

Act of 12 June 1987 No. 48 relating to a Norwegian International Ship Register (NIS)

as subsequently amended, most recently by Act of 19 June 2015 No. 65 (in force on 1 October 2015).

Chapter I General provisions

Section 1

Conditions for registration

Self-propelled passenger and cargo ships and hovercraft, as well as drilling platforms and other mobile offshore units, may on request be registered in the Norwegian International Ship Register provided they are not entered in the register of another country and:

1. the owner satisfies the nationality conditions in section 1 of the Norwegian Maritime Code; or
2. the owner, if he does not satisfy the nationality conditions in section 1 of the Norwegian Maritime Code,
 - a) is a limited company, public limited company or a limited partnership with its head office in Norway;
or
 - b) is a shipowning partnership, with a managing reder (person or company) who satisfies the provisions relating to managing reder (person or company) in Chapter 5 of the Norwegian Maritime Code.
3. the owner, if he does not satisfy the conditions of item 1 or 2, has appointed a representative who is authorized to accept writs on behalf of the owner. The representative must fulfil the nationality requirements for managing reder (person or company) as set out in section 103 of the Norwegian Maritime Code.

Ships registered in accordance with item 2 or 3 above shall be operated by a Norwegian shipping company with its head office in Norway.

The King may issue regulations allowing for the registration of other vessels and units.

Amended by Acts of 24 June 1994 No. 39, 8 December 1995 No. 65, 13 June 1997 No. 44 (in force on 1 January 1999 pursuant to decree of 17 July 1998 No. 615).

Section 2

Registration authority. Signal letters

The Norwegian International Ship Register shall be maintained by an official designated by the King.

Ships registered in the Norwegian International Ship Register shall be allotted signal letters by the Norwegian Ship Registers which are clearly different from the signal letters allotted to other Norwegian ships.

Amended by Acts of 15 May 1992 No. 46, 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).

Section 3

Application of other Norwegian law than the present Act

Norwegian law applies to every ship in the Norwegian International Ship Register unless explicitly otherwise provided in or pursuant to a statute.

The King may grant exemptions from the Norwegian Maritime Code for ships in the Norwegian International Ship Register.

Amended by Act of 24 June 1994 No. 39.

Section 4

Trading area restrictions

Ships registered in the Norwegian International Ship Register are not permitted to carry cargo or passengers between Norwegian ports or to engage in regular scheduled passenger transport between Norwegian and foreign ports. For the purpose of this Act, oil and gas installations on the Norwegian continental shelf are regarded as Norwegian ports.

The King may issue regulations prescribing other trading areas for ships registered in the Norwegian International Ship Register than those specified in the first paragraph.

The King may issue regulations prescribing the trading area for supply ships, auxiliary vessels, drilling platforms and other mobile offshore units registered in the Norwegian International Ship Register.

Section 5

Fees

A fee determined by the King shall be paid for registration or notes made in the Norwegian International Ship Register. The same applies to mortgage certificates made out in the Norwegian International Ship Register.

Claims for registration fees and fees for transcripts, etc. for ships registered in the Norwegian International Ship Register are enforceable by attachment.

Amended by Acts of 15 May 1992 No. 46, 26 March 2010 No. 10, 11 January 2013 No. 3 (in force on 1 June 2013 pursuant to decree of 24 May 2013 No. 533).

Chapter II

Special provisions relating to ships in the Norwegian International Ship Register

Section 6

Pay and working conditions

Terms of pay and employment and other working conditions on ships in this register shall be fixed in a collective bargaining agreement which expressly states that it applies to such service. A collective bargaining agreement which does not so state does not apply to service on ship in this register.

Norwegian trade unions have a right to take part in all negotiations for a collective bargaining agreement.

Collective bargaining agreements may be concluded with Norwegian or foreign trade unions.

The collective bargaining agreement mentioned in the first paragraph shall expressly state that the agreement is subject to Norwegian laws and Norwegian court of law. The parties to the agreement may nevertheless deviate from the provisions in section 6 items 2 and 3 and Chapters 2 to 5 of Act of 5 May 1927 No. 1 relating to labour disputes¹, if the agreement instead of referring to Norwegian courts explicitly provides that disputes concerning the agreement shall be subject to the courts and procedural rules, including rules governing arbitration, in another country.

Individual contracts of engagement for service on ships in this register shall expressly state that the contract is subject to Norwegian laws and Norwegian courts, but that cases concerning the employee's service on the ship may be brought against the owner before a Norwegian court or before a court in the employee's country of residence. A contract of engagement as referred to in the first sentence is not a hindrance to a case being brought before a court in another country when such action is permitted under the Lugano Convention 2007.

