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The Greenland Home Rule Act

Act No. 577 of 29 November 1978

THE GREENLAND HOME RULE ACT

(Translation)

Chapter 1

HOME RULE AUTHORITIES

Section 1

(1) Greenland is a distinct community within the Kingdom of Denmark. Within the framework of the unity of the Realm, the Greenland home rule authorities shall conduct Greenland affairs in accordance with the provisions laid down in this Act.

(2) The Greenland home rule authorities shall consist of an assembly elected in Greenland, to be called the Landsting, and an administration headed by a Landsstyre (Executive).

Section 2

(1) Members of the Landsting shall be elected for a four-year term in general, direct and secret elections.

(2) Detailed rules on elections, including such matters as the franchise, eligibility for election, and the number of members of the Landsting, shall be laid down by Act of the Landsting.

(3) The Landsting shall make its own standing orders.

Section 3

The Landsting shall elect the Chairman and the other members of the Landsstyre. The Chairman of the Landsstyre shall assign responsibilities between its members.

Chapter 2

POWERS OF THE HOME RULE AUTHORITIES

Section 4

(1) The home rule authorities may determine that jurisdiction in any field listed in the Schedule to this Act, or in part of such field, shall be transferred to the home rule authorities.

(2) The home rule authorities shall exercise legislative and executive power in fields transferred under subsection (1), and shall assume responsibility for expenditure associated with them.

(3) The same shall apply where the central authorities of the Realm, after negotiation with the home rule authorities, determine that jurisdiction in such fields or parts of such fields shall be transferred to the home rule authorities.

(4) Bills regarding such fields of jurisdiction as are passed by the Landsting and signed by the Chairman of the Landsstyre shall be called Acts of the Landsting.

Section 5

(1) Where jurisdiction over a field or part of a field listed in the Schedule to this Act has not been transferred to the home rule

authorities under section 4, the central authorities of the Realm may after negotiation with the home rule authorities by statute determine that the home rule authorities shall assume regulatory jurisdiction for and administer it. Subsidies to be paid in such fields shall be fixed by statute.

(2) Draft Regulations regarding such fields of jurisdiction as are passed by the Landsting and signed by the Chairman of the Landsstyre shall be called Landsting Regulations.

Section 6

(1) Landsting Bills and draft Landsting Regulations which have been passed cannot be carried into force until they have been signed by the Chairman of the Landsstyre and promulgated in accordance with provisions laid down by Act of the Landsting.

(2) Within a period of 8 days the Landsstyre may resolve that a Bill or draft Regulation is not to be signed until passed by the following session of the Landsting. Should that session fail to pass it unamended it shall lapse.

Section 7

(1) The central authorities of the Realm may after negotiation with and having secured the consent of the home rule authorities by statute determine that jurisdiction in fields not listed in the schedule to this Act shall be transferred to the home rule authorities, sections 4(2) and (4) or section 5 applying correspondingly.

(2) In determining in which fields jurisdiction should be transferred to the home rule authorities under subsection (1), regard shall be had to the unity of the Realm and to the desirability of the home rule authorities' receiving an extensive role in matters which particularly affect Greenland interests.

Section 8

(1) The resident population of Greenland has fundamental rights in respect of Greenland's natural resources.

(2) To safeguard the rights of the resident population in respect of non-living resources and to protect the interests of the unity of the Realm, it shall be enacted by statute that preliminary study, prospecting and the exploitation of these resources are to be regulated by agreement between the Government and the Landsstyre.

(3) Before any agreement under subsection (2) is entered into, any member of the Landsstyre may demand that the matter be laid before the Landsting, which may determine that the Landsstyre may not consent to an agreement of the proposed content.

Section 9

(1) Greenlandic shall be the principal language. Danish must be thoroughly taught.

(2) Either language may be used for official purposes.

Section 10

(1) The home rule authorities shall be subject to such obligations arising out of treaties and other international rules as at any time are binding on the Realm.

(2) The powers delegated to international authorities under section 20 of the Constitutional Act shall at all times prevail over the powers of the home rule authorities .

(3) The Government may order the home rule authorities to take such measures as may be necessary to ensure the observance of subsections (1) and (2).

Chapter 3

RELATIONS WITH THE CENTRAL AUTHORITIES

Section 11

(1) The central authorities of the Realm shall have jurisdiction in

questions affecting the foreign relations of the Realm.

