examined and, as appropriate, whether judgment will be passed on the substance of the appeal; however, attention shall be given to all documents submitted subsequently by the parties as long as the case has not been concluded.

2. If an appeal is not prepared as prescribed in paragraph 1 of Article 169, or if the presentation of the case is deficient in other ways, the Supreme Court may require the appellant to rectify the deficiencies within a certain period. If the appellant does not comply with this, the Supreme Court may dismiss the appeal.

3. The Supreme Court may, with notice that it considers appropriate, give the parties the opportunity of pleading the appeal case orally.] [1]

[1] *Act 49/2016, 29.*

[Article 174

☐1. Judgment in an appeal case shall be delivered in the light of the case documents and the oral pleading (where there is oral pleading). Judgment shall be delivered at the earliest opportunity.
☐2. The Supreme Court shall determine the cost of the appeal case.
☐3. If the Supreme Court considers that the conditions for granting an appeal licence are not met, then the parties to the case, the district court judge and the Court of Appeals shall be informed of this in writing.
☐4. When judgment has been delivered, the Supreme Court shall send the Court of Appeals a transcript of the judgment. The Court of Appeals shall inform the parties to the appeal case who have been involved in it before the court and, as appropriate, the district court judge, of the outcome and send them transcripts of the judgment.
☐5. In other respects, the rules on case appeals shall be applied to other appeals where appropriate.][1)]

[1)] *Act 49/2016, Art. 29.*

[Section XXVII. Case appeals to the Supreme Court.][1)]

[1)] *Act 49/2016, Art. 29.*

■**[Article 175**

☐1. Parties may petition for a licence to appeal directly to the Supreme Court against district court judgments. Such licences shall not be granted unless it is necessary to obtain a final conclusion from the Supreme Court quickly and the resolution of the case could have value as a precedent, be of significance for the application of legal principles or have a substantial social significance in other ways. Such a licence shall not be granted if a party to the case considers it necessary to produce a witness in the case or a dispute remains as to the evidential value of oral testimony that was given in the district court. The Supreme Court shall give all parties to the case an opportunity to express themselves regarding the application before a decision is taken.
☐2. A request for a licence from the Supreme Court to appeal to the Supreme Court against a district court judgment shall be stated in the appeal summons that is submitted to the Court of Appeals. Such a request, together with the appeal summons to the Supreme Court, shall also be sent to the Supreme Court not later than when the appeal summons is submitted to the Court of Appeals (see Article 155). If the Supreme Court agrees to an appeal being made directly to it, then Article 179 shall apply regarding the issue of the appeal summons, and other aspects of procedure in the case before the Supreme Court shall be in accordance with this Section. The appellant shall then inform the Court of Appeals immediately that the Supreme Court has agreed to an appeal being made directly to it, and the case before the Court of Appeals shall then proceed no further. If, on the other hand, the Supreme Court rejects the request, the appellant shall inform the Court of Appeals of the rejection within a week and, according to the circumstances, request that the appeal case be continued before the Court of Appeals. The Court of Appeals shall then decide by when, at the latest, the defendant must inform the Court of Appeals if he or she intends to offer a defence in the case (see indent f of paragraph 1 of Article 155) and shall inform the defendant of this in a demonstrable manner. Other aspects of procedure in the case before the Court of Appeals shall then be in accordance with Section XXV.
☐3. The Supreme Court may revoke a licence to appeal a case directly to the Supreme Court if, during the conduct of the case, it comes to light that it necessary to produce a witness in the case or a dispute remains as to the evidential value of oral testimony that was given in the

district court. Further appeal procedure shall then be in accordance with the final sentence of the second paragraph.] [1)]

[1)] *Act 49/2016, Art. 29.*

[Article 176

1. Parties may petition for a licence to appeal against a judgment of the Court of Appeals directly to the Supreme Court. The Supreme Court shall decide whether applications for licences are to be granted, and when assessing this shall take into consideration whether the resolution of the case has a bearing on important interests of the party seeking the appeal licence. The Supreme Court may also grant such a licence if there is reason to consider that procedure in the case before the district court or the Court of Appeals was grossly defective or that the judgment by the Court of Appeals is evidently incorrect in form or substance.

