

Translation. Only the Faroese version has legal validity.

Safety at Sea
Parliamentary Act No. 165 of 21 December 2001,
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No. 165

21 December 2001

Chapter 1
Application and administration

Section 1. The Act applies to Faroese ships.

Subsection 2. The Minister may in an executive order make the Act or parts of the Act and executive orders and other regulations in accordance with the Act apply to non-Faroese ships in Faroese waters, Faroese fishing zone or on the Faroese continental shelf, cf. however subsection 3 of this section.

Subsection 3. The Act does not apply to ships of war and troop ships. The Minister may, however, decide that the ordinary rules of the road at sea, and the general provisions for sailing laid down in accordance with the Act shall apply to these vessels.

Subsection 4. The Minister may decide that the Act and regulations in accordance with the Act totally or partially shall apply to floating fish farms.

Section 2. The Minister is the final administrative authority according to this Act, cf. however section 42 subsection 1.

Subsection 2. ¹⁾²⁾ The Minister may decide to have his authorities in accordance with this Act administered by the Faroese Maritime Authority. Regulations made by the Faroese Maritime Authority in accordance with this authority shall be announced in the Faroese Law Gazette as an executive order from the Faroese Maritime Authority.

Subsection 3. ¹⁾ The Minister may in special circumstances decide to have his authorities according to the Act administered by other official authorities than the Faroese Maritime Authority.

Subsection 4. ¹⁾³⁾ The Faroese Maritime Authority administers the Act and ensures that the Act and regulations, orders and bans according to the Act are complied with, cf. however subsection 3. Likewise, the Faroese Maritime Authority ensures compliance with the Maritime Labour Convention (MLC), and the ILO Convention 188 Work in Fishing, which are provided in or according to this Act or in other legislation, cf. however subsection 3.

Subsection 5. ¹⁾ The Minister may in consensus with the appropriate Minister issue detailed rules that impose an obligation on the Faroese Maritime Authority to co-operate with other official authorities.

Section 3. Where the Minister employs his powers according to section 2 subsections 2, 3 and 5, he shall lay down rules of appeal.

Section 4. ¹⁾ The Faroese Maritime Authority has the authority to require that matters that are in contravention of the Act, regulations or decisions according to the Act shall be corrected immediately or within a determined time limit.

Subsection 2. ¹⁾³⁾ Likewise the Faroese Maritime Authority has the authority to require that matters that are in contravention of the MLC or the ILO Convention 188 Work in Fishing, and which are provided in or according to this Act or in other legislation shall be corrected immediately or within a determined time limit.

Section 5. Every year, the Minister presents a report to the Faroese Parliament on the status of the safety at sea and on the Minister's future plans within this area. Along with the report, the Minister submits to the Parliament a full list of regulations that have been put into force since the last report.

Chapter 2

Construction of ships, equipment and operation, etc.

Section 6. All ships must be constructed, equipped and operated in a manner that provides for the best possible safety of human life at sea and in accordance with the operation meant for the ship at all times. All possible precautions must be taken against pollution of the sea.

Subsection 2. The ship must have all necessary equipment for navigation, machinery, communication, fire protection and fire fighting, safety equipment and medicine ensuring the best possible safety of all humans on board, the ship and freight as well as the sea traffic in general.

Subsection 3. Working areas and social quarters must be arranged in observance of the safety, health and well-being of those on board.

Subsection 4. The ship must be constructed and equipped for prevention of pollution of the sea.

Section 7. The Minister may issue rules regarding the construction of ships, equipment, stability, load lines, freeboard marks and draught marks.

Subsection 2. ¹⁾ The Minister may issue rules regarding safety, fire and rescue plans on board, regarding health and hygiene, prevention of pollution of the sea, training of those in charge of medical treatment and regarding sanitary and health inspections on board and the shipowner's and other employer's obligations regarding this matter.

Section 8. ¹⁾ For the protection of workers on board that are not subjects to the Act on working environment, the Minister may issue rules regarding the working environment on board, including equipment and materials used in the operation on board, construction, marking, use and maintenance of such equipment and materials, safety work and the shipowner's and other employer's obligations regarding working, living, safety and health conditions onboard.

Section 9. The Minister may issue rules that provide which Acts, executive orders, regulations, certificates, ship journals, including log books, charts, etc., and emergency plans in connection with prevention of pollution from ships and which certified books of inspections and the rules of their use and which posters must be on board.

