Excerpts from the Norwegian Maritime Code of 24 June 1994 No. 39

with later amendments up to and including Act of 17 June 2016 No. 71 (in force on 1 July 2016).

Preface

A translation was originally made by Peter Bilton at the request of the Ministry of Justice.

Throughout the translation, the Norwegian term “reder” has been used when the original utilises this term or the term “rederi”. There is no equivalent English term. The “reder” is the person (or company) that runs the vessel for his or her own account, typically the owner or the demise charterer. Time charterers and voyage charterers are not considered “reders”.

The translation of titles of acts and some other terminology rely heavily on precedents. It has been considered more important to facilitate reference than to attempt to improve more or less established terminology.

Editions:

- The translation was originally made by Peter Bilton at the request of the Ministry of Justice.
- The original translation was further elaborated in a 1997 edition (MarIus 236) by Trond Solvang and Erik Røsæg: *The Norwegian Maritime Code of 24 June, 1994, No. 39 – with later amendments up to and including act of 2 August 1996, No. 2*.
- The 2006 unofficial student edition was made by Eivind Killengreen, Cornelius Sogn Ness and Herman Steen with invaluable help from Sissel Aastorp. *The Norwegian Maritime Code, 24 June 1994 No. 39, with later amendments up to and including, Act 7 April 2006 No. 9, but only as far as these amendments are in force by 1 December 2006*.
- The 2008 update of the unofficial student edition was made by Henrik Valderhaug Heussche and Lisbeth Bremnes. *The Norwegian Maritime Code, 24 June 1994 No. 39, with later amendments up to and including, Act 27 June 2008 No. 72*.
- The 2010 update of the unofficial student edition was made by Henrik Valderhaug Heussche. *The Norwegian Maritime Code, 24 June 1994 No. 39, with later amendments up to and including, Act 26 March 2010 No. 10*.
- The translation has been edited and updated by the Norwegian Maritime Authority.
  The translators are indebted to the authors of previous translations.

Part I Ships

Chapter 1.
General Provisions

I. Nationality, etc.

Section 1
Conditions for nationality

A ship shall be regarded as a Norwegian ship when it has not been entered in the ship register of another State and is owned by:

1) a Norwegian national;
2) a shipping partnership or other Norwegian company, the members of which have unlimited liability for the obligations of the company, provided that Norwegian nationals are part owners of at least six tenths thereof;
3) a limited partnership, provided that Norwegian nationals hold at least six tenths of the capital invested by the general partners and at least six tenths of the capital invested by the limited partners;
4) a limited company not covered by item 3, provided the company’s head office and the office of the board of Directors are in Norway and the majority of the directors, including the board chairman, are Norwegian nationals who are resident in Norway and have lived here for the past two years, and Norwegian nationals own shares or holdings corresponding to at least six tenths of the share capital and are entitled to exercise at least six tenths of the voting rights in the company.

Regarded as equivalent for the purposes of this section to property owned by a Norwegian national shall be that owned by the Norwegian State, by an institution or a fund administered by the Norwegian State, by a Norwegian municipality,

by a company that satisfies the conditions in the first paragraph, or by a Norwegian bank, foundation or association provided that the office of its board is in Norway and the majority of the board are Norwegian nationals resident in Norway.

Equal for the purposes of this section in regards to property owned by a Norwegian national is that owned by a person, company or enterprise as included in the regulations in the EEA Agreement. If the ship is owned by a company, enterprise or similar, the activity must have been founded in accordance with the legislation in one of the states connected with the EEA Agreement and have its statutory head office, head administration or head enterprise in one of these countries. Equal to the requirement of Norwegian citizenship and address for the members of the board in the first paragraph item 4 is citizenship and address in a state connected to the EEA Agreement. It is a requirement that the ship is part of the owner's economic activities established in Norway and that the ship is operated from Norway. A ship used for recreational purposes and not part of economic activities may be owned by a person who is residing in Norway and is a citizen of a state connected to the EEA Agreement.

If a ship is owned by a foreign national permanently resident in Norway and who is not from any state connected to the EEA Agreement, the Ministry may in exceptional circumstances recognize the ship as a Norwegian ship. Similarly the Ministry may in exceptional circumstances grant exemption from the requirements in the first paragraph items 2 to 4, cf. second paragraph, to the effect that Norwegian nationals must hold at least six tenths of the capital and be entitled to exercise at least six tenths of the voting rights.

If the owner does not have his permanent address in Norway, he must appoint a representative, residing in Norway and with citizenship from a state connected to the EEA Agreement, who has the authority to accept law suits on behalf of the owner.

Amended by Acts of 8 December 1995 No. 65 (in force on 1 January 1996), 21 January 2000 No. 8, 27 June 2008 No. 72 (in force on 1 July 2008 pursuant to decree of 27 June 2008 No. 743).

Section 2
Estate of a deceased person, undivided estate and forced sale

Upon the death of the owner of a Norwegian ship or the owner of a share or a holding in a company as mentioned in section 1, the ship shall retain its nationality for such period as the estate of the deceased remains under the administration of a Norwegian Probate Court, irrespective of the nationality of the heirs. A surviving spouse in possession of an undivided estate shall for the purposes of section 1 be deemed to be the sole owner of all the assets of the estate.

Upon the purchase of a Norwegian ship at a forced sale, for the purpose of securing a claim of the purchaser in respect of which he holds a lien or mortgage on the ship, the Ministry may consent to the ship temporarily remaining a Norwegian ship, even if the requirements of section 1 are not fulfilled. Such consent shall take effect for such period and upon such conditions as may be laid down by the Ministry.

Amended by Act of 30 August 2002 No. 67 (in force on 1 January 2003 pursuant to decree of 30 August 2002 No. 938).

Section 3
Managing reder, etc.

When a Norwegian ship is owned by an individual person, cf. section 1 item 1, who is not resident in Norway, the owner shall nominate a representative who satisfies the conditions for being the managing reder of a shipping partnership, cf. section 103, and who has the same authority as that of a managing reder. The Ministry may if necessary stipulate a time limit for such a nomination to be made. If the reder fails to make a nomination prior to the expiry of the time limit, the Ministry may decide that the ship shall not be deemed a Norwegian ship. In such an event, the ship shall no longer be entitled to registration in Norwegian registers of ships and shall, as the case may be, be deleted.

When a Norwegian ship is owned by a shipping partnership or other company as mentioned in section 1 item 2, a managing reder shall be appointed in accordance with the provisions of section 103. The provisions of the first paragraph second to fourth sentences apply correspondingly unless at least one of the members of the shipping partnership or company is a Norwegian national resident in Norway or, in such cases as mentioned in section 1 second paragraph, is on the same footing as a Norwegian national according to section 1 second paragraph.

The provisions contained in the first paragraph apply correspondingly to limited partnerships, cf. section 1 item 3, unless at least one of the general partners is a Norwegian national, resident in Norway or, in such cases as mentioned in section 1 second paragraph, is on the same footing as a Norwegian national according to the section 1 second paragraph.

The provisions of this section shall only apply to such ships as must carry a certificate of nationality, cf. section 5.

Section 4
Special provisions affecting certain ships

Ships equipped for stationary use in drilling for, or the exploitation of, offshore subsea natural resources shall be deemed to be Norwegian when they are not registered in the ship register of another country and are owned by:

1) a Norwegian national;
2) a shipping partnership or other company whose members have unlimited liability for its obligations, provided that Norwegian nationals are co-owners for at least six tenths;
3) other companies, provided they are registered in Norway.

In the cases mentioned in items 1 and 2, section 1 second to fifth paragraphs and sections 2 and 3 apply correspondingly.

When the gross tonnage of a ship does not exceed 1,000 tonnage units/register tonnes and the ship is primarily engaged in the owner's business undertaking in Norway, the ship is regarded as Norwegian if the owner's undertaking has its seat and head office in Norway, provided that shipping does not constitute any independent part of the undertaking's activities. Shipping, in this respect, also includes salvaging, towing, fishing and catching.

Amended by Acts of 8 December 1995 No. 65 (in force on 1 January 1996), 21 January 2000 No. 8.

Section 5
Use of flags. Certificate of nationality

A Norwegian ship shall have the right to fly the Norwegian flag. The King may issue detailed regulations as to the use of flags, and if desirable as to the right of other ships to fly the Norwegian flag.

A Norwegian ship required to be registered, cf. section 11 second paragraph, or which is engaged on foreign voyages, must carry a certificate of nationality. The King may issue regulations exempting ships not required to be registered from the obligation to carry a certificate of nationality. The owner of a Norwegian ship may in any event demand that a certificate of nationality be issued for the ship. If a certificate of nationality is to be issued for a ship that need not be registered, the ship must be entered in the Ship Register, cf. section 11 third paragraph.

Certificates of nationality are issued by the authority that has entered the ship in the Ship Register. Provisional certificates of nationality may in special cases be issued by the Norwegian Maritime Authority. If the ship is abroad, the certificate can be issued by the appropriate official of the Norwegian Foreign Service upon authority from the Norwegian Maritime Authority. The King may issue regulations to the effect that in cases of urgency such an official may issue a certificate without authority.

The King may issue further regulations as to certificates of nationality and their contents, and as to corrections to or the replacement and the return of certificates.

The provisions regarding certificates of nationality do not apply to ships of less than 10 metres in overall length.

Section 6
Hovercrafts

The provisions of sections 1 to 3 shall apply correspondingly to hovercrafts. The same applies to section 5 unless the King decides otherwise.

II. Name, Home Port, etc.

Section 7
Name

Every ship entered in the Ship Register shall have a name chosen by its owner. The name must be clearly distinguishable from the names of all other registered ships. Ships belonging to the same reder or group of reders may nevertheless have the same name if distinguished by different numbers. The name must not unreasonably interfere with any distinctive style of name used by another reder.

A ship may subsequently be renamed upon a change of ownership. The Norwegian Maritime Authority may also in other circumstances grant permission to rename a ship provided that reasonable grounds exist for so doing. The Registrar shall send a notice of the change of name to all those having registered rights in the ship.

Upon conclusion of a contract to buy or to build a ship, the ship's name may be reserved by notice to the Norwegian Maritime Authority. The Norwegian Maritime Authority may also in other circumstances, and provided that reasonable grounds exist for so doing, reserve a ship's name to an applicant for a period of up to five years at a time. A name which has been reserved shall have the same protection as the name of a ship which has been entered in the Ship Register.

Except for the first paragraph first sentence and the second paragraph, the provisions of this section only apply to ships which must be registered, cf. section 11 second paragraph.

The King may issue detailed regulations supplementing and implementing the provisions of this section.

Amended by Act of 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).

Section 8
Home port

Where a ship is to be entered in the Ship Register, the owner shall choose its home port from among such towns and other built-up coastal areas as are approved by the Norwegian Maritime Authority as home ports. The provisions of the third paragraph apply to ships on inland lakes.

The choice of home port is made by notice to the Registrar of Ships in accordance with section 12. Such home port can subsequently be altered by notice in accordance with the section 13 second paragraph.

Ships not entered in the Ship Register have their home port in the municipality in which the owner is resident. If the owner is not resident in Norway, the home port of the ship is in that municipality in which the owner's representative is resident. A ship owned by a shipping partnership or other company as mentioned in section 1 item 2 has its home port in the municipality in which the managing reder is resident. In respect of other companies, the municipality in which the office of the company or the seat of its board is situated is regarded as the ship's home port.

Amended by Act of 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 9
Signal letters, marks

The King issues regulations regarding ships' signal letters and the marking of ships.

Section 10
Ships beyond repair

A ship shall be regarded as beyond repair:

1) when it cannot be repaired, either where it is or at a place to which it can be moved;
2) when it is not worth repairing because its value when damaged together with the anticipated cost of moving and repair will exceed its estimated value when repaired.

The owner of a ship beyond repair can demand its sale through the enforcement authority according to the applicable rules governing forced sales, with the effect that maritime liens and all other encumbrances on the ship shall cease to attach to the ship. The provision contained in section 11-20 of the Enforcement of Claims Act relating to the lowest acceptable bid shall not apply.

Chapter 2.
Registration of Ships

I. The Ship Register, Registration Procedure, etc.

Section 11
Registration authority. Scope of the register

The Ship Register is a nationwide, national register. It is kept by an official appointed by the King. The Registrar decides whether the Registrar or an employee of the Register is incapacitated. If the Registrar finds reason for so doing, the question shall be submitted to the Ministry for decision. The provisions of the Property Rights Registration Act section 1 third paragraph relating to the delegation of authority and of section 2 relating to disqualification apply correspondingly.

Norwegian ships of 15 metres in overall length and upwards shall be entered in the Ship Register or in the Norwegian International Ship Register if the conditions for registration there have been met. However, ships acquired from abroad shall be exempt from the registration requirement if the person who acquired the vessel declares to the Norwegian Maritime Authority that the ship will be scrapped without further trading. The King may issue regulations to the effect that State-owned ships shall be exempt from the registration requirement.

