FOLKETINGET

My Constitutional Act

MY CONSTITUTIONAL ACT
WITH EXPLANATIONS

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The Constitutional Act is the Foundation of Danish Democracy

You can read about the division of power in society in the Constitutional Act. About the Folketing as the democratically elected assembly which passes laws that apply to all of us. About the Danish Government that must ensure that laws are complied with by us citizens and by the authorities that must ensure we have good schools, hospitals and libraries, etc. About the Courts that are independent of the Government and the Folketing because they have to pass judgement in conflicts between citizens and between the public authorities and citizens.

The Constitutional Act also sets out the rights you have as a citizen. We call them constitutional rights or human rights.
Some of the areas protected by constitutional rights are freedom of expression, the right to assemble and demonstrate for your opinions, and the right to form associations and to be a member of an association. The Constitutional Act also ensures that you have the right to be a member of a political party and to take part in political activities – even though such activities may be in opposition to the opinions of the Government or the majority. These rights are intended to ensure that democracy functions. The rules of the Constitutional Act on referendums and election to the Folketing, for example, would not be of much value if we were not entitled to discuss political issues and express our opinions.

Other areas protected by constitutional right include rules on personal liberty and ownership and the inviolability of the home. These rules are primarily intended to protect citizens against injustice on the part of the State. Anybody arrested by the police, for instance, has the right to demand that a judge considers his or her case within 24 hours. If the authorities wish to search somebody's home, private papers, or PC, as a principal rule, they must first have obtained permission from a judge. And if the authorities wish to expropriate somebody's house and demolish it in order to build a motorway or a railway across the lot, he or she is entitled to compensation corresponding to the value of the house and lot. In this way, the Constitutional Act imposes limits on how the State may intervene in people's private lives.

The Constitutional Act is designed to ensure a stable framework for political life and the political struggle for power. And the Constitutional Act must ensure that the rights of citizens are not violated. Both of these areas are safeguarded because it is more difficult to amend the Constitutional Act than other Acts. The Danish Constitutional Act has only been amended a few times since it was adopted more than 160 years ago. And the language in many of the sections has not been modernised since. Therefore, this booklet contains some explanatory comments on the individual Sections.

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01 The Form of Government

Part one primarily deals with the fact that Denmark is a monarchy and with the tripartite division of power.

Section 01
This Constitutional Act shall apply to all parts of the Kingdom of Denmark.

Section 01
The Constitutional Act applies to Denmark, the Faeroe Islands and Greenland. Special home rule arrangements for the Faeroe Islands and special self-government arrangements for Greenland have been passed by law. These arrangements give the Faeroese and Greenlanders far-reaching autonomy in respect of their own affairs.

Section 02
The form of government shall be that of a constitutional monarchy. Royal authority shall be inherited by men and women in accordance with the provisions of the Act of Succession to the Throne of March 27th 1953

Section 02
Denmark is governed by a Monarch, i.e. a King or a Queen. The current Monarch is Queen Margrethe the Second. She succeeded to the throne in 1972 when her father, King Frederik the Ninth, died. Although the Queen is Sovereign, she has no independent power. The country is governed by a Government accepted by the Folketing. Both men and women can inherit the Crown. The Danish Act of Succession describes the rules for who may inherit the title when the King or Queen dies or abdicates. The Act is from 27 March 1953 when women received the right to succeed to the throne.

The 1953 Danish Act of Succession has the same status as the Constitutional Act because it is expressly mentioned in Section 2 and can therefore only be amended through the same comprehensive procedure as with an amendment to the Constitution.

On 2 June 2006 the Danish Parliament passed an amendment to the Act of Succession to the effect that the first-born – irrespective of gender – will always succeed to the throne. As prescribed by the Constitutional Act the Government reintroduced the unchanged Bill after a general election in 2007. This Bill was passed by Parliament on 24 February 2009, after which it was submitted to a binding referendum. The amendment was adopted in the referendum, which took place on 7 June 2009, as a majority comprising at least 40 per cent of all those entitled to vote voted in favour of the amendment.

Section 03
Legislative authority shall be vested in the King and the Folketing conjointly. Executive authority shall be vested in the King. Judicial authority shall be vested in the courts of justice.

Section 03
This provision concerns the tripartite division of

power into legislative, executive and judicial powers. Power is divided between different authorities (Parliament, the Government and the Courts) to prevent all power being in the hands of a single authority. This could lead to the abuse of power.

Under the Constitutional Act, the Queen and Parliament jointly have the power to legislate. However, this is not quite the case in reality. In practice, the Government and Parliament define Acts. The Queen only signs them. The Queen has to implement the Acts – she has the executive power. Today, this simply means that she only formally appoints the Ministers of a Government. In practice, it is the Ministers and their Ministries that subsequently make sure the laws are complied with.

The Queen has no influence on who will be a Minister. This is the Prime Minister's decision. Nor has the Queen any influence on which political parties will form a Government. Sections 12-15 cover this, among other things.

The Courts have the power to pass sentences. They decide whether people have broken Danish laws and must be punished. And they decide the outcome of cases in which citizens have mutual conflicts. The Courts also decide whether Ministries and Municipalities have broken laws and whether laws comply with the Constitutional Act.

In 1999, the Supreme Court ruled that what is known as the Tvind Act contravened Section 3 of the Constitutional Act: the provision in this Act that a number of Tvind Schools should no longer receive funds from the State was therefore invalid.

Section 04

The Evangelical Lutheran Church shall be the Established Church of Denmark, and as such shall be supported by the State.

Section 04

The Evangelical-Lutheran Church of Denmark is Christian. The Church of Denmark is Evangelical-Lutheran. This means that it is based on the Holy Bible, various ecclesiastical symbolic books, and the teachings of the German theologian Martin Luther, which formed the foundation of the Danish Reformation in 1536. The Church of Denmark is therefore a Protestant church. Until the first Constitutional Act was passed in 1849, the Church of Denmark was a State Church under the autocratic king. Today, the State has a duty to support the Church of Denmark financially and in other ways. The State can also choose to support other religious denominations, but is not under an obligation to do so.

02 The Royal Family

Part two deals with the Royal Family in particular.

Section 5
The King shall not reign in other countries except with the consent of the Folketing.

Section 5
The Queen cannot become Sovereign of another country as a matter of course. Parliament must first grant permission for this.

Section 6
The King shall be a member of the Evangelical Lutheran Church.

Section 6
The Queen cannot decide which religious denomination she wishes to belong to. She must belong to the Evangelical-Lutheran Church. However, she need not necessarily be a member of the Evangelical-Lutheran Church of Denmark (Folkekirken). But in practice the Sovereign has always been a member of the Evangelical-Lutheran Church of Denmark.

Section 7
The King shall be of age when he has completed his eighteenth year. The same provision shall apply to the Heir to the Throne.

Section 7
Being legally competent means that one make one's own decisions and can enter into binding agreements, concerning purchases, for example . This Section explains that a King is legally competent when he becomes 18 years of age. The same applies to the successor to the throne. This provision may seem a little strange today, when everyone is legally competent at the age of 18 years. But that was not the case in 1953, when the Constitutional Act was last amended. At that time, ordinary people did not become legally competent until they were 21.

Section 8
The King shall, prior to his accession to the throne, make a solemn declaration in writing before the Council of State that he will faithfully observe the Constitutional Act. Two identical originals of the declaration shall be published, one of which shall be delivered to the Folketing to be kept in its archives, while the other shall be filed in the Public Record Office. When, because of absence or for other reasons, the King is unable to sign the aforesaid declaration immediately on his accession to the throne, government shall, unless otherwise provided by statute, be conducted by the Council of State until such a declaration has been signed. When the King has already, as Heir to the Throne, signed the aforesaid declaration, he shall accede to the throne as soon as it becomes vacant.

Section 8
The Queen must promise that she will observe the Constitutional Act. She does this by signing a declaration in the Council of State. This is the name given to the meetings that the Queen holds with the Government. Two copies of the declaration must be kept. One is kept in Parliament archive. The other is kept in the Danish National Archives. The Danish National Archives are the State archives where all important documents are stored.

Section 9
Provisions relating to the exercising of sovereign power in the event of the minority, illness, or absence of the King shall be laid down by statute. Should the throne become vacant and there be no Heir to the Throne, the Folketing shall elect a King and establish the future order of succession to the throne.

Section 9
Parliament has passed an Act determining who will govern if the Queen is not legally competent or is prevented from being present. In practice, this means that the Queen has a deputy who takes her place when she is ill, travelling or on holiday, for instance. If the successor to the throne is legally competent, he or she deputises as a matter of course. If the successor to the throne is not legally competent (or if he or she is unable to act as a deputy), the Queen appoints a Regent.

The Queen's two sons, Crown Prince Frederik and Prince Joachim, have often deputised for the Queen. The Queen's sister, Princess Benedikte, has also been her deputy. If there are no successors to the throne, Parliament must choose a King and establish the order of succession that will apply in the future.

Section 10
Subsection 1. The King's Civil List shall be granted for the duration of his reign by statute. Such a statute shall also provide for the castles, palaces, and other State property which shall be placed at the disposal of the King for his use.
Subsection 2. The Civil List shall not be chargeable with any debt.

Section 10
Subsection 1. Parliament determines how much money the King or Queen shall have each year. The money is called a civil list annuity. The Queen receives DKK 72.3 million a year, of which DKK 7.2 million goes to Prince Henrik and DKK 1.1 million goes to Princess Benedikte (as of November 2013). Parliament also decides which palaces and other State property the Queen may use. Other property includes the Royal Yacht "Dannebrog", which has been placed at the disposal of the Queen. The yacht is owned by the State.
Subsection 2. The Queen cannot borrow money on her civil list annuity.

Section 11
Members of the Royal House may be granted annuities by statute. Such annuities shall not be enjoyed outside the Realm except with the consent of the Folketing.

Section 11
Several members of the Royal Family receive an annual sum from the State. This is called an annuity. The Crown Prince, for instance, receives DKK 18 million, of which DKK 1.8 million goes to Crown Princess Mary (as of November 2013).
The members of the Royal Family may not reside abroad and receive their annuities there unless they have been granted permission to do so by Parliament in advance.

03 The Government

Part three deals with the King and the Ministers. It establishes that the power of the King is restricted. The country is governed by a Government accepted by Parliament.

Section 12
Subject to the limitations laid down in this Constitutional Act, the King shall have supreme authority in all the affairs of the Realm, and shall exercise such supreme authority through the Ministers.

Section 12
It may almost seem as if the Queen decides everything. However, in reality this is not the case as the Constitutional Act contains major restrictions on which decisions she can make. The Queen exercises power via her Ministers in a Government: she has no independent power.
This is described in Sections 13 and 14.

Section 13
The King shall not be answerable for his actions; his person shall be sacrosanct. The Ministers shall be responsible for the conduct of government; their responsibility shall be defined by statute.

Section 13
The Queen has a very special legal status. She is not answerable for her actions. She must observe the laws of Denmark, but she cannot be indicted and sentenced by the Courts. On the other hand, the Queen has no power. The Ministers are responsible for what the Government does. Ministers' responsibility is explicitly established in a special Act called the Danish Ministerial Responsibility Act. It was passed in 1964.

Section 14
The King shall appoint and dismiss the Prime Minister and the other Ministers. He shall decide upon the number of Ministers and upon the distribution of the duties of government among them. The signature of the King to resolutions relating to legislation and government shall make such resolutions valid, provided that the signature of the King is accompanied by the signature or signatures of one or more Ministers. A Minister who has signed a resolution shall be responsible for the resolution.

Section 14
The Constitutional Act gives the Queen the power to appoint the Prime Minister and the other Ministers. She also decides how many Ministers there are to be and what they are to do. In addition, she can dismiss them again. However, this is no longer how things work.

The Queen has no real influence on who will be a Minister or who will be dismissed. The Queen appoints the Ministers recommended by the Prime Minister. When a new Prime Minister is to be appointed, the current Prime Minister and the Queen decide which politician will be able to put together a majority of the Members of Parliament. The person in question may never have a majority against him or her. The Queen then appoints that person to be the new Prime Minister.

The Queen must sign all Acts and important resolutions passed by the Government. However, the Acts and resolutions are valid only when one or more Ministers have also signed them. The Queen is not responsible for the Acts and resolutions she signs. It is the Ministers who are responsible for them.

Section 15
Subsection 1. A Minister shall not remain in office after the Folketing has passed a vote of no confidence in him.
Subsection 2. When the Folketing passes a vote of no confidence in the Prime Minister, he shall ask for the dismissal of the Ministry unless writs are to be issued for a general election. When a vote of no confidence has been passed on a Ministry, or it has asked for its dismissal, it shall continue in office until a new Cabinet has been appointed. Ministers who remain in office as aforesaid shall perform only what may be necessary to ensure the uninterrupted conduct of official business.

