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The Constitutional Act of Denmark

THE CONSTITUTIONAL ACT OF DENMARK
OF JUNE 5, 1953
(Translation)

PART I

§1

This Constitutional Act shall apply to all parts of the Kingdom of Denmark.

§2

The form of government shall be that of a constitutional monarchy. Royal authority shall be inherited by men and women in accordance with the provisions of the Act of Succession to the Throne of March 27, 1953.

§3

Legislative authority shall be vested in the King and the Folketing conjointly. Executive authority shall be vested in the King. Judicial authority shall be vested in the courts of justice.

§4

The Evangelical Lutheran Church shall be the Established Church of Denmark, and as such shall be supported by the State.

PART II

§5

The King shall not reign in other countries except with the consent of the Folketing.

§6

The King shall be a member of the Evangelical Lutheran Church.

§7

The King shall be of age when he has completed his eighteenth year. The same provision shall apply for the Heir to the Throne.

§8

The King shall, prior to his accession to the throne, make a solemn declaration in writing before the Council of State that he will faithfully adhere to the Constitutional Act. Two identical originals of the declaration shall be executed, one of which shall be delivered to the Folketing for preserving in its archives, while the other shall be filed in the Public Record Office. When, because of absence or for other reasons, the King is unable to sign the aforesaid declaration immediately on his accession to the throne, government shall, unless otherwise provided by statute, be conducted by the Council of State until such declaration has been signed. When the King has already, as Heir to the Throne, signed the throne immediately it becomes vacant.

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§11

in power in the event of the minority, illness, or absence of the King shall become vacant and there be no Heir to the Throne, the Folketing shall exercise the power of the King until his accession to the throne.

duration of his reign by statute. Such statute shall also provide for the Heir to the Throne shall be placed at the disposal of the King for his use.

any debt.

Members of the Royal House may be granted annuities by statute. Such annuities shall not be enjoyed outside the Realm except with the consent of the Folketing.

PART III

§12

Subject to the limitations laid down in this Constitutional Act, the King shall have supreme authority in all the affairs of the Realm, and shall exercise such supreme authority through the Ministers.

§13

The King shall not be answerable for his actions; his person shall be sacrosanct. The Ministers shall be responsible for the conduct of government; their responsibility shall be defined by statute.

§14

The King shall appoint and dismiss the Prime Minister and the other Ministers. He shall decide upon the number of Ministers and upon the distribution of the duties of government among them. The signature of the King to resolutions relating to legislation and government shall make such resolutions valid, provided that the signature of the King is accompanied by the signature or signatures of one or more Ministers. A Minister who has signed a resolution shall be responsible for the resolution.

§15

(1) A Minister shall not remain in office after the Folketing has approved a vote of no confidence in him.

(2) When the Folketing passes a vote of no confidence in the Prime Minister, he shall ask for the dismissal of the Ministry unless writs are to be issued for a general election. Where a vote of censure has been passed on a Ministry, or it has asked for its dismissal, it shall continue in office until a new Ministry has been appointed. Ministers who remain in office as aforesaid shall perform only what may be necessary to ensure the uninterrupted conduct of official business.

§16

Ministers may be impeached by the King or the Folketing for maladministration of office. The High Court of the Realm shall try cases of impeachment brought against Ministers for maladministration of office.

§17

(1) The body of Ministers shall form the Council of State, in which the Heir to the Throne shall have a seat when of age. The Council of State shall be presided over by the King except in the instance mentioned in section 8, and in instances where the legislature in pursuance of section 9 may have delegated the conduct of government to the Council of State.

(2) All Bills and important government measures shall be discussed in the Council of State.

§18

Should the King be prevented from holding a Council of State he may entrust the discussion of any matter to a Council of Ministers. Such Council of Ministers shall consist of all the Ministers, and shall be presided over by the Prime Minister. The vote of each Minister shall be entered in a minute book, and any question shall be decided by a majority of votes. The Prime Minister shall submit the minutes, signed by the Ministers present, to the King, who shall decide whether he will immediately consent to the recommendations of the Council of Ministers, or have the matter brought before him in a Council of State.