2. The right of appeal to the Supreme Court may not be waived, either expressly in words or tacitly, until judgment has been delivered in the case.] [1)]

[1)] *Act 49/2016, 29.*

[Article 177

1. Application shall be made for a licence to appeal to the Supreme Court against a judgment of the Court of Appeals within four weeks of delivery of the judgment.

2. The Supreme Court may grant an application for a licence to appeal against a judgment if the application is received during the four weeks following the end of the period prescribed in paragraph 1, providing that the delay in making the appeal is justified by sufficient reasons.

3. If an appeal is made against a judgment, the counterparty may bring a counter-appeal without an appeal licence and irrespective of the deadline for bringing the appeal; the counter-appeal summons must, however, be issued while the counterparty still has time available before the deadline for submitting observations to the Supreme Court (see paragraph 1 of Article 182).] [1)]

[1)] *Act 49/2016, Art. 29.*

[Article 178

1. A person petitioning for an appeal licence under Article 175 or Article 176 shall send the Supreme Court a written application to this effect, together with the appeal summons that he or she wishes to have issued and a copy of the judgment. The application shall contain reasoning showing how the applicant considers that the conditions for an appeal licence are met.

2. The Supreme Court may give other parties to the case an opportunity of expressing their opinion on the application before a decision is taken.

3. If the Supreme Court turns down an application for an appeal licence, the same party may not apply for it a second time.

4. If an appeal licence is granted, the appeal summons that accompanied the application shall be issued, with an endorsement stating that the licence has been granted. The Supreme Court may not be required to give reasons for this decision.

5. If an appeal licence is refused, the person who applied for it shall be notified of this conclusion in writing. The reasons for the refusal shall be stated in the notification.] [1)]

[1)] *Act 49/2016, Art. 29.*

[Article 179

1. The appeal summons shall state:

a. the name and number which the case bore at the previous judicial level, which court resolved the case and when judgment was delivered,

b. the names of the parties, their ID numbers and places of domicile or residence, and also the names of their representatives, if appropriate, and their positions and places of domicile or residence,

c. the person or persons who are to plead the case for the appellant,

d. the purpose of the appeal and what claims the appellant is presenting to the court,

e. the deadline by which the defendant must notify the Supreme Court that he or she intends to offer a defence in the case; the registry of the Supreme Court shall decide a date for this purpose when the summons is issued,

f. what consequences it will have if the defendant fails to send a notification according to indent e.

☐2. Two copies of the appeal summons, which the Supreme Court may retain, shall be delivered to the registry of the Supreme Court.

☐3. The registry of the Supreme Court shall issue the appeal summons in the name of the court. Issue of an appeal summons shall be refused if it is not considered to be in the correct state. The Supreme Court may decide a short grace period for the appellant to rectify the deficiencies in the appeal summons. The period granted for this purpose shall not be longer than one week, and may only be granted once. An appellant may demand to see the Supreme Court's decision on the refusal to issue an appeal summons.

☐4. The appeal summons must be served not later than one week before the end of the period granted to the defendant under indent e of paragraph 1. In other respects, the provisions of Section XIII shall apply to the service of the appeal summons.] [1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 180

☐1. Following service of the appeal summons, but prior to the end of the period granted to the defendant under indent e of paragraph 1 of Article 179, the appellant shall deliver the summons to the Supreme Court together with evidence of its service and also his or her own observations. The appellant shall also submit case materials in the number of copies decided by the Supreme Court; this term refers to the case documents and copies on which the appellant intends to base his or her case before the Supreme Court and which are already available. The case shall then be registered before the Supreme Court. If a case against which an appeal has been made to the Supreme Court is not registered, is dropped by the Supreme Court or is dismissed therefrom, the party may resubmit it to the Supreme Court even though the period in which to bring an appeal has then ended. In that case, the appeal summons shall be issued anew within four weeks of the date on which the case should have been registered or on which the judgment dropping the case or dismissing it was delivered. This authorisation may not be applied more than once in each case.

