

Translation: Only the Danish document has legal validity.

*Order no. 766 of 20 of June 2024
issued by the Danish Maritime Authority*

Order on Executive order on life jackets on small vessels

Pursuant to Section 1(2), Section 3(1)(6) and Section 32(10) of the Act on Safety at Sea, cf. Consolidation Act no. 221 of 11 February 2022, as amended by Act no. 1773 of 28 December 2023 and Section 1(2), Section 3(1) and Section 32(2) of the Order on the entry into force for Greenland of the Act on Safety at Sea, cf. Consolidated Order no. 1674 of 16 December 2015, shall be determined by authorisation pursuant to Section 1(1)(3) of Executive Order no. 261 of 23 March 2020 on the delegation of certain powers to the Danish Maritime Authority and on the right of appeal, etc., and Section 1(1)(2) of Executive Order no. 279 of 23 March 2020 for Greenland on the delegation of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Scope and definition

Section 1. This Executive Order applies to all vessels not required to carry life jackets under other regulations.

Section 2. For the purposes of this Executive Order, vessel means any device, such as commercial vessels, boats, dinghies, barges, jet skis, windsurfers, surfboards, paddleboards, etc., used by persons on the water, regardless of the means of propulsion, with the exception of ships' lifeboats and bathing equipment used exclusively on the shore.

Requirements for safety equipment, etc.

Section 3. All vessels that are not moored in port must carry life jackets or buoyancy vests of the correct size for all persons on board, cf. subject to Subsections 3 and 4. Life jackets and buoyancy vest must be SOLAS or EU type approved and labelled with either the Council mark¹⁾ or CE mark.

Subsection 2. It is the responsibility of the master of the vessel to ensure that an approved life jacket or buoyancy vest of the correct size is on board for each person.

Subsection 3. In competition, sea and water sports, the master of the vessel may choose to follow the safety regulations of the relevant sea and water sports federation if these provide equivalent safety to that intended under Subsection 1.

Subsection 4. Divers transported in vessels covered by this regulation may use the ascent vests used with the diving equipment instead of life jackets or buoyancy vests.

Subsection 5. Vessels used under supervision in shallow water areas in amusement parks and the like may, after authorisation from the Danish Maritime Authority, be exempted from complying with this Executive Order. The authorisation must be presented to the police or other relevant authorities upon request. The authorisation may be revoked by the Danish Maritime Authority if circumstances give cause to do so.

Subsection 6. It is the responsibility of the vessel's captain to ensure that the instructions for the user and weight limits, etc., of each life jacket or buoyancy vest are followed at all times.

Section 4. Violation of Section 3 of this Executive Order is punishable by a fine or imprisonment for up to 1 year.

Subsection 2. The penalty can increase to imprisonment of up to 2 years if:

- 1) The infringement has caused harm to life or health or has created a danger thereof,
- 2) A prohibition or an order has previously been issued in respect of the same or a similar matter;
or
- 3) The infringement has resulted in or is intended to result in a financial benefit for the person concerned or for others.

Subsection 3. It shall be regarded as a particularly aggravating circumstance that, in the case of a young person under 18 years of age, harm to life or health has occurred or danger thereof has been caused, cf. Subsection 2(1).

Subsection 4. Where no confiscation of the proceeds of the infringement is ordered, the amount of any financial advantage obtained or intended shall be taken into account, in particular, in the assessment of any fine, including any additional fine.

Subsection 5. Criminal liability may be imposed on companies, etc., or other legal persons in accordance with the rules laid down in Chapter 5 of the Criminal Code.

Section 5. If the matter is covered by an order on the entry into force for Greenland of the Act on Safety at Sea, measures may be taken in accordance with the Criminal Code for Greenland.

Subsection 2. The circumstances referred to in Section 4(2) and (3) shall be regarded as aggravating circumstances.

Subsection 3. If no confiscation of proceeds is made, cf. Section 120 of the Criminal Code for Greenland, the amount of any financial benefit obtained or intended shall be taken into account, in particular, when imposing a fine, including an additional fine.

Subsection 4. Where an infringement is committed by companies, etc., or other legal persons, the legal person as such may be held liable to pay a fine. If the infringement is committed by the State, the Government of Greenland, a municipality, or a settlement board, the public authority as such may be held liable to a pay fine.

Subsection 5. If the person concerned is not resident in Greenland, or their connection with Greenlandic society is of such a loose nature that the conditions for the application of measures are not met, the case may be brought or referred for prosecution in Denmark, cf. Section 7 of the Criminal Code for Greenland.

Entry into force

Section 6. The Executive Order will enter into force on 1 July 2024

Subsection 2. Executive Order no. 848 of 14 October 1992 on life jackets on small vessels is repealed.

Danish Maritime Authority, 20 June 2024

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¹⁾ Executive Order no. 422 of 17 May 2016 on equipment on ships