

# **Regulations of 3 March 2009 No. 259 on requirements for minimum age and boating licence, etc. for masters of recreational craft**

**Legal basis:** Laid down by the Norwegian Maritime Authority on 3 March 2009 under the Act of 26 June 1998 No. 47 relating to Recreational and Small Craft sections 20(2), 26, 26b cf. 31, cf. Formal Delegation of 31 May 2007 No. 591.

**Amendments:** Amended by Regulation of 27 April 2012 No. 370.

## Chapter I. General provisions

### Section 1 *Scope of application*

These Regulations shall apply to owners and masters of Norwegian recreational craft in Norwegian territory, including Svalbard and Jan Mayen, which;

- a) are less than 15 metres in length (49.21 feet)
- b) have an engine with a greater effect than 10 HP/7.5 kW or
- c) are capable of reaching a speed of 10 knots or more (18.5 km/h).

These Regulations do not apply to masters of:

- a) recreational craft intended solely for organized racing and training, with the exception of section 6,
- b) rowing boats, canoes and kayaks.

### Section 2 *Definitions*

For the purpose of these Regulations, the following definitions shall apply:

- a) “*Boating licence*”: Certificate of proficiency issued pursuant to these Regulations.
- b) “*The Boating Licence Register*”: A central register containing information about personalia, passed boating exam and issued boating licence pursuant to these Regulations.
- c) “*Owner*”: The owner or the person having disposal of the craft on behalf of the owner.
- d) “*Recreational craft*”: Any floating device which is intended for use and capable of moving on water, with a length of less than 15 metres and which is not used for commercial purposes.
- e) “*Qualification document*”: Boating licence issued pursuant to older legislation, boating cards issued by the Norwegian Boating Schools (NBS) before the entry into force of these Regulations, confirmation of passed exam from the Norwegian School for Marine Aspirants, Master’s Certificate for Pleasure Craft, certificates of competency for deck officers and military maritime certificates equivalent. The Norwegian Maritime Authority may decide that other theoretical competence other than what is mentioned in the first sentence shall be considered as qualification document, provided that the training is at the same level or higher as the boating exam.
- f) “*Length*”: The length of the hull ( $L_H$ ) in accordance with NS-EN ISO 8666 Small craft – Principal data.
- g) “*Power output*”: The power output stated by the manufacturer. If there is reason to believe that the power output is different than what is stated by the manufacturer, the Norwegian Maritime Authority may demand that a test is carried out. If the test shows a different result, this result shall be used.
- h) “*Norwegian territory*”: Norwegian territorial waters and inland waters, including rivers, canals and lakes.

### Section 3 *Obligations of the owner and master*

The owner and the master shall ensure that the provisions of these Regulations are complied with. The owner is obliged to ensure that whoever uses the boat meets the conditions for using it.

## Section 4

### *Exemptions*

The Norwegian Maritime Authority may, in individual cases and upon written application, grant exemptions from the requirements of these Regulations. There must be special reasons that make such exemptions necessary and it must be justifiable in terms of safety. Exemptions are only granted where they do not contravene international agreements to which Norway has acceded.

## Chapter II.

### Requirements regarding minimum age for masters

## Section 5

### *Minimum age*

The master must be at least 16 years if the recreational craft:

- a) is capable of reaching a speed of 10 knots or more (18.5 km/h) by engine power; or
- b) has an engine with a greater effect than 10 HP/7.5 kW.

## Section 6

### *Racing*

Persons over 13 years of age can operate a recreational craft as mentioned in section 5 in organized racing and training when:

- a) training or racing takes place in a course approved by the appropriate authority,
- b) the course has been sufficiently marked,
- c) the master has undergone safety training under the supervision of a guide licensed in accordance with international competition rules.
- d) the recreational craft is equipped and furnished in accordance with international competition rules, and
- e) the training or racing is arranged by a Norwegian boating club with at least 50 members.

