

THE STATUTES OF THE REPUBLIC OF SINGAPORE

MERCHANT SHIPPING ACT

(CHAPTER 179)

1970 Ed. Cap. 172
Ordinance
32 of 1910

Amended by

11 of 1912	42 of 1939	12 of 1962
13 of 1912	22 of 1940	28 of 1963
32 of 1914	13 of 1941	36 of 1963
32 of 1920	25 of 1948	26 of 1966
26 of 1921	11 of 1950	44 of 1968
14 of 1922	4 of 1952	14 of 1969
23 of 1922	37 of 1952	22 of 1970
35 of 1922	16 of 1953	56 of 1970
5 of 1924	6 of 1954	21 of 1972
28 of 1926	25 of 1954	11 of 1973
10 of 1928	34 of 1956	21 of 1973
18 of 1929	10 of 1957	4 of 1977
20 of 1932	11 of 1957	6 of 1981
8 of 1933	18 of 1958	38 of 1984
14 of 1933	31 of 1958	2 of 1986
34 of 1934	38 of 1958	25 of 1986
20 of 1935	35 of 1959	32 of 1986
63 of 1935	38 of 1959	413/17
22 of 1936	62 of 1959	S 265/55
3 of 1937	72 of 1959	S 223/59
45 of 1937	74 of 1959	S (NS) 177/59
1 of 1938	3 of 1960	S (NS) 178/59
24 of 1938	32 of 1960	S (NS) 179/59
	32 of 1961	S 243/80

REVISED EDITION 1985

Merchant Shipping Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.
3. Application of this Act to Singapore ships.
4. Application of this Act to ships propelled by electricity, etc.
5. Exemption of naval vessels.
6. Appointment of Director of Marine.
7. Appointment of Port Health Officers.
8. Appointment of surveyors.
9. Delegation of powers.

PART II

MASTERS AND SEAMEN

Application

10. Application of Part II.
11. Manning and certification.
12. Exemption.
13. Prohibition of going to sea undermanned.
14. Unqualified persons going to sea as qualified officers.
15. Production of certificates and other documents of qualification.
16. Application of sections 11, 13 and 15.
17. Recognition of certificates granted by foreign authorities.

Apprenticeship to the sea service

18. Special provisions as to apprenticeship to sea service.
19. Production of indenture to Superintendent before voyage in foreign-going ship.
20. Minimum age of employment of children in ships.
21. Employment of young persons as trimmers or stokers in ships.
22. Medical examination of young persons employed in ships.
23. Penalties.
24. Interpretation.

Engagement of seamen

Section

25. Penalty for receiving remuneration from seamen for engagement.
26. Mercantile Marine Office.
27. Agreement with crew.
28. Form, period and conditions of agreement with crew.
29. Special provisions as to agreement with crew of foreign-going ship.
30. Special provisions as to agreement with crew of home-trade or local-trade ships.
31. Changes in crew of foreign-going ships to be reported.
32. Certificate as to agreement with crew of foreign-going ships.
33. Certificate as to agreement with crew of home-trade or local-trade ships.
34. Copy of agreement to be made accessible to crew.
35. Forgery, etc., of agreement with crew.
36. Alterations in agreement with crew.
37. Seamen not to be bound to produce agreement.

Agreements with Asian seamen who are British subjects

38. Engagement of British Asian seamen.

Discharge of seamen

39. Discharge before Superintendent.
40. Certificate of discharge and return of certificate to officer on discharge.
41. Report of seamen's character.
42. False or forged certificate of discharge or report of character.
43. Sanction of Superintendent required for discharge of seamen in Singapore.
44. Application of sections 39 and 43 to certain foreign ships.

Payment of wages

45. Payment of wages before Superintendent.
46. Master to deliver account of wages.
47. Deductions from wages.
48. Notice of disrating of seaman.
49. Time of payment of wages for foreign-going ships.
50. Time of payment of wages for home-trade and local-trade ships.
51. Settlement of wages.
52. Decision of questions by Superintendent.
53. Power of Superintendent to require production of ship's papers.
54. Rule as to payment of seamen in currency other than that mentioned in agreement.

Advance and allotment of wages

55. Advances restricted.

Section

56. Regulations as to allotment notes.
57. Allotment through savings banks.
58. Master to give facilities to seamen for remitting wages.
59. Right of suing on allotment notes.
60. Time for payment of an allotment note.