§19

(1) The King shall act on behalf of the Realm in international affairs, but, except with the consent of the Folketing, the King shall not undertake any act whereby the territory of the Realm shall be increased or reduced, nor shall he enter into any obligation which for fulfilment requires the concurrence of the Folketing or which is otherwise of major importance; nor shall the King, except with the consent of the Folketing, terminate any international treaty entered into with the consent of the Folketing.

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armed attack upon the Realm or Danish forces the King shall not use the consent of the Folketing. Any measure which the King may take in submitted to the Folketing. If the Folketing is not in session it shall be

members a Foreign Affairs Committee, which the government shall importance to foreign policy. Rules applying to the Foreign Affairs

m under this Constitutional Act may, to such extent as shall be al authorities set up by mutual agreement with other states for the peration.

(2) For the enactment of a Bill dealing with the above, a majority of five-sixths of the members of the Folketing shall be required. If this majority is not obtained, whereas the majority required for the passing of ordinary Bills is obtained, and if the Government maintains it, the Bill shall be submitted to the electorate for approval or rejection in accordance with the rules for referenda laid down in section 42.

§21

The King may cause Bills and other measures to be introduced in the Folketing.

§22

A Bill passed by the Folketing shall become law if it receives the Royal Assent not later than thirty days after it was finally passed. The King shall order the promulgation of statutes and shall ensure that they are carried into effect.

§23

In an emergency the King may, when the Folketing cannot assemble, issue provisional laws, provided that they shall not be at variance with the Constitutional Act, and that they shall always, immediately on the assembling of the Folketing, be submitted to it for approval or rejection.

§24

The King shall have the prerogative of mercy and of granting amnesty. The King may grant Ministers a pardon for sentences passed upon them by the High Court of the Realm, subject to the consent of the Folketing.

§25

The King may, either directly or through the relevant government authorities, make such grants and grant such exemptions from the statutes as are either warranted under the rules existing before June 5, 1849, or have been warranted by a statute passed since that date.

§26

The King may cause money to be minted as provided by statute.

§27

(1) Rules governing the appointment of civil servants shall be laid down by statute. No person shall be appointed a civil servant unless he be a Danish subject. Civil servants who are appointed by the King shall make a solemn declaration of loyalty to the Constitutional Act.

(2) Rules governing the dismissal, transfer, and pensioning of civil servants shall be laid down by statute – see section 64.

(3) Civil servants appointed by the King shall be transferred without their consent only provided that they do not suffer loss of income in respect of their posts or offices, and that they have been offered the choice of such transfer or retirement on pension under the general rules and regulations.

PART IV

§28

The Folketing shall consist of one assembly of not more than one hundred and seventy-nine members, of whom two members shall be elected in the Faeroe Islands and two members in Greenland.

§29

(1) Any Danish subject who is permanently domiciled in the Realm, and who has the age qualification for suffrage as provided for in sub-section (2) of this section shall have the right to vote at Folketing elections, provided that he has not been declared incapable of conducting his own affairs. It shall be laid down by statute to what extent conviction and public assistance amounting to poor relief within the meaning of the law shall entail disfranchisement.

(2) The age qualification for suffrage shall be as determined by the referendum held under the Act dated March 25, 1953. Such age qualification for suffrage may be altered at any time by statute. A Bill passed by the Folketing for the Royal Assent only when the provision for altering the age qualification for suffrage has been passed in accordance with sub-section (5) of section 42, and which has not

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ing elections shall be eligible for membership of the Folketing, unless
es of the public makes him unworthy to be a member of the Folketing.

the Folketing shall not require permission from the Government to

ed by general and direct ballot.

(2) Rules for the exercise of the suffrage shall be laid down by the Election Act, which, to secure equal representation of the various opinions of the electorate, shall prescribe the manner of election and decide whether proportional representation shall be adopted with or without elections in single-member constituencies.

(3) In determining the number of seats to be allotted to each area account shall be taken of the number of inhabitants, the number of electors, and the density of population.

(4) The Election Act shall provide rules governing the election of substitutes and their admission to the Folketing, as well as rules for the procedure to be adopted where a new election is required.

(5) Special rules for the representation of Greenland in the Folketing may be laid down by statute.

§32

(1) The members of the Folketing shall be elected for a period of four years.

