

The Land Act

Act No. 23 of 12 May 1995 relating to Land

Chapter I. The purpose of the Act

Section 1. Purpose

The purpose of this Act is to provide suitable conditions to ensure that the land areas in the country including forests and mountains and everything pertaining thereto (land resources) may be used in the manner that is most beneficial to society and to those working in the agricultural sector.

Land resources should be disposed of in a way that ensures an appropriate, varied system of use with a view to the development of the local community and with emphasis on settlement, employment and effective solutions.

Ensuring that resources are used in a manner beneficial to society entails taking into account the fact that the resources shall be disposed of with a view to the needs of future generations. Land resource management shall be environmentally sound and, among other things, take into consideration protection of the soil as a production factor and preservation of land and cultural landscapes as a basis for life, health and well-being for human beings, animals and plants.

Chapter II. Scope and extent of the Act

Section 2. Scope and extent

This Act shall apply to the entire country. The provisions of sections 9 and 12 shall however not apply to areas which:

- a) in Local or Building Development Plans pursuant to section 28-2 of the Planning and Building Act¹ have been allocated for purposes other than agriculture and public traffic areas.
- b) in the binding land-use part of the municipal master plan have been designated
 - 1. building areas or areas for extraction of raw materials, or
 - 2. agricultural, nature and open-air recreation areas which are basically used in accordance with provisions relating to sporadic development which require that a development plan be drawn up before division and development may take place.

When adopting or approving a municipal master plan, local plan or development plan, the planning authorities may decide that the provisions of sections 9 and 12 shall apply to areas covered by the plan or delimited parts of such areas.

¹ Act No. 77 of 14 June 1985.

Chapter III. Municipal and county agricultural authorities

Section 3. Procedure in agricultural matters

The municipality shall be responsible for dealing with agricultural matters. The Ministry¹ may lay down further provisions concerning the procedure for dealing with state agricultural matters. The Ministry¹ may authorize the municipality to make statements and take decisions in certain cases.

County agricultural matters come under the County Governor and the County Land Board.² The Ministry¹ may lay down provisions concerning executive procedure in the County Land Board, including the internal division of tasks so that the Board may delegate to the County Governor the task of making statements and decisions on behalf of the Board in certain cases.

¹ Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995. See also decision No. 141 of 9 February 1996 concerning delegation to the Norwegian Grain Corporation.

² Cf. section 5.

Section 4. Technical expertise

The administration of each municipality shall possess the necessary technical expertise as regards agriculture and forestry. The Ministry¹ may make exceptions.

The municipality may decide that necessary technical expertise as regards agriculture and forestry shall be secured through cooperation with other municipalities.

The Ministry¹ shall lay down provisions concerning necessary technical expertise as regards agriculture and forestry.

¹ Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Section 5. The County Land Board

In each county there shall be a state county land board consisting of seven members with deputy members.

Notification of the election of the County Land Board shall be given at least four weeks prior to the election. County branches of the Norwegian Farmers' Union, the Norwegian Smallholders' Union, the Norwegian Forest Owners' Federation and the Norwegian United Federation of Trade Unions are each entitled to propose three members with deputy members.

Members and deputy members shall be elected by the County Council for the county municipal term of election. In Oslo the County Land Board is elected by the City Council. The chairman and vice-chairman shall be elected separately. The election shall be held as a proportional election if so required by any member of the County Council. The provisions of sections 14, 15, 36 and 37 of the Local Government Act¹ shall apply correspondingly.

¹ Act No. 107 of 25 September 1992.

Section 6. *Duties*

On behalf of the State, the County Governor, the County Land Board and the municipality shall undertake to achieve the purposes specified in section 1. The County Land Board, the County Governor and the municipality shall endeavour to obtain reasonable offers for the sale of property, assist in arranging purchases and draw up plans for the way the land shall be used. If it is not possible to obtain property by means of a voluntary agreement, the right of pre-emption pursuant to the Act relating to concession and to the public authorities' right of pre-emption in the acquisition of real property (the Concession Act)¹ and the right of expropriation pursuant to chapter VI of this Act may be applied.

