Code of Judicial Procedure (1942: 740)

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FIRST DEPARTMENT

About the judiciary

1 Chap. About general court

Section 1 The district court is a general **lower** court and, unless otherwise provided, a first court.

The Government may, with the support of ch. § 7 of the form of government issue regulations on the districts of the district courts. *Lag (2018: 411)* .

Section 2 In a district court, there shall be a lawyer.

Unless the government decides otherwise, there must also be one or more councilors in a district court. In the district courts determined by the government, there must also be one or more chief councilors.

Lawyers, chief councilors and councilors must be law-abiding.

A district court may be divided into departments. The head of a department is the lawyer or a chief adviser.

In a district court, there must be an office, which is open to the public at certain times. *Lag (2013: 81)* .

Section 3 The district court shall, unless otherwise prescribed, consist of a legally qualified judge. *Lag (1989: 656)* .

Section 3 a At the main hearing in civil cases, the district court shall consist of three legally qualified judges, unless otherwise provided.

The court shall consist of a legally qualified judge when the main hearing is held in a simplified form.

In cases other than those referred to in the second paragraph, the court at the main hearing is a judge with a legally qualified judge if, in view of the scope and degree of difficulty of the case, it is sufficient for a judge to sit in court.

If the court consists of three legally qualified judges and one of these is prevented after the main hearing has begun, the court is a judge with two legally qualified judges. *Lag (2016: 244)* .

Section 3 b At the main hearing in criminal cases **, the** district court shall consist of a legally qualified judge and three judges. If one of the judges is prevented from appearing after the main hearing has begun, the court is a judge with a legally qualified judge and two judges.

At the main hearing in a case of a crime for which no more severe punishment than a fine or imprisonment for a maximum of six months is prescribed, the district court is a judge without judges, unless there is reason to impose a sanction other than a fine and the case is not a company fine.

If there are reasons for it, the number of legally qualified judges may be increased by one in addition to what follows from the first paragraph. The same applies to the number of board members. If one or more of the members is prevented from attending after the main hearing has begun, the second sentence of the first paragraph applies with regard to sentencing. *Lag (1997: 391)* .

§ 3 c When deciding cases without a main hearing and when examining questions that belong to the trial, the district court may have the composition prescribed for the main hearing, if there are special reasons with regard to the nature of the case or question. *Lag (1989: 656)* .

Section 3 d In civil cases where settlement of the matter is permitted, the district court shall always consist of a legally qualified judge, if the value of what is claimed is clearly not more than half of the price base amount according to ch. Sections 6 and 7 of the Social Insurance Code.

The first paragraph does not apply if a party for the first time is to bring an action in the case demands that general rules be applied and thereby makes it probable that the underlying dispute concerns a higher value or that the outcome is otherwise of particular importance for the assessment of other existing legal circumstances. If the action has been brought through an application for an order for payment, the party requesting that the case be submitted to the district court must, at the latest in connection with this, present a claim as just stated.

Value according to the first paragraph refers to the value that can be assumed to apply at the time the action is brought. If the action has been brought through an application for an order for payment or assistance or as an individual claim in a criminal case, the value in the court's decision refers to the dispute being handled as a civil case. In the assessment, the costs of the proceedings shall not be taken into account. *Lag (2010: 1202)* .

§ 3 e Measures which only concern the preparation of a case and which are not of such a nature that they should be reserved for lawful judges may be performed by someone else who has sufficient knowledge and experience and who is employed by a general court, a general administrative court or a tenancy board. . The Government may, with the support of ch. § 7 of the form of government issue more detailed regulations on this.

The provisions in ch. 4 Section 13 also applies to persons other than judges when they perform measures in accordance with the first paragraph. *Lag (2017: 542)* .

Section 3 f If the district court consists of more than one legally qualified judge, the following applies in respect of the chairman of the court.

Eligible to be chairman is the person who
1. is or has been an ordinary judge in a district court or court of appeal, or
2. the government has for a certain period of time been employed as a lawyer or chief counsel in a district court.

The competent judge who holds the highest office shall be the chairman. Among competent judges with the same position, the person with the longest term of office shall be the chairman. If there are special reasons, one of the competent judges other than the one who has the highest position or the longest term of office may be the chairman. *Lag (2018: 411)* .

Section 4 The government or the authority determined by the government shall determine how many tribunals there shall be in each district.

The district court shall distribute the service between the board members after consultation with them. *Lag (2018: 411)* .

Section 5 A district court shall have an office in the locality or places determined by the government. The district court shall have a district court in the locality or places unless the government decides otherwise.
The district court may also have a district court in another place determined by the government. *Lag (2000: 1455)* .

Section 6 The district court shall hold a meeting as often as is required for the work. A meeting for the main hearing (thing) shall be held at a courthouse, unless there are special reasons for holding the meeting at another location. *Lag (1975: 502)* .

Section 7 has been repealed by *Act (1990: 443)* .

§ 8 In addition to what follows from § 3 b, in the examination of extensive or otherwise particularly demanding cases of public prosecution in which the assessment of economic or tax law matters is of significant importance, such as special members are included, individually or together,
1. a person appointed as financial expert according to ch. 4 § 10 a, if there is a need for special expertise in the court in financial matters,
2. a person who is or has been a legally qualified judge in a general administrative court, if there is a need for special expertise in the court in tax law matters.

If one or more of the members of the court is prevented from appearing after the main hearing has begun, section 3 b, first paragraph, second sentence applies in respect of sentencing. However, the court may not consist of more legally qualified judges than tribunals. *Lag (1997: 391)* .

Section 9 has been repealed by *law (2000: 172)* .

Section 10 has been repealed by *law (1975: 502)* .

Section 11 has been repealed by *law (1969: 244)* .

Section 12 has been repealed by *law (1969: 244)* .

Section 13 has been repealed by *law (1969: 244)* .

Section 14 has been repealed by *law (1969: 244)* .

Section 15 has been repealed by *law (1969: 244)* .

Section 16 has been repealed by *law (1969: 244)* .

Section 17 has been repealed by *law (1969: 244)* .

2 Chap. About the Court of Appeal

Section 1 The Court of Appeal is a superior court in cases and matters that are appealed from the district court. *Lag (2018: 411)* .

Section 2 The Court of Appeal shall, as the first court, take up cases concerning liability or individual claim due to crimes which in the performance of the service or assignment have been committed by a judge in a general lower court.

The Court of Appeal is otherwise the first court in cases in respect of which this is prescribed by law. *Lag (2008: 156)* .

Section 3 In each Court of Appeal, there shall be a President of the Court of Appeal, one or more Court of Appeal lawyers and Councilors of the Court of Appeal, one or more of whom shall be vice chairman. They must be law-abiding.

A court of appeal may be divided into departments. The head of a department is the president or a lawyer.

At each court of appeal, there must be an office that is open to the public at certain times. *Lag (1998: 1800)* .

Section 4 The Court of Appeal is a judge with three legally qualified judges. In cases that have been appealed from the district court, however, at least four legally qualified judges must participate when the Court of Appeal decides the case, if the district court consisted of three legally qualified judges. If one of the legally qualified judges is prevented after the main hearing has begun, the court is still a judge. More than five legally qualified judges may not participate in the Court of Appeal.

In criminal cases, instead of the provisions in the first paragraph, the Court of Appeal is a judge with three legally qualified judges and two judges. If one of the legally qualified judges or one of the arbitrators is prevented from appearing after the main hearing has begun, the court is still a judge. More than four legally qualified judges and three judges may not participate. If there is no reason to impose a more severe penalty than a fine and if the case in question is not a company fine, the Court of Appeal is also a judge with the composition specified in the first paragraph. The same applies to proceedings that do not take place at the main hearing.

When dealing with questions about leave to appeal, the Court of Appeal shall consist of three legally qualified judges. A trial permit that is not limited according to ch. 49 § 14 a first paragraph may, however, be announced by a legally qualified judge, if the question is simple.

In the event of a decision on the dismissal of a case after revocation or after an appeal has expired at a meeting referred to in ch. Section 10 or Chapter 51 Section 10, the Court of Appeal is a judge with a legally qualified judge. The same applies to a decision to set aside the district court's decision after the claim has been withdrawn.

Measures relating only to the preparation of a case may be carried out by a legally qualified judge of the Court of Appeal or, if they are not of such a nature that they should be reserved for qualified judges, by someone else with sufficient knowledge and experience and employed by a general court; a general administrative court or a tenancy board. The Government may, with the support of ch. § 7 of the form of government issue more detailed regulations on this.

The provisions in ch. 4 Section 13 also applies to persons other than judges when they perform measures in accordance with the fifth paragraph. *Lag (2017: 542)* .

Section 4 a In addition to what follows from section 4, the Court of Appeal may include as special members, individually or together,
1. a person who has been appointed as a financial expert in accordance with ch. § 10 a, if there is a need for special expertise in the Court of Appeal in financial matters,
2. a person who is or has been a legally qualified judge in a general administrative court, if there is a need for special expertise in the Court of Appeal in tax law matters. *Lag (1985: 415)* .

§ 4 b If the Court of Appeal consists of more than one legally qualified judge, the following applies in respect of the chairman of the court.

Eligible to be chairman is the person who
1. is or has been an ordinary judge in the Court of Appeal, or
2. the government has for a certain period employed as President of the Court of Appeal, Court of Appeal Attorney or Councilor of the Court of Appeal also vice chairman of the department.

The competent judge who holds the highest office shall be the chairman. Among competent judges with the same position, the person with the longest term of office shall be the chairman. If there are special reasons, one of the competent judges other than the one who has the highest position or the longest term of office may be the chairman. *Lag (2018: 411)* .

Section 4 c The Government or the authority determined by the Government shall determine how many tribunal members shall be in the Court of Appeal's jurisdiction for service in the Court of Appeal.

The Court of Appeal distributes the service between the board members after consultation with them. *Lag (2018: 411)* .

Section 5 The Court of Appeal shall meet in the place where it has its seat.

Meetings may also be held in another place if there are reasons to do so.

Meetings shall be held as often as required for the work.
Lag (1993: 514) .

Section 6 The Kingdom's courts of appeal are: Svea Court of Appeal, Göta Court of Appeal, the Court of Appeal over Skåne and Blekinge, the Court of Appeal for Western Sweden, the Court of Appeal for Lower Norrland and the Court of Appeal for Upper Norrland.

The government orders the courts of appeal. *Lag (1974: 573)* .

Section 7 has ceased to apply by *law (1975: 502)* .

Chapter 3 About the Supreme Court

Section 1 The Supreme Court is superior in cases and matters that are appealed from the Court of Appeal. *Lag (2018: 411)* .

Section 2 That in the Supreme Court an action may in a certain case be brought against a decision of the Bar Association's board or other association body, is stipulated in Chapter 8. 8 §. *Lag (2009: 344)* .

Section 3 The Supreme Court shall, as the first court, take up cases of liability or individual claim due to crimes committed in the exercise of the employment or assignment by a Minister of State, the Minister of Justice, one of the Parliamentary ombudsmen, the Chancellor of Justice, the Attorney General, a judge or Advocate General in the European Union court or whoever exercises any of these functions or by a judge of the Court of Appeal or a Registrar of the Supreme Court.

The Supreme Court shall also, as the first court, consider whether a judicial council in the Supreme Administrative Court shall be dismissed or suspended from its employment or be obliged to undergo a medical examination. The Supreme Court is otherwise the first court in cases in respect of which this is prescribed by law. *Lag (2010: 1391)* .

Section 4 In the Supreme Court, there shall be fourteen councils of justice or the higher number required. The Council of Justice must be legally qualified. They may not hold or exercise any other office.

One of the justices of the court shall be the chairman of the court.

The Supreme Court may be divided into divisions. If the Supreme Court is divided into sections, the President of the Supreme Court is also the chair of a section. One of the other justices is chair of another department.

When a Judicial Councilor cannot serve in the Supreme Court due to illness or a comparable circumstance, a person who has retired with an old-age pension from his employment as a Judicial Councilor may be appointed to serve temporarily as a substitute. What is prescribed by law or other statutes about the Judicial Council shall also be applied to substitutes.

The Supreme Court may order a person who is a legal adviser in the Supreme Administrative Court to serve in the Supreme Court.
Lag (2017: 542) .

Section 5 The court shall, unless otherwise provided by the second or fourth paragraph or Section 5 a, second paragraph 1-3, consist of at least five members when examining the matter itself in
1. case where leave to appeal has been granted by the Supreme Court,
2. case where the Supreme Court is the first instance court,
3. cases where the action has been brought in the Court of Appeal and an appeal has been made to the Supreme Court,
4. cases which have been appealed by the Chancellor of Justice or by an ombudsman, and
5. cases of rescission, restoration of adjourned time or appeal over judgment, if the trial is not simple.

If a petition in a case where the Supreme Court is the first instance court does not include legal grounds for the action or it is otherwise obvious that the action is unfounded, the court may consist of three or four members when the judgment in the case is announced without a summons having been issued.

When the Supreme Court issues an opinion as referred to in section 2 of the Act (1974: 579) on the handling of pardon cases, the court shall consist of at least three members.

What is said in the third paragraph also applies to the examination of the matter itself in cases according to the Act (1957: 668) on extradition for crime, unless otherwise follows from § 5 a second paragraph 4, and in cases under § 34 of the Act (1972: 260) on international cooperation in the enforcement of criminal convictions. *Lag (2019: 243)* .

Section 5 a In cases other than those referred to in Section 5, the Supreme Court decides for each case or matter how many members are to be included in the court.

What is said in the first paragraph also applies to the examination of
1. questions about the granting of leave to appeal in the Court of Appeal,
2. questions about the remand of cases to the Court of Appeal,
3. appeal of the Court of Appeal's rejection decision referred to in ch. § 17, and
4. questions about coercive measures according to § 16 fifth paragraph of the law (1957: 668) on extradition for crime. *Lag (2019: 243)* .

§ 5 b More than seven members may not be included in the court, unless otherwise follows from § 6. *Lag (2009: 344)* .

§ 5 c If the court consists of more than one member, the ordinary member who has the highest position shall be the chairman of the court. Among ordinary members with the same position, the one who has the longest employment period shall be chairman.
Lag (2018: 411) .

Section 6 If, when deliberating on a judgment or decision, it appears that the opinion prevailing in the court deviates from a legal principle or interpretation of the law, which has previously been adopted by the Supreme Court, the court may decide that the case or, if appropriate, a certain issue in the case shall be decided by the Supreme Court in its entirety. Such a decision may also be announced if it is otherwise of particular importance for the application of the law that the case or a specific issue is decided by the Supreme Court in its entirety.

If in different judgments or decisions of the Supreme Court there have been conflicting opinions regarding a certain legal principle or interpretation of the law, the first sentence of the first paragraph applies only if the court finds that the prevailing sentence deviates from the judgment or decision issued last .

The first paragraph does not apply to cases concerning the person in custody or cases which otherwise according to a special regulation require an urgent decision, unless the case can be decided by the Supreme Court in its entirety without a lengthy extension of time.

When a case or issue is decided by the Supreme Court in its entirety, all non-obstructive justices must participate in the decision. *Lag (2009: 344)* .

Section 6 a If the court consists of more than two members and one of these is prevented from doing so after the proceedings have begun, the court is still a judge. *Lag (2009: 344)* .

Section 7 When the Supreme Court hears an application for rescission or a complaint of misconduct in a case decided by the Supreme Court, no member who participated in the previous decision may be included in the court, if a sufficient number of members is still available in the court.
Lag (2009: 344) .

Section 8 Special officials of the Court have special officials for the preparation and presentation of cases in the Supreme Court. *Lag (2009: 344)* .

Chapter 4 About judges

Section 1 A legally qualified judge shall be a Swedish citizen and have passed the knowledge tests prescribed for eligibility for the position of judge.

It may not exercise judicial office, which is in a state of bankruptcy or which has a trustee in accordance with ch. Section 7 of the Parental Code.

The Government prescribes knowledge tests and other conditions for the exercise of judicial office. *Lag (1988: 1260)* .

Section 2 The Act (2010: 1390) on the appointment of ordinary judges contains provisions on the appointment of such judges as are referred to in Chapter 1. 2 §, 2 kap. Section 3 and Chapter 3 4 §. *Lag (2010: 1391)* .

Section 3 Has been repealed by *law (1964: 646)* .

Section 4 Provisions are issued by the Government on the granting of leave and the appointment of a substitute for a legally qualified judge in the Court of Appeal or a lower court.
Lag (1974: 573) .

Section 5 Board members are appointed by election.

If a district includes more than one municipality or, in addition to one or more municipalities, part of another municipality, the district court shall distribute the number of judges between the municipalities in relation to the population of the municipalities and the municipal part respectively.

The Government or the authority determined by the Government shall, for each county or part of a county within a court of appeal, determine the number of judges in the Court of Appeal to be appointed. *Lag (2018: 411)* .

Section 6 Eligible as a board member is every Swedish citizen who is not a minor, is in a state of bankruptcy or has a trustee in accordance with ch. Section 7 of the Parental Code. In order to be eligible for election as a board member in a district court, it is further required that he or she is registered in the municipality or the part of the municipality that belongs to the district court and in a court of appeal that he or she is registered in the county or the part of the county that belongs to the court of appeal. A person who is a legally qualified judge, an employee of a court, a prosecutor, a police officer or a lawyer or someone else who has the profession of bringing an action before others before a court may not be a board member.

No one may simultaneously be a board member in a court of appeal and in a district court.

Only the person who, with regard to judgment, independence, obedience to the law and other circumstances, is suitable for the assignment may be appointed as a board member.

Anyone who has reached the age of sixty or states a valid obstacle is not obliged to accept assignments as a board member. Anyone who has resigned as a board member is not obliged to accept a new assignment until after four years.

The court shall check the jurisdiction and, in the case of compliance with the law, the suitability of the person who has been appointed as a board member. *Lag (2014: 904)* .

Section 7 Election of board members in district courts is carried out by the municipal council.

Election of judges in the Court of Appeal is performed by the regional council. In Gotland County, the election is held by the municipal council in Gotland Municipality.

The election shall be proportional, if it is requested by at least as many voters as corresponds to the number obtained if all voters' numbers are divided by the number of persons the election is intended to increase by 1. Provisions on the procedure for such proportional elections are contained in the Act (1992: 339) on proportional choice.

When electing board members, the aim shall be for the board to have a versatile composition with regard to age, gender, ethnic background and profession. If there are several alternative ways of achieving a comprehensive composition, those persons who have not previously served as board members or who have served the shortest time should be elected. *Lag (2019: 837)* .

Section 7 a A board member is entitled to leave from employment to the extent necessary for him or her to be able to carry out his or her assignment. *Lag (2006: 850)* .

Section 8 A board member is appointed for four years. Anyone who has reached the age of sixty may resign as a board member. The court may dismiss a board member who shows a valid obstacle.

The court shall dismiss a tribunal member who, by committing a crime or otherwise, has proved unsuitable for the assignment.

If a board member is no longer eligible or competent, the board member's assignment ceases. The council may, however, decide that a board member who is no longer eligible as a result of a change in the population register may retain his or her assignment for the remainder of his or her term of office.

If a board member's assignment ends during the period of service, a new board member is appointed for the remaining time. If the number of board members within the district changes, a new board member may be appointed for a shorter period than that which follows from the first paragraph. *Lag (2018: 411)* .

Section 8 a The court may suspend a board member from office if he or she
1. is the subject of a case of dismissal,
2. is the subject of a preliminary investigation or is being prosecuted for a crime which in a conviction may be presumed to lead to dismissal, or
3 otherwise exhibits a behavior or condition that is deemed to damage the public's confidence in the administration of justice.

A decision on suspension pursuant to the first paragraph 3 shall apply for a certain period, however, not exceeding six months. *Lag (2006: 850)* .

Section 8 b Decisions on dismissal and suspension of board members may be appealed to a special state board. The board's decision may not be appealed.

The government issues regulations on the board. *Lag (2006: 850)* .

Section 9 A board member who has been dismissed or resigned is, if he or she is still eligible, obliged to fulfill the assignment until the court has been notified that another has been elected and to continue to serve in further processing of cases in which he or she has previously attended. However, this does not apply to a person who has been dismissed in accordance with section 8, second paragraph, or who has resigned since a case concerning such dismissal or if suspension has been initiated. *Lag (2006: 850)* .

Section 10 If a tribunal member is unequivocally prevented from serving or is absent from the court meeting and another tribunal member cannot appear without an extension of time, the chairman of the tribunal may serve someone on the tribunal who is eligible for election to the tribunal.

Section 10 a The Government or the authority determined by the Government appoints for a certain period of time those who are to serve as economic experts in accordance with Chapter 1. Section 8 and Chapter 2 4 a §.

If, while an economic expert is involved in the processing of a case, a circumstance occurs which results in the appointment ceasing to apply, the appointment shall still apply in the ongoing case.

The person who is to serve as a financial expert must be a Swedish citizen and may not be a minor or in bankruptcy or have a trustee in accordance with ch. Section 7 of the Parental Code. *Lag (2013: 81)* .

Section 11 A judge shall, before he may serve, take this oath:

"I NN promise and assure on honor and conscience, that I will and shall, according to my best understanding and conscience in all judgments, do right, no less the poor than the rich, and judge according to Sweden's law and statutes; never law twisted or wrong promote for kinship, brother-in-law, friendship, envy, malice, or fear, nor for bribes and gifts or any other cause, under whatever it may be; neither before the verdict is pronounced, nor after the obvious those who go to trial, nor other the counsel of the court within closed doors. All this I will and will faithfully keep as an honest and sincere judge.

The oath must be taken before a court or before the chairman of the court. *Lag (1975: 1288)* .

Section 11 a A distribution of cases and cases between individual judges shall be based on objective criteria established by the court in advance. The distribution must not be suitable for influencing the outcome of the cases or matters. *Lag (2018: 411)* .

§ 12 Those who are or have been married to each other or are in the right ascending and descending relationship or brother-in-law or are siblings or are in the brother-in-law, that one is or has been married to the other's siblings, or those who are similarly each other close relatives may not simultaneously sit as judges in court. *Lag (1973: 240)* .

Section 13 A judge is disqualified from handling cases:
1. If he himself is a party or otherwise has a part in the case or from its outcome can expect special benefit or damage;
2. if he is or has been married to a party or is in the right ascending or descending relationship or brother-in-law or is a sibling or is in the brother-in-law, that one is or has been married to the other's siblings, or if he is similarly a party related parties;
3. if he is in a relationship with someone who has a part in the matter or its outcome, or is expected to be of particular benefit or harm, referred to in 2;
4. if he or a person related to him, referred to in 2, is a guardian, good man or trustee of a party or otherwise a party's deputy or is a member of the board of a company, association or other association, foundation or other such institution, which is a party; or, when a municipality or other such congregation is a party, is a member of a board or board, which handles the administration of the matter to which the case relates;
5. if he or someone close to him, as stated in 2, to someone who has a part in the matter or from its outcome can expect special benefit or harm, is in a relationship, as referred to in 4;
6. if he is a party's referee, but not if the party has sought a case with him to make him unfair;
7. if he in another court as a judge or executive has made a decision, which concerns the matter, or in an authority other than a court or as an arbitrator has taken a position therewith;
8. at the main hearing in a criminal case if he has before this main hearing tried the question of whether the accused has committed the act;
9. if he, as a legal representative, brought a party's action or assisted a party or testified or was an expert; or
10. if there is otherwise a special circumstance, which is likely to upset confidence in his impartiality in the case. *Lag (1993: 348)* .

Section 14 If a judge knows there is a circumstance which can be assumed to constitute a conflict of interest against him, whether he is obliged to make it known voluntarily.

If a party wishes to challenge the judge, he shall raise an objection to this when he first brings an action in the case, after he has become aware that the judge is in court or otherwise takes a position on the case or, if the circumstance, the dispute is founded, then not was known to the party, since he received such knowledge. If the party fails to do so, his right to raise the objection lapses.

The question of a dispute against a judge in a lower court may not be raised in a higher court, unless the dispute in the higher court is made by a party who, according to what is stipulated in the second paragraph, is entitled to it, or an appeal is made by decision, thereby dismissing the dispute. *Lag (1983: 370)* .

Section 15 After the question of a dispute against a judge has arisen, he may only take such a measure in the case, which cannot be postponed without particular inconvenience and does not include a decision on the case. Measure, as has now been said, may be taken by a judge, even though he has been declared unfit.

If a party has at the right time made a dispute with the judge, give the court as soon as possible, especially a decision to that effect.

In the examination of a dispute, the judge may not participate, unless the court without him is not a judge and another judge cannot take a seat in the court without delay.

Chapter 5 About publicity and order, etc. in court

Section 1 A hearing in court shall be public.

If it can be assumed that information will be presented at a hearing, for which confidentiality referred to in the Public Access to Information and Secrecy Act (2009: 400) applies to the court, the court may, if it is deemed of particular importance that the information is not disclosed, decide that the hearing in the part concerning the task shall be held behind closed doors. Even in other cases, a negotiation may be held behind closed doors, if the secrecy applies according to ch. 12, 13 or 17 § or 36 chap. § 1 or 2 of the Public Access to Information and Secrecy Act or, in the case of court proceedings during a preliminary investigation in a criminal case or an equivalent case or matter, according to ch. 1, 2, 3 or 17 § or ch. 35 § 1 or 2 of the same law. A negotiation must always be held behind closed doors, if the secrecy applies according to ch. Section 5, second and third paragraphs or Chapter 34

Interrogations of anyone under the age of fifteen or suffering from a mental disorder may be held behind closed doors.

If it is otherwise prescribed in a special case that negotiations may be held behind closed doors, it shall apply.
Lag (2009: 401) .

Section 2 Access to public hearing may, when the chairman of the court finds reasons for it, be refused a person who, according to what is known or may be admitted, has not reached the age of eighteen. *Lag (1974: 239)* .

Section 3 The chairman **of the** court may allow an employee of the court, or someone who serves there for educational purposes, to attend a meeting that is held behind closed doors. If there are special reasons, the chairman may also allow others to attend such a meeting. *Lag (2019: 298)* .

Section 4 If a hearing has been held behind closed doors and information has then been submitted, for which confidentiality referred to in the Public Access to Information and Secrecy Act (2009: 400) applies to the court, the court may decide that the information may not be disclosed. *Lag (2009: 401)* .

Section 5 deliberations on judgments or decisions shall be held behind closed doors, if the court does not find that this can be done in public. If deliberations are held behind closed doors, in addition to the members of the court, only such an official of the court who has to take charge of the case may be present. When there are special reasons, the court may also allow another person to attend such deliberations.

Announcement of a judgment or decision shall be made in public. To the extent that the judgment or decision contains information that is covered by a decision on secrecy according to ch. Section 8, second paragraph, of the Public Access to Information and Secrecy Act (2009: 400), the proclamation shall, however, take place within closed doors. *Lag (2016: 502)* .

Section 6 If a party, a witness or someone else who is to be heard before the court does not speak Swedish, the court may hire an interpreter. If a suspect or a plaintiff in a criminal case does not speak Swedish, an interpreter must be hired at meetings before the court.

The court shall, if possible, appoint an interpreter who is authorized to be an interpreter in the case. Otherwise, another suitable person shall be appointed. If there is a general interpreter in the court in the language in question, he or she must be engaged.

What is prescribed in the first paragraph about those who do not speak Swedish also applies to those who need an interpreter as a result of a hearing impairment or speech difficulties. If appropriate, a technical aid may be used instead of hiring an interpreter.

Anyone who is in such a relationship with the matter or with a party that it can be considered to reduce his or her reliability may not be hired as an interpreter.

Provisions on the employment of a general interpreter and on the use of an interpreter for those with a hearing impairment or speech difficulties are announced by the government. *Lag (2015: 429)* .

Section 7 A person who is employed as a general interpreter or is otherwise appointed to assist as an interpreter shall take an oath before the court that he shall, to the best of his knowledge, fulfill the assignment given to him. If there is reason to assume that a person who is appointed to assist as an interpreter shall receive additional assignments as an interpreter at the court, he may take an oath that also refers to future assignments. *Lag (1975: 1288)* .

Section 8 An interpreter is entitled to reasonable compensation for work, wasted time and expenses required by the assignment. The government or the authority determined by the government determines the tariff to be applied when determining compensation. The compensation is paid from public funds. *Lag (1984: 131)* .

Section 9 The chairman **of the** court shall maintain order at the court's meetings and decide on the necessary rules of procedure. The chairman may also limit the number of listeners in the courtroom to avoid congestion.

There are special regulations on security checks in court. *Lag (2019: 298)* .

Section 9 a The chairman **of the** court may expel from the courtroom anyone who disturbs a meeting or in any other way behaves inappropriately.

A party who is expelled shall, if possible, be allowed to attend the meeting by audio transmission or audio and video transmission. If this is not possible, what happens at the meeting shall be reproduced to the extent necessary when the party is present again. The party shall be given the opportunity to ask questions to a person who is heard in the party's absence.

If an audience member returns to the courtroom after being expelled or otherwise does not comply with a statement from the chairman, the chairman may decide that the audience be expelled from the court premises or the other premises used at the meeting.

Unless the chairman decides otherwise, an expulsion decision shall cease to have effect at the end of the sitting and a decision of expulsion when the meeting has ended for the day.
Lag (2019: 298) .

Section 9 b At court meetings, it is prohibited to use a technical aid to take a picture in or into the courtroom, unless otherwise provided by law.

The ban does not prevent the court from taking pictures in the courtroom when the court's assault alarm has been triggered.

It is forbidden to spread images that have been taken in violation of the first paragraph, if anyone appears in the image. *Lag (2020: 318)* .

Section 9 c The chairman **of the** court may prohibit sound recording or sound transmission made by someone other than the court during an interrogation, if it can be assumed that the recording or transmission bothers the person being heard to such an extent that it negatively affects the investigation. *Lag (2019: 298)* .

Section 9 d Electronic equipment that the audience has with them in the courtroom and which can disturb the order or be used to take a picture must be switched off and tucked away. If there are reasons for it, the chairman of the court may decide on an exemption.
Lag (2019: 298) .

Section 10 A person who is to attend a meeting before the court shall appear in the courtroom or where the meeting is otherwise held.

If there are reasons for it, the court may decide that the person who is to participate in a meeting shall participate by audio transmission or audio and video transmission. The President of the Court may decide on the question whether it arises during a meeting.

In assessing whether there are grounds for participation by audio transmission or audio and video transmission, the court, or the chairman of the court, shall in particular take into account

1. the costs or inconveniences that would arise if the person to participate in the hearing had to appear in the courtroom;
2. if someone who is to attend the meeting is afraid of being present in the courtroom,
3. if it can be assumed that someone who is going to attend the meeting is under pressure, and
4. if it is necessary for security reasons.

Participation in accordance with the second paragraph may not take place if it is inappropriate with regard to the purpose of the person's attitude and other circumstances.

Anyone who participates in a meeting by audio transmission or audio and video transmission shall be deemed to have appeared before the court. *Lag (2019: 298)* .

Section 11 If there are reasons for this, the court may decide that sight shall be maintained by sound transmission or sound and image transmission. However, such a decision may not be made if it is inappropriate in view of the nature of the evidence and other circumstances. *Lag (2005: 683)* .

Section 12 The court shall ensure that those who are to participate in a meeting and who do not have a seat in the courtroom, can follow the meeting by audio and video transmission in a room that has been set up for this purpose (side hall).

The court may also allow an audience that does not have a seat in the courtroom to follow the meeting by audio transmission or audio and video transmission in a side hall.

The chairman of the court may decide that a side room shall be used if the question arises during a meeting. *Lag (2019: 298)* .

Section 13 If there are reasons for this, the court may decide that all listeners shall follow the meeting by audio and video transmission in a side hall. The President of the Court may decide whether it arises at a meeting.

In assessing whether there are grounds for a decision on a side court, the court, or the chairman of the court, shall pay special attention
1. if it can be assumed that the audience will disturb the meeting or in any other way behave inappropriately in the courtroom,
2. if someone is to participate in the meeting feel fear due to the presence of the audience,
3. if it can be assumed that someone who is to attend the meeting is subjected to pressure from the audience, and
4. if it is necessary for security reasons.

If there are special reasons, the audience may be exempted from a decision on a side hall. *Lag (2019: 298)* .

Section 14 The provisions of Sections 9-9 d shall also apply in respect of a side hall. *Lag (2019: 298)* .

Section 15 If the chairman of the court at a meeting is prevented from maintaining order in accordance with section 9 due to the design of the courtroom or because a side hall is used, a police officer or security guard may be instructed to perform that task. Before a police officer is given such an assignment, the Police Authority must be consulted.

The assignment may not include
1. rejection of an audience pursuant to section 9 a, third paragraph,
2. prohibition of sound recording or sound transmission pursuant to section 9 c,
3. decision on exemption from the obligation to have electronic equipment switched off and tucked away pursuant to section 9 d, or
4 other tasks that should be performed by a legally qualified judge.

If a police officer or security guard has decided on deportation in accordance with section 9 a, first paragraph, he or she shall promptly report it to the chairman, who shall examine the matter as soon as possible.
Lag (2019: 298) .

Chapter 6 About registration of information and documents

Section 1 A register of all cases shall be kept at the court. The register shall show the time when each case was received, the measures taken with the case, the time for the decision of the case and, if dissatisfaction was reported or an appeal was received, the day when it took place and the measures taken.

The documents in the case must be combined into one file.

When a party, a deputy, a representative, a defender or an assistant may take part in a document that contains confidential information, a reservation may be made in accordance with ch. Section 4 of the Public Access to Information and Secrecy Act (2009: 400). *Lag (2017: 176)* .

Section 2 The case register or the file shall state
1. the court's decisions in the case, when they have been decided and who or who is responsible for the decision, and
2. who or who is responsible for the notes made.

When a vote has taken place, dissenting opinions shall appear in the target register or in the file. *Lag (2000: 172)* .

§ 3 At a meeting, the following shall be noted:
1. time and place of the meeting,
2. who participates in the meeting,
3. power of attorney given orally before the court,
4. when the meeting is held behind closed doors, the reason for it,
5. the parties claims and objections and concessions or disputes of the other party's claims,

6. claims of parties other than the parties and the parties' concessions or disputes of such claims,
7. the investigation presented,
8. what is observed in an on-site inspection, and
9. the which otherwise occurs at a meeting, insofar as it may be important for the parties or for a higher right that it be recorded.

The notes shall be taken in connection with the meeting.

The provisions in ch. 4 Section 13 on non-compliance applies to the person who makes the notes. *Lag (2000: 172)* .

§ 4 At a meeting held during the preparation of a case and not only to the taking of evidence in addition to what is stated in § 3 the following shall be entered:
1. Briefly the facts which the parties invokes as well as the counterparty's opinion on those facts,
2. the evidence the parties want to invoke and what they want to prove with each piece ofevidence, and3. what is otherwise needed before the case is decided.
Lag (2005: 683) .

Section 5 When evidence is taken by a court that does not have to make a final decision in the case or matter, a record shall be drawn up of what occurs.
Lag (2000: 172) .

Section 6 In a district court, a story submitted for evidentiary purposes shall be documented through an audio and video recording, unless there are special reasons against it. A story submitted in a higher court may be documented in the same way.

If a story submitted for evidentiary purposes before a court is not documented in accordance with the first paragraph, it shall be documented by an audio recording or, to the extent that the story can be assumed to be relevant in the case, written down. However, this does not apply at the main hearing in the Supreme Court.

If the story is written down, the parties and the person heard shall immediately have the opportunity to check what has been written. The person who left the story should be asked if he or she has anything to object to the content. An objection that does not lead to any change must be noted. Thereafter, what is written may not be changed. *Lag (2005: 683)* .

Section 6 a In a district court, what is observed during an inspection shall be documented through an audio and video recording, unless there are special reasons against it. What is observed when viewing in a higher court may be documented in the same way. *Lag (2016: 37)* .

Section 7 What is said in this chapter about cases also applies to matters that are handled in accordance with this Code. *Lag (2000: 172)* .

7 Chap. About prosecutors and about disputes against employees of law enforcement agencies

Section 1 Public prosecutors are:
- thepublic prosecutor
and the deputy public prosecutor,
- the chiefprosecutor and deputy chief prosecutor, and- the chief prosecutor, deputy chief prosecutor and chamber prosecutor.

More detailed regulations on the prosecution service are announced by the government. *Law (2001: 280)* .

Section 2 The Public Prosecutor is the highest prosecutor under the Government and is responsible for and manages the public prosecutor's office.

The Deputy Public Prosecutor is the Deputy Public Prosecutor's Deputy. In other respects, the Deputy Public Prosecutor may, to the extent determined by the Public Prosecutor, perform the prosecutor's duties that the Public Prosecutor may perform.

If there are special reasons, the Government may, after notification by the Public Prosecutor, order a Chief Prosecutor to fulfill for a certain period of time prosecutor tasks that may be performed by the Deputy Public Prosecutor.

Under the public prosecutor, the chief prosecutor is responsible for the prosecutor's activities in special areas. *Law (2004: 1264)* .

Section 3 The Attorney General and the Deputy Attorney General are employed by proxy by decision of the Government. *Law (2001: 280)* .

Section 4 Public prosecutors perform prosecutor tasks in district courts and courts of appeal. However, only the public prosecutor is the public prosecutor in the Court of Appeal in cases referred to in ch. Section 2, first paragraph.

The Attorney General is the Public Prosecutor in the Supreme Court.

The public prosecutor may appoint another public prosecutor to carry out the action in the Supreme Court. *Law (2004: 402)* .

Section 5 The public prosecutor, chief prosecutor and deputy chief prosecutor may take over tasks that are to be performed by lower prosecutors.
Law (2004: 1264) .

Section 6 If there is a circumstance for a prosecutor regarding a certain crime that would constitute a conflict of interest with a judge, he or she may not take up a position with a preliminary investigation, prosecution for the crime or other measure pursuant to this Code. The same applies to the performance of other prosecutor's duties.

Disputes may not be based on an action taken by a prosecutor on behalf of the service, or an act committed against him or her in or for his or her service.

Even if a prosecutor is disqualified, he or she may take measures that cannot be postponed without danger.

A question of conflict of interest with prosecutors is tried by a chief prosecutor. Conflicts against the Deputy Public Prosecutor and Deputy Prosecutor to the Public Prosecutor, Chief Prosecutor and Deputy Chief Prosecutor are, however, tried by the Public Prosecutor. Disputes against the public prosecutor are tried by him or her. *Law (2004: 1264)* .

Section 7 There may be assistant prosecutors in the public prosecutor's office. These prosecutors may, to the extent determined by the government, perform tasks to be performed by the public prosecutor. However, the raising or completion of prosecution in the Supreme Court may not be decided by anyone other than the public prosecutor.

There may also be additional prosecutors in the prosecution service.
The Government decides to what extent additional prosecutors may be appointed to perform tasks that are to be performed by a public prosecutor other than the public prosecutor or the deputy public prosecutor.
The Attorney General may appoint additional prosecutors to carry out the action in the Supreme Court. *Law (2004: 1264)* .

Section 8 For special prosecutors, what is prescribed for them applies.

No special prosecutor other than the Chancellor of Justice or an Ombudsman may decide that prosecution shall be instituted or completed in the Supreme Court. *Law (2001: 280)* .

Section 9 The provisions of section 6 on prosecutors also apply to employees at the Swedish Tax Agency or the Swedish Customs and employees other than prosecutors at the Swedish Environmental Crime Agency who have to take action or issue a decision in law enforcement activities. A question of non-compliance is examined by the respective authority.

Provisions on conflict of interest for employees at the Police Authority and the Security Police are found in section 7 of the Police Act (1984: 387). Provisions on non-compliance for employees at the Coast Guard are found in Chapter 2. Section 2 of the Coast Guard Act (2019: 32). *Lag (2019: 33)* .

8 Chap. About lawyers

Section 1 There shall be a general bar association for the state. Statutes for the community are established by the government.

A lawyer is a member of the community. *Lag (1974: 573)* .

§ 2 A member of the Bar Association may only be admitted who
1. is domiciled in Sweden or in another state within the European Union, the European Economic Area or in Switzerland,
2. has passed the knowledge tests prescribed for eligibility for judicial office,
3. has has undergone the necessary practical and theoretical training for law practice,
4. has made himself known for honesty, and
5. is also otherwise deemed suitable to practice law.

The Board of the Bar Association may in individual cases grant exemptions from the admission requirements with regard to the first paragraph 1. The same applies to the admission requirements according to the first paragraphs 2 and 3 regarding the person who is authorized as a lawyer in another state in accordance with applicable regulations.

Anyone who has undergone the training required to become a lawyer in a state within the European Union, the European Economic Area or in Switzerland and who in Sweden has undergone a test that shows that he or she has sufficient knowledge of the Swedish legal system, shall be considered to meet the requirements in accordance with the first paragraph 2 and 3. The same applies to a person who has been registered in accordance with section 2 a and who has subsequently conducted actual and regular law practice in Sweden for at least three years, provided either that the activity mainly covers Swedish law or , the registered person has otherwise acquired sufficient knowledge and experience to be accepted as a member of the community.

A person who has been authorized as a lawyer in Denmark, Finland, Iceland or Norway in accordance with the applicable regulations and who has subsequently served satisfactorily for at least three years as an assistant lawyer at a law firm in Sweden shall be deemed to meet the requirements under the first paragraph 2- 5.

Anyone who has been declared bankrupt or who has a trustee in accordance with ch. Section 7 of the Parental Code may not be adopted as a member. Nor may it be admitted to a member who, according to section 3 of the Act (1985: 354) on the prohibition of legal or financial assistance, is in certain cases prohibited from providing legal or financial assistance.

Ordinary judges, public prosecutors or bailiffs may not be admitted as members. The same applies to anyone who is otherwise employed by someone other than a lawyer, unless the board of the Bar Association allows an exception. *Lag (2008: 420)* .

§ 2 a Anyone who is authorized as a lawyer in another state within the European Union and practices law practice in Sweden under the title of his home country, must be registered with the Bar Association.

Such a lawyer shall fulfill the conditions specified in section 2, sixth paragraph. *Law (1999: 791)* .

Section 3 An application for membership in the Bar Association or registration in accordance with Section 2 a is examined by its board. *Law (1999: 791)* .

Section 4 In his activities , a lawyer shall honestly and zealously carry out the assignments entrusted to him and observe good legal practice. A lawyer is obliged to conceal what he becomes aware of in his professional practice when good legal practice requires this.

In legal practice conducted in the form of a company, only a lawyer may be a partner or partner, unless the board of the Bar Association allows exceptions.

A lawyer is obliged to keep his principals' money and other assets separate from what belongs to himself.
Lag (2000: 172) .

Section 5 Has been repealed by *law (1972: 430)* .

Section 6 The Bar Association is under the supervision of the Bar Association's board and disciplinary committee. The board and the disciplinary committee shall ensure that a lawyer fulfills his or her obligations when he or she carries out the action in court and exercises his or her legal practice in other respects. Questions of disciplinary action against lawyers pursuant to section 7, first-fourth paragraphs and section 7 a, are examined by the disciplinary committee and, in accordance with what is determined in the articles of association, by the board. A lawyer is obliged to provide the information to the community that is needed for supervision.

The Chancellor of Justice may request that the Disciplinary Board take action against a lawyer who does not fulfill his obligations and that the Board take action against the person who is no longer authorized to be a lawyer.

A person who has participated in the handling of a supervisory matter by the Bar Association may not unauthorisedly disclose what he or she has then been told about someone's personal or financial circumstances. *Lag (2017: 1024)* .

Section 7 A lawyer who in his activities intentionally does wrong or who otherwise behaves dishonestly, shall be excluded from the bar association. In the case of such a lawyer as is referred to in section 2 a, the registration shall be revoked. If the circumstances are mitigating, the lawyer may instead be given a warning.

A lawyer who otherwise violates his duties as a lawyer may be issued a warning or reminder. If the circumstances are particularly aggravating, the lawyer may be expelled from the community or, in the case of such a lawyer as referred to in section 2 a, the registration may be revoked.

A lawyer who is given a warning may, if there are special reasons, also be ordered to pay a penalty to the society with a minimum of one thousand and a maximum of fifty thousand kronor. To the extent that a warning refers to a violation of a provision in Chapters 2-6. The Act (2017: 630) on Measures against Money Laundering and Terrorist Financing applies instead of a penalty fee to what is prescribed for a penalty fee in Chapter 7 a. 5-11 §§ of the law.

If it is deemed sufficient, the disciplinary committee may, instead of awarding a reminder to a lawyer, make a statement that the lawyer's action is incorrect or inappropriate.

A lawyer is obliged to resign from the association immediately if such a circumstance occurs that he or she according to § 2 fifth or sixth paragraph may not be accepted as a member of the association, unless the board in cases referred to in § 2 sixth paragraph second sentence allows exceptions. If the lawyer does not resign from the community, despite the fact that he or she is obliged to resign, the board shall order his or her exclusion. The same applies if a lawyer no longer fulfills the domicile requirement according to section 2, first paragraph 1, and the board does not allow him or her to remain a member of the association. If such a lawyer who is registered in accordance with section 2 a is deprived of the right to act as a lawyer in the state where he or she is authorized, the board shall revoke the registration.

In decisions whereby someone has been excluded from the community, it may be ordered that the decision shall be implemented immediately. The same applies to a decision to cancel a registration.

Violations of the duty of confidentiality pursuant to section 4, first paragraph, second sentence, may not be prosecuted by anyone other than the Chancellor of Justice. Prosecution may only be brought if it is called for from a public point of view. *Lag (2019: 605)* .

Section 7 a A lawyer who, in cases other than those referred to in section 7, first paragraph, by committing a crime has proved to be manifestly unsuitable to be a lawyer shall be excluded from the bar association. In the case of such a lawyer as is referred to in section 2 a, the registration shall be revoked.

In connection with a decision on exclusion or revocation of registration pursuant to the first paragraph, it may be decided that the decision shall be enforced immediately. *Lag (2017: 1024)* .

Section 8 A person who has been refused an application for membership in the Bar Association or who has been expelled from the Bar Association may appeal the decision to the Supreme Court. The same applies to a person who has been refused an application for registration pursuant to section 2 a or who has had his registration revoked pursuant to section 7 or 7 a. The Chancellor of Justice may appeal a decision pursuant to section 7 or 7 a to the Supreme Court. *Lag (2017: 1024)* .

Section 9 What is prescribed in the Code of Judicial Procedure or in another law about lawyers shall also apply, where applicable, to a person who is authorized as a lawyer in another state within the European Union, the European Economic Area or in Switzerland when he is active in Sweden. In doing so, he shall use the professional designation used in the State in which he is authorized, expressed in the language of that State and with reference to the professional organization to which he belongs or to the court in which he may serve under the law of that State. If the court so requires, the person who claims to fulfill the requirements in the first sentence must provide proof of this.

The first sentence of the first paragraph covers the provision in section 4, second paragraph, on legal activities in companies only in respect of the person who is obliged to be registered in accordance with section 2 a.

The Board of the Bar Association shall notify the competent authority or organization of the State in which the lawyer is authorized of a decision in which it has been established that he has breached his duties as a lawyer. *Law (2001: 57)* .

Section 10 Anyone who, without being authorized to do so, pretends to be authorized as a lawyer in Sweden or in another state within the European Union, the European Economic Area or in Switzerland, is sentenced to a fine. *Law (2001: 57)* .

Section 11 The Government may prescribe that the provisions of this chapter on the registration of a person authorized as a lawyer in a state within the European Union shall also apply to a person authorized as a lawyer in a state within the European Economic Area or in Switzerland. *Law (2001: 57)* .

9 Chap. About penalties, fines and retrieval

Section 1 A party who, against his better judgment, initiates or causes a trial in a civil case is sentenced to a fine. *Lag (1991: 241)* .

§ 2 If a party against better knowledge for an action against a judgment or decision, he is sentenced to a fine. *Lag (1991: 241)* .

Section 3 If a party in a civil case or a plaintiff in a criminal case attempts to delay the trial by allegations or objections, which are manifestly unfounded, or by withholding evidence or some other improper measure, he shall be sentenced to a fine. What has now been said about a party also applies to an intervener, even if he does not have a status as a party. *Lag (1991: 241)* .

Section 4 What is stipulated in Sections 1 - 3 shall have a corresponding application with regard to deputies as well as representatives or assistants.

Section 5 A person who at a meeting before the court disrupts the hearing or violates a rule of order or a prohibition that has been announced on the basis of ch. Section 9 or 9 c is sentenced to a fine. A person who speaks orally in court or in a statement of court is sentenced to the same punishment.

The first paragraph shall also be applied in respect of such a side hall as is referred to in ch. 12 or 13 §.

In minor cases, it should not be held liable.
Lag (2019: 298) .

Section 5 a Anyone who takes up or disseminates an image in violation of ch. Section 9 b is sentenced to a fine or imprisonment for a maximum of six months.

The first paragraph shall also be applied in respect of such a side hall as is referred to in ch. 12 or 13 §.

In minor cases, it should not be held liable. *Lag (2020: 318)* .

Section 6 If a person discloses without valid reason what according to the order of the court or the head of the investigation may not be revealed, he shall be sentenced to a fine. *Lag (1991: 241)* .

Section 7 The court may, if a party or someone else should be present or appear in person at a hearing, impose a fine. If any special injunction has been issued, it shall apply.

