

Translation. Only the Danish document has legal validity.

Consolidated act no. 43 of 2 February 1993 issued by the Danish Maritime Authority

Consolidated act on the tonnage measurement of ships

(as amended by act no. 1173 of 19 December 2003 and act no. 493 of 12 May 2010)

The act on tonnage measurement of ships, cf. consolidated act no. 581 of 29 September 1988, is hereby promulgated with the amendments following from act no. 1005 of 19 December 1992.

Section 1. For the purposes of this act, the “convention” shall mean the International Convention on Tonnage Measurement of Ships, 1969.

Section 2. Danish ships with a length of or above 24 metres, except for warships, shall be measured and issued with a valid international tonnage certificate (1969), cf. however section 13(2) and (3). The length of the ship shall be determined in accordance with article 2(xiii) of the convention.

Subsection 2. The Danish Maritime Authority may, in special circumstances, exempt a ship from measurements.

Subsection 3. Foreign ships may be measured and issued with a tonnage certificate pursuant to the provisions of article 8 of the convention.

Subsection 4. The Minister of Industry may determine that the provisions of the act, with the limitations following from international contracts and agreements with other states, shall be applied to foreign ships when calling at Danish ports.

Subsection 5. For ships below 24 metres in length, the Minister of Industry shall lay down more detailed regulations on the measurement and issuing of tonnage certificates.

Section 3. The measurement shall be carried out according to the provisions of appendix I to the convention.

Subsection 2. A ship that has been measured and issued with a tonnage certificate shall be re-measured if, following the measurement of the ship, alterations – including alterations to the use of spaces or to the number of passengers that the ship is permitted to carry – are made affecting its gross or net tonnage. However, the net tonnage of a ship shall not be reduced prior to the expiry of 12 months from the issue of the tonnage certificate unless the ship has been subject to considerable modifications or alterations.

Subsection 3. Furthermore, re-measurements shall be made if the Danish Maritime Authority so requires.

Section 4. The measurement shall be made by classification societies, other companies or individual persons who are authorised to do so by the Danish Maritime Authority on more detailed conditions.

Section 5. On the basis of the measurement, the authorised company or person, etc., cf. section 4, shall issue an international tonnage certificate (1969).

Subsection 2. The tonnage certificate shall be made in accordance with article 9(2) of the convention on a form approved by the Danish Maritime Authority.

Subsection 3. Changes or additions to the tonnage certificate shall be made only by the Danish Maritime Authority or by a person or institution, etc. authorised by the Danish Maritime Authority to do so.

Section 6. The tonnage certificate shall be available on board and shall be presented to the relevant authorities upon request.

Section 7. The Danish Maritime Authority may, pursuant to section 20a of the act on safety at sea, monitor compliance with this act and the regulations issued pursuant hereto.

Subsection 2. The Danish Maritime Authority shall have the right to embark any Danish ship and ship under conversion at Danish expense as well as any foreign ship calling at a Danish port to carry out control measurements and to check that the ship holds a prescribed tonnage certificate. The shipowner and master as well as anyone acting on their behalf shall be obliged to offer the necessary assistance to the Danish Maritime Authority in its work and to provide any necessary information requested.

Section 8. The tonnage certificate shall cease to be valid if such alterations are made to a ship's arrangement, construction and capacity, use of spaces, the permitted number of passengers, the assigned load line or the ship's permitted draught that will involve an increase of the ship's gross or net tonnage.

Subsection 2. If a ship issued with an international tonnage certificate (1969) is transferred to Danish ownership, the tonnage certificate shall remain valid until the ship's first arrival at a Danish port, however not for longer than a period of three days from the date of the ship's notification for registry in the Ship Registry or the Danish International Ship Registry.

Subsection 3. A tonnage certificate that has ceased to be valid shall immediately be sent by the shipowner or master to the authorised person, company, etc., cf. section 4, unless it ceases to be valid because the ship has been transferred to foreign ownership.

