

Act of 17 December 1982 No. 84

relating to safe containers

as subsequently amended, most recently by Act of 19 June 2015 No. 65.

Section 1

Application

The Act shall apply to containers used in transport to or from Norway or in transit through Norway.

In Norwegian ships abroad, the master may refuse containers which do not comply with the requirements of the Act or provisions laid down pursuant to the Act.

The Act does not apply to containers specially constructed for transport by air.

The King in Council may decide that the Act shall apply wholly or partly to containers in domestic use only.

The Ministry shall lay down regulations concerning the survey, approval, testing, maintenance and control of such containers.

Section 2

Definitions

1. *The Container Convention*: The International Convention for Safe Containers of 2 December 1972 with any future amendments acceded by Norway.

2. *Container*: An article of transport equipment:

- a) of a permanent character and strong enough to be suitable for repeated use;
- b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- c) designed to be secured and/or readily handled, having corner fittings for these purposes; and
- d) of a size such that the area enclosed by the four outer bottom corners is either at least 14 sq.m. (150 sq.ft.) or at least 7 sq.m (75 sq.ft.) if it is fitted with the top corner fittings.

3. *Corner fittings*: an arrangement of apertures and faces at the top and/or bottom of a container for the purposes of handling, stacking and/or securing.

4. *Supervising authority*: The Ministry and public or private institution or person authorized by the Ministry, cf. section 7 first paragraph.

5. *Approved*: Approved by the supervising authority.

Section 3

Survey and approval. Regulations

Containers shall be surveyed and approved by the supervising authority. The Ministry¹ may, in accordance with the Container Convention, issue more detailed regulations concerning the survey, approval, testing, maintenance and control of containers.

¹ The Norwegian Maritime Authority pursuant to Royal Decree of 17 December 1982, the Crown Prince Regent's Decree of 11 November 1983 and the Ministry of Trade's Formal Delegation of 17 November 1983.

Section 4

Approval and marking by other countries

Whenever a container is approved in another country and equipped with a Safety Approval Plate in accordance with the Container Convention, the approval shall be valid also in Norway.

Section 5

Control by the owner

The owner of a container shall maintain the container in safe condition and subject it to control in accordance to the regulations in force at the time in question (owner's control). This also applies when the container is used in transport outside Norway between other states whenever at least one of the states have acceded the Container Convention and the owner is domiciled in Norway or his head office is situated in Norway or the place of business to which the use of the container is most closely connected lies in this country.

The owner may, by written agreement with whoever is vested with the owner's authority, leave his responsibility with him.

Section 6

Prohibition of use of containers

The owner may not use a container which has not been approved and equipped with a valid Safety Approval Plate and has been subjected to the owner's control within the time limits laid down in regulations. The provision contained in section 5 second paragraph shall apply accordingly.

A container which has not been subjected to owner's control as referred to, may however, subject to special permission from the supervising authority, be used if it is otherwise deemed to be sufficiently safe.

A container may not be used if it is in such a condition as to represent an obvious danger to safety.

Section 7

Supervision

Supervision of compliance with the provisions of the Act is vested in the Ministry, which also shall issue more detailed regulations concerning the supervision. The Ministry may exercise supervision by means of:

- a) maritime surveyors
- b) public institutions
- c) consuls
- d) recognized classification societies
- e) other private institutions or persons
- f) the authorities of foreign countries.

The supervising authority has the right to require the information concerning tests performed which is necessary to exercise the supervision, from the producer, owner or user. An owner or user may not claim compensation for a container which is taken out for tests.

Section 8

Fees

1. The King may stipulate fees to be paid to the Treasury for the work carried out by the supervising authority pursuant to this Act. The fee shall be paid by the producer, supplier or others requesting approval of their containers.

2. The King shall stipulate the remuneration to which the supervising authority as referred to in section 7 subparagraphs d and e, is entitled, for its work in accordance with this Act, and may decide that the supervising authority may claim the remuneration direct from whoever made the request for supervision.

Added by Act of 11 November 1983.

Section 9

Penal provisions

Wilful or negligent violation of the Act or regulations laid down pursuant to the Act is punishable by fine or imprisonment for any term not exceeding three months or by both provided that a more severe penalty is not applicable pursuant to any other statutory provision. Contributory negligence is not punishable.

Amended by Acts of 11 November 1983 No. 67, 19 June 2015 No. 65 (in force on 1 October 2015).

Section 10

Entry into force

The Act enters into force as from the date decided by the King.¹

Amended by Act of 11 November 1983 No. 67.

¹ From May 1984 pursuant to the Norwegian Maritime Authority's decision of 2 April 1984, cf. Royal Decree of 17 December 1982, cf. the Crown Prince Regent's Decree of 11 November 1983 and the Ministry of Trade's Formal Delegation of 17 November 1983.