

Act No. 30/2007

on crews of Icelandic fishing vessels, coastguard vessels, pleasure boats and other vessels

CHAPTER I General provisions

Article 1 Objective

The objective of this Act is to ensure the safety of Icelandic ships and their crews and to enhance measures to prevent marine pollution.

Article 2 Scope

This Act shall apply to crews serving on board Icelandic ships registered in Iceland pursuant to the Registration of Ships Act, other than passenger ships and cargo ships. Furthermore, this Act applies to the crews of foreign pleasure craft operated on a regular basis within the Icelandic territorial sea, cf. paragraph 4 of Article 7.

Article 3 Definitions

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

1. International Convention means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers pursuant to STCW or STCW-F.
2. Endorsement means the recognition of certificates of foreign citizens for serving on board Icelandic ships pursuant to this Act and regulations adopted hereunder.
3. Gross tonnage (GT) means the measure of the overall size of a ship determined in accordance with the Tonnage Measurement of Ships Act. Vessels 15 metres in length overall and over measured according to the International Convention on Tonnage Measurement of Ships of 23 June 1969. Vessels of less than 15 metres in length overall are measured according to the Regulation on Tonnage Measurement of Ships of up to 24 metres.
4. Area of operation means a detailed geographic definition of the waters in which the ship may operate taking into account construction, condition and size of the vessel, equipment, manning and environmental factors.
5. Fishing vessel means any vessel registered as a fishing ship pursuant to the Registration of Ships Act, used commercially for catching fish or other living resources of the sea.
6. Radio operator means a person holding an appropriate certificate issued and recognised by Post and Telecom Administration in Iceland under the provisions of the Radio

Regulations. The Radio Regulations means the Radio Regulations annexed to, or regarded as being annexed to, the most recent International Telecommunication Convention.

7. A pleasure fishing vessel is a vessel, registered as a pleasure fishing vessel according to the Registration of Ships Act, leased for pleasure fishing for commercial purposes.
8. First engineer officer means the engineer officer next in rank to the chief engineer officer and upon whom the responsibility of the chief engineer officer 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.
9. Near-coastal voyages means voyages within the Icelandic exclusive economic zone (EEZ).
10. Seagoing service means service on board a ship on passage and which fulfils the requirements of this Act or regulations issued hereunder.
11. Pleasure craft means any ship, registered as a pleasure craft pursuant to the Registration of Ships Act not used commercially and which is intended for pleasure boating, irrespective of the propulsion power used.
12. Certificate for operators of pleasure craft is a document that is valid and confirms the competency provided for in Article 7 of this Act and regulations issued hereunder.
13. Vessel means any vessel registered in accordance with the Registration of Ships Act and falls within the scope of this Act.
14. Commodore means the person having command of a Coast Guard vessel.
15. Master means the person having command of a ship, cf. the relevant provisions in the Seamen's Act.
16. Deck officer means the person who has met the requirements provided for in this Act for the issuance of a certificate as officer in the deck department.
17. Certificate (deck officer certificate and marine engineer officer certificate) means a valid document confirming the right to serve in a relevant capacity pursuant to this Act and regulations issued hereunder. The certificate shall state the capacity which the legitimate holder thereof has the right to serve in on board a ship relevant to its type, size and engine power.
18. Registered length means the length of the ship used in determining its size pursuant to the rules on tonnage measurements of ships.
19. Small ships are vessels of 12 metres in registered length or less.
20. Near-coastal voyages are voyages within 50 nautical miles from a coast.

