

Consolidation Act on Legal Protection and Administration in Social Matters

An Act to consolidate the Act on Legal Protection and Administration in Social Matters, cf. Consolidation Act No. 930 of 17 September 2012, as amended by section 7(i) and (vii) of Act No. 326 of 11 April 2012, section 13 of Act No. 1380 of 23 December 2012, section 1 of Act No. 493 of 21 May 2013, section 6 of Act No. 494 of 21 May 2013 and section 2 of Act No. 495 of 21 May 2013.

The amendment under section 17 of Act no. 639 of 12 June 2013 has not been incorporated into this Consolidation Act since this amendment will come into force on 1 January 2014, cf. section 31 of Act no. 639 of 12 June 2013.

The amendment under section 3 of Act no. 651 of 12 June 2013 has not been incorporated into this Consolidation Act since this amendment will come into force on 1 January 2014, cf. section 5 of Act no. 651 of 12 June 2013.

Part 1

Purposes and scope of the Act

1. The purposes of this Act are

- (i) to protect the rights and influence of citizens whose cases are being considered by the social authorities;
- (ii) to emphasise the duty of the municipal council to attend to municipal tasks in the social area;
- (iii) to emphasise that the social authorities shall arrange for the provision of early, comprehensive assistance;
- (iv) to prevent persons who are facing or risk being faced with difficulties in remaining in their jobs from needing financial support; and
- (v) to establish a structure and fundamental principles for the administration of social cases.

2.—(1) The Act provides rules governing the consideration and determination of cases by the municipality (municipal council) and central government authorities in the social area (the state administration and the National Social Appeals Board) in accordance with legislation.

(2) Rules derogating from this Act may be laid down in other statutes.

(3) The Minister for Social Affairs and Integration is authorised to designate the cases to which this Act will apply in whole or in part, in the employment area subject to negotiation with the Minister for Employment.

Part 2

The citizen

3.—(1) The municipal council shall deal with and consider matters of assistance as soon as possible with a view to determining whether assistance is warranted and, if so, the nature of such assistance.

(2) In the individual policy areas, the municipal council shall stipulate the time limits within which a decision shall be made after an application is received. The time limits shall be published. If the said time limit cannot be complied with in a specific case, the claimant shall be given written notice of when a decision may be expected.

4. The citizen must be given the opportunity to attend the proceedings in which he/she is involved. The municipal council shall arrange the proceedings in such a way as to facilitate such attendance by the citizen.

5. The municipal council shall consider applications and enquiries for assistance, having regard to all possibilities available to render assistance under the social legislation, including counselling and guidance. In addition, the municipal council shall have regard to the possibility that assistance may be available from another authority or subject to other statutory provisions.

5a.—(1) The municipal council shall consider matters regarding assistance immediately, cf. section 5, when the municipality receives the notification from the enforcement court that a citizen is evicted from residential premises and the household includes children or young persons under the age of 18 or the municipality is in possession of information about the citizen that renders it probable that the citizen needs assistance. The same shall apply when the municipality receives notification from a housing organisation that a request for the eviction from leased premises of a citizen due to non-performance of payment will be submitted to the enforcement court; cf. the rules on the landlord's notification to the municipality in the Act on the Rent of Social Dwellings.

(2) If the municipal council assesses that no basis exists for providing assistance in connection with the eviction from the leased premises, the municipal council shall make a decision to this effect not later than 14 days after the enforcement court's notification that enforcement proceedings will be instituted or not later than 14 days after the housing organisation's notification that a request for eviction from leased premises of a citizen due to non-performance of payment will be submitted to the enforcement court, as the case may be.

(3) Subject to the prior consent of the citizen, the municipal council may inform the enforcement court or the housing organisation of its decision.

(4) The municipal council's decision under subsection (2) hereof may be brought before the National Social Appeals Board pursuant to the provisions of Part 10 hereof.

(5) When the municipality receives a notification as specified in subsection (1) hereof, without having to consider the issue of assistance, the municipal council shall immediately contact the claimant and inform him/her of the possibility of contacting the municipality to have issues regarding assistance considered, cf. section 5 hereof.

6. If a citizen requires long-term assistance, the municipal council shall at an early stage seek to structure the assistance subject to an overall assessment of the claimant's specific situation and long-term needs.

7.—(1) Within 8 weeks from the first application for continuous financial provision the municipal council shall conduct an assessment under section 6 above. But this shall not apply to persons taking part in a contact process pursuant to Part 7 of the Act on Active Employment Measures or to persons taking part in a follow-up process pursuant to Part 6 of the Act on Sickness Benefits.

(2) The claimant shall be given written notice of the assessment conducted by the municipal council under subsection (1) hereof.

Vocational measures

7a.—(1) No later than two weeks before a vocational measure ends, the municipal council shall assess the need for additional measures to help the citizen rejoin the labour market. The citizen, his/her general practitioner, the labour union, companies and other parties shall take part in making such assessment.

(2) If the municipal council decides to initiate additional measures, such measures shall be implemented immediately following the termination of the ongoing measure.

8. The Minister for Social Affairs and Integration is authorised to lay down rules governing the consideration of and follow-up on cases, including specific time limits applicable to certain types of cases.

Part 3

Residential municipality and inter-municipal reimbursement

General provisions

9.—(1) The residential municipality is under an obligation to provide assistance, but see sections 7 and 9a(4) and (7).

(2) The residential municipality of a person is where he/she has his/her residence or ordinarily stays, but see section 9b(2).

(3) The residential municipality of a married couple is the municipality in which the joint home is situated.

(4) The Minister for Social Affairs and Integration shall lay down regulations regarding residential municipality for persons staying abroad or who have permanent residence abroad.

(5) The Minister for Employment shall lay down rules specifying which municipality is under a duty to act in cases under the Act on Sickness Benefits.

(6) On special grounds, the residential municipality may agree with a former residential municipality that it shall continue to have the duty to provide assistance. Such agreement is conditional upon the consent of the person receiving assistance.

(7) The original residential municipality, notwithstanding subsection (1) hereof, is under an obligation to provide assistance in accordance with the Act on Social Services when this municipality or any other public authority has helped provide accommodation for a person in

(i) accommodation facilities under sections 107-110 and 192 of the Act on Social Services;

(ii) housing under section 115(4), cf. section 105(2), of the Act on Social Housing and Subsidised Dwellings in Private Housing Cooperatives etc.;

(iii) institutions under the hospital service;

(iv) institutions under the Prison and Probation Service;

(v) housing, accommodation facilities, etc., replacing and corresponding to accommodation facilities, etc., under paragraphs (i)-(iv).

(8) The obligation under subsection (7) hereof shall exist for as long as the person concerned resides in the relevant residential accommodation or a corresponding accommodation facility. The obligation to provide assistance on the ground that a person has obtained accommodation in accommodation facilities under section 110 of the Act on Social Services shall exist until the person concerned has taken residence in a new municipality.

(9) The municipal council of a municipality which, under subsection (7) hereof, is obliged to provide assistance to a person in accordance with the Act on Social Services, may by agreement with the residential municipality, cf. subsection (2) hereof, authorise the residential municipality to discharge its duties in relation to the person concerned in whole or in part.

(10) Should two or more municipal authorities disagree about which municipality is a person's residential municipality, the municipality in which the person is or has most recently been registered with the National Registration Office shall act as residential municipality until it has been clarified which municipality is the proper residential municipality. When the proper residential municipality has been determined, and the acting residential municipality is not the person's residential municipality, the residential municipality shall reimburse the acting residential municipality for its expenses in the period in which the disagreement existed. The reimbursement shall be calculated as reimbursement pursuant to section 9c(1).

(11) Subsection (10) hereof shall apply correspondingly where two municipal authority disagree about which municipality is obliged to provide assistance, cf. subsection (7) hereof and section 9a(7).

Persons under 18 years of age

9a.—(1) The residential municipality of a child or a young person under the age of 18 is under an obligation to provide assistance, but see section 9b.

(2) A child or a young person under 18 has the same residential municipality as his/her parents, but see subsections (3)-(5). A child or a young person under 18 spending most of his/her time with one parent has the residential municipality of that parent. If the child or the young person spends equal amounts of time with both parents, the residential municipality is the municipality in which the child or young person is registered.

(3) A child or a young person under 18 who is not living with any of his/her parents and who is self-sufficient has a separate residential municipality.

(4) The residential municipality of the custodial parent is under an obligation to provide assistance pursuant to Part 11 of the Act on Social Services. But if a child or a young person has been placed in care, the separate residential municipality of the child or the young person shall be the municipality that made the decision on placement pursuant to Part 11 of the Act on Social Services. Where a child or a young person who has a separate residential municipality within the meaning of the second sentence hereof is allocated to a municipality pursuant to section 10 of the Integration Act, this municipality shall be the independent residential municipality of the child or young person as from the time when responsibility for the child or young person concerned passes to the municipal council, cf. section 4 of the Integration Act. The separate residential municipality of the child or the young person shall cooperate with the residential municipality of the custodial parent to solve the family's problems and shall consult the custodial parent and the child or the young person before making a decision pursuant to Part 11 of the Act on Social Services. The separate residential municipality of the child or the young person shall make decisions regarding the circumstances of the child or the young person. Decisions targeted at the custodial parent shall be made by the residential municipality of the custodial parent.

(5) A young person under 18 who is responsible for providing for a spouse or a child has a separate residential municipality.

(6) Notwithstanding the provision in the second to fourth sentences of subsection (4) hereof, the residential municipality of the custodial parent may, on special grounds, agree with the residential municipality of the child or the young person that the former municipality shall be the acting authority in matters pertaining to the child or the young person. Such agreement is subject to the consent of the custodial parent and the young person over 15 years of age.

