

# Act relating to ports and navigable waters

Although all efforts have been made to produce an English version authentic to the original, this English translation is not an official version of the Regulations. In case of inconsistencies or errors the official Norwegian version shall prevail. For the Norwegian version, please refer to: <https://lovdata.no/dokument/NL/lov/2019-06-21-70>

## Chapter 1. Introductory provisions

### Section 1. Purpose

The Act shall promote maritime transport as a transport form and facilitate the effective, safe, and environment-friendly operation of ports and use of navigable waters, even as it shall take the competitive business sector into consideration. The Act shall uphold national interests in regard to defence and preparedness.

### Section 2. Scope

The Act applies to this realm, including territorial waters and internal waters. The Act applies to rivers and lakes to the extent they are navigable by vessels from the sea, or to the extent the Ministry determines in regulations.

The Act is in effect with the limitations that follow from agreements with foreign states or by international law in general.

The Act applies to Svalbard and Jan Mayen to the extent determined by the King. The King may make exemptions from the Act and issue such special rules as required by local conditions.

The King-in-Council may determine that the Act shall either entirely or partially apply to Norway's exclusive economic zone and in areas of jurisdiction established pursuant to Act no. 91 of 17 December 1976 relating to Norway's exclusive economic zone.

The Ministry may issue regulations wherein sea and land areas as well as work, facilities, and measures related to defence purposes are exempted from the Act.

If the realm is at war, war is imminent, or the realm's independence or security in general is at risk, the King-in-Council may issue regulations to make necessary amendments to the Act. The King-in-Council may issue such regulations in advance. The regulations may lay down provisions concerning preparations and measures to be implemented during peacetime.

### Section 3. Definitions

Terms in this Act are defined as follows:

- a) owner: the registered and actual owner
- b) vessel: any floating construction that has been made in order to move through the water
- c) navigable waters: areas where vessels may navigate

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- d) port: a pier or piers and their associated sea and land areas that have been adapted for receiving and mooring vessels engaged in commercial activities or public services, and other areas affiliated with such facilities
- e) port facility: areas, buildings, constructions, and other forms of infrastructure that are used in port activity, including piers, terminal buildings, constructions used for either loading, unloading, or reloading, and storage and administration buildings
- f) the municipality's waters: area where the municipality has the planning authority pursuant to the Planning and Building Act with the exception of primary and secondary fairways
- g) pilot: person employed in a pilot service with a pilot licence issued pursuant to this Act
- h) pilotage: guidance from a pilot while navigating and manoeuvring vessels
- i) reder<sup>1</sup>: the entity identified as being responsible for the vessel's operations in the vessel's safety management certificate, and others who are in charge of key functions related to the operations of the vessel.

## **Section 4. *Delegation of the municipality's authority and body of appeal***

The municipality's authority pursuant to this Act may be delegated to an intermunicipal cooperation pursuant to the provisions in the Local Government Act and to companies established pursuant to Act no. 6 of 29 January 1999 relating to intermunicipal companies.

The Ministry is the body of appeal for individual resolutions either adopted by the municipality or pursuant to authority delegated by the municipality. The Ministry may issue regulations to appoint another body of appeal.

## **Chapter 2. Navigable waters**

### **Section 5. *Temporary limitation of vessels' stay in ports***

A municipal council may itself issue regulations concerning the temporary limitation of vessels' stay in ports when it is necessary to avoid or curtail local air pollution.

### **Section 6. *Responsibility for accessibility***

In the municipality's waters, the municipality is responsible for breaking ice when necessary and for removing objects that impede maritime transport or are a danger to traffic. The Ministry has a corresponding responsibility in all other navigable waters.

The Ministry is responsible for enhancements of the navigable waters.

### **Section 7. *Regulation of traffic***

The Ministry may make individual decisions or issue regulations relating to regulation of traffic in navigable waters, amongst other things in regard to

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<sup>1</sup> Throughout the translation, the Norwegian term "reder" has been used when the original utilises this term. There is no equivalent English term.

- a) speed limits
- b) fairways, sea lanes, traffic separation, and other routing measures
- c) prohibitions against, or the implementation of special terms for, vessels or groups of vessels using specific fairways or navigable waters
- d) requirements that vessels or groups of vessels shall use specific fairways or navigable waters
- e) prohibitions against diving or the use of manned or unmanned submarine vessels
- f) stopping, anchoring, and mooring.

## **Section 8. Regulation of recreational vessel traffic**

The municipality may issue regulations relating to regulation of recreational vessel traffic in the municipality's waters. In such regulations the municipality may set other speed limits for recreational vessels than those that have been set pursuant to section 7.

Regulations pursuant to this section take precedent over regulations pursuant to section 7, unless other decisions have been made pursuant to section 7.

