

Act of 12 June 1987 No. 48 relating to a Norwegian International Ship Register (NIS)

as subsequently amended, most recently by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Chapter I General provisions

Section 1

Conditions for registration

Self-propelled passenger and cargo ships and hovercraft, as well as drilling platforms and other mobile offshore units, may on request be registered in the Norwegian International Ship Register provided they are not entered in the register of another country and:

1. the owner satisfies the nationality conditions in section 1 of the Norwegian Maritime Code; or
2. the owner, if he does not satisfy the nationality conditions in section 1 of the Norwegian Maritime Code,
 - a. is a limited company, public limited company or a limited partnership with its head office in Norway;
or
 - b. is a shipowning partnership, with a managing reder (person or company) who satisfies the provisions relating to managing reder (person or company) in Chapter 5 of the Norwegian Maritime Code.
3. the owner, if he does not satisfy the conditions of item 1 or 2, has appointed a representative who is authorized to accept writs on behalf of the owner. The representative must fulfil the nationality requirements for managing reder (person or company) as set out in section 103 of the Norwegian Maritime Code.

Ships registered in accordance with item 2 or 3 above shall be operated by a Norwegian shipping company with its head office in Norway.

The King may issue regulations allowing for the registration of other vessels and units.

A ship that is considered Norwegian pursuant to section 1 first paragraph is however not considered Norwegian if it is bareboat registered in another state in accordance with section 16.

A ship that is entered into the ship register of another country is however considered Norwegian if it is bareboat registered in a Norwegian ship register in accordance with section 14.

Amended by Acts of 24 June 1994 No. 39, 8 December 1995 No. 65, 13 June 1997 No. 44 (in force on 1 January 1999 pursuant to decree of 17 July 1998 No. 615), 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Section 2

Registration authority. Signal letters

The Norwegian International Ship Register shall be maintained by an official designated by the King.

Ships registered in the Norwegian International Ship Register shall be allotted signal letters by the Norwegian Ship Registers which are clearly different from the signal letters allotted to other Norwegian ships.

Amended by Acts of 15 May 1992 No. 46, 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).

Section 3

Application of other Norwegian law than the present Act

Norwegian law applies to every ship in the Norwegian International Ship Register unless explicitly otherwise provided in or pursuant to a statute.

The King may grant exemptions from the Norwegian Maritime Code for ships in the Norwegian International Ship Register.

Amended by Act of 24 June 1994 No. 39.

Section 4

Trading area restrictions

Ships registered in the Norwegian International Ship Register are not permitted to carry cargo or passengers between Norwegian ports or to engage in regular scheduled passenger transport between Norwegian and foreign ports. For the purpose of this Act, oil and gas installations on the Norwegian continental shelf are regarded as Norwegian ports.

The King may issue regulations prescribing other trading areas for ships registered in the Norwegian International Ship Register than those specified in the first paragraph.

The King may issue regulations prescribing the trading area for supply ships, auxiliary vessels, drilling platforms and other mobile offshore units registered in the Norwegian International Ship Register.

The prohibition laid down in the first paragraph shall not apply for ships in the Norwegian International Ship Register that are bareboat registered in another state in accordance with section 16.

Amended by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Section 5

Fees

A fee determined by the King shall be paid for registration or notes made in the Norwegian International Ship Register. The same applies to mortgage certificates made out in the Norwegian International Ship Register.

Claims for registration fees and fees for transcripts, etc. for ships registered in the Norwegian International Ship Register are enforceable by attachment.

Amended by Acts of 15 May 1992 No. 46, 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).

Chapter II

Special provisions relating to ships in the Norwegian International Ship Register

Section 6

Pay and working conditions

Terms of pay and employment and other working conditions on ships in this register shall be fixed in a collective bargaining agreement which expressly states that it applies to such service. A collective bargaining agreement which does not so state does not apply to service on ship in this register.

Norwegian trade unions have a right to take part in all negotiations for a collective bargaining agreement. Collective bargaining agreements may be concluded with Norwegian or foreign trade unions.

The collective bargaining agreement mentioned in the first paragraph shall expressly state that the agreement is subject to Norwegian laws and Norwegian court of law. The parties to the agreement may nevertheless deviate from the provisions in section 6 items 2 and 3 and Chapters 2 to 5 of Act of 5 May 1927 No. 1 relating to labour disputes¹, if the agreement instead of referring to Norwegian courts explicitly provides that disputes concerning the agreement shall be subject to the courts and procedural rules, including rules governing arbitration, in another country.

Individual contracts of engagement for service on ships in this register shall expressly state that the contract is subject to Norwegian laws and Norwegian courts, but that cases concerning the employee's service on the ship may be brought against the owner before a Norwegian court or before a court in the employee's country of residence. A contract of engagement as referred to in the first sentence is not a hindrance to a case being brought before a court in another country when such action is permitted under the Lugano Convention 2007.

