

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**PORT OF SINGAPORE AUTHORITY ACT**

**(CHAPTER 236)**

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**Ordinance**

**36 of 1963**

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# Port of Singapore Authority Act

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An Act to establish a corporation to be known as the Port of Singapore Authority and to provide for matters incidental thereto.

[Parts I, II, III and VII: 1st April 1964;  
Parts IV, V, VIII, IX, XI, XII, XIV and XV: 1st May 1964;  
Part VI: 1st October 1975;  
Part X: 26th February 1971;  
Parts XIII: 1st April 1973]

## PART I

## PRELIMINARY

Short title.

1. This Act may be cited as the Port of Singapore Authority Act.

Inter-  
pretation.  
10/73  
25/86.

2. In this Act, unless the context otherwise requires —
- “animal” means any animate thing of every kind except human beings;
  - “Authority” means the Port of Singapore Authority established under section 4;
  - “Authority pilot” means a pilot employed by the Authority pursuant to section 86;
  - “beacon” means a prominent specially constructed object forming a conspicuous mark as a fixed aid to navigation;
  - “buoy” includes a floating object of any size, shape and colour which is moored to the seabed and serves as an aid to navigation or for other specific purposes;
  - “Chairman” means the Chairman of the Authority for the time being and includes any Deputy Chairman

appointed by the Minister under the provisions of this Act;

“container” means a receptacle 6.1 metres or more in length equipped with corner castings to facilitate handling by mechanical equipment;

“dock” means an artificial excavation or construction in which vessels can be placed for loading, unloading, fitting out or repairing and includes gridirons, slips, keel blocks, inclined planes and all machinery, works, fixtures and things whatsoever attached or pertaining thereto;

“dues” includes port dues, goods dues and pilotage dues levied under this Act but does not include rates;

“Executive Director” means the Executive Director appointed under section 29 and includes any person for the time being performing the functions of the Executive Director;

“functions” includes powers and duties;

“goods” includes animals, carcasses, baggage, containers and any other movable property of any kind whatsoever;

“harbour craft” means any vessel which is used within the port for any purpose;

“lighthouse” means a distinctive structure on or off a coast exhibiting a major light designed to serve as an aid to navigation;

“master” includes every person, except a pilot, having command or charge of any vessel;

“owner”, when used in relation to goods, includes any consignor, consignee, shipper or agent of the owner for the sale, custody, loading, handling, discharge or delivery of such goods; and, when used in relation to any vessel, includes any part-owner, charterer, operator, consignee or mortgagee in possession thereof or any duly authorised agent of any such person;

“passenger” has the same meaning as in the Merchant Shipping Act; Cap. 179.

“pilot” means any person not belonging to a vessel who has the conduct thereof;

- “Pilotage Committee” means the Pilotage Committee appointed under section 87;
- “pilotage district” means any area in the port declared under section 83 to be a pilotage district;
- “port” means any place in Singapore and any navigable river or channel leading into such place declared to be the port under section 3;
- “port dues” means dues levied in respect of a vessel for entering, using, leaving or plying in the port;
- “Port Master” means the Port Master appointed under section 30 and includes any Deputy Port Master appointed under that section;
- “premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;
- “private wharf or dock” means any wharf or dock not owned or operated by the Authority;
- “rates” means any rates or charges leviable by the Authority under this Act and includes any toll or rent, but does not include dues;
- “Singapore Harbour Board” means the Singapore Harbour Board constituted under the Ports Ordinance repealed by this Act;
- “train” includes locomotive, engine, tender, wagon, trolley and rolling stock of all kinds used, whether separately or in conjunction, on a railway;
- “vehicle” means any vehicle other than a train or vessel;
- “vessel” includes any ship or boat or air-cushioned vehicle or floating rig or platform used in any form of operations at sea or any other description of vessel;
- “wharf” includes a quay, pier, jetty, ramp or other landing place.

1955 Ed.  
Cap. 208.

Declaration  
of ports.  
25/86.

**3.—(1)** The Minister may, after consultation with the Authority and by notification in the *Gazette*, declare any place in Singapore and any navigable river or waters leading into such place to be the port within the meaning of this Act.

(2) Every declaration under subsection (1) shall define the limits of the port.

## PART II

### PORT OF SINGAPORE AUTHORITY

#### *Establishment, incorporation, constitution, duties, powers and proceedings of Authority*

4. There is hereby established a body to be known as “The Port of Singapore Authority” which shall be a body corporate and may sue and be sued in its corporate name, and shall have perpetual succession, and subject to the provisions of this Act, may enter into contracts, and may acquire, purchase, take, hold and enjoy movable and immovable property of every description and may sell, convey, assign, surrender, and yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in the Authority upon such terms and conditions as to the Authority seems fit.

Establishment and incorporation of Authority.

5. The Authority shall have a common seal and such seal may, from time to time, be broken, changed, altered and made anew as to the Authority seems fit, and, until a seal is provided under this section, a stamp bearing the inscription “The Port of Singapore Authority, Singapore” may be used as the common seal.

Common seal.

6. The provisions in the First Schedule shall have effect with respect to the constitution and proceedings of the Authority.

Constitution and proceedings of Authority.

7.—(1) No matter or thing done and no contract of any kind entered into by the Authority and no matter or thing done by any member of the Authority or by any employee thereof or any other person whomsoever acting under the direction of the Authority shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of carrying out the provisions of this Act, subject any such member or employee or any other person acting under the direction of the Authority personally to any action, liability, claim or demand whatsoever in respect thereof.

Protection from personal liability.

(2) Any expense incurred by the Authority or any member, employee or other person so acting under the direction of the Authority shall be paid out of the funds of the Authority. [8]

Public  
servants.

Cap. 224.

8. The members of the Authority and the employees thereof of every description shall be deemed to be public servants within the meaning of the Penal Code. [9]

Duties of  
Authority.  
3/71  
10/73  
25/86.

9. Subject to the provisions of this Act, it shall be the duty of the Authority —

- (a) to provide and maintain adequate and efficient port services and facilities in the port;
- (b) to regulate and control navigation within the limits of the port and the approaches to the port and to provide pilotage services;
- (c) to promote the use, improvement and development of the port;
- (d) to provide and maintain adequate and efficient lighthouses, beacons, buoys and other aids to navigation in the territorial waters of Singapore and the approaches thereto, at Petra Branco (Horsburgh), at Pulau Pisang and at such other places as the Authority may think fit;
- (e) to disseminate navigational information;
- (f) to provide, where expedient, a ferry service for the transportation of passengers, vehicles or goods within the territorial waters of Singapore; and
- (g) to carry out such other duties as are imposed upon the Authority by this Act and any other written law. [10]

Powers of  
Authority.  
3/71.

10.—(1) Subject to the provisions of this Act, the Authority may carry on such activities as appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its duties under this Act and, without prejudice to the generality of the foregoing, the Authority may exercise all or any of the powers specified in the Second Schedule and any other written law.

(2) Notwithstanding subsection (1), the Authority may, with the approval of the Minister, carry on such other

activities as the Authority may, from time to time, consider expedient.

(3) This section shall not be construed as limiting any power of the Authority conferred by or under any written law. [11

**11.—**(1) The Authority shall afford to the Minister facilities for obtaining information with respect to the property and activities of the Authority, and shall furnish him with returns, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as the Minister may require.

Powers of Minister in relation to Authority.

(2) The Minister may, after consultation with the Authority, give to the Authority directions of a general character, not inconsistent with the provisions of this Act, as to the exercise and performance by the Authority of its functions in relation to matters appearing to the Minister to affect the interests of Singapore, and the Authority shall give effect to any such directions.

(3) The Minister may, after consultation with the Authority, give to the Authority specific directions for the purpose of remedying any defect which may be disclosed in the working arrangements of the Authority, and the Authority shall give effect to any such directions. [12

**12.—**(1) Notwithstanding the provisions of this Act, if the Minister is of the opinion that an investigation should be made as to whether the Authority has failed to discharge any functions under this Act in any case or in any manner in which the Authority ought to have discharged its functions, the Minister may appoint a committee consisting of one or more persons to inquire into and report on the matter.

Power to enforce discharge of functions by Authority.

(2) For the purposes of such inquiry, the committee shall have and may exercise all the statutory and other powers which are for the time being vested in and exercisable by Magistrates' Courts for summoning and enforcing the attendance of witnesses, for administering oaths or affirmations to such witnesses and for compelling such witnesses to answer all reasonable and proper questions relative to the matters which are the subject of such inquiry.

(3) On receiving the report of the committee, the Minister shall take into consideration the findings and any recommendations contained therein, and if he is satisfied that there has been such a failure on the part of the Authority, the Minister may make an order directing the Authority to discharge such functions in such manner and within such time or times as may be specified in the order.

(4) If the Authority fails to comply with any requirement of an order made under subsection (3) within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order by mandamus or otherwise, may, with the approval of Parliament signified by a resolution thereof, make a further order transferring to himself such of the functions of the Authority as may be specified therein.

(5) Where, under subsection (4), the Minister has by order transferred to himself any functions of the Authority —

(a) the expenses incurred by the Minister in discharging those functions shall be paid in the first instance out of moneys provided by the Government but the amount of those expenses as certified by the Accountant-General shall be recoverable from the Authority as a debt due to the Government; and

(b) the Accountant-General shall keep separate accounts of all receipts and expenditure in respect of the transferred functions.

(6) In any case where under subsection (4) an order has been made by the Minister transferring to himself any functions of the Authority, the Minister may at any time and in the like manner by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and when any order is so revoked the Minister may, either by the revoking order or by a subsequent order, make such provisions as appear to him to be desirable with respect to the transfer, vesting and discharge of any property or liabilities acquired or incurred by him in discharging any of the functions to which the order so revoked related.

## PART III

TRANSFER OF ASSETS, LIABILITIES, FUNCTIONS  
AND EMPLOYEES

**13.—**(1) Upon the commencement of this Part, all lands, buildings and other property, movable and immovable, of the Singapore Harbour Board, including all assets, powers, rights, interests and privileges of that Board shall be transferred to and vest in the Authority without further assurance. Transfer of Singapore Harbour Board's assets and liabilities to Authority.

(2) Upon such transfer, all debts, liabilities and obligations of the Singapore Harbour Board shall also be transferred to and be deemed to have been incurred by the Authority. [14]

**14.—**(1) There shall be transferred to the Authority for the purposes of this Part, such lands, buildings and other property, movable or immovable, vested in or belonging to the Government as the Minister for Finance may think fit, and any lands, buildings and other property so transferred shall vest in the Authority without further assurance. Transfer of Government property to Authority for purposes of this Act.

(2) Upon such transfer, all debts, liabilities and obligations in connection with or appertaining to such lands, buildings and other property shall also be transferred to and be deemed to have been incurred by the Authority. [15]

**15.** Upon the commencement of this Part —

(a) every person employed by the Singapore Harbour Board; and

(b) such persons, as the Minister may think fit, who were employed by the Government immediately prior to the commencement of this Act and were engaged in discharging any of the functions vested in the Authority by this Act,

Transfer of employees.

shall be deemed to be transferred to the service of the Authority on terms as near as may be to those they had enjoyed immediately prior to the commencement of this Act, and such terms, which shall be determined by the Authority, shall take into account salaries and conditions of service enjoyed by them when in the employ of the Government or of the Singapore Harbour Board, as the case may be:

Provided that nothing in this section shall preclude the secondment to the Authority of officers in the employment of the Government on such terms as may be agreed upon by the Government and the Authority. [16]

Application of regulations made in respect of Singapore Harbour Board employees. G.N. 3328/38.

**16.**—(1) Until other provision is made, the Harbour Boards Superannuation Schemes Regulations 1938 and the Singapore Harbour Board Regulations governing the scale of gratuities payable to employees in receipt of daily or hourly rates of pay, shall continue to apply to the Authority and to every person mentioned in section 15 (a) in the like manner as those regulations applied to the Singapore Harbour Board and to persons in the employment of the Singapore Harbour Board immediately prior to the commencement of this Part, and every reference to the Singapore Harbour Board or to its employees or to service or employment with the Singapore Harbour Board in those regulations shall be construed respectively as a reference to the Authority or to persons mentioned in section 15 (a) or to service or employment with the Authority in respect of such persons.

(2) Subject to the provisions of the said regulations, every such person may count his previous service with the Singapore Harbour Board for the purpose of determining the benefits to which he becomes entitled under subsection (1). [17]

Minister to make rules in respect of transferred Government employees. Cap. 225.

**17.** The Minister shall make rules to provide for the payment to every person mentioned in section 15 (b) of benefits not less in value than the amount of any pension, gratuity or allowance for which such person or his dependants would have been eligible under the Pensions Act and the regulations made thereunder, had he continued to be in the service of the Government. Nothing in such rules shall adversely affect any conditions that would have been applicable to such pension, gratuity or allowance under that Act or those regulations. [18]

No entitlement in respect of abolition or reorganisation of office.

**18.** Notwithstanding the provisions of the Pensions Act and the regulations referred to in section 16 (1), any person who is transferred to the service of the Authority under section 15 shall not be entitled to claim any benefits under that Act or those regulations on the ground that he has been

retired from the service of the Singapore Harbour Board or of the Government, as the case may be, on account of abolition or reorganisation of office. [19

#### PART IV

##### PROPERTY AND DOCKYARD UNDERTAKINGS OF AUTHORITY

**19.** The Authority may acquire any property or any interest therein or any easement over any immovable property, whether by way of purchase, lease, exchange or otherwise, for the purposes of this Act. [20

Power to acquire property.

**20.—(1)** Where any immovable property, not being State land, is needed for the purposes of the Authority, the Authority may request and the President may if he thinks fit direct the acquisition of that property; in such a case, the property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose, and any declaration required under such written law that the property is so needed may be made (notwithstanding that compensation is to be paid out of the funds of the Authority) and the declaration shall have effect as if it were a declaration that such property is needed for a public purpose made in accordance with that written law.

Compulsory acquisition of land. 7/83.

(2) The Authority shall not, without the consent in writing of the Minister, sell, exchange or otherwise dispose of any land or any interest therein, acquired by it under this section. [21

**21\*.—(1)** No compulsory acquisition of any immovable property before 15th April 1983 shall be called in question in any court on the ground that the acquisition was not in compliance with section 20 as in force before that date.

Compulsory acquisition of property before 15th April 1983 not to be called in question.

(2) Any action or proceedings pending after 15th April 1983 in any court in respect of any matter to which subsection (1) applies shall be dismissed on application by any party, and the court may make such order as to costs as it thinks fit.

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\*Section 3 of the Statutes (Miscellaneous Amendments) Act 1983 (No. 7/83).

Power to vest reclamations in Authority.

**22.—(1)** Any wharf, dock or other public work constructed by the Government along, across or extending out from the foreshore situated within the limits of the port and the land on which it is constructed, and any land reclaimed from the sea, and any part of the foreshore situated within those limits, may be vested in the Authority upon such terms and conditions as the Minister may determine.

Cap. 113.

(2) Nothing in this section shall be construed as authorising the vesting in the Authority of any foreshore otherwise than in accordance with the Foreshores Act, unless it is not subject to public rights or unless it is intended to vest it in the Authority subject to public rights.

Power to sell or exchange property.

