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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**
(VENICE COMMISSION)

A D D E N D U M

# Replies to the questionnaire on the execution of constitutional review decisions

(by Cyprus and Iceland)

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# Réponses au questionnaire sur lexécution des arrêts des juridictions constitutionnelles

**Replies by the Supreme Court of Cyprus**

Insert photocopy of fax (original to be found in Leitz).

TO THE EUROPEAN COMMISSION
**ON DEMOCRACY THROUGH LAW**

Hjörtur Torfason
21 November 2000

## REPLY FROM ICELAND
## to the Questionnaire on the Execution of Constitutional Review Decisions

The following is to set forth a reply to the above Questionnaire as applicable to the Republic of Iceland. The responsibility for the text rests solely with the rapporteur.

**Introductory remarks**

The reply relates to constitutional review exercised by the **Supreme Court of Iceland**, the national court of ultimate appeal, under the **Constitution of the Republic of Iceland No. 33 of 17 June 1944** as amended to date, the only amendments relevant to the matter having been adopted by

Constitutional Law No. 97 of 28 June 1995 (and No. 100 of the same date) entering into force on 5 July 1995.

Iceland does not have a separate constitutional court, and the right to judicial review of the constitutional validity of ordinary legislation rests with the common courts of general jurisdiction (now 8 District Courts as a first instance and the Supreme Court as the second and final instance), which also have jurisdiction in administrative law matters. The right itself is not directly provided for in the Constitution, but is generally accepted in theory and practice as resting on tradition developed through judicial interpretation of the Constitution, notably its principle of the separation of powers and those concerning human rights.

Under this tradition, having the status of customary constitutional law, the common courts have the power to invalidate or set aside provisions of statutory law which are held to be in conflict with the Constitution, within limits of proper judicial restraint. They also have the possibility of construing and interpreting statutory provisions so as to bring them into line with the Constitution, and this recourse is more frequently seen to be followed.

It is inherent in the tradition that the access to the courts over constitutional issues is subject to the same limitations as the access to court in general, so that they have to be brought up for resolution as part of an actual conflict in an ordinary lawsuit involving a sufficient legal interest (in Nordic parlance, *rettslig or retlig interesse*) by the party bringing the suit.

The boundaries for legal interest in this sense are flexible to some extent, and the access to court also has been facilitated by some recent law reforms. These notably include a widening of the right to sue for declaratory judgments involving the recognition of a right or status, which may serve to simplify the groundwork of the suit, and also the introduction of rules for accelerated procedure in lawsuits against governmental authorities. The latter reform perhaps was adopted primarily with actions over administrative law issues in mind, but it also affects the constitutional issues as such.

**I. General questions on constitutional review**

**A. The type of constitutional review in Iceland and its subject**

*1. Constitutional review of normative acts:*

a. A preliminary review of normative acts (proposed legislation in the Althing or governmental regulations to be issued under enabling legislation) does not occur. In principle, the courts of Iceland are not empowered to give advisory opinions, whether on the constitutional or administrative plane or in relation to private conflicts.

b. An abstract or principal review (upon a direct claim of unconstitutionality) also is not exercised. The subject for review has to be brought up as a matter of actual conflict by an individual or legal entity having a sufficient legal interest to claim acess to court over the issue.

c. A concrete or incidental review of norms *ex post facto* may be carried out by the courts both of first and second instance (in the latter case, by way of an appeal from the lower instance) in the course of deciding an ordinary action at law (civil or criminal), provided that the cause for review is appropriately pleaded by the parties to the action. Exceptionally, the court concerned might find it proper to bring in the matter of its own accord (*ex officio*) and invite the parties to debate the issue and adduce relevant and available evidence thereon.

d. No normative acts are exempted *a priori* from becoming subject to constitutional review by the courts of law when properly addressed. On the other hand (and as another matter), the courts may decide not to replace a norm embodying an element of doubtful constitutional validity by a norm or interpretation of their own (emanating from a court judgment) on the ground that the matter in issue is one that depends on or has to be resolved by a value assessment which under the Constitution should properly belong with the legislature (the elected representatives of the people).

*2. Review of unconstitutional omission of legislation:*

A case for review of a failure by the legislator to act when it is obliged to do so by the Constitution generally will not arise in a manner enabling the courts to provide a direct remedy, as the courts are not empowered to produce statutory law or to issue directives for legislation to the Althing. However, if the situation involves a lacuna in statutory law with results affecting a right or status of specific persons which is nevertheless entitled to legal protection, the courts may have to produce a concrete solution as between the parties able to bring the matter into court. Such solution(s) might conceivably lead to the development of a common law rule.

On the other hand, the results of a failure to legislate conceivably may be such as to give rise to a right for damages/compensation from the State to specific parties injured by such failure, and the courts then will be able to provide an indirect remedy by awarding such damages. By way of parallel example, the Supreme Court recently has awarded damages to an Icelandic lady employee who was denied compensation from a State fund for wages lost in an employer bankrupty, on grounds that the denial resulted from a failure of the legislator to bring the statutory rules on the said fund in line with an applicable EU directive, as required under the EEA treaty and the Icelandic legislation affirming its validity. (Judgment of 16 December 1999 in case No. 235/1999, *Erla María Sveinbjörnsdóttir v. the Icelandic State.*)

*3. Decisions concerning the protection of constitutional rights (Verfassungs-beschwerde, amparo*):

A procedure for special submission to a judicial body of ultimate appeal to deal with a complaint of interference with constitutional rights is not available under Icelandic law. - However, the Icelandic act or code of general civil procedure No. 91/1991 does contain provisions enabling the courts concerned (the competent District Court and the Supreme Court in its turn) to allow accelerated proceedings in a legal action against the State or governmental authorities, which facilitates the access to court over constitutional issues.

*4. Other areas of constitutional review:*

Procedures for constitutional review in specific relations, such as those involving the unconstitutionality of political parties, the holding of referenda, conflicts between infra-state entitites or conflicts between state bodies, are not available in Iceland. Challenges or solutions in respect of these matters can only be sought by the means afforded in an ordinary and properly brought lawsuit before the common courts by parties having sufficient legal interest. The jurisdiction of the courts may extend to conflicts between state entities or bodies on this basis.

**B. *The effects of constitutional review decisions***

*1. Concerning normative acts:*

a. In Iceland, constitutional review decisions will not be declaratory in content, as they will be expressed in terms of a court judgment having binding force between the parties to the case concerned (and eventually as judicial precedent), and as the courts cannnot be called upon for an advisory opinion (see I. A. 1. a above).

However, they probably will be declaratory in the sense that the judgment concerned usually will not be concluded by a statement or sentence that a specific statute or a specific provision thereof is held invalid, but rather a sentence to the effect that a sum of money in issue is owed to (or not owed by) the claimant, that a governmental decree affecting the claimant is invalid or that a specific status or right of the claimant is recognised, etc. The constitutional ground for such result, i.e. the unconstutionality and consequent invalidity of a statute (or, more frequently, an individual provision thereof), will instead be described and declared in the judicial premises leading to the concluding statement or sentence.

b. The norm which is declared contrary to the Constitution is to be regarded as invalid (as null and void or without effect) in the context or relation in which it was considered by the court, which may or may not extend to its entire content and applicability. The declaration will have immediate effect upon the binding delivery of the judgment.