(7) Where a young person under 18 has a separate residential municipality within the meaning of the second or third sentence of subsection (4) hereof, this municipality, notwithstanding section 9(1), shall still be obliged to provide assistance in accordance with the Act on Social Services when the young person attains the age of 18 if the local authority or any other public authority, in immediate continuation of the placement, has helped the relevant person obtain accommodation in any accommodation facility comprised by section 9(7). Section 9(8), (9) and (11) hereof shall apply correspondingly.

Staying outside the residential municipality

9b.—(1) En A person staying temporarily outside his/her residential municipality shall be entitled to receive personal and practical assistance pursuant to section 83 of the Act on Social Services in the municipality in which the person is temporarily staying, provided that the person in question has been granted personal and practical assistance in the residential municipality prior to the temporary stay. Terminal patients for whom constant care allowance is paid in a municipality other than the residential municipality pursuant to section 119 of the Act on Social Services shall be entitled under section 83 of the Act on Social Services to personal and practical assistance in the municipality where the care takes place, regardless of whether prior assistance for this purpose has been granted by the residential authority.

(2) Constant care allowance and subsidies for nursing requisites, etc., cf. sections 120 and 122 of the Act on Social Services, shall be payable by the municipality in which the care takes place.

(3) A spouse or a child staying outside the residential municipality, cf. section 9(3) and section 9a(2) above, shall also be entitled to necessary assistance regardless of the fact that the stay is non-temporary. The municipality in which the family member is currently staying shall grant the assistance.

Inter-municipal reimbursement

9c.—(1) The residential municipality shall be entitled to recover its share of the expenses for assistance pursuant to the Act on Social Services, the Act on an Active Social Policy, the Act on Active Employment Measures, the Act on Individual Housing Benefits, section 52(1) of the Act on Social Pensions and section 50(1) of the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc., from the former residential municipality pursuant to subsections (2)-(5) hereof. If a child or a young person who is placed in care or in respect of whom measures have been implemented under section 76(3) of the Act on Social Services, is allocated to a municipality pursuant to section 10 of the Integration Act, reimbursement shall be granted by this municipality under subsections (2)(vi) and (3) hereof.

(2) The residential municipality shall be entitled to reimbursement when the former municipality or any other public authority has helped provide accommodation for a person in

(i) accommodation facilities under sections 107-110 and 192 of the Act on Social Services;

(ii) housing under section 115(4), cf. section 105(2), of the Act on Social Housing and Subsidised Dwellings in Private Housing Cooperatives etc.;

(iii) institutions under the hospital service;

(iv) institutions under the Prison and Probation Service;

(v) housing, accommodation facilities, etc., replacing and corresponding to accommodation facilities, etc., under paragraphs (i)-(iv); or

(vi) placement facilities for children and young persons under sections 67 and 66 of the Act on Social Services.

(3) Where the residential municipality is entitled to reimbursement under subsection 2(vi) hereof, such reimbursement right shall continue if measures are initiated pursuant to section 76(3) of the Act on Social Services.

(4) The residential municipality shall be entitled to reimbursement under subsection (1) hereof where a person has moved to a corresponding facility in another municipality subject to

(i) section 108(2) and section 192 of the Act on Social Services

(ii) section 58a of the Act on Social Housing and Subsidised Dwellings in Private Housing Cooperatives etc. or

(iii) the Act on Private Care Dwellings

(5) The residential municipality shall be entitled to reimbursement where a person is accommodated in a facility as mentioned in subsections (2)-(4) hereof and the former residential municipality knew the circumstances motivating such accommodation and intervention was obviously needed. A residential municipality shall also be entitled to reimbursement under subsection (1) hereof where a child or a young person is placed in accommodation facilities, cf. section 66 of the Act on Social Services, as a result of the former residential municipality's decision to return the child or young person to his/her home, when the decision to return the child or young person was obviously unfounded.

(6) The residential municipality shall reimburse expenses for personal and practical assistance pursuant to section 83 of the Act on Social Services during a person's temporary stay in another municipality; cf. section 9b(1) hereof. The residential municipality shall also reimburse expenses for constant care allowance and subsidies for nursing requisites, etc., cf. sections 120 and 122 of the Act on Social Services, during a person's stay in another municipality; cf. section 9b(2) hereof. In cases falling within sections 9(7) and 9a(7), reimbursement in accordance with the first and second sentences hereof shall be granted by the municipality that is obliged to provide assistance under the Act on Social Services.

(7) The municipality that was the pensioner's residential municipality at the time the pension was awarded shall reimburse the residential municipality's expenses for anticipatory pension pursuant to Part 3 and section 52(1) of the Act on Social Pensions for up to six years as from the time the pensioner was awarded anticipatory pension. Reimbursement pursuant to subsections (2), (4) and (5) hereof shall postpone the right to reimbursement under the first sentence hereof.

(8) The expenses for which the residential municipality may receive coverage pursuant to subsections (2)-(6) above are the residential municipality's actual expenses. The actual expenses comprise a proportionate share of common expenses and expenses for management and administration stemming from the operation of a facility. If a rate or a price requirement has been fixed pursuant to the Act on Social Services, the residential municipality shall be entitled to reimbursement corresponding to this rate or price requirement.

(9) The right to reimbursement pursuant to subsections (2), (4) and (5) above shall exist for as long as the citizen resides in the relevant residential accommodation or a corresponding accommodation facility. The obligation of a former residential municipality to reimburse expenses incurred for a citizen's stay in an institution pursuant to section 110 of the Act on Social Services shall exist until the citizen has taken residence in a new municipality.

(10) Outside the cases listed in subsections (2)-(5) above, municipalities may agree between themselves that a former residential municipality shall continue to pay the cost of assistance under the Acts listed in subsection (1) hereof. Any such agreement shall specify the duration thereof.

(11) Any claim against a former residential municipality under subsections (2)-(7) above shall be raised within 3 years from the provision of the assistance. Notwithstanding the foregoing, any claim under the Act on Social Services shall be raised within 12 months of the provision of the assistance.

Municipal cooperation

9d. Subject to prior application, the Minister for Social Affairs and Integration may permit for the obligation to provide assistance pursuant to sections 9 and 9a above to be assigned to another municipality, where such assignment takes place as an element in a common inter-municipal out-of-hours placement service.

Part 3a

Duty of information etc.

Disclosure etc.

10. In considering cases coming under this Act, the authority shall be responsible for ensuring it has the amount of information needed to make a decision.

11.—(1) The authority may request persons applying for or receiving assistance to

(i) help procure such information as is necessary to determine the type of assistance to which they are entitled; and

(ii) be subjected to a medical examination or be admitted for observation and treatment as an element in the case handling procedure.

(2) A person receiving assistance shall inform the relevant authority of any changes likely to affect such assistance.

11a.—(1) Subject to the prior consent of the person claiming or receiving assistance, the authority may demand that other public authorities, educational institutions, hospitals, doctors, psychologists, authorised health service personnel in general and persons acting under the responsibility of these individuals, unemployment insurance funds, banks, employers and private individuals performing assignments on behalf of the public authorities disclose information about the relevant person that is necessary for considering the case. This also applies to information about a person's purely private circumstances and other confidential information, and the authority can obtain medical records, hospital records or transcripts thereof. The authority may require that a judicial examination be conducted in pursuance of section 1018 of the Administration of Justice Act if the information is not furnished.

(2) Without prior consent, the authority may require other public authorities and unemployment insurance funds to provide information about financial circumstances and holiday details in respect of the person claiming or receiving assistance and his/her spouse or cohabiting partner for use in considering an individual case or for general verification purposes. Similar information may be retrieved on other members of the household. Information may be shared and compared with data from the authority's own, other authorities' and the unemployment insurance funds' IT systems when this is necessary for checking whether the conditions for granting assistance have been met, including for subsequent control of whether mistakes have been made or abuse has occurred when the assistance was granted. The information can be obtained even if the person that the information concerns is not a resident of the municipality requesting the information.

(3) The municipal council may demand without the consent of the citizen to receive necessary information about financial circumstances from banks and employers for random checks in cases falling within the Act on Social Pensions and the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc. for the purpose of checking the pensioner's income and property. Such information may be compared against any other information about financial circumstances that is possessed by the municipality for the purpose of checking whether abuse has occurred in connection with payment of social pension.

(4) Access to information under subsection (2) hereof that relates to holidays earned, holiday allowance earned, the time for taking holidays and payment of holiday pay, and which is duly registered with the Labour Market Holiday Fund, shall be by way of the electronic access facility made available by the Labour Market Holiday Fund.

(5) The authority may gain terminal access to the necessary information as mentioned in subsections (1) and (2) above in the income register; cf. section 7 of the Act on an Income Register. To the extent that information as mentioned in subsection (1) or (2) above is available in the income register, the authority shall obtain the information from such register, but see subsection (4) above.

(6) In case of a complaint filed with the National Social Appeals Board, consent to obtain information pursuant to section 11a(1) may be obtained when the citizen, in a written acknowledgement of receipt of the complaint, is notified of the type of information he or she may be required to furnish and is given a deadline for objecting to such action. The same shall apply to cases considered by Udbetaling Danmark under the Act on Social Pensions and the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc. for persons resident outside Denmark.

11b. If the citizen does not provide his assistance, cf. section 11(1)(i) and (ii) above, or does not consent to the authority's obtaining information, cf. section 11a(1) above, the authority shall consider the case regarding assistance on the basis of the available material, unless the information can be obtained without consent, cf. sections 11a(2) and 11c above.

