

# **Regulation of 2 July 2007 No. 852 concerning the determination and implementation of violation fines pursuant to the Act of 16 February 2007 No. 9 relating to Ship Safety and Security (the Ship Safety and Security Act) Sections 55 and 56**

Laid down by the Norwegian Maritime Directorate on 25 June 2007 pursuant to the Act of 29 June 2007 No. 9 relating to Ship Safety and Security Sections 55 and 56, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590.

## **§ 1**

### *Scope of application*

This Regulation provides further rules on the imposition of violation fines pursuant to Sections 55 and 56 of the Ship Safety and Security Act.

## **§ 2**

### *Definition*

Violation fines are administrative sanctions directed at violations of the provisions as specified in Sections 55 and 56 of the Ship Safety and Security Act, and which mainly have a penal (punitive) purpose.

## **§ 3**

### *Violation fines against individuals*

Violation fines pursuant to Section 55, first, second and third paragraphs, of the Ship Safety and Security Act shall be assessed in the individual case.

Violation fines shall be imposed by the Norwegian Maritime Directorate. When the size of a violation fine is assessed, particular consideration shall be paid to:

- a) the seriousness of the violation, including the scale and effects of the violation and the degree of guilt demonstrated
- b) whether the violation was committed to promote the company's interests
- c) whether the person concerned has had or could have derived any benefit from the violation
- d) whether this offence has been repeated over the last two years
- e) the financial capacity of the person concerned
- f) general prevention considerations

The violation fine shall be at least 0.2 times the basic amount (B.a.) under the National Insurance Scheme, but not more than 0.6 B.a.

In special cases, higher or lower violation fines than the minimum and maximum amount may be imposed.

The violation fine shall be paid within four weeks from the date the decision was made.

If the violation fine is not paid within expiry, a fee of NOK 250 accrues.

## § 4

### *Violation fines against the company*

Violation fines pursuant to Section 56, first, first and second paragraphs, of the Ship Safety and Security Act shall be assessed in the individual case.

Violation fines shall be imposed by the Norwegian Maritime Directorate. When the size of a violation fine is assessed, particular consideration shall be paid to:

- a) the seriousness of the violation, including the scale and effects of the violation and the degree of guilt demonstrated
- b) whether the company could have prevented the violation through the safety management system or by instruction, training, inspection or other measures.
- c) whether the violation was committed to promote the company's interests
- d) whether the company has had or could have derived any benefit from the violation
- e) whether the offence has been repeated over the last two years
- f) the financial capacity of the company
- g) general prevention considerations

The violation fine shall be at least 0.8 times the basic amount (B.a.) under the National Insurance Scheme.

In special cases, lower violation fines than the minimum amount may be imposed.

The violation fine shall be paid within four weeks from the date the decision was made.

If the violation fine is not paid within the due date, the prevailing rate of interest according to the Act of 17 December 1976 No. 100 relating to Interest on Overdue Payments, etc., shall accrue.

## § 5

### *Entry into force*

This Regulation shall enter into force on 1 July 2007.