

Act
on public lands
and the determination of the boundaries
of private land, public land and upland ranges,
no. 58/1998, cf. Act no. 65/2000.

Section I

Definitions

Art. 1

In this legislation the follow definitions apply:

Private land: An area of land subject to the right of private ownership, to which the owner has all regular proprietary rights within the limits imposed by the law at any time.

Public land: An area of land outside private lands, even though private individuals or legal persons may enjoy limited rights of ownership there.

Upland range: An area of land in an uninhabited area, which has generally been used as summer pasture for livestock.

Section II

Public lands

Art. 2

In public lands, the Icelandic State is the owner of the land and of all entitlements and natural harvests from it that are not governed by proprietary law.

The Prime Minister is responsible for matters involving public lands which are not assigned to other ministries by law.

Art. 3

No one may make use of public land for his own purposes, including the erection of physical structures there, disruption to the land, utilization of its natural harvests, water and geothermal energy rights, cf. however Art. 5, except when authorized in accordance with Paragraph 2 or 3 and on fulfilment of the provisions of law in other respects.

Permission from the Prime Minister is needed to utilize water and geothermal energy rights, mines and other earth materials, unless otherwise stipulated in law. Furthermore, the Minister is authorized to allow such use of the land as is necessary in order to take advantage of such rights.

Authorization from the respective local authority is required in order to utilize land and land rights within public land in other respects than stipulated in Paragraph 2. The Prime Minister's approval is also required if utilization is authorized for a longer duration than one year. Any dispute arising from the granting of authorization in accordance with this Paragraph shall be resolved by the Prime Minister.

The Prime Minister may decide or negotiate remuneration (rent) for utilization of rights authorized by him under Paragraph 2. Likewise, a local authority is authorized, subject to the Prime Minister's approval, to negotiate remuneration for use which it authorizes under Paragraph 3. Revenues from authorization for the utilization of land in accordance with Paragraph 2 shall be allocated towards land improvement schemes, supervision, monitoring and comparable tasks within the public land area, as specified by

the Prime Minister. Revenues from authorizations granted by a local authority in accordance with Paragraph 3 shall be allocated towards analogous projects within the public land area covered by the authorization. The local authority shall report annually to the Prime Minister regarding the allocation of such funds.

The Prime Minister shall present an annual report to the Althingi on the allocation of land, land rights and revenues accruing from fees paid for such rights. The State Audit shall audit the accounts concerning collection and allocation of revenues from public lands.

Authorizations in accordance with Paragraphs 2 and 3 may not extend to rights which are subject to proprietary law or assigned to others by law. If use of public land results in diminished proprietary rights held in it by others, the party concerned may demand compensation from the holder of such authorization. Any dispute arising from a failure to agree on payment of compensation shall be resolved in accordance with the Act on Implementation of Compulsory Purchases.

[Public lands shall be exempt from all taxes and dues]¹⁾

As of the entry into effect of this Act, proprietary rights may not be acquired within public land on account of settlement or tradition.

1) Act no. 65/2000, Art. 1.

Art. 4

A collaborative committee shall operate under the auspices of the Prime Minister, comprised of representatives of the Prime Minister, Minister of Social Affairs, Minister of Industry, Minister of Agriculture, Minister of communications and Minister for the Environment, and two representatives nominated by the Federation of Municipal Authorities. The Prime Minister's representative shall chair the committee. The committee shall assist the Prime Minister in managing and allocating rights within public lands. Furthermore, the committee shall present the Prime Minister with annual proposals for allocation of revenues accruing from rights within public lands.

The Prime Minister may issue a regulation specifying rules for the handling and utilization of public lands in accordance with this Act, including conditions for local authorities' authorizations for use of public lands.

Art. 5

Those who have utilized land within a public land area as pasture for livestock or had other traditional use of it which is attached to the ownership of upland ranges shall retain such rights in accordance with the provisions of law in that respect.

The same applies to other rights which are verified.

Section III.

Committee for the Interior

Art. 6

The Committee for the Interior shall be comprised of three members and the same number of deputies.

Members of the committee shall be appointed by the Prime Minister. He appoints the chairman and deputy chairman from the main members of the committee. Members shall fulfil the terms for appointment to the office of district court judge.