A Norwegian ship of less than 15 metres in overall length may, at the owner's request, be entered in the Ship Register if its overall length is at least 7 meters or if the ship is required to be registered under Act of 26 March 1999 No. 15 relating to the right to participate in fishing and catching (Participant's Act) or if it is to be used exclusively or mainly in trade. When such a ship is entered in the Ship Register, the provisions of this Chapter shall apply.

Registered rights in ships entered in the Ship Register cannot be contested on the grounds that the ship did not fulfil or no longer fulfils the conditions for registration.

Except for cases as mentioned in section 14 fifth paragraph, a ship may not be entered in the Ship Register until it has been delivered by the builder or until it enters service on the builder's own account.

For registration or annotation in the Ship Register, a fee shall be paid as determined by the King. The same applies to a mortgage certificate relating to the Ship Register.

Claims arising from registration fees and fees for the provision of extracts of register entries etc. relating to a ship provide grounds for execution.

Amended by Acts of 26 March 1999 No. 15 (in force on 1 January 2000 pursuant to decree of 19 November 1999 No. 1178), 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170, third paragraph third and fourth sentences are repealed again 1 July 2008), 26 March 2010 No. 10, 11 January 2013 No. 3 (in force on 1 June 2013 pursuant to decree of 24 May 2013 No. 533), 13 December 2013 No. 114.

Section 12
Entry in the Ship Register, etc.

Entry in the Ship Register takes place upon notice from the owner of the ship to the Registrar. In the case of ships with a duty to register, such notice must be sent within 30 days of delivery from the shipyard in the case of a newbuilding, and apart from that within 30 days of it being considered Norwegian.

If the ship is owned by a shipping partnership or other company as mentioned in section 1 item 2, notice is given by the managing reder. In the case of other companies, it is given by the manager or by a member of the board who is authorized to sign on behalf of the company.

Amended by Act of 8 December 1995 No. 65 (in force on 1 January 1996).

Section 13
Particulars of ships in the register, notices, etc.

The Ship Register shall contain particulars of a ship's name, identification signal, gross and net tonnage; in case of vessels not subject to a measurement requirement; length, breadth and depth; place and year of construction, home port, ownership, and the nationality of the owner. If the ship is owned by a shipping partnership or other company as mentioned in section 1 item 2, the register shall contain particulars of the managing reder. If the ship is owned by a person, company or enterprise as mentioned in section 1 third paragraph, the register shall contain particulars on who is operating the ship from Norway.

In the event of any change in the particulars referred to in the first paragraph, the owner of the ship shall notify the Registrar unless the contrary follows from regulations issued by the Ministry. The same applies if the ship is lost or scrapped. Notice shall be given as soon as possible and not later than 30 days after the change or event. The Registrar may extend the time limit. The provisions of section 12 second paragraph apply correspondingly. In the event of a sale, notice is given by both the buyer and the seller, but by the seller if, as a result of the sale, the ship can no longer be regarded as Norwegian.

Notice of ownership shall be accompanied by a builder's certificate, a bill of sale from the previous owner, a bill of forced sale, or similar documentation. The King can issue more detailed regulations in this regard and concerning the content and form of such notice and any document that must accompany such notice. If a ship is acquired from abroad, it cannot be registered unless the notice is accompanied by a certificate from the appropriate authority in the foreign country to the effect that the ship is not entered in the ship register or the shipbuilding register of that country, or that it will be deleted from such a register upon registration in another country. Such a certificate must also be presented to enable a ship that has not been considered Norwegian because it was registered in a foreign register, cf. sections 1 and 4, to be entered in the Ship Register.

Amended by Acts of 8 December 1995 No. 65 (in force on 1 January 1996), 21 January 2000 No. 8, 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).

Section 14
Procedure, etc.

The Registrar shall keep a journal containing details of documents presented for registration, and a ship register with a separate leaf for each ship. Registration is carried out by entering an extract from the document in the journal and making a note of the document in the Ship Register.

A document which has been requested registered shall be entered in the journal as soon as possible according to the day and minute when it was received for registration, and shall be deemed to have been entered at that time. A document received after a time of day fixed by the Ministry shall be entered in the journal at the Ship Register's following opening time.

Should the Registrar on receipt of the document find that it cannot be registered, he shall draw attention to the fact. If the document is not withdrawn, it shall be entered in the journal, and in the event be refused registration, cf. section 16. If it is evident that the document cannot be registered, it can be returned to the person who requested the registration, without any entry in the journal. The person in question shall at the same time be informed of why the document cannot be registered and that it has not been entered in the journal. The person in question shall moreover be informed that the document will be entered in the journal if this is demanded. If such a demand is advanced, the document is entered in the journal the day the demand is received, cf. the second paragraph.

If the conditions for registration are met, the document shall be noted in the Ship Register within two weeks of its entry in the journal. The document is returned to the person who presented it, or to a person designated by him or her.

If delivery of a ship from a foreign builder or seller to a new owner is expected at a time outside office hours of the Registrar's office, the entry of the ship in the Register and the registration of voluntarily established legal rights may be made prior to the ship's delivery, but the Registrar must retain the documents until he or she receives confirmation that the ship has been delivered. If the ship is not delivered within 1 week from the entry in the journal, the registration is null and void.

Registered documents shall be stored electronically. The Ministry may by regulation issue further provisions concerning how registered documents shall be stored and managed.

The Ministry may by regulation prescribe requirements regarding the submission of a copy of the document to be registered, the certification of the copy and who may make such certifications.

Amended by Act of 17 June 2016 No. 71 (in force on 1 July 2016 pursuant to decree of 17 June 2016 No. 667).

Section 15

Requirements regarding documents, attestation of signatures, etc.

A person requesting the registration of a document shall send the document to the Registrar. A document presented for registration must be written in Norwegian, Danish, Swedish or English, and must be so legible and clear that no doubt arises as to how it should be noted. The Ministry can issue regulations relating to the form of such documents.

For a bill of sale or mortgage deed which was not issued by a public authority to be noted in the Register, the signature must be attested in accordance with regulations issued by the Ministry. It shall be expressly confirmed that the signature was written or acknowledged in the presence of the person concerned, and shall state whether or not the issuer is over 18 years of age. The same applies to notice of consent as referred to in section 22 first paragraph. More detailed regulations as to proof of the identity, and the age and authority of the signatory can be issued by the Ministry.

Amended by Act of 17 June 2016 No. 71 (in force on 1 July 2016 pursuant to decree of 17 June 2016 No. 667).

Section 16

Refusal of registration

The Registrar shall refuse to register a document if it is clear to him that the document is invalid or that the signatory thereto lacks the necessary right of disposal, or if any other requirement for noting the document in the Ship Register is not complied with. The decision shall be taken on the basis of the document itself and such other documents and evidence as are available. If the Registrar sees fit, he or she may himself or herself institute inquiries.

Instead of refusing to register a document in such cases as mentioned in the first paragraph, the Registrar may fix a time limit for rectification, if he or she has reason to believe that this will be done within a reasonable time. In that event, the document shall be provisionally noted in the Ship Register together with an explanation of the circumstances. If the deficiency is not made good within the time limit, registration of the document shall be refused.

Should registration of a document be refused, a note to that effect is made in the journal. The person who requested the registration shall immediately be notified by registered mail of the refusal and the reason for it, of the right to appeal and the time limit for lodging an appeal, and of the rule that legal proceedings in respect of such a refusal cannot be instituted without prior resort to the right of appeal, cf. section 19. If other persons are directly affected, such notice shall at the same time be given to them.

Notice as mentioned in the third paragraph shall also be given in other cases where a person has requested a step to be taken which has been refused by decision of the Registrar.

The Ministry may issue regulations refusing registration in the ship registers for vessels that are listed by regional public fishery administration organisations as committing unlawful, unreported or unregulated fishing. Such regulations may also be issued refusing registration of ships that are subject to bans under section 51 first paragraph a and b in the Wild Marine Resources Administration Act.

Amended by Act of 6 June 2008 No. 37 (in force on 1 January 2009 pursuant to decree of 12 December 2008 No. 1355).

Section 17

Certificate

The Registrar shall enter a certificate of registration on every document registered.

If the document shows anything relating to ownership, priority or the like which is inconsistent with that which has previously been registered, this shall be noted in the certificate. If the document is a mortgage deed or a letter of indemnity a note shall also be made of any registered encumbrances which may have a bearing on the rights of the mortgagee.

Any person shall be entitled upon request to receive a certificate of the ownership of and encumbrances on a registered ship.

Section 18
Errors in registration

If the Registrar becomes aware that an entry in the Ship Register is incorrect or that an error has otherwise been made, the Registrar shall correct the error. If any person, by reason of the error, has been incorrectly informed, the Registrar shall so far as is possible notify such person of the correction by registered mail.

Whoever is of the opinion that the contents of the Ship Register are incorrect and detrimental to his or her rights may demand registration of his or her request for correction, provided he or she can show the likelihood of the contention or furnish such security as may be determined by the Registrar. If he or she is unable to prove the claim within a time limit fixed by the Registrar, the claim shall be deleted from the Register.

Section 19
Appeals, etc.

Appeals against decisions of the Registrar may be lodged with the Ministry by any person whose appeal is based on a legal interest in the matter. An appeal by any person who has received notice under section 16 third or fourth paragraph must reach the Registrar within three weeks from the day upon which the notice was sent.

Appeals by others must reach the Registrar within three weeks from the day when the appellant learned or ought to have learned of the decision, cf however the fourth paragraph. In exceptional circumstances, the Registrar may fix a time limit longer than three weeks.

Reinstatement notwithstanding the expiry of the time limit for appealing may be granted in accordance with the rules of section 31 of the Public Administration Act; cf. however the fourth paragraph below. Sections 32, 33 and 36 of the Public Administration Act also apply.

The provisions of sections 10 a and 10 b of the Property Rights Registration Act relating to certain limitations of the right to grant appeals shall apply correspondingly.

Any person who has received notice in accordance with section 16 third or fourth paragraph, may not institute legal proceedings without having first made use of his right of appeal and having had the appeal decided on by the Ministry. Section 27 b second sentence of the Public Administration Act shall however apply correspondingly.

The appropriate public body may set the time limit for raising legal action to three weeks from the time the notice of time limit reaches the concerning part. If the limit is exceeded, the Court may still allow legal action, provided that particular grounds exist for so doing and no circumstances are a hindrance to complying with the complaint, cf. this section's fourth paragraph.

Amended by Act of 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3.

III. Deletion, Time-barring of Legal Protection

Section 28
Deletion of a ship

Upon receipt by the Registrar of notice pursuant to section 13 second paragraph that a ship has been lost or scrapped or is no longer to be regarded as Norwegian, the ship shall be deleted from the Register. The same applies if due notice is not given within the time limit according to section 13 second paragraph, but the Registrar otherwise learns of such facts. Before the ship is deleted, the owner shall in such a case have the opportunity to give a statement. A ship which is not subject to compulsory registration shall, in addition to the cases referred to, be deleted at the request of its owner. Even when a ship is still to be regarded as Norwegian, it may be deleted from the Ship Register if its owner informs the Registrar that the ship will be registered in the register of another country when it has been deleted from the Norwegian Register.

If an encumbrance has been registered with a ship, the ship shall not be deleted without the written consent of the beneficiary of the encumbrance, but a note of the facts which would otherwise have resulted in deletion shall be made on the ship's sheet in the Register. In such event, the encumbrance retains its priority, but no new establishments of rights can be registered.

Upon request, the Registrar shall issue a certificate of deletion in respect of the ship, in which all registered encumbrances are listed in order of priority.

Amended by Act of 8 December 1995 No. 65 (in force on 1 January 1996).

Section 29
Deletion of encumbrances

An encumbrance shall be deleted by the Ship Register when evidence is registered demonstrating that the encumbrance has ceased to attach or that the entitled person consents to the deletion.

In order for a negotiable mortgage deed to be deleted, the document must be submitted to the Registrar together with receipt or consent. If it is impossible or unreasonably difficult to obtain a receipt or consent, the Registrar may, when the document is submitted and it is established as probable that the encumbrance has ceased to attach or apply, at the request of the owner announce an invitation to possible holders of rights to contact the Registrar within 2 months. If nobody makes contact, the encumbrance is deleted.

An encumbrance that has ceased to attach through enforced sale or other sale pursuant to the Enforcement of Claims Act, or through sale pursuant to section 117a of the Bankruptcy Act, shall, notwithstanding the provision of the second paragraph first sentence, be deleted upon registration of a deed demonstrating that the encumbrance has ceased to attach. The same applies when it is established that an encumbrance has ceased to attach through enforced sale of the ship abroad, provided that the enforced sale is binding for the holder of rights pursuant to Norwegian law governing application of foreign law.

A mortgage that has ceased to attach through compulsory composition shall, notwithstanding the provision of the second paragraph first sentence, be deleted upon registration of a confirmation order pursuant to section 52, cf. section 53, of the Bankruptcy Act, demonstrating that the encumbrance has ceased to attach.

Any encumbrance that is more than 20 years old may be deleted following an invitation as referred to in the second paragraph second sentence, when it is likely that the encumbrance has ceased to apply.

