



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

Country: Iceland

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2011)

318 452

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	3 645 801 690
Regional / federal entity level (total for all regions / federal entities)	NA

3) Per capita GDP (in €)

29 857

4) Average gross annual salary (in €)

34 174

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

153,8

A.1

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Source for Q1, Q2 and Q4, Statistics Iceland. Regarding Q4, the amount is based on full time employees in the private sector.

Q2 : The increase can be explained by the strengthening of the ISK. The average exchange rate in 2008 was 170 but in 2010 it was 153,8. Public expenditure has increased due to a higher index of consumer prices by 10,5%, and increasing salaries by 12% between 2008 and 2009 and an additional 5% until 2010.

Q3 : The difference between the years can be explained to the bankcrises and changes in the currency.

Q4 : The increase can be explained by the strengthening of the ISK. The average exchange rate in 2008 was 170 but in 2010 it was 153,8. Public expenditure has increased due to a higher index of consumer prices by 10,5%, and increasing salaries by 12% between 2008 and 2009 and an additional 5% until 2010.

1. 2. Budgetary data concerning judicial system

1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	7 413 547
1. Annual public budget allocated to (gross) salaries		NA
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	123 537
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern		NA

the taxes and fees to be paid by the parties.

- | | |
|---|----|
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | NA |
| 5. Annual public budget allocated to investments in new (court) buildings | NA |
| 6. Annual public budget allocated to training and education | NA |
| 7. Other (please specify): | NA |

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

According to Art. 1(5) of the Additional Treasury Income Act No 88/1991 fees are not paid in:

1. Cases for the collection of salaries.
2. Cases for the determination of the paternity of a child
3. Cases to contest paternity or for the annulment of a voluntary declaration of paternity.
4. Cases regarding legal Competence
5. Cases regarding electoral registers
6. Einkarefsimálum.
7. Cases where the litigant receives legal aid
8. Cases regarding custody of a child
9. Afhendingarmál, cf. Act No 160/1995 on Recognition and Enforcement of Foreign Decisions on the Custody of Children.

9) Annual income of court taxes or fees received by the State (in €)

NAP

10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA 23 343 734

11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	No

Comment :

12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	4004810	2473349	1531461

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.

Amount 872 985

Comment :

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	Yes	Yes	Yes
Other ministry	No	No	No	Yes
Parliament	No	Yes	No	No
Supreme Court	Yes	No	No	No
Judicial Council	Yes	No	Yes	No
Courts	Yes	No	Yes	No
Inspection body	No	No	No	Yes
Other	No	No	No	No

15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

A.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Questions 10 and 12: The increase can be explained by the strengthening of the ISK. The average exchange rate in 2008 was 170 but in 2010 it was 153,8. Public expenditure has increased due to a higher index of consumer prices by 10,5%, and increasing salaries by 12% between 2008 and 2009 and an additional 5% until 2010.

Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.

The ministry of the interior, budgeting and finance department

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

NAP

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

NAP

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	No	Yes

Comment :

Legal aid in civil cases can be granted for all costs associated with a court case, including fees of technical advisors or experts, travel costs, etc. depending on the circumstances.

20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

other than criminal cases, statistics provided by the legal aid committee for the year 2010, provide that the number of approved applications for legal aid were 317. When the application is approved the case has not yet been brought before the court but is in the process of being brought before the court.

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of

charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :

Regarding victims: Art 41 of the Act on Criminal Procedure nr. 88/2008 provides that victims have to right to a lawyer financed by a public budget during the investigation of a crime in certain cases, eg. when the victim is under 18 years old, when the investigation concerns ch. XXII of the penal code (sexual offences).

When the investigation concerns ch. XXIII (manslaughter and bodily injuries) or ch. XXIV (offences against personal freedom) or art 251-253 (Art. 251 Anyone obtaining funds from another by threatening a person or his/her next-of-kin with exerting physical violence, deprivation of freedom or submitting false accusation of punishable or dishonourable conduct on his/her part or that of his/her next-of-kin or other such accusation, although this be true, if the compulsion is not sufficiently entitled on account of the matter at which the threat is aimed or finally by threatening him/her with causing considerable damage to or destruction of his/her assets, shall be subject to imprisonment for up to 6 years.

Art. 252 Anyone who by means of physical violence or a threat of exerting this forthwith takes from a person or forces him/her to hand over funds or other valuables, conceals an article which is being stolen or compels a person to do or omit something which entails financial loss for that person or others, shall be subject to imprisonment for no less than 6 months and up to 10 years. In case very great danger has attached to the robbery the penalty may, however, consist of up to 16 years imprisonment.

Art. 253 In case a person has taken advantage of the distress of another, his/her naïveté, ignorance or his/her being dependent upon the former in order to obtain interests by means of a legal instrument or to reserve these for himself/herself so that there be an obvious difference between these interests and the payment rendered or to be rendered in respect of these or if these interests were to be granted free of charge, this is subject to ? 1) imprisonment for up to 2 years.) and the victim has suffered great damages physically or mentally due to the crime or the crime was committed by someone close to the victim. The police evaluates wether there is a need for the special assistance of such a lawyer to assist the victim in the case.

Accused individuals: Have the right to a lawyer financed by a public budget according to ch. IV of Act nr. 88/2008 on criminal procedure.

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

Yes

No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ?

Please provide in the "comment" box below any information to explain the figures provided.

If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	13004	NAP

Comment :

Art 7 of the regulation on legal aid and the legal aid committee nr. 45/2008 provides that it will look to annual income before taxes and other expenses, for individuals it is euro 13004 and for couples it is 19557. When the applicant for legal aid is younger than 18 years the committee looks to the income of both parents. For each child that an individual supports the roof on the amount of income is raised by euro 1625,5. The committee also looks towards financial burdens and makes an evaluation looking to all factors.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

If yes, please explain the exact criteria for denying legal aid:

Art. 5 of the regulation on legal aid and the legal aid committee nr. 45/2008 provides that when the committee evaluates merit of the case it shall look towards the following main considerations:

1. The case is of the nature that it is normal that it is paid for by public funds. Legal aid should as a rule not be granted when the dispute is the following unless special reasons allow for legal aid:
 - a. The dispute regards business of the applicant and is in connection with the applicant's work and the applicant has with his actions or inactions gotten him or herself in the dispute that the case is supposed to handle,
 - b. The dispute is between closely related individuals,
 - c. The dispute regards insignificant interests and the costs are improporionate to the likely costs of the case going before the courts
 - d. The applicant has shown great negligence that results in a difficult burden of proof
2. The case is clear enough that it is necessary and at the appropriate point in time to be brought before the courts. The following shall be considered:
 - a. The circumstances and arguments are clear enough so that it is ready to be handled by the courts
 - b. Wether the individuals concerned have tried to solve the matter outside the courts, ie by administrative committees,
 - c. Wether all documents have been acquired and a court case is necessary at this point in time.
3. The case seems to be likely to succeed at court. For example the committee can look to wether the courts have handled similar cases.
4. If the case regards a dispute that is already before the courts and is a similar case, that will likely set a precedent, it is permitted to refuse legal aid until it is possible to see wether the case is likely to succeed.

25) Is the decision to grant or refuse legal aid taken by :

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
- No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

Various insurance companies sell these types of insurances

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	Yes
other than criminal cases?	Yes

B.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering the questions 20 and 23

Committee on legal aid and regulation on legal aid nr. 43/2008 art. 7

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): Yes www.althingi.is,
www.reglugerd.is
- case-law of the higher court/s? Internet address(es): Yes www.domstolar.is,
www.haestirettur.is
- other documents (e.g. downloadable forms, online registration)? Yes www.island.is,
www.logbirtingarblad.is,
www.syslumenn.is

Comment :
Applications and forms.