11c.—(1) If the consideration of the case so necessitates, the requirement as to consent pursuant to section 11a(1) and (6) may be derogated from in cases regarding

(i) special support to children and young persons pursuant to Part 11 of the Act on Social Services, where the authority may of its own motion commence a case or make a decision without the consent of the parents, and in connection with investigations pursuant to section 50 of the Act on Social Services;

(ii) anticipatory pension, where the authority may of its own motion commence a case or make a decision in a case without having received the relevant person's application, cf. section 17 of the Act on Social Pensions;

(iii) withdrawal of anticipatory pension, cf. section 44(1) of the Act on Social Pensions and withdrawal of or transfer to another pension, cf. section 44(1) of the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc.;

(iv) repayment of social services; and

(v) inter-municipal reimbursement, cf. section 9c, in respect of the following information about the citizen for which reimbursement is granted:

- a) Personal code number.
- b) Authority to pay the expense.
- c) Elements of the expense.
- d) Number of units.

(2) If necessary for the consideration of a case pursuant to subsection (1)(i) hereof, the authority may also, without the consent of the person concerned, request private individuals with knowledge of the circumstances to give information necessary for the consideration of the case. In making such request, the authority shall inform the person asked that he/she is not obliged to answer.

(3) In cases pursuant to section 1(i), the authority may, without the consent of the person concerned, request information pursuant to section 11a(1) and obtain information pursuant to section 11c(2) above about persons who are parties to the case and about the co-habiting partner or spouse of the custodial parent.

(4) Notwithstanding the access to obtain information without the consent of the person concerned, cf. subsections (1)-(3) hereof, the authority must try to obtain the person's consent to obtain such information.

The authority's duty of disclosure

12. The authority shall notify the citizen in writing about

- (i) the authority's access to obtain information pursuant to sections 11a and 11c above and to perform inspections pursuant to section 12a;
- (ii) the access to exchange information and perform inspections pursuant to Part 3 of the Act on Udbetaling Danmark ;
- (iii) the consequences if the citizen fails to assist, cf. section 11b;
- (iv) the types of changes likely to affect the assistance; and
- (v) the possibility that the citizen may receive a claim for repayment and possibly be charged for violating section 289a of the Penal Code and under section 12b of this Act or section 14 of the Act on Udbetaling Danmark if the citizen fails to inform the relevant authority of changes likely to affect the assistance.

Inspection

12 a.—(1) The municipal authority shall at all times without a court order have access to the premises etc. of a business as well as to workplaces outside the business premises for the purpose of checking the information about citizens' pay and working conditions that forms the basis for payment of cash benefits and financial subsidies from Udbetaling Danmark as well as cash benefits and financial subsidies from the municipality in cases comprised by this Act. The inspection may be performed for general verification purposes or for use in an individual case. The municipal authority may perform inspection visits at businesses located in the municipality. The municipal authority may also perform inspection visits at businesses located in other municipalities by agreement with the municipality in which the business is located. The municipal authority shall not have access to perform the inspection in private homes without a court order.

(2) The municipal authority may inspect the business' records on the citizen's pay and working conditions regardless of whether such information is available in manual or electronic records. Material deemed to be of importance for further inspection shall be surrendered on request or filed with the municipal authority.

(3) The officer representing the municipal authority shall prove his/her identity before the inspection commences.

(4) The owners of the business and its employees shall assist the municipal authority in performing the inspection.

(5) The municipal council may order an employer to register information about employees on a daily basis. The information to be registered is the same as the information that the National Director of Labour has laid down under the authority of section 91(4) of the Act on Unemployment Insurance, etc.

(6) The municipal council shall only order the employer to register information, cf. subsection (5) hereof, if, during an inspection, cf. subsection (1), the municipal authority finds that the employer's registrations are insufficient.

(7) Registrations pursuant to subsection (5) shall at all times be shown to the municipal authority on request.

(8) Persons engaged in the company at the time of inspection can be requested to state their name, address and date of birth, term of employment and wage and employment terms and whether they currently receive social or employment-related services.

(9) The police shall assist the municipal authority. The Minister for Social Affairs and Integration may lay down rules to that effect in consultation with the Minister for Justice and the Minister for Employment.

Punishment

12b.—(1) Unless other legislation imposes stricter sanctions, a person shall be liable to pay a fine if such person, by exercising gross negligence, provokes, corroborates or exploits a misconception by the authority by misrepresenting the truth or by omitting to give information about circumstances impacting on the assistance, cf. section 11(1)(i) and (2) above, and thus inflicts an economic loss on the authority.

(2) An employer who fails to fulfil the obligations resting on the employer pursuant to section 12a(5) and (7) shall be liable to pay a fine.

(3) Criminal liability may be imposed on companies etc. (legal persons) under the provisions of Part 5 of the Criminal Code.

Other exchange of information

12c. For the purpose of preparing care tasks, etc. pursuant to section 79a and Part 16 of the Act on Social Services and the Health Act and for use in following up cases pursuant to sections 8-10 of the Act on Sickness Benefits, municipal councils and hospitals may exchange information about the admission to and discharge from hospitals of citizens in the municipality. The information may be exchanged automatically and without the consent of the citizen.

12d. For the purpose of considering cases pursuant to the Workers' Compensation Act and following up cases pursuant to sections 8-10 of the Act on Sickness Benefits, the National Board of Industrial Injuries and municipal councils may exchange information on the opening of industrial injury cases and cases on sickness benefits, rehabilitation, flexible working arrangements and anticipatory pension. In industrial injury cases and cases about sickness benefits, rehabilitation, flexible working arrangements and anticipatory pension, the National Board of Industrial Injuries and the municipal councils may also exchange information on retrieval of case information documenting working capacity and exchange information to the effect that a decision has been made on working capacity. The information may be exchanged automatically and without the consent of the citizen.

13. (Repealed).

14. The municipal council may disclose information to pharmacies stating name, civil registration number and the individual allowance percentage in respect of any person receiving an individual allowance for medical expenses. Such information may be provided electronically and without the consent of the person concerned.

Part 4

The municipality

Duties of the municipal council

15. The municipal council shall be responsible for and determine the way in which the municipality is to plan and carry out the social and public health activities in accordance with social legislation.

16. The municipal council shall supervise the discharge of municipal duties, cf. section 15 above. Such supervision shall include the content as well as the implementation of the facilities provided.

16 a.—(1) The municipal council shall, for crime-prevention purposes, supervise persons who, under a judgment or order or under terms for dismissal of charges or probation, must be subjected to supervision by the social authorities. Such supervision shall be performed by the municipality which is obliged to provide assistance, cf. sections 9 and 9a. The municipal council may decide on accommodation in any type of accommodation facility specified in section 108 of the Act on Social Services.

(2) The Minister for Social Affairs and Integration may lay down rules governing the supervision performed by the social authorities.

Consideration of individual cases at municipal council meetings

17. Where a case concerning assistance to individual persons is considered at a municipal council meeting, such a meeting shall be held behind closed doors.

Children and young persons committee

18. The municipal council shall set up a children and young persons committee responsible for making decisions concerning children and young persons, cf. section 74 of the Act on Social Services.

19.—(1) The children and young persons committee shall consist of

(i) 2 members elected by the municipal council from among its members;

(ii) the city court judge of the judicial district, provided that where there are several judges in the judicial district the Danish Court Administration shall appoint one of them; and

(iii) 2 educational/psychology experts to be appointed by the state administration for the municipal term of office.

(2) Subject to the same rules, an alternate shall be elected and appointed for each committee member, such alternates being required to attend meetings whenever the relevant member is unable to attend.

(3) The educational/psychology experts appointed under subsection (1)(iii) above may not participate in the consideration of other cases concerning the same person or same family in the public administration, including consideration of cases in the state administration and complaints.

20.—(1) The children and young persons committee shall elect its own chairman and deputy chairman from among the members elected by the municipal council.

(2) The judge shall chair the meetings of the committee and shall ensure that the necessary investigations have been undertaken, decide whether to obtain more information and may require a judicial examination to be conducted under section 1018 of the Administration of Justice Act. The judge shall also provide guidance as to the interpretation and application of the rules and consider and evaluate the information available.

21.—(1) The Minister for Social Affairs and Integration shall lay down the rules of procedure for the children and young persons committee. The Minister for Social Affairs and Integration may be authorised in the rules of procedure to grant exemptions from the requirement in section 19(2) to the effect that an alternate shall be appointed for each member.

(2) The Minister for Economic Affairs and the Interior is authorised to lay down rules governing the remuneration of the chairman and other members elected by the municipal council.

22-48. (Repealed).

Senior citizens councils

30.—(1) Each municipality shall establish at least one senior citizens council. The council members shall be elected through direct elections. The senior citizens council shall advise the municipal council on policy matters relating to the elderly and shall communicate the views of the citizens and the municipal council about matters of local politics concerning the elderly.

(2) The senior citizens council shall consist of not less than 5 members, and an alternate shall be elected for each council member. Party lists and electoral pacts shall not be allowed in connection with elections to senior citizens councils.

(3) The municipal council shall, in cooperation with the senior citizens council, specify the framework for the activities and operation of the council, including agreement on how and to what extent the senior citizens council shall be consulted. If agreement cannot be reached on how and to what extent the senior citizens council shall be consulted, the municipal council shall consult the senior citizens council on all proposals concerning the elderly.

31.—(1) The municipal council shall lay down bylaws governing the senior citizens' council in cooperation with the council. The senior citizens' council shall determine its own rules of procedure.

(2) The municipal council shall pay the cost of the work performed by the senior citizens council and shall make secretarial assistance available to the council if so requested.

(3) The municipal council shall pay attendance fees, compensation for documented loss of earnings and reimbursement of costs according to the provisions of section 16a of the Act on the Management of Local Authorities to the members of the senior citizens councils.

(4) No member of the council is obliged to receive attendance fees or reimbursement of costs to which the member is entitled under subsection (3) hereof.