The term "recreational vessel" refers to a vessel whose maximum length is 24 metres and that is not used in commercial activities.

## **Section 9. Regulation of the use of the municipality's waters**

The municipality may make individual decisions or issue regulations concerning safe traffic in the municipality's waters in regard to

- a) prohibitions against anchorage and the use of fixed anchorage positions for vessels that are to call on a port
- b) the use of either tugboat or mooring assistance for vessels when calling on or departing from a port
- c) dumping snow in the sea
- d) diving
- e) where seaplanes may land and take off.

Regulations issued pursuant to paragraph (a) of the first subsection must be approved by the Ministry.

Regulations pursuant to sections 7 and 13 take precedent over regulations pursuant to this section.

## **Section 10. Responsibility and authority for navigational aids and fairway signs**

Navigational aids and fairway signs shall not be exposed to acts that may cause them to fail to work as intended, for example while mooring at or removing, moving, changing, or covering the navigational aids or fairway signs.

The Ministry has the responsibility for navigational aids and fairway signs.

Navigational aids and fairway signs may only be set up, removed, moved, changed, or covered after the Ministry has granted permission. The terms of such permission may be set pursuant to section 16.

The Ministry may through individual decisions give an order to

- a) establish, operate, and maintain navigational aids or fairway signs
- b) remove, move, or change navigational aids or fairway signs
- c) cover, change, or remove lights or other devices that may affect navigation or traffic.

Orders pursuant to paragraph (a) of the fourth subsection may be addressed to owners or the entities responsible for the activity, device, or facility that may affect navigation or traffic. Orders pursuant to paragraphs (b) and (c) of the fourth subsection may be addressed to the entity that owns or is responsible for the device.

The Ministry may issue regulations concerning technical requirements for navigational aids and fairway signs and how they shall be used, designed, and maintained.

## **Section 11. *Duty to report danger***

The master, or the person authorized to act in the master's stead, shall immediately notify vessels in their proximity if the master or person becomes aware of a danger to navigation or traffic. Such notifications shall also be given to the national coordinator for navigational warnings.

Others who become aware of a danger to navigation or traffic shall immediately notify the nearest police authority.

## **Section 12. *Official nautical chart authority***

Official nautical charts and nautical publications shall be issued or be approved by the entity the King has appointed as the official nautical chart authority.

The Ministry may issue regulations stating that permissions, orders, or other types of information that are significant to safe traffic or navigation shall be reported to the official nautical chart authority and to the national coordinator for navigational warnings .

## **Section 13. *Vessel traffic services***

A vessel traffic service (VTS) may be established upon the Ministry's permission in order to monitor and keep control of ship traffic. Such vessel traffic services may amongst other things organize ship traffic, enforce sailing rules, provide navigational assistance and information, and implement safety and preparedness measures.

The Ministry may issue regulations to establish further provisions concerning the authority and operations of vessel traffic services.

The Ministry may issue regulations to establish licencing and authorization requirements as well as rules for suspending and withdrawing licences, and may also establish terms that must be met by the operational personnel at the vessel traffic service.

The Ministry may issue regulations for vessel traffic services in the event of contingency measures and war.

## **Section 14. Measures that require permission**

Measures that may affect safety, traffic, or defence and preparedness interests in the navigable waters cannot be established without permission. Such measures include constructions, interventions in nature, and activities. Permission cannot be granted to measures that will contravene provisions that are either in or pursuant to this Act.

The municipality is the permission-granting authority for measures specified in the first subsection that are to be implemented in the municipality's waters. The Ministry is the permission-granting authority for measures that are to be implemented in all other navigable waters. The same applies to measures that are to be implemented within the municipality's waters but that may affect safety or traffic in primary or secondary fairways.

Regardless of where the measure is to be implemented, the Ministry is the permission-granting authority for applications that concern

- a) aquaculture facilities and other net pen facilities in seawater
- b) energy facilities in seawater
- c) pipelines for oil and gas
- d) bridges
- e) aerial cables
- f) constructions, installations, and facilities for petroleum activities, including towing and anchoring such units
- g) measures that cross a municipal border, unless the municipalities have entered into a cooperation that includes the exercise of authority pursuant to the Act
- h) measures that may create substantial obstacles or inconveniences to traffic in general, including explosions, major towing operations, ship-to-ship reloading, seismic investigations, and equipment testing
- i) measures that may affect defence and preparedness interests in the navigable waters.

The authority pursuant to this Act shall, together with the municipality as the planning and building authority, process the permission applications in an effective and coordinated fashion. Permission for measures pursuant to this section cannot be granted in contravention of adopted area plans pursuant to the Planning and Building Act unless dispensation is given by the planning and building authority.

