

Act

No. 76/2001 on Crews Serving on Board Icelandic Passenger Ships and Cargo Ships

Chapter I General Provisions.

Article 1

Application, objective and purpose

This Act shall apply to crews serving on board all Icelandic passenger ships and cargo ships registered in Iceland pursuant to the Registration of Ships Act.

The objective of this Act is to ensure the safety of crews, passengers and Icelandic passenger ships and cargo ships and to promote the protection of the marine environment. This objective shall be achieved by setting specific requirements for education and training, age, seagoing service, medical fitness, vision and hearing of those serving on board and, by that, ensuring the professional competence of the crews in relation to the size, assignments and trading area of a ship.

The purpose of this Act and regulations adopted hereunder is to adapt Icelandic law to obligations of the Icelandic State under international law pursuant to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended, and the EEA Agreement, cf. Council Directive 94/58/EC of 22 November 1994 on the minimum level of training of seafarers, cf. Council Directive 98/35/EC of 25 May 1998.

Article 2

Definitions

For the purpose of this Act the following definitions shall apply:

1. *The International Convention* means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978 (STCW), as amended.
2. *Ship* means any vessel registered in accordance with the Registration of Ships Act and fall within the scope of this Act.
3. *Passenger ship* means any ship registered as a passenger ship, and which is capable of carrying more than 12 passengers to and from Iceland and between domestic and foreign ports.
4. *Cargo ship* means any vessel registered as a cargo ship and which is used for the carriage of cargo to and from Iceland and between domestic and foreign ports.
5. *Endorsement* means the recognition of certificates of foreign citizens for serving on board Icelandic ships pursuant to this Act and regulations adopted hereunder.
6. *Master* means the person having command of a ship.
7. *Chief mate* means the officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master.

8. *Chief engineer officer* means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of mechanical and electrical installations of the ship.
9. *First engineer officer* means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer. The rank of first engineer officer is the same as second engineer officer pursuant to the International Convention and shall fulfil the same requirements.
10. *Radio operator* means a person holding an appropriate certificate issued and recognised by the Icelandic Maritime Administration under the provisions of the Radio Regulations.
11. *Certificate* is a confirmation of certification pursuant to the provisions of this Act and regulations adopted hereunder. The certificate shall specify the level of responsibility on which the holder may serve on a ship, the type and size of the ship and the propulsion power and type of machinery.
12. *Seagoing service* means service on board a ship on passage and which is required for the issuance of a certificate pursuant to this Act.
13. *Maritime college* means an educational institute recognised by the Minister of Education, Science and Culture or the Minister of Transport and Communication meeting the requirements of the International Convention on education and instruction.
14. *Near-coastal voyages* means voyages within the Icelandic fisheries jurisdiction.
15. *Minimum safe manning* means the decision of the Icelandic Maritime Administration on the minimum number of personnel to serve on board passenger ships and cargo ships pursuant to Article 12.
16. *Gross tonnage (GT)* means the measure of the overall size of a ship determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships of 23 June 1969.
17. *Levels of responsibility* covers training, the division of functions and responsibilities on board a cargo ship or passenger ship into management level, operational level and support level:
 - a. *Management level* means the level of responsibility of those who have achieved a certificate pursuant to this Act and the regulations of the International Convention for serving as master, chief engineer officer, chief mate and first engineer officer.
 - b. *Operational level* means the level of responsibility of those who have achieved a certificate pursuant to this Act and the regulations of the International Convention for serving as watchkeeping officers and engineer officers under the direction of individuals serving in the management level.
 - c. *Support level* means the level of responsibility of those who have achieved a certificate pursuant to this Act and the regulations of the International Convention and neither serve in the management nor the operational level.
18. *Propulsion power* means the total maximum continuous rated output power in kilowatts of all the ship's main propulsion machinery, which appears on the ship's certificate of registry or other official document.

19. *Company* means the party responsible for manning the ship, making decisions on its voyages, bearing the costs of the voyages and profiting from them.

Article 3

Education and Training

Maritime Colleges provide education and training for crews of Icelandic ships. Rules on admission requirements to a maritime college, curriculum guides, education, education arrangements, study assessment and grades for achieving specific certificates pursuant to this Act are laid down in the Upper Secondary School Act and regulations adopted hereunder. Education, training and instruction at maritime colleges shall be carried out in accordance with an approved quality standards system.

The Occupational Council of the Maritime Industries, acting in accordance with the Upper Secondary School Act, shall make proposals to the Minister of Education, Science and Culture on the curriculum guides for maritime colleges after having received an opinion thereof by the Icelandic Maritime Administration.

The Maritime Safety and Survival Training Centre (MSSTC) is subject to Act No. 33/1991 and the Minister of Transport and Communication verifies the curriculum guide of the Centre.

The Ministry of Culture and Education is responsible for verifying the compliance of maritime colleges' curriculum guides with the requirements of international conventions and the Icelandic Maritime Administration is responsible for controlling that the education provided in maritime colleges meets the requirements of international conventions.

Article 4

Certificates

District commissioners outside Reykjavik and the Director of Customs in Reykjavik are responsible for issuing Icelandic certificates of competency under the provisions of this Act and any regulations adopted hereunder. Before issuing a certificate of competency the Icelandic Maritime Administration shall be consulted for verification of the authenticity of the certification of the applicant for certificate of competency. The Icelandic Maritime Administration is responsible for issuing international certificates of competency and endorsements pursuant to this Act. Certificates shall be written both in Icelandic and English on special forms according to a model drawn up by the Ministry of Transport and Communications. The issue of international certificates and endorsements shall be carried out in accordance with an approved quality standards system.

Any Icelandic citizen, who meets the requirements of this Act and any regulations adopted hereunder on education and training, age, seagoing service, medical fitness, eyesight and hearing is eligible for an appropriate certificate pursuant to Article 11 of the Act qualifying him to serve on board ships. Citizens of other Member States of the European Economic Area also enjoy this right, cf. paragraph 2 of Article 6 of this Act.

Every candidate for certification shall have approved seagoing service specified in Article 11 of the Act. The Minister may in a regulation permit deviation from the requirements of Article 11 and provide for less seagoing service requirements. The candidate shall prove the seagoing service that he deems he has completed. This seagoing service may be proven by submitting a confirmation by the Registrar of Seamen or a correctly filled out maritime service record. A candidate for certification who maintains that he has seagoing service on board a ship, which is not registered in Iceland shall provide evidence of such seagoing service to the satisfaction of the Icelandic Maritime Administration. In case of doubt as to the genuineness of that proof the Icelandic Maritime Administration shall determine the seagoing service.

Any candidate for certification as master, mate or engineer officer shall be healthy enough to perform his duties in a safe manner. The candidate shall submit a medical certificate issued by a doctor stating that he meets the requirements on vision and hearing and other medical fitness requirements specified by the Minister in a regulation in accordance with the obligations of the Icelandic State in the Conventions referred to in paragraph 3 of Article 1 of the Act.

The master of an Icelandic ship shall always be an Icelandic citizen. However, citizens of other Member States of the European Economic Area may serve as masters on board Icelandic ships upon passing a special examination to prove their knowledge and proficiency in the Icelandic language as well as knowledge of Icelandic law and regulations concerning the functions they will be entitled to serve in.

Officers at the management level, i.e. master, chief mate, chief engineer officer and first engineer officer, shall have knowledge of Icelandic law and regulations concerning their capacities and it shall be ensured that they have a working knowledge of the Icelandic or English languages on matters concerning their respective levels of responsibilities.

Any certificate required must be kept available in its original form on board the ship on which the holder is registered or serving.

The Icelandic Maritime Administration maintains a register of issued certificates.