☐2. The appellant's observations shall state:

a. The purpose for which the appeal is being made and exactly what the appellant demands before the Supreme Court.

b. The grounds for action on which the appellant bases his or her case before the Supreme Court. The description of these shall be concise and sufficiently clear to leave no doubt as to the grounds on which the appeal is based; regarding them, the appellant may, as appropriate, refer to specific case documents. If the appellant does not accept the account given of other matters in the district court judgment, he or she shall, in the same way, explain how he or she considers they would be described correctly.

c. A reference to the principal legal principles on which the appellant bases his or her case before the Supreme Court.

d. The materials that the appellant is submitting straight away to the Supreme Court, and also materials that the appellant considers he or she will have to gather subsequently.

☐3. When the case has been registered, the registry of the Supreme Court shall require the court where the case was resolved to deliver the records of its actions in the case to the Supreme Court.

☐4. The Supreme Court shall set further rules on the presentation of case materials and records of court actions.] [1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 181

☐1. If the appellant fails to deliver an appeal summons, observations or case materials in accordance with the instructions in paragraph 1 of Article 180 to the Supreme Court, the case will proceed no further.

☐2. If no representation is made in court on the appellant's behalf at a later stage, the case will be dropped by a judgment. If the plaintiff has submitted observations in the case, he or she may be awarded legal costs, paid by the appellant.] [1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 182

☐1. If the defendant intends to submit observations in the case, his or her written notification to this effect shall be received by the Supreme Court within the period allowed to him or her for this purpose in the appeal summons. When the case is registered, the registry of the Supreme Court shall decide on a period of four to six weeks for the defendant to submit his or her observations. The appellant shall be informed of the period allowed to the defendant. The appellant shall send the defendant a copy of the case materials submitted to the Supreme Court no later than when the case is registered.

☐2. A counter-appeal shall not entitle the defendant to a separate period.

☐3. If the Supreme Court does not receive a notification as provided for in the first paragraph, or if the defendant does not submit observations within the period allowed, the court shall take the view that he or she demands that the district court judgment be upheld. The case shall then be accepted for judgment; first, however, the appellant may be granted a short period in which to complete the gathering of the materials which he or she indicated would be gathered in his or her observations. The Supreme Court shall deliver judgment in the case on the basis of the materials submitted, without oral pleading of the case.

☐4. If the defendant has submitted observations, but representation on his or her behalf in court ceases at a later stage of the case, the appellant may be given the opportunity of responding to his or her defence in a written plaintiff's statement and of completing the gathering of materials. The case shall then be accepted for judgment and judged in the light of the claims and materials then available, and the appellant's plaintiff's statement, taking account of what has been stated on the defendant's behalf.

☐5. If the defendant has not submitted observations, the Supreme Court shall have the option of allowing him or her to offer a defence in the case, with or without the consent of the appellant, providing that the defendant has substantial interests at stake and his or her neglect is considered excusable. The same procedure may be adopted if the defendant's representation in court ceases at a later stage of the case.] [1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 183

☐1. The defendant's observations shall state:

a. the person or persons who are to plead the case for the defendant,

b. the defendant's claims; here, it shall be stated clearly whether, and if so, how, the defendant has changed his or her claims as compared with what they were at the previous judicial level, and also whether he or she accedes to any points in the appellant's demands, and if so, then precisely which ones,

c. the grounds for action to which the defendant refers before the Supreme Court; this description shall be concisely worded and sufficiently clear as to leave no doubt as to the grounds on which the defendant's case is based; if the defendant does not accept the account given of other circumstances of the case in the judgment against which the appeal is made or, as appropriate, in the appeal summons, he or she shall, in the same way, state how he or she considers the circumstances would be described correctly,

d. a reference to the principal legal principles on which the defendant bases his or her case before the Supreme Court,

e. comments and criticisms of the appellant's case, if necessary,

f. materials that the defendant considers he or she will have to gather subsequently.