The County Governor, the County Land Board and the municipality shall otherwise assist in preparing land use plans which concern agriculture pursuant to the Planning and Building Act and carry out the tasks imposed on them by statute or by a decision of the Ministry².

¹ Act No. 19 of 31 May 1984.

² Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Section 7. *Rural development*

The Ministry¹ may order the county municipality to decide applications for funds allocated for rural development, and lay down further provisions concerning the county municipality's exercise of judgment in these matters.

The Ministry¹ may determine that the County Governor shall prepare the cases, and who is to hear administrative appeals.

¹ Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Chapter IV. Protection of cultivated and cultivable land, etc.

Section 8. Protection of cultivated land

All cultivated land that can provide a basis for profitable operations shall be maintained.

The municipality¹ and the County Governor¹ may prohibit measures that may result in poor maintenance of cultivated land. The municipality shall make recommendations concerning measures that should be implemented if land is poorly maintained or remains unused.

If the Ministry² finds that cultivated land is poorly maintained or unused, it may issue an order to the owner or lessee regarding the measures he shall implement in order that the land may be cultivated profitably, under the circumstances. The owner may also be ordered to lease out the land for a period of not more than ten years.

In the case of cultivated land that cannot provide a basis for profitable operations, the Ministry² may order that forests be planted on the land, or that measures beneficial to the cultural landscape be taken.

If the order has not been complied with upon expiry of the time-limit, the Ministry¹ may enter into an agreement that the land be leased out for a period of not more than ten years or make a decision to expropriate parts or all of the property in order to transfer it to others.

Orders may be issued on such conditions as are necessary for achieving the purposes of this Act.

¹ Cf. section 3.

² Ministry of Agriculture pursuant to resolution no. 413 of 12 May 1995.

Section 9. Use of cultivated and cultivable land

Cultivated land must not be used for purposes that do not promote agricultural production. Cultivable land must not be disposed of in such a way as to render it unfit for agricultural production in the future.

The Ministry² may in special cases grant an exemption if, after an overall evaluation of the circumstances, it finds that the agricultural interests should not have priority. In so deciding, account shall be taken, among other things, of approved plans pursuant to the Planning and Building Act¹, operational or environmental disadvantages for agriculture in the area, the cultural landscape and the benefit to society that would result from land being disposed of for another purpose. Account shall also be taken of whether the land can be restored to agricultural production. The presentation of alternative solutions may be required.

Consent to dispose of land for another purpose may be given on such conditions as are necessary for achieving the purposes of this Act.

The exemption shall lapse if efforts to use the land for the purpose in question have not commenced within three years after the decision was made.

The Ministry² may order that illegal installations or buildings be removed.

¹ Act No. 77 of 14 June 1985.

² Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Section 10. *Excavation of bogs*

When a person excavates bogs for peat products or other technical purposes, an adequate layer of peat or soil shall always be left. The bog area shall be restored with a view to future use of the land for agricultural purposes and nature conservation. If a holder of the right to extract peat deems that his right has been diminished to an unreasonable extent as a result of the provisions, he may apply to the land consolidation court for an alteration of conditions for use, cf. chapter 6 of the Land Consolidation Act¹.

¹ Act No. 72 of 21 December 1979.

Section 11. *Cultivation of agricultural land, new cultivation and farm roads*

To ensure the environmentally sound cultivation of agricultural land, cf. section 1, third paragraph, the Ministry¹ may issue provisions regarding cultivation. Such provisions may, among other things, aim at preventing erosion and regulating the use and storage of fertilizer and other inputs in the production process.

To avoid damage to the natural and cultural landscape, the Ministry¹ may lay down provisions regarding new cultivation. Such provisions may prohibit new cultivation and determine that new cultivation may only take place in accordance with plans approved by the Ministry.¹

The Ministry¹ may lay down provisions concerning the planning, approval and construction of roads for agricultural purposes.

