

Act on Crews of Icelandic Passenger Ships and Cargo Ships ¹⁾

No. 76 of 31 May 2001, as amended

Process of the matter in the Parliament Althing. Proposed bill.

Entered into force on 1 July 2001. The EEA Agreement: Annex VII of Directive 92/51/EEC and Annex XII of Directive 94/58/EC. Amended by: Act 31/2003 (entered into force on 3 April 2003; The EEA Agreement: Annex of XVIII Directive 93/104/EC, Annex of XIII Directive 1999/63/EC, 1999/95/EC and 1999/130/EC). Act 72/2003 (entered into force on 10 April 2003). Act 108/2006 (entered into force on 1 November 2006, according to Announcement C 1/2006). Act No. 30/2007 (entered into force on 1 January 2008). Act No. 39/2008 (entered into force on 5 June 2008; The EEA Agreement: Annex of XIII to Regulation 336/2006). Act 88/2008 (entered into force on 1 January 2009 except for Article VII which entered into force on 21 June 2008). Act No. 139/2008 (entered into force on 13 January 2008). Act No. 162/2010 (entered into force on 1 January 2011). Act 126/2011 (entered into force on Sept. 30 2011). Act No. 59/2013 (entered into force on 1 July 2013). Act No. 40/2017 (entered into force on 17 June 2017). Act No. 82/2018 (entered into force on 28 June 2018).

If a minister or ministry is mentioned in this Act without the administrative area being specified or referred to, the reference is to the Minister of the Infrastructure or the Ministry of Infrastructure, which enforces this Act. Information on the administrative areas of ministries according to a presidential decree can be found here.

Chapter I General provisions

Article 1 Application, objective and purpose

This Act shall apply to crews serving on board all Icelandic passenger ships, [passenger boats] 1), 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, [the Maritime Labour Convention, 2006, as amended in 2014 and 2016] 2), the EEA Agreement, cf. [Directive 2008/106/EC of 19 November 2008 of the European

¹⁾ 1) The law expires on 1 January 2023 according to Act 82/2022, Article 39.

Parliament and of the Council on the minimum training of seafarers (recast), as amended, 1) Directive 2005/45 of the European Parliament and of the Council on the mutual recognition of seafarers certificates issued by the Member States and amending Directive 2001/25] 3), and the instrument of constitution of the European Free Trade Association [as well as the economic agreement between Iceland and the Faroe Islands]. 4)] 5)

1) Act 40/2017, Article 7. 2) Act 82/2018, Article 7. 3) Act 39/2008, Article 1. 4) Act 108/2006, Article 52. 5) Act 72/2003, Article 47.

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 [at sea, on rivers or on inland lakes], 1) 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. [Second engineer officer is the engineer officer next in rank to the chief engineer officer and is responsible for the propulsion engines and the operation and maintenance of its engines, machinery and electrical equipment in the absence of the chief engineer officer.] 1)

10. Radio operator is as lawful holder of a certificate issued or recognized by [the Icelandic Transport Authority] 2) in accordance with the provisions of the [International Radio Regulation] and serves in that capacity on board a ship. 1)

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. A maritime training institute is an educational institution that is recognized by [the Minister responsible for education] 3) or [the Minister] 3) and meets the conditions of the international agreement on learning and teaching.

14. Near-coastal voyages means voyages within the Icelandic fisheries jurisdiction.

15. Safe manning is the decision of the [Icelandic Transport Authority] 2) on the minimum number of crew members of passenger and cargo ships according 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 Second 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. Owner or operator means the party responsible for manning the ship, making decisions on its voyages, bearing the costs of the voyages and profiting from them.

[20. The ISM Code means the International Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the International Maritime Organization (IMO) through Assembly Resolution A.741(18) of 4 November 1993, as amended.

21. Recognised organisation means a body recognized in compliance with the provisions of Directive 94/57/EC.] 4)

[22. A passenger boat is a floating craft, registered as a passenger boat, authorized to carry a maximum of twelve passengers by sea, river or lake, to and from Iceland, and between domestic and foreign ports.] 1)

1) Act 40/2017, Article 8. 2) Act 59/2013, Article 18. 3) Act 126/2011, Article 326. 4) Act 39/2008, Article 2.