Section 10. The Minister may issue rules regarding the production, marketing and sale of pleasure vessels, ship equipment, personal safety equipment and other objects that are used on board ships, including the responsibilities of those who market pleasure vessels or equipment for protection against any safety, health or environmental risk that may arise in connection with the intended operation of the vessel or equipment.

Subsection 2. ¹⁾ If a vessel or equipment does not comply with the safety, health or environmental requirements according to subsection 1, the Faroese Maritime Authority may stop the marketing and require that all vessels and equipment sold are withdrawn and set necessary orders and bans in this connection.

Section 11. The Minister may issue rules regarding the responsibilities of the consignor in connection with the transport of goods at sea and regarding insulation, marking, loading, transport and unloading of dangerous goods or other freight, including living animals, that require special arrangements to ensure the safety of the ship and human life or to prevent pollution of the sea.

Section 12. The Minister may issue rules regarding stowaways and the treatment of these while on board.

Section 13. The Minister issues rules regarding investigations of accidents at sea that involve Faroese ships and other accidents at sea that have relation to the Faroe Islands for the purpose of establishing the cause of the accident and for the prevention of accidents. The Minister may, if needed, use non-Faroese expertise for this purpose.

Section 14. Regarding the implementation of international rules or recommendations, the Minister may, apart from his powers according to sections 6 – 12, issue rules regarding the construction of ships, equipment, operation of ships and prevention of pollution of the sea. Such rules may also apply to ships that are not subjects to international regulations.

Subsection 2. ¹⁾³⁾ Regarding foreign ships that according to section 1 subsection 2 are covered by the Act, the Minister may issue rules regarding matters covered by the MLC and the ILO Convention 188 Work in Fishing.

Section 15. A ship, whose keel has been laid or which is at a similar stage of construction when rules according to sections 6-12 and section 14 come into force, can be wholly or partially excepted from these rules, but prevention of pollution of the sea and safety and health as well as type and operation of the ship must be taken into consideration.

Subsection 2. The Minister may issue special rules for ships of less than 20 GRT or GT, ships of 15 meters or less, and ships worth preserving.

Chapter 3

Inspection of ships, etc.

Section 16. ¹⁾ Ships are inspected by the Faroese Maritime Authority, or others who have been authorized to carry out inspections by the Minister.

Section 17. ¹⁾ The Faroese Maritime Authority approves the operation of ships, including permitted areas of navigation and number of passengers, etc. and issues the necessary certificates and other relevant documents in this connection.

Subsection 2. ¹⁾³⁾ Likewise the Faroese Maritime Authority issues certificates and other licenses pursuant to the MLC and the ILO Convention 188 Work in Fishing. The Minister may issue more detailed rules regarding this matter, including fees on issuing licenses and certificates.

Section 18. ¹⁾ The Faroese Maritime Authority or the authorized person according to section 16 carry out the following inspections:

- (a) Initial inspection when new buildings, ships that have undergone major conversions or imported ships enter operation,
- (b) inspections at regular intervals according to further detailed rules, and
- (c) supplementary inspections, when needed.

Subsection 2. The Minister issues detailed rules regarding the inspection of ships and regarding the obligations of the shipowner and the master of the ship in this connection. The Minister may issue rules stipulating that certain ships shall not be inspected.

Subsection 3. Likewise the Minister may issue rules regarding inspection of equipment, etc. according to sections 6, 7 subsection 2 and sections 8-10.

Subsection 4. ¹⁾³⁾ The Minister may issue rules regarding complaint procedures from seafarers or their organizations regarding matters pursuant to the MLC and the ILO Convention 188 Work in Fishing, including that the shipowner, master or their representatives shall not be informed that the inspection on board is due to such a complaint.

Section 19. ¹⁾⁴⁾ Employees of the Faroese Maritime Authority and others with the authority to carry out work on behalf of the Faroese Maritime Authority pursuant to sections 13 and 22 are in their capacity authorized, when necessary, without a court order, to embark any ship by showing valid identification. Similarly, employees and others comprised by subsection 1 shall, when necessary, have access to locations from where business concerning operation of ships is carried out as well as access to any relevant area or place of casualty, wrecks or wreckages also included.

Subsection 2. If required, identification shall be produced every time a ship is boarded.

Subsection 3. ¹⁾ The shipowner, the master and the chief engineer or their representatives are under an obligation to assist employees of the Faroese Maritime Authority and those authorized to carry out ship inspections and provide all required information.

Subsection 4. The ship must not be unnecessarily hindered and operation on board must not be unnecessarily disturbed.

