

[Translation from Swedish into English]

The Administrative Court Procedure Act (1971:291)

Scope of the Act

Section 1 This Act applies to the administration of justice in the Supreme Administrative Court, the administrative courts of appeal and the county administrative courts.

Section 2 Where a provision that differs from this Act has been issued by statute or by an enactment decided by the Government, such provision shall apply.

Bringing of cases, etc.

Section 3 Applications, appeals, notifications, submissions and other measure whereby a case is brought, shall be in writing.

An application or appeal document by a private party shall be personally signed by him or his representative. It shall contain details of his

1. profession and civil registration number or organisation number,
2. postal address and the address of his workplace and, whenever applicable, any other address where he can be found for service by a service officer,
3. telephone number to his residence and place of work, though numbers related to secret telephone subscriptions need only be revealed if the court so requests, and
4. such circumstances generally as are of importance for service on him.

If the action of a private party is brought by a legal representative, the corresponding information shall also be provided concerning him. If the private party has engaged a representative to represent him, the name of the representative, his postal address and telephone number shall be stated.

Furthermore, an application or appeal document from a private party shall contain details of a private other party, if there is one, regarding the matters referred to in the second and third paragraphs. Details of the other party's or his legal representative's profession, workplace, telephone number and representative need only be provided if the details are available to the private party without special investigation. If the other party does not have any known address, details shall be provided concerning the investigation conducted to determine this.

Details referred to in the second to fourth paragraphs shall apply to the circumstances where the details are provided to the court. If any of these circumstances change or if a detail is incomplete or erroneous, this shall be notified to the court without delay.

Section 4 An application or an appeal or a comparable document shall state what is requested and also the circumstances that are adduced in support of the request. An appeal shall also state the decision appealed against. If leave to appeal is required, the

circumstances that are adduced in support of such leave being granted shall also be stated.

An applicant or appellant should state the evidence that he wishes to adduce and what he wishes to prove with each separate item of evidence.

Section 5 If an application or appeal document is so incomplete that it cannot form the basis for considering the matter on its merits, the court shall order the applicant or appellant to rectify the inadequacy within a specified time, on pain of his action otherwise not being taken up for consideration. The same also applies if the document does not satisfy the regulations contained in Section 3, unless the inadequacy is of trivial importance for the issue of service.

Section 6 A case shall not be taken up for consideration, provided the application, appeal or other measure, whereby the case is brought, has not taken place within the prescribed period.

Section 6 a An appeal shall be addressed to the authority that has issued the decision appealed against. The appeal shall have been received within three weeks from the date when the appellant received the decision or, if the appellant is a party who represents the public, within three weeks from the date when the county administrative court's or the administrative court of appeal's decision was issued.

The authority that has issued the decision considers whether the appeal has been received in good time. If the appeal has been received too late, the authority shall dismiss it, unless otherwise provided by the third paragraph.

The appeal shall not be dismissed if the delay is due to the authority having given the appellant incorrect notice of how to appeal. Nor shall the appeal be dismissed if it has been received by the court that shall consider the appeal within the period for appeals. In such a case, the court shall forward the appeal to the authority that has issued the decision and at the same time provide details of the date on which the appeal was received by the higher instance.

If the appeal is not dismissed in accordance with this Section, the authority that has issued the decision shall forward it and other documents in the matter to the court that is to consider the appeal. However, this does not apply when the appeal lapses according to Section 28 of the Administrative Procedure Act (1986:223).

Section 7 If upon the institution of a case the county administrative court or the administrative court of appeal considers that it is not competent to deal with the case but that another corresponding court would be competent, the documents in the case shall be transferred to that court, provided that the party who instituted the case does not have any objection to this and nor is there any other reason against transferring the documents. The documents shall be deemed to have been received by the latter court on the same date as they were received by the court that first received the documents.

Section 7 a If private party appeals against a decision of an administrative authority, the authority that first decided on the matter shall be the private party's other party after the documents in the matter have been transferred to the court.

The first paragraph does not apply in matters concerning decisions that are appealed against directly to the administrative court of appeal.

Processing of cases

Section 8 The court shall ensure that a case is as well investigated as its nature requires.

If necessary, the court will direct how the investigation should be supplemented. Superfluous investigation may be dismissed.