☐2. Together with his or her observations, the defendant shall deliver case materials in the number of copies decided by the Supreme Court; this term covers the case documents and copies on which the defendant intends to base his or her case before the Supreme Court and which are already available, providing that the appellant has not already delivered them. The defendant shall send the appellant a copy of his or her observations and other case materials that he or she submits.

☐3. The provisions of paragraph 4 of Article 180 shall apply to the defendant's case materials.] [1)]

[1)] *Act 49/2016, Art. 29.*

■**[Article 184**

☐1. The appellant shall be notified when the Supreme Court has received the defendant's observations and case materials. If the parties have not already declared that their gathering of materials is complete, they shall at the same time be given, jointly, a period for the gathering of further materials. This shall normally not be longer than one month. Each party shall submit, in a single submission, their new materials, in originals with photocopies, or transcripts thereof, in the same format as is prescribed in Articles 180 and 183. The Supreme Court shall notify the parties of materials received within this period; when the period is over, the gathering of visible evidence shall be considered as automatically ended unless the court has previously acceded to a written request from a party for a longer period, or unless the court later informs a party that he or she may gather specific materials. The Supreme Court may, however, permit parties to submit new materials after the end of the material-gathering period if it was not possible to obtain them previously or if circumstances have changed in a significant manner after that time. The parties shall also send their counterparties copies of the materials.

☐2. As soon as the gathering of materials has ended, each party shall, separately, inform the Supreme Court of the length of time he or she considers will be needed for his or her oral pleading speech in the case.

☐3. If necessary, the Supreme Court shall consider the case at a session of the court in order to finalise matters regarding its conduct. The parties shall be summonsed to the court with suitable notice for this purpose.] [1)]

[1)] *Act 49/2016, Art. 29.*

■**[Article 185**

☐1. When the gathering of materials is complete in a case in which the defendant has submitted observations, the Supreme Court shall decide when it is to be pleaded and shall inform the parties of this with suitable notice.
☐2. Normally, a case shall be pleaded regarding the formal aspects of the case before it is accepted for further substantive examination. However, the Supreme Court may decide that pleading on the substantive and formal aspects is to take place at the same time, or decide to resolve the formal aspects without separate pleading, providing that the parties have previously had the opportunity of expressing their views on this arrangement.
☐3. If the defendant has submitted observations in a case, it shall be pleaded orally. The Supreme Court may, however, decide that the case is to be pleaded in writing if particular circumstances favour this. The Supreme Court may also accede to wishes expressed in identical terms by the parties that the case be accepted for judgment without separate pleading.
☐4. At the same time as the time scheduled for oral pleading is announced, the Supreme Court may require the parties to submit, separately and with a certain period of notice, a brief survey of the circumstances of the case in chronological order, their grounds for action and references to legal principles, and also references to academic works and judgments to which they intend to refer in their pleading.
☐5. The Supreme Court may limit the speaking time allowed to each party for oral pleading of the case. When announcing the date for oral pleading, the court may state how much time each party will be permitted.] [1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 186