Section 19 a. ⁴⁾ The persons mentioned in section 19 are in connection with investigation of accidents and other incidents at sea, entitled to carry out measurements, tests, technical examinations and reconstructions etc. to clarify the cause for an accident or incident at sea .

Subsection 2. If necessary for the investigation, the Faroese Maritime Authority may order the ship to come ashore or that the ship's onward voyage shall not continue until the investigation in connection with the accident or incident at sea has been carried out.

Subsection 3. The Faroese Maritime Authority may decide that wrecks and wreckages must not be removed, transferred or the like, until the necessary investigations have been carried out.

Subsection 4. The Faroese Maritime Authority shall see to it that detention of ships does not last longer than necessary and that operation on board must not be unnecessarily disturbed.

Section 19 b. ⁴⁾ The following information, collected in connection with investigations pursuant to section 13, shall not be used for any purposes other than the investigative work:

1) all witness evidences and other statements, accounts, received as part of the investigations and notes taken in connection with the receipt of the evidence mentioned, etc.,

2) information revealing the identity of persons who have given evidence in connection with the investigations, and

3) information relating to persons involved in the accident or incident at sea which is of a particularly sensitive or private nature, including health information.

Subsection 2. Persons taking part by any means in investigating accidents or incidents at sea shall be obliged, pursuant to sections 152 and 152 a-152 e of the Faroese Penal Code to keep secret what they learn in connection with the investigation.

Subsection 3. The provisions on access to documents stipulated in the Parliamentary Act on Access to Documents in the Public Administration shall not apply to information passed on to other authorities within the framework of subsection 2 when this information is a part of a pending investigation of an accident or incident at sea.

Subsection 4. The provision of subsection 3 shall apply only until a final report is available or a decision has been made not to draw up such a report.

Subsection 5. The information mentioned in subsection 1 may be passed on and used for purposes other than the investigation if there is an overriding public interest related hereto.

Section 20. ¹⁾ The Director of the Faroese Maritime Authority, surveyors, and other employees of the Faroese Maritime Authority must not be engaged in shipowner business or other business with relation to the construction of ships, reparation of ships or sale of ship equipment, etc., or be members of the management or board in a corporate entity operating within this field. Furthermore, they must not take on paid work in this line of business.

Subsection 2. Otherwise chapter 2 in the Administration Act applies.

Section 21. ¹⁾ The police, customs officers, the Labor Inspection Authority, and harbor authorities shall without unnecessary delay notify the Faroese Maritime Authority if they become aware of any circumstances that are in contradiction to the Act or regulations laid down in accordance with the Act.

Subsection 2. ¹⁾ Doctors shall inform the Faroese Maritime Authority if it can be documented, or if there is suspicion, that a crew member's health has been at risk during operation on board.

Subsection 3. The Minister issues rules regarding the obligation of notification of industrial accidents, poisoning, industrial related illness, and other matters of importance to safety and health.

Chapter 4 **Classification societies, etc.**

Section 22. ¹⁾ The Minister may on further detailed conditions authorize a classification society or other companies or individuals to carry out ship inspections on behalf of the Faroese Maritime Authority and with responsibility towards the Faroese Maritime Authority. The authorization may also comprise calculations, examinations and measuring of ships and the issue of certificates.

Subsection 2. ¹⁾ The Minister may on further detailed conditions authorize companies or individuals, with responsibility towards the Faroese Maritime Authority, to perform work that requires approval and to do examinations and tests on ships and equipment etc. that requires approval.

Subsection 3. ¹⁾ The Faroese Maritime Authority is not obliged to perform work that others have been authorized to perform in accordance with subsection 1 or 2 of this section.

Subsection 4. ¹⁾ Where authorization has been given in accordance with subsection 1 or 2 of this section, the Faroese Maritime Authority may make agreements as to limitations of responsibility of the authorized party for damage that has occurred due to simple incautiousness in connection with activity comprised by the authorization.

Section 23. The Minister may issue rules requiring that all ships with a length of 24 meters or more must be approved by an authorized classification society.

Subsection 2. This does not apply to ships of less than 45 meters length that were Faroese when this Act came into force and that were not approved by an authorized classification society. Neither do the rules of subsection 1 apply to ships of less than 45 meters length that entered the Faroese ship register at a later time provided that a contract for sale or construction had already been signed by a Faroese shipowner when the Act came into force.

Chapter 5 **General obligations**

Section 24. The shipowner is under the obligation to ensure that deficiencies in the ship or equipment that have importance to the safety, working environment or pollution and which the shipowner is aware of are corrected without delay.