Amended by Acts of 8 January 1993 No. 21, 28 June 1996 No. 40, 19 June 2009 No. 79 (in force 1 January 2010 according to decree of 16 October 2009 No. 1279).

¹ This Act has been repealed, refer to Act of 27 January 2012 No. 9.

Section 7

Hours of work and rest

The Act relating to ship safety and security (Ship Safety and Security Act) sections 23 and 24 shall apply to ships in this register.

The rate of pay for work in excess of ordinary working hours shall be agreed between the parties.

Amended by Acts of 26 June 1998 No. 51, 28 June 2002 No. 60, 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).

Section 8

The Ship Labour Act

In a collective bargaining agreement, the following provisions of the Ship Labour Act may be deviated from: section 3-1 fourth paragraph, sections 3-3 to 3-8, section 4-2 third paragraph, section 4-6 first paragraph (a), section 5-2 first paragraph second sentence and second and third paragraphs, section 5-3 second and third paragraphs (a) to (d), section 5-

4, section 5-6 second paragraph, section 5-7, section 5-9, section 5-10, section 5-12, section 5 A-2, sections 6-1 to 6-3, section 7-2, section 7-3, sections 7-5 to 7-12, section 8-4 and section 11-2.

The cost of enrolment and mustering procedures shall be met by the owner or other employer.

Amended by Acts of 31 Mai 1991 No. 20, 18 June 1993 No. 108, 8 December 1995 No. 65, 21 June 2013 No. 102 (in force on 20 August pursuant to decree of 21 June 2013 No. 730), 9 May 2014 No. 16 (in force on 9 May 2014 pursuant to decree of 9 May 2014 No. 625), 14 June 2019 No. 22 (in force on 1 August 2019 pursuant to decree of 14 June 2019 No. 726).

Chapter III

Regulations, penalties, deletion, etc.

Section 9

Regulation and authority to obtain information

The King may issue regulations supplementary to the Act and regulations governing the implementation of the Act. The Ministry may prescribe by regulation that possible legal proceedings regarding the accuracy of administrative decisions pursuant to section 12 second paragraph shall be instituted within a special time limit from the date the notification on the time limit reached the party concerned.

The Ministry may at any time require an employer to document the information needed to implement and administer the Act.

Amended by Act of 27 June 2008 No. 72 (in force on 1 July 2008 pursuant to decree of 27 June 2008 No. 743).

Section 10

Provisions which must be accessible to the crew

The master shall ensure that a copy of this Act and of regulations issued pursuant to this Act is carried on the ship and is accessible to the crew. If the contract of engagement refers to a collective bargaining agreement, the master shall ensure that there is a copy of the letter on board for the use of the crew.

Section 11

Penalties

Any person who wilfully or through gross negligence violates the provisions of section 4 or regulations issued under the provisions, or failing to observe the obligation to provide documentation as mentioned in section 9 second paragraph will be punished by fines. Contributory negligence is not punishable.

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

Amended by Acts of 20 July 1991 No. 66, 19 June 2015 No. 65 (in force on 1 October 2015).

Section 12

Deletion

If a ship has been registered on the basis of incorrect or incomplete information on matters of central importance to the conditions for registration or the ship does not at all times meet the terms of section 1 first paragraph, the Registrar may delete the ship from the Register. Ships that have been granted permission for temporary registration in the ship register of another country pursuant to section 16 shall not be deleted from the ship register.

The Ministry may decide that a ship shall be deleted from the register if:

- a. section 1 second paragraph, section 4 or section 5 has been contravened; or
- b. section 6 third or fourth paragraph has been contravened; or
- c. the obligation to provide documentation as mentioned in section 9 second paragraph has been contravened; or
- d. the obligation to furnish a guarantee or take out such insurance as mentioned in section 4-7 of the Ship Labour Act has been contravened.

If an encumbrance has been registered on a ship, the ship shall not be deleted from the register according to the first or second paragraph without the written consent of the holder of the right, but the circumstances which should have led to deletion shall be noted on the ship's page in the register. The encumbrance will in such case retain its priority, but newly created rights may not be registered.

Amended by Acts of 15 May 1992 No. 46, 17 December 1993 No. 118, 21 June 2013 No. 102 (in force on 20 August 2013 pursuant to decree of 21 June 2013 No. 730), 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Section 13

Violation fines

The Norwegian Maritime Authority may impose violation fines if a company, or a person who has acted on behalf of the company, has violated the trade area restrictions set out in or pursuant to section 4.

