

**Act of 16 February 2007 No. 09
relating to Ship Safety and Security
(The Ship Safety and Security Act)**

Chapter 1 Introductory Provisions

Section 1 *Purpose of the Act*

This Act shall safeguard life, health, property and the environment by facilitating a high level of ship safety and safety management, including preventing pollution from ships, ensuring a good working environment and safe working conditions on board ships as well as appropriate public supervision of ships.

Section 2 *The substantive scope of the Act*

This Act shall apply to Norwegian and foreign ships. However, this Act does not apply to ships with an overall length of 24 metres or less which are not used for commercial purposes.

The King may prescribe by regulation that this Act, in addition to ships mentioned in the first paragraph, also shall apply to:

- a) offshore drilling units and other mobile offshore units used in the exploration for or exploitation, storage or transport of submarine natural resources and mobile offshore units supporting such activities;
- b) floating cranes, dredgers and similar floating units; and
- c) ships referred to in the second sentence of the first paragraph, where someone is working on board.

The King may also prescribe by regulation that this Act shall not apply, either in whole or in part, to:

- a) ships with an overall length of 24 metres or less;
- b) ships that can carry up to twelve passengers;
- c) special purpose ships;
- d) ships that are solely used on rivers and lakes;
- e) historical ships;
- f) ships belonging to the Royal Navy or ships used in such service;
- g) other public ships that are not used for commercial purposes; and
- h) foreign ships.

The King may, for ships mentioned in the third paragraph, prescribe special rules for safety management, safety, the environment, protective security measures and public supervision, and also for administrative measures and administrative sanctions which depart from the rules in this Act.

Section 3 *The territorial extent of the Act*

This Act shall apply to Norwegian ships irrespective of their position.

Subject to limitations following from international law, the Act shall apply to foreign ships:

- a) in Norwegian territorial waters, including waters near Svalbard and Jan Mayen;
- b) in the Norwegian economic zone; and
- c) on the Norwegian Continental Shelf.

The King may issue regulations on the extent to which the Act shall be made applicable to foreign ships outside the areas mentioned in the second paragraph, insofar as it is in compliance with international law.

Chapter 2

The company's duties. Safety management

Section 4

The company

“Company” means any company stated as the managing company in the Safety Management Certificate the ship shall possess in accordance with provisions in or pursuant to section 7, cf. section 5 of this Act.

If the requirement for a Safety Management Certificate, as mentioned in the first paragraph, is not applicable to the ship, or the Safety Management Certificate has ceased to be valid or has been withdrawn, the owner of the ship is considered to be the company. If the ship is registered, the registered owner is considered to be the owner of the ship. If the ship's owner in the case referred to in the first sentence has submitted documentation in accordance with section 5 with the consent of the operational manager or the responsible builder, this person is considered to be the company pursuant to this Act.

The second paragraph applies correspondingly if the person or company who is reported to be the managing company in the ship's Safety Management Certificate, does not exist.

The Ministry may issue regulations concerning who is to be regarded as a “company” pursuant to the provisions in the first to third paragraphs.

Section 5

Duty to submit information

If the owner of the ship hands responsibility for operations over to someone else, the name of the manager shall be stated and other necessary information shall be given to whoever is designated by the Ministry. The manager shall receive confirmation that the information has been received and is complete. The first and second sentences apply correspondingly during the construction of the ship if the owner of the ship hands the responsibility for construction over to someone else.

The Ministry may issue regulations containing further provisions relating to the duty to give information pursuant to the first paragraph.

Section 6

General duties of the company

The company has an overall duty to see to that the construction and operation of the ship is in accordance with the rules laid down in or pursuant to this Act, including that the master and other persons working on board comply with the legislation.

The company shall ensure that the statutory requirements are fulfilled, except for cases when the master by law is given an independent duty to ensure this. The company shall take steps to ensure that all the persons working on board have the opportunity to fulfill their obligations under the law.

The Ministry may issue regulations containing further provisions relating to the obligations of the company pursuant to this provision.

Section 7

The company's duty to establish, implement and develop a Safety Management System

The company shall ensure that a Safety Management System which can be documented and verified is established, implemented and developed in the company's organization and on the individual ships in order to identify and control the risk and also to ensure compliance with requirements laid down in or pursuant to a statute or in the actual Safety

Management System. The contents, scope and documentation of the Safety Management System shall be adapted to the needs of the company and its activities.

The company shall ensure that the master and other persons working on board are given the opportunity to participate in the establishment, implementation and development of the Safety Management System.

The Ministry may issue more detailed regulations on the requirements for a Safety Management System, including regulations on:

- a) contents, scope and documentation;
- b) Safety Management Certificates for ships;
- c) a Document of Compliance for safety management for companies; and
- d) the right for certain ships to deviate from the requirements for a Safety Management System and the right to deviate from the first and second paragraphs when this is required as a consequence of the implementation of the EEA Agreement.

Section 8

Duty to cooperate for the master and other persons working on board

The master shall cooperate in the establishment, implementation and development of a Safety Management System in accordance with section 7, and shall participate in ensuring that the Safety Management System is complied with and is functioning appropriately.

Others who are working on board shall, to the extent it is part of their positions, participate in ensuring that the Safety Management System is complied with on board.

The Ministry may issue regulations on the duty to cooperate, including the right to deviate from the first and second paragraphs when this is required as a consequence of the implementation of the EEA Agreement.

Chapter 3

Technical and operational safety

Section 9

Technical safety

A ship shall be so designed, constructed and equipped that it according to its purpose and trade area provides for the satisfactory protection of life, health, property and the environment.

The Ministry may issue regulations on how a ship shall be designed, constructed and equipped in order to fulfil the requirements of the first paragraph, including regulations concerning:

- a) the strength of the hull and watertight integrity;
- b) stability and buoyancy;
- c) machinery and electrical installations;
- d) fire protection;
- e) navigational equipment;
- f) equipment for communication; and
- g) life-saving appliances.