¹ Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Chapter V. Division of agricultural property

Section 12. *Division of property*

Property that is used or may be used for agriculture or forestry may not be divided without the consent of the Ministry². The term property also includes rights appurtenant to the property and portions of common property. The prohibition against division shall also apply to tenancy, long-

term leases entitling the lessee to build a house on the property and similar leases or right of use of part of the property when the said right has been established for a period of more than ten years or cannot be revoked by the owner (lessor).

The Ministry² may give its consent if societal considerations of considerable weight so dictate, or if division is justifiable in view of what the property can yield. In so deciding, account shall be taken, i.a. of whether division may result in operational or environmental disadvantages for agriculture in the area. Account shall also be taken of already approved plans for land use pursuant to the Planning and Building Act¹ and of the cultural landscape.

Consent as regards division may be given on such conditions as are necessary for achieving the purposes of this Act.

The provisions shall apply regardless of whether a property is registered under several names if the property or a co-owned part of the property is under the same ownership and in the opinion of the Ministry² must be reckoned as one holding.

No consent is necessary for division when a separately registered part of the property has been the object of a forced sale. The same applies if it is necessary to divide the property in connection with public land consolidation.

If division has not been requisitioned within three years after consent has been granted for division, the consent shall lapse.

¹ Act No. 77 of 14 June 1985.

² Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Chapter VI. Expropriation and assessment

Section 13. Expropriation

If the goals specified in section 1 cannot be achieved by means of voluntary agreements or pre-emption, the Ministry 1 may decide to expropriate land and rights as a supplement to existing agricultural and forestry property.

When land is expropriated, land areas, buildings and other installations which are a natural part of the expropriated land may be included, even if the purpose does not necessitate expropriation to such an extent.

If the owner or rightholder so demands, the Ministry 1 may determine that the expropriation measure shall also apply to land, buildings, rights and other effects that will lose much of their value to the owner or rightholder if the measure is implemented. In such cases, it may similarly be determined that the expropriator shall purchase the entire property even if he has only claimed a right of use or another special right in the property.

1 Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Section 14. *Expropriation of crofters' farms, etc.*

Regardless of the purpose set out in section 1, the Ministry¹ may expropriate a crofter's, tenant-for-life's or tenant farmer's farm for the benefit of the lessee, his children or his grandchildren. The same applies to farms which are now leased on other conditions, but which were previously leased to the lessee, his parents or his grandparents on crofter's, tenant-for-life's or tenant farmer's conditions.

It is a condition for expropriation pursuant to the first paragraph that the farm must either have been built or cleared by the lessee or his relatives, or used by them for at least thirty years prior to 1 January 1975. It is a further condition for expropriation that the applicant wishes to run the farm as an agricultural holding and reside there.

1 Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Section 15. *Conditions in expropriation cases*

When the Ministry¹ makes a decision regarding expropriation, it may impose such conditions as are necessary in the interests of the person from whom the property was expropriated, or of the public utility of the measure.

If the person to whom the State transferred the expropriated property or right does not fulfil the conditions for specific use within the specified time-limit, the Ministry¹ may demand the return of the property or right in order to transfer it to another person for whose benefit the State could, pursuant to this Act, have made use of the right of expropriation.

If the State does not make use of this right within three months after expiry of the time-limit, the person from whom the property or right was expropriated may demand its restitution in return for refunding the compensation he received at the time of expropriation with an addition or a deduction to cover such increase or decrease in value as is mentioned in the next paragraph. The claim shall be sent to the Ministry¹ with the necessary particulars.

In such cases as are specified in the second or third paragraphs, the purchaser thereby deprived of the property or right is entitled to be refunded the purchase sum with an addition or a deduction for such increase or decrease in value as he has caused.

Disputes regarding the amount of the claim of the State and the purchaser shall be decided by official assessment.

1 Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Section 16. *Commutation of rights of use, etc.*

If necessary in order that land shall be used as well as possible, the Ministry¹ may require that rights of use, easements and other rights to, in or over real property shall be commuted, increased or altered in return for compensation pursuant to ordinary legal provisions. The Ministry may further require that boundaries between farms be regulated, and that land be expropriated for this purpose.