The Ministry may by regulation issue further rules on the imposition and determination of violation fines, including minimum and maximum amounts and interests and fees if the violation fee is not paid when due.

Amended by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Chapter IV

Bareboat registration

Chapter added by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Section 14

Bareboat registration in the Norwegian International Ship Register

Ships referred to in section 1 that are registered in another country's ship register and bareboat chartered by someone meeting the conditions of section 1 may be bareboat registered in the Norwegian ship register for a period of up to ten years following a written request from the bareboat charterer. The period may not exceed the duration of the bareboat charter-party. If the consent pursuant to the second paragraph item 3 is limited in time, a permission pursuant to the first sentence shall be valid for the same period, but no longer than ten years. The Department of Ship Registration may extend the period by up to five years at a time following a written request from the bareboat charterer.

The following documentation must be provided before the ship may be registered pursuant to the first paragraph:

1. a copy of the bareboat charter-party;
2. a transcript from the ship register in the primary State documenting the owner of the ship and all registered owners of rights;
3. a written consent to the bareboat registration in a Norwegian ship register from the owner of the ship and all owners of rights; and
4. documentation from the ship register in the primary State confirming that the ship has been granted temporary permission to be bareboat registered in the Norwegian Ship Register and fly the Norwegian flag.

Ships registered pursuant to this provision are subject to Norwegian jurisdiction and shall fly the Norwegian flag.

No mortgages or other legal rights may be entered in ships that are registered pursuant to the first paragraph.

The Ministry may by regulation issue further rules on bareboat registration, including bareboat charter-party requirements, documentation and procedure.

Added by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Section 15

Deletion of bareboat registered ships

Ships registered pursuant to section 14 must be deleted from the ship register when:

- a. the bareboat charter-party is terminated;
- b. the conditions for registration pursuant to section 14 first paragraph are no longer present;
- c. the Registrar is notified by the bareboat charterer or the shipowner of the deletion of the ship from the ship register;
- d. the ship pursuant to the legislation of the primary State of registration is no longer entitled to temporarily fly the Norwegian flag;
- e. the Registrar is notified pursuant to section 13 second paragraph of the Norwegian Maritime Code that a ship is lost or scrapped; or
- f. a notice that a ship is lost or scrapped is not given by the deadline pursuant to section 13 second paragraph of the Norwegian Maritime Code, but otherwise made known to the Registrar. The owner must be given the opportunity to make a statement before the ship is deleted.

Added by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Section 16

Bareboat flagging-out

Upon request from the shipowner, ships that are leased on a bareboat charter-party and registered in the Norwegian International Ship register are permitted to bareboat register in a foreign ship register for a period of up to ten years. The period may not exceed the duration of the bareboat charter-party. Upon written request from the shipowner, the Norwegian ship register may extend the period for up to five years at a time.

In order for a permission or extension to be granted, the shipowner must provide the following documentation:

1. a copy of the bareboat charter-party;
2. a written consent to the bareboat registration in the foreign ship register from the owner of the ship and all owners of rights; and
3. documentation from the foreign ship register showing that the ship is permitted to be bareboat registered there.

A ship that is bareboat registered pursuant to the first paragraph is entitled to temporarily fly the flag of another country and shall not be considered Norwegian during such period in accordance with section 1 of this Act. It is not entitled to fly the Norwegian flag and shall not have a Norwegian certificate of nationality.

Mortgages and other legal rights remain registered when the ship is registered in another country's ship register pursuant to the first paragraph, and new mortgages and other legal rights may still be registered in the Ship Register.

The Ministry may by regulation issue further rules on bareboat registration, including bareboat charter-party requirements, documentation and procedure.

Added by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Section 17

Loss of permission to bareboat register

The right to fly a foreign flag pursuant to section 16 will cease at the termination of the charter-party, or at the point when the ship is no longer entitled to temporarily fly the flag of the foreign register. The termination notice must be given by the shipowner as soon as possible and no longer than 30 days after termination. Furthermore, the right to fly a foreign flag will cease if notice is not given by the deadline, but the issue is otherwise made known to the Registrar. Before this right ceases, the owner must be given the opportunity to make a statement.

When the permission to bareboat register is lost pursuant to the first paragraph, the ship will be allowed to fly the Norwegian flag again.

Added by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Chapter V

Entry into force etc.

Amended by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818).

Section 18

Entry into force

This Act enters into force on 1 July 1987.

Amended by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818, formerly section 13).

Section 19

Repeal and amendment of other acts and provisions

With effect from the date when this Act enters into force, the acts mentioned below are amended as follows:

From the date of the entry into force of this Act, the following Royal Decrees are repealed:

Amended by Act of 17 April 2020 No. 28 (in force on 1 July 2020 pursuant to decree of 17 April 2020 No. 818, formerly section 14).