Regulations of 27 July 2020 No. 1596 on violation fines pursuant to the Ship Safety and Security Act, the Ship Labour Act and the NIS Act

Legal basis: Laid down by the Ministry of Trade, Industry and Fisheries on 27 July 2020 under the Act of 16 February 2007 No. 9 sections 55 and 56, Act of 21 June 2013 No. 102 relating to employment protection, etc. for employees on board ships (Ship Labour Act) section 12-3 and Act of 12 June 1987 No. 48 relating to a Norwegian International Ship Register (NIS) section 13.

Section 1. *Violation fines imposed on individuals*

Violation fines pursuant to the Ship Safety and Security Act section 55 first, second and third paragraphs shall be determined on a case-by-case basis.

When the size of a violation fine is determined, particular consideration shall be paid to:

a. the seriousness of the violation, including the scale and effects of the violation and the degree of guilt demonstrated;
b. whether the violation was committed to promote the interests of the company;
c. whether the person concerned has had or could have derived any benefit from the violation;
d. whether this is a repeat violation;
e. the financial capacity of the person concerned; and
f. general deterrence considerations.

The violation fine shall not exceed 0.6 times the basic amount (G) of the Norwegian National Insurance Scheme.

Section 2. *Violation fines imposed on undertakings*

Violation fines pursuant to the Ship Safety and Security Act section 56 first and second paragraphs, the Ship Labour Act section 12-3 and the NIS Act section 13 shall be determined on a case-by-case basis.

In determining the amount of the violation fine, particular weight shall be given to:

a. the seriousness of the violation, including its scale, its effects and the degree of guilt demonstrated;
b. whether the undertaking could have prevented the violation through the Safety Management System or by instruction, training, control or other measures;
c. whether the violation was committed to promote the interests of the undertaking;
d. whether the undertaking concerned has had or could have derived any benefit from the violation;
e. whether this is a repeat violation;
f. the financial capacity of the undertaking concerned; and
g. general deterrence considerations.

The violation fine shall not exceed 15 times the basic amount (G) of the Norwegian National Insurance Scheme.

Section 3. *Implementation of violation fines*

Violation fines are imposed by the Norwegian Maritime Authority.

The time limit for payment is four weeks from the date the decision imposing the administrative fine was made. Longer time limits can be prescribed in the decision or later.

If the violation fine is not paid within the due date, the prevailing rate of interest according to the Act of 17 December 1976 No. 100 relating to Interest on Overdue Payments, etc. shall accrue.

Section 4. *Entry into force*

The Regulations enter into force on 1 August 2020.

As from the same date, the Regulations of 2 July 2007 No. 852 on the determination and implementation of violation fines pursuant to the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 55 and 56 are repealed.