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No

If yes, please specify:

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

An information brochure on victims rights has been distributed to all poliec commissioners and victims have the right to an appointed advocate. There is also an emergency reception set up especially for victims of sexual abuse at the Unviersity Hospital.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	Yes	Yes	Yes
Victims of terrorism	Yes	Yes	Yes
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	Yes	Yes	No
Disabled persons	Yes	Yes	Yes
Juvenile offenders	Yes	Yes	No
Other (e.g. victims of human trafficking)	No	Yes	Yes

Comment :
para 1 and 2 Art 41 Act on criminal procedure nr. 88/2008.

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

According to Art. 172 of Act nr. 88/2008 a victim and whoever believes he has a claim for compensation regarding a criminal case can request a judgement on the claim in a criminal case.

If the individual is awarded compensation it is paid by public funds but the claim is collected from the responsible person as possible.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

Articles of the Code of Criminal Procedure no. 88/2008
 Art. 39-40 Instruction and announcement duties by the Police to victim of crime.
 Art. 41. Nomination of lawyer for victims of crime if sex offence or if requested by the victims. It is always obliged if the victim is under 18.
 Art. 47: Only right to access files regarding the victim.
 Art. 172: Instruction duties to victims of crime because of compensation.
 Art 201: Announcement duties to victims of crime because of appeal to the Supreme Court.

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

Under the Administrative Procedure Act, the prosecutor is obliged to cite reasons for a decision to drop a case if requested to do so by parties concerned. Appeals may be lodged with the Director of Public Prosecutions against decisions of this type taken by prosecutors. The DPP may either set the decision aside or uphold it. No appeal against a prosecutors' decisions to issue indictments may be lodged with the DPP. The general principle in Icelandic Law is that victims do not influence the decision on whether or not indictments are issued in criminal cases. In some cases, prosecutors are not able to institute criminal proceedings unless the victim demands that punishment be imposed: these categories include burglary, minor damage to property and defamation.

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
 non execution of court decisions?

- wrongful arrest?
 wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

According to act. no. 88/2008, art. 228 a court can decide that person will be compensated for wrongful arrest and for wrongful condemnation. Daily tariffs are not defined in the Code.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
 (Satisfaction) surveys aimed at court staff
 (Satisfaction) surveys aimed at public prosecutors
 (Satisfaction) surveys aimed at lawyers
 (Satisfaction) surveys aimed at the parties
 (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
 (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Iceland has general opinion surveys that measures trust and/or satisfaction of the judiciary system. For further informaitons: <http://www.capacent.is/>

If needed, special surveys can be performed to measure trust and/or satisfaction with the services delivered by the judiciary system, as referred in Q41.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	No	No
Surveys at court level	No	No

40) Is there a national or local procedure for making complaints about the functioning of the judicial system(for example the treatment of a case by a judge or the duration of a proceeding)?

- Yes
 No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	Yes	Yes	No
High Council of the Judiciary	Yes	Yes	No
Other external bodies (e.g. Ombudsman)	Yes	Yes	No

Comment :

Article 28

If the person in charge of a court considers that the professional conduct or performance of a judge, or his private conduct, is worthy of censure, without the provisions of the second paragraph being applicable, he may request, orally or in writing, that the judge correct the matter.

If a request made in accordance with the first paragraph is not successful, or if the person in charge of the court considers the matter so serious that a request of this kind is not suitable, the person in charge of the court shall refer the matter to the Committee on Judicial Functions in writing, stating the reasons. The same procedure shall be followed in case a judge does not heed a decision of the Judicial Council or a prohibition laid down in accordance with the provisions of Section 26, fourth paragraph.

The [Minister]1 may refer a matter to the Committee on Judicial Functions in the manner provided for in the second paragraph. The Committee may also consider a matter on its own initiative if the situation is such as described there.

If the Committee on Judicial Functions receives a matter for consideration in the manner described in the second or third paragraphs, the Committee shall afford the judge in question an opportunity to reply to the allegations in a written exposition. The Committee shall in other respects collect evidence as it may consider necessary. The procedure shall in other respects be governed by the provisions of the Administrative Procedures Act, as applicable.

The Committee on Judicial Functions shall bring a matter to a conclusion by a written and reasoned opinion on whether the judge in question shall be admonished. An admonition shall be made in a manner offering proof, and a copy shall also be sent to the person in charge of the relevant court and to the [Minister]1. If the judge is a district court judge, the Judicial Council shall also be sent a copy.

A judge who has been admonished may take legal action for its invalidation against the [Minister]1 on behalf of the State within one month from when the admonition was served the judge.

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	8
42.2 First instance specialised Courts (legal entities)	2
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	10

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Total (must be the same as the data given under question 42.2)	2
Commercial courts	NA
Labour courts	1
Family courts	NA
Rent and tenancies courts	NA
Enforcement of criminal sanctions courts	NA
Administrative courts	NA
Insurance and / or social welfare courts	NA
Military courts	NA
Other specialised 1st instance courts	1

Comment :

Other: Landsdomur, the High Court, for criminal proceedings against current or former elected officials. The judgements of this court can not be appealed.

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

A group of professional organisations in the legal system in Iceland (lawyers, litigators, judges and prosecutors) appealed to the Minister to change the judicial system from a two tier court system to a three tier court system, adding a court of appeals to the present system of district courts and the supreme court. A working group appointed by the Minister has delivered a report with two recommendations, either to set up a court of appeals for criminal cases only, or a court of appeals for both civil and criminal cases. The Minister has expressed a will to set up a three tier system with a court of appeals but a decision has not been reached regarding the two choices set forth by the working group.

Another idea that is being discussed within the Ministry is to merge the district courts, no decision has been made regarding this idea.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number of courts
a debt collection for small claims	8
a dismissal	8
a robbery	8

Please give the definition for small claims and indicate the monetary value of a small claim:

NAP

Please indicate the sources for answering questions 42, 43 and 45:

Ministry of the Interior

3. 1. 2. Judges and non-judge staff

46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	52	36	16
1. Number of first instance professional judges	43	28	15
2. Number of second instance (court of appeal) professional judges	NAP	NAP	NAP
3. Number of supreme court professional judges	9	8	1

Comment :

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	9	7	2
1. Number of first instance court presidents	8	7	1
2. Number of second instance (court of appeal) court presidents	NAP	NAP	NAP
3. Number of supreme court presidents	1	NAP	1

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure NA
 If possible, in full-time equivalent NA

Comment :

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).

Gross figure NAP

50) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

51) Number of citizens who were involved in such juries for the year of reference:

NAP

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) NA

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars NA

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) NA

4. Technical staff NA

5. Other non-judge staff NA

Comment :

At the Supreme court 11 total non-judge staff, 4 assistants to judges and 7 staff in administrative tasks and management. The information was not available at the judicial council of district courts at the time of completion of the questionnaire.

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

In Iceland there are no Rechtspfleger or similar bodies. The only staff that have judicial power are the judges. The other lawyers are judges assistants but with no judicial power.

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?

Yes

No

If yes, please specify:

At the Supreme court IT services and cleaning are delegated to private providers. The information was not available at the judicial council of district courts at the time of completion of the questionnaire.

