Forskrift om turisme og annen reisevirksomhet på Svalbard

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Regulations relating to tourism and other travel in Svalbard.

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Oversatt av Peter Bilton
Regulations relating to tourism and other travel in Svalbard

Issued by Royal Decree of 18 October 1991, with authority in the first paragraph of section 4 of Act no. 11 of 17 July 1925 relating to Svalbard, and section 24 of Act no. 72 of 12 June 1981 relating to Travel Agencies etc.

§1 - Purpose

The purpose of the present Regulations is to regulate tourism and other travel on Svalbard, particularly in order to

- protect the archipelago's natural environment and historical remains,
- ensure compliance with other laws and regulations,
- provide for the safety of tourists and other travellers.

§2 - Extent

The Regulations apply to Svalbard's land territory and sea territory to the limit of the territorial waters.

The Ministry of Justice may determine that the Regulations shall not apply to particular delimited areas of Svalbard. The Ministry may also lay down other special rules applicable to particular geographical areas.

§3 - Definitions

For the purposes of the present Regulations,

Tour operator means anyone who for payment organizes journeys with appurtenant services, including transportation and accommodation, and offers such journeys to the general public.
Individual travellers means visiting tourists, persons permanently resident on Svalbard, scientists and other persons who travel outside settled areas and who are not taking part in journeys arranged by tour operators. Persons carrying out official duties in Svalbard are not regarded as individual travellers.

Tourist vessels means vessels, including pleasure craft, which for the purposes of tourism transport persons in Svalbard or to and from Svalbard.

Tourist carrier means anyone who for the purposes of tourism transports persons in Svalbard in aircraft or motorised means of overland transport.

§4 - Travel guarantees

Tour operators are subject to the provisions relating to travel guarantees in Chapter 4 of Act no. 72 of 12 June 1981 relating to Travel Agencies etc.

§5 - Responsibility of tour operators for the safety and behaviour of participants

Tour operators are responsible for the safety of participants and must ensure that participants are acquainted with and comply with relevant laws and other provisions, especially the provisions aimed at protecting Svalbard's natural environment, flora and fauna, and historical remains.

§6 - Insurance cover for rescue expenses

A tour operator must have sufficient insurance, or as the case may be put up equivalent guarantees, to cover any expenses incurred by the authorities or others in connection with search or rescue operations or
the conveyance of patients which have to be carried out in connection with his business in Svalbard.

The insurance or guarantee must cover such expenses irrespective of any negligence which may have been shown by the tour operator, persons in his employment, or tour participants.

The Governor determines the amount of the insurance or guarantee.

The Governor may impose corresponding insurance or guarantee obligations on individual travellers.

§7 - Notification of travel plans

Tour operators shall give notice of their tour plans for each summer and winter season. New notice must be given of any significant changes in the plans thus notified.

Tourist vessels sailing to or within national parks or nature reserves shall give notice of their sailing schedules, including any landings planned in such areas.

Individual travellers shall give notice of any plans involving travel to or within national parks or nature reserves.

The Governor may also require notification of travel, including sea journeys, in other areas and relating to specific kinds of travel.

Tourist carriers shall give notice of plans to drop persons outside settled areas.

Those obliged to give notice according to this Section may be ordered by the Governor to report on the implementation of their travel plans.
Notification according to this Section shall be submitted to the Governor, who issues more detailed provisions governing deadlines and the contents of the notifications.

§8 - Obligations of persons hiring out equipment

Persons hiring out travel equipment, including means of transport of any kind, are obliged to ensure that the equipment is in good condition and suitable for the purpose for which it is intended.

§9 - Changes in or prohibition of travel plans

The Governor may order changes in travel plans, and inter alia by imposing specific requirements as to means of transport and equipment, if he finds that the plans

- entail a risk of damage to historical remains, flora, fauna, or the natural environment in general,
- would put pressure on national park and natural reserve environments which is not compatible with their purposes,
- could entail considerable danger to life and limb,
- could harm or hinder other lawful activities.

The same applies to the completion of a journey which has begun, if such pressure or danger arises owing to the conduct of a tour operator, guide or participant.

In special cases, the Governor may prohibit a planned journey or the completion of a journey which has begun.
§10 - Appeals against decisions by the Governor

Appeals against decisions taken by the Governor may be lodged with the Ministry of Justice according to the rules in the Public Administration Act.

§11 - Penalties

Deliberate or negligent violation of these Regulations or of prohibitions or orders issued in pursuance of these Regulations is punishable by fines or imprisonment for up to one year. Any person who is accessory to such a violation is subject to the same penalties.

§12 - Entry into force and amendment

These Regulations enter into force on 1 January 1992.

The Ministry of Justice may amend these Regulations.