



VELFERÐARRÁÐUNEYTIÐ

Ministry of Welfare

**The Municipalities' Social Services Act, No. 40/1991,
as amended by Act No. 31/1994, No. 130/1995, No. 34/1997, No. 65/2006,
No. 65/2010, No. 66/2010, No. 152/2010, No. 162/2010, No. 126/2011,
No. 138/2011, No. 19/2013, No. 85/2015, No. 115/2015 and No. 75/2016.**

SECTION I

The purpose of the Act.

Article 1

The purpose of social services under the auspices of municipalities is to guarantee financial and social security and to work for the welfare of the inhabitants on the basis of mutual aid. This shall be done by

- a. improving the living standard of the needy,
- b. securing positive developmental circumstances for children and young persons,
- c. offering assistance so that the inhabitants will be able to stay for as long as they can at their homes, work and live as normal a life as possible,
- d. taking measures to prevent social problems.

In the implementation of the social services, care shall be taken to encourage each individual to be responsible for himself/herself and others, to respect his/her right to self-determination, and support him/her in his/her efforts at self-help.

Article 2

In this Act "social services" means service, assistance and counselling in connection with the following:

1. Social counselling.
2. Financial assistance.
3. Social assistance in the home.
4. The affairs of children and young persons.
5. Services for adolescents.
6. Services for the elderly.
7. Services for [disabled people.]¹⁾
8. Housing.
9. Assistance for alcoholics and the prevention of drug abuse.
10. Unemployment registration and employment services.

¹⁾ Act No. 115/2015, Article 9.

SECTION II

Administration and organization.

Administration.

Article 3

The social services of municipalities shall be administered by [the Ministry]¹⁾, which is responsible for ensuring that they offer the services stipulated by law.

¹⁾ Act No. 126/2011, Article 157.

Municipal council and social services committees.

Article 4

Each municipality shall be responsible for social services within its boundaries and shall by means of organized social services secure the implementation of the aims stipulated in Article 1 of this Act.

Article 5

Each municipal council shall elect social services committee or a social services board, hereinafter named social services committee, which shall be responsible for the implementation of the social services in the municipality as an agent of the municipal council.

At least three persons shall sit on the social services committee [and at least five if the social services committee is entrusted with the functions of the child protection committee].¹⁾ In other respects, the municipal council shall decide on the number of committee members and lay down rules for the activities of the committee which shall be forwarded to [the Ministry].²⁾

¹⁾ Act No. 34/1997, Article 1. ²⁾ Act No. 162/2010, Article 8.

Subcommittees to the social service committees.

Article 6

In special instances, the municipal council may appoint subcommittees to the social service committee with its approval. At least three representatives shall sit on each subcommittee ...¹⁾ The municipal council shall lay down rules on the scope and working procedures of such subcommittees after receiving recommendations from the social services committee.

A subcommittee shall be responsible for special areas of activity which are limited to certain matters or to a certain part of the municipality. A subcommittee may be granted the power of decision and responsibility which is delegated to the social services committee under this Act and other statutory provisions. However, the preparation of the budget and proposals in connection with it, and supervision of the implementation of the budget, shall always be the responsibility of the social services committee.

¹⁾ Act No. 34/1997, Article 2.

Co-operation between municipalities.

Article 7

[On cooperation of municipalities on projects under this Act shall be subject to the Local Government Act.]¹⁾

¹⁾ Act No. 138/2011, Article 134.

Social services departments and staff members of social services committees.

Article 8

A special social services department may be given the responsibility of implementing social services under the direction of the social services committee.

Article 9

In those municipalities where there is no special social services department, individual staff members may be given the responsibility of implementing social services under the direction of the social services committee.

Article 10

The social services committee may entrust staff members with the dispensation of specific matters; in such cases rules shall be laid down which must be ratified by the municipal council. The decisions of such staff members may always be referred to the social services committee.

SECTION III

The role of the social services committees.