Article 5

Validity and revalidation of certificates

Certificates issued pursuant to this Act shall be valid for 5 years from the date of issue. Revalidation shall be valid for a term of five years. When certificates are renewed the applicant holding a certificate and is serving at sea or intends to return to sea after a period ashore shall:

1. meet the same health requirements as was previously required for certification and
2. have approved seagoing service of not less than one year during the last five years in a capacity to which he is entitled by virtue of his certificate or

3. by serving in a function appropriate to the grade of certificate held which is considered to be at least equivalent to the seagoing service required in paragraph 2, or by:
 - a. passing an approved test, or
 - b. successfully completing an approved course, or
 - c. having completed approved seagoing service as an officer for a period of not less than three months in a supernumerary capacity, immediately prior to taking up the position for which the certificate is valid.

The refresher and updating courses required by this Article shall be approved by the Icelandic Maritime Administration and shall *inter alia* cover the text of recent changes in international regulations concerning the safety of life at sea and the protection of the marine environment.

Article 6

Recognition of Foreign Certificates

The Icelandic Maritime Administration recognises foreign certificates in accordance with the provisions of this Act and regulations adopted hereunder. Certificates issued by or under the authority of a state, which is not party to the International Convention or by a Party to the Convention, which has not demonstrated that full and complete effect is given to the provisions of the Convention shall not be recognised. The Icelandic Maritime Administration may allow holders of foreign certificates to serve, for a period not exceeding three months, in a particular capacity on a particular ship, where a certificate is required, while holding an appropriate and valid endorsement or certificate until the Icelandic Maritime Administration has verified the documentation submitted and recognised the foreign certificate, provided that the person concerned is able to understand the orders of the ship's officers and to supervise work under their authority.

With regard to applications by citizens of Member States of the European Economic Area for the recognition of certificates for serving on board ships pursuant to this Act, the provisions of Council Directive 92/51/EEC shall apply, cf. Act No. 83/1993, as amended.

With regard to applications by citizens of non-member states of the European Economic Area for the recognition of certificates for serving on board ships pursuant to this Act, the provisions of a regulation issued by the Minister, in accordance with the obligations of the Icelandic State pursuant to the EEA Agreement, cf. Council Directive 94/58/EC on the minimum level of training of seafarers, as amended, shall apply.

The Icelandic Maritime Administration maintains a register of recognised foreign certificates.

Article 7

Watchkeeping

The master shall at all times ensure that watchkeeping arrangements are adequate for maintaining a safe watch on board, whether the ship is engaged on a voyage, in harbour, at anchor or in an open roadstead. Under the supervision of the master the officers in charge of a navigational watch are responsible for navigating the ship safely during their

periods of duty and they shall be particularly concerned with avoiding collision, grounding and stranding.

The chief engineer officer is at all times responsible for a safe watch in the engine room and shall ensure that officers in charge of an engineering watch shall be immediately available and on call to attend the machinery spaces and, when required, shall be physically present in the machinery space during their periods of responsibility. Radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty.

The Minister of Transport and Communications issues a regulation on watchkeeping and rest periods for watchkeeping personnel. Watches shall be so arranged that watchkeeping personnel is always sufficiently rested and otherwise fit for duty. This shall especially be the case on the first watch at the commencement of a voyage.

Article 8

Dispensations

In circumstances of exceptional necessity and if there is a shortage of suitably qualified personnel, the Icelandic Maritime Administration may, if in its opinion this will not cause danger to persons, property or the environment, issue a dispensation permitting a specific person to serve on a specific ship for a specific period of time in a capacity for which he does not hold the appropriate certificate. The dispensation for this specified capacity may not be valid for a period exceeding six months, provided that the person to whom the dispensation is issued is adequately qualified to fill the vacant capacity in a safe manner to the satisfaction of the Icelandic Maritime Administration.

Any dispensation granted for a capacity shall be granted only to a person properly certificated to fill the capacity immediately below. Where certification of the capacity below is not required, a dispensation may be issued to a person whose qualification and experience are adequate in the opinion of the Icelandic Maritime Administration. A dispensation shall not be granted to master or chief engineer officer except in circumstances of force majeure and then only for the shortest possible period.

