

# Foreword

Local self-government is a longstanding tradition in Sweden and of fundamental constitutional significance. The principle of local self-government has been enshrined in the Constitution as an integral part of democratic government in Sweden. Sweden has also ratified the European Charter of Local Self-Government.

Local self-government at local and regional level is exercised, respectively, by municipalities and county councils, which are responsible for vital public services in a variety of welfare sectors. Municipal responsibilities, for example, include basic schooling, child care amenities and caring services for the elderly. Recreational and cultural activities are also important municipal concerns. On the technical side, municipalities are responsible, for example, for water supply and sewerage, rescue services and refuse disposal. County council responsibilities centre mainly on public health and medical services, but county councils also have other important duties, e.g. in connection with public transport and regional cultural institutions.

The "democratic rules of the game" for municipalities and county councils are laid down in the Local Government Act, a new version of which was passed by the Swedish Riksdag (parliament) in the spring of 1991, following an extensive process of inquiry. The new Local Government Act came into force in 1st January 1992.

International contacts are very important to Sweden in a large number of fields, for example in the enlargement of the European Union, and the development of local self-government is no exception. I hope that this English translation of the Local

Government Act will come to play a useful part in the interchange between Sweden and other countries of information and experience relating to the role and tasks of local government. The first English translation was published in Ds 1992:110.

Foreword to the second revised English edition.

In this English edition of the Swedish Local Government Act (1991:900), amendments that entered into force on the 1st of January 1995 have been taken into account. The second English translation was published in Ds 1995:19.

Foreword to the third revised English edition.

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Foreword to the fourth revised English edition.

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Foreword to the fifth revised English edition.

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# Innehåll

<b>Chap 1 Division, membership .....</b>	<b>7</b>
<b>Chap. 2 Powers of municipalities and county councils.....</b>	<b>9</b>
<b>Chap. 3 Organisation of municipalities and county councils and forms of activity.....</b>	<b>13</b>
<b>Chap. 4 Elected representatives .....</b>	<b>25</b>
<b>Chap. 5 Assemblies .....</b>	<b>35</b>
<b>Chap. 6 The executive committee and other committees .....</b>	<b>55</b>
<b>Chap. 7 Co-determination procedures .....</b>	<b>67</b>
<b>Chap. 8 Economic administration.....</b>	<b>75</b>
<b>Chap. 9 Auditing .....</b>	<b>83</b>
<b>Chap. 10 Assessment of legality.....</b>	<b>89</b>



# Local Government Act<sup>1</sup>.

## Chap 1 Division, membership

*Division into municipalities, county councils etc.*

### Section 1

Sweden is divided into municipalities and county councils.

These attend to the matters indicated in this Act or in special regulations, proceeding on principles of democracy and local self-government.

### Section 2

Every county council comprises one county, failing express provision to the contrary.

### Section 3

Provisions concerning boundary alterations are given in the Act (1979:411) concerning alterations to the division of Sweden into municipalities and county councils.

Provisions concerning municipal organisation during wartime or when there is a danger of war are given in the Act (1988:97) concerning procedure for local authorities, administrative authorities and courts of justice in the event of war or danger of war, etc.

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<sup>1</sup> SFS 1991:900 with amendments 1991:1774, 1992:355, 1993:1295, 1994:690, 1994:691, 1994:998, 1995:84, 1995:297, 1997:166, 1997:550, 1997:615, 1997:826, 1998:70, 1998:765, 1999:308, 1999:621, 2000:111, 2000:889, 2002:249, 2002:438, 2002:835, 2003:196, 2003:519. The Act came into force on 1st January 1992.

Provisions concerning the organisation and powers of local authorities and county councils in the event of exceptional circumstances in peacetime are given in the Act (2002:833) on exceptional circumstances in peacetime in municipalities and county councils.

### *Membership*

#### Section 4

A person who is registered as a resident of a municipality, owns real property there or is assessed for local income tax there is a member of that municipality.

A person being a member of a municipality within a county council area is a member of that county council.

## Chap. 2 Powers of municipalities and county councils

### *General powers*

#### Section 1

Municipalities and county councils may themselves attend to matters of general concern which are connected with the area of the municipality or county council or with their members and which are not to be attended to solely by the state, another municipality, another county council or some other body.

#### Section 2

Municipalities and county councils are to treat their members equally, unless there are objective reasons to the contrary.

#### Section 3

Municipalities and county councils may not make retroactive decisions which are detrimental to their members, unless there are very strong grounds for doing so.

#### Section 4

Special provisions exist concerning the powers and obligations of municipalities and county councils in certain fields.

## Section 5

Provisions concerning the right of municipalities and county councils to issue regulations and to levy taxation for the discharge of their duties are contained in the Instrument of Government.

## Section 6

The Stockholm County Council may attend to matters within part of the county council area which it is really for the municipalities there to attend to, if there is a substantial need for co-operation which cannot otherwise be provided for.

*Special provisions concerning business activity etc.*

## Section 7

Municipalities and county councils may engage in business activity if it is conducted without a view to profit and is essentially concerned with providing communal amenities or services for the members of the municipality or county council.

## Section 8

Municipalities and county councils may take steps for the general promotion of enterprise in the municipality or county council.

Individualised support may be given to individual enterprises only if there are very strong grounds for doing so.

*Local government party support*

## Section 9

Municipalities and county councils may give financial grants and other support (party support) to the political parties represented on the municipal or county council assembly.



Party support may also be given to a party which has ceased to be represented on the assembly, but only for one year after it ceased to be thus represented.

#### Section 10

The municipal or county council assembly shall decide the scope and forms of party support. Support may not be designed in such a way as to be unduly favourable or prejudicial to a party. If, under Chap. 4, Section 30, a political secretary has been appointed for the elected representatives within a party, this shall be taken into account when determining the support.



# Chap. 3 Organisation of municipalities and county councils and forms of activity

## *Assembly*

### Section 1

Every municipality and every county council has one decision-making assembly: the municipal assembly in the municipalities and the county council assembly in the county councils.

## *Committees*

### Section 2

A municipal assembly shall appoint a municipal executive committee and a county council assembly a county council executive committee.

Further provisions concerning these executive committees are made in Chap. 6, Sections 1–6.

### Section 3

The assembly shall appoint the committees needed, in addition to the executive committee, for the discharge of the duties of the municipality or county council under special enactments and for the conduct of its other activities.

## Section 3 a

Municipalities and county councils may discharge duties pursuant to Section 3 by the agency of a common committee.

A common committee may discharge duties for which, under special statutory instruments, each municipality or county council shall have one or more committees. Duties incumbent upon municipal executive boards or county council executive boards under the Civil Defence Act (1994:1720) may not, however, be discharged by a common committee. Special provisions concerning common committees are given in the Act (2003:192) concerning common committees in health and social services.

A common committee is appointed in one of the municipalities or county councils engaging in cooperation and comes within the organisation of that municipality or county council.

## Section 3 b

Provisions made in this Act concerning a committee shall also, failing express provision to the contrary, apply to a common committee.

## Section 3 c

The authority and powers of a common committee shall be defined more closely in an agreement between the municipalities and county councils concerned.

## Section 4

Failing express provisions to the contrary, the assembly shall decide the spheres of activity of the committees and relations between them. In doing so the assembly may decide

1. that a committee shall take charge of one or more activities in the entire municipality or county council area,

2. that a committee shall take charge of one or more activities for part of the municipality or county council area,
3. that a committee shall take charge of activities at one or more facilities,
4. that a committee shall be subordinate to another committee, and
5. that a committee shall be in common with another municipality or county council.

#### Section 5

A committee may not decide on rights or obligations of the municipality or county council in matters where the committee represents the municipality or county council as a party.

Nor may a committee exercise supervision, prescribed by statute or statutory instrument, of an activity which the committee itself conducts.

#### Section 6

Special provisions concerning select committees, drafting committees, joint bodies and self-run bodies are contained in this Act.

#### *Assembly drafting committees*

#### Section 7

An assembly may appoint assembly drafting committees to prepare a particular item of business or a certain group of items to be decided by the assembly.

An assembly drafting committee shall hold its meetings behind closed doors. It may, however, decide that its meetings shall be open to the public, provided the assembly has given its consent for this.

*Auditors*

## Section 8

There shall be auditors to inspect the activities conducted within the sphere of a committee and by an assembly drafting committee.

Further provisions concerning auditors are contained in Chap. 9.

*Assembly duties*

## Section 9

The assembly decides matters involving questions of principle or otherwise of major importance to the municipality or county council, especially

1. goals and guidelines of activities,
2. budget, taxation and other important financial questions,
3. the organisation and procedures of committees,
4. the election of committee and drafting committee members and alternates,
5. the election of auditors and their alternates,
6. the basis of financial benefits for elected representatives,
7. the annual report and discharge from liability, and
8. referendum in the municipality or county council.

The assembly also decides other matters indicated in this Act or in other enactments.

## Section 10

The assembly may entrust to a committee to decide a certain matter or group of matters in the council's stead. Matters indicated in Section 9, subsection one or required by law or statutory instrument to be decided by the council may not, however, be delegated to the committees.