21. Officer in charge of navigational watch is the officer who is next in rank to the chief mate.
22. STCW means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended.
23. Operator means the party responsible for manning the ship, making decisions on its voyages, bearing the costs of the voyages and profiting from them.
24. A Coast Guard vessel is a vessel registered as a Coast Guard vessel or patrol vessel pursuant to Registration of Ships Act used for Coast Guard and rescue operations under the authority of the Icelandic Coast Guard.
25. Engine power means break power, i.e. the total output power of the ship's main propulsion machinery which appears on the ship's certificate of registry.
26. Engine attendant means the person who has completed a marine engineer course in accordance with the provisions of regulations.
27. Officer in charge of an engineering watch means the engineer officer who next in rank to the chief and second engineer officers.
28. Engineer officer means the person who has met the requirements provided for in this Act for the issuance of a certificate for serving as marine engineer.
29. 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.
30. 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.
31. Other vessels are those vessels which are not considered to be passenger or cargo ships pursuant to the Crews Serving on Board Icelandic Passenger and Cargo Ships Act and are not considered fishing vessels, pleasure craft or Coast Guard vessels under this Act.

CHAPTER II

Education, training and certification

Article 4

Training

Education and training of crews is carried out by schools that meet the requirements of the International Convention. Rules on admission to these schools, 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 these schools shall be carried out in accordance with an approved quality standards system.

The Occupational Council of the Fisheries and Maritime Industries, acting in accordance with the Upper Secondary School Act shall make proposals to the Minister responsible for education on the curriculum guides for the schools after having received an opinion thereof by the Icelandic Transport Authority.

The Ministry responsible for education adopts regulations on educational requirements for the certification of crews on small ships.

The Icelandic Transport Authority is responsible for controlling that the education provided in the schools meets the requirements of the International Convention.

Article 5

Certification of deck officers on fishing vessels, Coast Guard vessels and other vessels

Only a legitimate holder of marine engineer officer's certificate pursuant to Article 8, having fulfilled the requirements of a regulation adopted by the Minister, is entitled to serve as a marine engineer officer on board fishing vessels, Coast Guard vessels and other vessels.

The minimum age for issuance of deck officer's certificate is 18 years.

Seagoing service shall be proven by maritime service record book, domestic or foreign, certificate issued by a legal registration officer or by other means to the satisfaction of the Icelandic Transport Authority. In order to confirm seagoing service on board ships where legal registration is not required, a certificate signed by two credible persons may be submitted.

Deck officers shall meet the requirements for certification of radio operator (GOC/ROC), as specified in a regulation.

The Minister shall adopt regulations containing further provisions on deck officers' training for certification, taking into account ship size and the area of operation, as well as the deck officer's age and seagoing service.

Article 6

Certification of marine engineer officers on fishing vessels, Coast Guard vessels and other vessels

Only a legitimate holder of marine engineer officer's certificate pursuant to Article 8, having fulfilled the requirements of a regulation adopted by the Minister, is entitled to serve as a marine engineer officer on board fishing vessels, Coast Guard vessels and other vessels. The minimum age for issuance of marine engineer officer's certificate is 18 years.

Seagoing service shall be proven by maritime service record book, domestic or foreign, certificate issued by a legal registration officer or by other means to the satisfaction of the Icelandic Transport Authority. In order to confirm seagoing service on board ships where legal registration is not required, a certificate signed by two credible persons may be submitted.

The Minister shall adopt regulations containing further provisions on marine engineers' training for certification, taking into account ship size and the area of operation, as well as the marine engineer's age, work experience and seagoing service.

Article 7
Recreational craft

Only a person who is a holder of a certificate to operate a pleasure craft, subject to vessel registration, has the right to be a skipper on such a craft subject to conditions laid down by the Minister regarding age, seagoing service, health, vision and hearing. The Ministry responsible for education is responsible for the laying down rules on education and training for the operation of pleasure craft.

The Minister lays down rules on pleasure craft, including the issue of certificates of competency, their validity and renewal, types of pleasure craft, their size, propulsion power and area of operation as well as safety requirements for pleasure craft and their operators.

The Minister may lay down provisions in a regulation in accordance with Paragraph 1 and 2 on the operation of pleasure craft which are not subject to vessel registration but are powered by an engine of more than 50 kW propulsion power.

Those who operate pleasure craft registered abroad and are used in Icelandic territorial waters on a regular basis shall meet the requirements of the Regulation in accordance with Paragraphs 1 to 3 on certificates of competency or be holders of other comparable foreign certificates of competency to the satisfaction of the Icelandic Transport Authority.

Article 7 a
Pleasure fishing vessel

A legitimate holder of a certificate for operators of pleasure boats on near-coastal or ocean voyages or a holder of other equivalent foreign certificates of competency to the satisfaction of the Icelandic Transport Authority is entitled to operate a pleasure fishing vessel, providing that he has also received proper instructions, e.g. on the life-saving appliances, radio installations and the basics of navigation and Collision Regulations.

The owners of pleasure fishing vessel rentals are responsible for ensuring that operators of pleasure fishing vessels are fully certified to operate pleasure fishing vessels and have also been adequately instructed on the operation of the vessels before leaving port and are capable

of handling the vessels in a safe manner with regard to the safety of lives, property and protection of the environment. The operator shall at all times be in radio contact with the owner of the vessel after leaving port.

The Minister shall adopt specific rules on pleasure fishing vessels in a regulation, e.g. on instructions as to the operation of the vessels and the requirements for such instruction and those who provide the instruction. Also, the Minister shall adopt further rules on the sizes of pleasure fishing vessels, their power and area of operation and on safety requirements for pleasure fishing vessels, their operators and the owners/rentals and radiocommunications between them and the operators of the vessels.

CHAPTER III Certificates

Article 8 Certification

Any Icelandic citizen, who meets the requirements of this Act on education and training, seagoing service, age and medical fitness is eligible for an appropriate certificate qualifying him to serve on board Icelandic ships as deck officer and/or marine engineer.

Citizens of other European Economic Area Member States and contracting parties to the Convention Establishing the European Free Trade Association and citizens of the Faroe Islands, are entitled to the same rights.

The Icelandic Transport Authority issues certificates of competency for serving as marine engineers and deck officers pursuant to this Act and any regulations adopted thereunder. The text on the certificates shall be in Icelandic and English. The issue of deck officers' and marine engineers' certificates and endorsements shall be carried out in accordance with an approved quality standards system. Applications for certificates shall be submitted to the Icelandic Maritime Administration on a special application form or electronic form at the discretion of the Icelandic Transport Authority.

Certificates according to paragraph 1–3 shall be issued to a candidate which:

- a. fulfils the requirements of this Act and any regulations adopted thereunder, inter alia on education, training and age; the candidate shall inter alia have completed the training courses which are required for the renewal of a certificate of competency;
- b. is healthy enough to perform his duties in a safe manner; the candidate shall submit a medical certificate issued by a doctor stating fitness for watchkeeping and that at he meets the requirements on vision and hearing and other medical fitness requirements;
- c. has completed approved sea-going service, pursuant to Article 5 and 6 and any regulations; the candidate shall prove the seagoing service that he deems he has completed. The verification of the Registrar of Seamen or a correctly filled and

endorsed Maritime service record is deemed to be acceptable proof of seagoing service. 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 Transport Authority.

- d. In addition to fulfilling the requirements of paragraphs a-c, the person engaged in the capacity of master on board an Icelandic ship, and who does not have Icelandic as a mother tongue, must have passed a special examination on the knowledge and proficiency in Icelandic and knowledge on Icelandic laws and regulations relating to the duties that he will be certified to carry out. The Minister adopts rules on the conduct of examinations subject to this provision.

The certificate required must always be kept available in its original form on board the ship on which the holder is registered pursuant to the legal registration system for seafarers and he or the captain shall be able to present it when requested for monitoring purposes.

The Icelandic Transport Authority maintains a register of issued certificates.

Article 9

Validity and revalidation of certificates

Certificates issued pursuant to this Act shall be valid for 5 years from the date of issue.

In special circumstances provisional certificates with validity of up to 60 days may be issued.

