

Translation: Only the Danish document has legal validity.

*Order no. 706 of 4 July 2019
issued by the Danish Maritime Authority*

Order on passenger lifts in ships¹⁾

In pursuance of section 3(1)(i) and (vi), section 4(1), section 5, section 22(1)-(3) and section 32(9) of the Danish Act on Safety at Sea (*lov om sikkerhed til søs*), see Consolidated Act no. 1629 of 17 December 2018, section 3(1)(i) and (vi), section 4(1), section 5, section 22(1)-(3) and section 32(2) of the Decree on the entry into force for Greenland of the Act on Safety at Sea, see Consolidated Decree no. 1674 of 16 December 2015, the following provisions are laid down as authorised under section 1(1)(iii) of Order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc., and section 1(1)(ii) of Order no. 211 of 29 March 2005 for Greenland on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Application

Section 1. This Order applies to passenger lifts in all ships with a gross tonnage of 20 and above.

Definitions

Section 2. For the purposes of this Order, the following definitions apply:

- (i) 'passenger lift' means permanently installed lifting apparatus for the transportation of persons or persons and goods between fixed landing levels by means of a car (cabin), the dimensions and design of which clearly permit access of persons.
- (ii) 'company' means the owner of the ship or any other organisation or person, such as the operation manager or the bareboat charterer, who has assumed responsibility for the operation from the shipowner and who, on assuming such responsibility, has agreed to take over all the duties imposed by the ISM Code.

Construction, installation and initial inspection

Section 3. Passenger lifts must be installed, erected and equipped in such a way that they are fully protected against hazardous external impacts and interference, including weather impact, and that fitting, maintenance and repair works can be carried out in a fully appropriate manner in terms of health and safety.

Subsection 2. The construction and installation of passenger lifts must comply with the requirements of ISO-8383, DS/EN 81-20 and DS/EN 81-50 for regular inspection and testing. The construction and installation of lifts installed and put into service before 15 July 2019 must comply with the standards applying at the time of installation with any subsequent updates.

Subsection 3. When constructing and installing lifts in passenger ships, the needs of persons with reduced mobility must also be taken into consideration, as set out in Notice B

from the Danish Maritime Authority, Chapter B II-3, regulation 26, and Notice D from the Danish Maritime Authority, Chapter D II-3, regulation 28.

Subsection 4. The company shall send documentation of compliance with subsections (1) to (3) hereof to the Danish Maritime Authority or an organisation recognised by the Danish Maritime Authority before putting into service.

Subsection 5. Inspection of new lift installations may be performed by:

- (i) undertakings or individuals authorised in other EU member states or in countries signatory to the EEA Agreement;
- (ii) undertakings or individuals authorised to service similar land installations; and
- (iii) organisations recognised by the Danish Maritime Authority.

Subsection 6. Before putting into service, a certificate of approval as set out in the Annex must have been issued by the undertaking, individual or organisation who performed the inspection referred to in subsection (5).

Subsection 7. The certificate of approval must be displayed at a visible location in the lift car.

Maintenance, annual renewal inspections and monthly inspections, etc.

Section 4. The company shall ensure that passenger lifts are maintained according to supplier instructions and are fully operational, and that renewal and monthly inspections are carried out, see subsections (2)-(5) hereof.

Subsection 2. An annual renewal inspection must be carried out of passenger lifts and their fittings in accordance with the requirements of ISO-8383, DS/EN 81-20 and DS/EN 81-50 for regular inspections and testing. An inspection report must be prepared and kept on board.

Subsection 3. Following a satisfactory renewal inspection, a certificate of approval must be issued. The certificate of approval must be issued by the undertaking, individual or organisation who inspected the lift.

Subsection 4. The certificate of approval must be displayed at a visible location in the lift car.

Subsection 5. In addition, an inspection of passenger lifts and their fittings must be carried out once a month in accordance with supplier instructions.

Section 5. The inspections required under section 4(2) and (5) may be carried out by:

- (i) the ship's chief engineer, engineers or electricians;
- (ii) undertakings or individuals authorised in other EU member states or in countries signatory to the EEA Agreement;
- (iii) undertakings or individuals authorised to service similar land installations; and
- (iv) organisations recognised by the Danish Maritime Authority.