Section 15
Subsection 1. If a majority in Parliament no longer has confidence in a Minister, the Minister must resign. This is done by the Members of Parliament voting on a what is known as a no-confidence motion.
Subsection 2. If Parliament expresses a lack of confidence in the Prime Minister, the Government must resign or call an election. The "old" Government remains as the acting Government until a new one has been elected. However, during this period, the Ministers may only carry out practical measures that are required to ensure that the Ministries and public administration can continue. Nothing else.

Section 16
Ministers may be impeached by the King or the Folketing for maladministration of office. The Court of Impeachment shall try cases of impeachment brought against Ministers for maladministration of office.

Section 16
A Minister is responsible for the manner in which he or she manages his or her Ministry. If, for example, he or she neglects his or her work or is suspected of doing something illegal, Parliament can demand that he or she be brought before a special Court. This is called the Court of Impeachment and is described in Section 59. The Court of Impeachment decides whether the Minister is guilty. According to the wording of the Constitutional Act, the Queen can also demand that Ministers be impeached and brought before the Court of Impeachment. However, in practice, the Government has this right.

Since the Court of Impeachment was instituted in 1849, five cases have been brought before the Court, but only two Ministers have been found guilty. In 1910, the former Minister for the Interior, Sigurd Berg, was ordered to pay a fine for negligence in his supervision of Den Sjællandske Bondestands Sparekasse (The Zealand Farmers' Savings Bank) (the Alberti case). In 1995, the former Minister for

Justice, Erik Ninn-Hansen, was given a suspended sentence of four months' imprisonment for having prevented Tamil refugees from bringing their families to Denmark (the Tamil case).

Section 17
Subsection 1. The body of Ministers shall form the Council of State, in which the Heir to the Throne shall have a seat when of age. The Council of State shall be presided over by the King except in the instance mentioned in Section 8, and in instances in which the legislature in pursuance of Section 9 may have delegated the conduct of government to the Council of State.
Subsection 2. All Bills and important government measures shall be discussed in the Council of State.

Section 17
Subsection 1. The Council of State consists of all the Ministers, the Queen and the successor to the throne, if he or she is legally competent. The Queen chairs the meetings of the Council of State. If, for example, she is travelling, the meetings are chaired by her deputy, who is known as a Regent. These rules can be seen in Section 9.
Subsection 2. All Acts and important resolutions passed by the Government must be discussed in the Council of State. However, in practice, the resolutions are passed by the Government, not by the Council of State.

Section 18
Should the King be prevented from holding a Council of State he may entrust the discussion of any matter to a Council of Ministers. Such a Council of Ministers shall consist of all the Ministers, and shall be presided over by the Prime Minister. The vote of each Minister shall be entered in a minute book, and any question shall be decided by a majority of votes. The Prime Minister shall submit the minutes, signed by the Ministers present, to the King, who shall decide whether he will immediately consent to the recommendations of the Council of Ministers, or have the matter brought before him in a Council of State.

Section 18
If the Queen is prevented from attending a Council of State, she can demand that the Ministers hold a meeting without her. This is called a Council of Ministers and consists of all Ministers. The Prime Minister chairs the meeting. The Queen can subsequently sign the Council of Ministers' resolutions. This Section is no longer of any great importance. In fact, no monarch has made use of this opportunity since 1869. On the other hand, the Government holds meetings of Ministers once a week. The meetings are of great practical importance, but are not mentioned in the Constitutional Act.

Section 19
Subsection 1. The King shall act on behalf of the Realm in international affairs, but, except with the consent of the Folketing, the King shall not undertake any act whereby the territory of the Realm shall be increased or reduced, nor shall he enter into any obligation the fulfilment of which

requires the concurrence of the Folketing or which is otherwise of major importance; nor shall the King, except with the consent of the Folketing, denounce any international treaty entered into with the consent of the Folketing.
Subsection 2. Except for purposes of defence against an armed attack upon the Realm or Danish forces the King shall not use military force against any foreign state without the consent of the Folketing. Any measure which the King may take in pursuance of this provision shall forthwith be submitted to the Folketing. If the Folketing is not in session it shall be convened immediately.
Subsection 3. The Folketing shall appoint from among its Members a Foreign Policy Committee, which the government shall consult before making any decision of major importance to foreign policy. Rules applying to the Foreign Policy Committee shall be laid down by statute.

Section 19
The Queen exercises her power via her Ministers. She cannot be held responsible for what the Government does (Sections 12, 13 and 14). Therefore, the word "King" must be read as "the Government".
Subsection 1. Parliament establishes the main direction of Denmark's foreign policy. By far the majority of foreign policy decisions regarding agreements with other countries must be approved by Parliament. The Government cannot simply make a decision on its own initiative. This applies when Denmark enters into agreements with other countries on cooperation in NATO and the UN, for instance.
Subsection 2. Nor can the Government simply decide that Danish military forces must attack other countries. Parliament must be consulted first. However, there is one exception. The Government can use Danish forces for defence if Denmark is attacked by another country. However, the military measure must be submitted to Parliament immediately afterwards. If Parliament is not sitting because of a holiday, for instance, a sitting must be convened immediately.
Subsection 3. Parliament must appoint a committee with which the Government must discuss major foreign policy decisions before the decisions are made. This committee is called the Foreign Policy Committee. The members of the Committee have a duty of confidentiality. They must not talk publicly about what they learn at the meetings.

Section 20
Subsection 1. Powers vested in the authorities of the Realm under this Constitutional Act may, to such an extent as shall be provided by statute, be delegated to international authorities set up by mutual agreement with other states for the promotion of international rules of law and cooperation.
Subsection 2. For the enactment of a Bill dealing with the above, a majority of five sixths of the Members of the Folketing shall be required. If this majority is not obtained, whereas the majority required for the passing of ordinary Bills is obtained, and if the Government maintains it, the Bill shall be submitted to the electorate for approval or rejection in accordance with the rules

for referenda laid down in Section 42.

Section 20

Subsection 1. Denmark cooperates with other countries in organisations such as the EU. Situations may arise in which it is necessary for the international organisation to make decisions that the citizens of all Member States must observe. This Section of the Constitutional Act makes this possible. It is called “surrendering sovereignty”. However, a number of conditions must be met. First and foremost, an Act must be passed. This must state how much power Denmark is surrendering.

Subsection 2. It is not sufficient for the Act to be passed by a simple majority in Parliament. At least 150 of the 179 members of Parliament must vote for the Bill. This is equivalent to five-sixths of the Members of Parliament. When normal Bills are to be passed, it is sufficient that there are more votes in favour than against. However, if the majority for a Bill on the surrender of sovereignty is less than five-sixths, the Bill must be submitted to a referendum before it can become an Act.
The rules for referendums are stated in Section 42.

It was necessary to hold a referendum in accordance with Section 20 before Denmark became a member of the EC/EU in 1973. A large majority in Parliament was in favour of membership; 141 Members voted for and 34 voted against. But this was not a five-sixths majority. The referendum was held on 2 October 1972. Since then, there have been several referendums on amendments to the EC/EU Treaties in accordance with the rule in Section 20. An Act passed under Section 20 does not remain in force for ever. If a majority of Parliament so wishes, a treaty adopted in accordance with Section 20 can be revoked. This means that a majority in Parliament can decide that Danish membership of the EU should be terminated.

Section 21

The King may take the initiative to introduce Bills and other measures in the Folketing.

Section 21

The Government can have Bills and proposals for other resolutions submitted to Parliament. In fact, all Members of Parliament are entitled to submit Bills and make proposals. These are called private member’s Bills and are discussed in Section 41 (1). But in practice, the procedure is slightly different. By far the majority of Bills originate with the Government. The Government also submits almost all of the Bills that are passed. This is because the Government is often supported by a majority in Parliament. The Government can also obtain assistance from the various Ministries, where there are experts to prepare the individual Bills.

Section 22

A Bill passed by the Folketing shall become law if it receives the Royal Assent no later than thirty days after it was finally passed. The King shall order the promulgation of statutes and shall ensure that they are carried into effect.

Section 22

The Queen affirms an Act by signing it. This means that the Act does not come into force until she has signed it.
A Sovereign has not refused to sign a Bill since 1865. The Constitutional Act is interpreted today in such a way that the Sovereign is not entitled to refuse to sign.
The Government must also sign the Bill. This is done by the Minister responsible for the area in question signing it. A Bill does not become an Act if the Government refuses to sign it for one reason or another, or if the Bill is not signed within 30 days.
Acts must be published before they take effect for citizens. This is done by publishing them on www.lovtidende.dk.

Section 23

In an emergency the King may, when the Folketing cannot assemble, issue provisional laws, provided that they shall not be at variance with the Constitutional Act, and that they shall always, immediately on the assembling of the Folketing, be submitted to it for approval or rejection.

Section 23

This Section concerns provisional Acts. If it is not possible to convene Parliament, the Government can issue a provisional Act on its own initiative. However, the Act must not contravene the Constitutional Act. And it must be debated in Parliament as soon as Parliament can be convened. A majority of Members can adopt or reject the Act.
This provision can only be used in very special cases. And only when it is impossible to convene Parliament. This could be due to war or natural disasters, for instance. However, it could also be due to a general election. After an election, it takes a few days until the new Members of Parliament can be convened.
The Finance Act, however, cannot be passed as a provisional Act. This is stated in Section 46.

Section 24

The King shall have the prerogative of mercy and of granting amnesty. The King may grant Ministers a pardon for sentences passed upon them by the Court of Impeachment, subject to the consent of the Folketing.

Section 24

Originally, the King had the right to exempt people from a sentence or parts of a sentence. This is called a pardon. Today, the Minister for Justice has this right.
The Minister only pardons people if there are special personal circumstances in favour of a pardon. These could be illness, age or family circumstances, for instance. In practice, most pardons are granted before people have begun to serve their sentences.
The Minister for Justice may also pardon a group of people sentenced for a crime. This is called an amnesty. In particular, the latter has been applied in connection with a number of political events. Most recently, at the end of the German occupation of Denmark in 1945.
The Government cannot pardon a Minister sentenced by the Court of Impeachment on its own

initiative. The Government must propose a motion in Parliament and try to gain a majority for it.

Section 25

The King may, either directly or through the relevant government authorities, make such grants and grant such exemptions from the statutes as are either warranted under the rules which existed before June 5th 1849, or have been warranted by a statute passed since that date.

Section 25

The provision in Section 25 has a very special historical background. Before 1849, the King was an autocrat. He decided which Acts would be passed and he could also make exemptions from them. During the period up to the time the Constitutional Act was passed, normal legislative work had virtually come to a standstill. Instead, the King often made exemptions from Acts, with regard to divorces, for example. At the time it was very difficult to be divorced under the Acts in force. Nevertheless, some married people were granted divorces by the King.

When the Constitutional Act was passed in 1849, it was obvious that it would take a long time before all of the exemptions from previous Acts could be incorporated into new Acts. Therefore, Section 25 was created. The provision was primarily intended to facilitate the transition from autocracy.
Today, the provision has virtually no significance. Most areas are now covered by an Act.

Section 26

The King is entitled to have money minted as provided by statute.

Section 26

The State issues Danish coins. While the State and thus the Government are also entitled to issue banknotes, this is not mentioned in the Constitutional Act.
In practice, the Danish Central Bank (Danmarks Nationalbank) has the exclusive right to issue banknotes. This is stated in the Act on the Danish Central Bank.

Section 27

Subsection 1. Rules governing the appointment of civil servants shall be laid down by statute. No person shall be appointed a civil servant unless he be a Danish subject. Civil servants who are appointed by the King shall make a solemn declaration of loyalty to the Constitutional Act.
Subsection 2. Rules governing the dismissal, transfer, and pensioning of civil servants shall be laid down by statute – cf. Section 64.
Subsection 3. Civil servants appointed by the King shall be transferred without their consent provided that they do not suffer loss of income in respect of their posts or offices, and that they have been offered the choice of such transfer or retirement on pension under the general rules and regulations.

Section 27

The State needs reliable, loyal civil servants who do not take bribes. Therefore, some of the most senior

civil servants are employed according to special rules that protect them. They cannot be dismissed without a very good reason, for example. And they are entitled to a pension even if they are dismissed.
Subsection 1. The rules are established in an Act called the Danish Civil Servants' Act. The State's civil servants must be Danish subjects. This means that they must be Danish citizens. This requirement does not apply to municipal civil servants. Citizens of the EU and the Nordic countries can work as civil servants in Denmark without first becoming Danish citizens. Instead they are employed on terms similar to those of civil servants.
Subsection 2. An Act also establishes rules for the dismissal, transfer and retirement of civil servants. The rules are in the Danish Civil Servants' Act and the Danish Civil Servants' Pension Act. However, judges may not be transferred against their will. This is stated in Section 64.
Subsection 3. Other civil servants can be transferred to new positions, for example. But this must not result in their pay decreasing. If they are transferred, they must have the opportunity to choose between the new job or retirement.

04 Elections to Parliament

Part four primarily deals with the rules for election to Parliament.

Section 28
The Folketing shall consist of one assembly of not more than one hundred and seventy-nine Members, of whom two Members shall be elected in the Faroe Islands and two Members in Greenland.

