

Regulations of 25 November 1988 No. 940 on supervision of maritime service

Legal basis: Laid down by Royal Decree of 25 December 1988 under the Act of 18 June 1971 No. 90 relating to enrolment of employees on board ships, etc., cf. Royal Decree of 1 October 1971. Prepared by the Ministry of Foreign Affairs (now the Ministry of Trade, Industry and Fisheries).

Added legal basis: Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) section 2, section 6, section 16 second paragraph (g), section 39 third paragraph (g), cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590.

Amendments: Amended by Regulations of 2 June 2005 No. 677, 16 August 2006 No. 990, 26 October 2011 No. 1527, 20 August 2013 No. 1013, 10 November 2017 No. 1778, 20 December 2017 No. 2379.

Section 1 *Definitions*

For the purpose of these Regulations, the following definitions shall apply:

- a) “*Vessel*”: Ship, drilling vessel, and other mobile offshore units.
- b) “*Employer*”: Shipping company or other employer.
- c) “*Supervisory authority*”:
 1. Norwegian foreign service station, local Labour and Welfare Administration offices in Norway, or other public institution specially authorised to carry out public supervision in pursuance of these Regulations.
 2. Employer/master carrying out preliminary supervision in pursuance of these Regulations.
- d) “*Master*”: Master of a vessel, including offshore installation manager.
- e) “*Maritime service*”: Service on a vessel.

Amended by Regulation of 16 August 2006 No. 990.

Section 2 *Scope of application*

These Regulations apply to Norwegian nationals working on board vessels, regardless of the nationality of the vessel.

The provision regarding preliminary supervision in section 4 of these Regulations applies to the company and master of Norwegian vessels.

The provision regarding record of service in section 5 of these Regulations applies to foreign nationals working on board Norwegian vessels.

Amended by Regulations of 2 June 2005 No. 677, 20 August 2013 No. 1013.

Section 3 *Exemptions*

The Norwegian Maritime Authority may, in individual cases and upon written application, grant exemptions from the requirements of these Regulations. Exemptions may only be granted where they do not contravene international agreements to which Norway has acceded.

Amended by Regulation of 20 August 2013 No. 1013.

Section 4 *Preliminary supervision*

The company and master shall carry out preliminary supervision of the employee's conditions of employment, qualifications, medical certificate and proof of identification before the employee may commence service on board.

The following are exempted from the requirement for preliminary supervision pursuant to the first paragraph:

- a) employees on vessels of less than 250 gross tonnage;
- b) employees on fishing vessels when the vessel is used as such;
- c) employees on vessels on Norwegian lakes and rivers;
- d) persons who serve on vessels belonging to the Norwegian Armed Forces;
- e) persons who only work on board while the ship is in port;
- f) persons who only carry out inspections on board.

Amended by Regulations of 2 June 2005 No. 677, 20 August 2013 No. 1013.

Section 5

Issue of sea service book and record of service

To Norwegian nationals, a sea service book shall be issued upon application. To persons other than Norwegian nationals, a record of service shall be issued upon application.

For the issue of sea service books, the applicant shall show up at a public supervisory authority with two passport pictures, a valid Norwegian passport and documentation that the person concerned is working on board vessels. For applications for sea service book submitted in person at a Norwegian foreign service station, a letter of application containing the applicant's name, birth date, national identity number and height shall be attached in addition to the documents referred to in the first sentence.

For the issue of records of service, the applicant shall show up at a public supervisory authority with documentation that he or she is working on board a Norwegian vessel, and shall produce a valid passport or other authorised proof of identification.

Amended by Regulations of 2 June 2005 No. 677, 20 August 2013 No. 1013.

Section 6

Service time and contents of sea service book and record of service

The recording of service time in the sea service book shall be carried out by the master or the company. As an alternative, the service time may be certified by the company in the record of service. If such entries have not been made, this may be done by a public supervisory authority.

The Norwegian Maritime Authority shall prescribe the form and contents of the sea service book and record of service, as well as the endorsements and entries which shall be made.

The employer shall keep the documentation of the employees' service time until such time that documentation no longer can be presumed to have any significance for their gaining or maintaining certificate rights.

Amended by Regulations of 2 June 2005 No. 677, 20 August 2013 No. 1013.

Section 7

Requirement for proof of identification

The company shall ensure that the employee's identity has been adequately documented, checked and verified before commencement of service. Employees from countries which have ratified ILO Convention No. 108 or ILO Convention No. 185 regarding national identity documents shall produce these. Employees from countries which have not ratified these Conventions shall either produce proof of identification for work on vessels with legal basis in their own country's legislation, or shall, if this is not available, produce their passports. Proof of identification issued by another State shall only be accepted if the employee is a resident of that State.

If only passport is available, the company shall in addition to the requirement of the first paragraph ascertain that the employee is working on board vessels by way of other documentation issued by an authority in the employee's home country or previous service which the employee has completed. Employees shall in addition bring on board the necessary travel document(s) and other documentation of their identity.

Amended by Regulations of 2 June 2005 No. 677, 26 October 2011 No. 1527 (in force on 1 November 2011, formerly section 8), 20 August 2013 No. 1013.

Section 8

Amended by Regulations of 2 June 2005 No. 677, 26 October 2011 No. 1527 (in force on 1 November 2011, formerly section 9), repealed by Regulation of 10 November 2017 No. 1778 (in force on 16 November 2017).

Section 9

Fees

For the issue of record of service carried out by a Norwegian foreign service station, a fee shall be paid in accordance with the current tariff of fees laid down pursuant to the Act of 18 July 1958 No. 1 relating to Foreign Service.

Amended by Regulation of 26 October 2011 No. 1527 (in force on 1 November 2011, formerly section 10), 20 August 2013 No. 1013.

Section 10

Amended by Regulations of 26 October 2011 No. 1527 (in force on 1 November 2011, formerly section 12), 20 August 2013 No. 1013 (formerly section 11), repealed by Regulation of 20 December 2017 No. 2379 (in force on 1 January 2018).

Section 11

Entry into force

These Regulations enter into force on 1 January 1989. As from the same date, the Regulations of 15 June 1987 concerning mustering of employees on board vessel are repealed.

Amended by Regulations of 26 October 2011 No. 1527 (in force on 1 November 2011, formerly section 13), 20 August 2013 No. 1013 (formerly section 12).