Section 10

Measurement of ships

A ship shall be measured and equipped with a tonnage certificate.

The Ministry may issue regulations on the measurement of ships, including regulations concerning:

- a) types of ships that are subject to compulsory measurement;
- b) re-measurement;
- c) who shall carry out the measurement;
- d) tonnage certificate and other documentation regarding measurement; and
- e) recognition of foreign tonnage certificates.

Section 11

Operation and maintenance

A ship shall be so operated and maintained that it according to its purpose and trade area provides for satisfactory safety concerning life, health, property and the environment.

The Ministry may issue regulations containing further provisions relating to how a ship shall be operated and maintained in order to satisfy the requirements of the first paragraph.

Section 12

Cargo and ballast

A ship shall be loaded and ballasted so that its stability and buoyancy are not endangered, or that life, health, property or the environment in any other way is not jeopardized.

The Ministry may issue regulations containing further provisions relating to cargo and ballast, including provisions relating to the carriage of dangerous goods, securing of cargo, freeboard and load line marks.

Cargo-handling operations shall be carried out so as not to endanger life, health, property or the environment. The Ministry may issue regulations on cargo-handling operations, including regulations on cargo-handling appliances on ships.

Section 13

Certificates

The Ministry may require by regulations that the ship shall carry certificates issued by the supervisory authority or the instance prescribed by the Ministry in order to document that the ship complied with requirements laid down in or pursuant to the Act at the time of issuance.

Certificates may contain special conditions, and must be kept on board at all times.

The Ministry may issue regulations on requirements for certificates, including regulations concerning:

- a) types of certificates a ship shall carry;
- b) issuance, validity and conditions;
- c) the right to deviate from the requirements of the first and second paragraphs; and
- d) recognition of foreign certificates.

Section 14

Navigation

A ship shall be navigated in such a way that it does not pose a risk to life, health, property and the environment.

The Ministry may issue regulations on requirements for safe navigation, including regulations concerning:

- a) rules of the road at sea;
- b) use of navigational aids;
- c) ship's records and other ship's papers;
- d) measures to be initiated when the ship or any other ship is in distress; and
- e) measures to safeguard the ship in time of war, danger of war or warlike circumstances.

Section 15

Manning and watchkeeping

A ship shall be safely manned.

The watchkeeping arrangements on board shall be adequate to maintain safe navigation of the ship and other operating and safety procedures.

The Ministry may issue further regulations on the requirements for manning and watchkeeping.

Section 16

Qualification requirements and personal certificates

Any person who is working on board must have the qualifications and certificates required for the relevant position or the work to be performed. The certificate shall state that the necessary requirements were fulfilled at the time of issuance, including requirements regarding age, service, health condition, education, languages and training for the position.

The Ministry may issue regulations containing further provisions relating to positions for which a certificate of competency is required and qualifications, including provisions concerning:

- a) the issue and grading of certificates;
- b) necessary documentation;
- c) recognition of foreign certificates;
- d) verification of qualifications;
- e) the right to withdraw certificates;
- f) the right to deviate from the requirements of the first paragraph; and
- g) mustering.

Section 17

Health requirements

Any person who is working on board must be physically and mentally fit for the service and not pose a danger to other persons on board. The employee shall present a health certificate that states that the conditions of the first sentence are fulfilled, and shall be required to submit to medical examination whenever the master considers that there are reasons for this to be done.

The Ministry may issue more detailed regulations on the requirements of the first paragraph regarding physical and mental fitness, health certificate and medical examinations, including regulations concerning:

- a) minimum requirements regarding health, sight and hearing for different positions;
- b) health certificate;
- c) approval of doctors;

- d) complaints board;
- e) reporting of occupational injuries and diseases; and
- f) the right to deviate from the requirements of the first paragraph.

Section 18

Minimum age

Any person who is working on board must be over 16 years of age.

The Ministry may issue regulations on minimum age, including regulations concerning:

- a) higher minimum age for certain trade areas, ships and positions;
- b) special conditions in order for persons between the age of 16 and 18 to serve on board, and special protective measures for these persons; and
- c) the right to deviate from the requirements of the first paragraph.

Section 19

Obligations of the master pursuant to this chapter

The master shall ensure that:

- a) the ship is loaded and ballasted in a safe and proper manner and that the loading and unloading of the ship is carried out safely, cf. section 12, the Norwegian Maritime Code, section 131, first paragraph and regulations issued pursuant to the provisions;
- b) the navigation of the ship and the keeping of ship's books are done pursuant to section 14, cf. the Norwegian Maritime Code, sections 132 and 133 and regulations issued pursuant to the provisions;
- c) the watchkeeping arrangements on board do not compromise safety, cf. section 15 second paragraph, and regulations issued pursuant to the provision; and
- d) necessary information about the ship, duties, basic environmental and safety provisions and measures to take in the event of marine casualties is given to other persons employed on board upon the commencement of work or assignment of work tasks.

The master shall participate in ensuring that:

- a) the operation and maintenance of the ship is at all times carried out safely, cf. section 11 and regulations issued pursuant to the provisions;
- b) the ship has the required certificates, cf. section 13 and regulations issued pursuant to the provision;
- c) the ship is safely manned, cf. section 15, first paragraph, and section 131, first paragraph, of the Norwegian Maritime Code and regulations issued pursuant to the provisions;
- d) the persons working on board, including himself, are duly qualified and have a valid health certificate, cf. sections 16 and 17 and regulations issued pursuant to the provisions.

The Ministry may issue further regulations on the requirements regarding the master in the first and second paragraphs.