If the measure requires permission, the authority pursuant to the Act shall give the applicant written notification within four weeks after having received the application. The notification shall state the expected duration of the processing.

The Ministry may issue regulations concerning which measures are encompassed by this section. Such regulations may contain provisions stipulating that certain types of measures are exempt from the permission requirements if the measure has been reported to the authority

pursuant to the Act within a specific deadline before the measure is implemented. The Ministry may issue regulations concerning application requirements.

## **Section 15. *Orders to investigate prior to making a decision***

The authority pursuant to section 14.2 may order the entity carrying out the measure to conduct and pay for investigations that are necessary in order to clarify what the measure would entail when implemented. The order must be reasonable in regard to how important it is for the authority to clarify the potential consequences of the measure.

## **Section 16. *Terms and expiration of the permission***

Permission pursuant to section 14 may be granted with the inclusion of terms that specify factors such as

- a) investigations
- b) execution, equipment, and scale
- c) time limit
- d) use
- e) maintenance
- f) environmental monitoring
- g) removal and clean-up.

Terms may be set stipulating that the entity being given permission must cover the expenses for meeting the terms mentioned in the first subsection.

If the measure may cause substantial inconveniences to other use of the navigable waters, a precondition may be set stipulating that the entity carrying out the measure shall facilitate such use somewhere else and help fund this objective. Another precondition may be that the entity carrying out the measure shall, without addressing liability, compensate for damage to and the loss of tools and equipment that are used in other commercial activities in the navigable waters. Liability may be reduced or waived if the entity carrying out the measure can prove the likelihood that the damage was caused by the gross negligence of the party suffering the damage.

Permission pursuant section 14 will expire if work on the measure has not commenced within three years after the permission was granted. The same applies if work on the measure is postponed for more than two years. The deadline may be extended once by up to three years.

## **Section 17. *Prohibition against creating a danger or inconvenience***

Vessels or other objects shall not be used or abandoned in such a manner that they may pose a danger or inconvenience to the use of navigable waters or port, unless otherwise determined by provisions or permissions either in or pursuant to this Act.

If the prohibition in the first subsection is contravened, the responsible party shall remove the object or do what otherwise is required to remove the danger or inconvenience. The measure shall be proportionate in regard to the danger or inconvenience.

The measures that are specified in the second subsection may be ordered by the municipality in the municipality's waters and by the Ministry in all other navigable waters.

The responsible party is regarded as being the party that has used or abandoned the object in contravention of the first subsection, the party that was the reder or owner of the object when it was used or abandoned in contravention of the first subsection, and the party that is the reder or owner when orders are issued pursuant to the third subsection.

The Ministry may issue regulations containing further provisions regarding the removal of wrecks.

## ***Section 18. Implementation of measures on behalf of the responsible party and reimbursement of expenses***

If the responsible party does not comply with an order pursuant to section 17, the authority pursuant to section 17.3 may implement the measures. The measures may be implemented without any prior order if necessary so as to make traffic safe.

When implementing measures pursuant to the first subsection, the responsible party's property may be used. If necessary, the authority may request assistance from the police.

The Ministry may issue regulations to implement rules on how to carry out measures pursuant to the first subsection.

The authority pursuant to section 17.3 may require that the responsible party covers the public's expenses, damage, and losses when implementing measures pursuant to the first subsection. The responsible party may also be ordered to cover the expenses, damage, and losses a third party has incurred during corresponding measures.

Claims pursuant to the fourth subsection have a mortgage in ships and cargo. The Norwegian Maritime Code's provisions on maritime lien apply correspondingly.

## ***Section 19. Use of a third party's property when implementing measures***

When implementing measures pursuant to section 18, the authority may use a third party's property when necessary in order to make traffic safe and when the objective of the measures is clearly of greater concern than any inconvenience to the third party.

The third party may require compensation for damage specified in the first subsection from the authority that has implemented the measures.

## ***Section 20. Measures concerning vessels in danger***

The Ministry may order the owner, reder, or master of a vessel that is in danger or is a threat to the safety in navigable waters to implement necessary measures. Such measures may be ordered when the Ministry deems them necessary in order to save lives, prevent damage to persons, the environment, or property, or make traffic safe. The order may amongst other things instruct the vessel to change course, change speed, anchor, carry out an emergency unloading, receive towing assistance, or procure the necessary assistance from a salvage company.

When a vessel is being towed, the Ministry may give orders to the assisting vessels as specified in the first subsection.

If an order pursuant to the first and second subsections is not complied with, or the completion of such an order may entail that necessary measures are delayed, the Ministry may implement the measures. If necessary, the Ministry may request assistance from the police.