**23.—(1)** Subject to section 20 (2), the Authority may sell or exchange any property vested in it by virtue of this Act or acquired by it for the purposes thereof either in block or in parcels, whichever the Authority finds most convenient and advantageous to do.

(2) The Authority shall have power to lease or let, with or without taking a premium, any property vested in or acquired by it or to grant easements, wayleaves, rights of way, temporary licences or other rights or privileges over, under, through or in respect of any lands or buildings belonging to the Authority upon such terms and conditions as the Authority may think fit.

Apparatus, etc., not to be subject to distress, etc.

**24.** When any apparatus, fixture or fitting belonging to the Authority is placed in or upon any premises not being in the possession of the Authority for the purposes of carrying out the functions of the Authority, such apparatus, fixture or fitting shall not be subject to distress nor be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession it is.

Damage to property. 25/86.

**25.—(1)** If any person wilfully removes, destroys or damages any property belonging to or in the custody or possession of the Authority or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000, and, on application by the Authority, a court may order the offender to pay compensation to the Authority for any damage done by him.

(2) Any person may apprehend any other person if such other person within his view commits an offence against this section and shall on such apprehension, without unreasonable delay, hand the person so apprehended over to a police officer.

(3) Any person who carelessly or accidentally removes, destroys or damages any property belonging to or in the custody or possession of the Authority or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated shall pay by way of compensation to the Authority, such sum of money not exceeding \$2,000 as a Magistrate's Court thinks reasonable. 25/86.

(4) Nothing in this section shall prevent the Authority from taking any legal proceedings open to it at law before any court having jurisdiction for the recovery of the full amount of the damage caused by such person.

**26.—**(1) Where damage is done to any property of the Authority by any vessel or float of timber, the cost of making good the damage, including the expenses of any inspection or survey carried out by the Authority to ascertain such damage, if any, may be recovered by the Authority as a debt from the master, owner or person in charge of the vessel or float of timber, as the case may be. Master, owner or person in charge of vessel answerable for damage. 25/86.

(2) The Authority may detain any such vessel or float of timber until the costs of making good such damage has been paid to the Authority or may require the master, owner or person in charge of the vessel or float of timber to deposit such sum of money or furnish such security as may be required by the Authority in order to meet the costs of making good the damage, whether actual or estimated by the Authority. 25/86.

(3) For the purposes of subsection (2), section 62 (3) shall apply. 10/73.

**27.—**(1) If through any act, neglect or default on account whereof any person has incurred any penalty imposed under this Act, any damage to the property of the Authority has been committed by such person, he shall be liable to make good the damage as well as pay the penalty. Damage to Authority's property to be made good in addition to penalty.

(2) The amount of such damage shall, in case of dispute, be determined by the court by which the party incurring such penalty has been convicted, and may be recovered as if it were a fine imposed by the court.

Extent of application of other written law to premises of Authority. 1936 Ed. Cap. 133. 24/57.

**28.—(1)** The premises vested in the Authority shall be exempt from the operation of the Municipal Ordinance\* and the Local Government Ordinance 1957\* and the by-laws made thereunder or any written law repealing and re-enacting the provisions thereof, save and except that the provisions of those Ordinances and of the by-laws made thereunder or of any written law repealing and re-enacting the provisions thereof which relate to —

- (a) the construction, alteration and demolition of buildings intended for use as domestic buildings, dwelling-houses, shop-houses and matters incidental thereto;
- (b) the construction of new public streets;
- (c) the conservancy and the collection, removal and disposal of nightsoil, dung, trade and garden refuse and filth;
- (d) the provision, construction, maintenance and repair of wells, cesspools, privies, septic tanks and sewage purification plant;
- (e) the control, regulation and supervision by registration, licensing or otherwise of —
  - (i) stables, cattle-sheds and places for keeping sheep, cattle, goats, swine or poultry;
  - (ii) premises used for the keeping in captivity for sale or exhibition of animals;
  - (iii) the sale of perishable food and milk;
  - (iv) the carrying on of the trade of cow-keepers, dairymen and purveyors of milk;
  - (v) public houses, liquor shops, boarding houses, nursing homes, maternity homes, workmen's dwellings and places used for the reception of sick or dying persons;

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\*Repealed by Ordinances 72/60, 26/61, 1/63 and 18/63.

- (vi) public bathing and washing accommodation;
- (vii) markets;
- (viii) persons engaged or employed in markets; and
- (ix) the weights and measures to be used in markets;
- (f) the licensing, establishment and regulation of slaughter-houses;
- (g) the seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other provisions exposed or intended for sale;
- (h) the prevention and abatement of nuisances;
- (i) the control, regulation and supervision by registration, licensing or otherwise of premises or anything therein used for the purpose of any offensive trade;
- (j) the construction, control and management by registration, licensing or otherwise of places in which food or drink for human consumption is sold, prepared or stored for sale;
- (k) the overcrowding of houses;
- (l) the destruction of rats, mice or other vermin;
- (m) the prevention of the wasting of water;
- (n) the regulation, restriction, prevention and licensing of the exhibition of advertisements, sky-signs and aerial signs in or on any premises or in, on or by means of any train, vehicle, vessel or aircraft; and
- (o) the control, regulation and supervision by registration, licensing or otherwise of places used for performances, theatres, wayangs, concerts and other public exhibitions and entertainments,

shall be applicable and in force within those premises, and the Government or public officer or statutory body for the time being responsible for the administration of those provisions shall have the same powers and authorities for enforcing the performance and observance of those provisions in those premises:

Provided that where any of the premises are used by the Authority in pursuance of this Act for any of the purposes

referred to in this subsection, no licence fees shall be payable by the Authority.

(2) The Minister may, after consultation with the Authority, by order published in the *Gazette* declare that any other provisions of those Ordinances and by-laws or of any written law repealing or re-enacting the provisions thereof, shall apply to the premises of the Authority, and thereupon the same shall apply accordingly.

(3) Where application is made for water supply for domestic or other purposes by the Authority to the statutory body responsible for the supply of water and the parties are unable to agree upon terms and conditions for such supply, the statutory body shall refer the matter to the Minister responsible for that statutory body, who may determine the terms and conditions on which such supply shall be given.

## PART V

### PROVISIONS RELATING TO STAFF

Appointment  
of Executive  
Director.  
25/86.

**29.**—(1) The Authority shall, with the approval of the Minister, appoint an Executive Director on such terms and conditions as the Authority may think fit.

(2) The Executive Director shall not be removed from office without the consent of the Minister.

(3) The Minister shall consult the Public Service Commission before granting his approval under subsection (1) or before giving his consent under subsection (2).

(4) If the Executive Director is temporarily absent from Singapore or temporarily incapacitated by illness or for other reasons temporarily unable to perform his duties, another person may be appointed by the Authority to act in the place of the Executive Director during any such period of absence from duty. [34]

Appointment  
of Port  
Master and  
Deputy  
Port  
Masters.

**30.** The Authority shall appoint a Port Master for the purposes of this Act, and may appoint such number of Deputy Port Masters as it may think fit for all or any of the purposes of this Act. [35]

Appointment  
of staff.  
25/86.

**31.**—(1) The Authority may from time to time appoint and employ on such terms and conditions as the Authority may determine such officers and employees as may be necessary for the effective performance of its functions.

(2) The Authority may make rules, not inconsistent with this Act, for the manner of appointment, conduct and discipline and the terms and conditions of service of the officers and employees of the Authority. [36]

**32.—**(1) Subject to the approval of the Minister, the Authority may make rules for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Authority as it may determine, or to their legal personal representatives or dependants, or to any person nominated by such employees, on the death or retirement of such employees from the service of the Authority or on their otherwise leaving the service of the Authority.

Pension schemes, provident fund, etc. 25/86.

(2) The following provisions shall apply to any scheme established under this section:

- (a) no assurance on the life of any contributor under any such scheme, and no moneys or other benefits payable under any such assurance, and no payment made under any such scheme to any person who has been employed by the Authority, shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, other than a debt due to the Authority or to the Government;
- (b) no contribution by the Authority or its employees made under any such scheme and no interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the Authority or to the Government;
- (c) no such contribution or interest shall be subject to the debts of the contributor, nor shall such contribution or interest pass to the Official Assignee on the bankruptcy of the contributor, but, if the contributor is adjudicated a bankrupt or is declared insolvent by a court, such contribution or interest shall, subject to the provisions of this Act, be deemed to be subject to a trust in

favour of the persons entitled thereto on the death of the contributor;

(d) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any such scheme, but the deductions shall continue to be made notwithstanding the provisions of any written law, and the portion of salary so deducted shall not be deemed to form part of his after-acquired property; and

(e) subject to the provisions of any such scheme, all moneys paid or payable under any such scheme on the death of a contributor shall be deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in such form as may be prescribed in such scheme, and shall not be deemed to form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purposes of the Estate Duty Act.

Cap. 96.

10/73.

G.N.  
3328/38.

Cap. 225.

(3) The Authority in making, under this section, any pension, provident fund or other superannuation rules which affect any person transferred to the service of the Authority under section 15 shall, in such rules, provide for the payment to such person or his dependants of benefits not less in value than the amount of any pension, provident fund, gratuity or allowance for which such person would have been eligible under the Harbour Boards Superannuation Schemes Regulations 1938, the Singapore Harbour Board Regulations governing the scale of gratuities payable to employees in receipt of daily or hourly rates of pay, or the Pensions Act, had he continued to be in the service of the Singapore Harbour Board or of the Government, as the case may be. Nothing in such rules shall, unless otherwise agreed to by any person, adversely affect any conditions that would have been applicable to such provident fund, pension, gratuity or allowance under that Act or those regulations.

**33.** Where any person in the service of the Authority, whose case does not come within the scope and effect of any pension or other schemes established under section 32, retires or dies in the service of the Authority or is discharged from such service, the Authority may, with the approval of the Minister, grant to him or to such other person or persons wholly or partly dependent on him as the Authority may think fit such allowance or gratuity as the Authority may determine. [39]

Gratuity to employees or dependants of deceased employees. 10/73.

## PART VI

### HOUSING SCHEME

**34.** In this Part, unless the context otherwise requires —

Interpretation.

“flat” means a horizontal stratum of a building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or intended to be used as a complete and separate unit for the purpose of human habitation;

34/75.

“lease” includes an agreement for a lease;

“owner”, in relation to any property sold by the Authority, includes a person who has purchased a leasehold interest in the property and also includes a purchaser under an agreement for a lease. [39A]

**35.—(1)** Where —

(a) a flat, house or building is sold by the Authority to any person under the provisions of this Part; or

(b) any estate or interest in such flat, house or building is —

(i) subsequently transferred by or to any person with the consent of the Authority; or

(ii) surrendered to the Authority,

and a solicitor is not employed by such person to act for him in the transaction, the Authority may by its duly authorised officer act for such person.

Special provisions relating to sale by Authority of a flat, house or building. 25/86.

(2) Where the Authority acts for any person referred to in subsection (1), then for the purposes of the registration of

any instrument relating to the sale of the flat, house or building or any transaction referred to in that subsection —

- Cap. 269. (a) in the case of an instrument presented for registration under the Registration of Deeds Act, section 12 of that Act shall not apply if a duly authorised officer of the Authority certifies that the flat, house or building has been sold under the provisions of this Part;
- Cap. 157. (b) in the case of an instrument lodged for registration under the Land Titles Act, a certificate of an officer of the Authority duly authorised by the Authority to act for such person referred to in subsection (1) shall be sufficient for the purposes of section 54 of that Act; and
- Cap. 274. (c) a certificate by an officer of the Authority duly authorised by the Authority to act for such person referred to in subsection (1) shall be sufficient for the purposes of section 20 (2) of the Residential Property Act.
- Cap. 161. (3) Section 30 of the Legal Profession Act shall not apply to any officer of the Authority acting for any party to the transactions referred to in subsection (1). [39B

Conditions relating to sale, lease, mortgage or transfer of or charge on a flat, house or building. 34/75.

**36.—(1)** No flat, house or building which has been sold by the Authority subject to the provisions of this Part shall be sold, leased, mortgaged, transferred or charged without the written consent of the Authority.

(2) Where any assurance, mortgage, transfer, charge or lease of any such flat, house or other building (which is executed by or on behalf of the owner thereof without the written consent of the Authority) is registered under the provisions of the Registration of Deeds Act or the Land Titles Act, the Authority may by an instrument lodged with the Registrar of Deeds or the Registrar of Titles, as the case may be, declare such assurance, mortgage, transfer, charge or lease to be void and the Registrar of Deeds or the Registrar of Titles, as the case may be, shall register the instrument without being concerned to inquire into its regularity or validity, and upon registration thereof shall cancel the registration of any such assurance, mortgage, transfer, charge or lease.

(3) Where an assurance or a lease, mortgage or transfer of or a charge on a flat, house or building sold subject to the provisions of this Part is executed without the written consent of the Authority, the person, who is entitled to the title to or the estate or interest in the flat, house or building if the written consent of the Authority had been obtained, shall not present for registration under the provisions of the Registration of Deeds Act or the Land Titles Act the assurance, lease, mortgage or transfer of or charge on the flat, house or building. Cap. 269.  
Cap. 157.

(4) The Authority may, on the discovery of such assurance, lease, mortgage, transfer or charge, serve a written notice upon the person, referred to in subsection (3), of its intention to lodge with the Registrar of Deeds or the Registrar of Titles, as the case may be, an instrument under subsection (6).

(5) Such person may, within 14 days after the date of the service of the notice, appeal against the lodging of such instrument for the purpose of subsection (6) to the Minister whose decision shall be final.

(6) The Authority may, in any case where an assurance or a lease, mortgage or transfer of or a charge on a flat, house or building, sold subject to the provisions of this Part has been executed without its written consent, and no appeal under subsection (5) has been made within the time referred to in that subsection or an appeal under that subsection has been dismissed, lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, for the vesting in the Authority of the title to or the estate or interest in the flat, house or building. 25/86.

(7) The Registrar of Deeds or the Registrar of Titles, as the case may be, shall register any instrument, lodged under subsection (6), without being concerned to inquire into its regularity or validity, and upon the registration of such instrument —

- (a) in the case of a flat, house or building registered under the provisions of the Registration of Deeds Act, the Registrar of Deeds shall make an entry in the books of the Registry that the flat, house or building has been vested in the Authority in accordance with this section, and upon that entry being made, the title to and the

estate or interest in the flat, house or building shall vest in the Authority free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Authority; or

Cap. 157.

- (b) in the case of a flat, house or building, registered under the provisions of the Land Titles Act, the Registrar of Titles shall register the instrument on the relevant folio of the land-register without the necessity of the production of the duplicate certificate of title and upon registration thereof, the title to and the estate or interest in the flat, house or building shall vest in the Authority free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Authority, and the Registrar of Titles shall cancel the registration of any lease, mortgage or charge thereby overreached.

(8) Any person who acts in contravention of subsection (1) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both. [39c

Conditions  
in respect  
of a flat,  
house or  
building.  
34/75.

**37.—**(1) No lien by deposit of the title deeds, as security for a debt, of any flat, house or building that has been sold subject to the provisions of this Part shall be capable of being created in favour of any person and any caveat in support of any such lien if lodged with the Registrar of Titles or presented for registration with the Registrar of Deeds shall have no legal effect.

(2) No such flat, house or building shall vest in the Official Assignee on the bankruptcy of the owner thereof.