Subsection 2. The shipowner shall make sure that the ship is inspected according to the regulations in force and that the ship has the necessary certificates.

Subsection 3. The shipowner shall make it possible for the master to comply with his obligations.

Section 25. The master shall ensure good safety and health conditions on the ship and that the operation on board is properly arranged.

Subsection 2. The master shall ensure that all obligatory arrangements for the prevention of pollution of the sea are in good conditions and serviceable for this purpose.

Section 26. The person in charge of the operation on board shall ensure that the crew is properly secured against injury and damage to health and shall by guidance and control ensure that operation is carried out in a safe manner with regards to the risk of injury and health damage.

Section 27. The crew shall do their best to make sure that precautionary measures taken against injury and damage are functioning.

Section 28. Everybody on board a ship shall respect the safety precautions taken in order to ensure that the ship is seaworthy and that human life at sea is secured as good as possible.

Section 29. Regarding the safety at sea, the Minister issues detailed rules about the field of responsibility of officers and others in leading positions on board.

Chapter 6 Navigation

Section 30. The master shall see to that the ship is navigated in accordance with good seamanship and shall be familiar with the bans and regulations that apply to navigation in the appropriate area of navigation and berthing.

Subsection 2. All masters must show necessary consideration to other sailing vessels and shall assist all in distress at sea, provided that this assistance does not jeopardize the safety of his own ship and crew, or other circumstances call for an exception.

Section 31. The Minister may issue rules and set general and specific orders or bans in order to ensure free navigation, to prevent disorder and danger at sea, including navigation rules, the use of pilot in Faroese domestic waters, the protection of submarine cables and submarine pipelines, the watch duties on board ships, rescue and the master's and the shipowner's obligations according to international rules on navigation routes, navigation notifications and services.

Section 32. The Minister may require that the master shall observe and submit information about the weather and ice conditions as a part of the weather and ice service for safe navigation.

Chapter 7 Detention and denial of access to ports

Section 33. ¹⁾ The Faroese Maritime Authority may detain a ship, if the ship has deficiencies, or if other circumstances may jeopardize the life or health of those on board. The same applies where there may be a risk of pollution of the sea or risk to the sea traffic as such if the ship is allowed to sail.

Subsection 2. ¹⁾ The Faroese Maritime Authority may also detain a ship if the ship does not hold all required certificates or if the shipowner or the master or others on their behalf obstruct the Faroese Maritime Authority in the course of their duty.

Subsection 3. ¹⁾³⁾ In addition, the Faroese Maritime Authority may detain a ship if serious or recurrent breaches have been confirmed with respect to matters pursuant to the MLC or the ILO Convention 188 Work in Fishing, which are provided in or according to this Act or in other legislation.

Section 34. If a ship is detained, the master or the shipowner shall without delay receive notification of this decision including the reasons for the detention and the conditions for release.

Subsection 2. A condition for release may be that the authority that has issued the ship's certificates confirms that the ship can keep the certificates.

Subsection 3. ¹⁾ The Faroese Maritime Authority may prevent a ship under detention from sailing.

Section 35. ¹⁾ If a ship has been detained according to section 33, the Faroese Maritime Authority may deny the ship access to Faroese ports if:

- a) the ship leaves port or continues to sail despite a detention,
- b) the ship is not transferred to a predetermined repair yard, in order to rectify the deficiencies that caused the detention, or
- c) the ship is detained solely because of lacking ISM certificates and the detention is withdrawn even though the ship has not obtained the necessary ISM certificates.

Section 36. ¹⁾ The Faroese Maritime Authority may upon request from another country deny a ship access to Faroese ports if the ship does not carry the required ISM certificates or if the ship has violated the rules of detention in that country.

Subsection 2. ¹⁾ If the Faroese Maritime Authority has denied a ship access to Faroese ports, permission to berth in a specific harbor may be granted, if continued operation at sea implies danger to human life or pollution of the sea. This permission may also be given for reasons of safety.

Subsection 3. Ban to access ports will be lifted when the cause to the ban has been corrected, cf. however section 47 subsection 4.

Section 37. ¹⁾ Only specifically authorized employees of the Faroese Maritime Authority may detain a ship. The Faroese Maritime Authority may, however, authorize harbor masters to impose a temporary detention on a ship.