C.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

The supreme court, the district courts and the ministry of the interior.

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	81	43	38
1. Number of prosecutors at first instance level	74	41	33
2. Number of prosecutors at second instance (court of appeal) level	NAP	NAP	NAP
3. Number of prosecutors at supreme court level	7	2	5

Comment :

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	17	13	4
1. Number of heads of prosecution offices at first instance level	16	13	3
2. Number of heads of prosecution offices at second instance (court of appeal) level	NAP	NAP	NAP
3. Number of heads of prosecution offices at supreme court level	1	0	1

Comment :

57) Do other persons have similar duties to public prosecutors?

Yes

No

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

No

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number

NAP

C.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter

- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 55, 56 and 60

Director of public prosecutions

3. 1. 4. Court budget and new technologies

61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	Yes	Yes	Yes	Yes
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	Yes	Yes	Yes	Yes
Other	No	No	No	No

Comment :

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	0 % of courts
Financial information system	100% of courts
Videoconferencing	0 % of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?

| Electronic web forms |

	0 % of courts
Website	100% of courts
Follow-up of cases online	0 % of courts
Electronic registers	0 % of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	0 % of courts
Other electronic communication facilities	100% of courts

65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	No	No	No	No

Comment :

C.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

3. 2. Performance and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

If yes, please indicate the name and the address of this institution:

The judicial council of district courts handles statistical data regarding the functioning of the courts and judiciary. Domstolarad, domshusinu vid Laekjartorg, 101 Reykjavik, Iceland. The Supreme Court collects its own statistical data regarding the functioning of the court. The Supreme Court, Domshusinu vid Arnarhol, 150 Reykjavik, Iceland

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- number of incoming cases?
 number of decisions delivered?

- number of postponed cases?
- length of proceedings (timeframes)?
- other?

If other, please specify:

The Supreme Court and the Judicial Council of District Courts review this annually.

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
- No

Please specify:

The judicial council of district courts.

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
- No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are processed by a single sitting judge
- enforcement of penal decisions
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

If other, please specify:

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
 No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 other

If other, please specify:

76) Please specify the main targets applied to the courts:

Length of proceedings and the number of cases closed.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
 Ministry of justice
 inspection authority
 Supreme Court
 external audit body
 other

If other, please specify:

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
 No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
 No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- in civil law cases
 in criminal law cases
 in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
 No

If yes, please specify:

However the Supreme Court looks towards considers the timeframe of proceedings at the district courts when handling appeals.

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

Yes

No

Please specify the frequency of the evaluation:
The Judicial Council monitors and the norm is to check it yearly.

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

If yes, please give further details:
The general prosecutor monitors the performance of the prosecution services. The Ministry of the Interior, additionally performs an inspection of various police commissioners after demand.

C.4

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

Based on information from the Judicial Council in previous years and the Supreme Court.

4. Fair trial

4. 1. Principles

4. 1. 1. General information

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

If possible, number of successful challenges (in a year):

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

D.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?
 there is no specific procedure

If yes, please specify:

According to chapter 19 of the Code of Civil Procedure no. 91/1991 it is allowed, in special occasions, to speed up the procedure of civil and administrative cases.

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

Police settlement for instance for minor traffic offences or shoplifting.
 Act no. 88/2008, art. 148-150.
 Regulation no. 205/2009.

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Yes

No

If yes, please specify:

Courts and lawyers have the possibility to conclude agreements on modalities for processing cases to some extent. The exception is when timeframes are bound by law. Supreme Court judges decide dates of hearings.

4. 2. 2. Caseflow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	NA	NA	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases**	NA	NA	NA	NA
5. Business register cases**	NA	NA	NA	NA
6. Administrative law cases (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	NA	NA	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

93) If "other cases", please indicate the case categories included:

94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	NA	NA	NA	NA
8. Criminal cases (severe criminal offences)	NA	NA	NA	NA
9. Misdemeanour and / or minor offences cases	NA	NA	NA	NA

95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).

Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".

96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.

The statistics available do not follow the same format as the questionnaire.

Years 2009, 2010

Civil cases, oral proceedings 1.652, 1.397

Written civil cases (undisputed claims) 21.389, 11.025

Criminal cases 4.219, 4.003

Indictment cases 2.423, 2.149

Applications for insolvency proceedings 2.508, 2.790

Decisions regarding investigations 1.523, 1.418

Disputes regarding insolvency decisions 125, 620

97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	NAP	NAP	NAP	NAP
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NAP	NAP	NAP	NAP
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NAP	NAP	NAP	NAP
3. Enforcement cases	NAP	NAP	NAP	NAP
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry)	NAP	NAP	NAP	NAP

cases)				
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98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	NAP	NAP	NAP	NAP
8. Criminal cases (Severe criminal offences)	NAP	NAP	NAP	NAP
9. Misdemeanour and/or minor offences cases	NAP	NAP	NAP	NAP

Comment :

99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	197	422	421	158
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NAP	NAP	NAP	NAP
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NAP	NAP	NAP	NAP
3. Enforcement cases	NAP	NAP	NAP	NAP
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NAP	NAP	NAP	NAP
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	53	304	289	40
8. Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9. Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases				

	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

In general divorce cases don't go to the courts (they go to the district commissioners)

104) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

NA

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	NA	NA	NA	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	NA
1. Discontinued by the public prosecutor because the offender could not be identified	NA
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NA

109) Do the figures include traffic offence cases?

Yes

No

D.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Regarding the information's requested in this chapter, they were not available from the judicial council at the time of completion. This data may be though be available later this year and can be provided if wanted.

Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

The Supreme Court, the website of the Judicial Council of the District Courts (www.domstolar.is/domstolarad), the director of public prosecutions

5. Career of judges and public prosecutors

5. 1. Recrutement and promotion

5. 1. 1. Recrutement and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

Following an advertisement, the judges are evaluated by the "committee to evaluate the ability of the applicants for office of supreme or district courts". The committee designated as the most qualified of the applicants, one or more.

Act on the Judiciary No. 15/1998

The Supreme court of Iceland

Section 4

The Supreme court of Iceland shall be composed of nine judges, commissioned for an indefinite period of time by the President of Iceland as proposed by the minister of justice.

Only a person who fulfils the following conditions may be commissioned to the office of supreme court judge:

1. Has attained the age of 35 years.

2. Is an Icelandic national.

3. Has the necessary mental and physical capacity.

Is legally competent to manage his or her personal and financial affairs, and has never been deprived of the control of his or her finances.

5. Has not committed any criminal act considered to be infamous in public opinion, or evinced any conduct detrimental to the trust that persons holding judicial office generally must enjoy.

6. Has completed a graduation examination in law, or graduated from a university with an education deemed equivalent thereto.

7. Has for a period not shorter than three years been a district court judge, Supreme Court lawyer, professor of a law, commissioner of police, magistrate, Director of Public Prosecutions, Assistant Director of Public Prosecutions, public prosecutor, Director General of a Government Ministry, Chief of Office at the Ministry of Justice, or Ombudsman, or has for such period discharged a similar function providing similar legal experience.

8. Is deemed capable to hold the office in the lights of his or her career and knowledge of law.

A person who is, or has been, married to a Supreme court judge already in office, or a person related to such judge by blood or marriage by ascent or descent, or in the second sideline, may not be commissioned to the office of a Supreme court judge.

The District Courts

Section 12

The judges of the district courts shall be 38 in number, appointed to their offices for an indefinite period of time by the minister of justice.