☐1. Before oral pleading begins at the session of the court, an account shall be given of the conclusion of the judgment against which the appeal has been made, and of the appeal summons to the extent that the presiding judge considers this necessary for an understanding of the pleading. When this is complete, the parties' pleading speeches shall be delivered.
☐2. An exposition shall be delivered, first on behalf of the appellant and then on behalf of the defendant, unless the president of the court has decided on a different order and the parties were informed of such a decision when they were summoned to plead their cases. Following the expositions, an opportunity shall be given for the parties themselves, or their representatives, to make brief responses in the same order. If a lawyer pleads the case on behalf of a party, the president of the court may permit the party himself or herself to make brief comments after his or her lawyer's responses.
☐3. In the pleading, an account shall be given of the claims presented, what the matters in dispute between the parties consist of, their grounds for action and other reasoning behind their claims. Long-windedness shall be avoided, and pleading shall concentrate on the matters that are in dispute or of which it is necessary to give an account in order to throw light on matters in dispute.
☐4. The president of the court shall direct the court. He or she may require a speaker to keep to the point and not to discuss those aspects of the case which are not in dispute or concerning which, for other reasons, there is no need to give any further account. The president may stop the pleading if speeches run to excessive length, or set time limits and stop the pleading when these are reached.
☐5. When pleading is completed, the Supreme Court shall accept the case for judgment.] [1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 187

☐1. Judgments of the Supreme Court shall be based on what has been revealed in the case and has been demonstrated or is recognised. The provisions of Article 111 shall apply to judgments of the Supreme Court.
☐2. If a party presents claims or cites grounds for action which he or she did not present at the previous judicial level, the Supreme Court may base its resolution of the case on them if they are stated in the party's observations, the basis of the case will not be distorted, the fact that they were not presented at the previous judicial level was excusable and it would damage the party's case if they were not taken into consideration.] [1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 188

☐1. To the extent that it is necessary to adopt a position on matters concerning the conduct of a case before the Supreme Court, the court shall resolve them by means of a decision, irrespective of whether or not there is a dispute between the parties concerning them, providing that the decision will not result in the end of the case before the court. No special reasons shall be given for the decision, but its substance shall be mentioned in the court records as necessary.
☐2. The Supreme Court shall resolve other aspects of the case by means of a judgment. If a case is dropped or dismissed from the Supreme Court, only the reasons why this was done, and also legal costs, where appropriate, shall be mentioned in the judgment. The same shall apply if a judgment is annulled and the case is sent back to the district court, or dismissed from court.
☐3. If a judgment constitutes a conclusion of the case of a type other than those described in the second paragraph, it shall contain such account of the parties' claims as is necessary so as to render the conclusion clear. Where observations on the circumstances of the case are deficient in the judgment against which the appeal is made, this shall be rectified in the judgment of the Supreme Court. If the conclusion of the judgment against which the appeal is made is amended, and to the extent that this is done, the reasoning behind this shall be stated in the judgment of the Supreme Court. If the Supreme Court concurs with the conclusion of the judgment against which the appeal is made, but not with the reasoning on which it is based, it may give an account of its own reasoning to the extent considered necessary.
☐4. Other aspects of judgments of the Supreme Court shall be subject, as appropriate, to the provisions of Article 114.] [1)]

[1)] *Act 49/2016, Art. 29.*

■[Article 189

☐1. Judgment shall be delivered as soon as possible after the case has been accepted for judgment, and at no time more than four weeks after that date. Where this is not possible, and if the case was pleaded orally, pleading shall be repeated to the extent deemed necessary by the Supreme Court.
☐2. Immediately after the case is accepted for judgment, the judges shall, *in camera*, discuss the reasoning and conclusion of the case. Before this discussion takes place, the president of the court shall commission one judge to be the first speaker at the meeting; the president shall direct the discussion, put questions, take measures to enable each judge's opinion to be expressed as clearly as possible and count their votes. A simple majority of votes cast shall determine issues. Following discussion, the presiding judge shall commission the first speaker with drafting a judgment. If the judges are divided into a majority and a minority, the first speaker shall draft a judgment for the group to which he or she belongs, while the other judges shall decide which of them is to draft their judgment for them. A judge voting for the annulment of the district court judgment or the dismissal of the case, who is in the minority of

the judges, shall also vote on the substance of the case. Judges shall render judgments jointly, with or without dissenting opinions

☐3. When judgment is delivered, the conclusion of the judgment shall be read aloud at a session of the court as is considered necessary. If there is a dissenting opinion in the judgment, mention shall also be made of this.] [1)]

[1)] *Act 49/2016, Art. 29.*

■**[Article 190**

☐ Other aspects of procedure in appeal cases shall be subject to the rules of this Act on procedure in district court cases, as appropriate.] [1)]

[1)] *Act 49/2016, Art. 29.*

[Section XXVIII.][1)] Reopening of cases in which no appeal has been brought.