If a main member is unable to attend when a case is being considered, the chairman shall decide which of the deputies shall take his place. Likewise, the chairman may decide that a deputy shall take the place of a main member when a case is being considered, if he regards this as necessary because of the number or scope of cases being discussed by the committee. When a case is presented orally, as a rule it shall be ensured that the same person takes part in consideration of it from the stage where parties to the case are given the opportunity to make a statement to the committee and until it delivers its ruling.

If the chairman considers there is a need for expert knowledge in the resolution of a case, he may call in a person or person with such expertise. If no more than one expert is considered necessary, a deputy member shall take a seat on the committee according to the decision of the chairman, thus creating a committee of five.

[The chairman of the Committee for the Interior shall be employed as its director in a full-time position with the same legally mandated terms of employment as the Chief Judge of a District Court. In other respects the Committee for the Interior may employ assistants and set up office facilities in consultation with the Prime Minister.]¹⁾

1) Act no. 65/2000, Art. 2.

Art. 7

The role of the Committee for the Interior shall be:

- a. To examine and rule on which land constitutes public lands, and where their boundaries with private lands lie.
- b. To rule on the boundaries of any part of public land which is utilized as an upland range.
- c. To rule on proprietary rights within public lands.

Art. 8

The Committee for the Interior shall, on its own initiative, take for consideration and rule on issues pertaining under it. [It shall decide which area of land is taken for consideration in each case. The committee may later decide to reduce or increase that area. The committee may take more than one area for consideration at the same time.] ¹⁾ The committee shall aim to complete its task by the year 2007.

1) Act no. 65/2000, Art. 3.

Art. 9

Anyone claiming proprietary rights in a certain area and desiring a ruling from the Committee for the Interior on a matter pertaining under it shall submit a written request to that effect. The Committee for the Interior shall take the request for consideration and make notification of its decision in the same manner as stipulated in Paragraph 1, Art. 10. The committee may decide to defer consideration of such a request until the area of land concerned is taken for consideration as decided in accordance with Art. 8.

Art. 10

[When the committee has decided to take an area for consideration it shall notify the Minister of Finance of its decision, cf. Paragraph 1, Art. 11, and grant him a deadline of a minimum of three months and maximum of six months to describe the State's claims for public lands in the area.

When the description of the State's claims has been drawn up, the Committee for the Interior shall issue an announcement and publish it in the Legal Gazette. This will be in the form of an appeal to those who consider themselves entitled to proprietary or other rights in the area where the State is making its claim, to describe the claims to the Committee for the Interior within a minimum of three months and maximum of six months from the publication date of the issue in which the announcement appears. At the same time, the committee shall have a declaration to this effect officially recorded for the title deeds for the properties which are entered in the record of title deeds and are in the area concerned. A summary of the content of the announcement shall be published in a newspaper advertisement.

The Committee for the Interior may agree grant an additional deadline if requested.] 1)

Accompanying their claims, parties shall submit the source references and documents on which they base their entitlement.

Notwithstanding the provisions [of Paragraphs 1-4], 1) the committee shall on its own initiative gather the source references and documents on proprietary and use rights for the land area which is under consideration, and perform studies and investigations of facts and points of law which are of significance for the outcome of individual cases. The Committee for the Interior may authorize presentation of oral evidence to the committee.

1) Act no. 65/2000, Art. 4.

Art. 11

The Minister of Finance shall represent the State and institutions under its auspices on account of claims for proprietary rights within public lands and in resolutions concerning the classification of an area of land as private land or public land.

In the case of common grazing land, announcements regarding holders of ranging rights there shall be direct towards the respective local authority or authorities or an association of range-farmers established to deal with such matters, and these shall have a mandate to handle the issue on behalf of individual holders of rights.

Art. 12

[On the expiry of the deadline for describing claims in accordance with Paragraph 2, Art. 10, the Committee for the Interior shall compile a survey of claims described for the relevant area of land and have them entered on a map. This survey together with the map (claims boundary map) shall be available for public inspection for at least one month at the office of the district commissioner(s) in the district(s) to which the area belongs. Remarks shall have been received by the Committee for the Interior within seven days from the final day of the announcement.] 1)

1) Act no. 65/2000, Art. 5.