Rights of seamen in respect of wages

61. Right to wages, etc., when to begin.
62. Right to recover wages and salvage not to be forfeited.
63. Wages not to depend on freight.
64. Wages on termination of service by wreck.
65. Wages on termination of service by illness.
66. Wages not to accrue during refusal to work or imprisonment.
67. Forfeiture of wages, etc., of seamen when illness caused by his own default.
68. Costs of procuring punishment may be deducted from wages.
69. Compensation to seamen improperly discharged.
70. Restriction on sale of and charge upon wages.

Mode of recovering wages

71. Summary proceedings for wages.
72. Remedies of master for wages, disbursements, etc.
73. Powers of court in case of unreasonable delay in paying master's wages.

Power of court to rescind contracts

74. Power of court to rescind contract between owner or master and seaman or apprentice.

Property of deceased seamen

75. Property of seaman who dies during voyage.
76. Dealing with and account of property of seaman who dies during voyage.
77. Penalty for non-compliance with provisions as to property of deceased seaman.
78. Recovery of wages of seamen lost with their ship.
79. Property of seamen dying in Singapore.
80. Payment over of property of deceased seaman by Superintendent.
81. Dealing with deceased seaman's property when he leaves a will.
82. Claims by creditors.
83. Dealing with unclaimed property of deceased seaman.
84. Forgery of documents, etc., for purpose of obtaining property of deceased seaman.

Distressed seamen

85. Provisions for return of distressed seamen.
86. Recovery of expenses of relief of distressed seamen.

Provisions, health and accommodation

Section

- 87. Complaints as to provisions or water.
- 88. Allowance for short or bad provisions.
- 89. Medicines to be provided and kept on board certain ships.
- 90. Weights and measures on board.
- 91. Inspection of medicines and medical appliances.
- 92. Medical inspection of seamen.
- 93. Expenses of medical attendance in case of injury or illness.
- 94. Recovery of expenses from owner.
- 95. Accommodation.
- 96. Power of inspection of ship and crew.

Facilities for making complaint

- 97. Facilities for making complaint.

Protection of seamen from imposition

- 98. Assignment or sale of salvage invalid.
- 99. No debt exceeding \$2 recoverable till end of voyage.
- 100. Penalty for overcharges by lodging-house keepers.
- 101. Penalty for detaining seamen's effects.
- 102. Penalty for solicitations by lodging-house keepers.
- 103. Penalty for being on board ship without permission before seamen leave.

Provisions as to discipline

- 104. Misconduct endangering life or ship.
- 105. Desertion and absence without leave.
- 106. Provisions as to failure to join ship and desertion.
- 107. Conveyance of deserter on board ship.
- 108. Power of court to order offender to be taken on board ship.
- 109. Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.
- 110. General offences against discipline.
- 111. Summary remedies not to affect other remedies.
- 112. Penalty for false statement as to last ship or name.
- 113. Entry of offences in official log-book.
- 114. Facilities for proving desertion in proceedings for forfeiture of wages.
- 115. Application of forfeitures.
- 116. Decision of questions of forfeiture and deductions in suits for wages.
- 117. Ascertainment of the amount of forfeiture out of wages.
- 118. Deduction from wages and payment to Superintendent of fines.
- 119. Penalty for enticing to desert and harbouring deserters.
- 120. Penalty on stowaways, etc.
- 121. Documents to be handed over to successor on change of master.

Discipline on foreign ships

Section

- 122. Desertion from foreign ship.
- 123. Attesting witness need not be called.
- 124. Expenses with regard to foreign seamen.

Official logs

- 125. Official logs to be kept and to be evidence.
- 126. Entries required in official log-book.
- 127. Offences in respect of official log-books.
- 128. Delivery of official logs to Superintendent.
- 129. Official log-book to be sent to Superintendent in case of transfer of ship or of loss.

Duties of Superintendent

- 130. Duties of Superintendent.
- 131. Penalty on Superintendent, etc., taking other remuneration.

