

Translation. Only the Danish version is authentic.

Danish Maritime Authority Technical Regulation no. 4 of 2 April 2003

Technical Regulation on the Construction and Equipment, etc. of Barges¹

In pursuance of Section 1 (3), Sections 3-5, Section 17 (5) and Section 32 of the Act on Ship Safety, etc., cf. Consolidated Act no. 627 of 26 July 2002, and Royal Decree no. 607 of 25 June 2001 on the entry into force for Greenland of the Act on Ship Safety, etc., in consultation with the Greenland Home Rule and by authority of the Minister of Economic and Business Affairs, the following provisions are laid down:

Application

Section 1. This technical regulation shall apply to lighters, barges and other floating equipment without independent means of propulsion, which in the following will be referred to as barges the keels of which are laid on or after 1 May 2003. However, the provisions on surveys and certificates shall also apply to barges built before this date.

Subsection 2. This technical regulation shall not apply to:

- 1) permanently anchored or permanently moored floating equipment without independent means of propulsion, such as pontoon bridges, floating docks, etc.;
- 2) floating houses, houseboats and the like, cf. Section 2 (3) of the Building Act;² and
- 3) mobile offshore drilling units covered by the MODU Code.

Safety regulations

Section 2. Barges shall be constructed, built and equipped, etc. in accordance with the provisions that apply to a cargo or passenger ship of similar size and use³ where it would be relevant to apply the relevant provisions. Since a barge is per definition not equipped with propulsion machinery, the provisions on propulsion machinery shall not apply.

Subsection 2. Barges shall be fitted with lights, sound signalling appliances, shapes, etc. in accordance with the International Regulations for Preventing Collisions at Sea.

Subsection 3. Unmanned barges shall be equipped with life-saving appliances for the crew put on board in connection with the mooring of the barge, the establishment of towing or other things. In the case of unmanned barges that are always connected to a tow boat while at

1 This technical regulation has been notified in draft form in accordance with Directive no. 98/34/EC of the European Parliament and the Council (the information procedure directive), as amended most recently by Directive no. 98/48/EC.

2 Section 2 (3) of the Building Act: "This Act shall apply to transportable constructions that are intended for building-related use that is not of a purely temporary nature. However, this shall not apply to transportable constructions that it has been permitted to erect pursuant to the Act on summer houses and camping, etc."

3 These provisions are as follows:

- 1) Notice B from the Danish Maritime Authority, if the length (L) is 15 metres or more, or the scantling figure (the greatest length multiplied by the breadth in metres) is 100 or more; and
- 2) Notice F from the Danish Maritime Authority if the length is up to 15 metres and the scantling figure is less than 100.

sea, the lifeboats, liferafts and rescue boat arrangement of the tow boat may constitute the lifeboats and rescue boats of the barge.

Subsection 4. Barges shall have a main towing arrangement and a spare towing arrangement of sufficient strength for the intended use. The spare towing arrangement shall be arranged so that it is ready for use at all times and so that it is possible to establish a new towing connection quickly. In the case of barges used while permanently connected to a pushing tow boat, the permanent connection shall be regarded as the main towing arrangement. The connection system shall make it possible to release the tow boat from the barge quickly.⁴

Section 3. In the case of barges for special use, such as hotel, pipe-laying, crane, dredger barges, etc., the Danish Maritime Authority may lay down special provisions for their use in accordance with a concrete assessment. If IMO guidelines are available, they shall be observed.⁵

Surveys and certificates

Section 4. Barges shall be subjected to surveys in accordance with the provisions that apply to a cargo or passenger ship of similar size and use.

Subsection 2. Barges shall hold certificates as a similar cargo or passenger ship, but not certificates required in accordance with the International Convention for the Safety of Life at Sea (SOLAS).

Equivalents

Section 5. The provisions of this technical regulation shall not preclude the use on board of any other fitting, material, appliance, apparatus, etc. or the taking of any other measures representing at least the same degree of safety as that prescribed by this technical regulation.

Subsection 2. The Danish Maritime Authority accepts tests carried out by recognised test institutes, including test institutes in other EU member states as well as in states covered by the EEA agreement offering appropriate and satisfactory guarantees of a technical, professional and independent nature.

Penalty, measures and entry into force

Section 6. Contraventions of Section 2 or 4 shall be punishable by fine or imprisonment for a period not exceeding 1 year.

Subsection 2. The penalty may be increased to imprisonment for a period not exceeding 2 years if

- 1) the violation has resulted in damage to life or health, or risk of such damage,

4 Reference is made to IMO MSC/Circ. 866, "Guidelines for the application of safety standards to Pusher Tug-Barge combinations".

5 Reference is made to, among others, IMO MSC/Circ. 884, "Guidelines for safe ocean towing".

- 2) an injunction or order has previously been issued in connection with the same or equivalent situations, or
- 3) the violation has given or has been intended to give financial benefits to the transgressor or others.

Subsection 3. It shall be considered especially aggravating circumstances if the violation has resulted in damage to the life or health or risk of such damage to young persons below the age of 18, cf. subsection 2 (1).

Subsection 4. If the financial benefit achieved is not confiscated, special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

Subsection 5. Companies etc. (legal personalities) may be liable to punishment according to the provisions of Chapter 5 of the penal code.

Section 3. If the contravention is covered by the Royal Decree on the entry into force of the Act on Ship Safety in Greenland, measures may be ordered in accordance with the Penal Code for Greenland.

Subsection 2. The conditions mentioned in Section 6 (2) and (3) shall be considered especially aggravating circumstances.

Subsection 3. If the financial benefit achieved is not confiscated, cf. Section 116 (1) of the Penal Code, special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

Subsection 4. If the contravener is a company, etc. (legal personalities), the legal personality may be liable to punishment by fine. If the contravener is the State, Greenland's Home Rule, a municipality, an inter-municipal enterprise covered by Section 64 of the Act of the Landsting (Greenland Parliament) on municipal councils and village councils, etc. or a village council, the relevant public authority shall be liable to punishment by fine.

Subsection 5. If the person in question does not live in Greenland, or if his tie to Greenland society is of such a rather loose nature that the preconditions for the application of the measures are not present, legal proceedings may be instituted in Denmark or the case may be sent for trial in Denmark.

Section 8. The regulation shall enter into force on 1 May 2003.

The Danish Maritime Authority, 2 April 2003

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