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[CHAPTER I.](#) - Definitions.

Article [1](#). <L [2007-01-22/44](#), Article 3, 004; In force: 26-03-2007> For the application of the present law, the following definitions shall apply:

1. "master": any person responsible for the command of a ship or who takes the command in reality, as well as any person who replaces them;
2. "owner": the person who has ownership of the vessel. The shipowner, charterer, operator or the person with the vessel in their possession is comparable to the owner;
3. "ship": any vessel carrying out the transport at sea of passengers or things, fishing, towing, dredging, or any other lucrative sailing operation or which is intended for it, with the

exception of pleasure vessels;

4. “boat”: any vessel which, by way of its construction, is exclusively or mainly used or fit to be used for navigation on inland waterways, with the exception of pleasure boats;

5. “pleasure ship”: any vessel which, used for any form of lucrative means or not, is used for, or intended for, pleasure sailing at sea, excluding vessels used or intended for the transport of more than twelve passengers;

6. “pleasure boat”: any vessel which, used or not for lucrative means in any form that may be, is used for pleasure navigation in inland waters or intended for this, excluding ships used for or intended for the transport of more than twelve passengers;

7. “Belgian maritime waters”: the territorial sea, coastal ports and the lower maritime Scheldt whose boundaries are set by the King, the lower maritime Scheldt whose boundaries are set by the King, the port of Ghent whose boundaries are set by the King, the Belgian part of the canal from Terneuzen to Ghent, the ports situated on the Belgian part of the canal from Terneuzen to Ghent whose boundaries are set by the King and the Zeebrugge-Bruges and Ostend-Bruges canals;

8. “inland waters”: the public Belgian waters which are intended for or used for navigation and are not a part of Belgian maritime waters;

9. “vessel” any floating craft, including crafts which can move without displacing water, used or likely to be used as a means of transport or travel on water.

[CHAPTER II](#) - (Safety conditions of ships and pleasure ships.) <L [2007-01-22/44](#), Article 4; In force: 26-03-2007

[Article 2](#). (1). (No Belgian or foreign ship or pleasure ship may take to the sea from a Belgian port or sail in Belgian maritime waters or inland waters and no ship or pleasure ship may take to the sea abroad when flying the Belgian flag without being in a safe condition.)

<L [22/01/2007/44](#), Article 5, 004; In force: 26-03-2007>

(2). Without prejudice to the provisions in Article 3, no vessel is authorised to sail under the Belgian flag if it does not possess a valid certificate under Article 5 or 6 as well as valid certificates under Article 9(1).

[Article 3](#). (...) Subject to a particular regime are: <L [2007-01-22/44](#), Article 6, 004; In force: 26-03-2007>

1. Belgian ships sailing exclusively in a restricted navigation zone along a coast line.

These ships should be in possession of a certificate of seaworthiness for restricted coastal navigation which is only valid for the zone indicated.

The certificate is issued and the length of its validity may potentially be extended, in accordance with Article 5(3) by (agents in charge of navigation inspection designated for this purpose). <L 1999-05-03/30, Article 59, 002; In force: 01-04-1999>

Without prejudice to provisions in Article 4, the King lays down the conditions in which (the agents in charge of navigation designated for this purpose) (determine) the boundaries of a restricted navigation zone. <L 1999-05-03/30, Article 59, 002; In force: 01-04-1999>

2. (Ships that embark on a special voyage.) <L [2007-01-22/44](#), Article 6, 004; In force: 26-03-2007>

These (ships) should be in possession of an authorisation to depart issued for the length of time and under the conditions set by (the agents in charge of navigation inspection designated for this purpose) and abroad, by a Belgian consular official. <L 1999-05-03/30, Article 59, 002; In force: 01-04-1999> <L [2007-01-22/44](#), Article 6, 004; In force: 26-03-2007>

The authorisation to depart is only issued if the special voyage presents no danger (for the safety of the crew, passengers or cargo or for the marine environment). <L [2007-01-22/44](#), Article 6, 004; In force: 26-03-2007>

Abroad, the authorisation to depart is only given after a positive report from three experts from recognised classification societies, designated by the Belgian consular official. A copy of the authorisation and the report is immediately sent (to the agents in charge of navigation inspection designated for this purpose). <L 1999-05-03/30, Article 59, 002; In force: 01-04-1999>

The vessels having an authorisation to depart on board do not require a certificate of seaworthiness.