The duty to carry out measures pursuant to the first and second subsections and the right to implement measures pursuant to the third subsection also apply when the measure may damage the vessel or the objects on board or cause other losses for the owner, reder, or cargo owner. The master and the crew may be ordered to assist in implementing measures pursuant to this section.

The Ministry may require that the vessel's owner or reder covers expenses, damage, and losses in conjunction with measures pursuant to the third subsection. The provision in section 18.5 applies correspondingly.

The Ministry may issue regulations concerning implementation of the provisions in this section.

## **Section 21. *Compulsory pilotage***

Vessels subject to compulsory pilotage shall use a pilot who holds a licence or a navigator who has a pilot exemption certificate for the waters in question, or has permission for autonomous coastal sailing. If a pilot who holds a licence for navigable waters in question cannot be assigned, another pilot who is familiar with the waters may be assigned.

The master and the reder are responsible for complying with the compulsory pilotage requirement pursuant to the first subsection.

If a master or reder finds that guidance from someone other than the vessel's permanent navigators is necessary, a pilot shall be used. This does not apply to vessels under military command.

The Ministry may issue regulations concerning

- a) the areas where compulsory pilotage is in effect
- b) which vessels are subject to compulsory pilotage
- c) which vessels must use a pilot, which may use a navigator with a pilot exemption certificate, and which may sail with permission for autonomous sailing along the coast
- d) booking a pilot.

In determining compulsory pilotage, emphasis shall be placed on the nature of the waters and whether the vessel by virtue of its size, cargo, or number of passengers may represent a risk of loss of human life, damage to the environment, or loss of assets.

The Ministry may issue regulations for compulsory pilotage for the sake of the security of the realm.



## **Section 22. *The master's duties during pilotage***

The master, or whoever is in command in the master's stead, is required to facilitate the pilotage.

The master, or whoever is in command in the master's stead, may surrender control of the vessel's propulsion, navigation, and manoeuvring to the pilot. In such cases, the pilot shall not replace any of the vessel's navigators.

The rules laid down in this Act do not entail any exemptions from the rules concerning the master's responsibility or the responsibility of whoever is in command in the master's stead.

The Ministry may issue regulations with further provisions concerning facilitation of the pilotage.

## **Section 23. *The pilot's duties during pilotage and requirements for the pilot***

The pilot shall guide the master, or whoever is in command in the master's stead, so that the navigation and manoeuvring of the vessel transpires safely.

During pilotage, the pilot shall be on the command bridge or at a location from which the pilotage can best be conducted.

For safety reasons, the pilot shall have at least twelve hours free from pilotage duties every day. This does not apply to vessels under military command in the event of contingency measures or war.

When applying section 2.1 of the Damages Act, the pilot is considered as being in the vessel's service during pilotage. The rules in this Act do not otherwise entail any exemptions from the current rules for compensating damage. The pilot is required to compensate any damage he or she causes due to error or neglect of duty pursuant to the current rules for compensating damage, cf. section 2.3 of the Damages Act.

The Ministry may issue regulations with further provisions concerning the pilot's duties during pilotage.

The Ministry may issue regulations with requirements for the pilot. The regulations may amongst other things contain provisions concerning

- a) health requirements for and medical examination of pilots
- b) requirements for the training and examination of pilots
- c) conditions for receiving, expanding, and maintaining pilot licences, including requirements for knowledge of the navigable waters
- d) requirements relating to the form, issuance, and content of pilot licences.

## **Section 24. *Pilot exemption certificate***

Pilot exemption certificates may be issued to the master or other navigators of the vessel. The pilot exemption certificate gives the right to navigate specified vessels in specified fairways or areas subject to compulsory pilotage without a pilot.

A temporary cadet pilot exemption certificate may be issued to navigators who are under contractual on-board training in coastal sailing.

In order for the vessel's other navigators to be able to use their pilot exemption certificate, the master must have a pilot exemption certificate for the area in question.

When pilot exemption certificates are issued, emphasis shall be placed on the applicant's competence and knowledge of the waters and the risk related to the vessel and the waters.

The Ministry may issue regulations concerning the issuance and use of pilot exemption certificates, including the establishment of schemes involving the reder's own verification of the applicant's competence and knowledge of the navigable waters.

## **Section 25. *Autonomous coastal sailing***

Upon application, the reder may receive permission from the Ministry for autonomous coastal sailing . Permission for such autonomous coastal sailing entitles the reder to sail with specified vessels in specified fairways or areas subject to compulsory pilotage without a pilot.

The permission may include terms for amongst other things

- a) inspections and step-by-step testing
- b) requirements for the vessel's navigation and manoeuvring system
- c) sailing limitations
- d) a requirement that personnel engaged in testing and operating autonomous vessels that sail along the coast shall be familiar with the nav, and a requirement that a pilot shall be consulted.

