

# Regulations of 6 September 1999 No. 1047 on the counting and registration of persons on board passenger ships

**Legal basis:** Laid down by the Norwegian Maritime Authority on 6 September 1999 under the Act of 9 June 1903 No. 7 relating to Public Control of the Seaworthiness of Ships, etc. Legal basis amended to Act of 16 February 2007 No. 9 relating to ship safety and security (Ship Safety and Security Act) sections 2, 6, 11, 19, 43 and 45, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590 by the Ministry of Trade and Industry.

**EEA references:** EEA Agreement, Annex XIII point 56e (Directive 98/41/EC).

**Amendments:** Amended by Regulations of 4 June 2002 No. 1000, 29 June 2007 No. 1006 (i.a. legal basis), 23 June 2015 No. 731, 9 October 2023 No. 1596.

## Section 1

### *Scope of application*

These Regulations shall apply to Norwegian passenger ships, which according to their certificate can carry more than 12 passengers and are operating to or from ports within the European Economic Area (EEA). The Regulations also apply to foreign passenger ships operating to or from a Norwegian port.

Amended by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015)

## Section 2

### *Definitions*

For the purpose of these Regulations, the following definitions shall apply:

- a. *high-speed craft*: craft as defined in Regulation 1 of Chapter X of the 1974 SOLAS Convention, consolidated edition.
- b. *ISM Code*: International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organization (IMO) through resolution A.741(18), as amended.
- c. *persons on board*: all people on board, irrespective of age.
- d. *passenger ship*: any ship certified to carry more than 12 passengers.
- e. *passenger registrar*: the person whom the company has:
  1. designated as responsible for fulfilling the ISM Code obligations; or
  2. charged with the responsibility for communicating information on the persons on board a company ship.
- f. *regular service*: a series of ship crossings operated so as to serve traffic between the same two or more ports, or a series of voyages from and to the same port without intermediate calls:
  1. according to a published timetable; or
  2. with crossings so regular or frequent that they constitute a recognisable systematic series.

Amended by Regulations of 29 June 2007 No. 1006 (in force on 1 July 2007), 23 June 2015 No. 731 (in force on 1 July 2015), 9 October 2023 No. 1596.

## Section 3

### *(Repealed)*

Amended by Regulation of 29 June 2007 No. 1006 (in force on 1 July 2007), repealed by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015).

## Section 4

### *Registration*

(1) The company shall appoint a "passenger registrar" responsible of communicating information specified in sections 5 and 6 to SafeSeaNet Norway.

(2) The company shall have procedures for ensuring that accurate information is recorded in a timely manner in SafeSeaNet Norway.

(3) The information shall be collected and registered without causing undue delays to the passengers embarking or disembarking.

(4) The system for collecting information shall be the same on the same or similar routes.

Amended by Regulations of 23 June 2015 No. 731 (in force on 1 July 2015), 9 October 2023 No. 1596.

## Section 5

### *Counting*

(1) Before the ship departs from a Norwegian port, the ship's master shall ensure that all persons on board are counted, and that the ship is not carrying more persons on board than permitted by the ship's certificate.

(2) Before the ship departs, the number of persons on board shall be communicated to the ship's master or the officer in charge of the navigational watch. The number of persons on board shall also be communicated to SafeSeaNet Norway before departure.

(3) The requirement to communicate the number of persons to SafeSeaNet Norway does not apply to ships engaged on a regular service in trade area 2 or lesser trade area where the crossing between the individual ports does not exceed 60 minutes.

Amended by Regulations of 23 June 2015 No. 731 (in force on 1 July 2015), 9 October 2023 No. 1596.

## Section 6

### *Voyages of over 20 nautical miles at sea*

(1) For passenger ships departing from a Norwegian port to undertake a voyage of 20 nautical miles or over at sea, the following information on all persons on board shall be recorded:

- a. last name
- b. first name
- c. gender
- d. nationality
- e. date of birth

(2) If requested by a passenger, the company shall ensure that information which is necessary for special care or assistance in emergency situations, is registered and communicated to the master before departure.

(3) The information specified in (1) and (2) shall be collected before departure and shall be communicated via SafeSeaNet Norway no later than 15 minutes after departure.

