13 January 1997

Act No. 15

Act on Manning of Ships

Part 1

Scope of the Act, etc.

1. This Act shall apply to Danish ships except warships and troop carriers.

2. For the purpose this Act the following definitions shall apply:

1) "Merchant ship": Any ship with the exception of fishing vessels and pleasure craft.
2) "Passenger ship": A ship which carries more than 12 passengers.
3) "Cargo ship": A merchant ship which is not a passenger ship.
4) "Fishing vessel": A vessel with a certificate of nationality on which a port registration number is entered.
5) "Pleasure craft": A ship which is not used for commercial purposes. In cases of doubt the Danish Maritime Authority shall decide whether a ship is considered to be a pleasure craft.
6) "Seagoing ship": A ship used in navigation outside ports, rivers, lakes or similar protected waters.
7) "STCW Convention endorsement": Certificate of competency or recognition certificate endorsed in accordance with the provisions laid down in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, with subsequent amendments (the STCW Convention).
8) "STCW-F Convention endorsement": Certificate of competency or recognition certificate endorsed in accordance with the International Convention on Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (the STCW-F-Convention).
9) "Gross tonnage": The gross tonnage (GT) indicated at any time in the tonnage certificate of the ship, rounded down without decimals.
10) "Length": The length of the ship measured in accordance with the Act on measurement of ships and as indicated in the tonnage certificate of the ship.
11) "Propulsion power": The total maximum continuous rated power in kilowatts (kW)

rounded down without decimals of all main propulsion machinery. The performance shall be fixed by the Danish Maritime Authority on the basis of the test-bed forms of the engine manufacturer and shall be stated in the safe manning document.

12) "Near-coastal voyages": Trade in the North Sea east of 3 degrees east longitude and south of 62 degrees north latitude, trade in the Baltic Sea as well as trade along the coasts of Greenland at a distance of not more than 30 nautical miles from the coast (the base line).

13) "Trade in limited waters": Trade south of 62 degrees north latitude, north of 48 degrees north latitude and east of 12 degrees west latitude, trade in the Baltic Sea, trade at the Faroe Islands and the Faroe Bank as well as trade along the coasts of Greenland at a distance of not more than 200 nautical miles from the coast (the base line).

14) "International trade": Trade between a Danish and a foreign port or between two foreign ports as well as trade between Denmark and the Faroe Islands or Greenland and trade between the Faroe Islands and Greenland.

15) "Domestic trade": All trade other than international trade.

3. There shall be a master on every ship and in addition there shall be the safe manning required for the purpose of safety of life at sea.

Part 2

Merchant ships

4. - (1) Passenger ships (irrespective of size), cargo ships of 20 gross tonnage or more as well as cargo ships of less than 20 gross tonnage in international trade shall be provided with a certificate issued by the Danish Maritime Authority specifying the safe manning required.

(2) As regards ships of less than 20 gross tonnage in domestic trade the safe manning may be fixed for groups of ships and instead of issuing a certificate as described in subsection (1) notice about the fixed safe manning may be given by publication in Notices from the Danish Maritime Authority.

5. - (1) For passenger ships irrespective of size, for cargo ships of 20 gross tonnage or more and for cargo ships of less than 20 gross tonnage in international trade the safe manning shall be fixed by the Danish Maritime Authority. For cargo ships of less than 20 gross tonnage in domestic trade the Danish Maritime Authority may fix the safe manning if warranted for the purpose of safety of life at sea.

(2) The safe manning shall be fixed for each individual ship taking into consideration the type of

ship, design, equipment, use and area of operation so that the size and composition of the crew will make it possible to cover all tasks of importance to the safety of the ship and of persons on board the ship, including

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

(3) When fixing the safe manning account shall also be taken of the watch arrangements on board, shift work, the actual working hours of the individual categories of crew, applicable rules on rest periods and the use of unitary crew members.

(4) The safe manning may include persons with a different training background if the training is comparable with the training prescribed by or under the provisions of this Act.

6. - (1) Masters as well as navigation and engineer officers shall hold a Danish certificate of competency.

(2) The certificates in original form shall be kept on board and shall be provided with an STCW Convention endorsement either in accordance with Regulation VII of the STCW Convention as stated in the safe manning document of the ship or in accordance with the tables below:

Masters and navigation officers

Ships of less than 500 gross tonnage on near- coastal voyages

Gross tonnage	Master	Mate
20-99	Master (Home Trade)(STCW Reg. II/3 as Master)	Certificate of Competency in Sailing(STCW Reg. II/3 as Watch-keeping Officer)
100-199		Certificate as Second Hand (STCW Reg. II/3 as Wathchkeeping Officer)
200-499		Mate, 4th Class (STCW Reg. II/3 as Watchkeeping Officer)

Other ships

Gross tonnage	Master	Chief mate	Other mates
20-2990	Master (Restricted) (STCW Reg. II/2 as Master)	Mate, 3rd Class (STCW Reg. II/2 as Chief Mate)	Mate, 3rd Class or Officer in Charge of a Navigational Watch (STCW Reg. II/1 as Watchkeeping Officer)
3000 or more	Master (STCW Reg. II/2 as Master)	Mate, 1st Class (STCW Reg. III/3 as Chief Mate)	

Engineer officers

Propulsion power (kW)	Chief engineer officer/ sole engineer officer	Second engineer officer	Other engineer officers
100-749	Certificate of Competency in Motor Operation		
750-2999	Mechanist, 1st Class (STCW Reg. III/3 as Chief Engineer)	Mechanist, 2nd Class (STCW Reg. III/3 as 2nd engineer)	Mechanist, 2nd Class or Watchkeeping Engineer Officer (STCW Reg. III/1 as Watchkeeping Officer)
3000 or more	Chief Engineer Officer (STCW Reg. III/2 as Chief Engineer)	Engineer Officer, 1st Class(STCW Reg. III/2 as 2nd Engineer	

(3) As regards passenger ships and tankers the Danish Maritime Authority may increase or reduce the qualification requirements specified in subsection (2) taking into consideration the design of the ship, equipment, area of operation and number of passengers.

(4) On ships registered in the Danish International Register of Shipping Danish certificates may be substituted by a valid certificate of competency accompanied by an STCW Convention endorsement issued by the Danish Maritime Authority in accordance with the provisions laid down in subsection (2). However, the master of the ship shall be a Danish citizen.

(5) In cases where a person is required to hold a certificate of competency in motor operation, the person concerned may at the same time be employed to perform other types of service on board.

7. - (1) Radio operators on ships required under applicable rules to be fitted with radio equipment

for use in the global maritime distress and safety system (GMDSS) shall hold a Danish certificate of competency with an STCW Convention endorsement for service as a radio operator issued by the Danish Maritime Authority.

(2) Danish certificates are not required on ships registered in the Danish International Register of Shipping, but the radio operator must hold a valid certificate of competency accompanied by an STCW Convention endorsement for service as a radio operator issued by the Danish Maritime Authority.

8. - (1) A prescribed cook shall hold a certificate of competency as a ship's cook.

(2) On ships registered in the Danish International Register of Shipping a certificate as a ship's cook may be replaced by apprenticeship as a cook for 48 months, of which at least 24 months must have been served on board sea-going ships.

Part 3

Fishing vessels

9. - (1) On fishing vessels of 20 gross tonnage or more, but less than 500, there shall be a master and mate holding certificates of competency in accordance with the table below:

Area of operation	Master	Mate
Trade in limited waters	Skipper, 3rd Class on Fishing Vessels	Mate - 3rd Class on fishing vessels. However, on vessels under 24 metres in length Second Hand on Fishing Vessels
Other trade	Skipper, 1st Class on Fishing Vessels	Mate - 1st Class on Fishing Vessels

(2) The Danish Maritime Authority shall fix the safe manning on fishing vessels of 500 gross tonnage or more.

(3) For the purpose of operating the engine in fishing vessels in limited waters 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 carried out from the steering place there shall be 1 person holding a certificate of competency in motor operation and when operating in unlimited waters 2 persons holding a certificate of competency in motor operation. On other vessels of 20 gross tonnage or more powered by main propulsion machinery of 100 kW or more the manning of the engine shall be fixed by the Danish Maritime Authority.

(4) The persons prescribed in subsection (3) above may be employed to perform other types of service on board.

(5) When the Danish Maritime Authority fixes the safe manning under subsections (2) and (3), this shall be done in compliance with section 5(2).

(6) The Danish Maritime Authority may prescribe that masters and mates on fishing vessels shall hold a certificate of competency with an STCW-F Convention endorsement issued by the Danish Maritime Authority and that engineer officers and radio operators on fishing vessels shall hold a certificate of competency with an STCW or STCW-F Convention endorsement issued by the Danish Maritime Authority.