The application cannot be granted if the vessel is unable to navigate or manoeuvre safely in the area, or if there might be a risk of loss of human life, environmental damage, or loss of assets.

The reder shall implement all measures that are necessary in order to avert and prevent the sailing from causing loss of human life, environmental damage, or loss of assets.

The Ministry may issue regulations concerning permissions for autonomous sailing along the coast. The regulations may contain provisions about requirements for the application, functions that shall be maintained in order for the vessel to safely navigate and manoeuvre, and limitations to autonomous sailing along the coast.

## **Section 26. *Organization of the pilot service***

The pilot service shall be organized into an administrative section and an operative section, which are to be independent of each other.

The Ministry will determine who is the administrative section and who is the operative section.

Government supervision will be conducted pursuant to section 37.

The Ministry may issue regulations for the pilot service in the event of contingency measures or war.

## **Chapter 3. Ports**

### **Section 27. *Duty to receive vessels***

Owners and operators of ports and port terminals have a duty to receive vessels. The duty applies as far as determined by the port's capacity, and as long as the vessel's placement is not unreasonably at the expense of the owner's own use of the port or of others who are guaranteed the right to use the port. The duty does not apply if receiving the vessel may involve a risk to the environment or to safety.

The duty to receive vessels pursuant to the first subsection does not apply to private ports that do not offer calls and services to other parties than the owners of the port.

The Ministry may make individual decisions and issue regulations with further rules on receiving vessels in ports pursuant to the first subsection.

### **Section 28. *Requirements for administering and operating ports***

The Ministry may make individual decisions and issue regulations concerning the administration of port infrastructure and port services. The Ministry may issue regulations with provisions concerning the right to appeal and the appeals process.

The Ministry may make individual decisions or issue regulations with requirements for operating ports for the sake of the environment and safety.

### **Section 29. *Payment for port services and the use of port infrastructure***

The party offering port services and the use of port infrastructure shall publish an overview of their prices and other terms of business.

The Ministry may issue regulations concerning the determination of payment for port services and the use of port infrastructure. The regulations may include provisions concerning the right to appeal and the appeals process.

### **Section 30. *Securing of ports and port facilities***

Owners and operators of ports and port facilities shall implement the measures that are necessary in order to prevent acts of terror and other criminal acts targeted against the port, the port facility, or vessels in the port.

The Ministry may issue regulations with further provisions concerning the securing of ports and port facilities, including

- a) which ports and port facilities shall be subject to the first subsection
- b) which measures shall be deemed necessary for securing ports and port facilities

- c) requirements for an exhaustive and expanded police certificate of conduct for persons carrying out tasks that are significant for securing ports and port facilities.

### **Section 31. *Emergency preparedness in ports and port facilities***

Owners and operators of ports and port facilities shall assist the Armed Forces during crises and war.

Owners and operators of ports and port facilities that are of particular significance for defence purposes shall implement preparedness measures, draft preparedness plans for crises and war, and practice carrying out these plans. The Ministry may issue regulations with further provisions concerning such preparedness measures, preparedness plans, and exercises.

The Ministry may make individual decisions or issue regulations that determine which ports and port facilities are of particular significance for defence purposes.

### **Section 32. *Administration of capital in municipally owned ports***

The term “municipally owned port” refers to a port that a municipality or several municipalities in partnership wield a decisive influence over, whether through ownership or other means. The term “port activity” refers to the operating of ports that are open to normal traffic and to the selling of services related to such operations.

In its accounting, the municipality shall keep revenues and capital related to port activity separate from its other activities. For port activity that is not subject to section 1.2 of the Accounting Act or to the particular accounting rules in or pursuant to the Local Government Act or other legislation, financial statements and annual reports shall be drafted pursuant to the rules laid down in the Accounting Act.

Assets stemming from municipal port activity may be apportioned if sufficient funds have been allocated for port operations and maintenance, as well as funds for investments that are directly related to providing services related to vessels and the handling of cargo and passengers. Any transfer of assets that directly or indirectly benefits the owner is regarded as such an apportioning.

The payment of dividends or other allocation of funds from municipal port activity organized as a limited liability company, intermunicipal company, or municipal enterprise may only be decided by the activity’s ownership following a proposal from the board.

The provisions in the second to the fourth subsection do not apply when the municipality’s entire port activity is being discontinued.

The reorganization or conveyance of a port so that it is no longer considered to be a municipally owned port pursuant to this Act shall be reported to the Ministry. If deemed necessary to uphold the Act’s purposes, the Ministry may decide that the third and the fourth subsections shall nevertheless apply to the port.

