

Circular - Series R

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New Regulations on vessels of less than 24 metres carrying 12 passengers or less

I. The Regulations in general

1. New Regulations enter into force on 1 February 2020

The Norwegian Maritime Authority (NMA) has laid down new Regulations on vessels of less than 24 metres carrying 12 passengers or less. These Regulations enter into force on 1 February 2020, replacing the Regulations of 24 November 2009 No. 1400 on the operation of vessels carrying 12 passengers or less, etc. (12 Pax Regulations). In this connection, amendments have been adopted to the Regulations on qualifications and certificates for seafarers (Qualification Regulations), the Regulations on supervision and certificates for Norwegian ships and mobile offshore units (Certificate Regulations), the Regulations on the tonnage measurement of ships and mobile offshore units and Regulations on the construction and supervision of small cargo ships.

The Regulations now laid down continue the main elements of the 12 Pax Regulations. The major substantive changes to the previous Regulations are:

- Vessels being used by schools, school camps or daycare centres for safe boating activities may comply with the rules for recreational craft.
- Vessels of less than 10 metres with limited engine power may comply with the rules for recreational craft.
- Restrictions on vessels engaged in regular service are removed.
- A duty to submit information is introduced for companies which have vessels complying with the Regulations.

The proposed new Regulations were circulated for comments from 18 December 2018 to 15 March 2019. The NMA received approximately 80 consultative comments. Most of them were related to the proposed exemptions in section 2. The NMA has considered the essence of these statements and made adjustments to the adopted Regulations.

Section 2 of the new Regulations allows for the possibility that more categories of vessels may comply with the rules for recreational craft than what was proposed in the draft Regulations. This is a significant simplification of the previous Regulations.

The Norwegian Maritime Authority's Circulars consist of 2 series, **Series R: Regulations, Acts and Conventions** and **Series V: Guidelines and interpretations**.

Section 2 is based on the many inquiries received by the NMA indicating that it would be against the general conception of law to require that smaller boats used for leisure activities with few persons on board satisfy detailed equipment requirements and that the master has an extensive formal education. The provisions of section 2 limit the scope of application of the Regulations not to include many activities of this type. The purpose of section 2 is to find a sensible scope of application for the Regulations which is also easy to put into practice, not to exempt most vessels from the safety requirements of the Regulations.

Companies with vessels which are not covered by the provisions of section 2 have two choices. They can either adjust their operation to the exemptions of the provisions or comply with the provisions of the Regulations.

2. Legal basis for issuing regulations on vessels carrying 12 passengers or less

Vessels carrying 12 passengers or less have in different ways been subject to safety regulations since 1912. Regulations of 28 June 1912 on control of steamships or motor vessels occasionally carrying passengers were replaced by Regulations of 3 October 1972 on surveys, etc. of passenger ships. These Regulations were replaced by Regulations of 15 June 1987 No. 506 on survey for the issue of certificates to passenger ships, cargo ships and barges, and on other surveys, etc. The 12 Pax Regulation entered into force in 2011.

The new Regulations are laid down pursuant to the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act), which according to section 2 first paragraph applies to Norwegian and foreign ships. The Ship Safety and Security Act section 2 third paragraph (b) establishes that the King may prescribe by regulation that this Act shall not apply, either in whole or in part, to “ships that can carry up to twelve passengers”. This exemption relates to the activity of *carrying 12 passengers or less*, not to the type of vessel used to carry the twelve passengers. This possibility of exemption is referred to in Ot.prp. No. 87 (2005–2006) on the Act relating to ship safety and security (Ship Safety and Security Act) item 7.1.4:

The Ministry also agrees with the NMA and the Norwegian High-speed Craft Association (HRF) to grant exemptions or deviate from the rules of the Act for smaller ships and for ships carrying a limited number of passengers (12 passengers or less). For this type of ships, international legislation will only apply in exceptional circumstances. An amendment of section 2 third paragraph is proposed to attend to these considerations.

The King may, for ships mentioned in section 2 third paragraph, prescribe special rules for safety management, safety, the environment, protective security measures and public supervision, and also for administrative measures and administrative sanctions which depart from the rules in this Act. See section 2 fourth paragraph. This authority has been delegated to the Ministry of Trade, Industry and Fisheries and the Norwegian Maritime Authority by Royal Decree of 16 February 2007 No 171 and Formal Delegation of 31 May 2007 No. 590.

The formal delegations also give the NMA the authority to lay down regulations pursuant to other provisions of the Act.

3. The company has a duty to supervise compliance with the rules – company's control

The Ship Safety and Security Act uses the term “company” for the responsible party for compliance with the safety regulations of the Act.

It is set out in section 4 of the Ship Safety and Security Act who the company is. The registered owner is considered the owner of the ship if the requirement of a Safety Management Certificate is not applicable to the ship. The safety management system required by section 4 of the new Regulations is not a Safety Management Certificate. If the ship is registered, the registered owner is considered the owner of the ship.

Pursuant to section 6 of the Ship Safety and Security Act, the company has an overall duty to see to that the construction and operation of the ship is in accordance with the rules laid down in or pursuant to the Act, including that the master and other persons working on board comply with the legislation.

The company shall ensure that the provisions of the Regulations are complied with prior to the operation. This must be documented by the company by using the safety management system, see comments to section 4 of the Regulations. If necessary, the company must ask for advice or help from persons or companies with expertise in the various areas.

The NMA shall not preapprove vessels complying with the Regulations nor the company's safety management system. Supervision is carried out by means of random spot checks, cf. chapter 7 of the Ship Safety and Security Act. The NMA may at any time request documentation from the companies showing that the requirements of the Regulations are complied with.

4. The terms “ship” and “vessel”

The term “ship” is used consistently in the Ship Safety and Security Act. In the Ship Safety and Security Act, the term “ship” refers to the traditional ship term in maritime law which also covers smaller vessels. See the official Norwegian report NOU 2005:14 “På rett kjøp” (only available in Norwegian) item 7.1.3.2.

According to the *Great Norwegian Encyclopedia* (SNL), the term “vessel” is a collective term for ships and boats of all sizes. The Regulations concerning survey for the issue of certificates to passenger ships, cargo ships and lighters, and concerning other surveys, etc. (the Survey Regulations),¹ repealed in 2011, and the 12 Pax Regulations use the term “vessel” for ships carrying 12 passengers or less. In line with this practice, the term “vessel” is adopted in the new Regulations. As a result of this, the Regulations also use the term “master of the vessel” instead of “master of the ship”.

Our choice of term is only an issue of colloquial language when referring to smaller ships. In legal terms, a vessel is also a ship, and the master of the vessel is also the master of the ship.

5. References to other regulations

A passenger ship is commonly defined as a ship carrying more than 12 passengers. The term cargo ship is negatively defined as any ship which is not a passenger ship, fishing vessel, barge or recreational craft². A ship carrying 12 passengers or less is thus in principle covered by the definition of “cargo ship”.

However, this must be viewed in a wider context, as the activity of “carrying 12 passengers or less” has been arranged by its own set of rules for several decades. Section 2 of the Ship Safety and Security Act allows for the possibility of issuing special rules for “ships” carrying 12 passengers or less without connecting this activity to a specific ship type.

¹ Regulations of 15 June 1987 No. 506 concerning survey for the issue of certificates to passenger ships, cargo ships and lighters, and concerning other surveys, etc. (repealed).

² Pettersen og Bull, Skipssikkerhetsloven med kommentarer (only in Norwegian), 2010, page 89 et seq.

Several regulations apply to “cargo ships”. Therefore, there must be a clearer distinction between the provisions applying to cargo ships and provisions applying to ships carrying 12 passengers or less.

In order to make the legislation clear, the provisions for carrying 12 passengers or less should to the greatest possible extent be gathered in one common regulation, and this was one of the main considerations for the 12 Pax Regulations. If vessels carrying 12 passengers or less were to comply with the 12 Pax Regulations in addition to requirements for cargo ships set out in other regulations, this would undermine the idea of a user-friendly legislation where the minimum requirements for carrying 12 passengers or less would be consolidated.

Consequently, for vessels covered by the scope of application of the Regulations for vessels carrying 12 passengers or less, all minimum requirements for safety management, manning and operational limitations, construction and equipment, radio communication and life-saving appliances are found in these Regulations. Rules on these matters in other regulations are not applicable, cf. the principle that specific rules take precedence over the more general rules. In areas where there are no special provisions in the Regulations for vessels carrying 12 passengers or less, other regulations may apply, depending on the scope of application for the individual regulations, e.g. regulations for navigation or environmental safety.

The measures to be taken by the company in order to carry more than 12 passengers will vary depending on which requirements for construction and equipment the vessel complies with.

A company which buys a CE marked recreational craft in order to transport 12 passengers or less will find all requirements for safety management, manning and operational limitations, construction and equipment, radio communication and life-saving appliances in these Regulations. As a main rule, vessels complying with the minimum requirements of the Regulations are not required to have a certificate, vessel instructions, safe manning document or other documentation from the NMA or other authorities.

Cargo ships or fishing vessels are primarily used for other purposes than the transport of passengers and shall, as a rule, comply with other provisions. If such vessels of less than 24 metres in overall length will carry 12 passengers, the company must show special considerations to determine whether the minimum requirements of the Regulations for vessels carrying 12 passengers or less are met, and if they are, provide the vessel with any missing equipment or procedures. In such cases, the vessel must always comply with the requirements applicable to the relevant vessel type, in addition to requirements for carrying passengers.