Section 20

Obligations pursuant to this chapter for other persons working on board

Other persons working on board shall, to the extent it is part of their positions participate in ensuring that:

- a) the operation and maintenance of the ship is carried out safely at all times, cf. section 11 and regulations issued pursuant to the provisions;
- b) the ship is loaded and ballasted in a safe and proper manner and that the loading and unloading of the ship is carried out safely, cf. section 12 and regulations issued pursuant to the provisions;
- c) the navigation of the ship is carried out safely and that the keeping of ship's books is done correctly, cf. section 14 and regulations issued pursuant to the provision;
- d) the watchkeeping arrangements on board do not compromise safety, cf. section 15, second paragraph and regulations issued pursuant to the provision;
- e) they are duly qualified and have a valid health certificate, cf. sections 16 and 17 and regulations issued pursuant to the provisions.

The Ministry may issue further regulations concerning the requirements in the first

paragraph for other persons working on board.

Chapter 4 Personal safety

Section 21 *Safety devices and equipment*

A ship shall have necessary safety devices and equipment. Moreover, necessary safety measures and precautions shall be taken in order to avoid or reduce any hazard to life and health for persons who are working on board.

The Ministry may issue regulations on the requirements of the first paragraph, including regulations concerning:

- a) light conditions;
- b) climate;
- c) pollution;
- d) physical factors;
- e) escape routes; and
- f) protective and safety devices.

Section 22 *The arrangement and carrying out of work on board*

The work on board shall be arranged and carried out so as to safeguard life and health and the psychosocial working environment. In the arrangement of work, due regard shall be paid to the individual person's qualifications to undertake the work on a safe and sound basis.

The Ministry may issue regulations containing further provisions relating to the requirements of the first paragraph in order to avoid or reduce any hazard connected with the work, including regulations concerning:

- a) identification of hazards and implementation of appropriate measures;
- b) necessary measures for training and practice and for instruction of the persons working on board;
- c) the availability of appropriate protective safety equipment; and
- d) the duty to inform and discuss hazards connected with the work and the safety with the persons who are working on board.

Section 23 *Working hours*

The regular working hours shall be 8 hours a day, with one day of rest per week and rest on holidays.

The Ministry may issue regulations on working hours, including regulations concerning exceptions from the provisions of the first paragraph, either in general or for certain positions, and also regulations concerning extra work for safety and security reasons.

Section 24 *Hours of rest*

The hours of rest shall not be less than ten hours in any 24-hour period, and 77 hours in any 168-hour period. Hours of rest may be divided into two periods, one of which shall be at least six hours in length. The interval between consecutive periods of rest shall not exceed 14 hours.

For seafarers on watch, the provisions of the first paragraph do not apply in the event of an emergency situation or work as a consequence of a drill or other exceptional operational conditions.

The provisions of the first paragraph may be departed from in a binding collective wage agreement. For persons forming part of the navigational or engineering watch, derogation in a wage agreement from the provisions in the first paragraph shall be limited to at least six consecutive hours, provided that no such reduction extends over more than 48 hours and the hours of rest will comprise at least 70 hours for any period of 168 hours.

The Ministry may issue regulations on the hours of rest, including regulations concerning derogations from the provisions of the first paragraph:

- a) for passenger ships with a shift system plying domestic routes after the affected seafarer and shipowner organizations have been consulted; and
- b) for fishing vessels.

Section 25

Living and recreational environment

An adequate living and residential environment shall be provided for the persons who are working on board. There shall be cabins, recreation rooms, dining rooms, rooms where food can be prepared, rooms for personal hygiene and hospital accommodation. All rooms shall be of an adequate size and furnished and equipped so as to ensure a proper working environment.

The Ministry may issue regulations concerning the requirements of the first paragraph, giving due regard to the number of persons working on board and the ship's size, design, trade area and other circumstances. The Ministry may also issue regulations on requirements for certificates regarding working and living conditions on board ships.

Section 26

Catering

The persons working on board shall receive a good and sufficient diet which shall be in accordance with the Act of 19 December 2003 No. 124 relating to Food Production and Food Safety etc. (the Food Act) and regulations issued pursuant to this Act.

The Ministry may issue further regulations concerning the requirements of the first paragraph, including requirements for provision rooms and cold store and freezer rooms.

Section 27

Medicaments and treatment of sick persons

A ship shall be equipped with medicaments and other equipment considered necessary for the treatment of sick and injured persons and for the prevention of sickness on board.

Sick and injured persons may receive treatment to the extent that this is necessary.

The Ministry may issue further regulations concerning the requirements of the first and second paragraphs, including regulations stating who can perform the treatment.

Section 28

Safety representatives and working environment committee

Safety and environmental work shall be organized on board ships. A safety representative shall be elected by and from among those who are working on board, and a working environment committee shall be established.

The Ministry may issue regulations on safety and environmental work, including regulations concerning:

- a) the safety representative's duties and rights;
- b) the composition and duties of the working environment committee;
- c) coordination of the safety and environmental work; and
- d) exceptions from the provisions of the first paragraph for certain ships.

Section 29

Obligations of the master pursuant to this chapter

The master shall ensure that:

- a) the work on board is so arranged that it can be carried out in a safe and proper manner, and that the psychosocial working environment is ensured, cf. section 22 and regulations issued pursuant to the provision; and
- b) the fixed hours of rest are complied with, cf. section 24 and regulations issued pursuant to the provision.

The master shall participate in ensuring that:

- a) the ship has the necessary safety devices and equipment, and that necessary safety

measures and precautions have been taken in order to protect the life and health of persons who are working on board, cf. section 21 and regulations issued pursuant to the provision;

- b) the living and recreational environment and the catering service are in accordance with sections 25 and 26 and regulations issued pursuant to the provisions;
- c) the ship is equipped with the necessary medicaments etc., cf. section 27 and regulations issued pursuant to the provision; and
- d) the safety and environmental work on board is organized and implemented in a safe and proper manner, cf. section 28 and regulations issued pursuant to the provision.