## **Chapter 4. Fees**

### **Section 33. Processing fee**

The Ministry or municipal council may themselves issue regulations concerning fees for the state's and the municipality's respective processing of applications for permissions issued according to provisions in or pursuant to this Act. The fee shall not be greater than the full cost. No fee can be charged for processing an appeal of a decision.

### **Section 34. Safety fee**

The Ministry may issue regulations to determine that vessels or groups of vessels shall pay a fee to the state for the use of waters that are monitored by a vessel traffic service. Provisions may be issued concerning the differentiation of such fees.

### **Section 35. Pilotage fees**

Vessels subject to compulsory pilotage shall pay pilotage fees.

The Ministry may issue regulations concerning

- a) pilotage readiness fees and pilotage fees for vessels using a pilot
- b) pilotage readiness fees for vessels that use a navigator with a pilot exemption certificate or have permission for autonomous sailing along the coast
- c) fees for processing an application for, and the issuing of, a pilot exemption certificate and permission for autonomous sailing along the coast
- d) differentiating the fee
- e) the formulation of the fee.

### **Section 36. Fee for use of navigable waters**

The municipality may issue regulations stipulating that a fee for use of navigable waters shall be paid for vessels that call on ports and for constructions used to operate aquacultural facilities in the municipality's waters. The regulations may include provisions that the fee is to be differentiated.

Fee for use of navigable waters may only cover the municipality's costs for

- a) necessary ice-breaking and the removal of objects that impede maritime transport or are a danger to traffic in the municipality's waters, cf. section 6
- b) exercising public authority pursuant to this Act and attendant regulations
- c) fairway signs and navigational aids that the municipality owns.

The Ministry may issue regulations concerning the municipality's administration of the fee. The Ministry may also issue regulations that establish other frameworks for the further content of such regulations that are issued pursuant to the first subsection.

The municipality may issue regulations that require owners or operators of ports or port terminals that are organized as a distinct legal entity to collect the fee for use of navigable waters on behalf of the municipality, with reimbursement for the costs of collection.

## **Chapter 5. Supervision and duty to report**

### **Section 37. Supervision**

The Ministry shall lay down in regulations who the supervisory authority is pursuant to this Act. The supervisory authority may supervise that the provisions in and pursuant to this Act are complied with. The Ministry may issue regulations with provisions concerning the organization, implementation, and delimitation of the tasks of the supervisory authority.

The Ministry may supervise that the municipality's duties pursuant to section 6, 32.2–4, and 36.2 are complied with. Such inspection shall be carried out in accordance with chapter 30 of the Local Government Act.

### **Section 38. Exercise of supervision**

As far as necessary in order to carry out its supervision, the supervisory authority shall have unrestricted access to ports, vessels, measures, and constructions and to places where autonomous vessels sailing along the coast are steered or monitored from.

The supervisory authority may order any party carrying out an activity that is subject to this Act to submit information, documents, or other materials of significance to the supervision, within the bounds of the legally mandated duty of confidentiality. When there are particular reasons to do so, other parties may also be ordered to submit such materials.

The Ministry may make individual decisions or issue regulations with further provisions about carrying out the supervision and about the duty to assist in the supervision. The Ministry may make individual decisions or issue regulations stipulating that self-reporting may be used instead of supervision.

### **Section 39. Duty to report and notify**

The Ministry may make individual decisions or issue regulations that order reder, owners and operators of vessels, the municipality, owners and operators of ports and port facilities, and other users of ports to provide the required information to the authorities for the sake of transport planning.

The Ministry may make individual decisions or issue regulations that order reders, vessel owners, masters, owners and operators of ports and port facilities, and senders and recipients of cargo to make the authorities or the owners or operators of ports or port facilities aware of circumstances that are relevant to the effective, safe, and environment-friendly operation of ports and use of navigable waters, or that are relevant to tasks related to the Armed Forces' upholding of sovereignty or exercise of authority.

The Ministry may issue regulations concerning the establishment, operation, and use of information or communication systems for complying with the duty to report and notify. The regulations may amongst other things contain provisions about approval, digital formats, and digital signatures.

## **Chapter 6. Collection of claims**

### **Section 40. Securing of claims**

The vessel's owner, reder, and agent are jointly and severally liable for paying fees pursuant to this Act.

The vessel's owner, reder, or agent may be required to put up collateral for the payment of such fees before permission is granted or the service is provided. The requirement for collateral may include interest on late payments.

Vessels that have not paid fees that have fallen due pursuant to sections 34 and 35 may be denied those permissions or services that the fees concern, unless collateral is also put up for paying the fees that have fallen due and any interest that has accrued for the late payments.

### **Section 41. Collection of fees**

Fees charged pursuant to sections 33, 34, 35, and 36 are a basis for enforcement of distraint.

Claims pursuant to sections 34, 35, and 36 have a mortgage in ships and cargo. The Norwegian Maritime Code's provisions on ship mortgages apply correspondingly.