Part 4

Pleasure craft

10. - (1) On pleasure craft of 20 gross tonnage or more, but under 100, there shall be a master and a mate holding a certificate of competency in accordance with the table below:

Area of operation	Master	Mate
Trade in the Baltic Sea, in the North Sea east of 7 deg. east longitude and trade along the coasts of Greenland at a distance of not more than 30 nautical miles from the coast (base line)	Yacht Master - 3rd Class	
Trade in the North Sea and the English Channel as well as trade at the British Islands,	Yacht Master - 3rd Class	Certificate of competency in sailing on pleasure craft

Ireland, Norway and the Faroe Islands		
Trade in unlimited waters	Yacht Master - 1st Class	Yacht Master - 3rd Class

(2) The Danish Maritime Authority shall fix the safe manning on pleasure craft of 100 gross tonnage or more.

(3) For the purpose of operating the engine in pleasure craft navigating in the Baltic Sea and in the North Sea east of 7 degrees east longitude 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 carried out from the steering place, there shall be 1 person holding a certificate of competency in motor operation on pleasure craft. In other pleasure craft of 20 gross tonnage or more powered by main propulsion machinery of 100 kW or more the manning of the engine shall be fixed by the Danish Maritime Authority.

(4) When the Danish Maritime Authority fixes the safe manning under subsections (2) and (3) above, this shall be done in compliance with section 5 (2).

Part 5

Miscellaneous provisions concerning the fixing of the safe manning

11. If a ship is deprived of any member or members of the prescribed crew through illness, death, desertion or any other cause whatsoever beyond the control of the master or the owners, no requirements in or issued in accordance with this Act shall prevent the master from continuing the voyage, on the condition that due regard be paid to the seaworthiness of the ship. The crew shall, however, be completed as soon as possible. The master shall make the necessary entry of the particulars of the case in the ship's log book, or where no log book is kept, in the survey book.

12. The Danish Maritime Authority may under special circumstances and in compliance with mandatory internationally adopted regulations 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.

13. - (1) The requirements laid down in sections 6(1), 7(1), 8(1), 9 and 10 concerning Danish training programmes and certificates of competency shall not apply to persons who satisfy the

conditions laid down in the directives of the European Communities concerning introduction of general schemes for mutual recognition of examination certificates for certain types of vocational education, cf. Act No. 291 of 8 May 1991 on the right to exercise certain occupational activities in Denmark for citizens from the European Communities and the Nordic countries. However, masters of merchant ships and fishing vessels must be Danish citizens.

(2) The application for access to exercise professional activities shall be filed with the Danish Commerce and Companies Agency.

(3) The Danish Maritime Authority shall decide whether the conditions for exercise of professional activities in this country are satisfied and shall inform the applicant hereof.

Changes in tonnage limits

14. The Danish Maritime Authority may - after consultation of the organisations of shipowners and seafarers - lay down rules which change the tonnage limits specified in this Act to limits fixed in a different measurement unit and which changes the limits specified in this Act for propulsion power.

Advance fixing of safe manning

15. - (1) At request the Danish Maritime Authority may fix the safe manning for a projected ship, for a ship which is intended to be reconditioned, and for a foreign ship planned to be transferred to Danish flag (advance fixing of safe manning).

(2) If the Danish Maritime Authority finds that an advance fixing of safe manning cannot be given with sufficient certainty, the request shall be dismissed with an indication of the reasons for its dismissal.

(3) An advance fixing, or an advance fixing as changed by the Safe Manning Board, shall have binding effect, unless there have been changes in the pre-conditions on which the decision was based.

The Safe Manning Board

16. - (1) Decisions made by the Danish Maritime Authority under sections 4 (2), 5, 6(3), 9(2) and (3), 10 (2) and (3), 12 and 18 (2) may by the owner or by an organisation of seafarers be brought

before the Safe Manning Board which shall take the final administrative decision.

(2) However, a decision to dismiss a request for an advance fixing of safe manning may not be brought before the Safe Manning Board.

(3) When an advance fixing given by the Danish Maritime Authority 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 pre-conditions on which the advance fixing was based.

(4) The Safe Manning Board shall be composed of a chairman appointed by the Minister for Business and Industry - who shall satisfy the ordinary conditions for appointment to the office of Judge to the Danish High Court - as well as a representative of each of the organisations of seafarers and a corresponding number of representatives of the owners' organisations who shall all be appointed by the Minister on the recommendation of the organisations concerned. Substitutes shall be appointed for each of the members.

(5) The Minister for Business and Industry shall lay down the rules of procedure of the Board.

(6) The cases before the Board shall be heard by the chairman and an equal number of representatives of the organisations of seafarers and owners.

(7) Bringing a decision before the Board shall not have suspensive effect.

Part 6

Requirements for education and training

17. No person may be in charge of a watch as mate or engineer officer unless he or she is holding a certificate of competency of at least the same degree as fixed for the lowest of the positions prescribed for the ship, respectively for mate and engineer officer.