(2) The King may at any time issue writs for a new election, with the effect that the existing seats shall be vacated upon a new election, except that writs for an election shall not be issued after the appointment of a new Ministry until the Prime

Minister has appeared before the Folketing.

(3) The Prime Minister shall cause a general election to be held before the expiration of the period for which the Folketing has been elected.

(4) No seats shall be vacated until a new election has been held.

(5) Special rules may be provided by statute for the commencement and termination of Faroes and Greenland representation in the Folketing.

(6) If a member of the Folketing becomes ineligible his seat in the Folketing shall become vacant.

(7) On approval of his election each new member shall make a solemn declaration of loyalty to the Constitutional Act.

§33

The Folketing shall itself determine the validity of the election of any member and decide whether a member has lost his eligibility or not.

§34

The Folketing shall be inviolable. Any person who attacks its security or freedom, or any person who issues or obeys any command aimed thereat, shall be deemed guilty of high treason.

PART V

§35

(1) A newly elected Folketing shall assemble at twelve o'clock noon on the twelfth weekday after the day of election, unless the King has previously summoned a meeting of its members.

(2) Immediately after the proving of the mandates the Folketing shall constitute itself by the election of a President and vicepresidents.

§36

(1) The sessional year of the Folketing shall begin on the first Tuesday of October, and shall continue until the first Tuesday of October of the following year.

(2) On the first day of the sessional year at twelve o'clock noon the members shall assemble for a new session of the Folketing.

§37

The Folketing shall elect a President and two Vice-Presidents. The Government has its seat, except that in extraordinary circumstances it may be summoned to the Folketing.

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The Prime Minister shall render an account of the general state of the Government.

at a general debate.

At the meetings of the Folketing, stating the Order of the Day. The President may, on request being made in writing by at least two-fifths of the members of the Folketing, suspend the Order of the Day.

§40

Ministers shall be entitled to attend the sittings of the Folketing ex officio and to address the Folketing during the debates as often as they may desire, provided that they abide by the rules of procedure of the Folketing. They shall be entitled to vote only when they are members of the Folketing.

§41

(1) Any member of the Folketing shall be entitled to introduce Bills and other measures.

(2) No Bill shall be finally passed until it has been read three times in the Folketing.

(3) Two-fifths of the members of the Folketing may request of the President that the third reading of a Bill shall not take place until twelve weekdays after it has passed the second reading. The request shall be made in writing and signed by the members making it. There shall be no such postponement in connection with Finance Bills, Supplementary Appropriation Bills, Provisional Appropriation Bills, Government Loan Bills, Naturalization Bills, Expropriation Bills, Indirect Taxation Bills, and, in emergencies, Bills the enactment of which cannot be postponed because of the intent of the Act.

(4) In the case of a new election, and at the end of the sessional year, all Bills and other measures which have not been finally passed shall be void.

§42

(1) Where a Bill has been passed by the Folketing, one-third of the members of the Folketing may, within three weekdays from the final passing of the Bill, request of the President that the Bill be submitted to a referendum. Such request shall be made in writing and signed by the members making the request.

(2) Except in the instance mentioned in sub-section 7, no Bill which may be submitted to a referendum (see sub-section (6)), shall receive the Royal Assent before the expiration of the time limit stated in sub-section (1), or before a referendum requested as aforesaid has taken place.

(3) Where a referendum on a Bill has been requested the Folketing may, within a period of five weekdays from the final passing of the Bill, resolve that the Bill shall be withdrawn.

(4) Where the Folketing has made no resolution in accordance with sub-section (3), notice that the Bill is to be submitted to a referendum shall be given without delay to the Prime Minister, who shall then cause the Bill to be published together with a statement that a referendum is to be held. The referendum shall be held, in accordance with the decision of the Prime Minister, not less than twelve and not more than eighteen weekdays after the publication of the Bill.

(5) At the referendum votes shall be cast for or against the Bill. For the Bill to be rejected, a majority of the electors who vote and not less than thirty per cent of all persons who are entitled to vote, shall have voted against the Bill.

