

# Regulation concerning amendments to the Regulations on requirements for minimum age and boating licence, etc. for masters of recreational craft

**Legal basis:** Laid down by the Norwegian Maritime Authority on xx xx xxxx under the Act of 26 June 1998 No. 47 relating to recreational and small craft section 20 second paragraph, sections 26, 26b, cf. section 31, cf. Formal Delegation of 27 November 1998 No. 1095, Formal Delegation of 1 December 1998 No. 4532 and Formal Delegation of 31 May 2007 No. 591.

## I

Regulations of 3 March 2009 No. 259 on requirements for minimum age and boating license, etc. for masters of recreational craft are amended as follows:

Section 1 first paragraph should read:

These Regulations shall apply to owners and masters of Norwegian recreational craft in Norwegian territory, including Svalbard and Jan Mayen.

Section 2 subparagraphs a, b and d are repealed.

Current section 2 subparagraph c becomes new subparagraph a.

New subparagraph b should read:

*Certificate of competency:* The boating licence, high-speed licence and the International Certificate for Operators of Pleasure Craft are issued pursuant to these Regulations.

Current section 2 subparagraphs e to h become subparagraphs c to f.

Section 3 should read:

### **Section 3. *Duties of the boat owner and the master***

It is the responsibility of the master and the owner of the boat that provisions of these Regulations are complied with, unless otherwise provided by the individual provision or context. The boat owner shall ensure that whoever uses the boat meets the conditions for operating it.

Section 7 first paragraph should read:

The master of a Norwegian recreational craft of less than 15 metres which:

- a. is over 8 metres in length (26.25 feet); or
- b. has an engine with a greater effect than 25 HP/19 kW

shall hold a Norwegian boating licence or a valid qualification document. For masters holding a boating licence or qualification document issued abroad, section 13 shall apply.

Section 7 second paragraph is repealed. Existing third paragraph becomes second paragraph.

New section 7 third paragraph should read:

In addition, for masters of a recreational craft capable of reaching speeds of 50 knots or more, the requirement for a high-speed licence set out in chapter IV A shall apply.

Section 8 is repealed.

Section 13 second paragraph is repealed. Existing third paragraph becomes second paragraph.

Section 15 first paragraph should read:

The operator of a motor boat or sailing boat may be issued with an International Certificate for Operators of Pleasure Craft including coastal navigation for the operation of recreational craft of less than 15 metres in length and capable of a maximum speed of 50 knots, provided that the applicant:

- a. has reached the age of 16;
- b. is a Norwegian national or a resident in Norway, a North-American national or a national of any country that is not a member of the United Nations Economic Commission for Europe;
- c. qualifies for being issued with a Norwegian boating licence or holds a valid qualification document and
- d. proves that the requirements for a practical test and the health requirements pursuant to sections 16 and 17 are satisfied.

New section 15a should read:

#### **Section 15a. *Recognition of an International Certificate for Operators of Pleasure Craft***

An International Certificate for Operators of Pleasure Craft issued in accordance with Resolution 40, adopted by the UN Economic Commission for Europe Inland Transport Committee Working Party on Inland Water Transport on 16 October 1998, must include coastal navigation in order to be valid in Norway.

New chapter IV shall be added after section 17 and should read:

## **Chapter IV A. High-speed licence requirements**

New section 17a should read:

#### **Section 17a. *High-speed licence***

Masters of a recreational craft capable of reaching speeds of 50 knots or more shall, in addition to meeting the basic requirements for the operation of the recreational craft in question, cf. section 7, section 13 or Regulations of 22 December 2011 No. 1523 on qualifications and certificates for seafarers section 29, hold a high-speed licence.

The Norwegian Maritime Authority may issue guidelines including an overview of recreational craft clearly capable of reaching a speed of more than 50 knots, as well as a standardised test to determine the speed.

