

# Regulations of 25 November 1988 No. 940 concerning supervision of Maritime Service

Laid down by Royal Decree 25 December 1988 pursuant to the Act of 18 June 1971 No. 90 relating to enrolment of employees on board ships, etc. cf. Royal Decree of 1 October 1971. Prepared by the Ministry of Foreign Affairs.

## § 1

### *Definitions*

For the purpose of these regulations the following definitions apply:

- a) Vessel:  
Ship, drilling vessel, and other mobile offshore units.
- b) Employer:  
Shipping company or other employer.
- c) Supervisory authority:
  1. Norwegian foreign service station, local Labour and Welfare Administration offices in Norway, or other public institution specially authorized to carry out public supervision in pursuance of these regulations.
  2. Employer/ship master carrying out preliminary supervision in pursuance of these regulations.
- d) Shipmaster:  
Master of a vessel, including platform manager.
- e) Maritime service:  
Service on a vessel.

## § 2

### *Scope of regulations*

1. These regulations apply to service on vessels registered in both the Norwegian ordinary register of ships and in the Norwegian International Ship Register, cf., however, § 5 subsection 4.
2. The provisions of the Act of 18 June 1971 no. 90 relating to enrolment of employees on board ships etc., and these regulations do not apply on board foreign vessels, with the exception of Section 8, first paragraph. Norwegian employees must themselves be able to document their service on foreign vessels when required with regard to Norwegian legislation.

Amended by Regulation of 2 June 2005 No. 677.

## § 3

### *Supervisory authority etc.*

It is incumbent on the ship master, the shipping company, and the employer to ensure that the preliminary supervision is carried out, and that conditions are arranged for the public supervision.

Public supervision of maritime service in accordance with these regulations is carried out by a supervisory authority as referred to in § 1 subsection c) 1, and which is led by the directorate concerned which stipulates further guidelines for the supervision.

## § 4

### *Scope of supervision*

The following shall be subject to supervision:

- a) That the employment relationship complies with provisions laid down in statute, regulations, or agreements.
- b) That the employee has the qualifications required for the position in question.
- c) That the required medical certificate is submitted.
- d) That the employee's compulsory military service record does not prevent him from serving at sea (foreign trade).
- e) That sea service book or record of service has been issued.
- f) That the identity of the employee is sufficiently documented, checked and verified before the commencement of employment. Employees from countries that have ratified ILO Convention No. 108 or ILO Convention No. 185 concerning Seafarers' National Identity Documents must demonstrate this.

Employees from countries that have not ratified this convention, must either present an identity document for seafarers authorized under the legislation of their own country or, if such a document is not available, present a passport. Identity documents issued by another state may only be accepted if the seafarer is a resident in that state. If only a passport is available, it must also be ascertained that the employee is a seafarer by other documentation issued by authorities in the seafarer's home country or former service the seafarer has carried out. In addition, the employee shall carry on board the necessary travel document and other identity documentation.

Amended by Regulation of 2 June 2005 No. 677.

## § 5

### *Supervision obligation, personnel to be supervised etc.*

1. The employer shall ensure that the supervision referred to in § 4 is carried out, and that documentation for this is available at any time.

Foreign nationals not resident in Norway and employed by a foreign employer to serve passengers on tourist ships are subject to preliminary supervision only according to § 4 letters and a and c. The supervision shall be carried out by the ship master.

Upon commencement of a new employment relationship public supervision shall be carried out for persons holding positions according to the vessel's specifications of crew, or who are part of the maritime additional manning. The same applies to persons employed by the shipping company, and who do not sort under the first sentence of this paragraph. It shall be confirmed in writing that the employment agreement has been presented to the supervisory authority, and that the compliance with the requirements in § 4 has been documented. The employer shall provide the public supervisory authorities with a self-declaration that a preliminary supervision of the requirements set out in section 4 has been carried out. The self-declaration shall document that the employer has checked each item before the commencement of employment.
2. For employees referred to in subsection 1 third paragraph, supervision by a public authority shall also be carried out when the employment agreement is altered to the effect that the terms of employment are not in accordance with agreement previously made, or with any wage agreement which may apply to the employment relationship.
3. When the employment relationship terminates the ship master carries out the necessary supervision, including supervision to ascertain that the employee has been given what he is entitled to according to statute and wage agreements.
4. Exempt from supervision according to these regulations are:
  - a) Employees on vessels below 250 gross tons.
  - b) Employees on fishing and catching vessels when these vessels are engaged as such.
  - c) Employees on vessels engaged in trade on Norwegian lakes and rivers.
  - d) Persons who serve on vessels belonging to the Defence Forces.
  - e) Persons who work on board only while the vessel is in port.
  - f) Persons who only carry out inspection on board.
5. The directorate concerned carries out supervision based on the specification of crew, information from the individual employer, surveys on board, and other information which may be available.

Amended by Regulation of 2 June 2005 No. 677.

## § 6

### *Effectuation of supervision*

1. Supervision in connection with commencement of a new employment relationship, cf. § 5 subsection 1, shall be carried out prior to commencement
2. The employee must present satisfactory documentation so that the employer may carry out supervision of the requirements stated in § 4. For public supervision the employer must present the employment agreement and satisfactory documentation that the items in § 4 have been checked. Such documentation shall include a certified copy of the certificate if the certificate is not presented. The supervisory authority concerned may demand the presence of the employee in person.

Amended by Regulation of 2 June 2005 No. 677.

## § 7

### *Sending in of reports to a central register*

1. For employees referred to in § 5 subsection 1 third paragraph, the employment relationship shall be registered in a central register.
2. The supervisory authority sends en report of the commencement of new employment relationship, cf. § 5 subsection 1 third paragraph. The employer sends in report when the employment relationship is terminated.

3. For employees who are not permanently employed report shall also be given when these change vessels in connection with taking vacation or time off for overtime worked or for other reasons, and with interruption of service as in the event of temporary lay-off, illness, welfare leave and similar.
4. Reports shall be sent to the institution stated. The directorate concerned will stipulate further guidelines for the report's form and content.

## § 8

### *Sea service book/record of service*

1. *Issue*

Norwegian nationals receive sea service books.

Foreign national receive records of service. To foreign nationals not resident in Norway, and employed by a foreign employer to serve passengers on touristships, a record of service is issued only when the employee demands to have such record.

Records of service are issued by a public supervisory authority in Norway or abroad. Sea service books may be issued only by a public supervisory authority in Norway.
2. *Endorsements*

Endorsements concerning certificates and other qualifications which shall be entered in the sea service book or record of service shall be made by a public supervisory authority. The same applies to information concerning military records.
3. *Entries of service time*
  - a) In the sea service book and record of service entries of service time shall be made by the ship master. If such entry has not been made, it may be made by the supervisory authority as referred to in § 1 c) subsection 1.
  - b) Service time is calculated from the date of commencing service to the date of terminating service inclusive, with deductions made for interruptions of the service due to illness, temporary lay-off, welfare leave, and similar prolonged interruptions of service.
  - c) The employer shall keep documentation of the employees' service time until such documentation may no longer be assumed to be significant to their accumulation or maintenance of certificate rights.
4. The directorate concerned stipulates further provisions concerning the form and content of the sea service book and record of service, and concerning the endorsements and entries which shall be made.

Amended by Regulation of 2 June 2005 No. 677.

## § 9

### *Crew list*

The shipping company and the master shall keep a record of the employees who are on board the individual vessel at any time. The directorate concerned or other public authority may demand to have such records handed over. Public authorities may, in connection with an inspection, demand to have a self-declaration concerning preliminary supervision handed over, cf. § 5.

Amended by Regulation of 2 June 2005 No. 677.

## § 10

### *Fees*

For public supervision of maritime service and issue of record of service carried out by a Norwegian foreign service station, a fee shall be paid in accordance with the current tariff of fees laid down pursuant to the Act of 18 July 1958 no. 1 relating to the Foreign Service.

## § 11

### *Deviations*

The directorate concerned may in special cases permit deviations or stipulate other requirements than those laid down in these regulations, insofar as this does not conflict with international agreements ratified by Norway.

## § 12

### *Penal clause*

Wilful or negligent violation of these regulations is punishable by fines pursuant to the Criminal Justice Act of 22 May 1902 § 339 subsection 2, unless a stricter penalty may be imposed pursuant to other statutory provisions.

## § 13

### *Entry into force*

These regulations enter into force on 1 January 1989. As from the same date the regulations of 15 June 1987 concerning mustering of employees on board vessel are repealed.