The Ministry may issue further regulations concerning the requirements regarding the master according to the first and second paragraphs.

Section 30

Obligations pursuant to this chapter for other persons who are working on board

Others who are working on board shall, to the extent it is part of their positions, participate in ensuring that:

- a) necessary safety measures are taken in order to avoid or reduce any hazard to life and health for persons who are working on board, cf. section 21, first paragraph, and regulations issued pursuant to the provision.
- b) the work on board is so arranged that it can be carried out in a safe and proper manner, and that the psychosocial working environment is ensured, cf. section 22 and regulations issued pursuant to the provision; and
- c) the safety and environmental work is implemented in a safe and proper manner, cf. section 28 and regulations issued pursuant to the provision.

The Ministry may issue regulations containing further provisions relating to the requirements of the first paragraph to other persons working on board.

Chapter 5

Environmental safety

Section 31

Prohibitions against pollution

Pollution of the external environment by the discharge or dumping from ships, or by the incineration of harmful substances, or pollution in any other way in connection with the operation of the ship is prohibited, unless otherwise decided by law or regulation laid down pursuant to law.

Prohibitions against discharge or dumping laid down pursuant to this chapter do not apply to:

- a) discharge of harmful substances or dumping which is necessary in regard to the safety of the ship, the health of the people in board, or in order to save lives; or
- b) discharge of harmful substances or dumping which is due to damage to the ship, when all reasonable steps have been taken both before and after the accident to prevent or minimize the discharge.

This chapter and regulations issued pursuant to this chapter, shall not be applicable to pollution that is solely a result of exploration, exploitation and utilization at sea of submarine natural resources.

The Ministry may issue regulations concerning what is to be regarded as:

- a) harmful substances, including organisms;
- b) discharge;
- c) dumping; and
- d) incineration.

Section 32

Technical environmental safety

A ship shall be designed, constructed and equipped so as to ensure that pollution of the external environment from the ship contrary to section 31, does not occur.

The Ministry may issue regulations containing further requirements as to how a ship is to be designed, constructed and equipped in order to avoid pollution.

Section 33

The operation of the ship

The operation of the ship shall be so arranged and carried out that pollution of the external environment from the ship contrary to section 31, does not occur.

The Ministry may issue regulations containing further requirements as to how a ship is to be operated in order to avoid pollution, including regulations concerning:

- a) discharge, dumping and incineration;
- b) bunker fuel and bunkering;
- c) ballast handling;
- d) environment certificates;
- e) the keeping of log books and the treatment of harmful substances.

Section 34

Emergency response system, notification and reporting

A ship shall have necessary emergency response systems, including an emergency preparedness plan, in order to prevent or, as the case may be, limit the effects of pollution of the external environment from the ship.

In the event of pollution or a danger of pollution, an immediate notification of the incident and of the measures that are or will be taken in order to avoid or limit the effects shall be given. A consecutive report on the accident shall be sent to the supervisory authority.

The Ministry may issue further regulations concerning the requirements of the first and second paragraphs, including regulations concerning:

- a) the emergency response system the ship shall have;
- b) what the contents of an emergency preparedness plan must be;
- c) how and to whom notifications and reports shall be made; and
- d) exceptions from the provisions of the first paragraph for certain ships.

Section 35

Delivery of harmful substances to reception facilities

A ship shall deliver harmful substances to special reception facilities ashore, insofar as such substances cannot be properly handled on board or delivered to others for proper handling.

The Ministry may issue further regulations concerning the requirements of the first paragraph, including regulations concerning the duty to notify.

Section 36

Ships which are finally taken out of service

A ship that is finally taken out of service shall be handled in a safe and proper manner, so that it does not pose a risk to life, health or the environment.

The Ministry may issue further regulations concerning the requirements of the first paragraph, including regulations concerning the duty to notify and on the removal of harmful substances on board.

Section 37

Obligations of the master pursuant to this chapter

The master shall ensure that:

- a) an immediate notification is given in the event of pollution or danger of pollution, and that reasonable measures are taken in order to prevent such pollution or limit the effects of it, and also that consecutive reports are submitted, cf. section 34, second paragraph, and regulations issued pursuant to the provision;
- b) harmful substances are handled in accordance with section 35 and regulations issued pursuant to the provision; and
- c) log books, as referred to in section 33, second paragraph (e), are kept correctly.

The master shall participate in ensuring that:

- a) the equipment of the ship is capable of preventing pollution, cf. section 32 and regulations issued pursuant to the provision;
- b) the operation of the ship is arranged and carried out so as to prevent pollution, cf. section 33 and regulations issued pursuant to the provision; and
- c) the ship has necessary emergency response systems in order to prevent or limit pollution from the ship, cf. section 34, first paragraph and regulations issued pursuant to the provision.

The Ministry may issue further regulations concerning the requirements regarding the master according to the first and second paragraphs.

Section 38

Obligations pursuant to this chapter for other persons working on board

Others who are working on board shall, to the extent it is part of their positions, participate in ensuring that the operation of the ship is arranged and carried out so as to prevent pollution, cf. section 33 and regulations issued pursuant to the provision.

The Ministry may issue further regulations concerning the requirements of the first paragraph to other persons working on board.

Chapter 6

Protective security measures

Section 39

Preventive measures against attacks etc. on ships

Measures shall be taken in order to prevent and protect the ship against terrorist acts, piracy, stowaways and other illegal acts.

The persons who are working on board shall hold an identification document.

