

Act on the Registering of Ship's Crew (1360/2006)

Section 1 *Objective of the Act*

The objective of this Act is to ensure the reliability of registers concerning the employment relationships of ship's crew and the protection of the privacy of persons working on board ships, by issuing provisions on the registering of ship's crew and the handling of the information in the registers.

Section 2 *Scope of the Act*

This Act shall be applied to the registering of persons working on board Finnish ships.

The registering referred to in this Act does not apply to a person who works:

- 1) on board a ship only when it is in port;
- 2) on board timber floating equipment with the exception of transport equipment used for timber floating;
- 3) on board a pleasure craft;
- 4) on board a chartered boat;
- 5) on board a state-owned ship that is used for defence or border guard activities; or
- 6) on board a ship performing inspection, servicing, piloting or other comparable tasks, when the work is purely temporary.

Section 3 *Definitions*

For the purposes of this Act:

- 1) *a Finnish ship* means a ship as referred to in Chapter 1 section 1 of the Maritime Act (674/1994);
- 2) *ship's crew* means all the workers and public-service employees working on board the ship;
- 3) *seaman's position* refers to the shipboard tasks of the crew that pertain to their private or public-service employment relationship or other contractual relationship;
- 4) *ship's crew list* means a register that contains the employment contracts and letter of appointment of all those holding seamen's positions on board the ship;
- 5) *seamen's register* means a register of the seamen's positions of persons working on board a ship at any one time.

Section 4 *Crew list*

In order to ascertain who are working on board a ship at any one time and what duties they have been engaged to perform, the master of the ship shall ensure that the ship has a crew list.

The shipowner shall hand over to the master the employment contracts and letters of appointment of those working for the shipowner and a written account of the duties and working hours of others working on board the ship.

The information in the crew list is to be kept on board the ship for the duration of the employment relationship and the time that others than those working for the shipowner are working on the ship. The master and his representative shall in maintaining the crew list and handling the information in it act with due care, taking into consideration the requirements of data security. In addition to what is stated in the Act on the Protection of Privacy in Working Life (759/2004) and the Personal Data Act (523/1999) shall be applied to the information in the crew list.

Section 5 *Seamen's register*

For the reliable registration of the information concerning the employment relationships of the ship's crew, the Finnish Maritime Administration keeps a seamen's register of the seamen's positions of the persons working on board a Finnish ship.

Should a Finnish citizen wish to have entered in the seamen's register information on such seamen's positions as are not entered in it under section 2, he or she shall present a reliable account of them to the Finnish Maritime Administration.

Section 6 *Information to be recorded in the seamen's register*

The shipowner shall hand over to the Finnish Maritime Administration to be recorded in the seamen's register the following information:

- 1) the personal details of a person engaged in a seaman's position, including the personal ID code;
- 2) the person's function on board;
- 3) the date on which the position based on a private or public-service employment relationship, or other contractual relationship commenced;
- 4) information on the person's transfer to another ship of the same employer, or the person's transfer to another seamen's position on the same ship;
- 5) information on the termination of the person's seamen's position on board or its interruption for annual leave, due to sickness, lay-off, unpaid leave or other such reason, while the private or public-service employment relationship continues;
- 6) information on the continuation of the person's duties after interruptions as referred to in subsection 5; and
- 7) information on the termination of the private or public-service employment relationship or other contractual relationship of a person engaged for seamen's duties.

Having received the information referred to in subsection 1, the Finnish Maritime Administration shall without undue delay enter it in the seamen's register.

Section 7 *Fulfilment of the shipowner's duty of notification*

The shipowner or their representative shall hand over to the Finnish Maritime Administration, the information referred to in section 6 without undue delay, however, no less than 14 days from the

commencement, termination or event referred to in section 6, subsections 4—6 of the private or public-service employment relationship or other contractual relationship.

With the consent of the Finnish Maritime Administration, the notices concerning the service times at sea of seamen may, however, be submitted to the Finnish Maritime Administration monthly. As regards timber floating on inland waters, notices may be submitted for the sailing season. Notices may be submitted to the Finnish Maritime administration in electronic format.

Section 8

Handling of information in the seamen's register

The Act on the Openness of Government Activities (621/1999) is applied to the seamen's register. What is stated in the Personal Data Act shall be applied to the handling of personal data in the seamen's register and the rights of the person registered there.

The Finnish Maritime Administration has the right to charge a fee for extracts from the seamen's register. In determining the fee, the Act on Criteria for Charges Payable to the State (150/1992) shall be observed. For providing information to the person him- or herself, the Finnish Maritime Administration may only charge a fee if less than a year has passed since the previous time that the person concerned received an extract of their information in the register.

The information entered in the seamen's register is kept for 50 years from the date of registration.

Section 9

Provision on penalties

A party that fails to fulfil the duty of notification or keep the crew list according to this Act shall be charged, unless the failure is minor, or a more serious penalty has been ruled elsewhere for the offence, to a fine *for violating the obligation to notify of seamen's positions*.

Section 10

Appeal and competent court

In matters to be handled according to this Act the competent court shall be determined in accordance with section 21 of the Maritime Act.

Appeal against a decision of the Finnish Maritime Administration shall be made to the Helsinki Administrative Court. Otherwise the provisions on appeal of the Administrative Judicial Procedure Act (586/1996) are enforced.

Section 11

Supervision

The provision of the information referred to in this Act and fulfilment of the duty to compile a crew list is supervised by the Finnish Maritime Administration.

12 §
Entry into force

This Act enters into force on January 1, 2007.

This Act repeals the Act on the Engagement and Discharge of Seamen of December 19, 1986 (1005/1986), as amended.