The Certificate Regulations and the Regulations on the construction and supervision of smaller cargo ships³ do not apply to ships “which are covered by the scope of application of Regulations of 24 November 2009 No. 1400 on the operation of vessels carrying 12 passengers or less, etc. and which are engaged only in activities described therein”. These exemptions have been updated and continued in the new Regulations. See item III about amendments to other regulations.

II. Comments to the Regulations

Chapter 1 General provisions

Section 1 first paragraph – scope of application

³ Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units section 1 third paragraph and Regulations of 19 December 2014 No. 1853 on construction and supervision of smaller cargo ships section 1 second paragraph (b).

The Regulations apply to vessels carrying 12 passengers or less

The Regulations are laid down pursuant to the Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) and apply to vessels carrying 12 passengers or less. The Regulations govern the same types of activities as the Ship Safety and Security Act. Therefore, we need to take a closer look at the scope of application of the Act.

The Ship Safety and Security Act applies to Norwegian and foreign ships in general, see section 2 first paragraph first sentence. The term “ship” refers to the traditional ship term in maritime law and also applies to smaller vessels. Ot.prp. No. 87 (2005–2006) on the Act relating to ship safety and security (Ship Safety and Security Act) states the following in item 19.1:

Even though the Act is primarily intended for ships used for commercial purposes, it is not a criterion that the ship is used for commercial purposes in order for the Act to apply.

The Act does not apply to ships of less 24 metres in overall length used for non-commercial purposes, see section 2 first paragraph second sentence. Vessels not covered by the scope of application of the Act are regulated by the Small Craft Act and the Product Control Act⁴. The *actual use of the vessel* determines which regulations the vessel must comply with, irrespective of the vessel's original construction as a recreational craft, yacht, cargo ship, fishing vessel or other vessel. The minimum standards of the Regulations must be complied with in order to carry 12 passengers in the territorial waters.

The term *commercial purposes* as referred to in the Ship Safety and Security Act is not related to the use of the same term in other legislation. This can probably be linked to the objective of the Ship Safety and Security Act to safeguard life, health, property and the environment, and the intention from the legislator to cover a wide range of areas. The official Norwegian report NOU 2005:14 På rett kjøll (only in Norwegian) item 7.1.3.2 states that the requirement of remuneration is a “an important factor” in the overall assessment to decide whether the company is covered by the term *commercial purposes* or not:

When deciding whether the use is related to commercial purposes or not, an important factor will be whether remuneration is made for the transport of persons or goods. The requirement of remuneration must be widely interpreted to include situations where the operation of the ship is financed by government subsidies, memberships or associations, etc. instead of payment in cash.

This means that other aspects than the remuneration requirement can be emphasised, for example who and how many persons the activities are directed at, how the company's activities are organised, and whether such activities are publicly announced.

The Ship Safety and Security Act is quite extensive and includes companies where the operation of the ship is financed by government subsidies, memberships of associations, etc. instead of payment in cash. There is no requirement that the company must be profitable or that the passengers must purchase a ticket upon boarding. If a restaurant on an island offers “free” transport by boat in order to attract customers, the boat ride will be included in the restaurant's operation and thus be subject to the Ship Safety and Security Act. Additionally, the Act also comprises transport of employees to and from the restaurant or other assignments⁵.

Non-profit organisations, schools, school camps or daycare centres, etc. offering boat activities are financed by government subsidies, membership fees, etc. and often directed at a large group of people. These types of organisations are regulated by the Ship Safety and Security Act. Furthermore, public utility organisations, non-profit organisations or non-profit educational institutions with good intentions are not

⁴ Act of 26 June 1998 No. 47 relating to recreational and small craft (the Small Craft Act) and Act of 11 June 1976 No. 79 relating to the control of products and consumer services (Product Control Act).

⁵ Pettersen og Bull, Skipssikkerhetsloven med kommentarer (only in Norwegian), 2010, page 94.

exempt from the Ship Safety and Security Act. It is of no significance for the assessment whether the persons on board are trained in coastal culture, history, safe boating, etc.

The considerations regarding the scope of application of the Ship Safety and Security Act will also be used when assessing whether the new Regulations will apply to a specific activity. In simple words, the minimum requirements of the Regulations apply to all transport of 12 passengers or less if the activity cannot be characterised as a recreational activity where private individuals invite friends or acquaintances for a ride in their recreational craft.

However, section 2 of the Regulations allows certain groups of vessels, which are subject to the Regulations based on area of operation, to comply with the rules for recreational craft. Read more about this in the comments to section 2.

The Regulations apply to vessels of less than 24 metres in overall length

The legislation regulating CE marking of recreational craft applies to vessels of up to 24 metres, see section 1 of the Regulations of 15 January 2016 No. 35 on the manufacturing and the placing on the market of recreational craft and personal watercraft.

The reference in section 9 first paragraph of the 12 Pax Regulations to the Regulations on the production and the placing on the market of recreational craft also includes a division at 24 metres, without this being explicitly stated. Accordingly, when we specify that the new Regulations apply to vessels of less than 24 metres in overall length, it is not a new restriction.

A ship of 24 metres in overall length and upwards shall according to the Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units have a trading certificate when it is not used for commercial purposes. See section 1 first paragraph (b) cf. section 24 first paragraph (c). This minimum requirement also applies if the ship is used for commercial purposes carrying 12 passengers or less.

The Regulations apply to Norwegian territorial waters and on rivers and lakes

Geographically, these Regulations apply to Norwegian territorial waters. The Regulations shall also apply to the territorial waters surrounding Svalbard. The territorial waters extend 12 nautical miles from the baselines, cf. Act of 27 June 2003 No. 57 relating to Norway's territorial waters and contiguous zone, sections 1 and 2.

This does not mean that any vessel covered by the Regulations may sail 12 nautical miles from the baselines. The operation of a vessel so far out at sea requires a vessel which is constructed and equipped for such a voyage. The company must assess their vessels' suitability for the intended purpose in compliance with the other provisions of the Regulations.

The Regulations apply to Norwegian and foreign vessels

These Regulations apply to Norwegian and foreign vessels carrying 12 passengers or less. The same safety requirements apply, regardless of the nationality of the vessel. The Regulations also have special provisions for foreign ships concerning the qualification requirements of section 6 second paragraph. Moreover, the provisions of these Regulations apply equally to foreign ships as to Norwegian vessels.

Section 1 second paragraph – “These Regulations do not apply to”

Section 1 second paragraph (a) – medical services and ambulance services or organised transport to and from schools

To be approved as vessel used “medical services and ambulance services” the vessel must be a part of the regional health trusts' emergency medical preparedness, cf. Regulations on the requirements for and organisation of municipal emergency primary health care, ambulance services, an emergency medical service communication system, etc. (the Emergency Medical Services Regulations)⁶. The NMA will not take a stand on which services the regional health trusts will offer to their users, and it is up to the health authorities to decide whether the operation of a vessel will be included in the definition of the Emergency Medical Services Regulations. The wording “organised medical service and ambulance service” of the 12 Pax Regulations is amended to “medical services and ambulance services” to harmonise the wording according to the Emergency Medical Services Regulations.

“Organised transport to and from schools” comprises transport in accordance with chapter 7 under the Act of 17 July 1998 No. 61 relating to Primary and Secondary Education and Training (the Education Act).

According to the Certificate Regulations⁷ section 20 second paragraph, vessels used for medical services and ambulance services or organised transport to and from schools shall have a Passenger Certificate and are not covered by the special provisions in section 2.

Section 1 second paragraph (b) – tender vessels

The exemption of (b) applies to vessels *which form a part of the ship's equipment* and which is used to transport passengers between ship and shore, so-called tender vessels. A tender vessel will take the shortest route to shore and shall not be used for excursions, sightseeing, etc.

Vessels which are not a part of the equipment of a larger ship and which are used to transport passengers from ship to shore, are considered passenger vessels and shall comply with the regulations for passenger vessels, depending on the number of passengers on board on each voyage.

Restriction on regular service repealed

Section 2 (g) of the 12 Pax Regulations defines regular service as “A series of crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls (1) according to a published timetable, or with crossings so regular or frequent that they constitute a recognisable systematic series.” Vessels engaged in regular service shall have a Passenger Certificate according to section 20 second paragraph of the Certificate Regulations.

The restriction on regular service of the 12 Pax Regulations has been a subject of discussion. One of the reasons why the 12 Pax Regulations were laid down was the desire to regulate sea rafting. These types of trips often follow the same route from the same place according to a fixed timetable and will in principle be covered by the term regular service. However, in current practice, these trips are not regarded as a regular service.

Furthermore, the restriction on regular service raises another question. How extensive must the scope of operation be in order to be referred to as a regular service? Companies offering transport services must be able to announce their service schedule to the public. Moreover, it should be possible to make several daily trips to the same locations without the operation being referred to as a regular service. There are many borderline cases which may be difficult to address. Will a trip once a week at an announced

⁶ Regulations of 20 March 2015 No. 231 regarding requirements for and organisation of local casualty clinics, ambulance services, medical emergency services, etc.

⁷ Regulations of 22 December 2014 No. 1893 on supervision and certificates for Norwegian ships and mobile offshore units.

schedule qualify for regular service, or are more frequent voyages required, such as two trips a day or three times a week?

From a security aspect, it is difficult to understand why a vessel complying with the safety requirements of the 12 Pax Regulations and reachable by telephone may, in principle, be used for an unlimited number of trips every day anywhere in the territorial waters, whereas the same vessel is required to comply with other provisions if the company announces the trip schedule in advance or wants to reduce transport services and only use the vessel between two ports at a predetermined schedule.

The NMA received three consultative comments to the circulated proposal to remove the restriction on regular service. The Norwegian boat association (HRF) is critical of the proposal, stating that such a change will reduce the safety of passengers with disabilities, and that it is unacceptable to allow regular service at high speed without requiring a radar.