Encumbrances that have ceased to apply of obvious reasons shall be deleted by the Registrar of his or her own motion.

In the event of incorrect deletion, section 27 shall apply correspondingly.

Amended by Act of 3 September 1999 No. 72 (in force on 1 January 2000 pursuant to decree of 3 September 1999 No. 983).

IV. Ships under Construction

Section 31
Registration

Ships under construction in Norway and contracts for the construction of ships in Norway may upon application be entered into a separate chapter of the Ship Register (the Shipbuilding Register). Such registration also encompasses hulls, major hull sections or main engines built outside the Kingdom, in cases where delivery by the foreign shipyard has taken place. Such request shall be made by the owner in the case of a ship under construction or by the purchaser in the case of a building contract. When a contract is entered in the Register, registration thereof also protects the rights of the purchaser in respect of the ship as from the commencement of its construction. A declaration by a shipyard of a decision to build a ship on its own account is regarded as equivalent to a contract.

Entry in the Shipbuilding Register may only be effected when the probability has been shown that the finished ship will have an overall length of 10 metres or more.

The provisions of section 11 fourth paragraph, section 12 second paragraph, section 13, section 14 first to fourth paragraphs, and sections 15 to 27 apply correspondingly as appropriate.

Amended by Act of 19 June 2009 No. 102 (in force on 1 July 2009 pursuant to decree of 19 June 2009 No. 701).

Section 32
Deletion, etc.

Ships and building contracts that are entered in the Shipbuilding Register shall be deleted when the ship is delivered by the builder or, if the ship has been built on the builder's own account, when the ship enters service. If a ship is lost during construction, it shall be deleted. The same applies to a building contract which is discontinued.

In cases as mentioned in the first paragraph, application for deletion shall be made in accordance with the provisions of section 13, cf. section 31 third paragraph. This does not, however, apply when the ship in question is delivered or entered into service, provided that the ship meets the criteria for entry in the Norwegian Ship Register and is so entered. The King may issue rules permitting deletion although no application has been made, if the Registrar has by other means learned of circumstances that justify deletion.

If an encumbrance is registered on a ship under construction or on a building contract, and the encumbrance is not transferred to the Norwegian Ship Register, such encumbrance shall not be deleted from the Shipbuilding Register without the written consent of the holder of the right, but a note shall be made on the ship's or the contract's sheet in the Register of the circumstances which should have led to deletion. In such event, the encumbrance retains its priority, but no new right may be registered. If, when completed, the ship fulfils the requirements relating to entry in the Ship Register but its owner does not apply for such entry within the time limit referred to in section 13 second paragraph, the holder of the right concerned may himself or herself apply to have the ship entered in the Ship Register.

Upon request, the Registrar shall issue a certificate of deletion on which all registered encumbrances are listed in order of priority.

The rules of sections 29 and 30 shall, as appropriate, apply correspondingly to encumbrances noted in the Shipbuilding Register.

V. Miscellaneous Provisions

Section 33
Units which are not regarded as ships

The following units may upon the request of their owner be entered in the Ship Register, even if they do not fall within the scope of section 11 second and third paragraphs:

1) floating cranes, floating docks and dredgers, if owned by someone as mentioned in section 4 first paragraph;
2) such other floating units as the King decides, if owned by someone as mentioned in section 4 first paragraph;
3) hovercraft, if Norwegian, cf. section 6.

Concerning the choice of home port, the provisions of section 8 first and second paragraphs apply correspondingly. Otherwise the provisions of section 11 fourth and fifth paragraphs, section 12 second paragraph, and sections 13 to 30 apply correspondingly as appropriate.

In relation to a unit of the kind mentioned in the first paragraph and which is under construction or due for construction in this Kingdom the provisions of section 31 first and third paragraphs and section 32 apply correspondingly.

Section 35
Acquisition of registered title by consolidated proceedings against possible holders of rights

If the owner of a Norwegian ship lacks a registered title and it is impossible or unreasonably difficult for him or her to obtain registered title in any other manner, he or she may acquire registered title by a judgment confirming his or her title to the ship, obtained in consolidated proceedings against possible holders of rights and by registration of such judgment.

The action is brought before the County or City Court of the ship's home port. In the writ of summons the plaintiff must show good grounds for his or her claim to the ship, and that the other conditions for the action have been met. If the Court finds that the conditions have been met, it shall order that an extract of the writ be published in Norsk lysingsblad, with an announcement calling on any person claiming to have a better right to the ship than the plaintiff to appear in Court within a period, which shall be set at not less than 3 months, and prove his right. The announcement shall draw attention to the provisions of the fourth and fifth paragraphs. The Court may also effect publication by posting notices or by advertisements in one or more other newspapers in Norway or abroad. The time limit runs from publication in Norsk lysingsblad.

If the Court finds that the conditions for the action have not been met, the case is dismissed by a decision in the form of a ruling. The ruling may be appealed.

If no defendant appears within the time limit, the Court gives judgment without a hearing, confirming that the plaintiff is the owner. Such judgment immediately becomes final and binding on each and every person and shall not be subject to the right of appeal.

Should any person appear before the time limit has expired and claim to have a better right to the ship than the plaintiff, the action continues in accordance with the general provisions of the Dispute Act. A final judgment in the action is binding on each and every person regardless of who may have appeared in the action.

The provisions of this section apply correspondingly to such units as are referred to in section 33.

Amended by Acts of 14 December 2001 No. 98 (in force on 1 January 2002 pursuant to decree of 14 December 2001 No. 1416), 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3.

Section 36
Acquisition of registered title by advertisement

Whenever a Norwegian ship of less than 15 metres in overall length belongs to someone who has no registered title, the person exercising an owner's rights of disposal and declaring in writing that he or she is the owner, may obtain registered title provided that he or she can show prima facie that he or she, alone or together with those from whom he or she has acquired title, has been owner for at least 10 years or from the date of the ship's final departure from the construction yard or the date when the ship was set in motion at the yard's own expense. If the Registrar finds that these conditions have been met, he or she shall publish an invitation to possible owners to appear within a time limit which shall be set to at least 1 month. If no person appears, the Registrar shall enter the ship in the Ship Register with the owner as registered titleholder or, if the ship is already registered, note that the title of the owner is in order.

Amended by Act of 17 June 2016 No. 71 (in force on 1 July 2016 pursuant to decree of 17 June 2016 No. 667).

Section 37
The State's liability for damages

A person who through no fault of his or her own sustains a loss because of an error in registration shall be entitled to damages from the State when the cause of such loss is that:

a) he or she relied on a registration certificate, an encumbrances certificate or a deletion certificate;
b) a document was not entered in the journal, or was entered there too late;
c) a document as mentioned in section 26 first paragraph second sentence was registered and the injured party in good faith registered a right in the journal acquired by him or her pursuant to an agreement entered into in reliance upon the validity of the registered document;
d) a right pursuant to section 27 must yield priority to a subsequently registered right.

Section 38
Regulations. Calculation of time limits

The Ministry may issue more detailed regulations as to how the journal and the Ship Register shall be arranged and kept, and to other procedures connected with registration. The Ministry may also issue any further regulations necessary to enforce and supplement the provisions of this Chapter, how documents must be formulated in order to be registered, and the approval and use of forms for certain types of document.

The provisions of the Act Relating to the Courts of Justice apply to the calculation of time limits. When a time limit is to be reckoned from the registration of a document, it shall run from the day upon which the document was entered in the journal.

VI. Installations for the Exploitation of Offshore Resources

Section 39
Fixed installations

Fixed installations under construction in Norway for use in exploration for or exploitation, storage or transport of subsea natural resources or in support of such activities, and building contracts for such installations, may at the request of the owner be entered in the Shipbuilding Register, provided they are to be wholly or partly located in Norwegian territory or the Norwegian part of the continental shelf, and that such an entry will not be contrary to the obligations of Norway under international law. Large sections of fixed installations and building contracts for such sections may also be entered in the Register provided they are to be or are being built in Norway under separate building contracts.

Fixed installations for use in exploration for or exploitation, storage or transport of submarine natural resources other than petroleum deposits or in support of such activities may at the owner's request be entered in the Ship Register, provided they are wholly or partly located in Norwegian territory or the Norwegian part of the continental shelf, and that such an entry will not be contrary to the obligations of Norway under international law.

The provisions of the present Chapter and of sections 41 to 44 shall apply correspondingly as appropriate. The mortgaging of such an installation may comprise appurtenances and equipment that can be mortgaged. The mortgaging may also comprise any permits that may have been granted for the exploitation of natural resources pursuant to Act of 21 June 1963 No. 12 relating to scientific research and exploration for and exploitation of subsea natural resources other than petroleum resources, in so far as this is compatible with the rules which otherwise apply to such permits.

Sections or building contracts for sections may be separately mortgaged if the section in question is to be built or is being built according to a separate building contract and has been entered in the Register according to the first or second paragraph. Section 43 first paragraph second sentence does not apply to fixed installations. The mortgage ceases to attach when the section is delivered to the purchaser.

Part II. Ship Management

Chapter 6.
The Master

Section 131
Seaworthiness of the ship

The master shall before a voyage begins ensure that the ship is seaworthy, including that it is sufficiently equipped, manned and supplied with provisions and in a proper condition for the reception, carriage and preservation of the cargo. The master shall see to that the cargo is properly stowed, that the ship is not overloaded, that its stability is satisfactory and that the hatches are properly closed and battened down.

During the voyage, the master shall do everything in his or her power to keep the ship in a seaworthy condition.

Section 132
Navigation, etc.

The master shall ensure that the navigation and management of the ship accords with good seamanship.

The master shall, as far as possible in advance, acquaint himself or herself with the orders and regulations in force for shipping in the waters where the ship is to trade and at the places where it is to call.

Section 133
Ship's books

The master is responsible for the keeping of the prescribed ship's books. Entries are made under the master's supervision.

Section 134
Loading, discharge, etc.

The master shall ensure that loading and unloading are carried out and the voyage performed with due dispatch.

Section 135
Distress

If the ship is in distress, the master is duty bound to do everything in his or her power to save those on board and to protect the ship and cargo. The master shall if necessary ensure that the ship's books and papers are brought to safety, and as far as possible arrange for salvage of the ship and cargo.

Unless his or her own life is in considerable danger, the master must not leave the ship as long as there is a reasonable prospect of its being saved.

As far as possible without serious risk to the ship or to those on board, the master is duty bound to give all possible and necessary assistance to any person in distress at sea or threatened by danger at sea. Included in distress according to the first sentence is any person who has taken refuge along the coast and cannot be reached by any other rescue service than stated in the international Convention of 27 April 1979 on Maritime Search and Rescue. The master shall treat persons who have been brought on board pursuant to the first and second sentences with dignity and care, within the frames set by the ship's possibilities and limitations.

No one, including the owner, the charterer, and the company responsible for the ship's operation according to the definition in the SOLAS Convention Regulation IX/1, shall in any way, wholly or partially, prevent the master from making decisions or effectuating efforts that in the master's professional judgement are necessary for the safety of human lives at sea, or for the protection of the marine environment.

Amended by Act of 7 April 2006 No. 9 (in force on 1 July 2006).

Section 136
The absence of the master, etc.

If the master is absent or is unable to perform his or her duties, the senior mate present makes such decisions as cannot be postponed.

If the master leaves the ship, he or she is required to inform the senior mate present or, if no mate is present, some other crew member, and give him the necessary orders for dealing with eventualities.

When the ship is not moored in port or at anchor in a safe anchorage, the master must not absent himself from the ship unnecessarily. The same applies under dangerous circumstances.

If the master dies, or is prevented owing to illness or for any other compelling reason from remaining in command of the ship, or if he or she leaves the service, the senior mate assumes command until a new master has been appointed. In such event, the reder shall be notified without delay. If the mate is not qualified to command the ship, the Norwegian Maritime Authority or the Foreign Office representative concerned shall also be notified as soon as possible.

Amended by Act of 16 February 207 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).

Section 137
The authority of the master

The master, in his capacity as such, has authority to enter into contracts on behalf of the reder relating to the conservation of the ship or the performance of the voyage and to make agreements for the carriage of goods on the voyage, or of passengers if the ship is intended for that purpose. The master may also act as plaintiff in lawsuits relating to the ship. In cases relating to the ship, the master may receive services of proceedings and notices on behalf of the ship's owner and reder, as long as this is not in conflict with Norway's commitments under international law.

The master of a fishing vessel may not without special authority enter into agreements regarding the ship's supply of equipment exclusively connected with fishing or catching, such as nets, lines, bait, ice, salt and barrels. Nor can the master, if the ship's gross tonnage does not exceed 300 tonnage units / register tonnes, without special authority purchase fuel for the ship's engines for the reder's account when the ship is within the territory of this Kingdom.

If money is required for any purpose mentioned in the first paragraph and the instructions of the reder cannot be awaited, the master shall seek to raise the money in the most convenient way. He or she may then, according to the circumstances, raise loans or pledge or sell goods belonging to the reder and even, in case of necessity, pledge or sell cargo. Even if the transaction was unnecessary, the contract is nevertheless binding if the third party acted in good faith.

