Regulations of 28 June 2024 No. 1391 on cargo ships intended to carry industrial personnel

Legal basis: Laid down by the Norwegian Maritime Authority on dd Month 2024 under the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 6, 9, 11, 12, 13, 14, 15, 16, 19, 21, 22, 43, 44 and 47, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590.
EEA references: The EFTA Surveillance Authority (ESA) has been notified of the Regulations pursuant to the requirements of Act of 17 December 2004 No. 101 on European notification of technical rules, etc. (EEA Hearing Act) and the EEA Agreement Annex II Chapter XIX point 1 (Directive (EU) 2015/1535).

Chapter 1
General provisions

Section 1
Scope of application

These Regulations shall apply to Norwegian cargo ships of 24 metres in length (L) and upwards or of 500 gross tonnage and upwards intended to carry more than 12 industrial personnel.

For foreign cargo ships of 24 metres in length (L) and upwards and of less than 500 gross tonnage intended to carry more than 12 industrial personnel, these Regulations shall apply in Norwegian territorial waters, including the territorial waters of Svalbard, and when these ships call at Norwegian installations or structures within the Norwegian Economic Zone and on the Norwegian Continental Shelf, as specified in section 24.

The term “carry” includes both transportation and accommodation.

Section 2
Industrial personnel

"Industrial personnel" means all persons transported or accommodated on board for the purpose of offshore industrial activities performed on board other ships or offshore facilities.

Offshore industrial activities mean the construction, maintenance, decommissioning, operation or servicing of offshore facilities related, but not limited to, exploration and exploitation of resources by the renewable or hydrocarbon energy sectors, aquaculture, ocean mining or similar activities.

For the purpose of these Regulations, industrial personnel shall not be treated or considered as passengers.

If the ship is intended to transport or accommodate persons other than the crew or industrial personnel, these shall be included when determining the number of industrial personnel.

“Crew” means all persons carried on board the ship to provide navigation and maintenance of the ship, its machinery, systems and arrangements essential for propulsion and safe navigation or to provide services for other persons on board.

Section 3
SOLAS chapter XV and the IP Code

The International Convention for the Safety of Life at Sea, 1974 (SOLAS), chapter XV, adopted by IMO Resolution MSC.521(106), along with the International Code of Safety for Ships Carrying Industrial Personnel (IP Code), adopted by IMO Resolution MSC.527(106), shall apply as regulations for ships falling within the scope of these Regulations, with the adaptations and supplementary provisions outlined in these Regulations.

Section 4
Certificates

Cargo ships of 500 gross tonnage and upwards required to have an Industrial Personnel Safety Certificate in accordance with section 3, cf. SOLAS XV/5.1.3, shall be provided with:

a. safety certificates for cargo ships engaged on foreign voyages; or
b. a High-Speed Craft Safety Certificate and a Permit to Operate High-Speed Craft, in compliance with the provisions applicable to high-speed cargo ships constructed on or after 1 July 2002, engaged on international voyages.

For cargo ships of less than 500 gross tonnage, the certification requirements of section 3, cf. SOLAS XV/5.1.1 and 5.1.3, are deemed fulfilled by choosing one of the following options:

a. a Cargo Ship Trading Certificate, a Safety Radio Certificate and a permit to carry industrial personnel, cf. section 20;
b. a Trading Certificate for high-speed cargo ships carrying industrial personnel and a Permit to Operate high-speed cargo ships carrying industrial personnel, cf. chapter 2.

Certificates in accordance with the first paragraph (b) and second paragraph (b) may be issued to cargo ships defined as high-speed craft under the 2000 HSC Code sections 1.4.10 and 1.4.30.

Section 5
Health requirements

The company shall ensure that the master receives documentation confirming the physical and medical fitness of industrial personnel in accordance with the STCW Code section A-I/9, applicable to engineer officers, or any equivalent standard.

Section 6
Supervision

For ships required to have an Industrial Personnel Safety Certificate or a Trading Certificate for high-speed cargo ships carrying industrial personnel, documentation shall be submitted in accordance with the prescribed list of drawings. This documentation shall demonstrate compliance with the requirements outlined in these Regulations.

The company shall arrange for supervision for ships mentioned in the preceding paragraph:

a. well in advance of the desired date for any mandatory supervision;
b. as soon as possible after entering into a contract for construction, conversion, alteration or repair;
c. in the event of the deletion of class in a recognised classification society;
d. in the event of a transfer to a Norwegian ship register.

For cargo ships of less than 500 gross tonnage, the following shall apply:

a. The survey and certificate provisions of the IP Code, cf. section 3, shall be correspondingly applicable to the permit pursuant to section 4 second paragraph (a) and the Trading Certificate for high-speed cargo ships pursuant to section 4 second paragraph (b), to the extent that they are relevant.
b. The survey and certificate provisions of the 2000 HSC Code shall be correspondingly applicable to the trading certificate for high-speed cargo ships pursuant to section 4 second paragraph (b).
c. Inspections of hull and machinery shall be conducted in accordance with the rules specified by a recognised classification society.