Article 9

Older Certificates

The holder of a certificate under the provisions of an Act expiring upon the entry into force of this Act, shall maintain his certification, provided that he satisfies other conditions laid down in this Act. New certificates may be issued according to this Act and regulations adopted hereunder replacing old ones, provided that the certification of the holder of a certificate is in no way diminished.

The holder of a certificate to serve as skipper on a ship of 30 gross registered tons or less engaged domestic voyages shall be granted the right to serve as skipper or mate on a ship of 65 gross tonnage or less engaged on domestic voyages.

To achieve a certificate for serving on board passenger vessels according to this Act the person concerned shall successfully complete an approved course organised by a

maritime college in co-operation with the Icelandic Maritime Administration. In case a master or navigating officer holds a certificate to serve as master or navigating officer on a ship according to a tonnage limitation based on gross registered tons, which due to an alteration in the rules on the measurement of ships measures larger than his older certificate qualifies him to serve, and if other similar reasons are present, he may be granted a certificate to serve on board the same ship provided that other provisions of the law is fulfilled.

Article 10

Responsibility of the company and master

The company and master of the ship in question are responsible for implementing the provisions of this Act in connection with the operation of the ship. They shall ensure that:

1. each seafarer assigned to any of its ships holds an appropriate certificate for the capacity in which he is serving and the certificates of the crew are kept available in their original form on board the ship,
2. an updated and readily accessible record is kept on all crew members and their positions on board,
3. all seafarers, on being assigned to any of its ships, are familiarized with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties,
4. the ship's complement can effectively co-ordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention of pollution.
5. the ship's complement can express themselves and communicate with each other on principle safety matters and understand information on safety factors, including symbols, signs and sound alarms, and
6. all seafarers who are newly employed on board the ship are given all relevant information in a language the seafarers understand.

CHAPTER II

Certificates

Article 11

Crew members' certificates

Only those who are lawful holders of certificates have the right to serve on board passenger ships and cargo ships:

The following certificates for serving as master or deck officer shall be issued to those who meet the requirements on education and training, age, seagoing service, medical fitness, eyesight and hearing:

Management level	Limitations	Age	Seagoing service
Chief mate/deck officer	<500 GT/ near-coastal voyages	20	A.
Master	<500 GT/ near-coastal voyages	20	B.
Chief mate	<3,000 GT	20	C.
Master	<3,000 GT	20	C.
Chief mate	None	20	B.
Master	None	20	C.
Operational level			
Navigating officer	None	18	D.
Support level			
Rating forming part of a navigational watch	None	16	E.

Seagoing service:

- A. 54 month's seagoing service as a deck hand on board a ship. The candidate shall meet the requirements for certification of radio operator.
- B. 18 month's seagoing service as a navigating officer on board a ship.
- C. 54 month's seagoing service as a navigating officer on board ships of 500 gross tonnage or more or 36 months in the same capacity if the candidate has served as chief mate for 18 months of that seagoing service.
- D. 18 month's seagoing service and period of education provided that the candidate has undergone on-board training and that period has been duly recorded in a training record book, or otherwise 54 months seagoing service as a deckhand on board a ship. The candidate shall meet the requirements for certification of radio operator.
- E. At least 9 month's seagoing service and education, including seagoing service not less than 4 months. A rating forming part of a navigational watch shall at least have 4 month's seagoing service forming part of a navigational watch under direct responsibility of the master or officer in charge of a navigational watch and shall be instructed on all aspects of watches and watchkeeping on a navigational watch. Before the candidate commences training as a rating forming part of a navigational watch he shall present a medical certificate proving that he meets medical standards requirements for sight and hearing.

The following certificates for serving as marine engineer shall be issued to those who meet the requirements on education and training, age, seagoing service, medical fitness, eyesight and hearing:

Management level	Limitations	Age	Seagoing service
Engineer officer	≤375 kW	18	A.
Engineer officer	<750 kW	18	B.
First engineer officer	<3,000 kW	20	C.
Chief engineer officer	<3,000 kW	20	D.
First engineer officer	None	20	C.
Chief engineer officer	None	20	D.
Operational level			
Engineer officer	None	18	E.
Support level			
Rating forming part of an engine-room watch	None	16	F.