Amended by Act of 22 December 1999 No. 106 (in force on 1 January 2000).

Section 138
Care of the cargo, etc.

On behalf of the reder the master shall take care of the cargo and generally protect the interests of the cargo-owner. For this purpose, he or she may without special authority enter into agreements and act as plaintiff in accordance with the provisions of section 266, cf. section 339.

Section 139
Obligations undertaken on behalf of the reder or cargo-owner

The master is not personally liable for obligations which he or she enters into in the capacity of master on behalf of the reder or cargo-owner.

Section 140
Liability for damages

The master is liable to compensate any loss caused through fault or neglect in his or her service pursuant to the general law of torts, cf. section 2-3 of Act relating to compensation in certain circumstances.

Section 141
Duty to render accounts

The master must render accounts whenever the reder so requests.

In the accounts, the master shall credit the reder with any special remuneration received from any one with whom he or she has had dealings in the capacity of master.

Section 142
Repatriation of seafarers, etc.

It is the duty of the master to convey seafarers, whose repatriation it is the Consul's responsibility to arrange, to their destination or to a port at which the ship calls on its voyage, but only in such numbers and on such conditions as the

King determines. When not inconvenient, the master is bound without payment to carry the funeral urns of, and any personal belongings left by, seafarers who when they died were Norwegian nationals or were resident in Norway.

Provided there are reciprocal arrangements, the King may extend these provisions to apply also to foreign seafarers (their urns and belongings) not covered by the first paragraph.

Chapter 6 A.
Alcohol Influence, Dutiful Temperance etc.

Section 143
Alcohol influence etc.

No one shall navigate or try to navigate a ship of 15 metres in overall length and upwards:

1. with a blood-alcohol content exceeding 0.02%, or an amount of alcohol in the body which may lead to such high blood-alcohol content;
2. with a concentration of alcohol in the exhalation breath exceeding 0.1 milligram per litre air; or
3. under the influence of any other intoxicating or anaesthetic agent than alcohol.

Delusion in relation to the size of the alcohol concentration does not exempt for penalty. The prohibition applies equally to those who performs or attempts to perform duties of essential significance to the safety at sea, herein including piloting.

Anyone who is included in the prohibition of the first paragraph must not take in alcohol or any other intoxicating or anaesthetic agent in the first six hours after the end of his or her service, when he or she understands or must understand that the performance of his or her service may lead to a police investigation. This prohibition is however not applicable once a specimen of blood or specimen of breath has been taken, or the police has decided not to take such a test.

Anyone who intentionally or negligently violates this provision will be punishable by fines or imprisonment up to one year.

Added by Act of 25 June 2004 No. 52 (in force on 1 July 2005 pursuant to decree of 1 July 2005 No. 787), amended by Act of 19 June 2015 No. 65 (in force on 1 October 2015).

Section 144
Dutiful temperance

Anyone who navigates:

1. a ship of 15 metres in overall length and upwards and is used for commercial purposes; or
2. a small craft included in the prohibition of the Act of 26 June 1998 No. 47 regarding leisure crafts and small crafts section 33 first paragraph, and is used for commercial passenger transportation;

must in the period of service not consume alcohol or any other intoxicating or anaesthetic agent. The prohibition applies equally to those who perform or attempt to perform duties of essential significance to the safety at sea, herein including piloting.

The prohibition also applies in a period of 8 hours prior to the start of the service period.

Anyone who intentionally or negligently violates this provision will be punishable by fines or imprisonment up to one year.

Added by Act of 25 June 2004 No. 52 (in force on 1 July 2005 pursuant to decree of 1 July 2005 No. 787), amended by Act of 19 June 2015 No. 65 (in force on 1 October 2015).

Section 145
Breath test, specimen of breath, blood sample

The police may perform a preliminary breath test on a person:

1. who there is reason to believe has violated the provisions of sections 143 and 144;
2. who with or without own fault is involved in an accident;
3. when it is required as part of the ship traffic control.

If the result of the breath test or other circumstances gives reason to believe that the provisions of sections 143 or 144 are violated, the police may require the person concerned to provide a specimen of breath or a blood sample or to undergo clinical medical examination to attempt to establish the influence of alcohol or other intoxicating or anaesthetic agent. Such request will normally be made when a person refuses to cooperate in the carrying out of a breath test.

The specimen of breath is administered by the police. A blood sample may be administered by a medical practitioner, registered nurse or a bioengineer. A clinical medical examination is carried out when there is suspicion of the influence of other substances than alcohol or when there are other reasonable grounds.

The King may give further regulations regarding examinations as mentioned in this section.

Added by Act of 25 June 2004 No. 52 (in force on 1 July 2005 pursuant to decree of 1 July 2005 No. 787).

Part III Liability

Chapter 8.
Collisions

Section 161
Collisions resulting from faults on one or both sides

When damage is caused to ships, goods or persons as a result of a collision between ships and the fault is all on one side, that side shall cover the damage.

If there is fault on both sides, they shall both cover the damage in proportion to the faults committed on each side. If the circumstances give no grounds for an apportionment in any definite proportion, the damage is apportioned equally.

Each of the sides at fault is only liable for such proportion of the damages which falls upon it. In the event of personal injury, however, they are jointly and severally liable.

If any party has paid more than is finally due from it, it has a right of recourse against the other party at fault for the excess. Against such a claim for recourse, the latter may invoke the same right to exemption from or limitation of liability as it would have been entitled to in relation to the injured party by virtue of the law applicable to the relation between it and the injured party, or by virtue of any valid contractual exemption clause. Such a reservation may nevertheless not be invoked in so far as it exempts from or limits the liability beyond what would follow from Chapters 13, 14 and 15 or corresponding provisions under a foreign law which in such event applies in relation to the injured party.

When determining the question of fault, the Court shall especially consider whether or not there was time for deliberation.

Section 162
Accidental collision

If a collision was accidental or it cannot be established that it was caused by fault on either of the sides, each ship bears its own loss.

Section 163
Collision without contact

The provisions of the present Code relating to collisions between ships also apply when a ship by its manoeuvres or in similar ways causes damage to another ship or to persons or goods on board although no collision takes place between the ships.

Section 164
Obligation to render assistance, etc.

If ships collide, it is the duty of each master to render to the other ship and its crew and passengers all assistance that is possible and necessary in order to rescue them from danger arising from the collision, as far as this can be done without serious danger to the ship and those on board. Each master is also obliged to give the other master the name and home port of the ship and its place of departure and destination. A master whose ship collides with a boat is under the same obligations.

Chapter 10.
Liability for Damage caused by Oil Pollution[1]

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 15 May 1998 No. 26 (which annulled Parts II and III of this Chapter containing sections 210–230), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577). Cf. the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001.

[1] Cf. Acts 16 February 2007 No. 9 Chapter 5, 13 March 1981 No. 6, 29. November 1996 No. 72 Chapter 7 and 8.

II. Liability and compensation pursuant to the International Convention on Civil Liability for Oil Pollution Damage, 1992 (1992 Civil Liability Convention) and the International Convention

on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (1992 Fund Convention)

Heading added by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Section 191

Strict liability of the shipowner, etc.

Regardless of fault, the owner of a ship shall be liable for oil pollution damage. If such pollution damage results from a series of occurrences having the same origin, liability shall rest on the person or persons who owned the ship at the time of the first occurrence. If the pollution damage arises from an occurrence involving two or more ships, each of which is transporting oil, each owner shall be liable, but in such a manner that all the owners involved are jointly and severally liable for damage that cannot reasonably be traced to a specific ship.

In sections 191 to 209, "oil pollution damage" means:

a) damage or loss caused outside the ship by contamination resulting from the escape or discharge of oil from the ship. Damage resulting from impairment of the environment shall cover in addition to loss of profit only the costs of reasonable measures of reinstatement actually undertaken or to be undertaken;

b) expenses, damage or loss resulting from reasonable measures following an incident that causes or entails an imminent and significant danger of damage of the nature referred to in subparagraph (a), and that are intended to prevent or limit such damage.

In the absence of provision to the contrary, cf. section 208 first paragraph, in sections 191 to 209, "ship" means any seaborne vessel or other floating unit on the sea that is designed or adapted to carry oil in bulk. However, a ship that is capable of carrying oil and other cargoes shall in this context be regarded as a ship only when it is in fact carrying oil in bulk as cargo and during any voyage following such carriage, unless it is proved that no residues of such carriage of oil in bulk remain on board.

In the absence of provision to the contrary, cf. section 208 fourth paragraph, in sections 191 to 209, "oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil.

"Owner" means, in the case of a registered ship, the person registered as owner in the Ship Register or, if the ship is not registered, the person who owns the ship. If a ship is owned by a State, but operated by a company which in that State is registered as the ship's operator, that company shall be regarded as the owner of the ship.

In the present Chapter, the 1992 Civil Liability Convention means the International Convention of 27 November 1992 on Civil Liability for Oil Pollution Damage.

In the present Chapter, the 1992 Fund Convention means the International Convention of 27 November 1992, on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

In the present Chapter, the 2003 Supplementary Fund Protocol means the Protocol of 16 May 2003 to the 1992 Fund Convention.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 27 February 2004 No. 10 (in force on 3 March 2005 pursuant to decree of 17 December 2004 No. 1714), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Section 192

Exceptions from liability

The owner shall be excepted from liability if it is proved that the damage:

a) was caused by an act of war or similar action in an armed conflict, civil war or insurrection, or by a natural phenomenon of an exceptional, inevitable and irresistible character;

b) was wholly caused by an act or omission done with intent to cause damage by a third party; or

c) was wholly caused by the negligence or other wrongful act of a public authority in connection with the maintenance of lights or other navigational aids.

If the owner proves that the injured party deliberately or negligently contributed to the damage, the owner's liability may be mitigated in accordance with the general Norwegian rules on damages.

Amended by Acts of 17 March 1995 No.13 (in force on 30 May 1996), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Section 193

Channelling of liability, etc.

Claims for compensation for pollution damage may be brought only against the owner of a ship according to the provisions of this Chapter.

No claim for compensation for pollution damage may be made against:

a) the members of the crew, anyone employed by the owner or anyone else for whom the owner is responsible;

b) the pilot or any other person performing services for the ship;

c) the reder or manager, provided that they do not own the ship, or any charterer, sender, shipper, owner or receiver of the cargo;
d) any person engaged in salvage operations with the consent of the owner of the ship or on the instructions of a public authority;
e) any person taking any such measures to prevent or limit damage or loss as are mentioned in section 191; or
f) any person employed by such persons as are mentioned in subparagraphs (b), (c), (d) and (e) above, or other persons for whom such persons as are mentioned in subparagraphs (b), (c), (d) and (e) above are responsible, unless the person concerned caused the damage intentionally or through gross negligence and with the knowledge that such damage would probably result.

The right of recourse for pollution damage may not be invoked against any person coming within the scope of subparagraphs (b), (c), (d), (e) or (f) of the second paragraph of this section unless such person caused the damage wilfully or through gross negligence and with knowledge that such damage would probably result. In all other circumstances the ordinary legal principles governing the right of recourse shall apply.

Amended by Acts of 17 March 1995 No.13 (in force on 30 May 1996), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577), 12 May 2015 No. 30.

Section 194
Limitation of liability

The liability of the owner under section 191 in relation to a ship with a tonnage not exceeding 5,000 tonnes shall not exceed 4,510,000 SDR. In relation to a ship with a tonnage exceeding 5,000 tonnes, the liability amount shall increase by an additional 631 SDR for each tonne of its tonnage exceeding 5,000 tonnes. Nevertheless, the liability amount may in no circumstances exceed 89,770,000 SDR.

The limits of liability shall apply to all liability for pollution arising in relation to the same occurrence or series of occurrences having the same origin. No limits of liability shall apply to the owner's liability for interest on damages and legal costs.

The right to limitation of liability does not apply if it is proved that the owner himself caused the pollution damage either intentionally or through gross negligence and with the knowledge that such damage would probably result.

"SDR" means the unit of account mentioned in section 505. A ship's "tonnage" means its gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 5 April 2002 No. 8 (in force on 1 November 2003 pursuant to decree of 25 October 2002 No. 1168).

Section 195
Limitation fund and limitation proceedings

An owner wishing to limit his liability in accordance with section 194 shall constitute a limitation fund at the court where a claim for compensation under section 191 has been or may be brought. Once the fund has been constituted, the owner or an injured party may bring a limitation action to determine liability and bring about the distribution of the liability amount.

The fund shall be distributed among all claims arising out of the same occurrence or series of occurrences with the same origin in proportion to the amounts of the established claims. Section 176 third and fourth paragraphs shall apply correspondingly.

Claims relating to reasonable expenses incurred voluntarily by the owner as a result of measures undertaken following an occurrence to prevent or limit pollution damage shall rank equally with other claims against the fund.

More detailed provisions relating to limitation funds and limitation proceedings are set forth in Chapter 12.