The Ministry may issue regulations containing further provisions relating to the requirements for protective security measures on ships, including regulations concerning:

- a) which ships shall be comprised by the provisions;
- b) the duty to carry out a ship security assessment;
- c) the duty to have an approved ship security plan;
- d) the duty to assign and train special personnel responsible for the security on the ship and in the company;
- e) ship security alarm systems;
- f) inspection of persons and objects on board the ship or about to board the ship.
- g) the issuing and the form of identification documents; and
- h) security certificates.

Section 40

Use of force

When necessary in order to prevent and protect against actions as are mentioned in section 39, measures may be implemented and force may be used on the part of the ship.

In other situations where this is necessary in order to maintain peace and order on board, measures and force, as mentioned in the first paragraph, may be applied to the extent they are relative.

The right to implement measures and use force is incumbent on the master. Any person on board is obliged to give assistance and respect the measures that are taken.

The Ministry may issue regulations concerning the use of force pursuant to the first and second paragraphs.

Chapter 7 Supervision

Section 41 *Supervisory authority*

The King determines who shall be the supervisory authority pursuant to this Act.

The Ministry may enter into an agreement with one or more classification societies to the effect that the supervisory authority may be delegated to the institution concerned. The agreement shall regulate the scope of and the conditions for such delegation.

The Ministry may issue regulations or enter into an agreement to the effect that supervision or supervisory authority in delimited areas is delegated to private enterprises or to foreign or international authorities.

Section 42 *Supervision of Safety Management Systems*

Safety Management Systems, cf. section 7, shall be supervised. The supervision can, *inter alia*, include the following elements:

- a) a system audit of the documentation confirming that the company has established necessary and appropriate systematic measures;
- b) a verification confirming that the systematic measures under litra a are present and are functioning in practice, and also that the activity when it comes to such measures is in accordance with requirements laid down in a statute or regulation.

The supervision pursuant to the first paragraph may be undertaken through interviews with the management and the personnel at different levels in the company, by inspections or in other suitable ways. The Ministry may issue further regulations concerning the implementation of the supervision of Safety Management Systems.

Section 43 *Supervision of Norwegian ships*

Norwegian ships shall be subject to supervision.

The Ministry may decide by regulation that supervision, either complete or partial, shall not take place, unless such an exception is contrary to the obligations of Norway under international law.

The supervision pursuant to the first and second paragraphs may include circumstances as are mentioned in chapters 3, 4 and 5 of this Act, and the purpose shall be to establish whether the requirements set out in or pursuant to the Act are met.

The company is obliged to request supervision of Norwegian ships when this is necessary in order to comply with requirements in or pursuant to this Act.

The Ministry may issue regulations containing further provisions relating to:

- a) frequency, contents and scope of the supervision, including inspection;
- b) the practical implementation of the survey, including inspection; and
- c) the right to demand supervision, including inspection, for persons working on board.

Section 44

Supervision of foreign ships

Foreign ships, as referred to in section 2, first paragraph, cf. section 3, second paragraph, may be subject to supervision.

The Ministry may issue regulations containing further provisions relating to such supervision, including regulations concerning:

- a) the frequency, contents and scope of the supervision; and
- b) the practical implementation of the supervision.

Section 45

Obligations of the company, the master and others to participate in the supervision

The company, the master and other persons working on board shall participate in the supervision pursuant to this chapter, and shall, among other things:

- a) provide all necessary information for the performance of the supervision; and
- b) distribute ship's books, reports, drawings and other material.

The duty to participate, as mentioned in the first paragraph, is also incumbent on others, insofar such participation is not contrary to their professional secrecy pursuant to statute or agreement.

The supervisory authorities shall at all times have access to the ship and the company's offices.

The Ministry may issue regulations containing further provisions relating to the contents, scope and implementation of the duty to participate and the supervisory authorities' access to the ship and company's offices.

Section 46

Duty to assist

The company and the master shall assist foreign and international supervisory authorities in a way and to an extent which follows from the obligations of Norway under international law.

The Ministry may issue regulations on the duty to assist pursuant to the first paragraph.

Section 47

The company's duty to notify and report

The company shall notify the supervisory authorities when it has entered into an agreement on:

- a) construction of ships;
- b) reconstruction of ships; or
- c) ship purchases.

The company or the master shall give the authority decided by the King a notification and report in the event of an injury or disease striking persons working on board. If the injury is a result of an occupational accident or a ship accident comprised by the rules relating to marine accidents in Chapter 18 Part II of the Norwegian Maritime Code of 24 June 1994 No. 39, notifications and reports concerning injuries shall be made in accordance with rules given in or pursuant to Section 475 of the Norwegian Maritime Code.

The company shall also produce a report concerning other circumstances the supervisory authorities should know about, including safety and environmental work.

The Ministry may issue regulations on the duty to notify and report pursuant to this section.

Amended by Act of 27 June 2008 (in force on 1 July 2008 pursuant to decree of 27 June 2008 No. 743).

Section 48

Fees

Coverage of the supervisory authorities' expenses in connection with supervision, issue of certificates, measurement, etc., may be claimed from the company or from anyone who requests the service in question, by the payment of fees. Payment of fees stipulated pursuant to the first paragraph is enforceable by attachment.

If the State Agency for the Recovery of Fines, Damages and Costs is instructed to collect fees, as mentioned in the first paragraph, it may recover the fee by making deductions in pay and other similar remuneration pursuant to the rules of section 2-7 of the Creditors Security Act. The State Agency for the Recovery of Fines, Damages and Costs may also recover fees by creating an execution lien for the claim provided the lien can be given legal protection by entering it in a register or by notifying a third party, cf. Chapter 5 of the Mortgages and Pledges Act, and the execution proceedings may be held at the office of the State Agency for the Recovery of Fines, Damages and Costs pursuant to section 7-9, first paragraph, of the Enforcement Act.

The Ministry may issue further regulations on fees and the recovery thereof.