Only a person fulfilling the following qualifications may be appointed to the office of a district court judge:

1. Has attained the age of 35 years.

2. Is an Icelandic national.

3. Has the necessary mental and physical capacity.

Is legally competent to manage his or her personal and financial affairs, and has never been deprived of the control of his or her finances.

5. Has not committed any criminal act considered to be infamous in public opinion, or evinced any conduct detrimental to the trust that persons holding judicial office generally must enjoy.

6. Has completed a graduation examination in law, or graduated from a university with an education deemed equivalent.

7. Has for a period not shorter than three years been a Member of Parliament or has, without interrupting, been a lawyer representing litigants in court, or has been, as a main occupation, engaged as a lawyer with national or municipal public authorities. The periods in each of these occupations may be added together.

On 26 May 2010, Althingi passed Act No 45/2010 amending Act No 15/1998 on the judiciary, as amended (appointment of judges). Among the changes introduced in the Act was the appointment of an evaluation committee to assess the qualifications of applicants for judgeships, which committee was charged with reviewing applications for vacancies both in the Supreme Court of Iceland and the district courts. The second paragraph of Article 4(a) of Act No 15/1998 thus states that the evaluation committee shall provide the Minister of the Interior with a written and reasoned opinion on applicants for the office of Supreme Court judge. The opinion of the evaluation committee shall state its position regarding which applicant is best qualified for the post, and it may rank two or more applicants equally. In other respects, the Minister shall establish further rules on the functions of the committee. The third paragraph of the Article further provides that no applicant may be appointed to the office of judge which the evaluation committee has not designated as the most qualified of the applicants, whether alone or equally ranked with others. However, derogation from this condition is permitted if Althingi adopts a motion of the Minister of Justice (now the Minister of the Interior) to appoint another identified applicant who, in the opinion of the evaluation committee, meets all the requirements laid down in the second and third paragraphs of Article 4. The Minister shall in such circumstances place the motion before Althingi within

two weeks from the time of submission of the evaluation committee's opinion or within two weeks from the time that Althingi is next convened following submission of the opinion, and the motion must be approved within one month from the time that it is placed before Althingi or the Minister will be bound by the opinion of the evaluation committee.

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Judges are evaluated by the "committee to evaluate the ability of the applicants for office of supreme or district courts". The committee designated as the most qualified of the applicants, one or more.

Two members of the committee shall be nonnominated by the Supreme court, and one of them to serve chairman. The Icelandic Judges' Association shall nominate another member from among district court judges. The Icelandic Bar association shall nominate a third member from among active representatives in ligation. One member is electet by the parliament.

Based on the evaluaiton the minister of interior nominates the district court judges, but in case of supreme court judges, the president of Iceland nominates them.

However, derogation from this condition is permitted if Althingi adopts a motion of the Minister of Justice (now the Minister of the Interior) to appoint another identified applicant who, in the opinion of the evaluation committee, meets all the requirements laid down in the second and third paragraphs of Article 4 of Act No 15/1998.

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

113) Which procedures and criteria are used for promoting judges? Please specify.

NAP. All the courts are equal. It's not a promotion. The "judical officers" are chosen out of group of judges that work at the court. If a district court judge wishes to become a supreme court judge he or she can apply when a position is advertised.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
- No

115) Is the status of prosecution services:

- Indépendant?
- Under the authority of the Minister of justice ?
- Other?

Please specify:

The director of public prosecutions is the highest holder of prosecutorial powers in the country, according to Art. 20 of Act 88/2008 on criminal procedure. Para 2 Art. 18 of the Act provides that prosecutors do not follow orders from other authorities regarding prosecutorial powers unless legal provisions provide for such. Art. 21 provides that the public prosecutor sets general rules and instructions about the treatment of prosecutorial powers and supervises the practice of prosecutorial powers in the country. Para 3 Art. 21 provides that the public prosecutor can give binding instructions to other prosecutors in particular cases. The director of public prosecutions can order the start of investigations, instruct on how it shall be executed and supervise it. The director of public prosecutions can revise the police commissioner's decision to drop a case on his own accord or after receiving a complaint by a party connected to the case. After receiving a complaint the director of public prosecutions can revise the police commissioner's decision to drop a case as it is not likely to suffice for a conviction, and the director of public prosecutions can revise the police commissioner's decisions to dismiss a case or stop investigating in an ongoing investigation. Art 19 of Act 88/2008 provides that the minister supervises the execution of prosecutorial powers and can request that the director of public prosecutions submits documents and report on particular cases. However, the ministry does not have the powers to initiate an independent criminal investigation and it does not have the power to revise the decisions of the director of public prosecutions or prosecutors, as such powers would go against the principle of the independence of the director of public prosecutions as the highest holder of prosecutorial powers in the country.

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
- An authority composed of non-public prosecutors only?
- An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

According to the Act on criminal procedure nr. 88/2008 the director of public prosecution shall be appointed for life by the Minister of the Interior and shall fulfill the legal requirements for appointments of judges to the Supreme Court. The director of public prosecutions shall also enjoy the same legal status as Supreme Court judges, as far as possible. A deputy director of public prosecution is appointed by the minister for life assists the director of public prosecutions. Also assisting are public prosecutors who are appointed by the minister for a 5 year term. The deputy director of public prosecutions shall fulfill the same legal requirements as for the appointments of district court judges. The director of public prosecutions employs other staff, among them being prosecution officers who have completed legal studies (bachelor's and master's degrees in law). When the position of director of public prosecutions or deputy director of public prosecutions is available the position is advertised. When the application deadline expires the procedure for appointment begins. (the procedure has been such for appointing director and deputy director of public prosecutions in 2011 that an independent ad hoc committee has been appointed to evaluate the applications and evaluate the qualifications of the applicants. When appointing prosecutors the applications have been forwarded to the director of public prosecutions for treatment which is then evaluated by the ministry).

118) Is the same authority formally responsible for the promotion of public prosecutors?

Yes

No

If no, please specify which authority is competent for promoting public prosecutors:

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

The same criteria as promoting judges, as answered in question 113. Regarding procedures, see answer to question 115.

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

Yes

No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes

No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

Judges are appointed for life, or until the official age of retirement, but there are exceptions.

As stated in the Act on the Judiciary No 15/1998, judges are appointed for life. It is stated in same law, that a judge shall be relieved from office at his own request, subject to the rules generally applicable to government employees. A judge shall be deemed to be relieved automatically if he accepts a commission or appointment to another office. A judge may be relieved from office when he has attained the age of 65 years, but he shall subsequently be entitled to a pension as if he had been in office until the age of seventy, unless he is entitled to further rights according to constitutional law. A judge shall in any case be relieved from office when he has attained the age of seventy years.

The President of Iceland shall relieve a judge of the Supreme Court from office as proposed by the Minister of interior, and the Minister shall have this power with regard to district court judges.