(3) No such flat, house or building shall be attached in execution of a decree of a court.

(4) Every trust or alleged trust, whether the trust is express, implied or constructive, which purports to be created in respect of such flat, house or building by the owner thereof shall be null and void and shall be incapable of being enforced by a court. [39D

38.—(1) The transmission made on the death of the owner, whether testate or intestate, or any transfer by the legal personal representatives of a deceased owner of a flat, house or building that has been sold subject to the provisions of this Part without the written consent of the Authority shall not be presented for registration under the provisions of the Registration of Deeds Act or the Land Titles Act.

Transfer of a flat, house or other building on death of owner.  
34/75.

Cap. 269.  
Cap. 157.

(2) Where the Authority refuses to give its written consent, the Authority shall lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, to have the flat, house or building vested in the Authority.

(3) Where no representation has been taken out under a will or on the intestacy of a deceased owner of a flat, house or building within 12 months from the death of the owner, or where representation has been taken out but the legal personal representatives do not apply for the Authority's written consent for the transmission or transfer of the flat, house or building within 6 months from the date of the representation, the Authority may lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, to have the flat, house or building vested in the Authority.

(4) Where on the death of the owner of a flat, house or building that has been sold subject to the provisions of this Part the lease in favour of the owner has not been registered under the provisions of the Registration of Deeds Act or the Land Titles Act, or where no representation has been taken out under a will or on the intestacy of a deceased owner of such flat, house or building within 12 months from the death of the owner, the Authority may rescind the agreement for the lease of such flat, house or building.

(5) Where the Authority decides to lodge an instrument under subsection (2) or (3) to have the flat, house or building vested in itself or to rescind an agreement for the lease pursuant to subsection (4), the Authority shall —

- (a) serve a written notice on the legal personal representatives of the deceased owner of, and on all persons known or believed to have an interest or estate in, the flat, house or building; and

- (b) in the case where no representation is taken out, affix a notice at the flat, house or building and also serve a notice on all persons known or believed to have an interest or estate in the flat, house or building,

of its intention to lodge with the Registrar of Deeds or the Registrar of Titles, as the case may be, an instrument of vesting under subsection (2) or (3) or of its decision to rescind the agreement for the lease and of the compensation to be paid therefor and the date on which the instrument will be lodged as aforesaid not being a date earlier than 28 days after the date of the service of the notice.

(6) The legal personal representatives and any person who is interested in the estate of the deceased owner may, within 28 days after the date of the service of the notice, appeal to the Minister whose decision shall be final and shall not be called in question in any court.

(7) Where an appeal is made to the Minister pursuant to subsection (6) the Authority shall not proceed to lodge an instrument of vesting under subsection (2) or (3) until the appeal is disposed of.

(8) The Registrar of Deeds or the Registrar of Titles, as the case may be, shall register any instrument lodged under subsection (2) or (3) without being concerned to inquire into its regularity or validity and —

Cap. 269.

- (a) in the case of a flat, house or building registered under the provisions of the Registration of Deeds Act, the Registrar of Deeds shall make an entry in the books of the Registry that the flat, house or building has been vested in the Authority and upon that entry being made; and

Cap. 157.

- (b) in the case of a flat, house or building registered under the provisions of the Land Titles Act, the Registrar of Titles shall register the instrument on the relevant folio of the land-register without the necessity of the production of the duplicate certificate of title and upon registration thereof,

the title to and the estate or interest in the flat, house or building shall vest in the Authority free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Authority, and

the Registrar of Deeds or the Registrar of Titles, as the case may be, shall cancel the registration of any mortgage, charge or lease thereby overreached.

(9) Where an appeal has been determined by the Minister or on the expiry of a period of 28 days after the date of the service of the notice referred to in subsection (5) and the legal personal representatives do not consent to receive the compensation, or where representation has not been taken out under a will or intestacy of the deceased owner, or where there are conflicting claims to the compensation to be paid by the Authority, the Authority shall apply to the High Court *ex parte* by originating summons, supported by an affidavit, for an order to deposit the amount of the compensation in Court and, notwithstanding anything to the contrary in the Rules of the Supreme Court for the time being in force, the Court may make such an order.

(10) The compensation to be paid by the Authority for any flat, house or building vested in the Authority under this section shall be determined by the Authority. [39E

**39.**—(1) The Registrar of Titles and the Registrar of Deeds shall have the power to refuse to accept for registration or lodgment of any assurance, lease, mortgage, transfer or charge relating to any flat, house or building which has been bought or sold, leased, mortgaged or disposed of by a person in contravention of sections 36 (1), 37 and 38.

Restrictions on registration of assurance, lease, mortgage, transfer or charge. 34/75.

(2) A certificate of the Authority that any flat, house or building has been purchased, sold, leased, mortgaged, transferred or charged in accordance with the provisions of this Act shall be conclusive evidence of that fact. [39F

**40.**—(1) The Authority may compulsorily acquire any flat, house or building sold subject to the provisions of this Part —

- (a) if the owner thereof and his spouse, if any, have, in the opinion of the Authority, ceased to occupy the same;
- (b) if the owner thereof or his spouse has at any time, whether before or within 10 years from the date of the purchase of the flat, house or building from the Authority, acquired whether by operation of law or otherwise any title to or an estate

Authority may compulsorily acquire property sold subject to the provisions of this Part. 34/75.

or interest in any other flat, house, building or land;

- (c) if the owner thereof has, in the opinion of the Authority, used the flat, house or building otherwise than for the purpose permitted by the lease;
- (d) if the owner thereof has failed to perform or observe any condition in the lease to be performed or observed on the part of the owner after a notice in writing has been sent by the Authority drawing his attention to the non-performance or non-observance of the condition in the lease and the Authority is of the opinion that he is likely to continue to do the same if he should continue to own the flat, house or building;
- (e) if the owner thereof has made a misleading or false statement in his application to the Authority for the purchase of the same;
- (f) if the owner thereof has made a misrepresentation of a material fact, whether innocently or otherwise, in his application to the Authority for the purchase of the same; or
- (g) if the owner thereof assigns, underlets or parts with the possession of the same or any part thereof in breach of a condition in the lease against assigning, subletting or parting with possession.

25/86.

(2) (a) Subsection (1) (b) shall not apply to any commercial property not exceeding in value \$250,000 or such higher value as the Minister may allow which the owner or his spouse has acquired with the prior written consent of the Authority.

Cap. 232.

(b) For the purposes of paragraph (a), “commercial property” means any flat, house or building or any part thereof which is permitted to be used pursuant to the Planning Act or any other written law for the purpose of carrying on any business or which is lawfully so used.

(3) Where the Authority intends to exercise its powers of compulsory acquisition conferred by this section, the Authority shall serve a notice in writing on the owner of the flat, house or building and all persons known or believed to be interested in claiming all or any part of the compensation

to be paid for the flat, house or building (referred to in this Act as an interested person) stating the Authority's intention to acquire the premises and the compensation to be paid therefor.

(4) An owner or interested person who objects to a proposed acquisition by the Authority may within 28 days after the date of the service of the notice referred to in subsection (3), submit in writing to the Authority precisely the grounds upon which he objects to the acquisition and the compensation offered by the Authority.

(5) The Authority shall consider the objection and may either disallow it or allow it either wholly or in part, and shall serve the owner or interested person by post or otherwise with a written notice of its decision.

(6) Any owner or interested person aggrieved by the decision of the Authority may, within 28 days after the date of the service of such decision, appeal to the Minister whose decision shall be final.

(7) This section shall not limit or affect the powers conferred upon the Authority by any other provision of this Act or under any other written law to exercise its right of forfeiture and right of re-entry for a breach of the conditions of a lease. [39G

**41.—**(1) When the Authority has made a decision pursuant to section 40 to compulsorily acquire a flat, house or building, the Authority may —

Vesting of  
acquired  
property in  
Authority.  
34/75.

(a) lodge an instrument with the Registrar of Deeds or the Registrar of Titles, as the case may be, for the vesting in the Authority of the title to or the estate or interest in that flat, house or building —

(i) in the case where no objection has been made pursuant to section 40, on the expiry of a period of 28 days after the date of the service of the notice referred to in section 40 (4); and

(ii) in the case where an appeal has been made to the Minister, at any time after the appeal has been determined by the Minister or when the appeal is withdrawn, as the case may be; and

(b) in the case where no lease has been registered in favour of the owner, serve a written notice to terminate the agreement for a lease and to re-possess the flat, house or building or part thereof in the name of the whole and thereupon any interest of the purchaser shall absolutely determine.

(2) The Registrar of Deeds or the Registrar of Titles, as the case may be, shall register any instrument lodged under subsection (1) without being concerned to inquire into its regularity or validity and —

Cap. 269.

(a) in the case of a flat, house or building registered under the provisions of the Registration of Deeds Act, the Registrar of Deeds shall make an entry in the books of the Registry that the flat, house or building has been vested in the Authority and upon that entry being made; or

Cap. 157.

(b) in the case of a flat, house or building registered under the provisions of the Land Titles Act, the Registrar of Titles shall register the instrument on the relevant folio of the land-register without the necessity of the production of the duplicate certificate of title and upon registration thereof,

the title to and the estate or interest in the flat, house or building shall vest in the Authority free from all encumbrances, subject to such subsisting covenants, conditions or restrictions, if any, as may be binding on the Authority, and the Registrar of Deeds or the Registrar of Titles, as the case may be, shall cancel the registration of any mortgage, charge or lease thereby overreached. [39H

Payment of  
compensa-  
tion.  
34/75  
25/86.

42.—(1) The Authority shall pay the compensation determined by the Authority for the acquisition of a flat, house or building under section 38 or 40 to an owner or the legal personal representatives of a deceased owner or to both an owner or the legal personal representatives, as the case may be, and an interested person in such proportion as the Authority may decide or such amount as may be varied by the Minister on appeal and in the case where any party refuses to accept it or where there is a dispute between the parties to the proportion they are entitled to the compensation to be paid the Authority shall apply to the High Court *ex parte* by originating summons, supported by an affidavit,

for an order to deposit the amount of the compensation or any part thereof in Court and, notwithstanding anything to the contrary in the Rules of the Supreme Court for the time being in force, the High Court may make such an order.

(2) The Authority may withhold any compensation payable in respect of any flat, house or building vested in the Authority under this Part to any person until the Authority has taken possession of that flat, house or building. [39I

## PART VII

### FINANCIAL PROVISIONS

43.—(1) The revenue of the Authority in any year shall be applied in payment of the following charges:

- (a) the interest and sinking fund contributions on any loan payable by the Authority;
- (b) the sums required to be paid to the Government towards repayment of any loan made by the Government to the Authority;
- (c) the salaries, fees and allowances of the members of the Authority;
- (d) the salaries, fees, allowances, remuneration, pensions, gratuities, provident fund and other superannuation benefits of the employees, agents, auditor and technical or other advisers of the Authority;
- (e) the working and establishment expenses of, and the expenditure on, or provision for the maintenance of any of the installations of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue accounts;
- (f) such sums as the Authority may consider appropriate to set aside in respect of depreciation or renewal of property of the Authority, having regard to the amount set aside out of revenue under paragraphs (a) and (b);
- (g) the cost, or any portion thereof, of any new works, plant, vessels or appliances not being a renewal of the property of the Authority, which the Authority may determine to charge to revenue;

Purposes  
for which  
funds of  
Authority  
may be  
expended.

- (h) such sums by way of contribution to public or charitable objects associated with the objects of this Act as the Authority, with the approval of the Minister, may determine; and
- (i) any other expenditure authorised by the Authority and properly chargeable to revenue.

(2) The balance of the revenue of the Authority shall be applied for the creation of a general reserve or such other reserves or capital fund as the Authority may consider appropriate. [40]

Investment  
of funds.

**44.** The Authority may, from time to time, invest any of its funds, not immediately required to be expended in the meeting of the obligations or in the discharge of the functions of the Authority, in securities authorised for the investment of trust funds by any written law for the time being in force:

Provided that the Minister may require the Authority to invest any such funds in such of the aforesaid securities as he may direct. [41]

Borrowing  
powers.

**45.—(1)** The Authority may, from time to time, for the purposes of this Act, raise loans from the Government or, with the consent of the Minister, from any other source, either by the creation and issue of debentures, stock or bonds, or otherwise, as the Minister may direct.

(2) The Authority shall pay interest on such loans at such rate and at such times, and shall make such provision for the mode and time or times of repayment of principal, as may be approved by the Minister after consultation with the Authority.

(3) The Authority may, with the consent of the Minister, from time to time borrow by way of a temporary loan or overdraft from a bank or otherwise, any sum which it may temporarily require —

- (a) for the purpose of defraying expenses pending the receipt of revenues receivable by it in respect of the period of account in which those expenses are chargeable; or
- (b) for the purpose of defraying, pending the receipt of money due in respect of any loan authorised to

be raised under subsection (1), expenses intended to be defrayed by any such loan. [42]

**46.** All loans raised by the Authority under section 45, together with all interest and other sums payable in respect thereof, shall be charged indifferently upon all the revenues of the Authority and shall rank equally one with another, with priority over any other charge on the revenues of the Authority. [43]

Loans charged upon revenues of Authority.

**47.—(1)** The Authority shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Authority for the ensuing year. [44]

Annual estimates.

(2) Supplementary estimates may be adopted by the Authority at any of its meetings.

(3) A copy of all annual estimates and supplementary estimates shall, upon their adoption by the Authority, be sent forthwith to the Minister.

(4) A summary of the annual estimates and supplementary estimates adopted by the Authority shall be published in the *Gazette*. [44]

**48.—(1)** The Authority shall prepare in respect of each financial year ending on 31st December a statement of accounts in a form approved by the Minister. [45]

Accounts to be kept. 34/75.

(2) The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority. [45]

**49.—(1)** The accounts of the Authority shall be audited by the Auditor-General or by an auditor appointed annually by the Minister in consultation with the Auditor-General (referred to in this Act as the Authority's auditor). [46]

Appointment and powers of Authority's auditor. 34/75.

(2) The Authority's auditor shall be paid out of the funds of the Authority such fees as the Minister, after consultation with the Authority, may direct.

(3) The Authority's auditor or a person authorised by him shall be entitled to full and free access to all accounting

and other records relating directly or indirectly to the financial transactions of the Authority and may make copies of, or extracts from, any such accounting and other records.

(4) The Authority's auditor or a person authorised by him may require any person to furnish him with such information which such person possesses or has access to as the auditor or duly authorised person considers necessary for the purposes of the functions of the auditor under this Act.

(5) An officer of the Authority who refuses or fails without any reasonable cause to allow the Authority's auditor access to any accounting and other records of the Authority in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays the Authority's auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 and in the case of a continuing offence to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction. [46

Financial  
statements.  
34/75.

**50.**—(1) The Authority shall, as soon as practicable after the close of the financial year, prepare and submit the financial statements in respect of that year to the Authority's auditor who shall audit and report —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Authority; and
- (b) on such other matters arising from the audit as he considers necessary.

(2) The Authority's auditor shall state in his report whether —

- (a) proper accounting and other records have been kept;
- (b) the financial statements are prepared on a basis similar to that adopted for the preceding financial year;
- (c) the financial statements are in agreement with the accounting and other records;

(d) the receipt, expenditure and investment of moneys and the acquisition and disposal of assets by the Authority during the financial year have been in accordance with the provisions of this Act.

