

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**NATIONAL MARITIME BOARD ACT
(CHAPTER 198)**

**Act
21 of 1972**

Amended by
35 of 1973
4 of 1977
8 of 1982
32 of 1986
S 214/77
S 268/80

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National Maritime Board Act

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An Act to establish the National Maritime Board to perform the functions of the Seafarers' Welfare Board, the Seamen's Registry Board, the Singapore Mariners' Club and the Singapore Sailors' Institute and for matters incidental thereto.

[1st January 1973]

Short title.

1. This Act may be cited as the National Maritime Board Act.

Interpretation.

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

“Board” means the National Maritime Board established under section 3;

“employer” includes the shipowner, charterer or operator, the agent of the shipowner, charterer or operator, the master of the ship and the consular officer of a country represented in Singapore who has received permission in writing from the Board to engage seamen, individually or severally, as the case may be;

“seafarer” means any person normally engaged on articles or agreement on any vessel plying beyond the limits of any port or place declared by the Minister to be a port under the Port of Singapore Authority Act, and includes masters and apprentices;

Cap. 236.

“seamen” means any person normally engaged on ship’s articles on any vessel going beyond the limits of any port, or place declared to be a port, from time to time by the Minister under section 3 of the Port of Singapore Authority Act, except —

(a) masters, mates, engineers, radio officers, pursers, cadets, chinchews, compradores, or any member of the chinchew or comprador staff, laundrymen and stevedores;

(b) probationer deckhands, probationer engineroom hands, and probationer catering hands under any training scheme approved by the Minister; and

(c) any other person employed on board the vessel who is engaged in duties which are not normally the duties of seamen.

(2) In any written law or any document whatsoever all references to the Singapore Sailors’ Institute, the Seamen’s Registry Board, the Singapore Mariners’ Club, the Seafarers’ Welfare Board and the Seamen’s Lodging-Houses

Licensing Authority shall be construed as references to the National Maritime Board constituted under this Act.

3. There is hereby established a body to be known as the National Maritime Board which shall be a body corporate with perpetual succession, and with power to sue and be sued in its corporate name and to perform such other acts as bodies corporate may by law perform, and to exercise such other powers as are conferred upon it by virtue of this Act.

Establishment and incorporation of National Maritime Board.

4.—(1) The Board shall consist of the following members:

Constitution and proceedings of Board. 8/82.

- (a) a Chairman;
- (b) the Director of Marine;
- (c) a member representing the Department of Social Welfare;
- (d) a member representing the Republic of Singapore Navy;
- (e) two members representing shipowners;
- (f) two members representing seamen; and
- (g) two other members,

all of whom shall be appointed by the Minister.

(2) The Chairman and other members of the Board shall hold office for such term not exceeding 3 years as the Minister may think fit, and shall be eligible for reappointment.

(3) If by reason of illness, leave of absence or other cause, the Chairman is unable to exercise his powers and functions under this Act, the Director of Marine shall exercise the powers and functions of the Chairman.

(4) The Minister may appoint any suitable person to be a temporary member of the Board during the absence or incapacity owing to illness or otherwise of the member of the Board.

(5) The Minister may at any time revoke the appointment of the Chairman or any other member of the Board.

(6) The office of the Chairman and a member of the Board shall be vacated if he —

- (a) dies;
- (b) resigns his office by writing under his hand delivered to the Minister;

Cap. 178.

- (c) becomes a mentally disordered person within the meaning of the Mental Disorders and Treatment Act;
- (d) is adjudicated a bankrupt;
- (e) has been convicted of an offence involving dishonesty, fraud or moral turpitude; or
- (f) fails to attend 3 consecutive meetings of the Board without leave of the Board,

and the vacancy thereby created shall be deemed to be a casual vacancy.

8/82.

(7) Any casual vacancy in the office of a member may be filled by the appointment of a member in place of the vacating member in accordance with whichever paragraph of subsection (1) as is appropriate; and the member appointed to fill any casual vacancy shall hold office for only the residue of his predecessor's term of office.

(8) The quorum at all meetings of the Board shall be 5 members present.

(9) The Chairman, or in his absence the Director of Marine, shall preside at meetings of the Board.

(10) A decision of the majority of the members of the Board present at a meeting of the Board shall be deemed to be a decision of the Board.

(11) In the event of the votes for and against any question being equal, the Chairman or in his absence the Director of Marine shall have a casting vote in addition to his original vote.

(12) Subject to subsection (8), the Board may act notwithstanding any vacancy in its membership.

(13) Subject to the provisions of this Act, the Board may make rules for the conduct of its proceedings.

Appoint-
ment of
committees
and dele-
gation of
powers.

5.—(1) The Board may, in its discretion, appoint from among its own members or from among other persons who are not members of the Board such number of committees for purposes which, in the opinion of the Board, would be better regulated and managed by means of those committees.

(2) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any such committee or the

Chairman any of the powers, functions and duties by this Act vested in the Board, and any power, function or duty as delegated may be exercised or performed by the committee or the Chairman, as the case may be, in the name and on behalf of the Board.

(3) The Board may, subject to such conditions or restrictions as it thinks fit, delegate to any employee thereof all or any of the Board's functions and duties by this Act vested in the Board, and any power, function or duty as delegated may be exercised or performed by the employee in the name and on behalf of the Board.

(4) The Board 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 section.

6. The objects of the Board shall be —

Objects of
Board.

- (a) to develop, promote and regulate employment among members of the mercantile marine;
- (b) to inaugurate, provide, promote and administer training schemes for members of the mercantile marine;
- (c) to promote the welfare of members of the mercantile marine and to administer such schemes and welfare assistance for such members as the Board may consider necessary;
- (d) to establish and maintain accommodation and recreational facilities for members of the mercantile marine as the Board may consider necessary or expedient;
- (e) to license persons to keep or manage seamen's lodging-houses;
- (f) to administer such funds as may be received by the Board for the promotion of the welfare of members of the mercantile marine;
- (g) to advise the Minister on matters relating to seafaring and such other related matters as the Minister may refer to the Board for advice;
- (h) to supervise the method of supply and selection of seamen and to provide that the employer shall have reasonable freedom of choice in the

selection of his crew and the seamen shall have reasonable freedom of choice in the selection of their employer and ship;

- (i) to establish and maintain such register or registers in which shall be registered such categories of seamen in such numbers as the Board considers necessary, and may require seamen belonging to such categories to register themselves;
- (j) to establish and maintain a roster or rosters of such seamen on the register as the Board considers necessary;
- (k) to establish such procedures for the engagement of seamen by employers as the Board considers necessary; and
- (l) to require, if the Board considers necessary, every employer to submit returns in such form and manner as the Board may direct, of seamen engaged under the provisions of this Act.

Powers of Board.

7. Subject to the provisions of this Act, the Board may do such acts as appear to the Board to be advantageous, necessary or expedient for it to carry on for, or in connection with, the discharge of its objects under this Act, and without prejudice to the generality of the foregoing, the Board may exercise all or any of the following powers:

- (a) acquire, purchase, take, hold and enjoy movable and immovable property of every description and 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 Board upon such terms and conditions as to the Board seems fit;
- (b) acquire, hire, procure, construct, erect, manufacture, provide, operate, maintain or repair anything whatsoever, whether movable or immovable, required by the Board for the purposes of this Act;
- (c) enter into any contract, covenant, bond, deed, agreement or document of any kind for the purposes of this Act;
- (d) do anything for the purpose of advancing the skill of persons employed by the Board, or of the

efficiency of the equipment of the Board, or of the manner in which that equipment is operated, including the provision by the Board and the assistance of the provision by others, of facilities for training, education and research;

- (e) expend such sums by way of contribution to public or charitable objects as the Board may, with the approval of the Minister, determine;
- (f) make or guarantee loans to any person employed by the Board 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 such person or for the residential use of his family;
- (g) make loans to persons employed by the Board for purposes specifically approved by the Board as likely to increase the efficiency of such persons in their services to the Board, or otherwise for the purpose of the functions of the Board; and
- (h) receive donations, grants, gifts and contributions from any source and raise funds by all lawful means.

8.—(1) There may be transferred to the Board for the purposes of this Act, 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 Board without further assurance.

Transfer to Board of Government properties.

(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 Board.

9.—(1) The Board may from time to time appoint and employ such officers and servants as may be necessary for the purposes of this Act and shall have power to dismiss them as it thinks fit.

Employment of servants and agents.

(2) All officers and servants of the Board shall be under the administrative control of the Board.

(3) Subject to the approval of the Minister, the Board 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 Board, as it may determine, on their death or retirement from the service of the Board or on their otherwise leaving the service of the Board.

(4) 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 Board, 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 Board or to the Government;
- (b) no contribution by the Board or its employees made under any such scheme and no interest thereon 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 Board 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 such contributor, but, if such 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;

- (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 the deceased contributor, or under a nomination in such form as may be prescribed in the 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.
- (f) any contributor may, by a memorandum under his hand, appoint a trustee or trustees of the moneys payable on his death out of any such scheme and may make provision for the appointment of a new trustee or new trustees of the moneys and for the investment thereof; the memorandum shall be in the form prescribed in the scheme and shall be deposited with the Board;
- (g) if at the time of the death of any contributor or at any time afterwards, there is no trustee of those moneys or it is expedient to appoint a new trustee or new trustees, then, and in any such case, a trustee or trustees or a new trustee or new trustees may be appointed by the High Court; and
- (h) the receipt of a trustee or trustees duly appointed, or in default of any such appointment and of written notice thereof to the Board, the receipt of the legal personal representative of a deceased contributor shall be a discharge to the Board for any moneys payable on his death out of any such scheme.

10. Where any person in the service of the Board, whose case does not come within the scope and effect of any pension or other scheme established under section 9, retires or dies in the service of the Board or is discharged from such service, the Board 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 Board may think fit, such allowance or gratuity as the Board may determine.

Ex-gratia
payments.

Remuneration of Board members.

11. There may be paid to the Chairman and other members of the Board, or to any of them, out of the funds of the Board, such salaries, fees or allowances as the Minister may, from time to time, determine.

Protection from personal liability.

12.—(1) No matter or thing done and no contract of any kind entered into by the Board and no matter or thing done by any member of the Board or by any employee thereof or any other person whatsoever acting under the direction of the Board 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 Board personally to any action, liability, claim or demand whatsoever in respect thereof.

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

(3) The Board may make an ex-gratia payment out of its funds to any person sustaining any damage or injury by reason of the exercise of any of the powers vested in the Board or its employees under this Act or of any written law for the time being in force.

Members and employees of Board deemed to be public servants. Cap. 224.

13. The members of the Board and the employees thereof of every description shall be deemed to be public servants within the meaning of the Penal Code.

Execution of documents.

14. All deeds, documents and other instruments requiring the seal of the Board shall be sealed with the common seal of the Board by the authority of the Board in the presence of the Chairman and of some other member duly authorised by the Board to act in that behalf and shall be signed by the Chairman and by the duly authorised member, and such signing shall be sufficient evidence that the common seal of the Board has been duly and properly affixed and that the seal is the lawful seal of the Board.

Annual report.

15.—(1) The Board shall, as soon as possible after the close of each year, submit to the Minister an annual report on the activities of the Board during that year, and the

Minister shall cause a copy of every such annual report to be presented to Parliament.

(2) Notwithstanding subsection (1), the Minister may at any time request the Board to furnish him with any information concerning any matter affecting the Board, and the Board shall furnish him with the information required, and afford him or his representatives all necessary facilities for the verification of the information furnished.

16.—(1) There shall be established and maintained by the Board a fund to be called the National Maritime Fund into which all moneys of the Board shall be paid. National Maritime Fund.

(2) The Minister may from time to time make grants to the Fund of such sums as he may determine out of moneys to be provided by Parliament.

17.—(1) Subject to the provisions of this Act, the Board may with the approval of the Minister invest any part of the National Maritime Fund not immediately required to be expended in the meeting of the obligations or in the discharge of the functions of the Board, in such stocks, funds and securities or such other investments permitted for the investment of trust funds under any written law relating to trust funds. Investment of Fund.

(2) The Minister may require the Board to invest any part of the Fund in such of the aforesaid stocks, funds, securities and other investments as he may direct.

18.—(1) The Board shall keep proper accounts and other records of the Board and of the National Maritime Fund and shall prepare in respect of each financial year a statement of accounts. Accounts.

(2) The accounts of the Board shall be audited by the Auditor-General or by an auditor appointed by the Board with the approval of the Minister.

(3) So soon as the accounts of the Board and of the Fund have been audited in accordance with subsection (2), a copy of the statement of accounts, signed by the Chairman and certified by the auditor, together with a copy of any report made by the auditor in respect thereof, shall be submitted to the Minister.

(4) The Minister shall cause a copy of every such statement of accounts and of the auditor's report to be presented to Parliament.

Employment
of seamen.

19.—(1) No person other than an employer shall engage a seaman.

(2) No employer shall engage a seamen except in accordance with the provisions of this Act and any regulations made thereunder.

(3) No seaman shall accept employment on board any vessel except in accordance with the provisions of this Act and any regulations made thereunder.

(4) No employer shall enter into arrangements with any seaman to transport him outside Singapore for the purpose of engagement in circumvention of this Act.

Penalty for
employment
of seamen
in contra-
vention of
this Act.

20.—(1) Any person or employer who selects or engages seamen otherwise than in accordance with this Act 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 6 months or to both.

(2) Any person or seaman who accepts employment or works in a ship as seaman otherwise than in accordance with this Act 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 6 months or to both.

Regulations.

21. The Board may with the approval of the Minister make regulations for the purposes of this Act, including, without prejudice to the generality of the foregoing, regulations for the following purposes:

- (a) to prescribe the age and other qualifications of applicants for registration as seamen;
- (b) to prescribe the manner in which seamen may apply or be required to register;
- (c) upon application by a person desiring to be registered as a seaman and upon his satisfying the prescribed qualifications to enter his name in the appropriate register and issue him with a registration card;

- (d) to establish and maintain a roster or rosters of registered seamen requiring employment and to sub-divide such roster or rosters into such categories as it may consider necessary;
- (e) to make provisions for the X-ray and medical examination of applicants for registration as seamen;
- (f) to prescribe the manner in which a roster or rosters may be operated;
- (g) to prescribe the procedures by which seamen on the roster or rosters may be selected for employment;
- (h) to prescribe the procedures for dealing with the discipline of seamen;
- (i) to prescribe the manner in which salaries are to be paid to seamen and for the fulfilment of contracts entered into;
- (j) to prescribe the fee to be paid upon the issue of registration cards, and the fee for replacement of such cards when lost, destroyed or otherwise rendered unserviceable;
- (k) to prescribe the conditions under which the Board may cancel, suspend or alter the registration of seamen;
- (l) to prescribe the fee to be paid on selection in respect of seamen selected in accordance with the provisions of this Act;
- (m) to establish and maintain a home or institution for members of the mercantile marine;
- (n) to receive and disburse for the proper purposes of such home or institution all sums available for those purposes, whether provided from public funds or contributed by any government or person, and all sums received as fees or in payment of board and accommodation;
- (o) the management and supervision of seamen's lodging-houses licensed under this Act; and
- (p) generally to carry out the purposes of this Act.

Seamen
previously
registered
deemed to be
registered.

22. Seamen who immediately prior to the commencement of this Act were registered under the provisions of the Seamen's Registry Board Act* shall be deemed to be registered under this Act.

Transfer of
functions,
assets, etc.,
to Board.

23. Upon the commencement of this Act —

- (a) the Seamen's Registry Board, the Seafarers' Welfare Board, the Singapore Mariners' Club Committee, the Singapore Sailors' Institute Committee and the Seamen's Lodging-Houses Licensing Authority constituted under the Seamen's Registry Board Act*, the Seafarers' Welfare Board Act*, the Singapore Mariners' Club Act*, the Singapore Sailors' Institute Incorporation Ordinance* and section 114 (1)* of the Merchant Shipping Act, respectively, shall cease to exist;
- (b) all sums and other assets standing to the credit of the bodies set out in paragraph (a) shall forthwith be paid to the account of or be transferred to the credit of the Board;
- (c) the Singapore Mercantile Marine Fund† shall be transferred to the National Maritime Fund set up under section 16 and shall vest in the Board under this Act without further assurance and shall cease to exist as a separate fund;
- (d) all the assets and movable and immovable property of every description and all the powers, rights and privileges in connection therewith or appertaining thereto which immediately prior to the commencement of this Act were vested in the bodies set out in paragraph (a) shall forthwith be transferred to and vest in the Board without further assurance and freed and discharged from any trust whatsoever, but subject nevertheless to the provisions of this Act; and

1970 Ed.
Cap. 172.

*Repealed by the former section 29 of this Act which is omitted as having had effect.
†Fund set up under section 347 (8) of the Merchant Shipping Act (1970 Ed. Cap. 172) (repealed by this Act) and now known as the National Maritime Fund — see section 16 (1) of this Act.

- (e) all rights, powers, liabilities and obligations of the bodies set out in paragraph (a) which may have existed immediately prior to the commencement of this Act shall be transferred to and vest in the Board.

24. Upon the commencement of this Act, such persons who were employed by the Seamen's Registry Board, the Seafarers' Welfare Board, the Singapore Mariners' Club Committee, the Singapore Sailors' Institute Committee and the Seamen's Lodging-Houses Licensing Authority immediately prior to the commencement of this Act and were exercising any of the powers or were discharging any of the functions vested in the Board by this Act, shall be deemed to be transferred to the service of the Board on terms not less favourable than those they enjoyed immediately prior to their transfer and such terms (which shall be determined by the Board) shall take into account the salaries and conditions of service including accrued rights to leave enjoyed by them while in the employment of those bodies.

Transfer of employees to Board.

25. The Minister may exempt any person or vessel or class of vessels from any of the provisions of this Act whether with or without conditions as he thinks fit. [26*

Power of Minister to exempt.

26.—(1) In this section, "vessel" has the same meaning as in the Merchant Shipping Act.

Maritime Welfare Fee. Cap. 179. 4/77.

(2) The owner, master or agent of every vessel which calls at the port of Singapore shall pay to the Board or any person authorised by the Board a Maritime Welfare Fee (referred to in this section as the fee) according to the scale set out in the Schedule.

(3) This section shall not apply to —

- (a) any ship of war;
- (b) any ship 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

*The former section 25 was deleted by Act 35/73.

(c) any ship or class of ships which has or have been exempted from the operation of this section by the Minister.

(4) The Board may, from time to time, with the approval of the Minister by notification in the *Gazette* amend the Schedule.

(5) A receipt for the fee shall be given to every person paying the fee, and every vessel in respect of which such receipt is not produced when demanded by an officer duly authorised by the Board in that behalf may be detained until the receipt is produced.

(6) All fees received by the Board shall be paid into the National Maritime Fund. [27

Offences.

27.—(1) No person shall keep or manage a seamen's lodging-house unless he is the holder of a valid licence, granted in respect of such premises issued by the Board.

(2) Any person who —

(a) keeps or manages a seamen's lodging-house in contravention of this section or of the conditions contained in any licence granted thereunder; or

(b) being the owner or occupier of any premises permits any other person not being the holder of a valid licence granted under this Act in respect of the premises to manage or keep the premises as a seamen's lodging-house,

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 6 months or to both and in addition to any other penalty imposed by the court, the Board may cancel any licence granted under this section. [28

Com-
pounding
of offences.
32/86.

28.—(1) The Board may, in its discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$200.

(2) The Board may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded. [28A

THE SCHEDULE

Section 26 (2).
S 268/80.*Scale of Fees Payable*

<i>Gross registered tonnage of vessel.</i>	<i>Fee payable per call per vessel.</i>
	\$
(a) Exceeding 75 tons but not exceeding 1,000 tons	25 00
(b) Exceeding 1,000 tons but not exceeding 2,000 tons	40 00
(c) Exceeding 2,000 tons but not exceeding 5,000 tons	60 00
(d) Exceeding 5,000 tons but not exceeding 10,000 tons	80 00
(e) Exceeding 10,000 tons but not exceeding 20,000 tons	105 00
(f) Exceeding 20,000 tons but not exceeding 40,000 tons	140 00
(g) Exceeding 40,000 tons	175 00

In the case of a vessel with dual tonnages or a vessel with an open or closed shelter deck, the higher tonnage shall be deemed to be the gross registered tonnage of the vessel.

Concessions:

1. The owner, master or agent of any vessel exceeding 75 but not exceeding 1,000 gross registered tons (or exceeding 500 but not exceeding 1,000 gross registered tons in the case of fishing vessels calling at the Jurong Fishing Port) may opt to pay the Maritime Welfare Fee annually in advance, which shall be equivalent to 12 times the fee payable by the vessel. No refund shall be made of any fee paid annually.

2. Fishing vessels not exceeding 500 gross registered tons calling at the Jurong Fishing Port shall be exempted from the payment of the Maritime Welfare Fee.