New section 17b should read:

#### **Section 17b. *Issue of high-speed licence***

The high-speed licence may be issued to persons who have turned 18 years and who:

- a. meet the requirement to operate a recreational craft for which a boating licence is required;
- b. have completed theoretical and practical high-speed training in accordance with section 17c.

The NMA may decide that other Norwegian high-speed training may qualify for exemption from the requirement to complete courses referred to in the first paragraph subparagraph b, provided that the training is at least on the same level as the high-speed licence.

The high-speed craft licence is issued for the operation of either boats or personal water craft.

New section 17c should read:

#### **Section 17c. *Requirements for theoretical and practical courses***

The high-speed training includes a theoretical part for boats and personal water craft, as well as a practical part for either boats or personal water craft, in accordance with guidelines and learning objectives set by the NMA.

The course can be taken by persons over the age of 17.

New section 17d should read:

#### **Section 17d. *Requirements of training providers***

Training providers must be approved by the Norwegian Maritime Authority.

Training providers shall establish, implement and develop a safety management system for documentation purposes which should include the following as a minimum:

- a. a description of the operation;
- b. a description of the individual vessel, including technical specifications;
- c. voyage planning procedures;
- d. a description of risk factors that apply to the crew and passengers when the vessel is underway and when using on-board equipment;
- e. measures to prevent unwanted incidents;
- f. maintenance procedures for vessels and equipment;
- g. an emergency plan for use in different emergencies, including drill routines.

New section 17e should read:

#### **Section 17e. *Practical part – instructor requirements***

The NMA or whoever is authorised by the NMA must approve the instructor, who is required, as a minimum, to:

- a. hold a Certificate for Deck Officer Class 5 Pleasure Craft;
- b. hold a valid medical certificate not older than two years;
- c. have completed approved safety training for seafarers on smaller ships;
- d. have relevant experience with the type of high-speed craft that will be used in the training;
- e. have completed an instructor course in accordance with guidelines set by the NMA.

Personal water craft instructors are exempt from the requirements of the first paragraph subparagraphs a and c, but shall, as a minimum, hold a boating licence and be able to provide evidence of first aid training covering the first aid part of the safety training referred to in subparagraph c.

New section 17f should read:

#### **Section 17f. *Construction and safety equipment requirements***

Vessels, excluding personal water craft, used for high-speed training shall be constructed and equipped in accordance with chapters 3, 4 and 5 of the Regulations of 14 January 2020 No. 63 on vessels of less than 24 metres carrying 12 passengers or less.

Persons staying outdoors on board vessels used for training shall wear appropriate personal flotation equipment that is CE marked in accordance with the Regulations of 22 June 2018 No. 1019 relating to construction, design and production of personal protective equipment (PPE).

In addition, everyone on board a personal water craft is required to wear:

- a. an suitable helmet which is CE marked in accordance with the Regulations of 22 June 2018 No. 1019 related to construction, design and production of personal protective equipment (PPE);
- b. suitable clothing

Personal water craft used for high-speed training must be CE marked pursuant to the Regulations of 15 January 2016 No. 35 on the manufacturing and the placing on the market of recreational craft and personal water craft, etc.

When completing the practical part with a water craft, an accompanying vessel shall be used which is constructed in accordance with section 9 of the Regulations of 14 January 2020 No. 63 on vessels of less than 24 metres carrying 12 passengers or less and equipped with radio communication and first aid equipment. The accompanying vessel shall be capable of rescuing people from the water.

The vessel used for high-speed training shall be suitable for this purpose.

New section 17g should read:

#### **Section 17g. *Recognition of foreign high-speed expertise***

The NMA may recognise foreign high-speed expertise. The expertise must primarily satisfy the Norwegian high-speed licence requirements, and evidence of such expertise must be provided by a licence or certificate accepted by national authorities.

In Chapter V, new section 17h should read:

#### **Section 17h. *Quality system***

Training providers that are to be approved by the NMA are required to have a quality system.