(3) The Authority's auditor may at any other time report to the Minister through the Authority upon any matter arising out of the performance of his audit. [47]

**51.**—(1) As soon as the accounts of the Authority and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the Chairman and certified by the auditor, together with a copy of any report made by the Authority's auditor, shall be submitted to the Minister. Presentation of financial statements and audit reports. 34/75.

(2) Where the Auditor-General has not been appointed to be the Authority's auditor a copy of the audited financial statements and any report made by the Authority's auditor shall be forwarded to the Auditor-General at the same time as they are submitted to the Minister.

(3) The Minister shall present a copy of the audited financial statements and of the report of the Authority's auditor to Parliament. [48]

**52.**—(1) The Authority shall, as soon as practicable after the end of each financial year but not later than 4 months from the end of that year, unless the Minister otherwise authorises in writing, furnish to the Minister a report of its functions during the preceding financial year. Annual report. 34/75.

(2) The Minister shall present a copy of every such annual report to Parliament. [49]

## PART VIII

### DUES AND RATES

**53.** The owner, agent or master of every vessel which enters, leaves, uses or plies within the port or calls at Singapore shall pay to the Authority such port or other dues as the Authority may, with the approval of the Minister and by notification in the *Gazette*, from time to time prescribe. Dues payable in respect of vessels. 10/73 25/86.

[50]

Pilotage  
dues.  
10/73  
25/86.

**54.**—(1) The Authority may, with the approval of the Minister and by notification in the *Gazette*, from time to time prescribe such pilotage dues as shall be paid to the Authority by the master, agent or owner of every vessel which enters, leaves, uses or plies within the port.

(2) The pilotage dues payable under subsection (1) shall be paid in addition to the rates which the Authority may levy for providing the services of an Authority pilot on board a vessel. [51]

Goods  
dues.  
10/73.

**55.**—(1) The Authority may, with the approval of the Minister and by notification in the *Gazette*, levy such goods dues as are prescribed on goods brought into or taken out of such private wharf or premises (by any means of transportation) as may be specified in the notification.

34/75.

(2) Such goods dues shall be paid by —

- (a) the owner or occupier of such wharf or premises;
- (b) the owner of the vehicle or vessel used in the carriage of the goods into or out of the wharf or premises or otherwise; or
- (c) any other person authorised to act as agent for the owner of such vehicle or vessel in the carriage of such goods into or out of the wharf or premises or otherwise.

(3) The Authority may recover such goods dues from any of the persons mentioned in subsection (2). [52]

Receipts.  
10/73  
25/86.

**56.** A receipt for port dues, pilotage dues or goods dues, as the case may be, shall be given to every person paying them, and any vessel in respect of which such receipt is not produced, when demanded by an officer duly authorised by the Authority in that behalf, may be detained until such receipt is produced. [53]

Remission  
of dues.  
10/73.

**57.**—(1) The Authority may, if it thinks fit, remit or waive the whole or any part of any dues paid or payable under this Act.

(2) The Authority may exempt, upon such conditions as it may prescribe, any vessel or classes of vessels from any dues payable under this Act. [54]

**58.**—(1) Subject to the provisions of this Act, the Authority may levy such rates as the Authority may, with the approval of the Minister and by notification in the *Gazette*, from time to time prescribe for the use of premises, works or appliances belonging to the Authority and for services or facilities provided by the Authority, and, without prejudice to the generality of the foregoing, for either of the following matters:

Levy of rates.  
10/73  
25/86.

- (a) the use of salvage services provided by the Authority to any vessel within the territorial waters of Singapore; or
- (b) the removal of oil, filth, rubbish or any other matter thrown, deposited or discharged into the territorial waters of Singapore.

(2) The Authority may enter into a special agreement in respect of any of the matters referred to in subsection (1) instead of charging the rate prescribed for it.

(3) The Authority may make such charges as it thinks fit for services rendered, facilities provided or goods supplied by it in pursuance of the powers conferred by this Act in respect of which no rates have been prescribed under subsection (1).

(4) Any rates prescribed by the Authority under subsection (1) shall become due and payable as if the services, works and facilities have been rendered, performed or provided if the request for the services, works and facilities was withdrawn or cancelled without the prescribed notice of withdrawal or cancellation of the request being given to the Authority. [56\*]

10/73.

**59.** The Authority may determine the fees to be paid in respect of the issue or renewal of any licence or permit issued under this Act or any regulations made thereunder. [56A]

Power to determine fees.  
25/86.

**60.** The Authority may, if it thinks fit, remit or waive the whole or any part of any rates paid or payable under this Part. [57]

Remission of rates.  
10/73.

**61.** Any duly authorised representative of the Authority may enter into any vessel within the limits of the port or the approaches to the port in order to ascertain the amount of the dues or rates payable in respect of the vessel. [58]

Power of entry into vessels.

Lien on  
goods for  
recovery  
of rates.

**62.—**(1) For the amount of all rates leviable under this Act in respect of any goods, the Authority has a lien on the goods and is entitled to seize and detain them until the rates are fully paid. Such a lien has priority over all other liens and claims except claims for money payable to the Government.

(2) Rates in respect of goods to be landed become payable immediately on the landing of the goods.

(3) Rates in respect of goods to be shipped are payable before the goods are shipped.

(4) Rates in respect of goods to be removed from the premises of the Authority are payable on demand. [59

Power to  
sell goods  
remaining  
in custody.  
4/71  
25/86.

**63.—**(1) Without prejudice to section 62, if any goods which have been placed in or on the premises of the Authority, other than goods accepted for storage by the Authority under section 111, are not removed therefrom within 21 days or, in the case of goods for transshipment or re-export from the time when the goods were placed in or on such premises within 42 days, the Authority may, at the expiration of the period of 21 days or 42 days, as the case may be, dispose of all or any such goods in such manner as it thinks fit:

Provided that if the goods are of a perishable nature the Authority may direct their removal within such shorter period, not being less than 24 hours after the landing thereof as the Authority thinks fit, and if not removed, the Authority may dispose of such goods in such manner as it thinks fit.

25/86.

(2) The proceeds of sale shall be applied by the Authority in the following manner:

- (a) firstly, in payment of any duty payable to the Government;
- (b) secondly, in payment of the expenses of the sale;
- (c) thirdly, in payment of the rates, charges and expenses due to the Authority in respect of the goods; and
- (d) fourthly, in payment of freight and other claims or liens of which notice to the Authority has been given,

and by rendering the surplus, if any, to the person entitled thereto on demand, and, in case no such demand is made within one year from the date of the sale of the goods, by paying the surplus to the account of the Authority, whereupon all rights to the same by such person shall be extinguished. [60

**64.**—(1) If the master or owner of any vessel in respect of which any dues, rates, damages or penalties are payable under this Act or any regulations made thereunder refuses or neglects to pay the same or any part thereof on demand, the Authority may, in addition to any other remedy which it may be entitled to use, distrain or arrest of its own authority the vessel and the tackle, apparel or furniture belonging thereto or any part thereof, and detain the same until the amount so due is paid.

Power to  
distrain for  
non-payment  
of dues,  
rates, etc.  
25/86.

(2) In case any part of the dues, rates, damages or penalties, or of the costs of the distress or arrest, or of the keeping of the vessel, tackle, apparel or furniture remains unpaid for the space of 14 days next after any such distress or arrest has been so made, the Authority may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of the sale may satisfy those dues, rates, damages or penalties and costs, including costs of sale remaining unpaid, rendering the surplus, if any, to the master or owner of the vessel on demand.

(3) If the Authority gives to the Port Master a notice stating that an amount therein specified is due in respect of dues, rates, damages or penalties chargeable under this Act or any regulations made thereunder against the vessel or the owner, agent or master of the vessel, the Port Master shall not grant port clearance until the amount so chargeable has been paid or security has been given to the satisfaction of the Authority for the amount thereof. [61

**65.** Notwithstanding anything in sections 62 to 64 and section 140, the Authority may recover by civil proceedings any dues, rates, expenses, costs, or, in case of sale, the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to or recoverable by the Authority under this Act or any regulations or orders made thereunder. [62

Remedy  
by civil  
proceedings.

## PART IX

## REGULATION OF PORT

Port  
regulations.  
4/71  
10/73  
34/73  
25/86.

**66.—(1)** The Authority may, with the approval of the Minister, make regulations for the maintenance, control and management of the port and the approaches to the port, and for the maintenance of good order therein and generally for carrying out the purposes of this Act, and in particular and without prejudice to the generality of the foregoing power, may make regulations for or in respect of all or any of the following matters:

- (a) regulating traffic and preventing and removing obstruction or impediment to navigation within the limits of the port and the approaches to the port;
- (b) the conduct of inquiries into any case where damage has been caused to or by a vessel;
- (c) regulating, declaring and defining the wharves, docks and places vested in the Authority or under its control, on and from which goods shall be landed from and shipped in vessels;
- (d) regulating the manner in which and the conditions under which the loading and discharging of vessels shall be carried out, and for varying the position of vessels loading or discharging;
- (e) keeping free passages of such width as is deemed necessary within the port and along or near to the wharves, docks, moorings and other similar works in or adjoining the same and for marking out the spaces so to be kept free;
- (f) regulating the anchoring, fastening, mooring and unmooring and warping of all vessels and the use of warps, mooring buoys, chain and other moorings and the granting of permission, on such conditions as the Authority may think fit, for the keeping or placing of private moorings or buoys;
- (g) regulating traffic, preventing obstruction and keeping order on wharves and docks and for ensuring the safety of the same and any cargo thereon;

- (h) regulating the use of fires and lights and the signals to be used and measures to be taken in case of fires in the port;
- (i) enforcing and regulating the use of navigation lights, signals and signal lights by vessels and the steps to be taken for avoiding collision by vessels navigating in the waters of the port;
- (j) the information to be supplied by the masters, owners, agents and other persons in respect of vessels arriving and departing and of goods loaded or discharged at the wharves and premises of the Authority, and the time and manner in which such information shall be supplied;
- (k) regulating, directing and controlling the use of vessels within the territorial waters of Singapore;
- (l) the prohibition of chipping, scaling or noisy repairs on vessels or the breaking up of vessels except at such places and at such times as may be prescribed;
- (m) permitting, regulating and controlling the landing of personnel belonging to an armed service of any foreign country and the movement of such personnel within the port;
- (n) the safe and convenient use of the wharves, docks and premises vested in the Authority or under its control and of any ferry service maintained by the Authority;
- (o) regulating the reception, storage and removal of goods within and from the premises of the Authority, and for declaring the procedure to be followed for taking charge of goods which have been damaged before landing or are alleged to have been so damaged;
- (p) keeping clean the basins, works and premises of the Authority and the waters of the port and the approaches to the port and preventing oil, filth, rubbish or any other thing from being thrown or entering therein or thereon;
- (q) regulating the towage of or other assistance to vessels and the terms and conditions of such

- towage or assistance and prohibiting such towage or assistance except through the Authority or by agreement with the Authority;
- (r) prescribing the terms and conditions for the sale and supply of water in the port and prohibiting such sale and supply except through the Authority or by agreement with the Authority;
  - (s) regulating and controlling the use of harbour craft and providing for the licensing thereof;
  - (t) excluding or limiting the liability of the Authority in respect of anything done pursuant to any regulations made under this Act;
  - (u) supervising, regulating and controlling all activities carried on within the port and within the premises under the ownership, management or control of the Authority and providing for the licensing thereof;
  - (v) regulating the provision and maintenance of adequate and efficient mooring buoys, gangways, landing stages, mooring and berthing facilities and providing for the licensing thereof;
  - (w) regulating the provision and maintenance of beacons, light-houses, buoys and other aids to navigation not owned or erected by the Authority and providing for the licensing thereof;
  - (x) prohibiting the loading and discharging of cargo other than at piers and places authorised for loading and discharging of cargo under the Customs Act or the Control of Imports and Exports Act or any regulations made thereunder;
  - (y) prescribing manning requirements for harbour craft; and
  - (z) prescribing the standards of competence to be attained (subject to any exemptions allowed by or under the regulations) by officers and crew of harbour craft in order to be qualified for the purposes of manning harbour craft and providing for, for such purposes, the conduct of any examinations, the conditions for admission to them and the issue, form and recording of licences or certificates and other documents.

(2) The Authority shall, with the approval of the Minister, make regulations for the conveyance, loading, discharging and storage of dangerous goods within the limits of the port and, in particular and without prejudice to the generality of the foregoing, for all or any of the following matters:

- (a) classifying goods as dangerous goods;
- (b) regulating the navigation and place of berthing, anchoring or mooring of vessels carrying dangerous goods;
- (c) regulating the mode of stowing and keeping dangerous goods on board such a vessel;
- (d) regulating and controlling the ligherage, handling, landing, loading and discharging of dangerous goods;
- (e) prohibiting or subjecting to conditions and restrictions the conveyance of any kind of dangerous goods with any other kind of goods, articles or substances;
- (f) prohibiting the loading, handling or discharging of dangerous goods at places within the jurisdiction of the Authority in cases where such loading, handling or discharging appears specially dangerous to the public;
- (g) fixing the places and times at which dangerous goods are to be loaded or discharged and the quantity to be loaded or discharged at any one time;
- (h) regulating the mode of, and the precautions to be observed in, conveying or keeping dangerous goods and in the loading, handling or discharging of them;
- (i) fixing the times at which lights or fires are to be allowed or not allowed on board vessels carrying dangerous goods;
- (j) generally for protecting, whether by means similar to those abovementioned or not, persons and property from danger.

(3) For the purposes of subsection (2), “dangerous goods” includes aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitroglycerine, petroleum, any

Cap. 13. explosives within the meaning of the Arms and Explosives Act and any other goods which the Authority may, by notification in the *Gazette*, declare to be dangerous goods for the purposes of this section.

25/86. (4) The Authority may, in making any regulations under this section, provide that any contravention of or failure to comply with any regulation shall be an offence and may prescribe as a penalty in respect of any one offence a fine not exceeding \$20,000 and in the case of a continuing offence a further fine not exceeding \$2,000 for every day or part thereof during which such offence continues after conviction or imprisonment for a term not exceeding 6 months or both. [64

Power of Port Master in relation to vessels. 25/86.

67. Notwithstanding the provisions of any regulations made under section 66, the Port Master may —

- (a) direct where any vessel shall be berthed, moored or anchored and the method of anchoring within the territorial waters of Singapore;
- (b) direct the removal of any vessel from any berth, station or anchorage to another berth, station or anchorage and the time within which such removal is to be effected within the territorial waters of Singapore;
- (c) regulate the moving of vessels within the port and the approaches to the port; and
- (d) by notification in the *Gazette*, declare the berths, locations, anchorages and fairways which may be used by vessels and the areas which are prohibited or restricted areas. [65

Owner, agent or master to report arrival or departure. 25/86.

68.—(1) The Port Master may direct the owner, agent or master of any vessel intending to enter or leave the port to furnish, before entering or leaving the port, such information as the Port Master may require relating to the vessel, its cargo and the estimated time of entering or leaving the port.

