

Translated from Icelandic:

Act on Ministerial Accountability

1963, no. 4 19 February

Article 1

Ministers are accountable for all executive acts as provided for in the Constitution and this Act.

□ The provisions of the General Penal Code on breaches in a public office also apply to ministers as appropriate.

Article 2

A minister may be held accountable as further provided for in this Act, for any measures or negligence of measures for which he is guilty if the matter is of such nature that he has either intentionally or through gross negligence breached the Constitution of the Republic, other national law or in other respects foreseeably jeopardized the State's interests.

Article 3

The minister who signs a law or a governmental measure together with the president is responsible for such a measure. Another minister will only be held accountable for such official measure by the present if he has advised it, participated in its implementation or allowed measures according to it taking place, if the matter falls under his auspices.

Article 4

If executive measures, requiring the participation of the president, are neglected, the accountability of such neglect rests with the minister under whose auspices the matter falls. Additionally, accountability rests with any minister who has affected such negligence.

Article 5

In the instance of an executive measure within the State Council or a ministerial meeting, cf. Articles 16 and 17 of the Constitution, all ministers present, who advised, voted or promoted said measure, are accountable for it.

Article 6

Every minister is responsible for the executive measures issued in his name unless a decision is made without his involvement by a subordinate who is authorized to do so according to prevailing practice or the nature of the matter, or an employee has omitted presenting said measure to the minister. The minister will, nevertheless, be held

accountable for such decisions if he knew of them and allowed them to continue, and omitted taking the necessary steps to prevent them.

Article 7

The minister, who is responsible for an executive measure according to the aforementioned articles, will also be accountable for actions of his subordinates that are based on the said executive measure or pertain to its implementation, provided it was carried out upon instruction by the minister or may, as the case may be, be deemed normal or necessary for its implementation.

Article 8

In conformity with the provisions above, a minister is accountable according to law as follows:

- A If he personally issues instructions or sees to the issuance of instructions by the president on matters which, according to the Constitution, can only be determined by law or fall under the auspices of the courts;
- B if he does not seek the consent of parliament (Althingi) when obligated to do so according to the Constitution;
- C if he by other means personally implements, orders the implementation of or allows the implementation of any such measure that contravenes the Constitution of the Republic, or omits implementing any such measure as ordered or causes an implementation not taking place;
- D if he causes any decision or implementation that could reduce the freedom or sovereignty of the country.

Article 9

A minister is furthermore accountable under this Act if he causes breach of other national law than the Constitution:

- A By presenting resolutions, decrees or measures to the president for signing that contravene law, or by omitting obtaining presidential signature for resolutions, decrees or measures where this is mandatory according to law;
- B by carrying out, or causing to be carried out, any such measure that contravenes the provisions of law, or by omitting to have carried out any such that is required by law, or causes such execution not taking place.

Article 10

Finally a minister will be deemed guilty according to this Act:

- A If he severely misuses his power, although he may not have directly exceeded his executive boundaries;
- B if he carries out something or causes something to be carried out that foreseeably jeopardizes the State's fortunes although its execution is not specifically forbidden by law, as well as if he allows a failure to carry out something that could avert such danger or causes such execution to fail.

Article 11

Offences against this Act, depending on the circumstances, are subject to loss of office, fines...¹ ...²

or up to 2 years imprisonment.

- When determining penalty the focus shall be Article 70 of the General Penal Code.
- If a minister has also been in breach of the General Penal Code his penalty he shall be stated collectively according to the rules of Article 77 of the General Penal Code.

Article 12

Fines according to this Act shall go to the National Treasury. If a fine is not paid, [imprisonment]³ shall come in its place, and the judgment, according to the circumstances, shall state the period of imprisonment.

Article 13

If a minister has caused the general public or an individual financial damage through a measure or negligence, which is culpable according to this Act, as soon as a claim is made, he shall together with the penalty be sentenced to pay damages. His liability for damages shall be according to the general rules thereon.

- A minister's liability for damages in respect of the National Treasury is cancelled if Althingi agrees to a national budget without reservation, unless the minister is guilty of fraudulent actions.

Article 14

Litigation according to this Act cannot take place if 3 years have passed since the offence was committed unless Althingi has accepted a resolution regarding such litigation. A case never expires under the statute of limitations until 6 months have passed from the next regular parliamentary elections took place, after the offence was committed.

- In the instance of Althingi deciding, prior to the expiry of the deadline for launching litigation, the election of an investigation committee, cf. Article 39 of the Constitution, to examine the activities of a minister, Althingi may generally decide on litigation within one year from the election of the investigation committee.

¹ Act no. 75/1982, Article 2

² Act no. 82/1998, Article 157

³ Act no. 82/1998, Article 157