

# The 1986 Administrative Procedure Act

(including subsequent amendments)

## *Scope*

### **Section 1**

This Act applies to the handling of matters by the administrative authorities and the handling of administrative matters by the courts. The provisions of Sections 4–6 also apply to other kinds of administrative activity within these authorities. Section 22a contains provisions on appeals and on the requirement for leave to appeal to a Court of Administrative Appeal.

*Act (1998:386)*

### **Section 2**

Sections 31–33 prescribe limitations in the scope of the Act with regard to the activities of certain authorities.

### **Section 3**

Where an act or an ordinance contains a provision that is inconsistent with this Act, that provision shall prevail.

## *Service-duties of the authorities*

### **Section 4**

Each authority shall provide information, guidance, advice and similar assistance to all persons concerning matters falling within the scope of its functions. The assistance shall be given to the extent that is deemed appropriate with regard to the nature of the matter, the person's need of assistance and the activity of the authority.

Enquiries made by people shall be answered as soon as possible.

If someone by mistake refers to the wrong authority the authority should set him right.

### **Section 5**

The authorities shall receive visits and accept telephone calls from people. Where particular times for this have been decided, the public shall be informed about them in an appropriate way.

The authorities shall also ensure that people are able to contact them by telefax and electronic mail, and that they can reply in the same way.

An authority shall remain open for at least two hours on each normal working day, Monday–Friday, to be able to receive and register official documents and to be able to receive requests for the production of official documents that are kept by the authority. However, this does not apply if such day is Midsummer Eve, Christmas Eve or New Year's Eve.

*Act (2003:246)*

## *Cooperation between authorities*

### **Section 6**

Every authority shall assist other authorities within the framework of its own activity.

## *General requirements with regard to the handling of matters*

### **Section 7**

Each matter to which a person is a party shall be handled as simply, rapidly and economically as is possible without jeopardising legal security. In its handling of matters, the authority shall avail itself of the opportunity of obtaining information from and the views of other authorities, if there is a need to do so. The authority shall aim at expressing itself in an easily understandable way. The authority shall also by other means make matters easy for the people with whom it deals.

## *Interpreter*

### **Section 8**

When an authority is dealing with someone who does not have a command of the Swedish language or who has a severe hearing impairment or speech impediment, the authority should use an interpreter when needed.

## *Representative and counsel*

### **Section 9**

Anyone who is a party to a matter may make use of a representative or counsel. However, a party that uses a representative shall take part in person, if the authority so requests.

If a representative or counsel demonstrates a lack of ability or ignorance or is in some other way unsuitable, the authority may reject him as a representative or counsel in the matter.

The decision of an authority to reject a representative or counsel may be appealed against separately and then by the same procedure applicable to the decision by which the authority determines the matter.

## *Filing of documents*

### **Section 10**

A document is deemed to have been received by an authority on the date when the document, or a notice of arrival of the pre-paid dispatch in which it is enclosed, has been delivered to the authority or has been received by a competent officer of the authority. If an authority is notified separately that a telegram to the authority has arrived at a telegraph office, the telegram shall be deemed to have been received when the notification has reached a competent officer of the authority.

If it can be assumed that the document or a notice of its arrival was delivered on a particular day to the premises of the authority or put aside for the authority at a post office, it shall be deemed to have been received on that date, provided it

reached a competent officer of the authority on the immediately following working day.

A telegram or other document that is not signed shall, if the authority so requests, be confirmed by a document signed in the sender's own handwriting.

*Act (1993:611)*

### *Disqualification*

#### **Section 11**

The person charged with handling a matter is disqualified:

1. if the matter concerns himself or his spouse, parents, children, brothers or sisters or someone else who is closely related to him, or if he or someone closely related to him can expect extraordinary advantage or detriment from the outcome of the matter,
2. if he, or anyone closely related to him is the legal representative of someone that the matter concerns or of anyone that can expect extraordinary advantage or detriment from the outcome of the matter,
3. if the matter has been brought before the authority by an appeal against or the subordination of the decision of another authority or by reason of the supervision of another authority and he had taken part earlier under the auspices of the subordinate authority in the final handling of a matter concerning the same material issue,
4. if he as regards the material issue has served someone as a representative or has assisted him for payment, or
5. if there is some other special circumstance that is likely to undermine confidence in his impartiality in the matter.

Disqualification shall be disregarded where the question of impartiality is obviously of no importance.

#### **Section 12**

A person who is disqualified may not handle the matter. He may, however, take those steps that cannot be made by someone else without an inconvenient delay.

Anyone who knows of any circumstance that could constitute his disqualification is obliged to disclose it on his own motion.

If an issue of disqualification has been raised and the person in question has not been replaced, the authority shall decide the issue of disqualification as soon as possible. The challenged person may not take part in the consideration of the issue of his disqualification, unless the authority is not competent to act without him and there is no one available to replace him without an inconvenient delay.

