

Consolidated pilotage act¹⁾

Notice is hereby given of the Pilotage Act, cf. Consolidation Act No 352 of 12 April 2016²⁾. The amendments resulting from Section 1 (17) and (20) of Act No 725 of 25 June 2014 have not been incorporated into this Consolidation Act, as the date of entry into force of these amendments is set by the Minister for Industry, cf. Section 4 (2) of Act No 725 of 25 June 2014.

Part 1 *Scope of the act*

Section 1. The act shall apply to pilotage carried out:

- 1) in Danish territorial waters, or
- 2) outside Danish territorial waters when either the pilotage is carried out on the basis of a Danish pilot certificate or the pilot station is operated from the Danish territory.

Section 2. The act shall not apply to warships, troop transport ships and foreign state-owned ships, cf. however section 5(2).

Part 2 *Definitions*

Section 3. For the purposes of this act, the following definitions shall apply:

- 1) Transit pilotage: Pilotage that is not deep-sea pilotage or regional pilotage.
- 2) Deep-sea pilot certificate: A pilot certificate for deep-sea pilotage issued by an authority competent for this according to a recommendation from the United Nations' International Maritime Organization (IMO).
- 3) Deep-sea pilotage: Pilotage outside the territorial waters of a country.
- 4) Shore-based pilotage: Pilotage carried out by means of communication from ashore.
- 5) Pilot: A person certified by the Danish Maritime Authority to carry out pilotage activities.
- 6) Pilot certificate: A certificate issued by the Danish Maritime Authority certifying that the holder is authorised to carry out pilotage activities as specified.
- 7) Pilotage exemption certificate: A certificate issued by the Danish Maritime Authority exempting a ship from the obligation to take a pilot if the holder of the pilotage exemption certificate navigates the ship and if the pilotage exemption certificate covers the type and the condition of the ship and the waters that the ship is navigating.
- 8) Pilotage: Advice given to the ship's master about navigation, the voyage and manoeuvring irrespective of whether the advice is provided on board the ship or by means of communication from another ship or from ashore.
- 9) Pilotage area: The geographical area in which a pilot is, according to his pilot certificate, authorised to carry out pilotage activities.
- 10) Private pilotage service provider: Any pilotage service provider that is not part of Danpilot.
- 11) Regional pilotage: Pilotage of a voyage or parts hereof that is initiated or terminated in a Danish port irrespective of whether the pilot is replaced during the voyage.
- 12) A small port: A port that had an annual cargo turnover during the previous two calendar years of less than ½ per cent of total cargo turnover for cargo carried by ship in Danish ports during the period.
- 13) A large port: A port that is not covered by item 12.

Part 3
Use of a pilot

Section 4. In inner and outer territorial waters, there is an obligation to use a pilot for ships that:

- 1) are loaded with oil or have un-cleaned cargo holds that are not secured by inactive air;
- 2) are loaded with chemicals;
- 3) are loaded with gases;
- 4) have more than 5,000 tonnes of bunker oil on board; or
- 5) are loaded with highly radioactive material.

Subsection 2. The Danish Maritime Authority shall determine what is to be understood by the cargoes mentioned in subsection 1 in accordance with international definitions.

Subsection 3. The Danish Maritime Authority shall lay down more detailed regulations on the exemption of certain ships from the obligation to take a pilot.

Subsection 4. The Danish Maritime Authority shall lay down more detailed regulations on the exemption from the obligation to take a pilot in certain waters.

Section 5. When consideration of public safety, military reasons, safety of navigation, observance of order, prevention of danger, environmental considerations or other important public interests suggest so, the Danish Maritime Authority may decide that there is an obligation to take a pilot.

Subsection 2. In special circumstances, the Minister of Defence may, following agreement with the Minister of Industry, Business and Financial Affairs, also let the obligation to take a pilot cover the Danish ships mentioned in section 2.

Section 6. Ships that, pursuant to international law, have a right to pass the waters without using a pilot shall not be covered by any obligation pursuant to sections 4 and 5.

Section 7. In Danish waters, pilots shall embark and disembark only when this does not jeopardize safety of navigation or the pilot's safety.

Subsection 2. The Danish Maritime Authority shall lay down more detailed regulations on the embarkation and disembarkation of pilots, cf. subsection 1.