In the first part of their comment, it is stated that the 12 Pax Regulations do not have any specific rules on universal design and safety of persons with disabilities. The new Regulations are not making any amendments in this regard. There are also no requirements for universal design for vessels of less than 15 metres holding a Passenger Certificate, cf. Regulations of 1 July 2014 No. 1072 on the construction of ships, section 5. As to whether a vessel complying with the Regulations for vessels carrying 12 passengers or less is sufficiently equipped to sail under all conditions see the Ship Safety and Security Act sections 11 and 14: A ship shall be so operated, maintained and navigated in such a way that it according to its purpose and trade area provides for satisfactory safety concerning life, health, property and the environment. This implies that the company and the master of the vessel must take the vessel's construction and outfitting into consideration when planning the voyage. The vessel shall be docked in weather conditions for which the vessel is not constructed or equipped. This also applies to vessels with a Passenger Certificate.

According to Vestfold county municipality, this proposal is beneficial to tourism, making it easier to build up commercial activities and announce regular arrival and departure times.

The third consultative comment illustrates some of the challenges related to the restriction on regular service when referring to the fact that passenger vessels kept on standby to maintain a connection between towns in Skjervøy municipality when the roads are closed due to snow slides 4 to 5 times a year, are supposed to have a Passenger Certificate.

The NMA has also received verbal feedback on the Regulations. A simplification of the provisions will make it easier to provide a public transport service for local communities which currently do not have enough passengers to start a shuttle service with a certified passenger vessel, for example a weekend shuttle service during the summer months.

Based on this, the requirement of a Passenger Certificate for vessels carrying 12 passengers or less in regular service has not been continued.

Vessels which are rented out without master, crew or instructor

Vessels which are rented out without master or crew are not subject to the Ship Safety and Security Act and consequently not to regulations issued pursuant to this Act. Therefore, it is not necessary to exempt this group in regulations issued pursuant to the Ship Safety and Security Act.

Vessels which are rented out without master or crew from a lessor are referred to in the Norwegian Official Report NOU 2005: 14 På rett kjøp (only in Norwegian) item 7.1.3.2 regarding the substantive scope of the Act (our underlining):

The committee also refers to comments about the term “commercial purposes” in connection with the Act relating to Recreational and Small Craft, see Ot.prp. No. 51 (1997-98) page 29, which states that «boats which are rented out for leisure activities shall be considered recreational craft. Even though the lessee's use can be said to be a part of the lessor's commercial activities, it is not a part of the lessee's commercial activities. A lessee who uses the boat on his/her spare time uses the boat for non-commercial purposes, and the boat is consequently considered a recreational craft. This statement obviously refers to cases where the boat is rented out without the lessor, or another person acting on the lessor's behalf, being on board during the rental period. It is a different situation if the lessee rents the boat with the lessor or his/her personnel as crew on board. In this case, the operation is a part of the lessor's use for commercial purposes, and the boat is subject to the Act.

The exemption for “vessel's which are rented out without master or instructor”, which is present in the current 12 Pax Regulations section 1 second paragraph (e), is not continued in the new Regulations because it does not apply to this type of vessels.

Boat hire is a consumer service which is also subject to the Product Control Act, and the Norwegian Directorate for Civil Protection has published an informational leaflet about this called “Forbrukertjenesten båtutleie” (only in Norwegian).

Section 2 Special rules for vessels used for safe boating activities, vessels used by associations or societies and vessels 10 metres in length or less

The consultative comments

The draft circulated for review included a proposal that two groups of vessels should comply with the rules for recreational craft: vessels used by members of associations or societies for leisure activities and vessels in the territorial waters of mainland Norway which have a propulsion machinery of maximum 25 hp /19 kW.

The NMA received several statements to the circulated proposed Regulations. The first part of the proposal regarding vessels which are used by members of associations or societies for leisure activities, was well received. Most of the comments were also positive to the principle of exempting vessels based on the size of its propulsion machinery. However, several commented on the fact that the proposal did not take into account that different vessels may reach a different speed at 25 hp / 19 kW, and that larger vessels will need a larger machinery in order to navigate safely.

Based on these statements, this part of the provision in the adopted Regulations has been amended to ensure that more vessels are covered by the exemption provision. See comments to section 2 first paragraph (c).

However, it is not an objective to include as many vessels as possible in the exemption provisions of section 2. Companies with vessels which are not covered by any of the exemptions must change their operation and adapt to the exemptions or comply with the Regulations as a whole.

A few responses imply that some companies are under the impression that the exemptions of section 2 apply to the vessels stated here, i.e. including vessels carrying more than 12 passengers. Therefore, the NMA wants to emphasise that section 2 of the Regulations only applies to vessels which are, in principle, subject to the scope of the Regulations, i.e. vessels of less than 24 metres in overall length carrying 12 passengers or less. Moreover, the exemptions of section 2 may not be combined with the provisions of the Regulations, for example by equipping the vessel to be able to carry 12 passengers compliant to the provisions of the Regulations, and additionally, carry 12 school children pursuant to section 2 first paragraph (a), a total of 24 passengers plus master.

Section 2 first paragraph (a): Vessels used for safe boating activities by schools, school camps or daycare centres;

The intention of the draft circulated for review was to include schools and daycare centres in the proposed exemption for vessels with a propulsion machinery of maximum 25 hp / 19 kW. However, in May 2019, the NMA issued a press release in agreement with the Ministry of Trade, Industry and Fisheries stating that daycare centres, schools and school camps with vessels carrying 12 passengers or less could continue their activities related to safe boating and training as before, without having to apply for exemption, until the new Regulations would enter into force.

Moreover, in June 2019⁸, the Ministry assigned the NMA to start the process of establishing separate Regulations for vessels carrying more than 12 passengers used for training purposes.

Considering that the press release of May already considers the recreational craft standard to give an adequate level of safety for this type of vessels, and that the Ministry in its letter from June clearly expresses that vessels used for training purposes will have simplified rules, it was natural to continue this exemption in the adopted Regulations. Therefore, section 2 first paragraph (a) will provide a separate exemption for vessels used by schools, school camps or daycare centres for safe boating activities.

The term “safe boating” shall be widely interpreted, and it comprises all types of instruction, such as how to travel safely in a boat, but also includes elements of playing, having fun and gaining experiences. The schools, school camps or the daycare centres are not required to own and operate the vessel themselves. The provision may for example be used even if schools, school camps or the daycare centres borrow a vessel for the occasion, or if a coast organisation places a vessel at their disposal, cf. the wording “used by”.

The exemption includes to vessels which are in principle covered by the scope of the Regulations, i.e. vessels of less than 24 metres in overall length carrying 12 passengers or less, regardless of the size of the propulsion machinery.

The exemption states that sections 3 to 18 of the Regulations do not apply to vessels carrying 12 passengers or less used by schools, school camps or daycare centres for safe boating activities, and that such vessels may comply with the regulations applicable to recreational craft. See section 2 second paragraph.

It is a precondition that these institutions, or those placing the vessel at their disposal, have internal routines to ensure the safety on board. The NMA recommends that such vessels meet the following requirements in addition to the standard requirements applicable to recreational craft:

- The vessel must operate at a speed of less than 10 knots.
- The master of the vessel must have a boating licence⁹.
- The mobile coverage in the area must be good, and the mobile phones must be stored in a watertight case.
- All persons on board must wear suitable floatation equipment during the entire voyage.
- The vessel must have a device on board making it possible to pick up a person from the water.

⁸ Letter from the Ministry of Trade, Industry and Fisheries dated 12 June 2019 NFD's ref. 19/3179-2, NMA's ref. 2019/95240-2.

⁹ Masters of recreational craft with a hull length of 15 metres or more shall hold a valid certificate to operate a recreational craft, cf. the Qualification Requirements section 4.

Section 2 first paragraph (b): Vessels used for leisure activities by members of an association or society

As a starting point, even when the operation of a ship is financed by government subsidies, memberships of associations, etc. instead of payment in cash, the company shall comply with the Ship Safety and Security Act with appurtenant regulations. See the official Norwegian report NOU 2005:14 item 7.1.3.2 and comments to section 1 first paragraph.

Nevertheless, based on an overall assessment, the NMA has for years accepted that vessels of less than 24 metres in overall length which are owned or operated by non-profit organisations, comply with the rules for recreational craft, even if the entire operation or parts of it is financed by membership fees.

The provision of section 2 first paragraph (b) codifies this administrative practice by setting out that sections 3 to 18 of the Regulations do not apply to vessels used for leisure activities by members of associations or societies. By “members” we refer to natural persons, not legal persons such as institutions or other organisations.

For the exemption to apply, the association or society must be registered at the Brønnøysund Register Centre. It is a precondition that the association or society has maritime competence as stated in section 2 second paragraph in order to ensure safe operation maintaining the safety of the members.

The exemption applies to all types of vessels which are in principle covered by the scope of the Regulations, i.e. vessels of less than 24 metres in overall length carrying 12 passengers or less regardless of the size of the propulsion machinery. The wording “used by members” has been chosen not to exclude any cases where private individuals or other entities place a vessel at the association’s disposal.

Associations or societies must provide information about their activities on their website or in social media, etc. The NMA does not lay down specific requirements as to how individuals can become members or who can be members, and this provision gives associations and societies great flexibility. However, the members must have the intention of being members over time (real members), and a member list must be kept to provide information about the duration of the membership, etc. When the general public are invited to join a trip, or if anyone without any ties to the organisation pays a “membership fee” instead of paying for a ticket to join a single voyage, the Ship Safety and Security Act and regulations pursuant to the Act will apply.