In case of dismissal as a disciplinary sanction, it is stated in the act of The Judiciary, that if the person in charge of a court considers that the professional conduct or performance of a judge, or his private conduct, is worthy of censure, without the provisions of the second paragraph being applicable, he may request, orally or in writing, that the judge correct the matter. If a request made in accordance with this is not successful, or if the person in charge of the court considers the matter so serious that a request of this kind is not suitable, the person in charge of the court shall refer the matter to the Committee on Judicial Functions in writing, stating the reasons. The same procedure shall be followed in case a judge does not heed a decision of the Judicial Council or a prohibition laid down in accordance with the provisions of Section 26, fourth paragraph (Act of Judiciary No. 15/1998). The Minister of interior may refer a matter to the Committee on Judicial Functions in the manner provided for in the second paragraph. The Committee may also consider a matter on its own initiative if the situation is such as described there. If the Committee on Judicial Functions receives a matter for consideration in the manner described in the second or third paragraphs, the Committee shall afford the judge in question an opportunity to reply to the allegations in a written exposition. The Committee shall in other respects collect evidence as it may consider necessary. The procedure shall in other respects be governed by the provisions of the Administrative Procedures Act, as applicable. The Committee on Judicial Functions shall bring a matter to a conclusion by a written and reasoned opinion on whether the judge in question shall be admonished. An admonition shall be made in a manner offering proof, and a copy shall also be sent to the person in charge of the relevant court and to the Minister of interior. If the judge is a district court judge, the Judicial Council shall also be sent a copy. A judge who has been admonished may take legal action for its invalidation against the Minister of interior on behalf of the State within one month from when the admonition was served the judge.

A judge may be relieved from his office temporarily if he has been admonished and fails to heed the admonition within a suitable period of time, or if his conduct provides an occasion for a new admonition within a period of three years. A judge may also be relieved from his office temporarily if he is no longer in possession of the general qualifications required for judicial office. This shall also apply if a judge is subject to a criminal investigation, or if a criminal action is brought against him where the charges, if sustained, would have the effect of depriving the judge of the general qualifications for judicial office. The President of Iceland shall relieve a judge of the Supreme Court from office temporarily as proposed by the Minister of interior, and the Minister shall have this power with regard to district court judges. The Minister shall seek a written opinion of the Committee on Judicial Functions before a judge is temporarily relieved from office. If a judge has been relieved from office temporarily for reasons other than those mentioned in the final sentence of the first paragraph, legal action shall be brought against him within a period of two months as provided for in Section 30, first paragraph, and if this is not done, the decision shall be cancelled automatically. If the case is dismissed from court or the action is cancelled, the decision shall also be automatically cancelled unless a new action is brought within a period of two weeks; however, this may occur only once. A decision taken to relieve a judge from office, as provided for in the final sentence of the first paragraph shall stand until the investigation is concluded with a decision not to prosecute the judge, six months have passed without an indictment having been issued, a criminal action is brought to a conclusion of final acquittal, or until two weeks have passed from the pronouncement of a final judgment finding the judge guilty.

When a judge has been temporarily relieved from office, the Minister of interior, shall on behalf of the State, take legal action against him before the District Court of Reykjavík, requesting dismissal from office by judgment. The action shall be governed by the general rules on civil procedure, with the exception that expeditious procedure shall apply and that the case shall be handled by three district court judges. After a judgment has been rendered by the district court in a legal action taken as provided for in the first paragraph, the decision to relieve the judge from office temporarily shall remain in effect until the general time limits for appeal have passed, and, in case of appeal, while the action is in progress before the Supreme Court. A final judgment on dismissal from office has automatically that effect. If the court denies a request for dismissal from office, the judge is automatically reinstated in office as from the date a rendered judgment enters finally into effect.

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of probation period (in years)
	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:
 The director and deputy director of public prosecutions are appointed for life, but other prosecutors are given a 5 year renewable mandate.

124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
	NAP

125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?

- Yes
 No

Please indicate the length of the mandate (in years)
 For prosecutors 5 years

E.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

The Ministry of the Interior (formerly the Ministry of Justice and Human Rights) publishes an advertisement seeking applications, either for judges at the Supreme court or the district Courts. The applications received are submitted to the evaluation committee for review. The committee can interview the applicants who they think can come to consideration as judges and the committee can also seek informations from former employer. The committee can view any thing that the applicant has published, such as treatise, judgement or verdict.

The commentary on Article 2 of the bill, which became the second paragraph of Article 4(a) of the Act on the judiciary No 15/1998, includes the following passage: "Many factors need to be taken into consideration when a candidate is being evaluated, such as professional legal experience, whether it be in the field of judicial functions, legal representation, other legal work, academic work or within the administration, but an applicant must in general possess comprehensive and wide-ranging legal training and knowledge. Auxiliary responsibilities of the applicant shall also be taken into consideration, such as committee work or other related functions which might prove beneficial to a candidate for the office of judge. It must in general be considered beneficial for an applicant to possess wide-ranging professional experience, although this must be evaluated on a case-by-case basis. The committee should also look to and seek opinions on an applicant's job performance, whether the applicant is efficient in the performance of his or her duties, industrious, whether the applicant can separate main points from minutiae, and present his or her opinion clearly in both written and spoken form. To that end, academic work may be examined, the applicant's court representation experience, or the legal opinions which the applicant may have authored. An applicant for the office of judge must furthermore be capable of good communication with others."

The second paragraph of Article 4(a) of Act No 15/2008 concludes by stating that in other respects, the Minister shall establish further rules on the functions of the committee. The Minister of Justice and Human Rights, now the Minister of the Interior, introduced Rules No 620/2010 on the functions of the evaluation committee tasked with assessing the qualifications of applicants for the office of judge. Article 4 of the Rules, which replaced the previously existing rules,

sets out the criteria on which the committee is to base its assessment; the Article reads:

"Article 4

Considerations on which the evaluation committee shall base its assessment

The report of the evaluation committee shall state which applicant or applicants are most qualified for appointment to the judicial position in question. The committee shall consistently ensure that equality is respected in its assessment. The conclusion shall be based on a comprehensive assessment of objective considerations, taking into account the qualities of the applicants and considering education and experience, integrity, competence and professional efficiency, as further noted below:

1. Education, professional profile and academic knowledge. In assessing the education, professional profile and academic knowledge of applicants, the evaluation committee shall work under the assumption that it is preferable for applicants to have varied professional legal experience, e.g. in fields such as the judiciary, legal representation or other legal work, within the administration or in the academic community. The applicant must in general possess comprehensive and wide-ranging legal training and knowledge. Note shall be taken of whether an applicant has obtained an advanced degree.
2. Ancillary duties and social activities. Ancillary duties of the applicant shall also be taken into consideration, such as committee work or other related functions which might prove beneficial to a candidate for the office of judge. Extensive participation in social activities may be taken into consideration.
3. General professional competence. In assessing general professional competence, account shall be taken of whether the applicant has demonstrated independence, impartiality, initiative and efficiency in the performance of duties and whether the applicant can easily separate main points from less important details. The applicant should preferably have management experience. The applicant should have good command of Icelandic and be able to express himself or herself clearly in both written and spoken form.
4. Specific professional competence. It is important that the applicant has mastered civil and criminal law and can adhere to instructions set in law on writing judgements and do so in proper language. The applicant must be able to administer proceedings resolutely and fairly, and process those cases delegated to him or her quickly and decisively.
5. Personality traits. The applicant must be able to communicate effectively with both his or her colleagues and those who have business with the court. The applicant must be highly regarded both professionally and personally, and be without reproach in his or her personal life."

The notes on the bill which became Act No 45/2010 amending Act No 15/1998 on the judiciary, as amended (appointment of judges), point out that other acts of law also contain provisions that need to be taken into account in the appointment of judges, including the Administrative Procedures Act No 37/1993, Act No 10/2008 on equal status and equal rights of women and men, and Act No 70/1996 on the rights and obligations of government employees.

The first paragraph of Article 11 of the Administrative Procedures Act No 37/1993 provides that the authorities shall resolve matters in a consistent and equal manner for legal purposes. This provision is reiterated at the beginning of the first paragraph of Article 4 of the above-cited Rules No 620/2010.