Section 8. In connection with pilotage activities, the pilot shall be obliged to, free of charge, bring along and train a pilot trainee or to bring along another pilot for maintaining the other pilot's knowledge of the waters irrespective of whether the pilot trainee or the other pilot is from a competing pilotage service provider.

Subsection 2. The pilot shall also be obliged to participate when pilot trainees or other pilots whom the pilot has brought along for pilotage activities sit for examinations.

Subsection 3. The Danish Maritime Authority may lay down regulations concerning subsections 1 and 2, including on the conditions for taking along another pilot or pilot trainee, notification and coverage of expenses and lost earnings in connection with the holding of aptitude tests.

Section 9. The Danish Maritime Authority shall lay down regulations on information exchange between the master of the ship and the pilot on relevant conditions as well as the provision of meals to and the accommodation of the pilot.

Section 10. The Minister of Industry, Business and Financial Affairs may order ports, shipbrokers and others affiliated with the shipping industry to contribute to increased use of pilots. In this connection, the Minister may decide that the persons concerned shall inform ships about regulations and recommendations and shall forward reports about the ships' use of pilots.

Part 4
Permit to carry out pilotage activities

Section 11. Pilotage activities shall be carried out only by persons holding a valid pilot certificate issued by the Danish Maritime Authority.

Subsection 2. Pilotage activities shall be carried out only to the extent covered by the pilot certificate.

Subsection 3. It shall be prohibited for persons to call themselves pilots unless they hold valid pilot certificates.

Section 12. The Danish Maritime Authority shall grant a pilot certificate in case applied for if the applicant:

- 1) is trained at a level permitting the applicant to navigate ships irrespective of their size;
- 2) has several years of experience as a master or a chief officer from relevant voyages;
- 3) is suitable in terms of health;
- 4) has special insight into and experience with the pilotage area;
- 5) has completed both theoretical training and training in the company of a pilot;
- 6) has completed pilotage training in the form of special manoeuvres;
- 7) has passed a defined aptitude test;
- 8) is associated with a pilotage service provider; and
- 9) does not have any considerable overdue debts due to public authorities, meaning amounts of or above DKK 50,000.

Subsection 2. The Danish Maritime Authority shall lay down more detailed provisions on the above requirements and on any supplementary, necessary requirements.

Subsection 3. In special circumstances, the Danish Maritime Authority may grant exemptions from the conditions specified in subsection 1(i) and (ii). However, a pilotage certificate shall never be issued for the piloting of ships that the pilot is not trained to navigate.

Subsection 4. The holder of a deep-sea certificate issued by a foreign authority may have his certificate replaced for a similar Danish certificate.

Subsection 5. The holder of a pilot certificate shall return the certificate to the Danish Maritime Authority when the holder no longer meets the conditions for being issued with the certificate.

Section 13. Transit pilotage assignments in Danish waters shall be performed only by pilots employed by Danpilot and by pilots employed by private pilotage service providers that have been permitted to do so by the Danish Maritime Authority, cf. subsection 2. Only these pilots shall be assigned for transit pilotage assignments in Danish waters.

Subsection 2. The Danish Maritime Authority may, on the basis of an application, permit private pilotage service providers to perform transit pilotage assignments in Danish waters.

Subsection 3. The permit shall be granted for up to four years at a time.

Subsection 4. Only pilots holding a deep-sea certificate issued by a coastal State for the waters in question in accordance with the recommendations of the UN's International Maritime Organization (IMO) shall be assigned for deep-sea pilotage assignments.

Subsection 5. The Minister of Industry, Business and Financial Affairs shall lay down regulations on the number of transit pilotage assignments to be performed by private pilotage service providers.

Subsection 6. The Danish Maritime Authority shall lay down more detailed regulations on the application process, the requirements for applications and on the terms associated with the permit to perform transit pilotage assignments.

Section 13a. The Danish Maritime Authority may withdraw a permit, cf. section 13(2), to perform transit pilotage assignments if a pilotage service provider:

- 1) does not meet the terms of the permit mentioned in section 13 or regulations laid down pursuant to section 13, or
- 2) grossly or repeatedly has contravened this act, regulations laid down pursuant to this act or the terms of the permit.

Subsection 2. A decision on withdrawal pursuant to subsection 1 may be required brought before the courts by the company to which the decision is addressed. Requests to have decisions brought before the courts shall be made to the Danish Maritime Authority no later than four weeks after the company concerned has been informed about the decision.