Section 9. (Repealed)

Section 10. If the Danish Maritime Authority finds that special circumstances so necessitates, the Danish Maritime Authority may carry out a measurement and subsequently issue a tonnage certificate.

Subsection 2. The Danish Maritime Authority may require payment from the shipowner for the measurements as well as for the issuance of a tonnage certificate. More detailed regulations on the size of the payment and its settlement shall be determined by the Minister of Industry.

Subsection 3. The fee that shall go to the Treasury may be recovered by distraint.

Subsection 4. Classification societies, other companies or individual persons authorised by the Danish Maritime Authority to carry out measurements, cf. section 4, and issue tonnage certificates, cf. section 5, shall be authorised to requirement payment for measurement activities.

Section 10a. The Minister of Economic and Business Affairs may lay down regulations on the access to complain, including that complaints about the Danish Maritime Authority cannot be brought before any higher administrative authority.

Section 10b. The Minister of Economic and Business Affairs may lay down regulations stipulating that reportings and other notice to be given according to the act shall be made digitally and that communication between the Danish Maritime Authority and the company in connection herewith shall be digital. In this connection, the Minister of Economic and Business Affairs may lay down regulations on the transition to digital reporting and on the use of specific computer systems, special digital formats and digital signature. Furthermore, the Minister may lay down regulations stipulating that the Danish Maritime Authority may exempt a company from digital reporting and digital communication when very special circumstances apply.

Subsection 2. The Minister of Economic and Business Affairs may lay down regulations stipulating that the Danish Maritime Authority may issue certain types of documents without a signature or with a mechanically given signature or in a similar way so that such documents are, in legal terms, equal to a document with a personal signature. In regulations issued pursuant to the first clause, it may be stipulated that decisions exclusively made on the basis of electronic data processing may be issued only giving the Danish Maritime Authority as the sender.

Section 11. Contraventions of section 2(1), section 3(2), section 5(3), section 6, section 7 and section 8(3) shall be liable to punishment by fine.

Subsection 2. In regulations issued pursuant to the act, punishment by fine may be determined for contraventions of the provisions of the regulations.

Subsection 3. If the contravention has been committed by a limited liability company, a cooperative society or the like, the company as such may be liable to punishment by fine.

Section 12. In act no. 364 of 22 December 1954 on the tonnage measurement of ships, section 1(1) shall be as follows:

“All Danish ships, cf. section 1 of the merchant shipping act (*søloven*), not covered by the act on tonnage measurement of ships (*lov om skibsmåling*) shall be measured, marked and issued with a tonnage certificate in accordance with the provisions laid down in this act.”

Section 13. The date of the entry into force of this act shall be determined by the Minister of Industry.¹

¹ The act was put into force on 18 July 1982 by order no. 333 of 21 June 1982.

Subsection 2. The act shall apply to:

- a) ships the keel of which are laid or which are at a similar stage of construction on or after the date on which the act enters into force;
- b) ships which are subject to alterations or modifications after the entry into force of the act that lead to changes to their gross tonnage to a considerable degree;
- c) ships upon the request of the shipowner.

Subsection 3. The act shall also apply to all ships when 12 years have passed after the entry into force of the convention. However, the tonnages applicable to such ships previously shall continue to apply as regards requirements laid down pursuant to other international conventions acceded to by Denmark.

Section 14. The act shall not apply to the Faroe Islands and Greenland, but may be put into force for Greenland by royal decree with the deviations following from the special Greenland conditions.²

Act no. 1005 of 19 December 1992 contains the following entry into force provisions:

Section 2. This act shall enter into force on 1 January 1993.

Section 3. The act shall not apply to the Faroe Islands and Greenland, but may be put into force for Greenland by royal decree with the deviations following from the special Greenland conditions.

Danish Maritime Authority, 2 February 1993

Hans Christensen / J. Rasmussen

² The act was put into force for Greenland on 18 July 1982 by royal decree no. 394 of 5 July 1982.