Provisions concerning delegation of business within a committee's sphere of activity are contained in Chap. 6, Sections 33–38.

#### Section 11

Provisions concerning the right of municipalities and county councils to delegate decision-making powers in certain matters of employment to an association of municipalities or county councils are contained in the Local Government Delegation Act (1954:130).

#### Section 12

In connection with the budget being adopted or funding otherwise voted, the assembly may charge a committee with the conduct of a certain activity subject to the guidelines or other general policy decisions adopted by the assembly for the activities, unless otherwise enacted by law.

#### *Committee duties*

#### Section 13

The committees decide questions of management and questions which they are required by law or statutory instrument to take charge of.

The committees also decide questions delegated to them by the assembly.

#### Section 14

The committees prepare business for the assembly and are responsible for giving effect to the council's decisions.

## Section 15

The committees shall report to the assembly on measures they have taken to give effect to tasks entrusted to them by the assembly pursuant to Section 10, subsection one and Section 12.

The assembly shall decide on the scope and forms of reporting.

*Municipal enterprises*

## Section 16

Municipalities and county councils may, by assembly decision, transfer the management of a local government concern, for the conduct of which no special procedure has been prescribed, to a limited company, a trading partnership, an incorporated association, a non-profit association, a foundation or a private individual.

Under Chap. 11, Section 6 of the Instrument of Government, however, the management of a concern which includes the exercise of authority may only be transferred if there is statutory support for so doing.

Provisions concerning public right of access to documents kept by certain municipal enterprises are contained in Chap. 1, Section 9 of the Secrecy Act (1980:100).

## Section 17

If a municipality or county council, by authority of Section 16, transfers the management of a local government concern to a limited company in which all shares are owned by the municipality or county council, the assembly shall

1. determine the local government purpose of the activity,
2. appoint all members of the board of directors,
3. ensure that the assembly has the opportunity to state its opinion before decisions of principle or other major decisions affecting the activity are made.



The assembly shall also appoint at least one lay auditor in limited companies where the municipality or county council directly or indirectly holds all shares.

The provisions of subsection one also apply when the municipality by itself or the county council by itself establishes a foundation for a local government concern. The assembly shall also appoint at least one auditor in such a foundation.

The assembly shall appoint one of the auditors or auditors' alternates who have been appointed, under Chapter 9, Section 1 to inspect the activities of the executive committee and other committees as lay auditor of the limited company or auditor of the foundation.

### Section 18

Before the management of a local government concern is transferred to a company or association in which the municipality or county council makes decisions together with another, the assembly shall ensure that the legal entity is bound by the conditions referred to in Section 17 to an extent which is reasonable having regard to relative holdings, the nature of the activities and circumstances generally.

The same applies if the municipality or county council joins with another in establishing a foundation for a local government concern.

With regard to legal entities as referred to in subsections one and two and not coming under Chap. 1, Section 9 of the Secrecy Act (1980:100), the assembly shall endeavour to ensure that the general public is entitled to inspect the documents of the enterprise on the terms applying to the publicity of public documents under Chap. 2 of the Freedom of the Press Act and the Secrecy Act.

*Local government contracts*

## Section 19

Before a municipality or county council transfers the management of a local government concern to some person or entity other than those referred to in Sections 17 and 18, the assembly shall ensure that the municipality or county council is guaranteed an opportunity to check and follow up on the activity.

## Section 19 a

If a municipality or county council enters into an agreement with some person or entity other than those referred to in Sections 17 and 18, by which that person or entity is to conduct local government business, the municipality or county council shall pay regard to the interest of being assured by the agreement that it receives information that enables the general public to secure a clear view of how the business is being conducted.

*Local federations*

## Section 20

Municipalities and county councils may form local federations and transfer to such federations the management of local government concerns.

A local federation is formed when the federation statutes have been adopted by the members of the federation or at a subsequent point in time indicated in the federation statutes.

## Section 21

Failing provision or implication to the contrary by the provisions of this Act concerning municipalities and county councils, the same shall also apply where relevant to local federations.

## Section 22

When a local federation attends to a matter for which provisions exist in a special enactment, the provisions of that enactment concerning municipalities or county councils shall apply to the local federation.

If any other enactment there are special provisions concerning local federations for a particular purpose, they shall apply instead of the provisions of this Act.

## Section 23

A local federation shall have as a decision-making body a federation assembly or a federation directorate.

Members and alternates of the decision-making assembly are elected, as indicated in the federation statutes, by the assemblies of the federation members.

Every federation member shall be represented in the decision-making assembly by at least one member and one alternate. The number of alternates shall equal the number of members.

## Section 24

The decision-making assembly is elected for four years, unless a shorter term of office is indicated in the federation statutes.

Failing provision to the contrary in the federation statutes, the term of office begins on 1st January of the year following that in which assembly elections have taken place in the whole country.

## Section 25

The decision-making assembly shall appoint a federation executive committee. If a federation is organised with a federation directorate, the directorate shall also be the federation executive committee.

The decision-making assembly shall appoint the bodies needed, in addition to the federation executive committee, for the discharge of the duties of the local federation.

#### Section 26

A federation member is entitled to withdraw from a local federation.

Withdrawal shall be subject to three years' notice, except where a shorter period of notice is indicated by the federation statutes.

#### Section 27

For a local federation there shall be federation statutes containing more detailed provisions concerning the federation. The federation statutes shall be adopted by the assemblies of the federation members.

#### Section 28

The federation statutes shall indicate:

1. the name of the local federation and the place where it is to be located, the members and purpose of the federation,
2. the organisation of the local federation, the powers of its constituent bodies and relations between them and also whether interim bodies may be set up and whether the federation executive committee shall be allowed to deputise for the federation assembly,
3. the number of members and alternates of the decision-making assembly and the manner in which the federation members shall be represented and the term of office in the cases referred to in Section 24,
4. the number of auditors and auditors' alternates and their term of office,

5. in the case of a federation with a federation directorate, the manner in which auditors and auditors' alternates are to be appointed and by which of the federation members,
6. whether a federation member shall be entitled to raise matters in the decision-making assembly,
7. whether decisions shall be subject to a qualified majority in the decision-making assembly and to which types of business this shall apply,
8. whether an elected representative with a federation member who is not a member of the decision-making assembly shall have the right to express an opinion as referred to in Chap. 5, Section 21,
9. whether an elected representative with a federation member who is not a member or alternate in the federation executive committee or any other committee shall have the right of attendance referred to in Chap. 4, Section 23,
10. where announcement and other notices by the federation are to be posted,
11. the shares of the federation members in the federation's assets and liabilities and the apportionment of the federation's expenses between the members,
12. the control of the federation's finances and activities by the federation members and their insight into the same,
13. provisions concerning the federation's budgeting process,
14. the procedure in connection with a federation member's withdrawal from the federation,
15. the requirements and procedure for the liquidation and dissolution of the federation and the basis on which the federation's retained assets shall be partitioned at its dissolution,
16. the procedure for settling disputes between the federation and its members, and
17. the procedure for determining economic benefits for the members and alternates of the decision-making assembly

and, in the case of federations with federation directorates, for the auditors and auditors' alternates.

*Local government archives*

Section 29

Provisions concerning local government archives are contained in the Archives Act (1990:782).

## Chap. 4 Elected representatives

### *Definition*

#### Section 1

The term “elected representatives” as used in this Act denotes members of assemblies, committees and assembly drafting committees and their alternates, together with auditors and auditors’ alternates.

The term “elected representatives” also denotes members and alternates of the decision-making assembly, the federation executive committee or other committee, the drafting committees of the decision-making assemblies and auditors and auditors’ alternates of a local federation.

### *Voting rights*

#### Section 2

Any person registered as a resident of the municipality and 18 years old not later than the election day is entitled to vote in the election of municipal assembly members and their alternates and

1. is a citizen of Sweden or another Member State of the European Union (a Union citizen),
2. a citizen of Iceland or Norway, or
3. in the case of other aliens, has been a registered resident of Sweden for three consecutive years before the election day.

## Section 3

Any person entitled to vote in the election of municipal assembly members and their alternates in a municipality within the county council area concerned is entitled to vote in the election of county council assembly members and their alternates.

## Section 4

Questions concerning voting rights under Sections 2 and 3 are decided on the basis of an electoral register compiled before the election.

*Eligibility*

## Section 5

Assembly members and their alternates are elected from among persons entitled to vote under Sections 2 and 3. In the election of committee members and their alternates and of auditors and alternate auditors, any person who at the time of the election satisfies the requirements set forth in Sections 2 and 3 is eligible, irrespective of the contents of the electoral register.

## Section 6

A person employed by a municipality or county council as the leading official is not eligible.

A person in charge of an administration belonging to the sphere of activities of a committee may not be elected a member or alternate of that committee.

A person who is accountable to a municipality or county council may not be appointed as auditor or auditors' alternate to inspect activities for which he is accountable. The same applies to the spouse, cohabitant, parent, child or sibling of the accountable person or any other person closely connected to him.