18. - (1) The Danish Maritime Authority shall in compliance with mandatory internationally adopted regulations and after consultation of the organisations of shipowners and seafarers lay down requirements for training, qualification and certification for

1) deck crew, engine crew and unitary crew,
2) medical staff on merchant ships and fishing vessels,

3) crew on passenger ships, and
4) officers and crew on oil tankers, chemical tankers and gas tankers.

(2) The Danish Maritime Authority may also lay down special training, qualification and certification requirements, and in this connection provide for higher or lower qualification requirements and manning rules than those laid down in this Act for

1) persons serving in a position for which no special training requirements have been laid down by virtue of this Act, and
2) officers and crew on

   (a) ships with special manoeuvring capabilities,
   (b) ships with special outfit or special equipment,
   (c) special purpose ships and ships of a special construction,
   (d) ships used in a geographically restricted area.

(3) When the Danish Maritime Authority fixes the crew under subsection (2) above, this shall be done in compliance with section 5 (2).

Part 7

Certificates of competency

19. - (1) The Danish Maritime Authority shall in compliance with mandatory internationally adopted regulations and after consultation of the organisations of shipowners and seafarers lay down the conditions for obtaining the certificates of competency dealt with in this Act, including requirements concerning

1) education and training,
2) duration of seagoing service,
3) health
4) faculty of vision and hearing ,
5) age, and
6) the person being of full age and capacity and not subject to guardianship under section 5 of the Guardianship Act or to special guardianship under section 7 of the Guardianship Act.

(2) It is a condition for obtaining a certificate of competency giving the right to command merchant ships and fishing vessels that the person concerned is a Danish citizen. However, the Danish Maritime Authority may under special circumstances - and after having obtained the opinion of the

organisations concerned - grant exemption from the requirement of Danish citizenship.

20. - (1) Certificates of competency shall be issued free of charge.

(2) The Danish Maritime Authority shall issue and draw up certificates of competency.

(3) The Danish Maritime Authority may lay down rules on payment for conduct of competence tests required for issue of certificates for competency in sailing and in motor operation.

(4) Certificates of competency for merchant ships and fishing vessels shall be valid for a period of five years from the date of issue. The Danish Maritime Authority shall lay down rules on renewal of certificates of competency, recovery of professional competence and on the issue of the first certificate of competency to persons who have passed the examination required for obtaining the certificate more than 5 years prior to the date of issue.

(5) The Danish Maritime Authority shall in compliance with mandatory internationally adopted regulations lay down detailed rules for endorsement of foreign certificates of competency and recognition of foreign certificates.

21. - (1) The Danish Maritime Authority may withdraw a certificate of competency if the holder thereof by his or her navigation or other service on board has posed a direct threat to life, property or the environment or if it is deemed irresponsible due to the person's mental or physical condition to let him or her continue to perform the functions for which the certificate qualifies.

(2) The holder of a certificate of competency shall undergo such medical examinations as may be required to decide the question mentioned in subsection (1) above. The costs of such examinations shall be paid by the state. If the holder of a certificate refuses to undergo a required examination, the certificate may be withdrawn.

22. - (1) The person affected by a decision to withdraw a certificate may request that the matter is brought before a court of law. A request to this effect shall be put forward to the Danish Maritime Authority within 4 weeks after the person concerned has been notified of the decision.

(2) The decision of the Danish Maritime Authority shall contain information about the right to request the matter to be brought before a court of law and the time limit applying.

(3) If a request is made to bring the decision concerning withdrawal of a certificate of competency before a court of law, the Danish Maritime Authority shall bring an action against the person concerned in accordance with the procedural rules of the Danish Administration of Justice Act. In Copenhagen such cases fall under the jurisdiction of the Copenhagen Maritime and Commercial

Court and outside its jurisdiction such cases are heard my the maritime courts.

(4) A request to bring the case before a court of law shall have suspensive effect. The Danish Maritime Authority may, however, decide that a request shall not have suspensive effect. Such a decision may be reversed by an order of the court before the question of the legality of the withdrawal of the certificate of competency is decided.

23. - (1) A certificate of competency which has been withdrawn shall be handed in to the Danish Maritime Authority.

(2) The Danish Maritime Authority may at any time hand back a withdrawn certificate of competency when the circumstances which justified the withdrawal are no longer deemed to exist. If an application to recover a certificate is dismissed, the applicant may request that the matter is brought before a court of law. If the matter has previously been brought before a court, legal proceedings may only take place after a period of 1 year has lapsed since the withdrawal was latest upheld by court order. Section 22 (2) and (3) shall be correspondingly applicable.