(2) The owner, agent or master of any vessel arriving in the port shall —

- (a) on arrival, report or cause to be reported by such means as the Port Master may from time to time direct the arrival of the vessel;

(b) within 24 hours of arrival, deposit at the office of the Port Master —

- (i) a general declaration of arrival in such form as the Port Master may determine;
- (ii) the clearance from the last port;
- (iii) a list of passengers on board;
- (iv) a list of crew;
- (v) a copy of the manifest of cargo to be discharged or transhipped in the port; and
- (vi) such other documents as may be required by the Port Master from time to time;

(c) in the case of vessels belonging to a nation not having a consular officer at the port, produce to the Superintendent as defined in the Merchant Shipping Act the certificate of registry and shall deposit with him the ship's articles.

Cap. 179.

(3) The owner, agent or master of any vessel who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[65A

**69.**—(1) The Port Master may at any time require the owner or master of any vessel which is in transit in the port or the approaches thereto to provide him with such particulars of the vessel, its cargo and equipment as the Port Master may determine.

Port Master may require vessel in transit in the port or the approaches thereto to provide information. 25/86.

(2) Any owner or master of a vessel who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000. [65B

**70.**—(1) No vessel, other than a vessel referred to in subsection (3), shall leave the port without the owner, agent or master obtaining port clearance from the Port Master.

No vessel to leave port without port clearance. 25/86.

(2) The owner, agent or master of the vessel applying for port clearance under subsection (1) shall —

(a) deposit at the office of the Port Master —

- (i) a general declaration of departure in such form as the Port Master may determine;
- (ii) a list of crew;

- (iii) a list of passengers on board;
  - (iv) a copy of the manifest of cargo on board and cargo loaded on or discharged at the port; and
  - (v) such other documents as may be required by the Port Master from time to time; and
- (b) produce for inspection the certificate of registration of the vessel.

(3) This section shall not apply to —

- (a) any ship of war;
- (b) any vessel belonging to or for the time being in the service or employment of the Government unless such vessel is carrying or habitually carries cargo or passengers for freight or fares; and
- (c) vessels which have been exempted from complying with this section by the Minister.

(4) If any vessel, not being exempted from complying with this section, leaves or attempts to leave the port without port clearance, the owner, agent or master of the vessel or any person who sends or attempts to send the vessel to sea shall, if that owner, agent, master or person is party or privy to the offence, be guilty of an offence and shall be liable on conviction for every offence to a fine not exceeding \$10,000, and the vessel, if she has not left Singapore waters, may be detained.

Cap. 270.

(5) No port clearance shall be granted to any vessel whose owner, agent or master has not complied with the Registration of Imports and Exports Act, or any other Act relating to the import or export of goods into or from Singapore.

(6) Where under this Act or any other written law a vessel is to be detained, the Port Master shall, and where under this Act or any other written law a vessel may be detained the Port Master may, refuse to issue a port clearance to that vessel.

(7) The Port Master may refuse to issue a port clearance to any vessel whose owner or master has not complied with, or has been charged with an offence under, any of the provisions of this Act or any other written law.

(8) The Port Master may refuse to issue a port clearance to any vessel which has anchored in the submarine cable corridor unless the owner, agent or master of the vessel has deposited such sum of money or furnished such security as may be required by the Telecommunication Authority of Singapore in order to meet the costs of making good the damage, whether actual or estimated by the Telecommunication Authority of Singapore, to the submarine cable and its associated plant (referred to in this section as the submersible plant).

(9) Where the Telecommunication Authority of Singapore has reason to believe that the submersible plant has been damaged by a vessel, the Telecommunication Authority of Singapore may require the owner, agent or master of that vessel to carry out an inspection or survey of the submersible plant in such manner as it considers necessary.

(10) The expenses of any inspection or survey of the submersible plant carried out under subsection (9) shall be paid by the owner, agent or master of the vessel.

(11) For the purposes of subsections (8) to (10), “submarine cable corridor” means the area designated by the Port Master as the submarine cable corridor.

(12) The Port Master shall not issue a port clearance for any vessel until the owner, agent or master of such vessel has declared to him the name of the nation or state to which he claims that she belongs, and if so required by the Port Master, has produced the certificate of registry of the vessel and the Port Master shall thereupon inscribe that name on the port clearance. [65c

71.—(1) The owner, agent or master of any vessel which fails to leave the port within 48 hours, or such shorter period as may be specified by the Port Master, after obtaining the port clearance shall, within 6 hours after the expiry of the 48 hours or such shorter period specified by the Port Master, return to the Port Master the port clearance issued, and if so required, obtain a fresh port clearance.

(2) Any owner, agent or master of a vessel who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction for every offence to a fine not exceeding \$5,000 and the vessel may be detained. [65D

Owner,  
agent or  
master of  
vessel not  
leaving  
within 48  
hours after  
port  
clearance  
to return  
port  
clearance  
to the Port  
Master.  
25/86.

Power to prohibit vessels from entering the territorial waters.  
25/86.

**72.** The Port Master may prohibit any vessel from entering the territorial waters of Singapore if he is of the opinion that it would not be in the interests of Singapore for such vessel to enter Singapore. [65E

Power to direct vessels to leave the territorial waters.  
25/86.

**73.—(1)** The Port Master may direct any vessel to leave the territorial waters of Singapore if he is of the opinion that it would not be in the interests of Singapore for such vessel to remain within the territorial waters of Singapore.

(2) Any person aggrieved by the direction of the Port Master under subsection (1) may, within 7 days of the receipt of such direction, appeal to the Minister whose decision shall be final.

(3) If any vessel fails to leave the territorial waters of Singapore within the time specified by the Port Master, or where an appeal has been made to the Minister under subsection (2), after the appeal has been refused, the Authority may take possession of and dispose of such vessel in any manner the Authority thinks fit. [65F

Penalty for disobedience of directions lawfully given.  
25/86.

**74.—(1)** Any person who, without lawful excuse, refuses or neglects to obey any direction lawfully given under this Part or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and in the case of a continuing offence to a further fine not exceeding \$500 for every day or part thereof during which he wilfully continues to disobey such direction.

(2) In case of any refusal or neglect or of any failure to comply with this Part or any regulations made thereunder, the Authority may, whether any proceedings have been instituted against any person for such offence or not, do or cause to be done all such acts as are in its opinion reasonable or necessary for the purpose of carrying out such direction or complying with such regulations, and may hire and employ such persons as it considers proper and necessary for such purpose.

(3) All expenses incurred in doing such acts shall be paid and borne by the person or persons so offending. [66

**75.**—(1) If any obstruction or impediment to the navigation of the port has been lawfully made or has become lawful by reason of the long continuance of such obstruction or impediment or otherwise, the Authority may, with the approval of the Minister, cause the same to be removed or altered, making to the persons who suffer damage by such removal or alteration reasonable compensation for the damage done.

Removal of certain obstructions and compensation therefor.

(2) If any dispute arises concerning such compensation, the amount and, if necessary, any question of liability shall be summarily ascertained and determined by a Magistrate's Court or, if the compensation claimed exceeds \$1,000, by a District Court.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court or District Court under this section, and the provisions of the Criminal Procedure Code shall *mutatis mutandis* apply to all such appeals. [67

Cap. 68.

**76.**—(1) In the event of fire breaking out on board any vessel in the port, the Port Master or his authorised representative may proceed on board the vessel with such assistance and persons as to him seem fit, and may give such orders as seem to him necessary for scuttling the vessel, or for removing the vessel or any other vessel to such place as to him seems proper to prevent in either case danger to other vessels and for the taking of any other measures that appear to him expedient for the protection of life or property.

Fire on board vessel. 25/86.

(2) If such orders are not forthwith carried out by the master of such vessel, the Port Master or his authorised representative may proceed to carry them into effect.

(3) Any expenses incurred in the exercise of the powers conferred by subsections (1) and (2) shall be recoverable from the master or owner of the vessel concerned either as a civil debt or in the manner provided by section 140. [68

**77.**—(1) The Port Master or his authorised representative or any officer of the Authority authorised by the Authority or any police officer may go on board any vessel within the port whenever he suspects that any offence against this Part has been or is about to be committed in any vessel, or whenever he considers it is necessary for him to do

Power to board vessels. 25/86.

so in the discharge of any duty imposed upon him by this Part or otherwise by law.

(2) Any master of such vessel who, without lawful excuse, refuses to allow the Port Master or his authorised representative or any officer of the Authority authorised by the Authority or police officer so to enter such vessel shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$1,000. [69]

Execution of orders.

**78.**—(1) All acts, orders or directions by this Part or regulations made thereunder authorised to be done or given by a particular employee of the Authority may be done or given by any other employee of the Authority authorised in writing in that behalf by the Authority.

(2) Any person authorised to do any such act may call to his aid such assistance as is necessary. [70]

Indemnity to Authority.

**79.** The Authority shall not be liable for any act, omission or default of the Port Master. [71]

Exemption. 25/86.

**80.** The Authority may, with the approval of the Minister, exempt any vessel or any class or description of vessels from any of the provisions of this Part. [72]

## PART X

### REMOVAL OF VESSELS AND AIRCRAFT SUNK AND OTHER OBSTRUCTIONS

Power to require owner to raise, remove or destroy vessels, aircraft or other obstructions. 25/86.

**81.**—(1) If in the opinion of the Authority any vessel, aircraft or other object sunk, stranded or abandoned within the port or the approaches thereto is, or is likely to become, an obstruction, impediment, or danger to navigation or to the safe and convenient use or operation of the port, the Authority may by notice in writing require the owner of the vessel, aircraft or object to raise, remove or destroy the whole or any part of such vessel, aircraft or object within such time as may be specified in the notice.

(2) Any notice to be served by the Authority under subsection (1) shall be deemed to be sufficiently served if addressed to “the owner” of the vessel, aircraft or object, as the case may be, and —

(a) sent by registered post to the last known place of residence or business or registered office of the owner of the vessel, aircraft or object; or

(b) affixed to some conspicuous part of the vessel, aircraft or object.

(3) Any person who fails to comply with a notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and in the case of a continuing offence to a further fine not exceeding \$2,000 for every day or part thereof during which the notice is not complied with. [72A

**82.—**(1) Notwithstanding section 81, if the vessel, aircraft or other object is not raised, removed or destroyed within such time as may be given in the notice under section 81 (1), the Authority may —

Power to raise and remove vessels, aircraft or other obstructions. 25/86.

- (a) take possession of and raise, remove or destroy the whole or any part of such vessel, aircraft or object;
- (b) light, mark or buoy such vessel or aircraft until the raising, removal or destruction thereof; and
- (c) sell, in such manner as it thinks fit, any such vessel, aircraft or object.

(2) The Authority may use the proceeds of the sale under subsection (1) (c) to reimburse itself for the whole of the expenses incurred by it in the exercise of its powers under this section.

(3) The Authority shall on demand pay the surplus, if any, of the proceeds of the sale under subsection (1) (c) to the owner or any person entitled to it and if no demand is made by the owner within 12 months from the date of such sale, the surplus shall be paid into the funds of the Authority.

(4) If the proceeds of the sale under subsection (1) (c) are insufficient to reimburse the Authority for the whole expenses incurred by it, the Authority may recover the balance from the owner of the vessel, aircraft or object as a debt in any court of competent jurisdiction.

(5) If any vessel, aircraft or object or any part thereof is destroyed by the Authority under subsection (1) (a), the owner of such vessel, aircraft or object shall reimburse the Authority for the expenses incurred by it in such destruction.

(6) For the purposes of this section, “vessel” or “aircraft” includes every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel or aircraft, as the case may be. [72B]

## PART XI

### PILOTAGE

Declaration of pilotage districts. 25/86.

**83.**—(1) The Authority may, from time to time, by notification in the *Gazette* declare any area in the port to be a pilotage district\*.

(2) Every such declaration shall define the limits of the pilotage district. [73]

Authority may require vessels to be under pilotage. 25/86.

**84.**—(1) Every vessel while navigating in any pilotage district or part thereof shall be under pilotage and the owner, agent or master of the vessel shall comply with that requirement.

(2) A vessel while being moved within any area of the port which is or forms part of a pilotage district shall be deemed to be a vessel navigating in a pilotage district.

(3) The Authority may, if it appears to the Authority to be necessary, exempt any vessel or class of vessels while navigating in any pilotage district from being under pilotage subject to such terms and conditions as it may think fit to impose. [74]

Vessel to be piloted by an Authority pilot. 25/86.

**85.**—(1) No vessel shall be piloted in a pilotage district by any person other than an Authority pilot.

(2) Notwithstanding subsection (1) —

(a) the Authority may, if it considers expedient, authorise any person to pilot vessels in a pilotage district subject to such terms and conditions as it thinks fit; and

(b) the owner of a private wharf or dock may, with the approval of the Authority and subject to such terms and conditions as the Authority may impose, authorise any person to act as a berthing master for the purposes of berthing

\*See G.N. No. S 47/80.

and unberthing, docking and undocking vessels  
at such wharf or dock. [74A

**86.**—(1) Subject to the provisions of this Act, the Authority may employ such number of pilots as it considers necessary or expedient for the purpose of providing an adequate and efficient pilotage service. Authority to employ pilots.

(2) No person shall be employed as an Authority pilot in a pilotage district unless he is in possession of a valid licence to act as a pilot in such district issued under section 91. [75

**87.** The Authority shall appoint a Pilotage Committee for the purpose of — Appointment and functions of Pilotage Committee. 25/86.

- (a) holding examinations and issuing, on behalf of the Authority, licences to act as an Authority pilot;
- (b) holding inquiries concerning the conduct of Authority pilots in the discharge of their duties;
- (c) holding inquiries into the conduct of persons authorised by the Authority to pilot vessels in a pilotage district pursuant to section 85 (2) (a) in the discharge of their duties;
- (d) making such arrangements as may be necessary for the training of persons selected for or in the pilotage service of the Authority;
- (e) investigating and advising on such matters as may be referred to the Pilotage Committee by the Authority; and
- (f) carrying out such other functions as are conferred on the Pilotage Committee by this Act. [76

**88.**—(1) The Pilotage Committee shall consist of — Constitution of Pilotage Committee. 25/86.

- (a) the Port Master who shall be the chairman of the Committee; and
- (b) 4 other persons, out of whom 3 persons must have, in the opinion of the Authority, knowledge of or experience in nautical matters.

(2) The appointment of a member of the Pilotage Committee may be for any period not exceeding 3 years but such member shall be eligible for reappointment on completion of every such period.

(3) Three members of the Pilotage Committee shall form a quorum at any meeting of the Committee.

(4) The chairman of the Pilotage Committee shall preside at all meetings thereof:

Provided that if the chairman is absent from a meeting or any part thereof, such member as the members of the Pilotage Committee present shall choose, shall preside in his place.

(5) The chairman or member presiding at any meeting of the Pilotage Committee shall have a vote and, in the case of an equality of votes, a second or casting vote.

4/71.

(6) Members of the Pilotage Committee may be paid, out of the funds of the Authority, such fees and allowances as the Authority may, from time to time, determine. [77

Public servants.

Cap. 224.

**89.** The members of the Pilotage Committee shall be deemed to be public servants within the meaning of the Penal Code. [78

Rules.

**90.** Subject to the provisions of this Act, the Authority may, from time to time, make, vary or revoke rules for the purpose of regulating the meetings and proceedings of the Pilotage Committee. [79

Examination for licence.

