

## **Seamen's Act of 30 May 1975 no. 18**

Amended by Acts of 13 February 1976 nr. 1, 9 June 1978 no 47, 31 May 1985 no 37, 12 June 1987 no. 48, 6 May 1988 no 22, 16 December 1988 no. 77, 19 January 1990 no 1, 26 June 1992 No. 86, 17 December 1993 No. 118, 24 June 1994 No. 25, 24 June 1994 No. 39, 20 June 2003 and 16 February 2007 No. 9.

## Chapter I The scope of the Act

### § 1 *The scope of the Act*

This Act applies to any person who is employed on board a Norwegian ship, and who does not only work on board while the ship is in port.

Persons who are neither residents in Norway nor Norwegian nationals and who are hired by a foreign employer to serve passenger on board a cruise ship, are only subject to the provisions in § 4, § 18, subsection 1, first and second paragraph, however, with the exception of the right to be transferred under the second paragraph, § 18 subsection 3 as well as § 27, Chapter II A and Chapter II B, §§ 39, 43, 45 and 49. Nationals of countries to which the EEA Agreement applies shall be considered equal to Norwegian nationals.

The King may prescribe by regulation that the Act shall apply to a different employer than the shipping company.

The King may prescribe by regulation that this

Act shall not apply, either in whole or part, to certain persons or categories of persons who are employed on board and/or to such persons as are employed on certain ships or categories of ships.

Any person who is on board is obliged, regardless of what has been established or becomes established by virtue of the second, third or fourth paragraph, to carry out, to the best of his/her ability, any work which the ship's master deems necessary for the safety of those on board and of the ship.

<sup>1</sup> Amended by Acts of 31 May 1985 No. 37, 20 June 2003 No. 49, 16 February 2007 No. 8 and 16 February 2007 No. 9.

### § 2 *On extending the scope of the Act*

The King may prescribe by regulation

- a) that the provisions of this Act which apply only to a seaman who is a Norwegian national or resident in Norway, or a national of a country to which the EEA Agreement applies, shall be made applicable, either in whole or in part, to other seamen.
- b) that the Act shall, either in whole or in part, be made applicable to any person employed on
  - 1) an installation at sea other than a ship,
  - 2) a foreign ship chartered by a Norwegian shipping company.

<sup>1</sup> Amended by Act of 20 June 2003.

## Chapter II The employment agreement

### **1. Entry into and termination of the employment agreement** **Termination of service on board**

#### § 3 *Employment agreement*

1. A seaman is employed in the service of the shipping company. If the employment agreement is verbal, it shall be confirmed by a written agreement. It is the duty of the shipping company to ensure that a written contract of the terms of the employment is made. The King may prescribe by regulation the information to be contained in the employment agreement and the contract form.

The seaman has the right and duty to serve on any of the shipping company's ships unless otherwise agreed in writing or laid down in a collective wages agreement.

It may be laid down in a collective wages agreement that the seaman shall serve on ships belonging to shipping companies other than the one in which he is employed insofar as there is a cooperation arrangement as regards the crew between the companies. The King may establish special conditions for entering into such agreements.

2. The parties may arrange for an initial probationary period in the seaman's employment. The probationary period must not exceed six months.
3. Employment for a specified period or voyage or for temporary work can be validly agreed only when rendered necessary by the nature of the work. A contract for this type of employment may nevertheless be made in the case of trainee service or if a specific seaman needs a replacement.

## § 4

### *Minimum age etc.*

Rules on minimum age can be found in the Act relating to Ship Safety and Security (the Ship Safety and Security Act) Section 18.

<sup>1</sup> Amended by Acts of 31 May 1985 No. 37 and 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).

## § 5

### *Periods of notice of termination*

1. Unless otherwise stipulated in the collective wages agreement, a one month period of notice on either side shall apply. If a period of notice of termination has been stipulated, it shall not be shorter for the shipping company than for the seaman. The period runs from date to date.
2. If the seaman has been employed in the shipping company for a continuous period of a minimum five years, a notice period on either side of minimum two months shall apply, and minimum three months if the employment has lasted ten years or more. The periods of notice mentioned here may only be departed from by written agreement or collective wages agreement after the notice has been given.
3. Terms of employment under § 3, subsection 3, cease upon the expiry of specified period, when the specified job has been finished or the specified voyage is over, unless otherwise stipulated in a written agreement or a collective wages agreement. If the seaman continues in such service beyond what has been agreed upon writing, he shall be regarded as a permanent employee in the shipping company.
4. If the seaman is employed with a certain probationary period, a 14 day period of notice on either side shall apply, unless otherwise stipulated in a collective wages agreement.
5. The seaman has the right to continue in his job during the period of notice of termination.
6. For masters, a three months period of notice shall apply. Moreover, the provisions in subsections 1-5 apply accordingly.
7. A seaman who is laid off without pay in connection with curtailed operations or shutdown, may terminate his service with 14 days notice of terminations as from the day the notice of terminations is received by the shipping company. This applies without regard to which notice of termination that complies with this Act or agreement.

## § 5A

### *The form, statement and contents of the notice*

The notice of termination shall be in writing.

The notice of termination from the shipping company shall contain information about the sea-man's right to demand negotiations and initiate legal proceedings in accordance with the provisions of § 20 as well as about the time limits for demanding negotiations and initiating legal proceedings.

Upon demand by the seaman, the shipping company shall state the circumstances invoked as the reason for the notice of termination. The seaman may demand to be given details in writing.

The notice of termination shall be handed to the seaman in person or sent by registered mail to the seaman's stated address. If the seaman is working on board, the notice shall, if possible, be handed to him in person. The notice shall be regarded as given when it has been received by the seaman.

<sup>1</sup> Laid down by Act of 31 May 1985 No. 37.

## § 6

### *Port of departure upon termination of employment*

If the period of notice of termination or if an employment relationship for a specified period expires, or if temporary employment is terminated while the ship is at sea, the employment relationship remains in force until the ship calls at a port. The employment relationship does not cease, at ports which are entered only to bunker, bring ashore sick or injured persons nor does it cease during other unforeseen short calls made for the safety of passengers and crew, the ship or the cargo.

Unless a port of departure has been named, the seaman is entitled to free passage to his home with maintenance if he is dismissed by the shipping company, if the employment relationship ends after a specified period of time or if a

temporary employment has been finished. The same applies when a seaman employed for a specified journey remains in service without making a new agreement in writing concerning port of departure.