3. (Pleasure ships. The King determines, in a Decree deliberated in the Council of Ministers, the conditions that pleasure ships must meet to be in a safe condition, the means of supervision and monitoring linked to this and the preparation of an appeals procedure.) <L [2007-01-22/44](#), Article 6, 004; In force: 26-03-2007>

4. (repealed) <L [2007-01-22/44](#), Article 6, 004; In force: 26-03-2007>

(2). (repealed) <L [2007-01-22/44](#), Article 6, 004; In force: 26-03-2007>

(3). (repealed) <L [2007-01-22/44](#), Article 6, 004; In force: 26-03-2007>

[Article 4](#). The King lays down:

1. according to the service and the navigation a ship is intended for, the condition that a ship should be in to be considered safe, and in particular the requirements relating to:

a) the construction and state of repair of the hull;

b) life-saving apparatus;

c) rigging and ship's equipment, weaponry (, to spare parts), including fire-fighting means and spare parts; <L [2007-01-22/44](#), Article 7, 004; In force: 26-03-2007>

d) nautical instruments, signalling equipment, radio reception and telephony;

e) steam boilers, propulsion machines, mechanical and electrical equipment;

f) physical aptitudes, certificates, licences and other similar certifications, that may be required by the master and the crew, as well as to the number of crew members;

g) the number of passengers by category that may be transported;

h) the habitability of facilities, hygiene and salubrity;

i) the draft marks and loadline marks;

j) the stability, stowage and ballasting;

k) the lifting gear;

2. the conditions in which (the agents in charge of inspection of navigation designated for this purpose) may, in particular cases, grant exemptions to one or several provisions in the Decrees taken implementing the Law; <L 1999-05-03/30, Article 60, 002; In force: 01-04-1999>

3. (to the extent that the vessels under Article 3(1), should fulfil the provisions taken under (1) of the present Article, as well as the responsibilities of agents in charge of inspection of navigation in the area;) <L [2007-01-22/44](#), Article 7, 004; In force: 26-03-2007>

4. The obligations of masters and other persons taken on board as well as the owners, relating to the safety of vessels.

(5. The conditions in which organisations may be recognised and mandated to carry out, completely or in part, the inspections and monitoring to be authorised to fly the Belgian flag relating to the certificates for the navigational safety and the prevention of pollution by ships and, where applicable, to issue or renew these certificates.) <L [2007-01-22/44](#), Article 7, 004; In force: 26-03-2007>

4. (paragraph 2 repealed) <L [2007-01-22/44](#), Article 7, 004; In force: 26-03-2007>

[CHAPTER III](#). - (Certificate of seaworthiness and other certificates for ships.) <L [2007-01-22/44](#), Article 8; In force: 26-03-2007>

[Article 5](#). (1). The certificate of seaworthiness is issued by the (service responsible for navigation inspection) and, in the cases foreseen in Articles 6 and 7, by a Belgian consular official. <L 1999-05-03/30, Article 61, 002; In force: 01-04-1999>

The certificate attests, until proof of the contrary, that the vessel meets in all its parts the requirements of the Law and its implementing Decrees.

(2). The King lays down the conditions in which the certificate of seaworthiness is applied for and issued, as well as the terms and the period of validity of this.

(3). The validity of the certificate of seaworthiness may be subject to a single extension of a maximum of one month. This extension is granted either by (the agents responsible for navigation inspection designated for this purpose), or by a Belgian consular official. It is not renewable. <L 1999-05-03/30, Article 61, 002; In force: 01-04-1999>

The extension endorsement is made on the certificate by (the agent responsible for navigation inspection designated for this purpose). <L [2007-01-22/44](#), Article 9, 004; In force: 26-03-2007>

(4). The certificate of seaworthiness automatically loses its validity if one or several of the international certificates required in accordance with Article 9 ceases to be valid for any reason.

[Article 6](#). (1). If a ship is put under the Belgian flag abroad and the (service in charge of navigation inspection) is unable to issue a certificate of seaworthiness, the ship should be in possession of a provisional certificate of seaworthiness. <L 1999-05-03/30, Article 62, 002; In force: 01-04-1999>

Said certificate is issued by the Belgian consular official upon request by the (service in charge of navigation inspection) and after a positive report by three experts from recognised classification societies, designated by them. <L 1999-05-03/30, Article 62, 002; In force: 01-04-1999>

In any case the provisional certificate may be issued without intervention of experts if the master or another representative of the owner produces valid foreign, national or international certificates stating that it complies with all the points covered by the certificate of seaworthiness.