The responsible organization or organizer shall, well in advance before the training or racing starts, notify the local police authority and, upon request, document that the requirements of sub-paragraphs (a) to (e) are met.

## Chapter III.

### Requirements for boating licence, etc.

## Section 7

### *Qualification requirements*

The master of a Norwegian recreational craft which:

- a) is over 8 metres in length (26.25 feet); or
- b) has an engine with a greater effect than 25 HP/19 kW,

shall hold a Norwegian boating licence or a valid qualification document. For masters holding a boating licence or qualification document issued abroad, section 13 shall apply.

Persons not holding a boating licence may practice under the supervision of a master who meets the requirements of the first paragraph or who is covered by the exemption of the third paragraph. During practice, the teacher or accompanying supervisor is considered to be the master. Practice may only take place in proper weather and traffic conditions.

The provision of the first paragraph shall not apply to masters born before 1 January 1980.

## Section 8

### *Requirements to present a valid certificate*

The boating licence or other valid qualification document shall be readily available for control when the recreational craft is used.

## Section 9

### *Boating exam*

The boating exam consists of a theoretical test prepared in accordance with guidelines issued by the Norwegian Maritime Authority.

The exam can be taken by persons over the age of 14. When the exam has been completed, the candidate shall immediately be given the result in writing.

A candidate who fails the boating exam may retake the exam no earlier than after 14 days.

## Section 10

### *Application for boating licence*

A boating licence application shall be submitted to the Norwegian Maritime Authority or whoever is authorized by the Norwegian Maritime Authority on the prescribed form. The following shall be attached to the application:

- a) a confirmation that is no more than three years old stating that the boating exam has been successfully passed, a copy of a valid qualification document, a copy of an expired qualification document or a copy of a diploma for a completed course as a basis for the issue of the qualification document,
- b) a passport photo that is not more than one year old,
- c) a copy of approved identification with name and personal identification number,
- d) a copy of the receipt for paid fee.

An application for a boating licence from a person to whom a Norwegian qualification document has been issued before the entry into force of these Regulations, but who can not produce a copy of such document and who is also not listed in a register available to the Norwegian Maritime Authority, shall include one of the following attachments in addition to the attachments specified in the first paragraph (b) to (d):

- a) a copy of a diploma for a completed course as a basis for the issue of the qualification document,
- b) an original document or a copy of documentation showing that the boating exam has been successfully passed,
- c) a declaration from the external examiner confirming that the boating exam has been successfully passed, or
- d) a declaration from an accredited educational institution where the education took place that confirms that the boating exam has been successfully passed.

In the case of name change, a copy of the marriage certificate or name change certificate shall be attached to the application.

## Section 11

### *Issue of boating licence*

The boating licence is issued by the Norwegian Maritime Authority or whoever is authorized by the Norwegian Maritime Authority. The boating licence is issued to persons over the age of 16 who comply with the requirements of section 10.

## Section 12

### *Replacement of boating licences*

A new boating licence may be issued in case of name change, the licence has been lost or cannot be used as ID. Foreign boating licences are replaced by exchange pursuant to section 14.

## Section 13

### *Recognition of foreign boating licences*

Boating licences or other qualification documents issued in another EEA country are valid in accordance with the contents of the document.

The International Certificate for Operators of Pleasure Craft issued in accordance with the Resolution of 16 October 1998 No. 40 from the United Nations Economic Commission for Europe, Transport Committee, Working Party on Inland Water Transport shall cover navigation in coastal waters in order to be valid in Norway.

A foreign boating licence which is not covered by the first and second paragraphs is valid if it in all material respects complies with the requirements for the Norwegian boating licence and is issued in a Scandinavian language or in English.

Amended by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012).

## Section 14

### *Exchange of foreign boating licence or qualification document*

The holder of a recognized foreign boating licence or qualification document, cf. section 13, may, upon application on the prescribed form, be issued with a Norwegian boating licence. The provisions of section 10 first paragraph (b) to (d) and third paragraph shall apply correspondingly.

