

(Translation. Only the Faroese version has legal validity.)

## **Act on Manning of Ships**

Parliamentary Act No. 63 of 3 July 1998 as last amended by Parliamentary Act No.168 of 16 December 2021

Chapter 1:

Chapter 2: Merchant ships

Chapter 2 a: Fishing vessels

Chapter 3: Pleasure vessels

Chapter 4: Competency requirements

Chapter 5: Certificates of competency

Chapter 6: The responsibility of the shipowner and the master

Chapter 7: General provisions

Chapter 8: Entry into force and transitional provisions

No. 63

3 July 1998

### **Chapter 1**

**Section 1.** The Act applies to ships flying the Faroese flag.

**Section 2.** <sup>1)2)3)</sup> In this Act, the following definitions shall apply:

- 1) “Faroese Maritime Authority”: The authority in this Act which administratively is under the Minister of Maritime Affairs.
- 2) “Fishing vessel”: Any vessel or boat that is equipped for or is used for commercial fishing.
- 3) “Merchant ship”: Any ship with the exception of fishing vessels and pleasure vessels.
- 4) “Passenger ship”: A merchant ship carrying more than 12 passengers.
- 5) “Cargo ship”: A merchant ship which is not a passenger ship.
- 6) “Pleasure vessel”: A ship not used for commercial purposes. In a matter of dispute, the Faroese Maritime Authority shall determine whether a ship shall be deemed a pleasure vessel.
- 7) “Seagoing ship”: A ship that sails outside ports, rivers, lakes or protected waters.
- 8) “STCW endorsement”: Certificate of competency or recognition certificate endorsed according to the provisions stipulated in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers from 1978, as amended (the STCW Convention).
- 9) “STCW-F endorsement”: Certificate of competency or recognition certificate endorsed according to the provisions stipulated in the International Convention on manning on fishing vessels from 1995 (the STCW-F Convention).
- 10) “Gross tonnage”: The gross tonnage (GT) indicated in the then current tonnage certificate of the ship, rounded down without decimals.
- 11) “Length”: The length of the ship measured in accordance with the Act on Measurement of Ships and as indicated in metres in the tonnage certificate of the ship.
- 12) “Propulsion power”: The total maximum continuous output power rated in kilowatts (kW) rounded down without decimals of all the ship’s main propulsion machinery.

The output power is based on the test results of the engine manufacturer and appears on the ship's trading permit and minimum safe manning document. If the propulsion power is persistently lowered, this can be written in the trading permit and minimum safe document after decision and prescribed conditions made by the Faroese Maritime Authority.

- 13) "Near coastal voyages": Voyages at a distance of no more than 30 nautical miles from the straight baselines as stipulated in bekendtgørelse om afgrænsingen af søterritoriet ved Færøerne.
- 14) "Domestic voyages": Voyages at a distance of no more than 200 nautical miles from the straight baselines as stipulated in bekendtgørelse om afgrænsingen af søterritoriet ved Færøerne.
- 15) "International voyages": Voyages beyond the limits set for near coastal voyages and domestic voyages.
- 16) "Approved": Approved in accordance with the Parliamentary Act on Maritime Education or other education approved by the Ministry of Education Research and Culture.

**Section 3.** In order to meet the needs of safe manning to ensure safety of life at sea, every ship shall be manned by sufficient crew in addition to having a master in charge.

## **Chapter 2** **Merchant ships <sup>2)</sup>**

**Section 4.** <sup>1)2)</sup> The Faroese Maritime Authority stipulates the safe manning for passenger ships, irrespective of size or sailing area, for cargo ships of more than 20 GT, irrespective of sailing area, and for cargo ships of less than 20 GT sailing beyond the limits of near coastal voyages. With regard to cargo ships of less than 20 GT engaged on near coastal voyages, the Faroese Maritime Authority may stipulate the safe manning requirements, if warranted to ensure safety of life at sea.

*Subsection 2.* <sup>1)</sup> The safe manning requirements shall be documented on a certificate issued by the Faroese Maritime Authority. This certificate shall always be kept on board the ship.

*Subsection 3.* For ships of less than 20 GT, engaged in near coastal voyages, the safe manning requirements may be stipulated for certain group of ships, and instead of issuing a certificate as described in subsection 2, the notice of safe manning requirements may be promulgated by an executive order.

*Subsection 4.* The safe manning requirements for each individual ship is determined by taking into consideration the type of ship, accommodation, equipment, use and operational area, so that all functions relative to the safety of the ship and her complement are ensured by the size and composition of the crew, i.e.:

- 1) maintenance of safe watchkeeping on the bridge and in the engine room,
- 2) operation and maintenance of lifesaving appliances,
- 3) operation and maintenance of damage prevention equipment, fire-fighting equipment and communication equipment,
- 4) other safety-related maintenance and cleaning activities,
- 5) mooring operations,
- 6) food provisioning and sanitary conditions.

*Subsection 5.* When stipulating the safe manning requirements, notice shall also be taken of the watch arrangements on board, shift work, the actual working hours of the crew in the different departments, applicable rules regarding rest hours and the use of general purpose crew members.

**Section 5.** <sup>1) 2)3)</sup> Masters, deck and engineer officers shall hold Faroese certificates of competency in accordance with the tables below. The original certificate shall be kept on board.

## Deck officers

**Table 1. Merchant ships of less than 500 gross tonnage engaged on near coastal voyages and domestic voyages**

Gross tonnage	Master	Mate
20-99	Master on merchant ships in home trade (STCW Reg. II/3 as master)	Certificate of competency in sailing on merchant ships (STCW Reg. II/3 as watchkeeping officer)
100-499		Mate 4 <sup>th</sup> class on merchant ships (STCW Reg. II/3 as watchkeeping officer)

**Table 2. Other merchant ships irrespective of sailing area**

Gross tonnage	Master	Chief mate	Other mates
20-2999	Master on merchant ships - restricted (STCW Reg. II/2 as master)	Mate 3 <sup>rd</sup> class on merchant ships (STCW Reg. II/2 as chief mate)	Mate 3 <sup>rd</sup> class on merchant ships (STCW Reg. II/I as watchkeeping officer)
3000-	Master (STCW Reg. II/2 as master)	Mate 1 <sup>st</sup> class (STCW Reg. II/2 as chief mate)	

## Engineer officers

**Table 3. Near coastal voyages and domestic voyages**

Propulsion power (kW)	Chief engineer officer/sole engineer officer	2 <sup>nd</sup> engineer	Other engineer officers
100-749	Certificate of competency in motor operation		
750-1499	Mechanist 2 <sup>nd</sup> class (STCW Reg. III/3 as chief engineer)	Mechanist 2 <sup>nd</sup> class (STCW Reg. III/3 as 2 <sup>nd</sup> engineer)	
1500-2999	Mechanist 1 <sup>st</sup> class	Mechanist 2 <sup>nd</sup> class	

	(STCW Reg. III/3 as chief engineer)	(STCW Reg. III/3 as 2 <sup>nd</sup> engineer)	Mechanist 2 <sup>nd</sup> class (STCW Reg. III/3 as 2 <sup>nd</sup> engineer) or watchkeeping engineer officer (STCW Reg. III/I as watchkeeping officer)
3000 -	Chief engineer officer (STCW Reg. III/2 as chief engineer)	Engineer officer 1 <sup>st</sup> class (STCW Reg. III/2 as 2 <sup>nd</sup> engineer)	

**Table 4. International voyages**

Propulsion power (kW)	Chief engineer/ sole engineer officer	2 <sup>nd</sup> engineer	Other engineer officers
100-749	Certificate of competency in motor operation		
750-2999	Mechanist 1 <sup>st</sup> class (STCW Reg. III/3 as chief engineer)	Mechanist 2 <sup>nd</sup> class (STCW Reg. III/3 as 2 <sup>nd</sup> engineer)	Mechanist 2 <sup>nd</sup> class (STCW Reg. III/3 as 2 <sup>nd</sup> engineer) or watchkeeping engineer officer (STCW Reg. III/I as watchkeeping officer)
3000-	Chief engineer officer (STCW Reg. III/2 as chief engineer)	Engineer officer 1 <sup>st</sup> class (STCW Reg. III/2 as 2 <sup>nd</sup> engineer)	

*Subsection 2.* The person required to hold a competency in motor operation may simultaneously serve in other positions on board.

*Subsection 3.* <sup>1)</sup> The Faroese Maritime Authority may increase or delimit the competency requirements specified in subsection 1 and section 11 subsections 1 and 2, taking into consideration the accommodation, the equipment, operational area and the number of passengers on board the ship.

*Subsection 4.* <sup>4) 1)</sup> On ships registered in the Faroese International Ship Register (FAS), Faroese certificates of competency are not required, however, the seafarers shall hold valid certificates of competency bearing an STCW endorsement issued by the Faroese Maritime Authority according to the provisions in subsection 1.

*Subsection 5.* <sup>2)</sup> Seafarers who hold a certificate of proficiency in motor operation, on the day this Act enters into force, may change the certificate to a certificate of competency in motor operation. The revalidation of a certificate of competency is, however, on the condition that all other obligations according to legislation to issue such certificates are fulfilled.

**Section 6.** Radio operators on ships which according to applicable regulations shall be equipped with radio equipment for use in the global maritime distress and safety system (GMDSS) shall hold a Faroese certificate of competency as radio operators with an STCW endorsement.

*Subsection 2.* <sup>1)</sup> On ships registered in the Faroese International Ship Register (FAS), Faroese certificates of competency are not required, however, the seafarers shall hold valid certificates of competency bearing an STCW endorsement issued by the Faroese Maritime Authority for service as a radio operator.

**Section 6 a.** <sup>2)</sup> Electro – technical officers and electro-technical ratings who are to serve on board Faroese merchant vessels after 31 December 2016, shall hold valid certificate of competency as electro-technical officer or certificate of proficiency as electro-technical rating bearing an STCW endorsement.

**Section 7.** <sup>1)</sup> On ships with more than 8, but not more than 20 crew members, a cook shall be engaged. On ships with more than 20 crew members, one cook and one cook's assistant shall be engaged. The number of cooks shall not be included in the number of respective crewmembers. On passenger ships, the Faroese Maritime Authority may prescribe a larger number of cooks. Persons under the age of 18 may not serve as ship's cooks.

*Subsection 2.* The prescribed cook or chief steward shall hold a certificate of competency as ship's cook.

*Subsection 3.* <sup>1)</sup> On ships registered in the Faroese International Ship Register (FAS), a ship's cook may serve without a certificate of competency, if the person in question can document:

- 1) apprenticeship in the cooking profession for 48 months, of which at least 24 months have been on board seagoing ships or:
- 2) completion of a cook training programme with relevant contents from an approved school. Furthermore at least 5 months service as ship's cook on board seagoing ships. Application for permission according to No. 1 or 2 shall be submitted to the Faroese Maritime Authority which issues a certificate that allows the person concerned to be engaged as a ship's cook on board a ship registered in the Faroese ship register.

*Subsection 4.* <sup>1)</sup> The Minister may lay down regulations on training requirements of persons who prepare or help prepare articles of food on board a ship.

## **Chapter 2a** <sup>2)</sup> **Fishing vessels**

**Section 7 a.** On fishing vessels with a length of 15 metres or more, but below 24 metres and on fishing vessels with a scantling number of 100 or more, master and mate shall hold certificate of competency in accordance with the table below:

<b>Operational area</b>	<b>Master</b>	<b>Mate</b>
Near coastal voyages and domestic voyages	Certificate of competency in sailing on fishing vessels	Certificate of competency in sailing on fishing vessels
International voyages	Skipper on fishing vessels operating in limited waters (STCW-F Reg. II/3)	Officer in charge of a navigational watch on fishing vessels operating in limited waters (STCW-F Reg. II/4)

*Subsection 2.* On fishing vessels with a length of 24 metres or more, but below 45 metres, master and mate shall at least hold certificate of competency in accordance with the table below:

<b>Operational area</b>	<b>Master</b>	<b>Mate</b>
Near coastal voyages and domestic voyages	Skipper on fishing vessels operating in limited waters (STCW-F Reg. II/3)	Officer in charge of a navigational watch on fishing vessels operating in limited waters (STCW-F Reg. II/4)
International voyages	Skipper on fishing vessels (STCW-F Reg. II/1)	Officer in charge of a navigational watch on fishing vessels (STCW-F Reg. II/2)

*Subsection 3.*<sup>3)</sup> On fishing vessel with a length of 24 metres or more, the Faroese Maritime Authority stipulates the safe manning.

*Subsection 4.* In order to serve as motorman on fishing vessels with a length of 15 metres or more, and on fishing vessels with a scantling number of 100 or more, besides fishing vessels powered by main propulsion machinery of 100 kW or more, but less than 750 kW, there shall, in domestic voyages, be one seafarer who holds certificate of competency in motor operation. In order to serve as motorman beyond domestic voyages, there shall be two seafarers who hold certificate of competency in motor operation.