(2) If a Belgian vessel is abroad and unable to renew its certificate of seaworthiness before the expiry date, where applicable extended pursuant to Article 5(3), it should have a provisional certificate of seaworthiness issued by a Belgian consular official after a positive report from a single expert from a recognised classification society.

(3) A copy of the provisional certificate of seaworthiness and the reports from experts or national or international certificates from which the certificate was issued, is given without delay (to the agents in charge of navigation inspection designated for this purpose. These agents may) verify if the conditions required for issuing of the certificate have been respected. <L 1999-05-03/30, Article 62, 002; In force: 01-04-1999>

(4). The validity of the provisional certificate of seaworthiness expires in any case upon arrival of the vessel in Belgium or, for ships under Article 7, upon arrival in its most regular port of call if this is before a Belgian port.

[Article 7](#). (1). The certificate of seaworthiness of a Belgian vessel which never goes to or only exceptionally goes to a Belgian port, may be issued in accordance with provisions in Article 6(1), paragraph 2, by the competent official in the Belgian consular post where the

port is that the vessel stops at the most frequently.

If the vessel is not in this port and is unable to renew its certificate of seaworthiness within the prescribed time limit, Article 6(2) will be in application.

(2) If a Belgian vessel which never goes to or that only exceptionally goes to a Belgian port, can only meet the conditions outlined in (1), (the agents in charge of navigation inspection designated for this purpose determine) the procedure for obtaining the certificate of seaworthiness. <L 1999-05-03/30, Article 63, 002; In force: 01-04-1999>

(3). Article 6(3) is applicable for the issuing of certificates provided for in the present Article.

[Article 8](#). (1). If a Belgian vessel has suffered serious damage or its structure has undergone major alterations, the certificate of seaworthiness is fully suspended and can only be revalidated, according to the case, by (agents in charge of navigation inspection designated for this purpose) or by a Belgian consular official, the latter acting in accordance with the provisions in Article 6(1), paragraph 2. <L 1999-05-03/30, Article 64, 002; In force: 01-04-1999>

If, when abroad, there is no Belgian consular official at the scene, the master themselves or another representative of the owner designates three experts from recognised classification societies. Nonetheless the intervention of a single expert is sufficient if the master or another representative of the owner may prove that they were unable to designate three.

(2) Outside of the cases foreseen in (1), when a Belgian vessel has suffered damage or if an incident has occurred which presumes that damage may have occurred, and that this ship has then entered a port or even, if damage has occurred or the presumption of damage occurs during the stay in a port, the voyage cannot be continued before the master has contacted (the agents in charge of navigation inspection designated for this purpose) to declare the damage and receive their instructions. (If these agents consider) that the damage does not need to be repaired immediately, (they issue) the master with a written declaration laying down the conditions under which the voyage may be continued without risk. <L 1999-05-03/30, Article 64, 002; In force: 01-04-1999>

When abroad, the master contacts a Belgian consular official or, failing that, a representative of a recognised classification society. A written declaration should be issued certifying that the repair has been carried out correctly, or that the voyage may be continued without risk with the conditions referred to in this declaration.

If, when abroad, the persons cited in the previous paragraph are not available, the master may continue the voyage under their own responsibility and with the obligation to record the events in the log book.

(3) Copy of the reports and declarations from experts should be sent immediately (to the agents in charge of navigation inspection designated for this purpose). <L 1999-05-03/30, Article 64, 002; In force: 01-04-1999> [Article 9](#). The King determines:

1. The international certificates that every Belgian vessel should have, according to the category in which it is ordered by Decree and in accordance with the rules and conditions which are foreseen;
2. The conditions in which the international certificates are issued to foreign vessels in accordance with the international conventions to which Belgium adheres;

[Article 10](#). (1). If the experts from the classification society whose intervention is required under the present law, are not or are not all available at the scene or in a nearby port, other qualified experts are designated au pro rata to the number lacking.

(2) Without prejudice to the provisions in Article 6(1), paragraph 3, and 8(1), final phrase, if a Belgian ship is registered in the register of a recognised classification society and is ordered

in the highest class in its category, it is sufficient to designate a single expert in all cases where the present law provides for the intervention of three experts, considering that the provisions in (3) are also in application.