(6) Finance Bills, Supplementary Appropriation Bills, Provisional Appropriation Bills, Government Loan Bills, Civil Servants (Amendment) Bills, Salaries and Pensions Bills, Naturalization Bills, Expropriation Bills, Taxation (Direct and Indirect) Bills, as well as Bills introduced for the purpose of discharging existing treaty obligations shall not be submitted to decision by referendum.

This provision shall also apply to the Bills referred to in sections 9, 8, 10, and 11, and to such resolutions as are provided for in section 19, if existing in the form of a law, unless it has been prescribed by a special Act that such resolutions shall be submitted to referendum. Amendments to the Constitutional Act shall be governed by the rules laid down in section 88.

(7) In an emergency a Bill which may be submitted to a referendum may receive the Royal Assent immediately after it has been passed, provided that the Bill contains a provision to this effect. Where, under the rules of sub-section (1), one-third of the members of the Folketing request a referendum on the Bill or on the Act to which the Royal Assent has been given, such referendum shall be held in accordance with the above rules. Where the Act is rejected by the referendum an announcement to that effect shall be made by the Prime Minister without undue delay, and not later than fourteen days after the referendum was held. From the date of such announcement the Act shall become ineffective.

which referenda shall be held in the Faroe Islands and in Greenland,

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except by statute; nor shall any man be conscripted or any public loan

ute.

owners of real property shall be laid down by statute.

(1) A Finance Bill for the next fiscal year shall be submitted to the Folketing not later than four months before the beginning of such fiscal year.

(2) Where it is expected that the reading of the Finance Bill for the next fiscal year will not be completed before the commencement of that fiscal year, a Provisional Appropriation Bill shall be laid before the Folketing.

§46

(1) Taxes shall not be levied before the Finance Act or a Provisional Appropriation Act has been passed by the Folketing.

(2) No expenditure shall be defrayed unless provided for by the Finance Act passed by the Folketing, or by a Supplementary Appropriation Act, or by a Provisional Appropriation Act passed by the Folketing.

§47

(1) The Public Accounts shall be submitted to the Folketing not later than six months after the expiration of the fiscal year.

(2) The Folketing shall elect a number of auditors. Such auditors shall examine the annual Public Accounts and ensure that all the revenues of the State have been duly entered therein, and that no expenditure has been defrayed unless provided for by the Finance Act or some other Appropriation Act. The auditors shall be entitled to demand all necessary information, and shall have right of access to all necessary documents. Rules providing for the number of auditors and their duties shall be laid down by statute.

(3) The Public Accounts, together with the Auditors' Report, shall be submitted to the Folketing for its decision.

§48

The Folketing shall lay down its own rules of procedure, including rules governing its conduct of business and the maintenance of order.

§49

The sittings of the Folketing shall be public, except that the President, or such number of members as may be provided for by the rules of procedure, or a Minister, shall be entitled to demand the removal of all unauthorized persons, whereupon it shall be decided without debate whether the matter shall be debated at a public or a secret session.

§50

In order that a decision may be made, more than one-half of the members of the Folketing shall be present and take part in the voting.

§51

The Folketing may appoint committees from among its members to investigate matters of general importance. Such committees shall be entitled to demand written or oral information both from private citizens and from public authorities.

§52

The election by the Folketing of members to sit on committees and of members to perform special duties shall be according to proportional representation.

§53

With the consent of the Folketing, any member thereof may submit for discussion any matter of public interest and request a statement thereon from the Ministers.

§54

Petitions may be submitted to the Folketing only through one of its members.

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ment by the Folketing of one or two persons, who shall not be and military administration of the State.

ply by their own consciences and not by any directions given by their

d or imprisoned in any manner whatsoever without the consent of the . Outside the Folketing no member shall be held liable for his

utterances in the Folketing save by the consent of the Folketing.

§58

The members of the Folketing shall be paid such remuneration as may be provided for in the Electoral Act.

PART VI**§59**

(1) The High Court of the Realm shall consist of up to fifteen of the senior ordinary members of the highest court of justice in the Realm (according to length of office) and an equal number of members elected for six years by the Folketing according to proportional representation. One or more substitutes shall be elected for each elected member. No member of the Folketing shall be elected a member of the High Court of the Realm, nor shall a member of the Folketing act as a member of the High Court of the Realm. Where, in a particular instance, some of the members of the highest court of justice in the Realm are prevented from taking part in the trial of a case, an equal number of the members of the High Court of the Realm last elected by the Folketing shall retire from their seats.