The foreign certificate shall have been issued while the holder resided in the country concerned, and this country must have been a permanent address for more than one year.

## Chapter IV.

### Requirements for the issue of the International Certificate for Operators of Pleasure Craft

Chapter IV added by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012).

## Section 15

### *Issue of an international certificate for operators of pleasure craft*

Operators of motorized craft and/or sailing craft may be issued with the International Certificate for Operators of Pleasure Craft for navigation in coastal waters if the applicant:

- a) has reached the age of 16;
- b) is a Norwegian national or a resident in Norway, an American national or a national of any country that is not a member of the United Nations Economic Commission for Europe;
- c) qualifies for being issued with a Norwegian boating licence or holds a valid qualification document and
- d) proves that the requirements for a practical test and the health requirements pursuant to sections 16 and 17 are satisfied. The application shall be submitted to the Norwegian Maritime Authority or whoever is authorized by the Norwegian Maritime Authority on the prescribed form.

Added by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012).

## Section 16

### *Requirements for a practical test*

A practical test can be taken for motorized craft and/or sailing craft. The test shall prove that the person concerned can operate a craft and has nautical and technical knowledge for safe navigation in coastal waters.

A certificate is issued in accordance with the type of test being taken. The test shall be taken at a location approved by the Norwegian Maritime Authority.

The Norwegian Maritime Authority may issue guidelines for the conduction of the practical test.

Added by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012).

## Section 17

### *Health requirements*

The applicant must be physically and mentally fit to operate a pleasure craft, and in particular, must have sufficient powers of vision and hearing.

A personal statement of health on the prescribed form is required. The Norwegian Maritime Authority may require a medical certificate issued by a doctor if there is reason to believe that the requirement of the first paragraph is not met.

If the holder of an international certificate for operators of pleasure craft no longer satisfies the health requirements, the certificate shall not be used.

The Norwegian Maritime Authority may withdraw the certificate on the basis of information from a doctor stating that the health requirements of the first paragraph are no longer met.

Added by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012).

## Chapter V.

### Concluding provisions

Chapter V amended by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012, previously Chapter IV).

## Section 18

### *Boating Licence Register*

Information shall be entered in a central boating licence register. There may be one register for the national boating licence and one register for the international certificate for operators of pleasure craft.

The register may contain biographical data about the holder, information about time of completed boating exam and issued boating licence and international certificate for operators of pleasure craft. The register shall not contain sensitive personal data.

Amended by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012, previously section 15).

## Section 19

### *Fees*

The applicant shall pay a fee for the theoretical boating exam, the issue of boating licence and the issue of the International Certificate for Operators of Pleasure Craft. The fee is determined by the Ministry in accordance with the Regulations on fees for the issue of certificates and endorsements to maritime personnel and of boating licences to masters.

Amended by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012).

## Section 20

### *Penal clause*

Wilful or negligent violation of sections 5, 6, 7 or 8 shall be punished in accordance with the Act of 26 June 1998 No. 47 relating to recreational and small craft sections 28 and 37. Fines may be imposed in the form of simplified fixed-rate optional penalties under the terms and conditions provided for in the same Act section 42 and Regulations of 15 June 2001 No. 634 concerning simplified fixed-rate optional penalties in cases concerning recreational and small craft.

Amended by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012, previously section 17).

## Section 21

### *Entry into force*

These Regulations shall enter into force on 1 May 2009, with the exception of sections 7 and 8 which enter into force on 1 May 2010.

As from the same date, the Regulations of 11 December 1981 No. 3807 concerning minimum age, etc. for masters of certain engine-propelled vessels of less than 25 gross register tons are repealed.

Amended by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012, previously section 18).

## Section 22

### *Transitional provisions*

Persons born on 1 January 1980 or later who hold a qualification document without a photo are obliged to apply for a boating licence by 1 May 2010.

Amended by Regulation of 27 April 2012 No. 370 (in force on 1 May 2012, previously section 19).