[1)] *Act 49/2016, Art. 29.*

■**[Article 191][1)]**

☐1. If a district court judgment has been delivered in a case, and no appeal has been brought and the period permitted for bringing an appeal has passed, the [committee on reopening cases as provided for under the Judiciary Act][2)] may grant a request to reopen the case at the district court level if the following conditions are met:

a. it is demonstrated that there is a strong likelihood that the circumstances of the case were not revealed with sufficient clarity when the case was examined … [2)] and none of the parties can be blamed for this,

b. it is demonstrated that there is a strong likelihood that new evidence will lead to a different conclusion on significant matters,

c. other circumstances favour the granting of granting the licence, including the consideration that very great interests of a party may be at stake.

☐[2. Parties may only apply once to have a case reopened under the first paragraph. In addition, parties may not waive the right to request the reopening of a case.] [3)]

[1)] *Act 49/2016, Art. 29.* [2)] *Act 15/2013, Art. 9.* [3)] *Act 78/2015, Art. 16.*

■**[Article 192][1)]**

☐1. A written petition for the reopening of a case shall be sent to the [committee on reopening cases].[2)] Detailed reasons shall be stated in the petition regarding the ground for reopening the case, and materials shall accompany it as necessary.

☐2. If a petition is evidently not based on valid arguments, the [committee on reopening cases][2)] shall immediately refuse to reopen the case. In other instances, the petition and accompanying materials shall be sent to the counterparty, who shall be required to submit a written statement on his or her view of the matter by a certain deadline.

☐3. [The committee on reopening cases shall decide whether the case is to be reopened. [If the committee accedes to a petition, the former judgment on the case shall remain in force until a new judgment has been delivered. A decision by the committee to reopen a case shall not interfere with an enforcement action in accordance with the judgment.] [3)]] [2)]

☐4. If it has been decided to reopen a case, but no representation is made during the new examination of the case on behalf of the party who requested the reopening, further examination of the case shall cease, with the result that the previous judgment shall stand without amendment. On the other hand, judgment shall be delivered in the case if the counterparty does not attend court.

☐5. In other respects, procedure in a case when it is heard anew by the district court shall be in accordance with the rules of this Act.

[1)] *Act 49/2016, Art. 29.* [2)] *Act 15/2013, Art. 10.* [3)] *Act 99/2016, Art. 2.*

[Section XXIX.][1] [Reopening of cases that have been judged in the Court of Appeals or the Supreme Court.][2]

[1] *Act 49/2016, Art. 29.* [2] *Act 38/1994, Art. 22.*

■**[[Article 193]**[1]

☐[1. The committee on reopening cases as provided for under the Judiciary Act may, in accordance with a petition from a party to a case that has been judged in the Court of Appeals or the Supreme Court, permit it to be heard and judged again there if the conditions of Article 191 are met. Cases will not be reopened in the Court of Appeals unless the deadline for applying for a licence to appeal to the Supreme Court has passed or the Supreme Court has turned down an application for an appeal licence.

☐2. Parties may only petition once to have a case reopened under the first paragraph. In addition, parties may not waive the right to request the reopening of a case.

☐3. The provisions of the paragraphs 1, 2 and 3 of Article 192 shall apply to petitions for the reopening of cases, the processing of applications, decisions on them and the effect of the reopening of cases.