Section 38. ¹⁾³⁾ The Faroese Maritime Authority may notify other countries, shipowners and seafarers organizations, classification societies, etc., when a ship has been detained or denied access to ports. The Faroese Maritime Authority may also make public information on ships that have such a ban, including the name of the classification society and the reasons for the detention, including breaches on the MLC and the ILO Convention 188 Work in Fishing.

Section 39. The Minister issues detailed rules regarding detention and denial of access to ports.

Section 40. A shipowner may appeal the decisions about detention or denial to access ports to the Maritime Committee of Appeals.

Chapter 8

The Maritime Committee of Appeals

Section 41. The Minister appoints the Maritime Committee of Appeals that shall have three members whose task is to make decisions in matters that according to the Act can be brought before the Maritime Committee of Appeals.

Subsection 2. Appeals regarding detentions and denials of access to ports must be settled as swiftly as possible.

Subsection 3. The chairman must meet the requirement in order to be appointed a court judge.

Subsection 4. The other two members must be educated in navigation and engineering respectively.

Subsection 5. For each member one substitute is elected.

Subsection 6. The members are elected for seven years. Reelections may occur.

Subsection 7. The rules in the Administration of Justice Act for the Faroe Islands regarding disqualification of judges apply to the members of the Committee.

Section 42. The decisions of the Maritime Committee of Appeals cannot be appealed to a higher administrative authority.

Subsection 2. The decisions of the Maritime Committee of Appeals will not be suspended if brought to the courts.

Section 43. The Maritime Committee of Appeals determines its own rules which must be approved by the Minister.

Subsection 2. The members of the Maritime Committee of Appeals receive attendance fee and travelling funds in accordance with the general rules of the Faroese government.

Chapter 9 The Advisory Body

Section 44. ¹⁾The Minister appoints the 10 members of the Advisory Body that has the task to:

- a) advise the Minister and the Faroese Maritime Authority in all matters regarding safety at sea, working environment on board ships and prevention of pollution of the sea,
- b) consult the Minister on proposals for legislation and regulations based on the law, and
- c) put forward recommendations and proposals regarding legislation on safety at sea and regarding the administration of the legislation.

Section 45. The Minister appoints the Chairman of the Advisory Body and his substitute. Remaining members are appointed by the Minister according to recommendations from:

The Faroese Masters and Mates' Union, recommends one member

The Faroese Union of Engineers, recommends one member

The Faroese Seamen's Union, recommends one member

The Association of Faroese Coastal Fishermen, recommends one member

The Merchant Ship Owners Association, recommends one member

The Faroese Ship Owners' Association, recommends one member

Strandfaraskip Landsins (Faroese inter-island transport line), recommends one member

Faroese Shipyards, recommend one member

Classification Societies which are represented in the Faroe Islands, recommend one member

Section 46. The Advisory Body determines its own rules, which must be approved by the Minister.

Subsection 2. The Faroese Government bears all costs of the Advisory Body's activities.

Subsection 3. The Minister determines the fee to the Chairman. Remaining members receive attendance fee and travelling funds in accordance with the general rules of the Faroese Government.

Chapter 10 **Fees**

Section 47. ¹⁾ Ship inspections carried out by the Faroese Maritime Authority are free of charge, cf. however, subsections 2 and 4 and section 48.

Subsection 2. Subsection 1 does not apply to:

- 1) Inspections, approvals, etc. carried out by the Faroese Maritime Authority, in spite of these inspections have been delegated as stipulated in section 22.
- 2) Inspections carried out by the Faroese Maritime Authority because of exceptions from the rules provided in section 23 about membership in classification society.
- 3) Inspections that upon request are carried out outside normal working hours.
- 4) Initial inspection of ships carried out abroad and other inspections that upon request are carried out abroad, or
- 5) Inspections for which an appointment has been made, but can not be commenced, carried through or are suspended within the fixed standard time due to circumstances that the shipyard, the shipowner or their representatives are responsible for.

Subsection 3. Classification societies, companies and individuals mentioned in sections 22 and 23 may request payment for their work.

Subsection 4. ¹⁾ If deficiencies that may cause detention are discovered during an inspection, the Faroese Maritime Authority may request payment for the inspection. The ship will not be released until payment has been received or security has been provided.

Section 48. The Minister may issue rules regarding the standard times for statutory inspections and regarding the fees for the inspections etc. mentioned in section 47 subsections 2 and 4. The Minister may also issue rules regarding fees for non-statutory inspections, the inspections of foreign ships, ships under construction and fees for approval of maritime equipment or of ships that are not required to be inspected.