*Subsection 5.* On fishing vessels with a length of 15 metres or more, powered by main propulsion machinery of 750 kW or more, the manning of the engine shall be determined by the Faroese Maritime Authority.

*Subsection 6.* The seafarers mentioned in subsection 4, may simultaneously serve in other positions onboard.

*Subsection 7.* When the Faroese Maritime Authority determines the safe manning pursuant to subsection 3 and subsection 5, this shall be done according to section 4 subsections 4-5 and section 7 subsections 1-2. The safe manning requirements shall be documented on a certificate issued by the Faroese Maritime Authority. This certificate shall always be kept on board the ship.

*Subsection 8.*<sup>3)</sup> The requirement on ship's cook on board fishing vessels shall be stipulated pursuant to section 7, subsections 1 and 2.

*Subsection 9.*<sup>3)</sup> The Faroese Maritime Authority may increase or delimit the competency requirements specified in subsection 1-5 and section 11 subsections 1 and 2, taking into consideration the accommodation, the equipment and the operational area on board the ship.

*Subsection 10.*<sup>3)</sup> The Faroese Maritime Authority may determine that deck officers on fishing vessels shall hold certificates of competency issued by the Faroese Maritime Authority with an STCW-F endorsement. Engineer officers, radio operators, electro – technical officers and

electro-technical ratings on board on fishing vessels shall hold certificate of competency issued by the Faroese Maritime Authority with an STCW or an STCW-F endorsement.

### **Chapter 3** **Pleasure vessels**

**Section 8.** On pleasure vessels of 20 gross tonnage or more, but less than 100 gross tonnage, the master and mate shall hold a certificate of competency for fishing vessels or merchant vessels in accordance with the table below:

<b>Operational area</b>	<b>Master</b>	<b>Mate</b>
Near coastal voyages	Certificate of competency in sailing	Certificate of competency in sailing
Beyond near coastal voyages	Master (Home trade)	Certificate of competency in sailing

*Subsection 2.* <sup>1)</sup> The Faroese Maritime Authority shall determine the safe manning on pleasure vessels of 100 gross tonnage or more.

*Subsection 3.* <sup>1)</sup> For the purpose of operating the engine on pleasure vessels of 20 gross tonnage or more powered by main propulsion machinery of 100 kW or more, but less than 750 kW, in which the engine can be regulated and propelling operations can be carried out from the steering place, there shall in near coastal voyages, be one crewmember who holds a certificate of competency in motor operation. On pleasure vessels of 20 gross tonnage or more powered by main propulsion machinery of 100 kW or more, the manning of the engine shall be determined by the Faroese Maritime Authority.

*Subsection 4.* <sup>1)</sup> When the Faroese Maritime Authority determines the safe manning pursuant to subsections 2 and 3, this shall be done according to section 4 subsection 4.

*Subsection 5.* <sup>1)</sup> The Faroese Maritime Authority may determine competency requirements for masters on pleasure vessels of less than 20 gross tonnage and requirements for engine manning on such vessels.

### **Chapter 4** **Competency requirements**

**Section 9.** No person may take over a watch as mate or engineer officer unless the person holds a certificate of competency of at least the same degree as stipulated for the lowest grade as mate or engineer officer respectively.

**Section 10.** <sup>1)</sup> The Minister of Maritime Affairs shall, in compliance with mandatory internationally adopted regulations and in consultation with representatives from the shipowners associations and the seafarers unions, lay down the competency requirements for

- 1) deck crew, engine crew and general purpose crew
- 2) medical staff on board,
- 3) crew on board passenger ships,
- 4) officers and crew on board oil tankers, chemical tankers, gas tankers and

- 5) ship's cooks and other crew members handling articles of food on board.

*Subsection 2.* <sup>1)</sup> The Faroese Maritime Authority may also lay down special competency requirements, and in this connection provide for higher or lower competency requirements and manning rules than those laid down in this Act for

- 1) persons serving in a position for which no special competency requirements have been laid down in this Act, and
- 2) officers and crew on
  - a) ships with special manoeuvring capabilities,
  - b) ships with distinctive accommodation and extraordinary equipment,
  - c) special purpose ships and ships of a special construction,
  - d) ships used in geographically restricted navigation routes

*Subsection 3.* <sup>1)</sup> When the Faroese Maritime Authority determines the manning pursuant to subsection 2, this shall be done in compliance with section 4 subsection 4.