The provision applies when the vessel is used for “leisure activities”. This is a broad term which comprises all types of activities that recreational craft are used for during leisure time. The exemption may for example apply to coast organisations where members take part in voluntary work and use the association's vessels, yacht clubs using their vessels for trips or regattas or sea scouts on excursion. The term “leisure activities” is included to emphasise that the exemption does not apply to associations or societies whose main purpose is to meet the need for transport. (However, in such cases the exemption of section 2 first paragraph (c) may be used.)

For vessels covered by this provision, it is considered sufficient that the safety level is ensured by the requirements for construction, equipment and qualification that apply to recreational craft. Learn more about this by reading the comments to section 2 second paragraph.

Section 2 first paragraph (c): Vessels of 10 metres in length or less operating in the territorial waters of mainland Norway where the vessel’s maximum propulsion power in relation to the vessel’s overall length is listed in the table.

The draft circulated for review included a proposal to exempt vessels in the territorial waters of mainland Norway with a propulsion machinery of maximum 25 hp / 19 kW. The starting point for the proposal was the administrative practice for vessels of 6 metres or less carrying 5 passengers or less, where the vessels did not need to comply with the 12 Pax Regulations.

As a result of the many consultative comments on this matter, the NMA decided to adjust the provision. Consequently, vessels of 6 metres and upwards may have a propulsion machinery of more than 25 hp / 19 kW and still be covered by the exemption. This provides more flexibility, while maintaining the need for simple rules that are easy to enforce.

The new provision will make it easier for associations, societies, museums, coast organisations, etc. that want to exhibit different types of vessels at gatherings and festivals by letting the passengers row a boat or sail a ship. If the passengers have the vessel at their disposal without a master, crew or instructor, such vessels shall comply with the requirements that apply to recreational craft. However, it is often preferable to bring along a person who is familiar with the vessel to guide or operate the vessel, which means that the provisions of the Ship Safety and Security Act become applicable. The exemption provision of the new Regulations means that the provisions for recreational craft may be complied with in such cases as well.

The provision of section 2 first paragraph (c) states that vessels in the territorial waters of mainland Norway, which have a limited propulsion machinery compared to the overall length of the vessel as referred to in the table, do not need to comply with sections 3 to 18 of the Regulations. Such vessels may operate based on the provisions for recreational craft. See section 2 second paragraph.

The exemption applies to vessels of 10 metres in overall length or less carrying 12 passengers or less on board. Vessels with no propulsion machinery are also subject to the provision. A limit of 10 metres has been set because it is not desirable that, for example, larger sailing vessels used for different commercial activities be exempt from the safety requirements of the Regulations. Four steps are introduced and specified in the table:

Overall length ≤	4 m	6 m	8 m	10 m
Max hp/kW	15/12	25/19	40/30	60/45

The table should be read in such a way that a vessel of 8.20 metres in overall length may have a propulsion machinery of maximum 60 hp, while a vessel of 7.9 metres in overall length may have a propulsion machinery of maximum 40 hp and at the same time comply with the rules for recreational craft.

Vessels which are covered by this provision may be used for all types of activities, and the master or an instructor may be on board. With regard to the exemption, it is irrelevant if such voyages are paid for directly or indirectly by the passengers.

The provision is limited to vessels “in the territorial waters of mainland Norway” because it is not desirable that the exemption should apply to vessels operating in Svalbard.

For vessels covered by the exemption it is considered sufficient that the safety level is ensured by the requirements for construction, equipment and qualification that apply to recreational craft. Read more about this in the comments to section 2 second paragraph.

Section 2 second paragraph: Construction, equipment and qualification requirements

There were no comments to the proposal that vessels exempted in section 2 first paragraph should comply with the construction and equipment requirements as if they were recreational craft. The wording “as if they were recreational craft” was used to point out that these vessels are basically subject to the Ship Safety and Security Act. The wording in the adopted Regulations is simplified, reading that

these vessels shall comply with requirements for construction and equipment“applicable to recreational craft”.

However, the proposal that a master of such vessel should have a boating licence regardless of the limits provided in the Regulations on requirements for minimum age and boating licence, etc.¹⁰ raised some questions. The proposal also included stricter requirements regarding the current practice of vessels of 6 metres or less carrying 5 passengers or less, which in general do not need to comply with the 12 Pax Regulations. As a result of the comments, the provision of the adopted Regulations has been simplified, and the master of the vessel covered by one of the exemptions of the first paragraph, is covered by the qualification requirements applicable to recreational craft.

Requirements for construction, equipment and qualification applicable to recreational craft are set out, inter alia, in:

- Act of 26 June 1998 No. 47 relating to recreational and small craft (the Small Craft Act);
- Act of 11 June 1976 No. 79 relating to the control of products and consumer services (Product Control Act);
- Regulations of 15 January 2016 No. 35 on the manufacturing and the placing on the market of recreational craft and personal watercraft;
- Regulations of 3 March 2009 No. 259 on requirements for minimum age and boating licence, etc. for masters of recreational craft;
- Regulations of 22 November 2011 No. 1523 on qualifications and certificates for seafarers sections 1 and 29.

Section 3 The company's duty to submit information

Three consultative comments were made on the proposal to implement a duty for the company to submit information. According to the Confederation of Norwegian Enterprise (NHO), a public accessible list will be a seal of approval for tourism. The organisation also stresses that the administration process must be simple and preferably be an on-line service. The Norwegian boat association (HRF) claims that a registration system has no value if there is no mandatory inspection. However, it is also acknowledged that an announcement of registered companies can be a positive contribution. Ravnafloke AS believes that a registration system will only lead to additional work and bureaucracy.

The purpose of implementing a registration obligation is based on the report from the Accident Investigation Board Norway (AIBN) concerning a man overboard accident on a RIB in Olden on 22 July 2015 (Safety Recommendation MARINE No. 2017/06), where the NMA was advised to take the necessary steps to get an overview of the RIBs carrying 12 passengers or less for commercial purposes and the companies that operate them. This provision replaces the requirement of section 4 fifth paragraph of the 12 Pax Regulations stating that the company shall conduct an annual internal audit of the safety management system and internal procedures in accordance with the report form provided by the Norwegian Maritime Authority. Therefore, the company's duty to register will thus not entail any more work of significance than today. The only difference is that a form, which must still be filled out, must be submitted for registration.

The company shall register information about their operation at the Norwegian Maritime Authority (NMA) prior to any transport of passengers. This takes place when the company completes a brief form and sends it to post@sdir.no for registration. The registration is valid for up to one year before it is automatically deleted. The company must actively renew the registration at least once a year. In this way,

¹⁰ Regulations of 3 March 2009 No. 259 on requirements for minimum age and boating licence, etc. for masters of recreational craft.

the overview of the different actors in the database will be updated. In the long term, a web-based solution may be developed.

The NMA does not process the submitted information, and the registration does not involve any approval of the company. The NMA will consider to publish a list of the registered companies so that the public are introduced to the companies who will be able to operate based on the Regulations.

According to the NMA, this registration obligation will make the companies more aware of their responsibilities pursuant to the Ship Safety and Security Act and appurtenant regulations. The NMA will also be using the information for control and statistical purposes.

Section 4 Safety Management System

The provision sets minimum requirements for the company's internal safety management system. The purpose of the safety management system is to make it easier for the company to assess risks for day-to-day operations and thus ensure safety by preventing injuries or loss of life and avoid environmental and to material damage.

The safety management system shall be adapted to the vessel operation. It is not a goal to have an extensive system. In practice, the system may consist of a file of a few pages with a copy kept on board, cf. section 4 third paragraph.

The system shall be a living document to be continually updated. If the company's experiences indicate that routines or operational limitations should be changed, the system must also be changed.

The letters (a) to (g) give guidance on what the system should contain as a minimum.

Letter (a): a description of the operation and area of operation, including any area which may be used as a shelter (port of refuge)

The company shall give a brief description of their activities (sea rafting, tourism, sightseeing, taxi boat operations, etc.) and in which geographical area it operates.

The reference to "any area which may be used as a shelter (port of refuge)" is included as a reminder that the company in some cases has an obligation to identify ports of refuge. See sections 7 and 8 relating to operational limitations.

Letter (b): a description of the individual vessel, including technical specifications, operational limitations due to vessel construction and equipment as well as the number of persons for which the vessel is designed

The company must consider any limitations arising from the vessel's construction and equipment and establish operational limitations based on these factors. The CE category of the vessel will be a good reference in this respect. For vessels which are not CE marked, the rules applying to the vessel's construction and its former use, if any, will be discretionary reviewed. The company must consider the vessel's loading capacity and stability when bringing along passengers' personal luggage.

Even though the Regulations are basically applicable 12 nautical miles from the baseline, this does not mean that any vessel may be used to sail in all waters. The company must make sure that the vessel in question is suitable for sailing in the respective area.

“The number of persons for which the vessel is designed” refers to the fact that the company must be aware of the number of persons (passengers and crew) the vessel can carry. A CE-marked vessel includes a label stating the maximum number of persons on board, a number not to be exceeded. For vessels which are not CE marked, the number of persons on board must be determined by discretion. Please note that limitations with respect to the number of persons on board also may be a requirement of the Regulations, e.g. a requirement of permanent seats or standing places, cf. section 9. The maximum number of passengers shall not exceed 12, regardless of the vessel label.

Letter (c): voyage planning procedures

The company must establish routines for voyage planning. All voyages shall be planned by means of updated nautical charts and publications, e.g. tide tables and The Norwegian Pilot Guide – Sailing Directions. The planning may take place on shore, and it is not necessary to keep nautical publications on board the vessel. Obtaining weather forecasts will be part of the voyage planning.