*Termination of mandate*

## Section 7

If the assembly election has been declared invalid and a new election has been held or correction made by a recount of votes, and if this has led to a change in the distribution of seats between the parties, the mandates of the elected representatives elected by the assembly shall be terminated two months after the conclusion of the new election or the recount.

On the new election or recount being concluded, the assembly shall hold a new election of elected representatives for the remainder of the term of office.

## Section 8

In the event of an elected representative ceasing to be eligible, his or her mandate shall also be terminated immediately. An assembly may, however, determine that an elected representative who has been elected by the members of the assembly, may retain his or her mandate for the remainder of the term of office.

## Section 9

The assembly shall relieve an elected representative of his mandate when the elected representative wishes to resign, unless there are special reasons to the contrary.

## Section 10

An assembly may revoke the mandate of an elected representative who has been elected by the assembly if the elected representative

1. has been refused discharge from liability, or
2. through a judgement which has acquired force of law has been convicted of a crime punishable by imprisonment for two years or more.

## Section 10 a

An assembly may revoke the mandates of all elected representatives of a committee

1. when the political majority of the committee is no longer the same as in the assembly, or
2. when changes are made to the organization of committees.

Appointments cease to apply when new members and alternates have been elected or when a new organization of committees enters into force.

## Section 11

Elected representatives are entitled to such leave of absence from their employment as the performance of their mandate requires. Such leave of absence shall include time required for

1. meetings of local government bodies,
2. other meetings that are necessary in the course of their duties,
3. travel to and from meetings, and
4. requisite daily rest period immediately before and after meetings.

The right to leave under subsection one shall also apply to committee members and their alternates, and to lay auditors or other equivalent auditors and their alternates who have been appointed by the assembly to serve in such legal entities as are referred to in Chap. 3, Sections 17 and 18.

*Financial benefits*

## Section 12

Elected representatives are entitled to reasonable compensation for any income from work and other financial benefits that they lose on account of their mandate.

This does not, however, apply to elected representatives who discharge their mandates on a full-time basis or for a considerable proportion of full time.

#### Section 12 a

Elected representatives with disabilities are entitled to reasonable compensation for travel expenses incurred in the course of their duties.

This does not, however, apply to elected representatives who discharge their mandates on a full-time basis or for a considerable proportion of full time.

#### Section 12 b

Elected representatives with children who need care are entitled to reasonable compensation for childcare expenses incurred while they are performing their duties.

This does not, however, apply to elected representatives who discharge their mandates on a full-time basis or for a considerable proportion of full time.

#### Section 13

The assembly shall decide the grounds on which compensation under Section 12–12 b is to be paid.

#### Section 14

The assembly may decide that elected representatives are, to a reasonable extent, to receive

1. compensation for travel expenses and other expenses occasioned by their mandate, in addition to compensation pursuant to Sections 12 a and 12 b,
2. remuneration for the work that their mandate entails,
3. a pension, and
4. other financial benefits.

## Section 15

In the event of the assembly deciding that a remuneration is to be paid, the remuneration shall be set at equal amounts for equal mandates.

This, however, does not apply to elected representatives who discharge their mandates full time or for a considerable proportion of full time.

## Section 15 a

Elected representatives on a common committee are entitled to compensation from the municipality or county council which elected them.

*Elected representatives' right of initiative*

## Section 16

The members of the assembly may table motions.

It follows from the provisions of Chap. 5, Sections 49–56 that they may also make interpellations and ask questions.

## Section 17

The members of committees may introduce items for discussion in the committees.

The auditors may introduce items for discussion in a committee if the matter concerns inspection of the activities of the committee. When the auditor's alternates serve, they have the same right to introduce items for discussion as the auditors.

## Section 17 a

The auditors may introduce items for discussion in an assembly drafting committee if the item concerns the inspection of the activities of the assembly drafting committee. When the

auditors' alternates serve, they have the same right to introduce items for discussion as the auditors.

#### Section 18

Alternates, when serving, have the same rights as permanent members.

More detailed provisions concerning the service of alternates on the assembly and on committees are contained in Chap. 5, Sections 12–17 and in Chap. 6, Sections 10 and 11.

#### *Voting and decisions*

#### Section 19

Every member of an assembly or committee has one vote.

#### Section 20

A member of an assembly or committee is entitled to abstain from taking part in a vote or decision.

The chairman, however, is always obliged to vote when this is necessary in order for a decision to be reached.

#### Section 21

A committee member taking part in the handling of a matter shall take part in the decision of that matter if the matter refers to the exercise of authority in relation to an individual person.

No one, however, is obliged to vote for more than one proposal.

*Dissenting opinions*

## Section 22

An elected representative who has taken part in the decision of a matter may record a dissenting opinion.

Such dissent shall be declared before the meeting is ended.

*Right of attendance*

## Section 23

An assembly may decide that an elected representative who is not a member or alternate member of a certain committee shall be allowed to attend meetings of that committee and take part in its deliberations but not in its decision-making.

The decision may also entitle the elected representative to have his opinion recorded in the minutes of meetings.

*Provisions applying specifically to local federations*

## Section 23 a

A federation member may elect as member or alternate in the decision-making assembly of a local federation only a person who is a member or alternate in the federation member's assembly.

Members and alternates in the federation executive committee and other committees and auditors and auditors' alternates of a local federation, are elected from among those who are entitled to vote in elections to the assembly of any of the federation members.

*Commissioners in the Municipality of Stockholm*

## Section 24

The Municipality of Stockholm may have commissioners.

Commissioners are elected by the assembly at its first meeting after assembly elections have been held throughout the country.

Election may also be held when an appointment as a commissioner has ceased during the term of office.

Commissioners are elected for four years. In cases referred to in the second sentence of subsection two, the election refers to the remainder of the term of office.

Each commissioner shall be elected individually if this is requested.

#### Section 25

The provisions of Section 7 concerning the effects of a new election or a recount of votes leading to a redistribution of assembly seats between the parties on the mandates of elected representatives shall also apply to the mandates of commissioners.

#### Section 26

Concerning eligibility as commissioner and the termination of the mandate, the provisions of Sections 5 and 8-10 a shall apply. In that connection, what is provided in Section 10 a concerning all elected representatives of a committee shall apply to all commissioners.

#### Section 27

The assembly may decide that the commissioners, as part of their mandate, are to receive financial and other benefits corresponding to the conditions of pay and service applying to persons employed by the municipality.

#### Section 28

The commissioners shall attend assembly meetings.

They may take part in the deliberations and put forward proposals but may not take part in the decision-making.

## Section 29

The assembly may adopt more detailed provisions concerning the commissioners.

*Political secretaries*

## Section 30

Municipalities and county councils may appoint political secretaries to assist the elected representatives in their political work.

## Section 31

Political secretaries may not be appointed for longer than the end of the year in which council elections are next to be held throughout the country.

The Act (1982:80) on Security of Employment shall not apply to them.

## Section 32

A political secretary is entitled to such leave of absence from his employment as his duties require.

*People with disabilities*

## Section 33

Municipal and county councils shall make efforts to ensure that elected representatives with disabilities can take part in handling items of business on the same terms as other elected representatives.



# Chap. 5 Assemblies

## *Number of members and alternates*

### Section 1

The assembly decides how many members the assembly shall have.

The number shall be set at an odd number and not less than the following:

31 in municipalities with 12,000 or less residents entitled to vote and in county councils with 140,000 or less residents entitled to vote,

41 in municipalities with more than 12,000 and up to 24,000 residents entitled to vote,

51 in municipalities with more than 24,000 and up to 36,000 residents entitled to vote, and in county councils with more than 140,000 and up to 200,000 residents entitled to vote,

61 in municipalities with more than 36,000 residents entitled to vote, and

71 in county councils with more than 200,000 residents entitled to vote.

In the Municipality of Stockholm and in county councils with more than 300,000 residents entitled to vote, however, the number of members shall be set at not less than 101.

## Section 2

For the purposes of Section 1, a person included on a current electoral register shall be deemed entitled to vote.

## Section 3

If the assembly decides to change the number of assembly members, the decision shall not be implemented until assembly elections are next held throughout the country.

The decision shall be made before the end of March in the election year.

The county administrative board shall be immediately notified of the decision.

## Section 4

There shall be alternates for the members of the assembly.

In a municipality the municipal assembly decides the number of alternates on which implementation of the provisions of Chap. 18, Section 55 of the Elections Act (1997:157) shall be based. The number shall constitute a certain proportion, though not more than half, of the number of seats gained by each party in the municipality. The decision shall be made before 1st April of the election year. The county administrative board shall be informed immediately of the municipal assembly's decision.

Provisions concerning the appointment of alternates in assemblies are contained in the Elections Act.

*Terms of office*

## Section 5

Members and alternate members of the assembly are to be elected for four years, as from 1st November of the election year.

In the event of the Electoral Appeal Board having resolved on a new election as provided in Chap. 19, Section 21 of the

Elections Act (1997:157), the term of office shall, however, be prolonged until the new election has been concluded.

The term of office in the Municipality of Stockholm begins on 15th October in the election year.

#### *Chairman and vice chairman*

##### Section 6

The assembly elects a chairman and one or more vice chairmen from among its members.