## **Chapter 5**

### **Certificates of competency**

**Section 11.** <sup>5)2)</sup> The Minister of Maritime Affairs shall in compliance with mandatory internationally adopted regulations and in consultation with representatives from the shipowners associations and the seafarers unions, lay down the conditions for obtaining the certificates of competency mentioned in this Act, including the requirements concerning

- 1) competency,
- 2) duration of seagoing service,
- 3) health condition,
- 4) vision and hearing ability,
- 5) age,
- 6) the person being of age and not subject to guardianship according to section 5 of the Guardianship Act or to special guardianship according to section 7 of the Guardianship Act and
- 7) limitations of rights

*Subsection 2.* It is a condition for obtaining a certificate of competency with a right as master or skipper in command that the person concerned has Danish citizenship. However, the Minister of Maritime Affairs may under special circumstances upon recommendation from the shipowners' association and the seafarers' union grant exemption from the requirement of Danish citizenship.

*Subsection 3.* <sup>2)</sup> The requirement in subsection 2 on Danish citizenship does not apply to vessels registered in the Faroese International Ship Register.

**Section 12.** <sup>4)2)</sup> The Minister lays down in an executive order a fee for the issuance and renewal of certificates of competency and recognition certificates.

*Subsection 2.* <sup>1)2)</sup> The Faroese Maritime Authority issues certificates of competency.



*Subsection 3.* <sup>2)</sup> Certificates of competency qualifying for service as deck officer, engineer officer or radio operator on merchant ships and fishing vessels, are valid for only five years from the date of issue

*Subsection 4.* <sup>1)2)</sup> The Minister of Maritime Affairs lays down further rules on issuance of certificates of competency and certificates of proficiency. The Minister of Maritime Affairs also lays down rules on the renewal of certificates of competency, the revalidation of rights and on the issue of the first certificate of competency to persons who have passed the examination required for obtaining the certificate of competency more than five years prior to the date of issue.

*Subsection 5.* <sup>2)</sup> The Minister shall, in compliance with mandatory internationally adopted regulations, lay down rules for endorsement of foreign certificates of competency and recognition of foreign certificates.

**Section 13.** The Minister of Maritime Affairs may withdraw a certificate of competency if the holder thereof by his navigation or other service on board has represented direct threat to life, property or the environment, or if it is deemed irresponsible due to the holder's mental or physical condition to let the holder continue to perform the functions for which the certificate qualifies.

*Subsection 2.* The holder of a certificate of competency shall undergo such medical examinations as may be required to decide the issues mentioned in subsection 1. The expenses of such examinations are paid by the National treasury. If the holder of the certificate refuses to undergo the required examination, it shall be possible to withdraw the certificate.

**Section 14.** The holder may request that the decision on withdrawal of the competency certificate shall be brought before the courts. The certificate holder's request for the decisions to be brought before the courts shall be received by the Minister of Maritime Affairs no later than four weeks after the person concerned has been informed about the decision.

*Subsection 2.* The decision of the Minister of Maritime Affairs shall contain information about the right to request the matter to be brought before the courts and the time limit applying.

*Subsection 3.* If a request is made to bring the decision concerning withdrawal of certificates of competency before the courts, the Minister of Maritime Affairs shall bring an action against the person concerned in accordance with the civil Administration of Justice Act. The matter is a maritime court case.

*Subsection 4.* A request to bring the case before the courts shall have a discontinuing effect on the withdrawal of the certificate of competency. The Minister of Maritime Affairs may, however, decide that a request shall not have a discontinuing effect. Such a decision made by the Minister of Maritime Affairs may be reversed by ruling before the question of the legality of the withdrawal is decided.

**Section 15.** <sup>1)</sup> A certificate of competency which has been withdrawn shall be handed in to the Faroese Maritime Authority.

*Subsection 2.* The Minister of Maritime Affairs may at any time hand back a withdrawn certificate of competency when the circumstances justifying the withdrawal are no longer deemed to exist. If an application to recover a certificate is dismissed, the applicant may request that the matter be brought before the courts. If the matter has previously been brought before the courts, legal proceedings may only take place after a period of one year has lapsed since the withdrawal was latest upheld by judgment. Section 14 subsections 2 and 3 are likewise applicable.

**Section 16.** The right to command a ship which follows from the certificates of competency lapses if the holder of the certificate loses his Danish citizenship. The Minister of Maritime Affairs may, however, under special circumstances grant exemption from this provision. If the person concerned recovers citizenship, the right to command a ship is automatically regarded as regained, cf. however section 12 subsection 3.

