

## **2024 Questionnaire of the 2nd Study Commission IAJ-UIM**

### **“Written submissions – when do they turn from a help to a hindrance”**

#### **Answers from Iceland**

##### **1. Are there limits for written submissions in civil litigations in your jurisdiction in terms of the maximum length?**

Generally speaking, such limits are not applicable in civil litigations in Iceland, although a court might find that an extremely long submission should be disallowed as its excessive length entails that the party has provided unclear submissions to the court, thus in breach of the Icelandic law on civil procedure.

The court authority (Dómstólasýslan) has the legal authority under the Icelandic law on civil procedure to enact limits on the maximum length of written submissions. Currently, the enactment of non-binding guidelines on the maximum length of written submissions is under careful consideration by the court authority (Dómstólasýslan). In case non-binding guidelines prove insufficient to solve the problem of excessively long written submissions, the court authority (Dómstólasýslan) may consider enacting binding rules on the subject.

##### **2. Are there time limits for filing written submissions?**

In general, written submissions are provided at the early stages of the case, both for civil cases and criminal cases. The principle of orality applies in Icelandic law, which means that written submissions are usually only submitted at the beginning of the proceedings, i.e. a statement of claim and a response/defence. The defendant is granted a time limit of four weeks to file the response, but the court has some discretion to grant extensions. Before the higher courts, written submissions take the form of appeal documents, which are also subject to time limits.

##### **3. Are there limits in terms of a maximum number of additional submissions in a case?**

In practice, before the district courts each party only provides written submission once. In case the applicant wishes to put forward further claims, that may lead to an additional set of application and defence. The same applies if the defendant decides to counter-sue, for example by making claims that go beyond acquittal. Such further claims and counterclaims are not particularly common. A further claim by the applicant is subject to the court finding that the applicant has not shown negligence by not providing his full claim at the outset of the proceedings. A counterclaim by the defendant is subject to strict time limits, i.e. 30 days from the date of the initiation of the proceedings by the applicant.

It may be noted that the district court judge, may ask the parties to provide a written summary of their arguments at a later stage, but this is rarely done in practice and is not an opportunity to add new arguments into the case.

**4. Are there rules, including penalties or cost implications, for breaches of these requirements?**

Causing a delay in civil proceedings may lead to a court fine, but in practice the consequences of a late response will usually only be that the party in question is considered not to have delivered any response. This may lead to the disallowance of a defence.

**5. Are these limits or requirements effective in terms of reducing the number and length of written submission and the time spent preparing for and determining a case?**

Unfortunately, in recent years there has been an increase in the number of written submissions that have proved to be excessive in length in Iceland. However, as noted earlier since the submissions tend to be provided at the outset of the proceedings there tends to be no delay at a later stage caused by further written submissions.

**6. What is the effect of written submissions on any hearing which subsequently takes place?**

The written submissions lay out the statements of fact and arguments for the claims of each party. A party will usually not be able to deviate from those statements and arguments unless it is done to favour the opposing party.

**7. Comments or suggestions as to what could otherwise prove to be effective**

In Iceland, the court authority (Dómstólasýslan) is strongly considering enacting non-binding guidelines in order to reduce the length of written submissions.