The assembly decides the duration of these mandates.

#### *Juncture of meetings*

##### Section 7

The assembly decides when ordinary meetings are to take place.

A meeting is also to take place if the executive committee or at least one-third of the assembly members so request or if the chairman deems it necessary.

#### *Announcement of meetings*

##### Section 8

Every assembly meeting shall be announced by the chairman.

The announcement shall give the time and place of the meeting and the matters to be discussed.

##### Section 9

The announcement shall be put on the municipal or county council notice-board at least one week before the date of the meeting.

Within the same time, the announcement shall also be suitably delivered to every member and alternate.

## Section 10

Information concerning the time and place of a meeting shall be published, at least one week before the date of the meeting, in the local newspaper or newspapers decided on by the assembly.

The information shall be published in a particular local newspaper if at least one-third of the members present so request.

## Section 11

In the event of a matter of such urgency that time will not permit its announcement in the manner described in Sections 8-10, the announcement indicating the matter shall be put up not later than the weekday immediately preceding the day of the meeting.

In addition, the announcement shall be delivered in a suitable manner to every member and alternate, so that it can be presumed to reach them within the same length of time.

*Service by alternates*

## Section 12

If a member is unable to attend a meeting or to continue taking part in a meeting, an alternate shall serve in the member's stead.

## Section 13

The alternates shall serve in the order determined between them.

An alternate who has begun to serve shall, however, always have precedence, regardless of the order determined.

An alternate discontinuing service on account of disqualification in a matter may resume service after the matter has been dealt with.

## Section 14

A member arriving while a meeting is in progress or for a continued meeting is entitled to serve even if an alternate has entered into the member's stead.

## Section 15

A member who has interrupted his serve at a meeting on account of some other impediment than disqualification is debarred from that meeting for the rest of the day.

## Section 16

In a municipal assembly, alternates from the same constituency as the member have precedence for service.

If all alternates for a member of a municipal assembly are prevented from attending or from taking further part in a meeting, the alternate who, according to the predefined order of precedence, is next in turn to deputise for the member gaining the first seat for the party in the constituency shall enter into the member's stead. If such an alternate is unable to serve, the alternate shall enter who is next in turn to serve for the member gaining the second seat for the party in the constituency, and so forth on the same basis.

If all the party's alternates in the constituency are prevented from attending or from taking any further part in a meeting, the alternate shall enter who has been appointed for the party in some other constituency on the grounds as aforesaid. The alternate appointed in the constituency where the party gained most votes shall then have precedence.

## Section 17

The assembly shall make further provisions concerning service by the alternates.

*Quorum requirements*

## Section 18

An assembly may only deal with a matter if more than half its members are present.

An assembly may, however, decide that interpellations and questions are to be replied to even if fewer members are present.

## Section 19

If, under Section 20 or Section 20 a, a member is disqualified in a matter, the assembly may deal with the matter even if the number of persons taking part is reduced by the disqualification below that is prescribed in Section 18.

*Disqualification*

## Section 20

A member may not deal with a matter of personal concern to the member himself, to the member's spouse, cohabitant, parents, children or siblings or any other person with whom he is closely connected.

Provisions concerning disqualification in connection with auditing are contained in Chap. 9, Section 4.

The provisions of Chap. 6, Section 24, subsections two to four concerning the effect of disqualification shall also be applied to the assembly. In that connection, what is provided concerning a committee shall instead apply to the assembly.

## Section 20 a

A person who is accountable to the municipality or county council may not take part in

1. the election of an auditor or auditor's alternate for inspection of the activities for which he is accountable, or

2. consideration of matters pertaining to discharge from liability for the activities.

The same applies to the spouse, cohabitant, parents, children or siblings of the accountable person or any other person with whom he is closely connected.

#### Section 20 b

Section 20 a notwithstanding, individually elected representatives concerning whom a qualification can be made under Chap. 9, Section 17, subsection two may take part in assembly deliberations when the auditor's report on the activities for which they have been responsible is being discussed.

The chairman and vice-chairman of a committee may also take part in assembly deliberations when activities within their own committee are being discussed.

The aforesaid also applies if the elected representatives are not assembly members.

#### *Right and obligation of outsiders to participate*

#### Section 21

An assembly may decide that persons other than members shall be entitled to take part in the discussions but not in the making of decisions.

#### Section 22

It is the duty of the chairman and vice chairman of a committee, the auditors and the employees of the municipality or county council to furnish information at assembly meetings if the assembly so requests and if the furnishing of the information is not precluded by statutory provisions of secrecy.

The assembly of a municipality or a county council which has formed a common committee is entitled to request information from the committee. It is the duty of the chairman and vice chairman of the committee and of the employees of the

participating municipalities and county councils to furnish information at assembly meetings, if unimpeded from doing so by statutory provisions of secrecy.

*Raising of matters in the assembly*

Section 23

Matters may be raised in the assembly by

1. a committee
2. a member, by tabling a motion,
3. the auditors or their alternates when they are on duty, if the matter concerns administration connected with their auditing mandate or if it concerns the audit itself,
4. an assembly drafting committee, if the assembly has so prescribed,
5. a person who is registered as a resident of the municipality or of a municipality coming under the county council, if the assembly has so determined ("citizen's proposal), or
6. the board of directors of an enterprise referred to in Chap. 3, Sections 17 and 18, if the assembly has so determined in particular cases.

A matter concerning the holding of a referendum on a particular issue may also be raised in the assembly by at least five per cent of the members of the municipality or county council who are entitled to vote, as provided in the Municipal Referenda Act (1994:692). The initiative shall be in writing, shall indicate the question concerned and shall contain the personal signatures of the initiators, clarifications of their signatures and their addresses.

Section 24

An assembly may prescribe that a local committee or a committee subordinate to another committee may not raise matters in the assembly.



## Section 25

An assembly shall decide matters raised as provided in Section 23.

*Consideration of discharge from liability*

## Section 25 a

The assembly shall decide, at a meeting held before the end of June the year following the year to which the audit refers, whether discharge from liability is to be allowed or refused.

The question of discharging a common committee from liability, shall be examined by the assemblies of each of the participating municipalities or county councils.

## Section 25 b

If discharge from liability is refused, the assembly may decide to sue for damages.

Non-criminal proceedings shall be filed within a year after the decision to refuse discharge from liability. Failing this, the right to file such proceedings shall lapse.

*Preparation of business*

## Section 26

Before a matter is decided by the assembly, it shall have been prepared either by a committee whose sphere of activity it concerns or by an assembly drafting committee.

## Section 27

If a matter has been prepared by an assembly drafting committee only, a committee whose sphere of activity it concerns shall always be consulted.

## Section 28

The executive committee shall always be consulted in a matter which has been drafted by another committee or by an assembly drafting committee.

The executive committee shall put forward a proposal for the decision of a matter if this has not been done by another committee or by an assembly drafting committee.

## Section 29

The assembly may hold elections without previous preparation.

Nor is any preparation required for a matter relating to relinquishment of a mandate as elected representative.

## Section 30

In years when assembly elections have been held throughout the country, the newly returned assembly may resolve to alter the terms of office of a committee or to alter the number of members or alternates of a committee, without previous preparation.

## Section 31

The assembly may discuss the auditors' report without previous preparation. However, the assembly shall obtain explanations of the qualifications made in the auditors' report.

If an elected representative has been refused discharge from liability, the assembly may also resolve, without further preparation, on the revocation of that representative's mandate, as provided in Chap. 4, Section 10.

## Section 32

Urgent business may be decided without preparation, if all members present are agreed on the decision.

## Section 33

A motion or a citizen's proposal should be processed so as to enable the assembly to make a decision within a year of the date on which the motion or citizen's proposal was tabled.

If the processing of the matter cannot be concluded within this period, the fact that this is so shall be reported to the assembly within the same period, along with the results of the processing to date. The assembly may then cancel any further processing of the motion or citizen's proposal.

## Section 34

The assembly may decide that, as part of the preparation of a matter to be discussed by the assembly, viewpoints are to be obtained from members of the municipality or county council.

This can be done by means of a referendum, an opinion poll or similar procedure. In this connection the municipal election committee may be engaged if its other activities are not impeded thereby.

If viewpoints are to be obtained through a referendum, the assembly may resolve that an electoral roll and voting cards are to be produced as provided in Chap. 7 of the Elections Act (1997:157).

Further provisions on the referendum procedure are contained in the Municipal Referenda Act (1994:692).

A local federation may not arrange a referendum or engage the election committee of a municipality which is a member of the federation.

## Section 35

The municipality is entitled to obtain compensation for the expenses occasioned by a county council engaging the municipal election committee.

*Tabling and returning for reconsideration*

## Section 36

A matter shall be tabled or returned for reconsideration if this is requested by at least a third of the members present. A simple majority is required, however, if the matter has been previously so tabled or returned for reconsideration.

To table a matter concerning elections or to return such a matter for reconsideration, a simple majority is required.

A reason shall be provided for any decision to return a matter for reconsideration.

## Section 37

A tabled matter shall be discussed at the assembly's next meeting, unless the assembly resolves otherwise.