## **Chapter 6**

### **The responsibility of the shipowner and the master**

**Section 17.** It is the responsibility of the shipowner and the master of the ship to ensure:

- 1) that the employed seafarers satisfy all training, competency and certification requirements prescribed for the position concerned and that the prescribed certificates in original form are kept on board the ship,
- 2) that an up-dated list is kept of all seafarers employed, their position on board, their health condition as well as documentation of their qualifications,
- 3) that all newly employed seafarers before commencing their service are duly familiarized with their specific duties on board, including equipment, installations and emergency plans as well as special conditions relevant to both their routine duties and their duties in an emergency,
- 4) that the crewmembers are able to effectively coordinate the duties in an emergency situation and in cases of risk of pollution, and
- 5) that the crewmembers are able to communicate with other persons on board on safety matters and to understand safety information, including symbols, signs and alarm signals.

*Subsection 2.* <sup>1)</sup> The provisions in subsection 1 shall also apply if other organisation or person carry out some of the duties or obligations on behalf of the shipowner or the master.

*Subsection 3.* <sup>1)3)</sup> If a document of compliance has been issued pursuant to the International Safety Management Code or a certificate has been issued according to the ILO Convention on seafarers condition of employment (MLC) or the ILO Convention 188 Work in Fishing to another organisation or person, subsection 1 shall also apply to the organisation or person concerned.

*Subsection 4.* <sup>1)</sup> The Minister may lay down more detailed regulations on the provisions mentioned in subsections 1-3 and in this connection prescribe specific communication and language requirements.

**Section 17 a.** <sup>2)</sup> It is the responsibility of the shipowner that the minimum safe manning document is up-dated in accordance with applicable rules.

*Subsection 2.* <sup>2)</sup> If the Faroese Maritime Authority finds that a specific minimum safe manning document does not comply with the applicable rules, the Faroese Maritime Authority may revise the minimum safe manning document and update accordingly.

## **Chapter 7 General provisions**

**Section 18.** Any person employed on board within the scope of this Act shall comply with the competency requirements stipulated in this Act.

*Subsection 2.* No mate or engineer employed in a supernumerary capacity shall be assigned to stand watch alone unless the person holds a certificate of competency of at least the same degree as stipulated for the lowest of the positions prescribed for the ship, respectively for mates or engineers.

*Subsection 3.* The Minister of Maritime Affairs may lay down more detailed regulations on watch keeping on ships.

**Section 19.** If the safe manning level of a ship is depleted by illness, death, desertion or other cause beyond the control of the master or the shipowner, no requirements in or issued in accordance with this Act shall prevent the master from continuing the voyage, provided regard is paid to the seaworthiness of the ship. However, the safe manning level should be re-established as soon as possible. The master shall note in the ship's log book the particulars of the situation, or, where no log book is kept, in the ship's survey book.

**Section 20.** After consultation with the organisations of shipowners and seafarers, the Minister of Maritime Affairs may amend the tonnage limits stipulated in this Act to other units of measure and amend the propulsion power limits stipulated in this Act.

**Section 21.** <sup>1)</sup> In special circumstances and for a limited time, the Faroese Maritime Authority may increase or decrease the number of crewmembers stipulated for the minimum safe manning document, consistent with mandatory international conventions and section 4 subsection 4.

*Subsection 2.* <sup>1)</sup> In special circumstances and in compliance with mandatory international conventions, the Faroese Maritime Authority may allow a person not holding the certificate required for service in a particular position to serve in the position concerned, but only for a single voyage or for a specific period not exceeding 6 months.

### *Electronic communication* <sup>3)</sup>

**Section 21 a.** <sup>3)</sup> The Minister may lay down provisions that written communication with the authorities on matters that are subject to this Parliamentary Act or rules issued under the provisions of this Parliamentary Act shall be reported electronically. The Minister may decide in some cases, exemption may be given from the obligation to electronic communication.

*Subsection 2.* The Minister may lay down further provisions on electronic communication including rules on the use of certain IT systems, specific electronic formats, digital signature etc.

### **Advance fixing of safe manning**

**Section 22.** <sup>1)</sup> Upon request, the Faroese Maritime Authority may determine the safe manning for a projected ship, for a ship which is intended to be rebuilt, and for a foreign ship planned to be transferred to the Faroese flag (advance fixing of safe manning).

