

Lovens fulle tittel og evt. korttittel på engelsk:

**Act no. 7 of 4 March 1983 relating to owner-tenant sections.**

Lovhjemmelens dato og nummer:

**4. mars 1983 nr. 7**

Opplysninger om når loven sist ble endret:

**20. juni 1991 nr. 40**

Dato for oversettelsen:

**2. juni 1992**

Institusjonen som er ansvarlig for oversettelsen:

**Oversettelseskontoret, UD**

Eventuelle bemerkninger:

**Oversetter: Peter Bilton**

Øversettere kommentarer/spørsmål til øversettelsen av Lov om  
eierseksjoner

Foreslåtte øversettere:

eierseksjon - owner-tenant section

sameieandel - share in a jointly-owned building

bruksenhet - unit

sameiebrøk - joint ownership fraction

oppretter eget grunnboksblad - makes a separate entry in the

Register of Deeds

sameie - jointly-owned property

styre - committee

sameier - joint owner

I § 1 har jeg "døpt" Lov om sameie "relating to joint ownership"

Spørsmål:

I § 10 har jeg øversatt "tilbud om kjøp" med "offer to sell" (fra  
eieren til mulige kjøpere).

Act no. 7 of 4 March 1983 relating to owner-tenant sections  
as amended, most recently by Act no. 40 of 20 June 1991

## Chapter I. Introductory provisions

### § 1. Definition

For the purposes of the present Act, "owner-tenant section" means a share in a jointly-owned building with land or the right to lease land, when the share conveys a sole right to the use of a dwelling, business premises, or other unit in the building. <sup>1</sup> Act no. 6 of 18 June 1965 relating to joint ownership is not applicable to owner-tenant sections.

<sup>1</sup> Cf. §§ 32 and 33.

### § 2. Dispensability

The Act can not be dispensed with unless the contrary is explicitly stated or implied in the context. <sup>1</sup>

<sup>1</sup> Cf. §§ 12 and 33.

### § 3. Authority to issue Regulations

The Ministry <sup>1</sup> can issue Regulations implementing or supplementing the present Act.

It <sup>1</sup> can also decide on or prepare forms for use in connection with the practising of the Act.

<sup>1</sup> The Ministry of Local Government.

## Chapter II. The establishment of owner-tenant sections

### § 4. Restriction on the right to establish similar forms of ownership <sup>1</sup>

A right to own a physical part of a building can not be established before a surveyor's certificate or a certificate according to § 4-2 of Act no. 70 of 23 June 1978 relating to the surveying, subdivision and registration of real property has been registered <sup>2</sup> in respect of the land or the right to lease the part in question.

<sup>1</sup> Cf. § 32.

<sup>2</sup> Cf. § 10.

### § 5. Conditions for division into owner-tenant sections

The following conditions must be satisfied before a property can be divided into owner-tenant sections:

1. The property must as a general rule not comprise more than one estate and subestate number.
2. The property must be divided into the same number of sections as there are units. Sections can nevertheless subsequently be further divided, joined together or altered.

In buildings which can only partly be used for housing purposes, the requirement that the property must be fully divided does not prevent the dwellings from being grouped together to form one section and the business premises from being grouped together to form one section.

3. The property must be divided up so as to form units that are natural and appropriate according to their intended use. The minimum requirements in a housing section are own

entrances, and own kitchens, WCs and baths within units. The Ministry 2 can issue regulations governing the technical standard of the building.

The provision in the second period of the first paragraph of subsection 3 does not apply to divisions carried out by housing cooperatives, 3 or limited companies with the same purposes as housing cooperatives, 4 established before the entry into force of the Act relating to owner-tenant sections. 5

4. In connection with the division, a joint ownership fraction of which both the numerator and denominator are whole numbers shall be determined for each owner-tenant section. All the fractions shall have the same denominator. The fractions shall be determined on the basis of the area of the respective unit unless the articles of association state that they shall be based on respective values.

Joint ownership fractions can only be changed by a unanimous decision of the joint owners affected by the change.