The quality system shall incorporate the institution's organisational structure, procedures for information security and the protection of personal data, responsibilities and standards for quality, the procedures, objectives and quality standards of each course and training programme, including a record of the qualifications and experience of instructors and assessors. In addition, the quality system shall incorporate systematic monitoring arrangements, including internal quality-assurance evaluations.

Documentation of the quality system may be required to be submitted to the NMA as the basis for approval, and serves as part of the basis for subsequent audits.

The quality system shall include any subcontractors used by the training provider in connection with the training.

Section 18 should read:

#### **Section 18. *Boating licence registers***

The NMA or whoever is authorised by the NMA shall keep central registers for the Norwegian boating licence, International Certificate for Operators of Pleasure Craft and high-speed licence for the management of master's rights and the loss of such rights.

In these registers, information about persons who have applied for, have or have had a Norwegian boating licence, International Certificate for Operators of Pleasure Craft and high-speed certificate will be processed. The registers may include details such as a person's name, gender, country of birth, national identity number, D-number, address, registration status and dates from the National Population Register, date of completed test and date of the issue of licence or certificate, history of previously issued licences and certificates, comments necessary for the processing of the case, temporary licence ban and seizure of evidence and certificate and loss of the right to operate the craft.

As referred to in the first paragraph, the registers shall be managed in accordance with the Personal Data Act and the Personal Data Regulations.

Section 19 should read:

#### **Section 19. *Practice***

Practice with recreational craft may take place under the supervision of a teacher or accompanying supervisor who is permitted to operate the relevant craft and, as a minimum, meets the requirement to operate a recreational craft for which a boating licence is required.

During practice, the teacher or accompanying supervisor shall be considered to be the master.

Practice may only take place at a reasonable speed and under reasonable weather and traffic conditions.

Persons who are temporarily banned from obtaining a licence, who have lost or had their licence revoked, or who have had the right to operate a recreational craft for which a boating licence is required temporarily revoked, may not practise during the period of the ban, loss or revocation.

Section 20 should read:

**Section 20. *Requirements to present a valid certificate of competency***

A valid certificate of competency or other valid qualification document shall be readily available for control when the recreational craft is used.

Section 21 should read:

**Section 21. *Digital certificates***

The NMA or whoever is authorised by the NMA may issue a digital certificate of competency instead of or in addition to a paper version of the certificate.

Section 22 should read:

**Section 22. *Supervisory authority***

The police may supervise the master's compliance with the requirements.

Section 19 is renumbered as section 23, and should read:

**Section 23. *Fees***

The applicant shall pay a fee for the theoretical boating exam and the issue of the boating licence, high-speed licence and International Certificate for Operators of Pleasure Craft. The fee is determined by the Ministry in accordance with the Regulations of 21 December 2009 No. 1739 on fees for the issue of certificates and endorsements to maritime personnel.

Section 20 is renumbered as section 24, and should read:

**Section 24. *Penalties***

Wilful or negligent violation of sections 5, 6, 7, 17a, 19 or 20 shall be punished in accordance with the Act of 26 June 1998 No. 47 relating to recreational and small craft sections 28 and 37. Fines may be imposed in the form of simplified fixed-rate optional penalties under the terms and conditions provided for in the same Act section 42 and Regulations of 15 June 2001 No. 634 on simplified fixed-rate optional penalties in cases concerning recreational and small craft.

Section 21 is renumbered as section 25, and should read:

**Section 25. *Entry into force***

These Regulations shall enter into force on 1 May 2009, with the exception of sections 7 and 8 which enter into force on 1 May 2010.

As from the same date, the Regulations of 11 December 1981 No. 3807 on minimum age, etc. for masters of certain engine-propelled vessels of less than 25 gross register tons are repealed.

Section 17a shall enter into force on xx xx xxxx.

## II

This Regulation enters into force on xx xx xxxx.