**91.—(1)** The Pilotage Committee shall examine candidates for employment by the Authority as pilots and on being satisfied as to a candidate's general fitness and competency, including physical fitness, to act as an Authority pilot may, on behalf of the Authority, issue to him a licence to act as such, and such licence may contain such conditions as the Pilotage Committee may think fit.

Cap. 179.

(2) Subject to the provisions of this Part, every pilot holding, immediately prior to the commencement of this Part, a licence issued under the Merchant Shipping Act to act as a pilot in a pilotage district, shall be deemed to be qualified for employment by the Authority as a pilot, and the Pilotage Committee shall, on behalf of the Authority, issue to every such pilot as may be employed by the Authority a licence to act as an Authority pilot in the pilotage district, subject to such conditions as the Pilotage Committee may impose.

(3) Every Authority pilot shall, whenever the Pilotage Committee considers that owing to changed conditions or for any other sufficient reason the further testing of the knowledge, efficiency or physical fitness of any such pilot is necessary, present himself for further examination, and shall in every such case first deposit with the Pilotage Committee his licence issued by the Committee on behalf of the Authority to be returned or cancelled by the Committee on behalf of the Authority as the result of such test or examination determines.

(4) The Authority shall not continue to employ as a pilot any pilot whose licence to act as such is cancelled as the result of any test or examination carried out or held under subsection (3).

(5) Any licence issued under this section shall cease to be valid upon the termination of any Authority pilot's employment with the Authority. [80

**92.—**(1) The Pilotage Committee may, and when directed by the Authority shall, hold an inquiry into the conduct of an Authority pilot or a person authorised by the Authority to pilot vessels pursuant to section 85 (2) (a) where it appears that he has been guilty of misconduct affecting his capability as a pilot or has failed in or neglected his duty as a pilot or has become incompetent to act as a pilot.

Inquiries  
by Pilotage  
Committee.  
25/86.

(2) For the purposes of such inquiry, the Pilotage Committee may summon any person in Singapore to attend any meeting of the Committee to give evidence on oath or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession relative to the matters which are the subject-matter of such inquiry.

(3) Any person who —

- (a) being summoned to attend any such inquiry, fails to do so;
- (b) offers any act of disrespect or any insult or threat to the Pilotage Committee or any member thereof during an inquiry; or
- (c) being required by the Pilotage Committee to give evidence on oath or affirmation or to produce a document or other thing, refuses to do so,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [81

Submission of Pilotage Committee's findings and recommendations to Authority.

**93.**—(1) Where the Pilotage Committee, after due inquiry in accordance with the provisions of this Part and after hearing any statement that may be offered in defence, finds that an Authority pilot has been guilty of misconduct affecting his capability as a pilot or has failed in or neglected his duty as a pilot or has become incompetent to act as a pilot, it shall submit to the Authority a copy of the record of the inquiry and its findings and recommendations in respect of the inquiry.

(2) The Authority may, after considering the findings and recommendations of the Pilotage Committee, suspend or cancel the licence of such Authority pilot or impose such other punishment as the Authority may think fit.

(3) Any Authority pilot who is aggrieved by any decision of the Authority made under subsection (2) may, within 14 days from the date of the decision, appeal to the Minister whose decision shall be final.

25/86.

(4) Where the Pilotage Committee, after due inquiry in accordance with the provisions of this Part, finds that any person authorised by the Authority to pilot vessels pursuant to section 85 (2) (a) has been negligent in piloting any vessel or has become incompetent to act as a pilot, it shall submit its findings to the Authority and the Authority shall thereupon revoke such authorisation. [82

Liability of master or owner in case of a vessel under pilotage.

**94.** The master or owner of a vessel navigating in circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in the same manner as he would if pilotage were not compulsory. [83

Limitation of pilot's liability when bond is given.

**95.**—(1) An Authority pilot who has given a bond in accordance with subsection (2) shall not be liable for neglect, want of skill or incapacity in office beyond the penalty of such bond and the amount payable to the Authority on account of pilotage in respect of the voyage in which he was engaged when he became so liable.

(2) Every Authority pilot shall give a bond in the sum of \$1,000 in favour of the Authority for the proper

performance of his duties under this Part and of any regulations made thereunder.

(3) Any bond by an Authority pilot in accordance with this section shall not be liable to stamp duty.

(4) Where any proceedings are taken against an Authority pilot for any neglect, want of skill or incapacity in office in respect of which his liability is limited as provided by this section, and other claims are made in respect of the same neglect, want of skill or incapacity in office, the court in which the proceedings are taken may —

- (a) determine the amount of the pilot's liability and, upon payment by him of that amount into court, distribute the amount rateably among the several claimants;
- (b) stay any proceedings pending in any other court in relation to the same matter; and
- (c) proceed in such manner and subject to such directions as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who have not submitted their claims within a certain time, and as to requiring security from the pilot, and as to payment of any costs as the court thinks fit. [84

96.—(1) The issue of a licence to a pilot by the Pilotage Committee on behalf of the Authority under section 91 or the authorisation given by the Authority to any person to pilot vessels in the pilotage district pursuant to section 85 (2) (a) shall not impose any liability on the Pilotage Committee or the Authority for any loss or damage occasioned by any act, omission or default of such pilot or authorised person.

Pilotage Committee and Authority not liable for loss or damage occasioned by pilots. 25/86.

(2) Any Authority pilot while engaged in any pilotage act shall, notwithstanding that he may be employed at a salary by the Authority, be deemed to be the employee only of the master or owner of the vessel under pilotage and the Authority shall not be liable for any loss or damage occasioned by any act, omission or default of such pilot.

[85

97. A Magistrate's Court or a District Court may, if it thinks fit, call upon two members of the Pilotage Committee

Summary proceedings.

to sit with it as assessors in any proceedings affecting Authority pilots under this Act or any regulations made thereunder. [86

Regulations  
regulating  
pilotage  
and conduct  
of pilots.  
25/86.

**98.—**(1) The Authority may make regulations for regulating pilotage in any pilotage district and, notwithstanding section 31 (2), for the maintenance of good conduct and discipline of Authority pilots and for matters relating to their duties.

(2) The Authority may, in making any regulations under this section, provide that any contravention of or failure to comply with any regulations shall be an offence and may prescribe as a penalty in respect of any one offence a fine not exceeding \$5,000. [87

## PART XII

### LIABILITY OF AUTHORITY

Limitation of  
Authority's  
liability  
for loss or  
damage to  
or on board  
any vessel.

**99.—**(1) The Authority shall not, where without its actual fault or privity, any loss or damage, not being a loss or damage provided for by this Part, is caused to any vessel or vessels or to any train, vehicle, goods or other things whatsoever on board any vessel or vessels, be liable to damages beyond an aggregate amount not exceeding in the currency of Singapore the equivalent of £8 sterling for each ton of the tonnage of the largest British registered vessel which during the period of 5 years next before the happening of such loss or damage has been habitually within the area over which the Authority performs any duty or exercises any power. A vessel shall not be deemed to have been habitually within such area unless it has been within such area not less than 3 times annually during such period of 5 years, and a vessel shall not be deemed to have been within such area by reason only that it has been built or fitted out within such area, or that it has taken shelter within or passed through such area on a voyage between two places both situated outside that area or that it has loaded or discharged mail or passengers within that area.

4/71.

(2) This section shall be without prejudice to any limitation of liability for loss or damage which may be available to the Authority under section 272 of the Merchant Shipping Act. [88

Cap. 179.

**100.** For the purposes of this Part, the tonnage of vessels shall be ascertained as provided by section 272 (2) of the Merchant Shipping Act, and the register of any vessel shall be sufficient evidence that the gross tonnage and the deductions therefrom and the registered tonnage are as therein stated. [89

How tonnage ascertained. Cap. 179.

**101.—(1)** Neither the Authority nor any person duly authorised by it shall be liable —

(a) for any loss caused to any person by reason of misdelivery, short delivery or non-delivery of any goods deposited with or placed in the custody or control of the Authority, other than transshipment goods and goods accepted for storage by the Authority under section 111;

(b) for damage to or destruction of any goods which have been duly acknowledged by the Authority to be in its custody (other than goods referred to in paragraph (c)) in the sum of more than \$2,000 per package or unit of such goods;

(c) for damage to or destruction of any goods contained in any container which have been duly acknowledged by the Authority to be in its custody, in the sum of more than —

(i) \$5,000 in the case of a container of up to 6.1 metres in length or \$10,000 in the case of a container exceeding 6.1 metres in length; or

(ii) the actual cost of repair or replacement of such container and the goods packed in such container,

whichever is the less.

(2) For the purposes of this section and of section 103, “transshipment goods” means goods landed from a vessel and placed in the custody of the Authority for the purposes of shipment on another vessel on a through bill of lading dated at the port of loading of such goods and showing that the destination is via Singapore, with the ultimate port of destination marked on each package or unit containing such goods and declared on a transshipment manifest lodged with the Authority prior to or at the time such goods are placed in its custody.

Loss or destruction of or damage to goods other than transshipment goods and goods accepted for storage. 4/71 25/86.

(3) For the purposes of this Part, where a container, pallet or similar article is used to consolidate goods, notwithstanding that the goods have been separately enumerated in the bill of lading as having been packed in such container, pallet or article, the resultant consolidation shall be deemed and shall count as one package or shipping unit. [90]

Liability for loss under contract.

**102.** Notwithstanding section 101, the Authority shall, on application made to it by the owner of any vessel, enter into a contract with such owner whereby the Authority shall accept liability for any loss caused by reason of short delivery by the Authority of any goods deposited with or placed in the custody or control of the Authority or any failure by the Authority to deliver or account for them, and for the purposes of this section, the Authority may prescribe the terms and conditions of such contract and may, with the approval of the Minister, from time to time prescribe the rates to be levied:

Provided that the Authority may in its discretion refuse to enter into such contract unless such contract is in respect of all of the goods to be loaded into or discharged from a vessel, as the case may be. [91]

Loss or destruction of, or damage to, transshipment goods deposited with Authority. 25/86.

**103.** In respect of any transshipment goods delivered by any person to, or placed by any person in the custody of, the Authority, the Authority shall, from the time of acknowledgment of the receipt of such goods and until delivery of such goods alongside the on-carrying vessel for loading, be liable, subject to section 104, for the loss or destruction of, or damage to, such goods except that the Authority shall not be liable —

- (a) for any such loss or destruction of or damage to any goods other than goods referred to in paragraph (b) in the sum of more than \$2,000 per package or unit of such goods;
- (b) for loss or destruction of or damage to any goods contained in any container in the sum of more than —
  - (i) \$5,000 in the case of a container of up to 6.1 metres in length or \$10,000 in the case of a container exceeding 6.1 metres in length; or

- (ii) the actual cost of repair or replacement of such container and the goods packed in such container,

whichever is the less. [92

**104.** Sections 101 and 103 shall not impose on the Authority or any person duly authorised by it any liability for the loss or destruction of, or damage to, any goods arising from —

Force majeure, etc. 4/71.

- (a) fire or flood, unless caused by the actual fault or privity of the Authority;
- (b) an act of God;
- (c) an act of war or of public enemies;
- (d) seizure under any legal process;
- (e) quarantine restrictions;
- (f) any act, omission or default of the owner or carrier of such goods;
- (g) strikes, lockouts or stoppages or restraints of labour from whatever cause, whether partial or general;
- (h) riots and civil commotions;
- (i) saving or attempting to save life or property;
- (j) insufficient or improper packing, defective or insufficient marks or leakage from defective drums, containers or packages;
- (k) any inherent liability to wastage in bulk or weight, latent or inherent defect or natural deterioration;
- (l) any deficiency in the contents of unbroken packages;
- (m) the dangerous nature of such goods; or
- (n) power failure or mechanical failure of any equipment or apparatus unless caused by the actual fault or privity of the Authority. [93

25/86.

**105.** The limitation of liability under this Part shall relate to the whole of any losses and damages which may arise upon any one distinct occasion, although such losses or damages may be sustained by more than one person, and shall apply whether the liability arises at common law or

Limitation of liability in respect of one occasion.

under any written law and notwithstanding anything in such written law. [94]

Power of Court to consolidate claims.

**106.** Where any liability is alleged to have been incurred by the Authority in respect of loss of life, personal injury or loss of, or damage to, vessels, trains, vehicles, goods or other things whatsoever, and several claims are made or apprehended in respect of that liability, then the Authority may apply to the High Court, and that Court may determine the amount of the Authority's liability and may distribute that amount rateably among the several claimants, and may stay any proceeding pending in any other court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the Authority, and as to payment of any costs as the Court thinks just. [95]

Authority not liable for loss or damage for dredging within prescribed limits.

**107.—(1)** The Authority may, with the approval of the Minister, by publication in the *Gazette*, prescribe the limits within which and the levels to which dredging may be carried out by the Authority within the port and the approaches to the port.

(2) The Authority shall not be liable for any loss or damage whatsoever to any sea or river wall, wharf, dock or other property arising out of any dredging by the Authority within the limits and levels so prescribed. [96]

Authority not liable for loss or damage due to unpunctuality, etc., of ferry boats.

**108.** The Authority shall be exempt from all liability in respect of any loss or damage, whether arising from the variation in the time of departure or arrival of any of its ferry boats or by reason of its failure to run any ferry boat as advertised, or at all. [97]

Cargo subject to general or particular average. 4/71.

**109.—(1)** The owner or master of any vessel discharging or intending to discharge any cargo which is the subject or likely to be the subject of a declaration of general or particular average into the premises of the Authority shall inform the Authority of the existence or likelihood of such declaration and of the particulars of the cargo affected or likely to be affected thereby prior to the commencement of such discharge.

(2) The Authority shall be exempt from all liability in respect of the discharge, reception, storage or removal of any cargo referred to in subsection (1). [97A

**110.** Any stevedore or workman whilst engaged in performing work in or in respect of any vessel shall, notwithstanding that his wage or remuneration for performing the said work is paid by the Authority, be deemed to be the employee of the owner and the master of such vessel and the Authority shall be exempt from all liability for any loss or damage caused by any act, omission or default of such stevedore or workman. [97B

Authority not responsible for acts of stevedores or workmen. 4/71.

**111.—(1)** Nothing in this Part shall preclude the Authority from accepting goods for storage as well as liability for any loss, destruction or damage thereto. Saving.

(2) Nothing in this Part shall affect any liability that may be imposed on the Authority by any written law relating to compensation to workmen. [98

### PART XIII

#### REGULATION AND CONTROL OF SEAWARD ACTIVITIES

25/86.

**112.—(1)** No person shall carry out or cause to be carried out any hydrographic or hydrologic surveys or other studies of the waters and sea-bed within the territorial limits of Singapore except with the approval of the Authority.

Hydro-graphic surveys, etc., not to be carried out without approval of Authority. 10/73 25/86.

(2) The Authority may grant the approval referred to in subsection (1) with or without conditions or may refuse to grant such approval.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(4) This section shall not apply to any hydrographic or hydrologic survey or other study carried out for or on behalf of the Government. [98A

Restriction  
of certain  
works and  
operations.  
10/73.

**113.—(1)** Subject to this section, no person shall, without the consent in writing of the Authority, carry out any of the following operations:

- (a) construct, alter or improve any works on, under or over any part of the seashore lying below the high-water mark of ordinary tides;
- (b) deposit any object or any materials on any part of the seashore as aforesaid; or
- (c) remove any object or any materials from any part of the seashore as aforesaid.