Section 28
Parliament may not consist of more than 179 Members. Two Members are elected in the Faeroe Islands and two in Greenland.

Section 29
Subsection 1. Any Danish subject who is permanently domiciled in the Realm, and who has the age qualification for suffrage as provided for in Sub-section (2) of this section shall have the right to vote at Folketing elections, provided that he has not been declared incapable of conducting his own affairs. It shall be laid down by statute to what extent conviction and public assistance amounting to poor relief within the meaning of the law shall entail disenfranchisement.
Subsection 2. The age qualification for suffrage shall be as determined by the referendum held under the Act dated March 25th 1953. Such age qualification for suffrage may be altered at any time by statute.
A Bill passed by the Folketing for the purpose of such enactment shall receive the Royal Assent only when the provision for altering the age qualification for suffrage has been submitted to a referendum in accordance with Sub-section (5)
of Section 42, and which has not resulted in the rejection of the provision.

Section 29
Subsection 1. It is necessary to be a Danish citizen to be eligible to vote in a general election. Permanent residence in Denmark is also a requirement. This makes it necessary to be registered with the national register in Denmark. However, there are exceptions for some Danes residing abroad. For example, people who work for the Danish Ministry of Foreign Affairs or have been posted abroad by a Danish authority, company or society are entitled to vote. This also applies to people who are living abroad for educational or health-related reasons. Furthermore, it is possible to retain the right to vote by signing a document stating an intention to return to Denmark within two years of leaving the country. The rules are laid down in Section 2 of the Danish Election Act.
People who have been declared legally incompetent are not entitled to vote. This could be due to mental illness or mental disability, for instance. However, people who receive financial assistance from a municipality or have been convicted of a crime no longer lose the right to vote.
Neither the Constitutional Act nor any other Act mentions anything about the Queen's or her family's right to vote. However, in practice the Queen and her family do not vote. Nor are they listed in the electoral registers.
Subsection 2. In 1953, electoral age was 23 years. Since then, the electoral age has been reduced

three times and it is 18 years today.
Two things are required to change the electoral age. First, Parliament must pass an Act to change it. The Bill must then be submitted to a referendum, in which a majority must not vote against it. However, this majority must consist of at least 30 per cent of all voters.
Things do not always go as politicians wish. In 1969, politicians wanted to reduce the electoral age from 21 to 18 years of age. However, the Danish population did not want this – it voted against the proposal. It was only in a referendum in 1978 that Danes voted in favour of reducing the electoral age to 18.

Section 30
Subsection 1. Any person who is entitled to vote at Folketing elections shall be eligible for membership of the Folketing, unless he has been convicted of an act which in the eyes of the public makes him unworthy to be a Member of the Folketing.
Subsection 2. Civil servants who are elected Members of the Folketing shall not require permission from the Government to accept election.

Section 30
Subsection 1. Anybody who has the right to vote can also become a Member of Parliament. However, they must not have been convicted of anything that, in public opinion, makes them unworthy to sit in Parliament. Parliament decides whether a convicted Member is also unworthy.
In practice, the conviction is used as a guideline. If a Member of Parliament receives a custodial sentence, he or she must usually resign from Parliament. For instance, this happened to the former leader of the Progress Party (Fremskridtspartiet), Mogens Glistrup. He was found guilty of tax fraud and went to prison. Parliament therefore considered him to be unworthy to sit in Parliament and voted him out in 1983. When he had served his sentence, he stood for election and was re-elected to Parliament in 1987 and Parliament now found him worthy.
Subsection 2. Civil servants, who work in ministries for instance, can be elected to Parliament. They do not need the Government's permission first. This provision differs from provisions on this in the constitutions of many other countries, where civil servants may not be Members of Parliament.

Section 31
Subsection 1. The Members of the Folketing shall be elected by general and direct ballot.
Subsection 2. Rules for the exercise of the suffrage shall be laid down by the Parliamentary Election Act of Denmark, which, to secure equal representation of the various opinions of the electorate, shall prescribe the manner of election and decide whether proportional representation shall be adopted with or without elections in single-member constituencies.
Subsection 3. In determining the number of seats to be allotted to each area account shall be taken of the number of inhabitants, the number of electors, and the density of population.
Subsection 4. The Parliamentary Election Act of Denmark shall provide rules governing the election of substitutes and their admission to the Folketing,

as well as rules for the procedure to be adopted where a new election is required.
Subsection 5. Special rules for the representation of Greenland in the Folketing may be laid down by statute.

Section 31
Subsection 1. All voters must have the opportunity to vote in general elections. Voters must be able to vote direct for the candidates who are standing for election to Parliament. And nobody must be able to see where they place their crosses. People can obtain help to vote if they have problems with seeing or reading the ballot paper, for instance. The ballot is still regarded as secret even if the helper sees where the cross is placed.
Subsection 2. The Danish Election Act states how elections are to be held. The Danish Election Act is passed by Parliament, but the Constitutional Act makes various demands on it. The Danish Election Act must ensure that all political opinions are represented equally. This is done by using a special method of counting votes that is called proportional representation. With this method, parties are allocated seats in relation to how many votes they receive. If a party receives ten per cent of all of the votes cast, for instance, it will also get about ten per cent of the seats in Parliament.
Subsection 3. The number of inhabitants, the number of voters and population density must be taken into consideration when working out how the seats are to be distributed. This provision makes allowances for thinly-populated areas of the country. It means that fewer votes are required to be elected in Northern Jutland, for instance, than in Copenhagen.
Subsection 4. If a Member of Parliament is ill or is on leave for a period of time, a deputy is summoned. These rules are in Parliament's Standing Orders.
If a Member resigns from Parliament or dies, his or her seat is transferred to a deputy. These rules are in the Danish Election Act.
The Members of Parliament do not have personal deputies. Under the Danish Election Act, the deputy must be taken from among the candidates in the party who were not elected to Parliament. The person at the top of the list is normally chosen.
The Danish Election Act also contains a few provisions on second ballots. However, they are of no great practical significance. There has not been a second ballot since 1918.
Subsection 5. In Greenland, the two members of Parliament are elected by direct election. However, the provision gives Greenlanders the opportunity to use indirect elections instead.

Section 32
Subsection 1. The Members of the Folketing shall be elected for a period of four years.
Subsection 2. The King may at any time issue writs for a new election, to the effect that the existing seats shall be vacated upon a new election, except that writs for an election shall not be issued after the appointment of a new Cabinet until the Prime Minister has appeared before the Folketing.
Subsection 3. The Prime Minister shall cause a general election to be held before the expiration of the period for which the Folketing has been elected.

Subsection 4. No seats shall be vacated until a new election has been held.
Subsection 5. Special rules may be provided by statute for the commencement and termination of Faroese and Greenland representation in the Folketing.
Subsection 6. If a Member of the Folketing becomes ineligible his seat in the Folketing shall become vacant.
Subsection 7. On approval of his election each new Member shall make a solemn declaration that he will observe the Constitutional Act.

Section 32
Subsection 1. There must be a general election at least every four years.
Subsection 2. The Prime Minister can call an election before the four years have passed. This is a great advantage for the Government. It means that the Prime Minister can call an election at the time that is best for his or her party. The Prime Minister cannot call an election immediately after he or she has formed a Government. He or she must first "present himself or herself" to Parliament. This means that he or she must attend a debate and outline his or her plans in Parliament.
Subsection 3. The Prime Minister must ensure that an election is held before the four years have passed.
Subsection 4. When an election is called, the Members of Parliament retain their seats. Their seats are valid until the election is over. This also applies to Members of Parliament who are not standing for re-election.
Subsection 5. There are special Election Acts for the Faeroe Islands and Greenland.
Subsection 6. If a Member of Folketing is declared unworthy to sit in Parliament, he or she loses his or her seat. This also occurs if he or she moves abroad permanently or is declared legally incompetent. Read more about eligibility in Section 33.
Subsection 7. A Member of Parliament must solemnly promise that he or she will abide by the Constitutional Act. This is done by signing a declaration. Failure to do so means he or she cannot participate in debates or vote in Parliament. Nor may he or she be a member of a parliamentary committee. These rules are in Parliament's Standing Orders.

Section 33
The Folketing shall itself determine the validity of the election of any Member and decide whether a Member has lost his eligibility or not.

Section 33
Parliament itself decides whether an election has taken place correctly. It is almost always the case that a few people complain about mistakes in connection with an election. Such complaints could be about mistakes in lists of candidates or mistakes in counting ballot papers. If there is a complaint about an election, Parliament must investigate the matter. A temporary committee is set up to assess what happened. This is called the Scrutineers' Committee. If a mistake has been made, Parliament must decide what the consequences of this will be. First and foremost, Parliament must decide whether the mistake is so serious that the election should be

declared invalid. However, in most cases, agreement can be reached that the mistake has no significance for the final election result.

Parliament also deals with issues regarding Members' eligibility. A permanent committee has been set up to investigate Members' affairs during the time between elections. It is called the Scrutineers' Committee. Members who lose their eligibility cannot retain their seats in Parliament. The current practice is that they are "unworthy" to sit in Parliament if they have received a custodial sentence. Read more about this in Section 30.

If the Scrutineers' Committee decides that a Member has lost his or her eligibility, it tables a motion that he or she should lose his or her seat. This motion is put to the vote in Parliament.

Section 34
The Folketing shall be inviolable. Any person who infringes its security or freedom, or any person who issues or obeys any command aimed thereat, shall be deemed guilty of high treason.

Section 34
Parliament is the country's supreme authority. Any act that threatens Parliament's security or freedom to make decisions is regarded as high treason. Under the Danish Penal Code, this may be punished with imprisonment for up to 16 years or life. Even in cases where people have been ordered to attack Parliament, they are not exempt from liability. If, for example, a soldier or a police officer receives such an order, he must refuse to obey it. Nor is it permitted to disturb the work of Parliament by demonstrating in the Chamber, for instance. However, those who do so will not be indicted for high treason. But it is illegal and usually results in the imposition of a fine.

05 The Work of Parliament

Part five deals with legislation and the rules for the work of Parliament in particular.

Section 35
Subsection 1. A newly elected Folketing shall assemble at twelve o'clock noon on the twelfth weekday after the day of election, unless the King has previously summoned a meeting of its Members.
Subsection 2. Immediately after the proving of the mandates, the Folketing shall constitute itself by the election of a Speaker and Deputy Speakers.

Section 35
Subsection 1. Parliament must assemble at midday on the twelfth weekday after an election. Weekdays are the same as working days. So in practice, the provision means that Parliament must be convened no later than 14 days after an election. However, the Government may convene Parliament for its first sitting before 14 days have passed. If Parliament is not convened immediately, it may be because it takes some time to work out the precise results of an election.
Subsection 2. The Scrutineers' Committee is appointed at the first sitting in Parliament.
The second sitting begins with a vote. This vote determines whether Parliament approves the election of all Members of Folketing, unless the Scrutineers' Committee has any objections. The Committee is discussed in Section 33.
Parliament's Speaker and four Deputy Speakers are then elected. The Speaker is elected by a vote in the Chamber, while the four Deputy Speakers are appointed by the four largest parties. However, the votes of the Speaker's party do not count in this connection. The Speaker is usually elected in an uncontested election. This means that only one candidate is presented and there is no actual voting.
The Speaker and Deputy Speakers are elected after general elections and at the beginning of each sessional year.

Section 36
Subsection 1. The sessional year of the Folketing shall begin on the first Tuesday of October, and shall continue until the first Tuesday of October of the following year.
Subsection 2. On the first day of the sessional year at twelve o'clock noon the Members shall assemble for a new session of the Folketing.

Section 36
Subsection 1. A sessional year begins on the first Tuesday in October and ends on the same Tuesday in the following year.
Subsection 2. Parliament convenes automatically when the sessional year begins. The Speaker and the Deputy Speakers are then elected, as mentioned in Section 35.

Section 37
The Folketing shall meet in the place where the Government has its seat, except that in extraordinary circumstances the Folketing may assemble elsewhere in the Realm.

Section 37
Parliament must hold its sittings near the seat of Government. There must be a close link between Ministers and Parliament because the Ministers play an important role in the work of Parliament. They provide Members of Parliament with information and explanations. They take various initiatives in connection with Bills for new Acts or amendments to Acts, for instance. And they also implement Parliament's resolutions. Therefore, the Constitutional Act is largely based on the assumption that Ministers are personally present in Parliament. Read more about this in Section 40.
Situations may arise in which Parliament is unable to follow the Government, if the Government and Parliament are separated due to war or occupation, for instance. Therefore, the provision states that Parliament may convene elsewhere. But only in very special cases.

Section 38
Subsection 1. At the first meeting in the sessional year, the Prime Minister shall render an account of the general state of the country and of the measures proposed by the Government
Subsection 2. Such an account shall be made the subject of a general debate.

Section 38
Subsection 1. The Prime Minister must deliver a speech at the first sitting of Parliament in October. He or she must provide an account of the Government's plans for the coming year in this speech. He or she must say which Bills and reforms the Government would like to pass. This speech is called the opening speech or the King's Speech. The latter is an old expression from the time when the King made the opening speech.
Subsection 2. When the speech has been delivered, it is debated. The Speaker of Parliament has a duty to place the account on the agenda. The political debate may well last several days, and the parties in Parliament must have an opportunity to express their opinions on the Government's account. If a majority of Members of Parliament is unable to support the Government's plans, this can bring down the Government. Read more about this in Section 15. The Constitutional Act refers to the debate as a "general debate". This means that there are no limits on the subjects that may be raised.

Section 39
The Speaker of the Folketing shall convene the meetings of the Folketing, stating the Order of the Day. The Speaker shall convene a meeting of the Folketing upon a request being made in writing by at least two fifths of the Members of the Folketing or the Prime Minister, stating the Order of the Day.

Section 39
The Speaker of Parliament convenes sittings of Parliament. He must also ensure that an agenda for the sitting is forwarded to Members. An agenda determines the subjects that can be discussed at the sitting. However, the Speaker must also convene a sitting if two-fifths of the Members of Parliament submit a written request to this effect. This is equivalent to 72 Members. They must also have

drawn up an agenda explaining the object of the sitting. The Prime Minister has the same right, but he or she must also give the Speaker an agenda.

Section 40
Ministers shall be entitled to attend the sittings of the Folketing ex officio and to address the Folketing during the debates as often as they may desire, provided that they abide by the Standing Orders of the Folketing. They shall be entitled to vote only when they are Members of the Folketing.

Section 40
This provision gives Ministers the right to participate in both open and closed sittings in the Chamber of Parliament. However, it does not give them the right to attend committee meetings. Ministers are not always elected Members of Parliament. Nevertheless, they are entitled to participate in sittings. They may also demand to speak in Parliament. A Minister is entitled to vote only if he or she is also an elected Member of Parliament.

When Parliament debates a proposal, the Minister whom the proposal concerns is nearly always present in the Chamber. This is true regardless of whether the proposal has been submitted by a Member of Parliament or the Government.

A Minister is also present in the Chamber of Parliament during question time and interpellation debates. The only exception is when Parliament debates subjects that only concern Parliament, for example elections to parliamentary committees or amendments to Parliament's Standing Orders.

Section 41
Subsection 1. Any Member of the Folketing shall be entitled to introduce Bills and other measures.
Subsection 2. No Bill shall be finally passed until it has been read three times in the Folketing.
Subsection 3. Two fifths of the Members of the Folketing may request the Speaker to see to it that the third reading of a Bill does not take place until twelve weekdays after it has passed the second reading. The request shall be made in writing and signed by the Members making it. There shall be no such postponement in connection with Finance Bills, Supplementary Appropriation Bills, Provisional Appropriation Bills, Government Loan Bills, Naturalization Bills, Expropriation Bills, Indirect Taxation Bills, and, in emergencies, Bills the enactment of which cannot be postponed because of the intent of the Act.
Subsection 4. In the case of a new election, and at the end of the sessional year, all Bills and other measures which have not been finally passed shall become void.

Section 41
Subsection 1. Normally, it is the Government that takes the initiative for a new Act. However, under Section 41, all Members of Parliament may propose Acts and motions for parliamentary resolutions.
Subsection 2. A Bill must be read three times in Parliament before it can be passed. At the first reading, the Members of Parliament discuss the Bill in broad terms. The Government and Members of Parliament are entitled to propose amendments to

a Bill, and Members decide on the proposed amendments at the second reading. At the third reading, Members vote on the Bill as a whole.
Subsection 3. If 72 members so desire, they can request that the third reading be postponed. They can demand that the third reading take place no earlier that "twelve weekdays" after the second reading. This is the same as 12 working days. However, they must ask the Speaker of Parliament for the postponement in writing.
But the right to request postponement does not apply to all Bills. Members are not entitled to request postponement when the debate concerns Finance Acts, supplementary estimates and temporary appropriation Acts or Bills concerning Government loans, citizenship, expropriation and indirect taxes. Expropriation means that the State seizes citizens' private property in return for compensation. Indirect taxes include VAT and duties on goods. Nor is it possible to request postponement if it is very important that an Act enter into force at a specific time.
Subsection 4. A Bill must have been passed before the first Tuesday in October, when a new sessional year begins. Otherwise it lapses. The same applies in the event of a general election. This provision is included to clear things up before a new sessional year begins.

Section 42
Subsection 1. When a Bill has been passed by the Folketing, one third of the Members of the Folketing may, within three weekdays from the final passing of the Bill, request the Speaker to submit the Bill to a referendum. Such a request shall be made in writing and signed by the Members making the request.
Subsection 2. Except in the instance mentioned in Sub-section (7), no Bill which may be submitted to a referendum (see Sub-section (6)), shall receive the Royal Assent before the expiration of the time limit stated in Sub-section (1), or before a referendum requested as aforesaid has taken place.
Subsection 3. When a referendum on a Bill has been requested the Folketing may, within a period of five weekdays from the final passing of the Bill, resolve that the Bill shall be withdrawn.
Subsection 4. When the Folketing has made no resolution in accordance with Sub-section (3), notice that the Bill is to be submitted to a referendum shall be given without delay to the Prime Minister, who shall then see to it that the Bill is published together with a statement that a referendum is to be held. The referendum shall be held, in accordance with the Prime Minister´s decision, not less than twelve and not more than eighteen weekdays after the publication of the Bill.
Subsection 5. At the referendum, votes shall be cast for or against the Bill. For the Bill to be rejected, a majority of the electors who vote and not less than thirty per cent of all persons who are entitled to vote, shall have voted against the Bill.
Subsection 6. Finance Bills, Supplementary Appropriation Bills, Provisional Appropriation Bills, Government Loan Bills, Civil Servants (Amendment) Bills, Salaries and Pensions Bills, Naturalization Bills, Expropriation Bills, Taxation (Direct and Indirect) Bills, as well as Bills introduced for the purpose

of discharging existing treaty obligations shall not be decided by a referendum. This provision shall also apply to the Bills referred to in Sections 9, 8,10, and 11, and to such resolutions
as are provided for in Section 19, if existing in the form of a law, unless it has been prescribed by a special Act that such resolutions shall be submitted to a referendum. Amendments to the Constitutional Act shall be governed by the rules laid down in Section 88.
Subsection 7. In an emergency a Bill which may be submitted to a referendum may receive the Royal Assent immediately after it has been passed, provided that the Bill contains a provision to this effect. When, under the rules of Sub-section (1), one third of the Members of the Folketing requests a referendum on the Bill or on the Act to which the Royal Assent has been given, such a referendum shall be held in accordance with the above rules. If the Act is rejected by the referendum an announcement to that effect shall be made by the Prime Minister without undue delay, and no later than fourteen days after the referendum has been held. From the date of such an announcement the Act shall become ineffective.
Subsection 8. Rules on referenda, including the extent to which referenda shall be held in the Faroe Islands and in Greenland, shall be laid down by statute.

Section 42
This Section is the longest in the Constitutional Act, and it deals with the right to submit Bills to a referendum. It protects a large minority from being outvoted by a narrow majority.
Subsection 1. If an Act is passed, a minority can prevent it from entering into force immediately. The minority can demand that the Bill be submitted to a referendum. And if a majority of the population opposes the Act, the Bill cannot be enacted.
The minority must consist of at least 60 Members of Parliament, and they must act rapidly. A maximum of three working days may elapse after the Bill has been passed before the Members submit a written request for a referendum. The request and the signatures must be submitted to the Speaker of Parliament.
Subsection 2. An Act does not enter into force until it has been signed by the Queen. However, she may only sign an Act before three working days have passed in very special cases. The minority must have a real opportunity to request a referendum. Nor may the Queen sign an Act if a referendum has already been requested.
Subsection 3. If the minority has requested a referendum, the majority can cancel the Bill. It can withdraw the Bill even if the Act has actually been passed. The majority must simply do so within five working days of the Act being passed.
It may appear odd that politicians should be willing to withdraw an Act that they have just passed. However, this is a very good lifeline. This is because losing a referendum is a problem in political terms. And the majority may be so concerned they will lose the referendum that they prefer to withdraw the Bill. This gives them an opportunity to postpone the Bill or implement it in amended form, for instance.
Subsection 4. The Prime Minister must call a

referendum If Parliament does not withdraw the Bill. He or she decides when it will be held. However, it must be held within 12-18 working days after he or she has called the referendum, published the Bill and given notice that it will be subject to a referendum.
Subsection 5. The rules for voting are described below. Voters must vote for or against the Bill. And the Bill will only be rejected if a majority votes against it. This majority must consist of at least 30 per cent of all voters. Invalid votes do not count.
Subsection 6. This is the provision on the exceptions in Section 42 that describes all of the Acts that cannot be submitted to a referendum. In general, Acts dealing with taxes, finances and foreign policy matters cannot be submitted to a referendum. The public cannot vote against a Finance Bill, for instance. Nor can the public vote on the State expropriations mentioned in Section 73, which entitle the State to acquire people's property if it is in the "public" interest.
However, some foreign policy matters can be submitted to a referendum. If a majority of Parliament so decides, an Act passed under Section 19 can be submitted to a referendum. But Parliament must first pass an Act to the effect that the resolution must be submitted to a referendum. This option was used for the first time when the Maastricht Treaty was submitted to a referendum for the second time in 1993.
Subsection 7. In very special cases, the Queen can sign an Act immediately after it has been passed in Parliament. In this connection, a special guarantee has been introduced for the minority. Sixty Members can request a referendum on the Act even if it has actually been affirmed. This is done in accordance with the same rules described in Subsections 1 and 5. The Act must be withdrawn if it is rejected by the public. The Prime Minister does this by publishing the result of the referendum no later than 14 days after it has been held.
Subsection 8. Politicians are responsible for establishing the rules for referendums by an Act. They must also establish the rules for referendums in the Faeroe Islands and in Greenland. In principle, referendums can be held in the Faeroe Islands and Greenland on dates other than those they are held in Denmark. However, Parliament has passed an Act stipulating that referendums must be held at the same time if the subject affects all three countries.

Section 43
No taxes shall be imposed, altered, or repealed except by statute; nor shall any man be conscripted or any public loan be raised except by statute.

Section 43
Parliament has the sole right to determine Danish taxes, duties and Government loans. This is one of Parliament's major powers and the Government cannot be entrusted with it. Section 43 stipulates that matters relating to taxes, duties and Government loans can only be passed by an Act. And, of course, it is Parliament that passes Acts. This provision ensures the democratic control and supervision of taxation.

Section 43 also stipulates that Parliament decides how many soldiers can be called up.

Section 44
Subsection 1. No alien shall be naturalized except by statute.
Subsection 2. The extent of the right of aliens to become owners of real property shall be laid down by statute.

Section 44
Subsection 1. A foreigner may only become a Danish citizen if an Act is passed to that effect. The Government or another authority cannot simply grant Danish citizenship to a foreigner on its own initiative. Nor can they determine the rules for when a person may become a Danish citizen. Neverthe-less, the current Act states that, in certain situations, a person automatically becomes a Danish citizen.
The Act relating to citizenship also contains rules to the effect that a person can acquire Danish citizenship by making a declaration. However, there are a number of conditions that must be met first. Otherwise a person can only become a Danish citizen by an Act. The practical procedure is that the Minister of Justice submits a Bill proposing that a number of people will receive Danish citizenship. Before this, it will have been established whether the people in question also fulfil the conditions for becoming Danish citizens. The Bill is subsequently passed by a vote in Parliament.
Subsection 2. Foreigners cannot simply buy land and property in Denmark. This is laid down in an Act from 1959 which still applies – with certain amendments. The Act requires the person to have permanent residence in Denmark or have lived in Denmark for at least five years before he or she may buy land. If this is not the case, the person must have obtained permission from the Ministry of Justice in order to buy property.
However, there are certain exceptions for EU citizens and citizens of the old EFTA states that are still not members of the EU. They are Norway, Iceland, Switzerland and Liechtenstein.
If a foreigner wishes to buy a holiday house in Denmark, he or she must obtain permission from the Ministry of Justice. This will only be granted if the person in question has particularly strong ties to Denmark.

Section 45
Subsection 1. A Finance Bill for the next fiscal year shall be submitted to the Folketing not later than four months before the beginning of such a fiscal year.
Subsection 2. When it is expected that the reading of the Finance Bill for the next fiscal year will not be completed before the commencement of that fiscal year, a Provisional Appropriation Bill shall be laid before the Folketing.

Section 45
Subsection 1. A Finance Act is a budget for State revenue and expenditure. The Finance Act deter-mines how much money the State may spend.
The Finance Act applies for a year at a time, what is known as a financial year. Since 1979, the financial

year has followed the calendar year. The budget must be presented no later than four months before the beginning of the next financial year. This means that the budget must be presented by 1 September. It must subsequently be presented again in October. This is stipulated in Section 41 (4).
Subsection 2. If Parliament has not completed its reading of the budget by the New Year, it can pass a provisional appropriation Act to cover essential expenditure. This applies until the Finance Act is passed. This provision was used, for example, in 2011 because a general election delayed the reading of the budget for 2012.

Section 46
Subsection 1. Taxes shall not be levied until the Finance Act or a Provisional Appropriation Act has been passed by the Folketing.
Subsection 2. No expenditure shall be defrayed unless provided for by the Finance Act passed by the Folketing, or by a Supplementary Appropriation Act, or by a Provisional Appropriation Act passed by the Folketing.

Section 46
Subsection 1. The State may not levy taxes or duties unless Parliament has passed a Finance Act or a provisional appropriation Act.
Subsection 2. Nor may any money be spent before Parliament has appropriated it. This can be done via the Finance Act, a provisional appropriation Act or an Act that embodies Supplementary Estimates. The latter is an Act concerning expenditure that is not included in the Finance Act itself.
In practice, however, the provision has been amended to a certain extent. A Minister can authorise expenditure that has not been appropriated in the Finance Act. But he or she must first obtain permission from a special parliamentary committee; the Finance Committee. Subsequently, the expenditure must be included in an Act that embodies Supplementary Estimates that must be passed by Parliament. The Minister may therefore authorise the expenditure lawfully if the Finance Committee has given him or her permission to do so. This can also be done if it subsequently proves to be the case that a majority in Parliament is not in favour of the appropriation.

Section 47
Subsection 1. The Public Accounts shall be submitted to the Folketing no later than six months after the expiration of the fiscal year.
Subsection 2. The Folketing shall elect a number of auditors. Such auditors shall examine the annual Public Accounts and ensure that all the revenues of the State have been duly entered therein, and that no expenditure has been defrayed unless provided for by the Finance Act or some other Appropriation Act. The auditors shall be entitled to demand all necessary information, and shall have right of access to all necessary documents. Rules providing for the number of auditors and their duties shall be laid down by statute.
Subsection 3. The Public Accounts, together with the Auditors' Report, shall be submitted to the

Folketing for its decision.

Section 47
Subsection 1. Public accounts of all expenditure and revenue must be presented to Parliament no later than six months after the end of the financial year.
Subsection 2. Parliament elects a number of auditors of public accounts. There must be at least four and at most six auditors of public accounts. At present, Parliament has elected six. The auditors can be Members of Parliament, and often are. They need not necessarily be trained accountants.
The auditors must examine the public accounts. They must check whether the accounts have been kept correctly and whether there is an appropriation authorising all of the money spent by the State. The auditors of public accounts are assisted in their examination of the accounts by an Auditor-General. He is independent and employed by Parliament. He is not a Member of Parliament.
Subsection 3. When the auditors have examined the accounts, they write down their comments and give them to the Members of Parliament. The accounts must then be subjected to a vote in Parliament. In practice, the final annual accounts are approved without reservation. However, during the year, the auditors of public accounts issue a number of critical reports on specific cases. These could include IT projects, the administration of appropriations for the State, special subsidy schemes or major public building projects.

Section 48
The Folketing shall lay down its own rules of procedure, including rules governing its conduct of business and the maintenance of order.

Section 48
Parliament must work in accordance with specific rules if it is to function properly. These rules are contained in what are known as the Standing Orders that Parliament has passed. They contain rules on the conduct of Parliament, how sittings are to proceed and how votes are to be held, among other matters. They also include provisions on the administration of Parliament. There are also rules governing the behaviour of visitors in the Chamber of Parliament. It is a tradition that Parliament adopts new Standing Orders each time the Constitutional Act is amended. Many of the rules have been amended over the years, but some remain the same as they have always been. Some date all the way back to Parliament's first Standing Orders. They were adopted on 11 February 1850.

Section 49
The sittings of the Folketing shall be public, although the Speaker, or such a number of Members as may be provided for by the Standing Orders of the Folketing, or a Minister, shall be entitled to demand the removal of all unauthorized persons, whereupon it shall be decided without debate whether the matter shall be debated at a public or a secret session.

Section 49
People can freely attend sittings in the Chamber of Parliament. However, the Speaker of Parliament, a Minister, or 17 Members can propose that a matter be debated behind closed doors. A decision is then made by an ordinary vote in Parliament. It is very rare for Parliament to hold sittings behind closed doors. The last time this happened was in 1924. It involved a dispute between Norway and Denmark about East Greenland. Parliament chose to open the second reading behind closed doors.

Debates in Parliament and a number of open sittings are shown live on TV and the Internet. All the minutes of debates, proposals, committee reports, etc., must be published on one of Parliament's web sites. The official versions of the documents can be found at www.folketingstidende.dk. The documents can also be found at www.folketinget.dk.

Section 50
In order that a decision may be made, more than one half of the Members of the Folketing shall be present and take part in the voting.

Section 50
At least 90 Members of Parliament must be present before Parliament can vote on Acts and other resolutions. They have three options. They can vote for, against, or abstain from voting.

Section 51
The Folketing may appoint committees from among its Members to investigate matters of general importance. Such committees shall be entitled to demand written or oral information both from private citizens and from public authorities.

Section 51
Parliament can set up what is known as a Parliamentary Commission to investigate an important matter. A Parliamentary Commission comprises Members of Parliament. This opportunity is not employed very frequently. Parliamentary commissions have been set up only five times since 1849. The first three commissions were set up to clarify various issues concerning legislation. The last two were set up to investigate whether there was a basis for instituting proceedings against various Ministers.
The most recent Parliamentary Commission was set up in June 1945 at the end of the German occupation of Denmark. This commission was set up to investigate various states of affairs during the occupation. On the basis of its findings, Parliament had to consider whether any Ministers should be held responsible for what had happened.
There have been no Parliamentary Commissions since the Constitutional Act was amended in 1953. Instead, the Government and Parliament have often appointed judges to investigate "cause célèbres".

Section 52
The election by the Folketing of Members to sit on

committees and of Members to perform special duties shall be according to proportional representation.

Section 52
Members are elected to commissions and committees on the basis of proportional representation, i.e. seats are allotted in accordance with the number of parliamentary seats a party has.

There are 29 Members in most of the Danish Parliament's committees. However, there are only 21 Members in the Standing Orders Committee and 17 Members in the Committee on the Approval of Elections, the Finance Committee and the Naturalization Committee.

A small party can gain a little more influence by entering into an electoral pact with other, bigger parties. In this case, it is the parties to the electoral pact that distribute seats in the various committees among its members. This means that a small party can obtain more seats than its size entitles it to.

Section 53
With the consent of the Folketing, any Member thereof may submit for discussion any matter of public interest and request a statement thereon from the Ministers.

Section 53
In pursuance of Section 40, Ministers have access to Parliament even if they are not Members of Parliament. Section 53 entitles Members of Parliament to demand information and explanations from Ministers. This debate is called an interpellation debate, and the Minister has a duty to give an answer. It is true that Parliament must agree to an interpellation debate being held. But it has only refused to agree to such a debate in very few cases.

It is also possible to ask a Minister questions during parliamentary debates or during question time on Wednesdays. Questions to a Minister are not the same as an interpellation debate. They need not be approved by Parliament and the Minister has no duty to reply. A request can be made for questions to be answered orally or in writing. Oral replies are given during Parliament's question time on Wednesdays. There cannot be debates on questions, nor can resolutions be passed on questions.

A special question hour was also introduced during the 1997-98 sessional year. This makes it possible for Members to put questions to those Ministers who are present. And replies are given immediately. In advance of the meeting, the Prime Minister states which Ministers will attend question hour to answer questions. The number of interpellation debates and questions to Ministers has increased considerably over the past twenty years. These debates and questions make it possible for Members of Parliament to keep a check on the Government and the individual Ministers.

Section 54
Petitions may be submitted to the Folketing only through one of its Members.

Section 54
If a member of the public wishes Parliament to debate a specific subject or a specific matter, he or she must contact a Member of Parliament to have it placed on the agenda. The Speaker of Parliament can then refer the matter to a specific committee. This provision is not used very frequently.
If individuals or organisations want to exert influence on legislation, they usually go direct to a party group or to one of Parliament's committees. They can also try to persuade a Member of Parliament to put a question to a Minister, for example.

Section 55
Statutory provision shall be made for the appointment by the Folketing of one or two persons, who shall not be Members of the Folketing, to supervise the civil and military administration of the State.

Section 55
Parliament can elect one or two people to look into complaints about public administration. However, Parliament has decided to elect only one person to do this. This person is called an Ombudsman, and he or she may not be a Member of Parliament.
Members of the public can lodge a complaint with the Ombudsman if they think that a Ministry or a municipality has made an incorrect decision, for instance.
The Ombudsman cannot look into complaints of all types. It is not possible to complain about an Act passed by Parliament, for instance. Nor is it possible to complain about a decision made by a Court. The first Ombudsman was elected in 1955.

Section 56
The Members of the Folketing shall be bound solely by their own consciences and not by any directions given by their electors.

Section 56
The Constitutional Act establishes that Members of Parliament are independent. They may vote freely according to their convictions. They have no duty to take what their party or electors say into consideration. Nor do they need to fulfil the promises they have made to electors in an election campaign, for example.

A Member of Parliament is also entitled to change his or her opinion and party. A Member can resign from his or her party and become an independent Member.
Once elected to Parliament, a Member cannot lose his or her seat before the next general election unless he or she has done something illegal and is considered unworthy to sit in Parliament. Read more about this in Sections 30 and 33.
On the other hand, Section 56 does not prevent a Member of Parliament from submitting to party discipline. This is the path chosen by the great majority. It is unpleasant to go against the majority

in one's own party group – and it will often amount to political suicide. A Member's re-election depends on whether the party wants him or her to stand as a candidate again. Therefore, most Members of Parliament vote in the same way as the rest of the party group.

Section 57

No Member of the Folketing shall be prosecuted or imprisoned in any manner whatsoever without the consent of the Folketing, unless he is taken in flagrante delicto. Outside the Folketing no Member shall be held liable for his utterances in the Folketing save by the consent of the Folketing.

Section 57

A Member of Parliament cannot simply be brought before a court in a criminal case or be imprisoned. Parliament must first consent to criminal proceedings being brought against the Member in question. This is done by means of a special vote. The provision was introduced to protect Members of Parliament against arbitrary persecution by the Government. However, this protection applies only for as long as a person is a Member of Parliament. Once a person is no longer a Member, he or she may be prosecuted for matters that took place while he or she was a Member of Parliament.

There is a single exception. If a Member of Parliament is caught "with his or her fingers in the till" – i.e. red-handed, he or she may be brought before a court or imprisoned without further ado. Members of Parliament can be sentenced to pay small fines – for speeding, for instance – without the consent of Parliament. But only if the Member pays the fine voluntarily. In practice, however, Parliament always allows a Member to be charged or imprisoned.

The Constitutional Act also gives Members of Folketing an extended form of freedom of expression when they speak in Parliament. Actions for slander, for example, cannot be brought against Members for things they have said in Parliament without the permission of Parliament. Parliament's practice in such cases is the opposite of that mentioned above. Parliament never gives permission for proceedings of this type.

Section 58

The Members of the Folketing shall be paid such remuneration as may be provided for in the Parliamentary Electoral Act of Denmark.

Section 58

Parliament itself fixes the salary Members of Parliament receive. This is established in the Election Act. Up to 1920, Members received remuneration based on a specific amount per sitting day. This is no longer the case. Today, Members of the Danish Parliament receive a fixed amount each month. This comprises basic remuneration and an expense allowance. Basic remuneration corresponds to the salary earned by a civil servant in Grade 51, namely DKK 600,998 a year (as of October 2013). The expense allowance of DKK 60,103 a year (as of October 2013) is to cover expenses incurred by Members in connection with their work. Members

elected in Greenland and the Faroe Islands are entitled to an extraordinary expense allowance of DKK 80,137 a year (as of October 2013). Expense allowances are tax-free.

Members who live outside Zealand also receive an allowance for supplementary housing in the Copenhagen area, but at maximum DKK 74,512 a year (as of October 2013), or to have one of the Danish Parliament's Members' apartments placed at their disposal free of charge.

Members of Parliament also receive supplementary remuneration if they leave Parliament at a general election or in the event of illness. The fee is equivalent to the basic remuneration and is paid for 12-24 months after they leave Parliament.

Finally, they are entitled to a pension, spouse's pension and children's pension that are roughly equivalent to what a civil servant receives. The maximum pension is received by people who have been Members of Parliament for 20 years.

06 The Courts

Part six deals with the Courts.

Section 59
Subsection 1. The Court of Impeachment shall consist of up to fifteen of the senior ordinary members of the highest court of justice in the Realm (according to length of office) and an equal number of members elected for six years by the Folketing according to proportional representation. One or more substitutes shall be elected for each elected member. No Member of the Folketing shall be elected a member of the Court of Impeachment, nor shall a Member of the Folketing act as a member of the Court of Impeachment. When, in a particular instance, some of the members of the highest court of justice in the Realm are prevented from taking part in the trial of a case, an equal number of the members of the Court of Impeachment most recently elected by the Folketing shall resign their seats.
Subsection 2. The Court of Impeachment shall elect a president from among its members.
Subsection 3. When a case has been brought before the Court of Impeachment, the members elected by the Folketing shall retain their seats in the Court of Impeachment for the duration of such a case, even if the period for which they were elected has expired.
Subsection 4. Rules on the Court of Impeachment shall be provided by statute.

Section 59
The Court of Impeachment is the special Court that hears cases against Ministers. This is mentioned in Section 16 of the Constitutional Act. Section 59 deals with the way in which the Court of Impeachment is to be composed.
Subsection 1. The Court of Impeachment consists of a maximum of 15 judges from the Supreme Court (Højesteret) and the same number of members elected by Parliament.
The intention is that the members elected by Parliament can ensure that expert political knowledge is also available in cases brought against Ministers. The members of the Court of Impeachment elected by Parliament must not be Members of the Folke-
ting and they are elected for six years at a time. The professional judges of the Court of Impeachment are the 15 judges from the Supreme Court who have served longest as Supreme Court judges. Parliament can decide that there will be fewer judges and political members of the Court of Impeachment in an Act. However, there may be a maximum of 15 of each, so that the Court of Impeachment has a total of 30 members. It is very important that there are equal numbers of each. If one of the Supreme Court judges is prevented from being present during a case, for example, one of the members elected by Parliament must also withdraw. In the impeachment of the former Minister for Justice, Erik Ninn-Hansen, in 1993-95, the Court of Impeachment initially consisted of 24 members. However, some withdrew so on the conclusion of the case there were only 20 members.
Subsection 2. The Court of Impeachment elects its own Chairman. During the impeachment of the former Minister for Justice, Erik Ninn-Hansen, the

President of the Supreme Court was the Chairman of the Court of Impeachment.

Subsection 3. The members elected by Parliament cannot be replaced in the middle of a case, even if their electoral period expires.

Subsection 4. Parliament has passed an Act establishing the rules for the Court of Impeachment. It is called the Court of Impeachment Act.

Section 60

Subsection 1. The Court of Impeachment shall try such actions as may be brought by the King or the Folketing against Ministers.

Subsection 2. With the consent of the Folketing, the King may also have other persons tried before the Court of Impeachment for crimes which he may deem to be particularly dangerous to the State.

Section 60

Subsection 1. Both the Government and Parliament may decide whether proceedings should be taken against a Minister in the Court of Impeachment.

Subsection 2. A case can also be brought before the Court of Impeachment against other people if the Government and Parliament consider that the offence endangers the State. However, this provision has never been made use of.

Section 61

The exercise of judicial authority shall be governed only by statute. Extraordinary courts of justice with judicial authority shall not be established.

Section 61

An Act is required to regulate the affairs of Courts. The rules for this are laid down in the Administration of Justice Act, which contains more than 1,000 Sections. Under no circumstances may a special Court be established with the power to pass judgement. A special Court is a Court established to hear a single, specific case. The Court must therefore hear a case that is known before the judge is appointed. This is a problem because the Government may have an interest in choosing a judge who has a particular attitude to the case. Therefore, the Constitutional Act says that a special Court may not pass judgement. It may only examine a case.

Section 62

The administration of justice shall always remain independent of administrative authority. Rules to this effect shall be laid down by statute.

Section 62

This Section states that the Courts must be independent of the Government and the public administration. This is closely connected to Section 3 of the Constitutional Act, which concerns the tripartite division of power.

The Courts come under the Ministry of Justice, but an Act was introduced on a special Courts Agency in 1998. The Act is called the Courts Agency Act. The Agency has its own budget and is administered independently of the Ministry of Justice.

Section 62 could easily be interpreted to mean that the same people may not work for the public administration and the Courts.
However, the Section is not interpreted in this way. Many judges also work as chairmen of various public complaints boards that handle citizens' complaints about State decisions, for instance.

Section 63
Subsection 1. The courts of justice shall be empowered to decide any question relating to the scope of the executive's authority; though any person wishing to question such authority shall not, by taking the case to the courts of justice, avoid temporary compliance with orders given by the executive authority.
Subsection 2. Questions relating to the scope of the executive's authority may by statute be referred for decision to one or more administrative courts, except that an appeal against the decision of the administrative courts shall be referred to the highest court of the Realm. Rules governing this procedure shall be laid down by statute.

Section 63
Subsection 1. "Powers of public authorities" refers to the executive power. These are ministries, municipalities, special boards, etc. If a member of the public considers that the State or a municipality, for example, has done something wrong, he or she can bring the matter before a Court. While the case is being heard, however, he or she must comply with what the State or municipality has decided. The Court case has no 'delaying effect', however. This provision goes right back to the first Constitutional Act of 1849. At the time, it was important to establish that it was possible to bring proceedings against the administration without the King's consent. Under autocracy it was not possible to bring proceedings against the administration (in reality the King) without first obtaining the King's consent.
Subsection 2. Parliament can establish special administrative Courts to hear cases against the public administration. This could be relevant if politicians wanted to ensure that the judges had specialised expert knowledge of administrative matters, for instance. However, decisions made by an administrative Court must always be brought before the Supreme Court. This provision was inserted when the Constitution was most recently amended in 1953. However, no administrative Court has yet been established.

Section 64
In the performance of their duties, the judges shall be governed solely by the law. Judges shall not be dismissed except by judgement, nor shall they be transferred against their will, except in cases in which a rearrangement of the courts of justice is made. A judge who has completed his sixty-fifth year may, however, be retired, but without loss of income up to the time when he is due for retirement on account of age.

Section 64
Judges must solely be guided by the contents of Acts. The Government or Parliament may not decide

how a judge is to pass judgement. And judges may not let themselves be influenced by others, whether they be private individuals, colleagues, associations, etc. Nor can the Government dismiss a judge. Only another judge can do so.

If the Government could simply dismiss a judge, the Courts would not be independent. In such a case, pressure could be brought to bear on a judge in a specific case by threatening him with dismissal. For the same reason, judges cannot be transferred to other work unless they wish to be transferred. By means of an Act, however, it is possible to create new Courts or merge several Courts. If this happens, a judge cannot refuse to be transferred or dismissed. Judges can be dismissed when they reach 65 years of age. But they must still receive full pay until they reach 70 years of age. Only then must a judge retire due to age. Subsequently, he or she is eligible for a civil servant's pension.

Section 65

Subsection 1. In the administration of justice all proceedings shall to the widest possible extent be public and oral.

Subsection 2. Laymen shall participate in criminal proceedings. The cases and the form in which such participation shall take place, including which cases shall be tried by jury, shall be provided for by statute.

Section 65

Subsection 1. As far as possible, legal proceedings must be open to the public. People must be able to attend trials and the press must be able to write about them.

Nevertheless, there are a number of exceptions to this basic rule. They are contained in the Administration of Justice Act. For example, a judge can decide that a case will be heard in camera. This is usually done out of consideration for the victim or the accused. And it happens fairly frequently.

A judge can also decide to impose a ban on reporting a case or on revealing names. This means that the press cannot report from the courtroom or publish the names of the victim or the accused. This also happens fairly frequently. A case can also be heard in camera out of consideration for its further investigation.

Subsection 2. It is not only judges with legal training who pass judgement in criminal cases. In pursuance of the Constitutional Act, members of the public must also be present as judges. They are called laymen. This principle was introduced in 1849 because the legal system had functioned poorly during the last years of autocracy. There was a tendency for the Courts to come down very hard on the accused in connection with cases of a political nature. People who were critical of the Government often received very severe sentences. Although the principle of laymen was introduced in 1849, it was first implemented in 1919 in the Administration of Justice Act.

It is up to Parliament to decide how laymen are to function. This is done by means of legislation. Laymen appear in Court in two different capacities: as lay assessors and as jurors.

In a case involving lay assessors, there are two "civil" lay assessors and one professional judge if the case is heard in a District Court. In the High Court, there are three civil lay assessors and three professional judges. They hear cases of a less serious nature. These could deal with theft, for instance, where the accused has pleaded not guilty and the prosecution wishes the accused to be sentenced to less than four years in prison. The lay assessors and the professional judges decide jointly whether the accused is guilty or not. They also mete out the punishment jointly.

Jurors appear in cases in which the Prosecution believes that the accused should be sentenced to four years' imprisonment or more. Cases of this kind include murder and robbery. In such cases, there are six jurors (lay assessors) and three professional judges. At least four jurors and two professional judges must believe it has been proved that the accused is guilty. If the accused is found guilty, the jurors and professional judges jointly mete out the sentence. The accused is then entitled to appeal. If the accused decides to appeal, the case will be tried in the High Court as a jury trial with nine jurors and three professional judges. The votes of at least six jurors and two professional judges are necessary to find the accused guilty.

07 The Evangelical-Lutheran Church of Denmark

Part seven with the Evangelical-Lutheran Church of Denmark (Folkekirken).

Section 66
The constitution of the Established Church shall be laid down by statute.

Section 66
This provision goes right back to the first Constitutional Act of 1849, but has never been implemented. The idea then was that the Church should have a more independent role in relation to the State. However, an agreement on a Church Constitution proper has never been arrived at. Instead, Acts have been passed that give members of the Evangelical-Lutheran Church of Denmark influence on the government of the Church via parochial church councils. There are also laws governing the way in which priests are appointed, how bishops are elected, the way in which churches are used, and the finances of the Evangelical-Lutheran Church. However, many matters relating to the Church are decided by the Minister for Ecclesiastical Affairs.

Section 67
Citizens shall be at liberty to form congregations for the worship of God in a manner which is in accordance with their convictions, provided that nothing contrary to good morals or public order shall be taught or done.

Section 67
People are under no obligation to be members of the Evangelical-Lutheran Church of Denmark. They may worship their God as they will. We have religious freedom. People are also entitled to hold divine services or to pray as they will. However, they must observe the rules that apply elsewhere in society, and cannot simply build a church or a mosque, for instance. This must first be approved by the municipality, just like all other building projects. And if people want to hold a procession through town, for instance, they must inform the police in advance. They must also respect the rules that apply in various places.

An instance of this was a man who was expelled from a vocational training centre because he knelt to pray on the floor of the canteen and in the bathroom at the centre. The school forbade him to say his prayers in communal areas. Instead he had to use classrooms, workshops, etc. When he continued to pray in the communal areas of the school, he was expelled. The case was heard in both the High Court and the Supreme Court. And both Courts upheld the decision made by the school. The expulsion was not an expression of discrimination due to the man's religion.

Religious freedom is not only applicable to Danes. It applies to everyone within the borders of Denmark, including people who are only in the country for a short time.

Section 68
No one shall be liable to make personal contributions to any denomination other than the one to which he adheres.

Section 68
As mentioned in Section 67, people are under no obligation to be members of the Evangelical-Lutheran Church of Denmark. The finances of the Evangelical-Lutheran Church of Denmark are structured in such a way that all members pay what is known as Church tax. This covers the expenses incurred by the Church in connection with holding services and other religious ceremonies. People who are not members of the Evangelical-Lutheran Church of Denmark are exempted from paying Church tax. However, according to Section 4, the State has a duty to "support" the Evangelical-Lutheran Church of Denmark. Among other things, this means that the State pays some of the expenses of the Evangelical-Lutheran Church of Denmark. This is done via the other taxes and duties received by the State. Therefore, everyone pays a contribution to the Evangelical-Lutheran Church of Denmark, regardless of their faith. This does not conflict with Section 68 of the Constitutional Act. That only means people can avoid making "personal" contributions. And the normal taxes and duties paid by people are not considered personal in this connection.

Section 69
Rules on religious bodies dissenting from the Established Church shall be laid down by statute.

Section 69
Parliament can pass an Act for other religious communities. This means religious communities outside the Evangelical-Lutheran Church of Denmark. However, this has not happened as yet. Instead a number of rules have been introduced. Priests from certain other religious communities may perform religious ceremonies such as weddings, for instance. These weddings have the same validity as those performed by a priest from the Church of Denmark. But this is on the condition that the State has given permission for priests from the religious community in question to perform wedding ceremonies.

Section 70
No person shall by reason of his creed or descent be deprived of access to the full enjoyment of civic and political rights, nor shall he escape compliance with any common civic duty for such reasons.

Section 70
This Section is the main provision relating to religious freedom. It establishes that nobody may be discriminated against on account of his or her religion or race. Regardless of race or faith, everyone has the same political and civil rights. The State cannot prohibit Jews or Muslims from becoming teachers or civil servants, for instance. Nor, for instance, can the State prohibit them from voting or becoming a candidate for a political party. On the other hand, citizens also have the same duties in relation to society. Nobody can avoid paying tax or doing military service because he has a different faith.

08 Citizens' Rights

Part eight deals with citizens' rights and freedoms. This is referred to as the Constitutional Act's Part on constitutional rights or human rights. In 1992, Parliament passed an Act adopting the provisions of the European Convention on Human Rights in Denmark. Many of the rules in the European Convention on Human Rights go further in their protection of human rights than is the case with the Danish Constitutional Act.

Section 71
Subsection 1. Personal liberty shall be inviolable. No Danish subject shall, in any manner whatsoever, be deprived of his liberty because of his political or religious convictions or because of his descent.
Subsection 2. A person shall be deprived of his liberty only when this is warranted by law.
Subsection 3. Any person who is taken into custody shall be brought before a judge within twenty-four hours. When the person taken into custody cannot be released immediately, the judge shall decide, in an order to be given as soon as possible and at the latest within three days, stating the grounds, whether the person taken into custody shall be committed to prison; and in cases in which he can be released on bail, the judge shall also determine the nature and amount of such bail. This provision may be disregarded by statute as far as Greenland is concerned, if for local considerations such departure may be deemed necessary.
Subsection 4. The pronouncement of the judge may be separately appealed against at once to a higher court of justice by the person concerned.
Subsection 5. No person shall be remanded in custody for an offence which can involve only punishment by fine or simple detention.
Subsection 6. Outside criminal procedure, the legality of deprivation of liberty not executed by order of a judicial authority, and not warranted by legislation relating to aliens, shall at the request of the person so deprived of his liberty, or the request of any person acting on his behalf, be brought before the ordinary courts of justice or other judicial authority for decision. Rules governing this procedure shall be provided by statute.
Subsection 7. The persons referred to in Sub-section (6) shall be under supervision by a board set up by the Folketing, to which board the persons concerned shall be permitted to apply.

Section 71
Subsection 1. An Act passed by Parliament determines what constitutes a criminal offence. However, the Constitutional Act has established a number of guidelines for acts that do not constitute criminal offences. It establishes that people may not be taken into custody, imprisoned or confined in any other way because of their political opinions, their faith or their descent. This provision applies only to Danish citizens. The remainder of Section 71 applies to everyone staying in Denmark. Subsections 1, 2, 6 and 7 were inserted into Section 71 when the Constitutional Act was amended in 1953. This was after the Second World War. And the provision was strongly influenced by what happened during the German occupation of Denmark from 1940 to 1945. During this time, the Danish police imprisoned

members of the Danish Communist Party, including those with seats in Parliament. And the Germans also persecuted Jews in Denmark so that many of them had to flee to Sweden.

Subsection 2. The police cannot simply arrest people. There must be a suspicion that they have done something illegal. The conditions are laid down in the Administration of Justice Act. An Act also regulates confinement in the form of compulsory commitment to a psychiatric hospital, for instance.

Subsection 3. People who are arrested by the police must be brought before a judge within 24 hours. This is called a preliminary statutory hearing. The judge is entitled to defer making a decision on imprisonment for three days. This is called remanding a suspect in custody. This is usually done to give the police time to gather more evidence to support their case. However, the judge may not remand the suspect if it is quite clear that there is no case.

The police can request that the suspect remain in custody at the preliminary statutory hearing. The police must give a reason for this. This could be out of consideration for their investigation, for instance. The police could find it difficult to make their case if a suspect were at liberty and could hide evidence or talk to witnesses.

If the judge agrees with the police, he or she can decide that the suspect must be imprisoned for a period of time. This is called being remanded in custody. The judge has a duty to show cause for remanding the suspect in custody.

The Constitutional Act allows special rules to be introduced in Greenland. This must be done by means of an Act.

Subsection 4. The judge's decision is known as a ruling. If a suspect is dissatisfied with a ruling in the District Court, he or she can appeal to the High Court. The decision of the High Court must be complied with. However, it may take some time before the High Court hears the case. And the suspect must remain in custody during this period.

Subsection 5. A person can only be remanded in custody if the judge believes that the offence involved would be punishable by imprisonment. If the case concerns an offence that would "only" be punishable by a fine, the suspect cannot be remanded.

Subsection 6. When people are imprisoned they are deprived of their liberty. However, this is not the only way it is possible to be deprived of one's liberty.

In the case of people who are so ill for a period of time that they constitute a danger to themselves or their surroundings, they can be compulsorily committed to a psychiatric hospital. This compulsory commitment to a hospital has no connection with being sentenced or with the Danish Penal Code. Confinement of this kind can be brought before the Courts. It need not necessarily be the patient who appeals to the Courts.

A member of the patient's family or a friend acting on behalf of the patient can appeal to the Courts.

Subsection 6 does not include imprisonment covered by the legislation on foreigners. Under the Danish Aliens Act, a foreigner can be imprisoned if there is a decision pending on his or her deportation, for instance. Imprisonment of this kind can always be brought before the Courts. This is guaranteed by the Danish Aliens Act, not the Constitutional Act.

Subsection 7. Parliament must elect a supervisory committee to keep an eye on the treatment of the people mentioned in Subsection 6. The supervisory committee consists of nine members and is elected at the beginning of each sessional year. Complaints about treatment can be made to this supervisory committee or to the Ombudsman.

Section 72

The dwelling shall be inviolable. No house search, seizure, and examination of letters and other papers, or any breach of the secrecy that shall be observed in postal, telegraph, and telephone matters, shall take place except under a judicial order, unless particular exception is warranted by statute.

Section 72

This Section deals with the protection of privacy. It imposes limits on the degree to which the public authorities can interfere with people's private affairs. First and foremost, private homes are safeguarded. As are "private" premises and buildings that are not accessible to all and sundry. This means that the police cannot simply enter private homes and search them. A judge must first grant them permission to do so. The police must have a Court order. This also applies if they want to open people's letters or intercept their telephone calls, for instance. However, there are certain exceptions. There is not always sufficient time to obtain a Court order. If the police are pursuing a criminal who is hiding in a house, for instance, they are permitted to gain access to the house by force if there is a risk that the criminal would otherwise get away. A judge must subsequently approve this action.
In certain cases, authorities other than the police, such as the tax authorities, can examine people's private accounts without first obtaining permission from a judge.

Section 73

Subsection 1. The right of property shall be inviolable. No person shall be ordered to surrender his property except when required in the public interest. It shall be done only as provided by statute and against full compensation.
Subsection 2. When a Bill has been passed relating to the expropriation of property, one third of the Members of the Folketing may, within three weekdays from the final passing of such a Bill, demand that it shall not be presented for the Royal Assent until new elections to the Folketing have been held and the Bill has again been passed by the Folketing assembling thereafter.
Subsection 3. Any question of the legality of an act of expropriation, and the amount of compensation, may be brought before the courts of justice. The hearing of issues relating to the amount of the compensation may by statute be referred to courts of justice established for such a purpose.

Section 73

Subsection 1. This Section deals with safeguarding people's property. This applies to all owners, both Danes and foreigners, companies and private individuals. The word property is understood in a very broad sense. The Constitutional Act protects

the rights that are the basis of people's financial existence. Section 73, for instance, safeguards the right to receive wages and to a pension saved up personally. People have a right to the things they have bought and own. This also applies to buying a house or a piece of land, for instance.
However, it may be the case that the State or the municipality needs people's property. If there is a plan to build a public road, for instance, the project cannot be stopped because a property owner will not sell his or her land. In such a situation, the State and the municipality can take over people's property and pay them compensation. This is called expropriating people's property. But property cannot be expropriated without further ado. The project in question must be of benefit to the community. An Act must be passed permitting the expropriation. And full compensation must be paid for the property that the State or municipality takes over.
Subsection 2. Passing an Act on expropriation can be difficult. If one-third, that is 60, Members of Parliament are against an Act on expropriation, they can demand that it must be postponed until after the next general election. And then the new Folketing must vote on the Act. This demand by the minority must be made within three working days. The deadline is calculated from the day on which the Act was passed.
Subsection 3. The provision to the effect that expropriation may only take place in return for full compensation is the most important element of the protection of ownership provided by the Constitutional Act. However, it is not always easy to decide what constitutes "full compensation". Therefore, Subsection 3 makes it possible for a person to go to the Courts to have his or her case reviewed. The Courts can decide whether the expropriation is legal and whether the compensation is adequate. If Parliament so wishes, it is possible to establish a special Court to hear such cases. This has not been done so far.

Section 74
Any restraint on the free and equal access to trade, which is not based on the interest of the general public, shall be abolished by statute.

Section 74
This provision is from 1849, when the first Constitutional Act was drawn up. At the time, the various trades decided for themselves how many competitors there would be. The carpenters' guild (Tømrerlavet) decided how many carpenters there would be, the bakers' guild decided how many bakers there would be, and so on. Among other things, this made it possible for tradesmen to maintain a given price level for their work. Many people were dissatisfied with the power exercised in this way. Therefore, what is known as freedom of trade was introduced with the Constitutional Act. However, there are still some restrictions on the freedom to carry on a trade.
But the individual trades no longer set these limits. Parliament and the municipalities do so.
Some trades, however, are still strictly regulated. This is the case with driving taxis and buses, for instance. People cannot just get into cars and call themselves taxi drivers. They need a special licence from the

municipality. And only a limited number of taxi licences are issued.

Section 75

Subsection 1. In order to advance the public interest, efforts shall be made to guarantee work for every able-bodied citizen on terms that will secure his existence.

Subsection 2. Any person unable to support himself or his family shall, when no other person is responsible for his or their maintenance, be entitled to receive public assistance, provided that he shall comply with the obligations imposed by statute in such respect.

Section 75

Subsection 1. The Constitutional Act states that every citizen who is able to work must have the opportunity to do so under reasonable conditions. If this is at all possible. The latter sentence is important. It means that an unemployed person cannot demand a job with reference to the Constitutional Act. Subsection 1 is not a provision that actually grants individual rights. It has no direct effect. It could be compared to a provision on a political objective that states what Parliament should attempt to do.

Subsection 2. This part of Section 75 has more practical significance than Subsection 1. It states that people who are unable to support themselves must receive assistance from the State. But before the State steps in, the person must have exhausted his or her own possibilities. This could be by working or realising his or her assets. However, it may also be the case that others have an obligation to support the person in question.

Children have no duty to support their parents. And parents have no duty to support children aged 18 or over. State assistance is established in social legislation.

Subsection 2 says nothing specifically about who is entitled to State assistance. However, successive Acts have determined that "anyone residing lawfully in Denmark" is entitled to assistance. This is also stated in the latest social Acts: the Act relating to social services and the Act relating to active social policy. Citizens who are 18 years old or over are entitled to assistance. Foreigners also have such a right as the Constitutional Act does not require people to be Danish citizens to receive assistance. Students are enrolled in a course of education and are therefore not at the disposal of the labour market. Therefore, students usually have no right to assistance.

Section 76

All children of school age shall be entitled to free instruction in primary schools. Parents or guardians making their own arrangements for their children or wards to receive instruction equivalent to the general primary school standard shall not be obliged to have their children or wards taught in a publicly provided school.

Section 76

All children are entitled to free education at the Folkeskole. In fact, all children also have a duty to receive an education. Parliament has introduced

nine years of compulsory education. This is stated in the Primary Education Act. The Constitutional Act states that education at the Folkeskole must be free of charge. However, parents are not obliged to send their children to the Folkeskole.
Their education can take place at home or at a private school. But the course of education must be on a par with that at the Folkeskole. Many people decide not to send their children to the Folkeskole for educational or religious reasons. However, those who choose a different type of school must pay for their children's education. The Constitutional Act only guarantees that the Folkeskole is free of charge. General legislation contains rules to the effect that the State must subsidise private schools, etc.

Section 77
Any person shall be at liberty to publish his ideas in print, in writing, and in speech, subject to his being held responsible in a court of law. Censorship and other preventive measures shall never again be introduced.

Section 77
All citizens may give expression to whatever they wish. People are permitted to say, write or otherwise express their ideas publicly. But at the same time they must also take responsibility for what they say or write. Legislation imposes some limits on what people are permitted to say or write publicly.
If people are very impolite and offend another person publicly they risk legal proceedings being taken against them for slander. And if people write something that threatens the security of Denmark, for instance, they can be charged, tried and sentenced by the Courts.
Occasionally, articles and contributions in newspapers or magazines appear without a by-line. In these cases, the editor responsible under the Danish Press Act is liable for what has been printed. Therefore, the name of the editor responsible must always be printed in the publication. The place where the publication was printed must also be printed.
Although the Constitutional Act guarantees freedom of expression for all, limitations can be imposed in some situations. This applies to people in prison, for instance. The authorities are entitled to restrict inmates' freedom of expression if this is necessary to maintain security and order.
The armed forces are also entitled to restrict soldiers' freedom of expression if this is necessary to maintain order and discipline.
In principle, freedom of expression naturally also applies to State employees. However, at the same time, a caseworker in a social security office, for example, is subject to a duty of confidentiality. Among other things, the duty of confidentiality means that the caseworker must not reveal any personal information he or she has become acquainted with via his or her work.
The Constitutional Act provides safeguards against "censorship and other preventive measures". The prohibition against censorship was introduced in 1849. Before that time, books and newspapers were examined by one of the King's civil servants before they were printed. He removed what he did not like and only then could

the books and newspapers be published. The prohibition against censorship means that the police cannot take action against a newspaper or a book once it has been published.
The authorities are not entitled to demand to read a manuscript in advance of its publication. Nevertheless, it is possible to take action against a publication before it has been printed, also without contravening the Constitutional Act. An injunction can be granted against a publication if a judge can be convinced that it will be very damaging and therefore illegal. It is up to the judge to decide whether a restraining injunction should be issued against the publication.
This occurred in the 1980s, when the Masonic Order obtained an injunction to prevent the Danish Broadcasting Corporation airing a documentary about the Order. The broadcast would have revealed some of the Masonic Order's secret initiation rituals. The case was finally decided in the Supreme Court. The Masonic Order won. The Supreme Court considered that the initiation rituals were private matters. Therefore, they could not be made public. The TV documentary about the Masonic Order has never been broadcast.

