

Consolidated decree on the entry into force for Greenland of the act on safety at sea

Hereby decree no. 71 of 29 January 2013 on the entry into force for Greenland of the act on safety at sea (*lov om sikkerhed til søs*) is hereby promulgated with the amendments deriving from decree no. 1031 of 24 August 2015.

Part 1

Application of the act to Danish and foreign ships

Section 1. The act shall apply to Danish ships, including ships registered in Greenland. However, as regards ships of war and troopships, only part 3, section 17(3) and part 12 shall apply.

Subsection 2. The Minister for Business and Growth may lay down rules regulating what objects are to be regarded as ships.

Subsection 3. The Minister for Business and Growth may lay down rules stipulating that the act and the regulations issued hereunder shall apply wholly or partly to other Danish and foreign ships in Greenland ports, in Greenland territorial waters, in the exclusive economic zones as well as in the Greenland continental shelf area and fishing territory. In this act, Faroese ships shall be considered equal to foreign ships.

Part 2

Provisions on the construction, equipment and operation, etc. of ships

Section 2. Every ship shall be constructed, equipped and operated in such a way as to adequately protect human life at sea and in such a way that it is fit for the nature of the service for which it is intended at any time. As much regard as possible shall be paid to pollution protection.

Subsection 2. The ship shall be provided with means of navigation, machinery, radio installations, life-saving appliances, medicaments, means of fire-protection and fire-fighting appliances to such an extent that the persons on board, the ship and the cargo are protected to the extent possible.

Subsection 3. The working and accommodation places, etc. of the ship shall be constructed in such a way that as much regard as possible is paid to the state of safety and health on board, the comfort of the persons on board, and the protection of the persons on board against harmful effects.

Subsection 4. The ship shall be provided with structural and technical means of protection against pollution.

Section 3. The Minister for Business and Growth may lay down rules on the construction, equipment and operation of ships, including

- 1) when and according to what guidelines a ship shall be surveyed, the inspection, approval and testing of material, requirements for the stability, load lines and draught marks of ships, and the obligations of the owner and master of the ship in this regard, as well as rules on shipyards and other companies' reporting of conversions of ships,
- 2) safety management systems for ships and shipowners,

- 3) what acts, regulations, certificates and ship's logs, including ship plans in connection with the prevention of pollution by ships, as well as survey books shall be found on board, and rules on the authorization, form, and entries of the books and rules stipulating what posters shall be placed on board,
- 4) ship's records in connection with the prevention of pollution, including the endorsement of the records and the responsibility for their keeping and safe-keeping as well as the inspection thereof,
- 5) maritime security to prevent acts of terror, etc. against ships,
- 6) aids and materials, their construction and marking, use, maintenance and service, safety work, the duties of the shipowner and other employers in connection with the seafarers' working and living conditions on board, including the health and safety conditions under which work on board not covered by the working environment act (*lov om arbejds miljø*) shall be performed,
- 7) the ship's safety, fire and life-saving services, hygiene conditions and cleanliness on board, the health training of those treating illnesses, work-related medical examinations, payment of expenses in connection therewith, as well as the obligations of the shipowner and other employers and the employee in this connection,
- 8) the areas of responsibility of ship's officers and others on board holding high-ranking positions,
- 9) measures against getting stowaways on board and the treatment of stowaways on board,
- 10) marking, loading, transportation and unloading of dangerous goods and other cargoes requiring special arrangements with regard to the safety of the ship and of human life and the protection against pollution, including terminal operators' quality management systems for the loading and unloading of bulk carriers, and
- 11) the carriage of live animals.

Subsection 2. The Minister for Business and Growth may lay down regulations on stricter safety requirements for ships whose navigation in arctic waters present a special risk to those on board the ship or the arctic environment, including regulations on the use of a pilot certified for navigation in the relevant area.

Section 4. The Minister for Business and Growth may lay down rules on the delivery, marketing and manufacture of recreational craft, marine equipment, personal safety means and other products used on board ships.

Subsection 2. The Minister for Business and Growth may lay down rules on conditions to be observed by the shipper in connection with the carriage of goods by sea.