Subsection 3. The Danish Maritime Authority shall, without unnecessary delay, instigate legal proceedings against the company mentioned in subsection 2 in accordance with the rules of civil procedure.

Subsection 4. Requests for legal proceedings concerning withdrawal pursuant to subsection 1 shall have delaying effect. However, the court may decide by order that the company concerned shall not during the consideration of the case perform transit pilotage assignments.

Part 5

Exemption from the obligation to take a pilot

Section 14. Navigating officers with extensive knowledge about both the waters and the ship or type of ship may be issued with a pilotage exemption certificate by the Danish Maritime Authority, permitting the holder to navigate a ship without taking a pilot though the obligation to take a pilot applies.

Subsection 2. The pilotage exemption certificate shall be issued for a limited period of time and may be renewed only in accordance with the specifications of the Danish Maritime Authority.

Subsection 3. The Danish Maritime Authority shall lay down more detailed provisions on the acquisition of a pilotage exemption certificate, including on requirements, documentation of experience and examinations.

Subsection 4. The holder of a pilotage exemption certificate shall return the pilotage exemption certificate to the Danish Maritime Authority when the holder no longer meets the conditions for being issued with the certificate.

Part 6

Shore-based pilotage

Section 15. The Danish Maritime Authority shall lay down more detailed regulations on tests with and any establishment of shore-based pilotage.

Part 7

Pilots' obligations in addition to pilotage

Section 16. Pilots shall inform ships about conditions of importance to safety of navigation, the environment or other societal considerations.

Subsection 2. Pilots shall notify the relevant authority about any conditions observed of importance to safety of navigation, the environment or other societal conditions.

Subsection 3. The Danish Maritime Authority shall lay down more detailed regulations on pilots' obligations pursuant to subsections 1 and 2.

Part 8

Working environment during pilotage

Section 17. The Danish Maritime Authority may lay down regulations on stricter working environment and hours of rest provisions, etc. as necessitated by the special conditions of the work.

Subsection 2. The Danish Maritime Authority may lay down regulations stipulating that independent pilots shall observe the working environment regulations, etc. in force for employed pilots.

Subsection 3. The Danish Maritime Authority shall lay down regulations on control measures concerning working environment, hours of rest, etc.

Part 9
Pilotage service providers

Section 18. The pilotage service providers shall be domiciled in an EU/EEA country.

Subsection 2. The Minister of Industry, Business and Financial Affairs may lay down provisions stipulating that pilotage can be carried out by pilotage service providers domiciled in a country outside the EU/EEA.

Section 19. In Danish territorial waters and in the Danish exclusive economic zone as well as outside these in the exclusive economic zones of other coastal States in the English Channel, the North Sea, the Skagerrak, the Kattegat and in the Baltic, Danpilot shall be obliged, subject to periods of notice as stipulated in subsections 2-4, to make pilots available to ships that may request this or that are covered by mandatory pilotage.

Subsection 2. Danpilot shall be notified no later than 18 hours before transit pilotage or deep-sea pilotage is requested.

Subsection 3. Danpilot shall be notified no later than 24 hours before pilotage is requested to a Danish port and no later than four hours before pilotage is requested from a Danish port.

Subsection 4. In small Danish ports, Danpilot and the relevant port shall agree on a normal pilotage period for the port of 18 consecutive hours.

Subsection 5. Danpilot may conclude cooperation agreements with private service providers to perform the obligation mentioned in subsection 1.

Subsection 6. Danpilot may conclude agreements with shipowners on the performance of pilotage assignments, including on the period of notice and the conditions for ordering a pilot, deviating from subsections 1-4 and regulations laid down pursuant to section 19a in the shipowners' favour.

Section 19 a. The Minister of Industry, Business and Financial Affairs may lay down rules on payment for pilotage by Danpilot, including rules on maximum rates.

Section 20. Danpilot send, against payment, orders for pilots that have been addressed to private pilotage service providers.

Subsection 2. Danpilot can, against payment, transport private pilots to and from ships.

Subsection 3. It is voluntary for Danpilot whether it will deliver the service mentioned in subsection 2. It is voluntary for private pilotage service providers whether they will use the services mentioned in subsections 1 and 2.

Section 21. (Repealed).

Section 22. Pilots in Danpilot shall not, at the same time, work as pilots at private pilotage service providers.

