

Translation. Only the Danish document has legal validity.

*Consolidated act no. 71 of 17 January 2014
issued by the Danish Maritime Authority*

Consolidated act on the tonnage measurement of ships

The act on tonnage measurement of ships is hereby promulgated, cf. consolidated act no. 43 of 2 February 1993, with the amendments following from section 6 of act no. 1173 of 19 December 2003, section 4 of act no. 493 of 12 May 2010 and section 63 of act no. 1231 of 18 December 2012.

Section 1. For the purposes of this act, the “convention” shall mean the International Convention on Tonnage Measurement of Ships, 1969.

Section 2. Danish ships with a length of or above 24 metres, except for warships, shall be measured and issued with a valid international tonnage certificate (1969), cf. however section 13(2) and (3). The length of the ship shall be determined in accordance with article 2(viii) of the convention.

Subsection 2. The Danish Maritime Authority may, in special circumstances, exempt a ship from measurements.

Subsection 3. Foreign ships may be measured and issued with a tonnage certificate pursuant to the provisions of article 8 of the convention.

Subsection 4. The Minister of Business and Growth may determine that the provisions of the act, with the limitations following from international contracts and agreements with other states, shall be applied to foreign ships when calling at Danish ports.

Subsection 5. For ships below 24 metres in length, the Minister of Business and Growth shall lay down more detailed regulations on the measurement and issuing of tonnage certificates.

Section 3. The measurement shall be carried out according to the provisions of appendix I to the convention.

Subsection 2. A ship that has been measured and issued with a tonnage certificate shall be re-measured if, following the measurement of the ship, alterations – including alterations to the use of spaces or to the number of passengers that the ship is permitted to carry – are made affecting its gross or net tonnage. However, the net tonnage of a ship shall not be reduced prior to the expiry of 12 months from the issue of the tonnage certificate unless the ship has been subject to considerable modifications or alterations.

Subsection 3. Furthermore, re-measurements shall be made if the Danish Maritime Authority so requires.

Section 4. The measurement shall be made by classification societies, other companies or individuals who are authorised to do so by the Danish Maritime Authority on more detailed conditions.

Section 5. On the basis of the measurement, the authorised company or person, cf. section 4, shall issue an international tonnage certificate (1969).

Subsection 2. The tonnage certificate shall be made in accordance with article 9(2) of the convention on a form approved by the Danish Maritime Authority.

Subsection 3. Changes or additions to the tonnage certificate shall be made only by the Danish Maritime Authority or by a person or institution authorised by the Danish Maritime Authority to do so or by the one authorised.

Section 6. The tonnage certificate shall be available on board and shall be presented to the relevant authorities upon request.

Section 7. The Danish Maritime Authority may, pursuant to section 20a of the act on safety at sea (*lov om sikkerhed til søs*), monitor compliance with this act and the regulations issued pursuant hereto.

Subsection 2. The Danish Maritime Authority shall have the right to embark any Danish ship and ship under construction at Danish expense as well as any foreign ship calling at a Danish port to carry out control measurements and to check that the ship holds a prescribed tonnage certificate. The shipowner and master as well as anyone acting on their behalf shall be obliged to offer the necessary assistance to the Danish Maritime Authority in its work and to provide any necessary information requested.

Section 8. The tonnage certificate shall cease to be valid if such alterations are made to a ship's arrangement, construction and capacity, use of spaces, the permitted number of passengers, the assigned load line or the ship's permitted draught that will involve an increase of the ship's gross or net tonnage.

Subsection 2. If a ship issued with an international tonnage certificate (1969) is transferred to Danish ownership, the tonnage certificate shall remain valid until the ship's first arrival at a Danish port, however not for longer than a period of three months from the date of the ship's notification for registry in the Danish Register of Shipping or the Danish International Register of Shipping.

Subsection 3. A tonnage certificate that has ceased to be valid shall immediately be sent by the shipowner or master to the authorised person, company, etc., cf. section 4, unless it ceases to be valid because the ship has been transferred to foreign ownership.

Section 9. (Repealed)

Section 10. If the Danish Maritime Authority finds that special circumstances so necessitates, the Danish Maritime Authority may carry out a measurement and subsequently issue a tonnage certificate.

Subsection 2. The Danish Maritime Authority may require payment from the shipowner for the measurements as well as for the issuance of a tonnage certificate. More detailed regulations on the size of the payment and its settlement shall be determined by the Minister of Business and Growth.

Subsection 3. The fee that shall go to the Treasury may be recovered by distraint.

Subsection 4. Classification societies, other companies or individuals authorised by the Danish Maritime Authority to carry out measurements, cf. section 4, and issue tonnage certificates, cf. section 5, shall be authorised to requirement payment for measurement activities.

Section 10a. The Minister for Business and Growth may lay down provisions on the right of appeal, including that it is not possible to bring appeals against decisions made by the Danish Maritime Authority before any other administrative authority.

Section 10a. The Minister of Business and Growth may lay down regulations on the access to complain, including that complaints about the Danish Maritime Authority cannot be brought before any higher administrative authority.