Article 11

The role of the social services committees shall be as follows:

1. to direct and implement social services in the municipality in accordance with rules laid down by the municipal council,
2. to seek ensure that social services are, as far as possible, in accordance with the need of the inhabitants,
3. to make proposals to the municipal council on policy in the field of social services in the municipality,
4. to make proposals to the municipal council on the budget for expenditures in the field of social services,
5. to work with other public authorities and associations, organisations and individuals to improve social conditions and circumstances in the municipality,
6. to furnish information of social services in the municipality,
7. to furnish individuals and families with assistance, financial services and other services,
8. to supervise the activities and operation of institutions in the field of social services on behalf of the municipal council,
9. to initiate preventive measures designed to secure the status of individuals and families,
10. to promote training and education for its staff, *i.a.* by means of courses of training.

SECTION IV

General provisions on the right to social services under the auspices of municipalities.

Article 12

A municipality shall be responsible for furnishing services and assistance to its inhabitants in accordance with the provisions of this Act, and also to ensure that they are able to provide for themselves and their families.

Any assistance and services shall be both for getting into a position in which they are not able to manage their own affairs.

Article 13

In this Act, “inhabitant of a municipality” means every person who has legal domicile in the municipality in question.

If the matter of legal domicile of a person seeking assistance cannot be ascertained, assistance shall be given to him/her where he/she is living at the time.

If person takes up residence in another municipality he/she shall be entitled to receive services in the municipality to which he/she has moved at such time when he/she has taken up legal domicile there. No one, however, shall become entitled to services or assistance in another municipality through residence which is not the equivalent of permanent residence, *cf.* the Legal Domicile Act.

Article 14

If persons are in need of assistance outside their municipality of domicile as a result of accidents, illness or for other urgent reasons, their municipality of residence shall be obliged to grant them temporary assistance. It shall confer with the municipality of domicile, which shall reimburse the cost in full.

Article 15

[Foreign nationals who are not legally domiciled in Iceland shall, in particular circumstances, be granted financial assistance in Iceland. Assistance shall be granted by the municipality of residence following consultation with [the Ministry]¹⁾; the foreign national shall first have sought assistance from his/her home country. [The Minister]¹⁾ may issue more detailed rules²⁾ on the granting of assistance under this provision.

The State Treasury shall reimburse the municipality the cost of assistance granted to foreign nationals in the following cases:

- a. Assistance granted to foreign nationals who are not legally domiciled in Iceland, *cf.* paragraph 1.
- b. Assistance granted to foreign nationals under Articles 12–13 of this Act when they have been domiciled in Iceland for less than two years.]³⁾

¹⁾ Act No. 162/2010, Article 8. ²⁾ Regulation No. 1185/2011, *cf.* Regulation No. 28/2013, Regulation No. 1208/2013 and Regulation No. 1189/2014. ³⁾ Act No. 34/1997, Article 4.

SECTION V **Social counselling.**

Article 16

Social services committees shall ...¹⁾ offer social counselling. Its purpose shall be to furnish information and guidance on social rights, on the one hand, and provide support in cases of social and personal hardship, on the other.

¹⁾ Act No. 34/1997, Article 5.

Article 17

Social counselling covers, *i.a.*, counselling in the field of finances, housing, children's upbringing, divorce, including cases concerning custody and rights of access, adoption, etc. Such counselling shall always be applied with the context of other assistance under this Act and in cooperation with such other parties as offer such services, such as schools and health care centres, as applicable.

Article 18

Social services committees shall endeavour to employ qualified social workers or people qualified in similar fields for the purpose of giving social counselling. [If the municipality engages a worker, he/she shall have the appropriate qualifications.]¹⁾

¹⁾ Act No. 34/1997, Article 6.

SECTION VI **Financial assistance.**

Article 19

Each and every person shall be obliged to support himself/herself, his/her spouse and children under 18 years of age.

[Two individuals living together, both being unmarried, shall have the same right as a married couple to financial assistance, providing that their partnership has been registered in the National Registry for at least one year prior to the submission of their application.]¹⁾

¹⁾ Act No. 65/2010, Article 28.

Article 20

General provisions on social services under Section IV shall apply on the duties of municipality to grant financial assistance.

Article 21

[Municipal councils shall set rules on the implementation of financial assistance, *cf.* paragraph 2, after receiving the proposals of the social services committee.