(2) The High Court of the Realm shall elect a president from among its members.

(3) Where a case has been brought before the High Court of the Realm, the members elected by the Folketing shall retain their seats in the High Court of the Realm for the duration of such case, even if the period for which they were elected has expired.

(4) Rules for the High Court of the Realm shall be provided by statute.

§60

(1) The High Court of the Realm shall try such actions as may be brought by the King or the Folketing against Ministers.

(2) With the consent of the Folketing, the King may also cause other persons to be tried before the High Court of the Realm for crimes which he may deem to be particularly dangerous to the State.

§61

The exercise of judicial authority shall be governed only by statute. Extraordinary courts of justice with judicial authority shall not be established.

§62

The administration of justice shall always remain independent of executive authority. Rules to this effect shall be laid down by statute.

§63

(1) The courts of justice shall be empowered to decide any question relating to the scope of the executive's authority; though any person wishing to question such authority shall not, by taking the case to the courts of justice, avoid temporary compliance with orders given by the executive authority.

(2) Questions relating to the scope of the executive's authority may by statute be referred for decision to one or more administrative courts, except that an appeal against the decision of the administrative courts shall be referred to the highest court of the Realm. Rules governing this procedure shall be laid down by statute.

§64

In the performance of their duties the judges shall be governed solely by the law. Judges shall not be dismissed except by judgement, nor shall they be transferred against their will, except in such cases where a rearrangement of the courts of justice is made. A judge who has completed his sixty-fifth year may, however, be retired, but without loss of income up to the time when he is due for retirement on account of age.

§65

(1) In the administration of justice all proceedings shall to the widest possible extent be public and oral.

(2) Laymen shall participate in criminal proceedings. The cases and the form in which such participation shall take place, shall be provided for by statute.

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be laid down by statute.

for the worship of God in a manner according with their convictions, or public order shall be taught or done.

No one shall be liable to make personal contributions to any denomination other than the one to which he adheres.

§69

Rules for religious bodies dissenting from the Established Church shall be laid down by statute.

§70

No person shall by reason of his creed or descent be deprived of access to the full enjoyment of civic and political rights, nor shall he escape compliance with any common civic duty for such reasons.

PART VIII**§71**

(1) Personal liberty shall be inviolable. No Danish subject shall, in any manner whatsoever, be deprived of his liberty because of his political or religious convictions or because of his descent.

(2) A person shall be deprived of his liberty only where this is warranted by law.

(3) Any person who is taken into custody shall be brought before a judge within twenty-four hours. Where the person taken into custody cannot be immediately released, the judge shall decide, in an order to be given as soon as possible and at the latest within three days, stating the grounds, whether the person taken into custody shall be committed to prison; and in cases where he can be released on bail, shall also determine the nature and amount of such bail. This provision may be departed from by statute as far as Greenland is concerned, if for local considerations such departure may be deemed necessary.

(4) The pronouncement of the judge may be separately appealed against at once to a higher court of justice by the person concerned.

(5) No person shall be remanded in custody for an offence which can involve only punishment by fine or mitigated imprisonment (hæfte).

(6) Outside criminal procedure, the legality of deprivation of liberty not executed by order of a judicial authority, and not warranted by legislation relating to aliens, shall at the request of the person so deprived of his liberty, or the request of any person acting on his behalf, be brought before the ordinary courts of justice or other judicial authority for decision. Rules governing this procedure shall be provided by statute.

(7) The persons referred to in sub-section (6) shall be under supervision by a board set up by the Folketing, to which board the persons concerned shall be permitted to apply.

§72

The dwelling shall be inviolable. House search, seizure, and examination of letters and other papers, or any breach of the secrecy that shall be observed in postal, telegraph, and telephone matters, shall not take place except under a judicial order, unless particular exception is warranted by statute.

§73

(1) The right of property shall be inviolable. No person shall be ordered to surrender his property except where required in the public interest. It shall be done only as provided by statute and against full compensation.

(2) Where a Bill has been passed relating to the expropriation of property, one-third of the members of the Folketing may, within three weekdays from the final passing of such Bill, demand that it shall not be presented for the Royal Assent until new elections to the Folketing have been held and the Bill has again been passed by the Folketing assembling thereafter.