¹ Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

Section 17. *Assessment*

The provisions of Act No. 1 of 1 June 1917 relating to assessment and expropriation cases shall apply to assessments and valuations pursuant to this chapter.

Assessment pursuant to section 13 and section 15, last paragraph, and cases pursuant to section 16 shall be dealt with by the land consolidation court. In these cases the land consolidation court shall also carry out valuations and make other decisions pertaining to assessment. Proceedings in the land consolidation court are subject to the provisions of Act No. 77 of 21 December 1979 relating to land consolidation, etc.

Chapter VII. Miscellaneous provisions

Section 18. *Provisions concerning grants*

Pursuant to guidelines laid down by the Storting, the Ministry¹ may lay down provisions concerning distribution and conditions for the disbursement of grants pursuant to the Agricultural Agreement or similar grants.

¹ Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995. See also decision No. 141 of 9 February 1996 regarding delegation to the Norwegian Grain Corporation.

Section 19. *Supervision*

The municipality and the County Governor shall supervise compliance with the provisions of sections 9, 10, 11 and 12.

Section 20. *Coercive charge*

To ensure that the provisions of sections 8, 9, 10, 11 and 12 or decisions pursuant to these sections are implemented, the Ministry¹ may impose a coercive charge on the party responsible.

A coercive charge may be determined when contraventions of the Act itself or of decisions pursuant to the Act are discovered. The coercive charge may be collected from the expiry of the time-limit the Ministry¹ has set for the matter to be remedied. A coercive charge may also be determined in advance. It may be determined that the coercive charge shall increase as long as the offence continues, or that it shall be payable for each contravention.

The coercive charge shall be enforceable by execution.²

¹ Ministry of Agriculture pursuant to resolution No. 413 of 12 May 1995.

² Cf. Chapter 7 of the Enforcement Act.

Section 21. *Penalty*

Any person who wilfully violates the prohibition against the disposal of land for other purposes set out in section 9, or the order to restore land to good condition set out in section 10 will be liable to fines.¹

¹ Cf. sections 27 and 28 of the Penal Code.

II.

From the date¹ fixed by the King, the following provisions in other statutes shall be amended as follows:

III.

The legislative amendments shall apply from the date¹ fixed by the King.

Act No. 2 of 18 March 1955 relating to the organization of agriculture (the Land Act), Act No. 5 of 18 March 1949 relating to the protection of land from destruction and Act No. 26 of 11 May 1984 relating to amendments of the Land Act shall cease to apply from the same date.

Provisions laid down pursuant to Act No. 2 of 18 March 1955 shall continue to apply until they are amended or repealed.

The legislative amendments shall apply to applications which have not been decided before the Act comes into force.

The legislative amendments shall also apply to violations of provisions pursuant to Act No. 5 of 18 March 1949 and Act No. 2 of 18 March 1955 or decisions laid down pursuant to these Acts if the violation continues or arises after the Act comes into force.

Exemptions granted pursuant to the prohibition set out in section 54 of Act No. 2 of 18 March 1955 and permission to divide land pursuant to section 55 of the same Act shall lapse not later than three years after the legislative amendments come into force.

Section 27, new third paragraph, of the Allodial Rights Act and section 6, new first paragraph, no. 1, of the Concession Act shall apply to transfers that take place after the legislative amendments come into force.

If a lease agreement has been entered into in accordance with section 27, new third paragraph, of the Allodial Rights Act before the legislative amendments come into force, other holders of allodial rights shall have a time-limit of two years from the date the amendments come into force to claim the right to redeem the property pursuant to section 40, third paragraph of the Allodial Rights Act, cf. section 28 of the same Act.

Section 4, fourth paragraph, of the Land Consolidation Act shall apply to assessments carried out pursuant to chapter X of Act No. 2 of 18 March 1955.

¹ From 1 July 1995 pursuant to resolution No. 413 of 12 May 1995.