Part 10
Economic issues

Section 22a. Pilotage service providers shall pay a supply contribution for regional and transit pilotage assignments performed by pilots associated with the pilotage service provider concerned in Danish territorial waters. The amount of the supply contribution shall be determined annually on the finance and appropriation act (*finansloven*).

Subsection 2. At the end of each quarter, the pilotage service providers shall submit a record of the pilotage assignments performed by pilots associated with the pilotage service provider concerned. The supply contribution shall fall due at the end of the following month.

Subsection 3. The Danish Maritime Authority may lay down regulations on the reporting mentioned in subsection 2.

Section 23. Irrespective of their type of organisation, pilotage service providers shall keep account of their activities and the individual pilotage assignments.

Subsection 2. The accounts shall be revised by a state authorised accountant or a registered accountant.

Subsection 3. The Danish Maritime Authority shall lay down the requirements for the contents of the accounts and on the forwarding of the accounts to the Danish Maritime Authority.

Part 11

Registration, inspection, etc.

Section 24. The Danish Maritime Authority shall inspect the pilotage, pilots and pilotage service providers.

Subsection 2. The Danish Maritime Authority shall keep a register of the companies carrying out pilotage activities in this country.

Subsection 3. Until registration pursuant to subsection 2 has taken place, pilotage activities shall not be carried out.

Subsection 4. A company shall be entitled to be registered as a pilotage service provider if the company:

- 1) meets the condition stipulated in section 18,
- 2) has taken out insurance in accordance with the provisions laid down pursuant to subsection 7, and
- 3) does not have considerable debt due to the public authorities, meaning amounts of DKK 50,000 and more, cf. however subsection 5.

Subsection 5. If the managing director and the board members of a pilotage service provider driven as a company, etc. does not meet the condition stipulated in section 12(1)(ix), it shall be rejected to be registered in the register kept by the Danish Maritime Authority.

Subsection 6. Pilotage service providers, pilots and other persons acting on behalf of pilotage service providers shall be obliged to provide the Danish Maritime Authority with the necessary assistance in connection with its investigations and to provide any necessary information in this connection, including provide access to records, documents and the like of importance to the access to act as pilotage service providers or perform pilotage assignments.

Subsection 7. The Danish Maritime Authority shall lay down more detailed regulations on the activities of the pilotage service providers, including their obligation to keep the pilots insured, the drawing up of accounts, self-control, ordered or carried out pilotage assignments and the obligation to provide information to the Authority, etc. on an ongoing basis, including the format in which information should be forwarded.

Section 25. Employees engaged in the supervision of pilots shall not have any interests in pilotage service providers carrying out regional pilotage assignments or in their activities.

Subsection 2. Persons closely related to employees engaged in the supervision of pilots shall inform the relevant employee about any interests in the pilotage service providers or in their activities. This information shall be provided within one week after the occurrence of the interest. The employee shall pass on this information to the Danish Maritime Authority within one week after he or she has himself received the information.

Subsection 3. Persons closely related to an employee shall mean the following physical and legal persons with a relation to the circle of persons mentioned in subsection 1:

- 1) Spouse or cohabitant.
- 2) Minor children where the person mentioned in subsection 1 has the custody of the child.
- 3) Other relatives who, for a period of at least one year, have belonged to the household of the person mentioned in subsection 1.
- 4) Legal persons if:
 - a) a physical person covered by subsection 1 or by (i)-(iii) has the managerial responsibility in the legal person,
 - b) physical persons covered by subsection 1 or (i)-(iii) or together hold the majority of the voting rights in the company, have a right to appoint or remove a majority of the company's board members, have the right to exert decisive influence over the company on the basis of the bylaws or other agreement with this, on the basis of an agreement with the shareholder have the majority of the voting rights in the company or can exert decisive influence over the company and have more than one-third of the voting rights,

- c) the legal person is established with a view to considering economic interests in a physical person covered by subsection 2 or by (i)-(iii), or
- d) the legal person has otherwise economic interests that are considerably related to the economic interests of a physical person covered by subsection 1 or by (i)-(iii).

Section 26. The Danish Maritime Authority shall determine the rates of user payment for inspections, the holding of aptitude tests, the issue of certificates, exemption certificates, renewals, etc. concerning the monitoring of pilots.