The constitution by the owner of a limitation fund in a foreign Convention State under the 1992 Civil Liability Convention will have the same effect as regards the owner's right to limitation of liability as if the fund were constituted at a Norwegian court.

Amended by Act of 17 March 1995 No. 13 (in force on 30 May 1996).

Section 196
Release from arrest, etc.

Where an owner is entitled to limit his liability under section 194 and has constituted a fund in accordance with section 195, no person having a claim against the fund may seek to exercise any right against the ships or other assets of the owner. Where a ship or other assets belonging to the owner have been arrested in respect of such a claim, or where the owner has furnished security to avoid arrest, the arrest shall in such circumstances be lifted or the security released.

The provision of the first paragraph shall apply correspondingly where the owner has constituted a limitation fund under the 1992 Civil Liability Convention in a foreign Convention State, provided that the claimant has access to the court or other authority administering the fund and the fund is actually available to the claimant.

Amended by Act of 17 March 1995 No. 13 (in force on 30 May 1996).

Section 197
Compulsory insurance, certificates

The owner of a Norwegian ship carrying more than 2,000 tonnes of oil in bulk as cargo shall be obliged to maintain approved insurance or other financial security to cover the liability prescribed in section 191 up to the limits set forth in section 194. A certificate shall be issued attesting that such insurance or financial security is in force. In the absence of a valid certificate, the ship must not sail under the Norwegian flag.

The provisions of the first paragraph first sentence of this section shall apply correspondingly to foreign ships calling at or sailing from ports or other loading or unloading locations in Norway or on the Norwegian sector of the continental shelf. Any ship that is registered in a State that is a party to the 1992 Civil Liability Convention shall carry a certificate issued pursuant to the Convention showing that such insurance or other financial security is in force. The second sentence of this paragraph shall apply correspondingly to ships registered in a State that is not a party to the 1992 Liability Convention.

Subject to the exceptions resulting from section 206 third paragraph, the provisions of the first and second paragraphs of this section shall also apply to ships owned by the Norwegian State or by another State, albeit such that a ship may, instead of the insurance, financial security and certificate required under the first and second paragraphs of this section, hold a certificate issued by the competent authority of the State confirming that the ship is owned by the State and that the ship's liability is covered up to the limitation amount.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Section 198
Regulations

The Ministry shall issue more detailed regulations concerning insurance and the furnishing of financial security, including the conditions that must be satisfied by the insurance or financial security in order to gain approval, and concerning certificates and their form, contents, issuance and validity.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Section 199
Sanctions for failure to comply with insurance obligations, etc.

Where a ship does not have the compulsory insurance or other financial security or the compulsory certificate, cf. sections 197 and 198, the Norwegian Maritime Authority may deny the ship access to or outward clearance from a port or other loading or unloading location in Norway or on the Norwegian sector of the continental shelf, or may order the ship to be unloaded or moved.

Amended by Act of 17 March 1995 No. 13 (in force on 30 May 1996).

Section 200
Claims against the insurer

Any claims for compensation for oil pollution damage may be brought directly against the person or persons who have provided insurance or furnished financial security in respect of the owner's liability (the insurer). The insurer may invoke as a defence limitation of liability as prescribed in section 194 even though the owner is not entitled to limitation of liability. The insurer may also invoke as a defence such exceptions from liability as might have been invoked by the owner. On the other hand, the insurer shall not be entitled to invoke as against the claimants any defences that the insurer may be entitled to invoke in proceedings brought against the insurer by the ship's owner, with the exception of the defence that the damage was caused by the wilful misconduct of the owner himself.

The insurer may constitute a limitation fund in accordance with section 195 with the same effect as if the fund had been established by the owner. Such a fund may be constituted even though the owner is not entitled to limitation of liability, but in such circumstances the constitution of the fund will not limit the claims of the creditors against the owner.

Amended by Act of 17 March 1995 No. 13 (in force on 30 May 1996).

Section 201

The International Oil Pollution Compensation Fund, 1992 and the International Oil Pollution Compensation Supplementary Fund, 2003

In addition to the compensation, an injured party may obtain under sections 191 to 196 and section 200, the injured party is entitled to compensation under the provisions of the 1992 Fund Convention and the 2003 Supplementary Fund Protocol. The 1992 Fund Convention and the 2003 Supplementary Fund Protocol have statutory force.

Section 193 first paragraph and section 200 shall apply correspondingly to any recourse claims brought by the Funds against the owner of the ship and his insurer. All other recourse actions brought by the Funds shall be governed by ordinary legal rules.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 27 February 2004 No. 10 (in force on 3 March 2005 pursuant to decree of 17 December 2004 No. 1714), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Section 202

Annual contributions to the International Oil Pollution Compensation Fund, 1992 and the International Oil Pollution Compensation Supplementary Fund, 2003

Any person in Norwegian territory who has received in one calendar year more than 150,000 tonnes of crude oil and/or heavy fuel oils and/or heavy distillates as defined in the 1992 Fund Convention, Article 1, third paragraph, shall pay such contributions to the International Oil Pollution Compensation Fund, 1992 as the official bodies of the Fund have validly determined, and shall furnish security for any such contributions as may come to be determined. The Ministry shall determine whether a person who shares a close commonality of interest with another receiver in this Kingdom is liable to pay contributions under the 1992 Fund Convention Article 10 second paragraph. The quantity of oil mentioned in the first sentence of this section includes oil transported by sea in or to Norway together with oil reaching Norway by other means, but that has been transported previously by sea to a State that is not a party to the 1992 Fund Convention and transported from that State to Norway without having been reloaded at a terminal in another State that is a party to the 1992 Fund Convention.

Any person in Norwegian territory who has received in one calendar year more than 150,000 tonnes of crude oil and/or heavy fuel oil and/or heavy distillates as defined in the 2003 Supplementary Fund Protocol Article 1 seventh paragraph, cf. the 1992 Fund Convention Article 1 third paragraph, must pay such dues to the International Supplementary Fund (2003) as the official bodies of the Fund have validly determined, and shall furnish security for any such contributions as may come to be determined. The first, second and third paragraphs of this section shall apply correspondingly, albeit such that the reference to the 1992 Fund Convention shall be read as a reference to the 2003 Supplementary Fund Protocol.

Any person in Norwegian territory who receives oil as mentioned in the first and second paragraphs of this section shall supply information concerning the quantity received in accordance with regulations prescribed by the Ministry.

Subject to the limitations resulting from statutory duties, all persons shall keep confidential any information that comes to their knowledge pursuant to this section, both to the extent that the information concerns technical installations and procedures and also in so far as it concerns operational or commercial matters regarding which secrecy is of competitive importance for the person to whom the information relates.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 27 February 2004 No. 10 (in force on 3 March 2005 pursuant to decree of 17 December 2004 No. 1714).

Section 203

Competence of Norwegian courts

Legal actions against the owner of a ship or his insurer concerning liability for oil pollution damage come under the jurisdiction of the Norwegian courts if the pollution damage arose in this Kingdom or in the Norwegian economic zone or if measures were taken to prevent or limit such pollution damage.

A court that is competent according to the first paragraph of this section may adjudicate all claims concerning the same occurrence or series of occurrences having the same origin. This also applies to claims relating to pollution damage outside this Kingdom.

Actions concerning the distribution of a limitation fund as mentioned in section 195 may only be brought in this Kingdom if the fund has been constituted at a Norwegian court. Any such action shall be brought at the court where the limitation fund is established.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Section 204
Legal actions, etc., concerning the International Oil Pollution Compensation Fund, 1992 and the International Oil Pollution Compensation Supplementary Fund, 2003

Claims for compensation under the 1992 Fund Convention and the 2003 Supplementary Fund Protocol may only be brought before a Norwegian court in the circumstances mentioned in section 203 first paragraph, and then only if no action against either the owner of the ship or his insurer relating to the same damage has previously been brought in a State that is a party to either the 1992 Fund Convention or the 2003 Supplementary Fund Protocol respectively.

If an action under section 203 first paragraph has been brought against the owner of a ship or his insurer, an action against the International Oil Pollution Compensation Fund, 1992 or the International Oil Pollution Compensation Supplementary Fund, 2003 in respect of the same damage may only be brought before the same court. Actions against the Funds moreover may only be brought before the court where an action under section 203 first paragraph could have been brought.

The International Oil Pollution Compensation Fund, 1992 and the International Oil Pollution Compensation Supplementary Fund, 2003 may intervene as a party in any action against the owner of the ship or his insurer concerning compensation under the present Chapter and shall in the event of such intervention be bound by the judgment of the court.

Where an action for compensation has been brought against the owner or his insurer, every party to the case may notify by letter the International Oil Pollution Compensation Fund, 1992 and the International Oil Pollution Compensation Supplementary Fund, 2003 of the case. The court shall arrange for the letter to be sent by registered mail to the Directors of the Funds. If the Fund in question has received such notice in sufficient time to enable it effectively to safeguard its interests, it shall be bound by a final judgment in the case.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 27 February 2004 No. 10 (in force on 3 March 2005 pursuant to decree of 17 December 2004 No. 1714).

Section 205
Recognition and enforcement of foreign judgments

A final judgment against the owner of a ship or his insurer shall have binding effect in this Kingdom and may be enforced once it becomes formally enforceable, provided the judgment was pronounced in a State that is a party to the 1992 Civil Liability Convention and by a court that is competent to decide the case under Article IX of the 1992 Civil Liability Convention.

The same shall apply with the necessary modifications to any judgment against the International Oil Pollution Compensation Fund, 1992 pronounced in a State that is a party to the 1992 Fund Convention or in which the Fund has its seat, provided the court is competent under the 1992 Fund Convention Article 7 (1) or (3).

The same shall apply with the necessary modifications to any judgment against the International Oil Pollution Compensation Supplementary Fund (2003) pronounced in a State that has acceded to the 2003 Supplementary Fund Protocol or in which the Fund has its seat, provided the court is competent under the 2003 Supplementary Fund Protocol Article 7.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 27 February 2004 No. 10 (in force on 3 March 2005 pursuant to decree of 17 December 2004 No. 1714).

Section 206
Scope of application of the provisions of the 1992 Civil Liability Convention

The provisions of sections 191 to 196 and section 200 relating to liability for pollution damage shall apply to:

a) pollution damage arising in this Kingdom or in the Norwegian economic zone;
b) pollution damage arising in another State that is a party to the 1992 Civil Liability Convention or in the economic zone of such a State; and
c) expenditure on measures, wherever taken, to prevent or limit such pollution damage.

If a State mentioned in subparagraph (b) above has not established an economic zone, the same provisions shall apply in an area determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which its territorial sea is measured.

The provisions of sections 191 to 205 shall not apply to a warship or other ship owned or used by a State which at the time of the escape or discharge of oil is being used exclusively on government non-commercial service, cf. however section 207.

Amended by Act of 17 March 1995 No. 13 (in force on 30 May 1996).

Section 207

Liability for oil pollution damage not covered by the convention

If a ship causes pollution damage as mentioned in section 191 on that part of the Norwegian continental shelf that lies beyond the Norwegian economic zone or, in so far as Norwegian rules on damages apply, elsewhere on the high seas, or if measures are taken to prevent or limit such damage, the provisions of sections 191 and 192 shall apply correspondingly. In respect of such ships as are mentioned in section 206 third paragraph, the same provisions shall apply also to damage in this Kingdom or in the Norwegian economic zone.

Liability under the first paragraph of this section is limited in accordance with the provisions of section 194 first paragraph. If limitation of liability is asserted, the following rules shall apply:

a) the provisions of Chapter 9 shall apply in so far as they are appropriate;
b) such claims as are mentioned in section 195 third paragraph shall rank equally with other claims when the liability amount is distributed;
c) if a limitation fund is established in this Kingdom, the amount of the fund shall be equivalent to the full liability amount and the provisions of Chapter 12 shall apply correspondingly; and
d) if a limitation fund has been established that under section 178 would prevent arrest or other enforcement proceedings in this Kingdom, also section 193 second and third paragraphs shall apply correspondingly.

If a Norwegian court finds a party liable where a ship has caused pollution damage in a non-Convention State or on the high seas, or where measures have been taken to prevent or limit such damage, the liability amount shall be limited to 4,510,000 SDR in respect of ships having tonnage not exceeding 5,000 tonnes. In respect of ships having tonnage exceeding 5,000 tonnes, the liability amount shall be increased by 631 SDR for each tonne of its tonnage exceeding 5,000 tonnes. Nevertheless, the liability amount may in no circumstances exceed 89,770,000 SDR. In other respects, the provisions of the second paragraph of this section and of section 194 fourth paragraph shall apply correspondingly.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 2 August 1996 No. 61 (in force on 1 January 1997), 27 February 2004 No. 10.

Section 208

Liability for oil pollution damage subject to global limitation

If in this Kingdom or on the Norwegian part of the continental shelf pollution damage is caused by an escape or discharge of oil from a ship, drilling platform or similar mobile offshore units other than those mentioned in section 191 third paragraph and where the pollution damage is not covered by sections 183 through 190, the provisions of sections 191 and 192 shall apply correspondingly. The same applies where measures have been taken to prevent or limit such damage.