(2) The Authority may, as a condition of considering an application for consent under this section, require to be furnished with such plans and particulars of the proposed operation as the Authority may consider necessary; and on receipt of any such application the Authority may cause notice of the application, and of the time within which and the manner in which objections thereto may be made, to be published in such manner as the Authority may consider appropriate for informing persons affected thereby, and, before granting its consent may, if the Authority thinks fit, direct an inquiry to be held.

(3) If the Authority is of the opinion that any operation in respect of which an application is made to it under this section should not for any reason be carried out or should be carried out subject to such conditions as the Authority thinks necessary to impose, the Authority may either refuse its consent or give its consent subject to such conditions as the Authority thinks fit.

(4) A consent of the Authority under this section may be given so as to continue in force, unless renewed, only if the operations for which the consent is given is begun or completed within such period as may be specified in the consent; and any renewal of such a consent may be limited in the like manner.

(5) The restriction imposed by subsection (1) shall not apply to the carrying out of any dredging operations or reclamation works authorised by the Government in accordance with the provisions of any written law.

(6) Nothing in this section shall be deemed to be in derogation of any of the powers or rights of the Government in respect of the foreshore or territorial waters of Singapore.

(7) Nothing in this section shall be deemed to confer upon the Authority any power or right in respect of the foreshore not vested in the Authority.

(8) Any person who —

(a) carries out any operation in contravention of subsection (1); or

(b) fails to comply with any condition subject to which any consent of the Authority has been given under this section,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(9) Without prejudice to any proceedings under subsection (8), where any person has constructed, altered, or improved any works or deposited any object or materials on the seashore in contravention of subsection (1) or has failed to comply with any condition subject to which any consent of the Authority has been given under this section, the Authority may serve a notice on that person requiring him within such period (not being less than 30 days) as may be specified in the notice, to remove the works or to make such alterations therein as may be so specified or to remove the object or materials, as the case may be, or, if it appears to the Authority urgently necessary to do so, the authority may itself remove or alter the works or remove the object or materials.

(10) If within the period specified in any notice under subsection (9) the person upon whom the notice is served fails to comply therewith, the Authority may itself remove or alter the works or remove the object or materials as specified in the notice.

(11) Where under either subsection (9) or (10) the Authority removes or alters any works or removes any object or materials, the Authority shall be entitled to recover the expense thereof, as certified by the Authority, from the person by whom the works were constructed, altered or improved, or the object or materials was or were deposited.

(12) For the purposes of this section —

“seashore” includes the sea-bed under the territorial waters of Singapore;

“works” includes any architectural or engineering operations or the laying of cables. [98B]

Salvage  
business  
not to be  
carried on  
without a  
licence.  
10/73  
25/86.

**114.**—(1) No person shall carry on the business of rendering salvage services in the territorial waters of Singapore without a valid licence granted by the Authority for that purpose.

(2) The Authority may grant the licence with or without conditions or may refuse to grant the licence.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) Any person aggrieved by —

(a) the refusal of the Authority to grant or renew a licence; or

(b) the cancellation of a licence,

may, within 30 days after receiving from the Authority notification of its decision, appeal to the Minister whose decision shall be final. [98c]

## PART XIV

### OFFENCES

Penalty for  
obstructing  
Authority  
in the  
performance  
of its duty.

**115.** Any person who at any time hinders, obstructs or molests the Authority or any of its employees, agents or contractors in the performance and execution of their duty or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both.

[99]

Offences in  
connection  
with safety  
of vessels,  
etc.  
34/75  
25/86.

**116.** Any person who —

(a) wilfully and without lawful excuse loosens or removes from its moorings or from its fastenings alongside any wharf or dock, any vessel within the port without leave or authority from the

- master or owner of such vessel or person in charge of such wharf or dock;
- (b) wilfully and without lawful excuse lifts, injures, makes a vessel fast to, loosens or sets adrift any moorings, buoys, beacons or sea or land marks;
  - (c) without any lawful excuse discharges any gun in the port except for the purpose of making a signal of distress or for such other purpose as is allowed under any written law;
  - (d) graves, breams or smokes any vessel in the port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within the port, at any time or within any limits at or within which such act is prohibited by any order of the Minister, or contrary to the orders or directions of the Port Master or the master of such vessel;
  - (e) uses a naked light when drawing off spirits, turpentine oil or other inflammable oils or liquids of any kind on board any vessel in the port; or
  - (f) uses a vessel, or permits a vessel to be used within the port —
    - (i) when such vessel is in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning or otherwise the life of any person is likely to be endangered;
    - (ii) when such vessel is so loaded with cargo or passengers or both cargo and passengers as to endanger the life of any person on board; or
    - (iii) in contravention of any regulation made under this Act thereby endangering the life of any person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both. [100

Penalties  
as to  
employment  
of pilot  
other than  
an Authority  
pilot.  
25/86.

**117.—**(1) Any person who, not being an Authority pilot or a person authorised under section 85 (2) (a), engages in any pilotage act or attempts to obtain employment as a pilot of a vessel entering or within any pilotage district shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(2) Any owner, agent or master of a vessel entering or within any pilotage district who knowingly employs —

- (a) as a pilot any person who is not an Authority pilot;
- (b) as a pilot any person who is not authorised to pilot vessels under section 85 (2) (a); or
- (c) as a berthing master any person who is not authorised to act as a berthing master under section 85 (2) (b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(3) For the purposes of this section, an Authority pilot or a person authorised under section 85 (2) (a) or (b) acting beyond the limits for which he is licensed or authorised to act or acting in contravention of any of the conditions imposed under section 85 (2) (a) or (b) or 91 shall be deemed not to be an Authority pilot.

(4) Any person may, without subjecting himself or his employer to any penalty, act as the pilot of a vessel entering or leaving any pilotage district, when such vessel is in distress or under circumstances making it necessary for the master to avail himself of the best assistance that can be found at the time.

[101

Offences of  
Authority  
pilots.  
25/86.

**118.—**(1) Any Authority pilot, who —

- (a) is in any way directly or indirectly concerned in any corrupt practices relating to vessels, their tackle, furniture, cargoes, crew or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels;
- (b) lends his licence;
- (c) acts as pilot while suspended;
- (d) acts as pilot when in a state of intoxication;
- (e) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to pilot any

vessel within the limits for which he is licensed by the Authority upon being required to do so by any employee of the Authority duly authorised in that behalf; or

(f) quits the vessel under his pilotage without the consent of the master, before the service for which he was engaged has been performed, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(2) Any person who procures, aids, abets or connives at the commission of any offence under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [102

**119.** The master, agent or owner of a vessel navigating in circumstances in which the vessel is required by the Authority, under section 84, to be under pilotage who does not employ an Authority pilot for such purpose shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and shall in addition be liable to pay to the Authority as penalty double the amount of pilotage dues and rates which would have been payable if the vessel had been under pilotage as required under section 84. [104

Failure to employ Authority pilot under certain circumstances. 25/86.

**120.—**(1) Any master, agent or owner of any vessel or any owner of any goods who, by any means whatsoever, evades or attempts to evade any of the dues or rates leviable under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 4 months or to both, and shall in addition be liable to pay to the Authority as penalty double the amount of the dues or rates he evaded or attempted to evade.

Evasion of dues and rates. 25/86.

(2) The tender to or acceptance by the Authority or any of its officers of any dues or rates, the payment of which has been previously evaded or left unpaid, shall not release or discharge any person from any liability for any damages or penalty consequent upon such evasion or non-payment.

[105

**121.** Any person who makes any negligent mis-statement or any statement which is false in any material particular in any return, claim or other document which is requested or

False returns. 10/73 25/86.

required by the Authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both. [106]

Penalty for giving false information as to draught of vessel, etc. 25/86.

**122.**—(1) Any owner, agent or master of a vessel entering or leaving or within the port or the approaches thereto who makes any negligent mis-statement or gives false information of the type of vessel, its draught, length, beam or height to the Authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) For the purposes of this section, “height of vessel” shall be the height of the vessel measured vertically from the waterline of the vessel to the highest point of the vessel including its cargo, structure or equipment on board. [107]

## PART XV

### MISCELLANEOUS PROVISIONS

Auxiliary Police Force. Cap. 235.

**123.** The Authority may, subject to the provisions of the Police Force Act and the regulations made thereunder, create and employ an Auxiliary Police Force within the limits of the port. [108]

Minister may appoint places to be used for the collection of revenue duties.

**124.**—(1) The Minister may, notwithstanding anything in this Act, appoint any part of the wharves or premises vested in the Authority as a place for the collection of import or other revenue duties payable to the Government.

(2) Whenever any wharf or part of the premises of the Authority has been so appointed as a place for the collection of import or other revenue duties, the Authority shall set apart and maintain such place, in such manner as the Minister requires, for the use of the persons entitled to collect such duties. [109]

Bonded warehouses.

**125.**—(1) If any warehouse of the Authority is approved and appointed as a bonded warehouse under any written law for the time being in force, the Authority may give general security by bond or otherwise for payment of the import duty payable in respect of goods stored in such bonded warehouse or for the due exportation of such goods.

(2) When such security has been given by the Authority, no further security shall be required by the Government from any other person to the same effect.

(3) Any person being or having the powers of a revenue officer under any written law for the time being in force shall at all times be admitted to all parts of premises approved and appointed as a bonded warehouse, and shall be permitted to inspect the books kept in connection therewith and the stock therein. [110]

**126.** The Authority shall provide such number of public landing places as it may, from time to time, consider necessary or expedient for the use, free of charge, by the public. [111]

Authority to provide free landing places.

**127.—**(1) Notwithstanding the provisions of the Foreshores Act, no plans and specifications for —

(a) the erection, within the port or the approaches to the port, of a new wharf or dock or for the re-erection, extension or alteration of the same; or

(b) the erection of any sea-wall or any revetment along the bank of the port or for the re-erection, extension or alteration of the same,

shall be approved under that Act without previous reference to, and the concurrence of, the Authority.

Restriction on erection, etc., of wharves, docks, etc. Cap. 113. 10/73.

(2) Where the Authority omits or refuses to give its concurrence to the plans and specifications referred to in subsection (1), the Director of Public Works may refer the matter to the Minister whose decision shall be final. [112]

**128.** The Authority shall not be liable to pay taxes for vehicles used, or animals kept by it, solely within the lands vested in the Authority, nor fees for any licences required to be issued under any written law in connection therewith. [113]

Exemption of certain vehicles and animals from taxes and licence fees.

**129.** The Authority may require any person to furnish such security as the Authority may think fit for the payment of any dues and rates payable under this Act or for any other purpose of this Act. [113A]

Power to require security. 25/86.

**130.** The Authority may, in accordance with rules made under this Act, enter into such contracts as are necessary for

Contracts.

the discharge of its functions and in the case of contracts for the supply of goods or materials or for the execution of works such rules shall —

- (a) as far as is practicable and except as otherwise therein provided, require that notice of the intention to enter into such contracts shall be published and tenders invited; and
- (b) regulate the manner in which such notice shall be published and tenders invited:

Provided that a person entering into a contract with the Authority shall not be bound to enquire whether such rules have been complied with and all such contracts, if otherwise valid, shall have full force and effect notwithstanding that the rules applicable thereto have not been complied with.

[114]

Power to  
compromise.

**131.** The Authority may compound or compromise, for or in respect of any claim or demand made against it, for such sum of money or other compensation as it considers sufficient.

[115]

Receipts  
and notices  
may be given  
by officer  
authorised  
thereunto.  
25/86.

**132.—(1)** All notices, orders, receipts and other documents of whatsoever nature which the Authority is empowered to give by this Act or by any other written law may be given by any employee authorised thereunto by the Authority.

(2) Where any such notice, order or document requires authentication, the signature or a facsimile thereof of the Executive Director or the Secretary or any employee authorised thereunto by the Authority affixed thereto shall be sufficient authentication.

[116]

Service  
of notices.

**133.—(1)** Every notice, order or document required or authorised by this Act or any regulations made thereunder to be served on any person may be served —

- (a) by delivering the same to such person or by delivering the same at the last known place of abode of such person to some adult member or employee of his family;
- (b) by leaving the same at the usual or last known place of abode or business of such person in a cover addressed to such person; or

- (c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode or business.

(2) Notwithstanding subsection (1), any notice required to be given to any person who causes any obstruction or impediment to navigation and whose identity is unknown, shall be deemed to be properly served if affixed on, at or near the place where such obstruction or impediment is.

[117

**134.** The Authority may, for the purposes of this Act, by its employees, agents or contractors, enter at all reasonable hours in the daytime into and upon any building or land for the purpose of making any survey or inspection and for the purpose of executing any work authorised by this Act to be executed by them without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Act:

Power to enter upon lands.

Provided that, except as herein otherwise provided, the Authority shall not enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without 6 hours' previous notice to such occupier. [118

**135.—**(1) The Authority may, by its employees, agents or contractors, enter upon any land adjoining to or being within the distance of 90 metres of any works by this Act authorised to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with the formation of the works without making any previous payment, tender or deposit and doing as little damage as possible in the exercise of the several powers hereby granted and making compensation for such temporary occupation or temporary damage of or to the land to the owner and the occupier thereof from time to time and as often as any such temporary occupation is taken or any such temporary damage is done and making compensation to the owner also for any permanent injury to such land.

Power to enter upon lands adjacent to works. S 257/85.

(2) If any dispute arises touching the amount or apportionment of such compensation, the same shall be settled in the manner provided by section 140.

(3) Before the Authority makes any such temporary use as aforesaid of the land adjoining or lying near to the works, it shall give 7 days' notice in writing of its intention to the owners and the occupiers of such land and shall set apart by sufficient fences so much of the land as is required to be used as aforesaid from the other land adjoining thereto.

[119]

Employee of Authority may require evidence of identity in certain cases.

**136.**—(1) Any police officer or employee of the Authority who reasonably believes that any person has committed an offence under this Act or any regulations made thereunder may require such person to furnish evidence of his identity and the person shall thereupon furnish such evidence of his identity as may be required by such police officer or employee of the Authority.

25/86.

(2) Any person who refuses to furnish any information required of him by any police officer or any employee of the Authority under this section or wilfully mis-states such information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

[120]

Duty to furnish information.  
10/73  
25/86.

**137.** Any person who without reasonable cause or lawful excuse fails or refuses to furnish to the Authority or the Port Master any information relating to the movement of vessels in or around Singapore and other matters affecting the movement and safety of such vessels shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[120A]

Execution of orders of Port Master.  
25/86.

**138.** All acts, orders or directions by this Act authorised to be done or given by the Port Master may be done or given by an employee of the Authority subject to the control of the Port Master and duly authorised by him.

[120B]

Powers of arrest.  
4/71  
25/86.

**139.** A police officer, or any employee of the Authority generally or specially authorised in writing by the Executive Director, may arrest without warrant any person found committing or whom he has reason to believe has committed an offence punishable under this Act or any regulations made thereunder:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a court

unless the order of court for his continued detention is obtained. [121]

**140.**—(1) Except as otherwise provided in this Act in all cases where compensation, damages, costs or expenses are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute be summarily ascertained and determined by a Magistrate's Court or, if the compensation claimed exceeds \$2,000, by a District Court.