Social services committees shall assess need and determine the amount of financial assistance to individuals in accordance with the rules of the municipalities, *cf.* paragraph 1.

At no time shall it be obligatory to grant financial assistance retroactively for more than four months before the date on which an application is submitted.]¹⁾

¹⁾ Act No. 34/1997, Article 7.

Article 22

Financial assistance provided for by a municipality may consist of either a loan or a grant. Financial assistance shall be granted as a loan if the applicant so wishes or if an examination of his/her circumstances reveals that is reasonable to demand repayment with respect to property owned by the applicant and his/her expected income in future.

[Social services committees may not convert grants to loans unless the person involved so requests.]¹⁾

¹⁾ Act No. 34/1997, Article 8.

Article 23

Financial assistance which has been provided on the basis of false or misleading information by the person receiving the assistance shall always be recoverable.

Article 24

Social services committees shall have the right to demand any information contained in the tax returns of applicants for or recipients of financial assistance. The same applies to information from the tax returns of persons legally responsible for the applicant's maintenance.

Employers shall be obliged to furnish social services committees with information on the wages of persons seeking financial assistance and the persons responsible for the maintenance.

SECTION VII

Social assistance in the home.

[Article 25]¹⁾

Each municipality shall be responsible for social assistance in the home for those who are living in their own home and cannot take care of the running of the home and personal hygiene without assistance, due to reduced capacity, family circumstances, strain, illness, childbirth or disability.

¹⁾ Act No. 34/1997, Article 9.

[Article 26]¹⁾

Social assistance in the home shall seek to strengthen the capacity of the person involved to help himself/herself and make it possible for him/her to live in his/her own home in the most normal circumstances and as long as possible.

¹⁾ Act No. 34/1997, Article 9.

[Article 27]¹⁾

“Social assistance in the home” means any assistance in the running of the home, personal hygiene, social support, and looking after caring for children and adolescents.

¹⁾ Act No. 34/1997, Article 9.

[Article 28]¹⁾

Before any assistance is rendered, the party responsible for social assistance in the home shall assess the need in each instance. When such assistance is needed for reasons of health, a medical certificate shall be provided.

¹⁾ Act No. 34/1997, Article 9.

[Article 29]¹⁾

The municipal council shall lay down further rules on the implementation of assistance in the home.

[Municipal councils may charge fees for assistance in the home according to their scale of charges.]²⁾

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 34/1997, Article 10.

SECTION VIII

The affairs of children and young persons.

[Article 30]¹⁾

It shall be the duty of the social services committee, in cooperation with parents, guardians and other parties responsible for the upbringing, education and health care of children and young persons, to secure their welfare and protect their interests in every respect.

The social services committee shall see to it that children, while growing up, shall enjoy conditions which promote health and maturity, e.g. day-care centres and leisure activities. Also, the social services committee shall ensure adequate care of children and that there is nothing in their environment which might expose them to danger.

¹⁾ Act No. 34/1997, Article 9.

[Article 31]¹⁾

The municipal council may delegate to the social services committee the duties of a child protection committee, the implementation and handling of such matters then being subject to the provisions of the Child Protection Act.

¹⁾ Act No. 34/1997, Article 9.

[Article 32]¹⁾

Municipalities are responsible for the construction and running of day-care centres for children and decisions on their administration.

The operation of day-care centres for children is governed by special legislation.

¹⁾ Act No. 34/1997, Article 9.

[Article 33]¹⁾

Municipal councils shall do their utmost to ensure the availability of day-care facilities for children. They shall assess the need for such facilities at least every other year for the purpose of ensuring that such a service is coordinated, as far as possible, to the needs of children in the municipality.

...²⁾

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 34/1997, Article 11.

[Article 34]¹⁾

The social services committee, or such other committee as is designated by the municipal council for the purpose, shall be responsible for issuing permits for day-care in private homes and the running of supervised playgrounds for children. [The Minister]²⁾ shall issue a regulation³⁾ on the activities and operation of supervised playground and day-care in private homes.