Article 3

Education and Training

Maritime training institutions provide education and training for crews of Icelandic ships. Rules on admission requirements to a maritime training institute, 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 training institutes 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] 1) on the curriculum guides for the schools after having received an opinion thereof by [the Icelandic Transport Authority]. 1)

The Maritime Safety and Survival Training Centre (MSSTC) is subject to Act No. 33/1991 and [the Minister] 1) verifies the curriculum guide of the Centre.

[The ministry responsible for education] 1) verifies the compliance of maritime training institutions' curriculum guides with the requirements of international conventions and the Icelandic Transport Authority] 2) is responsible for controlling that the education provided in maritime training institutions meets the requirements of international conventions.

1) Act 126/2011, Article 326 2) Act 59/2013, Article 18.

Article 4

Certificates

... 1) [The Icelandic Transport Authority] 2) issues international certificates and endorsements according to this Act. Certificates shall be written both in Icelandic and English on special forms according to a model drawn up by the [Ministry] 3). 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 European Economic Area (EEA) Member States [and contracting parties to the Convention Establishing the European Free Trade Association (EFTA)] 4), cf. paragraph 2 of Article 6 of the Act, and citizens of the Faroe Islands, are entitled to the same rights]. 5)

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 Transport Authority]. 2) In case of doubt as to the genuineness of that proof the [Icelandic Transport Authority] 2) 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 must always be an Icelandic citizen. However, citizens of other Member States of the European Economic Area [and the (EEA) Member States of the Convention Establishing the European Free Trade Association (EFTA)] 4), [as well as citizens of the Faroe Islands] 5), 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 second 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 Transport Authority] 2) maintains a register of issued certificates.

1) Act 39/2008, Article 3. 2) Act 59/2013, Article 18. 3) Act 162/2010, Article 230. 4) Act 72/2003, Article 48. 5) Act 108/2006, Article 53.

[Article 4 a Medical standards

[All crew members shall be in such good health that they can carry out their duties safely. A crew member shall submit a medical certificate stating that he meets the requirements on vision and hearing and other medical fitness requirements according to the regulation, cf. paragraph 4.] 1)

Those who are responsible for assessing the health of the seamen to serve on passenger and cargo ships according to paragraph 4 of Article 4 shall be doctors recognized by the Icelandic Transport Authority.

Medical health requirements [of crew members] 1) shall be in accordance with the international obligations of the Icelandic government, cf. paragraph 3 of Article 1.

The Minister prescribes in more detail the medical health requirements [of crew members] 1) and the recognition of doctors in a regulation.] 2)

1) Act 82/2018, Article 8. 2) Act 40/2017, Article 9.

Article 5

Validity and revalidation of certificates

Certificates issued pursuant to this Act shall be valid for [up to] 1) five years from the date of issue. Renewal shall be granted for [up to] 1) five years at a time. 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 [twelve months] 1) 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 Transport Authority] 2) 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.

1) Act 40/2017, Article 10. 2) Act 59/2013, Article 18.

Article 6

Recognition of Foreign Certificates

[The Icelandic Transport Authority] 1) 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 Transport Authority] 1) 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 Transport Authority] 1) 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.

[Applications for recognition of certificates of competency issued by a competent authority in a Member State of the European Economic Area (EEA) and the European Free Trade Association (EFTA) for serving on board ships pursuant to this Act shall be processed in

accordance with Directive 2005/45/EC of the European Parliament and of the Council on the mutual recognition of seafarers' certificates issued by the Member States and on amendments to Directive 2001/25/EC, as further provided for in a regulation.

Applications for recognition of certificates of competency issued by other states than Member States of the European Economic Area and the European Free Trade Association (EFTA) for serving on board ships pursuant to this Act, shall be processed in accordance with [Directive 2008/106/EC of 19 November 2008 (recast)] 2), as further provided for in a regulation.] 3)

[The Icelandic Transport Authority] 1) maintains a register of recognised foreign certificates.