See also comments to section 10.

Furthermore, preparing an adjusted safety briefing, cf. section 5, will be a part of the voyage planning.

Letter (d): routines for the use of accompanying vessels, including communication between the vessels

The Regulations include provisions on the use accompanying vessels in sections 7 and 8. When accompanying vessels are used, the company must have a plan as to how this should be done, including communication between the vessels. The company must have a specific arrangement with the accompanying vessel. The fact that there are usually other vessels near the operational area does not fulfil the requirement of accompanying vessels.

Letter (e): a description of risk factors for the crew and passengers when the vessel is underway or when using tools or equipment on board, as well as measures to prevent incidents

The system must include a description of risk factors for crew and passengers when the vessel is underway. The descriptions will depend on the vessel, whether it is an open boat sailing at a low speed in calm waters or a vessel used for sea rafting.

The Regulations also apply to vessels with equipment on board which can pose a risk to passengers, for example lifting appliances or fishing gear. The wording “using tools or equipment on board” is included to remind the companies to respect this aspect, for example by closing off risk areas for the passengers or taking other precautions.

Letter (f): maintenance procedures for vessels and equipment

Letter (f) points out that maintenance procedures for vessel and equipment must be in place. “Equipment” refers to all equipment on board in general, including equipment required by the Regulations, such as life-saving appliances and radio communication.

Letter (g): an emergency plan for use in different emergencies, including drill routines

The expression “emergency plan” is used in SOLAS and may comprise several plans for use in different emergencies, see SOLAS regulation 29 in chapter III. The scope of an emergency plan for a vessel carrying 12 passengers or less must be adjusted to the size and use of the vessel. The emergency plan must take

into account any emergency which can be reasonably expected to occur, such as fire, man overboard incidents, engine breakdown, capsizing, etc. Additionally, the crew must carry out drills, such as man overboard drills, to ensure that these incidents can be handled in an acceptable manner.

Second and third paragraphs

The second paragraph is taken from the Regulations of 16 December 2016 No. 1770 on safety management for small cargo ships, passenger ships and fishing vessels, etc. section 11. The provision states that the safety management system is a living document that must be updated as necessary. Generally, reviewing the system once a year is sufficient. However, if experience suggests that routines or operational limitations should be changed at an earlier time, the company must do so.

The third paragraph is new and specifies the importance of having a safety management system available on board. The system shall be available to the master of the vessel and shall be presented upon request at inspections. The safety management system on board may be in an electronic format, cf. the wording “available”.

Section 5 Safety briefing

The safety briefing shall be given in a language understood by the passengers. This is done in a way determined by the company. Normally, the requirement is complied with if the briefing is given in Norwegian or English.

The safety briefing shall be designed for the purpose of the voyage. It makes a difference if the purpose of the voyage is to experience the excitement of sea rafting or to be transported from A to B. In the first scenario, it may be wise to give the passengers information about where to sit and what to hold on to when hitting a wave, etc., whereas this may be unnecessary information in the second case.

The provision must be viewed in the context of section 4 first paragraph (c) and (e) that the safety management system shall describe routines for voyage planning and risk factors for the crew and passengers when the vessel is underway.

Chapter 2 – Manning and operational limitations

Section 6 Qualification requirements and manning

Section 6 first *paragraph* is first and foremost a reminder to the company: The master of the vessel shall have the qualifications required by the Regulations of 22 December 2011 No. 1523 on qualifications and certificates for seafarers (Qualification Regulations). This means that the master of the vessel shall hold personal certificates as stated in the Qualification Regulations.

The qualification requirements currently set out in chapter 6 of the 12 Pax Regulations are now moved to the Qualification Regulations. Read more about this in item III. The Qualification Requirements apply to Norwegian ships only. In order to continue the principle of the 12 Pax Regulations regarding masters of foreign vessels carrying 12 passengers or less to have at least the same competence as masters of equivalent Norwegian vessels, a provision is included in section 6 *second paragraph* on masters of foreign vessels. The provision applies to vessels which do not have a Norwegian personal certificate pursuant to the first paragraph.

According to section 6 second paragraph, the master of a foreign vessel must be able to document training providing a level of competence equivalent to the requirement of the first paragraph of the

Qualification Requirements. Moreover, the master shall hold a personal certificate issued by the vessel's flag State which entitles the master to commercial use of a vessel carrying 12 passengers or less in the designated trade area.

Generally, it is sufficient for the vessel to be manned by one person. However, *the third paragraph* requires the company to consider whether it is necessary to increase the manning in order to ensure the safety of the passengers. This may be appropriate to perform tasks such as keeping a look-out, assisting children or passengers with special needs or taking care of passengers in an emergency. Waiting personnel, etc. is also regarded as extra manning.

The master and any extra manning are not included in the number of passengers. The total number of persons on board (manning and maximum 12 passengers) shall not exceed the recommended number for the vessel, see comments to section 4 (b).

Regulations of 18 June 2009 No. 666 on the manning of Norwegian ships do not apply to vessels only complying with the Regulations for vessels of 24 metres or less carrying 12 passengers or less. See section 6 about qualification requirements and manning requirements for these vessels.

Section 7 Operational limitations in the territorial waters of mainland Norway

Consultation

Section 6 of the 12 Pax Regulations only applies to vessels "operating at speeds of 20 knots or more". This condition implies that all operational limitations set out from letters (a) to (e) will be dropped if the vessel sails at a speed of 19 knots. In other words: A speed of 21 knots in a specific area may be illegal, while 19 knots in the same area may be legal.

Several consultative comments were made on the proposal to amend the provision on operational limitations on mainland Norway. In the draft, the NMA proposed that operational limitations should depend on whether the vessel has a superstructure which provides protection against the weather for all passengers, not on the operational speed of the vessel. This would have unintentional consequences for some companies. Thus, the principle of the 12 Pax Regulations is continued in the 12 Pax Regulations where the operational speed is decisive. The wording in the provision is updated for simplification purposes. However, the substantive content is mainly the same as in section 7 (a) to (c) of the 12 Pax Regulations.

Comments on the provision

Section 7 sets out operational limitations for vessels without a superstructure that provides protection against the weather for all passengers. The provision continues current law when section 7 (a) to (c) of the 12 Pax Regulations are read in context. The only difference is that the period of fewest restrictions is expanded from 15 April–15 September to 1 April–30 September. This is done because the turn of the month is a more natural divide. Nevertheless, the company and the master of the vessel must adjust the speed to the conditions, cf. the principle of the Ship Safety and Security Act section 14.

Vessels with a superstructure that provides protection against the weather for all passengers do not have any particular operational limitations. For these vessels, any limitations will be determined by the company's safety management system or the master's assessments.

Letter (a) establishes a speed restriction of 20 knots for vessels operating in trade area 4 or greater trade area during the period from 1 October to 31 March. A vessel without a superstructure that provides

protection against the weather for all passengers may sail in trade area 4 in this period as long as the speed does not exceed 20 knots.

Letter (b) states that when the vessel is running at a speed of more than 20 knots in trade area 3, trade area 4 or greater trade area during the period from 1 April to 30 September, the distance to a port of refuge or an accompanying vessel which is able to carry all passengers on board both vessels shall not exceed 5 nautical miles. The requirement of distance to the port of refuge or to the accompanying vessel is dropped as long as the speed does not exceed 20 knots.

The Regulations do not impose requirements on the accompanying vessel other than that it shall be able to carry all persons on board both vessels. The accompanying vessel will be used in case of an emergency, and the accompanying vessel is not required to be equipped in accordance with the 12 Pax Regulations or be certified to carry more than 12 passengers. The company must have a specific arrangement with the accompanying vessel, see comments to section 4 (d). The fact that there are usually other vessels near the operational area, does not fulfil the requirement of accompanying vessels. Two vessels which are both complying with the Regulations on vessels carrying 12 passengers or less and which are both operating together, will comply with the requirement of an accompanying vessel.

In section 4 first paragraph (a), the term “port of refuge”, as used in these Regulations is defined as an area which may be used as a shelter by a vessel. Additionally, the term comprises natural ports that provide adequate protection. The port of refuge does not have to be approved or comply with any other requirements. It is up to the company to find suitable ports of refuge and describe them in the safety management system.

In order to be able to document compliance with this provision, a vessel without a superstructure that provides protection against the weather for all passengers and operates in trade area 3 or greater trade area must have equipment on board which continuously display the speed of the vessel. The master must always be able to pay attention to the speed during the voyage. Using a smartphone to measure the speed of the vessel from time to time before putting the phone away, is inadequate.

The current letter (d) (“Operations shall only be carried out in daylight and under good conditions of visibility”) is repealed because it is the master's responsibility to navigate the vessel safely, cf. section 14 of the Ship Safety and Security Act. This means to adjust the speed and navigation according to weather, light and visibility.

The current letter (e) (“The vessel cannot carry passengers under the age of 14 years, unless each passenger is accompanied by an adult») is repealed because the provision violates the principle that the vessel’s crew alone shall take care of the passengers, see also comments to section 6.

Section 8 Operational limitations in the territorial waters surrounding Svalbard

Two consultative comments were made on section 8. The Governor of Svalbard generally supports the proposed amendments. The Norwegian Polar Institute has one comment on the term “port of refuge”.

The first paragraph establishes that voyages in the territorial waters surrounding Svalbard are permitted only from 1 May to 31 October. This period applies regardless of whether the vessel has a superstructure or not. Companies which in exceptional cases need to sail at other dates must apply for an exemption, cf. section 18.

