

Technical Regulation on passenger lifts on board ships¹⁾

The following is laid down pursuant to Section 3, Section 17(5), Section 22 and Section 32(4) of the Act on safety at sea, cf. Consolidated Act no. 627 of 26 July 2002, as amended by Act no. 1173 of 19 December 2003, Act no. 1231 of 27 December 2003 and Act no. 1465 of 22 December 2004 and by Decree no. 607 of 25 June 2001 on the entry into force for Greenland of the Act on safety at sea and Decree no. 212 of 23 March 2005 on the entry into force for Greenland of Act no. 1173 of 19 December 2003 amending the Act on safety at sea, the Act on the crew of ships, the Act on diving and diving equipment, etc. and various other acts as well as the Act on the repeal of the Act on tonnage measurement of ships and Decree no. 213 of 23 March 2005 on the entry into force for Greenland of parts of Act no. 1231 of 27 December 2003 amending the Act on safety at sea and the Seaman's Act and following consultation with the Greenland Home Rule and authorisation pursuant to Order no. 154 of 10 March 2005:

Application

Section 1. This Regulation shall apply to passenger lifts in all ships with a gross tonnage of 20 and above, except Section 3, which only applies to ships the keels of which were laid or which were at a similar stage of construction on or after 1 November 1997.

Definition

Section 2. For the purposes of this Regulation, "passenger lift" shall mean: permanently installed lifting apparatus for the carriage of persons and/or cargo between fixed levels by means of a car (cabin), the dimensions and design of which clearly allow access to persons.

Construction, installation and initial survey

Section 3. The construction and installations of passenger lifts shall be carried out in accordance with ISO 8383 and DS/EN 81-1 and the regulations for lifts of an approved organisation.

Subsection 2. When constructing and installing passenger lifts, consideration shall be made to the to ensure the safe access for persons with reduced mobility as stated in Notice from the Danish Maritime Authority B, chapter B II-3, regulation 30 and Notice from the Danish Maritime Authority D, chapter II-3, regulation 28.

Subsection 3. Documentation stating that the above provisions have been complied with shall be sent to the Danish Maritime Authority, and new installations shall be inspected by the Danish Maritime Authority before being put into service, whereupon an approval certificate shall be issued.

Subsection 4. The Danish Maritime Authority may authorise undertakings or individuals to partly or wholly carry out an inspection in connection with putting into service and the issuing of an approval certificate.

¹⁾ This Regulation has been notified in draft form in accordance with European Parliament and Council Directive 98/34/EC (the Information Procedure Directive), most recently amended by Directive 98/48/EC.

Subsection 5. The approval certificate shall be displayed in the lift car.

Annual periodical inspections and checks, etc.

Section 4. An annual periodical inspection shall be carried out on passenger lifts and their fittings in accordance with the requirements of ISO 8383 and DS/EN 81-1 concerning regular inspections and tests. An inspection report shall be drawn up, which shall be kept on board.

Subsection 2. Following a satisfactory periodical inspection, an approval certificate shall be issued. The approval certificate shall be issued by the person who has inspected the lift.

Subsection 3. The approval certificate shall be displayed in the lift car.

Section 5. In addition, a check of passenger lifts and their fittings shall be carried out once a month in accordance with the manufacturer's instructions.

Section 6. The Danish Maritime Authority may permit the required periodical inspections and checks to be carried out by the ship's chief engineer, engineer or electrician on condition that the person carrying out the inspection or check has attended a course approved the Danish Maritime Authority on the maintenance and inspection of lifts.

Subsection 2. The Danish Maritime Authority may authorise undertakings or individuals to carry out the required periodical inspections and checks.

Equivalent and testing

Section 7. The provisions of this Regulation shall not prevent the use on board of other equipment, materials, arrangements, apparatus etc. or the implementation of other measures which provide at least the same degree of safety as stipulated by this Regulation.

Subsection 2. The Danish Maritime Authority shall accept tests that have been carried out by approved testing bodies, including testing bodies in other EU Member States as well as in countries signatory to the EEA Agreement as well as Turkey, and which provide appropriate and satisfactory guarantees of the technical, professional and independent nature of the tests.

Penalties and entry into force etc.

Section 8. Contravention of this Technical Regulation shall be punished with a fine or imprisonment of up to one year.

Subsection 2. The penalty may increase to imprisonment of up to 2 years, if

- 1) the contravention has caused harm to life or health or led to the risk thereof,
- 2) a ban or order has previously been issued regarding the same or equivalent circumstances, or
- 3) the contravention resulted in, or was intended to result in, financial gain for the party concerned or for others.

Subsection 3. It shall be deemed particularly aggravating circumstances if young people under the age of 18 have suffered damage to life or health or there has been the risk thereof, cf. subsection 2, point 1.

Subsection 4. If the profits gained through the contravention are not confiscated, when the fine is meted out, including supplementary fines, particular consideration shall be given to the size of the financial gain or intended financial gain.

Subsection 5. Criminal liability may be incurred by companies etc. (legal entities) in accordance with the rules of Chapter 5 of the Penal Code.

Section 9. If the circumstance is covered by the Decree concerning the entry into force for Greenland of the Act on safety at sea, measures may be prescribed pursuant to the Criminal Code for Greenland.

Subsection 2. The circumstances referred to in Section 8(2) and (3) shall be regarded as aggravating circumstances.

Subsection 3. If the profits gained through the contravention are not confiscated, cf. Section 116(1) of the Penal Code, particular consideration shall be given to the size of the financial gain or intended financial gain when meting out the fine, including supplementary fines.

Subsection 4. If a contravention is committed by companies etc. (legal entities), liability to pay a fine may be incurred by the legal entity as such. If the contravention is committed by the State, Greenland's Home Rule, a municipality, a municipal cooperative covered under Section 64 of the Landsting Act on municipal councils and local authorities etc. or a local authority, liability to pay a fine may be incurred by the relevant public authority as such.

Subsection 5. If the relevant party is not resident in Greenland, or their connection to Greenland society is otherwise so remote that the prerequisites for measures to be taken do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark.

Section 10. This Regulation shall enter into force on 1 January 2006.

Subsection 2. At the same time, Technical Regulation no. 7 of 3 July 1997 on passenger lifts on board ships shall be repealed.

Danish Maritime Authority, 15 November 2005

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