

<h1> 12.06.1987 nr. 48 <h2> JD <h9>

Act of 12 June 1987 No. 48 relating to a Norwegian International Ship Register (translation)¹

¹ The English translation provided is unofficial. Any dispute shall be decided on the basis of the original Norwegian text.

Chapter I. General provisions.

Section 1. *Conditions for registration.*

Self-propelled passenger and cargo ships and hovercraft, as well as drilling platforms and other movable installations, may on request be registered in the Norwegian International Ship Register provided:

1. the owner satisfies the nationality conditions in Section 1 of the Maritime Act; or
2. the owner, if he does not satisfy the nationality conditions in Section 1 of the Maritime Act,
 - a) is a limited company or a limited partnership with its head office in Norway; or
 - b) is a shipowning partnership, with a managing owner who satisfies the provisions relating to managing owners in Chapter 3 of the Maritime Act.
3. the owner, if he does not satisfy the conditions of items 1 or 2, has appointed a representative who is authorized to accept writs on behalf of the owner. The representative must fulfil the nationally requirements for managing owners as set out in Section 41 of the Maritime Act.

Ships registered in accordance with items 2 or 3 above shall be operated by a Norwegian shipping company with its head office in Norway.

The King may issue regulations allowing for the registration of other vessels and installations.

Section 2. *Registration authority. Signal letters*

The Norwegian International Ship Register shall be kept by the Registration Judge in Bergen.

Ships registered in the Norwegian International Ship Register shall be allotted signal letters by the Maritime Directorate which are clearly different from the signal letters allotted to other Norwegian ships.

Section 3. *Application of other Norwegian law than the present Act*

Norwegian law applies to every ship in the Norwegian International Ship Register unless explicitly otherwise provided in or pursuant to a statute.

The King may make exceptions to the Maritime Act for ships in the Norwegian International Ship Register.

Section 4. *Trading area restrictions*

Ships registered in the Norwegian International Ship Register are not permitted to carry cargo or passengers between Norwegian ports or to engage in regular scheduled passenger transport between Norwegian and foreign ports. For the purpose of this Act, oil and gas installations on the Norwegian continental shelf are regarded as Norwegian ports.

The King may issue regulations prescribing other trading areas for ships registered in the Norwegian International Ship Register than those specified in the first paragraph.

The King may issue regulations prescribing the trading area for supply ships, auxiliary vessels, drilling platforms and other movable installations registered in the Norwegian International Ship Register.

Section 5. *Fees*

Fees as fixed by statute or according to more detailed provisions laid down by the King shall be paid in respect of ships in the Norwegian International Ship Register.

Chapter II. Special provisions relating to ships in the Norwegian International Ship Register

Section 6. *Pay and working conditions*

Terms of pay and employment and other working conditions on ships in this register are to be fixed in a collective wage agreement which expressly states that it applies to such service. A collective wage agreement which does not so state does not apply to service on ships in this register.

Collective wage agreements may be concluded with Norwegian or foreign trade unions.

The collective wage agreement mentioned in the first paragraph shall expressly state that the agreement is subject to Norwegian laws and Norwegian courts of law. The parties to the agreement may nevertheless deviate from the provisions in subsections

2 and 3 of Section 6 and Chapter 2–5 of Act no. 1 of 5 May 1927 relating to labour disputes, if the agreement instead of referring to Norwegian courts explicitly provides that disputes concerning the agreement shall be subject to the courts and procedural rules, including rules governing arbitration, in another country.

Individual contracts of engagement for service on ships in this register shall expressly state that the contract is subject to Norwegian laws and Norwegian courts, but that cases concerning the employee's service on the ship may be brought against the owner before a Norwegian court or before a court in the employee's country of residence.

Section 7. Working hours

With the exception of Sections 1, 2, 4, 7, 11, 13, 14, 15 and 18, Act. no. 50 of 3 June 1977 relating to hours of work on board ship does not apply to ships in this register.

Ordinary working hours on board shall not exceed 8 hours per day or 40 hours per week.

With the exception of the cases mentioned in subsection 2 of Section 9 of the Act relating to hours of work on board ship, overtime must not be ordered to such an extent that the total number of working hours exceeds 14 hours per day. Average total working hours must not over a period of at most 1 year exceed 56 hours per week. The rate of pay for work in excess of ordinary working hours shall be agreed between the parties.

The provisions in this Section may be deviated from in a collective wage agreement if the deviation has been approved by the Ministry.

Section 8. The Seamen's Act, mustering, etc.

In a collective wage agreement, the following provisions of Act no. 18 of 30 May 1975, the Seamen's Act, may be deviated from: Section 3 with the exception of the requirement for a written agreement, subsections 2–6 of Section 5, the second and fourth paragraphs of Section 5A, Sections 6, 7, 8, 10, 11 and *litra d* of the first paragraph of subsection 1 of Section 12, Sections 13, 14 and *litra f* of subsection 1 of Section 15, Section 16, the second paragraph of subsection 1 of Section 18 concerning the right to relocation, the third to the sixth paragraph inclusive of subsection 1 and subsection 2 of Section 19, Sections 20, 20B, 21 and the fifth and sixth paragraphs of Section 22, Sections 24, 25, 38, 46, 47 and 50.

Sections 19 and 22 of Act no. 9 of 27 June 1947 relating to measures to promote employment do not apply to ships in this register.

The cost of enrolment and mustering procedures shall be met by the owner of the employer.

Act. no 69 of 19 Decemer 1975 relating to the Merchant Fleet Welfare Service does not apply to ships in this register.

Act. no 2 of 5 July 1946 relating to acquisition and chartering of ships etc., Provisional Act no. 29 of 13 December 1949 relating to an import prohibition and Provisional Act no. 30 of 13 December 1946 relating to an export prohibition do not apply to ships in this register.

Chapter III. Regulations, penalties, deletion, etc.

Section 9. Regulations and authority to obtain information

The King may issue regulations supplementary to the Act and regulations governing the implementation of the Act.

The Ministry may at any time require an employer to document the information needed to implement and administer the Act.

Section 10. Provisions which must be accessible to the crew

The master shall ensure that a copy of this Act and of regulations issued pursuant to this Act are carried on the ship and are accessible to the crew. If the contract of engagement refers to a collective wage agreement, the master shall ensure that there is a copy of the latter on board for the use of the crew.

Section 11. Penalties

Anyone deliberately contravening the provisions in Section 4 or failing to observe the obligation to provide documentation as mentioned in the second paragraph of Section 9 will be punished by fines. If the punishable offence is committed by someone acting on behalf of a company or partnership as mentioned in Section 1, the enterprise as such may be sentenced to a fine.

Section 12. Deletion

If a ship has been registered on the basis of incorrect or incomplete information concerning circumstances relevant to the permission to register or does not at all times satisfy the conditions in the first paragraph of Section 1, the Registration Judge may delete the ship from the register.

The Ministry may decide that a ship shall be deleted from the register if:

- a) the second paragraph of Section 1, Section 4 or Section 5 has been contravened; or

- b) the third or fourth paragraph of Section 6 has been contravened; or
- c) the obligation to provide documentation as mentioned in the second paragraph of Section 9 has not been observed.

If an encumbrance has been registered on a ship, the ship shall not be deleted from the register according to the first or second paragraph without the written consent of the holder of the right, but the circumstances which should have led to deletion shall be noted on the ship's page in the register. The encumbrance will in such case retain its priority, but newly created rights may not be registered.

Section 13. *Entry into force*

This Act enters into force on 1 July 1987.

Section 14. *Repeal and amendment of other Acts and provisions*

With effect from the date when this Act enters into force, the Acts mentioned below are amended as follows: – – –

From the date of the entry into force of this Act, the following Royal Decrees are repealed:¹ – – –

¹ Section 7 of Royal Decree of 28 May 1976, relating to pensions insurance for employees on drilling rigs, Royal Decree of 25 April 1969, relating to limiting owners' contributions in respect of foreign employees engaged on special conditions, and Royal Decree of 23 January 1970 relating to the calculation of owners' contributions in respect of foreign nationals for whom owners pay contributions to foreign pension schemes when they are employed on certain ships.