Art. 13

The Committee for the Interior may decide to combine the consideration and settlement of cases regarding individual areas of land into a single case or more, and to divide up cases irrespective of the way in which they are submitted to the committee, or may consider cases on its own initiative from the start.

... 1)

When a case is being considered, if it transpires that a conceivable holder of proprietary rights has not described his claims, the committee shall take the initiative in investigating whether he has waived the claim, or else grant him the opportunity to become a party to the case.

1) Act no. 65/2000, Art. 6.

Art. 14

No appeal against resolutions of the Committee for the Interior may be lodged with the Minister as a higher government authority.

A case pertaining under the Committee for the Interior according to Art. 7 shall not be referred to a court of law until the committee has completed its consideration of it.

Art. 15

The Committee for the Interior shall seek to reconcile parties unless attempts at reconciliation are patently regarded as futile.

If the committee considers that a case presented to it falls outside the scope of its brief, it shall issue a ruling refusing to consider the case, but always give any party to it the opportunity to make a specific statement on this point before a ruling thereupon is made.

Anyone regarding a case being considered by the Committee for the Interior as not pertaining under it may demand that it is dismissed.

Art. 16

The form and content of rulings by the Committee for the Interior which entail a final conclusion to a case are subject to administrative rules on appeal rulings.

Art. 17

[Costs on account of work by the Committee for the Interior in accordance with this Act are paid by the Treasury. As well as the committee's operating costs, this extends to necessary costs incurred by other parties than the State in safeguarding their interests before the committee.

The Committee for the Interior rules on claims for costs made by parties to a case according to subparagraph 2 of Paragraph 1. In its evaluation of whether a necessary cost is involved, the committee may take into account whether parties with similar vested interests have collectively made use of the assistance of the same lawyers and other experts, provided that no clash of interests is involved. Evaluation of the cost amount shall also take into account what may be considered as fair and normal remuneration for safeguarding of interests in the respective case.

The committee is authorized to oblige a party to a case meet his own costs in pursuing it as well as those of the counter-party in part or in full, if it considers that the grounds on which the case is presented warrant this.

The provisions of a ruling by the Committee for the Interior on the cost of a case may be fulfilled by distraint.] 1)

1) Act no. 65/2000, Art. 7.

Art. 18

Rulings by the Committee for the Interior shall be presented to the parties who have described claims and those who are deemed to hold rights in the area concerned. A summary of the ruling shall be published in the Legal Gazette together with a map. The Committee for the Interior shall arrange for the publication of its rulings.

The Committee for the Interior shall, on its own initiative, have rulings which involve proprietary rights officially recorded. No deed registration or stamp duty shall be collected for such documents, nor for entry in official records in accordance with [Paragraph 2 of] 1) Art 10.

1) Act no. 65/2000, Art. 8.

Art. 19

Anyone unwilling to accept a ruling by the Committee for the Interior shall bring a civil action within six months of the publication date of the issue of the Legal Gazette in which a summary of the ruling is printed in accordance with [Paragraph 1 of] 1) Art. 18. Any claim submitted to the committee may then be presented for resolution by a court of law.

1) Act no. 65/2000, Art. 9.

Section IV

Sundry provisions

Art. 20

Any case brought before a court of law in which claims are made regarding matters pertaining under the Committee for the Interior in accordance with this Act shall be concluded there, notwithstanding the provisions of Paragraph 2, Art. 14.

[Art. 21

The Prime Minister shall issue a regulation specifying provisions for the Committee for the Interior's working procedures and consideration of cases, including the format for description of claims, maps and other documents from parties to cases, and the technicalities of boundary lines.] 1)

1) Act no. 65/2000, Art. 10.

[Art. 22] 1)

This Act enters into effect on July 1, 1998.

1) Act no. 65/2000, Art. 10.

[Provisional clause

Costs on account of safeguarding of vested interests before the Committee for the Interior, incurred before the entry into effect of this Act, are subject to the provisions of Art. 17, as amended by Art. 7 of this Act.] 1)

1) Act no. 65/2000, Art. 11.