Section 26a. The Minister of Industry, Business and Financial Affairs may lay down provisions to the effect that written communication to and from the authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Industry, Business and Financial Affairs may lay down more detailed regulations on digital communication, including on the use of specific computer systems, special digital formats and digital signatures or the like.

Subsection 3. A digital message shall be considered to have reached the recipient when it is available to the addressee of the message.

Section 26b. The Minister of Industry, Business and Financial Affairs may lay down provisions to the effect that the authorities may issue decisions and other documents pursuant to this act or pursuant to regulations issued pursuant to this act without a signature, with a mechanically or similarly reproduced signature or using a technique ensuring unambiguous identification of the one who has issued the decision or the document. Such decisions and documents shall be comparable with decisions and documents with a personal signature.

Subsection 2. The Minister of Industry, Business and Financial Affairs may lay down regulations to the effect that decisions and other documents that have exclusively been made or issued on the basis of electronic data processing may be issued solely giving the relevant authority as the sender.

Part 12

Withdrawal of pilot certificates and pilot exemption certificates, etc.

Section 27. The Danish Maritime Authority may withdraw a pilot certificate or a pilot exemption certificate and delete a registration as a pilotage service provider in the register if the conditions stipulated in the act for acquiring a pilot certificate, pilot exemption certificate or registration are no longer met.

Subsection 2. A pilot certificate may, however, not be withdrawn pursuant to subsection 1 if only the condition of section 12(1)(ix) is no longer met, cf. section 29(1).

Subsection 3. A pilotage service provider may, however, not be deleted from the register pursuant to subsection 1 if only the condition of section 24(4)(iii) is no longer met, cf. section 31(2) and (3).

Section 28. It shall be possible to withdraw a pilot certificate or a pilot exemption certificate if:

- 1) the holder is guilty of contraventions of the conditions for a pilot certificate or a pilot exemption certificate, of the provisions of the act or of provisions issued pursuant to the act,
- 2) the holder of the pilot certificate grossly or repeatedly has contravened the terms of a permit to perform transit pilotage assignments, or
- 3) there are otherwise conditions making it inadvisable that the holder keeps piloting or being exempted from taking a pilot.

Subsection 2. Decisions in cases on withdrawal pursuant to subsection 1(i) shall be taken by the courts. Decisions on cases on withdrawal pursuant to subsection 1(ii) and (iii) shall be made by the Danish Maritime Authority and the holder may require the decision brought before the courts. The decision made by the Danish Maritime Authority shall contain information about the possibility of taking legal action and about the time-limit applicable.

Subsection 3. The holder's request for decisions to be brought before the courts shall be received by the Danish Maritime Authority no later than four weeks after the holder has been informed about the decision. The Danish Maritime Authority shall refer the case to the local chief constable, who shall bring the case before the court in accordance with the provisions of part 81 of the administration of justice act (*retsplejeloven*)³.

Subsection 4. Requests for legal proceedings shall not have delaying effect, but the court may decide by order that the person concerned shall have access to perform his or her business as a pilot or to be exempted from taking a pilot during the consideration of the case. In case a judgment is appealed, whereby a withdrawal is not found legal, the court having made the judgment or the court before which it has been brought may decide that the person concerned shall not perform his or her business as a pilot or be exempted from taking a pilot during the appeal.

Section 29. A pilot certificate may be withdrawn by the Danish Maritime Authority if the holder has considerable debt due for the public authorities, meaning amounts of or above DKK 100,000. It shall be possible to withdraw the certificate for a period of one to five years or until further notice. The decision shall contain information about the possibility of taking legal action and about the timelimit applicable.

Subsection 2. Decisions pursuant to subsection 1 may be required brought before the courts by the person whom the decision concerns. Such a request shall be received by the Danish Maritime Authority no later than four weeks after the person concerned has been informed about the decision. The Danish Maritime Authority shall instigate proceedings against the person concerned according to the civil procedure.

Subsection 3. Decisions made pursuant to subsection 1 may at any time be annulled by the Danish Maritime Authority upon application. If such an application is rejected, the applicant may require the decision tried at the courts if the withdrawal has been effected until further notice and at least five years have elapsed after the withdrawal and at least two years after the withdrawal was last rejected by court order.