1) Act 59/2013, Article 18. 2) Act 40/2017, Article 11. 3) Act 39/2008, Article 4.

Article 7 Watchkeeping

The master of every ship shall at all times ensure that the watchkeeping personnel on board a ship follow watchkeeping arrangements and principles and that they always aim at keeping safe watch, 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 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] 1) shall establish and enforce [regulations] 2) on hours of work and rest 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.

1) Act. 162/2010, Article 230 2) Regulation No. 680/2004, cf. 1019/2006, 735/2015, 512/2020 and 602/2021.

[Article 7 A Hours of work and rest of seafarers serving on board Icelandic passenger ships and cargo ships

The limits on hours of work or rest shall be either:

1. maximum hours of work which shall not exceed 14 hours in any 24-hour period and 72 hours in any seven-day period; or
2. minimum hours of rest which shall not be less than 10 hours in any 24-hour period and 77 hours in any seven-day period. Hours of rest may be divided into no more than two

periods, one of which shall be at least 6 hours in length and the interval between consecutive periods of rest shall not exceed 14 hours.

Exceptions to the limits set out in paragraph 1 may be provided for in regulations or collective agreements due to objective or technical reasons concerning certain aspects of the organisation of working time, provided that they are in accordance with the general principles on the protection of the safety and health of seafarers.

The master of a passenger ship and cargo ship shall have the right to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board, cargo or other valuables on board the ship, or for the purpose of giving assistance to other ships or persons in distress at sea.] 1)

1) Act 31/2003, Article 3

[Article 7 B

Hours of work and rest of seafarers serving on board foreign passenger ships and cargo ships

Provisions of Article 7 shall also apply to foreign ships berthing in Icelandic ports.

[The Icelandic Transport Authority] 1) is authorized to carry out inspections on board foreign ships berthing in Icelandic ports to check the arrangements of the hours of work or hours of rest and the watches on board. The legislation and regulations on Port State Control provides for the implementation of inspections. [The Icelandic Transport Authority] 1) shall, if a complaint is received which is clearly not without grounds or if it receives evidences that the arrangements of the hours of work or hours of rest on board is not in accordance with this Act and regulations adopted hereunder, inform the State where the ship is registered on the results of the inspection carried out. [The Icelandic Transport Authority] 1) which may not reveal the identity of the person lodging the report or the complaint to the master or the owner of the ship concerned.

If an inspection reveals that shipboard living conditions are clearly hazardous to safety and health of the crew, [the Icelandic Transport Authority] 1) shall take the necessary measures to ensure that corrective action is taken immediately, e.g. by detaining the ship. Such a detention shall be reported to the master, owner or operator of the ship, flag state and the state of registry. The owner or operator of the ship may appeal a decision on the detention to the Detention Committee which operates in accordance with act on ship surveys [Ships Act] and an appeal does not entail postponement of implementation of a verdict.] 2)

1) Act 59/2013, Article 18. 2) Act. 31/2003, Article 3

[Article 7 C

Holidays

Holidays for crew members are governed by the Holiday Allowance Act, No. 30/1987, but shall never be shorter than 2.5 calendar days for each month worked during the last holiday allowance year, unless another criterion is stipulated in a regulation that takes into account the

special needs of seafarers. Negotiating the cancellation of paid minimum leave is not permitted.

The Minister may set more detailed rules on holidays, but the rights of crew members to holiday in other respects than provided in paragraph 1 are in accordance with the Holiday Allowance Act, No. 30/1987, and applicable collective agreements.] 1)

1) Act 82/2018, Article 9

[Article 7. D Repatriation

A crew member who has been registered on board the same ship or with the same owner or operator for nine consecutive months is entitled to a free return trip home, paid for by the owner or operator, in the following cases:

1. if the employment contract expires while the crew member is on board,
2. when the employment contract is cancelled by the owner or operator,
3. when the employment contract is cancelled by the crew member if there is a valid reason behind it,
4. when a crew member can no longer perform his/her duties according to the employment contract or cannot be expected to perform them due to special circumstances.

