

## ***Civil Procedure Code of 1915.***

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As in force March 1, 1984

### **[Chapter XXXII. Awards, Decisions and Legal Rulings ➡](#)**

#### **Article 167**

1. By agreement with a foreign state it may be decided that decisions which have been passed by its courts concerning civil claims and which have become res judicata, shall have binding effect also in this Kingdom.

2. Decisions of foreign courts cannot be recognized, however, in such suits as are mentioned in Article 23, item (1), or if the recognition would be contrary to decency or Norwegian mandatory rules of law.

#### **Article 168**

The provisions in Article 167 shall apply correspondingly to judicial decisions which have been passed by the administrative authorities of a foreign state, and to foreign public compromises. Likewise they shall apply correspondingly to arbitral awards which cannot be deemed to be domestic (cf. chapter XXXII) and in any case to arbitral awards handed down in a foreign state.

### **[Chapter XXXII. Arbitration ➡](#)**

#### **Article 452**

1. The parties may agree to submit a legal dispute to arbitration, provided that the object in dispute is at their free disposal. Subject to the same provisions the parties may agree that any future legal dispute arising from a specific legal relationship shall be decided by arbitration.

2. The arbitration agreement shall be entered into in writing. Should the parties already have instituted proceedings before the arbitral tribunal, the fact that the agreement has not been concluded in writing is, however, irrelevant.

3. Without the consent of the other party, a legal dispute cannot be brought before the regular Courts of Law if it has been agreed that it shall be settled by arbitration.

#### **Article 453**

1. The office of arbitrator is voluntary, unless otherwise prescribed by law. A person who

has accepted the office may withdraw if his grounds are acceptable.

2. Minors or persons who have been deprived of their voting rights in public affairs may not be arbitrators.

#### **Article 454**

1. Unless otherwise stipulated in the arbitration agreement, the arbitral tribunal shall consist of three members, each of the parties choosing one arbitrator, whereafter these arbitrators choose a third as chairman.

2. If anyone so chosen dies, or cannot or will not take office, or resigns, replacements shall be chosen in the same way.

#### **Article 455**

If anyone having the right to choose an arbitrator fails to do so, or if the arbitrators cannot agree upon the choice of chairman, either of the parties and also, in the event, either of the arbitrators may, unless otherwise agreed, request that the choice be made by the District or City Court.

#### **Article 456**

1. If anyone who is chosen is debarred from acting as arbitrator or is incapable of carrying out the task in a satisfactory manner, or is disqualified under the rules for the appointment of judges or is prevented by absence which may be expected to be of long duration, the parties may lodge an objection against the appointment before the District or City Court which shall, by a court ruling, decide whether the arbitrator shall resign. The same shall apply if an arbitrator subsequently finds himself in similar circumstances.

2. The objection must be lodged as soon as there is occasion to do so, and it becomes extinguished if the party has chosen the arbitrator or has taken part in proceedings before the arbitral tribunal in spite of being aware of the circumstances which would have justified an objection.

#### **Article 457**

If an arbitrator fails, without acceptable grounds, to carry out his duties or if he unduly delays the proceedings or the adjudication of the case, either party may apply to the District or City Court for a ruling directing him to proceed with the case without undue delay. Should the case be still further protracted, either of the parties may apply for a court ruling requiring that the offending arbitrator or arbitrators resign and compensate any damage caused by their conduct.

#### **Article 458**

1. Unless it provides otherwise the arbitration agreement becomes void:

1. when the choice of arbitrators is made dependent on agreement between the parties and such agreement is not reached;
2. when the arbitration agreement nominates specific persons as arbitrators and any of

them dies, or cannot or will not take office, or resigns.

2. Either of the parties may submit the question of whether or not the arbitration agreement is void to the District or City Court which by court ruling shall decide the issue.

#### **Article 459**

1. If the arbitration agreement contains rules of procedure, the arbitral tribunal shall abide by them unless this is unfeasible for legal or factual reasons.

2. In other respects, the arbitral tribunal shall decide its own procedure unless otherwise specially stipulated.

3. It shall in any case follow the rules in Articles 460-462.

#### **Article 460**

Before making its award the arbitral tribunal shall give the parties an opportunity to be heard.

#### **Article 461**

The arbitral tribunal may summon the parties to be examined in person and invite witnesses or experts to appear voluntarily and give evidence. But it may not use coercive means or penal sanctions, nor may it hear evidence under oath or under affirmation on honour and good conscience.

#### **Article 462**

If the arbitral tribunal finds it necessary to obtain evidence taken before a Court of Law, the rules in Articles 44 and 45 of the Act relating to the Courts of Justice and Part II are applicable. The Court taking evidence shall, however, also decide questions which under the general rules should be decided by the court of adjudication.

#### **Article 463**

All the arbitrators shall participate in decisions of the arbitral tribunal, and such decision shall be reached by majority vote unless otherwise provided. In the event of a tie vote on the award, the arbitration agreement shall have no effect unless otherwise provided.

#### **Article 464**

1. Reasons for the award shall be stated unless both parties have agreed to the contrary. The award shall be signed by all the arbitrators.

2. It has the same effect as a judgment which has become res judicata unless the parties to the arbitration agreement have reserved for themselves the right to appeal to a new arbitral tribunal. If the arbitration award calls for any performance or action to be taken, it should set a deadline for fulfilment in accordance with the rules applicable to judgments.

3. The provisions in Articles 155-158 and 160 shall apply correspondingly. <sup>1</sup>

4. Amicable settlements concluded before the arbitral tribunal shall have the same effect as judgments which have become *res judicata*, unless otherwise prescribed by statutory law. The amicable settlement shall be put in writing and be signed by the parties and the chairman of the arbitral tribunal. Moreover, the provisions in the second sentence of the first paragraph of Article 285, Article 286, the first paragraph of Article 287 and the first paragraph of Article 472 of the Civil Disputes Act shall apply correspondingly to amicable settlements concluded before the arbitral tribunal.<sup>2</sup>

#### **Article 465**

1. The arbitral tribunal shall ensure that its award is made known to the parties. If they do not appear in person when the award is read, the tribunal shall notify them as soon as possible by registered letter. The notification shall in the latter case be deemed to have been given two weeks after having been handed in to the Post Office, unless the addressee has received the letter earlier.

2. The arbitral tribunal shall also send to the District or City Court a signed copy of its award for filing in the Court's archives.

#### **Article 466**

1. If right of appeal to a new arbitral tribunal has been provided for, the deadline shall be two months calculated from notification of the award, unless otherwise agreed. If appeal is lodged, the provisions of this Chapter shall apply correspondingly to the new arbitral tribunal and to the new proceedings.

2. A waiver of the right to appeal the arbitration award should be made explicitly.

#### **Article 467**

An arbitration award is invalid insofar as the grounds for its being invalid refer to the following:

1. when the award relates to anything which could not form the subject of arbitration agreement;
2. when any of the arbitrators was legally debarred from serving;
3. when the conclusions of the award are self-contradictory or ambiguous and cannot be rectified in the manner prescribed in Article 156;<sup>3</sup>
4. when the award is in some respect contrary to mandatory law or morals.

#### **Article 468**

1. When asserted by one of the parties, the arbitration award is likewise invalid:

1. when there is no valid agreement concerning arbitration;
2. when the arbitral tribunal has gone beyond the scope of its terms of reference;

3. when mandatory rules of procedure or specially agreed rules of procedure have not been observed and it is probable that the violation has affected the result;
4. when any of the arbitrators was ineligible under Article 106 of the Act relating to the Courts of Justice;<sup>4</sup>
5. when any of the grounds for annulment listed in Article 407 are applicable.<sup>5</sup>

2. The award cannot be claimed invalid by a party who has failed to lodge an objection before award was rendered, or who has acquiesced in the award in spite of his being aware of the grounds rendering the award invalid.

3. Nor may a party claim that the award is invalid by reason of sub-sections 1, 2 or 3, if he has voluntarily and without reservation complied with the arbitration award.

4. Claims that the award is invalid by reason of sub-section 3 and 5 may only be asserted by the party who suffered injury from the grounds for the award being invalid.

#### **Article 469**

1. If there are grounds for declaring the award invalid, the parties may obtain a court judgment setting aside the arbitration award.

2. In the instances mentioned in Article 468, sub-sections 2 and 3, action must be taken within three months after the parties were notified of the arbitration award. In the instances mentioned in Article 468, sub-sections 4 and 5, action must be taken within the time limits prescribed in the first paragraph of Article 408.