The provisions of the first paragraph of this section shall apply also to pollution damage on the high seas outside the Norwegian sector of the continental shelf in so far as Norwegian rules on damages apply.

Liability under the first and second paragraphs of this section is subject to limitation under the provisions of Chapter 9, cf. also section 507.

The provisions of the first, second and third paragraphs shall apply correspondingly to persistent oil other than of the type mentioned in section 191 fourth paragraph, to non-persistent oil and to oily mixtures, regardless of whether the ship or unit comes within the scope of the definition in section 191 third paragraph.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Section 209

Limitations due to other statutes and conventions

The provisions of sections 191 to 208 shall not cause any reduction in the liability of a licensee or an operator under the provisions of Chapter 7 of the Petroleum Act for claims relating to pollution damage resulting from the outflow or escape of petroleum.

If the licensee or the operator is liable for the damage under Chapter 7 of the Petroleum Act, claims pursuant to sections 207 and 209 may only be invoked subject to the limitations ensuing from the provisions of sections 7-4 and 7-5 of the Petroleum Act.

The provisions of sections 191 through 208 shall not apply insofar as they may conflict with Norway’s convention obligations towards States that are not party to the 1992 Civil Liability Convention.

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 26 June 1998 No. 46.

Part IV Liability of the Carrier for damage to Passengers and their Luggage

Chapter heading added by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410).

Section 418
Implementation into Norwegian law of the Athens Convention 2002 and the Athens Regulation

Annex XIII to the EEA Agreement, point 56x (Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the Liability of Carriers of Passengers by Sea in the Event of Accidents) shall apply as law subject to such modifications as follow from Annex XIII, Protocol 1 to the Agreement, and otherwise from the Agreement.

The Regulation referred to in the first paragraph shall apply correspondingly to all passenger transport by ship in Norway that does not fall within the scope of Class A or Class B of Article 4 of Directive 2009/45/EC; provided, however, that such liability shall not include joint liability for terrorist incidents, cf. Article 3 (1) (b) of the Athens Convention 2002; and provided further that the obligation to insure pursuant to Article 4bis of the Athens Convention 2002 shall not apply. Where a ship is not covered by Class A or Class B of Article 4 of Directive 2009/45/EC, the carrier shall be in possession of liability insurance where the ship is certified to carry more than 12 passengers.

The Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, as amended by the Protocol of 1 November 2002, shall apply as law to all passenger transport that falls within the scope of the Convention, but which falls outside the scope of the Regulation referred to in the first paragraph.

The Ministry may by regulations issue rules concerning insurance and the putting up of security, including the criteria that must be fulfilled by the insurance or security in order to gain approval, as well as rules concerning certificates of insurance and related requirements; certificates and their form, content, issuance and validity, including the fact that an institution or organisation may issue certificates; fees for the issuance of certificates; and the use and registration of electronic certificates.

The rules set forth in section 199 shall apply correspondingly where a ship does not have the mandatory insurance or other security or the mandatory certificate as required by the rules of or pursuant to the first to fourth paragraphs.

Amended by Acts of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410), 9 May 2014 No. 16 (in force on 9 May 2014 pursuant to decree of 9 May 2014 No. 625).

IV. Passengers' rights, carrier's liability for delay

Chapter heading added by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410), amended by Act of 27 May 2016 No. 16 (in force on 1 July 2016 pursuant to decree of 27 May 2016 No. 533).

Section 418a
Passengers' rights

Annex XIII point 56y of the EEA Agreement (Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004) applies as law with the adaptations that follow from Annex XIII, Protocol 1 to the Agreement and the Agreement in general. The Ministry may by regulation issue further rules on the implementation of or supplementing the Regulation.

The Ministry may by regulation issue rules for establishing who shall carry out supervision of the compliance with the rules on passengers' rights, the competence of the supervisory authority, as well as the way the supervision shall be conducted. The second and fourth paragraphs of section 10-42 of the Aviation Act apply correspondingly.

The Ministry may by regulation issue rules on establishing and financing a complaints body for resolving disputes between passengers and anyone who, for payment, transports passengers by boat, or others who in connection with such transport have obligations to the passengers. Sections 10-44 to 10-47 of the Aviation Act, including rules on the Ministry's right to make decisions or issue rules by regulation, shall apply correspondingly.

Added by Act of 27 May 2016 No. 16 (in force on 1 July 2016 pursuant to decree of 27 May 2016 No. 533), former section 418a is section 418d.

Section 418b
Rectification and coercive fines

The supervisory body may issue orders to rectify or cease matters that violate a provision set out in or pursuant to section 418a or a decision made pursuant to these provisions, and may impose terms that must be met for the company to be in compliance with the requirements pursuant to these provisions.

To ensure compliance with obligations, prohibitions, injunctions or requirements that follow from the provisions set out in or pursuant to section 418a, or decisions made pursuant to these provisions, the supervisory body may determine a continuous coercive fine which accrues until the matter is rectified. A coercive fine may only be determined and will only accrue to the extent that the person responsible is able to comply with the order with which the coercive fine is connected. The coercive fine will nevertheless accrue if, after the coercive fine has been imposed, it becomes impossible to comply with the order due to circumstances caused by the person responsible.

Coercive fines are due to the Treasury. The supervisory body may reduce or waive an accrued coercive fine.

The Ministry may by regulation lay down further rules on the imposition and determination of coercive fines, on the accrual period of such fines, and on the opportunity to waive coercive fines. Added by Act of 27 May 2016 No. 16 (in force on 1 July 2016 pursuant to decree of 27 May 2016 No. 533).

Section 418c

Violation fines

The supervisory body may impose violation fines on a company if the company or a person who has acted on behalf of the company violates the provisions set out in or pursuant to section 418a. This applies even if no individual person has demonstrated guilt.

In deciding whether a violation fine shall be imposed on the company and in determining the fines, particular consideration shall be paid to the seriousness and duration of the violation, the degree of guilt demonstrated and the company's financial capacity.

The administrative fine is payable within two months after the decision has been made. The supervisory body may in special cases waive an imposed violation fine. Final decisions on violation fines are enforceable by attachment. If the company institutes legal proceedings against the government in order to have the decision reviewed, enforcement is suspended. The court may review all aspects of the case. The court may pronounce judgment on the merits of the case, if this is found appropriate and justifiable.

The limitation period for imposing a violation fine expires after five years. The limitation period is suspended if the supervisory body informs a company that it is suspected of violation of a provision set out in or pursuant to section 418a or an order issued pursuant to these provisions.

The Ministry may by regulation issue rules on the determination of violation fines.

Added by Act of 27 May 2016 No. 16 (in force on 1 July 2016 pursuant to decree of 27 May 2016 No. 533).

Section 418d

Liability for delay suffered by passengers

The carrier undertakes to compensate losses caused by delay suffered by a passenger due to an event that occurred during the carriage that is attributable to the fault or neglect of the carrier itself or a person for whom the carrier is liable.

Added by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410), amended by Act of 27 May 2016 No. 16 (in force on 1 July 2016 pursuant to decree of 27 May 2016 No. 533), formerly section 418a.

Section 419

Liability for delay of luggage

The carrier undertakes to compensate losses that are incurred through delay in the carriage or delivery of luggage that is attributable to the error or neglect of the carrier itself or a person for whom the carrier is liable.

Amended by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410).

Section 420

Contributory negligence

Where a passenger has through his or her own fault caused or contributed to losses referred to in sections 418d and 419, the carrier’s liability may be reduced in accordance with the ordinary rules on damages.

Amended by Acts of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410), 27 May 2016 No. 16 (in force on 1 July 2016 pursuant to decree of 27 May 2016 No. 533).

Section 421

Burden of proof

The claimant bears the burden of proof regarding the scope of the loss and whether the loss resulted from delay to the carriage.

The carrier bears the burden of proving that the loss is not attributable to fault or negligence for which the carrier is liable.

Amended by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410).

Section 422

Limitation of the carrier’s liability

The carrier’s liability for delay in connection with the carriage of passengers shall not exceed 4,694 SDR per passenger.

The carrier's liability for delay in connection with the carriage of luggage shall not exceed the limitation amounts set forth in the Athens Convention, Article 8, cf. section 418 third paragraph.

The passenger and the carrier may agree in writing that higher limitation amounts shall apply than those established in this section.

Amended by Acts of 17 June 2005 No. 88, 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410).

Section 423
The passenger's deductible in cases of delay

The carrier has the right to deduct a sum from the accrued loss in accordance with the Athens Convention 2002 Article 8 fourth paragraph, cf. section 418 third paragraph. The deductible may be applied prior to limitation of liability pursuant to section 422.

Amended by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410).

Section 424
Loss of the right to limitation

The carrier does not have the right to limit his or her liability under section 422 or make deductions according to section 423 if it is shown that the he or she personally caused the loss wilfully or through gross negligence and with knowledge that such loss would probably arise.

Section 425
Claims not based on the contract of carriage

The provisions relating to the carrier's objections and to the limits of the carrier's liability apply even if the claim against the carrier is not based on the contract of carriage.

Section 426
Carriage performed by someone other than the carrier[2]

If a carriage is performed wholly or in part by another than the carrier, the carrier remains liable according to the provisions of this Chapter as appropriate as if the carrier had performed the entire carriage himself or herself.

In the case of carriage by ship, the person performing it is liable for his or her part of the carriage pursuant to the same rules as the carrier. An agreement whereby the carrier undertakes liability in excess of that laid down in this Chapter is not binding on the person performing the carriage unless the latter has given written consent.

The carrier and the person liable according to the second paragraph are jointly and severally liable.

Section 427
Claims for damages against persons for whom the carrier is responsible, etc.

The provisions relating to the carrier's objections and to the limits of the carrier's liability apply correspondingly in respect of those for whom the carrier is responsible according to sections 426 or 151.

The total liability that may be imposed on the carrier and persons for whom the carrier is responsible shall not exceed the limit pursuant to section 422. Each of them is only liable up to the limit applicable to him or her.

The provisions of this section cannot be invoked by anyone who personally caused the loss wilfully or through gross negligence and with knowledge that such loss would probably arise.

Section 428
Who can claim damages

A claim for compensation arising from delay suffered by a passenger may only be lodged by the passenger himself or herself or by a person who has succeeded to the passenger's legal right.

Amended by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410).

V. Miscellaneous Provisions

Amended by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410); the number of this subchapter changed from subchapter IV.

Section 429
Jurisdiction, etc.

With the exception of claims coming within the scope of section 418, a legal action relating to the carriage may only be brought before a court:

a) at the place of the defendant's principal residence or principal place of business;
b) at the place of departure or destination pursuant to the contract of carriage;
c) in the State of the claimant's place of residence, provided that the defendant has a place of business in that State and may be sued there; or
d) in the State where the contract of carriage was entered into, provided that the defendant has a place of business in that State and may be sued there.

Once an action referred to in the first paragraph has been brought, the parties may agree that the case shall be dealt with by another court or by arbitration.

Claims arising under section 418 are subject to the rules on jurisdiction set forth in the Athens Convention 2002 Article 17. Claims arising under section 418 first and second paragraphs are subject to the rules set forth in the Lugano Convention 2007 on the recognition and enforcement of judgments. Claims arising under section 418, third paragraph, are subject to the Athens Convention 2002, Article 17bis.

Amended by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410).

Section 430
Scope of application and indispensability

The parties may not by prior agreement derogate[1] from the rules set forth in sections 411 to 417, section 418a, section 418d, sections 419 to 429, and section 501 first paragraph items 4 to 6, to the disadvantage of the passenger:

a) on domestic voyages in Norway, Denmark, Finland or Sweden or by carriage to or from any of these States, regardless if the carriage in other respects is subject to foreign law;
b) by other carriage if the regular Norwegian rules on choice of law entail that the carriage is subject to Norwegian law.

Amended by Acts of 7 June 2013 No. 30 (in force on 1 January 2014 according to decree of 6 December 2013 No. 1410), 12 May 2015 No. 30, 27 May 2016 No. 16 (in force on 1 July 2016 pursuant to decree of 27 May 2016 No. 533).

Section 431
Exceptions from indispensability

Notwithstanding the provisions of section 430, the carrier may, in connection with the carriage of passengers, disclaim its liability for delay arising under this Chapter in respect of the period prior to embarkation and that following disembarkation, although no such disclaimer may be made in respect of transport by sea between the ship and shore where such transport is included in the fare or is performed by a means of transport made available by the carrier.

In the case of cabin luggage that is not located within or on a passenger's accompanying vehicle, the carrier may similarly disclaim liability for delay arising under this Chapter in respect of the period before the luggage is brought on board and after it has been taken ashore, but not in respect of transport by sea between the ship and shore as referred to in first paragraph, and not for a period during which such luggage is in the custody of the carrier while the passenger is on the quayside, or in a terminal or station, or in another facility within the port.

The carrier may in any event make reservation exempting him or her from liability in respect of live animals sent as luggage.

