

Translation: Only the Danish document has legal validity

Act no. 374 of 1 May 2018
issued by the Danish Maritime Authority

Act amending the Act on Safety at Sea and the Merchant Shipping Act

(Tightened rules for operating speed boats, water scooters and similar vessels, etc.)

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby make known:

Folketinget has passed and We have provided the following Act with our Royal Assent:

Section 1

The Act on Safety at Sea (*lov om sikkerhed til søs*), see Consolidated Act no. 72 of 17 January 2014, as amended by, *inter alia*, section 5 of Act no. 1384 of 23 December 2012, section 3 of Act no. 618 of 12 June 2013, section 2 of Act no. 400 of 2 May 2016 and section 38 of Act no. 426 of 18 May 2016 and most recently by section 1 of Act no. 139 of 28 February 2018, is amended as follows:

(i) *Section 20 a(1), first sentence*, is worded as follows:

“The Danish Maritime Authority may as part of its supervisory activities under this Act also supervise the compliance with the Act on Smoke-free Environments (*lov om røgfrie miljøer*) and Part 2 of the Electronic Cigarettes etc. Act (*lov om elektroniske cigaretter m.v.*) on board Danish ships and with the compliance with the Act on Seafarers’ Conditions of Employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), the Act on the Manning of Ships (*lov om skibes besætning*), the Act on the Tonnage Measurement of Ships (*lov om skibsmåling*), sections 153, 154 a and 168, section 169(4), section 170, section 170 a(2) and (3), and sections 186, 197, 198, 403 a-403 c, 440, 471 and 486 of the Merchant Shipping Act (*søloven*) and rules issued in pursuance thereof and EU regulations within the scope of application of the said acts.”

(ii) The following is inserted in *section 32* as a new subsection after subsection (6):

“*Subsection 7*. If it is considered necessary in order to prevent any further violations of the Act or rules issued in pursuance thereof, a speed boat with a hull length of less than 15 metres, a water scooter or a similar vessel for which training requirements are prescribed for the master or mate, if any, may become subject to forfeiture where the master has repeatedly navigated or handled the vessel in a manner contrary to good seamanship, or where the navigation of the vessel has caused a gross violation of the Act or rules issued in pursuance thereof, resulting in injury to life or health or a risk thereof. Under similar conditions, a vessel which is owned by the person committing the violation may be confiscated even if the vessel concerned was not used during the violation. The provisions on forfeiture of the Danish Criminal Code (*straffeloven*) generally apply.”

Subsections (7) to (11) then become subsections (8) to (12).

(iii) In *section 32(10), first sentence*, which becomes subsection (11), first sentence, “subsection (9)” is amended into: “subsection (10)”.

(iv) In *section 32(11)*, which becomes subsection (12), “subsection 8” is amended into:

“subsection (9)”.

Section 2

The Merchant Shipping Act (*søloven*), see Consolidated Act no. 75 of 17 January 2014, as amended by, *inter alia*, section 1 of Act no. 1384 of 23 December 2012 and section 3 of Act no. 400 of 2 May 2016 and most recently by section 2 of Act no. 139 of 28 February 2018, is amended as follows:

(i) The following is inserted in *Part 7* after section 152:

“**Section 152 a.** A person who is responsible for a speed boat with a hull length of less than 15 metres, a water scooter or a similar vessel for which training requirements are prescribed for the master or mate, if any, is, irrespective of guilt, liable for personal injury and loss of dependency caused by the vessel in connection with an accident at sea.

Subsection 2. Compensation for personal injury or loss of dependency may be reduced or lapse if the injured or deceased person intentionally contributed to the injury or damage. Moreover, the compensation may be reduced and in special cases lapse if the injured or deceased person contributed to the injury or damage by gross negligence.

Subsection 3. Subsections (1) and (2) apply correspondingly to a foreign speed boat with a hull length of less than 15 metres, a water scooter or a similar vessel, provided that the master or mate, if any, see subsection (1), would be subject to training requirements had the vessel been Danish.