*Publicity and procedure of meetings*

## Section 38

Assembly meetings are public.

The assembly may, however, decide that a particular matter is to be discussed in camera. The alternates may attend a discussion of this kind, even if they are not serving.

## Section 39

The chairman leads the assembly meetings and is responsible for the maintenance of order during the same.

The chairman may expel any person who conducts disorderly and does not return to order when called upon to do so.

*The decision-making procedure*

Section 40

The chairman shall ensure that only such matters are decided as have been announced as provided in Sections 8–11.

An urgent matter may, however, be decided, the said provisions notwithstanding, if all the members present so resolve.

Section 32 provides that urgent matters may in certain cases be decided without preparation.

Section 41

At the end of the discussions, the chairman puts forward a proposal for decision.

Proposals shall be formulated in such a way that they can be answered in the affirmative or negative.

The chairman then states his interpretation of what has been decided and confirms the decision with a blow of the gavel, unless a vote is requested.

Section 42

If a vote is requested, it shall be by open voting except in matters relating to elections or the hiring of personnel.

Section 43

Unless otherwise prescribed, the outcome shall be decided by a straight majority.

## Section 44

In the event of votes being equally divided, the chairman has a casting vote.

In matters relating to elections or the hiring of personnel however, the decision is made by the drawing of lots

## Section 45

The chairman shall refuse to put forward a proposal for decision if, in the chairman's opinion, the proposal implies the raising of a new matter.

The chairman may refuse to put forward a proposal for decision if, in the chairman's opinion, the proposal would lead to a decision contrary to law or other regulations. The assembly, however, may decide that the proposal is to be put forward nonetheless.

*Proportional elections*

## Section 46

Subject to the conditions set out in Section 2 of the Proportional Representation Act (1992:339), the following elections are to be proportional:

1. elections of members and alternates of committees and drafting committees,
2. elections of auditors and auditors' alternates as provided in Chap. 9, Sections 1 and 2,
3. elections of members and alternates of the board of directors of limited companies, incorporated associations or foundations, or of auditors and auditors' alternates who are to inspect the administration of such a board of directors, and
4. election of members and alternates of the decision-making assembly and auditors and auditors' alternates of local federations.

Except where otherwise indicated by the federation statutes, the provisions of subsections on shall apply when the decision-making assembly in a local federation elects members and alternates of the federation executive committee, other committees, the drafting committees of the decision-making bodies and auditors and auditors' alternates.

#### Section 47

Repealed.

#### Section 48

Special provisions apply concerning the election by the assembly of members and alternates of certain State boards of directors and other agencies.

#### *Interpellations and questions*

#### Section 49

Interpellations shall refer to subjects coming within the competence of the assembly, a committee or an assembly drafting committee. They may not, however, refer to matters concerning the exercise of power in relation to an individual person.

#### Section 50

The interpellations shall have a definite content and shall be accompanied by reasons for their being made. They should only be made in matters of signal interest to the municipality or county council.

## Section 51

The assembly decides, without previous deliberation, whether an interpellation may be made.

## Section 52

Interpellations may be made by members and addressed to the chairman of a committee or an assembly drafting committee, and to the other elected representatives to the extent decided by the assembly.

If there are commissioners in the Municipality of Stockholm, the assembly may decide that interpellations may only be addressed to the commissioners or certain of them.

Members of the assemblies or municipalities or county councils which have formed a common committee may present interpellations concerning the committee's handling of business. Interpellations shall be addressed to the chairman of the committee.

## Section 53

The assembly may decide that the chairman of a committee may entrust the answering of an interpellation to a member, appointed by the assembly, of the board of directors of an enterprise of the kind referred to in Chap. 3, Sections 17 and 18 or to the chairman of the executive committee or another committee of a local federation of which the municipality or county council is a member.

## Section 54

The members may ask questions in order to obtain information.

The provisions of Sections 49 and 51–53 shall then apply.



## Section 55

A question shall have a definite content.

It may be provided with a short, introductory explanation.

## Section 56

When a question is answered, only the person asking the question and the person answering may take part in the discussion.

*Minutes*

## Section 57

Meetings are to be minuted, on the chairman's responsibility.

## Section 58

The minutes shall record which members and alternates were present and which items of business were discussed by the assembly.

## Section 59

For each item of business, the minutes shall record

1. the proposals and claims put forward and not withdrawn,
2. the order in which proposals for decision were put forward by the chairman,
3. votes taken and their results,
4. decisions made,
5. the members taking part in the making of decisions and the way in which they voted if there was open voting, and
6. dissenting opinions recorded against the decisions.

## Section 60

The minutes shall also record interpellations made and questions asked, together with the interpellations and questions replied to.

## Section 61

Minutes are to be checked not more than 14 days after the meeting, in the manner decided by the assembly.

## Section 62

The checking of the minutes is to be announced on the notice-board not later than the second day after the minutes were checked. The announcement shall indicate where the minutes are available and on what day they were posted. This announcement may not be removed from the notice-board before the end of the period allotted for appeals under Chap. 10, Section 6, subsection one.

Certification of the posting date is to be entered on the minutes or issued separately.

In county councils, the announcement is also to be published in the newspaper referred to in Section 10.

*Working procedure*

## Section 63

The assembly is to issue, in standing orders, such further instructions as are needed for assembly meetings and the transaction of business.

## Section 64

The standing orders shall always include provisions on

1. the number of members in the assembly,
2. when meetings are to be held,
3. notification in the event of inability to attend meetings,

4. summoning of alternates and their service,
5. who is to conduct the meeting, pending the appointment of a chairman,
6. entitlement to take part in assembly deliberations,
7. voting procedures,
8. handling of motions, interpellations and questions, and
9. procedures for approving the minutes.

If the assembly has decided under Section 23 (5) to allow the tabling of citizen's proposals, the standing orders shall include provisions on the handling of such proposals.



## Chap. 6 The executive committee and other committees

### *Duties of the executive committee*

#### Section 1

The executive committee shall direct and co-ordinate the administration of the affairs of the municipality or county council and shall supervise the activities of other committees.

The executive committee shall also supervise local government activity carried on in enterprises as referred to in Chap. 3, Sections 17 and 18 and in local federations of which the municipality or county council is a member.

#### Section 2

The executive committee shall closely observe the questions which can affect the development and financial status of the municipality or county council.

The executive committee shall also make such proposals as are necessary to the assembly, other committees and other authorities.

#### Section 3

The executive committee may request, from other committees, drafting committees and employees of the municipality or county council, such statements and information as are

necessary in order for the executive committee to discharge its duties.

#### Section 4

It is the particular duty of the executive committee to

1. prepare or pronounce on business to be transacted by the assembly, subject to the restrictions implied by Chap. 5, Sections 29–32,
2. take charge of financial administration,
3. give effect to assembly decisions, and
4. generally perform the tasks entrusted to it by the assembly.

#### Section 5

The assembly may decide that a committee other than the executive committee is to be wholly or partly entrusted with administration and executive powers with regard to property and is to give effect to the assembly's decisions. The assembly may also decide that another committee is to be partly or wholly responsible for its financial administration.

#### Section 6

The executive committee, acting directly or through an attorney, may represent the municipality or county council in all proceedings and transactions except where this devolves on another by virtue of law or other statutory instrument or by resolution of the assembly.

This also applies to cases in which a person has requested assessment of the legality of an assembly decision, unless the assembly has resolved to conduct its own case in the matter.

*Responsibility of committees for activities*

## Section 7

The committees, each within their various fields, shall ensure that activities are conducted in accordance with the goals and guidelines resolved on by the assembly and with the provisions applying to the activities.

They shall also ensure that internal checks are sufficient and that the activities are otherwise carried out in a satisfactory way.

The same shall apply when the management of a local government concern has been transferred to somebody else by authority of Chap. 3, Section 16.

## Section 8

The committees shall work to promote consultations with those who utilise their services.

*Number of members and alternates*

## Section 9

Members and alternates shall be elected by the assembly and their number is decided by the assembly. The executive committee may not have less than five members, and the number of alternates should equal the number of permanent members.

If the alternates are not elected on a proportional basis, the assembly shall determine the order in which they are to serve.

Members and alternates of a common committee are elected by the assemblies of the participating municipalities and county councils. Each of the participating municipalities and county councils shall be represented on the common committee by at least one member and one alternate. The number of alternates shall equal the number of members.

## Section 10

The assembly shall decide how the alternates are to serve on the committees.

## Section 11

Alternates who are not serving may also attend committee meetings and shall be notified of the time and place of meetings.

The assembly shall decide to what extent the alternates shall be entitled to take part in discussions and to have their opinions recorded in the minutes.

*Terms of office*

## Section 12

Members and alternate members of the executive committee are elected for four years, as from 1st January of the year after that in which assembly elections were held throughout the country.

The assembly may, however, decide that the executive committee's term of office is to run from the meeting at which the election takes place and until the meeting at which an executive committee is next elected. In a case of this kind, the newly elected assembly shall elect the executive committee at the first assembly meeting.

