

Translation. Only the Danish document has legal validity.

Order no. 476 of 17 June 1999 issued by the Danish Maritime Authority

Order on medical examinations of divers

In pursuance of section 6 (1) and section 20 of Act no. 307 of 17 May 1995 on diving operations and diving equipment, etc. by authority granted in Order no. 694 of 17 August 1995, and after consultation with the National Board of Health, the following provisions are laid down:

Section 1. This Order shall apply to persons carrying out diving operations.

Subsection 2. Before an applicant is admitted to an approved diving school, the person shall have subjected to a medical examination in accordance with the guidance in force issued by the Danish Maritime Authority.

Medical examinations of divers carrying out diving operations

Section 2. Divers carrying out diving operations shall hold a certificate certifying that they have been subjected to a medical examination for divers valid for the diving operations in question.

Section 3. During the examination, which is to be carried out using a common language, the medical practitioner shall assess whether the physical and mental condition of the diver is such that the diver/applicant is fit for diving operations, cf. the above-mentioned guidance.

Subsection 2. In case anyone subjected to the medical examination is found to suffer from one or more the diseases listed in the guidance, the approved medical practitioner shall assess whether the person in question is to be considered fit or unfit for the relevant work or whether the fitness is to be restricted in terms of time or field of work. Where it is expressly given in the guidance that the disease leads to unfitness, the medical practitioner shall declare the person in question unfit.

Subsection 3. The result of the examination shall be entered in the diving certificate by the medical practitioner.

Section 4. In Denmark, medical examinations pursuant to section 3 may be carried out only by special diving medical practitioners appointed by the Danish Maritime Authority.

Section 5. At intervals of not more than one year, divers shall be found fit for carrying out diving operations at medical examinations.

Subsection 2. As regards diving applicants, no more than three months shall pass between the medical examination and the initiation of the diving training programme.

Section 6. The Danish Maritime Authority may require that divers holding a valid diving certificate are subjected to a new medical examination by a medical practitioner assigned by the Danish Maritime Authority when it may, on the basis of available health information, be considered doubtful whether the diver is still fit for diving operations. Such examinations shall be free of charge for the diver.

Withdrawal of diving certificate

Section 7. If the diver does not meet the health requirements stipulated, the diving certificate shall lose its validity and be withdrawn by the Danish Maritime Authority. The same shall apply if a diver denies to be subjected to a medical examination as described under section 5 and section 6.

Subsection 2. A withdrawal of a diving certificate may be requested brought before the courts by the person whom the decision concerns. Such requests shall be presented to the Danish Maritime Authority within four weeks after the person in question has been informed about the decision.

Subsection 3. When the withdrawal of a diving certificate is requested brought before the courts, the Danish Maritime Authority shall file a case against the diver in question pursuant to civil procedure forms.

Subsection 4. Requests to have a decision in accordance with subsection 1 brought before the courts shall have delaying effects. However, the Danish Maritime Authority may decide that a request shall not have delaying effects. This decision may be annulled by order by the court before a decision is made about the issue of the validity of the withdrawal.

Section 8. A withdrawn diving certificate shall be returned to the Danish Maritime Authority.

Subsection 2. The Danish Maritime Authority may at any time return a diving certificate withdrawn under section 7 when the conditions that justified the withdrawal are no longer considered present.

Subsection 3. If an application for return is rejected, the applicant may request the issue brought before the courts. If the case has previously been brought before the courts, the case may, however, be brought before the courts only if at least one year has elapsed since the withdrawal has most recently been confirmed by judgment. Section 7 (3) shall apply by analogy.

Diving medical practitioners

Section 9. The Danish Maritime Authority shall appoint diving medical practitioners when the medical practitioners have passed a course approved by the Danish Maritime Authority.

Subsection 2. The Danish Maritime Authority may appoint other medical practitioners as diving medical practitioners if they have a thorough knowledge of diving medicine.

Subsection 3. The Danish Maritime Authority shall appoint medical practitioners for a period of five years and shall determine the conditions of the performance.

General provisions

Section 10. Medical examinations of divers shall, insofar as possible, take place in Denmark.

Section 11. The Danish Maritime Authority shall determine the contents and form of the diving certificate and approve the medical certificate form to be used.

Complaints

Section 12. Within four weeks from the medical examination, the diver or the applicant may bring the result of a medical examination pursuant to section 4 before the Danish Maritime Authority.

Entry into force and interim provisions

Section 13. This Order shall enter into force on 1 September 1999.

Subsection 2. Order no. 501 of 25 November 1985 on medical examinations of professional diving applicants and professional divers shall be repealed at the same time; however, medical examinations carried out pursuant to the provisions of the repealed Order shall remain valid; however not for more than 12 months from the entry into force of this Order.

Danish Maritime Authority, 17 June 1999

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