(3) Any ship registered in the register of a recognised classification society and which is ordered in the highest class in its category is exempt from the findings to be made by the (service in charge of navigation inspection) or by the expert(s) on the points which have been subject to monitoring by the aforementioned society. <L 1999-05-03/30, Article 65, 002; In force: 01-04-1999>

The same exemption may be given when the certificates are issued by a competent public service abroad.

Nonetheless, (the agents in charge of navigation inspection designated for this purpose may) check or, by the intervention of a Belgian consular official, have checked, to determine by (them), if the requirements for obtaining the certificate of classification or other certificates have been respected and, if need be, to require additional findings. <L 1999-05-03/30, Article 65, 002; In force: 01-04-1999>

(4). The Minister with (maritime affairs and navigation) in their responsibilities, designates the classification societies and the competent public services abroad, whose certificates can be accepted as well as the conditions for this. <L [2007-01-22/44](#), Article 10, 004; In force: 26-03-2007>**CHAPTER IV.** - (Monitoring of ships and supervision of the application of international conventions, the law and regulations.) <L [2007-01-22/44](#), Article 11; In force: 26-03-2007>

[Article 11.](#)(1). (The service in charge of navigation inspection) inspects vessels subject to the present law so as to ensure its application and that of its implementing Decrees. <L 1999-05-03/30, Article 66, 002; In force: 01-04-1999>

It checks compliance with international conventions relating to [<sup>1</sup> maritime labour,]<sup>1</sup> to the safety of human life at sea and to loadlines of ships, to which Belgium adheres.

This monitoring should be carried out without interfering with the commercial operation of ships.

(2) (The service in charge of navigation inspection) checks if the obligations imposed by the law and by the implementing Decrees to masters and other persons on board as well as to owners are respected. <L 1999-05-03/30, Article 66, 002; In force: 01-04-1999>

(3). (repealed) <L [2007-01-22/44](#), Article 12, 004; In force: 26-03-2007>

(4). The King determines the attributions (...) of Belgian consular officials in the area of verification of the number of crew members on board ships and the possession of physical aptitude certificates, permits, licences or other similar certificates (...). <L 1999-05-03/30, Article 66, 002; In force: 01-04-1999>

4. (paragraph 2 repealed) <L [2007-01-22/44](#), Article 12, 004; In force: 26-03-2007>

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(1)<L [2014-06-13/21](#), Article 83, 007; In force: 20-08-2014>

[Article 12.](#) (1). When abroad, the monitoring outlined in Article 11 of a ship flying the Belgian flag is carried out by the Belgian consular official:

1. any time the Belgian consular official is particularly required by the (service in charge of navigation inspection), <L 1999-05-03/30, Article 67, 002; In force: 01-04-1999>

2. when the Belgian consular official forbids the departure of the vessel in accordance with Article 14(2), (3).

(2) To carry out this monitoring the consular official designates three experts from recognised classification societies.

(3) Copy of reports from these experts will be sent immediately (to the agents in charge of

navigation inspection designated for this purpose). <L 1999-05-03/30, Article 67, 002; In force: 01-04-1999>

[Article 13](#). (1). (The agents in charge of navigation inspection designated for this purpose), the Belgian consular officials and experts that they designate are allowed to go at any time on board of ships (...) subject to the law and/or decrees implementing this law, to carry out findings which form part of their mission. <L [2007-01-22/44](#), Article 13, 004; In force: 26-03-2007>

They are also allowed to require all on-board documents and all supporting documents to be produced.

They may at any time give the instructions that they consider necessary to guarantee the application of the law and/or its implementing Decrees, in particular the hulling and presentation of the boat in ballast (...) as well as carrying out certain works. <L [2007-01-22/44](#), Article 13, 004; In force: 26-03-2007>

(2). Any master or owner is required to give officials and experts under (1) the information and assistance that they consider necessary in carrying out their mission.