## Section 13

The assembly determines the terms of office of committees other than the executive committee.

## Section 14

In the event of a member resigning during the term of office, a by-election shall be held.



If the member has been elected on a proportional basis, an alternate will enter instead, in accordance with the arrangement resolved on for service by the alternates.

In the event of the assembly having revoked the mandates of the elected representatives as referred to in Chap. 4, Section 10 a (1), new members and alternates shall be elected.

#### *Chairman and vice chairman*

##### Section 15

The assembly shall appoint a chairman and one or two vice chairmen from among the members of the committee, for a length of time determined by the assembly.

##### Section 16

The assembly shall issue provisions concerning who is to discharge the duties of the chairman when both the chairman and the vice chairmen are indisposed.

##### Section 17

Repealed.

#### *Timing of meetings*

##### Section 18

The committees decide the time and place of their meetings.

Meetings shall also be held if at least one-third of the committee's members so request or if deemed necessary by the chairman.

*Right of outsiders to attend*

## Section 19

A committee may summon a member or alternate member of the assembly, another committee or a drafting committee, an auditor or an auditor's alternate, an employee of the municipality or county council or a special expert to attend a meeting of the committee in order to furnish information.

A person summoned to a meeting may, if the committee so resolves, take part in its deliberations but not in the making of decisions.

## Section 19 a

Committee meetings shall take place in camera. The committee may, however, by consent of the assembly, that its meetings are to be public.

Committee meetings shall, however, always be held in camera for matters

1. relating to the exercise of authority, or
2. in which particulars occur which, within the committee, are subject to confidentiality under the Secrecy Act (1980:100).

*Select committees and drafting committees*

## Section 20

The assembly may decide that a committee is to have one or more select committees.

In the absence of a decision by the assembly concerning select committees, the committee itself may decide that there shall be select committees.

## Section 21

Section 33 implies that a committee's decision-making powers may be delegated to a select committee. A select committee may

also have the task of preparing business to be transacted by the committee.

A committee may also appoint such drafting committees as are needed.

#### Section 22

A committee shall elect select committees from among its members and alternates. In doing so it is to observe the provisions of Section 2 of the Proportional Representation Act (1992:339).

#### *Quorum requirements*

#### Section 23

A committee may only deal with a matter if more than half its members are present.

#### *Disqualification*

#### Section 24

An elected representative or an employee disqualified in a matter coming before a committee may not take part in or attend the transaction of the matter. He may, however, take measures which no other person can take without inconvenient delay.

A person aware of a circumstance presumably entailing his disqualification shall of his own volition make this known.

If a question of disqualification has arisen against any person and no other person has entered into his stead, the committee shall decide the question of disqualification without delay. The disqualified person may not take part in the adjudication of the disqualification question unless the committee is not quorate without him and no other person can be summoned without inconvenient delay.

A decision in a matter of disqualification may be appealed against only in connection with appeal against the decision whereby the committee resolves the matter.

## Section 25

An elected representative or an employee of the municipality or county council is disqualified if

1. the matter concerns him personally or his spouse, cohabitant, parent, child or sibling or some other person with whom he is closely connected, or if the outcome of the matter can be expected to entail signal benefit or detriment to him personally or to some person with whom he is closely connected,
2. he or any person with whom he is closely connected is proxy for the person whom the matter concerns or for some other person who can expect signal benefit or detriment from the outcome of the matter,
3. the matter concerns the management of any local government activity with which he himself is associated,
4. he has pleaded as a legal representative or, in return for payment, represented a person in the matter, or
5. there is any other special circumstance calculated to impair confidence in his impartiality in the matter.

## Section 26

Disqualification is disregarded when the question of impartiality is manifestly of no importance.

## Section 27

If a matter coming before a committee concerns a limited company in which the municipality or county council owns at least half the shares or a foundation in which the municipality or county council appoints at least half the members of the governing body, disqualification under Section 25 (2) or (5) shall not be deemed to exist solely on account of the person handling the matter being a proxy for the company or foundation or associated with it in some other way. The aforesaid shall not

apply when a committee is handling matters relating to the exercise of official authority in relation to individual persons.

Nor shall disqualification under Section 25 (5) be deemed to exist solely on account of the person handling a matter in a committee having previously taken part in the handling of the matter by another committee.

### *Decisions*

#### Section 28

With regard to a committee's decision-making procedure, the provisions of Chap. 5, Sections 41–44 are to apply.

#### Section 29

The shelving of business by a committee requires a straight majority.

### *Minutes*

#### Section 30

Meetings are to be minuted.

Concerning the keeping, content and checking of minutes and announcement of their checking, the provisions of Chap. 5, Sections 57–62 are to apply. The announcement, however, need not be published in any newspaper.

Checking of the minutes of a common committee shall be announced on the notice boards of each of the participating municipalities and county councils. The announcement need not be published in any newspaper.

*Service of documents*

## Section 31

Service of documents to a committee is effected by service to the chairman or to the person who, according to standing orders or a special decision, is competent to accept service of documents.

*Standing orders*

## Section 32

The assembly shall issue standing orders containing more detailed provisions on the activities and working procedures of the committees.

The standing orders of a common committee shall be adopted by the assemblies of each of the participating municipalities or county councils.

*Delegation of business within a committee*

## Section 33

A committee may authorise a select committee, a member or an alternate of the committee or an employee of the municipality or county council to decide a particular matter or group of matters on the committee's behalf, though not in cases of the kind referred to in Section 34.

Subject to the same conditions, a common committee may also authorise an employee of one of the participating municipalities or county councils to make a decision on the committee's behalf.

## Section 34

Decision-making powers may not be delegated in cases of the following kinds:

1. matters relating to the goal, focus, scope or quality of activities,

2. proposals or statements to the assembly, and statements occasioned by an appeal having been lodged against a decision made by the committee as a whole or by the assembly,
3. matters relating to the exercise of authority in relation to individual persons, if they involve issues of principle or are otherwise of signal importance, and
4. certain matters indicated in special provisions.

#### Section 35

Decisions made by authority as referred to in Section 33 shall be reported to the committees, which decide the procedure to be observed in so doing.

#### Section 36

A committee may authorise the chairman or another member appointed by the committee to decide, on the committee's behalf, matters which are of such urgency that a decision by the committee cannot be awaited. Decisions of this kind shall be reported at the next meeting of the committee.

#### Section 37

If a committee, by authority of Section 33, authorises a senior executive official within the sphere of its activities to make decisions, the committee may allow the senior executive official, in turn, to authorise another employee of the municipality or county council to make decisions in his stead. Decisions of this kind shall be reported to the senior executive official.

#### Section 38

If a committee, by authority of Section 33, authorises an employee to make decisions on the committee's behalf, the

committee may define conditions implying that those who utilise the services of the committee shall be given the opportunity of putting forward proposals or of commenting before the decision is made.

The committee may also prescribe that an employee may make a decision only if the decision has been seconded by representatives of those utilising the committee's services.

Section 39–42

Repealed.



## Chap. 7 Co-determination procedures

### *Joint bodies*

#### Section 1

Unless otherwise implied by law or statutory instrument, matters of preparation, management and implementation within a committee's sphere of activity may, in a municipality or county council, be entrusted to joint bodies.

This, however, applies only to matters affecting the relationship between the municipality or county council as an employer and its employees and also, in the case of a common committee, the relationship between the participating municipalities or county councils as employers and their employees.

#### Section 2

Joint bodies may not decide questions relating to the goals, focus, scope or quality of activities.

Nor may they decide matters concerning the exercise of authority in relation to an individual person.

#### Section 3

Joint bodies are established by the assembly.

## Section 4

The assembly shall define the tasks, composition, term of office and procedures of a joint body in standing orders.

## Section 5

A joint body shall consist of representatives of the municipality or county council and representatives of the employees.

The representatives of the municipality or county council are elected by the assembly or, if the assembly so decides, by a committee.

The employee's representatives are appointed by the local employees' organisation or organisations with which the municipality or county council has concluded collective agreements concerning joint bodies.

## Section 6

The following provisions shall apply to a joint body

1. Chap. 4, Section 22, concerning dissenting opinions,
2. Chap. 6, Sections 24–27, concerning disqualification, and
3. Chap. 6, Section 30, concerning the keeping of minutes, the content of minutes, checking of minutes and announcement of the checking of minutes.

## Section 7

A committee within whose sphere of activity a joint body has been appointed may revoke authority delegated to that body if there are very strong grounds for doing so.

*Right of personnel representatives to attend meetings*

## Section 8

Representatives of the employees of a municipality or county council (personnel representatives) may, to the extent indicated in Sections 9–13, attend meetings of committees other than the executive committee. Representatives of the employees of municipalities or county councils co-operating in a common committee may to a similar extent attend meetings of the common committee.

The right of attendance, however, does not apply to auditors' meetings, patient committees, election committees and committees of chief guardians.

## Section 9

The personnel representatives are entitled to be present when at committee discusses matters relating to the relationship between the municipality or county council as employer and its employees. In special cases the committee may resolve that the personnel representatives will also be allowed to be present at the transaction of other business.

## Section 10

The personnel representatives are not entitled to be present at the transaction of business of the following kinds:

1. matters relating to the exercise of authority in relation to an individual person, unless the matter concerns an indeterminate circle of individuals,
2. negotiations with an employees' organisation,
3. cancellations of collective agreements,
4. labour disputes,
5. legal disputes between the municipality or county council and an employees' organisation, and

6. matters relating to the ordering of procurement of goods and services.

#### Section 11

The personnel representatives are entitled to take part in the committee's deliberation but not in the making of decisions.

#### Section 12

It is the duty of a committee, subject to the provisions of the Secrecy Act (1980:100), to supply the personnel representatives with the information necessary for their activity.

#### Section 13

The personnel representatives are specially appointed for each committee from among the employees of the municipality or county council, primarily from among those employed within the committee's sphere of activity.

For each committee there are to be not more than three personnel representatives and one alternate for each of them.

#### Section 14

The personnel representatives are appointed by the local employees' organisation or organisations with which the municipality or county council has collective agreements.

#### Section 15

The provisions of this Act concerning disqualification of a person who is to handle business as a member of a committee shall also apply to personnel representatives on the committee.

Disqualification under Chap. 6, Section 25 (5) shall not, however, be deemed to exist solely on account of the personnel representative

1. being a delegate or official of an employees' organisation that has interests to safeguard in the matter, or
2. having, in the capacity indicated in (1), represented the organisation in proceedings in the matter held pursuant to the Employment (Co-determination in the Workplace) Act (1976:580).

#### Section 16

The personnel representatives shall be summoned to meetings in the same way as the members of the committee. The alternates are only summoned when they are to serve as personnel representatives.

#### Section 17

Decisions made at a meeting to which the personnel representatives have access are not invalidated by the personnel representatives or one of them not having been summoned to the meeting.

#### *Self-run bodies*

#### Section 18

Except where otherwise indicated by law or statutory instrument, the assembly may decide that a committee may commission a self-managing body under the committee's authority to manage, wholly or in part, the operation of a particular facility or institution. The assembly may also decide, in such cases, that the committee may commission the self-managing body to decide on a particular item of business or a certain group of items on the committee's behalf. Business concerning the exercise of official authority in relation to

individual persons or other business referred to in Chap. 6, Section 34 may not, however, be delegated to a self-managing body.

The decisions made by the self-managing body by authority of a commission under subsection one shall be reported to the committees, following the procedure determined by the committees.

#### Section 19

The committee shall define the tasks of the self-run body, its composition, working procedures and term of office in a standing orders.

#### Section 20

A self-run body shall consist of representatives of the persons using the facility or institution and the persons employed there. The users' representatives shall outnumber the persons representing the employees.

The committee elects, after nomination by the users, the representatives and alternatives who are to represent the users and, after nomination by the employees, the persons who are to represent the employees.

#### Section 21

The members and alternatives representing the users are entitled to the leave of absence from their employment which the assignment requires and to the economic benefits defined by the assembly for elected representatives in the municipality or county council.

Section 22

A committee may partly or wholly revoke an assignment given to a self-run body if there are special reasons for doing so.

The same applies to the assignment of an individual member.





## Chap. 8 Economic administration

### *Goals of economic administration*

#### Section 1

Municipalities and county councils shall exercise good economic management in their activities and in activities conducted by the agency of other legal entities.

### *Administration of funds*

#### Section 2

Municipalities and county councils shall administer their funds in such a way that requirements of a good return and adequate security can be catered for.

#### Section 3

The assembly shall issue more detailed regulations concerning the administration of funds.

#### Section 3 a

The assembly shall notify special provisions for the administration of funds set aside for pension undertakings. These provisions shall state how the funds are to be managed. In this connection, the permissible risk in investment of the funds

is to be determined. Furthermore, it shall be stated how follow-up and checking of the management is to take place.

These provisions shall be reviewed as soon as there is reason for so doing.

#### Section 3 b

Municipalities and county councils may levy charges for services and utilities which they provide.

Charges may not, except where specially prescribed, be levied by municipalities or county councils for services or utilities which they are under an obligation to provide.

#### Section 3 c

Municipalities and county councils may not levy charges exceeding the cost of the services or utilities provided by the municipality or county council (The Prime cost).

#### *Content of the budget*

#### Section 4

Municipalities and county councils shall draw up, every year, a budget for the next calendar year (fiscal year).

The budget of a common committee is drawn up by the municipality or the county council which appointed the committee. The budget shall be drawn up following consultations with the other municipalities and county councils participating.

The budget shall be drawn up in such a way that income exceeds expenditure.

#### Section 5

The budget shall contain a plan for activities and economic management during the fiscal year.

The plan shall indicate the rate of taxation and funding allocations. The plan shall also show how expenditure is to be financed and what the economic status is expected to be at the end of the fiscal year.

If expenditure for a particular financial year exceeds income, the deficit shall be adjusted and the net equity as entered in the balance sheet restored during the two succeeding years. A decision concerning such adjustment shall be made in the budget not later than the second year after the year in which the deficit occurred. In exceptional cases the assembly may resolve that no such adjustment shall be made.

The budget shall also contain an economic plan for a three-year period. The fiscal year shall always constitute the first year of this period.

### *The budgeting process*

#### Section 6

A budget shall be drafted by the executive committee before the end of October.

If there are special reasons for so doing, the budget may be drafted in November. If so, the executive committee is to propose, before the end of October, the rate of taxation for the municipal or county council tax to be included in the preliminary income tax for the following year.

#### Section 7

The executive committee decides the date by which other committees are to submit their separate budget proposals to the executive committee.

#### Section 8

The budget is adopted by the assembly before the end of November.

In years when assembly elections have been held throughout the country the budget shall be adopted by the newly elected assembly.

#### Section 9

If, for special reasons, the budget cannot be adopted before the end of November, the assembly shall nonetheless fix the rate of taxation and, when appropriate, the fee rate for the burial fee pursuant to Chap. 9 of the Burials Act (1990:1144) within this period.

The budget shall then be adopted before the end of December. The assembly may then fix a rate of taxation differing from that decided on previously, if there are reasons for so doing.

#### Section 10

The budget drafted by the executive committee shall be kept available to the general public as from the announcement of the assembly meeting at which the budget is to be adopted.

The place where the draft budget is kept available should be stated in the announcement.

#### Section 11

The Act (1965:269) with special provisions concerning imposition of taxes by Municipalities and Other Communities contains provisions concerning the duty of the executive committee to notify certain authorities of the rate of taxation and the fee rate for the burial fee.

*Spending decisions during the fiscal year*

## Section 12

If the assembly decides on an item of expenditure in the course of the fiscal year, the decision shall also include an indication as to how the expenditure is to be financed.

*Mortgage prohibition*

## Section 13

Municipalities and county councils may not mortgage their property as security for a claim.

When acquiring property, however, they may take over liability for loans contracted previously on the security of the property.

*Book-keeping and accounting*

## Section 14

The executive committee and other committees shall keep continuous accounts of the funds which they administer.

More detailed provisions concerning the accounting records of municipalities and county councils are contained in the Local Government Accounting Records Act (1997:614).

## Section 15

The executive committee decides the latest date by which other committees are to report to the executive committee on their financial administration for the previous fiscal year.

## Section 16

After receiving the accounts of other committees, the executive committee shall conclude the accounts in an annual report.

More detailed provisions concerning the annual report are contained in the Local Government Accounting Records Act (1997:614).

#### Section 17

The annual report shall be presented to the assembly and the auditors as soon as possible and not later than 15 April of the year following the year to which the report refers.

#### Section 18

The annual report shall be approved by the assembly. This should not be done until the assembly has decided, as provided for in Chap. 5, Section 25 a, whether discharge from liability is to be allowed or refused.

#### Section 19

The annual report is to be kept available to the general public as from the announcement of the assembly meeting at which the annual report is to be approved.

The place where the annual report is kept available should be indicated in the announcement.

#### Section 20

The assembly may decide that the general public will be allowed to ask questions on the annual report at an assembly meeting.

#### *Special provisions applying to local federations*

#### Section 21

The provisions of Sections 6 and 8 do not apply to local federations.

The federation members may include in the federation articles regulations concerning the matters referred to in Section 20.

#### Section 22

In a local federation with a federation directorate, the meeting at which the budget is adopted shall be public. An announcement of the meeting shall be issued as provided in the federation articles.

#### Section 23

If a local federation lacks assets to settle a debt, it is the duty of the federation members to make good the deficiency. Each member shall contribute as much of the deficiency as corresponds to that member's share in the liability on the basis indicated in the federation statutes.





# Chap. 9 Auditing

## *Election of auditors and auditors' alternates*

### Section 1

In years when assembly elections have been held throughout the country, the newly elected assembly shall elect auditors and auditors' alternates to inspect activities for the next four years.

### Section 2

For a full audit of all activities, at least three auditors and the same number of alternates shall be elected.

For a special audit to inspect the activities of a certain committee or committees, at least three auditors and the same number of alternates shall be elected for each committee or group of committees.

A common committee shall be audited by the auditors of each of the participating municipalities or county councils.