The court exercising constitutional review cannot modify the norm in the sense of producing a different norm of its own within the statute itself. However, a modification tantamount to replacement may occur if the court is able to resolve the matter in issue by declaring an interpretation of the norm which may differ from that indicated by the letter of the law or seen by the government or other party relying on the statute, but has the effect of removing the problem of unconstitutionality and bringing the norm into line with the Constitution.

c. The decision of the court need not be implemented by the legislator by a repeal of the normative act under review, as the norm is in fact to be regarded as a dead letter (or set aside) in all respects in which the effect of the decision applies. The practical consequences of the decision as regards the text of the statute concerned may be none, i.e. if the setting aside of a specific provision thereof does not render the statute unworkable or unacceptable by the legislature as then composed. In the opposite event, the consequence presumably will be a parliamentary/governmental initiative for a formal amendment or repeal of the statute.

A recent example is a Supreme Court decision of 3 December 1998 in case no. 145/1998, *Valdimar Jóhannesson v. the Icelandic State (H.1998.4076*), where a specific provision of the law on management of fisheries in Icelandic waters was found to be unconstitutional, and a government decision refusing a fishing license to the complainant was annulled. The provision mainly restricted the number of vessels to be used in the fisheries, and by an amending law adopted by the Althing in January 1999, the restriction was repealed. - The converse occurred with a Supreme Court decision of 3 December 1992 in case No. 129/1991, *Bjarnheidur Gudmundsdóttir v. the Minister of Finance et al. (H.1992.1962*), where a provision of a law setting aside the wage clauses of a union agreement for civil servants and replacing them with wage terms set out in the law itself was found unconstitutional. The provision had annulled a 4,5% wage increase as of a certain date, and the court awarded a corresponding sum to the complainant. Following the decision, the same increase was granted and paid out to all other civil servants covered by the agreement, without an amendment being made in the law.

d. The effects of the annulment or setting aside of the statute or provision cannot be formally postponed. - If parliamentary reaction in relation to the norm set aside is delayed, or if executive implementation of the norm is continued without appropriate regard to the result of the decision, this would entail the risk of new recourse to the courts by those injured by the norm. - Conceivably, however, the nature of a norm might be such that a period of adjustment to the result of its review might be reasonable and constitutionally viable, and the legislature then might be justified in determining a certain postponement.

e. The constitutional review by the Icelandic courts will be incidental and concrete, and the effects of their decisions are formally limited to the concrete case before the court. However, the review conclusion expressed in the resulting judgment will have immediate effect as a judicial precedent grounded in customary constitutional law, so that *de facto* the norm in issue or the unconstitutional aspect thereof is thereafter to be regarded as inoperable.

If similar cases already have been the subject of a final judicial decision, such decisions will not be affected except in the sense that the new precedent may become a cause for reopening of the earlier cases under the ordinary procedural rules therefor (see 3.a. below). If an injured party does obtain appropriate redress out of court (e.g. where the decision has not related to status which cannot be properly vindicated without a new court decision), this may suffice to settle the issue.

As regards prior final decisions within the administrative sector, it would follow that these should be reconsidered by the competent public authority to the extent that they or their consequences can be effectively altered after the fact. Failing that, the persons injured by the decisions presumably would be able to take the authorities to court in order to obtain restitution or redress, subject to generally applicable limitations of time and circumstance.

f. The court exercising constitutional review cannot order another body to act in respect of the norm reviewed, except by way of such orders as

can be embodied in an ordinary court sentence in the concrete case. Thus the court can e.g. order the government to suffer the quashing of an executive decision based on the norm, to recognize a certain status of a party to the case, or to allow him specific restitution (where this can properly be accomplished) or redress by way of damages. But the court cannot order the government to issue a new general regulation or the parliament to pass a new law.

*2. Concerning the protection of constitutional rights:*

a. Where the court exercising constitutional review quashes a decision by a public authority (an administrative body or official, etc.) on grounds that it is unconstitutional, the effect will be to remove the validity of the decision and any acts taken on its basis. The court cannot order the authority to take a new decision, except where such order may properly be embodied within a sentence providing for the restitution or recognition of a status of the party to the concrete case. The decision thus will not be sent back to the original authority for a new ruling, so that if such ruling is necessary to complement the judgment delivered by the court, the injured party to the case or a third party with similar interest may need to request it from the authority.

