

Regulations of 31 December 2008 No. 1587 on the determination of coercive fines pursuant to the Ship Safety and Security Act section 50

Legal basis: Laid down by the Norwegian Maritime Authority on 31 December 2008 under the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) section 50, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590.

Section 1

Scope of application

These Regulations shall apply to the determination of coercive fines in the event of non-compliance of orders imposed pursuant to the Ship Safety and Security Act and appurtenant regulations. These Regulations shall not apply to orders that are to be complied with before the vessel may leave the port.

Section 2

Time limits for the payment of the fine

Coercive fines start to accrue when the time limit specified in the decision on the coercive fine has expired. The length of the time limit will be stated in the decision on the coercive fine, and be determined on the basis of a specific assessment of the seriousness of the order in relation to safety and environmental considerations.

The coercive fine accrues until the company has provided documentation that the order is complied with.

Section 3

Exemptions

In special cases, higher or lower coercive fines than the standard rates specified in section 4 may be imposed. In such cases the assessment shall be carried out as a specific assessment as referred to in section 4 second paragraph.

The Norwegian Maritime Authority may also, if warranted by strong considerations, reduce or waive an accrued fine.

Section 4

Assessment of coercive fines

Coercive fines may be imposed on any company which has not complied with an order imposed pursuant to section 49 of the Ship Safety and Security Act by the specified time limit. For vessels mentioned in the table below, coercive fines may be imposed in accordance with standard rates per day. The rates are determined in relation to the court fee (R):

Passenger ships	12 passengers and less	13–100 passengers	Over 100 passengers
Orders to be complied with within 1 month	1 R	2 R	8 R
Orders with a later date of performance than 1 month	½ R	1 R	4 R

Chemical tankers	Less than 150 gross tonnage	150-9,999 gross tonnage	10,000-99,999 gross tonnage	100,000 gross tonnage and upwards

Orders to be complied with within 1 month	1 R	3 R	5 R	10 R
Orders with a later date of performance than 1 month	½ R	1 R	2 R	5 R

Oil tankers	Less than 150 gross tonnage	150–9,999 gross tonnage	10,000–99,999 gross tonnage	100,000 gross tonnage and upwards
Orders to be complied with within 1 month	2 R	4 R	6 R	12 R
Orders with a later date of performance than 1 month	½ R	2 R	3 R	6 R

Offshore vessels	
Orders to be complied with within 1 month	5 R
Orders with a later date of performance than 1 month	3 R

Cargo ships which are not oil tankers, chemical tankers or mobile offshore units	Less than 400 gross tonnage	400–4,999 gross tonnage	5,000–49,999 gross tonnage	50,000 gross tonnage and upwards
Orders to be complied with within 1 month	1 R	2 R	4 R	6 R
Orders with a later date of performance than 1 month	¼ R	1 R	2 R	3 R

Fishing vessels	6–10.66 metres	10.67–14.99 metres	15–44.99 metres	45 metres or more
Orders to be complied with within 1 month	½ R	1 R	2 R	4 R
Orders with a later date of performance than 1 month	¼ R	½ R	1 R	2 R

Mobile offshore units	
Orders to be complied with within 1 month	12 R
Orders with a later date of performance than 1 month	6 R

For other vessels, coercive fines will be assessed after a specific assessment. When the size of a coercive fine is assessed, particular consideration is paid to:

- a) the type of order
- b) the seriousness of the non-compliance of the order in relation to the environmental and safety considerations the order shall safeguard
- c) the cost inflicted on the company by complying with the order
- d) the company's financial position.

Section 5

Entry into force

These Regulations enter into force on 1 January 2009.

As from the same date, the Regulations of 29 June 2007 No. 846 concerning the determination and imposition of coercive fines pursuant to the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) section 50 is repealed.