*Subsection 2.* <sup>1)</sup> If the Faroese Maritime Authority finds that an advance fixing of safe manning cannot be given with sufficient safety, the request shall be dismissed with indication of the reasons for the dismissal.

*Subsection 3.* An advance fixing, as may be amended upon appeal to the Safe Manning Board shall have binding effect, unless there have been changes in the preconditions on which the decision was based.

### **The Safe Manning Board**

**Section 23.** <sup>13)</sup> Decisions made by the Faroese Maritime Authority in accordance with section 4 subsections 3, 4 and 5, section 5 subsection 3, section 7 a subsections 3,5,7 and 9, section 8 subsections 2, 3 and 5, section 10 subsection 2, section 21 subsections 1 and 2 and section 22 subsection 1 may by the shipowner or the organisation of seafarers be brought before the Safe Manning Board which shall take the final administrative decision.

*Subsection 2.* A decision to deny a request for an advance fixing of safe manning, however, may not be brought before the Safe Manning Board.

*Subsection 3.* When an advance fixing has not been brought before the Safe Manning Board within a period of one month, the decision about the final fixing of the safe manning in accordance with the advance fixing of safe manning may only be brought before the Safe Manning Board if there have been changes in the preconditions on which the advance fixing was based.

*Subsection 4.* The Safe Manning Board is composed of a chairman, who shall be a lawyer appointed by the Minister of Maritime Affairs, one representative from each of the organisations of seafarers and a corresponding number of representatives from the shipowner's organisations all of whom shall all be appointed by the Minister of Maritime Affairs on the recommendation of the organisations concerned. Substitutes shall be appointed for each of the members.

*Subsection 5.* The Minister of Maritime Affairs shall lay down the rules of procedure of the board.

### **Complaint <sup>1)</sup>**

**Section 23 a.** <sup>1)</sup> Decision made by the Faroese Maritime Authority according to this Act or rules laid down under the provisions in this Act may be brought before the Minister no later

than four weeks from the day the person concerned has been informed about the decision, cf. however section 23.

## **Penalties**

**Section 24.** <sup>2)</sup> Any person who acts in violation of section 3, section 4 subsection 2, section 5 subsection 1, section 6, section 7, section 8 subsection 1 or 3, section 9, section 17 No. 1 or 2, section 17 a subsection 1 and section 19 No. 2 or 3, or fails to observe the manning requirements laid down according to this Act shall be liable to a fine.

*Subsection 2.* <sup>1)</sup> If the shipowner has fully or partly transferred his obligations according to section 17 subsection 1 No. 1 or 2, to other companies or persons, subsection 1 shall also apply if the obligations are not met.

*Subsection 3.* <sup>1)</sup> Regulations stipulated in accordance with this Act may stipulate specific fines for violation of the provisions, cf. however section 25 subsection 5.

**Section 25.** <sup>6)</sup> Any person who acts in violation of section 17 subsection 1 No. 3, 4, or 5 shall be liable to a fine or imprisonment for up to 1 year.

*Subsection 2.* <sup>6)</sup> The penalty may be increased to imprisonment of up to 2 years if the contravention has been committed with intent or by gross negligence and if the contravention has resulted in

- 1) injury to young persons under the age of 18 or the potential risk thereof or
- 2) an obtained or intended economic advantage for the person concerned or others, including a reduction in costs.

*Subsection 3.* If the economic profit obtained by the contravention is not confiscated, special account shall be taken of the amount of any obtained or intended economic advantage in connection with the determination of the amount of the fine, cf. subsection 2 No. 2.

*Subsection 4.* <sup>1)</sup> Subsections 1 to 3 shall apply similarly if other companies or persons carry out some of the duties or obligations on behalf of the shipowner or the master, cf. section 17 subsections 2 and 3.

*Subsection 5.* <sup>1)6)</sup> Regulations stipulated in accordance with section 17 subsection 4 concerning section 17 subsection 1 No. 3-5 may stipulate penalty such as fine or imprisonment for up to 1 year. It may also be stipulated that the penalty may be increased to imprisonment for up to 2 years under circumstances corresponding to those mentioned in subsection 2.

**Section 26.** <sup>1)</sup> Legal persons shall incur criminal liability under the regulations in chapter 5 of the Faroese Penal Code.

**Section 26 a.** <sup>1)3)</sup> As part of the inspection according to the Parliamentary Act on Safety at Sea, the Faroese Maritime Authority ensures compliance with the ILO Convention on seafarers condition of employment (MLC) and with the ILO Convention 188 Work in Fishing, which are provided in or according to this Parliamentary Act.

**Section 26 b.** <sup>2)</sup> The Faroese Maritime Authority may, from the shipowner or master, request all information on manning and ship necessary for inspection.

*Subsection 2.* <sup>2)</sup> The Faroese Maritime Authority is, on all Faroese vessels, entitled to do the examinations necessary for inspection.

## **Chapter 8**

### **Entry into force and transitional provisions**

**Section 27.** This Act comes into force the day after it has been promulgated.

*Subsection 2.* At the same time Parliamentary Act No. 5 of 15 January 1988 on Manning of Ships with later amendments and Parliamentary Act No. 16 of 3 March 1988 on Maritime Affairs with later amendments, are made void.

*Subsection 3.* The provisions stipulated in accordance with the acts mentioned in subsection 2, shall remain in force until the provisions pursuant to this Act are promulgated.

**Section 28.** Certificates of competency issued before the Act came into force, entitles the holder to the same rights as before. Certificates of competency qualifying for service as deck officer, engineer officer or radio operator on merchant ships shall, however, only be valid until 1 February 2002.

*Subsection 2.* As regards ships with a length of less than 24 m, measured solely in accordance with the previously applying tonnage measurement rules, the gross register tonnage (GRT) indicated in the tonnage certificate of the ship, rounded down without decimals, shall continue to apply instead of the gross tonnage (GT) specified in this Act.

**Section 29.** Ships engaged on a voyage on the day this Act enters into force and for which the safe manning requirement is not stipulated in the Act, shall be manned in accordance with the safe manning rules and regulations previously in force until new safe manning requirement is stipulated.

*Subsection 2.* If the manning requirement mentioned in subsection 1 stipulates a safe manning level lower than previously in effect, the reduction of crew to the new safe manning levels shall only be achieved by natural attrition or upon return to a Faroese port for a period of 6 months from the date of the regulation of the new safe manning requirements. A Danish or Greenlandic port may only be deemed a Faroese port, if the seafarer permanently resides in Denmark or Greenland.

### **Notes**

<sup>1)</sup> Amended in Parliamentary Act No. 71 of 30 May 2011, section 4 amended as follows:  
The Minister shall determine the date of the entry into force of this Parliamentary Act in an executive order. In this connection, the Minister may determine that the provisions of the Parliamentary Act shall enter into force on different dates.

*Subsection 2.* Persons who have acquired a right to work as a prescribed cook according to section 7 subsection 3 in the Parliamentary Act on Manning of Ships before the entry into force of this Parliamentary Act shall maintain this right.

<sup>2)</sup> Amended in Parliamentary Act No. 52 of 12 May 2015, section 2 amended as follows: Subsection 1. This Parliamentary Act comes into force the day after it has been promulgated.

*Subsection 2.* Certificates of competency and certificates of proficiency issued before this Act enters into force, shall retain their validity according to the expire date on the certificate of competency and certificate of proficiency.

*Subsection 3.* Ships engaged on a voyage after this Act enters into force and for which the safe manning requirement is not stipulated in the Act, shall be manned in accordance with the safe manning rules and regulations previously in force until new safe manning requirement is stipulated.

*Subsection 4.* If the manning requirement in subsection 3 stipulates a safe manning level lower than previously in effect, the reduction of crew to the new safe manning levels shall only be achieved by natural attrition or upon return to a Faroese port for a period of 6 months from the date of the regulation of the new safe manning requirements. A Danish or Greenlandic port may only be deemed a Faroese port, if the seafarer permanently resides in Denmark or Greenland.

<sup>3)</sup> Amended in Parliamentary Act No. 51 of 7 May 2019, section 4 amended as follows: Subsection 1. The Minister shall determine the date of the entry into force of this Parliamentary Act in an executive order. In this connection, the Minister may determine that the provisions of the Parliamentary 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.

<sup>4)</sup> Amended in Parliamentary Act No. 31 of 19 May 2008.

<sup>5)</sup> Amended in Parliamentary Act No. 75 of 25 May 2009, section 13 subsection 1 amended as follows: “This Parliamentary Act enters into force 1 January 2010.”

<sup>6)</sup> Amended in Parliamentary Act No. 168 of 16 December 2021.