The second paragraph of Article 11 of the Administrative Procedures Act No 37/1993 is a non-discrimination provision which lists certain criteria that may not be used as a basis for determining which applicant is best qualified for the position. The provision reads: "In resolving matters it is prohibited to discriminate against parties on the basis of considerations relating to their gender, race, skin colour, nationality, religion, political beliefs, social standing, family relation or other similar reasons."

The aim of Act No 10/2008 on equal status and equal rights of women and men is, inter alia, to establish and maintain equal status and equal opportunities for women and men and thus promote gender equality in all spheres of society. All individuals should have equal opportunities to benefit from their own enterprise and to develop their skills irrespective of gender, as stated in Article 1 of the Act. According to the first paragraph of Article 20 of the Act, vacant positions that are open for application shall be equally accessible to women and men. The first paragraph of Article 24 of the Act further provides that all forms of discrimination, direct or indirect, on grounds of gender, are prohibited. According to point 1 of Article 2 of the same Act, it is considered direct discrimination when one individual receives less favourable treatment than another of the opposite sex in comparable circumstances. According to point 2 of Article 2 of the same Act, on the other hand, it is considered indirect discrimination when an impartial requirement, standard of reference or measure affects either sex more heavily than the other, unless this is appropriate, necessary or justifiable in terms of impartial considerations independent of gender. The first paragraph of Article 26 of the Act then reaffirms the point that employers are prohibited from discriminating between applicants on grounds of their gender. The same applies regarding promotion, changes of position, retraining, continuing education, vocational training, study leave, notice of termination, the working environment and employees' working conditions.

It should also be noted that the Supreme Court has found that the Act on equal status and equal rights of women and men would serve little purpose unless its non-discrimination principles are understood to mean that a job should be given to a woman if she is at least as qualified as a competing man in terms of education and other relevant factors, provided that there are few women working in the field in question, cf. Supreme Court judgments H 1993:2230, H 1996:3760, H 1998:3599 and H 2006:4891. In the opinion of the committee, the Minister would have to apply this rule if two or more applicants are found by the committee to be equally qualified.

Finally, it should be mentioned that the notes on the bill which became Act No 45/2010 amending Act No 15/1998 on the judiciary, as amended (appointment of judges), point out that Recommendation No R(94)12 of the Committee of Ministers of the Council of Europe of 13 October 1994 on the Independence, Efficiency and Role of Judges, states that

all decisions concerning the appointment and professional career of judges should be based on objective criteria and on merit, having regard to qualifications, integrity, ability and efficiency. The initial provision of the first paragraph of Article 4 of Rules No 620/2010 is based on this recommendation.

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	No training offered
General in-service training	No training offered
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No training offered
In-service training for management functions of the court (e.g. court president)	No training offered
In-service training for the use of computer facilities in courts	Optional

128) Frequency of the in-service training of judges:

General in-service training	Occasional (e.g. at times)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual
In-service training for management functions of the court (e.g. court president)	Annual
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

129) Training of public prosecutors

Initial training	No training offered
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	No training offered
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	No training offered
In-service training for the use of computer facilities in office	No training offered

130) Frequency of the in-service training of public prosecutors

General in-service training	Occasional (e.g. at times)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	No training offered
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	No training offered
In-service training for the use of computer	Occasional (e.g. at times)

facilities in office	
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131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).

If your judicial training institutions do not correspond to these criteria, please specify it.

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	NAP	NAP	NAP
One institution for prosecutors	NAP	NAP	NAP
One single institution for both judges and prosecutors	NAP	NAP	NAP

Comment :

A working group appointed by the public prosecutor will submit a report soon making suggestions for training and education for prosecutors, both initial training and in-service training. The police commissioners have offered courses for prosecutors, and the public prosecutor has had at least one information meeting annually for prosecutors.

E.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	56 885	0
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	70 008	0
Public prosecutor at the beginning of his/her career	51 769	0
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	70 469	0

Comment :

The 0 represents NA, an error message appears requiring a numerical value when NA is entered.

Q132 : Gross annual salary in €, before taxes and any welfare costs.

132#1#4 : A correction needs to be made on the numbers. In the year 2008 salaries of the public prosecutor (State prosecutor) were 66.877 Euros (exchange rate in 2008 was 170 ISK, and the salaries were 11.369.007 ISK) and in the year 2010 salaries were 70.469 Euros, (exchange rate in 2010 was 153,8 ISK and the salaries were 10.838.076 ISK).

132#1#3 : In the year 2008 salaries of prosecutors were 50.759 Euros (exchange rate in 2008 was 170 ISK, and the salaries were 8.629.066 ISK) and in the year 2010 salaries were 51.769 Euros, (exchange rate in 2010 was 153,8 ISK and the salaries were 7.962.096 ISK).

By law, salary of the Public prosecutor was decreased temporarily, as well as salaries of all officialdoms in Iceland. Salaries of

public employees did also decrease. This is an effect of the banking crisis in 2008 and effect of demand of savings in government operations.

The average exchange rate in 2008 was 170 but in 2010 it was 153,8. This explains the increase in Euros, but in fact the salaries decreased by law of 5-15%. How much it decreased based on how high the salaries were.

133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:

Only Supreme Court judges and the General Prosecutors have special pension.

135) Can judges combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	Yes	Yes
Cultural function	Yes	Yes
Political function	No	Yes
Other function	Yes	Yes

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.

As legislated in Act on the Judiciary No. 15/199, a judge may not accept an occupation or become the owner of a share in a company or enterprise if this is not compatible with his office or carries a risk that he will not be able to discharge his official duties properly. The Committee on Judicial Functions shall issue general rules concerning which additional functions may be considered compatible with a judge's official functions. A judge shall report any additional functions to the Committee before accepting them. If the general rules issued by the Committee do not enumerate that function, a judge shall seek its permission in advance. The Committee on Judicial Functions shall issue general rules. The committee has set rules in Regulation No. 463/2000 concerning the extent to which ownership of a share in a company or enterprise is compatible with the office of a judge. A judge shall report any share acquired by him in a company or enterprise to the Committee. If the general rules issued by the Committee do not provide for his right to own such a share, the judge shall seek its permission in advance. The Committee on Judicial Functions can, by a reasoned decision, prevent a judge from discharging an additional function or owning a share in a company or enterprise. A judge shall be obliged to heed such prohibition, but is entitled to seek a judicial resolution on its legality.

137) Can public prosecutors combine their work with any of the following other functions ?

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	Yes	Yes
Consultant	No	Yes
Cultural function	Yes	Yes
Political function	No	Yes
Other function	Yes	Yes

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

The director of public prosecutions has the same legal status as Supreme Court judges according to Art. 20 of Act nr. 88/2008 on criminal procedure. Therefore the same rules apply regarding functions, see answer to Q136. Regarding other prosecutors, provisions in Act. 70/1996 on the rights and obligations of public employees apply. These provisions provide that before a public employee undertakes an additional remunerated function, takes a seat on the board of a company or starts his own business he is obliged to report this to the authority who employing him. The public employee shall be notified within 2 weeks if the function is not compatible with his office and therefore not permitted. A complaint regarding refusal of permission for an additional function can be lodged with the Minister. If it later becomes clear that an additional function cannot be performed alongside official duties the employee shall be instructed not to carry on with the function.

