

## Translation

### **HOME RULE ACT of the Faroe Islands.**

No. 137 of March 23<sup>rd</sup>, 1948.

**We Frederik the Ninth** by the Grace of God King of Denmark, the Wends and Goths, Duke of Slesvig, Holstein, Stormarn, Ditmarschen, Lauenburg and Oldenburg,

Do hereby make known to all men: In acknowledgement of the special position held by the Faroe Islands within the Kingdom in national, historical and geographical respects the Rigsdag (Parliament) has passed the following Act on the constitutional position of the Faroe Islands within the Kingdom, in conformity with the approval of the Løgting, to which WE have given OUR consent.

#### Section 1.

Within the framework of this Act the Faroes constitute a self-governing community within the Danish Kingdom. In conformity therewith the Faroese people, through its elected representatives, the Løgting and an executive established by the latter, the landsstýri, takes over within the framework of States the administration and government of special Faroese affairs as indicated in this Act.

#### Section 2.

Those affairs and fields of affairs enumerated in the accompanying List A are in principle, considered special Faroese matters. The Faroese Home Government (the bodies mentioned in section 1, second paragraph) can decide that all or some of these affairs and fields of affairs shall be transferred at once to the Home Government, with the consequence that the expenses involved are born by the same. With the same consequence the Home Government can decide at a later state that affairs and fields of affairs in the list which are not transferred at once, shall be transferred to the Home Government. In like manner it is the duty of the Home Government to take over affairs and fields of affairs enumerated in the list when the state authorities wish it to do so.

#### Section 3.

As to those fields of affairs enumerated in List B, it is to be decided through further negotiations whether and to what extent these can be included under matters of special Faroese concern.

#### Section 4.

For those affairs falling under the Home Government the latter has the legislative and administrative authority. Acts passed by the Løgting and sanctioned by the chairman of the landsstýri are called Løgtingslógir (i.e. Acts of the Løgting).

#### Section 5.

The competence of the Faroese authorities is subject to the limitation caused by treaty rights and to other international rights and obligations existing at any time. In matters concerning the relation of the Kingdom to foreign countries the decision lies with the State authorities.

#### Section 6.

Matters which, according to the present act do not fall under the jurisdiction of the Faroese Home Government, shall be treated as joint affairs by the State authorities.

In case of doubt as to the competence of the Faroese Home Government in relation to the State authorities, the point at issue shall be referred to a committee consisting of two members appointed by the State government and two appointed by the Home Government, the landsstýri, together with three members of the Supreme Court of Justice appointed by its president, one of whom is appointed chairman. In case of agreement between the four members appointed by the State Government and the Home Government, the matter shall be held to be definitively decided. Otherwise the matter shall be decided by three judges of the Supreme Court of Justice.

The Prime Minister can suspend a decision which has been referred to the committee, until the latter has decided the matter.

#### Section 7.

To secure for the Løgting the greatest possible influence on the formation of special provisions for the Faroes in legislation passed by the national authorities, government bills containing provisions exclusively relating to the Faroes are to be put before the Faroese Government for its consideration before being introduced to the Rigsdag. Further, State laws relating to local Faroese affairs are to be put before the Faroese Home Government for consideration before they are enforced in the Islands. A time-limit may be fixed in an individual case before the expiry of which the opinion of the Home Government must be given. If owing to compelling circumstances the consultation facilities mentioned in this section have not taken place, the act must be sent to the Faroese Home Government as soon as possible for the expression of their opinion.

The same procedure shall be followed with regard to treaties and other international agreements which demand the sanction of the Rigsdag and which affect special Faroese interests.

#### Section 8.

If the Faroese Home Government should express such a wish, an expert in Faroese matters shall be appointed to the Foreign Ministry, after negotiations with the Landsstýri, to assist the ministry in dealing with matters concerning the special economic interests of the Faroes. The expenses involved shall be defrayed out of the State exchequer.

If the Faroese Home Government should express such a wish, assistants to the Danish missions in those countries where the Faroes have special economic interests shall be appointed, after negotiations with the Landsstýri, for the special safeguarding of these interests. The expenses involved shall be defrayed by the Faroes.

After joint deliberation with the Faroese Home Government the latter shall in each individual case have an opportunity to assert the special interests of the Faroes in negotiations with foreign countries for agreements concerning trade and fisheries.

Where special Faroese matters are concerned, the Foreign Minister can, where it is not found incompatible with the interests of the State and if such a wish has been expressed, authorize the representatives of the Faroese Home Government to carry on direct negotiations with the assistance of the foreign service.

#### Section 9.

After negotiations it shall be decided in which cases and to what extent it is possible, within fields of common interests, to leave to the Faroese Home Government the detailed regulations for special Faroese affairs and the administration of the fields in question.

#### Section 10.

In a passport or a certificate of nationality issued in the Faroes for a Faroese the words “Føroyingur” and “Førovar” shall be inserted after the words “Dansk” and “Danmark”. A person who is a Danish subject and a resident in the Faroes shall be deemed a Faroese.

The right of voting and eligibility for institutions connected with the Faroese Home Government may be made conditional on the person being a Faroese. Otherwise no difference shall be made between Faroese and other subjects of the Danish state in legislation or administration.

#### Section 11.

Faroese is acknowledged as the principal language, but Danish shall be taught well and carefully, and Danish may be used as well as Faroese in public affairs.

At the presentation of cases of appeal all Faroese documents shall be accompanied by a Danish translation.

#### Section 12.

A special Faroese flag is acknowledged. The Danish flag “Dannebrog” shall be used by the State authorities in the Faroes, also on ships. Private persons as well as companies, unions, societies and institutions shall be allowed to use the state flag on land. Otherwise, the regulations concerning the use of the Faroese flag in the Faroes and on ships registered in the Faroes shall be a special Faroese concern.