A decision concerning an issue of disqualification may be appealed against just in conjunction with an appeal against the decision by which the authority determines the matter.

### *Reference for views*

#### **Section 13**

An authority that refers an issue to another authority for views shall, before doing so, carefully consider whether such a measure is necessary. In case it is necessary to obtain views from several quarters, the references shall be made simultaneously, unless there are special reasons for doing otherwise.

If it is not unnecessary, the authority shall in the reference specify in which respects and within what time limit views are requested.

### *Oral procedure*

#### **Section 14**

Any applicant, appellant or other party who wants to make an oral statement in a matter concerning the exercise of public power in relation to someone shall be afforded an opportunity to do so, provided that the due progress of the work so permits.

Otherwise, the authority decides whether the procedure will be oral. The authority should pay regard particularly to the fact that oral procedure may enable the person to cope with the matter.

### *Recording of information*

#### **Section 15**

Information that an authority obtains otherwise than from a document and that may be of importance for the outcome of the matter shall be recorded by the authority, if the matter concerns an exercise of public power in relation to someone.

### *The right of parties to be informed*

#### **Section 16**

An applicant, appellant or other party is entitled to have access to the material that has been brought into the matter, provided that the matter concerns the exercise of public power in relation to someone. This right of access to information applies with the restrictions prescribed by Chapter 14, Section 5 of the Secrecy Act (1980:100).

#### **Section 17**

No matter may be determined without the applicant, the appellant or any other party having been informed about any information that has been brought into the matter by someone other than himself and having been given an opportunity to respond to it, provided that the matter concerns the exercise of public power in relation to someone. The authority may, however, decide the matter without this provision having been observed:

1. if the decision is not adverse to the party, if the information is of no importance or if such measures for some other reason are obviously unnecessary,

2. if the matter concerns appointment to official office, admittance to non-compulsory education, issuance of diplomas or grades, appropriation of research grants or comparable matters, provided the matter does not concern a determination by a superior instance on appeal,
3. if it may be feared that implementation of the decision on the matter would otherwise be rendered considerably more difficult, or
4. if the determination cannot be postponed.

The authority determines whether the notification shall be effected orally, by ordinary letter, by service or in some other way.

The duty to notify applies with the restrictions prescribed by Chapter 14, Section 5 of the Secrecy Act (1980:100).

### *Voting*

#### **Section 18**

When several persons have to make a decision together and cannot agree, the chairman presents the different proposals for decision that have been submitted. Each proposal is presented so that it can be answered by either a yes or a no. After the participants in the determination have answered the proposals, the chairman declares what has, according to his view, been decided. This shall be the decision, provided a revote is not requested.

If a revote is requested, it shall be taken openly. When there are more than two proposals, it shall at first be decided which proposal shall be set against the proposal that the chairman considered had been decided. The outcome is decided by an absolute majority. In the event of a tie of votes, the chairman has the casting vote.

In matters concerning an exercise of public power in relation to someone each member who participates at the final handling of the matter is obliged to also participate in the determination. However, no one is obliged to vote for more than one proposal.

The chairman is always obliged to vote when it is necessary for a quorum.

### *Dissenting opinions*

#### **Section 19**

When a decision is made by several persons together, a participant in the determination may make a reservation against the decision by having a dissenting opinion noted. A person who does not do so is deemed to have supported the decision.

The person who reported on the matter and other officers that have assisted at the final handling of it without participating in the determination are entitled to have a dissenting opinion noted.

A dissenting opinion shall be notified before the decision has been dispatched or announced in some other way. If the decision shall not be announced, the notification shall be made at the latest when the decision is given its final form by the signing of the minutes or in some other similar manner.

### *Stating reasons of decisions*

#### **Section 20**

A decision whereby a matter is determined by an authority shall contain the reasons that settled the outcome when the matter concerns the exercise of public power in relation to someone. The reasons for the decision may, however, be omitted wholly or in part:

1. if the decision is not adverse to any party or if for some other reason it is obviously unnecessary to state the reasons,
2. if the decision concerns appointment to public office, admittance to non-compulsory education, issuance of diplomas or grades, appropriation of research grants or comparable matters,
3. if it is necessary out of concern for the national security, the protection of the private or economic interests or some comparable circumstance,
4. if the matter is of such an urgency that there is no time to formulate the reasons for the decision, or
5. if the matter concerns the issuance of regulations pursuant to Chapter 8 of the Instrument of Government, provided the matter does not concern a determination by a superior instance on appeal.

If the reasons for the decision are not given in the decision itself, the authority should at the request of a party set forth the reasons later, if possible.

### *Notification of decisions*

#### **Section 21**

Any applicant, appellant or other party shall be informed about the contents of the decision whereby the authority determines the matter if this relates to the exercise of public power in relation to someone. However, the party need not be notified if it is obviously unnecessary.

