Regulations of 1 March 2005 No. 235 on the obligations of the master and company in the event that a criminal offence of a serious nature is committed on board ship, and on notification of missing persons

Legal basis: Laid down by the Norwegian Maritime Authority on 1 March 2005 under the Act of 21 June 2013 No. 102 relating to employment protection etc. for employees on board ships (Ship Labour Act) section 9-3, cf. Formal Delegation of 3 July 2013 No. 974.
Amendments: Amended by Regulations of 1 March 2006 No. 268, 29 June 2007 No. 1006, 20 January 2009 No. 46, 19 August 2013 No. 1012, 24 January 2022 No. 118, 26 June 2025 No. 1372.

Section 1
Scope of application

The provisions of these Regulations shall apply to cases of suspicions of a criminal offence of a serious nature committed on board a Norwegian ship. These Regulations apply correspondingly in the event that a person on board a ship is missing and there are reasons to believe that the person has drowned or that a suicide has been committed on board.

The provisions of these Regulations do not apply to investigation of matters relating to the construction and operation of the ship, including navigation.

Amended by Regulation of 29 June 2007 No. 1006.

Section 2
Exemptions

Norwegian Maritime Authority may, in individual cases and upon written application, grant exemption from the requirements of the Regulations. There must be special reasons that make the exemption necessary and it must be considered safe and proper with regard to the purpose of the Regulations.

Section 3
The master's obligation to carry out investigations, secure evidence and notify the competent authority

In the event of suspicions that a criminal offence of a serious nature has been committed on board a Norwegian ship, the master shall as soon as possible take steps to obtain an overview of the situation in order to determine whether there are grounds to notify Kripos (National Criminal Investigation Service).

If, following the initial investigation, a suspicion still remains that a criminal offence of a serious nature has been committed, the master shall notify Kripos without delay, cf. section 5. The master shall then, in consultation with Kripos, carry out investigations and secure evidence.

If the master is unable to contact Kripos, the master has the right and duty to secure any evidence that cannot be deferred without risk of loss or destruction.

If the master is prevented from notifying Kripos or fails to do so, the company shall contact Kripos as soon as it becomes aware of the matter.

Where anyone is considered to be the aggrieved party following a criminal offence, the master shall obtain a written declaration from that party, stating whether indictment is demanded.

Amended by Regulations of 24 January 2022 No. 118, 26 June 2025 No. 1372.

Section 4
Notification of a missing person

Notification of a missing person shall be sent to Hordaland police district using form GP 5173. Form GP 5173 shall be kept available on board and may be obtained from the Norwegian Maritime Authority.

Section 5

The master's cooperation with Norwegian police, foreign service stations and the Norwegian Maritime Authority

Where investigations of a case lead to suspicions that a criminal offence of a serious nature has been committed, the master shall without delay present the matter to Kripos, which will notify the police district in which the ship's port of registry is located and, if necessary, co-ordinate the investigation.

If the ship is due to call at a Norwegian port in the near future, the investigation will be taken over by the police district in which the ship's port of registry is located, if necessary, assisted by Kripos.

If the ship is due to call at a foreign port in the near future, the investigation will be taken over by a foreign service station, if necessary, assisted by Kripos, based on a decision and guidance given by the police district in which the ship's port of registry is located.

The master shall report the matter to the Norwegian Maritime Authority as soon as practicable, and no later than when Norwegian authorities (police or foreign service station) have taken over investigations or decided that the matter is not to be investigated further.

Amended by Regulations of 20 January 2009 No. 46 (previously section 6), 24 January 2022 No. 118.

Section 6

Search and seizure

The master may carry out a search on board the ship if there are adequate grounds to suspect a criminal offence of a serious nature punishable by prison sentence according to law, and the search is deemed necessary for investigation purposes, in order to carry out an arrest, to search for evidence or to effect seizure.

If there are reasonable grounds to suspect a person of an act punishable by imprisonment under the law, the master may conduct a search of that person if there is reason to believe that the search may contribute to the discovery of evidence or objects that may be seized, or of property belonging to the suspected person that may be subject to attachment.

The decision and the effectuation of a search and seizure must not be made in such a manner as to constitute an unreasonable intervention.

Amended by Regulations of 20 January 2009 No. 46 (previously section 7), 26 June 2025 No. 1372.

Section 7

Questioning

Any questioning shall be carried out before a board which shall consist of 3 persons.

The board shall be chaired by the master. The master selects the other members among the ship's crew. When selecting the board's members, their ability to lead an objective questioning shall be taken into account.

The chairman shall question the suspect and the witnesses assumed to be have information on the case. The other members of the board may ask questions through the chairman or directly with the chairman's consent. The given statements are recorded in the ship's log book or in a separate protocol. The statements are read back to the persons who gave them. The accuracy of the recorded statements shall be verified by the signatures of the board members.

The suspect may demand a confirmed transcript of the record in the log book or in the separate protocol concerning the case.

Amended by Regulations of 20 January 2009 No. 46 (previously section 8), 19 August 2013 No. 1012 (in force on 20 August 2013).

Section 8

Detention in custody

The master shall, when the master considers it necessary and the conditions in the second paragraph are fulfilled, ensure that the suspected person is held in custody on board until a Norwegian foreign service station or the Norwegian police can take over the case.

Detention in custody can be effected only when there are adequate grounds to suspect a criminal offence of a serious nature punishable by a prison sentence of more than 6 months, and, unless detention is ensured, there is a risk of:

a) evasion of criminal prosecution,
b) destruction of evidence, or
c) repetition of the criminal offence.

Amended by Regulations of 20 January 2009 No. 46 (previously section 9), 26 June 2025 No. 1372.

Section 9

Communication of investigation documents

In case a Norwegian foreign service station or Norwegian police have not taken over the investigation, a report with all investigation documents enclosed shall be sent to Kripos immediately.

Amended by Regulation of 20 January 2009 No. 46 (previously section 10), 24 January 2022 No. 118.

Section 10

Entry into force

These Regulations enter into force immediately. The Regulation of 13 October 1975 No. 3422 concerning the master's duties if felonies are committed on board a Norwegian ship is repealed as from the same date.

Amended by Regulations of 20 January 2009 No. 46 (previously section 12), 19 August 2013 No. 1012 (in force on 20 August 2013, previously section 11), 24 January 2022 No. 118.