Certificates issued pursuant to the International Convention shall be valid for up to five years after their date of issue. Certificates that do not fall under the provisions of the International Convention may be renewed to longer periods of validity, as further provided for in a regulation. At the time of renewal of certificates, the applicant shall:

- a. meet the health requirements made at any time for certification, including those related to vision and hearing, cf. Article 8(4)(b), and
- b. have approved seagoing service in a capacity to which he is entitled by virtue of his certificate for at least one year in the last five years, cf. Article 8(4)(c), or
- c. have been serving in a capacity equivalent to the certificate in question and is at least equivalent to the seagoing service as required by paragraph b of this Article or by:
 1. having passed an approved test or completed satisfactorily an approved course/refresher and updating course or
 2. having completed approved seagoing service to in a capacity immediately below the one which he is entitled by virtue of his certificate, as further provided for in regulation.

The refresher and updating courses required by this Article shall be approved by the Icelandic Transport Authority and shall inter alia take account of recent changes in the provisions of international regulations concerning the safety of life at sea, the International Convention and the protection of the marine environment.

Article 10
Recognition of Foreign Certificates

The Icelandic Transport Authority may recognise and endorse foreign certificates in accordance with the provisions of this Act and regulations adopted hereunder. The Icelandic Transport Authority 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 as deck officer or engine-room officer is required, until the foreign certificate has been verified, provided that:

- a. valid documents on education and training are presented verifying compliance with requirements for serving as deck officers or engine-room officers pursuant to this Act,
- b. 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 legislation on the recognition of professional education and training and certificates shall apply. The same applies to applications from citizens of the member states of Convention Establishing the European Free Trade Association as well as the Faroe Islands.

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 shall apply.

The Icelandic Transport Authority maintains a register of recognised foreign certificates.

Article 11
Revocation of a certificate

The Icelandic Transport Authority may revoke a certificate if the holder no longer satisfies the requirements of this Act or regulations issued thereunder regarding the issue of certificates. The Authority may revoke a certificate if it has been issued in error or by mistake. The revocation of a certificate shall be subject to administrative law.

In case the Icelandic Transport Authority considers that there are valid grounds for the deprivation of certification, the Authority 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.

Decisions reached by the Icelandic Transport Authority may be referred to Courts of Law in accordance with rules on the procedures of criminal proceedings and the Authority shall inform the party concerned on this right.

CHAPTER IV Manning and dispensations

Article 12

Minimum number of deck officers and marine engineers on fishing vessels, Coast Guard vessels and other vessels

Every fishing vessel and another ship shall be commanded by a master. The number of deck officers on fishing vessels and other vessels is as follows:

- a. On board a vessel of less than 12 meters in registered length the skipper can be the same person as the engine attendant if he is the only certified person in the crew, provided that provisions on work and rest periods are fulfilled.
- b. A vessel of less than 24 meters in length registered length there shall be manned with a mate if the vessel remains at sea for over 14 hours in every 24-hour period. Vessels whose daily time spent at sea is less than 14 hours may be without a deck officer, provided that a permit has been issued to the vessel by the Manning Committee. The Icelandic Transport Authority shall maintain a register of vessels with such a permit. In case the rules governing conditional daily time at sea are breached, the Manning Committee shall revoke the permit.
- c. Vessels of 24 meters in registered length or over but less than 45 meters in registered length shall be manned with a deck officer.
- d. Vessels of 45 meters in registered length or over shall be manned with two mates.

Every Coast Guard vessel shall be manned with a Commodore. The number of deck officers on Coast Guard vessel is as follows:

- a. A vessel of less than 24 meters in registered length shall be manned with a deck officer.
- b. Vessels of 24 meters in registered length or over but less than 45 meters in registered length shall be manned with a deck officer.

- c. Vessels of 45 meters in registered length or over shall be manned with a master and two deck officers.