Subsection 3. The Minister for Business and Growth shall lay down rules on the investigation of accidents at sea involving Danish ships as well as accidents at sea otherwise connected with Denmark, including

- 1) the duty to report and the removal of wreckage resulting from sea accidents with a view to protecting the possibilities of investigation,
- 2) co-operation with foreign authorities,
- 3) restriction in the access to documents until the investigation is complete, and
- 4) publication of reports on investigations, including publication of information on a person's health condition in order to prevent future accidents or to limit the consequences of such.

Subsection 4. The Danish Maritime Authority may order a party that markets a vessel or a product referred to in subsection 1 and which may, if used in accordance with its intended purpose, present a danger to health, safety or the environment to take the necessary measures to avert such a danger. It may, inter alia, order

- 1) that the supply or marketing of the said vessels or products be stopped, and
- 2) that the said products or vessels be withdrawn from the market.

Section 5. For ships the keels of which are laid or which are at a similar stage of construction on the date on which new rules issued under sections 3 and 4 come into force, it may be determined that such new

rules shall not apply or shall not apply to their full extent. In this connection, due regard shall be paid to the protection against pollution, health and safety conditions and the type and use of the ship.

Subsection 2. For ships with a gross register tonnage below 20, with a gross tonnage below 20 or with a length below 15 metres and for preservation-worthy ships, less stringent regulations may be laid down departing from the stipulations of section 2.

Part 3

Safety of navigation, etc.

Section 6. The Minister for Business and Growth may lay down regulations, take measures and issue general and specific prohibition or enforcement notices to safeguard navigation, maintain order and prevent danger and prevent hindrance of free navigation, including

- 1) prohibition against navigation, fishing, anchoring and diving in special areas,
- 2) regulations for preventing collisions at sea, speed restrictions and routeing measures,
- 3) reporting and routeing systems, radar surveillance and the use of guard vessels,
- 4) approval of high-speed ferries,
- 5) bridges,
- 6) protection of submarine cables and submarine pipelines,
- 7) the establishment of zones to maintain order and prevent danger around offshore installations and in connection with construction works,
- 8) watch-keeping on board ships, and
- 9) assistance in rescuing human lives at sea.

Section 7. The Minister for Business and Growth may order any master of a ship flying the Danish flag, by means of the gathering and transmission of meteorological observations, to contribute to the maintenance of a weather service to the extent required with regard to safety of navigation.

Subsection 2. The Minister for Transport shall, after consultation with the Minister for Business and Growth, make the necessary provisions for Denmark's assistance in maintaining an international weather service to ensure safety of navigation.

Section 8. If the conditions so necessitate and in accordance with the specific requirements of the Minister for Business and Growth, navigation and buoyage systems shall be established to help position-fixing and navigation in Danish buoyage areas.

Subsection 2. Navigation and buoyage systems to help in position-fixing and navigation in main shipping routes and fairways and to safe anchorages shall be set up and maintained at the expense of the State by order of the Danish Maritime Authority.

Subsection 3. Navigation and buoyage systems not covered by subsection 2 shall be set up and maintained by the relevant port authority, bridge management, etc., which shall also bear the associated costs.

Subsection 4. The Minister for Business and Growth shall settle matters pertaining to the distinction between subsections 2 and 3.

Section 8a. The Minister for Business and Growth may, following negotiations with the Minister of Defence, lay down rules on the surveillance of Danish and Greenland waters and on ships' calls at ports, including on the obligation to report information on ships navigating the waters and ports mentioned in section 1(3), on those on board and on the ships' cargo, etc.

Part 4
General obligations

Section 9. The shipowner shall ensure that the provisions of this act and provisions issued in pursuance of the act on the ship and its operation are observed. The shipowner shall ensure that the ship is subjected to the mandatory surveys and is provided with the necessary certificates. The shipowner shall also ensure that the master of the ship has a possibility of meeting the obligations resting with him. The obligations under the first to third sentences rest with the shipowner irrespective of whether other organisations, companies or persons carry out some of the tasks or obligations on behalf of the shipowner.

