

Regulations of 31 January 1986 No. 222 concerning the scope of application of the Seamen's Act

Laid down by Royal Decree of 31 January 1986 pursuant to § 1 third and fourth paragraphs and § 2 subsection 2 b of the Seamen's Act of 30 May 1975 No. 18. Prepared by the Ministry of Trade and Shipping. Amended 23 December 1988 No. 1081, 27 November 1992 No. 871.

Chapter I General provisions

§ 1

Scope of application of the Seamen's Act

1. Subject to the exceptions and special provisions following from these regulations, the Sea-men's Act of 30 May 1975 No. 18 is applicable to all those in work on board Norwegian ships, fishing vessels and mobile offshore units unless otherwise provided in the Working Environment Act and the Regulations of 31 August 2002 concerning health, environment and safety in the petroleum sector.
2. Excepted from the Act are persons who:
 - a) only work on board while the ship is in port,
 - b) only carry out inspections on board,
 - c) serve on Royal Norwegian Navy vessels, except for civilian personnel on board ships chartered by the Royal Norwegian Navy,
 - d) are embraced by the Public Servants' Act of 4 March 1983 (no 3) insofar as the Sea-men's Act §§ 3, 5, 5A, 7, 14, 15, 16, 19, 20, 20A, 20B, 21, 22 and 25 is concerned.
3. To the extent the Seamen's Act pursuant to the Act's § 1 or these regulations does not except employees who are employed by persons other than the company, the Seamen's Act or regulations issued in pursuance of the Act shall apply such that the employer takes the place of the company.

Amended by Regulation of 23 November 2007 No. 1291.

§ 2

Definitions

For the purposes of these regulations, the following definitions are applicable:

1. *Mobile offshore units*: Mobile offshore units not regarded as ships, used in the exploration for or exploitation, storage or transport of subsea natural deposits or to assist in such activities.
2. In the Seamen's Act and regulations issued in pursuance of the Act, the following are construed as being equivalent:
 - a) *master*: platform manager, master of vessel, and master of mobile offshore installation,
 - b) *seaman*: employee,
 - c) *wages*: wages or other remuneration for work performed in the service, including lots or other percentage share of the catch,
 - d) *port*: established contact with transit base ashore except in the cases mentioned in §§ 1, 24 and 44 of the Act.

§ 3

Self-employed

For persons who work on board in a self-employed capacity, the following provisions of the Act are applicable:

- § 4 concerning minimum age etc.,
- § 27 concerning care of the sick and injured,
- § 28 subsection 1 second paragraph and subsection 3 second paragraph as regards the State's obligation to pay the expenses of any sick care abroad which is not covered by National Insurance and passage home with maintenance to the place of residence in Norway in the event of tuberculosis, venereal disease or mental illness,
- § 29 concerning the State's obligation to refund expenses in connection with a seaman's sickness or injury,
- § 30 concerning the master's duties in connection with death and burial,
- § 31 as regards the State's obligation to pay burial expenses etc.,
- § 39 concerning the obligation to obey orders, and concerning the crew's liability for damage caused etc.,
- § 43 concerning ship's service regulations etc.,
- § 45 concerning personal effects on board ship etc.,
- § 46 as regards the duty of the master to take care of effects abandoned on board,
- § 49 concerning the master's duties if felonies are committed on board,
- § 51 concerning loans from a Norwegian foreign service station and,
- § 52 concerning rules which must be made available to the crew.

Amended by Regulation of 23 November 2007 No. 1291.

Chapter II

Fishing vessels

§ 4

Fishing vessels of less than 100 gross tonnage

Persons employed on board fishing vessels of less than 100 gross tonnage when the vessel is used as such or for the carriage of its own catch or in connection with other catches, are subject only to the following provisions of Act:

- § 3 subsection 1 first paragraph and subsection 3 concerning engagement for a limited period etc.,
- § 4 concerning minimum age etc.,
- § 5 concerning period of notice of termination, except subsection 4,
- § 5A concerning the form, issue and content of the notice of termination,
- § 11 concerning compassionate leave,
- § 12 subsection 1 concerning the right to leave service on board for special reasons, except subsection 1, litra f and subsection 2, first paragraph as regards the right of free passage home with maintenance,
- § 13 concerning pregnancy and childbirth etc.,
- § 14 concerning protection from notice of termination in the event of sickness or injury,
- § 15 concerning dismissal due to service circumstances etc.,
- § 16 concerning procedure for dismissal,
- § 18 concerning rights and duties if the ship is lost, except subsection 1 second paragraph as regards to service on board another ship,
- § 19 concerning protection from undue notice of termination except subsection 1 second paragraph,

- § 20 except where dispute concerning undue notice of terminations is regulated by collective wages agreement,
- § 20A concerning the effects of undue notice of termination,
- § 20B concerning a testimonial,
- § 21 concerning calculation of wages,
- § 23 concerning the limitation of the right to make deductions in wages,
- § 25 concerning wages in the event of death,
- § 28 concerning wages and care etc in the event or sickness or injury,
- § 29 concerning the State's obligation to refund the shipping company's expenses in the event of a seaman's illness or injury,
- § 30 concerning death and burial,
- § 31 as regards the State's obligation to pay burial expenses etc.,
- § 43 concerning ship's service regulations etc.,
- § 45 concerning personal effects on board ship etc.,
- § 47 concerning compensation for lost effects,
- § 51 concerning loans from a Norwegian foreign service station,
- § 52 concerning rules which must be made available to the crew.

Amended by Regulation of 23 November 2007 No. 1291.

§ 5

Fishing vessels of more than 100 gross tonnage

Persons employed on fishing vessels of more than 100 gross tonnage when the vessel is used as such or for the carriage of its own catch or in connection with other catches, come under the provisions of the Act subject to the following restrictions:

- a) In relation to § 3, the following shall apply:
 - 1. Subsection 1, first paragraph concerning engagement in the service of the company. A written contract need only be made if one of the parties so demands.
 - 2. Subsection 3 concerning engagement for a limited period etc.,
- b) § 5 subsection 4 shall not apply,
- c) § 20 shall apply unless the dispute regarding undue notice of termination is regulated by collective wages agreement,
- d) § 27 A concerning occupationally disabled seamen shall not apply.

§ 6

Exception for fishing vessels

When special circumstances so indicate, the Directorate for Seamen¹ may decide that groups of persons on fishing vessels shall be wholly or partially exempted from the provisions of the Act.

¹ The Norwegian Maritime Directorate according to regulation of 23 December 1988 No. 1081.

Chapter III

Mobile offshore units etc.

§ 7

Mobile offshore units

The Seamen's Act applies to persons who are in work on board mobile offshore unit's and who are employed by the company or are included under the unit's Safe Manning document, with the following restrictions:

- § 7 concerning the right to leave after six months of service on board and,
- § 8 concerning the right of free passage home following an extended period of service, shall not apply.
- The provisions of §§ 21, 22 and 28 subsection 2 concerning the calculation and payment of wages may be set aside by a collective wages agreement or written contract between the parties which has been approved by the Directorate of Seamen.¹
- 2. For persons not embraced by subsection 1 in this section, the following provisions of the Act shall apply:
 - § 4 concerning minimum age etc.,
 - § 18 subsection 1, second paragraph concerning the right of free passage home etc.,
 - § 27 concerning care of the sick and injured,
 - § 28 subsection 1 second paragraph and subsection 3 second paragraph as regards the State's obligations to pay the expenses of sick care abroad which is not covered by National Insurance, and passage home with

- maintenance to the place of residence in Norway the event of tuberculosis, venereal disease or mental illness,
- § 29 concerning the State's obligation to refund the company's expenses in connection with a seaman's sickness or injury,
 - § 30 concerning the master's duties in connection with death and burial,
 - § 31 as regards the State's obligation to pay burial expenses etc.,
 - § 39 concerning the obligation to obey orders, and concerning the crew's liability for damage caused etc.,
 - § 43 concerning ship's service regulations etc.,
 - § 44 concerning seamen's right to shore leave during spare time,
 - § 45 concerning personal effects on board ship etc.,
 - § 46 as regards the duty of the master to take care of effects abandoned on board,
 - § 49 concerning the master's duties if felonies are committed on board and,
 - § 51 concerning loans from a Norwegian foreign service station.

Amended by Regulation of 23 November 2007 No. 1291.

¹The Norwegian Maritime Directorate according to regulation of 23 December 1988 No. 1081.

§ 8

Exemption for mobile offshore units

1. Persons who are in work on mobile offshore units may be wholly or partly exempted from the Act by the Ministry of Foreign Affairs if the implementation of any part of the regulations would involve infringement of provisions laid down by another coastal state.
2. The Ministry of Trade may similarly exempt from the Act persons mentioned in subsection 1, and persons on special vessels as mentioned in § 2, subsection 1 and 2.

Chapter IV

Miscellaneous provisions

§ 9

Foreign ships operated by Norwegian companies

The Ministry of Foreign Affairs may in special cases determine that the Seamen's Act wholly or in part shall apply to persons employed on foreign registered ships in Norwegian domestic waters, on Norwegian marine territory and in the Norwegian sector of the continental shelf.

§ 10

Entry into force

1. These regulations enter into force on 3 March 1986.
2. From the same date:
 - a) regulations concerning the scope of application of the Seamen's Act issued by Royal Decree of 19 December 1980 and
 - b) regulations concerning exemption from the minimum age provision in the Seamen's Act § 4, first paragraph for certain employees on board fishing vessels issued by the Directorate for Seamen on 25 January 1978 shall be repealed.