32.—(1) The municipal council shall ensure that elections for the senior citizens council shall be held at least every 4 years and shall in cooperation with the senior citizens council lay down rules governing the election procedure.

(2) Persons who has attained the age of 60 and reside permanently in the municipality are entitled to vote and are eligible for membership of the senior citizens council.

(3) If the necessary number of candidates has not been nominated 4 weeks prior to the election day, the municipal council may decide, in consultation with the senior citizens council in office, to cancel the election. All nominated candidates shall in such case be elected.

33.—(1) The Minister for Social Affairs and Integration may, upon application from the municipal council, grant exemption from the provisions of sections 30-32.

34-37. (Repealed).

Disability council

37 a.—(1) The municipal council shall establish a disability council. The disability council shall advise the municipal council on matters relating to disability policy and shall communicate the views of the citizens and the municipal council about matters of local politics concerning disabled people.

(2) The municipal council shall consult the disability council on all initiatives affecting disabled people.

(3) The disability council shall consist of 3-7 members from the disability organisations in the municipality appointed on the recommendation of the Disabled Peoples Organisations Denmark and 3-7 members appointed by the municipal council, including some of its own members. The disability council shall elect its own chairman.

(4) The Minister for Social Affairs and Integration shall by order specify the rules governing the activities and composition of the disability council.

Part 5

(Repealed).

Part 6

Tasks left to private individuals

42. (Repealed).

43.—(1) Where an authority delegates duties under the Act on an Active Social Policy, the Act on Active Employment Measures, the Act on Day-Care Facilities, the Act on Sickness Benefits the Act on the Right to Leave of Absence and Daily Cash Benefits in the event of Childbirth and the Act on Social Services to parties other than public authorities, such parties shall be subject to the provisions of the Public Administration Act and the Right of Access to Public Records Act in respect of the duty to be discharged. This provision shall also apply to private day-care facilities; cf. section 19(4)^u and 51(4) of the Day-Care Facility Act, and to private care dwellings.

(2) In the discharge of such duties, cf. subsection (1) above, passing on and obtaining information about individuals shall be subject to sections 27, 29, 31 and 32 of the Public Administration Act. The same shall apply to any independent institution performing work for a municipal council or a regional council.

43a. (Repealed).

Part 7

(Repealed).

Part 8

Udbetaling Danmark

48.—(1) The Minister for Social Affairs and Integration may lay down rules providing that Udbetaling Danmark shall be the competent institution in relation to determining the applicable national social security legislation under the EU rules and agreements on social security.

(2) The Minister for Social Affairs and Integration may lay down rules on how Udbetaling Danmark shall provide technical assistance for the performance of tasks relating to international social security.

49. Udbetaling Danmark shall, upon application, issue documentation of sickness insurance under Articles 22 and 24-27 of Regulation (EC) No. 883/04 on the coordination of social security systems to any person and his/her family members if the person resides in another member state where this regulation is applicable and if the person receives or applies for Danish social pension or Danish public servants pension.

Part 9

National Social Appeals Board

50.—(1) The National Social Appeals Board is the appeals body for administrative decisions as specified by statute.

(2) The Social Appeals Board shall make decisions and order the municipal council to make and enforce decisions pursuant to section 65 of the Act on Social Services.

(3) The Social Appeals Board shall provide secretarial assistance to the Working Environment Appeals Board and the Board of Equal Treatment.

(4) The decisions of the Social Appeals Board shall not be brought before any other administrative authority.

50a. (Repealed).

Composition

51.—(1) Decisions by the Social Appeals Board shall be made

- (i) by the director or any person to whom the director delegates his powers or
- (ii) with the participation of appointed members.

(2) When the Social Appeals Board makes a decision with the participation of appointed members, the decision shall be made by

- (i) the director, the deputy director, a number of assistant secretaries or any other employee who satisfies the educational qualifications requirement set out in subsection (3) hereof and
- (ii) members appointed under section 52 below.

(3) The director, the deputy director and the assistant secretaries of the Social Appeals Board shall hold a degree in law, political science or economics or have similar educational qualifications. They shall be full-time officers of the Social Appeals Board as the appointing authority.

52.—(1) The Minister for Social Affairs and Integration shall determine the number of members and alternates to be appointed by the Minister on the recommendation of

- (i) the Confederation of Danish Employers;

- (ii) the Danish Confederation of Trade Unions;
- (iii) the Salaried Employees' and Civil Servants' Confederation;
- (iv) Local Government Denmark; and
- (v) Disabled Peoples Organisations Denmark.

(2) Members shall be elected for a term of four years. Appointment shall be effective from 1 June of the year following the municipal election year. In the event that appointment is made during a term of office, such appointment shall only last until the end of that term.

(3) Persons who have served as appointed members of the National Social Appeals Board or the Employment Committee of the National Social Appeals Board for two full terms shall not be eligible for membership.

Decisions of the National Social Appeals Board

52a.—(1) The National Social Appeals Board shall make decisions without the participation of appointed members in cases involving complaints against decisions of the municipal council when it is prescribed by statute that the decisions may be appealed to the Social Appeals Board, but see section 52c.

(2) The Social Appeals Board shall make decisions without the participation of appointed members in cases involving complaints against decisions that have been handled by Udbetaling Danmark and where there is no doubt as to the outcome.

(3) In cases falling within subsections (1) and (2) hereof, in the event of urgent cases of need or where this is required for any other reasons, the Social Appeals Board may make a provisional decision. The Social Appeals Board shall make a final decision in the case as soon as possible.

Decisions at meetings

52b. In cases not falling within section 52a hereof, the Social Appeals Board shall make decisions at a meeting, but see section 53(2).

52c.—(1) Where the Social Appeals Board deems that a case falling within section 52a(1) is of fundamental or general public importance, the case shall be decided at a meeting in compliance with the rules on full consideration, cf. section 55(2)(i) below.

(2) In cases falling within section 52a(1), the Social Appeals Board may decide that the case shall be decided at a meeting or by way of a recommended decision submitted in writing to the members, cf. section 53(1)-(3).

Decisions in individual cases

53.—(1) When the Social Appeals Board makes decisions in individual cases at a meeting, the meeting shall be attended by 2 members and 1 assistant secretary, who shall be ex officio chairman. Decisions shall be made by a simple majority of votes.

(2) Where the Social Appeals Board finds that a given case may be suitable for decision without a formal meeting, the Board shall submit a recommended decision to the members. If any member does not wish for the matter to be decided on that basis, the case shall be decided at a formal meeting.

(3) The chairman may stipulate that a decision shall not be effective where it is deemed to be doubtful whether the decision is legal. Subsequently, the case shall be considered at a meeting subject to full consideration, cf. section 55 below.

54.—(1) A member of the National Social Appeals Board may not participate in the hearing of cases relating to a municipality in which the member is either an employee or a member of the municipal council.

Decisions subject to full consideration

55.—(1) 55(1) For the purpose of decisions subject to full consideration, the relevant meeting shall be attended by 2 members and 2 assistant secretaries, one of whom shall be ex officio chairman of the meeting.

(2) Full consideration shall be required in the following cases:

(i) Cases deemed by the Social Appeals Board to be of fundamental or general public importance, cf. section 52c(1).

(ii) Decisions by the children and young persons committee, cf. section 74 of the Act on Social Services.

(iii) Cases on the Social Appeals Board's consent to or approval of adoption without the consent of the custodial parent or other person having custody under sections 9 and 10 of the Adoption Act.

(iv) Cases on detention in the home under section 127 and admission to special accommodation facilities without consent under section 129 of the Act on Social Services.

(v) Decisions stayed pending full consideration, cf. section 53(3) above.

(vi) Any other cases deemed by the director of the Social Appeals Board to be of fundamental or general public importance.

(3) Any such decision shall be made by a simple majority of votes. In case of equality of votes, the chairman shall have the casting vote.

56.—(1) In cases of fundamental or general public importance, the director of the National Social Appeals Board may decide that decisions shall be made at a meeting chaired by the director or deputy director and attended by two members and two assistant secretaries.

(2) Section 55(3) shall apply correspondingly.

Decisions made by one assistant secretary

57. 57 The following decisions shall be made by one assistant secretary:

(i) Whether to reopen a decided case.

(ii) Whether a complaint against a decision on an accommodation facility under Part 20 of the Act on Social Services shall operate to stay execution, cf. section 72(4) hereof.

Rules of procedure etc.

58. The Minister for Social Affairs and Integration shall lay down rules of procedure for the Social Appeals Board.

59. The director of the Social Appeals Board may delegate his statutory powers to the deputy director, the assistant secretaries or any other employees. The director may lay down rules governing the right of the deputy director and the assistant secretaries to delegate their statutory powers to any other employees.

Part 9a

Employment Committee of the National Social Appeals Board

59a.—(1) The National Social Appeals Board shall make decisions without the participation of appointed members in cases involving complaints against decisions of the municipal council when it is prescribed by statute that the decisions may be appealed to the Employment Committee of the Social Appeals Board, but see subsections (2) and (3).

(2) Where the Social Appeals Board deems that a case falling within subsection (1) is of fundamental or general public importance, the case shall be decided at a meeting of the Employment Committee of the Social Appeals Board, cf. subsection (4).

(3) In cases falling within subsection (1), the Social Appeals Board may decide that the case shall be decided at a meeting of the Employment Committee of the Social Appeals Board, cf. subsection (4), or by way of a recommended decision submitted in writing to the members, cf. section 59d(6).

(4) The hearing of complaints filed with the Employment Committee of the Social Appeals Board shall be attended by two assistant secretaries, one of whom shall be ex officio chairman, but see section 59d(5), and one member appointed by the Minister for Employment on the recommendation of each of the following organisations, but see subsection (5):

(i) Local Government Denmark.