The number of engineer officers on fishing vessels, Coast Guard vessels and other ships is as follows:

- a. A vessel with engine power from 250 kW to 750 kW shall be manned with:
 - 1. Engine attendant if the vessel is less than 12 meters in registered length. The engine attendant may be the same as the skipper if he is the only certified person in the crew, provided that provisions on work and rest periods are fulfilled.
 - 2. Chief engineer, if the vessel is 12 meters in registered length or over.
 - 3. A chief engineer and an engine attendant, if the vessel is 12 meters in registered length and over and if the vessel remains at sea for over 14 hours in every 24-hour period. Vessels whose daily time spent at sea is less than 14 hours may be without an engine attendant, provided that a permit has been issued to the vessel by the Manning Committee. The Icelandic Transport Authority shall maintain a register of vessels with such a permit. In case the rules governing conditional daily time at sea are breached, the Manning Committee shall revoke the permit.
- b. A vessel with engine power from 751 kW to 1,800 kW and shall be manned with chief engineer and second engineer.
- c. A vessel with engine power of 1,800 kW or more shall be manned with chief engineer, second engineer and watchkeeping engineer.

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 vessel's machinery and that the contract is confirmed by the Icelandic Transport Authority.

When determining the minimum number of deck officers and engine officers on board vessels pursuant to paragraphs 1-3, the vessel's time spent at sea shall also be taken into account to ensure compliance with provisions on work and rest periods.

The Manning Committee pursuant to Article 13 shall determine derogations from the manning requirements for vessels under this Article.

Article 13 *Manning committee*

The Minister appoints a manning committee for a three-year period, consisting of five members as well as three alternates. The committee shall consist of two representatives

nominated by owners and operators of fishing vessel, one appointed by the Merchant Navy and Fishing Vessels Officers Guild and one appointed by the Icelandic Union of Marine Engineers and Metal Technicians. The Minister shall appoint the chairman and his vice chairman without nomination, one of whom shall meet the statutory requirements for appointment as district judge.

The Manning Committee is authorized to:

- a. grant exemptions from provisions of Article 12 on the minimum number of deck and engine officers on fishing vessels, Coast Guard vessels and other vessels, where appropriate, such as due to technical equipment, type and/or operational circumstances of the vessel, whether to increase or decrease the number of officers, taking into account the additional workload on the crew as a result of the change,
- b. determine temporary change in the manning levels of a vessel as a trial on conditions set by the committee, not exceeding six months at a time,
- c. determine that a seaman who has undergone defined training under the guidance of a master or chief engineer may be exempted to act as deck officer or an engineer officer on the ship where he received training or other comparable ship,
- d. evaluate experience in marine engineering for certification under the provisions of a regulations.

The Icelandic Transport Authority is responsible for recording the decisions of the Manning Committee on exemptions under Article 12 in the seamen's legal registration system. The committee shall send a copy of the manning decision to the Icelandic Transport Authority in accordance with the Act on legal registration of seamen.

Article 14 *Dispensations*

The Minister appoints a dispensation committee for a three-year period, consisting of five members as well as three alternates. The committee shall consist of two representatives nominated by owners and operators of fishing vessel, one appointed by the Merchant Navy and Fishing Vessels Officers Guild and one appointed by the Icelandic Union of Marine Engineers and Metal Technicians. The Minister shall appoint a chairman and vice-chairman without nomination, one of whom shall meet the statutory requirements for appointment as district judge.

In circumstances of exceptional necessity and if there is a shortage of suitably qualified personnel, the Dispensations Committee 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 vessel for a specific period of time in a capacity, for which he does not hold the appropriate certificate, pursuant to Article 5 and 6.

Dispensation shall be granted only to a person properly certificated to fill the capacity immediately below or who fulfils the requirements of the Regulation on dispensations. Where certification of the capacity below is not required, a dispensation may be issued to a person whose qualification and experience are, in the opinion of the Dispensations Committee, of a clear equivalence to the requirements for issuing a certificate for the capacity to be filled.

A dispensation shall not be granted to master, cf. Article 5, or chief engineer officer, cf. Article 6, except in circumstances of force majeure and then only for the shortest possible period.