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other?
 This is not possible

If "executive power" and/or "other", please specify:

Article 61 of the Constitution: In the performance of their official duties, judges shall be guided solely by the law. Those judges who do not also have administrative functions cannot be discharged from office except by a judicial decision, nor may they be transferred to another office against their will, except in the event of re-organization of the judiciary. However, a judge who has reached the age of 65 may be released from office, but judges of the Supreme Court shall not lose any of their salary.

For the discharge of the functions provided for in this Chapter, the Minister of interior shall appoint three persons to form a Committee on Judicial Functions, and three alternates. One member shall be appointed as proposed by the Icelandic Association of Judges, another as proposed by the Law Faculty of the University of Iceland, and the third without a nomination. The person appointed without a nomination shall serve as chairman, and shall fulfil the requirements set for appointment to the office of a Supreme Court judge. The term of appointment shall be six years, with the proviso that the term of one member shall expire every second year. Alternates shall be appointed in the same manner. A principal member of the Committee shall not be appointed for more than two consecutive terms. The decisions taken by the Committee on Judicial Functions can not be referred to any higher administrative authority.

Any person who considers that a judge has committed an infringement against his or her rights in the discharge of judicial functions can lodge a written complaint of the matter with the Committee on Judicial Functions. The events in question shall be described in the complaint, and reasons presented for the allegation that the rights of the complainant have been infringed upon. If the Committee, having received a complaint, immediately considers evident that it does not warrant any further action, it shall dismiss the complaint. If not, the Committee shall afford the judge, and the person in charge of the court in question, an opportunity to present their written observations within a specified period of time. The Committee may consider two or more complaints at once, if they relate to the same judge.

In case of dismissal as a disciplinary sanction, it is stated in the act of The Judiciary, that if the person in charge of a court considers that the professional conduct or performance of a judge, or his private conduct, is worthy of censure, without the provisions of Act No. 15/1998 being applicable, he may request, orally or in writing, that the judge correct the matter. If a request made in accordance with this is not successful, or if the person in charge of the court considers the matter so serious that a request of this kind is not suitable, the person in charge of the court shall refer the matter to the Committee on Judicial Functions in writing, stating the reasons. The same procedure shall be followed in case a judge does not heed a decision of the Judicial Council or a prohibition laid down in accordance with the provisions of Section 26, fourth paragraph (Act of Judiciary No. 15/1998). The Minister of interior may refer a matter to the Committee on Judicial Functions in the manner provided for in the second paragraph. The Committee may also consider a matter on its own initiative if the situation is such as described there.

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?
- This is not possible

If "executive power" and/or "other", please specify:

For further explanation, see answer regarding question no. 143 of the questionnaire.

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body

- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

See answer regarding question no. 140 of the questionnaire.

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

The public prosecutor enjoys the same legal status as supreme court judges according to Art. 20 of Act nr. 88/2008 (law of procedure in criminal cases). Therefore the same applies to the public prosecutor as to supreme court judges, see answer to Q140. The public prosecutor has the highest prosecutorial powers according to Art. 20 of Act nr. 88/2008. Art. 21 provides that the public prosecutor sets general rules and instructions about the treatment of prosecutorial powers and supervises the practice of prosecutorial powers in the country. Para 3 Art. 21 provides that the public prosecutor can give binding instructions to other prosecutors in particular cases.

Act nr. 70/1996 on the rights and obligations of public employees applies to other prosecutors, as to other officials. The public prosecutor is the director of the Office of the public prosecutor and is responsible for ensuring that the institution he commands operates according to the law, regulations and his terms of reference according to para 2 Art. 38 of Act nr. 70/1996. Within the powers of directors of public institutions is regulating personnel within his Office, that is to enact certain measures towards his staff according to Act nr. 70/1996. Prosecutors are the staff of the Office of the public prosecutor and others entrusted with prosecutorial powers are under the supervision of the public prosecutor according to what has been stated above. Prosecutors are public officials according to the definition of the Act (point 5 Art. 22).

Act nr. 70/1996 contains a provision regarding written reprimands to a member of staff who has not been punctual or has shown other negligence, disobeyed legal orders given by his superior, shown ignorance or not handled his work with care, has not shown satisfactory results in his work, has been under the influence of alcohol at work or shown conduct or acts in or out of daily work that is in other ways indecent. Before being presented with written reprimands the member of staff should be allowed to state his case if possible.

An official shall be relieved temporarily of his work if he has not been punctual or has shown other negligence, disobeyed legal orders given by his superior, shown ignorance or not handled his work with care (see eg. Art. 38 Act nr. 70/1996), , has been under the influence of alcohol at work or shown conduct or acts in or out of daily work that is in other ways indecent, inappropriate or incompatible with the office he serves.

If an official handles financial affairs he may be relieved of his work temporarily if suspicions arise or are confirmed that the financial affairs or bookkeeping is in disarray, he has been declared bankrupt or asked for a composition with creditors. The same applies if an official is suspected of conduct that would result in disbarment according to Art. 68 of the General Penal Code.

Art. 27 provides that if an official has been relieved of his work temporarily for suspected flaws in his work, a committee of experts shall investigate his case to see if it would be right to ask for full resignation or allow him to take office again.

Art. 29 provides that an official shall be dismissed from office if he has been deprived of office with a final judgement. If an official has been deprived of office with a first instance court judgement, the judgement shall provide whether it shall be fully enacted right away or be postponed until it is clear that it will not be appealed or until a final judgement.

An official shall be dismissed from office if the majority of a committee according to Art. 27 reaches the conclusion that it was correct to relieve him temporarily of office, unless it becomes clear that the misdemeanors he was suspected of did not occur. An official shall be dismissed from office without condition, if he has confessed to criminal behaviour that will likely lead to disbarment according to Art. 68 of the General Penal Code.

Art. 68 of the General Penal code nr. 19/1940 provides that if a public official commits a crime he may be disbarred in the criminal case against him if he no longer is fit to serve his office. This disbarment may be temporary up to 5 years, or for life.

Art. 31 of Act nr. 70/1996 provides that the public authority that appoints a man for office is the authority that relieves him from office unless otherwise stated in the law. As the Minister of the Interior appoints the office of public prosecutor, it would be the Minister of the Interior who would relieve him of his office formally.

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	0	0
1. Breach of professional ethics	0	0
2. Professional inadequacy	0	0
3. Criminal offence	0	0
4. Other	0	0

Comment :

There have been complaints to the Committee on Judicial Functions and to the State prosecutor and to the Ministry of Interior. In all cases there were no reason for any disciplinary proceedings.

145) Number of sanctions pronounced against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Judges	Public prosecutors
Total number (total 1 to 9)	0	0
1. Reprimand	0	0
2. Suspension	0	0
3. Removal of cases	0	0
4. Fine	0	0
5. Temporary reduction of salary	0	0
6. Position downgrade	0	0
7. Transfer to another geographical (court) location	0	0
8. Resignation	0	0
9. Other	0	0

Comment :

There have been complaints to the Committee on Judicial Functions and to the State prosecutor and to the Ministry of Interior. In all cases there were no reason for any sanctions, admonished or any other actions.

E.3

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

Ministry of Interior.

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

961

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- Yes
 No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

150) Is the lawyer profession organised through? (multiple options possible)

- a national bar?
 a regional bar?
 a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

152) Is there a mandatory general system for lawyers requiring in-service professional training?

- Yes
 No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

- Yes
 No

If yes, please specify:

F.1

Please indicate the sources for answering questions 146 and 148:

Comments for interpreting the data mentioned in this chapter:

The Icelandic Bar Association.

Q146 : Several factors can explain the increase in the total number of lawyers practicing in Iceland between 2008 and 2010. This is most probably an effect of the banking crisis in 2008 with an increased demand for the service of lawyers by banks, creditors, surveillance authorities, investigations and prosecutions of economic crimes, etc. Another factor that may explain the increase in the number of lawyers is a great increase in the number of lawyers graduating from the country's 4 law schools. Demand for lawyers has increased, but not proportionally to the number of graduated lawyers. Therefore many lawyers choose to take the bar exam as they feel that the right to practice law before the Icelandic District Courts will increase their chances of employment.

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes laws provide rules

Yes standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

F.2

Useful comments for interpreting the data mentioned in this chapter:

The Judicial Council provides rules on lawyer's fees (hourly rate) in certain cases, such as criminal cases.

The State (Ministry of the Interior) provides rules on lawyer's fees (hourly rate) in certain cases, such as legal aid cases.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

Yes

No

If yes, what are the quality criteria used?

158) If yes, who is responsible for formulating these quality standards:

the bar association?

the Parliament?

other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
 the amount of fees?

Please specify:

According to Article 26 of the Law on Lawyers nr. 77/1998, either party to a dispute between a lawyer and his client concerning the lawyer's right to payment for his services or the amount thereof may refer the dispute to the Professional Lawyers' Resolution Committee.

According to Article 27 of the Law on Lawyers nr. 77/1998, any person considering that a lawyer has, in the course of his functions, damaged his interests by unlawful conduct or conduct contrary to rules issued in accordance with Article 5, the second paragraph, may submit a complaint against the lawyer to the Professional Lawyers Resolution Committee.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

According to Article 3, Section 3 of the Law on Lawyers no. 77/1998, an independent Resolution Committee shall be active under the auspices of the Icelandic Bar Association, to resolve the cases referred to it in accordance with the provisions of this Act. The Resolution Committee shall have jurisdiction over lawyers practising in Iceland in accordance with the provisions of Article 1, the second paragraph. The Committee shall be composed of three members, with three alternates. Each member shall have a seat on the Committee for three years at a time, subject however to one seat becoming vacant each year. One member shall be appointed by the Icelandic Bar Association in accordance with provisions in further detail laid down in its statutes, one shall be appointed by the Minister of Interior, and one shall be appointed by the Supreme Court of Iceland from among lawyers engaged in independent practice, and shall fulfil the requirements set for the office of a Supreme Court judge.

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	NA	NA	NA	NA	NA

Comment :

162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	NA	NA	NA	NA	NA	NA

Comment :

F.3

You can indicate below any useful comments for interpreting the data mentioned in this chapter

7. Alternative Dispute Resolution

7. 1. Alternative Dispute Resolution

7. 1. 1. Alternative Dispute Resolution

163) Does the legal system provide for mediation procedures? If no skip to question 168

[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]

- Yes
 No

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	No	No	Yes	No
Family law cases (ex. Divorce)	No	No	No	Yes	No
Administrative cases	No	No	No	Yes	No
Employment dismissals	No	No	No	Yes	No
Criminal cases	No	No	No	Yes	No

165) Is there a possibility to receive legal aid for mediation procedures?

- Yes
 No

If yes, please specify:

For mediation in court by a judge, usually in family law cases regarding custody of children.

166) Number of accredited or registered mediators who practice judicial mediation:

NAP

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NA
4. employment dismissals cases	NA
5. criminal cases	NA

Comment :

168) Does the legal system provide for the following ADR.

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes

Conciliation?	No
Other alternative dispute resolution?	No

Comment :

Magistrates can serve as mediators according to art 107 of the code of civil procedure. A judge can, upon request of all parties, refer a case to the magistrate if he believes it will lead to a successful conclusion. The parties themselves can also in some instances bring a case before a magistrate without the instrumentality of a judge.

G.1

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

NAP

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

24

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

They are all lawyers.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Act nr. 92/1989

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

Act nr. 90/1989 on enforcement with amendments is detailed on the procedures and requirements for enforcement.

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

The parliament passes laws and the standards and procedures of enforcement are detailed in the Act on enforcement nr. 90/1989 with amendments.

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

The ministry of the interior (formerly the ministry of justice and human rights).

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all?

- non execution of court decisions against public authorities?
- lack of information?
- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

If other, please specify:

184) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

185) Is there a system measuring the timeframes of the enforcement procedures:

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	NA
1. Reprimand	NA
2. Suspension	NA

- | | |
|--------------|----|
| 3. Dismissal | NA |
| 4. Fine | NA |
| 5. Other | NA |

Comment :

H.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

The magistrates represent the administrative branch of government locally. They do not wield any judicial powers. Among their duties are direction of police, crime investigation, public prosecution, direction of custom, collection of state revenue, civil marriages, separation and divorces, decisions on rights of access and support payments under family law, legal competency, real estate records, various involvement of estates and death, enforcement of judgements, forced sales, etc. Disputes concerning the function of magistrates can be referred to the courts in many cases, in particular those concerning the enforcement proceedings and settlement of estates at death, but if not, administrative appeal is taken to the Ministry of the Interior.

Please indicate the source for answering the questions 186, 187 and 188:

The District Commissioner of Keflavik and previous answers.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Execution of decisions in criminal matters

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

H.2

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Notaries

9. 1. 1. Notaries

192) Do you have notaries in your country? If no go to question 197

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

- private professionals (without control from public authorities)? number
- private professionals under the authority (control) of public authorities? number
- public agents? NA
- other? number

Comment :

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
- in the field of legal advice?
- to certify the authenticity of legal deeds and certificates?
- other?

If "other", please specify:

195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
- the judge?
- the Ministry of justice?
- the public prosecutor?
- other?

If other, please specify:

I.1

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Court interpreters

197) Is the title of court interpreters protected?

Yes

No

198) Is the function of court interpreters regulated by legal norms?

Yes

No

199) Number of accredited or registered court interpreters:

NA

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

If yes, please specify (e.g. having passed a specific exam):

A law of certified court interpreters and translators no. 148/2000 Art. 3

Reg. no. 893/2001

201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.

Yes for recruitment and/or appointment for a specific term of office

Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

- No

Comment :

The Minister of the Interior appoints a Test committee of three men for a duration of 4 years. For each individual language the Minister appoints a Test committee of three men for that language.

J.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

NAP

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

203) Is the title of judicial experts protected?

- Yes
- No

204) Is the function of judicial experts regulated by legal norms?

- Yes
- No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:
Chapter IX of the Act on procedure in civil matters holds provisions on reports to the judge. When a judge appoints a judicial expert a timeframe for the exercise of the expert's function is decided.

207) Are the courts responsible for selecting judicial experts?

If no, please indicate in the "comment" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
- Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

K.1

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 205:

Act 91/1991 on procedure in civil matters

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crime and prison system**
- 10. Other**

A group of professional organisations in the legal system in Iceland (lawyers, litigators, judges and prosecutors) appealed to the Minister to change the judicial system from a two tier court system to a three tier court system, adding a court of appeals to the present system of district courts and the supreme court. A working group appointed by the Minister has delivered a report with two recommendations, either to set up a court of appeals for criminal cases only, or a court of appeals for both civil and criminal cases. The Minister has expressed a will to set up a three tier system with a court of appeals but a decision has not been reached regarding the two choices set forth by the working group.

Another idea that is being discussed within the Ministry is to merge the district courts, no decision has been made regarding this idea.