(ii) The Danish Confederation of Trade Unions.

(iii) The Confederation of Danish Employers.

(iv) Disabled Peoples Organisations Denmark.

(5) In the hearing of complaints against decisions on the right to sickness benefits or the right to leave of absence and daily cash benefits to seafarers in the event of childbirth, the two members appointed on the recommendation of the Danish Confederation of Trade Unions and the Confederation of Danish Employers shall be replaced by two members appointed by the Minister for Employment on the recommendation of a shipping organisation and an organisation safeguarding the interests of seafarers, respectively.

(6) Section 50(4), section 51(3), section 52a(3), sections 57, 59, 60 and 66-70, section 72(1) and (7) and section 74 hereof shall apply to the hearing of complaints under subsections (1)-(3).

59b.—(1) The Employment Committee of the National Social Appeals Board shall hear complaints against decisions made by a body other than the municipal council where prescribed by statute.

(2) The Employment Committee shall hear complaints, cf. subsection (1) above, where complaints have been brought before the Committee within such time limits for filing complaints as are laid down by legislation. Where no specific deadlines for filing complaints have been set, the time limit set out in section 67(1) hereof shall apply.

(3) The Employment Committee of the National Social Appeals Board shall also consider matters relating to employers' payment of unemployment benefit for the first, second and third days of unemployment under the Act on Unemployment Insurance etc. as well as matters referred to the Committee and relating to employers' observance of the duty of disclosure under the Act on Employers' Duty to Inform Employees of the Terms of Employment.

(4) The hearing of complaints under subsection (1) hereof, but see subsections (5)-(7), shall be attended by two assistant secretaries, one of whom shall be ex officio chairman, but see section 59d(5), and one member appointed by the Minister for Employment on the recommendation of each of the following organisations:

(i) Local Government Denmark.

(ii) The Danish Confederation of Trade Unions.

(iii) The Confederation of Danish Employers.

(5) The hearing of complaints against decisions on subsidies for board and lodging under section 31 of the Act on Vocational Education and Training etc., against decisions on the individual's right to choose any programme of vocationally oriented adult and continuing education up to and including the level of vocational training under Part 8a of the Act on Active Employment Measures and against decisions on compensation for loss of income, compensation paid to the employer, compensation during a lawful labour dispute, travelling subsidies and repayment under section 19 of the Act on Reimbursement of and Subsidies for Travelling Expenses Incurred in Connection with Participation in Vocationally Oriented Adult and Continuing Education shall, in addition to the members mentioned in subsection (4) above, be attended by one further member who shall possess special expert knowledge of these areas and who shall be appointed by the Minister for Employment on the recommendation of the Minister for Children and Education.

(6) The hearing of complaints against decisions on the individual's right to choose any education programme at lower secondary school level and any other programme at the same level, any upper secondary school programme and any higher education programme under Part 8a of the Act on Active Employment Measures shall, in addition to the members mentioned in subsection (4) above, be attended by one further member who shall possess special expert knowledge of the area and who shall be appointed by the Minister for Employment on the recommendation of the Minister for Science, Innovation and Higher Education.

(7) The hearing of matters relating to employers' payment of unemployment benefit for the first, second and third days of unemployment under the Act on Unemployment Insurance etc. shall be attended by two assistant secretaries, one of whom shall be ex officio chairman, and one member from the Danish Confederation of Trade Unions and the Confederation of Danish Employers, respectively. The hearing of complaints against decisions made pursuant to the Holiday Act and matters relating to employers' observance of the duty of disclosure under the Act on Employers' Duty to Inform Employees of the Terms of Employment shall be attended by two assistant secretaries, one of whom shall be ex officio chairman, and one member from the Danish Confederation of Trade Unions and the Confederation of Danish Employers, respectively, but see subsections (8) and (9) below. The members shall be appointed by the Minister for Employment on the recommendation of the confederations.

(8) If an employee or an employer who is a party to a case comprised by the second sentence of subsection (7) hereof is a member of an organisation not affiliated with the Danish Confederation of Trade Unions or the Confederation of Danish Employers, the members specified in subsection (7) shall be supplemented by a representative of the central organisation of the relevant employee or employer organisation. If the case relates to public employers, a member from Local Government Denmark or a representative of Danish Regions or the Ministry of Finance shall attend.

(9) If the employee or employer who is a party to a case comprised by the second sentence of subsection (7) hereof is affiliated with an organisation that is not a member of a central organisation, the members specified in subsection (7) shall be supplemented by a representative of the employee or employer organisation.

(10) The representatives specified in subsections (8) and (9) hereof shall be appointed by the central organisations, the relevant employee or employer organisations, Local Government Denmark, Danish Regions or the Ministry of Finance and shall participate in the Employment Committee's hearing of complaints and matters comprised by the second sentence of subsection (7) and shall have a right to vote.

(11) Section 50(4), section 51(3), section 57(i), section 59, section 67(2), sections 68 and 70, section 72(1) and (8) and section 74 hereof shall apply to the Employment Committee and its hearing of complaints and matters under subsections (1)-(3).

59c.—(1) Subject to negotiations with the Minister for Social Affairs and Integration, the Minister for Employment shall determine the number of members and alternates to be appointed for the Employment Committee of the National Social Appeals Board on the recommendation of the organisations under section 59a(4) and (5) and section 59b(4)-(7) hereof.

(2) Members of the Employment Committee shall be elected for a term of four years. Appointment shall be effective from 1 June of the year following the municipal election year. In the event that appointment is made during a term of office, such appointment shall only last until the end of that term.

(3) The following persons shall not be eligible for membership:

(i) persons employed in a municipality or elected for the municipal council;

(ii) persons employed in or elected for an unemployment insurance fund;

(iii) employers; or

(iv) persons who have previously, for two full terms, been appointed members of the National Social Appeals Board or the Employment Committee of the National Social Appeals Board or have been appointed as members or alternates of the Labour Market Appeals Board.

(4) Notwithstanding subsection (3)(iv) above, the Minister for Employment may decide that appointment exceeding two full terms may be allowed if it would otherwise be impossible to appoint the necessary members for the Labour Market Appeals Board.

59d.—(1) The Employment Committee shall perform its activities through meetings, but see subsection (6) below and section 59a(1).

(2) The Employment Committee shall constitute a quorum when the members and any representatives required to participate in the hearing of the individual case, cf. section 59a(4) and (5) and section 59b(4)-(9), are present.

(3) Decisions shall be made by a simple majority of votes. In the event of an equality of votes, the chairman shall have a casting vote.

(4) If the chairman finds that doubt can be raised as to whether a decision is legal, he/she may decide that the decision shall not be effective. The case shall then be considered in accordance with subsection (5) below.

(5) The director of the Social Appeals Board may decide that a decision shall be made at a meeting chaired by the director or deputy director and where three assistant secretaries attend together with the members and representatives appointed to participate under section 59a(4) and (5) or section 59b(4)-(9).

(6) Where the Social Appeals Board finds that a given case may be suitable for decision without a formal meeting, the Board shall submit a recommended decision to the members. If any member does not wish for the matter to be decided on that basis, the case shall be decided at a formal meeting.

59e. The Minister for Social Affairs and Integration shall lay down rules of procedure for the Employment Committee of the National Social Appeals Board.

Part 10

General complaints procedure

Right of appeal

60.—(1) Where specified by legislation, decisions of the municipal council, including decisions of the job centre, may be brought before the National Social Appeals Board or the Employment Committee of the National Social Appeals Board.

(2) Only the person affected by the decision may file a complaint against the decision. However, complaints against decisions in matters on distortion of competition under section 33(1) and sections 49 and 65 of the Act on Active Employment Measures may also be brought before the Employment Committee of the National Social Appeals Board by any other person who has a significant interest in the decision.

(3) Decisions on the general service level, including the facilities and places available in the municipality and the rates charged for such facilities, may not be brought before any other administrative complaints body.

60a. (Repealed).

61. In the event of any disagreement between municipalities as to their respective obligations and duties, the case may be brought before the National Social Appeals Board.

62. Any disagreement as to the powers of Udbetaling Danmark may be brought before the Social Appeals Board. The person affected by the decision, the municipal council and Udbetaling Danmark may file the case.

63. (Repealed).

64. (Repealed).

64a.—(1) Decisions made by Udbetaling Danmark may be brought before the Social Appeals Board by the person affected by the decision to the extent provided for in the statutes mentioned in section 1 of the Act on Udbetaling Danmark . Part 9 and sections 66-70 and 72 shall apply to the consideration of cases from Udbetaling Danmark by the Social Appeals Board.

(2) The same shall apply to

- (i) decisions on assistance to Danes residing abroad under section 6 of the Act on an Active Social Policy;
- (ii) decisions on survivor's allowance to persons who are subject to Danish social security legislation, cf. section 85a(8) of the Act on an Active Social Policy, under the EC Regulation on the coordination of social security systems; and
- (iii) decisions on the applicable national social security legislation made by Udbetaling Danmark in compliance with rules issued under section 48(1).

65.—(1) Any decision made by the municipal council in compliance with the rules of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement²⁾ and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (the Hague Child Protection Convention) may be brought before the Social Appeals Board. The complaints shall be processed in accordance with the provisions of this Act.

(2) The Social Appeals Board may hear decisions in compliance with the rules of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (the Hague Child Protection Convention) in cases where the decision of the children and young persons committee has been brought before the Social Appeals Board.

(3) Persons and authorities who have a legal interest in the case may complain against the decision.

