

Home Rule Act of the Faroe Islands

No. 137 of March 23, 1948.

HOME RULE ACT of the Faroe Islands

(Translation)

Section 1.

Within the framework of this Act the Faroe Islands shall constitute a self-governing community within the State of Denmark. In conformity herewith the Faroese people, through its elected representatives, the "Løgting" and an Executive established by the Latter, the "Landsstýrid" takes over, within the unity of the Realm, the administration and government of Faroese affairs as indicated in this Act.

Section 2.

The matters and fields of administration specified in the appended list shall, in principle, be regarded as special Faroese concerns. The Faroese Home Government (the bodies referred to in the second sentence of section 1) can decide that all or some of these matters and fields of administration shall at once be transferred to the Home Government with the consequence that the latter will take over the expenses involved. With the same consequence, the Home Government may decide later that such matters and fields of administration specified in the list as are not transferred at once, shall be transferred to the Home Government. In like manner the Home Government is under obligation to take over matters and fields of administration specified in the list when the national authorities so desire.

Section 3.

Whether and to what extent fields of administration included in List B may be transferred to special Faroese concerns, shall be decided by negotiation.

Section 4.

The Home Government holds the legislative and administrative authority over those fields of administration which come within its province. Laws passed by the "Løgting" and sanctioned by the chairman of the "Landsstýrid" shall be designated "Løgtingslógir".

Section 5.

The competence of the Faroese authorities shall always be subject to the limitation following from treaty and other international rights and obligations. In matters affecting the relation of the Realm with foreign countries, the decision lies with the national authorities.

Section 6.

Matters which do not, according to this Act, come under the Faroese Home Government shall be handled as joint concerns by the national authorities.

Questions of doubt as to the competence of the Faroese Home Government in relation to the national authorities shall be referred to a committee consisting of two members appointed by the National Government and two appointed by the Home Government the "Landsstýrid" together with three members of the Supreme

Court of Justice appointed by its President, one of whom shall be appointed Chairman. If there is agreement between the four members appointed by the National Government and the Home Government, the matter is thus definitively decided. Otherwise, the matter shall be decided on by three judges of the Supreme Court of Justice.

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

Section 7.

In order to ensure for the "Løgting" the widest possible influence on the formulation of special provisions for the Faroes in Act passed by the national authorities, National Government Bills containing provisions relating exclusively to the Faroes shall be put before the Home Government for consideration before they are tabled in the national parliament. Other national legislation affecting local Faroese matters shall be put before the Faroese Home Government for consideration before they are put in force in the islands. In each case a time-limit may be fixed within which the opinion of the Home Government must be given. If for any cogent reason it has not been possible to effect the reference provided for in this section the Act shall be forwarded to the Home Government for comment as soon as possible.

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

Section 8.

If and when the Faroese Home Government so requests, after negotiation with the "Landsstýrið", an expert on Faroese matters shall be employed in the Ministry of Foreign Affairs to assist the Ministry in the handling of matters involving special Faroese economic interests. The expenses involved shall be paid by the national Treasury.

If and when the Faroese Home Government so requests, attaches shall, after negotiation with the "Landsstýrið", be assigned to missions in countries where the Faroe Islands have special economic interests, to attend especially to such interests. The expenses involved shall be paid by the Faroe Islands.

After consultation with the Faroese Home Government provision shall be made for the latter to assert in each case the special interests of the Faroes in negotiations with foreign countries for agreement concerning trade and fishery.

Where special Faroese matters are concerned, the Minister for Foreign Affairs may, where it is not deemed incompatible with national interests, authorize representatives of the Home Government, if a wish to that effect has been expressed, to carry on direct negotiations with the assistance of the Foreign Service.

Section 9.

Agreement shall be made, after negotiation, in which cases and to what extent it is possible, within fields falling under joint affairs, to leave it to the Faroese Home Government to promulgate detailed regulations for special Faroese matters and take over the administration of the field concerned.

Section 10.

In a passport and a certificate of nationality issued in the Faroe Islands to a Faroese the words "Føroyingur" and "Førovar" shall be inserted after the words "Dansk" and "Danmark". A Faroese shall be understood to mean a person who is a national of Denmark and a resident of the Faroe Islands.

The right of voting and eligibility for institutions of the Faroese Home Government can be made conditional on the person concerned being a Faroese. Otherwise, no distinction can be made between Faroese and other Danish nationals in legislation or administration.

Section 11.

Faroese is recognized as the principal language, but Danish is to be learnt well and carefully, and Danish may be used as well as Faroese in public affairs.

When cases of appeal are submitted all Faroese documents shall be accompanied by a Danish translation.

Section 12.

A special Faroese flag is recognized. The Danish flag "Dannebrog" is used by the national authorities in the Faroes, also on the ships. Private persons, companies, associations, and institutions are entitled to use the national flag on land. Otherwise, the regulations governing the use of the Faroese flag in the Faroes and on ships registered in the Faroes are a special Faroese concern.

Section 13.

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

Section 14.

The Faroese shall be represented in the Danish parliament by at least two members. As long as the parliament is divided into the present two chambers, the Faroese shall be represented in the "Landsting" (upper house) by one member, cf. Article 36 of the Constitution, and in the "Folketing" (lower house) by two members.

Section 15.

The post of "Amtmand" (County Governor) of the Faroes is abolished and replaced by a post as "Rigsombudsmand" (High Commissioner), who is the highest representative of the State in the Faroes and the head of the national administration on the Islands. He has ex officio a seat in the "Løgting" and can take part in debates on all joint affairs, but he has no right to vote. He shall be informed without delay of decisions made by the "Løgting" or the "Landsstýrid", and copies of "Løgtingslógir" (laws of the Løgting) and other regulations promulgated by the Faroese Home Government are to be sent to him forthwith.

Consequent on the changes caused by this Act, the "Rigsombudsmand" will take over the duties of the "Amtmand" pending a reorganization in this field.

Section 16.

This Act comes into force on April 1, 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 pensioning 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; totalisator duties; duties on special Faroese lottery. Handling charges such as ship's dues, 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 receipts.

Accounting regulations, audits and appropriation of own receipts and expenditures.

8. Approval of harbours duties.

9. Schools.

Including: elementary schools; examination schools and courses; teacher training; people's high schools; post-primary schools; youth and evening schools; home economics 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 conservation.

12. Harbours; coastal protection; channels; 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

Stranding

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; sworn translators; average adjusters; sworn 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

Production of printed matters

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 23rd Day of March, 1948

WITNESS OUR ROYAL HAND AND SEAL

(Signed) FREDERIK R.

(L. S.)

(signed) Hans Hedtoft