Subsection 2. If the shipowner has wholly or in part transferred the obligations and fields of responsibility covered by the International Safety Management Code adopted by the United Nations' International Maritime Organization to another organisation or person, subsection 1 shall also apply to this organisation or person as regards the transferred obligations and fields of responsibility.

Section 10. The master of the ship shall ensure that the ship is in a fit condition as regards health and safety and that the work on board can be arranged in such a way that it can be done properly as regards health and safety. The master of the ship shall also ensure that the prescribed structural and technical means of protecting the sea against pollution are in a fit condition and can be used for their purpose.

Section 11. The person in charge of the work on board shall ensure that the employees are adequately protected against accidents and unhealthy influences and shall, through instructions and inspections, ensure that the work is done properly having regard to the risk of accidents and the danger to health.

Section 12. The employees on board shall assist in ensuring that the measures taken to provide protection against accidents and harmful influences work as intended.

Section 13. It is the duty of every person on board to respect the safety measures taken on board with regard to the seaworthiness of the ship and the safety of the persons on board.

Part 5
Detention and prohibition against calling at a port

Section 14. If, due to faults or defects in hull, machinery, safety equipment, placing of ballast and cargo, manning or other reasons, it is related with danger to the safety or health of the persons on board or a risk of pollution to allow the ship to proceed to sea or continue its voyage, the Danish Maritime Authority may detain the ship.

Subsection 2. The Danish Maritime Authority may also detain a ship if the ship does not have the prescribed certificates, documents or equipment or if it is defective. The Danish Maritime Authority may also detain a ship if the shipowner, the master of the ship or the person who acts on their behalf impedes the Danish Maritime Authority in the proper performance of its duties.

Subsection 3. The Danish Maritime Authority may lay down rules on the issuance of a prohibition against a ship leaving a port due to unfavourable weather, sea or ice conditions.

Subsection 4. The decision to detain the ship shall, as soon as possible, be notified to the master or owner of the ship with details about the reason for the detention and about the conditions under which the

ship may be released. The Danish Maritime Authority may make the release of a ship conditional upon the issuer of the ship's certificates having checked and confirmed that the certification may be maintained.

Subsection 5. The Danish Maritime Authority may cause measures to be taken to prevent the ship's departure. Abroad, the decision to detain a ship may be notified to the local Danish representation, which may, at the request of the Danish Maritime Authority, arrange for measures to be taken to prevent the departure of the ship.

Section 15. The Danish Maritime Authority may issue a prohibition against calling at a port when EU regulations or international provisions provide a statutory basis for this. When a prohibition against calling at a port has been issued to a ship, the Danish Maritime Authority may allow the ship to call at a specific Greenland port if its continued voyage would present a risk of loss of life, damage to the marine environment or if imperative safety precautions so require or with a view to remedying faults or defects.

Section 16. Only the employees of the Danish Maritime Authority who are duly authorized may detain ships, cf. section 14 (1) and (2). Harbour masters may, however, be authorized by the Danish Maritime Authority to detain a ship provisionally.

Subsection 2. The Danish Maritime Authority may inform other countries, classification societies, the European Commission, the European Maritime Safety Agency or other organisations or persons about faults and defects identified on ships and other information of importance to safety or the environment and about ships that have been detained or to which a prohibition against calling at port has been issued, including information about the name of the ship's classification society, charterer, etc. and the reason for the detention or prohibition against calling at port.

Subsection 3. The Minister for Business and Growth may lay down detailed rules on the Danish Maritime Authority's detention of ships and issuance of prohibitions against calling at port, including the notification of the police and port authorities, etc. The Minister for Business and Growth may also lay down rules on the procedure and the conditions of withdrawing detentions or prohibitions against calling at a port.

Subsection 4. The Danish Maritime Authority's decision to detain a ship and issue a prohibition against calling at port may be referred to the Danish Shipping Tribunal by the shipowner in question.

Part 6

Surveys, etc.

Section 17. The Minister for Business and Growth shall be the supreme administrative authority on questions relating to this act, cf. however subsection 3, section 7(2), section 8 and section 21(3).

