

## 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.

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**Supersedes:**

**Reference to:** Regulations of 3 March 2009 No. 259 on requirements for minimum age and boating license, etc. for masters of recreational craft

*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.*

## Amendments to the Regulations on requirements for minimum age and boating licence, etc. for masters of recreational craft

### Introduction

The Norwegian Maritime Authority has laid down amendments to the Regulations of 3 March 2009 No. 259 on requirements for minimum age and boating license, etc. for masters of recreational craft. These amendments enter into force on 1 July 2021.

### Consultation

The proposal was circulated for review from 2 February to 30 April 2021. The Norwegian Maritime Authority (NMA) received 19 consultative statements to the proposal to remove the 10-knot speed limit for masters under the age of 16.

The consultation statements and the NMA's comments thereon are included in the attached consultation matrix.

### Details of the amendments

Regulations of 3 March 2009 No. 259 on requirements for minimum age and boating license, etc. for masters of recreational craft section 5 currently says that the master shall be at least 16 years of age if the recreational craft can reach a speed of more than 10 knots (18.5 km/h) by engine power or has an engine with a greater effect than 10 HP/7.5 kW. The NMA has amended this provision so that the 10-knot limit is removed. This means that the new provision will only say that the master must be at least 16 years if the recreational craft has an engine with a greater effect than 10 HP/7.5 kW.

Every year, the NMA is contacted regarding the provision that those under the age of 16 may only drive boats capable of a maximum speed of 10 knots. For a long time, suppliers have been marketing small boats with a 9.9 HP engine for young people and teenagers, and parents have bought such recreational craft for their children even if the boats are capable of operating with a maximum speed of 10 knots or more. There are several reasons for the non-compliance with this legislation. There is reason to believe that many families are unaware of the 10-knot limit and only relate to the 10-HP limit. It is also safe to assume that many know the rules and make a conscious choice not to follow them. In the opinion of the NMA, this is problematic in many ways, especially considering the signals to young people regarding respect for the rules at sea.

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The NMA has observed that high speed leads to increased risk of unwanted incidents, and that high-speed incidents tend to have a worse outcome than other incidents. Accident statistics show, however, that a low number of young people or children have been in serious accidents involving recreational craft of 10 HP or less capable of reaching a speed of 10 knots or more. This is the case even when we know that a relatively high number of young people under 16 operate this type of recreational craft. It is not the opinion of the NMA that all children and young people are capable of operating boats at a speed of more than 10 knots. Boat operation at this speed requires a lot of practice and basic knowledge. It is vital that parents or guardians actively assess what type of boat their child is capable of operating and at what speed. Even if the 10-knot limit is removed, other provisions still apply. One such provision is section 24 of the Act relating to recreational and small craft (Small Craft Act) which states the following on navigation: "A recreational craft shall be navigated in such a way that it does not pose a risk to life, health, property and the environment."

The NMA has considered whether the age limit for operating boats with a speed exceeding 10 knots should be reduced to for example 12 years instead of being removed. That would prevent young children from legally operating recreational craft at a speed of more than 10 knots. The NMA has concluded that this type of age limit could have unintended consequences. The age limit could for example be given too much emphasis when the parents or guardians are considering when the child is ready to operate a recreational craft capable of a speed of 10 knots or more. As mentioned above, it is advisable to actively assess when the child is ready to operate a boat at this speed. The same principle is applied to assessments related to other risk-filled activities carried out by children, such as cycling in traffic.

A number of those who have contacted the NMA also believed it would be a good idea for teenagers under 16 to practice with planing craft before they turn 16. According to current legislation, teenagers may get a boating licence after they turn 16 and legally operate all recreational craft of less than 15 metres. The NMA realises that the transition from operating a boat at a speed of less than 10 knots might be huge when a person becomes old enough to operate boats that require a boating licence. The NMA therefore agrees that there is a lot to be learned from operating a planing craft. However, the engine may not have a greater effect than 10 HP/7.5 kW.

The NMA will monitor to identify any negative consequences of this amendment, such as an increase in the number of serious accidents. If there are negative consequences, the NMA will have to consider reintroducing the speed limit.

#### **Comment to section 1**

The scope of application in the Regulations on requirements for minimum age and boating licence, etc. is limited to owners and masters of Norwegian recreational craft with a length of less than 15 metres in Norwegian territory. The requirement that the master must be 16 to operate a boat with an engine with a greater effect than 10 HP/7.5 kW is found in section 5.

#### **Comment to section 5**

This provision lays down a minimum age limit of 16 years for masters of a Norwegian recreational craft with an engine with a greater effect than 10 HP/7.5 kW that otherwise do not require a boating licence. This means that masters who are over the age of 16 may operate boats with a length of less than 8 metres and an engine output of more than 10 HP/7.5 kW and up to 25 HP/19 kW.

The former Regulations had a required minimum age of 16 even for masters of Norwegian recreational craft capable of a speed of more than 10 knots by engine power. This requirement is not continued.

**Administrative and financial implications**

In the opinion of the NMA, the proposed amendments will have no financial or administrative consequences for masters or the authorities.

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Attachments:

Amendments to the Regulations of 3 March 2009 No. 259 on requirements for minimum age and boating license, etc. for masters of recreational craft.

Consultation matrix