In the event of a late payment of fees pursuant to 33, 34, 35, and 36, penalty interest shall be paid pursuant to the Interest on Overdue Payments Act.

The Ministry may issue regulations concerning the issuing, control, and collection of fees pursuant to this Act.

## **Chapter 7. Administrative measures and sanctions**

### **Section 42. Orders to rectify or terminate**

The authority pursuant to the Act may order the responsible party to rectify or terminate circumstances that contravene provisions in or pursuant to this Act or decisions made pursuant to the Act. In such an order the authority pursuant to the Act shall set a compliance deadline and state that the decision may be followed up by a fine that may come into effect as a legally enforceable judgment, by a coercive fine, or by the permission being changed and revoked.

If necessary, the authority may pursuant to the Act require the police to provide assistance in carrying out orders pursuant to the first subsection.

## **Section 43. *Writ for non-compliance with orders or prohibitions***

The authority pursuant to the Act may issue a writ to the party that within the given deadline fails to comply with orders or prohibitions that have been issued pursuant to this Act. The writ shall provide information on the provisions in the second and third subsections and shall, if possible, be served to the party being fined.

The party to whom the writ is addressed may file a civil suit against the public authorities in order to have the writ tried in court. If a civil suit is not filed within 30 days from when the writ was pronounced, the writ has the same effect as a legally enforceable judgment and may be executed pursuant to the rules for judgments.

A writ cannot be appealed.

## **Section 44. *Enforcement of orders***

If a party fails to comply with an order in a legally enforceable judgment or in a writ with the same effect, the authority may pursuant to the Act see to that the order is enforced at the given party's expense without a ruling pursuant to section 13.14 of the Enforcement Act. The costs of enforcing the order shall be covered by the party addressed by the judgment or the writ.

In case of imminent danger, orders may be enforced pursuant to the rules in section 13.14 of the Enforcement Act without a judgment or a writ.

## **Section 45. *Coercive fines***

When a provision in or pursuant to this Act is contravened, the authority may decide to issue a coercive fine pursuant to the Act.

A coercive fine may be issued when it has been discovered that a provision has been contravened. A coercive fine comes into effect when the deadline has expired for rectification or termination as specified in section 42. A coercive fine may be issued in advance if there are particular reasons for doing so and will be in effect from when the provision is contravened. It may be decided that a coercive fine will be in effect as long as the illegal conditions subsist, or that it falls due every time the provision is contravened.

A coercive fine is issued to the party that is responsible for the contravention. If the contravention took place in conjunction with carrying out work or a commission for an enterprise, a coercive fine shall as a rule be issued to the enterprise. If the coercive fine is issued to a subsidiary company, a fine that has accrued may also be collected from the parent company.

If several parties are liable pursuant to a decision of a coercive fine, they are jointly and severally liable for paying the fine. The authority pursuant to the Act may in particular cases waive the fine that has accrued.

The Ministry may issue regulations with further provisions concerning coercive fines, amongst other things regarding size, duration, determination, and waivers.

Chapter X of the Public Administrations Act applies correspondingly.



## **Section 46. *Changes to and revocations of permissions***

The authority pursuant to the Act may set aside or change the terms of the permission that has been granted in or pursuant to this Act, or set new terms, and if necessary revoke the permission if

- a) it turns out that safety or traffic becomes substantially worse than what was anticipated when the permission was granted
- b) the damage or inconvenience arising from the permission may be reduced without significant cost for the holder of the permission
- c) gross or repeated contraventions of this Act or of regulations or individual decisions made pursuant to the Act have taken place
- d) the holder of the permission does not comply with orders pursuant to section 42, or
- e) it is so determined on the basis of other rules concerning access and revocation.

The change and revocation of a permission pursuant to the first subsection may be limited in time. A time-limited change and revocation may be made contingent upon certain conditions being improved or amended.

Decisions made pursuant to this section shall take into consideration the financial loss and the inconveniences that a change or a revocation may subject the permission holder to, and the benefits and the inconveniences that the change or revocation may otherwise entail.

The Ministry may issue regulations with further provisions concerning change and revocation of permissions pursuant to this Act.

## **Section 47. *Loss of the right to a pilot exemption certificate***

The holder of a pilot exemption certificate or cadet pilot exemption certificate may lose the right to the certificate if he or she

- a) contravenes provisions in acts, regulations, or individual decisions that concern maritime safety
- b) violates the conditions for holding a pilot exemption certificate or a cadet pilot exemption certificate, or
- c) turns out to be clearly unfit to hold a pilot exemption certificate or a cadet pilot exemption certificate.