Chapter 11 **Penalty**

Section 49. ⁵⁾ Violation of section 19 subsection 3 or sections 24 - 28 and non-compliance with the orders and bans set in accordance with the Act or rules issued in accordance with the Act will be punished by fine, or imprisonment up to two years. The same penalty rules apply to severe or repeated violation of section 30.

Subsection 2. ⁵⁾ Rules issued in accordance with the Act may stipulate penalties such as fine, or imprisonment up to two years.

Subsection 3. If the offence is committed by a legal person, including limited companies, co-operative societies, partnerships, associations, funds, estates, municipalities or other Faroese authorities or realm authorities, such legal person can be punishable by fine.

Subsection 4. ^{6) 7)} (Repealed).

Subsection 5. ¹⁾ When determining criminal liability on legal persons, persons employed by others than the shipowner to carry out work on board the ship shall also be considered as being associated with the shipowner.

Section 50. Severe carelessness or severe neglect of professional duties that causes a ship to run aground, be ship wrecked or cause other accidents at sea will be punished according to section 49. Offenders who repeatedly cause such accidents because of mistakes or carelessness will be punishable according to section 49.

Section 51. A master who grossly or repeatedly neglects the ship or navigates in disregard of good seamanship or fails to seek information about the bans and regulations that apply to the areas the ship sails and berths in, will be punishable according to section 49.

Section 52. ⁵⁾ A person, who navigates a ship, or who in other respects carries out safety-related work on board a ship after having consumed alcohol to such an extent that the alcohol concentration in the blood during or after the navigation exceeds a blood alcohol level of 0.20 per mille, or that the alcohol concentration during or after the navigation exceeds a breath alcohol level of 0.10 mg per litre of air, shall be punishable according to section 49. The same shall apply to persons navigating water scooters and similar vessels.

Subsection 2. ⁵⁾ The provisions in subsection 1 shall not apply to pleasure vessel of 12 metres or less. Likewise, a person, who navigates a pleasure vessel of 12 metres or less, or who in other respects carries out safety-related work on board such a ship after having consumed alcohol to such an extent that the alcohol concentration in the blood during or after the navigation exceeds a blood alcohol level of 0.40 per mille, or that the alcohol concentration during or after the navigation exceeds a breath alcohol level of 0.20 mg per litre of air, shall be punishable according to section 49.

Subsection 3. ⁵⁾ The provisions in subsections 1 and 2 shall not apply to pleasure vessel of 12 metres or less that can make a maximum of 15 miles per hour. The provisions in section 52a shall, however, apply to these pleasure vessels.

Subsection 4. ⁵⁾ The provisions in subsections 1-3 shall not apply to pleasure vessels that are moored in port or at anchor in a protected berth.

Subsection 5. ⁵⁾ The provisions in subsections 1-3 shall also apply to foreign pleasure vessels in Faroese waters.

Section 52a. ⁵⁾ Furthermore, a person, who navigates a ship, or who in other respects carries out safety-related work on board a ship after having consumed alcohol or other intoxicating substances to such an extent that the person in question is not capable of performing his service satisfactorily, shall be punishable according to section 49.

Section 52b. ⁵⁾ The police may, at any time, require that persons who are subject to the provisions in sections 52 and 52a carry out a breath, sweat or saliva test or that the eyes are examined. The police may require that the persons carry out a breath test at a place other than the place where the person is situated if there is reason to believe that the person has violated sections 52 or 52a.

Subsection 2. If there is reason to believe that a person has violated the provisions in sections 52 and 52a, or if a person refuses or is not able to carry out a breath test, the police may require to get a blood and urine sample. If it is suspected that the person is influenced by other than alcohol, then the police may require that the person in question is examined by a medical practitioner. If it is suspected that the person is influenced by alcohol, the police may also, under certain circumstances, require that the person in question is examined by a medical practitioner.

Section 52c. ⁵⁾ When determining the punishment in accordance with section 52 and 52a, the following circumstances shall be taken into consideration:

- 1) the navigation in intoxicated condition has caused or threatened to cause loss of life or severe damage to health,
- 2) the alcohol concentration level in the blood during or after the navigation has exceeded 2.0 per mille, or the breath alcohol level has exceeded 1.00 mg per litre of air,
- 3) the person in question is found guilty of several instances of navigation in intoxicated condition,
- 4) the person in question has previously been suspended conditionally the right to navigate or serve as mate or chief engineer as a consequence of navigation in intoxicated condition and the new offence has been committed within 3 years after the previous judgment was final,
- 5) the person in question has previously been suspended unconditionally the right to navigate or to serve as mate or chief engineer as a consequence of navigation in intoxicated condition and the new offence has been committed within 5 years after the expiration of the suspension period, or
- 6) other severe navigational errors have been made, or if other aggravating circumstances are present.