The shipping company's duties according to the second paragraph shall nevertheless be considered fulfilled if the seaman is given a right of free passage with maintenance to the place where he stayed at the time of his entering into the employment agreement, or if the seaman so wishes, to the port from which he took up service on board. This only applies when the authorities in the concerned port do not deny him entry, or as a condition for entry, require security which the seaman is unable to furnish.

Even if a port of departure has been agreed, the seaman is entitled to free passage with maintenance as stated in the second and third paragraphs, if the employment relationship is cancelled by the shipping company, when an employment relationship ceases upon the expiry of a specified period of time, or when a temporary employment has been finished due to the ship being laid up or losing its right to fly the Norwegian flag or being transferred to another Norwegian shipping company.

The provisions of the second, third and fourth paragraphs shall not apply if the seaman has forfeited his right of free passage in pursuance of § 28, subsection 4.

Free passage with maintenance according to this Act shall also include food and lodging en route as well as during necessary waiting periods prior to and during the journey.

## § 7

### *The seaman's right to take his departure after six months' service on board*

Even if the employment agreement states otherwise, a seaman may, after 6 months' continuous service on board the same ship or on ships belonging to the same shipping company, take his departure at any port with the exception of the ports mentioned in § 6, first paragraph, second sentence. He shall present a written notification of the departure at least one month in advance. This applies even if the employment agreement has been amended.

The provision of the first paragraph shall also apply when the seaman has served continuously for six months as part of a crew cooperation arrangement.

## § 8

### *A seaman's right to free passage home after prolonged period of service*

A seaman who is a Norwegian national or has his residence in Norway shall be entitled to free passage home with maintenance after 6 months' continuous service in foreign trade in the same ship or in ships belonging to the same shipping company.

The provision of the first paragraph also applies when the seaman has served continuously for 6 months under a crew cooperation arrangement, cf. § 3, subsection 1, third paragraph.

A claim for free passage home shall, if possible, be presented latest upon departure from the ship.

The seaman shall continue to serve for a period not exceeding one month from the first day on which he could have taken his departure from the ship, if it is not possible to find a suitable replacement for him, or if it can be assumed that the ship within this period will reach a port from which it will be considerably cheaper or easier to arrange for a passage home.

The state and the shipping company, by whom the seaman is employed at the time of his departure from the ship, shall each pay one half of the cost of the passage home under this section. This applies even if the seaman is also entitled to free passage home at the shipping company's cost pursuant to another provision of this Act.

If the departure from the ship, for reasons attributable to the seaman's or other person's circumstances, cannot take place in a port as specified in the fourth paragraph and the cost of the passage has thereby increased, the King may prescribe by regulation that any person who has prevented such departure shall be liable to compensate the additional expense.

The King may issue specific regulations for the supplementation and implementation of the provisions in this section.

The King may by regulation determine a shorter qualifying period of service than 6 months if the ship is engaged in particularly arduous voyages, or if only a shorter period is lacking to complete the full qualifying period and the expenses involved would be substantially higher if the seaman were required to complete the full qualifying period, or if warranted by other quite exceptional circumstances.

For a seaman who, at the time of entering into the employment agreement, was under 18 years of age, the King may issue special regulations concerning the right to free passage home and hereunder depart from the provisions of the first, third and fourth paragraphs.

## § 9

### *Prolongation of service when entry is denied*

If the authorities in a foreign port, where the seaman shall take his departure, deny him entry to the country or, as a condition for entry require security which the seaman is unable to furnish, he shall remain in service until the ship arrives at a port where he can take his departure. He shall also have the right to remain in service in cases where this would not seem unreasonable.

## § 10

### *The seaman's duty to take part in essential work etc. prior to taking his departure*

A seaman who, pursuant to the employment agreement or to provisions of this chapter, is entitled to take his departure shall continue service to take part in essential work for up to 48 hours after the ship has entered port.

Where a maritime declaration must be made, it shall be the seaman's duty to stay on it return for wages and maintenance until the declaration has been made.

## § 11

### *The seaman's right to compassionate leave*

A seaman who receives message that his parents, spouse or children have died or are seriously ill, may demand to take a leave. The leave entitlement does not apply during vacation of days off.

The same applies if other circumstances make it a matter of compassion for him to be given leave. If his leave would cause the ship to be unseaworthy, a precondition of being able to invoke this paragraph is that a qualified replacement can be obtained.

If the seaman departs from service for reasons stated in the second paragraph, it shall be his duty to compensate for the costs of providing a replacement. The compensation may be reduced or dropped in that due account must be taken of the length of the seaman's remaining period of service on board and other circumstances.

## § 12

### *The seaman's right to leave service on board for special reasons*

1. A seaman may also depart from service on board if:
  - a) the ship does not meet the requirements laid down in the Act relating to Ship Safety and Security (the Ship Safety and Security Act), and the shipping company fails to take steps to remedy the defects,
  - b) the shipping company or the master fails to comply with requirements for survey pursuant to the Act relating to Ship Safety and Security (the Ship Safety and Security Act) Section 43 fifth paragraph (c) and regulations laid down pursuant to that provision,
  - c) he has been ill-treated on board and the master has failed to protect him when requested to do so,
  - d) the ship loses the right to fly the Norwegian flag,
  - e) (repealed by Act of 31 May 1985)
  - f) he is employed for a specified voyage, and the voyage is altered substantially,
  - g) after he starts onboard it appears that the ship risks being seized by a belligerent power or exposed to war damage, or that such risk has increased considerably,
  - h) after he starts onboard it appears that a violent epidemic disease has broken out in the port for which the ship is bound.

In the cases mentioned in the first paragraph (f-h) of subsection 1, the seaman may take his departure with immediate effect if the voyage has not yet commenced, or otherwise at the ship's first port of call after he has become aware of the situation.

2. A seaman who takes his departure in pursuance of the subsection one, first paragraph, may be transferred by the shipping company to service in another of the shipping company's ships. If such transfer does not take place, the seaman shall be entitled to free passage home with maintenance.

If a seaman who is employed for a specific voyage takes his departure before the voyage has commenced, he shall be entitled to free passage with maintenance to his place of residence at the time of his engagement, but otherwise he shall enjoy free passage to the agreed port of departure. If a port of departure has not been arranged, § 6, paragraph two and three shall apply.

