**Regulation of 1 March 2005 No. 235 concerning the obligations of the master and company in the event that a criminal offence of a serious nature is committed on board ship, and concerning notification of missing persons**

Laid down by the Norwegian Maritime Directorate 1 March 2005 pursuant to the Seamen’s Act of 30 May 1975 no. 18, section 49 third paragraph, cf. formal delegation of 27 December 1988 no. 4321. Amended 29 June 2007 No. 1006 (i.a. legal basis).

§ 1

*Scope of application*

The provisions of this Regulation shall apply to cases of suspicions of a criminal offence of a serious nature committed on board a Norwegian ship. This Regulation applies correspondingly in the event that a person on board a ship is missing and there are reasons to believe that the person has drowned or that a suicide has been committed on board.

The provisions of this Regulation do not apply to investigation of matters relating to the construction and operation of the ship, including navigation.

Amended by Regulation of 29 June 2007 No. 1006.
§ 2

Exemptions

Norwegian Maritime Directorate may, in individual cases and upon written application, grant exemption from the requirements of the Regulation. There must be special reasons that make the exemption necessary and it must be considered safe and proper with regard to the purpose of the regulation.

§ 3

The master’s obligation to carry out investigations, secure evidence and notify the competent authority

In the event of suspicions that a criminal offence of a serious nature has been committed on board a Norwegian ship, the master shall as soon as possible take steps to obtain an overview of the situation in order to determine whether there are grounds to notify Nye Kripos (The New National Bureau of Crime Investigation).

If, following the initial investigation, a suspicion still remains that a criminal offence of a serious nature has been committed, the shipmaster shall notify Nye Kripos without delay, cf. § 6. The shipmaster shall then, in consultation with Nye Kripos, carry out investigations and secure evidence.

If the master is unable to contact Nye Kripos, he has the right and the obligation to secure evidence where there is a risk of destruction of evidence in case of a delay.

If the master is prevented from notifying, or fails to notify, Nye Kripos, the company is required to contact Nye Kripos as soon as the matter is brought to the attention of the company.

Where anyone is considered to be the aggrieved party following a criminal offence, the shipmaster shall obtain a written declaration from that party, stating whether indictment is demanded.

§ 4

Notification of a missing person

Notification of a missing person shall be sent to Hordaland police district using form GP 5173. Form GP 5173 shall be kept available on board and may be obtained from the Norwegian Maritime Directorate.

§ 5

Duty to carry evidence-securing kit on board

All Norwegian ships of 500 gross tonnage and upwards certified to operate in foreign trade shall be equipped with an evidence-securing kit.

The evidence-securing kit shall be used in on-board investigations and shall consist of the items specified by the Norwegian Maritime Directorate. The costs of acquiring and maintaining the evidence-securing kit shall be covered by the shipping company. Information about the acquisition and about suppliers of evidence-securing kits is available from the Norwegian Maritime Directorate.

§ 6

The master’s co-operation with Norwegian police, foreign service stations and the Norwegian Maritime Directorate

Where investigations of a case lead to suspicions that a criminal offence of a serious nature has been committed, the master shall without delay present the matter to Nye Kripos, which will notify the police district in which the ship’s port of registry is located, and Nye Kripos will, if necessary, co-ordinate investigation.

If the ship is due to call at a Norwegian port in the near future, the investigation will be taken over by the police district in which the ship’s port of registry is located, if necessary assisted by Nye Kripos.

If the ship is due to call at a foreign port in the near future, the investigation will be taken over by a foreign service station, if necessary assisted by Nye Kripos, based on a decision and guidance given by the police district in which the ship’s port of registry is located.

The master shall report the matter to the Norwegian Maritime Directorate as soon as practicable, and no later than when Norwegian authorities (police or foreign service station) have taken over investigations or decided that the matter is not to be investigated further.
§ 7
Search and seizure

The master may carry out a search on board the ship if there are adequate grounds to suspect a criminal offence of a serious nature punishable by prison sentence according to law, and the search is deemed necessary for investigation purposes, in order to carry out an arrest, to search for evidence or to effect seizure.

If there are adequate grounds to suspect a person of an offence punishable by prison sentence according to law, the master may carry out a bodily search if there are reasons to believe that the search may contribute to the uncovering of evidence or objects which can be seized or of a suspected person’s property which can be arrested.

The decision and the effectuation of a search and seizure must not be made in such a manner as to constitute an unreasonable intervention.

§ 8
Questioning

Any questioning shall be carried out in accordance with the provisions of the Seamen’s Act, § 16, by a special committee consisting of the master and two members appointed by the master.

§ 9
Detention in custody

Where considered necessary by the master and provided that the conditions set out in the second paragraph are met, the master may ensure detention in custody of a suspected person on board until a Norwegian foreign service station or Norwegian police are able to proceed with the matter.

Detention in custody can be effected only when there are adequate grounds to suspect a criminal offence of a serious nature punishable by a prison sentence of more than 6 months, and, unless detention is ensured, there is a risk of:

a) evasion of criminal prosecution,
b) destruction of evidence, or
c) repetition of the criminal offence.

§ 10
Communication of investigation documents

In case a Norwegian foreign service station or Norwegian police have not taken over the investigation, a report with all investigation documents enclosed shall be sent to Nye Kripos immediately.

§ 11
Penal clause

Wilful or negligent violation of the provisions of the present regulation by the master or company is punishable by fines in accordance with the General Civil Penal Code of 22 May 1902 no. 10, § 339, cf. §§ 48 a and 48 b, unless a more severe penalty is applicable.

§ 12
Entry into force

This Regulation enters into force immediately. § 5 of the regulation, concerning the duty to carry an evidence-securing kit on board, comes into force on 1 March 2007. The regulation of 13 October 1975 concerning the master’s duties if felonies are committed on board a Norwegian ship is repealed as from the same date.