Amended by Acts of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410), 9 May 2014 No. 16 (in force on 9 May 2014 pursuant to decree of 9 May 2014 No. 625).

Section 432
Liability insurance

The King may determine that ships not falling within the scope of Class A or Class B of Directive 2009/45/EC and carrying 12 or fewer passengers and being employed for the purposes of passenger carriage on Norwegian domestic routes shall be subject to an obligation relating to the taking out of insurance or the putting up of security in respect of liability for personal injury that may be incurred by the carrier pursuant to section 418, cf. section 171, section 172 and section 175 item 1. The King may by regulation issue rules concerning what ships this shall apply to, and may promulgate rules concerning insurance and the putting up of security, including the criteria that must be fulfilled by the insurance or security in order to gain approval, the consequences of failure to maintain in force such insurance or security, and certificates of insurance.

The King may make the provisions of this section applicable to ships with Norwegian Passenger Certificates which are used for the carriage of passengers in trades other than those mentioned in the first sentence.

Amended by Act of 7 June 2013 No. 30 (in force on 1 January 2014 pursuant to decree of 6 December 2013 No. 1410).

Part V Marine Accidents

Chapter 18.
Investigation of marine accidents, maritime law assessment

Section 471

(Repealed by Act of 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170))

II. Investigation of marine accidents

Amended by Act of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Section 472
Scope

The stipulations in subchapter II apply, when nothing else appears from the stipulation in question, to marine accidents involving:

a) Norwegian ships, including fishing vessels and recreational craft;
b) foreign ships, when the incident occurs in the Kingdom, or outside of the Kingdom when the flag State agrees or if, in accordance with international law, Norwegian jurisdiction may be enforced.

For marine accidents with ro-ro ferries and high-speed passenger craft engaged in scheduled traffic to or from a port in an EEA member State, subchapter II applies when the accident occurs outside of Norwegian sea territory if Norway was the last EEA member State the ship visited before the accident.

The stipulations in subchapter II do not apply to marine accidents where only military vessels are involved.

Amended by Acts of 7 January 2005 No. 2 (in force on 1 July pursuant to decree of 23 February 2007 No. 226), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 472 a
Definitions

In this Act, a serious accident means an accident involving a fire, explosion, collision or similar occurrence; extreme weather or ice conditions; cracks or defects in the hull etc. leading to:

1) immobilisation of the main engines; significant damage to the interior of the ship; or significant structural damage, including water penetrating the hull, such that the ship is not in a condition to continue the voyage; or
2) pollution; or
3) the ship being unfit to proceed, necessitating towage of the ship or the provision of shore-based assistance.

In this Act, a high-speed passenger craft means a high-speed craft as defined in Regulation X/1 of the SOLAS Convention 1974, as amended, that is certified to carry more than 12 passengers.

In this Act, a ro-ro ferry means a sea-going passenger ship that is fitted out so as to allow road or rail vehicles to be driven onto and off the ship, and that is certified to carry more than 12 passengers.

In this Act, a marine accident means an event that has occurred in connection with the operation of a ship where:

1) there is loss of life or serious personal injury;
2) the ship has been, or must be assumed to be, lost, or the ship is abandoned;
3) the ship sustains significant damage;
4) the ship has run aground or been involved in a collision or incident that results in the ship no longer being seaworthy; or
5) there is significant environmental damage or there is a danger of environmental damage as the result of damage sustained by the ship.

In this Act, a very serious marine accident means a marine accident that involves the loss of the ship; loss of life; or the causing of significant environmental damage, or an imminent danger of the aforesaid in connection with the operation of a passenger ship.

Intentional harm to a ship, an individual or the environment constitutes neither a marine accident nor a very serious marine accident.

Added by Act of 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 473

Investigative authority

The investigation of marine accidents shall be done by the authority determined by the King.

The investigative authority shall elucidate course of events and causal factors, investigate circumstances of consequence to preclude marine accidents and improve maritime safety, and submit and publish a report with its prospective recommendations when investigation is concluded. The authority of investigation shall not consider civil or criminal negligence and liability.

The King may determine that investigation of sheer occupational accidents aboard ships that have caused death or considerable personal injury, shall be re-directed to another branch of authority than that branch that otherwise is investigative authority in accordance with the first paragraph.

Amended by Acts of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 474

Specially affected states and their right to participate in the inquiries

The investigative authorities shall give specially affected foreign states the right to participate in the investigations.

Specially affected state is to be interpreted as the state:

a) where the ship is registered;
b) where the accident happened within the sea territory;
c) where environment or property has been seriously damaged or exposed to the risk of serious damage;
d) that has citizens who died or was considerably damaged as a result of the marine accident;
e) that has information that could be of central significance to the investigation; or
f) that in any other way has a substantial interest in the investigation.

Amended by Acts of 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3, 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Section 475

Duty to report

The master or the reder shall immediately report a marine accident to such authority as determined by the King.

The duty to report in accordance with the first paragraph also applies to anyone who witnesses such accident, or observes wreckage or other circumstances that gives reason to fear that a marine accident has occurred, provided that the person in question under the circumstances has no reason to believe that such reporting is unnecessary.

Amended by Acts of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226) as amended by Act of 16 February 2007 No. 9, 27 June 2008 No. 72 (in force on 1 July 2008 pursuant to decree of 27 June 2008 No. 743), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 475 a

Duty to preserve evidence

Any person who is involved in a marine accident shall so soon as circumstances permit collect and preserve all evidence that may be necessary for the purposes of a safety investigation, including:

a) preserving all information from charts, log books, electronically and magnetically recorded information and video tapes, including information from the voyage data recorder (VDR) and other electronic devices relating to the period before, during and after the accident;
b) ensuring that no such information is overwritten or altered in any other way;
c) preventing interference from other equipment that may be of significance in a safety investigation following the accident.

The duty to collect and preserve evidence pursuant to the first paragraph ceases to apply once the safety investigation is concluded.

Added by Act of 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 February 2011 No. 1261).

Section 476

Implementing an investigation

Once the investigative authority has received a notice concerning a marine accident, it shall determine immediately whether it shall conduct an investigation into the accident, and if so shall take steps to commence the investigation as soon as possible and in any event within two months of the date of the accident. The investigation shall be brought to a

conclusion without undue delay. The investigative authority itself shall determine the scope of the investigation and how it shall be conducted.

An investigation shall be implemented following a very serious marine accident in the following circumstances:

a) where a Norwegian ship is involved, regardless of where the accident took place;
b) where the ship involved in the accident is a foreign ship and the accident has occurred within the Kingdom;
c) where the accident substantially affects Norwegian interests, regardless of the ship's flag or where the accident took place.

A very serious marine accident involving a fishing vessel of less than 15 metres that results in the loss of the vessel but no loss of life does not fall within the scope of subparagraphs a to c.

The investigative authority shall conduct a provisional assessment in order to determine whether to conduct an investigation in the case of serious accidents.

Marine accidents involving recreational craft are not covered by the second and third paragraphs.

In the case of a marine accident that is not covered by the second paragraph, the investigative authority shall itself determine whether to conduct an investigation. When taking such a decision, weight shall be attached to the need to clarify the circumstances surrounding the accident; the seriousness of the accident; the type of vessel and cargo involved; the potential for the investigation to contribute to efforts to improve safety at sea; the resources anticipated to be required for the investigation; whether it is possible to conduct the necessary investigations in another manner; and the opinion of any substantially interested state as to whether an investigation should take place. Substantially interested states should if possible be provided with the opportunity to express an opinion as to whether an accident should be investigated. In addition, weight should be attached to the consideration that in general a sufficient number of investigations should be conducted so as to provide an adequate quantity of background material for general efforts to improve safety at sea.

The investigative authority may without regard to previous decisions decide to investigate the circumstances surrounding one or more marine accidents.

Decisions by the investigative authority pursuant to this section may not be appealed.

All such investigations shall comply with such guidelines as have been established pursuant to Article 2 subparagraph e of Regulation 1406/2002/EC. The investigative authority may deviate from such guidelines where necessary in order to fulfil the objectives of the investigation.

Amended by Acts of 23 June 1995 No. 34 (in force on 1 August 1995), 14 December 2001 No. 98 (in force on 1 January 2002 pursuant to decree of 14 December 2001 No. 1416), 15 April 2005 No. 17 (in force on 1 January 2006 pursuant to decree of 15 April 2005 No. 339), 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3, 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 477

Duty of disclosure

Anyone has a legal obligation to upon request and without regards to professional secrecy give any information to the investigative authority that may be significant to the investigation of a marine accident, and to produce documents and other information that could contribute to clarifying the actual circumstances. Anyone giving statement to the investigating authorities has the right to legal assistance from a lawyer or other legal representative.

The master or the reder shall produce a transcript of what the ship's log contains regarding the accident, and give information about the ship's crew, who could be considered to hold information about the accident and what persons and enterprises affected by it, and shall upon request give a detailed written statement of the accident.

The statements referred to in the first and second paragraphs may not be made available for any purposes other than the safety investigation. This applies also to information that reveals the identities of persons who have made statements, and to information of a particularly sensitive or private nature concerning persons who were involved in the accident. Information that emerges during statement taking may not be used as evidence against the person who has given the statement in subsequent criminal proceedings against the person in question.

Amended by Acts of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 478

Prohibition from removing wreckage etc.

Ships that are wrecked, wreckage and other things from the ship must not be removed or touched without consent from the investigating authorities or police, unless it is necessary in order to prevent danger for persons, property or environment or to prevent that something of importance to the investigation is destroyed or disappears.

Amended by Act of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Section 479
Measures to obtain information

The investigative authorities are entitled to use private ground and take into possession ships that are wrecked, wreckage, documents and other things to the extent it is needed in order to do their job. They can order medical examination under the stipulations in section 145. If necessary, the authorities may request for assistance from the police.

Witness depositions and other information is gathered to the extent and in the way that the investigative authorities find appropriate.

Amended by Act of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Section 480
Professional secrecy

Anyone performing services or labour for the investigative authorities are subject to professional secrecy under the Public Administration Act regarding what they learn when performing their work. When receiving classified information from someone that according to Norwegian law abide to a stricter professional secrecy than what follows from the Public Administration Act, correspondingly strict secrecy shall apply to persons mentioned in the first sentence, unless weighty public interest favours that the information should be eligible to be passed on or the information is necessary to explain the reasons for the accident.

Amended by Act of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Section 481
Securing of evidence

The investigative authorities may demand securing of evidence under the stipulations of section 28-3 third paragraph and section 28-4 of the Civil Procedure Act. Demands for securing evidence may be brought before the magistrate's court for a port where the ship arrives, or the magistrate's court for a port where the crew is staying.

In cases with marine accidents involving ships belonging to Denmark, Finland or Sweden, the authorities in the country in question may demand that the taking of evidence is done in accordance with the stipulations in the first paragraph. If the accident, as mentioned in the first sentence, occurred abroad, the taking of evidence may be undertaken by Norwegian consular authority in accordance with the Act relating to the courts of justice section 50.

For the master, the reder, the injured party or parties and others affected, the general terms of the Civil Procedure Act apply for securing of evidence outside of a trial. Taking of evidence abroad may be undertaken by Norwegian consular authority in accordance with the stipulations in the Act relating to the courts of justice section 50.

In Denmark, Finland and Sweden, maritime declarations for Norwegian vessels is held for the court of justice that is competent according to the legislation there.

Amended by Acts of 17 June 2007 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3, 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226) as amended by Act of 17 June 2005 No. 90 as amended by Act of 26 January 2007 No. 3.

Section 482
International investigations

Where the investigative authority has received a report of a marine accident that involves a substantially interested state, it shall as expeditiously as possible inform the authorities of the relevant state.

If the investigative authority is to investigate a marine accident that has occurred outside the Kingdom, parts of the investigation may be conducted in cooperation with the Norwegian foreign service mission. The investigative authority may also request assistance from a foreign investigative authority.

Where an investigation involves a substantially interested state, the investigative authority shall cooperate with the state in question. The investigative authority shall reach agreement as expeditiously as possible with the investigative authority in the substantially interested state regarding who shall have primary responsibility for the investigation and how the investigation shall be conducted. The investigative authority may entrust the investigation, including an investigation that falls within the scope of section 476 second paragraph, to the substantially interested state. The investigative authority may participate in an investigation into a marine accident that occurred outside the Kingdom and that is being conducted by a foreign investigative authority. Where an investigation is being conducted within a foreign state's territory, the provisions of subchapter II shall apply only insofar as the Norwegian authority is competent in accordance with international law, and in so far as is not prevented by the laws of the coastal state.

Where a ro-ro ferry or a high-speed passenger craft has been involved in a marine accident, the investigation shall be initiated by the EEA State within whose territorial or internal waters the accident or incident occurred. If the accident occurs in waters other than territorial or internal waters, the investigation shall be initiated by the Member State of the ship's last port of call. This state shall have primary responsibility for the safety investigation and for coordinating

activities with other substantially interested Member States until such time as joint agreement has been reached as to which state shall have primary responsibility for the investigation.