Attachment 1 shall be applicable.

Section 7
Harmonisation of certificates

The expiry date of the Industrial Personnel Safety Certificate and the Trading Certificate for high-speed cargo ships carrying industrial personnel shall be harmonised with the expiry date of the class certificate, when the certificate is issued by a recognised classification society.

For ships not classed in a recognised classification society, the expiry date of the Industrial Personnel Safety Certificate shall be harmonised with the expiry date of the Cargo Ship Safety Construction Certificate.

Chapter 2
High-speed cargo ships of less than 500 gross tonnage

Section 8
SOLAS chapter X and the 2000 HSC Code

SOLAS chapter X on safety measures for high-speed craft, as last amended by IMO Resolution MSC.99(73), and the International Code of Safety for High-Speed Craft (2000 HSC Code), as last amended by IMO Resolution MSC.499(105), shall apply as regulations for high-speed cargo ships of less than 500 gross tonnage intended to carry more than 12 industrial personnel, with the adaptations and supplementary provisions outlined in this chapter.

Section 9
General requirements for the ship's structural, mechanical and electrical components

Unless otherwise provided, the ship's structural, mechanical and electrical components shall be designed, constructed and maintained in adherence to the relevant rules of a recognised classification society.

Section 10
Production conditions for ships to be constructed wholly or partly by cast materials

Ships intended for construction wholly or partly using cast materials shall undergo production processes in conditions and locations stipulated by the relevant rules of a recognised classification society. Documentation shall be available to demonstrate that the production, production conditions, utilisation of materials, etc. comply with applicable regulatory provisions.

Section 11
Structural strengthening

Where the ship is to be laid alongside or connected to other offshore structures, exposed areas of the ship's structure shall be designed and reinforced to withstand the loads that may arise from such operations. When determining the areas susceptible to additional loads, consideration must also be given to the potential for accidental contact between the ship and the other structure.

Section 12
Inspections of the craft's bottom

Paragraph 1.5 of the 2000 HSC Code shall apply with a modification specifying that, instead of conducting a dry-dock inspection of the craft's bottom at each renewal and periodical survey, two dry-dock inspections of the craft's bottom shall be performed within any five-year period, at intervals not exceeding 36 months.

Section 13
Certificates

High-speed cargo ships of less than 500 gross tonnage, conforming to chapter 1 and section 8, may be issued with a Trading Certificate for high-speed cargo ships carrying industrial personnel and a Permit to Operate high-speed cargo ships carrying industrial personnel.

In accordance with paragraph 1.9.3 of the 2000 HSC Code, the Permit to Operate and the route operational manual shall incorporate any operational conditions prescribed by port States along the route. The company is required to submit information on such conditions to the Norwegian Maritime Authority, and it must be received before the issuance of a Permit to Operate.

Section 14
Damage stability for ships of less than 45 metres in length (L_h)

For ships of less than 45 metres in length (L_h), sections 2.6.7, 2.6.9, 2.6.10 and 2.6.11 of the 2000 HSC Code shall apply as follows: Sections 2.6.7, 2.6.9, 2.6.10 and 2.6.11 of the 2000 HSC Code apply to the forward one-third of the ship's length, where damage may occur anywhere, including across transverse watertight bulkheads. Section 2.6.9.2.1.1 of the 2000 HSC Code shall not apply. Section 2.6.7 of the 2000 HSC Code shall also apply to the remaining areas of the ship, but damage shall be assumed to be confined between watertight bulkheads from keel to deck and from ship side to ship centreline.

"Length (L_h)" is defined as the length of the ship as defined in section 1.4.33 of the 2000 HSC Code.

Section 15
Immersion suits

Instead of immersion suits in accordance with sections 8.3.7 and 8.3.8 of the 2000 HSC Code, immersion suits shall be made available for all crew members on board.

Section 16
Rescue boat

This section supersedes section 8.10.6 of the 2000 HSC Code.

Ships of less than 30 metres in length (L_h) are exempt from carrying a rescue boat, provided the following conditions are met:

a. The ship is designed to facilitate the recovery of a helpless person from the water.
b. The ship is sufficiently manoeuvrable to approach and safely recover the person from the water under all conditions.
c. Observation from the bridge at the conning position allows for monitoring the recovery of a helpless person from the water.
d. The ship is equipped with a lifting appliance that is easily accessible, prepared for use, and dimensioned for a static load of minimum 200 kg if the freeboard exceeds 1 metre.