If an injunction, which according to a special regulation is to be combined with a fine, is to be served on someone residing outside the realm, the court may fail to impose a fine, if service cannot otherwise take place in the foreign state. If no fine has been imposed, the fined party may not be held liable for the costs that may have arisen as a result of non-compliance with the order. The injunction shall otherwise be considered on an equal footing with a fine injunction in the further processing of the case. *Lag (2000: 564)* .

Section 8 Fines may not be imposed when a penalty has been imposed.

The state may not be fined. *Lag (1987: 747)* .

Section 9 Provisions in this **Code** that a person who is to be summoned to a meeting shall be fined in certain cases do not apply to a person who is under fifteen years of age. A fine shall also not be imposed if the person to be called has reached the age of fifteen but not eighteen and there is reason to assume that he or she cannot appear without the participation of a guardian or other person responsible for his or her care and upbringing.

The fact that no fine has been imposed does not prevent the young person from being called again or that otherwise such measures are taken in the further processing of the case that could have come into question if a fine had been imposed.

If the person to be summoned to a meeting has not reached the age of eighteen, the guardian or another person responsible for the young person's care and upbringing shall be notified of the summons, unless there are special reasons against it. If the person to be summoned is charged, the provisions on notification in the Act (1964: 167) with special provisions on young offenders apply instead.
Lag (2002: 381) .

Section 10 If someone is to be summoned to a meeting before the court, he or she may, unless otherwise follows from what is stated below, not be taken into custody earlier than is necessary for him or her to be able to be summoned to the meeting immediately.

If an attempt at retrieval has previously failed, or otherwise due to what is known about the person to be retrieved, there is a special reason for it, the court or the Police

Authority may decide that he or she may be taken into custody earlier than what follows from the first paragraph. In such a case, care may take place a maximum of six hours or, if the court decides, a maximum of eighteen hours earlier than what follows from the first paragraph. In the court's review, special consideration shall be given to what inconveniences it can be assumed to entail that the person to be picked up is not present at the meeting before the court.

Anyone who has been taken into care in accordance with the second paragraph is obliged to remain in the place determined by the Police Authority pending the suspension. If the detainee is to be tried in criminal cases as a defendant, he or she may be taken into custody.

A person who has been taken into care in accordance with this section may not be subjected to any restriction on his or her freedom other than that which is required with regard to the purpose of the care, order or public security. *Lag (2014: 649)* .

SECOND TITLE

On litigation in general

I. On litigation in civil cases

10 Chap. About law court

§ 1 Legal court in civil cases in general is the court in the place where the defendant is domiciled.

If the defendant is registered in Sweden, his place of residence is considered to be the place where he was registered on 1 November last year.

A company, association or other association, foundation or other such institution is domiciled in the place where the board has its seat or, if the seat of the board is not determined or the board does not exist, where the administration is conducted. Law the same whether in the case of a municipality or other such congregation.

An estate is sought at the court where the deceased was educated to answer.

Anyone who does not have a known domicile, whether within or outside the realm, is sought where he resides. Is he a Swedish citizen and does he reside outside the realm or is his place of residence unknown, he is sought where he last resided or resided in the realm. *Lag (1991: 485)* .

Section 2 The crown is sought in civil cases in general, where the authority that has to monitor the action in the case has its registered office.

Section 3 A person who does not own a known domicile within the country may be sought in disputes concerning the obligation to pay where his property belongs. If the dispute concerns movable property, he may be sought where the property is located.

A claim, which is based on a current promissory note or other document, the existence of which constitutes a condition for the right to demand payment, is considered to exist where the document is. Other receivables are considered to exist where the debtor is domiciled. If the mortgage is pledged for the claim, this may be considered to be where the mortgage is.

Section 4 If a person who does not have a known domicile within the realm here has entered into a connection or otherwise incurred a debt, he may in a dispute to that effect be sought where the connection was entered into or the debt arose.

Section 5 Anyone who engages in agriculture, mining or factory operations, handicrafts, trade or other such business with a fixed place of business may, in disputes which have arisen immediately due to that business, be sought where the place of business is.

Section 6 If a person has entered into a connection or otherwise incurred debt in a place where he or she resides more permanently, he or she may, while he or she is in the place, apply for such a connection or debt there. Act the same in respect of debt, which someone during a temporary stay in another place has incurred for food, housing or the like.

Section 7 Disputes due to the administration of a guardian, good man or trustee may be brought before the court in the place where the minor or the person for whom the good man or trustee is or has been appointed has his domicile, or also in the court in the place where the administration was conducted.

If someone else has had someone else's property for administration, a dispute due to the administration may be brought before the court in the place where the administration was conducted. *Lag (1994: 1435)* .

Section 8 An action in connection with a harmful act may be brought before the court in the place where the act was committed or the damage arose. If the act was committed or the damage arose in local courts, different actions may be brought in each of them.

Section 8 a In disputes between a consumer and a trader concerning goods, services or other goods provided for mainly private use, an action may be brought against the trader in the court in the place where the consumer is domiciled. However, this only applies if the case in the district court can be assumed to be tried by a legally qualified judge according to ch. § 3 d. *Lag (1989: 656)* .

Section 9 Disputes about inheritance or wills shall be dealt with by the court where the deceased had to answer in civil cases in general.

Disputes about division of property between spouses or cohabitants shall be dealt with by the court where one of them is to answer in civil cases in general. If one of them has died, a division dispute shall be taken up by the court where the deceased had to answer in civil cases in general.

If there is no court that has jurisdiction under the first or second paragraph, the case shall be taken up by the Stockholm District Court.

In the case of allegations of division of property or succession that have been made by the administrator or division of property, there are special provisions. *Lag (1987: 792)* .

Section 10 Disputes about ownership or right of use of real property, about the right to easement or other special right to the property or whether possession of the property shall be taken up by the court in the place where the property is located. The same applies if the dispute concerns the obligation of the owner or holder of the property to fulfill something incumbent on him or her in this capacity or, when the right of use or other special right to the property has been granted, it is a question of consideration for the lease, building maintenance or the like.

If the property is under several courts or the dispute concerns several properties under different courts, the dispute shall be taken up by the court under which the main part of the properties is located.
Lag (2010: 980) .

Section 11 In a court of law, as stated in section 10, the following may also be brought:
1. a dispute concerning the purchase price for real property or another such claim due to the transfer of ownership of the property;
2. an action against the owner of real property for an obligation to be personally liable for debt, for which the property constitutes a mortgage, if payment is sought from the property at the same time;
3. dispute over damage or other encroachment on real property;
4. action for compensation for work performed on immovable property; or
5. an action for compensation for a breach of property by a person.

Section 12 For the purposes of this chapter, a building on someone else's land as well as a mine and a building or facility intended for mining is also regarded as real property.

Section 13 Disputes concerning attorney's fees, distribution of legal costs between several persons liable for compensation or other such claims due to litigation may be brought before the court, which first ruled in the case.

Section 14 Complaints against several defendants may be brought before the court, where one of them, according to what has been stipulated earlier in this chapter, has to answer, if it takes place at the same time and the complaints are based on essentially the same basis. If the matter is such that only a judgment can be given against all who have a part in the matter, the action may also be brought before the court where one of them has to answer.

Counterclaims are heard by the court which heard the main action.

The action, which is referred to in ch. 14 § 4 or 5, is occupied by the court, which has occupied the main case.

§ 15 Has, after the summons has been notified to the defendant, a change has taken place in a relationship which has conditioned the court's jurisdiction, whether without effect.

Section 16 If a written agreement has been concluded that a dispute or future dispute arising out of the stated legal relationship may be brought before a certain court or that a certain court alone shall be competent for the dispute, it shall be notified, unless otherwise provided.

§ 17 Not because of what in this chapter the court is authorized to take up:
1. disputes, which shall be taken up by an authority other than a court or by a special court or by law or constitution shall be tried immediately by arbitrators;
A dispute, which is to be brought before a certain court, if it is legally competent to deal with such a dispute;
3. disputes, which by law may only be taken up by certain special district courts, if the dispute is brought before another court;
4. a dispute referred to in section 9 or 10 or otherwise according to law shall be taken up by a court, as stated there, if the dispute is brought before another court;
5. matrimonial matters;
6. a dispute concerning foreclosed property or the validity of a movable property dissertation and for which the competent court has a special provision; or
7. a dispute, which is of such a nature that it can be taken up by a court without a summons.

Nor, on the basis of what is stipulated in this chapter, an action may be brought before a court of a system other than that which is prescribed by law for the taking up of the dispute; what has now been said, however, does not apply to disputes, as referred to in section 13.

A claim for set-off of a claim may not be taken up by a court which, according to the first paragraph, has not been allowed to take up a dispute concerning the same claim. *Lag (1981: 828)* .

Section 17 a The Act (1999: 116) on arbitration contains special provisions on obstacles to litigation. These shall be taken into account only after objection by a party. *Law (1999: 117)* .

§ 18 If the court for reasons other than in § 17 or 17 a is said to be unauthorized to take up a dispute, which is brought there, the dispute shall, however, be considered brought before the right court, unless the defendant in due time objected to the court's jurisdiction or failed to appear. , when the preparation is in writing, failed to submit a defense. If the defendant has failed to appear or has failed to file a defense, the plaintiff's information about the circumstances which condition the court's jurisdiction shall be taken for granted, if the defendant has received part of it and there is no reason that it is incorrect. *Law (1999: 117)* .

Section 19 If a lower court has raised a dispute, the question of the court's jurisdiction may not be raised by a higher court, unless the question is pursued there or raised there by a party entitled to it, or the dispute is such that it is to be taken up by an authority other than a court or by a special court or immediately by a higher court or by law or constitution shall be tried immediately by arbitrators.

Section 20 If a higher court declares that a lower court is not competent to take up a case brought there, the higher court may, at the request of a party, refer the case to a lower court which is competent.

If several courts have been declared incompetent by final decisions, the Supreme Court may, if one of the courts is still competent, refer the case to that court at the request of a party.

In the matter of jurisdiction to take up cases, which due to the Supreme Court's order according to ch. § 7 a shall be joined in a trial, applies what the Supreme Court decides. *Lag (2009: 344)* .

§ 20 a If the court finds in connection with an application that the court has no jurisdiction to take up the case or to examine the application in another order but that another court would be competent, the application shall be submitted to that court, if the applicant has nothing to object to this and there is also no other reason against the application being submitted. The application shall be deemed to have been received by the latter court on the same day as it was received by the court which first received the application. *Lag (1996: 247)* .

Section 21 Deviating provisions have been given in law or the constitution on legal courts, whether they apply.

11 Kap. About party and deputy

Section 1 Anyone may be a party to a trial.

If the party does not have control over what is being disputed, or concerns the legal act, which he is not entitled to enter into, the action is brought by the person who is the party's deputy. If the action is due to a damaging act, what in ch. Section 14 and Chapter 21 Section 1, first paragraph, stipulates a corresponding application.

Section 2 A company, association or other association, foundation or other such institution, which may acquire rights and assume obligations, may be a party to a lawsuit. Law the same whether in the case of the crown and the municipality or other such congregation.

For a party, as has now been said, the action is brought by the person who is the party's deputy. *Lag (1947: 616)* .

§ 3 A foreigner who, according to the law in his home country, is unable to bring his action, may, however, bring an action here in the realm, if he is competent to do so under Swedish law.

Section 4 Proof that a person who in a trial is stated to be a party or wishes to bring an action as a party or deputy party is competent is not required, unless the court finds evidence to be presented.

Section 5 A party shall appear in person at the main hearing in the district court and court of appeal, unless his presence can be assumed to be of no significance to the investigation.

At the main hearing in the Supreme Court, a party is obliged to appear in person if the court finds that his presence is necessary for the investigation.

At a meeting for preparation and at another negotiation, a party is obliged to appear in person, if his presence can be assumed to promote the purpose of the meeting.

What has now been said about a party's obligation to appear in person also applies to a party's deputy. If there are several deputies for a party, the court may decide which of them is to appear. If a party is not allowed to bring his own action, he is still obliged to appear in person, if the court finds that his presence is necessary for the investigation.

If a party or his deputy is obliged to appear in person, the court shall order this. Lag (20099: 344).

Section 6 A party who has been summoned to attend a meeting may be awarded compensation from public funds for the cost of travel and subsistence, if the party is a natural person and it is reasonable with regard to his or her financial circumstances, the costs that may arise in connection with the attitude and the circumstances in general. The court may grant an advance on the compensation.

Compensation is paid in accordance with regulations announced by the government. *Lag (1996: 1624)* .

12 Chap. About a legal representative

§ 1 The parties' action may be brought through a representative.

If the obligation for a party to appear in person is stipulated in ch. 5 §.

Section 2 As a representative may not be used other than the one that the court with regard to honesty, insights and previous activities finds it appropriate to be a representative in the case. The representative must master the Swedish language.

Representatives must be domiciled in Sweden, in another state within the European Economic Area or in Switzerland; however, another may also be used as a representative, if the court, in view of the circumstances, finds it appropriate to do so.

It may not be a representative who is a minor or in a state of bankruptcy or who has a trustee in accordance with ch. Section 7 of the Parental Code.
Law (2001: 57) .

Section 3 A legally qualified judge in or a legally established executive in a court of law or a public prosecutor or bailiff may not be a representative, unless the government or an authority determined by the government gives permission to do so.
What has now been said, however, shall not refer to a person who, during leave of absence, serves as an assistant to a lawyer for educational purposes.

The arbitrator at the court to which he belongs may not bring another's action.
Lag (1992: 1511) .

Section 4 Is a judge, who at the hearing of the case is a member of the court, in such a relationship, as referred to in ch. § 12, he may not be used as an agent in the case. Nor may anyone be used as a representative, if he has taken a position on the matter as a judge or executive in court or as a representative for the other party.

Section 5 If a representative shows dishonesty, incompetence or incomprehension or if he is otherwise found unfit, the court shall reject him as a representative in the case; the court may also, if there are reasons to do so, declare him unauthorized either for a certain period of time or for the time being to be used as a representative in that court.

Section 6 If a representative is rejected, the court shall, unless the party is present and wants to bring its own action, order the party to appoint a representative, who can be approved. If the party fails to do so and does not appear in person, he shall be deemed to have failed to appear.

If the person who is rejected or declared incompetent in accordance with section 5 is a lawyer, notification of the measure shall be made to the board of the Bar Association. *Lag (1987: 747)* .

Section 7 If someone, who may not be a representative, asserts a transferred claim in his case and it is probable that the transfer has taken place, in order for him to be able to bring an action in the case, the court shall order him to appoint a representative. If he fails to do so, he shall be deemed to have failed to appear.

Section 8 If a party wishes to bring an action through a representative, he shall give the representative a power of attorney orally before the court or also in writing. Written power of attorney must be personally signed by the party.

Section 9 A written power of attorney shall be presented in the original when the representative first brings an action in the case. However, a power of attorney does not have to be presented for reporting dissatisfaction with a decision.

If a power of attorney is not available when it is to be presented, the court shall give the representative time to present it. If a suspension is inappropriate, the court may continue with the handling of the case, however without announcing a judgment or final decision. If a power of attorney is issued, the jurisdiction shall be considered to include the representative's previous measures in the trial.

If the court considers that it is uncertain whether a party's signature on the power of attorney is correct, the court may grant a deferral to remove the uncertainty.

Written power of attorney must be included in the file in original or certified copy. *Lag (2000: 172)* .

Section 10 If the content of a written power of attorney has been transmitted by telegraph or telephone in accordance with what is prescribed, whether a record thereof is valid as a power of attorney; the power of attorney shall, however, if the court deems it necessary, be presented in the main letter to the court in the event that the record is otherwise considered invalid as a power of attorney.

More detailed regulations on the transfer of power of attorney by telegraph or telephone are given by the government. *Lag (1974: 573)* .

Section 11 As a power of attorney for the crown or municipality or other such congregation or general institution, an order issued or an extract of minutes of decisions, whereby a representative has been appointed, shall apply in a duly ordered manner. For companies, associations or other associations, foundations or other such institutions, certified extracts from the minutes of such a decision may apply as a power of attorney. *Lag (1947: 616)* .

Section 12 The power of attorney shall contain the name of the representative. A power of attorney may not be issued to the holder.

Power of attorney shall relate to a specific case or trial in general. If a party wishes to issue a power of attorney only for a specific court or special court hearing, this must be stated in the power of attorney. Oral power of attorney applies only in the case in which it was given.

Section 13 A representative may not put another in his place, unless the party has given permission to do so.

If the representative has put another in his place, the person authorized by the representative may also leave it to another to bring the party's action, if the representative has given permission to do so.

Section 14 A power of attorney entails authority for the representative to, on behalf of the party regarding the matter,
1. bring an action and call for action, even if the action falls to an authority other than the court;
2. receive service of submissions and other documents, but not an order for the party to appear in person;

3. undertake all documents for the execution of the party's action and submit a defense to all claims made against the party;
4. waive the claim made by the party and grant the other party's claim;
5. enter into a settlement;
6. seek enforcement of the court's judgment; and
7. collect the party awarded compensation for legal costs.

A representative may not, by virtue of a power of attorney, which relates to a trial in general, bring an action or receive a summons in respect of a matter on which conciliation is not permitted.

If a power of attorney refers only to a certain court, the representative of that court has the same jurisdiction as stated in the first paragraph. The representative may also report dissatisfaction with a decision issued by the court.

If a power of attorney is only valid for a certain trial occasion, the representative at that trial trial has the same competence as stated in the first paragraph 2--5. The representative may also report dissatisfaction with a decision which is then announced. *Lag (1987: 747)* .

Section 15 The power of attorney of an agent pursuant to section 14 may be restricted only with regard to the agent's right to bring an action, to receive service of a summons, to enter into a settlement, to seek enforcement of the court's judgment or to receive the party awarded compensation for legal costs; another restriction has taken place, whether without effect.

If a restriction that is permitted has not taken place in the power of attorney, whether it does not apply to the court and the other party, before it has been brought to their knowledge orally before the court or in writing.

Section 16 If the power of attorney is not as worded as stated in section 12, the court shall order the party to remedy the error. If the error is not remedied, the power of attorney may not apply.

Section 17 A legal document, which a representative has undertaken in the presence of the party, shall have no effect against the party, if he immediately makes a counter-argument to the contrary.

Section 18 The power of attorney may be revoked by the party at any time.

If a representative wishes to renounce the party's action, he is obliged to monitor the party's right due to the power of attorney, until he has had time to take action to carry out his action.

Against the court and the other party neither revocation nor dismissal applies, before it has been brought to their knowledge orally before the court or also in writing.

Section 19 If the party dies or loses control of what is being disputed, the power of attorney does not cease to apply; however, the court shall, when there is reason to do so, notify the estate or the party's deputy if the trial.

If the power of attorney has been given by the party's deputy and then his authority ceases, even if the power of attorney is valid.

Section 20 A person who acts as a representative is responsible for having the right to do so and whether, if he is unable to prove it, that he has acted in accordance with a power of attorney or that a court document, which he has undertaken, has been approved by the party or is still valid against the party. the other party or other the cost, which in the lawsuit arose because what he undertook is not binding on the party. If the obligation to compensate for other damage, what if the power of attorney is generally stipulated has a corresponding application.

Section 21 What is stipulated in this chapter about a representative, who is entitled to bring a party's action, applies in applicable parts with regard to a representative for taking special action.

Section 22 A party may, when carrying out its action, engage an assistant. If legal aid applies, what is stipulated in §§ 2 - 5 and § 6 second paragraph.
A legal document undertaken by an assistant in the presence of the party shall be deemed to have been approved by the party, unless he immediately objects to it.

Section 23 If someone has a general power of attorney to manage another's property or otherwise handle another's affairs and he is therefore also competent to bring the principal's action to court, the same applies to such a representative as a deputy.

Section 24 Is a special regulation issued in law or the constitution on the authority to bring an action of another, whether it is in force.

13 Chap. On the subject of the action and the bringing of the action

§ 1 The action for ordering the defendant to perform something may be taken up for trial, although the time for fulfillment has not occurred, when the case is decided, if
1. the question is about time after other recurring fulfillments, which are not due to already paid or future remuneration or which on due to already paid remuneration to be paid as a pension or annuity, and one of them is due;
2. the obligation to perform arises only when another obligation, on which the action has been brought in the case, is not fulfilled;
3. the question is whether interest, until payment is made, on the overdue claim or on another additional obligation, which follows from the main obligation;
4. for the plaintiff it is important that performance takes place at the right time, and there is a special reason that the defendant will evade such performance; or
5. such an action in a case other than that now stated according to law may be brought.

§ 2 The action for determination, whether a certain legal relationship exists or does not exist, may be admissible, if there is uncertainty about the legal relationship and this countries to the detriment of the plaintiff.

If the examination of the case depends on the question whether a certain legal relationship, which is in conflict between the parties, exists or does not exist, the action for determination thereof may also be taken.

Is it otherwise stipulated by law that the action for determination may in a certain case be taken up, whether applicable.

Section 3 The action brought may not be changed. The plaintiff may, however,
1. due to a circumstance that occurred during the trial or only then become known to him, demand fulfillment other than the one about which the action has been brought,
2. request a determination in accordance with section 2, second paragraph, and
3. demand interest or other additional obligation , which follows from the main obligation, and also otherwise make a new claim, if it is based on essentially the same basis.

If a claim is made in accordance with the first paragraph 2 or 3 after the main hearing has begun or the case has been decided in another way, the new claim may be rejected, unless it can be tried without inconvenience in the case. A claim under the first paragraph 2 or 3 is not permitted in a higher court.

It is not regarded as an amendment of the action that the plaintiff in the same matter restricts his action or, without changing the matter, invokes a new circumstance in support of his action. *Lag (1987: 747)* .

Section 4 The action shall be brought by summons, unless otherwise provided.

If the plaintiff wishes to change his action in accordance with section 3, it may be done orally before the court or in writing. The defendant shall receive part thereof.

The action shall be deemed to have been brought when the application for a summons was received by the court, or, if a summons is not required, when the action was presented before the court.

Section 5 The plaintiff withdraws his action after the defendant has entered into a defense case, and if the matter is such that a settlement is permitted, the defendant shall, however, try the case.

Is not the matter as stated in the first paragraph, and withdraws the plaintiff, after they have fallen, without the defendant's consent his action, whether the withdrawal without effect.

Section 6 A new action concerning an issue, which is already a trial between the same parties, may not be considered.

Section 7 If the plaintiff transfers what is being disputed to another, he may, without a new summons, take over the plaintiff's action in the case as it is at the time of his entry into the trial; if the transferor's obligation to pay for legal costs applies what in ch. Section 10 is stipulated.

In the event of a transfer on the part of the defendant, the person on whom the transfer took place may, in the defendant's place, enter into the case, if the plaintiff agrees.

Has a transfer, as has now been said, taken place on either side, whether the person on whom the transfer took place is, at the request of the other party, obliged to enter as a party to the proceedings after summons.

14 Chap. On the joining of cases and the participation of third parties in court proceedings

§ 1 If someone simultaneously raises several lawsuits against the same defendant, they shall be dealt with in a trial, if they rely on essentially the same grounds.

Section 2 If a plaintiff has at the same time brought an action against several defendants or several plaintiffs against one or more defendants, the cases shall be dealt with in a trial, if they are based on essentially the same grounds.

§ 3 If the defendant for joint proceedings wants to bring an action against the plaintiff regarding the same thing or a matter, which has communion with it, or concerning a claim, which can be settled against the plaintiff, the cases shall be processed in a trial. A lawsuit, which is thus combined with the main lawsuit, is a counterclaim. *Lag (1987: 747)* .

Section 4 If someone, who is not a party to the trial, wishes to bring an action against both parties or one of them for joint proceedings, as far as the dispute is concerned, the cases shall be dealt with in a trial. *Lag (1987: 747)* .

Section 5 If a party, if he loses the case, wants to make a claim for restitution or a claim for damages or the like against a third party, he may bring his action against a third party for joint processing of the main claim.

If, in connection with the outcome of the case between the parties, a third party may wish to bring an action against one or both of them regarding such a claim as is stated in the first paragraph, he may bring this action for joint processing with the main action. *Lag (1987: 747)* .

Section 6 Cases between the same or different parties may also in other cases than now stated be dealt with in a trial, if it is to the benefit of the investigation.
When there are reasons for this, they may again be distinguished.

Section 7 In cases referred to in Sections 1-6, cases may be joined only if the cases have been brought before the same court and this is competent and the same form of proceedings is applicable to the cases.

If the action referred to in §§ 3-5 is brought after the main hearing has begun or the main appeal has been decided in another way, the court may handle the cases separately, if they cannot be handled without inconvenience in the same trial. The same applies if a party brings an action referred to in section 3 or 5 after the time for an opinion according to ch. 42 Section 15 has expired or after the time specified in such a notification as is referred to in Chapter 42. 15 a §. *Lag (2000: 172)* .

§ 7 a If two or more district courts or two or more courts of appeal handle cases between which there is such a connection as referred to in §§ 1-6, the Supreme Court may, upon application by a party or notification of district or court of appeal, order that the cases be joined in a trial in one of the courts, if this has significant benefits for the handling of the cases and it does not cause significant inconvenience to any party. If it proves appropriate, the court which is to hear the cases may distinguish them.

Decisions made by the court in a case which, due to the order of the Supreme Court, are transferred from one court to another, shall apply, unless the court to which the case has been transferred decides otherwise. *Lag (2009: 344)* .

Section 8 On the one hand, there are several parties, each of them in relation to the other party to be regarded as an independent party.

If the matter is such that only a judgment can be given for all who are involved in the case, a court document, as a co-party undertakes, shall apply to the benefit of the others, even if it is contrary to their documents.

Section 9 If someone who is not a party to the trial claims that the case concerns his right, and if he shows probable cause for his claim, he may, as an intervener on the one hand, participate in the trial.

Section 10 If a person wishes to participate in a trial as an intervener, he shall apply to the court to that effect. The parties shall be consulted on the application. If there are reasons for this, negotiations may take place with the parties and the applicant. The court announces, as soon as possible, a decision on the application.

§ 11 The intervener has the right to undertake a legal document, which is open to the party; he may not, however, change the party's action or otherwise take action that is contrary to the party's, or otherwise than together with the party complete the action against judgment or decision.

If, due to the nature of the legal relationship or otherwise the judgment applies to and against the intervener, as if it had been announced in a trial in which he was a party, he does, however, have the position of a party to the trial.

Section 12 If a party believes that someone can participate in the trial as an intervener, he or she may announce the trial with a summons to enter it.

The person for whom the trial has been announced may, in turn, announce it to another, who he believes may enter the trial.

If the obligation for a party to announce a trial in certain cases is specifically stipulated.

Section 13 Proclamation of a trial takes place by service of a written submission.
The submission must also be served on the other party. The submission must state the matter and the basis for the measure.

Chapter 15 About attachment etc.

§ 1 If someone shows probable reasons why he has a claim, which is or can be assumed to be subject to trial or trial in another similar order, and it can reasonably be feared that the other party by deviating, disposing of property or proceeding in another way evades to pay the debt, the court may order the attachment of so much of the other party's property that the claim can be assumed to be covered by foreclosure. *Lag (1981: 828)* .

§ 2 If someone shows probable reasons why he has a better right to certain property, which is or can be assumed to be the subject of trial or trial in another similar order, and it can reasonably be feared that the other party will dispose of, significantly impair or otherwise dispose of over the property to the detriment of the applicant, the court may order the attachment of the property. *Lag (1981: 828)* .

§ 3 If someone shows probable reasons why he has a claim against someone else, which is or can be assumed to be the subject of a trial or trial in another similar order, and it can reasonably be feared that the other party by engaging in certain activities or undertaking or failing certain act or otherwise impedes or impedes the exercise of the applicant's right or substantially impairs its value, the court may order appropriate action to ensure the applicant's right.

A measure pursuant to the first paragraph may entail a prohibition on a fine to carry out a certain activity or perform a certain act or other injunction on a fine to consider the applicant's claim or appointment of an employee or notification of a regulation which is otherwise intended to prevent infringement of the applicant's right.
Lag (2000: 172) .

Section 4 If a trial on a better right to certain property states that one party has unlawfully disturbed the other party's possession or taken any other illegal action regarding the property, the court may order that the possession be restored immediately or another correction be made immediately. *Lag (1981: 828)* .

Section 5 Decisions on measures referred to in this chapter shall be announced by the court where the trial is pending. If a trial is not pending, what is prescribed in civil cases applies in the case of a competent court. However, what is said about restricting the jurisdiction of a court in respect of disputes that are to be taken up in a manner other than before a court shall not apply.

Questions concerning measures pursuant to this chapter may only be raised on request. If the trial is not pending, the claim must be submitted in writing.

A claim may not be granted without the other party having been given an opportunity to comment. If there is a danger of delay, however, the court may immediately grant the measure to apply until otherwise ordered.

With regard to the processing in other respects of a question concerning a measure referred to in section 1, 2 or 3 when a trial is not pending, what applies when such a question arises in a trial is applied. However, the claim of the applicant's counterparty for compensation for costs may be examined in connection with the decision on the question of the measure. *Lag (1981: 828)* .

§ 6 A measure referred to in § 1, 2 or 3 may only be granted if the applicant before the court provides security for damage that can be inflicted on the other party. If the applicant is unable to provide security and has shown special reasons for his claim, the court may release him or her from it. The state, municipalities, regions and local government associations do not need to provide security.

With regard to the nature of security, Chapter 2 applies. Section 25 of the Enforcement Code. The security shall be examined by the court, if it has not been approved by the other party. *Lag (2019: 837)* .

§ 7 When a measure referred to in § 1, 2 or 3 has been granted, the applicant shall, unless the action has already been brought, within one month of the decision bring an action in court or, if the claim is to be tried in another order, according to what applicable. An action that is not to be tried by a court or other authority is considered to have been brought when an appeal has been called to the other party or the proceedings have been initiated in another order.

If the action is not brought in accordance with what is stated in the first paragraph, the measure shall be returned immediately. *Lag (1981: 828)* .

Section 8 A measure that has been granted in accordance with section 1, 2 or 3 shall be revoked immediately if security, which satisfies the purpose of the measure, is provided or there are otherwise no longer grounds for the measure. If the action brought in the case is withdrawn or lapses, the measure shall also be revoked immediately.

The question of revocation is heard by the court where the trial is pending or, if the trial is not pending, by the court that has first tried the question of the measure.

When the case is the subject of a trial and the case is decided, the court shall consider whether the measure should continue. The court may also in connection with the judgment order a measure that has now been specified. *Lag (1981: 828)* .

Section 9 The court may, when there are reasons to do so, at the request of one of the parties, order that a measure pursuant to section 4 shall be repeated. *Lag (1981: 828)* .

Section 10 With regard to the execution of a measure referred to in this chapter, there are provisions in the Enforcement Code. The court may issue more detailed regulations on enforcement, if necessary. *Lag (1981: 828)* .

16 Chap. About voting

Section 1 If dissenting opinions are presented in a deliberation on a judgment or decision, a vote shall be taken.

When voting, the youngest in court must speak first. Thereafter, the members shall speak as they have their seat in the court. The chairman shall state his opinion last. However, if any of the members has prepared the case, he or she must always state his or her opinion first.

Everyone should state the reasons for their opinion. *Lag (2018: 411)* .

Section 2 A matter which belongs to the trial shall be voted on separately.

If there are several claims in the matter, a separate vote shall be taken for each claim. The claim, which has been invoked for set-off, shall also be voted on separately. In the case of the same action in the case of several circumstances, each of which is of immediate importance to the outcome, they shall, as far as the nature of the matter so requires, be put to a separate vote. If legal costs are to be voted separately.

Has anyone in an earlier vote been against the end, in which most have stayed, whether he is obliged to participate in a later vote.

Section 3 In the event of a vote, the sentence that is covered by more than half of the members of the court shall apply. However, if a vote has received half of the votes and the chairman's vote is among them, that sentence shall apply. *Lag (1993: 514)* .

§ 4 If in a vote more than two sentences are presented without any of them being valid according to § 3, the following applies.

If the vote is for money or something else that constitutes a certain amount, the votes for the largest amount shall be added to the votes for the second largest. If necessary, the aggregation shall continue on the same basis until a sentence applies in accordance with section 3.

Otherwise, the sentence that has received the most votes shall apply. If several sentences have received the same number of votes, the sentence supported by the chairman or, if he or she has not supported any of these sentences, the sentence voted by the foremost of those who voted for one of these sentences applies. *Lag (2018: 411)* .

Section 5 If it is disputed how a vote shall take place or which opinion shall apply, a vote shall be taken on it.

Section 6 If in a civil case it is also a question of liability, the imposition of a fine or the detention of someone, what is prescribed in ch. 29 applies to voting in the matter. *Lag (1981: 828)* .

Section 7 has been repealed by *law (1969: 244)* .

17 Chap. About judgments and decisions

Section 1 The court's decision of the case is made by judgment. The decision of the other court is made by decision. Decisions by which the court, other than by judgment, separates the matter from itself, and also the decision of the higher court in question, which has been complied with in particular, is the final decision.

Section 2 If the main hearing has been held, the judgment shall be based on what occurred at the hearing. Only judges who have been present at the entire main hearing may participate in the judgment. If a new main hearing has been held, the judgment shall be based on what has taken place at it. In cases referred to in ch. 43 Section 14, second sentence, the judgment may also be based on what has been obtained after the main hearing.

When a case is decided without a main hearing, the judgment shall be based on what the documents contain and what has otherwise occurred in the case. *Lag (1987: 747)* .

Section 3 A judgment may not be given over anything or more than what a party has duly requested. If the matter is such that conciliation is permitted, they may not be based on a circumstance which has not been invoked by a party as a basis for his action.

§ 4 If there are several claims in a trial and they can be distinguished, they may be given over one of them, even though the proceedings concerning the others have not been completed. The main claim and the claim, which is invoked for set-off, may be judged only in one context. If a claim is granted to some extent, a special judgment may be given over what has been granted.

Section 5 If the examination of a certain action depends on another action that is being processed in the same trial, a special judgment may be given on that action.

If appropriate in the light of the inquiry, a separate judgment may be given on one of several circumstances, each of which is of immediate importance to the outcome, or on how a particular issue arising in the case, which primarily concerns the application of law, is to be assessed in deciding the case.

When a special judgment is given in accordance with this section, the court may decide that the case shall otherwise rest until the judgment has become final. *Law (1990: 443)* .

Section 6 If the parties reach an agreement on what is being disputed, and they request that the court confirms the settlement, this shall be done by judgment.

Section 7 A judgment shall be drafted in writing and in separate sections state

1. the court and the time and place of notification of the judgment,
2. the parties and their representatives or assistants,
3. the judgment,
4. the parties' claims and objections and the circumstances on which they are based and
5. the reasons for the judgment with information on what is proven in the case.

A judgment of a higher court shall, to the extent necessary, contain an account of the judgment of a lower court.

If a party has the right to appeal or to apply for recovery, the judgment shall state what he must observe in that case.
Lag (1994: 1034) .

§ 8 Third-party judgment, judgment, whereby the plaintiff's action is upheld due to the defendant's consent, and judgment, whereby a higher court determines the lower court's judgment, may be issued in a simplified form. *Lag (1976: 567)* .

Section 9 Before a judgment is decided, deliberation shall be held.

When the main hearing has taken place, the same or last next non-holiday day deliberation shall be held and, if possible, the judgment shall be decided and handed down.
If, due to the nature of the case, there is room for decision or drafting of the judgment, the court may decide on a deferral thereof; the judgment shall, however, unless there is a particular obstacle, be drafted in writing and announced within two weeks after the conclusion of the hearing. If the judgment is not delivered at the main hearing, it shall be delivered at another court hearing or also announced by keeping it available at the court's office; at the main hearing, notice shall be given of the time and manner of notification of the judgment.

What has now been said about the decision of the case after the main hearing also applies, when the case is decided at a meeting for oral preparation.

If otherwise a case is decided without a main hearing, a deliberation shall be held as soon as possible and the judgment shall be decided, written in writing and announced. The notification shall be made by keeping the judgment available at the court's office.

Annulment of a judgment may take place by reproducing the verdict and the reasons together with the announcement of the consequential reference.

If a dissenting opinion has occurred, this shall be notified to the parties at the same time and manner as the judgment.

When a case has been decided, the parties shall as soon as possible be notified in writing of the outcome of the case. *Lag (1987: 1097)* .

Section 10 A judgment shall be drawn up separately and signed by the legally qualified judges who have participated in the decision.

If a judgment is signed electronically, it shall be done with an electronic signature as referred to in Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trusted services for electronic transactions in the internal market and repealing Directive 1999/93 / EC, as amended. *Lag (2018: 499)* .

§ 11 The judgment has, since the time for the action has expired, legal force, insofar as the matter about which the action has been brought has been decided.

The judgment also has legal force in what it includes review of the claim, which has been invoked for set-off.

The question, which has thus been decided, may not be re-examined.

If special remedies apply, what is stipulated in this regard.

Section 12 The provisions of Sections 2 and 9 on judgments shall be applied in respect of a final decision. With regard to such a decision, Sections 7 and 10 shall also be applied, if necessary with regard to the nature of the issue.
If a final decision is announced in connection with the judgment, it shall be included in the judgment.

If a party has the right to appeal or to apply for reopening of the case, the decision shall state what he must observe in that case.
Lag (1994: 1034) .

Section 13 A decision that is not final shall, to the extent necessary, state the reasons on which it is based.

If the person wishing to appeal a decision during the trial has to report dissatisfaction, this must be stated in the decision. If such a decision may be appealed separately, it must also be stated. The court shall, upon request, provide the person who wishes to appeal with information on what he or she must otherwise observe.

If a decision that is not final is announced in connection with a judgment or final decision, it shall be included in the judgment or the final decision. If the decision may be appealed separately, the court shall state what the person wishing to appeal shall observe. *Lag (1994: 1034)* .

Section 14 The court may, when there are reasons for it, order in the judgment that it may be enforced without prejudice to the fact that it does not have legal force. When there is reason to do so, the court shall prescribe that security shall be provided for damages that the party may be obliged to pay if the judgment is changed.

Decisions during the trial that may not be appealed separately shall be implemented immediately. The same applies to decisions according to which the court

1. rejected a representative or assistant,
2. rejected the third party's request to participate as an intervener in the trial,
3. made a statement regarding compensation or advances to an assistant, witness, expert or other person who is not a party or intervener,
4. ordered if someone is being held in custody or if a lien or other measure according to ch. or revocation of such a measure,
5. has appointed someone other than the party proposed as an assistant, or
6. has given an opinion in a case other than that referred to in 3 or 5 in the case concerning legal aid, except for decisions on liability under section 30 of the Legal Aid Act (1996: 1619).

In the case of a decision, according to which an injunction has been issued to a party or another to submit written evidence or to provide the subject of inspection or inspection, what is stated in the first paragraph applies.

If a special regulation is issued stating that a judgment or decision, which has no legal force, may be enforced, it is valid. *Lag (1996: 1624)* .

Section 15 If the court finds that a judgment or decision contains any obvious inaccuracy as a result of the court's or someone else's typing error, arithmetic error or similar oversight, the court may decide on a correction.

If the court has inadvertently failed to make a decision that would have been announced in connection with a judgment or a final decision, the court may supplement its decision within six months of the decision becoming final. A supplement later than two weeks after the decision was announced may, however, only take place if one party so requests and the other party does not oppose the supplement.

Before a decision on correction or supplementation is made, the parties shall also in other cases than those referred to in the second sentence of the second paragraph have been given an opportunity to comment, unless this is clearly unnecessary. The decision shall, if possible, be recorded on each copy of the decision rectified. *Law (1999: 84)* .

18 Chap. About legal costs

§ 1 A party who loses the case shall reimburse the other party for his legal costs, unless otherwise provided.

Section 2 If the case concerns a legal relationship, which according to law may not be determined differently than by judgment, it may be ordered that each party shall bear its own legal costs.

§ 3 If the winning party has initiated a lawsuit, without the other party giving a reason to do so, or if the winning party has otherwise intentionally or through negligence caused unnecessary litigation, he shall reimburse the other party his legal costs or, if the circumstances so require, each party bears its own costs. .

If the circumstance of which the outcome depended was not known to the losing party before the trial and he had not been aware of it either, it may be ordered that each party shall bear its own costs.

§ 3 a If the winning party has commenced the proceedings through an application for a summons despite the fact that the matter could just as easily have been decided in a case under the Order (1990: 746) on payment orders and assistance, his right to compensation for costs is limited to what he could have received in such a goal. *Law (1990: 747)* .

§ 4 If in the same case there are several claims and the parties win alternately, each party shall bear its own cost or adjusted compensation is added either or, insofar as the costs for different parts of the case can be distinguished, the compensation obligation is subsequently determined. If what the party has lost is of only minor significance, he may, however, receive full compensation for his costs.

What has now been said shall apply correspondingly, if a party's claim is upheld only in part.

Section 5 If a party's action is rejected, the party is considered to be losing.
If a case is dismissed due to a party withdrawing its action or failing to appear, he shall reimburse the other party for his legal costs, unless special circumstances cause the liability for compensation to be determined differently.

If the parties are reconciled, each party shall bear its own costs, unless otherwise agreed.

§ 6 Has a party, by failing to appear from the court or not complying with an injunction, as the court has announced, or by a statement or objection, which he has realized or refuses to acknowledge lack of justification, or otherwise through negligence or negligence caused a postponement of the case or otherwise caused costs to the other party; whether he is obliged to reimburse such costs, however the costs of the proceedings shall otherwise be borne.

Section 7 A party shall, in accordance with this chapter, reimburse the other party's legal costs in whole or in part and if there is a deputy for the party or the party's representative or assistant, through action referred to in section 3, first paragraph, or through negligence or negligence, as stated in section 6, , own the right, even if a request to that effect has not been made, oblige him to pay the cost together with the party.

Section 8 Compensation for court costs shall fully correspond to the cost of the preparation of the trial and the execution of the action together with the fee to a representative or assistant, insofar as the cost has been reasonably required for the exercise of the party's right. Compensation shall also be paid for the party's work and time wasted in connection with the trial. A hearing for the settlement of a dispute that is of immediate importance to the party's action is considered as a measure for the preparation of the trial.

Compensation for legal costs shall also include interest in accordance with section 6 of the Interest Act (1975: 635) from the day when the case is decided until payment is made. *Lag (1987: 328)* .

Section 8 a In cases where ch. § 3 d first paragraph applies, the following applies instead of the provisions of § 8.

Compensation for legal costs may not refer to anything other than the cost of
1. legal advice for one hour at a time for each instance and with an amount corresponding to no more than the compensation paid for advice under the Legal Aid Act (1996: 1619) for one hour,
2. application fee or additional fee,
3. travel and subsistence for a party or deputy in connection with a meeting or, if personal preference is not prescribed, travel and subsistence for a representative,
4. testimony,
5. translation of documents.

If a party has acted in such a way that section 3 or 6 is applicable, compensation to the other party may, however, refer to all his costs in accordance with section 8.

Compensation is provided only to the extent that the cost was reasonably needed to take advantage of the party's right.

Compensation specified in the second paragraph 3 is provided in accordance with regulations announced by the Government.

If the case has initially been handled in a different order than that which applies to cases referred to in this section, compensation is provided for costs relating to the previous processing in accordance with the cost rules that apply to this.

If a case concerning an order for payment or assistance has been submitted to a district court, if the case is subsequently decided by a third-party judgment against the defendant, compensation may also refer to a reasonable cost for a maximum of one trial or suspension at a maximum before the court. Such additional compensation is provided, unless special reasons lead to a different assessment, with an amount corresponding to no more than half of the compensation paid for counseling under the Legal Aid Act (1996: 1619) for one hour. *Lag (2014: 249)* .

Section 9 If legal costs are to be reimbursed by several co-parties, they answer one for all and all for one. To the extent that the cost relates to part of the case, which concerns only one of the parties, or also a party caused by negligence or negligence, as referred to in section 6, this cost shall be applied by that party alone.

If someone according to section 7 is obliged to reimburse cost together with a party, they answer one for both and both for one.

Section 10 Does anyone according to ch. § 7 has taken over the plaintiff's action, he and the plaintiff answer, one for both and both for one, for the legal costs, which arose before the takeover; for cost, which arose thereafter, he answers alone.

The person who took the place of the defendant is solely responsible for the costs of the trial.

Section 11 If two or more schools, one for all and all for one, are to bear the costs of the proceedings, the court shall, at the request of one of them, consider, in the light of the circumstances, how the cost is to be divided between them or if any of them is to bear the full cost.

Section 12 In the case of an obligation for an intervener who does not have the status of a party to the proceedings, to reimburse legal costs and his right to compensation for such costs, what is stipulated in this chapter if a party has a corresponding application; however, the intervener is solely responsible for the specific cost caused by the intervention. The party on whose side the intervener participated may not be ordered to pay the costs, as has now been mentioned.

Section 13 If the cost of evidence or other action is to be paid by the parties one for both and both for one, the provisions of this chapter on court costs apply in respect of the obligation to reimburse such costs. If the parties are to bear their own costs, the court may order that the costs be shared by half of each of them. If the state has incurred costs to bring a party to court, the party shall reimburse the state for the cost.

If the obligation to reimburse the state for costs due to the fact that a party has been granted legal aid is specifically prescribed. *Lag (1996: 1624)* .

Section 14 A party who wishes to be reimbursed for legal costs shall submit his claim before the proceedings are concluded. He must state where the cost consists. If he has not made his claim within the specified time, he may not subsequently bring an action for costs which have arisen before the same court. A party may, however, even if he has not made a claim, receive interest referred to in section 8, second paragraph, as well as compensation for a copy of the court's judgment or final decision.

The court shall independently examine questions about the application of the provisions in 1--10 and 12 and 13 §§, unless such examination is unnecessary due to special circumstances. Decisions on such costs as are referred to in this chapter are announced when the court decides the case. Included in compensation for legal costs fee to a representative or assistant, the amount of the fee must be stated. *Lag (1987: 747)* .

Section 15 If a case is pursued from a lower court, the obligation to reimburse legal costs in a higher court shall be determined with regard to the trial there.

If costs in a higher court in a case concerning a matter, which has been completed in particular, what is stipulated in this chapter about cases brought in a lower court, have a corresponding application.

If a case is remanded, the question of the cost in the higher court shall be considered in connection with the case after its resumption.

Section 16 In cases where an authority brings an action on behalf of the public without the action relating to the safeguarding of the state's or someone else's individual right, the provisions of Chapter 31 shall be applied in respect of legal costs, unless otherwise provided. *Law (1990: 443)* .

II. About the trial in criminal cases

19 Chap. About law court

§ 1 Law court in criminal cases is the court in the place where the crime was committed.
A crime is considered to have been committed in the place where the criminal act was committed, and, if the crime was completed or, on trial, the crime committed would have been completed in another place, also in that place. If the crime was committed in local courts, they have equal jurisdiction. Has it happened on a Swedish ship or aircraft while traveling within or outside the country, whether the court in the place where the suspect with the ship or aircraft first arrives or where he was arrested or otherwise stays, is also competent.

If, when prosecution is instituted, it is uncertain where the crime was committed, prosecution may be instituted by the court in one of the places where it can be assumed to have taken place, or in the place where the suspect has been arrested or otherwise resides.

Prosecution for crime may also be taken up by the court, where the suspect must answer in civil cases in general, or the court in the place where the suspect resides more permanently, if the court with regard to the investigation and costs and other circumstances deems it appropriate.
Lag (1957: 299) .

§ 2 Prosecution for crimes committed in a place outside the country or on a foreign ship or aircraft while traveling within or outside the country, is taken, unless the government orders otherwise in certain cases, by the court, where the suspect shall answer in civil cases in general, or by the court in the place where he was arrested or otherwise resides. *Lag (1974: 573)* .

§ 3 Prosecution against several for complicity in crime may, if it occurs at the same time, be brought before the court, where one of them has to answer. If the charges are brought at different times, the court that has brought charges against one of them may also bring charges against the other party or parties.

What has now been said shall also apply to prosecutions in other cases against several for crimes, which are related to each other, if the court, with regard to the investigation and costs and other circumstances, finds it appropriate that the charges are taken up by the same court. *Lag (1948: 453)* .

Section 4 An action for liability for false or unjustified prosecution or for false statement or other false accusation, where prosecution followed, may be brought in the court where the crime was prosecuted. *Lag (1948: 453)* .

Section 5 Judgment of an offense in the trial shall be the court where the trial is conducted.

If a person commits another crime before a court at its meeting, he or she shall have the same right to adjudicate on it, if it is appropriate in view of the nature of the crime and other circumstances.

Section 6 If someone has committed several crimes, prosecution for all crimes may be taken up by the court, which is competent to prosecute one of them, if the latter, with regard to the investigation and costs and other circumstances, deems it appropriate.

Section 7 A court retains its jurisdiction to handle a case even if any circumstance that has founded the jurisdiction changes after the summons has been served on the suspect.

If public prosecution has been brought before a certain district court, the latter may, at the request of the prosecutor, transfer the case to another district court, if it is competent and there are special reasons. If the defendant is already being prosecuted at the other district court, such transfer shall take place, if it is not inappropriate. The decisions taken before the transfer shall apply, unless the court to which the case has been transferred decides otherwise.

The second paragraph also applies in applicable parts when several cases of public prosecution against the accused are pending at different courts of appeal at the same time. *Lag (1987: 747)* .

§ 8 If a case is rejected on the grounds that the court is not competent, it may, however, in the absence of prosecution in a court of law, issue a decision which cannot be postponed without danger.

§ 9 Is it prescribed by law that prosecution shall be taken up immediately by a higher court or shall prosecution according to law or constitution be taken up by another general court than the one to which the suspect has to answer according to § 1 or 2, may not because of what in this chapter stipulates the prosecution is taken up by another court. Should the question of liability be taken up by an authority other than a court or by a special court, what is stipulated in this chapter does not apply.

Agreement, whereby someone undertakes to bring charges or answer in a certain court, whether without effect. *Lag (1965: 585)* .

Section 10 If a lower court has taken up a case, the question of the court's jurisdiction may not be taken up by a higher court, unless the question is pursued or raised there by a party entitled to it, or the case is to be taken up by an authority other than a court or by a special court or immediately by a higher court or by another general lower court than the one to which the suspect according to § 1 or 2 has to answer.

Section 11 If a decision is announced in a higher court, whereby a lower court is declared not competent to take up cases, which has been brought there, the higher court may, at the request of a party, refer the case to a lower court, which is competent.

If separate courts have been found incompetent by decisions which have become final, the Supreme Court, if any of them is competent, may, at the request of a party, refer the case to the court from which the case is dismissed. *Lag (2009: 344)* .

§ 11 a If the court finds in connection with an application that the court has no jurisdiction to take up the case or to examine the application in another order but that another court would be competent, the application shall be submitted to that court, if the applicant has nothing to object to this and there is also no other reason against the application being submitted. The application shall be deemed to have been received by the latter court on the same day as it was received by the court which first received the application. *Lag (1996: 247)* .

Section 12 What is stated in this chapter shall also be applied in respect of the courts' position with preliminary investigation and use of coercive measures. Such an issue may also be raised by the court in a place other than that which follows from the rules in this chapter, if a decision in the matter should be made without delay.
Lag (2000: 172) .

20 Chap. On the right to prosecution and on plaintiffs

Section 1 The question of liability for a crime may not be taken up by the court, unless prosecution for the crime has been brought. However, the court may, without prosecution, raise the issue of liability for misconduct in the trial.

Section 2 The Public Prosecutor may speak on crimes that fall under public prosecution, unless otherwise provided.

What is specifically prescribed for the power of special prosecutor to prosecute crimes that fall under public prosecution.

Prosecutors may, in a higher court, also complete the action in favor of the suspect.

Section 3 All crimes that are not expressly exempted from it are subject to public prosecution.

Is there a special condition for public prosecution, such as permission from an authority or indication of a plaintiff, whether applicable.

Section 4 If an act includes several crimes and one of them is subject to public prosecution, such prosecution may also take place for the others.

If someone has been reported for a crime, which only after the report falls under public prosecution, and if several are suspected of having taken part in the crime, public prosecution may take place against them all.

Section 5 A plaintiff may report a crime to the prosecution to the prosecutor or the Police Authority. *Lag (2014: 649)* .

Section 6 Prosecutors shall, unless otherwise provided, prosecute crimes that are subject to public prosecution. *Lag (1964: 166)* .

Section 7 Prosecutors may decide not to prosecute for a crime (failure to prosecute) provided that no significant public or private interest is violated:
1. if it can be assumed that the crime would not give rise to a sanction other than a fine,
2. if it can be assumed that the sanction would be a conditional sentence and there are special reasons for failure to prosecute,
3. if the suspect has committed another crime and in addition to the punishment for this crime no punishment is required due to the present crime, or
4. about psychiatric care or interventions according to the law (1993: 387) if support and services for certain disabled people are provided.

Prosecution may be omitted in cases other than those mentioned in the first paragraph, if it is clear for special reasons that no sanction is required to deter the suspect from further crime and that, in view of the circumstances, no other reason is required for prosecution. . *Lag (1997: 726)* .

Section 7 a Decisions on failure to prosecute may be issued even after prosecution has been brought, if such circumstances arise that, if they existed or were known at the time of the prosecution, would have caused failure to prosecute. Failure to prosecute may not, however, be decided if the defendant objects to it or if the verdict has already been handed down. *Lag (1981: 1285)* .

Section 7 b A decision on failure to prosecute may be revoked, if special circumstances so require. *Lag (1985: 13)* .

Section 8 Plaintiffs may not prosecute for crimes that fall under public prosecution, unless he has stated the crime and the prosecutor has decided that prosecution shall not take place.

If the prosecutor has brought an action, the plaintiffs have the right to assist the prosecution; he may also in a higher court complete the action.

Notwithstanding what is stated in the first paragraph, the plaintiff may bring an action for liability for false or unjustified prosecution, false statement or other false accusation regarding crime.

The plaintiff is the person against whom the crime has been committed or who has thereby been offended or suffered damage. *Lag (1964: 166)* .

Section 9 After the judgment has fallen, no public prosecution may be instituted.

If public prosecution is instituted on the ground that there are sufficient reasons that the suspect is guilty of the crime, the plaintiffs may take over the prosecution; he shall, however, report to the court within the time, not exceeding one month, as determined by the court, after he became aware of the closure. If the plaintiff does not take over the prosecution, he shall not subsequently bring charges for the crime; if the defendant so requests, an acquittal shall be given.

Section 10 The provisions of Sections 8 and 9 on the right of plaintiffs to prosecute or take over prosecution do not apply in respect of crimes committed in the exercise of the employment or assignment by
1. Minister of State,
2. Minister of Justice,
3. any of the Parliamentary Ombudsmen or the person who has served in his or her place,
4. any other executive, against whom according to the Riksdag's order or other statute only one of the Riksdag's committees or other Riksdag bodies is competent to decide on prosecution for such a crime,
5. the Chancellor of Justice or the person who has served in his or her place, or
6. Judge or Advocate General of the Court of Justice of the European Union.

Lag (2010: 1391) .

Section 11 If, in the case of the same crime, there are several plaintiffs, the declaration or prosecution of one plaintiff also applies to the others.

Section 12 If the plaintiff, through conciliation or otherwise, has undertaken not to state the crime or speak about it, or if he has withdrawn the statement or filed charges, he may not subsequently state the crime or speak about it. If the crime is heard only after declaration during public prosecution and if the commitment has been made or the declaration has been revoked, before public prosecution has been brought, general prosecution for the crime may not take place thereafter.

Section 13 If someone has been killed by a crime, his or her surviving spouse, heir, parent or sibling has the same right as the plaintiff to report the crime or bring an action for it.

If the person against whom the crime has been committed or who has been offended or suffered damage thereby dies, the next of kin, as has now been said, has the same right to report the crime or speak to it, which belonged to the deceased, unless the circumstances indicate that he did not want to report or prosecute the crime. *Lag (2005: 438)* .

Section 14 If the plaintiff is a minor and relates to the crime property, over which he has no control, or a legal document, which he does not have the right to enter into, his deputy may state the crime or speak about it. A trustee has the same right under the Parental Code on behalf of a plaintiff when the crime concerns property or legal act that is covered by the trustee's assignment.
If the crime concerns the minor's person, the person who has custody of him may state the crime or speak about it. What in ch. 11 Sections 2--5 are stipulated if the party and deputy in civil cases are applied regarding the plaintiff, even if he is not suing.

If the legal representative for the plaintiff applies what in ch. is stipulated. *Lag (1988: 1260)* .

Section 15 Plaintiffs, who are heard in connection with the prosecutor's action, may be accompanied by a suitable person as personal support (support person) during the trial. A support person of whom the court is aware shall, if possible, be notified of the trial.

In certain cases, the plaintiff's counsel may be appointed in accordance with the Act (1988: 609) on the plaintiff's counsel.

The plaintiff's counsel shall be summoned to the main hearing or other meeting of the court where the plaintiff or the plaintiff's deputy shall be heard. *Lag (1994: 420)* .

Section 15 a A plaintiff who has requested this shall be informed by the court of the time and place of meetings before the court. *Lag (2015: 429)* .

Section 16 If a law or constitution stipulates that prosecution for a crime may be brought by an individual other than the plaintiff, he shall, in respect of the right to state the crime or speak about it and prosecution brought by him, be regarded as the plaintiff.

21 Chap. About the suspect and his defense

Section 1 The suspect has the right to bring his own action. If he is a minor, the court shall, if it is necessary with regard to the nature of the crime or otherwise, hear the person who has custody of him; he also has the right to bring an action for the minor.

If the suspect has died, his surviving spouse, heir, father, mother or siblings may bring an action against them, insofar as it has been established by this that the suspect has committed the act. *Lag (1971: 875)* .

Section 2 The suspect is obliged to appear in person at the main hearing in the district court and the court of appeal. Such an obligation does not exist, however, if the case can be decided even if he does not appear at the main hearing and his presence can be assumed to be of no significance to the investigation.

At the main hearing in the Supreme Court, the suspect is obliged to appear in person, if the court finds that his presence is necessary for the investigation.

At a meeting for preparation and at another hearing, the suspect is obliged to appear in person, if his presence can be assumed to promote the purpose of the meeting.

If the suspect is obliged to appear in person, the court shall order this.

When the suspect is not obliged to appear in person, his action may be brought through a representative. In the case of agents, the provisions of ch. *Lag (2009: 344)* .

Section 3 In the preparation and execution of his action, the suspect may be assisted by a defense counsel.

Defendants are appointed by the suspect. If the suspect is under eighteen years of age or he suffers from a serious mental disorder, a defender is appointed by the person who has custody of him. If the suspect has appointed a legal representative, the representative is considered a defense counsel.

A person may not be a defender if he has or has had assignments for the suspect or financial relations with him and the circumstances are likely to reduce confidence in his ability to observe what is incumbent on a defender under section 7, first paragraph.
A foreign citizen or a person domiciled outside the country may not be defended if it is inappropriate with regard to national security. If the defender otherwise applies ch. 12 2--5 §§ and 6 § second paragraph.
Lag (1992: 1511) .

Section 3 a If the suspect has been arrested or detained, a public defender shall be appointed for him or her, if he or she so requests. A public defender shall also be appointed on request for a person suspected of a crime, for which no lesser punishment than imprisonment for six months is provided.

In addition, a public defender shall be appointed
1. if the suspect is in need of a defender with regard to the investigation of the crime,
2. if a defender is needed with regard to the fact that it is doubtful which sanction should be chosen and there is reason to impose a sanction other than a fine or conditional sentence or such sanctions in association, or
3. if there are otherwise special reasons with regard to the suspect's personal circumstances or to what the case concerns.

If the suspect is assisted by a defender appointed by him or her, no public defender shall be appointed alongside him or her. Public defenders must, however, be appointed if there are special reasons. *Lag (2019: 263)* .

Section 3 b A public defender shall be appointed for a former defendant if
1. he or she is in need of a defender with regard to the fact that the prosecutor according to ch. § 6 a decided or has the opportunity to decide to resume a preliminary investigation or to let an ongoing preliminary investigation also refer to the question of the previous defendant's participation in the crime, or
2. there are otherwise special reasons.

In assessing whether the former defendant is in need of a defense counsel, the court must take into account the nature of the crime, the former defendant's personal circumstances and what investigative measures are to be taken. *Lag (2012: 659)* .

Section 4 A public defender is appointed by the court; If the court has separated the case, it has the right, until the action of the suspect has been completed or the time for such an action has expired, to appoint a defense counsel to assist him in a higher court.

The question of the appointment of a public defender shall be raised, when a request to that effect is made or the court otherwise finds reason to do so.

Section 4 a A request for the appointment of a public defender in accordance with section 3 b shall be made to the court which, in accordance with ch. Section 4, first paragraph, is competent to examine the application for rescission.
Lag (2012: 659) .

Section 5 A lawyer who is suitable for the assignment shall be appointed as public defender. If there are special reasons, another suitable person who has passed the knowledge tests prescribed for eligibility for the position of judge may be appointed as such defender. Preferably, someone who usually appears as a legal representative at the court should be appointed.

If the suspect has proposed to a public defender someone who is competent for the assignment, he or she shall be appointed, unless there are special reasons against it. *Lag (2009: 1252)* .

Section 6 A public defender may be dismissed by the court if the need for a public defender ceases or if there is some other reason for it. If the suspect appoints another defender, the public defender shall be dismissed unless it would cause particular inconvenience.

A change of public defender may be decided by the court, if there are special reasons. If a public defender has been replaced once, a new change may only take place if there are special reasons.

A public defender may not put someone else in his place without the court's permission. *Lag (2018: 533)* .

Section 7 Defendants shall with zeal and care safeguard the suspect's rights and for this purpose work for the proper lighting of the case.

Defendants should, as soon as possible, prepare the defense through consultation with the suspect.

Section 8 Defendants may, during the preliminary investigation and the processing of the case before the court, make a petition and take the measure necessary to safeguard the suspect's right, and also, if the case is completed, assist him in a higher court.

Section 9 Anyone who has been arrested, detained or detained has the right to see their defender. If a defense counsel appointed by the suspect does not meet the requirements set out in section 5, first paragraph, the head of the investigation or the prosecutor may decide that the suspect may not see his or her defense counsel if this is necessary so that the investigation of the case is not significantly difficult or danger to someone's life, physical health or liberty. The decision must be in writing and contain the reasons on which it is based. The suspect or defense counsel may request that the court review the decision.

If the suspect has the right to see his defense counsel, it must be done in private.

A public defender or a defender who has been appointed by the suspect and notified to the court shall be summoned to the main hearing, as well as to other meetings before the court. *Lag (2016: 929)* .

Section 9 a If, in view of the circumstances, there is reason to examine whether the person appointed to assist the suspect meets the requirements in section 3, third paragraph, the prosecutor shall report this to the court. *Lag (2019: 263)* .

Section 10 A public defender is entitled to reasonable compensation from public funds for work, wasted time and expenses that the assignment has required. Remuneration for work shall be determined on the basis of the time required that is reasonable with regard to the nature and scope of the assignment and with the application of an hourly cost norm. The government issues regulations on the hourly cost norm.

The hourly compensation may deviate from the hourly cost norm, if the skill and care with which the assignment was performed or other significant circumstances give rise to it.

When the compensation is determined, in some cases a tariff must be applied.
The government or the authority appointed by the government issues regulations on the tariff and on the calculation of compensation for wasted time.

Compensation for public defenders may only, if there are special reasons, relate to the additional costs for wasted time and expenses that have arisen due to the defender's activities being far from the place where the court is located. At the request of the suspect or the proposed public defender, prior notice shall be given as to whether such additional costs are covered by the right to compensation.

A public defender may not reserve or receive compensation from the suspect. If this has happened, the reservation is without effect and the public defender must pay back to the suspect what he or she has received.
The public defender may, however, reserve and receive reasonable compensation for wasted time and expenses which, according to the fourth paragraph, are not covered by the defender's right to compensation from public funds. *Lag (2009: 1252)* .

Section 10 a A public defender who has appealed a decision on compensation may in the higher instance invoke new circumstances in support of his claim only if there are special reasons for it. *Lag (1988: 214)* .

Section 11 Guardians who are heard in accordance with section 1 are entitled to compensation and advances in accordance with what is stated in the witness. The compensation shall be applied by the central government. *Lag (1971: 240)*

Section 12 A suspect who has been summoned to appear at a meeting may be awarded compensation from public funds for the cost of travel and subsistence if it is reasonable in view of his or her financial circumstances, the costs that may arise in connection with the suspension and the circumstances in other. The court may grant an advance on the compensation.

Compensation is paid in accordance with regulations announced by the government. *Lag (1996: 1624)* .

22 Chap. About individual claim in connection with a crime

Section 1 An action against the suspect or another person for an individual claim in connection with a crime may be brought in connection with prosecution for the crime. If the claim is not taken up in connection with the prosecution, the action shall be brought in the order stipulated for civil cases.

Section 2 If an individual claim is based on a crime that falls under public prosecution, the prosecutor is, at the plaintiff's request, obliged to prepare and execute the plaintiff's action in connection with the prosecution, if this can be done without significant inconvenience and his claim is not manifestly unjustified. If the plaintiff wants the claim to be taken up in connection with the prosecution, he must report the claim to the head of the investigation or the prosecutor and provide information about the circumstances on which it is based.

If the head of the investigation or the prosecutor finds in an investigation concerning a crime that an individual claim can be based on the crime, he shall, if possible, notify the plaintiffs of this in good time before the prosecution.

The first and second paragraphs shall also apply when the claim has been taken over by someone else. *Lag (1988: 6)* .

Section 3 If a special claim is brought before the court in respect of an individual claim in connection with a crime, the court may, if it is appropriate, order that the action be taken up for consideration in connection with the prosecution.

§ 4 On the right of the defendant or another, against whom the plaintiff for the action, or for a third party to bring an action for joint proceedings with the prosecution, as referred to in ch. § 5, have what is stipulated in the said law space corresponding application.

Section 5 If an action for an individual claim has been taken up for consideration in connection with the prosecution, the court may order that the action shall be handled as a special case in accordance with the rules for civil cases, if a continued joint processing would entail significant inconveniences. *Lag (1988: 6)* .

§ 6 If a prosecution is dismissed or rejected or the plaintiff is declared to have lost his right to prosecute the crime, order the court, if a party so requests, that the action on the individual claim shall be handled as a special case in the civil procedure. If such a claim is not made, the action in the case shall be deemed to be due.

If a party withdraws its action regarding the individual claim, after the other party has entered into a defense, the claim shall, however, if the plaintiff so requests, be tried.

If no such claim is made, the action in the case shall be deemed to have been dismissed.

Section 7 If an action is brought for an individual claim in connection with a crime in connection with the prosecution and it is found that the accused act is not punishable, the action may, however, be tried in the case. *Lag (1969: 588)*

Section 8 An action for an individual claim due to such a crime under public prosecution as referred to in ch. Section 10 may not be brought by the plaintiffs, unless prosecution for the crime takes place or the action is assisted by someone who is competent to decide such prosecution. *Lag (1981: 1312)* .

23 Chap. About preliminary investigation

Section 1 A preliminary investigation shall be initiated as soon as, due to a statement or for other reasons, there is reason to assume that a crime that falls under public prosecution has been committed.

Preliminary investigation does not need to be initiated, however, if it is obvious that the crime cannot be investigated. That preliminary investigation does not need to be initiated in certain other cases follows from § 4 a and § 22.

If a statement is required for the crime to be heard under public prosecution, a preliminary investigation may nevertheless be initiated without a statement, if there is a danger of awaiting a statement. In that case, the plaintiffs must be notified as soon as possible. If he then does not state the crime for prosecution, the preliminary investigation shall be closed. *Lag (1994: 1412)* .

Section 2 During the preliminary investigation, it shall be investigated who can reasonably be suspected of the crime and whether there are sufficient reasons for prosecution against him, and the case shall be prepared so that the evidence can be presented at the main hearing in one context.

Section 3 Decisions to initiate a preliminary investigation shall be made by the Police Authority, the Security Police or the prosecutor. If the preliminary investigation has been initiated by the Police Authority or the Security Police and the matter is not of a simple nature, the management of the preliminary investigation into the crime shall be taken over by the prosecutor, as soon as someone can reasonably be suspected of the crime. The prosecutor must also otherwise take over the management when it is justified for special reasons.

When the preliminary investigation is led by the prosecutor, he or she may hire an assistant from the Police Authority or the Security Police to carry it out. The prosecutor may also instruct a police officer to take a certain measure that is part of the preliminary investigation, if it is appropriate in view of the nature of the measure.

What is prescribed in this code about the Police Authority applies to the Security Police when it conducts a preliminary investigation or assists prosecutors in a preliminary investigation.

Before a preliminary investigation has begun, a police officer may hold an interrogation and take other investigative measures that are important for the investigation. *Lag (2014: 649)* .

Section 4 A preliminary investigation shall be conducted objectively. During the preliminary investigation, the investigation leader and the person assisting him or her must search for, take advantage of and take into account circumstances and evidence that speak both to the suspect's advantage and to his or her disadvantage.

The preliminary investigation shall be conducted so that no one is unnecessarily exposed to suspicion or caused cost or inconvenience. The preliminary investigation must also be conducted as expeditiously as the circumstances allow. If there is no longer any reason to complete the preliminary investigation, it must be closed.

Law enforcement activities prior to a preliminary investigation must also be conducted objectively. *Lag (2016: 546)* .

Section 4 a A preliminary investigation may further be closed
1. if further investigation would require costs that are not in reasonable proportion to the significance of the case and it can also be assumed that the criminal value of the crime does not exceed imprisonment for three months, or
2. if it can be assumed that prosecution for the crime would not take place as a result of provisions on failure to prosecute in ch. or if a special prosecution and any significant public or private interest is not violated by closing the preliminary investigation.

If there are preconditions for closing a preliminary investigation in accordance with the first paragraph even before such a preliminary investigation has been initiated, it may be decided that a preliminary investigation shall not be initiated.

Decisions under this section to close a preliminary investigation are announced by the prosecutor leading the preliminary investigation if it can be assumed that prosecution for the crime would not take place as a result of the provisions on failure to prosecute in ch. § 7 first paragraph or on special prosecution. The same applies to decisions not to initiate a preliminary investigation in a corresponding case. If the preliminary investigation is led by the Police Authority, the head of the investigation decides on these issues. Other decisions under this section are announced by prosecutors. *Lag (2014: 649)* .

Section 5 According to ch. § 3 a or 3 b a public defender is appointed for the suspect or the previously accused, the head of the investigation shall report it to the court. The head of the investigation must also report to the court if the plaintiff requests a plaintiff's assistant or if there is otherwise reason to appoint such an assistant. Does the preliminary investigation refer to crimes according to ch. the Criminal Code, notification of the plaintiff's counsel shall be made immediately when the preliminary investigation has been initiated or resumed, unless it is obvious that the plaintiff has no need for such counsel.

If no preliminary investigation is in progress, the report in accordance with the first paragraph shall be made by the prosecutor. *Lag (2018: 619)* .

Section 6 During the preliminary investigation, interrogations may be held with anyone who is assumed to be able to provide information of significance to the investigation.

Section 6 a The person who is to be heard during the preliminary investigation may, in the event of a fine, be summoned to appear at the hearing, if this is appropriate in view of the circumstances of the individual case. Fines may not be imposed if the interrogation is intended to take place by telephone or if the distance to the place where the interrogation is to be held exceeds ten miles from the place where the person called has his residence or is permanently staying and it is not of particular importance to the investigation that the interrogation takes place .

Decisions on the imposition of fines pursuant to the first paragraph shall be announced by the head of the investigation or by a police officer who may lead the interrogation.

If the person who has been summoned to a fine is absent, a new fine may be imposed in connection with a summons for questioning at a later date.
Lag (2002: 440) .

Section 6 b Questions concerning the imposition of fines that have been imposed on the basis of section 6 a are examined by the prosecutor.

A person who has been obliged to pay a fine may, within three weeks of receiving the decision, request a court review of this. A request for such an examination shall be made to the prosecutor, who shall submit the case to the court in his own opinion.

If no request for review of the court has been made within the specified time, the prosecutor's decision may be enforced in accordance with the Enforcement Code. *Lag (2002: 440)* .

Section 7 Anyone who, without a valid reason, fails to comply with a summons to appear for an interrogation may be brought to the interrogation, if it has been postponed to be held at a place within a distance of ten miles from the place where he or she has his or her home or upon receipt of the summons.

Without prior summons, the person present within a distance of ten miles from the place where the hearing is to be held may be picked up at the hearing, if the investigation concerns a crime which may result in imprisonment and there is a reasonable fear that he or she will not comply with a summons or that he or she, due to a summons, would, by removing evidence or otherwise complicate the investigation.

When it is of particular importance to the investigation that the interrogation takes place, collection in accordance with the first or second paragraph may take place regardless of the length of the road.

Pick-up for questioning by the person to be heard as a witness or otherwise without being suspected of a crime should take place only when there are reasons of special importance for such a measure.

If the person to be heard is arrested or detained, he or she must be placed at the place determined for the interrogation.
Lag (2002: 440) .

Section 8 Upon the instruction of a police officer, a person who is at the place where a crime is committed is obliged to accompany to an interrogation which is held immediately afterwards. If he refuses without a valid reason, the policeman may take him to the interrogation.

What is said in the first paragraph also applies to those who are in an area adjacent to the place where a crime was recently committed, unless a lesser punishment than four years' imprisonment is prescribed for the crime. This also applies to attempts at such a crime.

The provisions in the first and second paragraphs also apply before the preliminary investigation has begun. *Lag (1994: 1412)* .

Section 9 Anyone who has not been arrested or detained is not obliged to remain for questioning for longer than six hours. If it is of particular importance that the person who can be suspected of the crime is available for further questioning, he is obliged to stay for another six hours.

Anyone under the age of fifteen is not obliged to remain for questioning for more than three hours. If it is of particular importance to the investigation, the person heard is obliged to remain for another three hours.

After the interrogation has ended or the time when the hearer is obliged to stay, has expired, he may leave immediately. Without special reasons, he may not be required to appear for a new hearing earlier than twelve hours thereafter.

The person who may be suspected of the crime may be detained for the time he is obliged to remain, if this is necessary with regard to the purpose of the intervention, order or security.
Lag (1998: 24) .

Section 9 a If it can be assumed that the investigation will otherwise be made more difficult, the person to be interrogated is obliged to temporarily hand over electronic communication equipment that he or she is carrying or wearing. If he or she refuses, a police officer may temporarily dispose of the equipment.

If it is necessary to search for property specified in the first paragraph and there is a prescribed prison for the crime, a police officer may physically visit the person to be heard. However, someone other than the person who can reasonably be suspected of the crime may only be subjected to a body search if there is special reason to assume that the investigation will otherwise be made more difficult.

The provisions in the first and second paragraphs also apply before a preliminary investigation has been initiated. *Lag (2016: 546)* .

Section 9 b Property that is taken care of in accordance with section 9 a shall be returned as soon as there are no longer grounds for the measure and at the latest at the time when the person to be heard is no longer obliged to remain for questioning in accordance with section 9.

Minutes shall be kept of measures in accordance with section 9 a.
Lag (2016: 546) .

Section 10 The head of the investigation decides, with the limitations that follow from the second-sixth paragraphs, who may attend an interrogation.

If possible, a credible witness appointed by the head of the investigation shall be present at an interrogation.

An assistant to a person who is interrogated has the right to attend the interrogation if it can be done without prejudice to the investigation and if the assistant meets the requirements imposed on a defense counsel in ch. Section 3, third paragraph.

The suspect has the right to attend and have his or her defense counsel present at an interrogation held at the suspect's request in accordance with section 18 b, first paragraph. At other interrogations with the suspect, he or she has the right to have his or her defense counsel present. A defender who does not meet the requirements set out in ch. Section 5, first paragraph, may, however, be prevented from attending if it is necessary for the investigation of the matter not to be significantly hindered or to avert danger to someone's life, physical health or freedom. During questioning with someone other than the suspect, the suspect's defense counsel may be present if this can be done without prejudice to the investigation.

A plaintiff's counsel has the right to attend hearings with plaintiffs. The same applies to a support person, if his or her presence is not to the detriment of the investigation.

When the person being heard is under the age of 15, the person who has custody of him or her should be present at the hearing, if this can be done without prejudice to the investigation.

The head of the investigation may decide that what has occurred during an interrogation may not be revealed. *Lag (2017: 176)* .

Section 11 If the suspect or his defense counsel is present at the interrogation, he may, in the order decided by the head of the investigation, ask questions to the person being heard. The same applies to the plaintiff's counsel at interrogations with the plaintiffs. If someone else is present at the interrogation, he or she may not, without the permission of the head of the investigation, communicate with the interrogee at the interrogation. *Lag (1988: 610)* .

Section 12 During interrogation, deliberately incorrect information, promises or predictions about special benefits, threats, coercion, fatigue or other improper measures may not be used in order to provoke a confession or statement in a certain direction. The person who is heard must not be persuaded to eat customary meals or enjoy the necessary rest.

Section 13 If someone during an interrogation refuses to comment on a circumstance that is of importance to the investigation, and is he, if prosecution is brought, obliged to

in the case to testify about it, or is it otherwise of particular importance to the investigation that someone who is obliged to testify in the case, is already heard as a witness during the preliminary investigation, may at the request of the investigator conduct a witness interview with him in court.

Interrogations referred to in the first paragraph may not take place before the preliminary investigation has progressed to such an extent that someone can reasonably be suspected of the crime. If the hearing applies in applicable parts to what is prescribed for the taking of evidence outside the main hearing. The suspect shall be given the opportunity to attend the hearing.

Compensation for his resignation is paid from public funds in accordance with regulations issued by the government. *Lag (1996: 1624)* .

Section 14 The head of the investigation may obtain an opinion from an expert. Before obtaining an opinion from anyone other than an authority, the person suspected of the crime or his or her defense counsel shall be given an opportunity to comment on the choice of expert, unless there are special reasons to the contrary.

If an expert should already be appointed by the court during the preliminary investigation, the head of the investigation may make a request to that effect. He may also apply to the court for an order that written evidence must be presented or objects provided for inspection or order that a public document that can be assumed to have significance as evidence must be provided during the preliminary investigation. *Law (1990: 443)* .

Section 15 If there is a danger that evidence, which is to be invoked at the main hearing, is previously lost or when it can only be presented with difficulty, may at the request of the head of the investigation or the suspected court immediately take up the evidence. If the evidence applies in applicable parts what is prescribed about evidence, which is taken up outside the main hearing. The cost of taking evidence and of the suspect's appearing before the court shall be borne by public funds. Compensation for the suspect's suspension is paid in accordance with regulations issued by the government.
Lag (1996: 1624) .

Section 16 With regard to the use of coercive measures during the preliminary investigation, Chapters 24-28 apply.

In the case of interpreters and translation of documents during the preliminary investigation, Chapter 5 applies. 6 and 8 §§ and ch. 33 9 §.
The survey leader decides on these issues. *Lag (2013: 663)* .

Section 17 Has been repealed by *law (2014: 649)* .

Section 18 When the preliminary investigation has reached such a point that someone is reasonably suspected of the crime, the suspect shall be notified of the suspicion when he or she is heard.

After the notification, the suspect and the defense counsel have the right to continuously, insofar as this can be done without prejudice to the investigation, take part in what has occurred during the preliminary investigation. This right applies with the restrictions that follow from ch. Section 3 of the Public Access to Information and Secrecy Act (2009: 400).

With regard to the right of the person arrested or detained to take part in what has occurred during the preliminary investigation, Chapter 24 also applies. 9 a §. *Lag (2017: 176)* .

Section 18 a When the head of the investigation has completed the investigation that he or she deems necessary, the suspect and the defense counsel have the right to take part in what has occurred during the preliminary investigation. The suspect and the defense counsel must be informed of this and that they have the right to request that the preliminary investigation be completed. They shall be given a reasonable time to state the investigation they consider desirable and otherwise state what they consider necessary. No prosecution may be decided before this has taken place.

The right under the first paragraph to take part in what has occurred in the preliminary investigation also applies after the prosecution has been brought and until the prosecution has finally been tried or the case has otherwise been finally decided. This right applies with the restrictions that follow from ch. Sections 3 and 3 a of the Public Access to Information and Secrecy Act (2009: 400).
Lag (2017: 176) .

Section 18 b At the request of the suspect or defense counsel, an interrogation or other investigation shall take place, if it can be assumed to be of significance for the preliminary investigation. If such a request is rejected, the reasons for it must be stated.

Before the prosecutor decides on prosecution, he or she may hold a special meeting with the suspect or defense counsel, if it can be assumed to be in favor of the prosecution decision or for the further processing of the case in general. *Lag (2017: 176)* .

Section 19 If the head of the investigation has completed the investigation that he or she deems necessary without approving a request referred to in section 18 b, first paragraph, or if the suspect or defense counsel believes that there is another shortcoming in the investigation, they may report this to the court.

The court shall, as soon as possible, examine the application. If there are reasons for this, the court may hold an interrogation with the suspect or someone else or take the other necessary action. Compensation for the suspect's suspension is paid from public funds in accordance with regulations issued by the government. *Lag (2017: 176)* .

Section 20 When the preliminary investigation is completed, a decision shall be announced as to whether prosecution shall be instituted. *Lag (1957: 38)*

Section 21 During the preliminary investigation, a record shall be kept of what has occurred that is of importance to the investigation.

When a statement by a suspect or someone else has been recorded, the statement must be read out or the person heard must be given the opportunity to review the record in some other way. The person heard should also be asked if he or she has any objections to the content. The record and review shall be made before the end of the hearing or, if the hearing is particularly extensive or deals with complex matters, as soon as possible thereafter. An objection that does not entail any change must be noted. After the review, the record may not be changed. If the statement has been recorded in the minutes only after the review, the record must be attached to the documents.

The second paragraph does not apply to interrogations that are documented through an audio recording or an audio and video recording, and which are recorded in writing in their entirety.

In smaller cases, instead of minutes, brief notes may be kept of the essentials that have occurred during the preliminary investigation. *Lag (2017: 176)* .

Section 21 a As soon as prosecution has been decided, the suspect and the defense counsel have the right to receive a paper copy of minutes or notes from the preliminary investigation upon request. If a public defender has been appointed for the suspect, a copy must be provided or sent to the defender.

The suspect and the defense counsel also have the right to receive, upon request, a copy of documents that contain material that has occurred during the preliminary investigation and that is not included in the minutes or notes. Such a copy need not be provided if there is a

1. risk that confidential information will be unauthorizedly passed on, or
2. obstacles to it in view of the scope or nature of the material.

When the suspect or defense counsel may take part in a protocol or other document that contains classified information, a reservation may be made in accordance with ch. Section 4 of the Public Access to Information and Secrecy Act (2009: 400). *Lag (2017: 176)* .

Section 21 b Interrogations may be documented through an audio recording or an audio and video recording.

In assessing whether an interrogation should be documented through an audio recording or an audio and video recording, the nature of the crime, the expected significance of the statement and the person's personal circumstances must be given special consideration. *Lag (2017: 176)* .

Section 21 c Audio recordings and audio and video recordings of interrogations shall be preserved until the preliminary investigation has been closed or terminated or, if prosecution has been brought, the case has been finally decided. *Lag (2017: 176)* .

Section 21 d Questions about the suspect's and the defender's right to take part in what has occurred during the preliminary investigation are examined by the head of the investigation.

A decision to restrict the right to take part in what has occurred during the preliminary investigation or to make a reservation that restricts the right to pass on information or to use the information can be reported to the court by the suspect or defense counsel, when the investigator has completed the investigation he or she considers necessary. Section 19, second paragraph, applies to the court's review. *Lag (2017: 176)* .

Section 22 Preliminary investigation in accordance with this chapter does not need to be carried out, if there are still sufficient grounds for prosecution and it concerns a crime that cannot be assumed to give rise to any sanction other than a fine or such a crime as referred to in ch. § 2 first or second paragraph. Fittings may in these cases be used in accordance with what is prescribed in ch.

If the prosecutor wishes to extend the prosecution, this may take place without a preliminary investigation in accordance with this chapter. *Law (2004: 504)* .

Section 23 If, after prosecution, a further investigation is required, the provisions of this chapter shall apply mutatis mutandis.

Section 24 The Government or the authority determined by the Government may, on the basis of Chapter 8, Section 7 of the form of government shall issue more detailed regulations on the activities of investigators, on notification pursuant to section 18 a, first paragraph, and on minutes and notes during preliminary investigations. *Lag (2017: 176)* .

24 Chap. About arrest and detention

Section 1 A person who for probable cause is suspected of a crime, for which imprisonment is prescribed for one year or more, may be detained if, in view of the nature of the crime, the suspect's situation or any other circumstance, there is a risk that he

1. deviates or otherwise evades prosecution or punishment,
2. by removing evidence or otherwise complicating the investigation of the case or
3. continuing its criminal activities.

If a lesser punishment than imprisonment for two years is not prescribed for the crime, detention shall take place, unless it is obvious that there are no grounds for detention.

Arrest may only take place if the reasons for the measure outweigh the intrusion or otherwise that the measure entails for the suspect or for any other opposing interest.

If it can be assumed that the suspect will only be sentenced to a fine, detention may not take place. *Lag (1989: 650)* .

Section 2 A person who is suspected of a crime for probable cause may be detained regardless of the nature of the crime,
1. if he is unknown and refuses to state his name and domicile or if his information about this can be assumed to be untrue, or 2. if he has no domicile within the kingdom and there is a risk that he, by leaving the kingdom, evades prosecution or punishment. *Lag (1987: 1211)* .

Section 3 Even a person who is only reasonably suspected of a crime may, with the restriction that follows from section 19, be detained if
1. the conditions for detention in other respects are met in accordance with what is stated in section 1, first, third and fourth paragraphs or section 2. and
2. it is of particular importance that he be detained pending further investigation into the crime. *Lag (1989: 650)* .

Section 4 If, due to the suspect's age, health condition or any other similar circumstance, it can be feared that detention would result in serious harm to the suspect, detention may only take place if it is obvious that adequate supervision cannot be arranged. The same applies to a woman who has given birth so short a time before that detention can be feared to cause serious harm to the child. If the suspect does not want to submit to surveillance, detention must take place.

There are special provisions for further restrictions on the detention of anyone under the age of eighteen.

That a travel ban or obligation to report may take the place of detention is prescribed in ch. *Lag (1987: 1211)* .

Section 5 Decisions to detain someone are announced by the court. The arrest decision shall state the crime to which the suspicion relates and the basis for the arrest.

There are provisions in section 20 on the revocation of detention decisions. *Lag (1987: 1211)* .

Section 5 a If the court decides to detain someone, orders that someone shall remain in custody or allows an extension of the time to bring charges, it shall at the same time, at the request of the prosecutor, examine whether the detainee's contacts with the outside world may be restricted.
Permission for such restrictions may only be granted if there is a risk that the suspect will remove evidence or otherwise complicate the investigation of the case.

If it is necessary due to later circumstances, the prosecutor may issue a decision that entails restrictions on the detainee's contacts with the outside world, even if the court has not issued permission for restrictions. If the prosecutor has announced such a decision, he shall on the same day or no later than the next day request the court's review in accordance with the first paragraph. When such a request has been received by the court, the court shall, as soon as possible and within a week at the latest, hold a hearing on the matter. The procedure for detention proceedings applies to the proceedings before the court.

A permit for restrictions lapses if the court does not allow a continued permit in connection with ordering that someone remain in custody or allowing an extension of the time to bring charges. *Lag (1998: 601)* .

Section 6 If there is reason to detain someone, he may be arrested pending the court's examination of the detention issue.

If there are no full reasons for detention, but if the suspect is reasonably suspected of the crime, he may be arrested, if it is of particular importance that he is taken into custody pending further investigation.

A decision on arrest is announced by the prosecutor. The arrest decision shall state the crime to which the suspicion relates and the basis for the arrest. *Lag (1987: 1211)* .

Section 7 If there is reason to arrest someone, a police officer may in urgent cases arrest him even without an arrest decision.

If the person who has committed a crime, on which imprisonment may follow, is found naked or fleeing, he may be arrested by anyone. Everyone can also arrest those who are wanted for crime. The arrested person must be immediately handed over to the nearest police officer. *Lag (1987: 1211)* .

Section 8 If a decision to arrest someone has been announced in the suspect's absence, he or she shall, as soon as the decision has been enforced, be questioned. The interrogation shall be held by a prosecutor or by a police officer or other employee of the Police Authority or the Economic Crimes Authority appointed by the authority. If the prosecutor has not already been notified of the detention, he or she must be notified immediately. After the interrogation, the prosecutor must immediately decide whether the suspect should remain in custody.

If someone has been arrested in accordance with section 7, he or she shall be questioned as soon as possible by a prosecutor or by a police officer or other employee of the Police Authority or the Economic Crime Authority appointed by the authority. If the prosecutor has not already been notified of the detention, he or she must be notified immediately. After the interrogation, the prosecutor must immediately decide whether the suspect should be arrested. If the suspect is not arrested, the prosecutor must immediately revoke the decision to arrest him.

Before the prosecutor has been notified of the deprivation of liberty, the decision on arrest may be revoked by the Police Authority, if it is obvious that there are no grounds for continued deprivation of liberty. In the immediate aftermath of the arrest, the decision may, under the same conditions, also be revoked by the police officer who made the decision.

If the person suspected of a crime deviates and there are grounds for arrest, the prosecutor may call for him or her.
Lag (2014: 1410) .

Section 9 When someone is arrested or detained or when an arrest decision according to section 8, first paragraph, is executed, the detainee shall be notified of the crime for which he or she is suspected and the basis for the detention.
Lag (2008: 67) .

Section 9 a Anyone who is arrested or detained has the right to take note of the circumstances that form the basis for the decision on arrest or detention. *Lag (2014: 257)* .

Section 10 If there are no longer grounds for an arrest decision, the prosecutor shall immediately revoke the decision. *Lag (1987: 1211)* .

Section 11 If the arrest decision is not revoked, the prosecutor shall, within the time specified in section 12, make an oral or written request to the court to detain the detainee.

The petition must state the crime to which the suspicion relates, the basis for the request for detention and the time of deprivation of liberty.

The detainee and his defense counsel shall, if possible, be notified immediately of the arrest petition through the care of the prosecutor. *Lag (1987: 1211)* .

Section 12 An arrest petition shall be made without delay and no later than twelve o'clock on the third day after the arrest decision.

If the arrest decision has been announced in the suspect's absence, the application of the first paragraph shall be considered the day of the decision when the decision was executed.

If an arrest request is not made within the prescribed time, the prosecutor shall immediately revoke the arrest decision. *Lag (1995: 1310)* .

Section 13 If a request for detention has been made, the court shall without delay hold a hearing on the issue of detention.

The arrest hearing may never be held later than four days after the suspect has been arrested or the arrest decision has been executed.
Lag (1995: 1310) .

Section 14 At the arrest hearing, the person requesting arrest and, if there is no particular obstacle, the detainee shall be present.

The person requesting detention must state the circumstances on which the claim is based. The same applies in the case of a request for permission for restrictions pursuant to section 5 a. The detainee and his defense counsel shall be given an opportunity to comment. In addition to what the documents from the preliminary investigation contain and what the parties otherwise state, an investigation regarding the crime may not be presented, unless there are special reasons for it.
Lag (1998: 601) .

Section 15 The detention hearing shall, if possible, continue without interruption until the question of detention can be decided.

Postponement may only take place if there are special reasons for it.
The suspension may not be longer than four days, unless the suspect so requests.

If the hearing is postponed, the arrest shall continue, unless the court decides otherwise. *Lag (1987: 1211)* .

Section 16 After the arrest hearing has been concluded, the court shall immediately announce a decision on the arrest issue.

If the arrest of a detainee who is not present at the court is decided, section 17 third and fourth paragraphs apply.

If detention is not decided, the court shall immediately revoke the arrest decision.
Lag (1987: 1211) .

Section 17 An issue of detaining a person who has not been arrested may be raised at the request of the prosecutor. After the prosecution, the court may also, at the request of the plaintiff or voluntarily address the issue.

When an issue of detention pursuant to the first paragraph has been raised, an arrest hearing shall be held before the court as soon as possible. In the case of such negotiation, the provisions of § 14 16 apply in applicable parts. If the suspect has been summoned to the hearing or there is reason to assume that he has deviated or otherwise abstained, his absence does not constitute an obstacle to the hearing. If the plaintiff fails to appear despite the summons to the hearing, the matter may still be decided.

If the court has decided to detain someone who is not present at the court, as soon as the decision has been enforced or the obstacle to his presence has ceased, notification of this shall be made to the court.

When a report pursuant to the third paragraph has been made, the court shall without delay hold a hearing on the issue of detention. The detention hearing may never be held later than four days after the detention decision has been executed or the obstacle to the suspect's presence at the court has ceased. *Lag (1995: 1310)* .

Section 18 When the court decides on detention, unless prosecution has already been instituted, the court shall set the time within which prosecution shall be instituted. The time may not be determined beyond what is absolutely necessary.

If the set time is insufficient, the court may allow an extension of the time, if this is requested before the time expires. The suspect or his defense counsel shall, if possible, be given an opportunity to comment.

If no indictment is brought within two weeks, the court shall, as long as the suspect is in custody and until the indictment has been brought, hold a new hearing on the detention issue at intervals of no more than two weeks, thereby ensuring that the investigation is conducted as expeditiously as possible. If, with regard to the investigation or for some other reason, it is obvious that negotiation within the time now specified would be irrelevant, the court may decide on longer intervals.

The time for prosecution does not need to be determined when the court decides on detention in accordance with section 3 or on the detention of someone who is not present at the court. *Lag (1987: 1211)* .

Section 19 If someone present at the court has been arrested on the basis of section 3, the prosecutor shall, as soon as he considers that there are probable grounds for the suspect having committed the crime, report this to the court. The court shall, without delay after such notification, hold a new hearing on the issue of detention. Negotiations must always, regardless of the notification, be held within one week of the arrest decision.

If, during the hearing, probable reasons have not emerged for the suspect having committed the crime or there are no longer any grounds for detention, the decision on detention shall be revoked immediately.
Lag (1995: 1310) .

Section 20 The court shall immediately revoke a detention decision,
1. if no prosecution or extension of time has been requested within the time referred to in section 18, or
2. if there are no longer grounds for the decision.

Before prosecution has been instituted, the arrest decision may also be revoked by the prosecutor.
The court shall be notified of the measure as soon as possible. *Lag (1987: 1211)* .

Section 21 If the suspect is convicted of the crime and is in custody, the court shall, in accordance with the grounds set out in this chapter, examine whether he shall remain in custody until the judgment becomes final. If the suspect is not in custody, the court may order that he be remanded in custody. In the case of permits for restrictions, the provisions of section 5 a apply.

For the purposes of the first subparagraph, the provisions of this Chapter on detention, in cases where there is a risk of the suspect escaping punishment, shall also apply in cases where there is a risk of the suspect escaping deportation.

If the court has decided on deportation, it may order detention even though the crime does not prescribe imprisonment for a year or more. The order of detention shall not, however, apply during the time when the convicted person is serving a custodial sentence to which he has been sentenced in the case. *Lag (1998: 601)* .

Section 21 a Anyone who has been deprived of liberty by arrest pursuant to section 7, first paragraph, by handing over to a police officer pursuant to section 7, second paragraph and then has not been released, by arrest or by detention pursuant to section 17 has the right to receive any of his next of kin or any other person who is particularly close to him or her informed of the detention. The head of the investigation may decide to postpone a notification if it is necessary so that the investigation of the case is not significantly complicated. When there are no longer grounds for the decision, a notification shall be submitted as soon as possible.

If the detainee objects to someone being notified of the detention, a notice may be given only if there are special reasons.

A notice does not have to be given if the detention has ended. *Lag (2016: 929)* .

Section 22 Anyone who is arrested, detained or detained shall be taken into custody. The person arrested, however, does not need to be detained unless it is necessary with regard to the purpose of the arrest, order or security. The person who is detained must be taken into custody without delay.

If it is of particular importance that the detainee, for the purpose of investigating the crime which gave rise to the detention or any other crime for which he is suspected, be kept in a place other than that specified in the first paragraph, the court may, at the request of the prosecutor, order the detainee further not to be taken into custody. The court or the prosecutor may also decide that the detainee, after being taken into custody, shall be taken to a place outside the detention center for questioning or other action.

There are special provisions for the detention of a person who is in custody and is undergoing or has undergone a forensic psychiatric examination. *Lag (1998: 24)* .

Section 23 Regardless of consent, no one who is suspected of a crime may be detained other than in accordance with the regulations in this chapter or otherwise in law.

Regarding the obligation for the person suspected of a crime to remain for questioning, there are provisions in ch. *Lag (1987: 1211)* .

Section 24 There are special provisions regarding the treatment of a person who has been arrested or detained and the compensation of public funds for a person who has been innocently arrested or detained.
The same applies to the court's review of the investigator's or prosecutor's decision on restrictions on the detainee's contacts with the outside world. *Lag (1998: 601)* .

25 Chap. About travel bans and reporting obligations

§ 1 If someone is reasonably suspected of a crime on which imprisonment may follow and that with regard to the nature of the crime, the suspect's circumstances or some other circumstance there is a risk that he or she deviates or in some other way evades prosecution or punishment but it otherwise there is no reason to arrest or detain the suspect, he or she may, if it is sufficient, instead

1. be prohibited from leaving a designated place of residence without permission (travel ban), or
2. be ordered to report at a certain place and at certain times with the Police Authority (reporting obligation).

Irrespective of the nature of the crime, a travel ban or obligation to report may also be decided, if there is a risk that the suspect, by leaving the country, evades prosecution or punishment.

If there is reason to detain or arrest someone, but it can be assumed that the purpose can be fulfilled through a travel ban or notification obligation, a decision on this may also be announced in cases other than those referred to in the first paragraph.

A travel ban or obligation to report may only be imposed if the reasons for the measure outweigh the intrusion or otherwise that it entails for the suspect or any other opposing interest. *Lag (2014: 649)* .

Section 2 In connection with a travel ban or obligation to report, it may be prescribed that the suspect shall at certain times be available in his home or at his workplace. Other conditions that may be necessary for the surveillance of the suspect may also be set. Furthermore, travel bans may be combined with the obligation to report.

With regard to the obligation to notify, the provisions on travel bans otherwise apply when applying this code. *Lag (1981: 1294)* .

Section 3 Travel bans are issued by the prosecutor or the court.

The question of a travel ban may be raised by the court at the request of the prosecutor or when the court has to decide on the suspect's detention or his detention in custody. After the prosecution, the court may also, at the request of the plaintiff or voluntarily address the issue.

If a question is raised in court about a travel ban, a hearing about it shall, as soon as possible, take place before the court. If such negotiation applies in applicable parts, what in ch. Section 17 is stipulated. If there is a danger of delay, the court may immediately issue a travel ban until it is ordered otherwise. *Lag (1981: 1295)* .

Section 4 A decision on a travel ban shall contain information on the crime to which the suspicion relates and state the place where the suspect is to stay, and what else he has to observe. The decision shall recall the penalty for breach of the prohibition and for failure to fulfill the conditions attached thereto.

The decision shall be notified to the suspect.

Section 5 If a travel ban has been issued by the prosecutor, the suspect may request the court to review the ban. When the request has been received, the court shall, as soon as possible and, if there is no particular obstacle, hold a hearing as referred to in section 3 no later than the fourth day thereafter. If the main hearing is postponed within a week after the request was made, however, unless the court finds that a special hearing should take place, the hearing may be postponed until the main hearing. *Lag (1981: 1294)* .

Section 6 When the court issues a travel ban or establishes such a ban, unless prosecution has already been instituted, the court shall postpone the time within which prosecution shall be instituted. This may not be determined beyond what is absolutely necessary. Otherwise, prosecution must be brought within one month of the travel ban being announced.

If the time referred to in the first paragraph is insufficient, the court may, if a request to that effect is made before the expiry of the time, allow an extension of the time.

Section 7 A travel ban shall be lifted immediately if
1. within the period referred to in section 6, neither prosecution nor a request for an extension of time has been submitted to the court, or
2. the travel ban for any other reason should no longer apply.

Travel bans are lifted by the court. The prosecutor may also lift a travel ban, unless the ban has been announced or established by the court and prosecution has been instituted. The court may leave it to the prosecutor to decide on temporary exemptions from the travel ban or from regulations issued in connection with this.

What is stated in ch. 24 Section 21 on detention shall be applied in respect of travel bans. *Lag (2000: 172)* .

Section 8 If a case concerning a travel ban is raised in a case which has been completed to a higher court, the latter may, without negotiation, decide on it. If negotiation is necessary, it shall be held as soon as possible. If such negotiation applies in applicable parts, what in ch. Section 17 is stipulated.

Section 9 If a travel ban is violated or a condition is not met, the suspect shall be arrested or detained immediately, unless it is obvious that there are no reasons for this.

Chapter 26 About attachment

§ 1 Is anyone reasonably suspected of a crime and it can reasonably be feared that by deviating or by disposing of property or otherwise avoiding paying fines, the value of confiscated property, company fine or other compensation to the public or damages or other compensation to the plaintiff, who may be presumed to be convicted of the crime, may be ordered to seize so much of his property that the claim can be presumed to be covered by foreclosure.

Detention may only be decided if the reasons for the measure outweigh the intrusion or otherwise that the measure entails for the suspect or any other opposing interest. *Lag (1989: 650)* .

Section 2 A decision on attachment is announced by the court.

The question of attachment may be raised at the request of the head of the investigation, the prosecutor or the plaintiffs. After the indictment, the court may also voluntarily raise the issue.

Due to the plaintiff's claim for damages or other compensation, the head of the investigation or the prosecutor may claim attachment only if the claim has been reported to him. The court may only order this upon request.

If a question is raised about attachment, a hearing about it shall, as soon as possible, take place before the court. If such negotiation applies in applicable parts what is said in ch. 17 §. If there is a danger of delay, the court may immediately grant the measure to apply until otherwise ordered.
Lag (1981: 828) .

Section 3 Pending the court's decision on attachment, the prosecutor may take property into custody.

If there is a danger of delay, a police officer may seize movable property. Such a measure must be reported promptly to the prosecutor, who immediately examines whether the property should remain in custody.

Detention may only be decided if the reasons for the measure outweigh the infringement or otherwise that the measure entails for the person to whom the decision relates or any other opposing interest.
Lag (2008: 376) .

Section 3 a If what has been taken into custody is an object and if it can be done without danger of the object being lost and otherwise suitable, it may be left in the holder's possession. If the decision on detention relates to a claim or other right, the debtor or other obliged party shall be notified of a prohibition to fulfill his obligation to someone other than the Swedish Enforcement Agency.

If property has been taken into custody, the owner or holder may not transfer the property or dispose of it in any other way to the detriment of the person whose interests the detention decision is to protect. In the case of foreclosure of property taken into custody, what is prescribed in ch. 16 applies. Section 15 of the Enforcement Code on foreclosure of property that has been seized for a claim.

What has been taken into custody must be well cared for and kept under close supervision. *Lag (2008: 376)* .

Section 3 b Minutes shall be kept of custody. The minutes shall carefully state what has been taken into custody, where and when the measure took place, what the purpose of it was and who was present when it was taken.

If the person whose property is taken into custody is not present at the action, he or she shall be notified without delay of it and of what has happened to the property taken into custody.

The person whose property has been taken into custody shall, upon request, receive proof of the measure. The evidence must also contain information about the crime to which the suspicion relates. *Lag (2008: 376)* .

Section 4 If the prosecutor has seized property or decided that property shall remain in custody, he or she shall, as soon as possible and no later than five days thereafter, submit to the court a petition for attachment. If such a request is not made, the property must be restored immediately.

When a petition has been received, the court shall as soon as possible and, if there is no particular obstacle to it, no later than four days thereafter hold such a hearing as referred to in section 2. If the main hearing is postponed to be held within a week after the petition was received and the court does not consider that a special hearing needs to be held, the petition may, however, be tried at the main hearing.

If an attachment is decided, the property in custody shall remain in the authority's care until the decision has been enforced, unless the court decides otherwise. *Lag (2008: 376)* .

Section 5 When the court orders attachment, if no prosecution has already been brought, the court shall postpone the time within which prosecution shall be brought. This may not be determined beyond what is absolutely necessary.

If the time set is insufficient, the court may, if a request is made before the expiry of the time, allow an extension of the time. *Lag (1981: 828)* .

Section 6 If, within the time referred to in section 5, prosecution has not been instituted or a request has been submitted to the court for an extension of the time or if security has been provided for the debt or there are no longer any grounds for attachment, the court shall immediately revoke the measure.

When the case is decided, the court examines whether the measure should still last. The court may also, in connection with the judgment, order action, as has now been said. *Lag (1981: 828)* .

Section 7 The provisions of Chapter 25 Section 8 on travel bans also applies to attachment. *Lag (1981: 828)* .

Section 8 With regard to the enforcement of attachment, there are provisions in the Enforcement Code. The court may issue more detailed regulations on enforcement, if necessary. *Lag (1981: 828)* .

Chapter 27 About seizures and secret coercive measures

Fittings etc.

Section 1 Objects that can reasonably be assumed to be important for the investigation of a crime or have been disposed of by someone through crime or confiscated due to a crime may be seized. The same applies to objects that can reasonably be assumed to be important for an investigation into the confiscation of the exchange of criminal activity according to ch. 1 b § criminal code.

What is said in this chapter about objects also applies to written documents, insofar as nothing else is prescribed.

Coercive measures under this chapter may only be decided if the reasons for the measure outweigh the intrusion or otherwise that the measure entails for the suspect or for any other opposing interest. *Lag (2008: 376)* .

Section 2 A written document may not be seized if
1. it can be assumed to contain information such as an executive or someone else referred to in ch. 36. § 5 may not be heard as a witness, and
2. the document is held by him or her or by the person to whom the duty of confidentiality applies in favor.

A written notice between the suspect and a close relative referred to in ch. 36 § 3, or between such close relatives, may be seized from the suspect or a close relative only in a preliminary investigation of
1. a crime for which no lesser punishment than imprisonment for two years is prescribed,
2. sabotage or gross sabotage according to 13 Cape. § 4 or 5 of the Criminal Code,
3. arson, aggravated arson, general destruction, hijacking, maritime or aviation sabotage or airport sabotage according to ch. 1, 2, 3, 5 a or 5 b § of the Criminal Code, if the crime includes sabotage according to § 4 of the same chapter,
4. rebellion, armed threat to legal order or crime against civil liberties according to ch. § 1, 3 or 5 of the Criminal Code,
5. high treason, instigation of war, espionage, gross espionage, unauthorized position with secret information, gross unauthorized position with secret information or illegal intelligence activities against Sweden, against foreign power or against a person according to ch. 1, 2, 5, 6, 7, 8, 10, 10 a or 10 b § of the Criminal Code,
6. corporate espionage according to § 26 of the Act (2018: 558) on trade secrets, if there is reason to assume that the act has been committed on behalf of or has been supported by a foreign power or by someone who has acted on behalf of a foreign power,
7. terrorist offenses pursuant to section 2 of the Act (2003: 148) on punishment for terrorist offenses, offenses pursuant to section 3 or 3 a of the Act (2002: 444) on punishment for financing particularly serious crime in certain cases or offenses under the Act (2010: 299) on penalties for public incitement, recruitment and training relating to terrorist offenses and other particularly serious crimes, or

8. attempt, preparation or stigmatization of offenses referred to in paragraphs 2 to 7, if such an act is punishable.

A decision pursuant to the second paragraph 2-8 may only be announced by the court or the prosecutor.

If the prosecutor has decided on seizure in accordance with the third paragraph, he or she must without delay report the measure to the court. The reasons for the measure must be stated in the notification. The court must urgently try the case. If the court finds that there are no grounds for the measure, it shall revoke the decision. *Lag (2018: 559)* .

Section 3 Letters, telegrams or other items that are in the possession of a postal or telecommunications company may only be seized if the crime prescribes imprisonment for one year or more and the item could have been seized from the recipient. *Lag (1993: 602)* .

Section 4 A person who legally seizes or arrests a suspect or carries out an arrest, house search, body search or body inspection may seize objects that are found in seizure.

Objects that are otherwise found may be seized by decision of the head of the investigation or the prosecutor. In the event of danger in case of delay, even without such a decision, the measure may be taken by a police officer, unless it is a question of a consignment referred to in section 3.

If the seizure is carried out by someone other than the head of the investigation or the prosecutor and the latter has not decided on the seizure, the report must be made promptly to him, who must immediately examine whether the seizure should last. *Lag (1993: 1408)* .

§ 4 a If a plaintiff or someone who has taken his place has made a claim on the seized object and it is obvious that he or she has a better right to this than the person with whom the seizure was made, the investigator or prosecutor may decide to prosecute before prosecution. the item must be handed over to him or her.

A notification of the decision shall be sent immediately to the person with whom the seizure has been made. *Lag (2003: 163)* .

Section 5 The court may order the seizure of objects, which are presented at the court or are otherwise available for seizure.

The question of seizure may be taken up by the court at the request of the head of the investigation or the prosecutor. After the prosecution, the court is also entitled, at the request of the plaintiffs, to take up the matter voluntarily.

If a question of seizure is raised in court, a hearing about it shall, as soon as possible, take place before the court. If such negotiation applies in applicable parts, what in ch. Section 17 is stipulated. If there is a danger of delay, the court may immediately order seizures to apply, until otherwise ordered.

Section 6 If a seizure has been carried out without the court ordering, the person affected by the seizure may request the court to review the seizure. When such a request has been received, the court shall as soon as possible and, if there is no particular obstacle to it, within no later than four days thereafter hold such a hearing as is referred to in section 5. However, if the main hearing is postponed to be held within one week of the request being made and the court does not consider that a special hearing needs to be held, the request may, however, be considered at the main hearing.

If a decision has been made in accordance with section 4 a that a seized object shall be handed over, the person affected by the seizure may request the court to review the decision. For this examination, what is stated in the first paragraph applies. The person who has made a claim on the object must be notified of the hearing. *Lag (2003: 163)* .

Section 7 When the court orders seizure or establishes seized execution, unless prosecution has already been instituted, the court shall postpone the time within which prosecution shall be instituted. The time must not be set longer than is necessary.

If the time referred to in the first paragraph is insufficient, the court may allow an extension of the time, if a request to this effect is made before the time expires. *Lag (1994: 1412)* .

Section 8 If no prosecution has been instituted or a request has been submitted to the court within the time referred to in section 7 or if there are otherwise no longer grounds for seizure, the seizure shall be lifted immediately.

If a decision has been made pursuant to section 4 a that an seized object shall be handed over, the seizure may not be lifted until three weeks after a notification of the decision pursuant to section 4 a second paragraph has been sent to the person with whom the seizure has been made. If he allows it, however, the seizure may be lifted immediately. The same applies if the court establishes a decision pursuant to section 4 a that the object shall be handed over.

If someone has made a claim for a seized item or requested that a certain measure be taken with that item, without a decision having been made in accordance with section 4 a that the item be handed over, the seizure may not be lifted until three weeks after a notification that the seizure may be lifted has been sent to the person who has made the claim. If he allows it, however, the seizure must be lifted immediately. The notification must state with whom the seizure was made. The person with whom the seizure has been made does not need to be notified in this case.

A seizure is lifted by the court or, if the seizure has not been announced or determined by the court, by the head of the investigation or the prosecutor. If the person who has been affected by the seizure has requested the court to review a decision pursuant to section 4 a that a seized object shall be handed over, the seizure is lifted by the court.

When the case is decided, the court must consider whether a seizure should still last. If the case is decided by judgment, the third paragraph shall not apply. If there are no special reasons against it, the court shall decide that seizures that have been made so that an object can reasonably be assumed to be important for the investigation of a crime shall continue until the judgment has become final. In connection with the judgment, the court may decide on seizure. *Lag (2016: 546)* .

Section 8 a When a seizure has been lifted, if the object is not to be handed over to the plaintiff or someone who has taken his place in accordance with section 4 a, the object shall be handed over to the person with whom the seizure has been made. If he does not claim the object or it cannot be investigated with whom the seizure has been made, the object shall be handed over to the person who claims it if he can show probable reasons for his right to the object.

If the person to whom an object is to be handed over in accordance with the first paragraph does not collect it, or the object cannot be handed over to someone in accordance with the same paragraph, the Act (1974: 1066) on proceedings with confiscated property and lost property etc.
Act (2009: 1171) applies .

§ 8 b When an object according to § 8 a is to be handed over to the person with whom the seizure was made or the person claiming the object, he shall as soon as possible after the seizure has been lifted, be informed that the object can be retrieved and that, if it is not collected, may be sold on behalf of the state or destroyed.

If in cases referred to in section 8 a it is known that someone else has also been affected by the seizure, he shall also be notified that the seizure has been lifted and, if the object is to be handed over, to whom the extradition is to take place. *Lag (2009: 1171)* .

Section 9 The court may order that a consignment that may be seized and which is expected to arrive at a carrier shall, when the consignment arrives, be detained until the question of seizure has been decided.
Questions about this may only be raised at the request of the head of the investigation or the prosecutor.

An order shall be issued to apply for a certain period, not more than one month, from the date on which the order was notified to the carrier. The order shall include a notice that notification of the measure may not be given to the sender, recipient or anyone else without the permission of the investigator or prosecutor.

When a consignment has been withheld due to an appointment, the carrier shall without delay make a notification to the person who has requested the appointment. He shall immediately check whether seizure is to take place. *Lag (1993: 602)* .

Section 9 a If it is feared that it would entail a delay of significant importance for the investigation to obtain the court's order pursuant to section 9, such an appointment may be decided by the prosecutor. When a consignment has been withheld due to the prosecutor's appointment, the carrier must notify the prosecutor without delay. The prosecutor must immediately consider whether the consignment should be seized.

If the prosecutor has decided on an appointment in accordance with the first paragraph, he or she shall without delay notify the decision in writing to the court. The reasons for the measure must be stated in the notification. The court must urgently try the case. If the court finds that there are no grounds for the measure, it shall revoke the order.

If an order to withhold a consignment has ceased to apply before the court has tried a case in accordance with the second paragraph, the prosecutor shall notify the measure to the Security and Integrity Protection Board. *Lag (2014: 1419)* .

Section 10 Seized objects shall be taken into custody by the person who executed the seizure. If it can be done without danger and is otherwise appropriate, however, the object may be left in the possession of the holder. An object left in the holder's possession shall be sealed or marked as seized, unless it appears unnecessary.

The person from whom the seizure has taken place may not transfer the object or, contrary to the purpose of the seizure, dispose of the object in any other way. An object that is not taken into custody or sealed may be used by the holder, unless otherwise decided.

Objects that have been seized must be well cared for, and careful supervision must be maintained that they are not changed or altered or other abuse takes place thereby. *Lag (1981: 828)* .

Section 11 If the person from whom the seizure takes place is not present at the seizure, he shall be notified without delay of this and of what has happened to the seized item. If a consignment from a carrier has been seized, as soon as it can be done without prejudice to the investigation, the consignee and, if the consignor is known, also the consignee. *Lag (1993: 602)* .

Section 11 a The person with whom a seizure is made shall be notified that a decision may be made in accordance with section 4 a. No notification is required if it is obvious that such a decision will not be taken. *Lag (2003: 163)* .

Section 12 Postal or telegraph mail, commercial books or other individual documents that are seized may not be examined further, nor may letters or other closed documents be opened by anyone other than the court, the head of the investigation or the prosecutor; however, an expert or other person hired for the investigation of the crime or otherwise may be heard, following instructions from the authority, as has now been said, to examine the document. If the person carrying out the seizure does not examine the document in more detail, it must be sealed by him.

The document in question must be examined as soon as possible. If the contents of a postal or telegraphic transmission can be sent in its entirety or to some extent without notice to the recipient, the transcript or extract of the document must be sent to him without delay.

Section 13 When an object is seized, this shall be recorded in the minutes. The purpose of the seizure and what occurred during the seizure shall be stated in the minutes. The seized item must be described carefully. In the case of extensive seizures, the seized objects may be described by collective designations if appropriate.

Anyone who has been affected by a seizure has the right to receive proof of the seizure on request. The evidence must also contain information about the crime to which the suspicion relates. *Lag (2016: 546)* .

§ 14 What in ch. 25 Section 8 stipulates whether a travel ban has a corresponding application with regard to seizures.

Section 14 a Can objects reasonably be assumed to have been confiscated in accordance with ch. § 3 of the Criminal Code, it may be seized. In this case, the provisions of this chapter on seizures shall apply correspondingly. *Lag (1975: 403)* .

Section 15 To ensure an investigation of a crime, a building or room may be closed, access to a certain area prohibited, a ban issued on the movement of a certain object or other such measure taken.

If the measure, as now mentioned, applies in applicable parts to what is stipulated in this chapter on seizure.

Section 16 Has been repealed by *law (1989: 650)* .

Section 17 Deviating provisions on seizure have been given in law or the constitution, whether they apply.

Secret coercive measures

Section 18 Secret interception of electronic communications means that messages, which are transmitted in an electronic communications network or have been transmitted to or from a telephone number or other address, are secretly intercepted or picked up by a technical aid for reproducing the content of the message.

Secret interception of electronic communications may be used in a preliminary investigation of

1. a crime for which no lesser punishment than imprisonment for two years is prescribed,
2. a crime referred to in section 2, second paragraph 2-7,
3. attempt, preparation or stamping to crime referred to in 1 or 2, if such an act is punishable by punishment or
4. another crime if, in view of the circumstances, it can be assumed that the criminal value of the crime exceeds imprisonment for two years.

A permit for secret interception of electronic communications also gives the right to take measures specified in section 19. *Lag (2014: 1419)* .

Section 19 Secret surveillance of electronic communications means that information is secretly collected about

1. messages that are transmitted in an electronic communications network or have been transmitted to or from a telephone number or other address,
2. which electronic communication equipment has existed in a certain geographical area or

3. the geographical area in which certain electronic communications equipment is or has been.

By secret surveillance of electronic communications, messages referred to in the first paragraph 1 may also be prevented from reaching.

Secret surveillance of electronic communications may be used in a preliminary investigation of
1. crime for which no lesser punishment than imprisonment for six months is prescribed,
2. data breach according to ch. Section 9 c of the Criminal Code, child pornography offenses according to ch. § 10 a of the Penal Code which is not to be regarded as minor, drug offenses according to § 1 of the Narcotics Penal Code (1968: 64), drug smuggling according to § 6 first paragraph of the Act (2000: 1225) on penalties for smuggling,
3. crimes referred to in § 2 second paragraph 2-7, or
4. attempt, preparation or stamping for a crime referred to in 1-3, if such an act is punishable.

In cases referred to in section 20, second paragraph, secret surveillance of electronic communications may, however, be used only in a preliminary investigation concerning crimes that may lead to secret interception of electronic communications in accordance with section 18, second paragraph. *Lag (2014: 1419)* .

Section 20 Secret interception of electronic communications and secret surveillance of electronic communications may, unless otherwise provided in the second paragraph, only take place if someone is reasonably suspected of the crime and the measure is of particular importance to the investigation. The measure may only concern
1. a telephone number or other address or certain electronic communication equipment which during the period to which the permit relates is held or has been held by the suspect or may otherwise be assumed to have been used or will be used by the suspect, or
2. a telephone number or another address or certain electronic communication equipment for which there is particular reason to believe that the suspect has contacted or will contact during the period covered by the permit.

In addition to what is stated in the first paragraph, covert surveillance of electronic communications may take place for the purpose of investigating who can reasonably be suspected of the crime, if the measure is of particular importance to the investigation. Monitoring, which means that information is collected about messages, may only refer to elapsed time.

Eavesdropping or surveillance may not refer to messages that are only transmitted or have been transmitted in an electronic communications network which, in view of its limited scope and other circumstances, may be considered to be of minor importance from a general communication point of view. *Lag (2012: 281)* .

Section 20 a Secret camera surveillance means that remote-controlled TV cameras, other optical-electronic instruments or comparable equipment are used for optical personal surveillance during preliminary investigations in criminal cases, without providing information about the surveillance.

Secret camera surveillance may be used in a preliminary investigation of
1. a crime for which no lesser punishment than imprisonment for two years is prescribed,
2. a crime referred to in section 2, second paragraph 2-7,
3. an attempt, preparation or stamping for a crime referred to in 1 or 2, if such an act is punishable, or
4. another crime if, in view of the circumstances, it can be assumed that the penalty value of the crime exceeds imprisonment for two years. *Lag (2014: 1419)* .

Section 20 b Secret camera surveillance may, except in cases referred to in section 20 c, only be used if someone is reasonably suspected of the crime and the measure is of particular importance to the investigation.

Except in cases referred to in section 20 c, the measure may only refer to such a place where the suspect can be assumed to be staying. *Lag (2008: 855)* .

§ 20 c If there is no one who is reasonably suspected of the crime, secret camera surveillance may be used to monitor the place where the crime was committed or a close environment to this place. Secret camera surveillance under this section may only take place if the purpose is to determine who can reasonably be suspected of the crime and the measure is of particular importance to the investigation. *Lag (2008: 855)* .

Section 20 d Covert room interception refers to interception or recording that is
1. done in secret and with a technical aid intended to reproduce sound, and
2. refers to speech in a private room, conversations between others or negotiations at meetings or other gatherings that the public does not have access to.

Secret room interception may be used in a preliminary investigation of
1. crime for which no lesser punishment than imprisonment for four years is prescribed,
2. espionage according to ch. § 5 of the Criminal Code,
3. crimes referred to in § 26 of the Trade Secrets Act (2018: 558), if there is reason to assume that the act was committed on behalf of or has been supported by a foreign power or by someone who has acted for a foreign on account of power and it can be assumed that the crime does not lead to only a fine,
4. another crime if, in view of the circumstances, it can be assumed that the criminal value of the crime exceeds imprisonment for four years and it is a matter of
   a) human trafficking according to ch. § 1 a of the Criminal Code,
   b) gross human exploitation according to ch. § 1 b third paragraph of the Criminal Code,
   c) rape according to ch. § 1 first paragraph of the Criminal Code,
   d) serious sexual abuse according to ch. § 2 second paragraph of the Criminal Code,
   e) rape of children according to ch. § 4 first or second paragraph of the Criminal Code,
   f) aggravated sexual abuse of children according to ch. § 6 second paragraph of the Criminal Code,

g) gross exploitation of children for sexual posing according to ch. Section 8, third paragraph, of the Criminal Code,
h) gross procuring in accordance with Chapter 6. Section 12, third paragraph, of the Criminal Code,
i) gross extortion according to ch. Section 4, second paragraph, of the Criminal Code,
j) serious child pornography offense according to ch. § 10 a sixth paragraph of the Criminal Code,
k) gross abuse in a lawsuit according to ch. § 10 third paragraph of the Criminal Code,
l) serious drug crime according to § 3 of the Narcotics Penal Code (1968: 64), or
m) serious drug smuggling according to § 6 third paragraph of the Act (2000: 1225) on penalties for smuggling,
5. attempt, preparation or stamping for crime referred to in 1-3, if such an act is punishable;
6. attempt, preparation or stamping for a crime referred to in 4, if such an act is punishable and it can be assumed in view of the circumstances that the penalty value of the act exceeds imprisonment for four years. *Lag (2020: 174)* .

Section 20 e Covert room interception may only be used if someone is reasonably suspected of a crime referred to in section 20 d and the measure is of particular importance to the investigation.

The measure may only concern a place where there is special reason to assume that the suspect will be present. If the measure concerns a permanent home other than the suspect's, covert room interception may only be used if there is special reason to assume that the suspect will reside there.

Secret room interception may not refer to
1. a place that is permanently used or is specifically intended to be used for activities for which the duty of confidentiality applies in accordance with ch. Section 3 of the Freedom of the Press Ordinance or Chapter 2 § 3 of the Freedom of Expression Act,
2. a place that is permanently used or is specifically intended to be used for activities conducted by lawyers, doctors, dentists, midwives, nurses, psychologists, psychotherapists or family counselors according to the Social Services Act (2001: 453), or
3. a place which is permanently used or is specifically intended to be used by priests in denominations or by those who have a similar position in such denominations, for confession or individual pastoral care. *Lag (2014: 1419)* .

Section 21 Questions concerning secret interception of electronic communications, secret surveillance of electronic communications, secret camera surveillance and secret room interception are examined by the court upon application by the prosecutor.

A decision to allow measures pursuant to the first paragraph shall state the time to which the permit relates. The time may not be determined longer than necessary. In the case of time after the decision, the time may not exceed one month from the date of the decision.

A permit for secret interception of electronic communications or secret surveillance of electronic communications shall state which telephone number or other address, which electronic communication equipment or which geographical area the permit relates to. It shall also be specified in particular whether the measure may be implemented outside publicly available electronic communications networks.

In a permit for secret camera surveillance or secret room interception, the place to which the permit applies must be stated.
If the permit is associated with a special permit in accordance with section 25 a to gain access to a place to install technical aids, this shall be stated separately in the decision.

A decision to allow secret room interception must also state who is reasonably suspected of the crime.

A decision to allow measures pursuant to the first paragraph shall, when there are reasons for this, also state other conditions to satisfy the interest that individuals' personal integrity is not violated unnecessarily. *Lag (2014: 1419)* .

Section 21 a If it can be feared that it would entail a delay of significant importance for the investigation to obtain the court's permission for covert interception of electronic communications, covert surveillance of electronic communications or covert camera surveillance, permission for the measure may be granted by the prosecutor pending the court's decision. .

If the prosecutor has given such permission, he or she must without delay notify the decision in writing to the court. The reasons for the measure must be stated in the notification. The court must urgently try the case. If the court finds that there are no grounds for the measure, it shall revoke the decision.

If the prosecutor's decision has been enforced before the court has made an examination referred to in the second paragraph, the court shall examine whether there were reasons for the measure. If the court finds that there are no such reasons, the information obtained may not be used in a criminal investigation to the detriment of the person who has been the subject of the interception or surveillance, or of anyone else to whom the information relates. *Lag (2014: 1419)* .

Section 22 Secret interception of electronic communications may not refer to telephone calls or other messages in which someone speaks, due to the provisions in Chapter 36. § 5 second-sixth paragraphs, could not have been heard as a witness to what has been said or otherwise come to light. If during the interception it emerges that it is a question of such a call or message, the interception shall be interrupted immediately.

Secret room interception may not refer to conversations or other speeches in which someone specified in the first paragraph speaks. If it emerges during the room interception that it is a question of such a call or speech, the interception shall be stopped immediately.

Recordings and records shall be destroyed immediately in those parts where they are subject to prohibition under the first or second paragraph. *Lag (2014: 1419)* .

Section 23 If there are no longer grounds for a decision on covert interception of electronic communications, covert surveillance of electronic communications, covert camera surveillance or covert room interception, the prosecutor or the court shall immediately revoke the decision. *Lag (2014: 1419)* .

Section 23 a If information has been obtained during a secret interception of electronic communication, secret surveillance of electronic communication or secret camera surveillance other than that which has formed the basis for the decision on interception or surveillance, the information may be used to investigate the crime. Preliminary investigation or equivalent investigation of the crime may, however, be initiated on the basis of this information only if

1. there is a prescribed imprisonment for one year or more for the crime and it can be assumed that the crime does not lead to only a fine, or
2. there are special reasons.

If a secret room interception has revealed information about a crime other than the one that formed the basis for the decision on secret room interception, the information may be used to investigate the crime only if it is a question of

1. crime specified in § 20 d, or
2. other crime, if imprisonment for three years or more is prescribed for the crime.

If information about impending crime has been obtained, the information may be used to prevent crime. *Lag (2014: 1419)* .

Section 24 A recording or recording that has been made during a secret interception of electronic communication, secret surveillance of electronic communication, secret camera surveillance or secret room interception shall be examined as soon as possible. In the case of such a review, section 12, first paragraph, shall apply.

Recordings and records referred to in the first paragraph shall, in those parts which are important from the point of view of a criminal investigation, be preserved until the preliminary investigation has been closed or completed or, if prosecution has been brought, the case has been finally decided. In those parts where the recordings and records are important to prevent impending crime, they shall be preserved for as long as necessary to prevent crime. They must then be destroyed.

Notwithstanding the second paragraph, criminal investigation authorities may process information from recordings and recordings in accordance with what is specifically prescribed by law. Information from secret room interception may, however, only be processed if it relates to an impending crime or crime referred to in section 23 a, second paragraph. *Lag (2014: 1419)* .

Section 25 When permission for secret interception of electronic communications or secret surveillance of electronic communications has been granted, the technical aids necessary for the measure may be used.

I 6 kap. The Electronic Communications Act (2003: 389) contains provisions on secret interception of electronic communications and secret surveillance of electronic communications that apply to the person conducting activities referred to in that Act. *Lag (2012: 281)* .

Section 25 a In the case of secret room interception, the executive authority may, after special permission, secretly gain access to and install technical aids in a place that is otherwise protected against intrusion. Such a permit may refer only to the place to be intercepted or, if there are special reasons, a place that is directly adjacent to that place. However, a permit to gain access to such an adjoining place may not refer to any other permanent residence than the suspect.

If a place is to be the subject of both secret room interception and secret camera surveillance, a special permit in accordance with the first paragraph may also be issued for the camera surveillance.
However, this must not refer to access for the installation of technical aids in someone's permanent residence.

If a permit under the first or second paragraph relates to a vehicle, the executing authority may, if necessary, temporarily move the vehicle in connection with the access.

If a technical aid has been installed on the basis of a permit in accordance with the first or second paragraph, the aid must be removed or rendered unusable as soon as possible after the time for the permit has expired or the permit has been revoked.

When a decision on covert room tapping or covert camera surveillance is enforced, inconvenience or damage must not be caused beyond what is absolutely necessary. *Lag (2014: 1419)* .

Public representative

Section 26 Public representatives shall monitor the privacy interests of individuals in cases before a court concerning secret interception of electronic communications, secret camera surveillance and secret room interception.

A public representative has the right to take part in what is present in the case, comment on the case and appeal the court's decision. *Lag (2014: 1419)* .

Section 27 The Government appoints persons who can serve as public representatives for three years at a time. During the three-year period, if necessary, additional persons may be appointed for the remaining part of the period.

A public representative must be a Swedish citizen and must be or have been a lawyer or have been a regular judge. A public representative may not be in a state of bankruptcy or have a trustee in accordance with ch. Section 7 of the Parental Code.

The Government shall obtain proposals for suitable candidates from the Swedish Bar Association and the Judging Board.

Despite the Government's appointment, a public representative may complete ongoing assignments. *Lag (2008: 420)* .

Section 28 When an application or notification of secret interception of electronic communications, secret camera surveillance or secret room interception has been received by the court, the court shall as soon as possible appoint a public representative in the case and hold a meeting. The prosecutor and the public representative shall be present at the meeting.

An assignment as a public representative also applies in higher law.
Lag (2014: 1419) .

Section 28 a If the court has issued a permit for secret interception of electronic communications, and the permit still applies, the court may consider an application or notification of additional permits concerning the same person without appointing a public representative and without holding a meeting on

1. application or notification is based on the same circumstances but refers to a different telephone number or address or electronic communication equipment than the previous permit, and
2. a meeting would be irrelevant to the court's examination of the application or notification.

A permit under the first paragraph may not refer to any time other than the previous permit.

When the court has considered an application or notification pursuant to the first paragraph, a public representative shall be promptly appointed and notified of the decision. *Lag (2020: 728)* .

Section 29 In the case of remuneration to a public representative, the provisions of Chapter 21 apply. § 10 first and second paragraphs and § 10 a. *Lag (2003: 1146)* .

Section 30 A person who has been appointed as a public representative in a case may not unauthorisedly disclose what he or she has become aware of in the case. *Lag (2003: 1146)* .

Notification to individual

Section 31 A person who is or has been suspected of a crime shall, unless otherwise provided in section 33, be notified of such secret interception of electronic communications, secret surveillance of electronic communications, secret camera surveillance or secret room interception to which he or she has been subjected.

If the interception or surveillance of electronic communications has been intended for a telephone number or other address or certain electronic communications equipment held by someone other than the suspect, the holder must also be notified. However, this does not apply if something else follows from section 33 or collection has taken place on the basis of section 20, second paragraph, and the invasion of privacy for the individual can be assumed to be minor.

If camera surveillance or room tapping has been intended for a place held by someone other than the suspect and to which the public does not have access, the holder of the place shall also be notified, unless otherwise provided in section 33.

A notification must be submitted as soon as possible without prejudice to the investigation, but no later than one month after the preliminary investigation was completed.

A notification does not have to be given to the person who according to ch. 18 §, 18 a §, 24 chap. § 9 a or in some other way has already received or access to the information. Nor does it need to be notified if it is manifestly irrelevant in the light of the circumstances.
Lag (2017: 176) .

Section 32 A notification pursuant to section 31 shall contain information on which coercive measure has been used and when it has taken place. Anyone who is or has been suspected of a crime must be informed of the criminal suspicion that has formed the basis for the measure or that the measure has led to. Anyone who is not or has not been suspected of a crime must be informed of this.

A notification of covert interception of electronic communications or covert surveillance of electronic communications shall also contain information on the telephone number or other address or electronic communications equipment for which the interception or surveillance is intended. A notification of covert camera surveillance or covert room interception shall also contain information about which place has been monitored or intercepted.
Lag (2014: 1419) .

Section 33 In the case of secrecy according to ch. 1 or 2 §, ch. 18 1, 2 or 3 § or ch. 35 Section 1 or 2 of the Public Access to Information and Secrecy Act (2009: 400) for information referred to in section 32, a notification pursuant to section 31 shall be postponed until secrecy no longer applies.

If, due to confidentiality, no notification has been given within one year of the completion of the preliminary investigation, the notification need not be provided.

A notification pursuant to section 31 shall not be submitted if the preliminary investigation concerns
1. crime referred to in ch. 1, 2, 3, 5 a or 5 b § of the Criminal Code, if the crime includes sabotage according to § 4 of the same chapter,
2. crime referred to in ch. 4 or 5 of the Criminal Code,
3rd crime referred to in ch. 1, 3, 5 or 6 § or 19 chap. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10 a, 10 b, 12 or 13 of the Criminal Code,
4. crimes referred to in Chapter 3 or 4. the Penal Code, if the crime is of the type specified in ch. § 2 or ch. 19 § 11 of the same code,
5. a crime referred to in section 26 of the Trade Secrets Act (2018: 558), if there is reason to assume that the act was committed on behalf of or has been supported by a foreign power or by someone who has acted on behalf of a foreign power,
6 . crimes referred to in § 2 of the Act (2003: 148) on punishment for terrorist crimes,

§ 3 or 3 a of the Act (2002: 444) on punishment for financing particularly serious crime in certain cases or the Act (2010: 299) on punishment for public solicitation, recruitment and training in connection with terrorist offenses and other particularly serious offenses, or

7. attempt, preparation or stigmatization of offenses referred to in 1-6 or failure to disclose such offense, if the act is punishable. *Lag (2018: 559)* .

Section 34 Questions concerning permission for covert interception of electronic communications, covert surveillance of electronic communications, covert camera surveillance, covert room interception or detention of consignments pursuant to section 9 or section 9 a, second paragraph, may be made in a preliminary investigation of a crime referred to in section 2 8, in addition to a court prescribed in Chapter 19, is tried by the Stockholm District Court.
The same applies to the examination of seizures in accordance with section 2, third and fourth paragraphs. *Lag (2014: 1419)* .

28 Chap. About the house search as well as body search and body inspection

§ 1 If there is reason to assume that a crime has been committed on which imprisonment may follow, the house search may be carried out in a house, room or closed storage place to search for objects that can be seized or in custody or otherwise to ascertain circumstances that may be of significance for investigation of the crime or of confiscation of the exchange of criminal activity according to ch. 36 1 b § criminal code.

In the case of someone other than the person who can reasonably be suspected of the crime, however, the house search may only be carried out if the crime has been committed with him or her or if the suspect has been arrested there or if there is otherwise special reason to find items that can be seized or in custody or that another investigation into the crime or the confiscation of the exchange of criminal activity according to ch. 36 § 1 b of the Penal Code can be won.

The search of the suspect's house may not in any case be invoked with his or her consent, unless the suspect himself has requested that the measure be taken. *Lag (2008: 376)* .

Section 2 For the search of the person who is to be arrested, detained or detained, taken for questioning or to appear in court or subjected to a body search or body examination, the house search may be carried out with him, or with someone else if there is special reason to assume that the applicant is staying there. . The same applies in the case of a defendant who is sought for service of a summons or summons to a hearing, if attempts at service have failed or are judged to be hopeless. *Lag (1995: 637)* .

§ 2 a In order to search for someone who is to be arrested, detained or detained as a suspect for a crime, for which no lesser punishment than imprisonment for four years is prescribed, or attempted such crime, the house search may be carried out in means of

transport at a certain place, if there is special reason to assume that the applicant may pass the place.
Lag (1991: 666) .

Section 3 In a room that is accessible to the public, for purposes referred to in section 1 or 2, a house search may also take place in a case other than that referred to there.

In a room that is usually used jointly by persons who can be assumed to engage in criminal activity, for purposes referred to in section 1 or 2, a house search may take place if there is a reason that a crime has been committed for which imprisonment is prescribed for one year or more. there is particular reason to assume that the purpose of the investigation will be fulfilled.
However, this does not apply to premises that mainly constitute housing.

The provision in the second paragraph also applies to spaces and vehicles that are in immediate connection with the premises and are used by those who use the premises. *Lag (1999: 72)* .

Section 3 a The house search may be decided only if the reasons for the measure outweigh the intrusion or otherwise that the measure entails for the suspect or for some other opposing interest. *Lag (1989: 650)* .

Section 4 An order on a house search is issued, except in cases referred to in the third paragraph, by the head of the investigation, the prosecutor or the court. An order for a house search for service must always be issued by the court. If otherwise the house search can be assumed to be of a large extent or cause particular inconvenience to the person with whom the measure is carried out, the measure should not, if there is no danger in delay, be taken without the court's order.

The court may raise the question of the house search at the request of the head of the investigation or the prosecutor. After the prosecution, the court may also, at the request of the plaintiff or voluntarily, raise such an issue. The question of whether the house search for service is taken up by the court voluntarily or at the request of the Police Authority or the prosecutor.

Ordinance on house search for search of the person to be detained in accordance with the decision referred to in ch. Section 17, third paragraph, or is summoned to a court hearing is issued by the Police Authority or a police officer in accordance with the provisions of the Police Act (1984: 387). *Lag (2014: 649)* .

Section 5 A police officer may carry out a house search without an appointment in accordance with section 4, if there is a danger of delay. However, this does not apply to house searches for service. *Lag (1995: 637)* .

Section 6 During a house search, inconvenience or damage may not be caused beyond what is absolutely necessary.

Rooms or storage facilities may, if necessary, be opened by force. If this has happened, it must be closed again in an appropriate manner after the ceremony.

The house search may not be carried out without special reason between nine o'clock in the afternoon and six o'clock in the morning.

Section 7 As far as possible, a credible witness requested by the administrator shall be present during the house search. The administrator may hire the necessary assistance from an expert or other.

The person in whom the house search is carried out, or, if he is not present, his household members at home, shall have the opportunity to observe the procedure as well as to call a witness, but without the investigation thereby being interrupted. If neither he nor any of his household members or a witness called by them is present, he shall, as soon as possible without prejudice to the investigation, be notified of the measure taken.

At the ceremony, the plaintiff or his representative may be allowed to be present to provide the necessary information; however, it shall be ensured that the plaintiff or the representative does not, to a greater extent than is required for the purpose, gain knowledge of the circumstances, which are thereby revealed.

Section 8 Postal or telegraph mail, commercial book or other individual document, which is found during a house search, may not be examined further, nor can a letter or other closed document be opened in any other order than in Chapter 27. Section 12, first paragraph, is stated.

Section 9 Minutes shall be kept of the house search, stating the end purpose of the procedure and what has happened.

The person in whom the house search has been carried out may, on request, obtain proof of this, including information on the crime to which the suspicion relates.

Section 10 For purposes stated in section 1 or 2, the head of the investigation or the prosecutor may also conduct a police investigation elsewhere than that referred to in section 1, even if it is not available to the public.

Section 11 If there is reason to believe that a crime has been committed which may result in imprisonment, a body search may be carried out on the person who can reasonably be suspected of the crime in order to search for objects that can be seized or detained or otherwise to ascertain circumstances may be of significance for investigation of the crime or of confiscation of the exchange of criminal activity according to ch. 1 b § criminal code.

Other than those who can reasonably be suspected of the crime may be physically searched, if there is special reason to assume that it will thereby encounter objects that can be seized or detained or that it is otherwise relevant to the investigation of the crime or forfeiture of exchange of criminal activity according to ch. 36 1 b § criminal code.

Body search refers to an examination of clothes and other things that someone is wearing, as well as bags, packages and other objects that someone is carrying with them. *Lag (2008: 376)* .

Section 12 A person who can reasonably be suspected of a crime which may result in imprisonment may be physically inspected
1. for the purposes specified in section 11,
2. in accordance with the provisions of section 12 a, or
3. for an investigation of his or her age, if it is important for whether a sanction may be imposed or significance for the question of sanction in general.

To the extent and for the purpose specified in section 12 b, a person other than the one who can reasonably be suspected of a crime may also be physically inspected.

Body inspection refers to examination of the human body's exterior and interior and that samples are taken from the human body and examined. A physical examination must not be performed in such a way that the person being examined risks future ill health or injury.
Lag (2017: 435) .

Section 12 a A body examination by taking a saliva sample may be performed on a person who can reasonably be suspected of a crime which may result in imprisonment, if the purpose is to perform a DNA analysis of the sample and register the DNA profile in the DNA register or investigation register is conducted in accordance with the Act (2018: 1693) on the processing of personal data by the police within the area of the Criminal Data Act. *Lag (2018: 1700)* .

Section 12 b A body examination by taking a saliva sample may be performed on someone other than the person who can reasonably be suspected of a crime, if
1. the purpose is to facilitate identification through a DNA analysis of the sample when investigating a crime on which imprisonment may follow, and
2 there is particular reason to believe that it is relevant to the investigation of the crime.

The analysis result may not be compared with the DNA profiles that are registered in registers of DNA profiles kept in accordance with the Act (2018: 1693) on the police's processing of personal data within the area of the Criminal Data Act or otherwise used for purposes other than that for which the sample was taken.

The first paragraph does not apply to anyone under 15 years of age.
Lag (2018: 1700) .

Section 13 With regard to body searches and body inspections, the provisions of Sections 3 a, 4, 8 and 9 on house searches shall apply in applicable parts. If there is a danger in delay, a body search and body inspection may be decided by the police officer.

Proceedings, which are of a more significant scope, shall be carried out indoors and in a separate room. If it is carried out by someone other than a doctor, a credible witness requested by the administrator shall, as far as possible, be present. Blood samples must not be taken by anyone other than a doctor or a licensed nurse. Other more detailed examination may only be performed by a physician.

A body search or physical examination of a woman may not be performed or witnessed by anyone other than a woman, doctor or licensed nurse. Body searches that only mean that objects that a woman has with her are examined and a body examination that only means that blood samples, alcohol breath samples or saliva samples for DNA analysis are taken may, however, be performed and witnessed by a man. *Law (2005: 878)* .

Section 13 a The person to be physically examined may be detained for the purpose for up to three hours or, if there are special reasons, an additional three hours.

The person who is to be physically inspected may be detained for the purpose for up to six hours or, if there are special reasons, an additional six hours.

A police officer may take the person to be physically searched or body inspected to the place where the measure is to be carried out. *Lag (2016: 546)* .

Section 14 A photograph and fingerprints may be taken of a person who has been arrested or detained; he shall not be subject to any other such measure. What has now been said also applies to others, if it is required to win an investigation into a crime, which imprisonment may follow.

Further provisions on action, as referred to here, are announced by the Government. *Lag (1974: 573)* .

Section 15 Deviating provisions have been given in law or the constitution regarding house searches, body searches or body inspections, whether they apply.

29 Chap. About voting

Section 1 If dissenting opinions are presented in a deliberation on a judgment or decision, a vote shall be taken.

When voting, the youngest in court must speak first. Thereafter, the members shall speak as they have their seat in the court. Of the members who are legally qualified, the chairman shall say his opinion last. However, if one of the members has prepared the case, he or she must always state his or her opinion first. If board members are part of the court, they must express their opinion after the other members.

Everyone should state the reasons for their opinion. *Lag (2018: 411)* .

Section 2 A matter which belongs to the trial shall be voted on separately.

Issues relating to liability shall be voted on in a context. If it may affect the outcome of the case, however, a special vote shall be taken on

1. the question of whether the defendant has committed the act and how this should

be assessed in such a case

;

The question of sanction, except as regards the amount of the daily fine, regulations, warning, supervision, extension of probation or enforcement of sanction;

4. remaining issues relating to liability.

Does any member consider that the defendant should be handed over to special care of a kind other than that referred to in ch. § 5 of the Criminal Code, shall be voted on separately in accordance with this second paragraph 3 regarding this sentence. *Lag (2006: 890)* .

Section 3 When voting, the opinion covered by more than half of the members shall apply. If a sentence has received half of the votes and this is the mildest or least intrusive for the defendant, that sentence shall apply. If no sentence can be considered as minor or less intrusive, the sentence that received half of the votes, including those of the chairman, applies.

If more than two sentences are presented without any of them being valid, the votes that are least favorable to the accused shall be added to the votes that are second least favorable to him or her. If necessary, the aggregation shall continue until any sentence applies. If no sentence can be considered the least favorable for the defendant, the sentence that has received the most votes shall apply. If several sentences have received the same number of votes, the sentence supported by the chairman or, if he or she has not supported any of these sentences, the sentence voted by the foremost of those who voted for one of these sentences applies.

No sentence shall be considered less severe or less intrusive than any other sentence in a vote pursuant to section 2, third paragraph.
Lag (2018: 411) .

Section 4 A member who is overwhelmed is obliged to participate in subsequent votes. The person who voted for the defendant to be acquitted completely shall, however, in a later vote, if any sentence can be considered the mildest or least intervening for the defendant, be considered to have voted for this sentence. *Lag (1988: 1369)* .

Section 5 If it is disputed how a vote shall take place or which opinion shall apply, a vote shall be taken on it.

Section 6 Regarding voting in matters that belong to the trial and do not relate to liability or that concern individual claims, as well as in matters pursuant to section 5 or if legal costs apply, what is prescribed in ch.
With regard to detention or measure referred to in ch. however, the provisions of this Chapter on voting on liability shall apply. If an action for an individual claim is brought in a criminal case, the court's decision on the issue of liability shall be binding in the examination of the individual claim.
Lag (1983: 370) .

Section 7 has ceased to apply by *law (1983: 370)* .

30 Chap. About judgments and decisions

Section 1 The court's decision of the case is made by judgment. The decision of the other court is made by decision. Decisions by which the court, other than by judgment, separates the matter from itself, and also the decision of the higher court in question, which has been complied with in particular, is the final decision.

Section 2 If the main hearing has been held, the judgment shall be based on what occurred at the hearing. Only judges who have been present at the entire main hearing may participate in the judgment. If a new main hearing has been held, the judgment shall be based on what has taken place at it. In cases referred to in ch. 46 Section 17, second sentence, the judgment may also be based on what has been obtained after the main hearing.

When a case is decided without a main hearing, the judgment shall be based on what the documents contain and what has otherwise occurred in the case. *Lag (1987: 747)* .