Duty to review a case

66.—(1) Prior to the hearing of a complaint, the authority making the decision shall consider whether there are any grounds for deciding in the complainant's favour in whole or in part. Consequently, a complaint shall be filed first with the authority making the decision. Where a decision has been made by way of delegation of authority, cf. section 9(9), the complaint shall be submitted to and considered by the municipality which is obliged under section 9(7) or section 9a(7) to provide assistance in accordance with the Act on Social Services.

(2) Where the said authority cannot accept the complaint, the complaint shall be referred to the complaints body, stating the reasons for the original decision and the review. The Minister for Social Affairs and Integration may lay down rules to the effect that the authority shall use a special form for the review. The Minister may lay down more detailed rules thereon.

Time limits

67.—(1) Complaints shall be filed with the Social Appeals Board within 4 weeks from the date on which the complainant was given notice of the decision.

(2) The director of the Social Appeals Board may disregard any non-compliance with the time limit for submitting appeals on special grounds. Decisions to disregard time limits and decisions on the calculation of such time limits may not be brought before any other administrative authority.

Procedure

68.—(1) The Social Appeals Board shall not be bound by the respective claims of the parties and shall be independent of any instructions concerning the decision of the individual case.

(2) The decisions available to the Social Appeals Board shall be dismissal, affirmation, remission, cancellation or amendment of the original decision.

69. The Social Appeals Board may review legal questions.

70. The decisions of the Social Appeals Board shall be in writing and shall be reasoned. The decisions shall be published in accordance with the rules of procedure for the Social Appeals Board and the Employment Committee.

71. (Repealed).

Stay of execution

72.—(1) Complaints against decisions shall not operate to stay execution, but see subsections (2)-(6) below.

(2) Complaints pursuant to section 166 or 167 of the Act on Social Services against decisions on the return of a child and the length of the transitional period under section 68(2) of the Act on Social Services, decisions on the choice of placement facility under section 68b(1) of the Act on Social Services and decisions on a change of facility under section 69 of the Act on Social Services shall operate to stay execution. Where required by special circumstances, the municipal council shall, at the time when it makes a decision on the choice of placement facility or a change of facility, also make a decision on immediate implementation of the decision. The decision to implement a decision immediately shall not be brought before any other administrative authority.

(3) A complaint against a decision that a child or young person shall not remain in care, cf. section 76(3)(i) of the Act on Social Services, shall operate to stay execution.

(4) Upon application, the Social Appeals Board may stay the execution of any decision on accommodation facilities under Part 20 of the Act on Social Services.

(5) An appeal to the Social Appeals Board against admission to a special accommodation facility without consent under section 129 of the Act on Social Services shall operate to stay execution. Where required by special circumstances, the state administration shall decide to implement such admission immediately upon making the decision. Any decision to discontinue a stay of execution shall not be brought before the Social Appeals Board.

(6) Complaints against Udbetaling Danmark's claim for repayment of overpaid housing benefits pursuant to section 47 of the Act on Individual Housing Benefits shall operate to stay execution.

(7) If amending a decision to the detriment of the applicant, the Social Appeals Board shall also determine the effective date of such amendment.

(8) When making decisions on the granting of subsidies for the purchase of cars, cf. section 114(1) and (2) of the Act on Social Services, the Social Appeals Board shall make decisions providing for the termination of the grant, repayment of loans, etc.

Judicial review

73.—(1) Decisions by the Social Appeals Board under the Act on Social Services may be brought before the court subject to the special provisions of Part 43a of the Administration of Justice Act:

(i) Detention in the home under section 127.

(ii) Admission to special accommodation facilities without consent under section 129.

(iii) Decisions relating to decisions by the children and young persons committee under the provisions of section 169.

The decision of the Social Appeals Board shall be available within 8 weeks.

(2) In their decisions of cases under subsection (1) hereof, the Social Appeals Board shall specify the right to claim judicial review and the time limit within which such claim shall be made.

Authorisations

74. Subject to negotiation with the Minister for Employment, the Minister for the Interior and Social Affairs shall lay down rules governing the complaints and appeals procedure, including rules stipulating the time limits within which complaints etc. must be filed and referred.

75. (Repealed).

Part 11

Coordination of administrative practice

76. The National Social Appeals Board shall take national coordination measure to ensure that decisions which may be brought before the Social Appeals Board or the Employment Committee of the Social Appeals Board are decided in accordance with legislation. The Social Appeals Board shall observe the practice of the municipalities and the job centres and shall provide guidance on practice.

77. The Minister for Social Affairs and Integrations and the Minister for Employment may request the Social Appeals Board to review the decisions of the municipal councils.

78. (Repealed).

79. The Social Appeals Board may, in the discharge of its duties pursuant to section 76, request copies of relevant decisions for reviewing purposes. Information about the decisions shall be available in both written and electronic form.

79a.—(1) The municipal council shall hold a meeting to consider the Social Appeals Board's investigations of the municipality's practice.

(2) The Social Appeals Board may decide that the municipal council shall notify the Board of the municipal council's consideration of a case, including any measures ensuing from the outcome of the investigation. The Social Appeals Board may fix a deadline for such notification.

Advisory Practice Committee

80.—(1) The Social Appeals Board shall set up a national advisory committee to support its efforts to coordinate practice, cf. section 76 hereof.

(2) The committee shall keep under review and advise the Social Appeals Board of practice coordination measures to be undertaken by the Social Appeals Board. The committee shall also advise the Social Appeals Board on criteria for selecting the complaints that may be selected for consideration with the participation of appointed members, cf. section 52c(2) and section 59a(3).

(3) Once a year the Social Appeals Board shall prepare a report for the committee on the procedure for handling complaints against the decisions of the municipal council, cf. section 52a(1) and section 59a(1).

81. The director of the Social Appeals Board shall be ex officio chairman of the committee. The other members shall be appointed by the Social Appeals board on the recommendation of:

- (i) Local Government Denmark;
- (ii) the Confederation of Danish Employers;
- (iii) the Danish Confederation of Trade Unions;
- (iv) the Salaried Employees' and Civil Servants' Confederation and
- (v) Disabled Peoples Organisations Denmark.

Part 12

Statistics, analysis, information, etc.

82. The municipal councils and the regional councils shall procure and submit statistical data etc. as requested by the Minister for Social Affairs and Integration.

83.—(1) The municipal councils shall provide information to the Ministry of Social Affairs and Integration about decisions and expectations pertaining to developments in the social area, including the objectives they have set for such developments.

(2) The municipal councils shall contribute to the planning of special subjects or themes and shall participate in municipal panels and procure further information about developments in specific areas.

84. The Minister for Social Affairs and Integration shall lay down rules governing the scope of such information, cf. sections 82 and 83 above, and the updating and submission thereof.

Part 13

Accounting, auditing, etc.

85. Subject to consultation with the Minister for Employment, the Minister for Social Affairs and Integration shall lay down specific rules governing authorisation for payment of central government reimbursements and subsidies, accounting and auditing.

86. Subject to consultation with the Minister for Employment, the Minister for Social Affairs and Integration shall issue an executive order laying down rules on payment of the cost of medical certificates, transportation, etc. imposed on applicants by an authority where such costs are not reimbursable under any other legislation.

Part 14

Councils etc.

Danish Disability Council

87.—(1) The Minister for Social Affairs and Integration shall set up a Danish Disability Council to advise on issues relating to disabled persons. The state shall cover the cost of the Council's work.

(2) The Minister for Social Affairs and Integration shall lay down rules governing the composition and duties of the Council.

Council Responsible for Social Initiatives on the Inclusive Labour Market

(Social Council)

87a. (Repealed).

National Council for Children

88.—(1) The Minister for Social Affairs and Integration shall set up a National Council for Children aimed at acting as a spokesperson for children to safeguard their interests. The Council shall be composed so as to ensure an independent and interdisciplinary representation. In pursuing its activities as a spokesperson, the Council shall inform and advise the Danish Government and Parliament on the role of children in society and shall work to secure children's rights. Another duty of the Council shall be to assess and provide information on children's conditions in Denmark. The Council shall include children's views in its work and may, in pursuing its activities as a spokesperson, request institutions where children reside or are present for permission to visit them.

(2) The state shall cover the cost of the Council's work. The Minister for Social Affairs and Integration shall lay down rules governing the composition and duties of the Council.

Part 15

Commencement etc.

89.—(1) This Act shall come into force on 1 July 1998.

(2) The rehabilitation and pensions boards shall be abolished on 30 June 1998. Cases under section 14(1) and (2) and sections 16 and 18 of the Act on Social Pensions and under sections 43 and 58 of the Act on Social Services in respect of which municipal authorities have submitted recommendations to the boards, and which have not been decided by the rehabilitation and pensions boards on or before the said date shall be referred to the social complaints boards established under section 44 above. Cases relating to any municipal decisions brought before the boards that have not been decided on or before the said date shall likewise be referred to the social complaints boards. Such cases shall be decided and be subject to appeal under the provisions of the Act on Social Pensions and the Social Assistance Act in force until 1 July 1998. The term of office of the chairman and members of the rehabilitation and pensions boards shall expire on 30 June 1998.

(3) The social appeals boards shall be abolished on 30 June 1998. Cases not decided on or before the said date shall be referred to the social complaints boards. The cases shall be decided and be subject to appeal under the former rules. The term of office of the chairman and members of the social appeals boards shall expire on 30 June 1998.

(4) The initial term of office for members of the social complaints boards, cf. section 44 above, shall commence on 1 July 1998 and expire on 30 June 2002.

(5) The Benefits Committee, cf. section 33 of the Act on Benefits in the event of Illness or Maternity, shall be abolished on 31 May 1999. The term of office of the chairman and members shall expire on the same date.

(6) Any powers delegated by the municipal or county council to an independent institution subject to agreement with the municipal or county council, cf. section 9(2) of the Social Assistance Act, shall be retained under the rules formerly in force.