As regards decisions of a District Court failing to observe an unconstutionality recognized by the Supreme Court, the cassation system is not followed in Iceland, so that the Supreme Court will pronounce a new judgment replacing that of the District Court. The case will not be remitted to the lower court unless this is necessary for other procedural purposes.

b. As implied under a. above, the court exercising constitutional review in respect of a claim for protection of constitutional rights (against a decision or ruling by a public authority or otherwise) will itself decide upon the rights of the claimant, in so far as such decision can be embodied or stated in the sentencing conclusion of an ordinary judgment (declaratory and/or executory).

*3. Furthermore, the following applies to constitutional review decisions of the Icelandic courts:*

a. The decisions have binding force for the court concerned in relation to the concrete case at hand. The resulting judgment cannot be altered except by way of a reopening procedure, which is only allowed within very strict limits for causes such as the unforeseen appearance of new material evidence (where the parties cannot reasonably be blamed for its late discovery) or otherwise to permit repairment of gross injustice.

b. The decisions will have *res judicata* effect as between the parties to the concrete case. They will also have *res judicata* effect *erga ommes* as a judicial precedent, the scope of the effect depending on the scope of the reasoning by which the court established the unconstitutionality of the norm reviewed or the need for protection of the constitutional right in issue (i.e. whether the reasons of the court were highly specific or of general application).

c. The decisions will not have ordinary force of law. Although judicial precedent is recognised in Iceland as one of the sources of law, it does not have the binding force of statutory legislation. Its direct force primarily lies in the fact that the courts may be expected to follow the precedent in all similar cases. It is thus regarded as a principle of customary law that the lower courts should follow the precedents of the Supreme Court. The Supreme Court also may be expected to follow its own precedents as a matter of course, although the Court formally has the power to change them in a later case.

The occasions on which the Supreme Court has departed from its own decisions so as to create new precedent are extremely rare. Furthermore, the departure in most cases may be characterised as not representing a break with consistency, but rather as involving a reaction to legal and social developments in the surrounding world. In other words, mostly the departures may be seen as a reflection of the truth that judicial precedent is not a static, but a dynamic source of law.

It may be of interest to note that the most recent examples of departure by the Supreme Court from an established view reflected in prior decisions are related to the work of the Commission and Court of Human Rights in Strasbourg and other developments in the field of human rights. An outstanding one is the landmark decision of 9 January 1990 in case no. 120/1989, *the State Prosecution v. Gudmundur Breidfjörð Ægisson* (H.1990.2), where the Court decided in effect that the requirements for judicial impartiality set out in the code of criminal procedure now had to be interpreted with a stronger and stricter view to judicial independence than that previously applied. The result was that the judge handling the case in the District Court had to be disqualified due to formal association with the investigating power in the district, despite the absence of any indication of partiality in the specific circumstances and despite the fact that the reference of the case to the judge fully accorded with the procedural system then existing under the code. The situation was similar to the one examined by the Commission of Human Rights in March 1989 in the case of *Jón Kristinsson v. Iceland,* and among other considerations, the Court took note of the stand there taken by the commission. A further change in the same field was made by the judgment of 18 May 1995 in case No. 103/1994, *the State Prosecution v. Sveinn Eiríkur Sigfússon* (H.1995.1444), where the Supreme Court disqualified a deputy district judge from handling a case on the ground that the existing conditions of tenure of judicial deputies were not compatible with the principle of judicial independence. Among decisions of the Court of Human Rights which have influenced the expressed views of the Supreme Court towards the constitutionality of particular norms, the ones involving matters from Iceland include *Thorgeir Thorgeirsson v. Iceland* (25 June 1992 (No. 239), 14 E.H. R.R. 843, relating to the freedom of expression) and *Sigurdur A. Sigurjónsson v. Iceland* (30 June 1993 (No. 264), 16 E.H.R.R. 462, relating to the freedom of association).

d. The constitutional review decisions of the Icelandic courts are not published in an official journal devoted to laws or regulations or to constitutional matters in particular. In the case of the Supreme Court, they are regularly published among its other decisions in the Supreme Court Reports (appearing in 2-5 volumes annually), together with the respective District Court judgments. The decisions also are made public immediately upon their pronouncement, by the issue of copies and on the Internet. This latter procedure is similarly followed in the District Courts.

e. Under the Icelandic system of concrete and incidental control, the situation of a court decision declaring that a norm will become unconstitutional

if it is not modified within a certain period is not likely to arise. On the other hand, the Icelandic courts may incidentally come to face situations where a normative act has been expressly adopted for a specific period or otherwise for temporary purposes, and may be considered constitutionally viable precisely because of its temporary nature.

This last may be said to have been experienced with the legislation on the management of fisheries in Icelandic waters which has been developing since about 1980. The initial laws and regulations imposing major restrictions on the number and capacity of fishing vessels and on the quantity of catch (quotas of specific fish stocks) were adopted for successive fixed terms of one, two and three years, whereas in 1990, they were framed in a law which had an indefinite term in the ordinary manner, but did include provisions for a future review of the system prescribed. The constitutionality of this important legislation was not seriously challenged in the Supreme Court until the law of 1990 had been in force for some time, the main challenges to date having been handled in the judgment of 3 December 1998 above cited (see I.A.1.c.) and a judgment of 6 April 2000 in case No. 12/2000, *the State Prosecution v. Björn Kristjánsson et al*. Although the prior temporary legislation was not directly in issue, both judgments contain statements which may be said to indicate that the laws concerned would have been deemed constitutional in their time, at least partly due to their short-term validity.

If an existing norm is challenged in court and held to be constitutional primarily in view of its temporary nature, and the norm subsequently is maintained in force without change, the court decision on hand will not have any direct effect on the resulting position, so that a further challenge in a new court action will have to be made if the norm is to be set aside.

It may perhaps be noted that this problem was posed in an opinion delivered by the present rapporteur in the above Supreme Court case of 6 April 2000, where four justices held the existing quota system under the 1990 law to be constitutionally viable, considering all its aspects (being based on a value assessment of the legislator and within his appropriate scope of action), while two justices found the system so discriminatory as to be unconstitutional. In my separate opinion as the seventh judge, it was held that the system must be considered to have been valid in February 1999, when the infractions in issue were committed, on account of the law of 1990 being temporary in nature despite the absence of a fixed term of validity. It was further stated, however, that the law could not remain constitutional for any length of time unless its existing discriminatory features were to be offset by major counterbalancing features in the favour of national and private interests other than those favoured by the existing system.

As already indicated, the answers to the previous questions have depended on the fact that the Icelandic constitutional review is based on concrete control. There are no special rules for the cases mentioned in point I.A.4 above.

**II. What means are available to ensure the execution of constitutional review decisions?**

1. There is not any norm specifically indicating which authority has to execute the constitutional review decisions in Iceland. This results from the fact that the review is carried out by the courts in their ordinary course of business.

2. (In fine) The way the system works in practice is that the execution of the review decisions falls within the ordinary system for execution of court judgments. If the concrete case results in an executory judgment (for payment of damages, repayment of taxes, return of property, etc.), the order implied in the judgment will be executable by the body in charge of the execution of civil claims affirmed by court judgment. If the judgment concludes in a declaratory sentence (for the quashing of a government decision, the recognition of a right, etc.) the result exceptionally may be such as to enable the excecutory body to effect proper performance. Beyond this, where the correction or redress of the consequences of an unconstitutional norm or the breach of a constitutional right is outside the competence of the executory body, the reviewing judgment simply must be expected to be obeyed by the public authorities or other parties concerned, who otherwise run the risk of challenge by further court action. - The competence of the executory body does, of course, only extend to the consequences of a normative act and not to its norms themselves.

The task of executing court judgments used to be regarded as a judicial function and was vested in special regional courts (Courts of Executions, Courts of Auctions), from which appeals could be made to the Supreme Court. By procedural reform legislation entering into force in 1992, the function was separated from the judicial system and is now wholly vested in the Sheriffs or County Commissioners for each administrative district, who respresent the local arm of the national government and are supervised by the Ministry of Justice. Their decisions or decrees in the course of executing judgments may be referred to the competent District Courts, who will handle the matter in summary or short-form proceedings, generally subject to summary or complaint-form appeal to the Supreme Court.

**III. What are the consequences if constitutional review decisions are not executed or are not executed within a reasonable time?**

It follows from the description in II. above that it should always be possible to secure compliance with a constitutional review decision to the extent that the power to fulfill the requirements set out in the court judgment is within the scope of competence of the County Commissioners as executory bodies.

Outside this scope, if a public authority or other party fails to obey the immediate requirements of the judgment in relation to the complainant who has obtained a recognition of unconstitutionality in the concrete case, and/or if it continues to follow the norm set aside or the unconstitutional line of action condemned in the judgment, the authority or other disobeying party will run the risk of challenge by further court action by the complainant and/or other persons in a similar position. There also will be a risk of action against the authority by way of such means as may be afforded by provisions of the laws on public administration and the criminal code against abuse of power and other breaches committed by public authorities.

As regards the problem of continued formal existence of a legal norm deemed to be unconstitutional by a court decision, this can only be remedied by the action of a parliamentary majority in the Althing towards repeal or amendment of the norm. If this is not forthcoming, a parliamentary member or group possibly could attempt to make the matter a cause for impeachment of the government Minister responsible in the field of the norm, but the

instigation of impeachment proceedings, or a vote of non-confidence against the Minister (which also might be proposed), would require the approval of a parliamentary majority.

**IV. Cases where decisions are not executed**

There are *no* recent cases where a constitutitonal review decision has not been executed in Iceland.

It may be noted, however, that as the constitutional control in Iceland is concrete and *ex post facto* and dependent on the party complaining of unconstitutionality having sufficient legal interest in the matter, the claims arising out of the unconstitutionality will normally be considered subject to the ordinary general conditions or limitations for such claims. Thus a money claim for compensation or repayment may be barred by the statute of limitation (the limitation period mostly being 4 years for commercial and most contract claims and 10 years for ordinary tort claims), or because of prolonged and excessive passivity on the part of the complainant. If the barring by these general rules is in evidence when the issue of unconstitutionality is first brought before the court, the action usually will fail.

As an example of the effect of the statute of limitation, it may be of interest to note the recent case of an import firm which complained of a special tax or duty on certain foodstuff imports levied over a period of some years. In a resulting judgment of 19 December 1996 is case No.427/1995, *Þrotabú S. Óskarssonar & Co. hf. v. the Icelandic State* (H.1996.4260), the Supreme Court found that the levying of this tax as from the effective date of a Ministry regulation of February 1998 was in conflict with the taxation provisions of the Constitution, the authorisation from the legislator to the government Minister for determining the incidence and rate of the tax having involved an excessive delegation of power. The Court thus delivered a declaratory (recognition) judgment quashing a decree of the State Customs Commission which had established a claim in arrears against the firm by way of redetermining the proper tax on its imports in 1988-1992 (after discovering that the firm had reacted to the tax by asking its foreign suppliers to disguise the true price of the foodstuffs in their invoices so as to lower the tax amount).