Section 3 A judgment may not refer to an act other than that for which an action for liability has been brought in a proper order or a question of liability otherwise according to law may be taken up by the court. Neither the court is bound by a claim regarding the legal designation of the crime or applicable law.

Section 4 If several charges are processed in a trial, a judgment may be issued in respect of one of them even though the processing of the other charges has not been completed (partial judgment). If the charges relate to the same defendant, a partial sentence may only be issued if it is in favor of the handling of the case and there are no special reasons against it. *Lag (2014: 320)* .

Section 5 A judgment shall be drawn up in writing and in separate sections state
1. the court and the time and place of notification of the judgment,
2. the parties and their representatives or counsel and the defendant's defense counsel,
3. the judgment,
4. the parties' claims and the circumstances on which they are based on and
5. the reasons for the judgment with information on what is proven in the case.

A judgment of a higher court shall, to the extent necessary, contain an account of the judgment of a lower court.

If a party has the right to appeal, the judgment shall state what he must observe in that case. *Lag (1994: 1034)* .

Section 6 If the accused has confessed to the act and the penalty is determined to be other than imprisonment or closed juvenile care or to imprisonment for a maximum of six months, the sentence may be issued in a simplified form. Judgments, whereby a higher court upholds a lower court judgment, may also be issued in a simplified form.

If an action is brought in the case for an individual claim in connection with a crime, what is stated in the first sentence of the first paragraph applies only if the defendant admits the claim or if the court finds the matter to be obvious. *Lag (1998: 605)* .

Section 7 Before a judgment is decided, deliberation shall be held. Include judges in the court, present the chairman or, if the case has been prepared by another legally qualified judge, this matter and what the law stipulates about it.

When the main hearing has taken place, the same or last next non-holiday day deliberation shall be held and, if possible, the judgment shall be decided and handed down.
If there is indispensable discretion for the decision or drafting of the judgment, the court may decide on a deferral thereof; however, the judgment shall, unless there is a particular obstacle, be drafted and announced in writing, when the defendant is in custody, within one week and otherwise within two weeks after the conclusion of the hearing. If the judgment is not delivered at the main hearing, it shall be delivered at another court hearing or also announced by keeping it available at the court's office; at the main hearing, notice shall be given of the time and manner of notification of the judgment.

If a case is decided without a main hearing, deliberations shall be held as soon as possible and the judgment shall be decided, drafted in writing and announced. The notification shall be made by keeping the judgment available at the court's office.

Annulment of a judgment may take place by reproducing the verdict and the reasons together with the announcement of the consequential reference.

If a dissenting opinion has occurred, this shall be notified to the parties at the same time and manner as the judgment.

When a case has been decided, the parties shall as soon as possible be notified in writing of the outcome of the case. *Lag (1987: 1097)* .

Section 8 A judgment shall be drawn up separately and signed by the legally qualified judges who have participated in the decision.

If a judgment is signed electronically, it shall be done with an electronic signature as referred to in Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trusted services for electronic transactions in the internal market and repealing Directive 1999/93 / EC, as amended. *Lag (2018: 499)* .

Section 9 Since the time for the action against the judgment has expired, the issue of liability on the part of the accused for an act which has been tried by the judgment may not be taken up again.

On the change and association of a criminal sanction, on special remedies and on the transfer of prosecution to a foreign state in a certain case, what is stipulated applies. *Lag (1976: 21)* .

Section 10 The provisions of Sections 2 and 7 on judgments shall be applied in respect of a final decision. Unless otherwise provided, Sections 5 and 8 shall also apply to such a decision, if necessary in view of the nature of the matter. If a final decision is announced in connection with the judgment, it shall be included in the judgment.

If a party has the right to appeal or to apply for reopening of the case, the decision shall state what he must observe in that case.
Lag (1994: 1034) .

Section 11 A decision that is not final shall, to the extent necessary, state the reasons on which it is based.

If the person wishing to appeal a decision during the trial has to report dissatisfaction, this must be stated in the decision. If such a decision may be appealed separately, it must also be stated. The court shall, upon request, provide the person who wishes to appeal with information on what he or she must otherwise observe.

If a decision, which is not final, is announced in connection with the judgment or final decision, it shall be included in the judgment or the final decision. If the decision may be appealed separately, the court shall state what the person wishing to appeal shall observe. *Lag (1994: 1034)* .

Section 12 Decisions during the trial that may not be appealed separately shall be implemented immediately. The same applies to decisions according to which the court
1. dismissed a representative, assistant or defense counsel,
2. ruled on compensation or advance of public funds to the plaintiff or regarding compensation or advance to assistant, defense counsel, witness, expert or other, who is not a party,
3 has given an opinion regarding detention or action, as referred to in Chapters 25-28,
4. appointed a lawyer other than the party proposed, or
5. has given his opinion in a case other than that referred to in 2 or 4, in a matter concerning legal aid under the Legal Aid Act (1996: 1619), however, not a decision on the obligation to reimburse the state for costs for legal aid.

The court may, when there are reasons to do so, in a decision, according to which an injunction has been issued to a party or another to present written evidence or to provide the subject of inspection or inspection, decide that the decision may be enforced without prejudice to legal force.

When there is reason to do so, the court shall prescribe that security shall be provided for damages that the party may be obliged to pay if the decision is changed.

If a special regulation is issued stating that a judgment or decision that has no legal force may be enforced, it is valid. *Lag (1996: 1624)* .

Section 13 If the court finds that a judgment or a decision contains any obvious inaccuracy as a result of the court's or someone else's typing error, calculation error or similar oversight, the court may decide on a correction.

If the court has inadvertently failed to make a decision that would have been announced in connection with a judgment or a final decision, the court may supplement its decision within six months of the decision becoming final. A supplement later than two weeks after the decision was announced may, however, only take place if one party so requests and the other party does not oppose the supplement.

If the convicted person has provided incorrect information about his name or social security number without this being revealed during the trial, the court may, at the request of the prosecutor, decide on the correction of his decision.

Before a decision on correction or supplementation is made, the parties shall also in other cases than those referred to in the second sentence of the second paragraph have been given an opportunity to comment, unless this is clearly unnecessary. The decision shall, if possible, be recorded on each copy of the decision rectified. *Law (1999: 84)* .

Section 14 has ceased to apply by *law (1976: 567)* .

31 Chap. About legal costs

§ 1 If the defendant is convicted of the crime in a case where the prosecutor is suing, the defendant shall compensate the state for what was paid from public funds in compensation to the defense counsel. The defendant must also reimburse the state for the cost of taking him or her to court and for the cost of sampling and analysis of blood, urine and saliva that pertains to him or her and that has been made for investigation of the crime.

However, the liability for compensation does not include costs that have not been reasonably justified for the investigation, or costs caused by negligence or neglect by someone other than the defendant, his or her representative or defense counsel appointed by him or her. The liability for compensation also does not include what was paid in compensation to a defense counsel for expenses for the interpretation of deliberations with the defendant.

In no other case than that referred to in section 4, first paragraph, is the defendant obliged to pay more of the cost to the defense counsel than he or she would have had to pay in legal aid fee for legal aid according to the Legal Aid Act (1996: 1619). What is said in that law on the cost of legal aid counsel applies instead to the cost of public defenders.

The amount to be paid by the defendant may be reduced in whole or in part, if there are reasons to do so in view of the defendant's crime or his or her personal and financial circumstances.

If the amount that the defendant would be obliged to compensate is less than a certain limit set by the government, he or she shall not be liable for compensation.
Lag (2018: 533) .

Section 2 If the defendant is acquitted in a case where the prosecutor for the action or if a prosecution brought by the prosecutor is rejected or written off, the court may decide that the defendant shall be reimbursed from public funds for his costs for defense counsel, for advice under the Legal Aid Act (1996 : 1619) and for evidence during the preliminary investigation or in the trial, provided that the costs were reasonably justified for the defendant to be able to exercise his right.

The defendant can also receive compensation for appearing before the court. Such compensation is paid in accordance with regulations issued by the government.

If the defendant is convicted of the crime, he or she may be reimbursed from public funds for costs of interpreting deliberations with the defense counsel that were reasonably justified for the defendant to be able to exercise his right and for other costs referred to in the first or second paragraph and caused to him or her by the fault or omission of the prosecutor. *Lag (2013: 663)* .

§ 3 If the plaintiff has without reason made a statement or otherwise caused public prosecution, he may, to the extent that is reasonable, be obliged to reimburse the state cost, referred to in § 1, and what according to § 2 is awarded to the defendant. *Law (1990: 443)* .

Section 4 If the defendant in a case, where the prosecutor is suing, by failing to appear from the court or not following an injunction, as the court has announced, or by allegations or objections, which he realized or fails to realize are unfounded, or otherwise through negligence or negligence caused costs to the state, he is obliged to reimburse such costs regardless of how the responsibility for legal costs in other respects is to be distributed.

If the plaintiff or a public defender, through negligence or negligence, caused costs to the state or the defendant, he is obliged to reimburse these costs.

I 9 kap. Section 7 contains provisions on costs when no fine has been imposed. *Lag (2000: 564)* .

§ 5 An individual party shall, in accordance with this chapter, reimburse in whole or in part legal costs and if there is a deputy for the party or the party's representative or assistant or a defender appointed by him, through action referred to in § 3, or through negligence or negligence, as stated in § 4, caused such a cost, the court, even if a claim to that effect has not been made, obliges him to reimburse the cost together with the party. *Law (1990: 443)* .

Section 6 If several persons are convicted of complicity in the same crime or of crimes related to each other, or several plaintiffs are to reimburse legal costs, they shall be liable for the cost one for all and all for one. To the extent that the cost relates to part of the case, which concerns only one of them, or also any cost caused by negligence or negligence, referred to in section 4, this cost shall be borne by him alone.

If someone according to § 5 is obliged to reimburse the cost together with a party, they answer one for both and both for one. *Law (1990: 443)* .

Section 7 If two or more schools, one for all and all for one, are responsible for legal costs, the court shall, at the request of one of them, in view of the circumstances, examine how the cost is to be divided between them or whether any of them is to bear the full cost.

§ 8 What is stipulated in §§ 2-7 shall, when the preliminary investigation has been closed or prosecution otherwise not followed during the preliminary investigation, have a corresponding application in terms of cost during the preliminary investigation; an obligation to reimburse such a cost may not be imposed on the central government, unless the preliminary investigation has been initiated without reason or otherwise there is a special reason for doing so.

Have plaintiffs according to ch. § 9 taken over by the prosecutor filed prosecution, applies to the cost before the takeover what is stipulated in §§ 1-7.

Section 9 If the prosecutor wants the defendant to be obliged to reimburse court costs, or if the defendant wants to be reimbursed for such costs, he shall, before the proceedings are concluded, make a request to that effect and state where the costs consist. If he does not do so, he may not subsequently speak at the expense incurred in the same court. The court examines independently whether a cost, which according to the court's decision is to be paid from public funds, is to be reimbursed by the defendant or another or it is to remain with the state administration. Question, referred to in § 3, try the court also voluntarily.

When the court decides the case, the court at the same time announce a decision regarding the court costs.

If a preliminary investigation has been initiated but no prosecution has followed and if the suspect wishes to claim compensation for costs during the preliminary investigation or if a question is raised on behalf of the public regarding reimbursement of such costs, the application must be made to the court. *Lag (1972: 430)* .

Section 9 a Has a penalty order according to ch. 48 Section 3, second paragraph, has taken the place of prosecution and if the suspect has approved the criminal injunction, Sections 1 and 4-7 apply in respect of costs incurred by the state for a public defender who has been appointed for the suspect.

The question of compensation for such costs as is referred to in the first paragraph is examined by the court that has appointed the public defender. *Lag (2010: 575)* .

Section 10 If a case is pursued from a lower court, the obligation to reimburse legal costs in a higher court shall be determined with regard to the trial there. A judgment of a higher court shall be regarded as convicting only when the defendant is sentenced to a punishment which is to be regarded as more severe than that to which the lower court has sentenced, or, if acquitted by a lower court, is found to have committed the crime or the action completed by him does not give rise change in the judgment of a lower court. The provision in section 3 shall refer to the case that the plaintiff has without reason caused the action to be completed by the prosecutor.

If costs in a higher court in a case concerning a matter, which has been completed in particular, what is stipulated in this chapter about cases brought in a lower court, have a corresponding application.

If a case is remanded, the question of the cost in the higher court shall be considered in connection with the case after its resumption. *Law (1990: 443)* .

Section 11 If court costs in cases where only the plaintiff for the action applies, ch. in applicable parts.

However, with regard to the defendant's obligation to reimburse the state for the costs of public defenders, section 1, second and third paragraphs of this chapter apply.

In cases where only the plaintiff for the action, he or she shall by acquittal judge compensate the state what according to the court decision is paid from public funds in compensation to the defense counsel, if there are special reasons for it.

In the case of an obligation for the plaintiff to reimburse legal costs in cases where he or she is assisting in public prosecution or otherwise in the case together with the prosecutor or the person suing the plaintiff, if his or her right to compensation for such costs applies, in addition to the provisions of 3 and §§ 4, what is said in ch. 12 §. *Lag (2005: 72)* .

Section 12 Deviating provisions have been given in law or the constitution regarding costs in court proceedings, whether they apply.

III. Common provisions

32 Chap. About deadlines and legal deadlines

Section 1 Should a party or other person appear before the court in accordance with the court's decision or otherwise fulfill something in the trial, he shall be given reasonable leeway to do so.

Section 2 If a summons or an appeal is to be served by a party and, when the court is to hear the case, no proof has been received by the court that service has taken place in the prescribed manner, nor has the other party appeared or commented on the matter; the party's action is due. Information about this must be included in the court's consent to the party to arrange for service. *Lag (1994: 1034)* .

Section 3 If a party or other person who, according to the court's decision, is to appear before the court or otherwise fulfill something in court, has not been given reasonable leeway to do so or there are otherwise reasons for extending the time prescribed by the court, the court postponed a new time.

Section 4 If the court, after a hearing has been adjourned, finds a circumstance before the meeting which can be assumed to constitute an obstacle to the holding of the hearing or to its implementation to the required extent, the court may decide on a new time for the hearing.

If a party has become aware of a circumstance, as has now been said, or finds someone who has been summoned to appear at a hearing for a hearing, that he is prevented from heeding the summons, he shall immediately report it to the court.

§ 5 Is for the examination of cases of special importance, that a question, which is the subject of another trial or treatment in another order, is first decided, or meets with the proceedings another obstacle of longer duration, the court may order that the case rests removal of the obstacle.

Section 6 If it is probable that a person who has failed to appear before the court or otherwise fulfill something in the trial according to the court's decision has a legal due date for his failure, this shall not lead to any sanction for him or in any other way be charged against him in the trial.

If someone has committed an omission referred to in the first paragraph, but it can be assumed due to a special circumstance that he is legally due, he shall be given the opportunity to submit an investigation to this effect. The court shall in this case postpone the question of the imposition of a sanction or of another measure due to the omission. *Lag (1987: 747)* .

Section 7 If a meeting is canceled in advance because someone who has been summoned to the meeting has reported an impediment, the court may still decide on the sanction included in the order for cancellation, if the person who reported the impediment does not subsequently submit an investigation. it is probable that he had legal maturity. In order for a default judgment to be issued, a request for it is required. *Law (1999: 84)* .

Section 8 Legal maturity is when someone has been prevented from fulfilling what is incumbent on him through interruptions in public transport, illness or other circumstances, which he does not foresee or which the court otherwise finds to constitute a valid excuse.

It shall also be regarded as legal expiration for a party, when there has been an obstacle for a representative who has been spoken to by the party, as has now been said, and another representative could not be set in time.

33 Chap. About submission in court and about service

Section 1 An application, a report or another submission in a trial shall contain information about the court and the names and domicile of the parties.

An individual party's first submission in the trial must contain information about the party's
personal identity number or organization number,

2. postal address and address to the workplace and, where applicable, another address where the party can be found for service through a bailiff,
3. telephone number to the home and workplace and mobile phone number. with the exception of numbers relating to a secret telephone subscription which need to be disclosed only if the court so requests,
4. e-mail address, and
5. other circumstances relevant to service with him or her.

If the party's action is brought by a deputy, corresponding information must also be provided about him. If the party has a representative, the representative's name, postal address, e-mail address, telephone number to the workplace and mobile phone number must be stated.

A summons application must also contain information about the individual defendant in the respects specified in the second and third paragraphs.
Information about the defendant's or his deputy's workplace, telephone number, e-mail address and representative need only be provided if the information is available to the applicant without special investigation. If the defendant does not have a known address, information must be provided about the investigation made to establish this.

If a party requests that a witness or other person be heard, the party shall, to the extent specified in the fourth paragraph, be obliged to provide information concerning him.

Information referred to in the first to fifth paragraphs shall apply to the circumstances when the information is submitted to the court. If any of these circumstances change or a statement is incomplete or incorrect, it must be reported to the court without delay. *Lag (2010: 1936)* .

Section 2 If the court is to notify someone of the content of a document or of something else, it may be done by service. Service shall be used if it is specifically prescribed or if it is clear from the purpose of the notification provision that service should take place, but should otherwise be resorted to only if it is called for in the circumstances.

When a submission or other document received from a party is to be served, the party is obliged to attach a certified copy thereof to the document. Service shall be effected through the care of the court and several copies shall be required for service, whether the party is obliged to provide them. Does not provide the party with a transcript, as has now been said, to take care of the right at the expense of the party to write off the document. *Lag (1990: 1411)* .

Section 3 A document is deemed to have been received by the court on the day when the document or a notice of paid postal item containing the document has arrived at the court or has been received by a competent official. If the court is specifically notified that a notification to the court has arrived at a telecommunications company, the notification is deemed to have been received already when the notification has reached a competent official.

If it can be assumed that the document or a notice of this on a certain day has been submitted to the court's office or separated for the court at a post office, it is considered to have been received on that day, if it has reached a competent official on the next working day.

If necessary, the court may request that a fax or other message that does not have the sender's original signature be confirmed by the sender through an original signed document. If the court has requested such confirmation but has not received any, the court may disregard the notice. *Lag (1994: 1034)* .

Section 4 If service in general is specifically stipulated. *Lag (1970: 429)* .

Section 5 A summons in civil cases may be served in accordance with Sections 34-37 of the Service Act (2010: 1932) only if, taking into account what has emerged in the relevant service case or in other service attempts with the service recipient, there is reason to assume that he or she has deviated or otherwise stay away.

If a lawsuit in a civil case where a settlement of the matter is permitted has not been served, the court shall consider whether the attempts at service should continue or whether the plaintiff should be offered to see to it that service takes place. Account must then be taken of the work and the cost that has hitherto been spent on service, the conditions for continued attempts to succeed and the circumstances in general. If the plaintiff does not accept the offer, the lawsuit must be rejected. *Lag (2010: 1936)* .

Section 6 The provisions of Section 3, second paragraph, Sections 34-38 and 47-51 of the Service Act (2010: 1932) do not apply to service of summons in criminal cases.

The provisions of § 24 and § 25 first paragraph of the Service Act do not prevent the defendant from being served on the defendant and other documents in a criminal case by simplified service if he or she has been served by an official specified in the third paragraph at a personal meeting information that simplified service can be used in the district court and that at the time when the documents are sent to the defendant has not elapsed longer than ten weeks since the information was provided.

Information referred to in the second paragraph may be provided by
a) a prosecutor,
b) a police officer or other employee of the Police Authority or

The Economic Crime Authority appointed by the authority,
c) a customs official, or
d) an official of the Coast Guard.
Lag (2016: 37) .

Section 6 a The provisions of section 6, second paragraph, also apply to documents in a case pursuant to Chapter 28. Section 9 of the Criminal Code on the information has been served on the convicted person personally by the chairman at the meeting when the Supervisory Board decided to request that prosecutors for the action that the probation supervision be removed. *Lag (2019: 263)* .

Section 7 The provisions of Section 24 of the Service Act (2010: 1932) do not prevent a court of appeal from serving a party documents through simplified service, if the party during the proceedings at the district court, the Enforcement Agency, the rent tribunal or tenancy board has been informed that such service may be used in the Court of Appeal. a decision is appealed there.

The first paragraph also applies to the Supreme Court if the information has been provided to the district court, court of appeal, the Swedish Enforcement Agency or the tenancy board. *Lag (2015: 684)* .

§ 8 If a party who is not domiciled in the country has not reported to the court a representative who is domiciled in the country, in another state within the European Economic Area or in Switzerland and who is entitled to receive service in the case for the party, the court may order him , when he first brings an action, to present such a representative and report it to the court.
If he fails to do so, service with him may take place by sending the document by post to him at his latest known address. *Law (2001: 57)* .

Section 9 The court may, if necessary, translate documents that come in or are sent out from the court. The court is obliged to translate a document into a criminal case or the most important parts of it for the suspect or at the request of a plaintiff, if a translation is of essential importance for the suspect or plaintiff to be able to exercise his right.
The translation may be done orally if it is not inappropriate with regard to what the document or case concerns or any other circumstance.

The court is also obliged to translate a document into a criminal case or the most important parts of it, if the document is to be sent to someone residing in another state and there is reason to assume that the person does not understand the language of the document. The document must be translated into the language of the other state or, if the authority knows that the person does not understand this language, into another language that the person understands.

The person who performed the translation is entitled to reasonable compensation, which is paid by the state.

The first and third paragraphs shall also apply in the case of transfer from Braille to ordinary writing or vice versa.

If possible, the court should hire an authorized translator. Otherwise, another suitable person must be hired to carry out the translation. *Lag (2015: 429)* .

Section 10 If a summons application does not meet the regulations in section 1, first to fourth paragraphs, the applicant shall be ordered to supplement the application, unless the deficiency is of minor importance for the issue of service. If the injunction is not complied with and the matter is such that a settlement is permitted, the court may reject the application, unless it is unreasonable. *Lag (1985: 267)* .

Section 11 A person who, without being a party shall be heard in a trial, is obliged to provide information on his or her own circumstances at the request of the court to the extent specified in the case of a party in section 1, second and sixth paragraphs. *Lag (1985: 267)* .

Section 12 A person who, pursuant to **section** 1 or 11, is to provide information about his or her own circumstances may be fined for fulfilling his or her obligation to provide information. *Lag (1985: 267)* .

§§ 13-27 Has been repealed by *law (1970: 429)* .

34 Chap. On obstruction of justice

Section 1 The question of obstacles to the admission of the case shall be undertaken by the court as soon as there is reason to do so.

Obstacles to proceedings shall be taken into account by the court voluntarily, unless otherwise provided.

Section 2 If a party wishes to object that the court is not competent to take up the case, he shall present the objection, when he shall first bring an action in the case before the court. If he is prevented by legal due date from making the objection, he shall present it as soon as possible after the due date has ceased. Fails the party to present the objection within the time, as has now been said, even if his right to do so has expired.

§ 3 If a party has in time objected, as referred to in § 2, give the court, as soon as possible, a special decision to that effect. If an objection is raised about another obstacle to proceedings, give the court a special decision on it, if its nature so requires.

THIRD DEPARTMENT

About evidence

35 Chap. About evidence in general

Section 1 The court shall, after a conscientious examination of everything that has occurred, decide what has been proven in the case.

What if the effect of a certain kind of evidence is stipulated does not apply.

Section 2 Evidence is not required for a circumstance that is generally known.

Nor is proof required of what the law stipulates. Should foreign law be notified and its content is not known to the court, the court may, however, summon a party to provide evidence to that effect.

Section 3 If a party to the proceedings acknowledges a certain circumstance and the matter is such that a settlement is permitted, what the party has acknowledged shall apply to him. If the party withdraws its recognition, the court shall examine in the light of the reasons given for the revocation and other circumstances, what effect as evidence may be added to the recognition.

If the matter is not as stated in the first paragraph, the court shall, in view of the circumstances, examine what effect a party's recognition may have as evidence.

Section 4 If a party fails to appear before the court or otherwise fulfill something in the trial or to answer a question presented to the inquiry, the court shall, in view of everything that has occurred, examine what effect the party's relationship may have as evidence.

Section 5 If it is a question of estimating an injury that has occurred and full proof of whether the injury cannot be carried out at all or only with difficulty, the court may estimate the damage to a reasonable amount. This may also happen if the evidence can be assumed to entail costs or inconveniences that are not in reasonable proportion to the size of the damage and the damages claimed relate to a smaller amount. *Lag (1988: 6)* .

Section 6 It is up to the parties to answer for the evidence. The court may voluntarily obtain evidence only in civil cases where settlement of the matter is not permitted and in cases of crime that fall under public prosecution. *Lag (2005: 683)* .

Section 7 The court may reject evidence
1. if the circumstance that a party wishes to prove is irrelevant in the case,
2. if the evidence is not needed,
3. if the evidence would obviously be without effect,
4. if the evidence with considerably less inconvenience or cost can otherwise, or
5. if, despite reasonable efforts, the evidence cannot be adduced and the decision should not be further delayed. *Lag (2005: 683)* .

Section 8 Evidence shall, when the main hearing is held, be taken at this, unless, in accordance with what is stipulated to that effect, evidence may be taken outside the main hearing.
If a main hearing is not held or evidence is otherwise to be taken outside the main hearing, the evidence may be taken before the same court or in another court.

Section 9 If evidence is to be taken outside the main hearing, it applies in the case of summonses by parties and on the parties' failure to comply with a summons that is prescribed for meetings during the preparation of the case. In the absence of a party, the evidence may still be taken up, if the proceedings are to continue.
Lag (2005: 683) .

Section 10 If the court decides that evidence is to be taken by another domestic court, the court shall make a request to that effect to the court and thereby give a brief account of the matter and state the evidence and the circumstance which is to be substantiated thereby. In the petition, the court shall, if it is appropriate and does not meet obstacles, attach the file to the case.

Section 11 A court, which has been asked to take evidence, has to postpone the time and place for the taking of evidence. In this case, the court has the same power as if the trial were held there.

The record of the taking of evidence shall, together with all documents sent to the court or otherwise belonging to the case, be sent to the court where the trial is being held.

Section 12 If the taking of evidence abroad is specifically stipulated.

Section 13 At the main hearing, the evidence that has been taken up outside the main hearing shall be taken up again, if the court finds that it is relevant in the case and there is no obstacle to taking up the evidence. If an oral evidence that has been taken up before the court can be presented through an audio and video recording, the evidence may be taken up again only if further questions need to be asked or if there are special reasons. In civil cases where settlement of the matter is permitted, it is also required that one of the parties requests that the evidence be taken up again.

If the district court in a case that has been appealed to the Court of Appeal has taken up evidence, the evidence only needs to be taken up again if the Court of Appeal finds that it is relevant to the investigation. If an oral evidence can be presented in the Court of Appeal through an audio and video recording of the hearing at the district court, the evidence may be taken up again only if further questions need to be asked. Evidence referred to in this paragraph may be taken up again even without the request of a party.

In the Supreme Court, the evidence that has been taken up by a lower court may be taken up again only if there are special reasons.

If evidence is not taken up again, it must be presented in an appropriate manner. *Lag (2016: 37)* .

Section 14 A report, which someone has submitted in writing in connection with an already initiated or impending trial, or a record of a story, which someone has submitted to a prosecutor or the Police Authority or otherwise out of court in connection with such a trial, may be invoked as evidence in the trial only

1. if it is specifically prescribed,
2. if interrogation of the person who submitted the story can not be held at or outside the main hearing or otherwise before the court or
3. if there are special reasons with regard to the costs or inconveniences that an interrogation at or other than the main hearing can be assumed to entail, what can be assumed to stand to gain from such an interrogation, the significance of the story and other circumstances.

However, even in cases other than those stated in the first paragraph, a civil case such a written story or record of a story referred to therein may be invoked as evidence in the trial, if the parties accept it and it is not manifestly inappropriate.

What is said in the first and second paragraphs about a written or recorded story shall also be applied in respect of an audio recording or an audio and video recording of a story. *Lag (2014: 649)* .

36 Chap. About witness

Section 1 Everyone who is not a party to the case may be heard as a witness. In criminal cases, however, the plaintiff may not testify, even if he or she does not bring an action.

In criminal cases, the examination of witnesses may also not take place with someone who has been prosecuted for complicity in the act to which the interrogation relates or for any other act that is immediately related to that act.

What is said in the second paragraph about the person who has been prosecuted shall also apply to the person for the act referred to therein
1. is reasonably suspected and has been notified of the suspicion in accordance with ch. § 18,
2. has been issued a criminal injunction or the imposition of a fine, or
3. as a result of a decision in accordance with provisions on failure to prosecute, warning of punishment or special prosecution has not been prosecuted.

If a person referred to in the second or third paragraph is to be heard in a trial that does not concern prosecution against him or her, the provisions of ch. 31 apply in the case of a summons to a hearing and a penalty for absence from the hearing and in the case of the hearing. 4 §, 37 chap. 1 §, 45 kap. § 15 and, with the exception of what is said about detention, ch. 46 § 15. With regard to the right to compensation for suspension of negotiations, ch. 36 applies. §§ 24 and 25. *Lag (2015: 79)* .

§ 2 Invoked as a witness member of the court, he will try on his judge, if he knows something, which can serve for information in the case. If he finds it, may he be heard as a witness.

§ 3 A person who is or has been married to a party or is in the right ascending or descending relationship or brother-in-law or is a sibling or is in the brother-in-law, that one is or has been married to the other's siblings, or who is similarly related to the party , be not obliged to testify.
If a person is a party's deputy in such a relationship, as has now been said, he shall not, as a result, refrain from testifying. *Lag (1973: 240)* .

Section 4 If the person who is called as a witness for fifteen years or suffers from a mental disorder, the court examines, in view of the circumstances, whether he may be heard as a witness. *Lag (1991: 1549)* .

Section 5 Anyone who, as a result of ch. 1 or 2 §, chap. 16 § 1 or ch. 18 Section 5, 6 or 7 of the Public Access to Information and Secrecy Act (2009: 400) or any provision to which reference is made in any of these statutory provisions, may not provide information may not be heard as a witness to the information without the authority in whose activities the information has been obtained, has given its permission.

Lawyers, doctors, dentists, midwives, nurses, psychologists, psychotherapists, family counselors according to the Social Services Act (2001: 453) and their assistants as well as authorized patent attorneys and their assistants with regard to patent law matters according to § 2 1 of the Act (2010: 1052) on patent authorization, may be heard as witnesses of something which in this their professional practice has been entrusted to them or which they have experienced in connection therewith, only if it is permitted by law or the person to whose benefit the duty of confidentiality applies agrees to it. Mediators according to this code, the Act (1973: 188) on tenancy boards and rental boards or the Act (2011: 860) on mediation in certain private law disputes and their assistants, may be heard as witnesses of what was entrusted to them in the mediation or which they experienced in connection therewith. , only if it is permitted by law or the person to whose benefit the duty of confidentiality applies agrees to it. Anyone who as a result of ch. Section 8 of the Public Access to Information and Secrecy Act may not provide information referred to therein may be heard as a witness about them only if it is permitted by law or the person to whose benefit the secrecy applies agrees to it.

Proceedings counsel, assistants or defense counsel may be heard as witnesses of what has been entrusted to them for the performance of the assignment only if the party so agrees.

Notwithstanding the provisions of the second or third paragraph, there is an obligation to testify for

1. lawyers and their assistants, but not defenders, in cases concerning crimes for which no lesser punishment than imprisonment for two years is prescribed,
2. other than defenders and lawyers and their assistants in cases concerning crimes referred to in ch. §§ 21 and 23 of the Public Access to Information and Secrecy Act, and
3. anyone who has a duty to provide information in accordance with ch. Section 1 of the Social Services Act in cases pursuant to Chapter 5 Section 2 or Chapter 6 6, 13 or 14 of the same law or according to the law (1990: 52) with special provisions on care of young people.

A person who is a priest in a denomination or a person in such a denomination has a similar position may not be heard as a witness to something he or she has experienced during confession or individual pastoral care.

Anyone who has a duty of confidentiality according to ch. Section 3 of the Freedom of the Press Ordinance or Chapter 2 Section 3 of the Freedom of Expression Act may be heard as a witness to circumstances to which the duty of confidentiality refers only to the extent that it is prescribed in Chapter 3. Section 4 of the Freedom of the Press Ordinance or Chapter 2 Section 4 of the Freedom of Expression Act.

If, according to what is stated in this section, someone may not be heard as a witness about a certain relationship, the questioning of witnesses may not take place with the person who assisted with interpretation or translation during the duty of confidentiality. *Lag (2018: 1908)* .

Section 5 a Whoever as a result of ch. 1 or 2 § or ch. 35 Section 1 of the Public Access to Information and Secrecy Act (2009: 400) may not provide information that directly or indirectly reveals the identity of the person who has provided information for use in an activity specified in Chapter 18. 1 or 2 of the same law, may not be heard as a witness to the information.

The first paragraph does not apply

1. in the case of a informant whose information is invoked in support of a public prosecution,
2. if the authority in whose activities the information was obtained has given its consent, and if the person to whose benefit the confidentiality applies agrees,
3. if the identity of the informant can be revealed without risk to the informant's or his or her close relatives' safety of life or health, or if the identity can be revealed without the risk that an activity specified in ch. § 1 or 2 of the Public Access to Information and Secrecy Act is damaged, or
4. if the court considers that there is special reason to hear the witness about the information. *Lag (2017: 176)* .

Section 6 A witness may refuse to comment on a circumstance, the disclosure of which would reveal that the witness or someone close to the witness, referred to in section 3, has committed a criminal or degrading act.

A witness may also refuse to comment on professional secrecy.
He or she may also refuse to provide information about an individual's personal circumstances that are covered by secrecy according to ch. Section 11 of the Public Access to Information and Secrecy Act (2009: 400).

What is said in the second paragraph does not apply if there is a special reason for the witness to be heard about the professional secret or information. *Lag (2009: 401)* .

Section 7 A person who is to be heard as a witness shall, in the event of a fine, be summoned to appear at a hearing before the court.

The summons to the witness must provide the necessary information about the parties and the case and briefly state what the hearing is about. The witness shall also be reminded of his rights and obligations according to §§ 20 and 23-25.
Lag (1987: 747) .

Section 8 The court may order the person to be heard as a witness to, before he or she appears to testify, revive his or her knowledge of what the witness hearing is about by examining the books of accounts, notes or other documents available to the witness or inspecting a place or an object, if such can be done without significant inconvenience to the witness.

If the right according to ch. Section 4, first paragraph 4 or 5 of the Freedom of the Press Ordinance or Chapter 2 Section 4, first paragraph 4 or 5 of the Freedom of Expression

Act shall examine whether someone who is obliged to keep a statement referred to there secret, may still be heard as a witness, the court shall first, unless special reasons require otherwise, obtain an opinion from the company from which he or she has become aware of the task.
Lag (2018: 1908) .

Section 9 A witness may not, unless there are special reasons to do so, attend the hearing in the case before the hearing with the witness takes place.

If there are several witnesses in the case, they must be heard separately. If the statements of the witnesses are unclear or contradictory or are otherwise special reasons for the witnesses to be heard against each other, it may happen.

Section 10 Before a testimony is given, the court shall hear the witness about his full name and, if necessary, age, profession and domicile. The court shall also try to clarify whether the witness to the party or to the matter is in any relationship, which may be important for the assessment of trust in the witness' story, or if there are other circumstances of significance in this respect.

If there is a witness to a party in such a relationship, as referred to in section 3, the witness shall be reminded that he is not obliged to testify.

If the name stated by the witness is included in a qualified protection identity in accordance with the Act (2006: 939) on qualified protection identities, the witness must state this.
Law (2006: 940) .

Section 11 Before a witness gives his testimony, the witness shall take the oath:

"I promise and assure on honor and conscience that I will tell the whole truth and conceal, add or change anything." *Law (1975: 1288)*

Section 12 Has ceased to apply by *law (1975: 1288)* .

Section 13 An oath may not be taken by
1. a person who is under fifteen years of age; or
2. a person who, due to a mental disorder, is found to lack the necessary insight into the meaning of the oath.

Nor may in a criminal case an oath be taken by any of the accused close relatives, as referred to in section 3. *Lag (1991: 1549)* .

Section 14 Before a witness is heard, the court shall inform the witness of the obligation to tell the truth and, when the oath has been taken, of the importance of it. When there are reasons for it, the witness must also be informed of the content in §§ 5-6. *Lag (2017: 176)* .

Section 15 An oath shall be taken by each witness separately.

Witnesses who are heard again in the case may testify before the oath is taken; the witness shall be reminded by the court that this oath is still binding on him.
Lag (1975: 1288) .

Section 16 A witness shall submit his story orally. However, with the consent of the court, the witness may use notes to support the memory.

At an interrogation of a witness, what the witness has previously told before the court or before a prosecutor or the Police Authority may be presented only when the witness's account at the interrogation deviates from what he or she has previously told or when the witness at the interrogation explains that he or she cannot or does not want to testify. sig. If the interrogation concerns someone who has previously been heard before the court and has the previous interrogation documented through an audio and video recording, the interrogation must begin with a playback of the recording if it is not inappropriate. *Lag (2016: 37)* .

Section 17 An interrogation of witnesses shall be initiated by the party who invoked the interrogation, unless the court decides otherwise. During the interrogation, the witness must first be given the opportunity to present his story in a context on his own or, if necessary, with the support of questions.

The other party shall then have the opportunity to hear the witness. If the other party is not present or if it is needed for some other reason, the court should lead this part of the hearing.

Thereafter, the court and the parties may ask further questions to the witness.
The party invoking the hearing should first be given the opportunity to do so.

If neither party or both have invoked the hearing, this shall be initiated by the court, unless it is more appropriate for one of the parties to initiate the hearing.

Questions which, by their content, form or the manner in which they are presented, invite a certain answer, may not be asked other than whether it is necessary at an interrogation in accordance with the second paragraph to examine the extent to which the witness's account corresponds with the actual course of events. The court shall dismiss questions which are manifestly irrelevant or which are confusing or otherwise unfair. *Lag (1987: 747)* .

Section 18 The chairman **of the** court may decide that a party or an audience may not be present in the courtroom

1. if it can be assumed that a witness for fear of any other reason does not freely tell the truth due to the party's or audience's presence,
2. if the party or audience exposes a witness to pressure, or
3. if the party or audience interrupts or otherwise obstructs a witness in his or her story.

If there are special reasons, the chairman may, under the conditions set out in the first paragraph 1 or 2, decide that an audience shall be expelled from the court premises or the other premises used at the meeting.

When a meeting is held in the absence of a party in accordance with the first paragraph, the party shall, if possible, be allowed to follow the meeting by audio transmission or audio and video transmission. If this is not possible, what happens at the meeting shall be reproduced to the extent necessary when the party is present again. The party shall be given the opportunity to ask questions to a witness who is heard in the party's absence. *Lag (2019: 298)* .

Section 19 Interrogation of a witness may take place outside the main hearing,
1. if the witness is unable to appear at the main hearing,
2. if a suspension at the main hearing would entail costs or inconveniences that are not in reasonable proportion to the importance of the hearing being held at the main hearing, or
3. if it can be assumed that the case will be decided without a main hearing.

I 43 kap. § 3 and ch. 46 Section 3 contains provisions on when the court may take oral evidence if a main hearing is canceled. *Lag (2016: 37)* .

Section 20 If a witness called in accordance with section 7 fails to appear, the court may decide that the witness shall be brought to court, either immediately or until a later date. One reason for retrieval is that it can be assumed that the witness will not follow a new summons.

If the court does not decide on retrieval, the witness must be called again on a fine until a later day. *Lag (2014: 320)* .

Section 21 If a witness refuses without valid reason to take an oath or to testify or answer a question or to observe an injunction pursuant to section 8, the court shall impose a fine on the witness and, if the witness does not allow himself to be corrected, to fulfill his obligation. For no reason, as has now been said, anyone may be detained for a period longer than three months and in no case longer than until the court has separated the case from itself. A witness who has been remanded in custody shall be summoned to court no later than every fortnight. *Lag (1975: 1288)* .

Section 22 The provisions of this chapter on the imposition of fines and on detention do not apply to witnesses referred to in section 13, first paragraph. Such a witness may, however, be brought to court.

If the person who invoked a witness refrains from questioning the witness or if the question of questioning witnesses for other reasons lapses, no coercive measures pursuant to section 20 or 21 may then be used against the witness. *Lag (1987: 747)* .

Section 23 If a witness is guilty of such negligence or treason as is referred to in section 20 or 21 and the costs of a trial are thereby caused by one of the parties, the court shall, at the request of the party, order the witness to reimburse the cost to a reasonable extent. If a party has also been ordered by the court to reimburse the other party for such a cost and if the party has paid the compensation, he has the right to obtain from the witness what the witness was ordered to pay.

What has now been said about the witness' obligation to reimburse a party's costs shall also apply to costs caused to the state.

I 9 kap. Section 7 contains provisions on costs when no fine has been imposed. *Lag (2000: 564)* .

Section 24 A witness is entitled to compensation in accordance with what is stated below.

Compensation to a witness who has been invoked by an individual party shall be paid by the party. However, if it is reasonable in view of the party's financial circumstances, the court may decide that the compensation shall be paid from public funds. If the court has voluntarily summoned a witness and the matter is such that conciliation is permitted, or is a matter of liability for a crime that does not fall under public prosecution, the compensation shall be paid by the parties one for both and both for one. Otherwise, the compensation shall be paid from public funds.

Compensation to be paid by a party shall relate to the necessary costs for travel, subsistence and waste of time according to what the court considers reasonable. Compensation, which must be paid from public funds, is determined by the court in accordance with regulations issued by the government. *Lag (1996: 1624)* .

Section 25 A person summoned as a witness has the right to receive compensation in advance for travel and subsistence expenses. An advance shall be paid by the person who, in accordance with section 24, has to issue compensation to the witness. The size of the advance is determined by the court.

If a party who is obliged to issue an advance to a witness fails to pay such an advance on request, the party may not subsequently call for the hearing of the witness, if a postponement of the case should thereby be caused.

More detailed provisions on advances are announced by the government. *Lag (1974: 573)* .

Chapter 37 If interrogation with a party and with a plaintiff who does not bring an action

Section 1 In the case of interrogation for evidentiary purposes with a party or with a plaintiff who is not suing, ch. Section 17 applies. Unless the court decides otherwise, however, interrogation of the defendant in a criminal case shall be initiated by the court and the conduct of the interrogation shall thereafter be transferred to the prosecutor. *Lag (1987: 747)* .

Section 2 In civil cases, interrogation for evidentiary purposes with a party may take place during the declaration of truth. The hearing should be limited to circumstances that are of particular importance in the case.

Before the hearing under the first paragraph is held, the party shall make this declaration:

"I NN promise and assure on honor and conscience, that I shall tell the whole truth and conceal nothing, add or change." *Lag (1987: 747)* .

Section 3 At interrogations in accordance with this chapter, Chapter 36 shall otherwise apply. Section 9, second paragraph, Section 10, first and third paragraphs, Section 13, first paragraph, Section 16 and Sections 18 and 19 apply.

During interrogation during the declaration of truth, in addition to the legal spaces specified in the first paragraph, ch. 36 Sections 5 and 6, section 8, second paragraph, and sections 14 and 15 apply.

In criminal cases, in addition to the legal provisions specified in the first paragraph, ch. 36 Sections 24 and 25 apply in respect of compensation to the plaintiff, who has been summoned for questioning in connection with the prosecutor's action. This shall also apply when any party other than a plaintiff or a defendant has been summoned to such interrogation.

In applying the statutory provisions set out in the first to third paragraphs, what is said about a witness shall apply to a party or plaintiff who does not bring an action and what is said about an oath shall apply to a declaration of truth.
Law (2006: 940) .

Section 4 has been repealed by *law (1987: 747)* .

Section 5 has been repealed by *law (1987: 747)* .

38 Chap. About written proof

Section 1 A written document, which is invoked as evidence, should be presented in capital letters. Such a document may be presented in a certified copy, if it is sufficient or the main text is not available.

If the document also contains things which the holder according to section 2 does not own or is obliged to disclose or which should not otherwise be disclosed, he may instead of the document present a certified extract thereof.

§ 2 Holds any written document, which can be assumed to have significance as evidence, whether he is obliged to present it; such an obligation does not, however, be imposed in a criminal case on the suspect or the person to whom he is in such a relationship, as referred to in ch. 36. § 3.

Neither a party nor his relatives, as has now been said, is obliged to present written notice between the party and any of his relatives or between such relatives. Executives or others, referred to in ch. 36 § 5, may not present a written document, if its content can be assumed to be such that he may not be heard as a witness; the document is held by a party, in favor of which the duty of confidentiality applies, whether or not he is obliged to present the document. The statute in ch. 36 § 6 on the witness' right to refuse to testify have a corresponding application in the case of the holder of a written document, if its content is such as is referred to in the said law.

The obligation to present a written document does not apply to a memorandum or other such record, which is intended exclusively for personal use, unless there is a special reason for it to be presented.

§ 3 Is the holder of a written document due to a legal relationship between him and a party or otherwise according to law obliged to publish the document or have another take part in it, whether this also applies to the document's appearance in court.

§ 4 If someone is obliged to present a written document as evidence, the court may order him to present the document. The person to whom the injunction would relate shall be given an opportunity to comment. For examination of the question, an interrogation may be held with him in accordance with what is stated in ch. 36 or 37. is stipulated so that other evidence is presented.

Section 5 An order to submit a written document shall contain information on where and how the document is to be provided. The person who is to present the document may be fined for fulfilling his obligation. The court may also, if it is more appropriate, order that the document be provided through the enforcement agency. *Lag (1981: 828)* .

§ 6 Taking of evidence by written document may take place outside the main hearing,
1. if the document can not be presented at the main hearing,
2. if a presentation at the main hearing would entail costs or inconveniences that are not in reasonable proportion to the significance of the taking of evidence at the main hearing, or
3. if it can be assumed that the case will be decided without a main hearing. *Lag (2005: 683)* .

Section 7 If someone who is not a party has, at the request of a party or the court, provided a written document, he is entitled to compensation for costs and complaints according to what the court considers reasonable.

Compensation shall, if the occurrence of the document has been called for by an individual party, be issued by the party. Otherwise, the compensation shall be paid from public funds.

Section 8 If a public document can be assumed to have significance as evidence, the court may decide that the document shall be provided.

The first paragraph does not apply to
1. document that contains information, for which secrecy applies as a result of ch. 1 or 2 § or ch. 16 § 1 of the Public Access to Information and Secrecy Act (2009: 400) or a provision, to which reference is made in any of these areas of law, unless the authority that has to consider the question of disclosure of documents has given its permission,

2. a document whose content is such that someone who had a position with the document, according to ch. 36 § 5 second, third, fourth or sixth paragraph may not be heard about it, or
3. document by whose appearance professional secrecy would be revealed, unless there is a special reason.
Lag (2009: 401) .

Section 9 If provisions that deviate from what is prescribed in Sections 1-8 have been announced regarding the obligation to submit a written document, they shall apply.
Lag (1980: 101) .

39 Chap. About his

§ 1 For the cutting view of property or of objects, which can not be suitably moved to the court, or of a place where a certain event has occurred, the court may keep an eye on the place.

Upon inspection, professional secrets may not be disclosed, unless there is a special reason for doing so.

Section 2 Inspections may take place outside the main hearing,
1. if the inspection cannot be held at the main hearing,
2. if the inspection at the main hearing would entail costs or inconveniences that are not in reasonable proportion to the importance of it being held at the main hearing, or
3. if it can be assumed that the case will be decided without a main hearing. *Lag (2005: 683)* .

Section 3 Has been repealed by *law (1987: 747)* .

Section 4 The cost of inspection shall, except in cases referred to in Chapter 41, be applied by the State Administration. *Lag (1969: 244)* .

§ 5 Holds any object, which can suitably be moved to court and which can be assumed to have significance as evidence, whether he is obliged to provide it for sight; such an obligation does not, however, be imposed in a criminal case on the suspect or the person who is in a relationship with him, as referred to in ch. § 3. The statute in ch. 36 § 6 if the witness' right to refuse to testify has a corresponding application in respect of the right of a party or another to refuse to provide the object of sight. If the obligation to submit a written document for inspection applies to what in ch. 38 Section 2 is stipulated.

What in ch. 38 §§ 3-9 are stipulated to have a corresponding application regarding objects or written documents, which must be provided for inspection. *Lag (1980: 101)* .

40 Chap. About expert

§ 1 For the examination of a matter, the assessment of which requires special expertise, it is necessary to hire an expert, have the right to obtain an opinion from an authority or official or other person who is set to provide an opinion on the subject, or also commission one or more for honesty and for skill in the subject known persons to give an opinion.

§ 2 It may not be an expert who is in such a relationship to the matter or to either party that his reliability can thereby be considered impaired.

Section 3 Before an expert is appointed, the parties should be given an opportunity to comment on the matter. If the parties agree on an expert, he shall be engaged, if he is found suitable and does not encounter obstacles to it; the court may, however, together with him appoint another.

Section 4 Anyone who is not obliged to assist as an expert on behalf of the service or is set to provide an opinion is not obliged to perform expert assignments without his or her own commitment. If someone has undertaken such an assignment, he may not, without a valid excuse, withdraw from its fulfillment. However, an expert shall not be obliged to disclose professional secrets, unless there is a special reason for him to comment on them.

Section 5 If, for the purpose of obtaining information concerning a circumstance which is of significance to the expert's task, a party or other person should be heard before the main hearing or another investigation should be brought before the court, the court may order this. If the taking of evidence applies in applicable parts, what if the taking of evidence outside the main hearing is stipulated.

If an inspection of a property or of objects that cannot be moved appropriately is required, or of a place where a certain event has occurred, the court may order that the expert carry out an inspection on the spot. During an inspection, professional secrecy may not be disclosed, unless the court finds special reason to do so.

The court may order that objects which the holder according to ch. § 5 is obliged to appear in court, shall be provided for review by the expert.

Section 6 If it is appropriate for the parties to be present at an inspection carried out by an expert, the court may prescribe that they shall be summoned to the service through the care of the expert. If a party has been called, his absence may not constitute an obstacle to the conduct of the proceedings.

Minutes shall be kept of the procedure, in which it is noted who was present at the ceremony and what took place.

Section 7 If a statement by an authority, official or other person who is set to be provided with an opinion, what is stipulated or otherwise accepted applies.

Another expert shall, unless the court orders otherwise, give a written statement. The court shall impose on him a certain time within which the statement shall be given.

The opinion shall state the reasons and circumstances on which the judgment given therein is based.

Once a statement has been received by the court, it shall be kept available to the parties.

Section 8 An expert who has given his or her opinion in writing shall also be heard orally, if a party so requests and his or her hearing is not manifestly irrelevant or if the court otherwise deems it necessary. If a statement has been issued by an official, academy or other public body, the person or persons who have participated in the submission of the statement may not be heard orally, unless it is considered absolutely necessary; if several have participated in the issuance of the statement, only one representative for each sentence may be summoned.

Section 9 An expert who is heard orally shall, before giving his statement, take this oath:

"I promise and assure on honor and conscience that I will, to the best of my knowledge, fulfill the expert assignment given to me."

If the expert, when he is heard, has already given a statement, the oath shall then be adjusted.

After the expert has taken the oath, the court reminds him of the importance of the oath. *Lag (1975: 1288)* .

Section 10 When an expert is heard orally, the hearing is conducted by the court. However, with the court's permission, an expert may be heard by the parties. The court and the parties have the right to ask questions to the expert.

The court shall dismiss questions which are manifestly irrelevant or which are confusing or otherwise unfair.

If the expert has given a written statement, the statement may, if the court deems it appropriate, be read out in full or in part.

Section 11 What is said in ch. 36 Section 9, second paragraph, and Sections 15, 18 and 19 on witnesses shall also be applied in the case of an expert. *Lag (1987: 747)* .

Section 12 If a person who has undertaken to be an expert without a valid excuse fails to submit a written statement within the prescribed time, the court may impose a fine on him or her to issue a statement.

Section 13 has been repealed by *law (1987: 747)* .

Section 14 If an expert refuses without a valid reason to take an oath or to give a statement or answer a question, the court shall impose a fine on him to fulfill his obligation. *Lag (1975: 1288)* .

Section 15 has been repealed by *law (1987: 747)* .

Section 16 If an expert is guilty of such negligence or treason as is referred to in section 12 or 14, or if an expert, who has been summoned for questioning, is absent, and legal costs are incurred for one of the parties, the court shall at the request of the party order the expert to scope reimburse the cost. If a party to the right has also been ordered to reimburse the other party for such a cost and the party has paid the compensation, he has the right to obtain from the expert what he has been ordered to pay.

What has now been said about the expert's obligation to reimburse a party's cost shall also apply to costs caused to the state.

I 9 kap. Section 7 contains provisions on costs when no fine has been imposed. *Lag (2000: 564)* .

Section 17 If a statement has been issued by an authority, official or other person who is set to provide an opinion, compensation shall be paid only to the extent that a special regulation to that effect has been issued. Other experts are entitled to compensation for costs, which he had for the performance of the assignment, as well as for work and wasted time according to what the court considers reasonable.

The compensation shall, if the matter is such that conciliation is permitted, or is a matter of liability for offenses not subject to public prosecution, be issued by the parties one for both and both for one or, if the expert's request has been called for by only one party, by that party alone. Otherwise, the compensation shall be paid from public funds.

Section 18 An expert shall be entitled to an advance on his compensation according to what the court considers reasonable. Advances shall be paid by the person who, in accordance with section 17, has to issue compensation to the expert.

More detailed provisions on advances are announced by the government. *Lag (1974: 573)* .

Section 19 If a party as an expert wishes to invoke someone who has not been mentioned by the court, such an expert shall apply in applicable parts what is stipulated in Sections 7 and 8.

If the expert is heard orally, what is prescribed if a witness is otherwise applied; however, if the court deems it appropriate, a written statement may be read in whole or in part.

Section 20 Is a law or constitution prescribing the hearing of an expert in a certain case, whether applicable.

41 Chap. About evidence for future security

§ 1 Is there a danger that evidence concerning a circumstance, which is important for someone's right, will henceforth be lost or only with difficulty be able to be brought, and is not a trial about it, may in future security evidence by witness, expert or sight or written evidence admitted to the lower court. According to this chapter, however, evidence may not be taken for the purpose of gaining an investigation into a crime.

Section 2 If someone wants evidence to be taken up for future security, he shall apply to the court.

The application must state the circumstance which the applicant wishes to prove with the evidence, the nature of the evidence and the reasons which the applicant invokes in support of its admission, and, if so, the person whose right may otherwise depend on it.

§ 3 If evidence of future security has what if the taking of evidence in trial outside the main hearing is stipulated corresponding application; may, in addition to the applicant's, other person's right depend on the taking of the evidence, no summons is required of him, unless there are special reasons for doing so. No one is obliged to appear as a witness or expert in a court other than the one under which he is domiciled.

Section 4 The cost of obtaining evidence of future security shall be borne by the applicant.

If he, whose right may otherwise depend on the taking of evidence, has been present at the summons, he shall be entitled by the applicant to receive compensation for necessary expenses for travel and subsistence and for the waste of time according to what the court considers reasonable.

FOURTH DEPARTMENT

About the trial in the lower
court I. About the trial in civil cases

42 chap. On subpoena and preparation and on the determination of cases without a main hearing

Section 1 Anyone who wishes to initiate a trial against someone shall apply to the court in writing for a summons. *Lag (1987: 747)* .

Section 2 An application for a summons shall contain
1. a specific claim,
2. a detailed account of the circumstances relied on as a basis for the claim,
3. information on the evidence relied on and what is to be substantiated with each evidence, and
4. information on circumstances that make the court competent, unless the jurisdiction is stated in what is stated otherwise.

If the plaintiff has any wishes regarding how the case is to be handled, he should state these in the application.

The application must be personally signed by the plaintiff or his representative.

The written evidence relied on should be submitted with the application.
Lag (1987: 747) .

Section 3 If the summons application does not meet the regulations in section 2 or is otherwise incomplete, the court shall order the plaintiff to remedy the deficiency. The same applies if the prescribed application fee has not been paid. *Lag (1987: 448)* .

Section 4 If the plaintiff does not comply with an injunction pursuant to section 3, the application shall be rejected if it is so incomplete that it cannot without significant inconvenience be used as a basis for a trial or if the failure relates to payment of the application fee.

The application shall also be inadmissible if it is clear that the case is inadmissible on the ground of inadmissibility. *Lag (1987: 448)* .

Section 5 If the application is not rejected, the court shall issue a summons to the defendant to respond to the claim. However, if the plaintiff's submission does not include legal grounds for the claim or if it is otherwise obvious that this is unfounded, the court may immediately issue a judgment in the case without a summons being issued.

If a summons is issued, this shall be notified to the defendant together with the summons application and the documents attached thereto. *Lag (1984: 131)* .

Section 6 If a summons is issued, preparation in the case shall take place.

The purpose of the preparation is to clarify
1. the parties' claims and objections and the circumstances on which the parties rely on their action;
2. the extent to which the parties disagree on the facts relied on;
3. the evidence to be provided and the evidence to be substantiated; any evidence,
4. if further investigation or other measures are needed before the case is decided and
5. if there are conditions for conciliation or other consensual solution.

The court shall pursue the preparation with a focus on a quick decision of the case. As soon as appropriate, the court should hear the parties regarding the handling of the case.

The court shall establish a timetable for the handling of the case, unless it is unnecessary due to the nature of the case or for some other special reason. The parties shall continuously check that the schedule can be kept as far as they and their evidence are concerned. If a party deems that the schedule cannot be kept, this must be reported to the court immediately. If the court finds that the schedule cannot be kept, the parties shall be notified. *Lag (2006: 465)* .

Section 7 During the preparation, the defendant shall immediately submit a defense. This shall set out

first the objection of inadmissibility the defendant wants to do,

2. to what extent the plaintiff's claim is accepted or contested,

3. if the plaintiff's claim is contested, the basis for the observations concerning the circumstances in which the plaintiff bases his action on, and stating the circumstances which the defendant wishes to state and

4. information on the evidence relied on by the defendant and on what is to be substantiated with each piece of evidence.

The written evidence relied on should be submitted at the same time as the defense is filed. *Lag (1987: 747)* .

Section 8 During the preparation, the parties shall each state the additional circumstances that they wish to state and comment on what the other party has stated. They must also, to the extent that this has not happened before, state the evidence they wish to invoke and what they want to prove with each piece of evidence. Written evidence that has not already been presented must be submitted immediately. The parties are obliged to state at the request of the other party what other written evidence they hold.

The court shall, depending on the nature of the case, in the preparation work to ensure that the disputes are clarified and that the parties state everything they want to invoke in the case. The court shall, through questions and remarks, seek to remedy ambiguities and incompleteness in the parties' petitions.

The court may decide that different issues or parts of the case shall be dealt with separately in the preparation. *Lag (1987: 747)* .

Section 8 a has been repealed by *law (1987: 747)* .

Section 9 The preparation takes place at a meeting or through an exchange of letters or other proceedings. If appropriate, different forms of preparation may be combined.

Defendations pursuant to section 7 shall be submitted in writing, unless it is more appropriate in view of the nature of the case that the defense be submitted at a meeting.

When a written defense has been received by the court, a meeting shall be held as soon as possible, unless it is more appropriate in view of the nature of the case with continued correspondence.

If a meeting is held, the preparation shall, if possible, be concluded at this.
If this is not possible, the preparation shall continue through an exchange of letters or at a new meeting. *Lag (1987: 747)* .

Section 10 Has been repealed by *law (2005: 683)* .

Section 11 In cases where conciliation on the matter is permitted, the defendant may be ordered to submit a defense in writing in accordance with section 7 in the event that a default judgment may otherwise be issued against him. The injunction shall state what the defendant according to ch. 44 § 7 a or 7 b shall observe that a default judgment may not be issued against him. The injunction shall state when a default judgment may be issued.

In cases where conciliation on the matter is permitted, the plaintiff may, if he fails to participate in the case, be ordered to state no later than a certain day whether he maintains his action as a sanction that a default judgment may otherwise be issued against him. The injunction shall state when a default judgment may be issued. *Lag (2000: 172)* .

Section 12 In cases where conciliation on the matter is permitted, the parties shall be ordered to appear at a meeting in the event that a default judgment may otherwise be issued. Parties who must appear in person must also be fined. Parties who are to be heard for evidentiary purposes shall also be ordered to appear in person at the meeting in the event that a default judgment may otherwise be issued. If the meeting concerns a matter of inadmissibility, the second paragraph shall apply instead.

In cases where conciliation on the matter is not permitted, the plaintiff shall be ordered to appear at a meeting in the event that the claim otherwise lapses. A plaintiff who must appear in person must also be fined. A plaintiff who is to be heard for evidentiary purposes must also be ordered to appear in person at the meeting in the event that the claim otherwise lapses. The defendant shall be fined.

If necessary, the notice shall state what is to be discussed at the meeting. *Lag (2005: 683)* .

Section 13 At a meeting, the parties may submit or read out written submissions or other written speeches only if the court finds that it would facilitate the understanding of a speech or otherwise be to the advantage of the proceedings. *Lag (1987: 747)* .

Section 14 If it is in favor of the investigation in the case, the court should, before a meeting or continued exchange of letters, provide the parties with a list of the issues that should be addressed during the further proceedings.

Before a meeting, the parties shall familiarize themselves with the matter in such a way that no further meeting for preparation is necessary if possible. *Lag (1987: 747)* .

Section 15 If the matter is such that a settlement is permitted, a party may be ordered to finally determine his action and state the evidence he invokes, if this is called for with regard to how the party carried out his action earlier during the proceedings. After the expiration of such an opinion, the Party may not invoke any new circumstance or evidence unless it makes it probable that it has had a valid excuse for its failure to invoke the circumstance or evidence earlier. *Lag (1987: 747)* .

Section 15 a In cases where a settlement on the matter is permitted, the district court may notify the parties that the preparation shall at a certain later date be deemed to have been completed. In such case, after that time a party may invoke a new circumstance or evidence only if

1. the party makes it probable that he has had a valid excuse not to invoke the circumstance or evidence before or
2. the trial of the case is not delayed to any significant extent; if the invocation is allowed.

In the notification, the parties shall be informed of the effect of the notification. *Lag (2000: 172)* .

Section 16 The court shall make a written summary of the parties' claims and objections and the circumstances on which these are based, unless there is no need for a summary due to the nature of the case or for any other special reason. The court may order the parties to provide documentation for the compilation. Before the preparation is completed, the parties shall be given an opportunity to comment on the compilation. *Lag (2016: 37)* .

Section 17 The court shall work to ensure that the parties reach a settlement or otherwise reach a consensual solution, unless it is inappropriate with regard to the nature of the case and other circumstances.

In applying the first paragraph, in a case where conciliation on the matter is permitted, the court may decide on special mediation, if the parties agree to it. In such a case, the court shall order the parties to appear before a mediator before a mediator appointed by the court and state the time within which the mediation must be completed at the latest. The court may extend the time limit if there are special reasons for it.
Lag (2011: 861) .

17 a § I 56 kap. Sections 13--15 contain provisions that the district court may refer a matter to the Supreme Court.
Lag (1994: 1034) .

Section 18 A case is decided after the main hearing. Without such a hearing, the court may, however,
1. decide a case other than by judgment,
2. issue a judgment of third instance,
3. issue a judgment in connection with an action that has been admitted or remitted,
4. confirm a settlement and
5. also otherwise issue a judgment; if the main hearing is not needed with regard to the investigation in the case and is not requested by either of the parties.

Before a case is decided on the basis of the first paragraph 5, the parties shall, if they cannot be considered to have already completed their action, be given an opportunity to do so.

Before a case is decided by a default judgment according to ch. 44 7 a or 7 b §, applies what is said in the second paragraph in respect of the plaintiff.

Before a case is decided by a default judgment according to ch. 44 § 7 c, applies what is said in the second paragraph in respect of the defendant.
Lag (2000: 172) .

§ 19 If, in order for the evidence to be available at once at the main hearing, it is required that an opinion is obtained by an expert, written evidence is presented, objects are provided for inspection or inspection or other preparatory action is taken, a decision to this effect shall be announced during preparation.

If evidence is to be taken outside the main hearing, an order to that effect should also be issued during the preparation.

If a party wishes a measure, as has now been said, to be taken, he shall, as soon as possible, make a request to that effect to the court.

Section 20 The main hearing for the handling of a trial issue or part of the case, which can be decided separately, may be held even if the preparation of the case has not otherwise been completed.

The main hearing may, with the consent of the parties, be held in a simplified form, if this is possible with regard to the rules in ch. 43. 2 §. Such a main hearing may take place immediately in connection with the preparation or, provided that the same judge is present in court, within fifteen days from the date on which the oral preparation ended. Irrespective of the consent of the parties, the main hearing in simplified form may be held in immediate connection with the preparation, if the matter is obvious.

At the main hearing in simplified form, what took place during the meeting when the oral preparation was concluded shall be deemed to have taken place at the main hearing without it having to be repeated at this. *Lag (2005: 683)* .

Section 21 In the case of a summons to a main hearing, section 12 applies. *Lag (1987: 747)* .

Section 22 If a party wishes to invoke evidence at the main hearing which he did not provide during the preparation, he shall immediately notify the court and the other party of the evidence and what he wishes to prove thereby.

43 Chap. About the main hearing

Section 1 When the case is called, the court shall obtain information as to whether there are obstacles to the case being undertaken for final processing.

Section 2 The main hearing shall be adjourned and postponed until another day:
1. if a party, who is present should attend in person, appear only through a representative;
2. if a witness or expert who is to be heard is not present;
3. if a party wishes to state a new important reason or invoke new evidence and the other party is found to be in need of a deferral to respond to what the party wishes to request; or
4. if there are otherwise obstacles to the undertaking of the case until final processing.

If it can be assumed that the obstacle will be removed before the end of the proceedings, the main hearing may be held.

§ 3 If there is such an obstacle to the main hearing as referred to in § 2, the hearing may still begin if it can be assumed that the obstacle will be removed without a new main hearing having to be held according to § 11 third paragraph and a division of the hearing is not inappropriate with consideration of the nature of the case.

If the main hearing is adjourned, the court may still take oral evidence if the defendant has been served with the summons and the person to be heard is available and it is appropriate.

If it is of particular importance to the investigation, other processing may also take place in connection with the taking of evidence in accordance with the second paragraph.

If evidence is taken on the basis of the second or third paragraph, the provisions on evidence taken outside the main hearing shall apply mutatis mutandis. *Lag (2016: 37)* .

Section 4 The court shall ensure that order and order are observed in the proceedings. The court may decide that different issues or parts of the case shall be dealt with separately or that otherwise deviations shall be made from the order prescribed in §§ 7--9.

The court shall also ensure that the case is investigated according to what its nature requires and that nothing unnecessary is drawn into the case. Through questions and remarks, the court shall try to remedy ambiguities and incompleteness in the statements made. *Lag (1987: 747)* .

Section 5 The hearing shall be oral. The parties may submit or read out written submissions or other written speeches only if the court finds that it would facilitate the understanding of a speech or otherwise be to the advantage of the proceedings.

What a party has stated during the preparation may, however, be read out if the information provided by the party at the hearing deviates from the information provided by the party during the preparation or the party fails to comment or there is some other special reason. *Lag (2005: 683)* .

Section 6 A party shall truthfully account for the circumstances he invokes in the case and comment on the circumstances stated by the other party and answer questions posed.

If a party submits information that contradicts what he has previously stated, or there is otherwise a contradiction in the party's information, he shall be asked to explain himself.

Section 7 At the main hearing, the court shall initially, if appropriate, give a brief account of the state of the dispute and of what is to be dealt with at the hearing.

Thereafter, the plaintiff shall make his claim. The defendant must state whether the claim is granted or disputed. Each party must then develop its action and comment on what the other party has stated.

If the main hearing is held despite the absence of one of the parties, the court shall, to the extent necessary, ensure that what the party has previously stated is presented from the documents.

Requests pursuant to the second and third paragraphs may be made through references to documents in the case, if the court deems it appropriate. *Lag (2005: 683)* .

Section 8 After the parties have developed their action, the evidence shall be presented.

If a party is to be heard for evidentiary purposes, the hearing should be held before testimony is taken on the circumstance to which the hearing relates.

The evidence may be presented through references to audio and video recordings and other documents in the case, if the court deems it appropriate. *Lag (2016: 37)* .

Section 9 After the evidence has been presented, the parties may make final speeches. *Lag (2005: 683)* .

§ 10 If a party during the main hearing changes or makes additions to previously submitted information or if he invokes circumstances or evidence that he did not state before the beginning of the hearing, the new material may be disregarded, if it can be assumed that the party through this procedure tries to delay the trial or surprise the other party or that the party is otherwise acting in an improper manner or out of gross negligence. *Lag (1987: 747)* .

Section 11 The main hearing shall be conducted without unnecessary pauses and as far as possible in one context.

If the main hearing does not require more than three days, it shall be conducted within one week. In other cases, the hearing must last at least three days a week.

If there are special reasons with regard to the scope of the case, the length of the main hearing or other special circumstances, a stay may be made to a greater extent than what follows from the second paragraph. A new main hearing shall be held if the hearing has been suspended to such an extent that the purpose of a coherent main hearing has been substantially lost.

With regard to an injunction in the summons to a later hearing, what is stated in ch. 42 applies. 12 §. If a case is postponed to a further main hearing, instead of an injunction pursuant to section 12, first paragraph, a party may be ordered to appear as a sanction that otherwise a default judgment may be issued against him or the case decided without hindrance of his absence.
Lag (2000: 172) .

Section 12 When a case is postponed to a continued or new main hearing, the court has the right, in order for the case at this to be completed, order that preparation shall take place again, and issue the necessary regulations thereon.

Section 13 In the event of a continued main hearing, the proceedings shall continue where they ended at the previous hearing.

At a new main hearing, the case must be presented for complete processing. Evidence that has been taken up in the previous proceedings must be taken up again, if the court finds that it is relevant in the case and there is no obstacle to taking up the evidence. If an interrogation that has been recorded at the previous hearing can be presented through an audio and video recording, it may be re-recorded only if further questions need to be asked or if there are special reasons. In cases where conciliation on the matter is permitted, it is also required that one of the parties requests that the evidence be taken up again. If a piece of evidence is not taken up again, it must be presented in an appropriate manner. *Lag (2016: 37)* .

Section 14 If the court after the main hearing has concluded that it is necessary to complete the investigation before the case is decided, continued or new main hearing may be held in accordance with the rules in this chapter. If the supplement is of a simple nature, the court may, after consultation with the parties, instead decide that the investigation shall be obtained in another suitable manner. *Lag (1987: 747)* .

Chapter 44 About party absence etc.

§ 1 If both parties are absent from a meeting during the preparation, the case shall be written off. *Lag (2005: 683)* .

§ 2 If, in cases where conciliation on the matter is permitted, one party is absent from a meeting during the preparation and the absentee has been ordered to appear as a sanction that a third-party judgment may otherwise be issued, such judgment shall be issued against him or her, if the other party requests the. If a default judgment is not sought, the case must be written off.

If the defendant is absent, however, at the request of the plaintiff, the case may be postponed to a new meeting. If the defendant does not appear at this meeting either, the first paragraph applies.

The first and second paragraphs also apply when a party, who has been ordered to appear in person at the meeting following a judgment of third instance, does not comply with the order.

If the meeting concerns a matter of impediment to proceedings, section 3 shall apply instead of the first-third paragraphs. *Lag (2005: 683)* .

Section 3 If, in cases where conciliation if the matter is not permitted, the plaintiff fails to attend a meeting during the preparation and has been ordered to appear in a sanction that the claim otherwise lapses, the case shall be dismissed.

The first paragraph also applies when a plaintiff, who has been ordered to appear in person at the meeting in the event that the claim otherwise lapses, does not comply with the injunction.

If the defendant fails to appear and a fine has been imposed, the court may, instead of imposing a new fine, decide that the defendant shall be brought to court either immediately or until a later date.
Lag (2005: 683) .

§ 4 If a party fails to appear or fails to appear in person at a main hearing, §§ 1-3 apply.

If a party has been ordered to appear or appear in person as a sanction that a default judgment may otherwise be announced or that the case can be decided even if the party fails to appear, and no default judgment is given, the right to claim from the party who has appeared may still conduct the main hearing.
If no such claim is made, the case shall be written off.
Lag (2005: 683) .

§ 5 If a party is present through a representative, when an injunction has been issued to him in the event of a fine to appear in person, and if the matter is such that a settlement is not permitted, the court, instead of imposing a new fine, orders that he be brought to court either immediately or until later.

Section 6 If a fine has been imposed on a party or a party shall be brought to court and if collection is not possible, the preparation may, however, be terminated or the case decided without prejudice to the party having arrived only through a representative or absent.

Section 7 If a party fails to appear at a meeting where a question of a trial is to be tried, the question may nevertheless be tried, whether the proceedings of the case are to continue. *Lag (2005: 683)* .

Section 7 a If the defendant fails to comply with an injunction to submit a written defense in the event of a sanction that a default judgment may otherwise be issued against him, such a judgment may be issued, unless the plaintiff has objected to it.

The defendant shall be deemed to have complied with an injunction to file a defense, if he has clarified his position on the plaintiff's claim and stated reasons that may be relevant in examining the case. *Lag (1987: 747)* .

§ 7 b If the plaintiff has based his claim on a written receipt or on a written commitment concerning fulfillment other than payment, a default judgment may be issued even if the defendant, following an order to submit a written defense in the event of a default judgment, fulfilled what is stated in § 7 a second paragraph but failed to show probable cause for its attitude.

A default judgment under the first paragraph may not be issued
1. if the plaintiff's claim is based on a mutually binding agreement and the defendant objects to the consideration,
2. if a default judgment has been issued earlier in the case, or
3. if the plaintiff opposes it. *Lag (1996: 1024)* .

Section 7 c If the plaintiff does not comply with an injunction pursuant to ch. 42 Section 11, second paragraph, to state whether he maintains his action, a default judgment may be issued against him. *Lag (2000: 172)* .

Section 8 When a default judgment is issued against the plaintiff, the claim shall be dismissed, unless this has been admitted by the defendant or it is otherwise obvious that the claim is well founded.

Third-party judgment against the defendant shall be based on the plaintiff's presentation of the circumstances of the case, insofar as the defendant has received part of the petition and it does not conflict with a situation which is generally known. To the extent that the petition does not include legal grounds for the claim or it is otherwise obvious that the claim is unfounded, it shall be rejected.

The judgment shall be described as a default judgment.

Section 9 A party against whom a default judgment has been issued may apply to the court where the action was brought for recovery within one month from the day on which the judgment was announced. If recovery is not sought, the judgment is upheld to the extent that it has been received by the party.

The application for recycling must be made in writing. If a default judgment has been issued without a main hearing, the application should contain everything that is necessary on the part of the applicant for the completion of the preparation. *Lag (2000: 172)* .

Section 10 In the case of recovery, the handling of the case, insofar as recovery has been sought, shall continue where it left off when the issue of a default judgment was raised.

A party against whom a default judgment is re-issued is not entitled to recovery in the case. *Lag (1996: 1024)* .

II. ABOUT THE PROCEEDINGS IN CRIMINAL CASES

Chapter 45 On bringing public prosecution, on preparation and on the determination of cases without a main hearing

Section 1 Prosecution is instituted by the prosecutor applying to the court in writing for a summons against the person to be prosecuted. Prosecution shall be deemed to have been brought when the summons application was received by the court.

The court may, in consultation with the prosecutor concerned or the prosecuting authority, instruct the prosecutor to issue a summons. In such a case, the prosecutor shall, in connection with the issuance of a summons, submit a copy of the summons to the court. Prosecution is considered to have been brought when this copy came to court.

New prosecution may not be brought against the accused for an act for which he or she is already being prosecuted. *Lag (2002: 440)* .

Section 2 Prosecution for misconduct in the trial may be brought without a summons.

If someone commits another crime before the court at its meeting, prosecution for the crime may be brought without a summons, if the court, in view of the nature of the crime and other circumstances, deems it appropriate.

Is otherwise otherwise prescribed in special cases, that prosecution may be brought without summons, whether applicable.

Section 3 If charges have been brought against someone for several crimes, the charges shall be dealt with in a trial. However, the charges may be dealt with separately if it is to the advantage of the case and there are no special reasons against it.

If prosecution has been brought against several persons, the prosecution may be dealt with in a trial if it is to the advantage of the case or there are otherwise reasons for it.

Prosecution may not be combined if the court is not competent to handle any of the charges or if there are different types of proceedings for them.

Prosecutions that are handled jointly may be divided when there are reasons for it. *Lag (2014: 320)* .

Section 3 a The prosecutor and the person assisting him or her shall conduct their work objectively even after prosecution has been brought. *Lag (2016: 546)* .

Section 4 In the summons application, the prosecutor shall state:
1. the accused,
2. the plaintiff, if any,
3. the criminal act with information about the time and place of its commission and the other circumstances necessary for its characterization and the provisions that are applicable,
4. the evidence relied on and what is to be proved by each evidence, and
5. the circumstances which make the court competent, unless the jurisdiction is otherwise stated.

In connection with the prosecution being brought, the prosecutor also wants to bring an action for an individual claim according to ch. § 2, the prosecutor shall in the application provide information about the claim and the circumstances on which it is based as well as the evidence that is invoked and what must be substantiated with each evidence.

If the accused is or has been arrested or detained due to suspicion of crime covered by the indictment, the prosecutor must state this in the summons application. Information must also be provided about the time of detention.

If the prosecutor has any wishes about how the case should be handled, these should be stated in the lawsuit.

The application must be signed by the prosecutor. An application submitted electronically must be signed with an electronic signature as referred to in Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trusted services for electronic transactions in the internal market. market and repealing Directive 1999/93 / EC, as amended, or transmitted in a manner that satisfies the corresponding security requirements. *Lag (2016: 562)* .

Section 5 Prosecution may not be changed. The prosecutor may, however, against the same defendant extend the prosecution to refer to another act, if the court, with regard to the investigation and other circumstances, deems it appropriate.

The prosecutor or plaintiff may also, after prosecution, bring an action against the defendant for an individual claim due to the crime, if the court, in view of the investigation and other circumstances, deems it appropriate. The same applies when the claim has been taken over by another.

It is not considered as a change of prosecution that the prosecutor in respect of the same act restricts his action or invokes other legal space than stated in the lawsuit or a new circumstance in support of the prosecution. *Lag (1969: 588)* .

§ 6 If the prosecutor according to § 2 first or second paragraph wants to prosecute for a crime or according to § 5 extend the prosecution or if the prosecutor, plaintiff or the person who has taken over the plaintiff's claim, according to the latter section bring an action for individual claim, it may be orally before the court or and in writing. The defendant shall receive part thereof.
The action, as has now been said, must be regarded as having been brought before the court. *Lag (1969: 588)* .

Section 7 If a preliminary investigation has taken place in the case, the prosecutor shall, when the prosecution is brought or as soon as possible thereafter, submit to the court minutes or notes from the preliminary investigation as well as the written documents and objects that are invoked as evidence.
However, things that do not concern the prosecution should not be filed.
Lag (2012: 326) .

Section 8 The writ of summons shall be rejected if the court finds it obvious that the person bringing the prosecution does not have the right to speak about the crime or that the case cannot be taken up for review due to another obstacle to the trial.

Section 9 If the application is not rejected, the court shall issue a summons on the defendant to respond to the indictment.

The summons shall, together with the summons application and accompanying documents, be served on the defendant. Information about the plaintiff's or witnesses' age, occupation and residential address, which is not relevant to the prosecution, shall not appear in the documents that are served.
Lag (1994: 420) .

Section 10 In the summons, the court shall also order the defendant to state orally or in writing what evidence he or she invokes and what he or she wants to prove with each piece of evidence. However, this does not apply if, due to the defendant's confession or other circumstances, it can be assumed that information about evidence is not needed.

The written evidence relied on should be submitted at the same time as the evidence is provided.

Depending on the nature of the case, the court shall work to ensure that the case is prepared so that the main hearing can be conducted in an appropriate manner. If necessary, the court may order the defendant to state in writing his or her attitude to the indictment and the basis for it. Preparation may take place at a meeting or through correspondence or other proceedings. If appropriate, different forms of preparation may be combined. *Lag (2014: 320)* .

Section 10 a A case shall be decided after the main hearing. Without such a hearing, however, the court may
1. decide a case in another way than by judgment,
2. issue an acquittal in accordance with ch. § 9 second paragraph, and
3. issue a judgment in a case where there is no reason to impose a sanction other than a fine, if the main hearing is neither requested by any of the parties or needed with regard to the investigation in the case.

Before a case is decided on the basis of the first paragraph 3,
1. the defendant shall be informed that the case may be decided without a main hearing and of his right to such a hearing, and
2. the parties, if they cannot be considered to have already completed their action , is given the opportunity to do so. *Lag (2005: 683)* .

Section 11 In order for the case to be completed at the main hearing in one context, the preliminary investigation should be completed or, if a preliminary investigation has not taken place, such should be carried out, the court may issue an order to the prosecutor.

§ 12 If, in order for the evidence to be available at once at the main hearing, it is required that an opinion is obtained by an expert, written evidence is presented, objects are provided for inspection or inspection or other preparatory action is taken, a decision to this effect shall be announced without delay.

If evidence is to be taken outside the main hearing, an order to that effect should also be issued without delay.

If a party wishes a measure, as has now been said, to be taken, he shall, as soon as possible, make a request to that effect to the court.

Section 13 If it is necessary for the preparation **of the** case or for any other reason, the court shall hold a meeting with parties and others concerned. In assessing whether a meeting is needed, the court must pay special attention to whether the scope of the case means that a meeting can be assumed to promote that the main hearing can be conducted in an appropriate manner. In the case of summoning of parties, section 15 shall apply.

If no one is summoned to the meeting, this may still be held if it promotes the preparation of the case. If the person who has not been fined has been fined, the court may decide that a new fine shall be imposed or that he or she shall be brought to court.

I 24-27 kap. there are provisions on meetings for the examination of coercive measures. *Lag (2014: 320)* .

Section 14 The court shall determine the time for the main hearing as soon as possible. For the consideration of a trial issue or a part of the case that may be decided separately, the main hearing may be adjourned, despite the fact that the case is otherwise not prepared for the main hearing.

If the accused has been arrested or detained, the main hearing shall begin as soon as possible and no later than within two weeks from the day on which the indictment was brought, unless a meeting pursuant to section 13 has been held. If such a meeting has been held, the main hearing shall instead begin no later than three weeks from the day on which the prosecution was brought.

The main hearing may begin later than stated in the second paragraph, if a longer suspension is necessary for a special investigation of the defendant's personal circumstances to be completed or due to a measure referred to in § 11 or 12, the scope of the case or any other circumstance. If the accused has been detained after the indictment, the time shall be counted from the day of his or her detention.

If the defendant is banned from traveling, the main hearing shall begin as soon as possible and no later than one month from the day the indictment was brought, unless a further suspension is necessary for a special investigation of the defendant's personal circumstances to be completed or due to a measure referred to in section 11 or 12, the scope of the case or any other circumstance. If the travel ban has been announced after the prosecution, the time shall be counted from the day of notification of the decision. *Lag (2014: 320)* .

Section 15 The prosecutor shall be summoned to the main hearing. If the plaintiff assists the prosecution or otherwise brings an action together with the prosecutor or if he or she is to be heard in connection with the prosecutor's action, the plaintiff shall also be called. Should the plaintiff appear in person, the court shall impose a fine on him or her.

The defendant shall be summoned to the main hearing in the summons or by special summons. Should he or she appear in person or is required to be present in any other way, the court shall impose a fine on him or her. If there is reason to believe that the defendant would not comply with such an injunction, the court may decide that he or she shall be summoned to the main hearing. Can the goal according to ch. 46 § 15 a will be decided despite the fact that the defendant has appeared only through a representative or has been absent, he or she shall be reminded of this in the summons. The court decides on the suspension of the person who is arrested or detained.

Provisions on summoning a witness and expert are found in Chapters 36 and 40. *Lag (2001: 235)* .

Section 16 A summons issued by the prosecutor shall have the content specified in section 4 of the summons application and be signed by the prosecutor.

In the summons, the prosecutor must also instruct the defendant to state orally or in writing to the court within a certain time, determined by the prosecutor, the evidence he or she wishes to invoke at the main hearing and what is to be substantiated with each specific piece of evidence. However, this does not apply if, due to the defendant's confession or any other circumstance, the prosecutor finds that it is obvious that evidence will not be provided by the defendant. If appropriate, the prosecutor may summon the defendant to the main hearing.

A prosecutor who submits a case to the main hearing shall follow the regulations on the time of the main hearing issued by the court. The prosecutor may arrange for such summonses and injunctions as are referred to in section 15.

The summons and the documents attached to it shall be served on the defendant. Information about the plaintiff's or witnesses' age, occupation and residential address, which is not relevant to the prosecution, shall not appear in the documents that are served. After the summons has been served, proof of this must be submitted to the court. When such summonses and injunctions referred to in the third paragraph have been served, they shall be submitted to the court with proof of service.

Questions concerning the imposition of a fine imposed in a summons on the basis of the third paragraph are examined by the court without a special application. *Lag (2002: 440)* .

Section 17 If a party wishes to invoke evidence at the main hearing which he has not previously stated, he shall immediately notify the court and the other party of the evidence and what he wishes to prove thereby.

Section 18 Has ceased by *law (1976: 567)* .

46 Chap. On the main hearing in a case in which public prosecution is conducted

Section 1 When the case is called, the court shall obtain information as to whether there are obstacles to the case being undertaken for final processing.

Section 2 The main hearing shall be adjourned and adjourned until another day:
1. if the prosecutor is not present;
2. if the defendant has failed to appear or, when the injunction has been notified to him to appear in person, has arrived only through a representative and such a case is not obvious, that the case may be decided without hindrance;
3. if, when the defendant is required by law to have a defense counsel, such a defendant is not present and the defense counsel is not immediately appointed;
4. if the plaintiff, witness or expert who is to be heard is not present;
5. if a party wishes to state a new important reason or invoke new evidence and the other party is found to be in need of a deferral to respond to what the party wishes to request; or
6. if there are otherwise obstacles to the undertaking of the case until final processing.

If it can be assumed that the obstacle will be removed before the end of the proceedings, the main hearing may be held.

§ 3 If there is such an obstacle to the main hearing as referred to in § 2 first paragraph 4-6, the hearing may still be started if it can be assumed that the obstacle will be removed without a new main hearing having to be held according to § 11 third paragraph and a division of the hearing is not inappropriate in view of the nature of the case.

If the main hearing is adjourned, the court may still take oral evidence if the defendant has been served with a summons and the person to be heard is available and it is appropriate.

If it is of particular importance to the investigation, other processing may also take place in connection with the taking of evidence in accordance with the second paragraph.

If evidence is taken on the basis of the second or third paragraph, the provisions of evidence taken outside the main hearing shall apply mutatis mutandis. *Lag (2016: 37)* .

Section 4 The court shall ensure that order and order are observed in the proceedings. The court may decide that different issues or parts of the case shall be dealt with separately or that otherwise deviations shall be made from the procedure prescribed in sections 6, 9 and 10.

The court shall also ensure that the case is investigated according to what its nature requires and that nothing unnecessary is drawn into the case. Through questions and remarks, the court shall try to remedy ambiguities and incompleteness in the statements made. *Lag (1987: 747)* .

Section 5 The hearing shall be oral. The parties may submit or read out written submissions or other written speeches only if the court finds that it would facilitate the understanding of a speech or otherwise be to the advantage of the proceedings. *Lag (1987: 747)* .

Section 6 At the main hearing, the prosecutor shall present his claim. The defendant shall be asked to briefly state his position and the basis for it. The prosecutor must then develop his case. The plaintiff and the defendant shall, to the extent necessary, be given an opportunity to develop their action.

Thereafter, the plaintiff and the defendant shall be heard and other evidence presented. Interrogation with the plaintiff and the defendant should be held before testimony is taken about the circumstance to which the interrogation applies.

If a main hearing is held despite the fact that the plaintiff or the defendant is not present, the court shall, to the extent necessary, ensure that what he or she has previously stated is presented from the documents.

Submissions pursuant to the first and third paragraphs as well as presentation of the evidence may be made through references to audio and video recordings and other documents in the case, if the court deems it appropriate. *Lag (2016: 37)* .

Section 7 Has been repealed by *law (2005: 683)* .

Section 8 If the plaintiff does not bring an action in the case and it is not inappropriate in view of the circumstances, the court may decide that the plaintiff shall not be present at the main hearing before he is to be heard. *Lag (1987: 747)* .

Section 9 To the extent necessary, information about the defendant from the indictment register and an investigation of the defendant's personal circumstances shall be submitted. This may be done through references to documents in the case. *Lag (2005: 683)* .

Section 10 After the evidence has been presented, the parties may make final speeches. *Lag (2005: 683)* .

Section 11 The main hearing shall be conducted without unnecessary pauses and as far as possible in one context.

If the main hearing does not require more than three days, it shall be conducted within one week. In other cases, the hearing must last at least three days a week.

If there are special reasons with regard to the scope of the case, the length of the main hearing or other special circumstances, a stay may be made to a greater extent than what follows from the second paragraph. A new main hearing shall be held if the hearing has been suspended to such an extent that the purpose of a coherent main hearing has been substantially lost. If the defendant is in custody, a break may not be made for more than a week, unless a special break is necessary due to special circumstances.

With regard to an injunction in the summons to a later hearing, what is stated in ch. 45 applies. § 15. *Lag (2000: 172)* .

Section 12 When a case is postponed to a continued or new main hearing, the court may order the measures, which are appropriate, so that the case can be completed at that hearing. If such a measure applies, what in ch. 45 Sections 11-13 are stipulated.

Section 13 In the event of a continued main hearing, the proceedings shall continue where they ended at the previous hearing.

At a new main hearing, the case must be presented for complete processing. Evidence that has been taken up in the previous proceedings must be taken up again, if the court finds that it is relevant in the case and there is no obstacle to taking up the evidence. If an interrogation that has been recorded at the previous hearing can be presented through an audio and video recording, it may be re-recorded only if further questions need to be asked or if there are special reasons. If a piece of evidence is not taken up again, it must be presented in an appropriate manner. *Lag (2016: 37)* .

Section 14 If a plaintiff who is to be heard in connection with the prosecutor's action does not appear in person at a trial for a main hearing, the court shall decide whether a fine shall be imposed. The court may decide that the plaintiff shall be brought before the court, either immediately or at a later date. One reason for retrieval is that it can be assumed that the plaintiffs will not follow a new summons.

If the court does not decide on collection, the plaintiff must be called again on a fine until a later day. *Lag (2014: 320)* .

Section 15 If a defendant is absent from a trial for a main hearing or appears through a representative when he or she has been ordered to appear in person, the court shall in the first instance examine whether the case can be decided in accordance with section 15 a. If it is not possible to decide the case, the court must decide whether a fine should be imposed. The court shall also decide whether the defendant is to be taken to court, either immediately or at a later date, or detained, if there are conditions for detention in accordance with ch.

One reason for

1. retrieval is that it can be assumed that the defendant will not follow a new summons,
2. detention is that due to previous retrieval attempts in the case has failed or for some other reason it is probable that the defendant cannot be retrieved .

If the court does not decide on collection or detention, the defendant shall be summoned again on a fine until a later day.
Lag (2014: 320) .

Section 15 a If the case can be investigated satisfactorily, the case may be decided even though the defendant has appeared only through a representative or has failed to appear, if

1. there is no reason to impose a sanction other than a fine, imprisonment for a

maximum of six months, probation or probation or such sanctions jointly,
2. the defendant, after being served with a summons, has deviated or abstained in such a way that he or she cannot be brought to the main hearing or
3. the defendant suffers from a serious mental disorder and his or her presence is therefore not necessary.

The first paragraph 1 also applies to the confiscation of conditionally granted release from prison if there is no reason to confiscate a sentence which, together with a prison sentence imposed, exceeds six months. A decision according to ch. 34 Section 3 of the Criminal Code shall be equated with the penalties specified in the first paragraph 1.

Trial issues may be decided even though the defendant has failed to appear. *Lag (2018: 120)* .

Section 16 When the defendant is required by law to have a defense counsel, if not present, the court shall, if possible, appoint someone who is present at the court and is competent to receive such an assignment, to defend the defendant.

Section 17 If the court after the main hearing has concluded that it is necessary to complete the investigation before the case is decided, a continued or new main hearing may be held in accordance with the rules in this chapter. If the supplement is of a simple nature, the court may, after consultation with the parties, instead decide that the investigation shall be obtained in another suitable manner. *Lag (1987: 747)* .

47 Chap. On bringing an individual prosecution and a main hearing in a case in which such a prosecution is brought

Section 1 If the plaintiff wishes to bring an action, he shall make a written application to the court for a summons on the person to be prosecuted. Prosecution shall be deemed to have been brought when the summons application was received by the court.

If the defendant in the same case wants to bring an action against the plaintiff or the prosecutor for false or unjustified prosecution, false statement or other false allegation regarding crime, it may be done without a summons orally before the court or in writing. The person against whom the action is brought shall receive part thereof. *Lag (1948: 453)* .

§ 2 An application for a summons shall contain information about
1. the accused,
2. the criminal act with an indication of the time and place of its commission and the other circumstances required for its characterization, as well as the applicable law (s),
3. the individual claims, the plaintiffs want to produce as well as a detailed explanation of the circumstances invoked as the basis for the claim,
the fourth of the evidence and what must be supported by any evidence, and
5. the circumstances make the right jurisdiction, unless the competence is stated in what is stated in other respects.

If the plaintiff has any wishes about how the case should be handled, he should state these in the application.

The application must be personally signed by the plaintiff or his representative.

If the crime is such that the plaintiff may bring charges only if the prosecutor decides not to prosecute, a certificate must be submitted together with the application stating that such a decision has been issued. The written evidence relied on should also be submitted with the application. *Lag (1987: 747)* .

Section 3 If the summons application does not comply with the regulations in section 2 or is otherwise incomplete or if such a certificate, as referred to in section 2, fourth paragraph, has not been presented, the court shall order the plaintiffs to remedy the deficiency. The same applies if the prescribed application fee has not been paid. *Lag (1989: 656)* .

Section 4 If the plaintiff does not comply with an injunction pursuant to section 3, the application shall be rejected, if it is so incomplete that it cannot without significant inconvenience be used as a basis for a trial in the issue of liability. The same applies if a certificate referred to in section 2, fourth paragraph, has not been presented or if the failure relates to payment of the application fee. *Lag (1989: 656)* .

Section 5 If the application is not rejected, the court shall issue a summons on the defendant to respond to the prosecution. However, if the plaintiff's submission does not include legal grounds for the prosecution or if it is otherwise obvious that this is unfounded, the court may immediately issue a judgment in the case without a summons being issued.

If a summons is issued, this shall be served on the defendant together with the summons application and the documents attached thereto. *Lag (1984: 131)* .

Section 6 If a summons is issued, preparation in the case shall take place.

The purpose of the preparation is to clarify
1. the defendant's attitude to the prosecution and the basis for it,
2. what evidence is to be presented and what is to be substantiated with each evidence, and
3. whether further investigation or other measures are needed before the case is decided.

The court shall pursue the preparation with a focus on a quick decision of the case. As soon as appropriate, the court should hear the parties regarding the handling of the case.

The court shall establish a timetable for the handling of the case, unless it is unnecessary due to the nature of the case or for some other special reason. The parties shall continuously check that the schedule can be kept as far as they and their evidence are concerned. If a party deems that the schedule cannot be kept, this must be reported to the court immediately. If the court finds that the schedule cannot be kept, the parties shall be notified. *Lag (2005: 683)* .

Section 7 During the preparation, the accused should file a defense and state whether he admits or denies the act, and comment on the circumstances on which the indictment is based. He should also state the circumstances he wishes to state.

The parties should then individually state the additional circumstances they wish to state and comment on what the other party has stated. They must also, to the extent that this has not happened before, state the evidence they wish to invoke and what they want to prove with each piece of evidence. Written evidence, which has not already been presented, must be submitted immediately.

The court may decide that different issues or parts of the case shall be dealt with separately in the preparation. *Lag (1987: 747)* .

Section 8 The preparation takes place at a meeting or through an exchange of letters or other processing. If appropriate, different forms of preparation may be combined.

Defendations pursuant to section 7, first paragraph, shall be submitted in writing, unless it is more appropriate in view of the nature of the case that the defense be submitted at a meeting.

When a written defense has been received by the court, a meeting shall be held as soon as possible, unless it is more appropriate in view of the nature of the case with continued correspondence.

If a meeting is held, the preparation shall, if possible, be concluded at this.
If this is not possible, the preparation shall continue through an exchange of letters or at a new meeting. *Lag (1987: 747)* .

Section 9 If preparation is to take place at a meeting and the accused is in custody, the meeting shall be held within one week from the day of his arrest, unless further postponement is necessary due to special circumstances. If the defendant is imposed a travel ban, the meeting shall be held within one month from the date of notification of the decision.

If the accused is in custody and a further hearing is to be held, it shall take place within one week from the date of the previous hearing or, when he is subsequently detained, from the day of his arrest, if no further adjournment is necessary due to special circumstances. *Lag (1987: 747)* .

Section 10 Has been repealed by *law (2005: 683)* .

Section 11 At a meeting, the parties may submit or read out written submissions or other written speeches only if the court finds that it would facilitate the understanding of a speech or otherwise be to the advantage of the proceedings. *Lag (1987: 747)* .

Section 12 The plaintiff shall be ordered to appear at a meeting in the event that he or she otherwise loses his or her right to bring an action on the crime. If the plaintiff is to appear in person, the court must also impose a fine. A plaintiff who is to be heard for evidentiary purposes must also be ordered to appear in person at the meeting in the event that he or she otherwise loses his or her right to bring an action for the crime. The defendant shall be fined. The court decides that the person in custody shall be summoned to the meeting. *Lag (2005: 683)* .

Section 13 If both parties are absent from a meeting during the preparation, the case shall be written off. *Lag (2005: 683)* .

Section 14 If a plaintiff is absent from a meeting during the preparation, and if he or she has been ordered to appear as a sanction that the right to bring an action if the crime is otherwise declared lost, such an explanation shall be given if the defendant so requests. If this is not claimed, the case must be written off.

The first paragraph also applies when a plaintiff, who has been ordered to appear in person at the hearing in the event that he or she otherwise loses his or her right to bring an action for the crime, does not comply with the injunction.

If the defendant is absent and a fine has been imposed, the court may, instead of imposing a new fine, decide that the defendant shall be brought to court either immediately or until a later date. *Lag (2005: 683)* .

Section 15 If the plaintiff or the defendant is present through a representative, when an injunction has been issued to him in the event of a fine to appear in person, the court may, instead of imposing a new fine, order that he be brought to court either immediately or later.

Section 16 If a fine has been imposed on a party or a party shall be brought to court and if collection is not possible, the preparation may, however, be terminated without the party having arrived only through a representative or absent.

Section 17 If a party is absent from a meeting during the preparation where a question of trial is to be tried, the question may nevertheless be tried, whether the proceedings of the case are to continue. *Lag (2005: 683)* .

Section 18 When the court has declared that the plaintiff has lost his right to speak on the crime in accordance with section 14, he may apply to the court for the resumption of the case.

The application for readmission must be made in writing within one month from the date on which the decision was announced. If the plaintiff fails again, his right to resume the case expires.

Section 19 If it is to the advantage of the investigation in the case, the court should, before a meeting or continued exchange of letters, provide the parties with a list of the issues that should be addressed during the further proceedings.

Before a meeting, the parties shall familiarize themselves with the matter in such a way that no further meeting for preparation is necessary if possible. *Lag (1987: 747)* .

Section 20 The court shall make a written summary of the parties' positions unless, due to the nature of the case or for some other special reason, there is no need for a summary. The court may order the parties to provide documentation for the compilation. Before the preparation is completed, the parties shall be given an opportunity to comment on the compilation. *Lag (2016: 37)* .

Section 21 During the preparation, a decision may be announced in respect of the rejection of a case.

Section 22 The main hearing for the handling of a trial issue or part of the case, which can be decided separately, may be held even if the preparation of the case has not otherwise been completed.

If the defendant is in custody, the main hearing shall begin as soon as possible and no later than within two weeks from the day of the end of the preparation or, when he or she is subsequently arrested, from the day of his or her arrest.

If the defendant is imposed a travel ban, the main hearing shall begin as soon as possible and no later than one month from the day of the end of the preparation. If the travel ban has been announced thereafter, the time shall be counted from the day of notification of the decision. *Lag (2010: 575)* .

Section 23 In the case of a summons to a main hearing, section 12 shall apply.

If there is reason to believe that the defendant would not follow an injunction in the event of a fine to appear in person, the court may decide that he shall be brought to the main hearing. *Lag (1987: 747)* .

Section 24 In the case of individual prosecution, Chapter 45 otherwise applies. § 1 third paragraph, 2, 3, 5, 6, 8, 10 a, 12 and 17 §§.

With regard to the main hearing in cases of individual prosecution, the provisions of ch. 46 apply. with the following deviations:
1. In the case of a summons to a main hearing which is resumed after a break and injunction for a party, what is stated in section 23 of this chapter applies.
If both parties fail to appear in the main proceedings, the case shall be dismissed. In the case of sanctions for plaintiffs who fail to appear or fail to appear in person and for the reopening of cases, the provisions of sections 14-16 and 18 of this chapter apply. If a party is absent from a main hearing where a court case is to be tried, the question may still be tried, if the handling of the case is to continue.
3. When a case is postponed to a continued or new main hearing, the court may, instead of the measure referred to in ch. § 12 decide that preparation shall take place again and issue regulations on this. *Lag (2005: 683)* .

48 Chap. On the imposition of penalties and the imposition of fines

General provisions

§ 1 The question of liability for crime, which falls under public prosecution, may, under the conditions prescribed in this chapter, be raised by prosecutors through criminal injunctions and by police officers by imposing fines.
The injunction now mentioned replaces prosecution to the extent set out in section 3.

Detailed regulations regarding the application of this chapter are issued by the government or an authority determined by the government. *Lag (1974: 573)* .

Section 2 A criminal injunction pursuant to this chapter means that the suspect is fined, according to what the prosecutor believes the crime should give rise to, which the suspect may approve immediately or within a certain time. Under the conditions specified in section 4, second paragraph, a criminal injunction may refer to a suspended sentence or such a sanction in conjunction with a fine. Section 5 a states that a criminal injunction may also cover an individual claim relating to the obligation to pay.

The imposition of a fine in accordance with this chapter means that the suspect is fined, in accordance with what has been determined in accordance with section 14, which he or she may approve immediately or within a certain time.

If a crime is associated with confiscation of property, other such special legal effect or special legal effect in the form of a fee in accordance with the Crime Victims' Fund Act (1994: 419), such a special legal effect shall also be covered by a criminal injunction or a fine. The same applies to the cost of sampling and analysis of blood, urine and saliva which pertains to the suspect and which has been made for investigation of the crime. In the case of such costs, the provisions on special legal effect apply.

If a crime is associated with a company fine, the fine must also be imposed by means of a criminal injunction which the suspect may approve. *Lag (2018: 1951)* .

Section 3 If an injunction pursuant to this chapter has been issued for approval within a certain time, the question of liability for the crime may be raised again before this time has expired only if the suspect has declared that he does not approve the injunction.

If an injunction has been approved, it applies as a judgment that has gained legal force. *Lag (2000: 299)* .

On criminal injunctions

Section 4 Fines may be imposed by means of a criminal injunction in respect of offenses for which fines are included in the penalty scale, but not standardized fines. There are special provisions on the imposition of fines for crimes committed by someone under the age of eighteen. The provision in ch. 34 Section 1, first paragraph, of the Criminal Code applies to the imposition of fines.

A conditional sentence or such sanction in conjunction with a fine may be imposed by a penalty order in cases where it is obvious that the court would impose such a sanction. However, this does not apply to crimes committed by someone under the age of eighteen or if there is reason to combine the conditional sentence with a regulation on community service.

A fine may be imposed by a penalty order in cases where the fine does not exceed SEK 3 million. *Lag (2019: 830)* .

Section 5 A criminal injunction may not be issued
if the conditions for public prosecution do not exist,
if the injunction does not address all crimes by the suspect, which to the prosecutor's knowledge are available for assessment, or

if the plaintiff has declared that he or she intends to bring an action for an individual claim in connection with the crime which relates to something other than an obligation to pay. *Law (2006: 284)* .

Section 5 a Has the plaintiff reported an individual claim regarding payment obligation in connection with the crime and are the circumstances such that the prosecutor according to ch. § 2, first paragraph is obliged to perform the plaintiff's action, the individual claim shall also be submitted to the suspect for approval. *Lag (1994: 1412)* .

Section 6 A criminal injunction shall contain information on
1. the prosecutor who issued the injunction,
2. the suspect,
3. the crime stating the time and place of its commission and other circumstances necessary to characterize it,
4. the provision or provisions applicable to the offense;
5. the punishment and the special legal effect imposed on the suspect; and
6. the individual claim imposed on the suspect stating the plaintiff and the circumstances on which the claim is based. *Lag (2000: 299)* .

Section 7 If a criminal injunction is issued for approval within a certain time, the suspect shall be given
1. information on the method of approval and on the time set for this, and
2. information that, if approval does not take place, prosecution may take place after the end of the fixed time. *Lag (2000: 299)* .

Section 8 A written notice containing the content of the criminal injunction and such information as is specified in section 7 shall be provided or sent to the suspect. *Lag (2000: 299)* .

Section 9 A criminal injunction is approved by the suspect signing and giving a declaration to the competent recipient that he or she acknowledges the act and accepts the punishment and the special legal effect as well as the individual claim raised in the injunction. The Government may, with the support of ch. Section 7 of the form of government shall issue more detailed regulations on who shall receive such a declaration.

If a declaration is submitted electronically, it must be signed with an advanced electronic signature as referred to in Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trusted services for electronic transactions in the internal market. market and repealing Directive 1999/93 / EC, as amended. *Lag (2018: 499)* .

Section 10 Written approval of a criminal injunction, which does not refer to a conditional sentence, may be given in the place of the suspect by the person who is his representative, if the original power of attorney is submitted to the prosecutor.
The power of attorney shall, in addition to what follows from Chapter 12, contain
1. a statement that the representative has the right to approve a criminal injunction on behalf of the suspect,
2. information on the crime to which the approval may relate, stating the nature of the crime and the time and place thereof committing, and
3. information on the maximum fine, the special legal effect and the individual claim that the suspect is willing to accept.

If such a power of attorney has been submitted to the prosecutor, the representative may receive documents in the case on behalf of the suspect. *Lag (1996: 1462)* .

Section 11 A criminal injunction may also be approved by paying the entire amount to the authority determined by the government, without a written approval, if the injunction relates only to fines, or fines and special legal effects that entail an obligation to pay.

Payment under the first paragraph shall not be considered an approval, if it appears that the suspect has not intended to approve the injunction. *Lag (2000: 299)* .

Section 12 An approval is without effect if it takes place after the prosecutor has
1. issued a summons, a summons application or a new criminal injunction,
2. decided not to prosecute the crime, or
3. decided to close or not initiate a preliminary investigation.

Lag (2000: 299) .

§ 12 a If the prosecutor finds that a criminal injunction, which has been approved, contains an obvious inaccuracy as a result of the prosecutor's or someone else's typing error, arithmetic error or similar oversight, he shall, after the person who has approved the injunction has been given an opportunity to comment. correction of the injunction.

Correction may not be made if the person who has approved the injunction objects.

A correction must not mean that the penalty is increased. *Law (1990: 443)* .

On the imposition of fines

Section 13 An injunction may be imposed in respect of offenses, for which no penalty other than a fine is immediately imposed in money, nor standardized fines, and for which a fine has been determined in the manner prescribed in section 14.

The provisions on the imposition of fines are not applicable, unless special conditions are stipulated for public prosecution. *Lag (1968: 193)* .

Section 14 The Government may issue regulations on the maximum amount, for which a fine may be determined, and on other restrictions on the use of the imposition of a fine.

The Public Prosecutor selects, in consultation with the Police Authority, the crimes for which fines are to be determined.

The Public Prosecutor determines the amount of the fine for various crimes and also states the basis for calculating a joint fine for several crimes. If there are special reasons, the public prosecutor may instruct a chief prosecutor to determine the amount of the fine in respect of certain crimes. *Lag (2014: 649)* .

Section 15 An injunction may not be issued
if the suspect denies the act,
if the injunction does not include all crimes by the suspect, which according to the police officer's knowledge are available for assessment, or

if there is reason to assume that an action for individual claim will be brought.

An injunction should not be issued, unless it can otherwise be assumed that the prosecutor is considering a question of a criminal injunction or prosecution for the crime. *Lag (1986: 649)* .

Section 16 An injunction should be issued in the presence of the suspect, whereby the police officer shall give the suspect an opportunity to immediately approve the injunction.

If the injunction is issued in the absence of the suspect or if a suspect, who is present when the injunction is issued, needs leeway, the police officer may give him or her an opportunity to take a position on the issue of approval later.
Lag (2006: 501) .

Section 17 An injunction shall contain information about the police officer who issued the injunction and such information as is referred to in § 6 2, 3 and 5. The provisions of §§ 7-9, 11 and 12 a also apply with regard to the imposition of a fine . What is said about prosecutors in section 12 a shall then instead refer to a police officer.

If a declaration referred to in section 9, second paragraph, in respect of a fine is made in the presence of a police officer, it may instead be signed with an electronic signature as referred to in Article 3 of Regulation (EU) No 910/2014 of the European Parliament and of the Council , in the original wording.
Lag (2018: 499) .

§ 18 If a police officer finds in immediate connection with an injunction issued and approved, that the injunction contains an obvious inaccuracy that refers to something other than that the amount of the fine is too low, the police officer may, if it can be done immediately, despite § 3 second paragraph the suspect's opportunity to withdraw the authorization. If this is done, the injunction must be revoked. A new injunction may then be issued. *Lag (2018: 499)* .

Section 19 If the imposition of a fine is approved after the prosecutor has issued a summons or a summons application, the approval is without effect. If the approval takes place after a criminal injunction has been issued, the approval is also without effect, unless the prosecutor who issued the criminal injunction declares that the approval shall apply, and withdraws the criminal injunction. *Lag (1968: 193)* .

Section 20 An injunction may also be issued by a prosecutor, customs officer or coast guard officer. The provisions of this chapter that apply to police officers shall also apply to others who may issue a fine. *Lag (2006: 83)* .

FIFTH DEPARTMENT

About the trial in the Court of Appeal

49 chap. On the right to appeal a district court's judgments and decisions and on leave to appeal

§ 1 A district court judgment may be appealed, unless otherwise provided.

When a district court announces a judgment in cases referred to in ch. § 5 second paragraph, the court shall, in view of the circumstances, decide whether the judgment may be appealed separately or only in connection with the district court's final decision being appealed.

The person against whom a third-party judgment has been given may not appeal the judgment.
Provisions on his right to recovery in connection with such a judgment are found in ch. 44. 9 §. *Lag (1994: 1034)* .

§ 2 If the parties have orally before the court or agreed in writing not to appeal a judgment handed down in connection with a dispute or a future dispute that can be traced to a certain specified legal relationship, the agreement applies, if conciliation on the matter is permitted.

An undertaking not to appeal that has been made after the judgment applies, if conciliation on the matter is permitted. *Lag (2005: 683)* .

Section 3 A final decision **of** a district court may be appealed, unless otherwise provided. However, if a party has the right to apply for reopening of a case decided by a final decision, he may not appeal the decision.

Other decisions may only be appealed in connection with an appeal against a judgment or final decision, unless otherwise provided.
Lag (1994: 1034) .

Section 4 Has a district court in a decision during the trial rejected a dispute against a judge or an objection of inadmissibility or decided on matters referred to in ch. § 3 d, the party who wishes to appeal the decision shall first report dissatisfaction. Such notification shall be made immediately, if the decision has been announced at a meeting, and otherwise within one week from the day on which the party received the decision. If the party neglects this, he no longer has the right to appeal the decision. If a party reports dissatisfaction, the court shall, in the light of the circumstances, decide whether the decision may be appealed separately or only in connection with the judgment or final decision being appealed.
Lag (1994: 1034) .

Section 5 A district court decision may be appealed separately, if the district court in the decision
1. rejected an agent, an assistant or a defense counsel or rejected a request to that effect,
2. rejected a request by a third party to participate in the trial as an intervener or plaintiff or tried a question according to ch. 13 § 7 on taking over a lawsuit,
3. ordered a party or someone else to present written evidence or to provide objects for inspection or inspection or in a trial according to ch. Section 4, first paragraph 4 or 5 of the Freedom of the Press Ordinance or Chapter 2 § 4, first paragraph 4 or 5 of the Freedom of Expression Act, it has been found to be of particular importance that a statement referred to therein is submitted at the examination of witnesses or interrogation of a party during a declaration of truth,
4. tried a question of the imposition of a fine or detention or of liability for misconduct in the trial or of an obligation for someone to reimburse legal costs;
5. tried a question of compensation or advance of public funds to the plaintiff or individual party or of compensation or advance to an assistant, defense counsel, witness, expert or someone else,
6. tried a question in civil cases about attachment or other action according to ch. or in criminal cases of detention, permission for restrictions according to ch. 24 Section 5 a, a measure referred to in Chapters 25-28. or care according to ch. 28 crime bars,
7. rejected a request for an assistant or defender, rejected a request for a change of assistant or defender or appointed someone other than the party proposed for such an assignment,
8. tried a matter concerning legal aid under the Legal Aid Act (1996: 1619) otherwise than referred to in 5 or 7, or
9. rejected a request that compensation to a witness invoked by an individual party shall be paid from public funds in accordance with ch. 36. Section 24, second paragraph. *Lag (2018: 1909)* .

Section 6 Anyone who wishes to appeal a decision as referred to in Section 5 1, 2, 3, 7, 8 or 9 shall first report dissatisfaction, if the decision has been announced during the trial. Notification shall be made immediately, if the decision has been announced at a meeting, and otherwise within one week from the day on which he received the decision. Anyone who neglects this no longer has the right to appeal the decision.

Authorities that by law or regulations decided on the basis of law are competent to appeal against decisions referred to in the first paragraph shall report dissatisfaction within one week from the date of the decision, if this has been announced at a meeting where the authority has not been represented. *Lag (1994: 1034)* .

Section 7 If a party considers that a decision by the district court entails that the case is delayed unnecessarily, he may appeal the decision separately.
Lag (1994: 1034) .

Section 8 If the district court has declared a judge disqualified, appointed plaintiff's counsel, decided that costs for an individual party's suspension shall be paid by public funds or granted a request that compensation to a witness invoked by an individual party be paid by public funds, the district court's decision may not be appealed.

A decision concerning the referral of a matter to the Supreme Court according to ch. 56 Section 13 may not be appealed.
Law (1999: 84) .

Section 9 In order to respond to the appellant's request for amendment, the other party may request that a decision that may not be appealed separately still be reviewed.

If a decision according to which the court has imposed a fine or other sanction may not be appealed separately, the person who is dissatisfied with the decision may request that the validity of the order be reviewed in connection with him appealing a decision in which the order has been applied.
Lag (1994: 1034) .

Section 10 A decision **of** a district court by which a report of dissatisfaction, an application for recovery or reopening or an appeal has been rejected may be appealed. The question of whether such a report or application has been made or an appeal has been made within the right time may not otherwise be tried by the Court of Appeal. *Lag (1994: 1034)* .

Section 11 If a party who, in accordance with section 4, has reported dissatisfaction with the district court's decision during the trial has been referred to appeal the decision separately, the case shall remain pending until the appeal has been examined. However, the court may decide that the preparation in the case shall continue.

If he reports dissatisfaction pursuant to section 6, the court may declare the case pending until the appeal has been tried, if there are special reasons.

In cases other than what has been said now, an appeal of a district court's decision during the trial must not lead to the case being postponed. *Lag (1994: 1034)* .

Section 12 In order for the Court of Appeal to review the district court's judgment or decision, leave to appeal is required, unless otherwise provided.
Lag (2005: 683) .

Section 13 In order for the Court of Appeal to review the district court's judgment in a criminal case, as far as other than an individual claim is concerned, leave to appeal is not required in cases other than when the defendant was
sentenced to a fineby sentence1. or
2. acquitted of responsibility for a crime for which no more severe punishment than six months' imprisonment is prescribed.

If the district court in a criminal case has also tried an individual claim against the defendant, a trial permit is not required in that part, if
1. an appeal concerns the question of whether the defendant is to be convicted of the accused act to which the individual claim relates, and
2. trial permission is granted in that matter or such leave to appeal is not required.

The requirement for leave to appeal under the first paragraph does not apply if the judgment is appealed by the Chancellor of Justice or an ombudsman.

What is said in the first-third paragraphs also applies to decisions that may be appealed only in connection with an appeal of a judgment.

In order for the Court of Appeal in criminal cases to review the district court's final decision or decisions that may be appealed separately, a leave to appeal is not required. *Lag (2008: 795)* .

Section 14 Permission to appeal shall be granted if
1. there is reason to doubt the correctness of the conclusion that the district court has reached,
2. it is not possible without assessing such permission to assess the correctness of the conclusion that the district court has reached,
3. it is of importance for the management of the application of the law that the appeal is tried by a higher court, or
4. there are otherwise special reasons to try the appeal.
Lag (2005: 683) .

Section 14 a Permission to appeal may be limited to a certain part of a judgment or a final decision, if the outcome in that part cannot affect other parts of the appealed decision.

A
leave to appeal granted without such restriction as referred to in the first paragraph applies 1. the judgment or the final decision to the extent that the party has appealed the decision,
2. appealed decisions that have been included in the judgment or the final decision and

which do not concern a representative; a witness, an expert or someone else who was not a party or intervener in the district court, and
3. appealed decisions that may be appealed only in connection with the judgment or the final decision being appealed.

If leave to appeal is not granted, the district court's decision shall stand. Information on this must be included in the decision of the Court of Appeal. *Lag (2005: 683)* .

Section 15 If leave to appeal is required in the Court of Appeal, the district court's judgment or decision shall contain information on this and on the content of section 14. *Lag (1994: 1034)* .

Chapter 50 On appeal against judgments in civil cases

Section 1 A party who wishes to appeal the district court's judgment in a civil case shall do so in writing. The letter must be submitted to the district court. It must have reached the court within three weeks from the date of the judgment. *Lag (1994: 1034)* .

Section 2 If one party has appealed the district court's judgment, the other party has the right to appeal the judgment within one week from the date on which the time specified in section 1 expired. An appeal made during such a period lapses if the first appeal is withdrawn or otherwise lapses. *Lag (1994: 1034)* .

Section 3 An appeal that has been received late shall be rejected by the district court. However, the appeal shall not be rejected if it has been received by the Court of Appeal within the time of the complaint. *Lag (1994: 1034)* .

Section 4 The appeal shall contain information on
1. the judgment that is being appealed,
2. in which part the judgment is appealed and the change in the judgment that is requested,
3. the grounds for the appeal and in which respect the district court's reasons are in the appellant's opinion,
4. the circumstances relied on in support of the granting of leave to appeal, and
5. the evidence relied on and what is to be proved by each piece of evidence.

If a circumstance or evidence invoked in the Court of Appeal has not been presented before, the appellant in cases where conciliation on the matter is permitted shall explain the reason for it. Written evidence that has not been submitted before must be submitted at the same time as the appeal. If the complainant wants a re-examination or a re-examination of the place, he or she must state this and the reasons for this. The appellant must also state whether he or she wants the other party to appear in person at the main hearing in the Court of Appeal. *Lag (2008: 649)* .

Section 5 If the appeal is not rejected in accordance with section 3, the district court shall, after the expiry of the time specified in section 2, send over this and other documents in the case to the Court of Appeal.

The documents shall be sent immediately, if the appellant has made a claim requiring immediate review, such as a claim for attachment or a claim for revocation of a decision on such action or of a decision that they may be enforced even if it has no legal force. Until the time specified in section 2 has expired, however, a copy of the appeal shall be available at the district court. *Lag (1994: 1034)* .

Section 6 If there is any other obstacle to taking up an appeal for review than that this has been received too late, the Court of Appeal may immediately reject the appeal. *Lag (1994: 1034)* .

Section 7 If the appeal does not meet the regulations in section 4 or is otherwise incomplete, the Court of Appeal shall order the appellant to remedy the deficiency. However, no injunction need be issued if the appeal is incomplete only in respect of such information as is referred to in section 4, first paragraph 4.

If the appellant does not comply with the injunction, the appeal shall be dismissed, if it is so incomplete that it cannot be used without significant inconvenience as a basis for a trial in the Court of Appeal.
Lag (2005: 683) .

Section 7 a If the appeal is not rejected in accordance with section 6 or section 7, second paragraph, the Court of Appeal shall decide whether leave to appeal shall be granted. If necessary, the decision shall be preceded by an exchange of letters.

If there are special reasons, a meeting may be held before the question of leave to appeal is decided. The parties shall be summoned to such a meeting. If a party is absent, the matter may still be decided. *Lag (2008: 649)* .

Section 8 If leave to appeal is granted, the appeal shall be served on the other party with an order to respond in writing within a certain time, if this has not already been done.

Has the district court rejected a claim for attachment or any other measure in accordance with ch. or revoked a decision on such a measure, the Court of Appeal may immediately grant the measure to apply until further notice. If the district court has granted such a measure or declared that the judgment may be enforced even if it does not have legal force, the court of appeal may immediately decide that the district court's decision may not be enforced for the time being. *Lag (2008: 649)* .

Section 9 If the appellant's claim is not granted, the other party shall in his reply letter state the reasons for the appeal which the appellant has stated and state the circumstances he or she wishes to state.

The letter must contain information about the evidence the party invokes and about what must be substantiated with each piece of evidence. If a circumstance or evidence relied on in the Court of Appeal has not been presented before, the party in cases where conciliation on the matter is permitted shall explain the reason for it. Written evidence that has not been submitted before must be submitted at the same time as the response letter. If the party wants a re-examination or a re-examination of the place, he or she must state this and the reasons for this. The party must also state whether he or she wants the appellant to appear in person at the main hearing in the Court of Appeal. *Lag (2005: 683)* .

Section 10 The Court of Appeal shall send the reply letter to the appellant.

If necessary, the Court of Appeal may decide on further correspondence during the preparation. The Court of Appeal may also issue more detailed provisions on the correspondence and thereby decide in which respect the party shall comment. A party may be ordered to submit more than one letter only if there are special reasons.

During the preparation, a meeting may be held, if necessary for an appropriate handling of the case. In the case of such a meeting, the provisions of section 16, first paragraph and second paragraph, first sentence, section 21, first paragraph, first sentence and section 22 shall apply. *Lag (2005: 683)* .

Section 11 The Court of Appeal should work to ensure that the parties reach a settlement or otherwise reach a consensual solution, if this is appropriate with regard to the nature of the case and other circumstances.

In applying the first paragraph, in a case where conciliation on the matter is permitted, the court may decide on special mediation, if the parties agree to it. In such a case, the court shall order the parties to appear before a mediator before a mediator appointed by the court and state the time within which the mediation must be completed at the latest. The court may extend the time limit if there are special reasons for it.
Lag (2011: 861) .

Section 12 If the Court of Appeal deems it necessary, the Court of Appeal shall decide that the opinion of an expert is obtained, written evidence is presented, objects are provided for inspection or inspection, evidence is taken out of the main hearing or any other preparatory action is taken.

If a party wants a measure under the first paragraph to be undertaken, he shall request it from the Court of Appeal as soon as possible.

With regard to the Court of Appeal's obligations during the preparation, ch. Section 8, second paragraph, applies. *Lag (1994: 1034)* .

Section 12 a If it is to the advantage of the handling of the case, the Court of Appeal should make a written summary of the parties' claims and objections and the circumstances on which these are based. The court may order the parties to provide documentation for the compilation. Before the preparation is completed, the parties shall be given an opportunity to comment on the compilation. *Lag (2005: 683)* .

12 b § I 56 chap. Sections 13-15 contain provisions that the Court of Appeal may refer a matter to the Supreme Court for review.
Lag (2016: 37) .

Section 13 The Court of Appeal may decide the case without a main hearing, if the appellant's request for amendment has been granted or if it is obvious that the appeal is unfounded.

If the matter can be investigated satisfactorily, the Court of Appeal may also in other cases decide the case without a main hearing,
1. if the parties have requested that the case be decided without a main hearing or
2. if neither party, after a decision has been raised without a main hearing, had any objection.

A case may always be decided without a main hearing, if it is obvious that such a hearing is unnecessary.

For a trial that does not concern the matter itself, the main hearing does not need to be held. *Law (1999: 84)* .

Section 14 Before a case is decided without a main hearing, the parties shall, unless it is obvious that they have already completed their action, be given the opportunity to do so. *Lag (1994: 1034)* .

Section 15 If the case according to section 13 is not decided without a main hearing, the Court of Appeal shall determine the time for such hearing. The time shall, if possible, be determined after consultation with the parties. For the consideration of a trial issue or such part of the case that may be decided separately, the main hearing may be postponed even if the case is otherwise not ready for the main hearing.
Lag (1994: 1034) .

Section 16 The parties shall be summoned to the main hearing.

The appellant shall be ordered to appear in a sanction that the appeal otherwise lapses. If he is to appear in person, the Court of Appeal shall also inform him of the provision in section 21, first paragraph, second sentence. If it is important for the handling or investigation of the case that the other party appears or if he or she is obliged to appear in person, he or she shall be fined. If the other party is not fined, he must be informed that the case may be decided even if he fails to appear.

The Court of Appeal shall also decide which witnesses and experts shall be summoned to the main hearing. The parties shall be notified of the decision. *Law (1999: 84)* .

Section 17 In other respects, what is stated in ch. §§ 1-6, § 8 second paragraph and §§ 10-14 are applied in respect of the main hearing in the Court of Appeal. The rules in section 16 of this chapter shall, however, be applied in respect of summonses to the main hearing which are resumed after a break and injunctions for the parties. *Lag (2005: 683)* .

Section 18 At the main hearing, the appealed judgment shall be reported to the extent necessary. The appellant must state in what part the judgment is being appealed and the change in the judgment that is requested.
The other party must state whether the claim is granted or disputed.

Thereafter, unless the Court of Appeal deems otherwise more appropriate, first the appellant and then the other party shall develop their action. Each party shall comment on what the other party has stated. If the hearing takes place despite the fact that the appellant's counterpart has failed to appear, the Court of Appeal shall ensure that what he has stated is presented from the documents to the extent necessary.

Requests pursuant to the first and second paragraphs may be made through references to documents in the case, if the court deems it appropriate. *Lag (2005: 683)* .

Section 19 After the parties have developed their action, the evidence shall be presented. If the main hearing is held despite the fact that the appellant's counterpart has failed to appear, the Court of Appeal shall ensure that the evidence he or she presented in the district court is presented from the documents to the extent that the evidence is relevant to the case in the Court of Appeal. The evidence may be presented through references to audio and video recordings and other documents in the case, if the court deems it appropriate.

If there are no special reasons for anything else, a piece of evidence taken up by the district court and which is not in accordance with ch. Section 13 shall be re-presented before evidence relating to the same circumstance is immediately taken up by the Court of Appeal. If there is several pieces of evidence in respect of the same circumstance, these should be presented in one context. *Lag (2016: 37)* .

Section 20 After the evidence has been presented, the parties shall be given an opportunity to complete their action. *Lag (1994: 1034)* .

Section 21 If the appellant is absent from a meeting for the main hearing, the appeal lapses. The same applies if a complainant who has been ordered to appear in person appears only through a representative and there are no special reasons for the appeal to lapse.

If the appellant's counterparty fails to appear and a fine has been imposed on him or her, the court of appeal may, when a settlement of the case is not permitted, instead of imposing a new fine, decide that he or she be brought to court either immediately or at a later date. The same applies if the complainant's counterparty only appears through a representative when he or she has been fined for appearing in person.

If a fine has been imposed on the appellant's counterparty or if he or she is to be brought to court and cannot be collected, the case may be decided even though he or she has appeared only through a representative or has not been present. A case may also be decided if the appellant has been ordered to appear in person but has only appeared through a representative. *Lag (2016: 37)* .

Section 22 If the appeal has lapsed in accordance with section 21, the Court of Appeal shall, at the request of the appellant, resume the case, if he for his absence or failure to appear in person had legal due date which he could not report in time.

The application for readmission must be made in writing within three weeks from the date on which the decision was announced. If, after the case has been reopened, the appellant fails to appear or does not follow an injunction to appear in person, he is not entitled to have the case reopened. *Law (1999: 84)* .

Section 23 If at a main hearing in the district court an inquiry has been held before the court or an on-site examination of a certain circumstance and if the decision also in the Court of Appeal is due to confidence in that evidence, the district court's judgment may not be changed in that part without the evidence being presented in the Court of Appeal through an audio and video recording or taken up again at a main hearing in the Court of Appeal. Such a change may, however, be made if there are special reasons why the value of the evidence is different from what the district court has assumed. *Lag (2016: 37)* .

Section 24 If the appealed judgment is a third-party judgment and the district court hears an application for recovery made by the appellant's counterparty, the case shall be referred back to the district court by the Court of Appeal for processing in connection with the recovery case. *Lag (1994: 1034)* .

Section 25 An appeal may be withdrawn before the Court of Appeal's judgment or final decision has been announced.

An appellant may not change his action to refer to a different part of the district court's judgment than the one stated in the appeal.

In cases where conciliation on the matter is permitted, a party to the Court of Appeal may in support of his action invoke a circumstance or evidence that has not been presented previously only if
1. he makes it probable that he could not invoke the fact or evidence before the district court or
2. he otherwise had a valid excuse not to do so.

If a claim for set-off is first made in the Court of Appeal and it cannot be tried without inconvenience in the case, the claim may be rejected.
Lag (1994: 1034) .

Section 26 Even without a claim, the Court of Appeal shall set aside the judgment of the district court, on misconduct, as stated in ch. 1 § 1-3, has appeared before the district court.

The removal may relate to the judgment in its entirety or only to a certain part. If the procedural error also affects a part of the judgment that has not been appealed, the Court of Appeal shall, in view of the circumstances, consider whether this part should be removed.
Lag (1989: 656) .

Section 27 If an action is brought against a judge in a district court and the Court of Appeal considers that there has been a dispute, the Court of Appeal shall set aside the district court's judgment to the extent that it has been appealed. *Lag (1994: 1034)* .

Section 28 If there has been another error in the proceedings in the district court than that referred to in section 26 or 27, the Court of Appeal may set aside the district court's judgment only if the error can be assumed to have affected the outcome of the case. The parties shall be given an opportunity to state their views on the matter of removal, unless it is manifestly unnecessary. *Lag (1989: 656)* .

Section 29 If the Court of Appeal overturns the district court's judgment on any other ground than that the district court was unauthorized or for some other reason did not remove the case for review, the Court of Appeal shall at the same time refer the case to the district court for further processing.

Provisions on the Court of Appeal's power to refer the case to another district court when the district court has been unauthorized are found in ch. § 20.
Lag (1994: 1034) .

Section 30 Has been repealed by *law (1994: 1034)* .

51 chap. On appeal of judgments in criminal cases

Section 1 A party who wishes to appeal the district court's judgment in a criminal case shall do so in writing. The letter must be submitted to the district court. It must have reached the court within three weeks from the date of the judgment. *Lag (1994: 1034)* .

Section 2 If one party has appealed the district court's judgment, the other party has the right to appeal the judgment within one week from the date on which the time specified in section 1 expired. An appeal made during such a period lapses if the first appeal is withdrawn or otherwise lapses. *Lag (1994: 1034)* .

Section 3 An appeal that has been received late shall be rejected by the district court. However, the appeal shall not be rejected if it has been received by the Court of Appeal within the time of the complaint. *Lag (1994: 1034)* .

Section 4 The appeal shall contain information on
1. the judgment that is being appealed,
2. in which part the judgment is appealed and the change in the judgment that is requested,
3. the grounds for the appeal and in which respect the district court's reasons are in the appellant's opinion,
4. the circumstances relied on in support of the grant of leave to appeal, where such leave is required, and
5. the evidence relied on and what is to be proved by each piece of evidence.

Written evidence that has not been submitted previously must be submitted at the same time as the appeal. If the complainant wants a re-examination or a re-examination on the spot, he or she must state this and the reasons for this. The appellant must also state whether he or she wants the plaintiff or the defendant to appear in person at the main hearing in the Court of Appeal.

If the accused has been arrested or detained, this must be stated.
Lag (2005: 683) .

Section 5 If the appeal is not rejected in accordance with section 3, the district court shall, after the expiry of the time specified in section 2, send over this and other documents in the case to the Court of Appeal.

The documents shall be sent immediately, if the defendant is in custody or if the appellant has made a claim that requires immediate review, such as a request for the defendant to be arrested, for a measure referred to in chs. 25-28. or the revocation of a decision on such action. Until the time specified in section 2 has expired, however, a copy of the appeal shall be available at the district court. *Lag (1994: 1034)* .

Section 6 If there is any other obstacle to taking up an appeal for review than that this has been received too late, the Court of Appeal may immediately reject the appeal. *Lag (1994: 1034)* .

Section 7 If the appeal does not meet the regulations in section 4 or is otherwise incomplete, the Court of Appeal shall order the appellant to remedy the deficiency. However, no injunction need be issued if the appeal is incomplete only in respect of such information as is referred to in section 4, first paragraph 4.

If the appellant does not comply with the injunction, the appeal shall be dismissed, if it is so incomplete that it cannot be used without significant inconvenience as a basis for a trial in the Court of Appeal.
Lag (2005: 683) .

Section 7 a If the appeal is not rejected in accordance with section 6 or section 7, second paragraph, the Court of Appeal shall, when leave to appeal is required, decide whether such leave shall be granted. If necessary, the decision shall be preceded by an exchange of letters.

If there are special reasons, a meeting may be held before the question of leave to appeal is decided. The parties shall be summoned to such a meeting. If a party is absent, the matter may still be decided. *Lag (2005: 683)* .

Section 8 If a trial permit is granted or such a permit is not required, the appeal shall be served on the other party with an order to respond in writing within a certain time, if this has not already been done or is not needed in accordance with the second paragraph. In cases of public prosecution, however, the appeal may be sent to the prosecutor without service. Information about the plaintiff's or witnesses' age, profession and residential address that is not relevant to the prosecution shall not appear in the documents served on the defendant in a public prosecution case.

If it is obvious that the appeal is unfounded, the Court of Appeal may immediately issue a judgment in the case.

Has the district court rejected a claim for a measure referred to in chs. 26-28. or revoked a decision on such a measure, the Court of Appeal may immediately grant the

measure to apply until further notice.
If the district court has granted such a measure, the court of appeal may immediately decide that the district court's decision may not be enforced for the time being. In matters of detention, travel ban or custody according to ch. Criminal Code, the Court of Appeal may change the district court's decision even if the other party has not been heard.

If the Court of Appeal decides to detain someone who is not personally present at the court, ch. Section 17, third and fourth paragraphs apply. *Lag (2005: 683)* .

Section 9 The opposing party shall, in its response letter, comment on the grounds for the appeal that the appellant has stated and state the circumstances he or she wishes to state.

The letter must contain information about the evidence the party invokes and about what must be substantiated with each piece of evidence. Written evidence that has not been submitted before must be submitted at the same time as the response letter. If the party wants a re-examination or a re-examination of the place, he or she must state this and the reasons for this. The party must also state whether he or she wants the plaintiff or the defendant to appear in person at the main hearing in the Court of Appeal.
Lag (2005: 683) .

Section 10 The Court of Appeal shall send the reply letter to the appellant.
Information about the plaintiff's or witnesses' age, profession and residential address that is not relevant to the prosecution shall not appear in the documents that are sent to the defendant in a public prosecution case.

If necessary, the Court of Appeal may decide on further correspondence during the preparation. The Court of Appeal may also issue more detailed provisions on the correspondence and thereby decide in which respect the party shall comment. A party may be ordered to submit more than one letter only if there are special reasons.

During the preparation, a meeting may be held, if necessary for an appropriate handling of the case. In the case of such a meeting, the provisions of section 16, first paragraph and second paragraph, first sentence, section 21, first paragraph, first sentence and section 22 shall apply. The Court of Appeal may decide that the person arrested or detained shall be summoned to the meeting.
Lag (2005: 683) .

Section 11 Has been repealed by *law (2005: 683)* .

Section 12 If the Court of Appeal deems it necessary, the Court of Appeal shall decide that the opinion of an expert is obtained, written evidence is presented, objects are provided for inspection or inspection, evidence is taken out of the main hearing or any other preparatory action is taken.

If a party wants a measure under the first paragraph to be undertaken, he shall request it from the Court of Appeal as soon as possible.

In a case of public prosecution, does a measure according to ch. undertaken, the Court of Appeal may issue an order to the prosecutor.
Lag (1994: 1034) .

Section 13 The Court of Appeal may decide the case without a main hearing, if it is obvious that the appeal is unfounded.

If the case can be investigated satisfactorily, the Court of Appeal may decide the case without a main hearing,
1. if the prosecutor has appealed only for the benefit of the defendant,
2. if only the defendant has appealed and his or her request for amendment is accepted by the other party,
3. if there is no reason to judge the accused to liability or impose a penalty or impose a sanction other than a fine or a conditional sentence or such sanctions in the association,
4. the parties have requested that the case be decided without a hearing, or
fifth if none of the parties, since the question raised about the critical without a main hearing, had no objection to this.

If a party has requested a main hearing in cases referred to in the second paragraph 1-3, such shall be held, unless it is unnecessary.

The penalties specified in the second paragraph 3 are equated with a fine and, if it is not at the same time a question of confiscation of conditionally granted freedom from imprisonment, a decision according to ch. Section 3 of the Criminal Code. What is said in the second paragraph 3 about a conditional sentence does not apply to a conditional sentence that is combined with a regulation on community service.

If the appeal also concerns other than liability, the case may be decided without a main hearing only if this action according to ch. Section 13 may be tried without a main hearing.

For a trial that does not concern the matter itself, the main hearing does not need to be held. *Lag (2016: 492)* .

Section 14 Before a case is decided without a main hearing, the parties shall, unless it is obvious that they have already completed their action, be given the opportunity to do so. *Lag (1994: 1034)* .

Section 15 If the case according to section 13 is not decided without a main hearing, the Court of Appeal shall determine the time for such hearing. The time shall, if possible, be determined after consultation with the parties. For the consideration of a trial issue or such part of the case that may be decided separately, the main hearing may be postponed even if the case is otherwise not ready for the main hearing.

If the defendant is in custody, the main hearing shall be held within four weeks after the expiry of the time specified in section 2, unless a longer suspension is necessary as a result of measures referred to in section 12 or other circumstances. If the defendant has been detained after the expiry of the time specified in section 2, the time shall be counted from the day he was detained. *Lag (1994: 1034)* .

Section 16 The parties shall be summoned to the main hearing.

An individual appellant shall be ordered to appear in the event of a sanction that the appeal otherwise lapses. If he is to appear in person, the Court of Appeal shall also inform him of the provision in section 21, first paragraph, second sentence. If it is of importance for the handling or investigation of the case that an individual counterparty appears or if he or she is obliged to appear in person, he or she shall be fined. If, in the case of the accused, it is assumed that he would not comply with such an injunction, the Court of Appeal may decide that he shall be brought before the court. If the Court of Appeal does not impose a fine on the other party or decides that he should be picked up, the Court of Appeal shall inform him that the case may be decided even if he fails to appear. The Court of Appeal shall decide that a defendant who has been arrested or detained shall be summoned to the main hearing.

If in a case of public prosecution a plaintiff is to be heard in connection with the prosecutor's action, he shall be fined in person for appearing in person.

The Court of Appeal shall also decide which witnesses and experts shall be summoned to the main hearing. The parties shall be notified of the decision. *Lag (1994: 1034)* .

Section 17 In other respects, what is stated in ch. §§ 1-5, § 6 second paragraph, 8, 9, 11, 13, 16 and 17 §§ are applied in respect of the main hearing in the Court of Appeal. The rules in section 16 of this chapter shall, however, be applied in respect of summonses to the main hearing which are resumed after a break and injunctions for the parties.

When a case is postponed to a continued or new main hearing, the Court of Appeal may decide on appropriate measures so that the case can be completed at that hearing.

With regard to such measures, Sections 10 and 12 of this chapter apply.
Lag (2005: 683) .

Section 18 At the main hearing, the appealed judgment shall be reported to the extent necessary. The appellant must state in what part the judgment is being appealed and the change in the judgment that is requested.
The other party shall be given an opportunity to comment on the claim.

Thereafter, the prosecutor shall develop the indictment to the extent necessary for the examination of the appeal. If the action is brought only by the plaintiff, this applies instead to him. If the Court of Appeal finds it more appropriate, however, a defendant who has appealed may develop his action before the prosecutor or plaintiff. Each party shall have the opportunity to respond to what the other party has stated. If the hearing takes place despite the fact that the appellant's counterpart has failed to appear, the Court of Appeal shall ensure that what he has stated is presented from the documents to the extent necessary.

Requests pursuant to the first and second paragraphs may be made through references to documents in the case, if the court deems it appropriate. *Lag (2005: 683)* .

Section 19 After the parties have developed their action, the evidence shall be presented. The Court of Appeal shall ensure that the evidence that has been presented in the district court is presented from the documents to the extent that the evidence is relevant to the case in the Court of Appeal. The evidence may be presented through references to audio and video recordings and other documents in the case, if the court deems it appropriate.

If there are no special reasons for anything else, a piece of evidence taken up by the district court and which is not in accordance with ch. Section 13 shall be re-presented before evidence relating to the same circumstance is immediately taken up by the Court of Appeal. If there is several pieces of evidence in respect of the same circumstance, these should be presented in one context. *Lag (2016: 37)* .

Section 20 After the evidence has been presented, the parties shall be given an opportunity to complete their action. *Lag (1994: 1034)* .

Section 21 If an individual appellant is absent from a meeting for the main hearing, the appeal lapses. The same applies if an individual appellant who has been ordered to appear in person appears only through a representative and there are no special reasons for the appeal to lapse.

If an individual counterparty fails to appear and a fine has been imposed on him or her, the Court of Appeal may impose a new fine or decide that he or she shall be brought to court either immediately or at a later date. The same applies if an individual counterparty who has been fined for appearing in person appears only through a representative.

If a plaintiff who is to be heard in connection with the prosecutor's action in a public prosecution case does not appear in person, the second paragraph applies.

If a fine has been imposed on the appellant's counterparty or if he or she is to be taken to court and collection cannot take place, the Court of Appeal may decide the case even though he or she has appeared only through a representative or has not been present. A case may also be decided if an individual complainant who has been ordered to appear in person appears only through a representative. *Lag (2016: 37)* .

Section 22 If the appeal has lapsed in accordance with section 21, the Court of Appeal shall, at the request of the appellant, resume the case, if he for his absence or failure to appear in person had legal due date which he could not report in time.

The application for readmission must be made in writing within three weeks from the date on which the decision was announced. If, after the case has been reopened, the appellant fails to appear or does not follow an injunction to appear in person, he is not entitled to have the case reopened.
Lag (1994: 1034) .

Section 23 If at a main hearing in the district court an inquiry has been held before the court or an on-site examination of a certain circumstance and if the decision also in the Court of Appeal is due to confidence in that evidence, the district court's judgment may not be changed in that part without the evidence being presented in the Court of Appeal through an audio and video recording or taken up again at a main hearing in the Court of Appeal. Such a change may, however, be made

1. if it is in favor of the defendant, or
2. if there are special reasons why the value of the evidence is different from what the district court has assumed. *Lag (2016: 37)* .

Section 23 a If the district court has found that the defendant shall be convicted of the accused act and the judgment is appealed only with regard to other than this issue, the court of appeal shall examine the issue only if

1. there is any circumstance in this part that could constitute grounds for redress under ch. 58 . § 2 or may lead to the removal of the judgment due to error of judgment or
2. the outcome of the case at the district court in the same part obviously is due to oversight or mistake.

With regard to the question referred to in the first paragraph 1 or 2, only circumstances that have been invoked by a party need be taken into account.
Lag (1989: 656) .

Section 24 An appeal may be withdrawn before the Court of Appeal's judgment or final decision has been announced. Prosecutors who have brought an action against the accused in the Court of Appeal may change their action in his favor.

An appellant may not change his action to apply to an act other than that referred to in the appeal. *Lag (1994: 1034)* .

Section 25 The Court of Appeal may not, on account of the defendant's appeal or of the prosecutor's appeal to his or her advantage, sentence a criminal sanction which is to be regarded as more difficult or more intrusive for the defendant than the one to which the district court has sentenced. However, the Court of Appeal may transfer to special care in accordance with ch. 31 or 32. the Penal Code or, if the district court decides on such care, sentence to another sanction.

In the application of the first paragraph, closed youth care according to ch. Section 5 of the Criminal Code is equated with imprisonment.

If the district court has combined a conditional sentence or probation with a regulation that presupposes consent and the convicted person no longer agrees with the regulation, the Court of Appeal may, despite the first paragraph, sentence a more severe or more intrusive sanction.

The Court of Appeal may not, on the basis of an appeal specified in the first paragraph, decide on deportation, if the district court has not issued such a decision, or decide on a longer period than the district court has made for a ban on the defendant returning to Sweden. *Lag (2006: 890)* .

Section 26 Even without a claim, the Court of Appeal shall set aside the judgment of the district court, on misconduct, as stated in ch. 1 § 1-3, has appeared before the district court.

The removal may relate to the judgment in its entirety or only to a certain part. If the procedural error also affects a part of the judgment that has not been appealed, the Court of Appeal shall, in view of the circumstances, consider whether this part should be removed.
Lag (1989: 656) .

Section 27 If an action is brought against a judge in a district court and the Court of Appeal considers that there has been a dispute, the Court of Appeal shall set aside the district court's judgment to the extent that it has been appealed. *Lag (1994: 1034)* .

Section 28 If there has been another error in the proceedings in the district court than that referred to in section 26 or 27, the Court of Appeal may set aside the district court's judgment only if the error can be assumed to have affected the outcome of the case. The parties shall be given an opportunity to state their views on the matter of removal, unless it is manifestly unnecessary. *Lag (1989: 656)* .

Section 29 If the Court of Appeal overturns the district court's judgment on any other ground than that the district court was unauthorized or for some other reason did not remove the case for review, the Court of Appeal shall at the same time refer the case to the district court for further processing.

Provisions on the Court of Appeal's power to refer the case to another district court when the district court has been unauthorized are found in ch. 11 §.
Lag (1994: 1034) .

Section 30 If the district court's judgment has been appealed only in respect of other than liability, the case in the Court of Appeal shall be treated as a civil case.
Lag (1994: 1034) .

52 Chap. On appeal against decisions

Section 1 Anyone who wishes to appeal a district court's decision shall do so in writing. The letter must be submitted to the district court.

The letter must have been received by the district court within three weeks from the day the decision was announced. However, if a decision during the trial has not been announced at the hearing and it has not been announced at any meeting when the decision will be announced, the time of appeal shall be counted from the day on which the appellant received the decision. An appeal of a decision on someone's detention, detention in custody, permission for restrictions according to ch. § 5 a, on the imposition of a travel ban or in the matter referred to in ch. 49 Section 7 is not limited to a specific time.

I 49 kap. there are provisions that those who want to appeal a decision, in some cases must first report dissatisfaction.
Lag (1994: 1034) .