(7) The Coordination Committee, cf. section 24 above, shall be established on or before 31 December 1998.

(8) Municipalities that have established senior citizens councils prior to 1 January 1996 shall establish councils satisfying the conditions of sections 30-33 above on or before 1 January 1999.

90. This Act shall not extend to the Faeroe Islands and Greenland.

Act No. 1069 of 17 December 2002 contains the following commencement provisions. (The legislative amendment pertains to sections 9a and 72. The amendment concerns the extension of the scope of the Act on Legal Protection and Administration in Social Matters to include the Act on Individual Housing Benefits.)

3.

(1) This Act shall come into force on 1 January 2003.

(2) The Act shall apply to decisions made on this date or later, even where the decisions concern payment or repayment of housing benefits relating to a period before 1 January 2003.

(3) Agreements made in pursuance of section 76(3) of the Act on Individual Housing Benefits on inter-municipal reimbursement shall remain in force as long as the person in question lives in the dwelling allocated, or until the agreement is terminated. Any disagreement between municipal authorities as to their respective obligations under the agreement may be brought before the social complaints board in pursuance of section 61 of the Act on Legal Protection and Administration in Social Matters.

Act No. 397 of 28 May 2003 contains the following commencement provisions. (The legislative amendment pertains to section 9. The amendment concerns an independent action municipality for children placed in care as well as consultation and involvement of children in the consideration of their cases.)

3.

(1) The Act shall come into force on 1 July 2003 and shall apply to cases in which the child is placed in care on this date or later. Section 2(ii) shall also apply to cases in which a decision is made pursuant to Part 8 of the Act on Social Services, irrespective of whether a decision to place the child in care was made in the case before 1 July 2003.

(2) Children and young persons placed in care prior to 1 July 2003 have an independent residential municipality in the municipality that was the child's or young person's residential municipality on 30 June 2003, even where the child's or young person's parents subsequently moves to another municipality, but see section 9(4), second and third sentences, of the Act on Legal Protection and Administration in Social Matters as stated in section 1(i).

Act No. 1168 of 19 December 2003 contains the following commencement provisions. (The legislative amendment pertains to sections 9-9d and 43a. The amendment concerns specification of residential municipality, inter-municipal reimbursement for stays outside the residential municipality and inter-municipal reimbursement of anticipatory pension when a person moves from one municipality to another, authorisation for municipal cooperation on social standby duties and remuneration to members of the regional development councils.)

4.

(1) This Act shall come into force on 1 January 2004.

(2) Reimbursement pursuant to section 9c(5), as stated in section 1(ii) of this Act, includes expenses for anticipatory pension awarded on 1 January 2004 or later. Increases after 1 January 2004 of anticipatory pension awarded before 1 January 2004 are not covered by section 9c(5).

(3) Reimbursement pursuant to section 9c(6), as stated in section 1(ii) of this Act, includes expenses for assistance provided on 1 January 2004 or later, even where the service was awarded and initiated before this date.

(4) Section 9a(4) includes children and young persons under 18 placed in care on 1 July 2003 or later. The residential municipality of children and young persons under 18 placed in care before 1 July 2003 shall be the municipality that was the child's or young person's residential municipality on 30 June 2003. Such municipality shall be entitled to reimbursement from the municipality that was liable to pay reimbursement on 30 June 2003 for expenses for accommodation facilities for children and young people pursuant to sections 49 and 51 of the Act on Social Services.

Act No. 1418 of 21 December 2005 contains the following commencement provisions. (The amendment concerns the duty of action in case of disagreement, inter-municipal reimbursement in case of passivity, pricing of inter-municipal reimbursement, inter-municipal reimbursement for constant care allowance, access to obtain information in connection with the duty of reimbursement and consideration of practice investigation at a meeting.)

3.

(1) Section 1 shall come into force on 1 January 2006.

(2) Section 2 shall come into force on 1 January 2007.

(3) In the Act on Legal Protection and Administration in Social Matters as stated by this Act, reimbursement pursuant to section 9c(5) shall include reimbursement for measures initiated on 1 January 2006 or later.

(4) In the Act on Legal Protection and Administration in Social Matters as stated by this Act, reimbursement pursuant to section 9c(6) shall include reimbursement for constant care allowance, etc. paid on 1 January 2006 or later.

(5) The calculation rule set out in section 9c(8) shall apply to claims relating to services supplied on 1 January 2006 or later.

Act No. 550 of 26 May 2010 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 9, 9a, 9c, 11c, 60a and 66. The amendment concerns the connection between assessment powers and financing responsibility in the specialised social area.)

3.

(1) This Act shall come into force on 1 August 2010.

(2) Section 9(1), (7)-(9) and (11), section 9a(7), section 9c(6), section 60a and section 66(1) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(i)-(v), (vii) and (viii) of this Act, and section 14(3), section 136(1) and section 148(1) and (2) of the Act on Social Services, as stated in section 2(i)-(iv) of this Act, shall apply to persons who, after the commencement of the Act, obtain accommodation in any accommodation facility etc. comprised by section 9(7)-(9) and section 9a(7) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(ii) and (iv) of this Act.

(3) Section 9(1), (7)-(9) and (11), section 9a(7), section 9c(6), section 60a and section 66(1) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(i)-(v), (vii) and (viii) of this Act, and section 14(3), section 136(1) and section 148(1) and (2) of the Act on Social Services, as stated in section 2(i)-(iv) of this Act, shall apply to persons who, at the time of the commencement of the Act, obtain accommodation in any accommodation facility etc. comprised by section 9(7)-(9) and section 9a(7) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(ii) and (iv) of this Act, and who are still staying in such a facility on 1 January 2011, but see subsection (4).

(4) Notwithstanding the aforesaid, prior to 1 October 2010 a municipal council may decide, with due consideration being given to the circumstances of the person concerned and for administrative purposes, not to take over the obligation to provide assistance under the Act on Social Services to the persons mentioned in subsection (3) above. The decision mentioned in the first sentence hereof not to take over the obligation to provide assistance may be brought before the social complaints board by the person affected by the decision pursuant to Part 10 of the Act on Legal Protection and Administration in Social Matters.

(5) For the purpose of considering a case about a decision made under subsection (4) and for the purpose of taking over the obligation to provide assistance under subsection (3) without the consent of the person affected by the decision, a municipality may demand that the residential municipality disclose any information about the relevant person that is necessary for considering the case.

(6) If it is established after 1 September 2010 that a person's staying in an accommodation facility at the time of the commencement of the Act fell within section 9(7)-(9) or section 9a(7) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(ii) and (iv) of this Act, the municipality obliged to provide assistance under subsection (3) hereof shall take over this obligation four months after the date when it was established that the stay fell within the provisions. The municipal council in the municipality taking over the obligation may, not later than three months before the municipality takes over the obligation to provide assistance under the Act on Social Services, decide, pursuant to subsection (4) hereof, not to take over the obligation to provide assistance.

4.

(1) In regard to children and young persons under 18 placed in care before 1 July 2003, the obligation to provide assistance under the Act on Social Services shall be taken over by the municipality that is liable to pay reimbursement pursuant to the third sentence of section 4(4) of Act No. 1168 of 19 December 2003 to amend the Act on Legal Protection and Administration in Social Matters and other Acts when the young person attains the age of 18 if the young person, in immediate continuation of the placement, obtains accommodation in any accommodation facility comprised by section 9(7) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(ii) of this Act.

(2) Subsection (1) hereof shall apply to persons who, after the commencement of this Act, obtain accommodation in an accommodation facility comprised by section 9(7) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(ii) of this Act, but see subsection (3) below.

(3) If the municipal council which, pursuant to subsections (1) and (2) hereof, is required to take over the obligation to provide assistance under the Act on Social Services, was not the residential municipality of the young person immediately prior hereto, the municipal council may decide, before the young person attains the age of 18, with due consideration being given to the circumstances of the person concerned and for administrative purposes, not to take over the obligation to provide assistance under the Act on Social Services to the person concerned. The decision mentioned in the first sentence hereof not to take over the obligation to provide assistance may be brought before the social complaints board pursuant to Part 10 of the Act on Legal Protection and Administration in Social Matters.

(4) As from 1 January 2011, subsection (1) hereof shall further apply to persons who, after the commencement of this Act, obtain accommodation in an accommodation facility comprised by section 9(7) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(ii) of this Act, and who are still staying in such a facility on 1 January 2011, but see subsection (5) below.

(5) Notwithstanding the aforesaid, prior to 1 October 2010 a municipal council may decide, with due consideration being given to the circumstances of the person concerned and for administrative purposes, not to take over the obligation to provide assistance under the Act on Social Services to the persons mentioned in subsection (4) above. The decision mentioned in the first sentence hereof not to take over the obligation to provide assistance may be brought before the social complaints board pursuant to Part 10 of the Act on Legal Protection and Administration in Social Matters.

(6) For the purpose of considering a case about a decision made under subsection (3) or (5) hereof and for the purpose of taking over the obligation to provide assistance under subsection (1), cf. subsections (2) and (4), from a former residential municipality without the consent of the person affected by the decision, a municipality may demand any information about the relevant person that is necessary for considering the case.

(7) If it is established after 1 September 2010 that a person's staying in an accommodation facility at the time of the commencement of the Act fell within section 9(7)-(9) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(ii) of this Act, the municipality obliged to provide assistance under subsection (4) hereof shall take over this obligation four months after the date when it was established that the stay fell within the provisions. The municipal council in the municipality taking over the obligation may, not later than three months before the municipality takes over the obligation to provide assistance under the Act on Social Services, decide, pursuant to subsection (5) hereof, not to take over the obligation to provide assistance.