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 162/2010, Article 8. ³⁾ Regulation No. 907/2005. Regulation No. 907/2005.

SECTION IX

Services for adolescents.

[Article 35]¹⁾

Preventive work shall be organized among adolescents under the auspices of municipalities for the purpose of directing youth's need for activity into wholesome channels.

¹⁾ Act No. 34/1997, Article 9.

[Article 36]¹⁾

The social services committee shall be responsible for those aspects of the services for adolescents with concern the matters of individuals, e.g. counselling, extra-institutional activities (looking for runaway children) and, as needed, the running of shelters for adolescents.

Social services committees may be charged with supervising youth and sports activities under the auspices of the municipal council, such as the running of community centres, leisure activities in schools and the operating of sports facilities.

¹⁾ Act No. 34/1997, Article 9.

[Article 37]¹⁾

Other aspects of services for adolescents shall be subject to the Youth Activities Act, the Sports Act, the Compulsory Education Act and the Child Protection Act.

¹⁾ Act No. 34/1997, Article 9.

SECTION X **Services for the elderly.**

[Article 38]¹⁾

Municipal councils shall seek to ensure that the elderly are able to enjoy normal home life in the company of others as long as possible. Furthermore, the necessary institutional facilities shall be provided as needed.

[If a municipal council decides to entrust the direction of services for the elderly to a special elderly persons' affairs council, on the basis of authorisation in the Act on the Affairs of the Elderly, this will have no effect on elderly persons' entitlements under this Act, including as regards the processing of cases and the right of appeal.]²⁾

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 31/1994, Article 2.

[Article 39]¹⁾

[The social services committee, or elderly persons' affairs council, shall seek to ensure the availability of suitable housing for the elderly, and also to arrange social services in the home.]²⁾

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 31/1994, Article 2.

[Article 40]¹⁾

The municipal council shall ensure the availability of social services for the elderly in the municipality as needed. This means, *i.a.*, services in the home, social counselling and food delivery services. Also, the elderly shall be provided with appropriate social and leisure activities. In this respect, special emphasis shall be put on instruction and courses on the rights of the elderly and adjustment to the change in circumstances with results from withdrawal from the labour market.

¹⁾ Act No. 34/1997, Article 9.

[Article 41]¹⁾

The elderly shall be entitled to general services and assistance in accordance with this Act, but in other respects the affairs of the elderly are subject to the Act on the Affairs of the Elderly.

¹⁾ Act No. 34/1997, Article 9.

SECTION XI **Services for [disabled people.]¹⁾**

1) Act No. 115/2015, Article 9.

[Article 42]¹⁾

The social services committee shall work towards ensuring [disabled people]²⁾, whether mental or physical, living standards and equal opportunities similar to those enjoyed by other members of society. Furthermore, conditions shall be created for [disabled people]²⁾ to enable them to live as normal a life as possible according to the capability of each individual.

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 115/2015, Article 9.

[Article 43]¹⁾

The social services committee shall organise social home services for [disabled people and work towards securing them]²⁾ appropriate housing.

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 115/2015, Article 9.

[Article 44]¹⁾

[Disabled people shall be entitled to general services and assistance under this Act, and services shall be available to them]²⁾ in general institutions as far as possible and where appropriate.

In other respects, the matters of [them]²⁾ shall be subject to the Act on the Affairs of [Disabled People.]²⁾

Cooperation between [the regional offices for [disabled persons']²⁾ affairs]³⁾ and individual municipalities concerning services for [disabled people]²⁾ shall be as extensive as possible.

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 115/2015, Article 9. ³⁾ Act No. 34/1997, Article 12.

SECTION XII

Housing.

[Article 45]¹⁾

Municipal councils shall, as far as possible, ensure the supply of rented housing, social lease-purchase housing and/or social assistance housing in private ownership for families and individuals who are not otherwise able to acquire their own accommodation due to low wages, heavy support burdens or other social conditions.

[Local authorities shall provide special housing support in accordance with further rules set by the local council.

