



DOMSTOL

ADMINISTRASJONEN

Tom Minogue
94 Victoria Terrace
Dunfermline
KY12 0LU
Scotland

Deres ref

Vår ref.

200200198-22

Saksbehandler

Terje Karterud
73 56 70 52

Dato

22.07.2003

ANSWER TO YOUR REQUEST REGARDING A REGISTER OF FREEMASONS AMONG NORWEGIAN JUDGES

With reference to your e-mail of 24 June this year, we are able to give the following information.

The new system of making judges' extra-judicial activities public is a result of The Norwegian Law Courts Commission that was appointed by Royal Decree of 8 March 1996. Under the given terms of reference, the Commission was instructed to report on five main subjects:

1. «The main subject of the report is *the organisation of the central courts administration*.
2. *The appointment of judges*.
3. *New complaints and disciplinary procedure for judges*.
4. *Temporary judges*.
5. *Extra-judicial activities*. There are few legal limitations on the right of judges to undertake extra-judicial tasks, duties and commitments, and it is quite usual for judges to have such interests. The Commission shall, firstly, «examine the nature and extent» of these interests, and secondly, against the background, *inter alia*, of the need to ensure the independence and impartiality of judges «assess the need for guidelines regarding the type of tasks, etc. judges should be permitted to undertake, and if appropriate present a proposal for such guidelines. It will also assess whether an official system of registration should be introduced».

Following a public consultative round the new rules on judges' extra-judicial activities were passed as an amendment to the Courts of Justice Act as section 121a through section 121h. The enactment took place on 15 June 2001. The amendment came into effect on 1 November 2002. The serving judges were given until 1 March 2003 to register their extra-judicial activities. The obligation to register their extra-judicial activities pertains both to permanent judges and temporary judges. Temporary judges are judges who are appointed for a limited period by decision of the Council of State or Appointments Board. Deputy judges who are appointed by the president of a court for a period of up to two years with limited opportunity for the renewal of the appointment are also included in this category. Temporary judges also includes extraordinarily appointed Court of Appeal Judges who are appointed from amongst retired judges for one year at a time. These temporary judges are to be called by the senior judge president of the Court of Appeal in individual cases.

The term 'extra-judicial activities' as defined in section 121a of the Courts of Justice Act includes, in addition to a judge's normal duties, any membership, supplementary duties, tasks or activity undertaken in or on behalf of a company, organisation, association, government agency, county municipal or municipal body.

Section 121b prohibits a judge from practising as a lawyer. According to section 121c, a judge must seek approval for all kinds of duties or interests that are likely to entail a judge being disqualified more than occasionally, as well as work-intensive duties that might hamper or delay his or her normal work. In addition a judge must seek approval for activities involving private or public commercial undertakings, appointments to serve as a member of an arbitration tribunal (that is in cases where the judge is not appointed by one of the parties to the dispute in question), and for activities involving collegiate administrative bodies where the decisions of the body concerned are likely to be subjected to judicial review by the courts.

Elections made by the *Storting* (Parliament) are exempt from the approval requirement. The same applies if a judge is appointed by the Council of State to serve as a member of various types of boards. Elections to political bodies or duties on behalf of political parties are also exempt from approval. In the case of other appointments made by the Council of State, prior consultation with the National Courts Administration is required - except in a few specially named cases.

The judges must register all their extra-judicial activities as laid down in section 121e. All activities apart from membership of political parties, of professional and industrial bodies, and of non-profit-making associations must be registered. Duties etc. undertaken on behalf of non-profit-making associations that have fewer than 100 members are also exempt from registration.

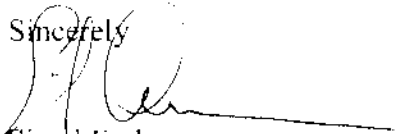
The Norwegian Law Courts Commission was divided on the point of membership in non-profit-making associations where members have special mutual obligations. The reference here is to so-called «fraternal societies» such as the Freemasons. A majority amongst the Commission's members did not want to see introduced any kind of special rules related to this kind of society, while a minority proposed that membership in such societies should be registered irrespective of the number of members in the society concerned. The view on this matter was also divided in the consultative round. The Ministry of Justice however, viewed this type of societies to be different from other types of societies that a special rule was warranted and placed the Commission's minority proposal before the Parliament. The Parliament agreed and amended the Courts of Justice Act section 121e accordingly.

The National Courts Administration is the entity responsible for keeping the register of the judge's extra-judicial activities. The register is open to the public according to section 121h. Prior to the register's availability on the National Courts Administration website from early May this year, information on judges' extra-judicial activities was given upon request. The information the judges are required to register is as follows: their name, their title, the court in which they serve, the nature of their other duties or interests, the name of their other employer or principal and the time or duration of their other duties or interests. Judges are also required to declare whether any income arises from the duty or interest in question, although they are not obliged to declare how much income they receive. Judges are also exempt from registering single lectures, educational talks, addresses etc.

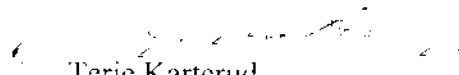
The register also contains certain information not associated with the judges' extra-judicial activities, but pertaining to the occupation or post held by the judge before he or she was appointed to the judgeship.

As you can see from the information given above, making the names of those judges who are Freemasons public, is just one part of registering all extra-judicial activities of Norwegian judges. Today the national register includes 630 names, i.e. approximately 95 % of all Norwegian judges, temporary judges included. Only twelve are Freemasons.

Sincerely



Sissel Endresen
Head of Judicial Department



Terje Karterud
adviser