[Article 14](#). (1). (The agents in charge of navigation inspection designated for this purpose are allowed to stop any ship that does not meet the legal and regulatory conditions or to refuse it access to a Belgian port.) <L [2007-01-22/44](#), Article 14, 004; In force :26-03-2007>

(If these legal and regulatory conditions are met but if there are serious suspicions that the ship could not sail without compromising the safety of the crew, passengers or cargo or the marine environment, the agents in charge of navigation inspection designated for this purpose may also stop it. For a Belgian ship this right is only used with prior authorisation from the president of the maritime investigation council.) <L [2007-01-22/44](#), Article 14, 004; In force: 26-03-2007>

4. (paragraph 3 repealed) <L [2007-01-22/44](#), Article 14, 004; In force: 26-03-2007>

Except in urgent cases (the agents in charge of navigation inspection designated for this purpose have) the right, provided for in the present paragraph, with foreign (...) ships only after having informed the consulate of the country that the ship (...) is flying the flag of, of measures to be taken and the reasons for intervention. <L 1999-05-03/30, Article 69, 002; In force: 01-04-1999> <L [2007-01-22/44](#), Article 14, 004; In force: 26-03-2007>

In urgent cases this information is given immediately after the measures have been taken.

The ship (...) is freed as soon as the required conditions have been fulfilled to the satisfaction of the agents in charge of navigation inspection designated for this purpose). <L 1999-05-03/30, Article 69, 002; In force: 01-04-1999> <L [2007-01-22/44](#), Article 14, 004; In force: 26-03-2007>

Notification of the decisions taken in the area is given (to the agents in charge of navigation designated for this purpose, who carry out the stop or release of the ship (...)). <L 1999-05-03/30, Article 69, 002; In force: 01-04-1999> <L [2007-01-22/44](#), Article 14, 004; In force: 26-03-2007>

(2). When abroad, the Belgian consular official is allowed to prohibit the departure of a ship (...) flying the Belgian flag: <L [2007-01-22/44](#), Article 14, 004; In force: 26-03-2007>

1. if the ship or vessel does not possess the valid certificates required or if it has not obtained an "Authorisation to depart", or if, in the cases foreseen in Article 8(2), and without prejudice to the provisions in the last section of this paragraph, the master has not received the declaration which is foreseen;

2. if, in the case provided for in Article 12(1)1, the monitoring carried out has revealed that the ship or vessel does not meet the required legal or regulatory conditions;

3. if there are doubts as to the non-compliance with conditions provided for in Article 4(1),

compromising the safety of the crew (or passengers or cargo or the marine environment).  
<L [2007-01-22/44](#), Article 14, 004; In force: 26-03-2007>

The travel ban is lifted when it meets the legal or regulatory conditions to the satisfaction of the Belgian consular official.

[Article 15](#). No crew list can be looked at by the Belgian consular official without a valid certificate of seaworthiness being included with this document.

[Article 16](#). The crew may, at any time, send a reasoned request (to the agents in charge of navigation inspection designated for this purpose) or to the Belgian consular official if they consider that the ship (...) does not provide all the desired safety guarantees. <L 1999-05-03/30, Article 70, 002; In force: 01-04-1999> <L [2007-01-22/44](#), Article 15, 004; In force: 26-03-2007>

These authorities should hear the crew before taking the measures required by the circumstances.

[Article 17](#). <L [2007-01-22/44](#), Article 16, 004; In force: 26-03-2007> In case of refusal of any kind of certificate or of an authorisation to depart or when a vessel has been retained or refused access to a Belgian port under Article 14, the service in charge of navigation inspection or, where applicable, the Belgian consular official prepares a reasoned report with a copy sent, within twenty four hours of the decision, to the person that the decision may concern.

[CHAPTER IVa](#). Safety requirements for sea boats and pleasure boats, monitoring and supervision of compliance with international conventions, the law and regulations. <Inserted by L [2007-01-22/44](#), Article 17; In force: 26-03-2007>

[Article 17a](#). <Inserted by L [2007-01-22/44](#), Article 18; In force: 26-03-2007> No boat can take to sea from a Belgian port, or sail in Belgian maritime waters or in inland waters without being in a safe condition and without being in possession of certificates as determined by the King according to Article 17b on the safety of navigation and on the prevention of pollution by boats as far as the certificates involve technical requirements for the equipping and operation of the boat with a view to protecting the environment.

No pleasure boat may take to sea from a Belgian port or sail in Belgian maritime waters or in inland waters without being in a safe condition.