Chapter 8

Administrative measures

Section 49

Orders to implement measures

If requirements provided by statute or regulations are not complied with, the supervisory authorities may order the company to implement necessary measures within a specific time limit.

If orders are not complied with within the specified time limit, measures mentioned in sections 50 to 54 may be implemented.

The Ministry may issue regulations containing further provisions relating to the company's duty to implement measures pursuant to the first paragraph.

Section 50

Coercive fines

If the company has not complied with an order pursuant to section 49 by the specified time limit, the supervisory authorities may issue a decision on coercive fines to ensure that the order is complied with. A new time limit shall be specified in the decision on coercive fines in order to comply with section 49, so that the coercive fine only begins to accrue if the order is not complied with by this new time limit.

The coercive fine may be imposed as a single payment or as a continuous fine. When the amount of a coercive fine is to be determined, emphasis shall be placed *inter alia* on the importance of the safety and security precautions and the environmental considerations that the order is to address and the costs related to the compliance with the order.

The coercive fine accrues to the Treasury. The supervisory authorities may, if warranted by strong considerations, reduce or waive an accrued fine.

The Ministry may issue regulations containing further provisions relating to coercive fines, including provisions relating to the amount and duration of the coercive fine.

Section 51

Withdrawal of certificates

If the company fails to comply with orders pursuant to section 49 or to pay fees within the specified time limit, the supervisory authorities may withdraw relevant certificates.

The Ministry may issue regulations containing further provisions relating to the withdrawal of certificates.

Section 52

Coercive measures in relation to ships

The supervisory authorities may prohibit a ship from departing from a port or order it to call at a port or stipulate other necessary measures in relation to the ship, if necessary by force, within the limits following from international law, provided that:

- a) the ship does not comply with requirements in a statute or regulation regarding technical, operational, personal or environmental safety, and the deficiencies clearly constitute a danger to the interests the requirements in question are set to protect;
- b) the company or anyone in its service prevents the supervisory authorities from boarding the ship to perform supervision or fails to comply with orders pursuant to section 45;
- c) the ship does not carry the necessary certificates;

Decisions pursuant to the first paragraph shall include the orders the ship must comply with, so that injunctions, orders or other measures as mentioned in the first paragraph may be abolished or altered. When the supervisory authorities have issued such order as is mentioned in the first sentence, and it has not been complied with, the supervisory authorities may, if necessary, make arrangements for the order to be enforced at the company's expense and risk.

The Ministry may issue further regulations concerning decisions as are mentioned in the first paragraph, including regulations concerning the orders the ship has to comply with and the conditions for use of force and the enforcement of orders at the company's expense and risk.

Section 53

Stopping and boarding of ships under way

When there is reason to suspect that a ship has acted in contravention of relevant international provisions or requirements given in or pursuant to a statute or regulation that apply to the ship, cf. section 3, the supervisory authorities may, within the limits following from international law, stop and board the ship while it is under way to carry out an inspection with a view to investigate the matter more closely, if necessary by force. The Ministry may issue regulations containing further provisions relating to inspection as mentioned in the first sentence, including provisions relating to when inspection may be performed and the conditions for use of force.

Section 54

Refusal of access to Norwegian territorial waters for foreign ships

Access to Norwegian territorial waters may be refused when a ship does not meet the requirements of international provisions, statutes or regulations.

The Ministry may issue regulations concerning implementation pursuant to the first paragraph, including provisions relating to refusal of access to Norwegian ports based on earlier detentions, circumstances in relation to the ship's flag state and other safety and security aspects.

Chapter 9 Administrative sanctions

Section 55 *Violation fine*

The supervisory authorities may impose administrative sanctions (violation fines) on anyone who, on behalf of the company, willfully or negligently violates provisions made in or pursuant to sections 6, 9, 11, 12, 13, first paragraph of section 15, section 16, sections 21, 22, 24 or sections 32 to 36.

The supervisory authorities may impose violation fines on a master who, in conflict of his obligations pursuant to sections 19, 29 and 37, willfully or negligently violates provisions made in or pursuant to sections 12 and 14, second paragraph of section 15, sections 22 and 24 or sections 32 to 35.

Moreover, the supervisory authorities may impose violation fines on other persons working on board who, in conflict of their obligations under provisions made in or pursuant to section 20, first paragraph (e), and section 38, willfully or negligently violates provisions made in or pursuant to sections 16 or 33.

Violation fines may be imposed according to fixed rates or assessed in the individual case. Where fixed rates shall be applied, these have to be set out in regulations issued pursuant to law. If fixed rates shall not be applied, it must be specified in regulations which aspects that are to be particularly emphasized in the calculation, and a maximum shall be determined. The time limit for compliance with violation fines is four weeks from the decision was made.

The Ministry may issue further regulations on the imposition of violation fines, including regulations concerning:

- a) fixed rates for violation fines;
- b) which aspects that are to be emphasized in the assessment of violation fines when fixed rates are not applied, and maximum amounts for such cases;
- c) the opportunity to specify a shorter time limit for compliance in individual decisions than what is specified in the fourth paragraph, or to postpone the time limit;
- d) interest and extra fees if the violation fine is not paid when due.

Section 56 *Violation fines imposed on the company*

If a person who has acted on behalf of the company has violated a provision as mentioned in section 55 first to third paragraphs, the supervisory authorities may impose violation fines on the company. This applies even though violation fines cannot be imposed on individual persons.

In deciding whether a violation fine shall be imposed on the company, and in assessing the fine, particular consideration shall be paid to:

- a) the seriousness of the violation;
- b) whether the company could have prevented the violation through the Safety Management System or by instruction, training, control or other measures;
- c) whether the offence was committed to promote the interests of the company;
- d) whether the company has had or could have obtained any advantage by the offence;
- e) whether this is a repeated offence; and
- f) the company's financial capacity.