The investigative authority in a substantially interested state within the EEA shall be granted access to the same evidence and statements in accordance with section 477 as the investigative authority itself. In conducting its investigation, the investigative authority shall take account of the opinions of such a state.

Amended by Acts of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 483
Expert assistance etc.

The investigative authorities may make use of expert assistance when conducting the investigation, and may also ask for assistance from police and other authorities.

Amended by Act of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Section 484
Rights for those affected by the case

When the investigative authority decides to carry out an investigation, it shall as far as possible notify the ship's owner, the reder, the master, users and insurers of the ship and others affected by the case about this. Such notification shall be given as soon as possible, and shall inform about the rights pursuant to the present section second paragraph and section 485 second paragraph.

By the time the investigation is concluded, those mentioned in the first paragraph shall be allowed to bring forward information and viewpoints about the marine accident and its causal factors. They should also be allowed to be present during the investigations, and have the right to familiarize themselves with the documents, to the extent the investigative authority finds that it does not obstruct the investigation. Second sentence applies with the limitations set by professional secrecy, cf. section 480.

Amended by Acts of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 485
Investigation report

The investigative authority shall produce a report which gives an account of the course of events and which contains the investigative authority's statement on the causative factors. The report shall also contain investigative authority's recommendations, if any, of precautions to be taken or considered for the purpose of preventing similar marine accidents in the future.

Before the investigative authority concludes the report, a draft of the report shall upon request be produced to those mentioned in section 484 first paragraph, and to specially affected states, with a reasonable deadline for those in question to make comments, unless particular circumstances require otherwise. The right according to the first sentence applies only to the parts of the draft to the report which those in question, because of their connection to the case or the investigation, are particularly well positioned to comment on.

The investigative authority's draft to a report is not public.

The investigative authority may prepare a simplified report in respect of marine accidents other than those mentioned in section 476 second paragraph in cases where the result of the investigation will not be capable of making any contribution to the prevention of future accidents and incidents.

The report shall be made available within 12 months of the occurrence of the accident. If this is not possible, the investigative authority shall publish a provisional report within 12 months.

The investigative authority shall forward the report to the EFTA Surveillance Authority (ESA) and shall report accidents and incidents at sea to the European Marine Casualty Information Platform (EMCIP).

Decisions by the investigative authority pursuant to this section may not be appealed.

Amended by Acts of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 486
Treatment of seafarers who have been involved in a marine accident

In the investigation of marine accidents, account shall be taken of the Guidelines on Fair Treatment of Seafarers in the Event of a Maritime Accident as established by the IMO.

Amended by Acts of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226), 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

Section 486a

Regulations

The King may issue regulations to supplement the provisions of Chapter 18 sub-chapter II.

Added by Act of 16 December 2011 No. 64 (in force on 1 January 2012 pursuant to decree of 16 December 2011 No. 1261).

III. Maritime Assessment

Section 487

Purpose, etc.

Maritime assessment shall be instituted when requested by the reder or a charterer, cargo-owner, insurer or other interested party. The Court shall, insofar as requested:

1) deliver a statement on the condition of the ship and cargo and the nature, extent and cause of any damage;
2) assess the value of ship and cargo;
3) deliver a statement on whether the ship can be repaired either where it is or at a place to which it can be moved;
4) assess the anticipated costs of moving and repairing the ship, and its estimated value when repaired.

The assessment can be relied upon as evidence in legal proceedings, but is not binding.

Amended by Act of 30 August 2002 No. 67 (in force on 1 January 2003 pursuant to decree of 30 August 2002 No. 938).

Section 488

Members of the Court of Assessment, etc.

The number of assessors is two. If the Chairman of the Court considers it desirable, there shall be four assessors.

The assessors are as far as possible given one day's notice.

In special cases, the Chairman of the Court may refrain from taking part in the assessment and leave it to be conducted by the assessors alone, with subsequent conclusion in a Court session.

Amended by Acts of 30 August 2002 No. 67 (in force on 1 January 2003 pursuant to decree of 30 August 2002 No. 938), 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3.

Section 489

Time and place of the maritime assessment

The assessment is held as soon as possible after the request is received. The Court gives notice of the place and time set for the hearing to the claimant and the master and, as far as possible, to the reder as well as charterers, cargo-owners, insurers and other interested parties. If there is probable cause for suspecting a breach of the rules regarding seaworthiness or safety at sea, notice shall also be given to the chief of police concerned. The assessment may proceed even though some of those who have been or should have been given notice do not attend.

Amended by Acts of 30 August 2002 No. 67 (in force on 1 January 2003 pursuant to decree of 30 August 2002 No. 938), 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170), 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Section 490

Examination, records and investigation

The assessors are entitled to ask questions to the persons being examined.

Testimony given in the course of the assessment shall be documented if required by one of the parties or by any other interested person present, or if the Court considers the testimony significant for the assessment of the cause of the damage or its extent or its liability, or if the Court otherwise finds reasons for having it done. The documentation shall be in accordance with the provisions of the Dispute Act section 13-9 first paragraph.

Insofar as it is justifiable and not incompatible with the participation of the Chairman in the final assessment, the Chairman may leave the detailed investigation to the assessors alone, provided that it would take inordinately long for the Chairman to take part fully in all the investigation.

Amended by Acts of 30 August 2002 No. 67 (in force on 1 January 2003 pursuant to decree of 30 August 2002 No. 938), 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3.

Section 491
Judicial remedy

There is no right of review by a superior Court of Assessment, appeal, or re-opening of the case.

If, after the conclusion of the assessment, any new evidence considered to be of substantial relevance has emerged, new assessment proceedings may be instituted at the request of any person referred to in section 487.

Amended by Act of 17 June 2005 No. 90 (in force on 1 January 2008 pursuant to decree of 26 January 2007 No. 88) as amended by Act of 26 January 2007 No. 3.

Section 492
Reference to the Assessments' Act

Insofar as nothing else follows from the provisions laid down here, assessment is conducted according to the provisions of the Assessments' Act.

IV. Regulations

Section 493
Supplementary regulations

The King may issue more detailed regulations supplementing and implementing the provisions of this chapter.

Amended by Act of 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Part VI Other Provisions

Chapter 19.
Statutory Limitation

Section 503
Statutory limitation according to Chapter 10

Claims for damages for any pollution damage as mentioned in sections 183, 191, 207 or 208 or for compensation from the International Oil Pollution Compensation Fund (1992) are lifted unless proceedings commence within 3 years from the date on which the damage, loss or expense arose. In no event may claims be made when 6 years have passed from the incident upon which the liability is based. Where the damage, loss or expense arose from a series of occurrences resulting from the same cause, the 6 years' period is calculated from the first occurrence.

Time-barring of claims against the International Oil Pollution Compensation Fund (1992) may be lifted not only by proceedings but also by a notification of proceedings to the Fund in accordance with section 204 fourth paragraph.

Claims against the International Supplementary Fund (2003) are lifted when claims for compensation against the International Oil Pollution Compensation Fund (1992) are lifted pursuant to the first paragraph. Claims brought against the International Oil Pollution Compensation Fund (1992) are also considered to be brought against the International Supplementary Fund (2003).

Amended by Acts of 17 March 1995 No. 13 (in force on 30 May 1996), 15 May 1998 No. 26, 27 February 2004 No. 10 (in force on 3 March 2005 pursuant to decree of 17 December 2004 No. 1714), 21 December 2007 No. 128 (in force on 21 November 2008 pursuant to decree of 21 December 2007 No. 1577).

Chapter 20.
Miscellaneous Provisions

I. Definition of SDR

Section 505
Definition of SDR

For the purposes of the present Code, SDR means the special drawing rights established by the International Monetary Fund. It shall be translated into Norwegian currency according to the value of the krone expressed in SDR on the day when payment is made or a limitation fund is established according to Chapter 9 or 10.

To be amended by Act of 12 May 2015 No. 30 (in force from such date as the King decides).

II. Penal provisions

Heading added by Act of 19 June 2015 No. 65 (in force on 1 October 2015).

Section 506
Penal clause

Any person who wilfully or through gross negligence substantially:

a) violates section 9 on signal letters and marks or regulations issued under the provision;
b) violates provisions of chapter 2 on the registration of ships or regulations issued under that chapter;
c) flies the Norwegian flag in an unwarranted manner or otherwise passes the ship off as Norwegian, or in Norwegian waters flies any flag in an unwarranted manner or otherwise passes the ship off as having another nationality than its real nationality;

shall be liable to fines or imprisonment for a term not exceeding six months.

Any master or mate in charge of the watch who violates his or her duty under section 135 first or second paragraph to take all necessary actions if the ship is in distress or otherwise in danger, and not without a particular reason leave or abandon the ship as long there is a reasonable prospect of the ship being saved, unless his or her own life is in considerable danger, shall be liable to fines or imprisonment for a term not exceeding one year.

Other persons working on board who, without a particular reason and permission from the master, leave the ship when the ship is in distress or otherwise in danger as long as the master is on board, shall be liable to fines or imprisonment for a term not exceeding six months.

Any master or mate in charge of the watch who wilfully or through gross negligence violates his or her duty under section 164 first sentence to render all assistance that is necessary as far as this can be done without serious danger to the ship and those on board, shall be liable to fines or imprisonment for a term not exceeding three years, but for a term not exceeding six years if the omission has resulted in death or serious bodily harm.

Any person who wilfully or through gross negligence substantially violates his or her duty under section 186 or 197 or regulations issued under these provisions, to maintain insurance or other financial security and valid certificates, shall be liable to fines or imprisonment for a term not exceeding six months.

Any person who fails to comply with his or her duty to report under section 475 first paragraph or regulations issued under the provision, shall be liable to fines or imprisonment for a term not exceeding three months. Likewise, any person who substantially fails to produce documentation in accordance with section 477 second paragraph, or to satisfy requirements from the investigative authority under section 479 first paragraph, or who removes objects in violation of section 478, shall be liable to the same punishment.

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

Repealed by Act of 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170), added by Act of 19 June 2015 No. 65 (in force on 1 October 2015).

Chapter 21.
Mobile Platforms, etc.

Section 507
Drilling platforms and similar mobile offshore units

Drilling platforms and similar mobile offshore units which are not regarded as ships and are intended for use in exploration for or exploitation, storage or transportation of subsea natural resources or in support of such activities, are considered Norwegian if they are owned by any person as mentioned in section 4 first paragraph and have not been entered into the register of another country. The owner shall request entry of the ship into the Ship Register in accordance with the provisions of section 12, which apply as appropriate. The provisions of sections 5, 7, 8 and 9 also apply correspondingly insofar as they are relevant to these units. The Ministry may in special cases make exceptions to the obligation to register.

The units are regarded as ships and their operation as shipping activities in relation to the provisions of Chapters 2, 3, 4, 5, 6, 7, 8, 9, 16, 18, 19 and 20, subject to the following special provisions and exceptions:

1) What is laid down regarding the master and the first mate applies correspondingly to the person with the highest authority on board the unit and to his or her permanent deputy.
2) The limits of liability shall, irrespective of the size of the unit, be 36 million SDR according to section 175 item 2 and 60 million SDR according to section 175 item 3 and section 175a.
3) Maritime liens according to section 51 confer no claim for damages in respect of pollution damage arising in connection with activities as mentioned in this section.
4) The provisions of section 45 do not apply.
5) Maritime investigation according to the provisions of chapter 18 subchapter II may be conducted if no other provision concerning investigation has been issued in a statute or in pursuance of a statute.

Amended by Acts of 8 December 1995 No. 65 (in force on 1 January 1996), 17 June 2005 No. 88 (in force on 1 November 2006 pursuant to decree of 2 December 2005 No. 1358), 7 January 2005 No. 2 (in force on 1 July 2008 pursuant to decree of 23 February 2007 No. 226).

Part VII Concluding Provisions

Chapter 22
Concluding Provisions

Section 511
Entry into force. Repeal of the Maritime Code of 1893

The present Code enters into force from such date as the King decides.[1] The various parts of the Code may be put into force at different times.

From the date when the present Code enters into force, the Maritime Code of 20 July 1893 No. 1 is repealed.

[1] From 1 October 1994 according to decree of 24 June 1994 No. 509.

Section 512
Transitional provisions

Regulations issued pursuant to the Maritime Code of 20 July 1893 No. 1 remain in force also after the entry into force of the present Code.

Chapter 13 on Carriage of General Cargo and Chapter 14 on Chartering of Ships apply to contracts for general cargo carriage and ship chartering concluded after the entry into force of the present Code. If a bill of lading has been issued after the entry into force of the present Code, Chapter 13 and 14 apply in so far as the bill of lading governs the legal relation to third parties, even if the bill of lading was issued in pursuance of a contract for general cargo carriage or ship chartering concluded before the Code entered into force.

The provisions of section 422 relating to limitation of the carrier’s liability in respect of the carriage of passengers and their luggage apply in all cases where the event on which the carrier’s liability is based occurred after the entry into force of the present Code.

Section 513

Amendments to other acts

From the date when the present Code enters into force, the following other acts are amended as follows: ---