The crew member will not be required to pay for the return trip in advance and the return trip costs will not be deducted from wages or other rights, except in cases when the crew member has seriously violated his/her duties at work.

The owner or operator of a ship, both Icelandic ships and foreign ships passing through Icelandic ports, must provide a guarantee to ensure that the crew members enjoy an appropriate return trip in accordance with paragraph 1. If the owner or operator fails to take such measures, the Icelandic Transport Authority will make arrangements for the crew member's return home. The Icelandic Transport Authority does not make arrangements for the repatriation of crew members of foreign ships passing through Icelandic ports unless the foreign state has not or does not intend to make arrangements for the repatriation of crew members.

In case of the situation provided for in paragraph 3, or the Icelandic Transport Authority has taken measures in connection with repatriation in other cases, the Icelandic Transport Authority can detain the ship until a guarantee has been submitted or reimbursement for the return trip has been made. Such detention shall be notified to the master, owner or operator of the vessel and the flag state and the state of registry of the vessel when applicable. The owner or operator of the ship may submit complaints about the detention to the Minister. The implementation of the detention is otherwise provided for in the Ships Act.

The Minister shall adopt specific rules on repatriation, including those relating to the destinations of repatriation, the mode of transport, the items of expense to be covered and other arrangements, such as the measures of the Icelandic Transport Authority on the return

journey and detention, as well as the obligation of the owner or operator to provide insurance and on neglect of such an obligation.] 1)

1) Act 82/2018, Article 9

[Article 7 E

Health protection, medical care, welfare and social security rights

If, for some reason, a crew member does not enjoy welfare rights in Iceland or in the country where the crew member enjoys rights that are similar to those guaranteed by law in Iceland, the owner or ship operator shall ensure the crew members such rights, such as by purchasing insurance.

The Minister may set more detailed rules on the welfare rights of crew members, i.e. on health care, medical care, welfare and social security rights.] 1)

1) Act 82/2018, Article 9

Article 8

Exemptions

In circumstances of exceptional necessity and if there is a shortage of suitably qualified personnel, [the Icelandic Transport Authority] 1) 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 Transport Authority] 1).

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 Transport Authority] 1). 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.

1) Act 59/2013, Article 18.

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.

... 1)

1) Act 40/2017, Article 12.

**[Article 9 A
International Safety Management system**

The provisions of part A of the ISM Code for the Safe Operation of Ships and for Pollution Prevention shall be followed on board cargo ships of 500 gross tonnage or more. The [Icelandic Transport Authority] 1) or a recognized party shall issue a document of compliance and Safety Management Certificate in accordance with the ISM Code.

[The Icelandic Transport Authority] 1) may exempt a ship from the requirements of Article 6, 7, 9, 11 and 12 of the Code, provided that measures that provide an equivalent level of safety as those provided for in the Code are adopted.

The provisions of this Article do not apply to:

1. ships used only on Government non-commercial service,
2. ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft not engaged in trade, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes;
3. category C and D passenger ships, as defined in Regulation No 666/2001 on the Safety of Passenger Ships engaged on Domestic Voyages, as amended, unless they are ro-ro passenger ships.] 2)

1) Act 59/2013, Article 18. 2) Act 39/2008, Article 5.

**Article 10
Responsibility of the owner or operator and master**

The owner or operator 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 crew member assigned to duty on board any of their 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 capacities on board,
3. all crew members, 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.

**[Article 10 A
Recruitment and placement**

Companies that provide crew recruitment and placement services shall operate in accordance with approved quality management systems after obtaining permission from the Icelandic Transport Authority.

Recruitment and placement services must be efficient, adequate, reliable and free of charge for crew members so that crew members can find jobs on board a ship.

The Icelandic Transport Authority supervises that the crew recruitment and placement service meets the requirements according to the international obligations of the Icelandic Government, cf. paragraph 3 of Article 1.

The minister is authorized to prescribe in more detail the recruitment and placement service and its supervision in a regulation.] 1)

- 1) Act 82/2018, Article 10.