Section 30. A pilotage service provider may be deleted from the register if:

- 1) the pilotage service provider is guilty of having contravened conditions for registration, provisions of the act or provisions issued pursuant to the act,
- 2) the pilotage service provider has grossly or repeatedly contravened the terms of a permit to perform transit pilotage assignments, or if a supply contribution due is not paid, or
- 3) it has disregarded section 13(1) or has omitted to observe provisions issued pursuant to section 15, section 17(3) and section 24(7).

Subsection 2. Decisions in cases on deletion from the register pursuant to subsection 1(i) shall be made by the courts. Decisions in cases on deletion from the register pursuant to subsection 1(ii) and (iii) shall be made by the Danish Maritime Authority and the pilotage service provider may require the decision to be brought before the courts. The decision made by the Danish Maritime Authority shall contain information about the possibility of taking legal action and about the time limit applicable.

Subsection 3. Pilotage service providers' requests to have a decision brought before the courts shall be received by the Danish Maritime Authority no later than four weeks after the holder has been informed about the decision. The Danish Maritime Authority shall refer the case to the local chief constable, who shall bring the case before the court in accordance with the provisions of part 81 of the administration of justice act (*retsplejeloven*)⁴.

Subsection 4. Requests for legal proceedings shall not have delaying effect, but the court may decide by court order that the pilotage service provider shall be entitled to perform pilot activities during the case consideration.

Section 31. A pilotage service provider that no longer has any pilots in its service shall be deleted from the register.

Subsection 2. A pilotage service provider for which the owner is personally liable may be deleted from the register if the pilot station or the owner has considerable debt due to the public authorities, meaning amounts of or above DKK 100,000.

Subsection 3. A pilotage service provider run as a company may be deleted from the register if one or more of the managing directors or the board members of the company have considerable debt due to the public authorities, meaning amounts of or above DKK 100,000.

Subsection 4. If withdrawal has occurred pursuant to subsection 2 or 3, section 29(2) and (3) shall also apply.

Section 32. If it is assessed that it would involve a considerable risk to safety of navigation to let the holder of a pilot certificate or a pilot exemption certificate or to let a pilotage service provider continue its business, the Danish Maritime Authority may decide on temporary withdrawal in the cases mentioned in section 28(1)(i) and (ii) or on temporary deletion in the cases mentioned in section 30(1)(i) and (ii) until the court has made a decision.

Part 13
Delegation

Section 33. (Repealed).

Part 13 A
Appeal

Section 33 a. The Minister of Industry, Business and Financial Affairs may lay down regulations on the right of appeal, including that decisions made by the Danish Maritime Authority pursuant to the act cannot be brought before another administrative authority, cf. however subsection 2.

Subsection 2. Decisions made by the Danish Maritime Authority concerning refusal of pilot certificates pursuant to section 12, refusal of an application pursuant to section 13, withdrawal of a permit pursuant to section 13a, refusal of pilot exemption certificates pursuant to section 14, refusal to be registered pursuant to section 24(4) and (5), withdrawal of pilot certificates or pilot exemption certificates or deletion of a registration as a pilot station pursuant to section 27(1) and temporary withdrawal or temporary deletion pursuant to section 32 may be appealed to the Danish Shipping Tribunal mentioned in the act on safety at sea (*lov om sikkerhed til søs*)."

Part 13 B
Pilotage in Greenland waters

Section 33 b. Pilotage in Greenlandic waters, which is required pursuant to Section 3(3) of the Act on Safety at Sea, may only be carried out by a pilot, who is certified in accordance with Section 12 to carry out pilotage in the area concerned.

Subsection 2. The Minister of Industry, Business and Financial Affairs may enter into agreements with pilotage Authorities requiring them to make pilots available to ships within a specified period of notice, subject to the pilotage obligation prescribed pursuant to Section 3 (3) of the Act on Safety at Sea.

Subsection 3. The Minister of Industry, Business and Financial Affairs may lay down rules requiring State-owned pilotage authorities, within a specified advance notice, to make pilots available to ships covered by the piloting obligation prescribed pursuant to Section 3(3) of the Act on Safety at Sea.

Subsection 4. The provisions of Sections 8 and 9, Section 11 (3), Sections 12, 14 and 16-18, Section 19 (3) – (5), Section 20 (1), Sections 24-33a and Section 34 (1), (4) and (5) shall apply to pilotage, covered by paragraph 1.

