



VELFERÐARRÁÐUNEYTIÐ

Ministry of Welfare

Welfare Appeals Committee Act, No. 85/2015, as amended by Act No. 90/2018.

Where mention is made in this Act of ‘the minister’ or ‘the ministry’ without further definition, the reference intended is to the Minister of Social Affairs and Equality or to the Ministry of Welfare, which is responsible for the implementation of this Act. Information on the division of responsibilities between ministries according to a presidential decree may be found [here](#).

CHAPTER I

Role, appointment and methods of work.

Article 1

Role.

The Welfare Appeals Committee shall rule on appeals lodged in connection with administrative decisions as provided for in laws which allow for appeals to be made to the committee. The appeals committee is independent and autonomous in its work.

Article 2

Appointment.

The committee shall consist of twelve members appointed as follows.

1. The minister shall appoint the chairman of the appeals committee and three members on a full-time basis for terms of five years following an advertisement in accordance with the provisions of the Government Employees Act applying to appointed civil servants and after receiving the comments of the assessment committee provided for in item 2 below. They shall meet the conditions of eligibility for appointment as District Court judges. Their rights and obligations shall be in accordance with the Government Employees Act. Their wages and terms of service shall be determined by the Civil Servants’ Salary Board.
2. The minister shall appoint three persons to an assessment committee which shall assess the competence of applicants for the position of members of the Welfare Appeals Committee. Two members of the committee shall be nominated by the Supreme Court, and one of them shall be the chairman of the committee. The assessment committee shall give the minister written and reasoned comments on the applicants.
3. The minister shall appoint eight other members of the committee and the same number of alternates for terms of four years at a time. Three of them shall have *cand. jur.* or master’s degrees in Law; one shall be a physician and one shall have specialised knowledge in the field of child welfare. Care shall be taken to ensure that the necessary specialised knowledge of the fields covered by the committee exists within it at all times. Alternate members shall be appointed in the same way, and meet the same qualification requirements, as principal members.

Article 3.

Methods of work.

The chairman of the committee shall also serve as the director of the appeals committee, being in overall charge of it and being responsible for its finances and day-to-day running. He or she shall represent the committee externally. The director shall engage the committee’s staff.

The appeals committee shall operate in four three-person divisions. If a matter is complex or has precedent value, the chairman may decide that five persons are to sit on the committee when it is discussed. The chairman shall decide the composition of the committee in each individual case. He or she shall ensure that the committee dealing with each individual case includes those who have the best knowledge to resolve the matter. The chairman, or a committee member appointed to a full-time position under item 1 of Article 2 shall direct the work of the committee when a case is under discussion. When there is no consensus among the members, a majority of votes shall determine the outcome.

The committee may call in experts for advice and assistance in handling individual cases. They shall work with the committee on the preparation and processing of the case in accordance with the decision of the chairman.

Article 4

Protection of personal data.

Processing of personal data by committee members, committee staff and advisors to the committee shall be in accordance with the Act on Data Protection and [the Processing]¹⁾ of Personal Data.

Committee members, committee staff and advisors may not divulge to unauthorised persons information of a personal nature which they come across in the course of their work and which should be kept secret; breaches of this obligation will result in liability under the provisions of the General Penal Code covering violations in public office. This non-disclosure obligation shall remain in force even after the persons concerned have stopped working for the committee.

¹⁾ Act No. 90/2018, Article 54.

CHAPTER II

Procedure

Article 5

Deadline for appeals.

Appeals against administrative decisions shall be submitted to the Welfare Appeals Committee in writing within three months of the date when the party to the case is informed of the decision unless other provisions are made in the act on which the decision that is the subject of the appeal is based. Appeals shall be regarded as having been submitted in time if the letters containing them are delivered to the committee, or have been posted, before the deadline.

Article 6

Obligation regarding information; gathering of materials.