(2) Measures under consideration by the home rule authorities which would be of substantial importance for the foreign relations of the Realm, including participation by the Realm in international cooperation, shall be discussed with the central authorities before any decision is taken.

Section 12

(1) Bills which include provisions which exclusively concern Greenland shall be referred to the home rule authorities for their comments before they are introduced in the Folketing.

(2) Draft administrative orders which include provisions which exclusively concern Greenland shall be referred to the home rule authorities for their comments before they are issued.

(3) Statutes and administrative orders which are of particular importance to Greenland shall be referred to the home rule authorities for their comments before being put into force in Greenland.

Section 13

Treaties which require the assent of the Folketing and which particularly affect Greenland interests shall be referred to the home rule authorities for their comments before they are concluded.

Section 14

(1) Unless the central authorities in individual cases otherwise determine, the home rule authorities' comments shall be submitted within six months after the date on which the proposals were referred to them under sections 12 and 13.

(2) If proposals cannot be referred to the home rule authorities due to compelling circumstances, the statute, administrative provision or treaty shall be referred to the home rule authorities for their comments as soon as possible.

Section 15

(1) Within the framework of section 11 the Government shall after consultation with the Landsstyre lay down guidelines for the handling of matters of particular interest to Greenland in the European Community Institutions .

(2) The home rule authorities shall be kept informed of proposed legislation before the Council of the European Communities which particularly affects Greenland interests.

Section 16

(1) The home rule authorities may demand that in countries in which Greenland has special commercial interest Danish diplomatic missions employ officers specifically to attend to such interests. The central authorities may determine that expenditure to this end be borne by the home rule authorities.

(2) The central authorities may after negotiation with the home rule authorities empower the home rule authorities to advance special Greenland interests by taking part in international negotiations of special importance for Greenland's commercial life.

(3) Where matters of particular interest to Greenland are at issue, the central authorities may on a request by the home rule authorities authorize them to negotiate directly, with the cooperation of the Foreign Service provided such negotiation is not considered incompatible with the unity of the Realm.

Section 17

(1) The central authorities' chief representative in Greenland shall be the Rigsombudsmand (Commissioner).

(2) The home rule authorities may invite the Rigsombudsmand to take part in debates in the Landsting or the Landsstyre.

(3) The home rule authorities shall inform the Rigsombudsmand as soon as possible of new Acts of the Landsting and Landsting

Regulations, and of other legislation of general application made by the home rule authorities.

Section 18

(1) Should any doubt arise between the central authorities and the home rule authorities concerning their respective jurisdictions, the question shall be laid before a board consisting of two members nominated by the Government, two members nominated by the home rule authorities and three judges of the Supreme Court nominated by its President, one of whom shall be nominated as Chairman.

(2) If the four members nominated by the Government and the home rule authorities reach agreement the question shall be considered settled. If these four fail to reach agreement the question shall be decided by the three Supreme Court judges.

(3) The Government may suspend an enactment or decision of the home rule authorities which has been placed before the board until such time as the board's decision is taken.

Chapter 4

ENTRY INTO FORCE AND TRANSITIONAL PROVISIONS

Section 19

(1) Statutory provisions and regulations applicable to Greenland shall remain in force subject to such change: as arise out of this Act, until amended or repealed by the appropriate authority.

Section 20

(1) The date on which this Act is to enter into force shall be fixed by statute.

(2) The Rigsombudsmand shall take up the duties formerly exercised by the Governor of Greenland, with such changes as arise out of this Act.

Schedule

Organization of home rule in Greenland

Organization of local government

Direct and indirect taxes

The Established Church and dissentient religious communities

Fishing in the territory, hunting, agriculture and reindeer breeding

Conservation

Country planning

Legislation governing trade and competition, including legislation on restaurant and hotel business, regulations governing alcoholic beverages, and regulations governing closing hours of shops

Social welfare

Labour market affairs

Education and. cultural affairs, including vocational education

Other matters relating to trade, including State-conducted fishing and production, support and development of economic activities

Health services

Rent legislation, rent support, and housing administration

Supply of goods

Internal transport of passengers and goods

Protection of the environment

Given at Christiansborg, this 29th Day of November 1978

WITNESS OUR ROYAL HAND AND SEAL

(signed) Margrethe R.

Jørgen Peder Hansen