Subsection 2. The Danish Maritime Authority shall undertake the administration of this act, cf. however section 7(2), section 8 and section 20a and its duty is

- 1) to ensure that the act and the rules, enforcement notices and prohibitions issued pursuant hereto are complied with,
- 2) to approve the use of ships, including the permitted trade area and number of passengers and in this connection to issue the necessary certificates and other documentation, and
- 3) to keep itself informed of the technical and social development within the framework of the act and to contribute to improving ships and their equipment and operation as regards health, safety and the environment.

Subsection 3. The Minister of Defence may lay down rules on safety and health for the ships mentioned in section 1(1), the second sentence. The Minister of Defence shall check that such regulations are complied with.

Subsection 4. The Minister for Business and Growth shall check navigation and buoyage systems and may lay down detailed rules in this area, including the application of such rules to foreign ships.

Subsection 5. The Minister for Business and Growth may authorize the Danish Maritime Authority to exercise the powers assigned to the Minister for Business and Growth by this act.

Subsection 6. The Minister may lay down rules on the promulgation of regulations issued in accordance with the act and may establish that international adoptions within the application area of the act shall be applicable irrespective of the fact that such regulations are not in the Danish or Greenland languages. Moreover, the Minister may establish that ships shall comply with regulations established by recognised classification societies, etc. irrespective of the fact that such regulations are not in the Danish or Greenland languages.

Subsection 7. The Minister for Business and Growth may, by agreement with the relevant minister, lay down rules on the Danish Maritime Authority's co-operation with other public authorities and ports and decide that the powers of the Minister for Business and Growth and the Danish Maritime Authority under this act be exercised by other public authorities.

Subsection 8. The Minister for Business and Growth may lay down rules on complaints, including the provision that decisions made by the Danish Maritime Authority and other public authorities in accordance with this act cannot be referred to another administrative authority.

Section 17a. The Minister for Business and Growth may lay down regulations stipulating that written communication to and from the authorities on issues covered by this act or by regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister for Business and Growth may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signature or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 17b. The Minister for Business and Growth may lay down regulations stipulating that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, by means of a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be considered equal to decisions and documents furnished with a personal signature.

Subsection 2. The Minister for Business and Growth may lay down regulations stipulating that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing shall be issued only if the relevant authority has been given as the sender.

Section 18. The Danish Maritime Authority may order that circumstances that are not in compliance with this act or rules or decisions issued pursuant to this act shall be remedied immediately or within a stipulated period of time.

Section 19. The employees of the Danish Maritime Authority shall, if it is found necessary in connection with their work, have access at any time, on due proof of their identity and without the need to obtain a court order, to embark any ship covered by this act to carry out their duties. Similarly, the employees of the Danish Maritime Authority shall have access to locations from where business is carried out covered by the act. The first sentence shall also apply to ships under construction.

Subsection 2. The shipowner, the master of the ship and the chief engineer and anyone acting on their behalf shall be obliged to render the Danish Maritime Authority the necessary assistance in its investigations and give any information in connection therewith.

Subsection 3. (Not enacted for Greenland).

Subsection 4. The employees of the Danish Maritime Authority shall, in the performance of their work, ensure that the ship is not unnecessarily delayed and that the work on board is not unnecessarily impeded.

Subsection 5. Within the framework of this act, the Danish Maritime Authority shall offer assistance to the European Commission and to the European Maritime Safety Agency about this act and regulations within the field of this act.

Section 20. The Minister for Business and Growth may lay down rules on the duty to report information in connection with ships' calls at Danish, including Greenland, or foreign ports.

Subsection 2. The police may stop a recreational craft and examine it for faults and defects, including the necessary equipment, as well as check that the master is capable of legally navigating the craft. If the craft does not fulfil the provisions of the act or the regulations issued pursuant to the act, the police may prohibit the use of the craft until the conditions have been made legal.

Subsection 3. Police, customs authorities, labour inspection and port authorities that become aware of circumstances in contravention of this act or rules laid down pursuant to this act shall notify the Danish Maritime Authority hereof. The authority in question may lay down detailed rules concerning this.

Subsection 4. A doctor who finds or suspects that a person has been exposed to harmful effects during the course of his work on board a ship shall notify the Danish Working Environment Service hereof. The Minister for Business and Growth may lay down detailed rules concerning this.

Subsection 5. The Minister for Business and Growth may lay down rules on the duty to report industrial accidents, cases of poisoning, occupational diseases and other circumstances of importance in terms of health and safety.

Section 20a. The Danish Maritime Authority may, as part of its inspection activities pursuant to this act, also inspect compliance with the act on the manning of ships (*lov om skibes besætning*), the act on the tonnage measurement of ships (*lov om skibsmåling*), and sections 153, 186, 197, 198 and 471 of the merchant shipping act (*søloven*) and regulations issued in pursuance hereof. The Danish Maritime Authority may order that conditions that are not in compliance with the mentioned acts or regulations issued in pursuance hereof be remedied immediately or within a given time-limit.

Subsection 2. Section 16(2), section 17(9) and (10), section 19, section 22 and section 24 and regulations issued in pursuance hereof as well as section 25 shall also apply to inspection activities in pursuance of subsection 1.

Subsection 3. The Minister for Business and Growth may lay down regulations on the inspection carried out in pursuance of this act and on the consideration of complaints from seafarers and others, including that it shall not be revealed that an inspection visit is made as a consequence of a complaint.

Section 20b. (Not enacted for Greenland).

Part 7
The Danish Shipping Tribunal

Section 21. The Minister for Business and Growth shall appoint a Shipping Tribunal, which shall process complaints concerning detention of ships and bans against entry of Danish ports, orders and bans against ships as mentioned in section 43 or section 43a(1) or (2) in the act on protection of the marine environment (*lov om beskyttelse af havmiljøet*), the manning of ships and decisions by medical practitioners on the medical suitability of seafarers and fishermen to serve on board ships.

Subsection 2. The Minister for Business and Growth may transfer the processing of complaints made against other decisions than those mentioned in subsection 1 to the Danish Shipping Tribunal.

Subsection 3. Decisions made by the Danish Shipping Tribunal shall not be appealed to other administrative authorities. No later than four weeks after the Tribunal has made a decision, the case may be brought before the courts by each of the parties. Legal proceedings shall be instigated against the authority against whose decision a complaint has been filed with the Tribunal. However, cases concerning medical practitioners' decisions on the suitability to serve on board ships shall always be instigated against the Danish Maritime Authority. Legal proceedings raised by the authority against whose decision a complaint has been filed with the Tribunal shall be instigated against the party who has complained about the decision. The authority against whose decision a complaint has been filed with the Tribunal shall inform others who have been a party to the case before the Tribunal about the legal proceedings.

Subsection 4. The Danish Shipping Tribunal shall consist of a chairman as well as a number of members with expert knowledge. A substitute for the chairman may be appointed. The chairman and the substitute for the chairman shall be High Court judges. The expert members of the Tribunal shall be familiar with shipping, including technical and nautical matters as well as maritime medicine.

Subsection 5. The chairman and the members of the Tribunal as well as the substitute for the chairman shall be appointed by the Minister for Business and Growth for a period of 4 years with the possibility of re-appointment.

Subsection 6. When deciding on each individual case, a number of members shall participate appointed by the chairman according to regulations laid down by the Minister for Business and Growth.

Subsection 7. The Minister for Business and Growth shall lay down the rules of procedure of the Danish Shipping Tribunal, including appointment of the Tribunal's members and the composition of the Tribunal by the chairman for the individual cases as well as deadlines for complaints and the processing of these.

Subsection 8. The Danish Maritime Authority shall act as the Danish Shipping Tribunal's secretariat.

Part 8
Classification societies, etc.

Section 22. The Minister for Business and Growth may, under specified conditions, authorize classification societies, other companies or individuals to carry out surveys of ships, including calculations, investigations and measurements of ships, and to issue certificates on behalf of the Danish Maritime Authority.

Subsection 2. The Minister for Business and Growth may, under specified conditions, authorize companies or individuals to carry out approval work and examination and testing of ships, marine equipment and other products that require approval by the Danish Maritime Authority.

Subsection 3. The Minister for Business and Growth may lay down rules on recognition of testing and approval, etc.

Subsection 4. The Danish Maritime Authority shall not be liable to pay damages for errors made by the authorized companies, etc. mentioned in subsections 1 and 2.

Subsection 5. The Danish Maritime Authority shall not be obliged itself to carry out surveys and approvals covered by an authorization issued in pursuance of subsection 1 or 2.

Subsection 6. When an authorization is issued under subsection 1 or 2, the Danish Maritime Authority may, at the request of the authorized party, conclude an agreement that limited liability rests with the authorized party for damage caused by simple negligence during the performance of the tasks covered by the authorization.

Section 23. The Minister for Business and Growth may lay down rules to the effect that ships of a length of 45 metres or more shall be registered with an authorized classification society.

Part 9

Payment and guarantee in connection with surveys and detentions

Section 24. The Minister for Business and Growth may lay down rules on payment for surveys of ships carried out by the Danish Maritime Authority pursuant to the act.

Subsection 2. The Minister for Business and Growth may lay down rules on the payment for surveys carried out upon request, including surveys of foreign ships, as well as on the payment for work carried out in connection with approval or certification prescribed in accordance with the act.

Subsection 3. If a port State inspection of a foreign ship establishes defects that warrant detention of the ship, the Danish Maritime Authority may require payment for the inspection. Such a detention shall not be lifted until full payment has been made or a guarantee hereof has been given.

Subsection 4. The Minister for Business and Growth may lay down rules on the interest on amounts according to subsections 1-3 that are not paid when due and on the payment of reminder fees.

Section 25. The classification societies, other companies and individuals mentioned in sections 22 and 23 may require payment for their work.

Part 10

The Danish Ships Inspection Council

Section 26. The Minister for Business and Growth shall appoint the Danish Ships Inspection Council, which shall

- 1) advise the Ministry of Business and Growth and the Danish Maritime Authority on safety at sea,
- 2) follow developments within the scope of this act, and
- 3) put forward requests and proposals concerning legislation on safety at sea and the administration related thereto.

Subsection 2. The Danish Ships Inspection Council shall consist of a chairman appointed by the Minister and a number of members to be specified by the Minister, including representatives of the ship-owners, the seafarers and the shipyards. The Minister may appoint representatives from other trades as members.

Subsection 3. The Minister for Business and Growth shall lay down the rules of procedure of the Council.

Part 11

Working environment boards and working environment services

Section 27. The Minister for Business and Growth may set up working environment boards with the purpose of furthering the health and safety of the employees on board ships. The working environment boards shall be composed of an equal number of representatives of the employees on board and their employers. The Danish Ships Inspection Council shall lay down rules on the appointment of members of the working environment boards.

Subsection 2. In order to take care of the health and safety work for persons employed on board, the working environment boards shall set up a working environment service in their area.

Subsection 3. The Minister for Business and Growth may provide funding for the Danish Fishermen's Occupational Health Service's consultancy, guidance, information, analyses, measurements and other preventive activities. The amount shall be determined on the annual budgets.

Subsection 4. The Minister for Business and Growth shall lay down rules on the construction, tasks, functions and funding of the working environment boards and services.

Part 12

Penalty clause

Section 28. Measures may be taken against anyone who

- 1) contravenes sections 9-13 or section 19(2),
- 2) disregards the conditions of a permit, exemption or an approval according to the decree, or
- 2) fails to observe orders or prohibitions issued pursuant to this act or in accordance with rules issued pursuant to this act.

Section 29. Measures may be taken against anyone who causes grounding, shipwreck or any other sea accident due to grave error or gross negligence during the performance of his duties pursuant to the criminal code for Greenland (*kriminalloven*). The same shall apply if the person in question repeatedly causes such an occurrence due to error or negligence.

Subsection 2. Measures may be taken against any master of a ship who grossly negligently or repeatedly navigates or handles the ship contrary to good seamanship pursuant to the criminal code for Greenland (*kriminalloven*). Measures may be taken against any master of a ship who fails to make himself aware of the orders and regulations applying to navigation in the waters in which the ship sails and in the places that the ship calls at pursuant to the criminal code for Greenland (*kriminalloven*).