Section 17

Supplementary provisions concerning vessel-specific training

The Regulations on the construction, equipment and operation of high-speed craft used as passenger craft or cargo craft section 36 third paragraph, related to the company's system for training and evaluation of the crew's vessel-specific level of competence pursuant to section 18.3 of the 2000 HSC Code, shall apply correspondingly.

Section 18
Operating manual

The craft operating manual, as required by section 18.2.1 of the 2000 HSC Code, shall additionally include information about safe speed in relation to sea conditions and any limitations regarding controllability.

Section 19
Sound reception system

The 2000 HSC Code section 13.14 regarding sound reception system shall not be applicable to ships of less than 30 metres in length (L_h).

Chapter 3
Concluding provisions

Section 20
Permit to carry industrial personnel

Cargo ships of less than 500 gross tonnage may be issued with a permit to carry more than 12 industrial personnel under this section.

To obtain a permit as per the first paragraph, a written application must be submitted, accompanied by documentation demonstrating that the ship complies with the same requirements as ships of 500 gross tonnage and upwards, required to have an Industrial Personnel Safety Certificate. Attachment 1 shall be applicable.

Subject to meeting the goals and functional requirements of SOLAS chapter XV and the IP Code, the Norwegian Maritime Authority may grant exemptions from the following requirements:

a. requirements deemed less critical to the ship due to its size or other evident reasons;
b. requirements that are not practically reasonable, provided that compensatory measures ensure an equivalent level of safety.

The permit will be included in the ship's trading certificate, along with information on any restrictions and conditions. The permit’s validity aligns with that of the trading certificate. Provisions regarding validity, expiry date, surveys and the like, applicable to the trading certificate, correspondingly apply to the permit.

Section 21
Orders

The Norwegian Maritime Authority may issue orders mandating a ship not initially subject to the provisions of these Regulations to adhere to specific requirements under the following circumstances:

c. modifications in use or operation;
d. replacement of equipment;
e. repairs;
f. conversions;
g. increased draught;

or for other reasons, following a specific safety assessment based on the ship’s general structural design, equipment, arrangement and overall condition.

Section 22
Transfer of a ship to the Norwegian flag

Ships undergoing transfer from the flag of another State to a Norwegian ship register shall, as a minimum, comply with the legislation applicable to Norwegian ships with the same date of construction or date of issue of the permit, whichever is relevant.

Section 23
Exemptions

The Norwegian Maritime Authority may grant exemptions from requirements outlined in these Regulations.

The company seeking exemption must submit a written application demonstrating that at least one of the following conditions is met:

a. Special reasons render the requirement, from which exemption is sought, less essential for the specific ship, and the exemption is otherwise justifiable in terms of safety.
b. Compensating measures ensure that the safety level is maintained.
c. The requirement from which exemption is sought poses an obstacle to testing, developing or applying an innovative solution, and the exemption is justifiable in terms of safety.

The process of demonstrating the justifiability in terms of safety must adhere to one of the following guidelines:

a. MSC.1/Circ.1212 "Guidelines on alternative design and arrangements for SOLAS Chapters II-1 and III";
b. MSC.1/Circ.1455 "Guidelines for the approval of alternatives and equivalents as provided for in various IMO instruments";
c. MSC/Circ.1002.

Alternative methods or guidelines can be applied by mutual agreement with the Norwegian Maritime Authority.

If the provision from which exemption is sought implements international legislation with restricted or no access to granting exemptions, the same limitation applies to an exemption under this section.

Section 24
Foreign cargo ships

For foreign cargo ships, cf. section 1 second paragraph, the company must be able to document that the ship is authorised by the flag State to transport or accommodate industrial personnel. Additionally, it must be documented that the ship adheres to these Regulations or provisions ensuring an equivalent level of safety. The obligation for Norwegian certificates, cf. sections 4, 6 and 7, does not apply. However, the company must be capable of demonstrating that the ship complies with equivalent survey and certificate provisions of the flag State.

Section 25
Entry into force

These Regulations enter into force on 1 July 2024.

Appendix 1

Hull geometry, hydrostatics, cross curves, limit curves and supporting documentation shall be generated using software included in the list of the Norwegian Maritime Authority's approved stability calculation programmes. The same database shall be utilised for stability and tonnage calculations.

The company is responsible for conducting any drills, tests, measurements, etc., or ensuring their execution, as deemed necessary by the Norwegian Maritime Authority for consideration of the application.

If required during the administrative procedures, the company may be asked to submit supplementary documentation or provide information in a specific form.

An inclining test shall be conducted in accordance with the Norwegian Maritime Authority's procedure.

The issuance of a certificate under these Regulations will be withheld until the Norwegian Directorate for Civil Protection (DSB) or the delegated authority has conducted supervision in line with the Regulations of 4 December 2001 No. 1450 relating to maritime electrical installations.