24. The right to command a merchant ship or fishing vessel which follows from the certificate of competency is forfeited if the holder of the certificate loses his or her Danish citizenship. The Danish Maritime Authority may, however, under special circumstances grant exemption from this provision. If the person concerned recovers Danish citizenship, the right to command a ship is automatically regarded as regained, cf. however, section 20 (4).

Part 8

The responsibilities of the shipowner and the master of the ship

25. - (1) It is the responsibility of the shipowner and the master of the ship to ensure -

1) that the employed seafarers satisfy all training, qualification 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 and easily accessible list is kept of all seafarers employed, their position on board, their state of health as well as documentation of their qualifications,
3) that seafarers on being assigned to the ship before commencing their service are duly familiarized with their specific duties, including all ship arrangements, installations, equipment, procedures and emergency plans as well as special conditions relevant to their routine or emergency duties,
4) that the members of the crew of the ship are able to effectively co-ordinate their activities

in an emergency situation and in cases of risk of pollution, and

5) that crew members are able to communicate with other persons on board on elementary safety matters and to understand safety information, including symbols, signs and alarm signals.

(2) The Danish Maritime Authority may lay down more detailed regulations concerning the provisions mentioned in subsection (1) above and in this connection prescribe special communication and language skills.

Part 9

Delegation of powers

26. If the Minister for Business and Industry delegates his powers under this Act to the Danish Maritime Authority, the Minister may lay down rules on the right of appeal, including rules to the effect that appeals against decisions may not be brought before a higher administrative authority.

Part 10

Penal sanctions

27. - (1) Any person who acts in violation of section 3, section 4 (1), section 6 (1), (2) or (4), section 7, section 8, section 9 (1) or (3), section 10 (1) or (3), section 11, clauses 2 or 3, section 17 or section 25 (1), par. 1) or 2) or fails to observe the manning requirements laid down by virtue of this Act shall be liable to a fine.

(2) Regulations issued by virtue of this Act may provide for sanctions in the form of fines, cf., however, section 28 (4).

28. - (1) Any person who acts in violation of section 25 (1) par. 3), 4) or 5) shall be liable to a fine, simple detention or imprisonment for a term of up to 1 year.

(2) The sanction may take the form of simple detention or imprisonment for a term of up to 2 years if the violation has been committed with intent or by gross negligence and if the violation has resulted in -

1) injury to young persons under the age of 18 years or in a risk hereof, or
2) an obtained or intended economic advantage for the person concerned or others, including a

reduction in costs.

(3) In the absence of confiscation of the economic profit obtained by the violation, 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 or any additional fines, cf. subsection (2) par. 2) above.

(4) Regulations issued by virtue of section 25 (2), under section 25 (1) par. 3) to 5), may provide for sanctions in the form of a fine, simple detention or imprisonment for a term of up to 1 year. It may further be stipulated that the sanction may be raised to simple detention or imprisonment for a term of up to 2 years under circumstances corresponding to those mentioned in subsection (2) above.

29. Penal sanctions may be imposed upon companies and similar bodies (legal persons) under the rules laid down in part 5 of the Danish Penal Code.

Part 11

Commencement and transitional provisions, etc.

30. - (1) This Act shall come into force on 1 February 1997.

(2) The Manning of Ships Act, cf. Consolidation Act No. 105 of 7 February 1994, and the Certificates of Competency Act, cf. Consolidation Act No. 372 of 31 May 1990, are hereby repealed.

(3) The rules issued by virtue of the Act on Manning of Ships, cf. Consolidation Act No. 105 of 7 February 1994, and the Certificates of Competency Act, cf. Consolidation Act No. 372 of 31 May 1990, shall remain in force until they are repealed or replaced by rules issued by virtue of this Act.

31. - (1) Certificates of competency obtained before 1 February 1997 shall give the holders the same rights as before. Certificates qualifying for service as navigator, engineer officer or radio operator in merchant ships shall, however, only be valid until 1 February 2002.

(2) Persons who are not holding a certificate of competency and who on the date of commencement of this Act have been performing service as master or mate on ships of less than 20 gross register tons (GRT) may continue to perform such service, cf., however, section 18 (2).

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

32. This Act shall not apply to the Faroe Islands and Greenland, but may by Royal Decree be given effect in Greenland with the changes warranted by the special conditions in Greenland.

Given at Christianborg Castle, 13 January 1997

Under Our Royal Hand and Seal

In the Name of the Queen

FREDERIK
Crown Prince

/Jan Trøjborg