Act No. 326 of 11 April 2012 contains the following commencement provisions. (The legislative amendment pertains to sections 9, 12, 12a, 53, 64a and 72. The amendment concerns the division of government responsibility between the municipalities and Udbetaling Danmark etc.)

25.

(1) This Act shall come into force on 1 October 2012, but see subsections (2)-(4).

(2) (Omitted).

(3) Section 7(i) and sections 13, 14 and 16 of the Act shall come into force on 1 December 2012.

(4) Sections 1-3 a, section 7(vii) and sections 15, 17 and 24 of the Act shall come into force on 1 March 2013.

26.

(1) Cases where government authority passes to Udbetaling Danmark pursuant to sections 1-5, 9, 13 and 24 of this Act and which, at the time of the commencement of the Act, have not been decided or closed in the municipality shall be conclusively considered by Udbetaling Danmark.

(2) If the citizen has given his/her consent to the municipality under section 11a(1) of the Act on Legal Protection and Administration in Social Matters in a policy area which, pursuant to sections 1-5 and 13 of this Act, is referred for consideration by Udbetaling Danmark, Udbetaling Danmark may consider the case without obtaining consent anew. If the citizen has given his/her consent to the social complaints board or the employment appeals board under section 11a(5) of the Act on Legal Protection and Administration in Social Matters in a policy area which, pursuant to sections 1-5 and 13 of this Act, is referred for consideration by Udbetaling Danmark, the National Social Appeals Board may consider the case without obtaining consent anew.

(3) Decisions made by the municipality before the commencement of the Act in policy areas which, pursuant to sections 1-5, 9 and 13 of this Act, are referred to Udbetaling Danmark, and against which appeals or complaints are lodged after the commencement of the Act for the respective policy areas, may be brought before the Social Appeals Board as the first and only administrative appeals body, cf. section 64a of the Act on Legal Protection and Administration in Social Matters. Section 66 of the Act on Legal Protection and Administration in Social Matters on the obligation to review the case shall not apply.

(4) Cases where government authority passes to Udbetaling Danmark pursuant to sections 1-5, 9 and 13 of this Act and which, before the commencement of the Act for the respective policy areas, have been brought before the social complaints board or the employment appeals board, and which have not been decided at the time of the commencement of the Act for the respective policy areas, shall be conclusively considered by the Social Appeals Board as the first and only administrative appeals body.

(5) Decisions under sections 1-5, 9 and 13 of this Act which, before the commencement of the Act for the respective policy areas, have been made by the social complaints boards or the employment appeals board, may be appealed to the Social Appeals Board or the Employment Committee of the Social Appeals Board under the rules previously in force. Section 66 of the Act on Legal Protection and Administration in Social Matters on the obligation to review the case shall not apply.

(6) Any claim the municipality may have against the citizen or any claim the citizen may have against the municipality pursuant to sections 1-5, 9 and 13 of the Act at the time of the commencement of the Act for the respective policy area shall be transferred to Udbetaling Danmark. Notwithstanding the aforesaid, claims in respect of which the municipality has initiated collection of claims for repayment shall remain with the municipality unless the claim is collected by way of set-off or is deducted from a benefit paid by Udbetaling Danmark after the commencement of the Act for the respective policy areas, or in the event that Udbetaling Danmark makes a new decision concerning the same claim.

(7) At the time of the commencement of the Act for section 3, Udbetaling Danmark shall assume the role of new creditor in relation to security for any and all loans in the form of declarations of debt, owner's mortgages or all-moneys mortgage under Part 7 of the Act on Individual Housing Benefits which were established before the commencement of the Act.

(8) In policy area where government authority passes to Udbetaling Danmark pursuant to sections 4, 5 and 9 of this Act, the City of Copenhagen shall, on or before 1 August 2012, forward an electronic copy of all cases in which the municipality made a final decision in the period from 1 January 2011 to 1 March 2012. Udbetaling Danmark may use the relevant cases exclusively for training purposes and only in the period from 1 August 2012 to 30 September 2012.

(9) In policy area where government authority passes to Udbetaling Danmark pursuant to section 13 of this Act, the City of Copenhagen shall, on or before 1 October 2012, forward an electronic copy of all cases in which the municipality made a final decision in the period from 1 January 2011 to 1 March 2012. Udbetaling Danmark may use the relevant cases exclusively for training purposes and only in the period from 1 October 2012 to 30 November 2012.

(10) In policy area where government authority passes to Udbetaling Danmark pursuant to sections 1-3 and 24 of this Act, the City of Copenhagen shall, on or before 1 January 2013, forward an electronic copy of all cases in which the municipality made a final decision in the period from 1 January 2011 to 1 March 2012. Udbetaling Danmark may use the relevant cases exclusively for training purposes and only in the period from 1 January 2013 to 28 February 2013.

27.

(Omitted).

Act No. 596 of 18 June 2012 contains the following commencement provisions. (The legislative amendment pertains to sections 9c, 45 and 78. The amendment concerns the inclusion of vocational and financial considerations, the determination of service levels, reimbursement for particularly expensive individual cases, settlement deadlines and the assignment of higher priority to the presence of legal experts on the social complaints boards, etc.)

3.

This Act shall come into force on 1 September 2012.

4.

(1) Section 1(v) and section 2(i) shall apply only to assistance under the Act on Social Services provided after the commencement of the Act.

(2) Section 2(ii)-(vi) shall apply only to decisions made by the social complaints boards after the commencement of the Act.

Act No. 1380 of 23 December 2012 contains the following commencement and transitional provisions. (The legislative amendment pertains to section 11c. The amendment concerns the reform of anticipatory pension and flexible working arrangements, including the introduction of resource-clarifying processes, rehabilitation teams, flexjob subsidies, etc.)

21.

(1) This Act shall come into force on 1 January 2013, but see subsections (2)-(6) and (8) below.

(2)-(8) (Omitted).

22.

(Omitted).

23.

(Omitted).

Act No. 493 of 21 May 2013 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 2, 5a, 11a, 44, 45, 47, 51, 52, 52a, 52b, 52c, 53, 55, 57, 59, 59a, 59b, 59c, 59d, 60, 60a, 61, 63, 65, 66, 67, 68, 69, 70, 71, 72, 76, 77, 78, 79, 79a, 80, 81 and 82. The amendment concerns a simplification of the complaints structure in the areas of social affairs and employment)

25.

This Act shall come into force on 1 July 2013.

26.

(1) Cases which have been brought before the social complaints boards or the employment appeals boards and which have not been decided at the time of the commencement of the Act shall be conclusively considered by the National Social Appeals Board or the Employment Committee of the National Social Appeals Board pursuant to Parts 9, 9a and 10 of the Act on Legal Protection and Administration in Social Matters, as amended by section 1 of this Act.

(2) In cases where the Social Appeals Board, before the commencement of the Act, has been requested to accept a complaint for consideration under section 59a(2) or section 63 of the Act on Legal Protection and Administration in Social Matters, and where a decision as to whether the decision satisfies the conditions for being eligible for consideration by the Social Appeals Board has not yet been made at the time of the commencement of this Act, such decision shall be made pursuant to the former provisions of section 57(i), cf. sections 59a and 63 of the Act on Legal Protection and Administration in Social Matters in the social area. Cases accepted for consideration in accordance with the first sentence hereof shall be considered by the Social Appeals Board or the Employment Committee of the Social Appeals Board pursuant to Parts 9, 9a and 10 of the Act on Legal Protection and Administration in Social Matters, as amended by section 1 of this Act.

(3) Cases which the Social Appeals Board, before the commencement of the Act, has accepted for consideration under section 59a(2) or section 63 of the Act on Legal Protection and Administration in Social Matters and which have not yet been decided at the time of the commencement of this Act, shall be considered by the Social Appeals Board or the Employment Committee of the Social Appeals Board pursuant to Parts 9, 9a and 10 of the Act on Legal Protection and Administration in Social Matters, as amended by section 1 of this Act.

Act No. 494 of 21 May 2013 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 2, 11a, 48, 49, 62, 64 and 64a. The amendment concerns the transfer of the duties of the Pension Agency to Udbetaling Danmark)

11.

(1) This Act shall come into force on 1 June 2013.

(2) Udbetaling Danmark shall conclusively consider cases in policy areas which, as a result of sections 3-6 of the Act, are referred for consideration by Udbetaling Danmark and which have not been finally closed by the Pension Agency. The Danish Tax and Customs Administration shall conclusively consider cases which, as a result of section 9 of the Act, are referred for consideration by the Tax and Customs Administration if the cases have not been decided by the Pension Agency at the time of the commencement of the Act.

(3) Udbetaling Danmark may consider cases under subsection (2) hereof without obtaining consent anew if the citizen has given his/her consent to the Pension Agency under section 11a(1) of the Act on Legal Protection and Administration in Social Matters.

(4) Udbetaling Danmark shall take over any claim the Pension Agency may have against the citizen and any claim the citizen may have against the Pension Agency at the time of the commencement of the Act in regard to cases which, as a result of sections 3-5 of the Act, are transferred to Udbetaling Danmark.

Act No. 495 of 21 May 2013 contains the following commencement provisions. (The amendment pertains to section 16a. The amendment concerns crime-preventing social measures)

3.

(1) This Act shall come into force on 1 July 2013, but see subsection (2) below.

(2) The time of the commencement of section 1(i) and (ii) shall be determined by the Minister for Social Affairs and Integration.

Ministry of Social Affairs and Integration, 8 August 2013

For the Minister
Jesper Zwisler

/ Lone Larsen

Official notes

¹¹ In consequence of the amendment to section 19 by Act No. 631 of 16 June 2011, should be section 19(5).

²¹ Misprint in Danish text, should be "fuldbyrdelse" (enforcement).