[Art. 17b](#). <Inserted by L [2007-01-22/44](#), Article 19; In force: 26-03-2007> (1) The King determines:

1. certificates under Article 17a;
2. issuing conditions for certificates under 1;
3. the condition that boats should be in to be considered safe, in particular the requirements relating to:
  - a) manufacture and state of repair;
  - b) life-saving apparatus;
  - c) rigging and ship's equipment, spare parts, including protection and fire-fighting means and spare parts;
  - d) nautical instruments, signalling equipment, telecommunication means and their use;
  - e) steam boilers, propulsion motors, mechanical and electric equipment;
  - f) physical fitness, certificates, licences and other similar certifications that can be required of the crew, as well as the number of crew members;

- g) the number of passengers that may be transported;
  - h) habitable facilities, hygiene and salubrity;
  - i) draft marks and loadline marks;
  - j) stability, stowage of cargo and ballasting;
  - k) lifting gear;
  - l) cargo;
  - m) the carriage of dangerous goods;
4. the conditions in which, agents in charge of navigation inspection designated for this purpose may, in particular cases, grant exemptions to one or several provisions in Decrees implementing the Law;
5. the requirements of the crew and other persons taken on board, as well as the owners, relating to navigation safety, persons taken on board and the cargo and the environment as long as the requirements involve technical requirements relating to the equipping and the operation of the boat with a view to protecting the environment;
6. the conditions in which organisations can be recognised and mandated to carry out, in all or in part, the inspections and visits of boats linked to certificates concerning navigation safety and certificates concerning the prevention of pollution by boats as long as the latter certificates concern technical requirements for equipping and operating the boat with a view to protecting the environment and, where applicable, issuing or renewing the certificates mentioned in this point.

(2) The King determines in a Decree deliberated in the Council of Ministers the conditions that pleasure boats must meet to be in a safe condition, the connected means of supervision and monitoring and the outlining of an appeals procedure.

[Article 17c](#). <Inserted by L [2007-01-22/44](#), Article 20; In force: 26-03-2007> The King may determine the boats that must or may be registered as well as the conditions that boats, their owners, shipowners or operators should meet for this purpose. He determines the data and the format of the register. The register may be consulted by the public authorities, each for the party that concerns them. The King determines the way that the register is managed.

[Article 17d](#). <Inserted by L [2007-01-22/44](#), Article 21; In force: 26-03-2007> (1) Any boat registered by a recognised classification society and which is ordered in the highest class of its category is exempt from findings to be made by the service in charge of navigation inspection or by the experts on the points which were subject to supervision by the aforementioned society.

The same exemption may be granted when the certificates are issued by a competent public service in a foreign country.

In any case, the agents in charge of navigation inspection designated for this purpose may verify or have verified in a way to be determined by them, if the requirements for obtaining the classification certificate or other certificates, have been respected and, if need be, to impose additional findings.

(2) The Minister with maritime affairs and navigation in their competences designates the classification societies and the competent public services in a foreign country, where certificates may be accepted as well as the conditions for this.

[Article 17e](#). <Inserted by L [2007-01-22/44](#), Article 22; In force: 26-03-2007> (1) The service in charge of navigation inspection supervises the boats subject to the present Law in order to ensure the application of this and of its implementing Decrees.

This supervision should be carried out without interfering with the commercial operation of boats.

(2) The service in charge of navigation inspection checks if the requirements made by the Law and by its implementing Decrees on the captain and other persons on board as well as the owners are respected.

(3) The King lays down the attributions of agents in charge of navigation inspection in the area of verification of the number of crew members on board boats and the possession of physical fitness certificates, permits, licences or other similar certifications.

[Article 17f.](#) <Inserted by L [2007-01-22/44](#), Article 23; In force: 26-03-2007> (1) The agents in charge of the navigation inspection designated for this purpose and the experts they designate are allowed to go on board boats at any time to make findings which are a part of their duties.

They also have the right to require all on-board documents and supporting documents to be presented.

They may at any time give the instructions that they consider necessary to guarantee application of the Law and/or of its implementing Decrees, in particular the hulling or presentation of the boat in ballast or the carrying out of certain works.

(2) All captains or owners are required to provide the agents and experts under (1) with the information and assistance that they consider necessary to carrying out their mission.

[Article 17g.](#) <Inserted by L [2007-01-22/44](#), Article 24; In force: 26-03-2007> The agents in charge of navigation inspection designated for this purpose are permitted to stop any boat that does not meet the legal and regulatory conditions or to refuse access to a Belgian port.

If these legal and regulatory conditions are met, but there are still serious concerns that suggest that the boat could not sail without compromising the safety of the crew, passengers and cargo or the environment, the agents in charge of navigation inspection designated for this purpose, may also prevent it from leaving.

