
Summary

Sigrid Stokstad and Kjell Harvold

National Government Inspection. Considerations around a clarity principle and threshold for documentation.

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This project has focused on possible changes of the National Government Inspection (NGI) regime between the state and the municipalities. Especially, we have focused on consequences of the implementation of a “clarity principle”, inspired by the Danish legal systems. Furthermore, we have studied different possibilities for introducing a maximum documentation threshold, demanded by state authorities.

Our research approach has been twofold: We have studied available literature on how NGI towards the municipalities are working. In addition, we did perform interviews with six specially selected Norwegian municipalities. The Danish system has also been mapped through a twofold approach: Partly through interviews with Danish experts in the field, and partly through studies of available Danish literature.

Our study indicates that the Danish clarity principle has little relevance in the Norwegian legal system. At the same time, our study provides a basis for pointing out some other elements that may contribute to limit NGI towards the municipalities. We point out that changes need to be done in NGI initial phases. Reduction in the demand for documentation in connection with NGI should be considered. At the same time, our research indicates that also other elements should be looked upon.

Most of the measures suggested to reduce NGI, can be implemented within the existing legal system. When it comes to possible legal changes, we have considered how a clarity principle can be shaped, within the Norwegian legal system and how a threshold for documentation may be outlined.