When the decision affects a party adversely and it may be appealed against, he shall be informed about how to appeal. He shall at the same time be informed of any dissenting opinions under Section 19 or which have been noted under special provisions.

The authority decides whether the notification shall be effected orally, by ordinary letter, by service or in some other way. The notification shall, however, always be given in writing, if the party so requests.

This Section shall also apply where someone else who is entitled to appeal against the decision requests to see the decision.

### *Appeals*

#### **Section 22**

A person whom the decision concerns may appeal against it, provided that the decision affects him adversely and is subject to appeal.

**Section 22a**

A decision can be appealed against to a general administrative court. However, this does not apply to decisions in administrative matters and decisions on matters referred to in Section 20, first paragraph, item 5.

If an appeal has taken place under the first paragraph, leave to appeal is required for appeals to the administrative court of appeal.

It is indicated by Section 3 that special provisions, which have been prescribed concerning appeals or appeal prohibition, apply instead of the provisions of the first and second paragraphs.

*Act (1998:386)*

*How to appeal against a decision***Section 23**

An appeal against a decision shall be made in writing. In his letter the appellant shall indicate which decision he is appealing against and the alteration to the decision that he desires.

The letter of appeal shall be delivered to the authority that made the decision. It must be delivered to the authority within three weeks from the date when the appellant was notified of the decision. If the appellant is a party representing the public and the decision is appealed against to a county administrative court or an administrative court of appeal, the appeal must be delivered within three weeks of the date when the decision was made.

The period for appeals against such decisions that concern the provisions referred to in Chapter 8 of the Instrument of Government and that will not be served, is computed from the date when the decision was announced. If the decision has been announced on more than one occasion, the period is computed from the date of the last announcement prescribed.

*Act (1998:386)*

**Section 24**

The authority that has made the decision appealed against considers whether the letter of appeal has arrived in due time. If the letter is late, the authority shall summarily reject it, unless otherwise provided by the second and third paragraphs.

The letter of appeal must not be summarily rejected if the delay is the result of the authority having incorrectly notified the appellant about how one appeals.

Nor shall the letter of appeal be summarily rejected if it has reached the authority that shall consider the appeal within the time of appeal. In that case, this authority shall send the letter to the authority that has made the decision, simultaneously giving notice of the date of its arrival at the superior instance.

**Section 25**

If the letter of appeal is not summarily rejected under Section 24, the authority that has made the decision shall send it and the other of the case-documents to the authority that will consider the appeal.

### *Correction of typographical errors and the like*

#### **Section 26**

A decision that contains a manifest error in writing, calculation or any other similar oversight by the authority or someone else may be corrected by the authority, which made the decision. Before a correction takes place the authority shall give the parties an opportunity to express themselves on the issue, provided that the matter concerns the exercise of public power in relation to someone and the measure is not unnecessary.

*Act (1990:456)*

### *Reconsideration of decisions*

#### **Section 27**

When an authority because of new circumstances or for some other reason finds that a decision that it has made as first instance is manifestly wrong, it shall correct the decision, provided that this can take place rapidly and simply and without detriment to any private party. This duty also applies if the decision is appealed against, unless the appellant demands that the decision shall be suspended until otherwise ordered (inhibition).

The duty shall not apply if the authority has sent the case-documents to a superior instance or if there are other special reasons against the authority altering the decision.

#### **Section 28**

An appeal against an authority's decision will lapse, if the authority itself alters the decision in accordance with the appellant's request. In that case, Sections 24 and 25 shall not apply.

If the authority alters the decision in another way than the appellant requested, the appeal shall be deemed to include the new decision, unless summary rejection shall take place under to Section 24.

### *Inhibition*

#### **Section 29**

An authority that has to consider an appeal may decide that the decision appealed against shall be suspended until otherwise ordered.

### *Appeal against decisions of summary rejection*

#### **Section 30**

When a letter of appeal has been summarily rejected because arrived too late, the decision of summary rejection may be appealed against by the same procedure as prescribed for the decision on the material issue. If the decision of summary rejection of an appeal has been considered by a superior instance, the decision of the superior instance may not be appealed against.

*Act (1986:1196)*

*Certain limitations regarding the scope of the Act*

**Section 31**

The provisions of Sections 13–30 do not apply to such matters at the authorities of the municipalities and county councils where the decisions are subject to appeal under Chapter 10 of the Local Government Act (1991:900). Neither do the provisions apply to matters at associations for co-ordination pursuant to Section 4 of the Act (2003:12010) on financial co-ordination of rehabilitation measures.

*Act (2005:330)*

**Section 32**

The provisions of Sections 8–30 do not apply to the executive activity of the enforcement service, nor to the activities of police authorities, public prosecutors, tax authorities, customs authorities and the Coast Guard relating to crime prevention.

*Act (1997:1027)*

**Section 33**

As regards matters at first instance concerning health or medical care Sections 14–30 apply only if the decision of the authority can be appealed against in manner other than that stated in Section 31.