Section 9 The procedure shall be in writing.

Where it may be assumed to be advantageous for the investigation or promote the expeditious determination of the case, the processing may include an oral hearing regarding certain issues

An oral hearing shall be held in the administrative court of appeal and county administrative court, if a private party bringing an action in the case so requests and the hearing is not unnecessary and nor are there special reasons for not doing so.

Section 10 An application or appeal document or other document, whereby a case is brought, and associated papers shall be presented to the other party or other person against whom a measure may be taken. The recipient shall be ordered to answer within a specified time on pain of the case being determined nonetheless.

Notification in accordance with the first paragraph is not required

1. if there is cause to assume that the action will be granted completely or partially,
2. if notification is otherwise manifestly unnecessary,
3. if the other party is an administrative authority and notification is unnecessary, or
4. if it may be anticipated that notification would materially impede the implementation of a decision in the case.

Section 11 A party ordered to answer shall do so in writing, unless the court orders that the answer may be given at an oral hearing.

A party answering shall state whether he consents to or contests the applications in the case or, if the case has been brought by notification or submission, whether he accepts or opposes the measure in question. If he contests the application or opposes the measure in question, he shall state the reasons for this and the evidence that he wishes to adduce.

An answer shall contain details of what case it refers to.

Section 12 The court shall provide the applicant or appellant with an opportunity of seeing an answer and papers associated with the answer and to make a written statement of views on it within a specified period, unless this is unnecessary. The court may order him to make a statement of views on the answer on pain of the case being determined nonetheless.

Section 13 If necessary, the court may obtain a statement of views from an administrative authority that has previously decided on the matter.

Section 14 The applicant or the appellant and the person liable to answer in the case shall be summoned to an oral hearing. A private party may be ordered to attend personally subject to a default fine or on pain that his absence does not constitute an impediment for the further processing and determination of the case. An administrative authority or other party, which according to provisions contained in a statute represents the public, may be ordered to attend on pain of the absence of the party not constituting an impediment for the further processing and determination of the case.

The applicant or appellant and the person liable to answer in the case may participate by telephone in an oral hearing subject to the same conditions as apply according to Chapter 42, Section 10 of the Code of Judicial Procedure. The provisions of this Act on notices and orders and on sanctions for absence do not apply in relation to the applicant or appellant and a person liable to answer in the case who is summoned to participate by telephone at an oral hearing.

Section 15 A private party, who has attended an oral hearing, may be awarded compensation from public funds for expenses of travel and subsistence, provided the court considers that it is reasonable that he should be compensated for his attendance. The court may grant an advance payment of compensation. More detailed provisions on compensation and advances shall be issued by the Government.

Section 16 As regards public access to information and order at oral hearings, the relevant parts of the Code of Judicial Procedure, Chapter 5, Sections 1 to 5 and 9 apply. In addition to that prescribed by Chapter 5, Section 1 of the Code of Judicial Procedure, the court may order that negotiations shall be held *in camera*, if it may be assumed that information will be presented at the hearing for which secrecy applies at the court as referred to in the Secrecy Act (1980:100).

Section 17 Records shall be kept of oral hearings. The record shall contain a report of the course of the hearing and of the investigation presented at the hearing. The record shall note what occurred at the hearing regarding the applications, consents, contesting, objections and confirmations.

Section 18 Before a case is determined, a party shall have been made aware of what has been presented in the case by anyone other than himself and shall have been given an opportunity to state his views on the same, provided there are no reasons against doing so as referred to in Section 10, second paragraph.

Section 19 As regards the duty to give notice in accordance with Section 10, first paragraph, Section 12 or 18, the limitations prescribed by Chapter 14, Section 5 of the Secrecy Act (1980:100) apply.

Certain evidential material

Section 20 A written document that is adduced as evidence shall be presented to the court without delay. As regards such evidence generally, the relevant parts of Chapter 38, Sections 1 to 5 and 7 to 9 of the Code of Judicial Procedure apply. However, compensation to someone other than a party for the provision of written documents is always payable from public funds.

Section 21 If an object is adduced as evidence, which can appropriately be delivered to the court, the object shall be delivered to the court without delay. The relevant parts of Chapter 39, Section 5 of the Code of Judicial Procedure apply as regards such evidence. However, compensation to someone other than a party for the provision of an object is always payable from public funds.