Amended by Regulations of 23 June 2015 No. 731 (in force on 1 July 2015), 9 October 2023 No. 1596.

## Section 6a

### *Registration and reporting outside the European Economic Area*

(1) Norwegian passenger ships which depart from a port located in a country outside the EEA but which are bound for an EEA port shall record the information specified in section 5 (1) and section 6 (1) and (2) and communicate it to the national reporting portal in the country at which the ship will call.

(2) Passenger ships flying the flag of a non-EEA member State and departing from a port outside the EEA to call at a Norwegian port shall be able to document that:

- a. all persons on board were counted before departure from a foreign port;
- b. the ship is not carrying more persons on board than permitted by the ship's certificate;
- c. the information specified in section 6 (1) and (2) was collected before departure and communicated to SafeSeaNet Norway no later than 15 minutes after departure.

Added by Regulation of 9 October 2023 No. 1596.

## Section 7

### *Keeping of recorded information*

Information collected in accordance with the provisions of sections 5, 6 and 6a shall not be used for any other purpose, and shall be erased automatically and without undue delay once the voyage has been safely completed.

Amended by Regulations of 23 June 2015 No. 731 (in force on 1 July 2015), 9 October 2023 No. 1596.

## Section 8

### *Exemptions*

(1) The Norwegian Maritime Authority may upon application exempt a passenger ship engaged on a regular service, departing from a Norwegian port, from the obligation to communicate the number of persons on board to SafeSeaNet Norway when the following conditions are satisfied:

- a. the passenger ship operates exclusively in sea area D or lesser sea area;
- b. the duration of the voyage between ports is less than 60 minutes;
- c. the proximity of search and rescue facilities is ensured in the area;
- d. the passenger ship is not a high-speed craft.

(2) The Norwegian Maritime Authority may upon application exempt a passenger ship departing from a Norwegian port from the obligations laid down in section 6 (1) and (2), if the voyage is carried out exclusively in sea area D or lesser sea area, either between two ports or to or from the same port without intermediate calls, and the proximity of search and rescue facilities is ensured in the area.

(3) The Norwegian Maritime Authority shall without delay notify the EFTA Surveillance Authority (ESA) of any exemption granted to passenger ships under section 8 (2). Such notification shall be accompanied by a statement with the grounds for the decision.

(4) If the ESA finds that an exemption pursuant to section 8 (3) is unjustified or could have adverse effects on competition, the ESA may, no later than within six months of being notified, require the Norwegian Maritime Authority to amend or withdraw the exemption.

(5) The Norwegian Maritime Authority may upon application from the company request the ESA to exempt, wholly or partly, a passenger ship engaged on a regular service in sea area D or greater sea area from the obligations specified in section 6 when the ship is engaged exclusively on domestic voyages or between ports in two EEA member States and the company can demonstrate that the following conditions are met:

- a. it is impracticable for the company to record the information;
- b. the annual probability of the significant wave height's exceeding two metres is less than 10% ;
- c. the voyage does not exceed about 30 nautical miles from the point of departure, or the primary purpose of the service is to provide regular links to outlying communities for customary purposes;
- d. in the area where the passenger ship operates, shore-based navigational guidance and reliable weather forecasts are provided;
- e. adequate and sufficient search and rescue facilities are available.

Amended by Regulations of 23 June 2015 No. 731 (in force on 1 July 2015), 9 October 2023 No. 1596.

## Section 9

### *Transitional provisions*

(1) Companies that have communicated the number of persons to the passenger registrar or the company's shore-based registration system prior to (date of entry into force of these Regulations), may continue communicating to the passenger registrar or the company's shore-based registration system until 20 December 2023.

(2) Companies that have communicated the information specified in section 6 to the passenger registrar or the company's shore-based registration system prior to (date of entry into force of these Regulations), may continue communicating to the passenger registrar or the company's shore-based registration system until 20 December 2023.

Repealed by Regulation of 23 June 2015 No. 731 (in force on 1 July 2015), added by Regulation of 9 October 2023 No. 1596.

## Section 10

### *Entry into force, etc.*

These Regulations enter 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.