Properties can not be divided into sections if they fall within the scope of improvement program decisions or urban regeneration zoning according to the Building and Planning Act. 6 The Municipal Council or whoever it authorises can nevertheless make exceptions to the ban on divisions in this paragraph.

The municipality concerned must be notified at least six months in advance that an application for division may be submitted.

- 1 Amended by Acts no. 65 of 8 June 1984 and no. 77 of 14 June 1985 (in force on 1 July 1986).
- 2 The Ministry of Local Government.
- 3 Cf. Act no. 2 of 4 February 1960.
- 4 Cf. § 1 of the same Act.
- 5 See § 31.
- 6 Act no. 77 of 14 June 1985.

#### **§ 6. Restrictions on the right to establish owner-tenant sections**

Land, garages, parking places, storage rooms, common rooms and the like can not be made into separate sections or form parts of sections. A garage building can however be separated as a section.

#### **§ 7. Applications for division**

An application for division must state the name of the property, how many sections it is to be divided into and their numbers, the uses to which they are to be put (dwelling, business etc.), and their joint ownership fractions as prescribed in § 5.

The application must be accompanied by an estate layout plan and plans of the floors, including basements and attics. The plans must clearly show the dividing lines between the units and their section numbers. A declaration must also be submitted that the conditions in this Chapter for establishing owner-tenant sections have been met.

**§ 8. Determination of section numbers**

The Registrar of Deeds 1 determines the section numbers and enters them on the application.

- 1 Cf. Chapter 1 of Act no. 2 of 7 June 1935.

**§ 9. Registration**

The Registrar of Deeds 1 registers the application for division and makes a separate entry in the Register of Deeds for each section.

- 1 Cf. Chapter 1 of Act no. 2 of 7 June 1935.

**§ 10. The right to purchase sections in existing buildings**

When the application for division has been registered, persons renting individual dwelling sections according to normal terminable tenancy agreements or who have lived in their apartments for at least 2 years according to other contracts with the landlord have the right to purchase the section to which the unit belongs.

The landlord shall then at the earliest opportunity send the persons entitled to purchase according to the first paragraph written offers to sell.

Such offers to sell must inform the tenants:

1. that the application for division of the property into owner-tenant sections has been registered,
2. of their right to buy the section, with a proposed price and other conditions of sale,
3. that the price of the section will, if the parties fail to agree, be determined by three valuers appointed by the court. Valuation shall be based on what it would cost to build a corresponding property at the time of the division. Deductions must be made for age, wear, damage, poor lay-out, expenditure by tenants beyond normal maintenance, etc. The amount at which the property is valued is then divided among the sections according to their previously determined joint ownership fractions,
4. that the tenant's right to exchange his dwelling according to § 32 a of the Act concerning House Rents 2 lapses on the first transfer of the section following the registration of the application for division,
5. that the tenant retains his other rights according to the tenancy agreement and the Act concerning House Rents 2 even if he does not exercise the right to purchase the section, and
6. that the right to purchase must be exercised within three months of the tenant's receipt of notification of the valuation price determined according to subsection 3.

No one can acquire more than two sections in the jointly-owned property. The State, municipalities, and organizations owned or controlled by the State or municipalities and the purpose of which is to provide dwellings, can acquire more sections. The same applies to an employer who intends to let sections to his employees.

- 1 Amended by Act no. 65 of 8 June 1984.
- 2 Act no. 6 of 16 June 1939.

### Chapter III. Relations between joint owners

#### § 11. Right of physical disposal

A unit must not be used so as to cause the users of other sections unnecessary or unreasonable inconvenience. 1

Joint facilities must not be used in such a manner that other users are unnecessarily or unreasonably prevented from making the agreed or presupposed use of the facilities.

Ordinary house rules for the property can be laid down by simple majority. 2

Maintenance of his unit is the responsibility of the individual joint owner. If a joint owner fails to carry out the maintenance necessary to maintain the value of the property or prevent inconvenience, the joint owners 3 can have the maintenance carried out at his expense.

1 Cf. § 3 of Act no. 6 of 18 June 1965.

2 Cf. § 21.

3 Cf. § 17.

#### § 12. Right of legal disposal

Each joint owner has full rights of legal disposal of his section.

The articles of association can not contain rights of pre-emption or redemption.

When a section is initially transferred, the parties can not agree on conditions which limit the acquiring party's rights of legal disposal except in such matters as can be decided on according to the fourth paragraph.

The following decisions can be taken by a two-thirds majority as mentioned in the second paragraph of §21:

1. to sell or lease smaller parts of the property, provided the decision does not appreciably change the use of particular units or appreciably inconvenience individual joint owners, 1
2. that an individual joint owner must to a reasonable extent mortgage his section as security for his financial obligations to the jointly-owned property, 2
3. that the buyer of a section or tenant of a unit must be approved by the committee. 3 When such a decision has been adopted, approval in individual cases can only be refused for objective reasons.

1 Cf. the fourth paragraph of § 27.

2 Cf. § 13.

3 Cf. § 23.

#### § 13. Joint expenses

Unless the contrary is laid down in the articles of association, expenses relating to the property which are not connected with individual units shall be shared among the joint owners according to their joint-ownership fractions. 1

If a joint owner carries on activities or initiates measures which lead to particularly high joint expenses, the meeting of joint owners 2 can decide that he shall meet a larger proportion of the expenses than indicated by his joint ownership fraction.

1 Cf. subsection 4 of § 5.

2 Cf. § 17.

**§ 14. Liability for the jointly-owned property's obligations**

Each joint owner is liable for the shared obligations of the jointly-owned property according to his joint ownership fraction. 1

The jointly-owned property's creditors must first present their claims to the property. If within fourteen days of presenting the claim a creditor is not paid out of the property's joint funds, or it is clear that the jointly-owned property can not pay, they can present their claims directly to the joint owners.

1 Cf. subsection 4 of § 5.

**§ 15. Inspection etc.**

The person authorised 2 by the joint owners 1 shall have access to the individual units in order to inspect them and carry out installations and repairs when this is necessary out of regard for the other joint owners, and exercising reasonable consideration towards the joint owner concerned.

1 Cf. § 17.

2 Cf. Chapter 2 of Act no. 4 of 31 May 1918.

**§ 16. 1 Non-fulfilment**

If a joint owner despite a warning substantially fails to fulfil his obligations, the committee can order him to sell the section. The requirement of a warning does not apply in cases where eviction can be demanded according to § 16a.

Warnings must be issued in writing and state that substantial non-fulfilment entitles the jointly-owned property to demand the sale of the section.

Orders to sell must be issued in writing and state that a sale by auction can be demanded if the order has not been complied with by a deadline which must not be set at less than six months after receipt of the order.

If the order has not been complied with by the deadline, sale of the section by auction can be demanded without a court order or other grounds of enforcement provided no objection to the sale has been raised at the auction at the latest, or such objection is clearly groundless. The ruling is made by the Court of Execution of Claims and can be appealed.

The provisions of Act no. 7 of 13 August 1915 relating to the Enforcement of Claims apply to the auction as appropriate, but § 153 does not apply.

1 Amended by Act no. 40 of 20 June 1991.

**§ 16 a. 1 Eviction**

If the behaviour of a joint owner entails a danger of damage to or significant depreciation of the property, or if a joint owner's behaviour is a serious nuisance or inconvenience to the other users of the property, the committee of the jointly-owned property can demand his eviction before the section is sold. Eviction can at the earliest be demanded at the same time as a sale order is issued according to § 16. Eviction can be carried out without a court order or other grounds of enforcement, provided no objection has been raised to the eviction or the objection is clearly groundless. The ruling is made by the Court of Execution of Claims and can be appealed.

The provisions of Act no. 7 of 13 August 1915 relating to the Enforcement of Claims apply to evictions as appropriate.

According to the provisions in the present section, the eviction can also be demanded of a user who is not a joint owner, provided the joint owner concerned is ordered, at the latest at the same time, to sell according to § 16.

1 Added by Act no. 40 of 20 June 1991.

#### Chapter IV. Bodies of the jointly-owned property, their duties and procedure

##### § 17. The meeting of joint owners

The meeting of joint owners is the highest body of the jointly-owned property. Its members are all the joint owners.

The committee 1 and the business manager are duty bound to attend the meeting of joint owners unless this is clearly unnecessary or in the event of lawful absence.

The auditor 2 and one household member from each housing section are entitled to attend and speak at meetings of joint owners.

1 Cf. § 23.

2 Cf. § 29.

##### § 18. Notice of ordinary meetings of joint owners

The ordinary meeting of joint owners (annual meeting) is held each year before the end of April.

The committee 1 calls the annual meeting in writing with at least 8 and at most 20 days' notice. The notice shall state the time and place of the meeting and the agenda, including proposals to be dealt with at the meeting. The notice shall be accompanied by the committee's 1 annual report and audited accounts. 2

Matters which a joint owner wishes to have dealt with at the annual meeting shall be submitted to the committee in writing 21 days at the latest before the meeting.

For proposals as mentioned in the second and third paragraphs of § 21 to be dealt with at the meeting of joint owners, their main contents must be described in the notice of the meeting.

1 Cf. § 23.

2 Cf. § 29.

##### § 19. Notice of extraordinary meetings of joint owners

Extraordinary meetings of joint owners are held as the committee finds necessary or when at least one-tenth of the joint owners call for a meeting in writing and at the same time state which matters they wish to bring up.

The committee 1 calls an extraordinary meeting of joint owners in writing with at least 3 and at most 20 days' notice. The notice shall state the time and the place of the meeting and the matters to be dealt with.

The fourth paragraph of § 18 applies correspondingly.

1 Cf. § 23.

##### § 20. Concerning the meeting of joint owners

At the meeting of joint owners, joint owners have the right to vote, with one vote for each section they own.

A joint owner has the right to attend by proxy. The proxy must present a written and dated authorisation. The



authorisation is regarded as valid for the coming meeting of joint owners unless it appears that something else is intended. The authorisation can be withdrawn at any time.

Ordinary meetings of joint owners shall:

1. deal with the annual report by the committee, 1
2. deal with and approve the annual accounts, 2
3. deal with other matters mentioned in the notice,
4. hold elections according to § 24 and the second paragraph of § 29.

Extraordinary meetings of joint owners shall deal with the matters mentioned in the notice of the meeting.

The meeting of joint owners is chaired by the chairman of the committee. 1 If the chairman is absent, the meeting elects a person to chair the meeting from among the joint owners present.

The chairman of the meeting is responsible for the keeping of minutes recording all matters dealt with and all decisions taken by the meeting of joint owners. The minutes shall be read out before the end of the meeting and signed by the chairman and at least one of the joint owners present, to be elected by the meeting. The minute book shall be kept available to joint owners.

1 Cf. § 23.

2 Cf. § 29.

#### § 21. Competence of the meeting of joint owners

With such exceptions as follow from the second and third paragraphs of this section or from the articles of association, all decisions are taken by a simple majority of the votes cast.

1

Unless the articles of association require larger majorities, majorities of two-thirds of the votes cast 1 are required for decisions concerning: 2

1. purchases and improvements and alterations which in view of the circumstances in the joint property or the size of the cost must be regarded as significant,
2. the adoption of articles of association and amendments to them,
3. decisions as mentioned in the fourth paragraph of § 12.

Decisions to sell or lease all or substantial parts of the property must be taken by the unanimous vote of all the joint owners. 2

1 Cf. the first paragraph of § 20.

2 Cf. the fourth paragraph of § 18, cf. the third paragraph of § 19.

#### § 22. Disqualification

No one can as a joint owner or proxy or through a proxy take part in a vote at a meeting of joint owners on a legal transaction concerning himself or on his own liability. Nor can anyone take part in a vote on a legal transaction concerning a third party or on a third party's liability who has a pronounced special interest in the matter of a personal or financial nature.

#### § 23. The committee

A jointly owned property shall have a committee. For properties with eight or fewer sections it may nevertheless be laid down in the articles of association that the property shall

not have a committee, but that the functions of the committee according to the present Act shall be exercised jointly by the joint owners.

**§ 24. 1 Composition of the committee**

The committee is elected by the meeting of joint owners 2 from among the joint owners. The chairman of the committee is elected separately.

The committee shall consist of three members. One of the members shall be the chairman.

Committee members serve for one year. The term of office expires at the end of the ordinary meeting of joint owners 3 for the year in which the term expires.

The articles of association can lay down a different number of committee members from that in the provision in the second paragraph, and that the committee shall have deputy members.

The provisions concerning committee members in the present Act apply as appropriate to deputy members.

1 See § 23.

2 Cf. § 17.

3 Cf. § 18.

**§ 25. 1 Notice of committee meetings**

The chairman calls committee meetings when necessary or when a meeting is requested by at least two committee members.

The notice shall state the time and place of the meeting and the matters to be dealt with.

1 See § 23.

**§ 26. 1 Committee meetings 2**

Committee meetings are chaired by the chairman of the committee. If the chairman is absent and no deputy chairman has been elected, the committee elects a member to chair the meeting.

The committee shall keep minutes of its proceedings. They shall be signed by the committee members present.

1 See § 23.

2 Cf. the third paragraph of § 27.

**§ 27. 1 Competence of the committee etc.**

The committee sees to the administration of matters of common concern to the joint owners, in accordance with the law, the articles of association, and decisions by the meeting of joint owners.

Unless the contrary is laid down in the articles of association, it is the committee's responsibility to appoint, give notice to and dismiss the business manager and other functionaries, issue their instructions, fix their salaries and see that they carry out their duties.

The committee has a quorum when more than half the members are present. Decisions are taken by simple majority unless the articles of association state otherwise. In cases of equal votes, the chairman has the casting vote.

In matters of common concern and in connection with sales or leases according to subsection 1 of the fourth paragraph of § 12, the committee represents the joint owners and binds them with its signature. The articles of association can lay down that the joint owners shall be bound by the signature of two or more members together. In respect of matters as mentioned in

this paragraph, the chairman of the committee can sue and be sued with binding effect on all the joint owners.

1 See § 23.

**§ 28. Disqualification of committee members and the business manager**

A committee member or business manager must not take part in the treatment of or decision on any question in which he has a pronounced special interest of a personal or financial nature.

**§ 29. Accounts and auditing**

The committee 1 shall see to it that proper and sufficient accounts are kept.

The accounts shall be audited by an auditor elected by the meeting of joint owners.

1 See § 23.

**Chapter V. Disputes relating to owner-tenant sections**

**§ 30. Disputes relating to owner-tenant sections**

Disputes concerning joint ownership between joint owners according to the present Act belong under the Rent Tribunal in municipalities where such a court has been established in pursuance of § 52 of the Act concerning House Rents 1.

1 Act no. 6 of 16 June 1939.

**Chapter VI. Entry into force, transitional provisions, repeal and amendment of other Acts.**

**§ 31. Entry into force**

The present Act shall enter into force from such date as the King shall decide. 1

1 In force from 22 April 1983 according to Royal Decree no. 739 of 8 April 1983.

**§ 32. Similar forms of ownership**

Subject to the limitations which follow from § 33, the present Act applies to forms of ownership in which the right of ownership of a physical part of a building is conveyed by a share in the joint ownership of a building with land or a right to lease land.

**§ 33. Transitional provisions**

The following transitional provisions apply to owner-tenant sections the establishment of which was registered before the present Act came into force: 1

1. § 4; subsections 1, 2, 3 and the first, third and fourth paragraphs of subsection 4 of § 5; § 6; § 7; and the second paragraph of § 12 do not apply.

2. Articles of association and other internal rules which conflict with the other provisions in the Act shall cease to have legal effect two years after the entry into force of the Act.

1 See § 31.

**§ 34. Amendments to other Acts**

From the date when the present Act enters into force, the following amendments shall be made to other Acts:...