Part 14
Penalty provisions

Section 34. Anyone contravening section 4(1), sections 7, 8 and 11, section 12(5), section 13, section 14(4), section 22, section 23(1) and (3), section 24(3) and (6) and section 25(1) and (2) shall be liable to punishment by fine or imprisonment for a term not exceeding one year.

Subsection 2. Both the master of the ship and the shipowner shall be punished if a certified pilot is not used in the cases mentioned in section 4(1).

Subsection 3. The responsible manager of a port shall be liable to punishment if the port receives ships that have not used a certified pilot in the cases mentioned in section 4(1) and the manager concerned does not ensure that the police or the Danish Maritime Authority is informed of this without any unnecessary delay after the ship's call at the port.

Subsection 4. In regulations laid down pursuant to the act, punishment by fine or imprisonment for a term not exceeding one year may be determined for contraventions of the provisions of the regulations.

Subsection 5. Companies, etc. (legal persons) may incur criminal liability pursuant to the provisions of part 5 of the penal code (*straffeloven*).

Part 15

Entry into force and transitional provisions

Section 35. This act shall enter into force on 1 December 2006.

Subsection 2. The pilotage act (*lodsloven*), cf. consolidated act no. 529 of 4 August 1989, shall be repealed.

Section 36. Regulations laid down pursuant to the pilotage act (*lodsloven*), cf. consolidated act no. 529 of 4 August 1989, shall remain in force until repealed or amended by regulations laid down pursuant to this act.

Section 37. Pilots employed by Danpilot prior to 1 December 2006 shall retain their previous wages and conditions of employment, including pensions, until new conditions are laid down pursuant to section 21.

Subsection 2. Pilots employed between 1 December 2006 and the time when, pursuant to section 21, new conditions are laid down shall, from the engagement and until the time when the new conditions are determined, be employed on the same conditions, including pensions, as pilots employed before 1 December 2006.

Section 38. (Left out)⁵⁾

Section 39. (Left out)⁶⁾

Section 40. This act shall not apply to the Faroe Islands and to Greenland.

Subsection 2. Section 8, section 9, section 11(3), section 12, section 14, sections 16-18, section 19(3-5), section 20(1), sections 24-33b and section 34(1), (4) and (5) may by royal decree be put into force for Greenland in full or in part with the amendments deriving from the special Greenland conditions.

Act No 478 of 30 May 2012 (Adjustments as a consequence of the transfer of jurisdiction in the areas of the maritime training and pilotage)⁷⁾ contains the following commencement provision:

Section 5

Subsection 1. This act shall enter into force on 1 June 2012, cf. however subsection 2.

Subsection 2. (Left out)⁸⁾

Subsection 3. (Left out)⁹⁾

Act no. 1231 of 18 December 2012 (Mandatory digital communication and adjustments as a consequence of the transfer of jurisdiction)¹⁰⁾ contains the following commencement provision:

Section 69

Subsection 1. This act shall enter into force on 1 January 2013.

Subsection 2. Administrative regulations issued pursuant to the provisions in force so far shall remain in force until amended or repealed.

Act No 600 of 12 June 2013 on Danpilot¹¹⁾ contains the following commencement provision:

Section 13

Subsection 1. The Minister of Industry, Business and Financial Affairs shall determine the date of the entry into force of the Act. The Minister may provide that different parts of the Act enter into force at different dates.¹²⁾

Subsection 2. (Left out)¹³⁾

Act no. 618 of 12 June 2013 (Enhanced navigational safety requirements in arctic waters, improving seafarers' legal status in case of piracy, adjustment of the ship registration provisions, implementation of the Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea, implementation of the amendment Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea and abolition of the Divers' Council)¹⁴⁾ contains the following entry into force provisions:

Section 10

Subsection 1. This act shall enter into force on 1 October 2013, cf. however subsection 2.

Subsection 2. The Minister of Industry, Business and Financial Affairs shall determine the date of the entry into force of section 1(6)-(34) and sections 2-9. In this connection, the minister may determine that the provisions mentioned shall enter into force on different dates.¹⁵⁾

Section 11

(Udelades)¹⁶⁾

Act no. 725 of 25 June 2014 (Opening of competition in the pilotage area)¹⁷⁾ contains the following entry into force provision:

Section 4

Subsection 1. This act shall enter into force on 1 July 2014, cf. however subsection 2.