Section 22 If a party refers to a written document or object as evidence, the court may order him to present within a specified period the document or object to the court on pain of the case being determined nonetheless.

Section 23 The court may make an order that a view is held at the *locus in quo* for the inspection of real property or a site or an object that cannot be brought conveniently to the court. Upon such view, a business secret may only be disclosed if there is extraordinary reason to do so.

The relevant parts of the provisions on oral hearings apply regarding a view at the *locus in quo*.

Section 24 The court may obtain a statement of views on issues requiring expertise from an authority, officer or such person, who should otherwise make a statement on the matter, or engage another expert on the matter.

The relevant parts of Chapter 40, Sections 2 to 7 and 12 of the Code of Judicial Procedure apply to matters relating to experts.

Compensation for opinions by an authority, officer or such person who should otherwise make a statement is only payable if this is specially prescribed. Other experts are entitled to compensation from public funds for their assignment. The court may grant an advance payment for such compensation.

Section 25 The court may make an order for the questioning of a witness or expert. Such questioning shall be conducted at an oral hearing. The questioning may be held under oath. The relevant parts of Chapter 36, Sections 1 to 18 and 20 to 23 and Chapter 40, Sections 9 to 11, 14, 16 and 20 of the Code of Judicial Procedure apply to a questioning held under oath.

A witness and expert may participate by telephone in an oral hearing subject to the same preconditions as apply in accordance with Chapter 43, Section 8, fourth paragraph of the Code of Judicial Procedure. The provisions contained in this Act on notices and orders and on sanctions for absence do not apply as regards witnesses and experts who have been summoned to attend an oral hearing by telephone.

Section 26 A witness or expert is entitled to compensation from public funds for the expense of his attendance. The court may grant an advance of the compensation for costs of travel and subsistence. More detailed provisions on compensation and advances shall be issued by the Government.

If the witness or the expert has been called at the request of a private party and it transpires that the party did not have acceptable reasons for his request, the court may order the party to reimburse the Government for the compensation.

Section 27 If the county administrative court considers that it is appropriate that a questioning of a witness or an expert is held by another county administrative court, the court may, following consultation with such court, decide on this.

The relevant parts of Chapter 35, Sections 10 and 11 of the Code of Judicial Procedure apply to matters concerning collection of evidence under the first paragraph.

Decisions

Section 28 A court that is obligated to consider an appeal may order that the decision appealed against, if it should otherwise be complied with immediately, should not apply until further notice and also make other orders concerning the matter.

Section 29 A determination of the court may not go beyond that claimed in the case. However, if there are special reasons, the court may also without an application decide on something better for a private party, provided this can be done without detriment to an opposing private interest.

Section 30 The determination of a case by a court shall be based on that contained in the documents and what has otherwise been established in the case.

The decision shall state the reasons that determined the outcome.

Section 31 A decision whereby the court determines the case shall be presented to a party through a document that states fully the decision, and dissenting opinion, if there is any. A decision that can be appealed against should also contain information about what should be observed by a party who wishes to present an appeal against the decision.

If special leave is required for consideration by a superior court, the decision shall contain information about this and about the grounds on which such leave may be granted.

Section 32 If the court considers that a judgment or a decision contains any manifest error as a consequence of the court's or someone else's written error, error of computation or similar oversight, the court may decide on rectification.

If the court has by an oversight omitted to make a decision that should have been issued in conjunction with a determination, the court may supplement its determination within six months from when the determination entered into final legal force. However, supplementation later than two weeks after when the determination was issued can only take place if a party so requests and no other party opposes the supplementation.

Before a decision on rectification or supplementation is made, the parties shall also in other cases than those referred to in the second paragraph, second sentence, be given an opportunity to state their views, unless this is unnecessary. The decision shall, if possible, be noted on every copy of the judgment or the decision that is corrected or supplemented.

Appeals

Section 33 Appeals against decisions of the county administrative court shall be made to the administrative court of appeal. Appeals against decisions of the administrative court of appeal are made to the Supreme Administrative Court.

The decision may be appealed against by the party to which it relates, if it has gone against him.

A decision by the administrative court of appeal to grant leave to appeal may not be appealed against.

If an appeal has been dismissed owing to its late submission and a court, following the appeal, has considered this decision or refused leave to appeal as regards such an appeal, the decision of the court may not be appealed against.

Section 34 An action may only be brought against a decision, whereby the case is not determined, in conjunction with an action against the decision in the case itself. However, an action may be brought separately when the court

1. rejected an objection concerning the disqualification of a member of the court or an objection that there is an impediment to considering the action,
2. dismissed a representative or counsel,
3. made an order concerning the matter pending the determination of the case,
4. ordered someone to participate in another way than by attending before the court and the failure to observe the order may result in a special sanction against him,
5. the judicial confirmation of a default fine or other sanction for failure to observe an order or penalty imposed for a procedural offence or imposed on a witness or expert to compensate costs that have been caused by neglect or default,
6. made an order regarding the investigation or taking into custody of a person or property or of other similar measure,
7. made an order regarding compensation for someone's participation in the case,
8. expressed an opinion in a case other than as referred to in item 7 on a matter relating to legal aid under the Legal Aid Act (1996:1619) or in a matter concerning public counsel under the Public Counsel Act (1996:1620), or
9. decided on a matter of extension of a time limit in accordance with Section 7, first paragraph of the Taxes, Customs Duties and Levies Securities Act (1978:880).

An action may only be brought against a decision, whereby a case is remitted to a lower instance, if the decision contains a determination of an issue that affects the outcome of the case.

Leave to appeal in the administrative court of appeal

Section 34 a For those cases where it is specially prescribed, leave to appeal is required for the administrative court of appeal to be able to consider an appeal against a decision issued in the case by the county administrative court. The same applies to a decision by the county administrative court on a matter that is directly connected with such a case. However, such leave is not required when an action is brought by the Parliamentary Ombudsmen or the Chancellor of Justice.

Leave to appeal shall be granted if

1. it is of importance for the guidance of the application of law that a superior court considers the appeal,
2. reason exists for an amendment of the conclusion made by the county administrative court, or
3. there are otherwise extraordinary reasons to entertain the appeal.

If leave to appeal is not granted, the decision of the county administrative court remains in force. Information about this shall be included in the decision of the administrative court of appeal.

Special rules on appeals to the Supreme Administrative Court

Section 35 An appeal against a decision of the administrative court of appeal in a case that has been instituted at the administrative court of appeal by an appeal, submission or application shall be considered by the Supreme Administrative Court only if the Supreme Administrative Court has granted leave to appeal.

If leave to appeal is not granted, the decision of the administrative court of appeal remains in force. Information about this shall be included in the decision of the Supreme Administrative Court.

That stated in the first paragraph does not apply

1. to an action that the Parliamentary Ombudsmen or the Chancellor of Justice brings in a case concerning disciplinary responsibility, or for revocation or limitation of competence to exercise a profession within the health and medical care services, dental care services, or retail trade with pharmaceuticals or concerning revocation of competence to exercise the profession of veterinary surgeon,

2. an action that the Chancellor of Justice brings in a case under the Credit Information Act (1973:1173), the Debt Recovery Act (1974:182) or Public Camera Surveillance Act (1998:150).

Section 36 Leave to appeal shall be granted,

1. if it is of importance for the guidance of the application of law that the action is considered by the Supreme Administrative Court or

2. if there are extraordinary reasons for such consideration, such as grounds for relief for substantive defects exist or that the outcome of the case in the administrative court of appeal obviously results from a grave oversight or a grave mistake.

If leave to appeal is granted in one of two or more similar cases, which are pending for consideration at the same time, leave to appeal may also be granted for the other cases.

Leave to appeal may be limited to apply to a certain part of the decision to which the action pursued relates.

Section 37 In cases, for which leave to appeal is required, a circumstance or item of evidence that the appellant first adduces in the Supreme Administrative Court shall only be taken into account if there are special reasons.

Chapter 10, Section 10 of the Local Government Act (1991:900) contains regulations concerning impediments to taking into account or presenting new circumstances in certain cases.

Section 37 a Repealed by Act (1995:22).

Relief for substantive defects och restoration of expired time

Section 37 b Relief for substantive defects may be granted in cases or matters if there are extraordinary reasons for reconsidering the matter owing to special circumstances.

Section 37 c If the period for appeal or a measure comparable therewith has been exceeded owing to circumstances that constitute valid excuse, the time may be restored.

Penalties

Section 38 A person who at an oral hearing disturbs the hearing or photographs in the courtroom or breaches a regulation or prohibition that has been issued in accordance with Section 16, and with Chapter 5, Section 9 of the Code of Judicial Procedure, shall be sentenced to monetary fines. A person who verbally before the court or in a document to the court makes unseemly statements shall be sentenced to the same penalty.

Section 39 A person who without valid cause discloses that which according to an order of the court may not be revealed shall be sentenced to fines.

Section 40 Repealed by Act (1987:748).

Other provisions

Section 41 The provisions contained in Chapter 4 of the Code of Judicial Procedure concerning disqualification of judges apply to matters of disqualification in relation to the person dealing with a case under this Act.

Section 42 The court shall of its own volition take up issues of liability for neglect during the proceedings and issues of the judicial confirmation of default fines that have been ordered in accordance with this Act.

Section 43 An applicant, appellant or other party is entitled to see that which has been introduced in the case, subject to the limitations prescribed by Chapter 14, Section 5 of the Secrecy Act (1980:100).

Section 44 A document shall be deemed to have been delivered to the court on the date when the document or an advice of paid postal dispatch, in which the document is contained, has arrived at the court or came into the possession of a competent officer. If the court is notified specially that a telegram to the court has been received at a telegraph office, the telegram shall be deemed to have been delivered already when the notification reached a competent officer.

If it may be assumed that a document or advice of this has on a certain day been delivered to the court office or put aside for the court at a postal office, it shall be deemed to have been received by the court on that date, provided it reached a competent officer on the immediately following workday.

Telegrams or other messages that are not signed shall be confirmed by the person dispatching them by personally signing the document, if the court so requests.

Section 45 If someone who has been summoned to an oral hearing is prevented from attending, he shall immediately report this to the court.

Section 46 Chapter 32, Sections 6 and 8 of the Code of Judicial Procedure apply correspondingly to matters of legal excuse.

Section 47 If the court is to notify someone of the content of a document or of anything else, this may be done by service. Service shall be used, where this is specially prescribed or, having regard to the purpose of the provision on notification, it is apparent that service should take place, but should generally only be used when called for having regard to the circumstances.

Section 48 A person who brings an action in a case may engage a representative or counsel.

If the representative or counsel demonstrates incompetence or ignorance or is otherwise unsuitable, the court may dismiss him as a representative or counsel in the case. The court may also declare that he is incompetent to be used as a representative or counsel at the court, either for a particular period or indefinitely.

If the person who is dismissed or declared incompetent in accordance with the second paragraph is an advocate, the measure shall be reported to the board of the Swedish Bar Association.

Section 49 A representative shall prove his competence by a power of attorney. The power of attorney shall contain the name of the representative. If the representative may put another person in his place, this should be stated.

If the representative does not prove his competence, the court shall order the representative or the principal to rectify the inadequacy. If in such a case an application or appeal document is signed by the representative, it shall be stated in the order that the action will be taken up for consideration only if this is done. If another measure has been taken by a representative who has not proven his competence, the order shall state that the measure shall be taken into account only if the order is observed.

Section 50 If a party, witness or other person to be questioned before the court does not speak Swedish or if he has a serious hearing or speech impediment, the court shall, if necessary, engage an interpreter. The court may engage an interpreter in other cases when necessary.

The first paragraph shall also apply to issues concerning translation from Braille to ordinary writing and the reverse.

A person whose reliability may be deemed impaired owing to his position in relation to anyone bringing an action in the case or owing to another circumstance comparable therewith may not be engaged as an interpreter.

Section 51 A person engaged as an interpreter at an oral hearing shall swear an oath before the court that he will fulfil his assignment to the best of his ability. If there is reason to assume that he will receive further such assignments from the court, he may swear an oath that also relates to future assignments.

Section 52 A person who performs an assignment as an interpreter other than in service is entitled to reasonable compensation for work, time lost and disbursements required for the assignment.

The Government or the authority decided by the Government may decide on a tariff to be applied when determining compensation for interpreters for oral translation.

Costs for interpreters shall be paid from public funds.

Section 53 The provisions of this Act concerning a private party also applies in relevant parts to a person who is a legal representative for the party.