

Regulations of 6 September 1999 No. 1047 on the counting and registration of persons on board passenger ships

Legal basis: Laid down by the Norwegian Maritime Authority on 6 September 1999 under the Act of 9 June 1903 No. 7 relating to Public Control of the Seaworthiness of Ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 6, 11, 19, 43 and 45, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590 by the Ministry of Trade and Industry.

EEA references: EEA Agreement, Annex XIII point 56e (Directive 98/41(EC)).

Amendments: Amended by Regulations of 4 June 2002 No. 1000, 29 June 2007 No. 1006 (i.a. legal basis), 23 June 2015 No. 731.

Section 1

Scope of application

These Regulations shall apply to Norwegian passenger ships, which according to their certificate can carry more than 12 passengers and are operating to or from ports within the European Economic Area (EEA). The Regulations also apply to foreign passenger ships operating to or from a Norwegian port.

Amended by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015)

Section 2

Definitions

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

- a) “*Protected sea area*”: A sea area sheltered from waves and wind from the open sea, where a ship at no time is more than 6 nautical miles from a place of refuge where shipwrecked persons can land and in which the proximity of search and rescue facilities is ensured.
- b) “*Seagoing ship*”: Ship certified for trade area 3 or greater trade area, or ships of class D or higher.
- c) “*ISM Code*”: International Management Code for the Safe Operation of Ships and for Pollution Prevention, adopted by the International Maritime Organization (IMO) by resolution A.741(18), as amended.
- d) “*Persons on board*”: All persons on board, irrespective of age.
- e) “*Passenger ship*”: A ship which can carry more than 12 passengers.
- f) “*Passenger registrar*”: A shore-based person whom a company has:
 1. designated as responsible for fulfilling the obligations under the ISM Code; or
 2. charged with the responsibility for keeping information on the persons on board a ship belonging to the company.
- g) “*Regular service*”: A series of ship crossings between two or more ports, either:
 1. according to a published timetable; or
 2. with crossings so regular or frequent that they constitute a clearly systematic service.

Amended by Regulations of 29 June 2007 No. 1006 (in force on 1 July 2007), 23 June 2015 No. 731 (in force on 1 July 2015).

Section 3

(Repealed)

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007), repealed by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015).

Section 4

Registration system

(1) The company shall set up and maintain a shore-based system of registration ensuring compliance with the provisions of sections 5 and 6.

(2) The company shall appoint a passenger registrar who shall be responsible for the keeping and transmission of recorded information in the event of an emergency or in the aftermath of an accident.

(3) The registration system for Norwegian passenger ships shall be approved by the Norwegian Maritime Authority. The registration system for passenger ships registered in an EEA member country shall be approved by the flag State concerned. The system shall meet the following requirements:

- a) *Readability*: The information shall be in a format that is easy to read.
- b) *Availability*: The information shall be easily available to the rescue service and other relevant authorities for use in rescue operations.

- c) *Facilitation*: The system shall be designed in such a way that no undue delay is caused for passengers embarking or disembarking the ship.
 - d) *Security*: The information must be appropriately protected against accidental or unlawful destruction and loss and against unlawful alteration, disclosure or access.
- (4) A multiplicity of registration systems on the same route or similar routes should be avoided.

Amended by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015)

Section 5

Counting of persons on board

(1) The master shall, before the ship departs, ensure that all persons on board are counted, and that the ship is not carrying more persons on board than permitted by the ship's certificate.

(2) Before the ship departs, the number of persons on board shall be communicated to the master or to the officer in charge of the navigational watch. The number of persons on board shall before departure also be communicated to the passenger registrar or the company's shore-based registration system. However, for ships engaged on a regular service in trade area 2 or lesser trade area, where the crossing between the individual ports does not exceed 60 minutes, a passenger registrar or a shore-based registration system is not required.

Amended by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015)

Section 6

Registration

(1) For passenger ships engaged on voyages where the distance of a single passage is 20 nautical miles or more, the following information shall be recorded regarding all persons on board:

- a) last name
- b) first name or initials
- c) gender
- d) age category (adult, child or baby), age or year of birth

(2) If requested by a passenger, the company shall ensure that information which is necessary for special care or assistance in emergency situations, is recorded and communicated to the master before departure.

(3) The information referred to in the first paragraph shall be collected before departure and shall be communicated to the passenger registrar or the company's shore-based registration system no later than 30 minutes after departure.

Amended by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015)

Section 7

Keeping and transmission of recorded information

Information recorded pursuant to the provisions of sections 5 and 6 shall be kept available to the rescue service and other relevant authorities for use in rescue operations, but shall otherwise be deleted no later than 24 hours after the end of the voyage.

Amended by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015).

Section 8

Exemptions

(1) The Norwegian Maritime Authority may, upon application, exempt a passenger ship engaged on a regular service from the obligation to communicate the number of persons on board to the passenger registrar or the company's shore-based registration system, when the following conditions are satisfied:

- a) the ship operates exclusively in a protected sea area;
- b) the duration of the voyage between ports does not exceed 60 minutes.

(2) The Norwegian Maritime Authority may, upon application, exempt a passenger ship from the obligations laid down in section 6 (1) and (2) if the voyage is carried out exclusively in a protected sea area, either between two ports or to or from the same port without intermediate calls.

(3) The Norwegian Maritime Authority shall without delay notify the EFTA Surveillance Authority (ESA) of any exemption granted to seagoing passenger ships under this section. Such notification shall be accompanied by a statement with the grounds for the decision.

(4) If the ESA finds that an exemption is unjustified or could have adverse effects on competition, the ESA may, no later than within six months of being notified, require the Norwegian Maritime Authority to amend or withdraw the exemption.

(5) The Norwegian Maritime Authority may upon application from the company request the ESA to exempt, wholly or partly, a seagoing passenger ship engaged on a regular service from the obligations of section 6, when the ship is

engaged exclusively on domestic voyages or between ports in two EEA member countries and the company can document that the following conditions are satisfied:

- a) it is impracticable for the company to record the information;
- b) the probability of the wave height in the area exceeding two metres is less than 10% on an annual basis;
- c) The distance of any passage of the voyage does not exceed approx. 30 nautical miles, or the primary purpose of the service is to maintain regular links to remote communities for customary purposes;
- d) the area in which the ship operates, is covered by a shore-based navigation system, and reliable weather forecasts for the area are available;
- e) adequate and sufficient search and rescue facilities shall be available in the area.

Amended by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015).

Section 9

(Repealed)

Repealed by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015).

Section 10

Entry into force, etc.

These Regulations enter into force on 1 October 1999. From the same date, the Regulations of 15 March 1991 No. 152 concerning registration of persons on board passenger ships in international service are repealed.