The company is also jointly and severally liable for violation fines imposed on the master or other persons working on board under provisions made in or pursuant to section 55.

The Ministry may issue regulations containing further provisions relating to violation fines against the company pursuant to the first and second paragraphs and the joint and several liability pursuant to the third paragraph.

Section 57

Collection of violation fines

Decisions on violation fines are enforceable by attachment. In the collection of violation fines, the provision in section 48, second paragraph, shall apply correspondingly.

In order to ensure payment of violation fines which, pursuant to sections 55 and 56, have been or are expected to be imposed on the company, master or other persons working on board, the supervisory authorities may prohibit the ship departure from a port, order it to call at a port or stipulate other necessary measures until the violation fine is paid or sufficient security for the amount has been provided. The supervisory authorities may require that until measures pursuant to the first sentence are finalized, the company shall provide sufficient security for or pay the expenses connected with the measure.

Chapter 10

Criminal liability

Section 58

Breach of the company's duties in respect of Safety Management System

Any person who, on behalf of the company, willfully or negligently substantially fails to establish, implement and develop a safety management system in accordance with section 7 and regulations issued pursuant to the provision shall be liable to fines or imprisonment for a term not exceeding two years.

Section 59

Breach of the company's duties in respect of technical and operational safety on board

Any person who, on behalf of the company, willfully or through gross negligence:

- a) substantially violates provisions made in or pursuant to section 9, cf. section 6 concerning the design, construction and equipment of the ship, or
 - b) substantially violates provisions made in or pursuant to section 11, cf. section 6 concerning the operation and maintenance of the ship, or
 - c) substantially violates provisions made in or pursuant to section 13, cf. section 6 concerning certificates, or
 - d) substantially violates provisions made in or pursuant to section 15, first paragraph, cf. section 6 concerning the manning of the ship, or
 - e) substantially violates provisions made in or pursuant to section 16, cf. section 6 containing requirements for ensuring that the persons who are working on board possess the necessary qualifications and certificates
- shall be liable to fines or imprisonment for a term not exceeding two years.

Section 60

Breach of the master's duties in respect of technical and operational safety on board

Any master who willfully or negligently substantially violates his duty under provisions made in or pursuant to section 19, first paragraph (b) to ensure that the navigation of the ship is carried out safely and that the keeping of

ship's books is done correctly pursuant to the requirements of section 14 with regulations, shall be liable to fines or imprisonment for a term not exceeding two years.

Any master who willfully or negligently substantially violates his duty under provisions made in or pursuant to section 19, first paragraph (c) to ensure that the watchkeeping arrangements on board do not compromise safety pursuant to the requirements of the second paragraph of section 15 with regulations, shall be liable to fines or imprisonment for a term not exceeding one year.

Any master who willfully or through gross negligence:

- a) substantially violates his duty under provisions made in or pursuant to section 19, first paragraph (a), to ensure that the ship is loaded and ballasted in a safe and proper manner pursuant to the requirements of the first paragraph of section 12 with regulations, or
- b) substantially violates his duty under provisions made in or pursuant to section 19, second paragraph (a), to ensure that the operation and maintenance of the ship is at all times carried out safely pursuant to the requirements of section 11 with regulations, or
- c) substantially violates his duty under provisions made in or pursuant to section 19, second paragraph (d), to participate in ensuring that he and other persons working on board are duly qualified pursuant to the requirements of section 16 with regulations

shall be liable to fines or imprisonment for a term not exceeding one year.

Section 61

Breach of the duties of other persons working on board in respect of technical and operational safety on board

Other persons working on board who willfully or negligently substantially violate their duty under section 20, first paragraph (c), to participate in ensuring that the navigation of the ship is carried out safely and that the keeping of ship's books is done correctly pursuant to the requirements of section 14 with regulations, shall be liable to fines or imprisonment for a term not exceeding two years.

Other persons working on board who willfully or negligently substantially violate their duty under section 20, first paragraph (d), to participate in ensuring that the watchkeeping arrangements on board do not compromise safety pursuant to the requirements of section 15, second paragraph with regulations, shall be liable to fines or imprisonment for a term not exceeding one year.

Other persons working on board who willfully or through gross negligence:

- a) substantially violate their duty under provisions made in or pursuant to section 20, first paragraph (a), to participate in ensuring that the operation and maintenance of the ship is at all times carried out safely pursuant to the requirements of section 11 with regulations, or
- b) substantially violate their duty under provisions made in or pursuant to section 20, first paragraph (b), to participate in ensuring that the ship is loaded and ballasted in a safe and proper manner pursuant to the requirements of section 12, first paragraph, with regulations, or
- c) substantially violate their duty under provisions made in or pursuant to section 20, first paragraph (e), to participate in being duly qualified pursuant to the requirements of section 16 with regulations

shall be liable to fines or imprisonment for a term not exceeding one year.

Section 62

Breach of the company's duties in respect of personal safety on board

Any person who, on behalf of the company, willfully or through gross negligence:

- a) substantially violates provisions made in or pursuant to section 21, cf. section 6 containing requirements for safety devices, equipment and safety measures on the ship, or
- b) substantially violates provisions made in or pursuant to section 22, cf. section 6 containing requirements regarding the arrangement and carrying out of work on board and the safeguarding of the psychosocial working environment shall be liable to fines or imprisonment for a term not exceeding one year.

Any person who, on behalf of the company, willfully or through gross negligence substantially violates provisions made in or pursuant to section 6, cf. section 24 containing requirements regarding compliance with the provisions relating to the hours of rest, shall be liable to fines.

