

PROVISIONAL ACT
of 26 February 1943
Relating to Police Service in
Norway during Wartime

I.

In districts affected by war operations the military leadership may, to the extent this is necessitated by the military situation, make all determinations relating to external order and security. Such determinations shall, as regards the civilian population, be promulgated and enforced by the Norwegian National Police.

Among other things, external order and security jurisdiction includes jurisdiction in relation to evacuation or exclusion of civilians from specified areas; prohibition, restriction or re-direction of travel, road traffic, or sojourn in public or generally frequented places; the subjecting of persons who travel or sojourn in such areas to control and visitation; the changing of blackout regulations now in effect; and the making of new regulations concerning times for closing of shops, places of refreshment, taverns and public houses.

For the purposes of this paragraph, the expression "the military leadership" shall be taken to mean the Chief Command of the National Defence, the Army High Command, Supreme Commander for a section of the country, Army detachment commanders and divisional and brigade commanders. Their decisions and determinations, made pursuant to this paragraph, may be reversed by the War Office.

II.

Within limits not covered by inconsistent determinations made pursuant to paragraph 1 or pursuant to provisional act of 14 April 1940, paragraph 6, the National Police Chief may (then currently effective police regulations to the contrary notwithstanding) make any determination coming within the purview of the law of 26 May 1866 (compare laws of 28 May 1881 and 6 June 1891) as well as the Penal Code's "Effective Date" Law, paragraph 15, the law of 22 May 1875 and the law of 17 June 1932.

In the same manner, he may decide and determine:

- (a) That the right to hold public meetings and demonstrations, distribute pamphlets and put up posters is conditioned upon permission of the police.

- (b) That sale and serving of intoxicants shall be forbidden or subject to certain fixed conditions, or that sale and serving of intoxicants may be continued until further notice, or undertaken for a particular occasion by a person not holding a license pursuant to the Intoxicants Law.
- (c) That times for closing other than those already fixed for the community shall be applicable to taverns, public houses, shops, barber and hair dressing establishments.
- (d) That civilians must not, either for a specific period of time or until further notice, without permission from the police, frequent streets, roads or public or generally frequented places.
- (e) That civilians shall be provided with, and at all times carry with them, and upon demand exhibit to the police, military officers and sentries, an identification token with photograph prepared or certified by the police or other civil servant thereunto authorized.
- (f) That the police may make regulations as specified in the traffic Regulations of 27 May 1938, without consent of the Administrative Committee.
- (g) That travelling from one district to another within a liberated area is conditioned upon permission of the police.

III.

Persons suspected of having committed, of being about to commit or of attempting to commit any violation of chapters 8, 9, 13 or 14 of the Penal Law, paragraphs 80, 81, 84, 86, 88, 89 or 91 of the Military Penal Law, against provisional act relating to additions to penal legislation concerning treason of 22 January 1942, Official Secrets Act (lov om forsvarshemmeligheter) of 18 August 1914 or the Supplies Law (forsyningsloven) of 14 May 1917 or of having committed, or being about to commit, or of attempting to commit an unlawful attack upon the life, body or health of any person, may be seized by the police and held in custody for not more than 30 days (with the consent of the Department of Justice, up to 60 days) before the rules of the Code of Criminal Procedure will become operative. The Department of Justice may decide that the detention shall continue, although not for more than 120 days altogether.

IV.

When suspicion as mentioned in paragraph 3 is present, the police may undertake search and seizure without rendering operative the rules of the Code of Criminal Procedure.

V.

Persons who during the last 3 years have repeatedly been imprisoned, for a period totalling altogether more than 90 days, pursuant to conviction under the Vagrancy Law of 31 May 1900 or corresponding determinations drawn up by the occupation authorities, or chapters 14, 19, 21, 22, 24, 25, or 28 of the Penal Law or who pursuant to paragraphs 5, 18, 19, or 7 of the Vagrancy Law or corresponding determinations drawn up by the occupation authorities, have been placed in a penal workhouse or returned home, may be taken into custody by the police in such manner and for such period of time as is regarded as necessary to re-establish or maintain order and security, but not for more than 6 months.

VI.

Persons who are, or who it is feared may be, subject to injury at the hands of the People because of suspected unpatriotic tendencies may be taken into custody by the police in such manner and for such period of time as is regarded as necessary from the viewpoint of their own security, but not for more than 30 days. The Department of Justice may decide that the detention shall continue, although not for more than 120 days altogether.

VII.

Determinations referred to in paragraphs 3 - 6 will be made by the Chief Constable or, on his behalf, by a subordinate police functionary. The determination referred to in paragraph 4, may also be made by the Sheriff (lensmann), and when there is danger in delay, by any functionary of the National Police; a report on the decision shall in this event, and without delay, be directed to the Chief Constable who will decide whether or not it is to be upheld.

Persons referred to in paragraphs 3, 5 or 6 who are seized by any member of the military force, shall, as soon as possible, be brought before the police authorities concerned who will decide whether or not they are to be held in custody.

The determinations referred to in this paragraph shall include a short statement of grounds and shall be entered into a special register authorized by the Chief Constable. A transcript of the determination shall, within 8 days, be sent to the Department of Justice which will determine whether and to what extent the decision should be upheld.

VIII.

Promulgation of determinations made under the authority of paragraphs 1 and 2 of this enactment will be accomplished by suitable and convenient means. In the absence of a provision to the contrary they are effective immediately.

IX.

Any person who wilfully or negligently violates the determinations mentioned in paragraph 8 will be punished by a fine of up to 50,000 Kr. or imprisonment up to one year, or both. Accomplices or persons who attempt such violations are subject to the same punishment. Violations will be regarded as misdemeanors.

X.

This act is effective immediately and will remain in force as long as Norway is at war. Paragraph 2 of the provisional act of 14 April 1940 which relates to specific limitations on legal remedies during war is repealed concurrently.