3. When three years have elapsed since the award, action may in no circumstances be taken to have it annulled. Redress will not be granted to anyone failing to observe this time limit.

4. The plaintiff must produce evidence that action has been taken in good time.

#### **Article 470**

So long as the arbitration award has not been complied with, the grounds for declaring the award invalid, as stated in Article 467 and sub-section 1 of Article 468, may be invoked without a court judgment being required to set the award aside.

#### **Article 471**

The parties may not with binding effect waive their right to invoke grounds, of which they are unaware, for declaring the award invalid.

#### **Article 472**

1. When Articles 455-458, 465 and 469 refer to the word "Court" this relates to the District or City Court which the parties have lawfully agreed upon or, in the absence of such agreement, a District or City Court before which the dispute could be brought if a lawsuit were filed at the time the assistance of the Court is requested. If no Court is competent according to what is stated above, the case can be brought before the City Court of Oslo.

2. Thus the Court that first dealt with an arbitration case shall also deal with all subsequent issues in the same arbitration case that are brought before the Court, and shall receive the copy of the award mentioned in Article 465.

3. Before the Court gives a ruling in any of the circumstances mentioned above, it shall as far as possible give the person or persons concerned in the matter the opportunity to express an opinion orally or in writing. The same applies if the Court decides to make the choice under Article 455.

### **Article 473**

Unless otherwise prescribed, the rules in this Chapter shall also apply to arbitration initiated in pursuance of statutory law.

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1:

These Articles are as follows:

#### **Article 155**

The court is bound by its decision when the judgment is read aloud in court, or if not so pronounced, then when it is signed.

#### **Article 156**

If the judgment contains a typographical or mathematical error or other obvious inaccuracies or omissions, the court itself, or a higher court that acquires the case, is to correct these on its own initiative.

#### **Article 157**

Additionally, if there are in the grounds for the judgment inaccuracies, ambiguities, inconsistencies or inadequacies these can be corrected upon motion of a party, and after a hearing with the other party. Such motions must be brought within two weeks. The motion is to be ruled upon, as soon as possible, by the same judges that have pronounced the judgment. Nonetheless, lay judges do not need to be called back in, however, unless one of the parties demands this.

#### **Article 158**

1. Corrections pursuant to Articles 156 and 157 are to be effected by a special addendum to the court record. They are to be referred to by marginal note at the appropriate place in the record.

2. All copies that have been issued are to be called in either for correction or replacement with new copies. The provisions of Article 154 apply correspondingly.

#### **Article 160**

1. If something that should have been decided by the judgment was omitted, a supplemental judgment can be issued pursuant to the provisions of Articles 157 and 158.

2. The main procedure can be reopened, if this is necessary.

➡

2:

Articles 285-287 CPC refer to settlement before a public authority.



3:

See note 1 for the text of Article 156.



4:

See Annex II for the Courts Act.



5:

Article 407 CPC is as follows:

#### **Article 407**

Finally, a demand for resumption can be made:

1. Whenever a judge or clerk of the court, who has taken part in the disposition of the case, or the opposing party or his authorized representative or trial attorney has been guilty of punishable misconduct in connection with the case, and there is reason to believe that his participation has influenced the decision;

2. Whenever a party's authorized representative or trial attorney has been guilty of an intentional punishable act in connection with the case, and this obviously has influenced the decision;

3. Whenever an expert witness or a court interpreter or a witness has given false testimony, or a document used in the case is false or forged, and there is reason to believe that this has influenced the decision;

4. Whenever a previous decision that was binding upon the judgment ceases in effect without being replaced by a new decision of the same content on the relevant point;

5. Whenever a previous judgment is brought forth that as *res judicata* would have decided the case;

6. Whenever new information is brought to light, or new evidence is proffered, which by itself or in connection with what has previously been produced, would obviously have brought about a different decision;

7. Whenever the decision is considered directly or indirectly to be grounded in an interpretation of international law or a treaty, which deviates from the interpretation that an international court on the same set of facts declares to be binding upon Norway, and this interpretation must be considered to compel a different decision.

Resumption under this section can only be demanded by the party to whom the grounds for seeking resumption have been of detriment. Also, he must demonstrate that he was not aware of the relevant circumstance and able to assert it during the disposition of the case at the same level or upon appeal or challenge, and that he, free from personal fault, remained unaware of it or was prevented from asserting it.