Local authorities shall provide housing support to the parents or guardians of children aged 15–17 years who rent rooms in boarding school hostels or student residences in connection with studies pursued far from their registered places of domicile. This support shall be irrespective of the earnings and assets of the parents or guardians, and not above 75% of the housing costs in respect of the rent.

The Minister shall, following consultation with the Icelandic Association of Local Authorities, issue guidelines to the local authorities on the implementation of support under the second and third paragraphs, together with reference monetary amounts.]²⁾

¹⁾ Act No. 34/1997, Article 9. ²⁾ Act No. 75/2016, Article 32.

[Article 46]¹⁾

Social services committees shall provide housing solutions for those families and individuals who are not able to do so themselves, so as to solve urgent needs while measures are being taken for a permanent solution.

¹⁾ Act No. 34/1997, Article 9.

[Article 47]¹⁾

Municipal council may charge the social services committee with the supervision of rented housing owned by the municipality.

In the matter of social housing other than rented housing, the social services committee may make suggestions to the housing committee concerning the allocation of such housing.

¹⁾ Act No. 34/1997, Article 9.

SECTION XIII

Assistance for alcoholics and the prevention of drug abuse.

[Article 48]¹⁾

Municipal councils may charge the social services committee, wholly or partly, with the statutory tasks of committees charged with the prevention of alcohol abuse, *cf.* the Alcohol Act, No. 82/1969.²⁾

¹⁾ Act No. 34/1997, Article 13. ²⁾ Now Act No. 75/1998.

[Article 49]¹⁾

Social services committees shall support preventive measures in alcohol and drug abuse matter in cooperation with the relevant parties, such as the police, health services and schools.

¹⁾ Act No. 34/1997, Article 13.

[Article 50]¹⁾

Social services committees shall provide for appropriate treatment of and assistance for alcoholics and those who abuse alcohol or other intoxicants. Furthermore, counselling and assistance shall be made available, as applicable, to the relative and families of alcoholics.

¹⁾ Act No. 34/1997, Article 13.

[Article 51]¹⁾

After alcoholics and those who abuse intoxicants have received treatment and medical attention, social services committees shall provide for the necessary support and assistance so that they can live a normal life.

¹⁾ Act No. 34/1997, Article 13.

SECTION XIV

Registration of the unemployed and the provision of employment services.

[Article 52]¹⁾

Municipal councils are responsible for the registration of the unemployed and the provision of employment services, *cf.* the Employment Services Act, No. 18/1985.²⁾

The directorate of employment services and the social services committee shall cooperate closely on the registration of the unemployed and the provision of employment services.

¹⁾ Act No. 34/1997, Article 13. ²⁾ Now Act No. 55/2006.

[Article 53]¹⁾

Municipal councils may charge the social services committee with the registration of the unemployed and, in part, with the provision of employment services, especially services for those seeking employment, including adolescents and the elderly.

¹⁾ Act No. 34/1997, Article 13.

[Article 54]¹⁾

[The regional office for [disabled persons']²⁾ affairs]³⁾ may, with the approval of the municipal council, charge the social services committees with the operation of a job-seeking facility for [disabled people]²⁾ where applicable, *cf.* [the Act on the Affairs of [Disabled People]²⁾, No. 59/1992].³⁾

¹⁾ Act No. 34/1997, Article 13. ²⁾ Act No. 115/2015, Article 9. ³⁾ Act No. 34/1997, Article 14.

SECTION XV

Working practices of social services committees.

[Article 55]¹⁾

The provisions of section VI and VII of the Local Government Act, No. 8/1986,²⁾ and the provisions of Section IV and V of the same Act, where appropriate, shall apply to social services committees and the staff of the municipalities.

In other respects, the provisions of this Act and the rules laid down by municipal councils on social services committees, their scope and the handling of various matters, shall apply.

¹⁾ Act No. 34/1997, Article 13. ²⁾ Now Act No. 138/2011.

SECTION XVI

General rules on the handling of specific matters.

[Article 56]¹⁾

When a social services committee receives an application for assistance under this Act, the committee shall, as soon as possible, investigate the circumstance of the applicant.

If the social services committee receives information through their channels on the necessity of assistance or other measures, the matter shall be investigated in the same manner.

