Regulations of 29 June 1984 No. 1319 concerning the Control of Ships carrying Passengers in Waters near Svalbard

Laid down by Royal Decree pursuant to the Act of 17 July 1925 No. 11 relating to Svalbard § 4. Prepared by the Ministry of Trade.

§ 1
Definitions

For the purpose of these regulations the following definitions shall apply:

1. *Passenger ship:* An engine-propelled ship which carries passengers under such circumstances that it assumes the character of a means of transport which is available to a larger or smaller group of the general public.
2. *Passenger:* Any person on board other than:
   a) the master and members of the crew or persons employed or engaged in any capacity on board the service of that ship, and
   b) children under one year of age.
3. *Passenger certificate:* Document issued by the Administration or institution authorized by the Administration, authorizing the ship to carry a specified number of passengers for a specified period of time.
4. *Flag state:* The state whose flag the ship is entitled to fly.

§ 2
Application

1. These regulations shall apply to passenger vessels irrespective of size which carry passengers inside the boundary of Svalbard territorial waters.
2. Where this follows from the individual sections, the regulations shall apply to ships which without being passenger ships carry passengers in addition to the ordinary crew.
3. The regulations shall not apply to ships engaged in the carriage of personnel in connection with mining operations or other stationary commercial activity on Svalbard. Exempted from these regulations are also ships owned by the Norwegian government and used in public or non-commercial service.

§ 3
The duty to carry certificates

1. Every passenger vessel to which these regulations apply shall be equipped with a passenger certificate which documents that the ship may carry passengers in the waters referred to in § 2, subsection 1.
2. Ships as referred to in § 2, subsection 2, shall be equipped with international or national certificates to the extent this is required by the legislation of the flag state.

§ 4
Control

1. The Sysselmann or those authorized by him shall supervise that the duty to carry the required certificates is complied with, and also that ships to which these regulations apply are properly constructed and equipped for the trade in which they are engaged.
2. In order to carry out control in accordance with these regulations, the Sysselmann or those authorized by him have the right to enter ships in any port on Svalbard. In this connection the ship may be surveyed in order to ascertain that the ship represents no obvious danger to safety, health or the environment.

§ 5
Measures taken

1. If certificates as referred to in § 3 cannot be produced, the ship may be prohibited from further trading in the areas to which these regulations apply, and if necessary be turned away. This also applies if the ship is used contrary to the rights to which the certificate entitles it, or has obvious deficiencies, or if a survey in accordance with § 4, subsection 2 is refused.
2. If a survey of the ship reveals circumstances considered to involve obvious danger to safety, human health or the environment, such action shall be taken as is necessary to prevent the ship from proceeding to sea while the danger is still present. The ship shall not be allowed to engage in trade before any deficiencies required to be rectified, have been corrected, and the provisions concerning detention in the Act of 9 June 1903, No. 7, §§ 24, 25 and 27-33 shall apply as appropriate.

§ 6

Arrest

If measures taken in pursuance of § 5 involves the necessity of taking care of passengers or others accompanying the ship, and if necessary seeing to their being sent home, the ship may be arrested pursuant to the Act of 13 August 1915, No. 7, Chapter 14.

§ 7

Notification of measures taken

1. If measures are taken in pursuance of § 5, the ship’s master shall immediately be notified in writing of the action taken and the reason for it. The ship’s crew and passengers shall be informed to the extent this is possible.
2. The Norwegian Maritime Directorate shall immediately be notified of the action taken, and see to the necessary follow-up and any reporting in accordance with the applicable rules.
3. If action is taken against foreign ships, the state whose flag the ship is entitled to fly shall be notified as soon as possible.

§ 8

Entry into force

These regulations shall enter into force immediately.