The inspection authority may make decisions relating to the loss of rights for a period of up to two years. The loss of rights may be made conditional or entail restrictions in the pilot exemption certificate. The loss of rights beyond two years shall be decided by a legal judgment.

The Ministry may issue regulations with further provisions concerning the loss of the right to a pilot exemption certificate or a cadet pilot exemption certificate.

## **Section 48. *Change and revocation of a permission for autonomous coastal sailing***

The authority pursuant to the Act may set aside or change the terms in a permission for autonomous coastal sailing or set new terms, and if necessary revoke the permission if

- a) it turns out that safety or traffic becomes substantially worse than what was anticipated when the permission was granted
- b) the preconditions of the permission are no longer in effect, or
- c) the terms of the permission or the provisions of acts, regulations, or individual decisions relating to maritime safety have been contravened.

The change and revocation of a permission pursuant to the first subsection may be limited in time. A time-limited change and revocation may be made contingent upon certain conditions being improved or amended.

Decisions made pursuant to this section shall take into consideration the financial loss and the inconveniences that a change or a revocation may subject the permission holder to, and the benefits and the inconveniences that the change or revocation may otherwise entail.

The Ministry may issue regulations with further provisions concerning change and revocation of permission for autonomous coastal sailing.

## **Section 49. *Right to deny pilotage to a vessel***

The Ministry may make individual decisions about declining to assign a pilot or suspending pilotage if the voyage

- a) wilfully contravenes national regulations issued in order to safeguard maritime traffic, or
- b) represents an obvious risk of loss of human life, damage to the environment, or loss of assets.

The Ministry shall immediately notify the vessel of why the pilotage has been denied to the vessel pursuant to the first subsection.

The Ministry may issue regulations concerning which cases are subject to decisions pursuant to the first subsection, and how such cases shall be processed.

## **Section 50. *Administrative fine***

The Ministry may issue an administrative fine to the party that deliberately or negligently contravenes

- a) individual decisions made or regulations issued pursuant to sections 7, 8.1, 9.1, 28.2, 38.3, and 39.2
- b) orders issued pursuant to sections 17.3, 20.1–2 and 38.2
- c) sections 10.1, 10.3, 11, 13.1.1, 14.1.1, 17.1–2, 21, 22, 23, 24, 30, and 38.1.

In regulations issued pursuant to this Act, the Ministry may decide that a party that deliberately or negligently contravenes the regulations may be issued an administrative fine.

Even though no individual person has been found liable, an enterprise may be issued an administrative fine if it has contravened the norms in the first or second subsection.

The contravention fine is issued in each individual case with an upper limit set by the Ministry in regulations. Additionally, section 44 and 46 of the Public Administrations Act are in effect.

## **Section 51. *Punishment***

A party that deliberately or negligently contravenes individual decisions made or regulations issued pursuant to section 7 and 8.1 will be punished with a fine. The fines may be issued as an on-the-spot fine according to predetermined rates. The King may issue regulations concerning the use of such on-the-spot fines, setting the fine rates, and alternative sentences of imprisonment. The prosecuting authority may set aside issued on-the-spot fines to the benefit of the accused.

A party that contravenes provisions specified section 50.1 in such a way that it causes or threatens to cause significant damage to life or health, the environment, or material assets shall be punished with fines or imprisonment of up to two years. Nonetheless, the contravention of provisions in or pursuant to regulations will only be punished when the regulations have stated that contravention of the provision in question is punishable.

Grossly negligent contravention of the second subsection will be punished with fines or imprisonment of up to one year.

## **Chapter 8. Entry into force and transition rules**

### **Section 52. *Entry into force***

This Act enters into force on a date determined by the King.<sup>2</sup> The King may put the provisions into force at different points in time. Provisions that have been put into force pursuant to the first paragraph take precedence over the provisions in Act no. 19 of 17 April 2009 relating to ports and navigable waters.

From the time this Act enters into force, Act no. 19 of 17 April 2009 relating to ports and navigable waters and Act no. 61 of 15 August 2014 relating to the pilot service are both repealed. The King may repeal the individual provisions at different points in time.

### **Section 53. *Transitional provisions***

Individual decisions and regulations issued pursuant to Act no. 19 of 17 April 2009 relating to ports and navigable waters and Act no. 61 of 15 August 2014 relating to the pilot service are also valid after this Act has entered into force.

Municipal ports that, upon the repeal of Act no. 19 of 17 April 2009 relating to ports and navigable waters, do not have port capital pursuant to section 47 of this Act, are not encompassed

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<sup>2</sup> From 1 January 2020

by section 32 of this Act until so determined by the King, and no earlier than five years after it has entered into force.

The King may issue transitional provisions.

## **Section 54. *Amendments to other acts***

From the time this Act enters into force, the following amendments are made to other acts: –