Section 10b. The Minister of Business and Growth may lay down provisions to the effect that written communication to and from authorities about conditions covered by this act or regulations issued pursuant to this act shall be made digitally.

Subsection 2. The Minister of Business and Growth 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 10c. The Minister of Business and Growth 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 Business and Growth 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.

Section 11. Contraventions of section 2(1), section 3(2), section 5(3), section 6, section 7 and section 8(3) shall be liable to punishment by fine.

Subsection 2. In regulations issued pursuant to the act, punishment by fine may be determined for contraventions of the provisions of the regulations.

Subsection 3. If the contravention has been committed by a limited liability company, a private company, a cooperative society or the like, the company as such may be liable to punishment by fine.

Section 12. (Left out).¹

Section 13. The date of the entry into force of this act shall be determined by the Minister of Business and Growth.²

Subsection 2. The act shall apply to:

- a) ships the keel of which are laid or which are at a similar stage of construction on or after the date on which the act enters into force;
- b) ships which are subject to alterations or modifications after the entry into force of the act that lead to changes to their gross tonnage to a considerable degree;
- c) ships upon the request of the shipowner.

Subsection 3. The act shall also apply to all ships when 12 years have passed after the entry into force of the convention. However, the tonnages applicable to such ships previously shall continue to apply as regards requirements laid down pursuant to other international conventions acceded to by Denmark.

Section 14. The act shall not apply to the Faroe Islands and Greenland, but may be put into force for Greenland by royal decree with the deviations following from the special Greenland conditions.³

¹ The provision contained an amendment of the act on the tonnage measurement of ships (*lov om måling af skibe*) that was repealed on 1 April 2005, cf. order no. 153 of 10 March 2005.

² The act was put into force on 18 July 1982 by order no. 333 of 21 June 1982.

Act no. 1173 of 19 December 2003 contains the following entry into force provisions:

Section 8

Subsection 1. The Minister of Business and Growth shall determine the date of the entry into force of this act.⁴

Subsection 2. (Left out).

Subsection 3. As regards ships that have been issued with a tonnage certificate pursuant to the act⁵ mentioned in section 7 that is valid at the entry into force of this act, section 8 of the act on the tonnage measurement of ships (*lov om skibsmåling*) shall also apply.

Section 9

The act shall not apply to the Faroe Islands and Greenland, but may be put into force for Greenland by royal decree with the deviations following from the special Greenland conditions.

Act no. 493 of 12 May 2010 contains the following entry into force provisions:

Section 7

Subsection 1. The Minister of Business and Growth shall determine the date of the entry into force of the act. In this connection, the Minister may determine that the provisions of the act shall enter into force on different dates.⁶

Subsection 2. (Left out).⁷

Section 8

(Left out).⁸

³ The act was put into force for Greenland by royal decree no. 394 of 5 July 1982.

⁴ Act no. 1173 of 19 December 2003 entered into force on 1 April 2005, cf. order no. 153 of 10 March 2005.

⁵ Section 7 of act no. 1173 of 19 December 2003 concerns the repeal of the act on the tonnage measurement of ships (*lov om måling af skibe*).

⁶ Section 4 of act no. 493 of 12 May 2010 entered into force on 15 June 2010, cf. section 1(1) of order no. 594 of 3 June 2010.

⁷ Subsection 2 concerns the act on the manning of ships (*lov om skibes besætning*).

⁸ Section 8 concerns repeal of the act on the engagement of ship's crews (*lov om forhyring af skibsmandskab*).

Section 9

Subsection 1. The act shall not apply to the Faroe Islands and to Greenland, cf. however subsections 2 and 3.

Subsection 2. (Left out).⁹

Subsection 3. Sections 1, 3, 4 and 5 may be put into force in full or part for Greenland by royal decree with the amendments following from the special Greenland conditions.

Section 69

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

Subsection 2. Administrative regulations issued pursuant to the previous provisions shall remain in force until they are amended or repealed.

Section 70

Subsection 1. Sections 1-39, 41-50 and 53-68 shall not apply to the Faroe Islands and Greenland, cf. however subsections 3 and 4.

Subsection 2. (Left out).¹⁰

Subsection 3. (Left out).¹¹

Subsection 4. Sections 1-10, 17, 18, 23, 29, 35-39, 41-44, 49, 50, 54, 58-64, 65 and 66 may be put into force in full or partly for Greenland by royal decree with the amendments deriving from the special Greenland conditions.

Subsection 5. (Left out).¹²

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⁹ Subsection 2 concerns the merchant shipping act (*søloven*).

¹⁰ Subsection 2 concerns the act on mortgage loans and on mortgage bonds, etc. (*lov om realkreditlån og realkreditobligationer m.v.*).

¹¹ Subsection 3 concerns various other acts.

¹² Subsection 5 concerns the act on financial stability (*lov om finansiel stabilitet*) and the act on Government injection of capital in credit institutions (*lov om statsligt kapitalindskud i kreditinstitutter*).