Subsection 2. The Minister of Industry, Business and Financial Affairs shall determine the date of the entry into force of sections 1 and section 3. In this connection, the Minister may determine that different parts of the regulations concerned shall enter into force on different dates.¹⁸⁾

Danish Maritime Authority, 29 March 2023

Jan Thorn

/ Anne Rosendahl Appelquist

Officials notes

- 1) This act implements Council Directive 79/115/EEC of 21 December 1978 concerning pilotage of vessels by deep-sea pilots in the North Sea and the English Channel, Official Journal no. L 033 of 8 February 1979, p. 32.
- 2) The amendments resulting from Section 4 (2) and (3) of Act No 618 of 12 June 2013 were erroneously not incorporated into Consolidated Act No 352 of 12 April 2016.
- 3) Chapter 81 of the Code of Civil Procedure was repealed by Law No 538 of 8 June 2006. However, the provisions of Chapter 81 were taken over in the provisions of the current Chapter 80 (Paragraphs 895 to 900).
- 4) Chapter 81 of the Code of Civil Procedure was repealed by Law No 538 of 8 June 2006. However, the provisions of Chapter 81 were taken over in the provisions of the current Chapter 80 (Paragraphs 895 to 900).
- 5) Sections 38-39 concern the Maritime Safety Act.
- 6) Sections 38-39 concern the Maritime Safety Act.
- 7)

Officials notes

- 1) This act implements Council Directive 79/115/EEC of 21 December 1978 concerning pilotage of vessels by deep-sea pilots in the North Sea and English Channel, Official Journal no. L 033 of 8 February 1979, p. 32.
- 2) The amendments resulting from Section 4 (2) and (3) of Act No 618 of 12 June 2013 were erroneously not incorporated into Consolidated Act No 352 of 12 April 2016.
- 3) Chapter 81 of the Code of Civil Procedure was repealed by Law No 538 of 8 June 2006. However, the provisions of Chapter 81 were taken over in the provisions of the current Chapter 80 (Paragraphs 895 to 900).
- 4) Chapter 81 of the Code of Civil Procedure was repealed by Law No 538 of 8 June 2006. However, the provisions of Chapter 81 were taken over in the provisions of the current Chapter 80 (Paragraphs 895 to 900).
- 5) Sections 38-39 concern the act on safety at sea (*lov om sikkerhed til søs*).
- 6) Sections 38-39 concern the act on safety at sea (*lov om sikkerhed til søs*).
- 7) The amendment concerns Sections 5 (2), 15, 19 (4), 25 (1) and (2), 26, 33 and Chapter 13a.
- 8) Subsection 2 concerns the act on maritime training programmes (*lov om maritime uddannelser*) and the act on the manning of ships (*lov om skibes besætning*).
- 9) Subsection 3 concerns the act on maritime training programmes (*lov om maritime uddannelser*) and the act on the manning of ships (*lov om skibes besætning*).
- 10) The amendment concerns Sections 26a and 26b.
- 11) The amendment concerns Sections 12 (3), 21 and 23 (2), point 2.
- 12) Act No. 600 of 12. Act No 600 of 12 June 2013, with the exception of Section 19, No 2, entered into force on 4 December 2013, cf. Order No 1341 of 29 November 2013.
- 13) Subsection 2 concerns the corporate tax act (*selskabsskatteloven*), the act on municipal property (*lov om kommunal ejendomsskat*), the single tax act (*fusionsskatteloven*), and the bankruptcy tax act (*konkursskatteloven*).
- 14) The amendment concerns Section 18 (2) and Chapter 13b.
- 15) Section 4 of Act No 618 of 12 June 2013 entered into force on 1 January 2016, cf. Order No 1656 of 17 December 2015.
- 16) Section 11 deals with the Maritime Act.
- 17) The amendment concerns Sections 3 (12) and (13), 7, 13, 13a, 19, 19a, 22a, 24 (4) (2), 24 (5), 28 (1) and (2), 30 (1), 32, 33a (2), 33b, 34 (1), 34 (3) and 40 (2).
- 18) Section 1 (1-3), (4-16) and (18-19) of Act No 725 of 25 June 2014 entered into force on 1 January 2015, cf. Section 3 (1) of Order No 1338 of 11 December 2014. Section 1 (4) of Act No 725 of 25 June 2014 entered into force on 1 January 2016, cf. Section 3 (2) of Order No 1338 of 11 December 2014.