Seagoing service:

- A. 9 month's seagoing service as rating forming part of an engine-room watch.
- B. 14 month's seagoing service as an engineer on board a ship ≤ 375 kW.
- C. 18 month's seagoing service as an engineer on ships powered by main propulsion machinery of more than 750 kW propulsion power.
- D. 36 month's seagoing service as an engineer officer on ships powered by main propulsion machinery of more than 750 kW propulsion power, of which 18 months shall have been served after having been qualified to serve as first engineer officer.
- E. 9 month's seagoing service and education period and have completed an approved professional training of at least 45 months, including on-board training duly recorded in a training record book.
- F. At least 9 month's seagoing service and education, including seagoing service not less than 4 months. A rating forming part of an engine-room watch shall at least have 4 month's seagoing service forming part of an engineering watch under direct responsibility of the chief engineer or officer in charge of an engineering watch and shall be instructed on all aspects of engine-room watches. Before the candidate commences training as a rating forming part of an engine-room watch he shall present a medical certificate proving that he meets medical standards requirements for sight and hearing.

The Icelandic Maritime Administration may grant dispensations from the above requirements in the case of passenger ships operating in a particular trading area and in a particular period, provided that obligations of the Icelandic State according to the International Convention are not infringed.

Article 12

Minimum Safe Manning

Every Icelandic passenger ship and cargo ship shall be safely manned to ensure all aspects of the safety of personnel serving on board, passengers and the ship. Passenger ships and cargo ships shall be manned so it is possible to fulfil all laws and rules on

environmental protection, especially concerning pollution prevention of the marine environment.

In determining the number of personnel to serve on board passenger ships and cargo ships, full consideration shall be taken to the International Convention and the requirements contained therein concerning seagoing service, age, medical fitness, training, qualification and examination. In determining the number of personnel to serve on board passenger ships and cargo ships, special consideration shall be taken to the arrangement of watches on board and necessary rest periods of the ship's personnel in accordance with the International Convention.

The Icelandic Maritime Administration shall determine the manning of passenger ships and cargo ships and issue minimum safe manning documents for them providing for the minimum number of personnel to serve on board, the functions of the ship's personnel and the certificates for each capacity.

CHAPTER III Miscellaneous Provisions

Article 13

Arbitrary Committee of Maritime Issues

Decisions of the Icelandic Maritime Administration under this Act may be appealed to the Arbitrary Committee of Maritime Issues.

The committee members shall be three, appointed by the Minister of Transport and Communications, and an equal number of alternates. The chairman and vice-chairman shall fulfil the general requirements for the qualifications of district court judges. Other members of the committee and alternates shall be knowledgeable of navigation and ship-handling and marine engineering. The term of office of the committee is four years.

A written complaint shall be submitted within four weeks from the time that a party receives a notification of a decision. Decisions of the committee shall generally be available within three weeks from the time that a complaint is received and the decisions are final at the administrative level. A regulation issued by the Minister further provides for rules of procedures to be followed by the Icelandic Maritime Administration and the committee regarding individual cases and complaints submitted, such as the right of appeal, obligation to provide information to interested parties, fee for appeal and other procedures.

Article 14

Fees

Fees shall be paid for the issue of certificates, recognition of foreign certificates, the granting of dispensations and issuing of minimum safe manning documents in accordance with this Act and those fees shall cover the direct costs incurred by the Icelandic Maritime Administration in connection with the procedure. Fees shall be specified in the Administration's tariff.

Article 15

Penalty provisions, etc.

Violations of this Act or rules adopted hereunder is subject to fines or imprisonment for up to two years. Provisions of the general penal code shall be applied in case of attempt and participation.

A holder of a certificate shall be deprived of the right to serve in the capacity specified in the certificate if he is guilty of seriously infringing this Act or regulations issued hereunder or if it is believed that according to the nature of the fraud or other conduct as certificate holder that it is deemed inadvisable that he be allowed to exercise rights according to the certificate.