The Dispensation Committee grants dispensations to serve on vessels pursuant to this Act.

Dispensation pursuant to this Article may not be permitted for a period exceeding six months.

Chapter V Miscellaneous provisions

Article 15 Responsibilities of the master

The master of an Icelandic ship is fully responsible for the implementation of laws and regulations pertaining to his position and which are adopted by the competent authorities.

Article 16 In case of doubt

In case of doubt as to whether a ship is classified a fishing vessel, Coast Guard vessel, recreational craft or other vessel under this Act and the regulations issued hereunder, the Icelandic Transport Authority shall decide thereon.

Article 17 Complaints

Decisions by the Icelandic Transport Authority and the Manning Committee pursuant to this Act may be appealed to the Ministry in accordance with the provisions of the Administrative Procedure Act.

Article 18 Expenses

A fee shall be paid for the issue of certificates, the recognition of foreign certificates and the granting of dispensations pursuant to this Act and the charges shall cover the costs incurred by

the Icelandic Transport Authority in processing applications. Furthermore, costs incurred in connection with examinations under this Act shall be covered by the applicant.

Fees shall be specified in the Authority's tariff.

Article 19
Regulation

The Minister shall, in a regulation, adopt more detailed provisions on the implementation of this Act, including on examinations, certificates, and the requirements for the issue of certificates, dispensations, minimum safe manning of vessel, the appointment and procedures of the Dispensation Committee and the Manning Committee.

The provisions of the regulation shall be in conformity with the obligations of the Icelandic State in accordance with the International Convention.

Notwithstanding the provisions of this Act, the Minister shall adopt detailed provisions on minimum certification for serving as skippers, mates and marine engineers on board rescue vessels that perform specialized functions. Rescue vessels must be manned with skippers and mates who have as a minimum 30 GRT certificate or other similar certificate and who have received special training at the Icelandic Association for Search and Rescue (ICE-SAR) and the Maritime Safety and Survival Training Centre for seamen.

Article 20
Penalties

Violations of this Act or regulations adopted hereunder are subject to fines or imprisonment for up to two years, provided that other legislation does not provide for heavier penalties. Provisions of Chapter III of the general penal code shall be applied in case of attempt and participation.

Article 21
Entry into force, etc.

This Act enters into force on 1 January 2008.

Transitional Provisions

The holders of certificates under the provisions of an Act expiring upon the entry into force of this Act, shall maintain their certification, provided that they satisfy other conditions laid down in this Act, cf. Paragraph 4 of Article 8 and paragraph 3 of Article 9.

New certificates of competency may be issued instead of existing certificates, in accordance with provisions of regulations adopted. The validity of older certificates shall be further specified in a regulation.

In case a deck officer holds a certificate to serve as master or navigating officer on a vessel according to a tonnage limitation based on gross registered tons in older legislation, on which he is not qualified to serve under this Act, he may be granted a certificate to serve on board the same type of ship provided that other requirements of the Act are fulfilled.

A person who is a legitimate holder of a certificate as skipper on 30 GRT vessels is eligible for obtaining a certificate pursuant to this Act as skipper of vessels up to 12 meters in length engaged in near-coastal operation, provided that he meets other conditions for serving in that capacity. Those who have already acquired a certificate as skippers on vessels of 30 GRT will maintain those certificates.

Legitimate holders of certificates as skippers on 80 GRT vessels are eligible for obtaining a certificate pursuant to this Act as skipper on vessels up to 24 meters in length engaged in near-coastal operation, provided that they meet the conditions for serving in that capacity.

Legitimate holders of certificates as skippers on 200 GRT vessels are eligible for obtaining a certificate pursuant to this Act as skipper on vessels up to 45 meters in length engaged in near-coastal operation, provided that they meet the conditions for serving in that capacity.

At the date of entry into force of this Act, committee members shall be appointed pursuant to Articles 13 and 14.