

Act amending the Seamen's Act and the Act on Safety at Sea

(Abolition of subsidies for medical examinations and detention of ships to ensure the payment of fines)

Section 1. The Seamen's Act, cf. Consolidated Act no. 742 of 18 July 2005, as amended by Section 2 of Act no. 547 of 8 June 2006, Section 14 of Act no. 1563 of 20 December 2006 and Section 2 of Act no. 349 of 18 April 2007, shall be amended as follows:

1. *Section 4 (2)* shall be repealed and instead the following shall be inserted:

“*Subsection 2.* No one may take up service or serve on board until he or she has been subjected to the medical examination prescribed for such duty with a satisfactory result. The employer shall pay the expenses for such a medical examination. The employer shall also pay the expenses for medical examinations of students who have entered into a training agreement with a recognised shipping company, while the State shall pay expenses for medical examinations of other students at the approved maritime training institutions where it is required that the student has been subjected to an approved medical examination.

Subsection 3. The Danish Minister of Economic and Business Affairs shall lay down rules on medical examinations, including on the payment for the examination.”

Hereafter, subsection 3 shall be subsection 4.

Section 2. The Safety at Sea Act, cf. Consolidated Act no. 903 of 12 July 2007, shall be amended as follows:

1. *Section 31 b* shall run as follows:

“**Section 31 b.** If this Act, the Act on Ship's Crews or regulations issued in pursuance of these Acts have been contravened on board a ship as a part of its operation, the ship may be detained if it is necessary to ensure the payment of a fine and costs related to the case treatment. However, it shall not be possible to detain a ship if the person who had the ship at his or her disposal was wrongfully in possession of the ship when the claim was made.

Subsection 2. If a fine or case-related costs have not been paid or a sufficient guarantee has not been made for the payment within two months after the final decision of the case, an application for enforcement of the security in the ship may be made.

Subsection 3. The police carry out detentions. If provisions issued in pursuance of section 3 (3) are contravened, the Danish Maritime Authority may also carry out detentions.

Subsection 4. When a detention is made under subsection 1, chapter 74 on seizure of the Administration of Justice Act shall apply with the amendments deriving from items 1-3.”

Section 3.

Subsection 1. The Act shall enter into force on 1 July 2008, cf. however subsection 2.

Subsection 2. The Danish Maritime Authority shall reimburse expenses for prescribed medical examinations of fishermen carried out before 1 January 2011.

Section 4. The Act shall not apply to the Faroe Island and Greenland, but section 2 may be put into force for Greenland by royal decree with the amendments derived from the special Greenland conditions.

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