### Section 3

If an auditor who has been elected on a proportional basis resigns during the term of office, the assembly may hold a by-election for the remainder of this period.

*Disqualification*

## Section 4

The provisions contained in Chap. 6, Section 25 on disqualification shall be applied with regard to the issue of disqualification of an auditor or auditor's alternate.

An auditor or auditor's alternate who is disqualified in a matter may not participate or be present when the matter is being considered. However, this person may undertake measures that no one else can undertake without unlawful delay.

A person aware of a circumstance that may be assumed to constitute disqualification against him shall make this known without being requested to do so.

## Section 5

If an issue concerning disqualification has been raised against any of the auditors, they shall decide unanimously on the matter of disqualification. The person whom the disqualification applies to may participate in consideration of the issue of disqualification only if the auditors are inquorate without him and no one else can be summoned without unlawful delay.

Appeal may only be made against the matter of disqualification in conjunction with the appeal of the decision whereby the matter is decided.

## Section 6

The matter of disqualification shall be disregarded when the bias is manifestly insignificant.

*Status of the auditors*

## Section 7

Each auditor performs his task independently.

*Expert assistance*

## Section 8

The auditors shall be assisted by the experts in their inspection whom they have chosen themselves and use them to the requisite extent.

The experts shall have the insight and experience of local government activities required to be able to carry out their assignment.

*Duties of the auditors*

## Section 9

The auditors will inspect annually in the extent that follows from generally accepted auditing standards all activities that are carried out within the committees' sphere of activities. In the same way, they inspect, through auditors or lay auditors appointed in companies pursuant to Chap. 3, Sections 17 and 18, activities carried out in the companies.

The auditors inspect whether the activities have been carried out in an appropriate and financially satisfactory way and whether the accounts are true and fair and whether the internal checks carried out within the committees are sufficient.

If the auditors find in the course of their inspection that there is reason to suspect that an offence under property law has been committed or that the decision of an administrative court has been disregarded, they shall notify the committee concerned of this circumstance. If, following such notification, the committee fails to take measures without undue delay, it is the duty of the auditors to report this to the assembly. This does not apply, however, if the notification concerns suspicion that an offence has been committed and the committee finds that no such suspicion exists.

## Section 10

The auditors' inspection does not include matters relating to the exercise of official authority in relation to an individual person, except

1. when the handling of such matters has caused a financial loss to the municipality or the county council,
2. when the inspection concerns the implementation by the committees of decisions made by administrative courts, or
3. when the inspection is undertaken from a general point of view.

## Section 11

The provisions of Section 9 on committees also apply to assembly drafting committees.

*Entitlement of the auditors to information etc.*

## Section 12

It is the duty of the committees and their individual members and alternates and employees to supply the auditors with the information needed for the work of auditing.

They shall also give the auditors an opportunity at any time of compiling an inventory of the assets of which the committees have charge and of inspecting the accounts and other documents relating to the committees' activities.

## Section 13

The provisions of Section 12 on committees also apply to assembly drafting committees.

*Administration by the auditors*

## Section 14

The auditors themselves are responsible for the administration connected with their auditing assignment, unless otherwise determined by the assembly.

## Section 15

The decisions made by the auditors concerning their administration and on disqualification shall be minuted.

The provisions of Chap. 6, Section 30 concerning the checking of minutes and announcement of checking of the same shall also apply to the auditors' minutes.

*Audit report*

## Section 16

The auditors shall submit annually to the assembly a report describing the result of the audit of activities for the previous fiscal year.

The experts' reports shall be enclosed with the auditors' report.

The inspection report pursuant to Chap. 11, Section 6 of the Swedish Companies Act (1975:1385) which has been submitted for a limited company as referred to in Chap. 3, Section 17 or 18 shall also be attached to the audit report.

## Section 17

If a qualification is presented, the reason for the same shall be indicated in the audit report.

Qualifications may be entered against

1. committees and council drafting committees, and
2. the individual elected representatives on such bodies.

The report shall also include a special statement as to whether or not discharge from liability can be allowed.

*Audit regulations*

## Section 18

More detailed audit regulations may be issued by the assembly.

*Provisions applying specifically to local federations*

## Sections 19

Sections 1 and 2 do not apply to local federations.

In a local federation with a federation assembly, auditors and auditors' alternates are elected by the federation assembly. In a local federation with a directorate, auditors and alternates are elected as provided in the federation statutes.

## Section 20

In local federations with a federation directorate, the auditors shall present an auditors' report to the assembly of each federation member. The provisions of Chap. 5, Section 20 b, 25 a, 25 b and 31 concerning assemblies shall, in the case of such federations, apply to the assemblies of the federation members.

## Section 21

If a federation directorate has appointed one or more committees, the auditors shall present to the federation directorate a special auditors' report on the activities of the committees.

The directorate decides whether or not the committees which it appoints to be discharged from liability.

# Chap. 10 Assessment of legality

## *Purview*

### Section 1

Any member of a municipality or county council is entitled to have the legality of decisions by the municipality or county council tested by appealing against them to the county administrative court.

The legality of decisions by a common committee may be similarly appealed by any member of the participating municipalities and county councils.

The legality of a decision by a local federation may be similarly appealed by any member of the municipalities or county councils included in the local federation and by the federation members.

### Section 2

The following decisions may be contested by appeal:

1. decisions by the assembly or the decision-making body in a local federation,
2. decisions by a committee or joint body, if the decision is not of a purely preparatory or purely executive nature,
3. decisions by the federation executive or by another committee or a joint body in a local federation, if the decision is other than of a purely preparatory or purely executive nature, and

4. auditors' decisions as referred to in Chap. 9, Section 15.

### Section 3

The provisions of this Chapter do not apply if special provisions concerning appeals are made by statute or statutory instrument.

#### *How to appeal*

### Section 4

A decision is appealed against in writing.

In the appeal, the complainant is to indicate the decision appealed against and the circumstances on which the appeal is based.

### Section 5

Appeals shall be filed with the county administrative court.

#### *Time limit for appeals*

### Section 6

Appeals must reach the county administrative court within three weeks after the day on which it was announced, on the municipality's, the county council's or the local federation's notice-board, that the minutes of the decision has been checked. The time limit for appeals against a decision by a common committees is counted from the time when the announcement of the minutes of the decision having been checked was posted on the notice boards of all participating municipalities and county councils.

The notice of the minutes having been checked must remain posted on the notice-board throughout the allotted period for appeals in order for the period to expire.



## Section 7

If the appeal has been received by the municipality, the county council or the local federation instead of the county administrative court, before the appeal period expires, the appeal shall be tried never the less. The same applies when the appeal against a decision by a common committee has been received by one of the participating municipalities or county councils.

*Grounds for assessment of legality*

## Section 8

A contested decision shall be quashed if

1. it has not been made in due order,
2. the decision refers to something which is no concern of the municipality or county council,
3. the body which made the decision has exceeded its powers, or
4. the decision is contrary to law or a statutory provision.

Points 3 and 4 of subsection one do not apply to decisions under Chap. 8, Section 5, subsection three.

No other decision may be substituted for the decision appealed against.

## Section 9

If an error has made no difference to the outcome of the matter, the decision need not be quashed. The same applies if, as a result of subsequent events, the decision has ceased to be of any importance.

## Section 10

In the examination of the appeal, no circumstances may be taken into account other than those referred to by the complainant before the expiry of the time limit for appeals.

*Procedural questions*

## Section 11

For the application of the Administrative Litigation Act (1971:291), the municipality, the county council, the common committee or the local federation shall be deemed a party.

## Section 12

An injunction under Section 5 of the Administrative Litigation Act (1971:291) may not refer to deficiency in the letter of appeal consisting in its failure to indicate the circumstance or circumstances on which the complainant bases the appeal.

The provision of Section 29 of the Administrative Litigation Act concerning entitlement to make a decision in the better interest of an individual person without a claim being lodged shall not apply.

## Section 13

Provisions concerning the procedure for appealing against a decision by the county administrative court are contained in the Administrative Litigation Act (1971:291).

Appeal to the administrative court of appeal is subject to the grant of review dispensation.

## Section 14

If the county administrative court or the administrative court of appeal had decided against the complainant, only the complainant may appeal against the decision.

If the county administrative court or the administrative court of appeal has quashed a decision or forbidden its enforcement, the court's decision may be appealed by the municipality or county council and by their members, and also, in the case of a

decision by a common committee, by the committee and by the members of the participating municipalities and county councils.

If the county administrative court or the administrative court of appeal has quashed a decision by a local federation or forbidden its enforcement, the court's decision may be appealed by the federation, by each member municipality and county council of the federation and by their members.

#### *Requirements for enforcement*

##### Section 14 a

A decision that is open to appeal under the provisions of this Chapter may be enforced before it has acquired legal force unless there are special reasons to the contrary.

#### *Rectification of enforcement*

##### Section 15

If a decision has been quashed by a decision that has acquired legal force and if the first decision has already been enforced, the body that has made the decision shall ensure that enforcement is rectified as far as this is possible. A decision ordering rectification shall be communicated without undue delay.