In another case, events took a different turn. This case was also from the 1980s. This was a period when farmers' use of medicine on their livestock was a much-debated topic. Artist Mikael Witte entered the debate by painting a poster containing the text: 'Danish pigs are healthy, they are full of penicillin'. The poster showed a drawing of a happy pig, which was a satirical imitation of advertising material from the Cooperative Slaughterhouses. This angered the slaughterhouse organisations. They tried to have the poster banned. But the Supreme Court decided that the poster was not illegal. The Court emphasised that the poster was part of a social debate. It was therefore of relevance to the public.

Section 78
Subsection 1. Citizens shall, without previous permission, be free to form associations for any lawful purpose.
Subsection 2. Associations employing violence, or aiming at the attainment of their object by violence, by instigation to violence, or by similar punishable influence on persons holding other views, shall be dissolved by court judgement
Subsection 3. No association shall be dissolved by any government measure; but an association may be temporarily prohibited, provided that immediate proceedings be taken for its dissolution.
Subsection 4. Cases relating to the dissolution of political associations may, without special permission, be brought before the Highest Court of Justice of the Realm.
Subsection 5. The legal effects of the dissolution shall be determined by statute.

Section 78
Section 78 of the Constitution guarantees freedom of association. This is a fundamental right in Danish society, where associations play an important role. The provision is first and foremost included to protect associations against State interference. However, it does not provide protection against interference on

the part of private individuals. Nor does it protect individual citizens' right not to join an association.
Subsection 1. Members of the public are entitled to form associations. They need not ask permission of anyone first. However, the association must be legal. This means that it must not have the objective of committing illegal acts.
Subsection 2. If an association uses violence or other illegal methods to achieve its aims, it must be dissolved. In such a case, this must be done by means of a judgement. And the Minister for Justice must initiate proceedings. The special provision on associations that use violence was introduced in 1953, eight years after the German occupation of Denmark. During the occupation, corps and associations were established with the aim of exercising violence and acts of terrorism against the public. The Hipo Corps is an example of such an association.
Subsection 3. The State or the Government cannot simply dissolve an association at will. But in special cases, the Government can intervene and ban an association provisionally. In such a case, however, the Government must immediately bring the case before the Courts. And if the Courts arrive at a result that differs from that of the Government, the dissolution will be ruled invalid. The Courts have the last word in this connection.
Subsection 4. If a case concerns the dissolution of a political association, the case may be brought before the Supreme Court after having been heard in a District Court and the High Court. It is not necessary to obtain permission from the special board called the Danish Appeals Permission Board (Procesbevillingsnævnet) in advance.
Subsection 5. The detailed rules for the effects of the dissolution of an association must be established by an Act. However, Parliament has not passed such an Act. The general rules governing associations and the Danish Penal Code are used instead.

Section 79

Citizens shall, without previous permission, be at liberty to assemble unarmed. The police shall be entitled to be present at public meetings. Open-air meetings may be prohibited when it is feared that they may constitute a danger to the public peace.

Section 79

This Section is closely associated with Sections 77 and 78. These three Sections describe the traditional constitutional rights: the right to speak freely, the right to form associations and the right to assemble. Section 79 ensures that all people resident in Denmark have the right to hold meetings or to demonstrate. But they must not bear arms.

The police have the right to attend public meetings. If the meeting takes place out of doors, the police can ban it, but only if there is a "danger to public order". This may be the case, for example, if there is a threat of extensive disturbances between demonstrators and other groups of people. However, the police can demand that a meeting be moved elsewhere if it disturbs traffic significantly or is a great inconvenience for others. It is not necessary to ask the police for permission

to hold a meeting.
But anyone planning to hold an outdoor demonstration must inform the police in advance. The demonstration must be "notified" by stating the meeting time, the route it will take and the meeting place. And this must be done no later than 24 hours before the demonstration begins. If such notification is not given, there is a risk of receiving a fine. But the demonstration will not be illegal for this reason.These provisions are laid down in the Danish Police Act and in public order statutes.

Section 80

In the event of riots, the armed forces may only take action, if they are attacked, after the crowd has been called upon three times to disperse in the name of the King and the law and such a warning has gone unheeded.

Section 80

A disturbance is not the same as an assembly. However, an assembly could develop into a disturbance if there is a lack of management and self-control and thus result in chaos and riot. The police can intervene if a disturbance occurs. But they must warn the crowd three times first. The Constitutional Act actually also defines what the police must say in this situation. They must request the crowd to disperse "in the name of the King and the law". Only if the crowd refuses to follow the request may the police take action against them. This "dissolution formula" is important.
After the disturbances in connection with the EU vote in 1993, the High Court acquitted some participants in the disturbances. They were charged with not following police orders. But they were acquitted because the police had not used the "dissolution formula".

Section 81

Every male person able to bear arms shall be liable with his person to contribute to the defence of his country under such rules as are laid down by statute.

Section 81

If a man is healthy and fit, he has a duty to serve as a soldier. This is called conscription. The Constitutional Act establishes only that there must be an obligation to do military service. It is up to Parliament to decide the rules for this duty. Among other things, it has been decided that people can be exempted from military service if bearing arms conflicts with their convictions. Conscientious objectors are obliged to do community service in a social institution, for instance, instead of military service.
Conscripts are selected according to objective, uniform criteria such as age, health and education. And although the Section states "man fit for military service", Parliament may decide by an Act that military service be introduced for women as well. This has not been done so far.

Section 82

The right of municipalities to manage their own

affairs independently, under State supervision, shall be laid down by statute.

Section 82

Denmark is governed not only by the State and the Government. Many decisions are made at a more local level – close to where people live. Denmark is divided into 98 municipalities and five regions.

Municipalities provide citizens with access to the public sector and perform tasks connected with social affairs, employment, businesses, and public transport.

The Regions are responsible for hospitals, regional development, and specialised social institutions.

The Constitutional Act ensures that municipalities are autonomous. But the State supervises municipalities and Regions.

Section 83

All legislative privileges attaching to nobility, title, and rank shall be abolished.

Section 83

This Section deals with the advantages some people were born with in bygone days. At the time, there was more class division in society than is the case today. People were born into a particular social class or with a specific title or rank. And this conferred many advantages, what were known as privileges.

It was a great advantage to be an aristocrat. That is, to have the title of count or baron. The aristocracy had privileges that no ordinary citizens had. They paid less tax, for instance. These privileges were abolished by the first Constitutional Act in 1849. But even then, the special rights of the aristocracy were already partly a thing of the past. Very few privileges remained.

The constitutional provision abolished special rights once and for all. But it did not abolish the right to ennoble certain people. However, this is of no great significance today.

Section 84

No fiefs, estates tail in land, or estates tail in personal property or family estates shall be created in future.

Section 84

In bygone days, certain families could retain large properties undivided. This could be done, for example, by the eldest son inheriting the property – perhaps an entire estate – without having to share it with his siblings. The Constitutional Act does away with this principle. The King used to be able to reward his people by giving them estates and land. They were called fiefs. Many fiefs were created because they conferred certain financial advantages on the families who controlled them. They could earn large annual incomes from the management of the fiefs and did not have to pay much tax. The many fiefs also meant that extensive areas of Danish estates were bound to specific counties or

baronies. They only benefited certain families. In the same way, entailed estates were also linked to particular families. The Danish word for entailed estate, “fideikommis”, comes from Latin and means entrusted estate or money. Estates and property were inherited within the family undivided and could not be sold. It has been illegal to create new estates of this type since 1849. And all of the remaining fiefs and entailed estates were abolished in 1919. The owners received a certain amount of compensation from the State in return for surrendering some of their assets.

Section 85
The provisions of Sections 71, 78, and 79 shall be applicable only to the armed forces, subject to such limitations as are consequential to the provisions of military laws.

Section 85
Soldiers’ constitutional rights are restricted. They do not enjoy quite the same freedom of association and freedom of assembly as other citizens. They must obtain special permission if they want to hold meetings in their barracks, for instance. Soldiers are also subject to a special military Penal Code and Administration of Justice Act. Among other things, this means that a soldier can be detained for 72 hours without coming before a judge.

09 The Faeroe Islands, Greenland and Iceland

Part nine consists of two Sections. They deal in particular with the Faeroe Islands, Greenland and Iceland.

Section 86
The age qualification for local government electors and congregational council electors shall be that applying at any time to Folketing electors. In respect of the Faroe Islands and Greenland, the age qualification for local government electors and congregational council electors shall be as may be provided for by statute, or determined in accordance with statute.

Section 86
The electoral age for voting in a general election, a parochial church council election or a local election is the same. That is, 18 years of age. But in the Faeroe Islands and Greenland it is possible to decide on a different electoral age in local elections. This has not been done. In 1953, there was a lower electoral age for local elections than for general elections in the Faeroe Islands. But this has been changed.

Section 87
Citizens of Iceland who enjoy equal rights with citizens of Denmark under the Danish-Icelandic Union (Abolition) Act etc., shall continue to enjoy the rights of Danish citizenship under the provisions of the Constitutional Act.

Section 87
Iceland became independent in 1918. At the time, an Act of Union between Denmark and Iceland was passed which, among other things, gave Icelanders in Denmark the same rights as Danish citizens, including the right to vote. The Act of Union between Denmark and Iceland was cancelled in 1944 as Iceland wished to completely withdraw from the union with Denmark. However, the special rights for Icelanders living in Denmark were also cancelled at the same time. Instead, a special scheme was introduced for Icelanders. And the scheme was inserted into the Constitutional Act when it was amended in 1953.

10 Amendment of the Constitutional Act

Part ten contains one Section that determines how the Constitutional Act can be amended.

Section 88

Should the Folketing pass a Bill for the purposes of a new constitutional provision, and the Government wish to proceed with the matter, writs shall be issued for the election of Members of a new Folketing. If the Bill is passed unamended by the Folketing assembling after the election, the Bill shall, within six months after its final passing, be submitted to the electors for approval or rejection by direct voting. Rules on this voting shall be laid down by statute. If a majority of the persons taking part in the voting, and at least 40 per cent of the electorate, have voted in favour of the Bill as passed by the Folketing, and if the Bill receives the Royal Assent, it shall form an integral part of the Constitutional Act.

Section 88

This Section contains the rules for amending the Constitutional Act. The Constitutional Act is the Act that is most difficult to amend. A comprehensive procedure must be followed. First, Parliament must pass a constitutional amendment. Then the Government can call an election if it wishes to "proceed with the matter".

After the election, Parliament must again pass the constitutional amendment. And the Bill must be worded in exactly the same way as before.

Finally, the constitutional amendment must be subjected to a referendum. The referendum is subject to some very special rules, which mean that it can be very difficult to pass an amendment in practice. It is not sufficient for there to be a majority in favour of the constitutional amendment. The majority must consist of at least 40 per cent of all of the citizens who are entitled to vote. In fact, this means that everybody who is entitled to vote counts, even if they do not vote or they abstain. If a lot of people stay at home instead of voting, it can be difficult to pass a constitutional amendment.

The referendum must take place no later than six months after the constitutional Bill was passed by Parliament. If a majority, and at least 40 per cent of those entitled to vote, vote in favour of the constitutional amendment, it takes effect when the Queen has signed it.

11 The coming into force of the Constitutional Act

Part eleven contains one Section. It explains when the Constitutional Act comes into force.

Section 89

This Constitutional Act shall come into force at once. However, the latest elected Rigsdag shall in accordance with the Constitutional Act of 1915, amended on September 10th 1920, remain in existence until a general election has been held in accordance with the rules laid down in part IV. Until a general election has been held, the provisions laid down for the Rigsdag in the Constitution of the Kingdom of Denmark Act of June 5th 1915, as amended on September 10th 1920, shall remain in force.

Section 89

The Constitutional Act came into force on 5 June 1953, the date on which it was published in the Danish Law Gazette. However, the former “Rigsdag” with 76 Upper House members and 151 Lower House members, continued for a few more months. A general election was then held on 22 September 1953 in accordance with the new Constitutional Act . The former “Rigsdag” was replaced by the new Folketing with 179 members, and the Upper House was abolished.

Colophon

My Constitutional Act
- My Constitutional Act with explanations,
12th edition

The Communications Section, Danish Parliament, March 2014

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Graphic design: 1508 A/S

Photo: Nicky de Silva

ISBN: 978-87-7982-168-2

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