The estate in bankruptcy of the firm subsequently brought suit for repayment of the tax actually paid in the said period according to the import price then declared. In a Supreme Court judgment of 10 December 1998 in case No. 146/1998 (H. 1998.4180), it was found that the firm and estate had allowed the relevant 4-year period of limitation to pass without making a money claim, even though there had been ample reason to protest against the tax at the time of import. The prior suit for recognition of unconstitutionality was held not to have been so framed as to break the period. The money claim thus failed completely, and a similar result was experienced by a few other firms which brought suit on the basis of the 1996 decision, although some of them received partial repayment. The cases are perhaps interesting because the Supreme Court did not distinguish the claims over an unconstitutional tax from an ordinary claim for overpaid taxes as regards the period of limitation, but it is to be noted that the claims were framed in terms of repayment (of the gross amount of the tax or such part thereof as the firm might not have been able to pass along to its customers), but not in terms of damages in tort for net loss.

**V. Cases of unsatisfactory execution**

A situation where an unconstitutional norm continues to be appplied has *not* recently arisen in Iceland.

It may be noted that we perhaps came somewhat close to a problem of this nature in connection with the judgment of 3 December 1998 cited in I.B.1.c. and I.B.3.e. above on the management of fishing rights. The case arose over a restriction on the number and capacity of fishing vessels provided for in Article 5 of the relevant Act No. 38/1990, but many people felt that the reasoning employed by the Supreme Court equally involved a condemnation of the restrictions by way of fish stock quotas regulated by Article 7 and related provisions of the Act. The Government, however, took the view that only Article 5 was affected, and the subsequent amendment of the Act was carried out accordingly, despite minority protests in the Althing. This view of the Government was borne out in the later decision of 6 April 2000, where all the justices agreed that the prior judgment could not be directly cited against the validity of the quota rules under Article 7. The opponents of the quota thus only had the limited consolation that the minority justices also found these latter rules to be in actual or potential conflict with the Constitution.

As a final reply concerning points IV and V, the question of decisions of ordinary higher courts being declared contrary to the Constitution does not properly arise as a problem in Iceland, since we do not have the a separate Constitutional Court.

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The constitutional provisions and general laws pertinent to the subject of the Questionnaire may bee listed as follows:

Constitution of the Republic of Iceland No. 33 of 17 June 1944, as amended, in particular its Article 2 (on the separation of powers), Chapter V, Articles 59-61 (on the judiciary, where Article 60 affirms the power of the courts to review actions of the executive power, while review of legislation is not directly mentioned) and Chapter VII, Articles 65-77 (on human rights, including an Article 70 on access to court and fair hearing).

- Act No. 62 of 19 May 1994 on the European Human Rights Convention, where in Article 1, the Convention of 4 November 1950 on the Protection of Human Rights and Freedoms with its Protocols No. 1, 4, 6 and 7 as amended by Protocol 11 is given the force of law in Iceland.
- Act No. 15 of 25 March 1998 on the Judiciary, including its Chapter II on the Supreme Court of Iceland.
- Act No. 91 of 31 December 1991 on Civil Procedure, as amended, including its Chapter I on jurisdiction, Chapter IV on causes of action (esp. Articles 24-25), Chapter XIX on accelerated procedure, Chapter XXIV on complaint-form appeal, Chapter XXV on ordinary appeal, and Chapters XXVI-XXVII on the reopening of decided cases.
- Act No. 19 of 26 March 1991 on Criminal Procedure, as amended, including its Chapter I on jurisdiction, Chapter XVI on complaint-form appeal, Chapter XVIII on ordinary appeal, and Chapter XXII on the reopening of decided cases.

- Act No 90 of 1 June 1989 on Executions.
- Act No. 31 of 23 April 1990 on Attachment of Assets, Injunctions et al.
- Act No. 90 of 23 December 1991 on Forced Sales.
- Act No. 21 of 21 February 1994 on the Seeking of an Opinion of the EFTA-Court on Interpretation of the Agreement on the European Economic Area.

While the legislation above listed provides the framework for action of the common courts empowered to carry out constitutional review, and for the execution of their decisions, none of its provisions specifically deal with such review.

Reykjavik, 21 November 2000

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