Regulation of 6 September 1999 No. 1047 concerning the counting and registration of persons sailing on board passenger ships


§ 1 Scope of application

(1) This Regulation shall apply to Norwegian passenger ships provided with a certificate permitting the carriage of more than 12 passengers. However, § 9 shall apply only to the registration of persons sailing on board Norwegian passenger ships engaged on international voyages between third-country ports.

(2) This Regulation shall apply correspondingly to foreign passenger ships engaged on voyages to Norwegian ports.

§ 2 Definitions

For the purpose of this Regulation, the following definitions shall apply:

a) Protected sea area: A sea area sheltered from waves and wind from the open sea, where a ship is at no time more than 6 miles from a place of refuge where shipwrecked persons can land and in which the proximity of search and rescue facilities is ensured.

b) ESA: EFTA Surveillance Authority.

c) ISM Code: International Management Code for the Safe Operation of Ships and for Pollution Prevention, adopted by the International Maritime Organization (IMO) by resolution A.741(18), as amended.

d) Mile: A nautical mile of 1,852 metres.

e) Persons: All people on board, irrespective of age.

f) Passenger ship: A ship that can carry more than 12 passengers or which is required to have official permission to carry passengers.

g) Passenger registrar: A shore-based person whom a company has:
   1. designated as responsible for fulfilling the obligations under the ISM Code; or
   2. charged with the responsibility for keeping information on persons on board a passenger ship belonging to the company.

h) Regular service: A series of ship crossings between two or more ports, either:
   1. according to a published timetable; or
   2. with crossings so regular or frequent that they constitute a clearly systematic service.


j) Third country: A country which is not party to the EEA Agreement.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).

§ 3 Duties

(1) The shipping company, master and other persons working on board shall perform their duties in accordance with the Ship Safety and Security Act and the supplementary provisions laid down in this Regulation.

(2) The master shall also ensure, before the ship’s departure from any port, that the number of passengers on board does not exceed the maximum number permitted according to the ship’s certificate.

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007).
Chapter 2
Counting and registration in the EEA

§ 4
Registration system

(1) The company shall set up and maintain a shore-based system of registration ensuring compliance with the provisions of §§ 5 and 6.

(2) The company shall appoint a passenger registrar responsible for the keeping and transmission of recorded information in the event of an emergency or in the aftermath of an accident.

(3) The registration system shall be approved by the Norwegian Maritime Directorate. For passenger ships from an EEA country, approval by the EEA country concerned is accepted. The system shall meet the following criteria:

   a) Readability: The information shall be in a format that is easy to read.
   b) Availability: The information shall be easily available to the Rescue Service and other relevant authorities for use in rescue operations.
   c) Facilitation: The system shall be designed in such a way that no undue delay is caused for passengers embarking and/or disembarking the ship.
   d) Security: The information must be appropriately protected against accidental or unlawful destruction and loss and against unlawful alteration, disclosure or access.

(4) A multiplicity of registration systems on the same route or similar routes should be avoided.
§ 5

Counting of persons on board

(1) The master shall ensure that all persons on board are counted before the ship departs.

(2) Before the ship departs, the number of persons on board shall be communicated to the master of the ship and to the company’s passenger registrar or a shore-based registration system belonging to the company.

§ 6

Registration

(1) For passenger ships engaged on voyages where the distance of a single passage is 20 nautical miles or more, the following information shall be recorded regarding all persons on board:
   a) Family name
   b) First name or initials
   c) Sex
   d) Age category (adult, child or baby), age or year of birth
   e) If requested by a passenger, information necessary for special care or assistance in emergency situations. The company shall make sure such information is recorded and communicated to the master before departure.

(2) The information shall be collected before departure and shall be communicated not later than 30 minutes after departure to the company’s passenger registrar or a shore-based registration system belonging to the company.

§ 7

Keeping and transmission of recorded information

Information recorded under the provisions of §§ 5 and 6 shall be kept available to the Rescue Service and other relevant authorities for use in rescue operations, but shall otherwise be deleted at the end of the voyage or not later than 24 hours after that time.

§ 8

Exemptions

(1) The Norwegian Maritime Directorate may, upon application, exempt a passenger ship from the obligation laid down in § 5 second paragraph to communicate the number of persons on board to the passenger registrar or the company’s shore-based registration system.

(2) Such exemption may be granted on the following conditions:
   a) The ship operates exclusively in a protected sea area.
   b) The ship is engaged on a regular service.
   c) The duration of the voyage between ports does not exceed one hour.

(3) The Norwegian Maritime Directorate may, upon application, exempt a passenger ship from the obligation laid down in § 6, first and second paragraphs if the voyage is carried out exclusively in a protected sea area and either between two ports or to and from the same port without intermediate calls.

(4) The Norwegian Maritime Directorate shall without delay inform the ESA of any exemption granted under the present Section. Such information shall be accompanied by a reasoned opinion.

(5) If the ESA finds that an exemption is unjustified or could have adverse effects on competition, the ESA may, not later than within six months of being informed, require the Norwegian Maritime Directorate to amend or withdraw the exemption.

(6) The Norwegian Maritime Directorate may, in respect of passenger ships engaged on a regular service and sailing exclusively on domestic voyages or between ports of two EEA countries, request the ESA to exempt, wholly or partly, a ship from the obligation to comply with the provisions concerning registration of information laid down in § 6 first paragraph. Such exemption may be granted on the following conditions:
   a) It must be impracticable for the company to record the information, and evidence of such impracticability must be provided.
   b) The probability of the wave height in the area exceeding two metres must be less than 10 % on an annual basis.
   c) The distance of any passage of the voyage does not exceed approx. 30 miles, or the primary purpose of the service is to maintain regular links to outlying communities for customary purposes.
   d) The area in which the ship operates must be covered by a shore-based navigational system, and reliable weather forecasts for the area must be provided.
   e) Adequate and sufficient search and rescue facilities must be available in the area.
Chapter 3
Registration outside the EEA

§ 9
Registration for international trade between third-country ports
The provisions in Chapter III of the SOLAS Convention relating to the registration of persons sailing on board ships shall be complied with.

Chapter 4
Concluding provisions

§ 10
Entry into force, etc.
This Regulation enters into force on 1 October 1999. From the same date, the Regulations of 15 March 1991 No. 152 concerning registration of persons on board passenger ships in international service are repealed.