(3) Any question of the legality of an act of expropriation, and the amount of compensation, may be brought before the courts of justice. The hearing of issues relating to the amount of the compensation may by statute be referred to courts of justice established for such purpose.

§74

Any restraint on the free and equal access to trade, which is not based on the public interest, shall be abolished by statute.

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rights shall be made to guarantee work for every able-bodied citizen on

dependants shall, where no other person is responsible for his or their maintenance, provided that he shall comply with the obligations imposed by

the instruction in primary schools. Parents or guardians making their own positive instruction equivalent to the general primary school standard shall be taught in a publicly provided school.

§77

Any person shall be at liberty to publish his ideas in print, in writing, and in speech, subject to his being held responsible in a court of law. Censorship and other preventive measures shall never again be introduced.

§78

- (1) Citizens shall, without previous permission, be free to form associations for any lawful purpose.
- (2) Associations employing violence, or aiming at the attainment of their object by violence, by instigation to violence, or by similar punishable influence on persons holding other views, shall be dissolved by court judgement.
- (3) No association shall be dissolved by any government measure; but an association may be temporarily prohibited, provided that immediate proceedings be taken for its dissolution.
- (4) Cases relating to the dissolution of political associations may, without special permission, be brought before the Supreme Court of Justice of the Realm.
- (5) The legal effects of the dissolution shall be determined by statute.

§79

Citizens shall, without previous permission, be at liberty to assemble unarmed. The police shall be entitled to be present at public meetings. Open-air meetings may be prohibited when it is feared that they may constitute a danger to the public peace.

§80

In the event of riots the armed forces may not take action, unless attacked, until after the crowd has three times been called upon to disperse in the name of the King and the law and such warning has gone unheeded.

§81

Every male person able to bear arms shall be liable with his person to contribute to the defence of his country under such rules as are laid down by statute.

§82

The right of municipalities to manage their own affairs independently, under State supervision, shall be laid down by statute.

§83

All legislative privileges attaching to nobility, title, and rank shall be abolished.

§84

No fiefs, estates tail in land, or estates tail in personal property shall in future be created.

§85

The provisions of sections 71, 78, and 79 shall be applicable only to the defence forces, subject to such limitations as are consequential to the provisions of military laws.

PART IX

§86

The age qualification for local government electors and congregational council electors shall be that applying at any time to Folketing electors. In respect of the Faroe Islands and Greenland, the age qualification for local government electors and congregational council electors shall be as may be provided for by statute, or determined in accordance with statute.

§87

Citizens of Iceland who enjoy equal rights with citizens of Denmark under the Danish-Icelandic Union (Abolition), etc., citizenship under the provisions of the Constitutional Act.

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s of a new constitutional provision, and the Government wish to
or the election of members of a new Folketing. If the Bill is passed
the election, the Bill shall, within six months after its final passage, be
on by direct voting. Rules for this voting shall be laid down by statute.
oting, and at least 40 per cent of the electorate, have voted in favour
e Bill receives the Royal Assent, it shall form an integral part of the

§89

This Constitutional Act shall come into operation at once, except that the Rigsdag last elected under the Constitution of the Kingdom of Denmark Act of June 5, 1915, as amended on September 10, 1920, shall remain in existence until a general election has been held in accordance with the rules laid down in part IV. Until a general election has been held, the provisions laid down for the Rigsdag in the Constitution of the Kingdom of Denmark Act of June 5, 1915, as amended on September 10, 1920, shall remain in force.

THE PRESENT ACT SHALL BE OBSERVED AND COMPLIED WITH BY ALL CONCERNED
Given at Christiansborg, this 5th
Day of June, 1953
WITNESS OUR ROYAL HAND AND SEAL

(Signed) Frederik R.

(L.S.)

Erik Eriksen. Ole Bjørn Kraft. Thorkil Kristensen.
Harald Petersen. Carl Hermansen Jens Sønderup.
Aksel Møller. Flemming Hvidbjerg. Poul Sørensen.
Helga Pedersen. Knud Ree. Aage L. Rytter. Jørgen Jørgensen.

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