The deprivation of the right to serve in a capacity for a particular time, not shorter than three months and for life if the infringement is serious or repeated.

If an infringement of this Act or rules adopted hereunder leads to a grounding of a ship, collision of ships or other marine casualties the person concerned shall be subjected to punishment and, where appropriate, the loss of certification as master, navigating officer or engineer officer, pursuant to Article 238 of the Maritime Act No. 34/1985, as amended.

Article 16

The Icelandic Maritime Administration may withdraw a certificate in case the holder of the certificate no longer fulfils the requirements of this Act for acquiring or holding such a certificate.

In case the Icelandic Maritime Administration considers that the conditions pursuant to paragraph 2 of Article 15 are valid for the deprivation of certification the Administration may temporarily deprive the person concerned of his certification. Such a deprivation shall be on a temporary basis or for until the time when the final deprivation ruling of a court is given. A temporary deprivation subject to this provision shall be deducted from the final deprivation period according to a ruling.

The decisions of the Icelandic Maritime Administration may be referred to Courts of Law in accordance with rules the procedures of criminal proceedings and the Administration shall inform the party concerned on this right.

Article 17

Regulation

The Minister of Transport and Communications shall, in a regulation, adopt specific provisions on the implementation of this Act, including the training of crews of Icelandic cargo ships and passenger ships under this Act, both on board the ship and ashore, safety and survival training, examinations, certificates, and the requirements for the issue of certificates, medical fitness, recognition of foreign certificates, responsibilities of companies, watchkeeping and the minimum safe manning of ships. The provisions of the

regulation shall be in conformity with the obligations of the Icelandic State in accordance with the Conventions referred to in paragraph 3 of Article 1 of the Act.

The Minister of Transport and Communications may, in co-operation with the Minister of Education, Science and Culture, adopt rules on the supervision of education and training of the crews of Icelandic ships.

Article 18

Entry into Force, etc.

This Act enters into force 1 July 2001.

Upon the entry into force of this Act, the Crews of Icelandic Merchant Ships Act No. 59/1995, as amended, expires. Furthermore, the provisions of paragraph 21 of Article 3 of the Certification of Masters and Deck Officers serving on board Icelandic Ships Act No. 112/1984, as amended, and subparagraph a, paragraph 1 of Article 2 and paragraph 3 of Article 8 of the Certification of Marine Engineers serving on board Icelandic Ships Act No. 113/1984, as amended, shall be dissolved.

Transitional Provisions

All personnel serving on board passenger ships shall no later than 1 June 2002 complete a course on the transport of passengers on board ships and crisis management and human behaviour organized by a maritime school in co-operation with the Icelandic Maritime Administration.

The Dispensation Fund subject to paragraph 3 Article 21 of the Certification of Masters and Deck Officers serving on board Icelandic Ships Act No. 112/1984, as amended, and paragraph 3 Article 8 of the Certification of Marine Engineers serving on board Icelandic Ships Act No. 113/1984, as amended, shall be dissolved. The value of the fund shall be used to cover expenditure in connection with the Long-term Programme on the Safety of Seafarers in the year 2001.

On board a fishing vessel powered by main propulsion machinery of 75 kW to 375 kW propulsion power there shall be one engine attendant who may be the same person as the skipper on board ships up to 30 gross tonnage provided that he is the sole certified person on board and that the fishing trips are never longer than 24 hours, except during the period from 1 April to 30 September when fishing trips may last up to 36 hours. Upon fulfilment of certain conditions set by the Icelandic Maritime Administration it is not compulsory to register an engine attendant on board a ship under 20 gross tonnage provided that a service contract has been entered into with a service provider on the maintenance of the ship's machinery and that the contract is confirmed by the Icelandic Maritime Administration A person who has completed a course in engine attendance on the auspices of an engineering school in accordance with a regulation issued by the Ministry of Education, Science and Culture has the right to serve as engine attendant on board a ship of up to 30 gross tonnage powered by main propulsion machinery of 375 kW propulsion power or less.