Sjøfartsdirektoratet
Norwegian Maritime Authority

Circular - Series R

Circular Series R (Regulations) supersedes previous Series F.
In the new Series R, relevant legal amendments and amendments to conventions are also published.

Circular recipients: (check box)

- ☐ Sdir: Norwegian Maritime Authority
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The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.

Regulation concerning amendments to Regulations on the construction, equipment and operation of high-speed craft used as passenger craft or cargo craft (High-Speed Craft Regulations)

The Norwegian Maritime Authority has laid down amendments to the Regulations of 1 May 1998 No. 6 on the construction, equipment and operation of high-speed craft used as passenger craft or cargo craft (High-Speed Craft Regulations). These amendments enter into force on 1 January 2020.

Background

IMO's Maritime Safety Committee (MSC) has adopted amendments to the 2000 HSC Code by resolution MSC.424(98) and MSC.439(99) and the 1994 HSC Code by resolution MSC.423(98) and MSC.438(99). The 2000 HSC Code and 1994 HSC Code have been implemented into Norwegian legislation by section 1 of the High-Speed Craft Regulations, cf. section 2 (j) and (k). The implementing provisions must be amended to make them comply with the revised international legislation.

Details on the amendments

The amendments specified in the resolutions mentioned above were negotiated in the relevant IMO committees. In cooperation with the industry, Norway developed positions and participated in the negotiations. The industry should be well aware of these amendments through information from special interest organisations and the Norwegian Maritime Authority (NMA). The amendments to the resolutions are in short:

Amendments to chapter 8.10

Resolution MSC.423(98) and MSC.424(98) include amendments to Regulations 8.10.5 and 8.10.6 of the 1994 HSC Code and 2000 HSC Code, respectively. The provisions include conditions for making decisions on exemption from the requirement of a rescue boat for a high-speed craft (L) of less than 20 metres in length (1994 HSC Code) or less than 30 metres in length (2000 HSC Code). The previous wording of the provisions on exemption was somewhat unclear, and the terms should be more precise as a result of the amendments.

Regulation 8.10.6.1 will now include a new term which require the craft to be arranged to allow a helpless person to be recovered from the water in a horizontal or near-horizontal body position. The purpose is to adhere to the guidelines previously stated in MSC.1/Circ. 1185/Rev. 1, stating that lifting a hypothermic person vertically can induce cardiac arrest.

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The resolutions do not contain phasing-in provisions, which in the NMA's opinion would be natural if the terms of exemption were meant to have a retroactive effect for vessels that are currently granted exemption from the requirement of a rescue boat. SOLAS Chapter X Regulation 2.2 also indicates that there should not be any requirements for upgrades of vessels that have already been granted exemption. Therefore, the NMA presumes that the amendments to the 1994 HSC Code and the 2000 HSC Code regulations 8.10.5 and 8.10.6 apply to exemptions granted on or after 1 January 2020. Thus, there is no requirement to replace existing equipment used to allow a helpless person to be recovered from the water. Exemptions granted before 1 January 2020 will remain valid.

Amendments to chapter 14

Resolution MSC.438(99) and MSC.439(99) include amendments to chapter 14 on radiocommunications of the 1994 HSC Code and 2000 HSC Code, respectively. Chapter 14 has been amended to replace the reference to the service provider “Inmarsat” with the more generic term “recognized mobile satellite service”. The purpose of these amendments is to allow other providers (than Inmarsat) to provide services and equipment related to the Global Maritime Distress Safety System (GMDSS).

The consultation

The proposed amendment was circulated for review from 12 November to 16 December 2019. The NMA received answers from 7 consultative bodies. None of the consultative bodies had any comments to the proposed amendments to the Regulations.

Administrative and financial implications

The regulatory amendments include an update of the legislation related to the 1994 HSC Code and the 2000 HSC Code.

Companies applying for a new exemption based on the 1994 HSC Code and the 2000 HSC Code Regulation 8.10.6 from 1 January 2020 must be able to document that the craft is arranged to allow a helpless person to be recovered from the water in a horizontal or near-horizontal body position.

The NMA will adapt the enforcement of the legislation to the amendments of the 1994 HSC Code and the 2000 HSC Code. Beyond this, the proposal is not considered to have any significant administrative consequences.

Yours faithfully,

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Head of Department

This document has been electronically approved, and therefore does not contain handwritten signatures.