Government authorities are obliged to provide the Welfare Appeals Committee with all materials pertaining to its cases, and also all information and explanations it considers necessary for their resolution. The provisions of the acts on which administrative appeals are based shall apply regarding other aspects of obligations regarding information and the gathering of materials.

Article 7

Procedure.

Cases before the appeals committee shall normally be processed in writing. However, the committee may decide to call parties to cases, or their representatives, to meetings.

If the appeals committee considers that a party's position and the reasons for it are not clear from the case materials, it shall ensure that he or she has the opportunity to express his or her position on the substance of the case before it delivers its ruling, unless there is obviously no need to do so.

The appeals committee shall deliver its ruling as soon as possible, and normally within three months of receipt of the case unless particular circumstances render it difficult to do so, in which case the appellant shall be informed of the reason for the delays and of when a ruling may be expected. The processing time for matters against which appeals are referred to the committee under Article 18 of the Act on Debt Mitigation for Individuals, No. 101/2010, shall be in accordance with that act.

Rulings by the committee are final at the administrative level and cannot be referred to a higher authority.

Other aspects of procedure by the committee shall be subject to the Administrative Procedure Act and provisions of the acts from which the right of appeal to the committee is derived in any given instance.

Article 8

Legal effect and enforceability.

An appeal against an administrative decision does not defer the legal effects of the decision unless other provisions are made in the act on which the decision that is the subject of the appeal is based. Nevertheless, the appeals committee may defer the legal effects of the decision that is the subject of an appeal while the appeal is being processed where there are reasons in favour of doing so.

The enforceability of the committee's rulings shall be subject to the provisions of the acts on which the decisions that are the subject of appeals are based.

CHAPTER III

Miscellaneous provisions.

Article 9

Publication of rulings. Annual reports.

The committee shall publish its rulings in an accessible and organised manner. They shall be published without names, ID Numbers and other traceable personal data. If there are particular difficulties regarding the guarantee of personal privacy, exemptions may be made from the rule concerning the publication of rulings.

Each year, the committee shall submit to the minister a report on its work and its principal outcomes and the conclusions that may be drawn from the committee's rulings.

Article 10

Expenses.

Expenses associated with the operation of the Welfare Appeals Committee shall be met by the Treasury. However, costs arising from cases in which appeals are referred to the committee under the Unemployment Insurance Act shall be paid by the Unemployment Insurance Fund in accordance with the provisions of that act.

Article 11

Regulations.

The minister may issue regulations setting more detailed provisions on the appeal committee, e.g., regarding submissions to the committee, its working methods, procedure, the publication of rulings and the contents of its annual report.

The committee may set itself procedural rules containing further provisions on its work. These shall be approved by the minister.

Article 12

Commencement.

This Act shall take effect on 1 January 2016. However, Article 2, and Interim Provision I take effect immediately.

Article 13

Amendments to other acts.

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Interim provisions.

I.

Staff of the Social Insurance Appeals Committee and those of the ministry's employees who have worked for appeals committees and complaints committees as their main occupation shall be offered employment with the Welfare Appeals Committee. Article 7 of the Government Employees Act shall not apply to positions for which personnel are engaged under this provision.

II.

Cases which, when this Act takes effect, have not yet been given substantive treatment, or about which no decision to forward them or reject them has been taken at a meeting of an appeals committee or complaint committee shall be brought to a conclusion by the committee which is handling them. The Debt Mitigation Appeals Committee, however, shall conclude all the cases that were submitted to it prior to 1 January 2015. The minister may extend the term of appointment of a committee until it has concluded all the cases that it has accepted for substantive treatment, though under no circumstances by more than six months following the commencement of this Act. The term of appointment of the Debt Mitigation Appeals Committee may, however, be extended by up to twelve months following the commencement of this Act.

*[This translation is published for information only.
The original Icelandic text is published in the Law Gazette.
In case of a possible discrepancy, the original Icelandic text applies.]*