Section 63

Breach of the master's duties in respect of personal safety on board

Any master who willfully or through gross negligence substantially violates his duty under provisions made in or pursuant to section 29, first paragraph (a), to ensure that the work on board is so arranged that it can be carried out in a safe and proper manner, and that the psychosocial working environment is ensured pursuant to the requirements of section 22 with regulations, shall be liable to fines or imprisonment for a term not exceeding one year.

Any master who willfully or negligently substantially violates his duty under provisions made in or pursuant to section 29, first paragraph (b), to ensure that the fixed hours of rest are complied with pursuant to the requirements of section 24 with regulations, shall be liable to fines.

Section 64

Breach of the company's duties in respect of environmental safety

Any person who, on behalf of the company, willfully or through gross negligence substantially violates provisions made in or pursuant to sections 32 and 33, cf. section 6 containing requirements for the technical safety and for the operation of the ship, shall be liable to fines or imprisonment for a term not exceeding two years.

Section 65

Breach of the master's duties in respect of environmental safety

Any master who willfully or through gross negligence:

- a) substantially violates his duty under provisions made in or pursuant to section 37, first paragraph (a), to ensure that, in the event of pollution, notification is given, measures are taken and subsequent reports are submitted pursuant to the requirements of section 34, second paragraph, with regulations, or
- b) substantially violates his duty under provisions made in or pursuant to section 37, second paragraph (b), to participate in ensuring that the operation of the ship is arranged and carried out pursuant to the requirements of section 33 with regulations, so that pollution of the external environment from the ship contrary to section 31 does not occur.

shall be liable to fines or imprisonment of a term not exceeding two years.

Any master who willfully or through gross negligence:

- a) substantially violates his duty under provisions made in or pursuant to section 37, first paragraph (c), to ensure that log books are kept correctly, cf. section 33, second paragraph (e), with regulations, or
- b) substantially violates his duty under provisions made in or pursuant to section 37, second paragraph (a), to participate in ensuring that the ship is equipped pursuant to the requirements of section 32 with regulations, so that pollution of the external environment from the ship contrary to section 31 does not occur

shall be liable to fines or imprisonment for a term not exceeding one year.

Section 66

Breach of the duties of other persons working on board in respect of environmental safety

Other persons working on board who willfully or through gross negligence substantially violate their duty under provisions made in or pursuant to section 38, to participate in ensuring that the operation of the ship is arranged and carried out pursuant to section 33 with regulations, so that pollution of the external environment from the ship contrary to section 31 does not occur, shall be liable to fines or imprisonment for a term not exceeding one year.

Section 67

Breach of the company's and the master's duty to comply with the decisions made by the supervisory authorities

Any master or any person, who, on behalf of the company, willfully fails to comply with decisions made by the supervisory authorities according to provisions made in or pursuant to sections 52 and 53, shall be liable to fines or imprisonment for a term not exceeding one year.

Section 68

Criminal liability for persons who are not public officials

If for the exercise of supervision persons are employed who are not public officials, these shall have the same liability to punishment as public officials in accordance with the General Civil Penal Code of 22 May 1902.

Section 69

General provisions

In deciding whether a violation of the provisions of this chapter is substantial, particular importance shall be attached to the extent and effects of the violation and to the degree of guilt demonstrated.

If someone other than the company that is stated to be the company pursuant to section 4 in reality attends to operating functions of the ship, the provisions of sections 58, 59, 62, 64, 67 and 70 shall apply correspondingly.

Imprisonment cannot be imposed when the violation is only punishable to fines according to international law.

The provisions of this chapter shall not apply if the violation comes under a more severe penal provision.

Section 70

Collection of fines or corporate penalties

In order to secure payment of a fine pursuant to this chapter or corporate penalties pursuant to section 48 of the General Civil Penal Code which have been or are expected to be imposed on the company, the master or other persons working on board, the court may at the request of the prosecuting authority prohibit the ship departure from a port, order it to call at a port or stipulate other necessary measures until the fine or the corporate penalty is paid or sufficient security for the amount has been provided.

At the request of the prosecuting authority, the court may also decide that the company shall provide sufficient security for or pay the expenses connected with measures which are stipulated pursuant to the first paragraph before the measure is terminated.

Chapter 11

Other provisions

Section 71

Professional secrecy of marine insurers

Notwithstanding the duty of secrecy ensuing from the Act of 10 June 2005 No. 44 relating to insurance companies, pension companies and their activities etc. (section 1-6), insurance companies are permitted to share information which is directly relevant to the safety of the ships they insure with other insurance companies, classification societies, international insurance and maritime organizations or Norwegian and foreign maritime authorities. The first sentence shall apply correspondingly to ships that have been insured by that company during the last three years prior to the date upon which information is requested, or upon the date the insurance company hands over the information without being requested.

The insurance company is obliged to send the assured a copy of the information disclosed pursuant to the first paragraph. If the information has been given orally, it shall be sufficient to notify the assured that such information has been given and to whom the information was given.

Section 72

Entry into force

This Act enters into force from the date decided by the King, unless otherwise provided by the provisions of the second paragraph. The King may decide that different provisions enter into force at different times.

The amendment in section 74, second paragraph, sub-paragraph 8, of section 475 of the Norwegian Maritime Code of 24 June 1994 No. 39 shall enter into force at the same time as the Act of 7 January 2005 No. 2 relating to amendments to the Norwegian Maritime Code of 1994 No. 39 and some other Acts enters into force. From that date the repeal of the Act of 9 June 1903 No. 7 relating to Public Control of the Seaworthiness of Ships, etc., section 4, first paragraph (a), section 5 and sections 17 to 23, enters into force.

Section 73

Transitional provisions

Regulations issued pursuant to laws and regulations that are repealed, cf. section 74, shall apply until otherwise decided.

Section 74

Repeal of and amendments to other Acts

From the day this Act enters into force, the following Acts are repealed: ---