Except in urgent cases, the agents in charge of navigation inspection designated for this purpose only have the right, foreseen in paragraphs 1 and 2, with regard to foreign boats after having informed the consulate of the country the boat flies the flag of, of the measures to be taken and the reasons for this.

In urgent cases, this is done immediately after the measures have been taken.

The boat is freed as soon as the required conditions have been met to the satisfaction of agents in charge of navigation inspection designated for this purpose.

[Article 17h.](#) <Inserted by L [2007-01-22/44](#), Article 25; In force: 26-03-2007> The crew may, at any time, send a reasoned request to the agents in charge of navigation inspection designated for this purpose, if they consider that the boat does not present all the desired safety guarantees.

These agents should hear the crew before taking the measures required by the circumstances.

[Article 17i.](#) <Inserted by L [2007-01-22/44](#), Article 26; In force: 26-03-2007> If a boat has been retained, the service in charge of navigation inspection prepares a reasoned report with a copy sent, within twenty four hours of the decision, to the master.

## [CHAPTER V.](#) - Appeal.

[Article 18.](#) <L [2007-01-22/44](#), Article 27, 004; In force: 26-03-2007> Within fifteen days of sending of the copy of the reasoned report in accordance with Articles 17 and 17i, an appeal may be lodged against the decisions under Articles 14, 17 and 17g.

The appeal is submitted by the applicant or the certificate holder and, in cases of detention,

travel ban or refusal of access to a Belgian port, by the master or the owner via a request addressed to the State Commissioner of the maritime investigation council and containing the means cited.

The appeal does not have a suspensory effect.

#### CHAPTER VI. - Penal sanctions.

Article 19. <L [2007-01-22/44](#), Article 28, 004; In force: 26-03-2007> The master or owner who, even outside Belgium, takes a vessel to sea or sails in maritime waters or inland waters in a condition that compromises the safety of the crew, passengers, cargo or marine environment, is punishable with imprisonment from one month to two years and a fine of EUR 50 to 5000.

Article 20. (The master or owner who, even outside of Belgium, sails a vessel without a certificate of seaworthiness required by the present Law or its implementing Decrees or disregarding a travel ban or detention decided by the competent authority or the fact of taking to sea without authorisation to depart, is punishable by penalties foreseen in Article 19 or one of them only.) <L [2007-01-22/44](#), Article 29, 004; In force: 26-03-2007>

(paragraph 2 repealed) <L [2007-01-22/44](#), Article 29, 004; In force: 26-03-2007>

Article 21. Without prejudice to the provisions in Articles 19 and 20, any person who has contravened the provisions in the present Law and its implementing Decrees is punishable by imprisonment from eight days to three months and a fine from (EUR) 26 to 300 or only one of these punishments. <[22/01/2007/44](#), Article 30, 004; In force: 26-03-2007>

Article 21a. (repealed) <L [2007-02-05/32](#), Article 29, 005; In force : 07-05-2007>

Article 22. Any person who has hindered the duties of the competent authority and the experts, carried out under the present Law and its implementing Decrees is punishable by penalties provided for in Article 21.

Article 22a. (repealed) <L [05/02/2007/32](#), Article 29, 005; In force: 07-05-2007>

Article 23. Sanctions provided for in Articles 21 and 22 are also applicable if the punishable events were committed outside Belgium by the master, officers or persons of Belgian nationality.

Article 24. The penalties provided for in the present Law, with regard to the master, may be reduced to a quarter in relation to the shipowner, if it can be proved that the master received a written or verbal order from this owner to act in violation of the present Law or its implementing Decrees.

Article 25. (Any member of the crew who has caused the detention or travel ban of a vessel by allegations recognised as inaccurate, is punishable by imprisonment of one to seven days and a fine of EUR 1 to 25.) <L [2007-01-22/44](#), Article 31, 004; In force: 26-03-2007>

If the inaccurate allegations have been made knowingly, the guilty party is punishable by imprisonment from eight days to six months and a fine of (EUR) 26 to 100. <L [2007-01-22/44](#), Article 31, 004; In force: 26-03-2007>

Article 26. All the provisions in Book I of the Penal Code, without exception of Chapter VII

and Article 85, are applicable to the offences provided for in the present chapter, with the exception of Article 28.