Subsection 3. Any master who neglects his obligations under section 135 of the merchant shipping act (*søloven*) concerning the rescue of those on board when the ship has gotten into distress at sea shall be liable to measures in pursuance of the penal code (*kriminalloven*).

Section 29a. Measures shall be taken against a person who navigates a ship or who in other respects carries out work on board a ship in a position of considerable importance to safety after having consumed alcohol to such an extent that the blood alcohol concentration during or after the navigation exceeds a blood alcohol level of 0.5 per mille pursuant to the criminal code for Greenland (*kriminalloven*).

Subsection 2. Subsection 1 shall not apply to recreational craft for which there are no training requirements for the master or mate if any. However, subsection 1 shall apply to persons navigating water scooters or similar vessels.

Subsection 3. Subsection 1 shall not apply to recreational craft that are moored in port.

Subsection 4. Measures shall furthermore be taken against a person who navigates a ship or who in other respects carries out work on board a ship in a position of considerable importance to safety after having consumed alcohol or other intoxicating substances to such an extent that the person in question is not capable of performing his or her service satisfactorily pursuant to the criminal code for Greenland (*kriminalloven*).

Subsection 5. Subsection 1 shall apply by analogy to foreign recreational craft if training requirements would have applied to the master or mate, if relevant, cf. subsection 2 (first sentence), had the pleasure craft been flying the Danish flag.

Subsection 6. The Minister for Business and Growth may determine that subsections 2, 3 and 5 shall, in whole or partly, not apply in Greenland waters.

Section 29b. The police may, at any time, demand that persons who are subject to the provisions on navigation under the influence of alcohol contained in this act carry out a breath test.

Subsection 2. If there is reason to believe that a person has violated the provisions on navigation under the influence of alcohol, 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. Under certain circumstances, the police may furthermore require that the person in question is examined by a medical doctor.

Section 29c. (Left out).

Section 29d. Measures shall be taken against any person who navigates a vessel or who serves as a mate or marine engineer despite the fact that the right to navigate has been suspended unconditionally pursuant to the criminal code for Greenland (*kriminalloven*).

Section 29e. Any person who has engaged in navigation under the influence of alcohol may have his right to navigate a vessel or to serve as a mate or marine engineer suspended judicially. Suspension of navigational rights shall be unconditional. However, under mitigating circumstances suspension may be conditional.

Subsection 2. The right to navigate a vessel or to serve as a mate or marine engineer may also be suspended in case of aggravating circumstances in conjunction with judgment for contravention of section 29(1) or (2). Suspension may be conditional.

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

Subsection 4. If the right to navigate a vessel or to serve as a mate or marine engineer is suspended unconditionally, the prosecution shall forward the maritime trading certificate, certificate of competence or high-speed craft certificate of the person in question to the Ministry of Business and Growth together with the transcript of the judgment. If the right to navigate a vessel or to serve as mate or marine 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 sections 164-165 of the criminal code for Greenland (*kriminalloven*) and at the earliest 2 years after the final judgment. The right can only be recovered in case of special circumstances.

Subsection 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 marine engineer under such circumstances that the right to do so is suspended. When suspension is conditional, the establishment of the suspension period shall be postponed. If the person is involved in another matter during the trial period which entails suspension of navigational right or the right to serve as mate or marine engineer, the court shall determine a joint suspension for this matter and the previously decided contravention.

Subsection 6. 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 marine engineer are pre-

sent, the police may temporarily suspend this right, however, in such a manner that 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 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 marine engineer during the appeal, bring this matter before the court of appeal which will decide on the matter by judgment. The period in which the right to navigate or to serve as mate or marine engineer has been suspended shall be deducted from the suspension period.

Subsection 7. If a master, mate or marine engineer has their right to serve suspended, it shall be decided by judgment if respectively the master may be allowed to serve as mate and if the mate or the marine engineer may be allowed to serve in positions of lower ranks. The Minister for Business and Growth shall in this case provide the person in question with the necessary maritime trading certificate. Partial suspension shall not be possible if the person in question is found guilty of navigating under the influence of alcohol.