Subsection 2. The ship's chief engineer, engineers or electricians must have completed a recognised course in the maintenance and inspection of lifts in order to carry out renewal inspections under section 4(2).

Equivalent tests and testing

Section 6. The provisions of this Order do not prevent the use on board of other equipment, materials, arrangements, apparatus, etc. or the implementation of other measures which provide at the least the same degree of safety as stipulated in this Order.

Subsection 2. The Danish Maritime Authority shall accept tests which have been carried out by approved testing bodies, including testing bodies in other EU member states, in countries signatory to the EEA Agreement and in Turkey, and which provide appropriate and satisfactory guarantees of the technical, professional and independent nature of the tests.

Penalty provisions, etc.

Section 7. Contravention of this Order is punishable with a fine or imprisonment for up to one year.

Subsection 2. The penalty may be increased to imprisonment for up to two years if:

- (i) the contravention, including in connection with a marine accident or navigation in a manner contrary to good seamanship, has caused injury to life or health or a risk thereof;
- (ii) a prohibition notice or an improvement notice has previously been issued for the same or similar matters; or
- (iii) the contravention has resulted in or aimed at a financial benefit for the person committing it or others.

Subsection 3. Any injury to the life or health of young people under the age of 18 or a risk thereof will be considered a particularly aggravating circumstance, see subsection (2)(i) hereof.

Subsection 4. If the benefit obtained through the contravention is not confiscated, the amount of such financial benefit obtained or sought must be taken into particular account in the determination of the fine, including additional fines.

Subsection 5. Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

Section 8. If the matter is covered by the Decree on the entry into force for Greenland of acts amending the Danish Act on Safety at Sea (*lov om sikkerhed til søs*), sanctions may be imposed in accordance with the Penal Code (*kriminalloven*) for Greenland.

Subsection 2. The matters referred to in section 7(2) and (3) are considered aggravating circumstances.

Subsection 3. If the benefit obtained through the contravention is not confiscated, see section 120(1) of the Penal Code, the amount of such financial benefit obtained or sought must be taken into account in the determination of the fine, including additional fines.

Subsection 4. If the contravention is committed by companies etc. (legal persons), a fine may be imposed on the legal person as such. If the contravention is committed by the State, the Greenland Government, a municipal authority, a municipal cooperative comprised by section 64 of the Landsting Act on municipal councils and local authorities, etc., or a local authority, a fine may be imposed on the relevant public authority as such.

Subsection 5. If the relevant party is not resident in Greenland, or if his ties with Greenland society are otherwise so remote that the prerequisites for sanctions to be imposed do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark.

Entry into force, etc.

Section 9. This Order enters into force on 15 July 2019.

Subsection 2. Technical Regulation of 15 November 2005 on passenger lifts on board ships is repealed.

Section 10. Section 3(5)(i) and section 4(1)(ii) do not apply to ships registered in Greenland.

Danish Maritime Authority, 4 July 2019

Martin John

/ Per Sønderstrup

Godkendelsesattest

Godkendelsesattest <i>Certificate</i>		
for personførende elevator med tilbehør, i henhold til Søfartsstyrelsens bekendtgørelse af 15. juli 2019 om personførende elevatorer i skibe <i>for lifts and equipment, in accordance with the Danish Maritime Authority order of 15 July 2019 on passenger lifts in ships</i>		
Skibets navn <i>Name of ship</i>	Form <i>Form</i>	Control no.: <i>Official No.</i>
Elevator nr./ Lift no. _____		
og dens sikkerhedsudstyr er ved besigtigelse dags dato fundet i forsvarlig stand til: <i>and its safety equipment has been surveyed and found to be functional for:</i>		
transport af:/ transport of:	_____ personer/ persons	eller:/ or: _____ kg gods/ kg goods
Godkendelsen er gyldig til:/ <i>This certificate is valid until:</i>		
Udstedt i:/ <i>Issued at:</i>	_____ Dato:/Date:	_____
_____ Navn og underskrift på person der har synet og godkendt elevatoren/ <i>Name of duly authorized official</i>		
Denne attest skal være opslået i elevatoren <i>This certificate shall be displayed in the lift</i>		
Dato formatet er: dd-mm-åååå <i>Date formatting is: dd-mm-yyyy</i>		

Official notes

¹⁾ This Order was notified in a draft version in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification).