

Iceland's Judicial System

Introduction

The judicial system in Iceland is based upon the constitution of the Republic of Iceland that mainly originates from 1944. The Act on the Judiciary No. 15/1998 (Domstolsloven) has more specific provisions on the structure of the courts. The administration of justice is covered by the Code of Civil Procedure No. 91/1991 (Civilprocesloven) and the Code of Criminal Procedure No. 19/1991 (Straffeprosesloven). Other acts have various procedural provisions.

The Division of Courts

The courts are organised into district courts and The Supreme Court. The courts are composed by lawyers having jurisdiction to deal with all legal question. There are 8 districts courts with 38 permanent district count judges; the district court of Reykjavik with 21 judges is the largest and the second largest is the district court of Reykjanes, located in adjacent county of Hafnarfjörður, with 7 judges. The remaining 6 district courts are distributed in the country; there are 3 judges in two of these district courts and in the remaining four courts only one judge. The Supreme Court of Iceland has 9 Supreme Court judges.

There is only one special court, the Labour Court having jurisdiction with respect to disputes in industrial relations.

The task of judges is mostly to decide legal issues. Registrations of property and executions have been transferred from the courts to administrative agencies and handled by sheriffs.

The Administration of the Icelandic Courts

The Act on the Judiciary

The Act on Judiciary No. 15/1998 introduced substantial changes in the administration of the courts in Iceland. The external regulation is made by institutions not grouped with the judicial power. Parliament (Althingi) makes decisions on financial approbations to the courts in the Finance Act, and regulates the organisation and activity of the courts, e.g. the Act on the Judiciary and Codes of Procedure. The Minister of Justice appoints judges to the Supreme Court based upon a recommendation from The Supreme Court and judges to the district courts based upon a recommendation from a special board of appointment. The Minister of Justice is the spokes-man for the courts to the public and to Althingi, and responsible for their activity.

The Administration of the District Court

The Act on Judiciary made a most significant change by introducing a special Judicial Council to deal with the major parts of the administration of district courts. The Council has five members: two district courts presidents elected within their ranks, two district court judges elected within their ranks and the Minister of Justice appoints one member without recommendation. Considering how the Judicial Council is composed it may be said that it is a part of the judicial power as opposed to the executive power. The special Council has been assigned a number of tasks formerly belonging to the Ministry of Justice but there are also a number of new tasks. Among the tasks may be mentioned proposals for the budget of the district courts. The Ministry of Justice present the final proposal for the budget to the district courts within the framework granted to the ministry. The Ministry of Finance presents a proposal for the budget to Althingi that determines the total appropriation for the district courts. The Judicial Council distributes the appropriation among the eight district courts. The Council has supervisory authority in relation to personnel administration and the establishment of the number of personnel at each district court, and has a limited authority to remove judges from one court to another within three years after appointment, and then for a period of 6 months with an interval of 10 years. The Council takes care of supplementary education, publications and presentation of information, computers and their programmes, preparation of guide-lines for the work of district courts in cases where it is permitted and is accountable for the district courts to the authorities and the public.

There is some regulation at each court. The presidents of the courts are in control of the appropriations allotted by the Judicial Council each year and are accountable for the economy of each district court. The president of the court appoints the personnel except the judges, and determines the organization of work in consultation with the other judges and distributes the cases to them. Regular meetings between judges are held in the largest district courts, and these meetings often have a decisive role in the administration of the courts and the mutual exchange of opinions has an effect upon decision-making.

It can be said that the administration of the internal affairs of the courts and a part of their external regulation are within the courts, the presidents of the courts and the Judicial Council.

The Administration of the Supreme Court

The Supreme Court is not within the jurisdiction of the Judicial Council. The president of the Supreme Court is elected by the judges for a period of two years, and the president takes care of the administration of the court giving the head of office the authority to deal with daily affairs. Common meetings among the judges have an important role in the administration of the court. Every year Althingi provides for the appropriations to the Supreme Court, and the Minister of Justice appoints the judges based upon a recommendation from the court. Besides, the Supreme Court manages the administration of its own affairs. Decisions concerning premises, questions about computers and other technical questions are made in collaboration with the Ministry of Justice.