Subsection 4. The liability in damages under subsection (1) rests with the person using the vessel or allowing the vessel to be used. The master of the vessel or the mate, if any, as well as its owner if different from the person referred to in the first sentence, are liable in damages under the general rules of Danish law.”

(ii) The following is inserted after section 154:

“**Section 154 a.** A vessel which is comprised by section 152 a(1) must be covered by insurance for claims for injury or damage caused by the vessel in connection with an accident at sea. Such insurance must allow for the possibility of obtaining compensation within the limits of liability stipulated in section 175. The duty to take out insurance rests with the person using the vessel or allowing the vessel to be used.

Subsection 2. For vessels which are used or allowed to be used by a central government without the vessel being covered by section 155, or which are used or allowed to be used by a local government or a region, self-insurance is equivalent to insurance.

Subsection 3. During sailing, the master shall be in possession of a certificate confirming that insurance has been taken out or proof of self-insurance, see subsections (1) and (2). The vessel may not be used without a valid certificate or proof of self-insurance. The certificate or proof of self-insurance must be presented to the authorities on request.

Subsection 4. The Danish Maritime Authority may lay down more detailed rules on insurance, see subsections (1) and (2), including on insurers’ duty to issue insurance, a guarantee scheme for compensation, liability insurance for foreign vessels and requirements for the layout and issue of the certificate or proof referred to in subsection (3).

Section 154 b. The insurer is directly liable for compensation to the injured party under section 154 a(1).

Subsection 2. An agreement between the insurer and the insured to the effect that the insurer has a right of recourse against the person responsible for the injury or damage under section 152 a(4) where the insurance event is caused by the responsible person by negligence, only has legal effect if the insurance event is caused by negligence which may be characterised as gross recklessness.”

- (iii) In *section 155(3)*, the following is inserted after “Part 11”: “and Part 15”.
- (iv) In *section 161*, the following is inserted as *subsection (6)*:
“*Subsection 6.* Subsections (1) to (3) and subsection (5) do not apply to personal injury and loss of dependency where at least one vessel involved is covered by section 152 a.”
- (v) In *section 162*, the following is inserted as the *second sentence*:
“However, this does not apply to personal injury and loss of dependency where at least one vessel involved is covered by section 152 a.«
- (vi) In *section 514(1)*, the following is inserted after “section 153(1), (3) or (4),”:
“section 154 a(1) or (3),”.
- (vii) Section 515 b is worded as follows:

“**Section 515 b.** Pursuant to section 20 a of the Act on safety at sea, the Danish Maritime Authority may supervise the compliance with sections 153, 154 a and 168, section 169(4), section 170, section 170 a(2) and (3), and sections 186, 197, 198, 403 a-403 c, 440, 471 and 486 of this Act and rules issued in pursuance thereof.”

Section 3

Subsection 1. The Act enters into force on 15 May 2018.

Subsection 2. Rules laid down pursuant to section 32(8) of the Act on safety at sea, see Consolidated Act no. 72 of 17 January 2014, remain in force until they are repealed or replaced by new rules.

Section 4

Subsection 1. This Act does not apply to the Faroe Islands and Greenland, but see subsections (2) to (4).

Subsection 2. This Act may, by Royal Decree, be brought into force in full or in part for Greenland, subject to any variations necessitated by the specific conditions prevailing in Greenland.

Subsection 3. Section 2 may, by Royal Decree, be brought into force in full or in part for the Faroe Islands, subject to any variations necessitated by the specific conditions prevailing on the Faroe Islands.

Subsection 4. Parts of the Act may furthermore be brought into force for the Faroe Islands and Greenland at different times.

Given at Amalienborg on 1 May 2018

Under Our Royal Hand and Seal

MARGRETHE R.

/ Brian Mikkelsen