Section 30. If, in the event of a collision or in the event that the ship as a result of its navigation or in a similar way causes damage to another ship or persons or goods on board, and where it may be done without particular danger to the ship itself, its crew and passengers, the master of the ship fails to afford the other ship and its crew and passengers all the assistance possible and necessary to rescue it from the danger that has arisen and if he fails to give the radio call sign, name and home port of the ship as well as the place or the port from which it comes and for which it is bound, measures may be taken against the party in question pursuant to the criminal code for Greenland (*kriminalloven*).

Section 31. (Not enacted for Greenland).

Section 31a. In case of contraventions of regulations issued in pursuance of section 3(iv) that are not found to entail a penalty more stringent than a fine, the Danish Maritime Authority may signify in a fine-penalty notice that the case may be settled without legal proceedings if the contravening party declares himself guilty of the offence and prepared to pay the fine stated in the fine-penalty notice within a stipulated period of time. The Danish Maritime Authority may extend this period of time upon request.

Subsection 2. The provisions of the Greenland administration of justice act (*retsplejeloven*) concerning the requirements for the content of an indictment and that a suspect has the right to remain silent shall also apply to fine-penalty notices.

Subsection 3. If the contravening party accepts the fine, further legal proceedings shall be waived.

Section 31b. If provisions of this act, of the act on the safe manning of ships (*lov om skibes besætning*) or of regulations issued pursuant hereto have been contravened on board a ship as part of its operation, the ship may be detained if it is necessary in order to secure a claim for a fine or legal costs to be paid. However, a ship may not be detained if the person who had demand of the ship was unrightfully in possession of it when the claim arose.

Subsection 2. If a fine or legal costs have not been paid or if a guarantee of this has not been given within 2 months after the final decision on the case, satisfaction of the debt may be sought by seizing the ship.

Subsection 3. Detentions are made by the police. In case of contraventions of provisions issued pursuant to section 3(iv), a detention may also be made by the Danish Maritime Authority.

Subsection 4. When a ship is detained in accordance with subsection 1, sections 417-419 of the Greenland administration of justice act (*retsplejelov*) on seizure shall apply with the amendments deriving from subsections 1-3.

Section 32. If the proceeds achieved through a contravention are not confiscated, cf. part 37 of the criminal code for Greenland (*kriminalloven*), particular account shall be taken of the amount of any financial gain that has been achieved or sought to be achieved when determining the size of the fine, including additional fines.

Subsection 2. In regulations issued pursuant to the act, measures may be taken pursuant to the criminal code for Greenland (*kriminalloven*).

Subsection 3. If the contravener is a company, etc. (legal personalities), the legal personality may be liable to punishment by fine. If the contravener is the State, the Government of Greenland, a municipality, an inter-municipal enterprise covered by section 64 of the act on the Landsting (Greenland Parliament) on municipal councils and village councils, etc. or a village council, the relevant public authority shall be liable to punishment by fine.

Subsection 4. When imposing liability to punishment under subsection 1, persons who are hired to perform work on board the ship by others than the shipowner shall also be considered to be associated with the shipowner. If a document of compliance has been issued in accordance with the International Safety Management Code or if a certificate has been issued in accordance with the Maritime Labour Convention to another organisation or person, the master of the ship and the seafarers shall also be considered to be associated with the one to whom the document has been issued.

Subsection 5. A legal person who establishes to have done everything necessary to ensure a good and safe working environment cannot, however, be punished in cases where an employee contravenes section 12 or provisions established in pursuance of section 3(vi) and subsection 5 if the contravention regards the application of personal safety equipment, extraction devices, protective equipment or safety measures which alone serve to protect the person in question.

Subsection 6. If criminal proceedings are instigated outside Greenland or concern a person or company, cf. subsection 1, domiciled or established outside Greenland, punishment may have the form of a fine or imprisonment instead of measures.

Part 13

Entry into force, etc.

Decree no. 71 of 29 January 2013 contains the following entry into force and interim provision:

Section 33

The decree enters into force on 1 February 2013.

Decree no. 1031 of 24 August 2015 contains the following entry into force and interim provision:

Section 2

The decree enters into force on 1 January 2016.

Danish Maritime Authority, 16 December 2015
Troels Blicher Danielsen / Flemming Sparre Sørensen