Amended by Acts of 8 January 1993 No. 21, 28 June 1996 No. 40, 19 June 2009 No. 79 (in force 1 January 2010 according to decree of 16 October 2009 No. 1279).

¹ This Act has been repealed, refer to Act of 27 January 2012 No. 9.

Section 7

Hours of work and rest

The Act relating to ship safety and security (Ship Safety and Security Act) sections 23 and 24 shall apply to ships in this register.

The rate of pay for work in excess of ordinary working hours shall be agreed between the parties.

Amended by Acts of 26 June 1998 No. 51, 28 June 2002 No. 60, 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).

Section 8

The Ship Labour Act

In a collective bargaining agreement, the following provisions of the Ship Labour Act may be deviated from: section 3-1 fourth paragraph, sections 3-3 to 3-8, section 4-2 third paragraph, section 4-6 first paragraph (a), section 5-1 second paragraph, section 5-2 first paragraph second sentence, second and third paragraphs, section 5-3 second paragraph and third paragraph (a) to (d), section 5-4, section 5-6 second and fourth paragraphs, section 5-7, section 5-9, sections 5-10 and 5-12, sections 6-1 to 6-3, sections 7-2 and 7-3, sections 7-5 to 7-12, section 8-4 and chapter 11.

The cost of enrolment and mustering procedures shall be met by the owner or other employer.

Amended by Acts of 31 Mai 1991 No. 20, 18 June 1993 No. 108, 8 December 1995 No. 65, 21 June 2013 No. 102 (in force on 20 August pursuant to decree of 21 June 2013 No. 730), 9 May 2014 No. 16 (in force on 9 May 2014 pursuant to decree of 9 May 2014 No. 625).

Chapter III

Regulations, penalties, deletion, etc.

Section 9

Regulation and authority to obtain information

The King may issue regulations supplementary to the Act and regulations governing the implementation of the Act. The Ministry may prescribe by regulation that possible legal proceedings regarding the accuracy of administrative decisions pursuant to section 12 second paragraph shall be instituted within a special time limit from the date the notification on the time limit reached the party concerned.

The Ministry may at any time require an employer to document the information needed to implement and administer the Act.

Amended by Act of 27 June 2008 No. 72 (in force on 1 July 2008 pursuant to decree of 27 June 2008 No. 743).

Section 10

Provisions which must be accessible to the crew

The master shall ensure that a copy of this Act and of regulations issued pursuant to this Act is carried on the ship and is accessible to the crew. If the contract of engagement refers to a collective bargaining agreement, the master shall ensure that there is a copy of the letter on board for the use of the crew.

Section 11

Penalties

Any person who wilfully or through gross negligence violates the provisions of section 4 or regulations issued under the provisions, or failing to observe the obligation to provide documentation as mentioned in section 9 second paragraph will be punished by fines. Contributory negligence is not punishable.

In deciding whether a violation of the first sentence is substantial, particular importance shall be attached to the extent and effects of the violation and to the degree of guilt demonstrated.

Amended by Acts of 20 July 1991 No. 66, 19 June 2015 No. 65 (in force on 1 October 2015).

Section 12

Deletion

If a ship has been registered on the basis of incorrect or incomplete information on matters of central importance to the conditions for registration or the ship does not at all times meet the terms of section 1 first paragraph, the Registrar may delete the ship from the Register.

The Ministry may decide that a ship shall be deleted from the register if:

- a) section 1 second paragraph, section 4 or section 5 has been contravened; or
- b) section 6 third or fourth paragraph has been contravened; or
- c) the obligation to provide documentation as mentioned in section 9 second paragraph has been contravened;
or
- d) the obligation to furnish a guarantee or take out such insurance as mentioned in section 4-7 of the Ship Labour Act has been contravened.

If an encumbrance has been registered on a ship, the ship shall not be deleted from the register according to the first or second paragraph without the written consent of the holder of the right, but the circumstances which should have led to deletion shall be noted on the ship's page in the register. The encumbrance will in such case retain its priority, but newly created rights may not be registered.

Amended by Acts of 15 May 1992 No. 46, 17 December 1993 No. 118, 21 June 2013 No. 102 (in force on 20 August 2013 pursuant to decree of 21 June 2013 No. 730).

Chapter IV
Entry into force etc.

Section 13
Entry into force

This Act enters into force on 1 July 1987.

Section 14
Repeal and amendment of other acts and provisions

With effect from the date when this Act enters into force, the acts mentioned below are amended as follows:

From the date of the entry into force of this Act, the following Royal Decrees are repealed:
