

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**HIGH COURT (ADMIRALTY JURISDICTION) ACT
(CHAPTER 123)**

**1970 Ed. Cap. 6
Ordinance
32 of 1961
Amended by
34 of 1973**

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High Court (Admiralty Jurisdiction) Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Admiralty jurisdiction of the High Court.
4. Mode of exercise of admiralty jurisdiction.
5. Jurisdiction in personam of Court in collision and other similar cases.
6. Wages.
7. Court not to have jurisdiction in cases falling within Rhine Convention.
8. Saving.

An Act relating to admiralty jurisdiction, legal proceedings in connection with ships and aircraft and the arrest of ships and other property and for purposes connected therewith.

[15th January 1962]

1. This Act may be cited as the High Court (Admiralty Jurisdiction) Act. Short title.

2.—(1) In this Act, unless the context otherwise requires — Interpretation.

“Court” means the High Court;

“goods” includes baggage;

“master” has the same meaning as in the Merchant Shipping Act and accordingly includes every person (except a pilot) having command or charge of a ship; Cap. 179.

“ship” includes any description of vessel used in navigation;

“towage” and “pilotage”, in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.

Admiralty
jurisdiction
of the High
Court.

3.—(1) The admiralty jurisdiction of the High Court shall be as follows, that is to say, jurisdiction to hear and determine any of the following questions or claims:

- (a) any claim to the possession or ownership of a ship or to the ownership of any share therein;
- (b) any question arising between the co-owners of a ship as to possession, employment or earnings of that ship;
- (c) any claim in respect of a mortgage of or charge on a ship or any share therein;
- (d) any claim for damage done by a ship;
- (e) any claim for damage received by a ship;
- (f) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship;
- (g) any claim for loss of or damage to goods carried in a ship;
- (h) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;
- (i) subject to section 304 of the Merchant Shipping Act (which requires salvage disputes to be determined summarily by a District Court in certain cases), any claim in the nature of salvage

(including any claim arising under section 11 of the Air Navigation Act relating to salvage to aircraft and their apparel and cargo); Cap. 6.

- (j) any claim in the nature of towage in respect of a ship or an aircraft;
- (k) any claim in the nature of pilotage in respect of a ship or an aircraft;
- (l) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;
- (m) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;
- (n) any claim by a master or member of the crew of a ship for wages and any claim by or in respect of a master or member of the crew of a ship for any money or property which, under any of the provisions of the Merchant Shipping Act is recoverable as wages or in the Court and in the manner in which wages may be recovered; Cap. 179.
- (o) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship;
- (p) any claim arising out of an act which is or is claimed to be a general average act;
- (q) any claim arising out of bottomry;
- (r) any claim for the forfeiture or condemnation of a ship or of goods which are being or have been carried, or have been attempted to be carried, in a ship, or for the restoration of a ship or any such goods after seizure, or for droits of admiralty,

together with any other jurisdiction connected with ships or aircraft which may be vested in the Court apart from this section.

(2) The jurisdiction of the Court under subsection (1) (b) includes power to settle any account outstanding and unsettled between the parties in relation to the ship, and to direct that the ship, or any share thereof, shall be sold, and to make such other order as the Court thinks fit.

Cap. 179.
Cap. 6.

(3) The reference in subsection (1) (i) to claims in the nature of salvage includes a reference to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections 302 and 303 of the Merchant Shipping Act or any regulations made under section 11 of the Air Navigation Act, are authorised to be made in connection with a ship or an aircraft.

34/73.

(4) Subsections (1) to (3) shall apply —

- (a) in relation to all ships or aircraft, whether of Singapore or not and whether registered or not and wherever the residence or domicile of their owners may be;
- (b) in relation to all claims, wheresoever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land); and
- (c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not and whether legal or equitable, including mortgages and charges created under foreign law:

Provided that nothing in this subsection shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the Merchant Shipping Act.

Mode of
exercise of
admiralty
jurisdiction.

4.—(1) Subject to section 5, the admiralty jurisdiction of the Court may in all cases be invoked by an action in personam.

(2) The admiralty jurisdiction of the Court may in the cases mentioned in section 3 (1) (a) to (c) and (r) be invoked by an action in rem against the ship or property in question.

(3) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, the admiralty jurisdiction of the Court may

be invoked by an action in rem against that ship, aircraft or property.

(4) In the case of any such claim as is mentioned in section 3 (1) (d) to (q), being a claim arising in connection with a ship, where the person who would be liable on the claim in an action in personam was, when the cause of the action arose, the owner or charterer of, or in possession or in control of, the ship, the admiralty jurisdiction of the Court may (whether the claim gives rise to a maritime lien on the ship or not) be invoked by an action in rem against —

- (a) that ship, if at the time when the action is brought it is beneficially owned as respects all the shares therein by that person; or
- (b) any other ship which, at the time when the action is brought, is beneficially owned as aforesaid.

(5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, the admiralty jurisdiction of the Court may be invoked by an action in rem against that aircraft if at the time when the action is brought it is beneficially owned by the person who would be liable on the claim in an action in personam.

(6) Notwithstanding anything in subsections (1) to (5), the admiralty jurisdiction of the Court shall not be invoked by an action in rem in the case of any such claim as is mentioned in section 3 (1) (n) unless the claim relates wholly or partly to wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages).

(7) Where, in the exercise of its admiralty jurisdiction, the Court orders any ship, aircraft or other property to be sold, the Court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.

(8) In determining for the purposes of subsections (4) and (5) whether a person would be liable on a claim in an action in personam, it shall be assumed that he has his habitual residence or a place of business within Singapore.

Jurisdiction
in personam
of Court in
collision and
other similar
cases.

5.—(1) The Court shall not entertain an action in personam to enforce a claim to which this section applies unless —

- (a) the defendant has his habitual residence or a place of business within Singapore;
- (b) the cause of action arose within inland waters of Singapore or within the limits of the port of Singapore; or
- (c) an action arising out of the same incident or series of incidents is proceeding in the Court or has been heard and determined in the Court.

(2) The Court shall not entertain an action in personam to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any court outside Singapore against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(3) Subsections (1) and (2) shall apply to counter-claims (not being counter-claims in proceedings arising out of the same incident or series of incidents) as they apply to actions in personam, but as if the references to the plaintiff and the defendant were respectively references to the plaintiff on the counter-claim and the defendant to the counter-claim.

(4) Subsections (1) to (3) shall not apply to any action or counter-claim if the defendant thereto submits or has agreed to submit to the jurisdiction of the Court.

(5) Subject to subsection (2), the Court shall have jurisdiction to entertain an action in personam to enforce a claim to which this section applies whenever any of the conditions specified in subsection (1) (a) to (c) are satisfied, and the Rules of Court relating to the service of process outside the jurisdiction shall make such provision as may appear to the rule-making authority to be appropriate having regard to this subsection.

(6) The claims to which this section applies are claims for damage, loss of life or personal injury arising out of a collision between ships or out of the carrying out of or omission to carry out a manœuvre in the case of one or more of two or more ships or out of non-compliance, on the part of one or more of two or more ships, with the collision regulations.

(7) In this section —

“collision regulations” means regulations made under section 418 of the Merchant Shipping Act 1894, regulations made under section 208 of the Merchant Shipping Act and any regulations made under section 66 (1) of the Port of Singapore Authority Act for or in respect of any of the matters mentioned in paragraph (i) of that subsection;

U.K. 1894
c. 60.

Cap. 179.

Cap. 236.

“inland waters of Singapore” includes any part of the sea adjacent to the coast of Singapore certified by the Minister to be waters falling by international law to be within the territorial sovereignty of Singapore apart from the operation of that law in relation to territorial waters;

“port of Singapore” means any place or places and any navigable river or channel leading into such place or places declared to be the port under section 3 of the Port of Singapore Authority Act and “the limits of the port” means the limits thereof as defined in the declaration.

6. Nothing in this Act shall be construed as limiting the jurisdiction of the Court to refuse to entertain an action for wages by the master or a member of the crew of a ship, not being a Singapore ship.

Wages.

7. The Court shall not have jurisdiction to determine any claim or question certified by the Minister to be a claim or question which, under the Rhine Navigation Convention of 7th October 1868 as revised by any subsequent Convention, falls to be determined in accordance with the provisions thereof and any proceedings to enforce such a claim which are commenced in the Court shall be set aside.

Court not to have jurisdiction in cases falling within Rhine Convention.

8.—(1) Nothing in this Act shall affect section 308 of the Merchant Shipping Act (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).

Saving.

(2) Nothing in this Act shall authorise proceedings in rem in respect of any claim against the Government, or the arrest, detention or sale of —

- (a) any ship of which the beneficial interest is vested in the Government, or which is for the time being demised or subdemised to or in the exclusive possession of the Government;
- (b) any aircraft belonging to the Government; or
- (c) any cargo or other property belonging to the Government.