Section 2 An appeal that has been received late shall be rejected by the district court. However, the appeal shall not be rejected if it has been received by the Court of Appeal within the time of the complaint. *Lag (1994: 1034)* .

§ 3 The appeal shall contain information about
1. the decision that is being appealed,
2. the change in the decision that is requested,
3. the grounds for the appeal,
4. the circumstances that are invoked in support ofgranting leave to appeal, when such permission is required, and
5 the evidence relied on and what is to be proved by each piece of evidence.

Written evidence not previously submitted must be submitted at the same time as the appeal. *Lag (1994: 1034)* .

§ 4 If the appeal is not rejected in accordance with § 2, the district court shall send to the Court of Appeal this and other documents in the case that are relevant to the examination of the appeal. *Lag (1994: 1034)* .

Section 5 If there is any other obstacle to taking up an appeal for review than that this has been received too late, the Court of Appeal may immediately reject the appeal. *Lag (1994: 1034)* .

Section 6 If the appeal does not meet the regulations in section 3 or is otherwise incomplete, the Court of Appeal shall order the appellant to remedy the deficiency. However, no injunction need be issued if the appeal is incomplete only in respect of such information as is referred to in section 3, first paragraph 4.

If the appellant does not comply with the injunction, the appeal shall be dismissed, if it is so incomplete that it cannot be used without significant inconvenience as a basis for a trial in the Court of Appeal.
Lag (2005: 683) .

Section 6 a If the appeal is not rejected in accordance with section 5 or section 6, second paragraph, the Court of Appeal shall, when leave to appeal is required, decide whether such permission shall be granted. If necessary, the decision shall be preceded by an exchange of letters.

If there are special reasons, a meeting may be held before the question of leave to appeal is decided. The parties shall be summoned to such a meeting. If a party is absent, the matter may still be decided. *Lag (2005: 683)* .

Section 7 If the Court of Appeal finds that the appellant's counterparty should be heard regarding the appeal and leave to appeal is granted or such permission is not required, the appeal shall be served on the other party with an order to respond in writing within a certain time, if this has not already happened. In cases where the prosecutor is the other party, however, the appeal may be sent to him without service.

The appealed decision may not be changed as regards the other party's right without giving him or her an opportunity to comment.

Has the district court in civil cases rejected a claim for attachment or any other measure in accordance with ch. or revoked a decision on such a measure or in a criminal case rejected a claim for a measure referred to in chs. 26-28. or revoked a decision on such a measure, the Court of Appeal may immediately grant the measure to apply until further notice. If the district court has granted such a measure or declared that the decision may be enforced even if it has no legal force, the court of appeal may immediately decide that the district court's decision may not be enforced for the time being.
The Court of Appeal may also change the district court's decision in respect of detention, permission for restrictions according to ch. § 5 a or travel ban without consulting the other party. *Lag (2005: 683)* .

Section 8 The opposing party shall in its response letter state its opinion on the grounds for the appeal stated by the appellant and state the circumstances he wishes to state himself.

The letter must contain information about the evidence the party invokes and about what must be substantiated with each piece of evidence. Written evidence that has not been submitted previously must be submitted to the Court of Appeal at the same time as the response letter. *Lag (1994: 1034)* .

Section 9 If necessary, the Court of Appeal may decide on further correspondence. The Court of Appeal may also issue more detailed provisions on the correspondence and thereby decide in which respect the party shall comment. A party may be ordered to submit more than one letter only if there are special reasons. *Lag (1994: 1034)* .

Section 10 Has been repealed by *law (2005: 683)* .

Section 11 If it is necessary for the investigation in the case that a party or someone else is heard orally, the Court of Appeal may decide on this in an appropriate manner. The Court of Appeal shall decide that the person arrested or detained shall be summoned to the hearing.

If the Court of Appeal decides to detain someone who is not personally present at the court, ch. Section 17, third and fourth paragraphs apply. *Lag (2005: 683)* .

Section 12 An appeal may be withdrawn before the final decision of the Court of Appeal has been announced. *Lag (1994: 1034)* .

Section 13 If a party or intervener has appealed a decision that has been included in a judgment or that may be appealed only in connection with the judgment being appealed, and if the judgment is also appealed, the cases in the Court of Appeal shall be handled jointly in accordance with ch. 50 or 51.

The first paragraph does not apply if the decision concerns a representative, a defense counsel, a witness, an expert or someone else who was not a party or intervener in the district court. *Lag (1994: 1034)* .

53 Chap. If goals are addressed immediately

Section 1 In civil cases that are to be taken up immediately by a court of appeal, the provisions on the proceedings before a district court in chapters 42--44 apply.
Lag (1994: 1034) .

Section 2 In criminal cases that are to be taken up immediately by a court of appeal, the provisions on the proceedings before a district court in Chapters 45-47 apply. with the following deviations:

1. The Court of Appeal may not instruct the prosecutor to issue a summons.
2. In the summons, the Court of Appeal shall order the defendant to answer in writing within a certain time. The Court of Appeal shall send the reply letter to the prosecutor. If necessary, the Court of Appeal may decide on further correspondence. The Court of Appeal may also issue more detailed provisions on the exchange of letters and decide in which respect the party shall comment. If the accused is in custody, a stay in the main hearing may not be made for more than two weeks, unless a special stay is necessary due to special circumstances.
4. If there is no reason to impose a sanction other than a fine, the Court of Appeal may decide the case without a main hearing. In such a case, ch. 51 applies. 14 §.

Lag (2010: 575) .

SIXTH DEPARTMENT

About the trial in the Supreme Court

54 chap. On the right to appeal a court of appeal's judgments and decisions and on leave to appeal

Section 1 A judgment **of** a Court of Appeal may be appealed, unless otherwise provided.

When a court of appeal announces judgment in cases referred to in ch. Section 5, second paragraph, the Court of Appeal shall, in view of the circumstances, decide whether the judgment may be appealed separately or only in connection with the Court of Appeal's final decision being appealed.

The person against whom a third-party judgment has been given may not appeal the judgment.

Provisions on his right to recovery in connection with such a judgment are found in ch. 44. Section 9 and Chapter 53 1 §. *Lag (1994: 1034)* .

§ 2 If the parties have orally before the court or agreed in writing not to appeal a judgment handed down in connection with a dispute or a future dispute that can be traced to a certain specified legal relationship, the agreement applies, if conciliation on the matter is permitted.

An undertaking not to appeal that has been made after the judgment applies, if conciliation on the matter is permitted. *Lag (2005: 683)* .

Section 3 The final decision of a court of appeal may be appealed, unless otherwise provided. However, if a party has the right to apply for reopening of a case decided by a final decision, he may not appeal the decision.

A decision of a court of appeal according to which a case has been referred back to the district court may only be appealed if the court of appeal's review includes a decision on a matter that affects the outcome of the case.

The decision of the Court of Appeal in an appealed question regarding compensation to a public defender may not be appealed. The Court of Appeal may, however, allow the decision to be appealed, if there are special reasons for considering whether a permit is to be granted in accordance with section 10, first paragraph 1. *Act (1994: 1034)* .

Section 4 What is said in ch. 49 Sections 4--6, 8 and 11 on appeal of a district court decision shall be applied when appealing a decision of a court of appeal, which is not final, in matters referred to in the mentioned sections and which have arisen in the court of appeal or been appealed there.
Lag (1994: 1034) .

Section 5 In the case of the Court of Appeal's decision in a case other than that specified in section 3 or 4, Chapter 49 applies. § 3 second paragraph and § 9.
Lag (1994: 1034) .

Section 6 If the Court of Appeal has rejected a request for detention, permission for restrictions according to ch. § 5 a or travel ban or revoked a decision on detention, permission for restrictions according to ch. § 5 a or travel ban, the decision may be appealed only in connection with the Court of Appeal's judgment or final decision being appealed.
Lag (1994: 1034) .

Section 7 If the Court of Appeal has found that the district court has been competent to take up a case, the Court of Appeal's decision on this may be appealed only if the objection to the district court's jurisdiction is based on a circumstance which the higher court must independently consider in an appeal. *Lag (1994: 1034)* .

Section 8 A decision may not be appealed, if the Court of Appeal in the decision 1. tried a matter of conflict of interest against a judge in a district court,

2. tried an issue appealed to the Court of Appeal referred to in ch. 49 5 § 7 or 9 or 7 § 7 or 3. granted leave to appeal. *Lag (1994: 1034)* .

Section 9 Permission to appeal is required for the Supreme Court to review the Court of Appeal's judgment or final decision in a case or matter brought before a district court. The same applies to the Court of Appeal's final decision in a case that has a direct connection with such a case or case except for a decision referred to in section 17.

The first paragraph does not apply to appeals by the Chancellor of Justice or an Ombudsman in cases where public prosecution is conducted.
Law (2004: 402) .

Section 10
Permission to appeal may only be granted if1. it is important for the management of the application of the law that the appeal is tried by the Supreme Court or
2. there are special reasons for such review, such as that there are grounds for rescission or that there has been a verdict or that the case ends in the right of appeal is obviously due to gross negligence or gross error.

If leave to appeal is required in two or more similar cases and the Supreme Court issues leave to appeal in one of them, leave to appeal may also be granted in other cases. *Lag (1994: 1034)* .

Section 11 Permission to review may be limited to a specific issue in the case, the review of which is important for the management of the application of law (question of precedent) or a certain part of the case.
Pending a review in accordance with a review permit that is limited in accordance with the first paragraph, the Supreme Court may declare the issue of granting a review permit concerning the case otherwise dormant in whole or in part.

A
leave to appeal granted without such restriction as referred to in the first paragraph applies 1. the judgment or final decision to the extent that the party has appealed the decision,
2. appealed decisions taken in the judgment or final decision and which do not concern a representative, a witness , an expert or someone else who was not a party or intervener in the Court of Appeal,
3. appealed decisions that may be appealed only in connection with the judgment or the final decision being appealed.

To the extent that leave to appeal is not granted and the issue of leave is not declared dormant, the Court of Appeal's judgment or final decision shall stand. Information on this must be included in the Supreme Court's decision. *Lag (1994: 1034)* .

Section 12 In an appeal referred to in section 9, second paragraph, the Supreme Court may, if the case has been brought before a district court, decide to limit the examination of the case to a specific question of precedent.

A decision referred to in the first paragraph may be notified to apply until otherwise decided. Such a decision is made in accordance with the rules that apply to decisions on leave to appeal. If a decision is announced in accordance with this paragraph, the case shall otherwise rest.

To the extent that the Supreme Court does not try the case, the judgment of the Court of Appeal or final decision shall stand. Information on this must be included in the decision by which an examination is refused.
Lag (1994: 1034) .

Section 12 a If the appeal concerns leave to appeal in the Court of Appeal and the case contains a question of precedent referred to in section 11, first paragraph, the Supreme Court may , if leave to appeal is granted in the Supreme Court, decide that the question of precedent shall be tried by the court. Pending this review, the issue of granting leave to appeal in the Court of Appeal shall remain.
Lag (2016: 37) .

Section 13 In deciding whether a trial permit is to be granted, only such circumstances as have been invoked by the appellant need be taken into account. *Lag (1994: 1034)* .

Section 14 If the appeal concerns a decision of the Court of Appeal which is not final and which has been announced in a case or matter brought before a district court, Sections 9--13 shall apply. However, this does not apply if the Supreme Court has, in connection with an action against the Court of Appeal's judgment or final decision, granted a leave to appeal, which according to section 11, third paragraph, also applies to the decision. *Lag (1994: 1034)* .

Section 15 If a decision of a court of appeal pursuant to section 3, second paragraph or section 6, 7 or 8 may not be appealed, the decision shall contain information about it.

If leave to appeal is required in the Supreme Court, the judgment or decision of the Court of Appeal shall contain information on this and on the content of section 10.
Lag (1994: 1034) .

Section 16 If a party considers that information pursuant to section 15, first paragraph, is incorrect, he may, in connection with the decision being appealed, request that the Supreme Court consider the question of the right to appeal. Otherwise, the matter may not be tried by the Supreme Court.
Lag (1994: 1034) .

Section 17 A decision by which the Court of Appeal has rejected a report of dissatisfaction, an application for recovery or resumption or an appeal against the Court of Appeal's judgment or decision may be appealed. The question of whether such a report or application has been made or an appeal has been made within a timely manner may not otherwise be heard by the Supreme Court. *Lag (1994: 1034)* .

55 chap. On appeal of judgments

Section 1 A party who wishes to appeal the judgment of the Court of Appeal shall do so in writing. The letter must be submitted to the Court of Appeal. It must have reached the court within four weeks from the date on which the judgment was announced. *Lag (1994: 1034)* .

Section 2 An appeal that has been received late shall be rejected by the Court of Appeal. However, the appeal shall not be inadmissible if it has been received by the Supreme Court within the time limit for appeal. *Lag (1994: 1034)* .

Section 3 The appeal shall contain information on
1. the judgment that is being appealed,
2. in which part the judgment is appealed and the change in the judgment that is requested,
3. the grounds for the appeal and in which respect the reasons for the Court of Appeal's judgment are incorrect,
4. the circumstances relied on in support of the grant of leave to appeal, where such leave is required, and
5. the evidence relied on and what is to be proved by each piece of evidence.

If a circumstance or evidence relied on in the Supreme Court has not been presented before, the appellant in civil cases shall explain the reason for it. Written evidence not previously submitted must be submitted at the same time as the appeal. The appellant must also state whether he wants the other party or in a criminal case the plaintiff or the defendant to appear in person at the main hearing in the Supreme Court.

If in a criminal case the accused has been arrested or detained, this must be stated. *Lag (1994: 1034)* .

Section 4 If the appeal is not rejected in accordance with section 2, the Court of Appeal shall, after the expiry of the appeal period, send this and other documents in the case to the Supreme Court. The documents must be sent immediately if in criminal cases the defendant is in custody or if the appellant has made a claim that requires immediate review, such as in civil cases a claim for attachment or a claim for revocation of a decision on such a measure or of a decision that they may executed even if it does not have legal force, or in a criminal case a claim for detention of the accused or for a measure referred to in ch. 25-28. or the revocation of a decision on such a measure. *Lag (1994: 1034)* .

Section 5 If there is any other obstacle to taking up an appeal for review than that it has been received too late, the Supreme Court may immediately dismiss the appeal. *Lag (1994: 1034)* .

§ 6 If the appeal does not meet the regulations in § 3 first paragraph 1--3 or 5 or the second paragraph or is otherwise incomplete, the Supreme Court shall order the appellant to remedy the deficiency.

If the appellant does not comply with the injunction, the appeal shall be dismissed as inadmissible if it cannot be used as a substantial inconvenience as a basis for a trial in

the Supreme Court.
Lag (1994: 1034) .

Section 7 If the appeal is not rejected in accordance with section 5 or section 6, second paragraph, the Supreme Court shall, when leave to appeal is required, decide whether such leave shall be granted. If necessary, the decision shall be preceded by an exchange of letters. *Lag (2005: 683)* .

Section 8 If leave to appeal is granted or if such leave is not required, the appeal shall be served on the other party with an order to respond in writing within a certain time, if this has not already been done. However, if it is clear that the appeal is unfounded, the Supreme Court may immediately give judgment in the case. In cases of public prosecution, the appeal may be sent to the prosecutor without service. Such information about the plaintiff's or witnesses' age, profession and residential address that is not relevant to the prosecution shall not appear in the documents served on the defendant in a case of public prosecution.

If the Court of Appeal in a civil case has rejected a claim for attachment or any other measure in accordance with ch. or revoked a decision on such a measure or in a criminal case rejected a claim for a measure referred to in chs. 26-28. or revoked a decision on such a measure, the Supreme Court may immediately grant that the measure shall apply until further notice. If the Court of Appeal has granted such a measure or declared that the judgment may be enforced even if it has no legal force, or upheld a district court decision, the Supreme Court may immediately decide that the district court's or court of appeal's decision may not be enforced for the time being. In matters of detention or travel ban, the Supreme Court may change the decision of the Court of Appeal even if the other party has not been heard.
Lag (2016: 37) .

Section 9 The opposing party shall in his response letter state the reasons for the appeal stated by the appellant and state the circumstances he himself wishes to state. What has been said now does not apply in civil cases where the appellant's claim is granted.

The letter must contain information about the evidence the party invokes and about what must be substantiated with each piece of evidence. If a circumstance or evidence relied on in the Supreme Court has not been presented before, the party in civil proceedings shall explain the reason for it.
Written evidence that has not been submitted previously must be submitted to the Supreme Court at the same time as the response letter. The party must also state whether he wants the other party or in criminal cases the plaintiff or the defendant to appear in person at the main hearing in the Supreme Court. *Lag (1994: 1034)* .

Section 10 The Supreme Court shall send the reply letter to the appellant. Information about the plaintiff's or witnesses' age, profession and residential address that is not relevant to the prosecution shall not appear in the documents that are sent to the defendant in a public prosecution case.

If necessary, the Supreme Court may decide on further correspondence. The Supreme Court may also issue more detailed provisions on the correspondence and thereby decide in which respect the party shall comment. A party may be ordered to submit more than one letter only if there are special reasons.
Lag (1994: 1034) .

§ 11 The Supreme Court may decide without a main hearing
1. a question of precedent,
2. a case in which the Supreme Court, on the basis of the provisions of § 12, essentially bases the decision on the assessment of the Court of Appeal,
3. a case that has been taken up immediately by the Court of Appeal or
4. such a case or such issue in a case to be decided by the Supreme Court in its entirety.

With regard to decisions in other respects in the Supreme Court of cases without a main hearing, in civil cases ch. § 13 and in criminal cases ch. 51 Section 13 applies. *Lag (2016: 37)* .

Section 12 Has the Supreme Court, in application of the provisions of Chapter 54, § 11 or 12 tried a question of precedent, the court may, if further examination is required, base its decision of the case in whole or in part on the assessment of the Court of Appeal or set aside the judgment of a lower court and remand the case to a lower court for further proceedings.

A question of precedent may be decided by judgment also in cases other than those referred to in ch. Section 5, second paragraph. *Lag (1994: 1034)* .

Section 13 In civil cases, a party to the Supreme Court may, in support of his action, invoke a circumstance or evidence that has not been presented previously only if he makes it probable that he could not invoke the circumstance or evidence in a lower court or he otherwise had a valid excuse not to do it.

If a claim for set-off is first submitted to the Supreme Court and cannot be tried without inconvenience in the case, the claim may be rejected.
Lag (1994: 1034) .

Section 14 If at a main hearing in a lower court an interrogation has been held before the court or an opinion on the spot about a certain circumstance and if the decision also in the Supreme Court is due to confidence in that evidence, the Court of Appeal's judgment may be changed in that part only if the Court of Appeal in the same part changed the district court's judgment without taking up the evidence at a main hearing or taking part in an audio and video recording of the evidence. Such a change may, however, be made
1. if it is in favor of the defendant, or
2. if there are special reasons why the value of the evidence is different from that assumed by the Court of Appeal. *Lag (2016: 37)* .

Section 15 In the proceedings before the Supreme Court, the following provisions shall otherwise be applied:
1. in civil cases, ch. 50 § 10 third paragraph, § 12, §§ 14-22, § 24 and § 25 first and

second paragraphs and
2. in criminal cases, ch. 51 Section 8, fourth paragraph, Section 10, third paragraph, Section 12, Sections 14-22, and Sections 23 a, 24, 25 and 30.

What is said in ch. 50 §§ 26-29 concerning civil cases and in ch. 51 Sections 26-29 concerning criminal cases concerning the removal of a judgment of a district court and of deportation apply to the Supreme Court in respect of a judgment of a lower court. *Lag (2005: 683)* .

56 chap. On appeal against decisions and on the referral of precedents

Section 1 Anyone who wishes to appeal a decision of a Court of Appeal shall do so in writing. The letter must be submitted to the Court of Appeal.

The letter must have been received by the Court of Appeal within four weeks from the date on which the decision was announced. However, if a decision during the trial has not been announced at the hearing and it has not been announced at any meeting when the decision will be announced, the time of appeal shall be counted from the day on which the appellant received the decision. An appeal of a decision on someone's detention, detention in custody, permission for restrictions according to ch. § 5 a or if the imposition of a travel ban is not limited to a certain time.

Of the provisions in ch. 49 and ch. 54 Section 4 follows that anyone who wishes to appeal a decision of a court of appeal in certain cases must first report dissatisfaction. *Lag (1994: 1034)* .

Section 2 An appeal that has been received late shall be rejected by the Court of Appeal. However, the appeal shall not be inadmissible if it has been received by the Supreme Court within the time limit for appeal.
Lag (1994: 1034) .

§ 3 The appeal shall contain information about
1. the decision that is being appealed,
2. the change in the decision that is requested,
3. the grounds for the appeal,
4. the circumstances that are invoked in support ofgranting leave to appeal, when such permission is required, and
5 the evidence relied on and what is to be proved by each piece of evidence.

Written evidence not previously submitted must be submitted at the same time as the appeal. *Lag (1994: 1034)* .

§ 4 If the appeal is not rejected in accordance with § 2, the Court of Appeal shall send to the Supreme Court this and other documents in the case that are relevant to the examination of the appeal. *Lag (1994: 1034)* .

Section 5 If there is any other obstacle to taking up an appeal for review than that it has been received too late, the Supreme Court may immediately dismiss the appeal. *Lag (1994: 1034)* .

§ 6 If the appeal does not meet the regulations in § 3 first paragraph 1--3 or 5 or the second paragraph or is otherwise incomplete, the Supreme Court shall order the appellant to remedy the deficiency.

If the appellant does not comply with the injunction, the appeal shall be dismissed as inadmissible if it cannot be used as a substantial inconvenience as a basis for a trial in the Supreme Court.
Lag (1994: 1034) .

Section 7 If the Supreme Court finds that the appellant's counterparty should be heard regarding the appeal, the appeal shall be served on him with an order to respond in writing within a certain time. In cases where the prosecutor is the other party, however, the appeal may be sent to him without service. *Law (1999: 84)* .

Section 8 The opposing party shall in its response letter state its opinion on the grounds for the appeal stated by the appellant and state the circumstances he wishes to state himself.

The letter must contain information about the evidence the party invokes and about what must be substantiated with each piece of evidence. Written evidence that has not been submitted previously must be submitted to the Supreme Court at the same time as the response letter. *Lag (1994: 1034)* .

Section 9 If necessary, the Supreme Court may decide on further correspondence. The Supreme Court may also issue more detailed provisions on the correspondence and thereby decide in which respect the party shall comment. A party may be ordered to submit more than one letter only if there are special reasons.
Lag (1994: 1034) .

Section 10 If leave to appeal is required and the other party has been heard regarding the appeal, the Supreme Court shall, after the correspondence has been concluded, decide whether such leave shall be granted. When there are reasons for it, the issue may be raised without an exchange of letters.
Lag (1994: 1034) .

Section 11 At the trial in the Supreme Court, Chapter 52 shall otherwise 11--13 §§ and 55 chap. Section 12, first paragraph, applies.

When applying ch. 52 Section 13, first paragraph, the joint processing of the cases shall take place in accordance with Chapter 55. instead of according to ch. 50 or 51 chap. *Lag (1994: 1034)* .

Section 12 In the case of an appeal according to ch. § 8 applies §§ 1--11 with the following deviations:

1. The appellant shall submit his letter to the Bar Association.

The letter must have reached the community within four weeks from the day on which the appellant received the decision.
2. Unless there are special reasons to the contrary, the appellant and, when the action is brought by the Chancellor of Justice, the other party shall also be heard orally in the Supreme Court.
3. The body of the Bar Association which has notified the decision shall be given an opportunity to make a written statement and to give its opinion in connection with a hearing of a party.
4. A decision of the Bar Association rejecting the appeal may be appealed to the Supreme Court. The provisions of 1 shall then apply.*Lag (1994: 1034)* .

Section 13 A district court and, after a leave to appeal has been granted, a court of appeal may, with the consent of the parties, refer a certain matter in the case to the Supreme Court for consideration when a settlement of the matter is permitted. *Lag (2016: 37)* .

Section 14 A matter referred pursuant to section 13 may not come before the Supreme Court without the court having given permission for this. Such permission may be granted only to the extent that it concerns such a precedent issue as is referred to in ch. 54. Section 11, first paragraph.

The issue of leave to appeal may be tried without the parties being given an opportunity to comment. *Lag (1994: 1034)* .

Section 15 If leave to appeal is granted in accordance with section 14, the Supreme Court shall examine the question of precedent in application of the rules in sections 7, 9 and 11. *Lag (1994: 1034)* .

57 Chap. If goals are addressed immediately

Section 1 In cases that are to be taken up immediately by the Supreme Court, Chapter 53 shall apply. *Lag (1994: 1034)* .

SEVENTH DEPARTMENT

About special remedies

58 Chap. On erection and restoration of delayed time

1 § Since the judgment in the civil case becomes final, feel the benefit of any of the parties trial is granted:
1. if a member of the right or where the civil servant for the goal guilty of criminal

conduct or misconduct or crimes relating to Score is a representative or deputy, and the crime or misconduct can be assumed to have affected the outcome of the case;

2. if a written document relied on as evidence has been false or if a party heard during the declaration of truth, or a witness, expert or interpreter has given a false statement and the document or statement can be assumed to have affected the outcome;

3. if a circumstance or evidence, which has not previously been presented, is invoked and its presentation would probably have led to another outcome; or

4. if the application of the law on which the judgment is based is manifestly contrary to law.

Due to the circumstances referred to in 3, rescission may not be granted, unless the party makes it probable that he has not been able to invoke the circumstance or evidence in the court that issued the judgment, or by enforcement thereof, or he otherwise had a valid excuse not to do it. *Lag (1975: 670)*

§ 2 After a judgment in a criminal case has gained legal force, rescission may be granted in favor of the defendant,

1. if any member of the court, where an employed official or prosecutor with respect to the case has committed a criminal proceeding or misconduct or if any crime who are related to the case are represented by agents, deputies or defenders, and the crime or misconduct can be assumed to have affected the outcome of the case,

2. if any lawful judge or prosecutor has been unfair and it is not obvious that the conflict has been irrelevant to the outcome of the case ,

3. if any written document relied on as evidence has been false or if a witness, expert or interpreter has given a false statement and the document or statement can be presumed to have affected the outcome;

4. if any circumstance or evidence, which has not previously been prosecuted, invoked and its imposition would probably have led to the defendant being acquitted or to the crime being placed under a milder penalty provision than that applied or if, in view of what is thus invoked and otherwise occurs, there are special reasons to reconsider the question whether the defendant has committed the crime for which he was convicted, or

5. whether the application of the law on which the judgment is based is manifestly contrary to law. *Lag (1987: 1345)* .

§ 3 After a judgment in a criminal case has gained legal force, redress may be granted to the detriment of the defendant,

1. if any such circumstance, as referred to in § 2 1 or 3, existed and this can be assumed to have contributed to the defendant being acquitted or to that the crime was brought under a substantially milder penalty provision than that which should have been applied, or,

2. if the crime provides for imprisonment for more than one year and any circumstance or evidence, which has not been previously brought, is invoked and its prosecution would probably have led to the defendant being convicted of the crime or to being placed under a significantly stricter penalty provision than the one applied.

Due to the circumstances referred to in 2, rescission may not be granted, unless the party makes it probable that he has not been able to invoke the circumstance or evidence in the court that issued the judgment, or by enforcement thereof, or he has otherwise had a valid excuse not to do it. *Lag (1987: 1345)* .

Section 4 Anyone who wishes to apply for redress shall do so in writing with the Court of Appeal, if the judgment has been announced by the district court, and otherwise with the Supreme Court.

An application for rescission in a civil case due to any such circumstance as referred to in section 1, first paragraph 1, 2 or 3 and an application for rescission in a criminal case for the defendant shall be made within one year of the applicant becoming aware of the fact that the application is based on. If another person's criminal act is invoked as a basis for the application, the time may be counted from the time the judgment on the act became final. Resolutions in civil cases due to any such circumstance, as referred to in section 1, first paragraph 4, shall be sought within six months of the judgment becoming final. *Lag (1988: 1451)* .

Section 5 In the application for rescission, the applicant shall state:
1. the judgment to which the application relates;
2. the circumstances on which the application is based, and the reasons for the application; and
3. the evidence the applicant wants to invoke and what he wants to prove with each particular piece of evidence.

If the application is based on a circumstance referred to in section 1, first paragraph 3 or section 3, first paragraph 2, the applicant shall state the reason why the circumstance or evidence has not been invoked in the trial.

The application must be personally signed by the applicant or his representative.

When applying for school in a main text or a certified transcript, the written evidence the applicant invokes is attached.

Section 6 If the application for rescission is not rejected, it shall be served on the other party together with the documents attached thereto. If the application concerns litigation in cases where the prosecutor is the other party, it may, however, be sent to the prosecutor without service. The other party shall at the same time be ordered to submit a written statement. However, if the application is unfounded, it may be rejected immediately.

If the application is examined in the Court of Appeal, Chapter 52 applies. 8-12 §§. If the application is taken up immediately by the Supreme Court, ch. 56 applies. §§ 8, 9 and 11.

The court may order that, unless otherwise provided, further measures for the enforcement of the judgment shall not take place.
Law (1999: 84) .

Section 6 a The prosecutor shall resume a preliminary investigation if it is invoked in an application for rescission or if there is otherwise a circumstance or evidence that has not been presented previously and it is probable that the circumstance or evidence constitutes grounds for rescission. However, the preliminary investigation shall not be resumed if there is no need for investigative measures.

If the preliminary investigation is not completed, the prosecutor shall, under the conditions specified in the first paragraph, instead decide that the preliminary investigation shall also relate to the question of the previous defendant's participation in the crime. *Lag (2012: 659)* .

§ 6 b In a case of rescission, the court may order the prosecutor to take a certain investigative measure, if according to § 6 a there are conditions to resume the preliminary investigation or decide that an ongoing preliminary investigation shall also refer to the question of the previous defendant's participation in the crime. *Lag (2012: 659)* .

Section 7 If rescission is granted, the court shall at the same time order that the case shall be taken up again in the court which last ruled in the case. However, if rescission is granted in civil or criminal cases for the benefit of the defendant and the matter is obvious, the court may immediately change the judgment.

If the applicant fails to appear, when the case is taken up again at a hearing, the rise shall be deemed to be due. If the other party fails to appear, the case may still be decided.
The notices shall contain information about these rules. What is said in this paragraph does not apply to the prosecutor. *Lag (1988: 1451)* .

Section 8 If an application for rescission is rejected or rejected, the applicant may be ordered to reimburse the other party or, if the prosecutor is the other party, the state the costs of the rescission case. If an action has been sought by the prosecutor, the costs may be paid from public funds. If the application is approved, the cost issue shall be examined in connection with the case after its resumption. *Lag (1988: 1451)* .

Section 8 a If a public defender has been appointed in accordance with ch. § 3 b and no application for rescission is submitted to court, the former defendant may be ordered to compensate the state for what has been paid from public funds in compensation to the defense counsel.

If a measure referred to in section 6 a has been taken for the purpose of investigating whether there are grounds for redress for the former defendant and no application for redress is submitted to court, the former defendant may be awarded compensation from public funds for such reasonable costs. referred to in ch. 31 2 §.

The question of compensation for costs pursuant to the first and second paragraphs is examined by the court which, pursuant to section 4, first paragraph, is competent to examine the application for rescission. *Lag (2012: 659)* .

Section 9 If a judgment in a criminal case also refers to something other than liability, with regard to rescission in this part of the case, what is provided for rescission in civil cases applies; is granted relief in the question of liability, however, notwithstanding what is thus prescribed relief may at the same time also be granted in the case in general.

§ 10 What is stipulated in §§ 1-9 if the judgment has a corresponding application regarding the court's decision.

Section 10 a If the action against the decision of an authority other than the district court should have been completed in the district court or court of appeal, the application for redress in the case is made in writing to the court of appeal. The same applies to a case that has been decided by approval of a criminal injunction or approval of an injunction.

With regard to such an application made in accordance with the first paragraph, Sections 1--3, Section 4, second paragraph and Sections 5--8 apply. *Lag (1988: 1451)* .

Section 11 If someone has postponed the time that applies for appealing a judgment or decision or for an application for recovery or resumption, and if he had legal due date, the delayed time may be restored at the request of him. *Lag (1994: 1034)* .

Section 12 Anyone who wishes to apply for restoration of the adjourned time for completion of the action in the Court of Appeal or for application for recovery or reopening in the district court shall do so in writing to the Court of Appeal within three weeks from the expiration and last within one year from the time expired. out.

An application for restoration of the adjourned time for completion of the action in the Supreme Court or an application for recovery or reopening in the Court of Appeal or the Supreme Court is made in writing to the Supreme Court within the time specified in the first paragraph.

Regarding the application, sections 5, 6 and 8 apply.
Lag (2009: 344) .

Section 13 An application for restoration of the adjourned time for completion of an action in a district court or court of appeal against a decision referred to in section 10 a is made in writing to the court of appeal. With regard to such an application, section 11 and the first and third paragraphs of section 12 apply. *Lag (1988: 1451)* .

Section 14 Upon completion of the action against the decision of the Court of Appeal in respect of rescission or restoration of the adjourned time, what is stated in ch. on the completion of an action against a decision in a case or matter, which has been brought before a district court. *Lag (1988: 1451)* .

59 Chap. About the complaint about domvilla etc.

§ 1 Those who gained legal force after the complaint of the person whose rights the judgment concerns because of the miscarriage of justice eliminated,

1. if the case has been taken up even though there has been a procedural bar, as a

higher court had to consider voluntarily on appeal,
second if the judgment has been given against someone who has not been duly sued and has not brought an action in the case, or through the judgment someone who has not been a party to the case suffers harm,
3. if the judgment is so unclear or incomplete that it is not clear of it, how the court has ruled in the case or
4. if there has been any other serious procedural error in the trial that can be assumed to have affected the outcome of the case.

The appeal against a judgment under the first paragraph 4 which is based on a circumstance which has not previously been invoked in the case shall be rejected, unless the appellant makes it probable that he has been prevented from invoking the circumstance in the trial or he otherwise had a valid excuse not to do so. *Lag (1994: 1034)* .

Section 2 Anyone who wishes to complain about a misdemeanor shall do so in writing. The letter must be submitted to the Court of Appeal, if the judgment has been announced by the district court, and otherwise to the Supreme Court.

If the complaint is based on any circumstance referred to in § 1 1 or 4, the letter shall be submitted within six months of the judgment becoming final. If the complaint is based on any circumstance referred to in § 1 2, the letter shall be submitted within six months of the appellant becoming aware of the judgment. If he became aware of the judgment before it became final, the time shall be counted from the day on which the judgment became final. *Lag (1994: 1034)* .

Section 3 In the case of an appeal against a misdemeanor and an appeal against a decision of the Court of Appeal in such a case, Chapters 52, 54 and 56 shall otherwise apply.
apply. However, in the case of an appeal that is to be heard immediately by the Supreme Court, the provisions on leave to appeal do not apply.

The court may decide that the judgment may not be enforced for the time being.

If the judgment is set aside for reasons other than that the court has been unauthorized or otherwise does not remove the case for review, the court shall at the same time decide that a new hearing shall take place at the court that issued the judgment.

With regard to compensation for costs, the provisions on court costs apply. *Lag (1994: 1034)* .

§ 4 What is said in §§ 1-3 about the judgment shall also be applied with regard to the court's decision. *Lag (1994: 1034)* .

Section 5 If a decision by an authority other than the district court should have been appealed to the district court or court of appeal, the appeal against a judgment in the case may be made in writing to the court of appeal.

With regard to the complaint pursuant to the first paragraph, section 1, section 2, second paragraph and section 3 apply. *Lag (1994: 1034)* .

Section 6 A criminal injunction approved by the suspect shall be removed after the complaint,
1. if the approval cannot be regarded as a valid declaration of intent,
2. if there has been such an error in the handling of the case that the injunction should be considered invalid or
3. if the injunction is otherwise does not comply with the law.

If a criminal injunction has been removed, no more severe punishment may subsequently be imposed for the same act.
Lag (1994: 1034) .

Section 7 Anyone who wishes to complain about a criminal injunction shall do so in writing. The letter must be submitted to the district court that has been able to prosecute the crime.

The letter must have been received by the district court within one year after the measure for enforcement of the injunction was taken by the suspect. If the injunction does not refer to any other criminal sanction than a suspended sentence, the time is counted from the beginning of the probationary period. With regard to the proceedings, ch. 52 Sections 2, 3 and 5-12 apply. Provisions relating to the Court of Appeal then apply instead to the district court. *Lag (1996: 1462)* .

Section 8 In the case of an appeal against the district court's decision in connection with the appeal against a criminal injunction, Chapters 49 and 52 apply.

The decision of the Court of Appeal may not be appealed. *Lag (1994: 1034)* .

Section 9 In cases referred to in section 7 or 8, the court may decide that the penalty order may not be enforced for the time being.
Lag (1994: 1034) .

Section 10 The provisions of Sections 6--9 shall also be applied in respect of an approved injunction. In cases concerning the appeal against such an injunction, the public prosecutor is the other party to the suspect.
Lag (1994: 1034) .

Transitional provisions

1983: 920

This law enters into force on 1 January 1984. In the case of public defenders who have been appointed before the entry into force, older provisions apply.

1984: 131
1. This Act enters into force on 1 July 1984.
2. Older provisions on the jurisdiction of district courts still apply to main hearings that have begun before the entry into force and to deliberations and votes in connection with such main hearings.
Older provisions on the judgment of the courts of appeal still apply in cases where the final proceedings have begun before the entry into force.
Older provisions on the rejection of incomplete lawsuits as well as bets, audits and appeals still apply in the case of applications and submissions that have been received by the court before the entry into force.
Older provisions on the right to reopen a civil or criminal case in a court of appeal after the court of appeal has declared the action in the case due still apply if the action has been declared due before the entry into force.
6. Older provisions on the time for lodging an appeal against a decision of a lower court still apply to decisions which have not been announced at a hearing for a hearing but in respect of which the time for notification has been announced before the entry into force.

1987: 328

This Act enters into force on 1 July 1987. However, the Act does not apply in cases where interest has begun to accrue before the entry into force.

1987: 681

This Act enters into force on 1 January 1988. The older wording still applies in respect of liability or individual claim due to crimes committed by a bankruptcy judge in the performance of his duties.

1987: 747
1. This Act enters into force on 1 January 1988.
2. The Act repeals the Act (1974: 8) on litigation in small claims cases. However, that law still applies in cases where the application for a summons has been submitted to the court before the entry into force or where the court, if the action has been brought through an application for legal action, order for payment or assistance or as an individual claim in criminal cases, before the entry into force.
3. The provisions of ch. 36 § 1 third paragraph 3 in their older wording still applies to those who have been imposed disciplinary sanctions by military executives.
Older rules on betting still apply to judgments given before the entry into force.
5. If there is any reference in law or other constitution to a regulation that has been replaced by a provision in this Act, that provision shall apply instead.

1987: 792
1. This Act enters into force on 1 January 1988.
2. Regarding disputes about division of property, older provisions shall still apply if an action for divorce has been brought before the entry into force, one of the spouses has died before the entry into force or the dispute concerns division of property due to separation of property .

1987: 1211

This law enters into force on the date determined by the government. If someone is deprived of their liberty by arrest, detention or detention upon the entry into force of the Act, a detention petition in accordance with ch. Section 12 is made and an arrest hearing according to Sections 13 and 17 of the same chapter is held on the day the law enters into force or the following day, if the older law allows this to happen.

1988: 167

This Act enters into force on 1 July 1988. However, the provision in section 7 on penalties does not apply in respect of matters relating to the period before 1 January 1983.

1988: 616

This Act enters into force on 1 January 1989. Ongoing terms of office for board members expire at the end of 1988. New election of board members for the period from 1989 shall, in application of the new provisions, take place during 1988. Elections are conducted by the City Council and county council newly elected during this year.

1988: 1451

This Act enters into force on 1 January 1989. If an application for rescission or restoration of a delayed period has been made before the entry into force, older provisions apply. The same applies in cases where an appeal against a judgment has been lodged before the entry into force.

1989: 113

This Act shall enter into force on 1 July 1989. However, in the case of decisions issued before the entry into force, older regulations apply.

1989: 352

1. This Act enters into force on 1 July 1989.
2. The provisions of ch. 54 Sections 2 a and 11 a do not apply to decisions of the Court of Appeal announced before the entry into force.
3. The provisions in ch. 54 Sections 9 and 11 in their older wording still apply when the action against decisions of the Court of Appeal given before the entry into force is completed.
4. The provisions in ch. 49 § 1 and ch. 54 § 1 in their older wording still applies in respect of such an undertaking not to complete the action made before the entry into force.

1989: 656

1. This Act enters into force on 1 September 1989.
2. Older regulations on the composition of the court still apply to main proceedings that have begun before the entry into force.

Older regulations in ch. 50 Section 25, third paragraph, still applies when the appealed decision has been announced before the entry into force.

1990: 443

This Act enters into force on 1 July 1990. However, older provisions apply
1. in respect of the execution of an action against a special judgment according to ch. § 5 which has been announced before the entry into force,
2. in the case of time for
appeal against decisions issued before the entry into force, 3. in the case of lower court obligation to review whether the action against the decision announced before the entry into force has been completed in the prescribed manner.

Has in goals referred to in ch. § 7 older wording the action before the entry into force is brought before a certain district court as stated there, the district court retains its jurisdiction to handle the case.

1990: 1128

This Act enters into force on 1 January 1991. Older regulations still apply in cases
1. where the action was brought before a real estate court before the entry into force,
2. which after recovery was handed over to a real estate court before the entry into force, or
3. which according to the Law Enforcement Act (1946: 808) was referred to trial in real estate court before the entry into force.

1991: 485

This Act enters into force, in respect of ch. § 6 on 1 July 1991 and otherwise on 1 January 1992.

1991: 847

This law enters into force on the date determined by the government. Older regulations still apply in cases of litigation, injunction and assistance where the action was brought before the entry into force.

1991: 1561

This Act enters into force on 1 January 1992. Older regulations, however, apply to the examination of actions brought before the entry into force and in respect of secrecy obligations which have arisen before the entry into force.

1992: 1511
1. This Act enters into force on the date determined by the Government. (Effective January 1, 1994, 1993: 1646).
2. Is a representative according to ch. 33 § 7 notified upon entry into force, the notification shall be deemed to refer to three months after entry into force. The person

who made the report and the representative shall be notified by the Supreme Court in an appropriate manner as soon as possible after the entry into force.

1993: 10
1. This Act enters into force on 1 March 1993.
2. Older provisions still apply in cases where a public defender has been appointed before the entry into force.

1993: 348

This Act enters into force on 1 July 1993. However, older provisions still apply to cases in which the court has decided on a forensic psychiatric examination before the entry into force.

1993: 514

This Act shall enter into force on 1 July 1993. If a judgment or decision has been given before the entry into force, older provisions shall apply in respect of appeals and requirements for leave to appeal.

1994: 1034
1. This Act enters into force on 1 October 1994.
2. If there is a reference in a law or a constitution that has been decided by the Government to a regulation that has been replaced by a regulation in this Act, the new regulation shall apply instead. .
If a judgment or decision has been announced before the entry into force, older provisions apply with regard to the right to appeal and what the person wishing to appeal must observe.

1994: 1412

This Act enters into force, in respect of Chapter 23, Sections 1, 3, 8 and 22 and Chapter 27 Section 7 on April 1, 1995, and otherwise on the date determined by the Government.

1994: 1435
1. This Act enters into force on 1 July 1995.
2. Cases which at the time of entry into force are pending before a court which was competent according to older provisions shall also be dealt with there after the entry into force.

1994: 1620
1. This Act enters into force on 1 January 1995.
2. The new wording of ch. Section 6 shall, however, be applied for the first time after the election in 1998.
3. Elections according to the new wording of ch. Section 8 shall take place for the first time in 1998.
4. The current period of service for the board members who have been elected in accordance with older regulations shall be four instead of three years.

1996: 1624

This Act enters into force on 1 December 1997, when the Act (1946: 864) on the reimbursement of costs for blood examinations in criminal cases shall cease to apply.

1997: 273

This Act enters into force on 1 July 1997. In the case of circumstances relating to the period before the entry into force, however, Chapter 8 applies. § 7 third paragraph in its older wording.
The new wording of ch. Section 7, fourth paragraph, does not apply in respect of such circumstances as have just been stated.

1997: 298

This Act shall enter into force on 1 July 1997. In the case of information entrusted before the entry into force, older provisions shall apply.

1997: 391
1. This Act enters into force on 1 September 1997.
2. If the main hearing has begun before the entry into force, Chapter 1 applies. 3 b and 8 §§ in their older wording.

1999: 84
1. This Act enters into force on 1 April 1999.
2. If a notice has been issued before the entry into force, ch. 50 applies. §§ 10 and 21 and ch. 51 § 10 in its older wording.

2000: 172
1. This Act enters into force on 1 July 2000.
2. The provisions in ch. Section 8 a in its older wording shall be applied in cases handled in accordance with Chapter 1. § 3 d, if the application for a summons has been received by the court before the entry into force or, when the action has been brought as an individual claim in a criminal case, the court before the entry into force decides that the dispute shall be handled as a civil case. The same applies if the action has been brought through an application for an order for payment or assistance and the enforcement agency before the entry into force has decided to, according to section 36 or 54 of the Act (1990: 746) on payment order and assistance, submit the case to district court.

If a main hearing has been commenced before the entry into force, it is applied in respect of that hearing, Chapter 43. §§ 3 and 11 or ch. 46 §§ 3 and 11 in their older wording.

4. If a judgment of third instance has been issued before the entry into force, older provisions regarding the right to seek recovery apply.

2000: 299

This Act enters into force on 1 July 2000. Older provisions apply to criminal injunctions and fines issued before the entry into force.

2003: 1146

This Act enters into force on 1 April 2004 in respect of section 27 and otherwise on 1 October 2004. Permits for secret telephone tapping and secret telemonitoring for time before the court's decision may not refer to time before the entry into force.

2004: 402

This Act enters into force on 1 July 2004. Older provisions apply to leave to appeal in the case of appeals against judgments and decisions that have been announced before the entry into force.

2005: 72

1. This Act shall enter into force on 1 April 2005.
2. The new provision shall not apply if an individual prosecution has been brought or the plaintiff has taken over a public prosecution before the entry into force. The provision shall also not be applied if the plaintiffs in cases concerning crimes that fall under public prosecution before the entry into force alone have pursued a liability action in a higher court.

2005: 683

1. This Act enters into force on the date determined by the Government.

Older provisions apply to claims for leave to appeal in the case of appeals against judgments and decisions that have been announced before the entry into force.

3. Older provisions apply in respect of agreements not to appeal a judgment under ch. 49. § 2 and ch. 54 § 2, which has been entered into before the entry into force.

2007: 981

This Act enters into force on 1 January 2008. Notification pursuant to section 31 does not, however, need to be given regarding secret telephone tapping or secret telephone surveillance that has been terminated before the entry into force.

2009: 1252

1. This Act enters into force on 1 January 2010.
2. Older provisions shall apply to public defenders who have been appointed before the entry into force.

2010: 575

1. This Act enters into force on 1 July 2010.
2. For urine samples taken before the entry into force, Chapter 31 applies. § 1 and ch. 48 § 2 in its older wording.

Chapter 31 does not apply to costs for public defenders appointed before the entry into force. 9 a §.

2010: 1936

1. This Act enters into force on 1 April 2011.
2. Older provisions apply if a decision on service pursuant to Sections 15-17 of the

Service Act (1970: 428) has been made before 1 April 2011 or if a document has been sent or submitted before this time.

2012: 659
1. This Act enters into force on 1 January 2013.
2. The provisions of the Legal Aid Act (1996: 1619) still apply in the event that a legal aid assistant has been appointed for a previous defendant in a rescission procedure before the entry into force.

2014: 320
1. This Act enters into force on 1 July 2014.
2. The provision in ch. 33 Section 6 applies in its older wording if the personal coincidence referred to in the provision took place before the entry into force.

2014: 904
1. This Act enters into force on 1 September 2014.
2. Older provisions still apply to a board member whose term of office ends no later than 31 December 2014.
3. For a board member appointed in 2014, the term of office ends no later than 31 December 2015.
4 Election of board members shall be carried out in 2015 for a term of office beginning on 1 January 2016.

2014: 1419
1. This Act shall enter into force on 1 January 2015.
2. In the case of the use and processing of information which, in the case of secret room interception, has revealed a crime other than that which has formed the basis for the decision on room interception, and which has been collected before 1 January 2015, older regulations apply.

2015: 684
1. This Act enters into force on 1 January 2016.
2. Older provisions still apply when the Swedish National Board of Health and Welfare has informed a party during the proceedings that simplified service may be used in the Court of Appeal or the Supreme Court if a decision is appealed .

2017: 1024
1. This Act enters into force on 1 January 2018.
2. The provisions of the new Chapter 8 Section 7 a does not apply in the case of crimes that have been committed before the entry into force.

2018: 533
1. This Act enters into force on 1 July 2018.
2. For saliva samples that have been taken before the entry into force, Chapter 31 applies. § 1 and ch. 48 § 2 in the older wording.

2019: 605
1. This Act enters into force on 1 November 2019.

2. Older provisions apply to violations of the Act (2017: 630) on measures against money laundering and terrorist financing that have occurred before the entry into force.