**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, passenger boats and cargo ships:

The Minister prescribes in more detail in a regulation the issuing of certificates in accordance with the capacity, ship size, ship type and engine power in accordance with the international obligations of the Icelandic government, cf. paragraph 3 of Article 1. The Icelandic Transport Authority may grant dispensations from the above requirements in the case of passenger ships operating in a particular trading area and during a particular period, provided that obligations of the Icelandic State according to the International Convention are not infringed.] 1)

- 1) Act 40/2017, Article 13.

**Article 12
Minimum Safe Manning**

Every Icelandic [passenger ship, passenger boat, and cargo ship] 1) shall be safely manned to ensure all aspects of the safety of personnel serving on board, passengers and the ship.

[Passenger ships, passenger boats, and cargo ships] 1) shall be manned in order 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, [the Icelandic Transport Authority] 2) shall take full consideration 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 Transport Authority determines the manning levels of passenger ships, passenger boats and cargo ships.

The Icelandic Transport Authority issues a safe manning certificates for passenger ships and cargo ships, which stipulate the minimum number of crew members, the composition of the crew and certificates for individual capacities.] 1)

1) Act 40/2017, Article 14. 2) Act 59/2013, Article 18.

Chapter III Miscellaneous Provisions

Article 13

[Decisions of [the Icelandic Transport Authority] 1) according to this Act may be appealed to [the Minister]. 2) Proceedings are governed by administrative law.] 3)

1) Act 59/2013, Article 18. 2) Act 162/2010, Article 230. 3) Act 139/2008, Article 1. There are no provisions for the title of the Article "Arbitrary Committee of Maritime Issues" to be deleted but substantial changes purport that it is no longer applicable.

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 Transport Authority] 1) in connection with the procedure. Fees shall be specified in the Authority's tariff. 2)

1) Act 59/2013, Article 18. 2) Regulation No. 587/2002.

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 shall be 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.

[On board ships there must be an effective system for complaints regarding alleged violations of the requirements of this Act and international conventions, cf. paragraph 3 of Article 1, including against the rights of crew members. The Minister can set more detailed rules for complaints on board.] 1)

1) Act 82/2018, Article 11

Article 16

[The Icelandic Transport Authority] 1) 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 Transport Authority] 1) considers that the conditions pursuant to paragraph 2 of Article 15 are valid for the deprivation of rights to serve in a capacity, the Authority may temporarily deprive the person concerned of his certificate. 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] 1) may be referred to Courts of Law in accordance with rules the procedures of [Criminal proceedings] 2) and the Authority shall inform the party concerned on this right.

1) Act 59/2013, Article 18. 2) Act 88/2008, Article 234.

Article 17 Regulation

[The Minister] 1) shall, in a regulation 2), adopt specific provisions on the implementation of this Act, including the training of ship crews 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 owners or operators, watchkeeping, minimum safe manning, the safety management system, repatriation and recruitment and placement] 3). 4) The [provisions] 4) 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] 1) may, in co-operation with [the Minister responsible for education] 5), adopt rules on the supervision of education and training of the crews of Icelandic ships.

[The Minister can, by regulation, exclude from the provisions of the Act or make less stringent requirements for crews working on ships of less than 500 gross tonnage or that are not engaged on international voyages.] 3)

1) Act. 162/2010, Article 230. 2) Regulation No. 599/2001. Regulation No. 680/2004, cf. 1019/2006, 735/2015, 512/2020 and 602/2021. Regulation No. 337/2009, cf. 738/2009. Regulation No. 676/2015, cf. 564/2021 and 1347/2021. 3) Act 82/2018, Article 12. 4) Act 39/2008, Article 6. 5) Act 126/2011, Article 326.

Article 18 **Entry into force, etc.**

This Act enters into force on 1 July 2001.

...

Transitional Provisions

... 1)

The Dispensation Fund subject to paragraph 3 of Article 21 of the Certification of Masters and Deck Officers serving on board Icelandic Ships Act No. 112/1984, as amended, 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. 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.