Subsection 2. When fining in pursuance of sections 52 and 52a, consideration shall furthermore be given to the income of the person being fined at the time of the offence and the alcohol level in the blood or the breath alcohol level during or after the navigation. The same shall apply to fines issued in pursuance of section 55 in the Faroese Penal Code in connection with conditionally suspension decided in pursuance of sections 52 and 52a.

Subsection 3. The provisions in subsection 2 may be departed from when special circumstances are in favour thereof.

Subsection 4. It shall be considered particularly aggravating circumstances if the contravention has caused or threatened to cause damage to the health of persons below 18 years of age.

Section 53. ⁵⁾ A person who has been engaged in navigation under the influence of alcohol may have his right to navigate a vessel or to serve as a mate or chief engineer suspended by judgment. However, this does not apply if a certificate of competency is not required for navigating ships or boats in the specific case. Suspension of navigational rights shall be unconditional. However, under mitigating circumstances suspension may be conditional.

Subsection 2. ⁵⁾ The right to navigate a vessel or to serve as a mate or chief engineer may also be suspended in case of aggravating circumstances in conjunction with judgment for contravention of sections 50 and 51. The suspension may be conditional.

Subsection 3. ⁵⁾ Unconditional suspension in accordance with subsection 1 and 2 shall be for a period of between 6 months and 5 years or as permanent suspension.

Subsection 4. ⁵⁾ If the right to navigate a vessel or to serve as a mate or chief engineer is suspended unconditionally, the prosecution shall forward the certificate of competency of the person in question to the Faroese Maritime Authority together with the transcript of the judgment. If the right to navigate a vessel or to serve as mate or chief engineer has been suspended for a period longer than 3 years, the matter of recovery of the right before the expiration of the suspension period may be brought before the courts in accordance with section 78 subsection 3 in the Faroese Penal Code, however, earliest 3 years after the final judgment. The right can only be recovered in case of special circumstances.

Subsection 5. ⁵⁾ Conditional suspension shall be conditioned by the fact that the person in question in a trial period of 3 years from the final judgment does not navigate a vessel or serve as mate or chief engineer under such circumstances that the right to do so shall be suspended. When suspension is conditional, the establishment of the suspension period shall be postponed. If the person, who has had his right to navigate suspended is involved in another matter during the trial period which entails suspension of navigational right or the right to serve as mate or chief engineer, the court shall determine a joint suspension for this matter and the previously decided contravention.

Subsection 6. ⁵⁾ If, in case of navigation under the influence of alcohol, the police deem that the conditions for unconditional suspension of the navigational right or to serve as a mate or chief engineer are present, the police may temporarily suspend this right. However, the court may discontinue the suspension before the matter is finally settled by the court. If the court rules for acquittal in the court of the first instance and the judgment is appealed by the prosecution, the prosecution may in matters where the circumstances are in favour of maintaining the suspension of the right to navigate or to serve as a mate or chief engineer during the appeal, bring this matter before the court of appeal which will decide on the matter by ruling. The period in which the right to navigate or to serve as mate or chief engineer has been suspended shall be deducted from the suspension period.

Subsection 7. ⁵⁾ If master, mate or chief engineer's rights are suspended, it shall at the same time be decided by judgment if respectively the master may be allowed to serve as mate and if the mate or the chief engineer may be allowed to serve in positions of lower ranks. The Faroese Maritime Authority shall in this case provide the person in question with the necessary certificate of competency. However, such partial suspension shall not be possible if the person in question is found guilty of navigating under the influence of alcohol.

Section 53a. ⁵⁾ A person who navigates a vessel, or who serves as a mate or chief engineer, despite the fact that the right to navigate has been suspended unconditionally, shall be punishable by fine, cf. however subsection 2.

Subsection 2. The punishment in accordance with subsection 1 may be changed to imprisonment for up to 2 years if the person in question:

- 1) repeatedly has been navigated during the period of suspension or
- 2) previously has been punished for navigation during the period of suspension.

Subsection 3. When fining in pursuance of subsection 1, consideration shall furthermore be given to the income of the person being fined at the time of the offence. The same shall apply to fines issued in pursuance of section 55 in the Faroese Penal Code in connection with conditional suspension decided in pursuance of subsection 2.

Subsection 4. The provisions in subsection 3 may be departed from when special circumstances are in favour thereof.

Section 54. A master will be punishable according to section 49 if he is involved with collision, or his ship causes damage to another ship or persons or cargo on that ship, and he omits to give the ship and its crew and passengers all the necessary assistance, without jeopardizing the safety of his own ship, crew or passengers, and omits to notify of the call sign, name and homeport of his ship and where it came from and which course it is following.

Section 55. A person who deliberately fails to report for duty on time or leaves the ship and is aware of or should be aware of that this omission would jeopardize the safety of the ship or human life will be punishable according to section 49.

Chapter 12 **Entry into force**

Section 56. This Act comes into force the day after it has been promulgated but takes effect from 1 January 2002.

Section 57. At the same time the following Acts are made void:

- 1) Act No. 118 of 28 March 1951 "om forholdsregler til skibsfartens betryggelse, som senest ændret ved kongelig anordning nr. 583 af 30. juni 1994".
- 2) Act No. 98 of 12 March 1980 "om skibes sikkerhed m.v., som ændret ved kongelig anordning nr. 583 af 30. juni 1994".
- 3) Sections 223, 371, 372 and 373 in "sølov nr. 56 af 1. april 1892 med senere ændringer, jf. lovbekendtgørelse nr. 141 af 1. april 1985, som ændret ved § 2 i anordning nr. 305 af 7. maj 1997 om ikrafttræden på Færøerne af dele af søloven".

Subsection 2. In "anordning nr. 646 af 12. august 1999 om ikrafttræden for Færøerne af lov om beskyttelse af havmiljøet" the following amendments have been made:

- 1) Sections 10, 15, 16, 20a, 37 and 46 are made void.
- 2) In section 59 subsection 1 no. 1 "section 10 subsections 1 and 3", "section 16 subsections 1 and 3", "section 20a subsections 1 and 3" and "section 37 subsection 1" are made void.
- 3) Section 59 subsection 1 no. 2 is made void.
No. 3 to 7 become no. 2 - 6.
- 4) In section 61 "section 10 subsection 2", "section 16 subsection 2", "section 20a subsection 2" and "section 46" are made void.

Subsection 3. In Parliamentary Act No. 4 of 15 January 1988 on Seamen the following sections are made void: section 52, 66 and 69 subsection 2 sentence 3. In section 69 subsection 1 sentence 1 the following wording is made void: "or officer in breach of section 66 subsections 1 and 2".

Subsection 4. Rules that have been put into force in accordance with the Acts and regulations mentioned in subsections 1 - 3 of this section shall remain in force until they are made void or replaced by other rules issued in accordance with this Act.

Tórshavn, 21 December 2001

Anfinn Kallsberg
Prime Minister of the Faroe Islands

- 1) Amended in Parliamentary Act No. 71 of 30 May 2011, section 4 amended as follows:
“The Minister shall determine the entry into force of the Act in an executive order. In this connection, the Minister may determine that the provisions of the Act shall enter into force on different dates.”
- 2) Amended in Parliamentary Act No. 122 of 15 December 2014, section 2 amended as follows:
“This Executive Order enters into force 1 January 2015.”
- 3) Amended in Parliamentary Act No. 51 of 7 May 2019, section 4 amended as follows:
“*Subsection 1.* The Minister shall determine the entry into force of the Act in an executive order. In this connection, the Minister may determine that the provisions of the Act shall enter into force on different dates. *Subsection 2.* Section 3 no. 1-4 and 8 enter, however, into force the day after this Parliamentary Act has been promulgated.”
- 4) Amended in Parliamentary Act No. 85 of 29 May 2017.
- 5) Amended in Parliamentary Act No. 61 of 17 May 2013, section 2 amended as follows:
“This Parliamentary Act enters into force 20 May 2013. *Subsection 2.* The Parliamentary Act applies only to cases which have been tried after the Act has taken effect.”
- 6) Amended in Parliamentary Act No. 30 of 19 May 2008, section 2 amended as follows:
“*Subsection 1.* This Parliamentary Act enters into force the day after it has been promulgated. *Subsection 2.* The Parliamentary Act applies to cases which have not been tried by Føroya Rætt before the Act has taken effect.”
- 7) Amended in Parliamentary Act No. 91 of 7 June 2020, section 79 amended as follows: “This Parliamentary Act enters into force 1 January 2021.”