

Circular - Series R

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

Circular recipients: (check box)

- Sdir: Norwegian Maritime Authority
- A: 16 specially authorised employment offices
- U: Selected foreign service missions
- P: Equipment manufacturers, any subgroups
- OFF: Offshore companies / OIM / operators
- Hov: Main organisations
- H.i. Bodies or agencies for their comments
- Others:

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Reference to: Ship Safety and Security Act

The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.

Regulations on vessels used by associations or societies

The Norwegian Maritime Authority (NMA) has laid down Regulations on vessels used by associations or societies.

These Regulations will enter into force on 1 October 2022.

The Regulations on vessels used by training institutions were circulated for review from 22 December 2021 until 22 March 2022. The NMA received 29 consultative comments, whereof four had no remarks.

The consultative comments and questions received proved that it would be a good idea to extract the provisions applicable to associations and societies and provide separate Regulations for them. These provisions were originally included in sections 1 and 2 of the Regulations that were circulated for review. The decision to extract the above-mentioned provisions and set them out in separate Regulations is a regulatory amendment that does not constitute any material amendments to the provisions.

Generally, the consultative bodies welcomed the content of the new legislation for associations and societies. The provisions are a regulation of previous administrative practice. For a closer look at the consultative comments, the NMA refers to the consultation matrix of the Regulations on vessels used by training institutions, see attachment (in Norwegian only).

Relation to the Ship Safety and Security Act

Under the Ship Safety and Security Act section 2 fourth paragraph, the NMA has provided special rules on the construction, equipment and qualifications for vessels of less than 24 metres in overall length.

The Ship Safety and Security Act section 2 third paragraph (a) establishes that it may be prescribed by regulation that this Act will not apply, either in whole or in part, to ships of less than 24 metres in overall length. It was stated in the consultation of the Regulations on vessels used by training institutions that vessels used by associations and societies did not have to comply with the section requiring a safety management system. Here, the NMA has applied the legal basis of the Ship Safety and Security Act section 2 third paragraph to separate these vessels from the requirement for a safety management system stipulated in the Ship Safety and Security Act section 7.

For the sake of clarity, the NMA would like to emphasise that the rules on supervision in the Ship Safety and Security Act still apply.

Comments to the individual sections

To section 1 Scope of application

The word “persons” means everyone on board (including the crew), regardless of job title. The Regulations apply to Norwegian vessels. The first sentence now emphasises that the Regulations apply to ships not certified to carry passengers. It is a precondition that the association or society is registered in the Brønnøysund Register Centre.

To section 2 Requirements for construction, equipment and qualifications

Vessels of less than 24 metres in overall length used by members of associations or societies for recreational activities with a maximum of 35 persons on board shall comply with the rules for recreational craft. The association or society needs to have maritime qualifications in order to ensure safe operation. It is also a precondition that the members are actually connected to the association, that the trips are for the members of the association, and that the use of the vessel is best described as a recreational activity.

The provision in section 2 will apply when the vessel is used for recreational activities. Recreational activities is a broad term comprising all types of activities that recreational craft are used for during leisure time. This may for example apply to coast organisations where members take part in voluntary work and use the association's vessels, yacht clubs using their vessels for trips or regattas, diving clubs or sea scouts on excursion. Recreational activities organised by associations in such a way that the members find and join voluntarily are very similar to the activities covered by the term “not used for commercial purposes”. The limitation to recreational activities also demonstrates that the exemption does not apply to associations or societies where the main purpose is, for instance, to meet a transportation need.

Associations or societies must provide information about their activities on their website or in social media, etc. If the association offers trips to the public, or if a person with no connection to the association pays a “member fee” instead of paying for a ticket to join a single trip, the regular rules for the carriage of passengers will apply.

Section 3 Entry into force

These Regulations will enter into force on 1 October 2022.

Knut Arild Hareide
Director General of Shipping and Navigation

Countersigning
title

Attachment
Regulations on vessels used by associations or societies
Consultation matrix