¹⁾ Act No. 34/1997, Article 13.

[Article 57]¹⁾

The collection of data and information shall take place in cooperation with the person receiving assistance and his/her approval sought, if possible.

¹⁾ Act No. 34/1997, Article 13.

[Article 58]¹⁾

All decisions in the case of a person needing assistance shall be made in close cooperating and consultation with him/her or, when applicable, his/her representative. [A child has the right to express his/her opinion regarding issues concerning himself/herself in accordance with his/her age and maturity.]²⁾

Should it be considered necessary in the public interest and for the welfare of the individual in question to use forcible measures, such matters shall be decided in accordance with the provisions of the Personal Competence Act, the Child Protection Act, and other laws which provide for such authorisation.

The decision made on each application shall be made known as soon as possible. If the decision is unfavourable to the applicant, it shall be explained and such supported with arguments and made known to him/her in a verifiable manner. In such case the applicant or his/her representative may demand written arguments. Should the rights of the person receiving assistance be reduced, such a decision shall always be supported with arguments in written and made known to him/her in a special verifiable manner.

¹⁾ Act No. 34/1997, Article 13. ²⁾ Act No. 19/2013, Article 4.

[Article 59]¹⁾

The person receiving assistance has the right to acquaint himself/herself with information from documentation concerning his/her case, insofar as this not inconsistent with the confidence due to others.

¹⁾ Act No. 34/1997, Article 13.

[Article 60]¹⁾

Members of social services committees and their staff keep the documents on the personal matters of individuals in a secure manner so that unauthorised persons shall not have access to them. Should they in the course of their work become acquainted with the personal affairs of the clients, they shall not be allowed to discuss them with unauthorised parties without prior permission from the person receiving assistance or his/her guardians.

¹⁾ Act No. 34/1997, Article 13.

[Article 61]¹⁾

The person receiving assistance shall be specifically acquainted with his/her right of appeal.

¹⁾ Act No. 34/1997, Article 13.

[Article 62]¹⁾

Public authorities which are working on projects or which run institutions in the field of social services under the auspices of municipalities, or are responsible for related projects, shall cooperate as closely as possible, on both the organisation of the services and the affairs of individual persons receiving assistance.

When the case of a specific person is being dealt with by more than one institution, they shall cooperate on the case and exchange information as necessary, taking care to ensure confidentiality concerning the person receiving assistance.

¹⁾ Act No. 34/1997, Article 13.

SECTION XVII

Appeal.

[Article 63]¹⁾

[A party to a case may appeal the decision of a social services committee to the Welfare Appeals Committee, cf. Article 64.]²⁾

¹⁾ Act No. 34/1997, Article 13. ²⁾ Act No. 85/2015, Article 13.

[Article 64]¹⁾

[The Welfare Appeals Committee]²⁾ shall deal with the following items:

1. Procedure, *cf.* Section XVI.
2. The right to assistance, *cf.* Section IV.
3. Whether the approved services and the amount of financial assistance granted conform with the rules of the municipal council in question.

[4. The payment of financial assistance retroactively, *cf.* paragraph 3 of Article 21.]³⁾

¹⁾ Act No. 34/1997, Article 13. ²⁾ Act No. 85/2015, Article 13. ³⁾ Act No. 34/1997, Article 16.

[Article 65]¹⁾

...

¹⁾ Act No. 34/1997, Article 13. ²⁾ Act No. 85/2015, Article 13.

[SECTION XVIII Miscellaneous provisions.]¹⁾

¹⁾ Act No. 34/1997, Article 17.

[Article 66

Assistance provided to Icelandic citizens by agents of the state abroad, and the cost of their return journeys to Iceland, shall be met by the State Treasury. [The Minister]¹⁾ may set rules on assistance under this provision.]²⁾

¹⁾ Act No. 162/2010, Article 8. ²⁾ Act No. 34/1997, Article 17.

Entry into force.

[Article 67]¹⁾

This Act shall take effect immediately. ...

¹⁾ Act No. 34/1997, Article 17.

Interim provision.

This Act shall be reviewed within five years of its date of taking effect.

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