☐4. If it has been decided to reopen a case, but no representation is made during the new examination of the case by the Court of Appeals or the Supreme Court on behalf of the party who requested the reopening, further examination of the case shall cease, with the result that the previous judgment shall stand without amendment. On the other hand, judgment shall be delivered in the case if the counterparty does not attend court.

☐5. In other respects, procedure in a case when it is heard anew by the Court of Appeals or the Supreme Court shall be in accordance with the rules of Section XXV or XXVII of this Act, as appropriate.] [2]] [3]

[1] *Act 49/2016, Art. 29.* [2] *Act 49/2016, Art. 30.* [3] *Act 38/1994, Art. 22.*

Part 7. Miscellaneous provisions.

[Section XXX.][1] Commencement, repeal of acts, etc.

[1] *Act 49/2016, Art. 29.*

■**[Article 194]**[1]

☐This Act shall take effect on 1 July 1992.

[1] *Act 49/2016, Art. 29.*

■**[Articles 195–197]**[1] …

[1] *Act 49/2016, Art. 29.*

[Section XXXI.][1] Interim provisions.

[1] *Act 49/2016, Art. 29.*

■**[Articles 198–200]**[1] …

[1] *Act 49/2016, Art. 29.*

■**[Article 201]**[1]

☐1. Without prejudice to paragraph 4 of Article 96, an appeal may be brought against a judgment *in absentia* if the judgment was delivered prior to 1 July 1992. If a judgment *in absentia* is delivered after the commencement of this Act, no appeal may be brought against it even though the case may have been registered prior to that date; however, the provisions of Section XXIII may be applied for the reopening of the case by the district court.

☐2. If a summons for the recovery of certain types of monetary claim (*áskorunarstefna*) was endorsed, so establishing its enforceability, under older laws prior to the commencement of this Act, the reopening of the case in the district court may be demanded under the provisions

of Section XXIII. Appeals may not be brought before a higher court regarding cases involving a summons of this type (*áskorunarstefna*) after the commencement of this Act.

☐3. If a case for the recovery of certain types of monetary claim (*áskorunarmál*) was registered prior to 1 July 1992 and concluded with an endorsement as provided for in Article 113, the provisions of paragraph 4 of Article 96 shall apply to it.

☐4. The provisions of Section XXVI shall apply irrespective of when judgment was delivered in the case.

[1] *Act 49/2016, Art. 29.*

■**[Article 202]**[1] …

[1] *Act 49/2016, Art. 29.*

■**[Article 203]**[1]

☐ A summons for the recovery of certain types of monetary claim (*áskorunarstefna*) that was endorsed as being enforceable prior to the commencement of this Act shall have the same effect as the endorsement of a summons under Article 113.

[1] *Act 49/2016, Art. 29.*

■**[Article 204]**[1]

☐If a promissory note issued prior to 1 July 1992 contains provisions stating that actions in connection with it may be brought according to the rules of Section XVII of Act 85/1936, this shall be equivalent to an agreement that such actions may be brought according to the rules of Section XVII of this Act.

[1] *Act 49/2016, Art. 29.*

■**[[Article 205]**[1] …] [2]

[1] *Act 49/2016, Art. 29.* [2] *Act 38/1994, Art. 24.*

■**[[Article 206]**[1]

☐If a party was awarded legal aid before a district court on the basis of indent b of the first paragraph of Article 126 of Act 91/1991 prior to the commencement of this Act, he or she may be awarded legal aid in connection with the same case before the Supreme Court, if it proceeds to the Supreme Court.] [2]

[1] *Act 49/2016, Art. 29.* [2] *Act 7/2005, Art. 3.*

■**[[Article 207]**[1] … [2]] [3]

[1] *Act 49/2016, Art. 29.* [2] *This provision was in effect from 4 July 2013 to 1 Jan. 2015 under Act 80/2013, Art. 2.* [3] *Act. 80/2013, Art.1.*