However, a vessel without a superstructure that provides protection for all passengers are only permitted to sail in the geographical areas specified in the *second paragraph* and of course only during the period stated in the first paragraph.

The third paragraph establishes further operational limitations for a vessel without a superstructure that provides protection for all passengers and operates in the areas stated in the second paragraph (b) or (c). The distance to the accompanying vessel or port of refuge shall not exceed 5 nautical miles. In section 4 first paragraph (a), the term “port of refuge” as used in these Regulations is defined as an area which may be used as a shelter by a vessel. Additionally, the term comprises natural ports that provide adequate protection. The port of refuge does not need to be approved or comply with any other requirements. It is up to the company to find suitable ports of refuge and describe them in the safety management system.

The Regulations do not impose requirements on the accompanying vessel other than that it shall be able to carry all persons on board both vessels. The accompanying vessel will be used in case of an emergency, and the accompanying vessel is not required to be equipped in accordance with the 12 Pax Regulations or be certified to carry more than 12 passengers. The company must have a specific arrangement with the accompanying vessel, see comments to section 4 (d). The fact that there are usually other vessels near the operational area does not fulfil the requirement of accompanying vessels. Two vessels which are both complying with the Regulations on vessels carrying 12 passengers or less and which are both operating together, will comply with the requirement of an accompanying vessel.

The fourth paragraph applies to vessels used close to glaciers. Vessels used for voyages close to glaciers must have equipment on board for measuring the distance to the glacier front. The Regulations do not specify further requirements for the measuring equipment. There are different types of distance-measuring instruments.

Chapter 3 – Construction and equipment

Section 9 Design requirements

The company must be able to document that one of the three alternatives in section 9 first paragraph (a), (b) or (c) is complied with. If such documentation is not available, the company must provide it.

All vessels shall be well maintained and in good condition as long as they are in operation, cf. the principle of the Ship Safety and Security Act section 11.

16.1 first paragraph (a): CE marked as a recreational craft

The general rule of section 9 first paragraph of the 12 Pax Regulations is that the vessel shall at least be designed and constructed to withstand wind force and wave height as specified for its category with regard to stability, buoyancy and other relevant basic requirements set out in Annex 1 to the Regulations on the production and the placing on the market of recreational craft. In practice, this means that the vessel shall be CE marked as a recreational craft, cf. Regulations of 15 January 2016 No. 35 on the manufacturing and the placing on the market of recreational craft and personal watercraft.

This general rule is continued in the new Regulations section 9 first paragraph (a). According to the Ministry of Justice and Public Security, the provision will be more user-friendly if it includes a reference to the Regulations of 15 June 2016 No. 35 on the manufacturing and the placing on the market of recreational craft and personal watercraft.

If the vessel used is CE marked and this can be documented, the basic construction requirement is met.

First paragraph (b): constructed based on a standard equivalent to the legislation for CE marking of recreational craft

Vessels which are not CE marked are subject to section 9 first paragraph (b). Such vessels shall be constructed in accordance with a standard equivalent to the legislation for CE marking of recreational craft. The wording “legislation for CE marking of recreational craft” is a reference to section 9 first paragraph (a).

Vessels which are not CE marked must be assessed against the safety standard stated in the Regulations of 15 January 2016 No. 35 on the manufacturing and the placing on the market of recreational craft and personal watercraft. This provision continues the requirement of the 12 Pax Regulations section 9 second paragraph (“equivalent or more stringent requirements for technical safety”). It is of course possible to use vessels that meet stricter requirements than those laid down in the legislation for CE marking of recreational craft.

In order to comply with the requirement, the company must, as a minimum, be able to present documentation proving that the vessel is designed in a way which makes it suitable to carry passengers for the designated trade area. Such documentation could be that the vessel was originally constructed according to the Nordic Boat Standard, or that the vessel has previously been certified as a passenger ship.

First paragraph (c): protected or given status as historical by the Norwegian Directorate for Cultural Heritage

The letter (c) applies to vessels which are protected or given status as historical by the Norwegian Directorate for Cultural Heritage. Such vessels are usually exempt from the requirement for CE marking due to their year of construction and shall generally comply with section 9 first paragraph (b) concerning an equivalent safety standard.

In order to avoid misunderstandings of what needs to be documented for vessels which are protected or given status as historical, a separate provision for this group of vessels is adopted based on section 6 of the Regulations of 17 June 2014 No. 768 on special rules for protected or historical ships carrying more than 12 passengers.

For this type of vessels, it is especially important that the company establishes sensible operational limitations, see comments to section 4 first paragraph (b).

Second paragraph – seats or standing places

The wording in the 12 Pax Regulations were amended in the draft Regulations so as to not include the alternative of standing places. Two consultative comments were received on this provision. As a result of this, the wording is adjusted in the final text of the Regulations, and the alternative of standing places is now included.

The Regulations comprise different types vessels used for various activities. There is no need for permanent seats with backrests on all vessels. The companies must decide which solution is appropriate for their operations. This provision only requires that any backrests on board must be properly secured.

Third paragraph – dead man’s switch

The third paragraph is new and introduces a requirement on board vessels with an outdoor steering position to be equipped with a dead man’s switch, which stops the propulsion machinery in the event of the master falling overboard. This equipment must be used when the craft is underway, which is something the company should include in their safety management system.

The provision is also based on the recommendations made in the report from the Accident Investigation Board Norway (AIBN) concerning a man overboard accident on a RIB in Olden on 22 July 2015 (Safety Recommendation MARINE No. 2017/06). At the time of the accident, the vessel was equipped with a dead man's switch. However, the switch was not used by the master who fell overboard. One of the passengers was able to stop the vessel by activating the dead man's switch. The course of events shows how important a dead man's switch can be.

According to consultative comments, the requirement of having a dead man's switch is not appropriate for sailing operating at a moderate speed where the master performs different tasks with another action radius than on an open vessel which is more motorised. Sailing vessels are therefore exempt from the requirement of having a dead man's switch. Moreover, vessels which are protected or given status as historical by the Norwegian Directorate for Cultural Heritage are also exempt, as such a requirement may be in conflict with the principle of section 9 first paragraph (c) concerning that these vessels must satisfy the construction requirements applicable at the time of the construction of the ship.

Some vessels have a steering position both inside and outside. Therefore, the provision specifies that the requirement of a dead man's switch applies to vessels "which only have" an outdoor steering position.

Generally, the Regulations accept recreational craft standards for equipment. This also applies to the emergency stop mechanism.

Section 10. Compass, nautical charts and AIS

The first paragraph specifies that the compass shall comply with the standards of EN ISO 25862:2009, and this reference is included to avoid the use of compasses not designed for maritime use, such as an application on a smartphone, etc.

The second paragraph stipulates that all voyages must be planned by using updated nautical charts and necessary nautical publications, e.g. tide tables and The Norwegian Pilot Guide – Sailing Directions. Keeping nautical publications on board is no longer a requirement. However, up-to-date official nautical charts must be kept on board for the master's disposal. The proposed draft also specifies that nautical charts used with a chart plotter must be based on chart data from the Norwegian Mapping Authority.

In connection with the work on the Regulations of 7 June 2019 No. 710 on the construction, equipment and operation of passenger ships in the Norwegian territorial waters surrounding Svalbard, emergency response agencies informed the NMA of their request to equip all ships in the territorial waters surrounding Svalbard with AIS. Therefore, the third paragraph stipulates that vessels in the territorial waters of Svalbard shall be fitted with AIS class B. The AIS must be in operation at all times when the vessel is underway.

The requirement to carry lanterns is according to the Regulations of 1 December 1975 for preventing collisions at sea (Norwegian Rules of the Road at Sea). Therefore, section 12 second paragraph of the 12 Pax Regulations stating that the vessel must be fitted with a set of masthead lights, stern lights and side lights is not continued.

Section 12 third paragraph of the 12 Pax Regulations on field of vision from the steering position is removed, as these construction-related requirements are covered by the standards that form the basis for the CE marking.

Section 11 First-aid equipment

The provision regarding the necessary first-aid equipment on board the vessel has been simplified in comparison to the draft document.

The company must decide which first-aid equipment is relevant to have on board based on the existing risk factors. For example, the first aid equipment must be designed to stop major bleeding, cool down the skin in the case of burns, etc.

Chapter 4 – Radio communication

As a result of consultative comments, the chapter on radio communication has been somewhat adjusted compared to what was in the draft document.

The proposed Regulations continue the requirement for a radio safety certificate in section 10 third to fifth paragraph of the 12 Pax Regulations, but only for fixed radio equipment. In the adopted Regulations, the requirement for a radio test and a radio safety certificate for radio is completely removed. The reason for this is partly the general objective of simplifying the legislation, but first and foremost that the requirement violates the Regulations' principle that it is the company's responsibility to make sure that all requirements are complied with. It is difficult to justify why it is necessary to test the radio equipment when the Regulations do not impose requirements for a pre-check of for example the vessel's construction, operational limitations or life-saving appliances.

Section 12 Radio equipment

First paragraph

The first paragraph stipulates that the vessel shall be fitted with VHF radio equipment with DSC and watch receiver for channel 70, abbreviated to "VHF/DSC equipment" in the Regulations. The provision also specifies when the VHF/DSC equipment must be fixed and when hand-held VHF/DSC equipment can be accepted. Hand-held VHF/DSC equipment can be used in trade area 3 or lesser trade area. VHF/DSC equipment shall be fixed in all other trade areas and in the territorial waters surrounding Svalbard.

The specification that a headset with a microphone could be connected to the hand-held or fixed VHF radio equipment, has been removed. The company is responsible for finding appropriate ways of using the radio equipment.

Second paragraph

Parts of the territorial waters surrounding Svalbard are outside of sea area A1, where it is not sufficient to only use VHF/DSC equipment. Therefore, the Regulations state that vessels sailing outside sea area A1 in the territorial waters surrounding Svalbard shall, in addition to the VHF/DSC equipment, be fitted with MF radio equipment with DSC which can transmit and receive on the frequencies 2187.5 kHz for DSC and 2182 kHz for radio telephony. The requirement to have such equipment on board was formerly specified in the functional requirements of section 10 first paragraph of the 12 Pax Regulations. As an alternative to the MF radio equipment with DSC, the vessel can be fitted with a satellite phone from an operator offering coverage in the sailing area.

Third paragraph

Section 12 third paragraph specifies that fixed VHF/DSC equipment (referred to in the first paragraph) and MF radio equipment with DSC (referred to in the second paragraph) shall be connected to a satellite navigation receiver, to make it easy to state the vessel's position in an emergency. Hand-held VHF/DSC equipment (referred to in the first and fourth paragraph) shall have an integrated satellite navigation receiver.

Fourth paragraph

The fourth paragraph stipulates that vessels carrying a liferaft or liferafts shall be equipped with hand-held VHF/DSC equipment, one piece for each of the vessel's liferafts.

If the vessel operates in trade area 3 or lesser trade area and is equipped with hand-held VHF/DSC equipment based on the first paragraph of the section, and if the company chooses to equip the vessel with a liferaft, the requirement of the fourth paragraph is new. If a vessel with one liferaft operates in trade area 4 or greater trade area, the VHF/DSC equipment shall be fixed pursuant to the first paragraph, and the vessel shall also have on board one piece of hand-held VHF/DSC equipment pursuant to the fourth paragraph. If the vessel carries two liferafts, two pieces of hand-held VHF/DSC equipment must be on board.

Fifth paragraph

The fifth paragraph merges section 13 third and fourth paragraphs of the draft and simplifies the rules compared to the current section 10 note 1 indent 1 and 2 and note 5 indent 3 of the 12 Pax Regulations. These Regulations apply to several types of vessels, and it is therefore appropriate to make the requirements more functional.

The fifth paragraph first sentence of these Regulations states that the radio equipment shall provide a sufficient power supply for the entire planned voyage. "The radio equipment" refers to the required equipment stated in section 12 first, second and fourth paragraph, including satellite phone. If something happens to the main source of energy, there shall be a backup source of energy with a capacity to supply power for at least 6 hours. Both the main and the backup power source can be batteries.

Sixth paragraph

It is common that vessels used for commercial purposes are wheel-marked pursuant to the Ship Safety and Security Regulations¹¹. In general, equipment intended for the recreational craft market is accepted pursuant to the Regulations for vessels carrying 12 passengers or less, and to emphasise this difference, the sixth paragraph states that the radio equipment shall be CE marked. This is a minimum requirement which applies to the Regulations, and it is of course possible to comply with the requirements by having equipment which is wheel-marked pursuant to the Ship Safety and Security Act.

Seventh paragraph

Section 12 seventh paragraph is new and applies to vessels operating on rivers and lakes where there is no VHF coverage. Based on section 5 first paragraph of Regulations of 1 July 2014 No. 955 on radiocommunication equipment for Norwegian ships and mobile offshore units, vessels in these areas are exempt from the requirements of this section. Companies with vessels on rivers or lakes should consider other communication options, for example a mobile phone or a satellite phone.

Section 13 Float-free satellite EPIRB

Section 13 continues current law.

The first paragraph describes the requirement to carry float-free satellite (EPIRB) for vessels in trade area 4 or greater trade area, formerly set out in (c) in the table of section 10 second paragraph of the

¹¹ Regulations of 30 August 2016 No. 1042 on marine equipment

12 Pax Regulations. The second and third paragraphs are a linguistically simplified continuation of indent 1 and 2 in note 2.

Section 14 Radar transponder (Radar SART) or AIS transponder (AIS SART)

The provision continues the requirement to carry a radar transponder (Radar SART) or AIS transponder (AIS SART) for vessels in trade area 4 or greater trade area. This requirement was formerly set out in letter (d) and note 4 to the table of section 10 of the 12 Pax Regulations.

Section 15 Navigational and weather reports

The title of the provision was “NAVTEX receiver” in the draft circulated for review. However, the requirement to carry a NAVTEX receiver only applied to trade area 4 or greater trade areas. It was not required to keep the receiver on board if the vessel could receive navigational and weather reports by any other means.

It is important that the master has access to updated navigational and weather reports throughout the planned voyage. This also applies to lesser trade areas. Therefore, the provision in the Regulations is rephrased to a functional requirement in the first paragraph, requiring all vessels to be equipped to be able receive updated navigational and weather reports for the entire planned voyage. The safety management system will describe how navigational and weather reports will be communicated to the master of the vessel.

The second paragraph continues current law of the 12 Pax Regulations section 10 second paragraph (b) and first indent in note 6 in the table. The former reference to “small coasting” is changed to “greater trade areas than 4”. This is done because “small coasting” has been defined as “never farther off the coast than 20 nautical miles from the Base Line” in the Trade Area Regulations¹², while these Regulations only apply to the territorial waters 12 nautical miles from the baseline. A requirement of the Regulations referring to a geographical area not applicable to the Regulations would be misleading.

In section 15 second paragraph of the draft Regulations, the first and second paragraph are merged to make it clear that the requirement for a NAVTEX receiver only applies when the vessel cannot receive navigational and weather reports by any other means. The company must document that navigational and weather reports for the relevant voyage can be received by other means. This is conveyed in the safety management system. Thus, the NMA does not require an application for exemption from the requirement of carrying a NAVTEX receiver.

Chapter 5 - Life-saving appliances

Section 16 Life-saving appliances

First paragraph

To allow for sailing without a liferaft on board was one of the greatest amendments introduced by the 12 Pax Regulations. Consultative comments have been received proposing to remove the opportunity not to carry a liferaft. The NMA does not have any evidence to suggest that this alternative should be amended, and current law is continued.

¹² Regulations of 04 November 1981 No. 3793 on trade areas.

Section 16 first paragraph (a) to (f) mainly continues current law. The main rule of the first paragraph must be seen in context of the second paragraph, which opens for not carrying a liferaft, floatation equipment or lifebuoy when all persons on board are wearing floatation equipment.

The term “liferaft(s)” is changed to “liferaft or liferafts” without changing the content of meaning. Similarly, the wording of the second and fifth paragraph is changed to “liferaft or liferafts”.

Section 16 first paragraph (f) of the Regulations simplifies the wording compared to section 13 first paragraph (f) of the 12 Pax Regulations. The provision continues the requirement to have a device on board that makes it possible to pick up a person from the water. The company is at liberty to find a solution that works for the individual vessel. The device must be tested as part of the company’s drills, cf. the safety management system, and it must be documented that it works.

Second paragraph

Section 16 second paragraph of the Regulations is a simplification of the provisions in current section 13 second paragraph. The introduction of the provision is more explanatory than the current provision, pointing out that “It is not necessary to carry a liferaft or liferafts, floatation equipment or lifebuoy when all persons on board are wearing (...)”. As before, there are two alternatives; (a) and (b):

The letter (a) continues the alternative to not carry a liferaft or liferafts, floatation equipment or lifebuoy if everyone board is wearing a one-piece floatation suit which alone or in combination with other floatation equipment, provide a buoyancy of 150 N. The alternative in section 13 second paragraph (a) second sentence of the 12 Pax Regulations (“Passengers who are to dive may during the voyage wear diving suits which alone or in combination with other CE marked floatation equipment provide a buoyancy of at least 150 N”) was not included in the draft Regulations. Based on feedback by phone, this alternative is continued in these Regulations section 16 second paragraph (a).

Section 16 second paragraph (b) is a simplification compared to the 12 Pax Regulations, which contains four different restrictions: a geographical restriction, a speed restriction, date restrictions and vessel length restrictions. In the new Regulations, the speed restriction is removed along with the vessel’s maximum overall length for vessels which may use the exemption. Moreover, the time span is expanded by four weeks to 30 September. Norsk leirskoleforening, a Norwegian school camp association, wanted a further extension of the period. However, this is not necessary since school camp activities are granted a general exemption in section 2.

Compared to the 12 Pax Regulations, the requirement of buoyancy in section 16 second paragraph (b) of the 12 Pax Regulations has become more stringent and is changed from 50 N to 100 N, which is in accordance with the standards that the floatation equipment is constructed for. According to ISO 12402-3:2006 item 4.2.4, floatation equipment with a buoyancy level of 50 N is intended for competent swimmers and requires active participation by the user and is not intended to keep the user safe for long periods of time. According to ISO 12402-3:2006 item 4.2.3, floatation equipment with a buoyancy level of 100 N is intended for use in protected waters for those who may have to wait for rescue. The equipment should not be used in rough conditions.

Third paragraph

This provision continues current law. The requirement was formerly set out in section 13 first paragraph (b) of the 12 Pax Regulations. In the draft circulated for review, the provision was placed in section 17 first paragraph (b) but has been moved to a separate paragraph in the final Regulations for convenient reference.

Fourth paragraph:

No comments have been received on the proposal to introduce a requirement that persons staying outdoors on vessels of less than 8 metres in overall length should wear floatation equipment when the vessel is underway. This is in accordance with requirements applying to recreational craft, see Act of 26 June 1998 No. 47 relating to recreational and small craft section 23a. The term “persons” includes passengers and crew.

In the draft circulated for review, the provision was placed in section 17 first paragraph (b) but has been moved to a separate paragraph in the final Regulations for convenient reference.

The reason for this provision is that it would seem strange if persons on board a recreational craft of less than 8 metres in overall length would be required to wear suitable floatation equipment, whereas this requirement would be dropped if the same vessel was used for commercial purposes. The requirement will only apply to vessels carrying a liferaft. The second paragraph sets out requirements for persons to wear floatation equipment or floatation suit on board vessels not carrying a liferaft, and the fifth paragraph sets out requirements for Svalbard.

Fifth paragraph

Persons staying outdoors on vessels of *less than 8 metres* which are equipped with a liferaft shall according to the fourth paragraph wear floatation equipment when the vessel is underway. According to section 16 first and fourth paragraphs, persons on a vessel equipped with a liferaft, are not required to use floatation equipment when the vessel is *over 8 metres* in overall length. It is the opinion of the NMA that it will be unfortunate for the provisions to allow for persons in open boats in the territorial waters surrounding Svalbard not to wear floatation equipment of any kind.

Accordingly, the fifth paragraph states that persons on board vessels without a superstructure in the territorial waters surrounding Svalbard shall wear a one-piece floatation suit which alone or in combination with other floatation equipment provides a buoyancy of 150 N. Whereas section 16 second paragraph (a) is an alternative that the company may choose to comply with, section 16 fifth paragraph is a requirement.

Vessels subject to section 16 fifth paragraph do not need to carry a liferaft or liferafts, floatation equipment or lifebuoy as referred to in the first paragraph (a) to (c). Based on the NMA’s experience, this corresponds to the practice currently used at Svalbard, and no consultative comments have been received on this issue.

Sixth paragraph

The requirement that floatation equipment and one-piece floatation suits must be CE marked is moved from the first and second paragraphs and is combined in the sixth paragraph. The specifications on buoyancy and requirements for CE marking mean that floatation equipment and one-piece floatation suits must be produced in accordance with relevant ISO standards.

Apart from the references applying to thermal protection, references to the ISO standards in section 13 third paragraph of the 12 Pax Regulations are removed. The purpose of pointing out that floatation equipment and one-piece floatation suits shall be CE marked is to make it clear that the Regulations accept the use of equipment which is initially intended for leisure activities.

It is common that vessels used for commercial purposes have life-saving appliances that are wheel-marked in accordance with the Ship Safety and Security Regulations¹³, whereas equipment intended for the recreational craft market is generally accepted pursuant to the Regulations for vessels carrying 12 passengers or less. This is a minimum requirement which applies to the Regulations in general, and it is of course possible to comply with the requirements by having equipment which is wheel-marked pursuant to the Ship Safety and Security Act.

Section 17 Stowage and maintenance of life-saving appliances

The first and second paragraph continues section 14 of the 12 Pax Regulations.

The third paragraph continues section 15 first paragraph of the 12 Pax Regulations, pointing out that life-saving appliances shall be ready for immediate use when the vessel is underway. The appliances may be locked up or stored ashore when the vessel is not in use. In such cases, the company must establish procedures in the safety management system, that ensure that the life-saving appliances are taken on board and made ready for use before the ship leaves the berth.

The fourth paragraph on maintenance merges the third, fourth and fifth paragraphs of section 15 of the 12 Pax Regulations. The Regulations accept CE marked equipment, and it is considered to be more user-friendly to replace the former references to SOLAS with a sentence on maintaining the equipment in accordance with the manufacturer's instructions.

The fourth paragraph second sentence specifies that liferafts are to be maintained by an approved service station. A list of approved service stations is available at the NMA home page. Apart from this, the provision does not set requirements as to which personnel can carry out maintenance on other life-saving appliances. However, the company must make sure that this is done by a competent person.

Chapter 6. Concluding provisions

Section 18 Exemptions

Section 18 continues the content of current section 3 regarding exemptions. In accordance with the terminology used in other regulations, the term "depart from" has been changed to "grant exemptions from". (This amendment only applies to the Norwegian version.) The Regulations do not implement international rules, and the sentence "Deviations must not contravene international agreements to which Norway has acceded" is therefore removed.

Section 19 Entry into force

These Regulations enter into force on 1 February 2020. As from the same date, the Regulations of 24 November 2009 No. 1400 on the operation of vessels carrying 12 passengers or less, etc. are repealed.

III. Amendments to other regulations

Qualification Regulations (Regulations of 22 December 2011 No. 1523 on qualifications and certificates for seafarers)

The qualification requirements for manning are stated in chapter 6 of the 12 Pax Regulations. However, these requirements must be read in conjunction with the Regulations of 22 December 2011 No. 1523 on

¹³ Regulations of 30 August 2016 No. 1042 on marine equipment

qualifications and certificates for seafarers (Qualification Regulations) sections 67 and 68. In order to improve ease of use, all qualification requirements for vessels complying with the Regulations have been gathered by moving the requirements for radio operators in section 18 second paragraph of the 12 Pax Regulations to a new fourth paragraph in section 67 of the Qualification Regulations.

The qualification requirements for seafarers on vessels subject to the Regulations are not changed, only moved. However, the exemptions of section 2 will reduce these requirements considerably for several groups of vessels, for example smaller vessels used by school, school camps or daycare centres.

The Qualification Requirements only apply to Norwegian ships. In order to continue the principle of the 12 Pax Regulations that also masters of foreign vessels carrying 12 passengers or less must have at least the same competence as masters of equivalent Norwegian vessels, a provision is included in section 6 of the new Regulations stating that a master of a foreign vessel must be able to provide documentation of training equivalent to that provided by the Regulations on qualifications and certificates for seafarers.

Certificate Regulations (Regulations of 22 December 2011 No. 1523 on qualifications and certificates for seafarers)

Regulations of 22 December 2009 No. 1893 makes a reference to section 1 third paragraph of the 12 Pax Regulations. The reference is updated with the new Regulations.

As mentioned in the comments to section 1 second paragraph, the requirement of holding a passenger certificate for vessels in regular service has been removed. As a result, the reference to ships in regular service in section 20 second paragraph of 22 December 2009 No. 1893 is removed. At the same time, the wording on ambulance services and organised school transport is adjusted in accordance with section 1 second paragraph (a).

Regulations on tonnage measurement

Regulations of 30 June 2015 No. 823 on the tonnage measurement of ships and mobile offshore units apply to ships of 15 metres or more in overall length. From time to time, the NMA receives applications from companies claiming to operate vessels in accordance with the 12 Pax Regulations requesting that the NMA issues a tonnage certificate for the vessel. This means that the NMA must issue a document confirming that the vessel is used for commercial purposes. This violates the principle that the Regulations on vessels carrying 12 passengers or less are regulations based on the declaration of company's control where the NMA cannot preapprove vessels prior to any transport of passengers.

In order to completely implement the principle of the declaration of company's control, section 1 of the Regulations on tonnage measurement shall include that this does not apply to vessels only complying with the Regulations on vessels of less than 24 metres carrying 12 passengers or less.

Regulations on the construction and supervision of smaller cargo ships

Regulations of 19 December 2014 No. 1853 on construction and supervision of smaller cargo ships refer to the 12 Pax Regulations section 1 second paragraph (b). The reference is updated with the new Regulations.

IV. Economic and administrative consequences

For the most part, these Regulations continue current law. The amendments introduced simplify the rules in most areas and do not introduce any requirements that will lead to any new costs.

The provision of section 2 that allows many vessels with a master comply with construction, equipment and qualification requirements applicable to recreational craft, means significant financial savings for many companies.

The duty to submit information in section 3 does not involve much extra work for the companies. The current 12 Pax Regulations require that the company shall conduct an annual review, and the only change is that the information must be sent to the NMA for registration.

Some companies may have to retrofit a dead man's switch as a result of the provision of section 9. There are several products available making it difficult to estimate a total cost for installation. Wireless products have a retail price of approximately NOK 2000. Installation is not included.

As before, vessels complying with the Regulations shall as a minimum have VHF/DSC equipment. Hand-held VHF/DSC equipment costs NOK 3000–4000. However, this is not a new requirement.

Equipment for measuring the distance to glacier fronts, cf. section 8 fourth paragraph, costs NOK 2000 to 3000.

AIS class B required by section 10 third paragraph has a price of approximately NOK 6000.

Moreover, the removal of the radio safety certificate requirement issued by an approved radio inspection company is a simplification that will save costs for the companies.

Some actors who have conformed to the 12 Pax Regulations may have to invest in new lifejackets subject to the provision of section 16 second paragraph (b) on making the buoyancy requirement stricter, from 50 N to 100 N. A lifejacket with a buoyancy of 100 N costs NOK 500–600. Accordingly, upgrading the lifejackets on a vessel carrying 12 passengers would cost approximately NOK 6000–7000.

The NMA assumes that the implementation of simplified rules for vessels referred to in section 2 will reduce the number of requests regarding the Regulations as well as applications for exemption from the current qualification requirements, etc. In this way, internal resources may be used in other areas.

The Regulations continue the principle of the declaration of company's control. As before, the NMA will only carry out supervision through random checks. The introduction of the notification requirement of section 3 will simplify the work by selecting subjects of supervision. On the other hand, this may cause more work when assessing which companies should be given violation fines due to no registration of their operations, and thereby operating illegally.

The registration system is a self-service scheme, and the intention is not that the NMA will be processing the submitted information. The duty to report, cf. section 3, will therefore not cause any additional work or give a significant increased cost for the NMA.

Lars Alvestad
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The Norwegian Maritime Authority's Circulars consist of 2 series, **Series R: Regulations, Acts and Conventions** and **Series V: Guidelines and interpretations**.

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