## § 13<sup>1</sup>

### *Pregnancy, childbirth etc.*

1. A pregnant employee shall not be given notice because of her pregnancy. If she is given notice while pregnant, the notice of termination shall be regarded as based on this circumstance unless some other cause is demonstrated highly probable. The pregnancy shall be confirmed by a medical certificate if requested by the shipping company.
2. A pregnant seaman shall be entitled to:
  - a) other suitable work ashore in the shipping company's service if possible, or
  - b) leave.
3. The King may issue specified provisions regarding:
  - a) implementation of the rules of subsection 2;
  - b) the shipping company's and the master's right to demand that the seaman applies for leave;
  - c) the right of free passage home with maintenance for such a seaman for the account of the state of shipping company;
  - d) the parents' right to leave of absence due to pregnancy and childbirth;
  - e) the right to leave in the event of adoption.
4. The seaman granted leave pursuant to subsection 3 (d and e) shall not be given notice of termination for these reasons.
5. If the seaman has been given lawful notice of termination which will involve departure during the leave period, the notice of termination shall be valid. The period of notice, however, shall be added too the leave period.

<sup>1</sup> Amended by Act of 24 June 1994 No. 25.

## § 14

### *Protection against notice of termination in the case of illness or personal injury*

1. A seaman who is occupationally disabled due to illness or injury shall not be given notice based on such disability during the six months after the disability has set in. If the seaman has been employed in the shipping company continuously for a minimum of five years or if the occupational disability is caused by illness or injury contracted by the seaman in connection with his service, the seaman shall not be given notice of termination based on such disability during the first 12 months after the disability has set in.
2. A notice of termination which takes place during the period in which the seaman is protected by § 14 against termination shall be regarded as based on the occupational disability unless some other cause is proven highly probable.
3. A seaman wishing to plead protection against notice of termination in pursuance of this section, must in due time give notification of the reason for his absence. The period of the sick leave during which the seaman has not been on board must be confirmed by a medical certificate if so required by the shipping company.

## § 15

### *Dismissal due to dereliction of duty etc.*

1. A seaman may be dismissed if he:
  - a) is incompetent for the service for which he was engaged;
  - b) deliberately or negligently fails to come on board at the right time, and the ship must leave, or another person has to be taken on in his place;
  - c) is guilty of gross violation of his duties, such as repeated disobedience, violent behaviour, ill-treatment of other persons on board repeated intoxication during service or abuse of narcotics;
  - d) is guilty of theft of any other serious felony, exposes the ship to serious inconvenience by concealing another person on conceals on board dutiable good which may not be exported from the port of departure or may not be imported into the port of destination;
  - e) brings narcotics or other dangerous toxic substances on board;
  - f) brings a dispute concerning the employment relationship before a foreign authority.
2. The seaman shall not be entitled to wages for any longer than the period for which he has served. The seaman shall nevertheless be entitled to wages in pursuance of § 28, subsection 2, if he is occupationally disabled at the time of the dismissal because of illness or injury.

## § 16

### *Procedure in the case of dismissal*

1. Prior to the dismissal of a seaman on board a ship with crew of at least five, a hearing shall be held before a committee consisting of the master as chairman and two other members appointed by the master.

2. If possible, the appointed member shall consist of the chief engineer and a mate if the seaman is an engineer, mate, manager of the catering service, radio officer or ship's electrician. Otherwise, and if possible, one of the members shall be the ship's elected representative or, if none has been elected, another member of the remaining crew, and the other member of the committee shall be the chief engineer, first mate or the manager of the catering service according to whether the seaman belongs to the engine personnel, deck personnel or the catering and clerical personnel respectively.

In special cases, the committee may be appointed by the shipping company and the hearing held ashore if considered necessary in order to best elucidate the factual basis for the dismissal. The composition of the committee shall if possible be as stated in the previous paragraph.
3. The chairman shall question the seaman and any witnesses who might be able to provide information in the case. The remaining members of the committee and the seaman may ask questions either through the chairman or directly with the chairman's consent. The submitted statements shall be entered into the log book or a special protocol. The statements shall be read out to those who have submitted them. If the master makes a decision in the matter, he shall state the grounds for it, and the decision shall be entered into the log book or the special protocol. The members of the committee shall by signature verify the accuracy of the entered statements.

The seaman can demand a certified transcripts of the statement entered into the log book or in the special protocol of the case.
4. A decision on dismissal pursuant to § 15 subsection 1 shall be made as soon as possible and latest within 14 days after the circumstances of the case became known, unless special conditions necessitate a longer time limit. The seaman shall, if possible, be informed of the decision immediately.
5. Upon dismissal, the provisions of §§ 5 A, 20 and 20 A shall apply accordingly.
6. The provisions regarding a hearing do not apply when dismissal a master.

## § 17

(Repealed by Act of 31 May 1985 No. 37.)

## § 18

### *The seaman's duties and rights upon loss of the ship*

1. If the ship is lost in connection with a maritime accident, or if after such accident it is beyond repair, it shall be the duty of the seaman to participate in salvage operations and stay on until the maritime declaration has been made.

If the seaman cannot be transferred to service in another ship, he shall be entitled to free passage with maintenance to his place of residence. The seaman shall be entitled to have his expenses covered for necessary clothing for the journey. The state guarantees that the costs in connection with clothes and journey will be recompensated. As regards persons engaged for a specified voyage, § 12 subsection 2, second paragraph shall apply.

If the maritime accident necessitates a termination of the employment agreement, the seaman shall be entitled to a one month period of notice. Moreover, the seaman shall be entitled to wages for such time as he is unemployed as a result of the shipwreck, but not for more than 1 month after the expiry of the period of notice of termination. If a shorter period of notice has been stipulated in the collective wages agreement than mentioned here, it shall be made applicable. The period of notice is calculated from the day the seaman received the notice, but at the earliest from the day his duties terminate under the first paragraph.
2. It shall be the duty of the master to stay on and deal with matters affecting the ship, the persons on board and the cargo.

As regards the master, a stipulated longer period of notice may be reduced to three months. If a shorter period has been established in the collective wages agreement, it shall be made applicable.
3. The King may prescribe regulations regarding the implementation of the provisions of this section.

## § 19

### *Protection against undue notice*

1. A seaman cannot be given notice unless the notice of termination is duly grounded in factors relating to the shipping company or to the seaman himself. If a seaman is given notice of termination during his probationary period, the notice shall be based on the seaman's adaptation to the service, professional skill or reliability. If the notice is caused by curtailed operations or rationalization measures, it is not based on due grounds if the shipping company can offer other suitable work for the seaman.

When determining whether a notice is duly grounded in curtailed operations or rationalization measures, the shipping company's needs shall be weighed against the drawback which the notice of termination would inflict on the individual seaman.

Registration of a ship in the Norwegian International Ship Register is nevertheless due notice if the shipping company can offer no other suitable work for the seaman.

A transfer of the shipping company from one owner to another does not in itself represent a due reason for notice. In the event of notice of termination by the new owner, it is to be considered whether the decision would have also been regarded as due if a transfer had not taken place.

A notice which terminates employment before the seaman turns 62 and which is justified solely on the grounds that he is entitled to old age pension pursuant to the Act of 3 December 1948 subsection 7 regarding pension insurance for seamen, shall not be regarded as duly grounded. Departure from service before the age of 62 may, however, be stipulated in advance in the collective wage agreement.

2. A seaman who is given notice of termination due to lack of work, shall have priority as regards new employment in the shipping company for up to one year. The priority shall only apply to seamen who have been employed for a total period of at least 12 months over the past two years. For a seaman holding an employment agreement pursuant to § 3 subsection 3, the priority shall only apply when the shipping company – on or before the departure – has received a written notification that the seaman wishes to be given priority if a new person is to be hired. The priority under this paragraph may be departed from in cases where the shipping company must engage a new seaman immediately and the privileged seaman cannot be notified or enter service in time.

If the seaman fails to accept an offer of an appropriate job within 14 days after having received it, his priority shall lapse.

## § 20

### *Dispute concerning undue notice*

1. A seaman who wants to plead that notice of termination is undue may demand negotiations with the shipping company. During service on board, the demand shall be addressed to the master. The shipping company may demand negotiations with the seaman if he initiates legal proceedings without having implemented negotiations. A demand for negotiations shall be presented without undue delay, at the latest within 14 days. The seaman shall be entitled to the assistance of an elected representative or other adviser during the negotiations. Correspondingly, the shipping company may be assisted by an adviser.
2. If the dispute is not solved by negotiation, or if no negotiations have been held, the seaman may within two months after the termination of the negotiations, or if no negotiations have been held, after the date of notice, bring the case before a Norwegian court. The Act of 13 August 1915 subsection 5 relating to the Courts of justice §§ 153–158 shall apply correspondingly. If the seaman's demand is limited to compensation, the time limited for legal proceedings shall be six months after he received the notice. If the shipping company's notice of termination has not been given in writing or the requirements of § 5A second paragraph have not been complied with, there is no time limit for the suit.
3. The King may establish specific regulations for the supplementation and implementation of the provisions of this section, including the seaman's right to payment of necessary expenses in connection with negotiations as mentioned under subsection 1.

## § 20A<sup>1</sup>

### *Effects of undue notice*

If the court finds the notice to be undue, the notice shall be declared to be invalid if the seaman so demands. In particular cases the court may nevertheless, upon allegation from the shipping company, decide that the employment relationship shall terminate if the court, after having weighed the parties' interests against each other, finds that it would be clearly unreasonable to continue the employment relationship.

If the notice is undue, the seaman shall be entitled to demand compensation. The compensation shall be fixed to the amount which the court finds reasonable, taking into account the economic loss, the situation of the shipping company and the seaman, and other circumstances.

<sup>1</sup>Laid down by Act of 31 May 1985 No. 37.

## § 20B<sup>1</sup>

### *Testimonial*

A seaman who departs from service after being served lawful notice shall receive a written testimonial from the shipping company. The testimonial shall contain information on the seaman's name, date of birth, the nature of his service and the duration of the employment relationship.

This provision shall not affect the seaman's right to demand a more detailed testimonial in employment relationships where such is common practice and no other stipulations have been made in collective wages agreement.

A seaman who is dismissed also entitled to a testimonial, but the shipping company may, without stating the reason, mention in the testimonial that the seaman was dismissed.

<sup>1</sup>Laid down by Act of 31 May 1985 No. 37.

## 2. Calculation and payment of wages

### § 21

#### *Calculation of wages*

The wages run as from the day stipulated in the employment agreement, but at the latest from the day the seaman enters into service on board. If, in order to get to the ship, he has to make a journey from the place where he entered into the agreement, the wages shall run from the day he starts the journey.

The wages run up to and include the day on which the employment relationship terminates unless otherwise stipulated in the collective wages agreement.

If wages are to be calculated on a per diem basis in cases where a fixed amount per month has been agreed, one day's wages shall constitute 1/30 of the monthly wages.

If wages are to be calculated on a per diem basis in cases where a fixed amount for the voyages has been agreed, the employment agreement's statement of the voyage's expected duration shall form the basis for the calculation of the settlement.

Even if the voyage should be shorter than assumed in the employment agreement, the seaman shall be entitled to the entire amount of the agreed wages. If the journey should last longer than assumed, he is, unless otherwise stipulated, entitled to a daily allowance calculated in accordance with the provision of the previous paragraph.

If the ship and crew are missing and it cannot be ascertained when the accident occurred, wages shall be reckoned up to the expiry of the time which a similar ship would normally take to sail at the same time of year from the ship's last known position to the port destination.

Wages shall not be payable in respect of any period in which the seaman unlawfully withholds his work.

The seaman shall receive a written statement of account of the amount of the wages, method of calculation and any possible deductions. The King may issue regulations concerning the wages settlement with the seaman.

### § 22

#### *Payment of wages*

The seaman may only demand payment of wages when the ship is in port, and not more than once every seventh day in any one country.

Wages shall be paid in cash unless the seaman asks for a draft on the shipping company. Unless otherwise provided by law, the seaman may demand payment in local currency at the current rate of exchange.

A seaman may remit his wages to Norway through foreign service stations designated by the King, if this is permissible under the local currency regulations. The government shall be responsible for such transmissions, which shall be effected without charge to the seaman.

A seaman may require that part of his wages shall be paid as a monthly allotment to a specified beneficiary in Norway or deposited in a Norwegian bank.

If a seaman has unlawfully left his service in the shipping company and if he upon his departure has wages due, the shipping company shall immediately remit the total amount to the authority designated by the King. The amount may be used for payment of possible expenses inflicted on the state or the shipping company by the seaman. Before the particular authority undertakes this settlement in cooperation with the shipping company, the seaman shall be paid the amount necessary to sustain himself and his family, cf. § 23, subsection 2, second paragraph.

It attempts have been made to inform the seaman of his wages due after the settlement, and if he has not claimed this amount within three years following the termination of his employment, the money shall be used for the benefit of seamen or their relatives in accordance with regulations issued by the King.

### § 23

#### *Limitations in the right to make deductions from wages*

1. A deduction from the wages shall not be made without a written consent unless the deduction:
  - a) is authorized by law;
  - b) is laid down in the collective wages agreement;
  - c) concerns a compensation for damage or loss caused deliberately or through gross negligence during service and admitted in writing by the seaman or established in court. Deductions shall nevertheless not be made in wages which the seaman reasonably needs to sustain himself and his family.
2. Prior to making deductions in the wages as mentioned in subsection 1 (c), the shipping company or the master shall consult the seaman's elected representative or two representatives chosen by the seaman concerning the basis for the deduction and the size of the amount.

Such deductions shall preferentially be made in the wages paid to the seaman unless he decides otherwise.

## § 24

### *Distribution of wages saved*

If the whole or part of a voyage is carried out with a smaller crew than was presupposed or if the number of fit members of the crew falls during the voyages, the wages thereby saved during the time the ship is at sea shall be distributed evenly among the members of the reduced group of crew. Any increases expenses by way of overtime payment for extra work at sea shall be deducted from the saved wages to be distributed. The catering personnel shall also be entitled, pursuant to corresponding rules, to share in the wages saved while the ship is in port.

## § 25

### *Wages in case of death*

If a seaman dies at a time when he is entitled to wages pursuant to § 21 or at a time when he is ill or injured and still employed in the shipping company, and if he leaves a spouse or a child under 18 years of age, the shipping company shall pay them one month's wages calculated from the date of seaman's death or from the date on which his right to wages ceased.

## **3. Medical examination. Illness. Death**

## § 26<sup>1</sup>

### *Medical examination, shipping company medical service and notification duty etc.*

(Repealed by Act of 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to Decree of 16 February 2007 No. 170).)

## § 27

### *Care of sick or injured*

If a seaman is sick or injured the master shall arrange for him to receive proper nursing care on board or ashore, including medical attention, medicines and maintenance.

If there is reason to believe that a seaman is suffering from a disease or injury involving danger to himself or to persons on board, the master shall, if possible, have him medically examined. If in such cases it is deemed necessary, the master shall have the person concerned brought ashore.

If a sick or injured seaman is left behind in a foreign country, the master shall place him in the care of the local Norwegian foreign service station. If there is no such foreign service station in the locality, the master shall in some other manner arrange for him to receive proper care and shall notify the nearest foreign service station. At the seaman's request, the master shall notify the sea-man's next of kin.

In cases where the master leaves a sick or injured seaman abroad in the care of a foreign service station, the master shall furnish security for such expenses as the shipping company in this respect is made responsible for by virtue of the provisions of this Act.

The amount of wages due to a seaman, or which may be due to him in accordance with § 28, shall be deposited with the foreign service station, which shall administer the funds as long as the seaman is under nursing care in the locality and is unable to look after his own interest.

The provisions of § 46 shall be complied with in respect of any personal effects which a sick seaman is unable to look after himself.

The King may prescribe specific regulations for the implementation of the provision of this section.

## § 27A

### *Occupationally disabled seamen*

(Repealed by Act of 16 February 2007 No. 9 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).)

## § 28

### *Right to wages and care etc. during illness or injury*

1. A sick or injured seaman shall be entitled to nursing care at the expense of the shipping company for so long as he is engaged in service on board. If the seaman is suffering from an illness or injury on his departure from the ship, he shall enjoy a corresponding right for a period not exceeding 16 weeks after the departure. If the seaman, in Norway or another country of residence, is a member of a national insurance scheme which defrays the expenses in connection with the nursing care after his departure, the shipping company's subsistence duty ceases when the national insurance scheme takes over, not later than two weeks after the seaman has arrived there. This also applies in cases where the seaman has had the opportunity to become a member of such national insurance scheme at the time when he entered into the employment agreement or later on. The two weeks are calculated from the data on which the departure from the ship took place.

If the seaman is resident in Norway and is suffering from tuberculosis, mental disease or venereal disease, the state shall pay such part of nursing care abroad as is not refunded to the shipping company by the National Insurance scheme.

The provisions of the first and second paragraphs shall not limit any rights which the seaman may have at any time under National Insurance legislation. In case of nursing care in Norway, the shipping company's duty to provide care pursuant to the first paragraph lapses to such extent as is provided by virtue of the Act of 17 June 1966 subsection 12 relating to National Insurance, Chapter 2 and 3.

2. A seaman who is unfit for work by reason of illness or injury, shall be entitled to wages for such time as his employment relationship exists. The right to wages lapses to such extent as the seaman is entitled to sick payment pursuant to the Act of 17 June 1966 subsection 12 relating to National Insurance § 3-5. Any seaman who is not a Norwegian subject or resident in Norway and who is not a member of a corresponding national insurance scheme in his native country, shall be entitled to continuous wages for such time as he is unfit for work, but not exceeding 2 months. If the seaman has served in Norwegian ships for a total period of 36 months or more over the past 10 years, he shall be entitled to the said wages for a period not exceeding 3 months.
3. If a seaman is left behind in a Norwegian or foreign port by reason of illness or injury, or if on his departure from the ship is suffering from an illness or injury which would have necessitated repatriation, he shall be entitled to free passage with maintenance to his place of residence at the shipping company's expense. However, the state covers the said expenses if the seaman is resident in Norway and is suffering from tuberculosis, mental disease or venereal disease.

If a seaman is not a resident of Norway, the shipping company may instead give him free passage with maintenance to the place where he stayed when entering into agreement of engagement, or upon request by the seaman, to the port from which he entered service on board, provided that the authorities in the port concerned do not deny him entry, or as a requirement for entry, require security which the seaman is unable to furnish.

The request for free passage home shall, if possible, be made by the seaman at the latest at the time of being declared fit for duty.

4. The seaman shall not be entitled to the benefits payable the shipping company under this section if, at the time of his engagement, he fraudulently concealed the fact that he was suffering from the disease or injury. The same shall apply if, after being engaged, he deliberately contracts the disease or the injury.
5. By regulations issued pursuant to § 4, second paragraph, rules may be prescribed concerning the repatriation for a seaman under 20 years of age where, on account of his physical or mental health or his addiction to alcohol or other intoxicating or narcotic substances, it seems inadvisable to allow him to continue in the service. If the seaman is not entitled to a free passage home under other rules, the cost of his repatriation shall be defrayed by the state if the seaman is resident in Norway. Otherwise the cost shall be defrayed by the shipping company in this case however, in such a manner that the rules in the second paragraph of subsection 3 of this section shall apply correspondingly. The King may issue supplementary regulations concerning cost coverage. Such regulations may prescribe limitations of the shipping company's liability under the third sentence to cover the cost of repatriation of a seaman who is not resident in Norway.
6. The King may issue specific regulations for the implementation of the provisions of this section.

## § 29

### *The state's repayment of the shipping company's expenses in connection with a seaman's illness or injury*

Any expenses which the shipping company has incurred abroad after the termination of a sea-man's service in connection with maintenance, nursing care or repatriation of an injured or sick seaman who is a resident in Norway shall be refunded by the state unless they by virtue of Norwegian law are the responsibility of the shipping company or the National Insurance scheme, provided that the expenses, in whole or in part, could not have been avoided by the assistance of a Norwegian foreign service section.

## § 30<sup>1</sup>

### *Death and burial*

If a seaman dies in service on board, or while he is entitled to nursing care or is travelling at the shipping company's expense, the master shall notify next of kin and make arrangement for burial or for the repatriation of the coffin. If the next of kin consent or the local authorities so require, the master may order cremation in lieu of burial. In this event, he shall also arrange for the ashes to be sent home.

The provisions of § 46 shall apply correspondingly to the deceased seaman's effects.

A maritime inquiry in respect of the seaman's death shall be held pursuant to § 472 to § 486 of the Maritime Act of 1994.

The King may issue specific regulations for the implementation of the provisions of this section.

<sup>1</sup> Amended by Act of 24 June 1994 No. 39.

## § 31

### *Burial expenses etc.*

The expenses of burial or cremation and the entombment of the ashes or the repatriation of his coffin or cinerary urn shall be paid by the shipping company if the seaman dies in service on board or while he is entitled to nursing care or is travelling at the shipping company's expense. The state shall defray such expenses if the seaman dies while he is entitled to care or is travelling at government expenses.

The shipping company is entitled to reimbursement pursuant to § 29 of expenses incurred in connection with the decease of a seaman.

## § 32<sup>1</sup>

For employees who do not belong to the Norwegian national insurance scheme, and who is employed

- a) on board a ship registered in the Norwegian International Ship Register, or
- b) in the service of foreign employers engaged in commercial activities on board ships engaged in foreign trade and registered in the ordinary ship register, the shipping company is obliged to furnish a guarantee ensuring that the employee or his survivors receive compensation in the event of occupational injury leading to disability or death.

If no guarantee is furnished for the employee, or if the guarantee has expired, the shipping company will be responsible for the compensation to the employee or his survivors.

The King may issue more detailed rules concerning the limitations, organization and implementation of the insurance scheme.

The King may also lay down regulations concerning compulsory insurance or other approved guarantee scheme for wage claims in the event of the employer's insolvency.

<sup>1</sup> New § 32 laid down by Act of 19 January 1990. Amended by Act of 17 December 1993 No. 118.

## **4. Special provisions concerning the master's employment relationship (Repealed by Act of 31 May 1985)**

### Chapter II A

### Protection against discrimination

Heading added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 33

### *Protection against discrimination*

Direct and indirect discrimination on the basis of political views, membership of a trade union, sexual orientation, disability or age is prohibited.

Harassment and instruction to discriminate persons for reasons referred to in the first paragraph are regarded as discrimination. The provisions of this chapter shall apply correspondingly in the case of discrimination of an employee who works part-time or on a temporary basis.

In the case of discrimination on the basis of gender, the Gender Equality Act shall apply.

In the case of discrimination on the basis of ethnic origin, national origin, descent, colour, language, religion and ethical and cultural orientation, the Discrimination Act shall apply.

## § 33 A

### *Scope of this chapter*

The provisions of this chapter shall apply to all aspects of employment, including::

- a) advertising of posts, appointment, relocation and promotion,
- b) training and other forms of competence development,
- c) pay and working conditions,
- d) termination of employment.

The provisions of this chapter shall apply correspondingly to the company's selection and treatment of self-employed persons and contract workers.

The provisions of this chapter shall apply correspondingly to enrolment and participation in a trade union, employers' organization or professional organization, This shall also apply to advantages that such organizations provide to their members.

The provisions of this chapter shall not apply to discrimination owing to membership of a trade union in respect of pay and working conditions in collective pay agreements.

Added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 33 B

### *Exceptions from the prohibition against discrimination*

Discrimination that has a just cause, that does not involve disproportionate intervention in relation to the person or persons so treated and that is necessary for the performance of work or profession, shall not be regarded as discrimination pursuant to this Act.

Discrimination that is necessary to the achievement of a just cause and does not involve disproportionate intervention in relation to the person or persons so treated is not in contravention of the prohibition against indirect discrimination, discrimination on the basis of age or discrimination against an employee who works part-time or on a temporary basis.

The Ministry may by regulation issue further provisions concerning the extent of the exception from the prohibition against age discrimination in the second paragraph.

Added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 33 C

### *Obtaining information on appointment of employees*

The company must not when advertising for new employees or in any other manner request applicants to provide information concerning sexual orientation, their views on political, religious or cultural issues or whether they are members of employee organizations. Nor must the company implement measures in order to obtain such information in any other manner.

Added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 33 D

### *Adaptation for seamen with disabilities*

The company shall as far as possible implement necessary measures to enable seamen with disabilities to obtain or retain employment, perform and make progress in the work and have access to training and other forms of competence development. This shall not apply if such measures would involve an excessive burden for the company. The requirements for valid health certificate pursuant to the regulation concerning the medical examination of employees on Norwegian ships shall apply in all respects to disabled seamen.

If, pursuant to the first paragraph, it is appropriate to transfer a seaman to other work, the person concerned shall be consulted before deciding the matter. The seaman shall be entitled to the assistance of an elected representative or other adviser.

Added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 33 E

### *Preferential treatment*

Special treatment that helps to promote equality of treatment is not in contravention of the provisions of this chapter. Such special treatment shall cease when its purpose has been achieved.

Added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 33 F

### *Duty of disclosure*

A job applicant who believes himself or herself to have been passed over in contravention of the provisions of this chapter may demand to be informed in writing by the company of what educational qualifications, practice and other ascertainable qualifications for the post are held by the person appointed.

Added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 33 G

### *Prohibition against acts of reprisal*

It is prohibited to carry out reprisals against a seaman who has made a complaint concerning a breach of the provisions of this chapter, or who has stated that a complaint may be made. This shall not apply if the seaman has acted with gross negligence.

Added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 33 H

### *Burden of proof*

If the seaman or job applicant submits information that gives reason to believe that discrimination has taken place in contravention of the provisions of this chapter or that reprisal has been carried out in contravention of § 33G as a result of the seaman's notification of a breach of the provisions of this chapter, the company must substantiate that such discrimination or retaliation has not occurred.

Anyone who has been discriminated against this chapter or who has been subjected to retaliation in contravention of § 33G as a result of notification of a breach of this chapter may claim compensation without regard to the fault of the company. The compensation shall be fixed at the amount the court deems reasonable in view of the circumstances of the parties and other facts of the case.

Compensation for financial loss as a result of discrimination in contravention of this chapter and retaliation in contravention of 33G as a result of notification of a breach of this chapter may be claimed pursuant to the normal rules.

Provisions laid down in collective pay agreements, contracts of employment, regulations, bylaws, etc., that are in contravention of the provisions of this chapter shall not be valid.

Added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## Chapter II B

### Information and consultation

Heading added by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 34

### *Obligation regarding information and consultation*

Companies that regularly employ at least 50 seamen, sjømenn, shall provide information concerning issues of importance for the conditions of employment and discuss such issues with the employees' elected representatives.

The provisions of this chapter shall apply to ships registered in the Norwegian Ship Register, when these ships are passenger ships or operating on lakes or rivers. The King may issue regulations concerning the estimation of the number of seamen in the undertaking.

Repealed by Act of 31 May 1985 No. 37, added again by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 35

### *Implementation of the obligation regarding information and consultation*

The obligation regarding information and consultation includes

- a) information concerning the current and expected development of the company's activities and economic situation,
- b) information and consultation concerning the current and expected workforce situation in the company, including any cutbacks and the measures considered by the company in this connection,
- c) information and consultation concerning decisions that may result in considerable changes in the organization of work or conditions of employment.

Information pursuant to the first paragraph (a) shall be provided at an appropriate time. Information and consultation pursuant to the first paragraph (b) and (c) shall take place as early as possible.

Information shall be provided in such a way that it is possible for the elected representatives of the employees to familiarize themselves with the matter, make appropriate investigations, consider the matter and prepare any consultations. The consultations shall be based on information provided by the employer and take place at the level of management and representation appropriate for the matter concerned, in an appropriate manner and with appropriate content. The consultations shall be conducted in such a way that it is possible for the elected representatives of the employees to meet the company and receive a reasoned response to any statements they may make. Consultations pursuant to the first paragraph (c) shall aim to reach an agreement with the company.

Repealed by Act of 31 May 1985 No. 37, added again by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 36

### *Confidential information*

If the needs of the company dictate that specific information should not be disclosed, the company may impose a duty of secrecy on elected representatives of the employees and any advisers. The company may in special cases omit to provide information or participate in consultations if at the current time this would clearly be of damage to the company.

Repealed by Act of 31 May 1985 No. 37, added again by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## § 37

### *Exemptions*

The provisions of this chapter shall apply unless otherwise stipulated in the collective wage agreement or other legislation.

Repealed by Act of 31 May 1985 No. 37, added again by Act of 16 February 2007 No. 8 (in force on 1 March 2007 pursuant to decree of 16 February 2007 No. 168).

## Chapter III Ship duties

## § 38

### *Organizing the work on board*

The work shall be arranged with due regard to the rating of each person on board, and as far as possible in such a way that each has opportunity of becoming proficient in his trade.

The King may prescribe by regulation the extent of the duties of a seaman who occupies a leading position on board.

## § 39

### *Duty to comply with orders, crew liability etc.*

A seaman shall comply with the orders which he receives in the course of his duties and show by a clear answer that he has understood them. He shall treat the ship and cargo with proper care and carry out his duties as a whole with due attention.

If a seaman is prevented from coming aboard at the proper time, he shall notify the master without delay.

A seaman shall be bound to pay compensation for damages caused by mistake or negligence during service in accordance with the existing rules on damages, cf. § 2-3 of the Act of 13 June 1969 subsection 26 relating to Damages in Certain Circumstances.

## § 40

### *Prevention of accidents and health hazards*

(Repealed by Act of 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).)

## § 41

### *Diet and hygiene*

(Repealed by Act of 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).)

## § 42

### *The crew's right to demand examination for seaworthiness*

(Repealed by Act of 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).)

## § 43

### *Ship's service regulations etc.*

All shall comply with such service regulations as have been made. Each person shall treat his colleagues on board with due consideration.

The master shall take charge of the seaman's passport for safe keeping and if the seaman so requests, his sea service book, certificate or other seaman's documents.

On Sunday and holy days those who so desire shall be given the opportunity to hold divine service on board.

## § 44

### *A seaman's right to go ashore during his free time*

During the ship's stay in port or at any other safe anchorage, a seaman shall be entitled to go ashore during his free time, unless he is required on board to safeguard the persons on board, the ship or the cargo, to carry out necessary work on the ship or because of the impending departure or shifting of the ship.

If a seaman is ordered to remain on board during his free time without being ascribable to his own circumstances or due to the local authorities denying him shore leave, he shall be entitled to suitable recompense.

Once a month during the ship's stay as mentioned above, a seaman shall be entitled to go ashore in his free time, on a day on which shops and offices are open, to attend to his personal affairs after midday or at such other time as may be agreed upon. If the ship's stay is for less than 48 hours, such a right shall be subject to the conditions that the departure of the ship is not thereby delayed.

Where possible, and paying due regard to costs and other circumstances, the master shall provide a boat service free of charge to enable the crew to exercise their right to go ashore.

## § 45

### *Personal effects on board ships*

Any person may bring with him a reasonable number of articles for his personal use, provided this does not involve inconvenience to the ship or cargo or lead to a risk of untidiness on board. He shall not bring on board any goods for sale for his own or another person's account without the shipping company's permission.

If anyone brings goods on board unlawfully, he shall be required to pay freight on them and to pay compensation for any damage caused in accordance with existing rules.

It shall be prohibited to bring on board drugs or other dangerous toxic substances. Nor may anyone bring with him arms of ammunition without the master's permission.

If the master has reason to suspect that anything is brought on board unlawfully, he may cause the crew's lockers to be searched in the presence of those concerned.

The master may take charge of anything that has been unlawfully taken on board, have it brought ashore or, if need be, have it destroyed.

## § 46

### *Personal effects abandoned on board*

The master shall take charge of any effects left on board by as seaman upon the termination of the employment relationship, and take an inventory thereof in the presence of witnesses. The effects and inventory shall be delivered to the nearest seaman's office Norway or to the nearest Norwegian foreign service station if the ship is abroad and is not due to call a Norwegian port in the near future.

Articles which cannot be stored or forwarded, may sold in such a way as to obtain the best price. The same shall apply if the effects cannot be stored without considerable expense or inconvenience, or if the seaman makes no demand for their delivery within one year following the termination of the employment relationship.

The King may issue more details regulations for the procedures under the provisions of the first and second paragraphs.

## § 47

### *Compensation for loss of effects*

If a seaman loses his effects or they are damaged on board as result of the loss of the ship, piracy, other shipwreck or other accident overtaking the ship, the shipping company shall pay compensation in accordance with regulations prescribed by the King. No deduction shall be made in respect of any clothing under the second paragraph of § 18.

The shipping company shall likewise compensate articles for personal use which the seaman keeps on board, or articles which the ship has in store for him, and which he loses or which are damage in other ways than those mentioned in the first paragraph. The compensation may be reduced on account of the seaman's own behaviour and the circumstances otherwise. The King may issue regulations on terms for, and the amount of, compensation under this paragraph.

## § 48

### *Use of force*

(Repealed by Act of 16 February 2007 No. 9 (in force on 1 July 2007 pursuant to decree of 16 February 2007 No. 170).)

## § 49

### *The master's duties if felonies are committed on board*

If a punishable act of more serious nature is committed on board, and the ship is not in Norwegian port, the master shall as soon as possible undertake an investigation, secure evidence and prepare statements in accordance with the rules in § 16. This shall, however, not be apply where the felony has been committed on foreign soil and is being prosecuted by the local authorities.

The master shall take every precaution that the suspect does not escape while the case is being referred to a Norwegian foreign station or the police in Norway. If necessary, the master have the suspected placed under arrest or use other means of correction, but the master may not treat him more harshly than necessary for the purpose.

The King may issue regulations on the measures which the master and/or the foreign service station may take on board in connection with a punishable act as mentioned in the first paragraph.

## Chapter IV Disputes

## § 50

### *Settlement of disputes between master and crew abroad*

If, while the ship is in a foreign country, a dispute arises between the master and the crew regarding the settlement of wages, the ship service or the employment relationship in general, the case shall be referred to a Norwegian foreign service station. The dispute shall not be brought before foreign authorities. As regards lawsuits against the shipping company relating to compensation for occupational injuries, they may only be brought before a court of justice in Norway.

The foreign service station shall render its decision in the case, after hearing the statements of the parties.

The decision is binding on the parties, but may within 6 months be brought before the courts in Norway §§ 153–158 of the Act of 13 August 1915 number 5 relating to the Courts of Justice shall apply correspondingly. Against a seaman

who has no venue in Norway, proceedings may be brought in the judicial district where the ship is registered. The same shall apply when a case concerns two or more seaman with different venues.

If the decision relates to payment of a sum exceeding 10 percent of the basic amount in the Act relating to National Insurance and the decision is not accepted, the foreign service station may, where the circumstances render it desirable, order all or part of the amount to be deposited with the station. The sum deposited shall be sent to the authority designated by the King together with a copy of the decision. The sum shall be paid out after the expiry of the six-month time limit referred to in the third paragraph or, if the case is taken to court, when the case has been determined by final judgement or has been discontinued without a judgement.

The King may issue regulations on the handling of cases under this section, including increasing or decreasing the value limit prescribed in the preceding paragraph. Limitations on the use of an authorized agent during the proceedings in accordance with § 12 of the Act of 10 February 1967 relating to general rules governing administrative proceedings, may also be made.

The King may decide by way of regulations that this § shall not be made applicable to certain cases.

## Chapter V Miscellaneous provisions

### § 51

#### *Loans from Norwegian foreign service stations*

A seaman resident in Norway who is abroad without the necessary means of support shall have the right to obtain a loan from the Norwegian foreign service station. The King shall issue regulations concerning the said loans, including provisions for the repayment of the loan by deductions from the seaman's wages.

### § 52

#### *Rules to be available to the crew*

The master shall arrange for a copy of this Act and of the regulations issued by virtue of this Act to be kept on board and available to the crew. Where an employment agreement contains a reference to a collective wages agreement, the master shall arrange for a copy of the agreement to be kept on board for the use of the crew.

### § 53

#### *The duty of the master to appear in person at the foreign service station*

While the ship is in a port where there is a Norwegian foreign service station, the master shall report in person to the foreign service station at the request of the head of such station and as far as possible provide such information relating to the ship, its crew and other matters as the foreign service station may require.

### § 54<sup>1</sup>

#### *The state's right to recover expenses*

Expenses incurred by the State for which the shipping company is liable under this Act provide grounds for enforcement of attachment.

Application for attachment must be lodged within 2 years after the expenses were incurred.

<sup>1</sup> Amended by Act of 26 June 1992 No. 86.

### § 54A<sup>1</sup>

A register of Norwegian seamen and foreign seamen on Norwegian ships may be established. The Ministry, or whosoever it authorizes to do so, will stipulate further regulations for the register including regulations governing the selection of information it will contain, how it will be organized and maintained and the compulsory release of information to the register.

<sup>1</sup> Laid down by Act of 16 December 1988.

## § 55

### *Entry into force etc.*

This Act shall enter into force at such date as the King shall decide.

On the same date the Seaman's Act of 17 July 1953 No. 25 shall be repealed. Regulations issued in pursuance of the said Act shall, however, continue to apply, insofar as they do not conflict with this Act, until they may be replaced or amended by the authority concerned.

Funds mentioned in § 70 of the Seaman's Act of 17 July 1953 No. 25 and the interest accrued therefrom shall be utilized as prescribed in the final sentence of the last paragraph of § 22.