[Article 27](#). (Without prejudice to the powers of the criminal investigation officers, the agents in charge of navigation inspection designated for this purpose as well as the Federal Police and the Belgian consular officials abroad are in charge of investigating and noting the offences to the provisions in the present Law and its implementing Decrees.) <L [2007-01-22/44](#), Article 32, 004; In force:26-03-2007>

They prepare a report for this purpose which is proof until evidence of the contrary. (paragraph 3 repealed) <L [2007-02-05/32](#), Article 29, 005; In force: 07-05-2007>

[Article 27a](#). <Inserted by L [2007-01-22/44](#), Article 33; In force: 26-03-2007> If the Federal Police notes the violations that compromise the safety within the framework of the present Law and its implementing Decrees, the service in charge of navigation inspection is informed immediately of these and takes suitable measures.

[Article 28](#). Any person insulting or striking (the agents in charge of navigation inspection designated for this purpose) in the exercise or on the occasion of exercising their duties, is punishable by Articles 276 [<sup>1</sup>] and 280 [<sup>1</sup>] of the Penal Code, according to the distinctions established and without prejudice to Articles 399, 400 and 401 of the same Code. <L [2007-01-22/44](#), Article 34, 004; In force: 26-03-2007>

The said (agents) have the right to make findings in the field by report which is proof until evidence of the contrary of the punishable acts under the present Article. <L [2007-01-22/44](#), Article 34, 004; In force: 26-03-2007>

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(1)<L [2010-03-08/08](#), Article 7, 006; In force: 09-04-2010>

## [CHAPTER VII](#). Special provisions for vessels flying a foreign flag.

[Article°29](#). If a vessel flies the flag of a state which does not adhere to the international convention for the safety of life at sea or the convention concerning the loadlines [<sup>1</sup>°or the Maritime Labour Convention 2006] [<sup>1</sup>], the law of the country whose flag the vessel was flying is taken as the rule, on the condition that it grants Belgian vessels identical handling and that it is recognised by Royal Decree as equivalent to Belgian law.

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(1)<L [2014-06-13/21](#), Article 83, 007; In force: 20-08-2014>

## [CHAPTER VIII](#). - Fees.

[Article 30](#). The King determines the fees that can be levied following inspection (of a vessel), issuing of any certificate or authorisation to depart as well as any intervention made by the competent authority in the context of the functions that are imposed by the Law or the implementing Decrees of this Law. <L [2007-01-22/44](#), Article 35, 004; In force: 26-03-2007>

## [CHAPTER IX](#). Final provisions.

[Article 31](#). The (service in charge of navigation inspection) is organised by Royal Decree. <See RD 1973-07-20/30, MD 22-11-1973> <L 1999-05-03/30, Article 73, 002; In force: 01-04-1999>

[Article 32](#). The King takes the necessary transitory measures.

[Article 32a](#). <Inserted by L [2007-01-22/44](#), Article 36; In force: 26-03-2007> The King may make the present law applicable, in all or in part, to vessels other than those under Article 1, (3), (4), (5) and (6).

[Article 33](#). <Amending provision>

[Article 34](#). <Amending provision>

[Article 35](#). The Law of 25 August 1920 on the safety of ships, amended by Articles 9 and 10 of the Law of 30 July 1926 was repealed.

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<a href="#">IMAGE</a> LAW OF 05-02-2007 PUBLISHED ON 27-04-2007 (ARTICLE AMENDED: 21A; 22A; 27)			
<a href="#">IMAGE</a> LAW OF 22-01-2007 PUBLISHED ON 16-03-2007 (ARTICLE AMENDED: ENTITLED; 1; 2; 3; 4; 5; 10; 11; 13; ) (ARTICLE AMENDED: 14; 16; 17; 17A-17I; 18; ) (ARTICLE AMENDED: 19; 20; 21; 25; 27; 27A; 28; 30; ) (ARTICLE AMENDED: 32A)			
<a href="#">IMAGE</a> LAW OF 15-05-2006 PUBLISHED ON 08-06-2006 (ARTICLE AMENDED: 21A; 22A; 27)			
<a href="#">IMAGE</a> LAW OF 03-05-1999 PUBLISHED ON 29-05-1999 (ARTICLE AMENDED: 3; 4; 5; 6; 7; 8; 10; 11; 12; 13; 14) (ARTICLE AMENDED: 16; 17; 27; 28; 31)			
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