Compensation, damages and costs to be determined by Magistrate's Court or District Court. 25/86.

(2) If the amount of compensation, damages, costs or expenses is not paid by the party liable to pay the same within 7 days after demand, that amount may be reported to a Magistrate's Court and recovered in the same way as if it were a fine imposed by a Magistrate's Court.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court or District Court under this section, and the provisions of the Criminal Procedure Code shall *mutatis mutandis* apply to all such appeals. [122]

Cap. 68.

**141.**—(1) Any matter or thing removed by the Authority in executing any work which it is entitled to execute under this Act or any regulations made thereunder shall, except as otherwise provided, be the property of the Authority and may be sold by public auction or, if the Authority thinks the circumstances of the case require, may be sold otherwise or be disposed of without sale.

Disposal of matters and things removed by Authority.

(2) The moneys arising from the sale may be retained by the Authority and applied in or towards the expenses incurred and the surplus, if any, shall be paid on demand to the owner of that matter or thing.

(3) If that surplus is not claimed within one year, it shall be paid into the funds of the Authority.

(4) If any matters or things belonging to several persons are removed by the Authority in executing any such work, it shall cause those matters or things, if sold, to be sold separately. [123]

**142.**—(1) Any offence under this Act or any regulations made thereunder may be tried by a District Court and, unless the context otherwise requires, by a Magistrate's Court.

Court for trial of offences under this Act.

(2) All fines imposed for any offence under this Act or any regulations made thereunder shall be paid into the funds of the Authority. [124

Public  
Prosecutor  
or Authority  
to sanction  
prosecution.

**143.**—(1) No proceedings for an offence punishable under this Act or any regulations made thereunder shall be instituted, except by or with the sanction of the Public Prosecutor or the Authority.

(2) Any employee of the Authority or any police officer may conduct such a prosecution on behalf of the Authority. [125

Power to  
compound.  
10/73  
25/86.

**144.**—(1) Any police officer not below the rank of inspector specially authorised by name in that behalf by the Minister or any employee of the Authority specially authorised by name in that behalf by the Executive Director may, in his discretion, compound any such offence under this Act or the regulations made thereunder as may be prescribed as being an offence which may be compounded by collecting from the person reasonably suspected of having committed the same a sum of money not exceeding \$500.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of such offence.

(3) The Authority may with the approval of the Minister make regulations to prescribe the offences which may be compounded and the method and procedure by which such offences may be compounded under this section.

(4) All sums of money received for the composition of offences under this section shall be paid into the funds of the Authority. [125A

Statement to  
be made in  
complaint or  
summons of  
offence.

**145.**—(1) It shall be sufficient, in any complaint or summons to be made before or issued by any District Court or Magistrate's Court against any firm or company, or against any person carrying on any trade or business in co-partnership, or in any conviction to be afterwards made for any fine imposed or damages incurred by this Act or any regulations made thereunder, to state the offence committed by the firm and to direct the summons to the firm or company or any member thereof.

(2) Service of the summons at the usual place of business of the firm shall be taken to be a sufficient service thereof.

(3) Such conviction may be recovered by the warrant of any District Court or Magistrate's Court, as the case may be, to be made out and issued in the name of and against such firm or company, and to be levied and recovered by distress and sale of the goods of such firm or company or of any individual partner thereof. [126]

**146.**—(1) Subject to any special provisions of this Act, neither a conviction for an offence nor an order for payment of money shall be made under this Act in any proceeding instituted in a District Court or a Magistrate's Court in Singapore, unless that proceeding is commenced within 3 years after the commission of the offence or after the cause of complaint arises, as the case may be; or if both or either of the parties to the proceeding happen during that time to be out of Singapore, unless the proceeding is commenced, in the case of a conviction within 2 months, and in the case of an order within 6 months, after they both first happen to arrive or to be at one time in Singapore.

Prosecution  
of offences.  
34/75.

(2) No written law for the time being in force which limits the time within which proceedings may be instituted in a District Court or a Magistrate's Court shall affect any proceedings under this Act. [127]

**147.** Any person guilty of an offence under this Act or any regulations made thereunder for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$2,000 and in the case of a continuing offence to a further fine not exceeding \$200 for every day or part thereof during which the offence continues after the date of the conviction. [128]

General  
penalties.  
25/86.

**148.** Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act, omission, neglect or default which constitutes an offence under this Act or any regulations made thereunder, or from being liable under that other written law to any punishment or penalty, higher or other than that provided by this Act or any regulations made thereunder:

Saving of  
prosecutions  
under other  
written law.

Provided that no person shall be punished twice for the same offence. [129]

Transitional provisions.

1955 Ed.  
Cap. 208.  
22/60.  
Cap. 179.

**149.**—(1) Any fund, scheme, contract, document, licence, permission or resolution constituted, prepared, made, granted or approved under the Ports Ordinance and the Port Dues Ordinance 1960 as well as under the provisions of the Merchant Shipping Act relating to such functions as are transferred to the Authority under this Act, shall, except where otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been constituted, prepared, made, granted or approved, as the case may be, under this Act.

(2) Notwithstanding any other provisions of this Act any subsidiary legislation made under the Ordinances and the provisions mentioned in subsection (1) shall remain in force until it has been revoked or replaced by subsidiary legislation issued or made under this Act:

Provided that the Minister may, by order published in the *Gazette*, vary, amend, extend or revoke such subsidiary legislation so remaining in force or any part thereof as he thinks fit.

(3) All sums of money due or becoming due to the Singapore Harbour Board in respect of property held on behalf of the Government shall, upon the commencement of this Act, be deemed to be or become due to the Authority.

(4) All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the commencement of this Act, affecting any of the assets and liabilities vested in the Authority under this Act, shall have as full force and effect against or in favour of the Authority, and be enforceable as fully and effectually as if, instead of the Singapore Harbour Board or the Government or any person acting on behalf thereof, the Authority had been named therein or had been a party thereto.

(5) In any written law and in any document whatsoever, unless the context otherwise requires, any reference to —

- (a) the Singapore Harbour Board shall be construed as a reference to the Authority;
- (b) the Pilot Board shall be construed as a reference to the Pilotage Committee; and
- (c) the Port Officer shall be construed as a reference to the Authority in every case where any function

of the Port Officer is, by order of the Minister published in the *Gazette*, transferred to the Authority. [130]

**150.** All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of one month from the date when such regulations are so presented annulling the regulations or any part thereof as from a specified date, the regulations or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new regulations. [131]

Regulations.

**151.** Except as otherwise provided, nothing in this Act shall extend to repeal or alter any of the provisions of the Merchant Shipping Act, or to exempt the Authority or the wharves, docks or other works belonging to it from the provisions of that Act. [132]

Saving of Merchant Shipping Act. Cap. 179.

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## FIRST SCHEDULE

Section 6. 25/86.

### CONSTITUTION AND PROCEEDINGS OF AUTHORITY

1.—(1) The Authority shall consist of —

(a) a Chairman; and

(b) not less than 5 other members as the Minister may from time to time determine.

Members of the Authority.

(2) The Minister may appoint the Executive Director to be a member of the Authority.

(3) The Minister may appoint one of the members to be the Deputy Chairman; and the Deputy Chairman so appointed may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

(4) The Chairman and members of the Authority shall be appointed by the Minister.

(5) A member of the Authority shall hold office for such term as the Minister may specify in his appointment, being not longer than 3 years and shall be eligible for re-appointment.

FIRST SCHEDULE — *continued*

(6) Any member of the Authority may at any time by notice in writing to the Minister resign his office.

(7) The Minister may revoke any appointment made under subparagraph (1) without assigning any reason.

(8) The Authority shall pay to the Chairman, Deputy Chairman and members of the Authority such salaries, fees and allowances as the Minister may from time to time determine.

Temporary  
Chairman or  
Deputy  
Chairman.

2. The Minister may appoint any member to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman or the Deputy Chairman, as the case may be.

Temporary  
members.

3. The Minister may, subject to paragraph 1, appoint any suitable person to be a temporary member of the Authority during the absence or incapacity owing to illness or otherwise of any member of the Authority appointed by him.

Vacation  
of office.

4. The seat of a member of the Authority shall become vacant —
- (a) on his death;
  - (b) if he, without sufficient cause (the sufficiency whereof to be decided by the Authority), fails to attend 3 consecutive meetings of the Authority;
  - (c) if he becomes in any manner disqualified for membership of the Authority;
  - (d) if he resigns his seat; or
  - (e) if his appointment is revoked.

Filling of  
vacancies.

5. If a vacancy occurs in the membership of the Authority, the Minister may, subject to paragraph 1, appoint any person to fill the vacancy and the person so appointed shall hold office for so long as the member in whose place he is appointed would have held office.

Disqualifi-  
cation from  
membership.

6. No person shall be appointed or shall continue to hold office as a member of the Authority if he —

- (a) is subject to a receiving order made against him or has made any arrangement or composition with his creditors or is prohibited from being a director of a company under the Companies Act;
- (b) is an undischarged bankrupt;
- (c) has been sentenced to imprisonment for a term exceeding 6 months and has not received a free pardon; or
- (d) is a person found or declared under any written law to be of unsound mind.

Cap. 50.

FIRST SCHEDULE — continued

7.—(1) At all meetings of the Authority, 5 members shall form a quorum. Proceedings of the Authority.

(2) The Chairman shall preside at all meetings of the Authority at which he is present and in his absence the Deputy Chairman or, if the Deputy Chairman is also absent, such member as the members present may elect shall preside.

(3) Meetings of the Authority shall be held at such times and places as the Authority may think fit.

(4) Subject to the provisions of this Act, the Authority may regulate its own procedure.

8.—(1) A decision of the Authority or any committee appointed by the Authority shall be adopted by a simple majority of the members of the Authority or committee, as the case may be, present and voting. Decision of majority at meeting.

(2) The member presiding at any meeting of the Authority or any committee appointed by the Authority have a vote and, in the case of an equality of votes, a second or casting vote.

9.—(1) The validity of any proceedings of the Authority or any committee appointed by the Authority shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member. Vacancy not to invalidate acts.

(2) Until the contrary is proved, every meeting of the Authority or any committee appointed by the Authority shall be deemed to have been duly convened and held and all the members present thereat shall be deemed to have been duly qualified.

10.—(1) If a member of the Authority has a pecuniary interest, direct or indirect, in any contract, proposed contract or other matter which is before any meeting of the Authority, he shall at that meeting declare the nature of his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to that contract or other matter, and if the Chairman or the person presiding at that meeting so directs, he shall withdraw from the meeting during such consideration or discussion. Disclosure of interest by members.

(2) Notwithstanding sub-paragraph (1), for the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that, under that sub-paragraph, he cannot vote or has withdrawn from the meeting.

11.—(1) The Authority may, subject to such conditions or restrictions as it thinks fit, delegate to any member, officer or agent of the Authority or any committee appointed by the Authority, all or any of Delegation of powers.

FIRST SCHEDULE — *continued*

the Authority's powers, functions and duties and any power, function or duty so delegated may be exercised or performed by such member, officer, agent or committee in the name and on behalf of the Authority.

(2) The Executive Director may, where expedient, delegate to any officer of the Authority any of the powers, functions and duties delegated to the Executive Director.

(3) Every member, officer, agent or committee purporting to act pursuant to a delegation under sub-paragraph (1) or (2) shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(4) The Authority may continue to exercise any power conferred upon it, or perform any function or duty under this Act, notwithstanding the delegation of such power, function or duty under this paragraph.

Committees.

12.—(1) The Authority may from time to time appoint or alter the composition of committees, consisting of one or more persons (whether members of the Authority or not), and define and vary the terms of reference of those committees.

(2) Subject to this Act and any rules made thereunder and to the control of the Authority, each committee appointed under this paragraph may regulate its own procedure in such manner as it thinks fit.

Sealing of documents.

13.—(1) All deeds, documents and other instruments requiring the seal of the Authority shall be sealed with the common seal of the Authority in the presence of any two officers of the Authority duly authorised by the Executive Director to act in that behalf and shall be signed by such officers and such signing shall be sufficient evidence that the common seal of the Authority has been duly and properly affixed and that the seal is the common seal of the Authority.

(2) The Authority may by resolution or otherwise appoint an officer of the Authority or any other agent, either generally or in a particular case, to execute or sign on behalf of the Authority any agreement or other instrument not under seal in relation to any matter coming within the powers of the Authority.

Cap. 269.

(3) Section 12 of the Registration of Deeds Act shall not apply to any instrument purporting to have been executed under sub-paragraph (1).

## SECOND SCHEDULE

Section  
10 (1).

## POWERS OF AUTHORITY

1. To acquire, hire, procure, construct, erect, manufacture, provide, operate, maintain or repair anything whatsoever, whether movable or immovable, required by the Authority for the purposes of this Act.
2. To carry on the businesses of builders and repairers of vessels and machinery, shipbreaking, carriers of passengers or goods by land or sea, stevedores, wharfingers, warehousemen, lightermen, dealers in coal and other kinds of fuel, dealers in stores connected with or required in any of the abovenamed businesses or to carry on any other business which, in the opinion of the Authority, is desirable for the purposes of the Authority.
3. To provide port services and facilities within the limits of the port and the approaches thereto. 25/86.
4. To issue licence, with or without conditions, to such person as the Authority thinks fit to provide any port service and facility within the port. 25/86.
5. To acquire any undertaking affording or intending to afford facilities for the loading and discharging or warehousing of goods in the port or the bunkering of vessels.
6. To insure goods in the custody of the Authority.
7. To enter into any contract, covenant, bond, deed, agreement or document of any kind and to provide guarantees, indemnities and securities for the purposes of this Act. 25/86.
8. To supply water to vessels.
9. To generate, distribute and supply electricity and other forms of energy for the purposes of the Authority and to vessels and premises within the limits of the port.
10. To provide and use, within territorial waters or otherwise, vessels and appliances for the purpose of rendering assistance to any vessel, or recovering property lost, sunk or stranded.
11. To provide such fire service, both within the port and on the high seas, as may be considered necessary by the Authority for the purpose of extinguishing fires on land, on sea or afloat and of preserving life and property.
12. To control the erection and use of wharves, docks and any other works below high water mark within the limits of the port or the approaches to the port.
13. To reclaim, excavate, enclose or raise any part of the lands vested in the Authority.

SECOND SCHEDULE — *continued*

14. To do anything for the purpose of advancing the skill of persons employed by the Authority, or of the efficiency of the equipment of the Authority, or of the manner in which that equipment is operated, including the provision by the Authority and the assistance of the provision by orders, of facilities for training, education and research.

15. To provide houses, hostels and other like accommodation, including convalescent or holiday houses, club houses and playing fields, for persons employed by the Authority.

16. To make or guarantee loans to any person employed by the Authority for the purpose of building a house, purchasing a plot of land on which to build a house or purchasing a house, for the use of that person or for the residential use of his family.

17. To make loans to persons employed by the Authority for purposes specifically approved by the Authority as likely to increase the efficiency of such persons in their services to the Authority, or otherwise for the purpose of the functions of the Authority.

4/71. 18. To own and operate vessels for the purpose of providing any of the services which the Authority is required or empowered to provide.

25/86. 19. To regulate and control operations to clean up oil spill within the territorial waters of Singapore.

25/86. 20. To, with the approval of the Minister, form or participate in the formation of a company.