

Translation: Only the Danish version has legal validity.

Guidance no. 9100 of 16 March 2010 issued by the Danish Maritime Authority

Guidance on ships used for carrying persons placed according to the Service Act

Application

1. This guidance shall apply to Danish ships used for carrying persons placed on ships according to the Service Act.

Approval of ships

2. Voyages with persons placed according to the Service Act shall be considered commercial navigation. Ships used for commercial navigation shall have been approved by the Danish Maritime Authority as commercial craft irrespective of whether the ships have previously been used for recreational purposes. Such an approval shall only deal with the ships' compliance with the current regulations for preventing collisions at sea and not with the ships' suitability for being used for placements according to the service act. Socio-educational inspections shall be carried out only by the social authorities.
3. Persons placed according to the Service Act shall be considered passengers. Consequently, the general regulations on commercial navigation with passengers shall apply.
4. The ships shall be registered on the Danish Ship Register, the Danish International Ship Register or the Boat Register.
5. Following the approval of the Danish Maritime Authority, the ships will be furnished with, among other things, a "trade permit" from which the area in which the ships may operate is evident (trade area). The trade area shall have been determined according to the general guidelines for ships carrying passengers. It shall be determined solely on the basis of a safety-related assessment.
6. *Ships with a length below 15 metres*
The regulations are stipulated in Notice F from the Danish Maritime Authority on the construction and equipment, etc. of small commercial vessels, which apply to ships with a length below 15 metres, as well as in technical regulation no. 10 of 2 December 2003 on small vessels carrying a maximum of 12 passengers.

Such ships shall hold a certificate of nationality, a tonnage certificate, a trade permit and a permit to carry passengers. It shall be stated in the trade permit how many passengers the ship may carry.

In addition, the crew shall hold the certificates of competency and certificates of qualification prescribed by the ship's safe manning document, cf. items 7-10, as well as health certificates (Blue Book) and discharge books.¹ The ships shall also have a ship's medicine chest as well

¹ The discharge book shall be mandatory only if the ship has a gross tonnage of or above 20. However, the Danish Maritime Authority recommends that all crewmembers hold a discharge book irrespective of the ship's size.

as an “Inventory of the contents, control document and user guidelines of the medicine chest” on board. The master shall hold a certificate as a medical examiner.

6.2 *Ships with a length of or above 15 metres*

The regulations are stipulated in Notice B from the Danish Maritime Authority on the construction and equipment, etc. of ships. Such ships may not carry more than 12 passengers unless they have been approved in accordance with the special regulations applicable to passenger ships.

The ships shall hold a certificate of nationality, a tonnage certificate, a trade permit and a safety certificate with an inventory of equipment. It is evident from the trade permit how many persons may be on board the ship in total. If the ships have a length above 24 metres, they shall also hold an international load line certificate. In addition, the crew shall hold the certificates of competency and the certificates of qualification prescribed by the ship’s safe manning document, cf. items 7-10, as well as discharge books and health certificates (Blue Book). The ships shall also have a ship’s medicine chest as well as an “Inventory of the contents, control document and user guidelines of the medicine chest” on board. The master shall hold a certificate as a medical examiner.

6.3 *Ships for special purposes (traditional ships, anglers’ ships, etc.)*

Ships already approved pursuant to technical regulation of 20 November 2000 issued by the Danish Maritime Authority for special purposes (traditional ships, anglers’ ships, training ships, school camp ships, etc.) which have been modified for such a purpose before the entry into force of the regulation on 1 January 2001 may also be used for carrying passengers. These ships’ trade areas shall be determined in each individual case by the Danish Maritime Authority on the basis of a specific assessment. However, navigation with passengers shall be permitted only in Danish waters.

Such ships shall hold a certificate of nationality, a tonnage certificate, an equipment list, a freeboard certificate and a trade permit from which the maximum number of passengers is evident. In addition, the crew shall hold the certificates of competency and the certificates of qualification as prescribed by the ship’s safe manning document, cf. items 7-10, as well as discharge books and health certificates (Blue Book). The ships shall also have a ship’s medicine chest as well as an “Inventory of the contents, control document and user guidelines of the medicine chest” on board. The master shall hold a certificate as a medical examiner.

Safe manning document

- 7.** Ships operating outside Danish waters as well as ships with a gross tonnage of or above 20 shall – irrespective of their area of operation – be provided with a certificate containing the safe manning. This shall contain the requirements for the size, composition and qualifications of the crew.
- 8.** Requirements for the crew shall be laid down by the Danish Maritime Authority. The shipowner shall submit an application for a safe manning document. The safe manning shall be determined for each individual ship in consideration of its type, arrangement, equipment, use, trade area and the number of passengers. When assessing the size and composition of the crew, an assessment of all the tasks and functions of importance to those on board and the

ship's safety shall be included. The application from for a safe manning document is available from the website of the Danish Maritime Authority www.soefartsstyrelsen.dk.

9. For ships registered as cargo ships and with a gross tonnage below 20 solely engaged on voyages in Danish waters, the requirements for the crew's composition and qualifications are laid down in safe manning document no. 1 of 10 August 2001. This is available from www.retsinformation.dk as Order no. 12130 of 10 August 2001. These ships shall not have an individual safe manning document unless special conditions apply, for example as regards the ship's equipment or construction, cf. section 18(2) of the Act on the Manning of Ships.
10. Furthermore, the crew is covered by the provisions of the Seamen's Act, including provisions on hours of rest, requirements for must reporting and the provisions of the Watchkeeping Order as well as the provisions of Notice A on occupational health in ships.

Exemptions from the general regulations on certificates of competency

11. In general, the Act on the Manning of Ships requires seafarers to hold commercial certificates when carrying passengers. However, exemptions may be granted from this requirement in cases where relevant practical navigational experience and other relevant training is demonstrated – for example before an educator.
12. Thus, the Danish Maritime Authority may, according to section 53 of the Merchant Shipping Order, under special circumstances issue a certificate, possibly with limited rights, to crewmembers who do not fully meet the requirements laid down on the acquisition of the required certificates pursuant to the safe manning document. However, exemptions from compliance with the requirement for examination and duration of service may be granted only if it is documented and, if necessary, demonstrated, through an assessment of the person's real competences, including training and practical experience, that he or she has in some other way acquired sufficient theoretical and practical training.
13. In general, such certificates with limited rights for three trade areas may be issued ("all seas", coastal trade or domestic trade). The training requirements for each individual trade area are different. Certificates will always be issued following a specific estimate. The point of departure is that you shall hold a certificate of competency as a yachtsman, 1st class, or as a yachtsman, 3rd class, and have experience from a similar type of ship in the trade area for which the certificate is requested issued. In addition, requirements may be made for a valid health certificate as well as a completed basic safety training course, ship's medicine course, radio certificate and certificate of competency in motor operation for yachtsmen. Finally, requirements may be made for a completed test in maritime English, maritime law and ship administration as well as safety and environmental protection at a navigation or skipper training institution. Further information about these certificates is available in Danish from the webpage www.soefartsstyrelsen.dk under the item "Uddannelse/Vejledning".

The work performed on board by the placed persons

14. Passengers, including placed persons, are not part of the ship's crew. This means that those persons' signing on and signing off shall not be reported to the Danish Maritime Authority, that they shall not be obliged to have a discharge book, that they are not covered by the

special provisions on health insurance and benefits for seafarers and that they shall not be subject to the medical examination prescribed for seafarers and fishermen.

- 15.** Passengers shall not carry out special tasks for which special qualification requirements and certificates are prescribed. Such tasks shall include, but not be limited to, deck and engine service that shall be carried out by crewmembers. This means that passengers shall not form part of prescribed fire bills and muster lists (emergency preparedness for fire-fighting and rescue operations). The statutory inspection and maintenance of life-saving appliances and fire-fighting equipment may not be made by passengers either.
- 16.** Therefore, passengers may only carry out common work and assistance activities and only on the condition that it is done in a manner that is completely reasonable in terms of health and safety.
- 17.** When the persons placed carry out work on board, the general regulations on occupational health shall apply. These provisions are found in Notice A from the Danish Maritime Authority on occupational health in ships. Chapter 1, part B, of this technical regulation contains special regulations on work in ships carried out by youngsters below the age of 18.
- 18.** The conditions mentioned above shall also apply when the activities are carried out as part of any teaching.

Danish Maritime Authority, 16 March 2010

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