#### Section 13.

All existing regulations in the Faroes not at variance with this Act shall remain in force until changed or repealed by the proper authority.

#### Section 14.

The Faroese shall be represented in the Danish parliament, Rigsdagen, by at least two members. So long as the Rigsdag is divided into the present two houses, the Faroes shall be represented in the upper house, the Landsting by one member, cf. section 36 of the Danish Constitution, and in the lower house, the Folketing, by two members.

#### Section 15.

The post of Governor (Amtmand) of the Faroes is abolished and replaced by the post of a State Commissioner (Rigsombudsmand). The Rigsombudsmand is the highest representative of the state in the Faroes and the leader of the State administration in the islands. He has officially a seat in the Løgting and is entitled to take part in debates on all joint affairs, but without the right of voting. He shall be informed immediately of decisions made by the Løgting or the Landsstýri, and copies of Løgtingslógir (acts of the Løgting) and other regulations made by the Faroese Home Government shall be sent to him at once.

Consequent upon the changes effected by this Act the Rigsombudsmand takes over the duties of the Amtmand until the rearrangement of the field concerned takes place.

#### Section 16.

This Act comes into force on 1<sup>st</sup> April, 1948.

## **List A**

### **Special Faroese Affairs.**

The following fields of administration shall be designated “Special Faroese Affairs” and transferred with immediate effect to the Faroese Home Government or transferred later at the request of the “Løgting” or the National Government.

1. Local Faroese administration within the framework of the new system.  
Including - within this framework: rules governing the “Løgting”, elections for the “Løgting”, administrative regulations, initiation, adoption, approval and publication of legislation enacted by the “Løgting”, appointment, dismissal, conditions of service, salaries and pensions of Faroese civil servants.
2. Municipal affairs.  
Including: local government administration, supervision and taxation.
3. Building, fire service, town planning, housing, rent, population register.
4. Health service, medical practice, midwifery, hospital service, apothecaries.  
Including: public medical officers, legislation on unqualified practising (quacks), eradication of tuberculosis and other contagious diseases, care of mental patients, vaccination.
5. Public welfare services.  
Public assistance.  
National insurance.  
Compulsory accident insurance.  
Labour, apprentices, assistants, holidays.
6. Direct and indirect taxes.  
Including: stamp duties, totalised duties, duties on special Faroese lottery.  
Handling charges such as legal fees and land registration fees shall accrue to the authority which defrays the cost of the institution concerned.
7. Licensing and, in general, disposal of own income and expenditure.  
Accounting regulations, audits and appropriation of own receipts and expenditures.
8. Approval of harbour duties.
9. Schools.  
Including: elementary schools, secondary schools and courses, teachers’ training, people’s high schools, post-primary schools and vocational

schools, such as commercial schools, technical schools, navigation schools, etc.

**10. Archives, libraries, museums.**

Except: national archives. Reservation is made for compulsory deliveries to the Royal Library.

**11. Protected buildings, nature conservancy.**

**12. Harbours, coastal protection, canals, hydraulic plant, traffic, including roads, railways, tramways, ferry services, bus services and road haulage.**

Motor and traffic.

Local post, telegraph and telephone services.

Electrical installations.

**13. Rural and agricultural matters.**

Including: general rural legislation, copyhold tenure, tenancy, parcelling of land, exchanges of strip-holdings, small holdings, plant cultivation, animal husbandry, horticulture, agricultural side-line occupations, soil improvement, forestry.

Veterinary service.

Pest control.

Domestic animals, arbitration, protection of animals, legislation on dogs.

Territorial hunting and protection of animals.

Territorial fishing and protection of fish.

Land registration.

**14. Licensing of theatres and cinemas, entertainment.**

Collections and lotteries.

Shipwrecks.

Property lost and found

Toxic substances, explosives, arms.

**15. Supplies, production and distribution.**

Price control, price ceilings.

Rationing, discounts and subsidies.

Restrictions on bonuses and dividends.

Peddling of goods.

Rules governing alcoholic beverages.

Shop closing rules.

Catering.

Trade licensing.

Trade and association registers.

Registers of ships.

Brokers, state-authorized translators, average adjusters, state-authorized measurers and weighers.

Auditors.

Storage facilities.

Commission, agents, commercial travellers.

Agents of foreign firms.

Book-keeping.

Mortgage credit institutes, etc., local insurance activities.

**16. Local public trustee.**

Cadastral system.

Tourism.

Expropriation of land for specific uses.

Provisions governing the production of printed matters.

Provision concerning special time rules.

Civic duties.

Equal rights for men and women.

**List B.**

The following fields of administration shall be the subject of further negotiation in order to determine whether and to what extent they can be recognized as Special Faroese Affairs.

**1. The Established Church.**

Including: all aspects of church organisation, rituals, church officials, their salaries and pensions, church buildings, churchyards, admission into and withdrawal from the Established Church, congregations formed by voluntary association of parishioners, release of parishioners from the obligation to use the services of the incumbent clergyman, Dissenting creeds, public holidays legislation.

**2. Police.**

**3. Underground deposits of raw materials.**

Radio.

Aviation.

**4. The Land Fund.**

**5. Import and export controls.**

THE PRESENT ACT SHALL BE OBSERVED AND COMPLIED WITH  
BY ALL CONCERNED

Given at Christiansborg, this 23<sup>rd</sup> Day of March, 1948

WITNESS OUR ROYAL HAND AND SEAL

(Signed) FREDERIK R.

(L. S. )

(signed) Hans Hedtoft

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I certify the foregoing to be a true and faithful translation of the original in the Danish language produced to me.

Witness my hand and seal

Copenhagen the 31<sup>st</sup> January, 1975

(signed) Bent Fischer

State-authorized Translator