Sjøfartsdirektoratet
Norwegian Maritime Authority

Circular - Series R

Circular Series R (Regulations) supersedes previous Series F.
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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 repeal of Regulations on reduced speeds around bathing persons and restrictions within marked swimming areas

The NMA has repealed Regulations of 24 February 1983 No. 624 on reduced speeds around bathing persons and restrictions within marked swimming areas.

Background

Following the Regulations of 19 April 2021 No. 1214 on speed limits at sea, laid down by the Ministry of Transport, requests were submitted to the Norwegian Maritime Authority (NMA) in April and May of 2021 calling for the repeal of the Regulations of 24 February 1983 No. 624 on reduced speeds around bathing persons and restrictions within marked swimming areas.

In response to these requests, the NMA examined the historical development of the legislation concerning speed limits at sea. The conclusion was clear – the Regulations should be repealed. The Regulations were based on the Norwegian Maritime Codes of 1893 and 1994, but the material legal basis in the current Maritime Code was repealed in 2007. After that, the Regulations have had an unclear legal basis, which is considered a strong argument for repeal. Additionally, in connection with the development of the speed regulations with a legal basis in the Harbour and Fairways Act, the plan was to repeal the Regulations in 2009. The failure to do so is most likely due to neglect. Please see the consultation letter for a more detailed description of the history.

Administrative and financial implications

In addition to examining the historical development, the NMA has evaluated the consequences of repealing the Regulations. When comparing the Regulations to other applicable regulations of speed limits at sea, it was found that most of the Regulations have been incorporated into other Regulations and Acts, and a repeal will only entail minor changes to the legislation. The only change with probable practical and financial consequences is the removal of the exemption for enclosing fish in a purse seine. Nevertheless, the effect is likely minor, and the amendment has been sufficiently discussed and argued. Please refer to the consultation letter for a more detailed assessment of the consequences of this proposal.

Consultation

The proposal to repeal was circulated for review from 29 November 2021 to 10 January 2022. The consultation period was limited to six weeks since the most important content of the proposal had already been circulated with a regular deadline for comments.

The NMA received four consultative comments. Møre og Romsdal Fiskarlag and Fiskarlaget Vest had comments to the proposal. […We hereby express our scepticism towards the repeal of the Regulations, as the provision in section 3 (1) of the 1983 Regulations includes an exemption from the ban on anchoring and traffic within the buoys, applicable to traffic related to «commercial enclosing of fish in a purse seine».

The above-mentioned exemption has not been included in the Speed Limit Regulations of 2021. Møre og Romsdal Fiskarlag and Fiskarlaget Vest therefore oppose the proposal to repeal the Regulations unless the exemption is
included in new regulations.]

The NMA refers to the fact that parts of this provision has already been transferred to the newer Regulations on speed limits at sea, cf. section 3. In connection with the laying down of these new Regulations, the Ministry considered the provision on enclosure within buoys, see item 7.4 in the consultation paper (https://www.regjeringen.no/no/dokumenter/horing-av-forslag-til-forskrift-om-fartsgrenser-til-sjos/id2737514/?expand=horingsnotater). […The working group proposes removal of the exemption for commercial enclosure of fish in purse seine. We do not believe that this is compatible with the swimming area being marked as public. In our opinion, the municipality should avoid facilitating public swimming areas where there are civil rights related to an area that could cause a conflict with the use of the area as a swimming area.] At the same time, it was a condition that the NMA would repeal the Regulations on reduced speeds around bathing persons and restrictions within marked swimming areas.

Entry into force

This Regulation enters into force immediately.

Knut Arild Hareide
Director General of Shipping and Navigation

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