PART III

CONSTRUCTION, EQUIPMENT AND SURVEY

- 132. Prohibition on proceeding to sea without certificates.
- 133. Surveys and declaration of survey.
- 134. Issue of certificates.
- 135. Cancellation or suspension of certificates.
- 136. Power of Minister to exempt and exemption certificates.
- 137. Minister may authorise organisations to survey ships and issue certificates.
- 138. Recognition of certificates issued outside Singapore.
- 139. Issue of certificates to foreign ships in Singapore and to Singapore ships in foreign countries.
- 140. Delivery of certificates.
- 141. Penalty for forgery of certificate or declaration.
- 142. Penalty for alteration in ship after certificate obtained.
- 143. Regulations.

PART IV

SHIPS CARRYING PILGRIMS

- 144. Interpretation.
- 145. Pilgrim pass necessary.

Survey of pilgrim ships

- 146. Pilgrim ship not to sail without certificates, bill of health and list.
- 147. Contents of Certificate A.
- 148. Contents of Certificate B.
- 149. Discretion as to grant of certificate.
- 150. Copy of certificates, bill and tariff to be exhibited.
- 151. Penalty for forgery of certificate, etc.
- 152. Prohibition of increasing weight on safety-valve.

Keeping order in pilgrim ships

Section

153. Offences in connection with pilgrim ships.

Provisions regarding pilgrim ships

154. Pilgrim ship to sail from or discharge only at places appointed by the President.
155. Detention of ship until penalties paid.
156. Notice to be given of time of sailing, etc.
157. Power to enter on and inspect pilgrim ship.
158. Inspection of crew.
159. Preventive measures.
160. Master to supply pilgrims with prescribed provisions.
161. Open boats in tow.
162. Certain articles prohibited as cargo or ballast.
163. Regulations as to carrying of pilgrims.
164. Disposal of pilgrims' baggage.
165. Statement concerning pilgrims to be delivered before ship departs.
166. Death on voyage.
167. Pilgrim ship taking additional pilgrims at intermediate place.
168. Statement concerning pilgrims to be delivered before pilgrims disembark in Singapore.
169. Penalty for breach of sections 165 to 168.
170. Penalty on master for fraudulent alteration in pilgrim ship after certificate obtained.
171. Pilgrim ships to carry medical officers and attendants.
172. Pilgrims to submit to vaccination.
173. Medical officers' diaries and reports.
174. Preventive measures to be entered in log-book.
175. Pilgrim ships to obtain certificate at Kamaran.
176. Fees at Kamaran payable by Government and recoverable from owner.
177. Evidence.
178. Deposit.
179. Obligations on owners of pilgrim ships.
180. Certificate.
181. Medical inspection and permission required before embarkation of pilgrims.
182. Medical inspection after embarkation in certain cases.
183. Medical inspection of women.
184. Penalty for breach of section 181 or 182.
185. Penalty on master and owner for carrying pilgrims in excess of authorised number.
186. Penalty on master for landing pilgrim at a place other than that at which he has contracted to land.
187. Penalty on master and owner for making voyage in contravention of contract with pilgrims.
188. Sanitary taxes payable by master of pilgrim ship.
189. Penalty for bringing pilgrim in filthy or insanitary ship.

Section

- 190. Issue and production of tickets and refund of passage-money.
- 191. Price of pilgrims' tickets to be legibly marked.

Homeward journey

- 192. Obligations in respect of homeward journey.
- 193. Inspection on arrival from Hedjaz.

Pilgrim brokers

- 194. Licences for brokers.
- 195. Conditions of licence.
- 196. Acting as pilgrim broker without licence.
- 197. Cheating by pilgrim brokers.
- 198. Lodging-houses to exhibit signboards.
- 199. Liability of pilgrim broker for act of employee.
- 200. Procedure on forfeiture of bonds.

Supplemental

- 201. Rules for numbering pilgrims.
- 202. Liability of pilgrims travelling by non-pilgrim ships.
- 203. Information to be sent to ports of embarkation.
- 204. Evidence under Part IV.
- 205. Upper deck space to be provided for pilgrims.
- 206. Power of Minister to make rules.
- 207. Provisions of Part III not to apply to pilgrim ships.

PART V

SAFETY

Prevention of collisions

- 208. Collision regulations.
- 209. Observance of collision regulations.
- 210. Inspection as to lights and fog signals.
- 211. Collisions to be entered in official log-book.

Report of accidents and loss of ship

- 212. Report to Director of accidents to steamships.
- 213. Notice of loss of ship registered in Singapore, or passenger steamer to be given to Director.

Offences in connection with lighthouses, etc.

- 214. Injury to lighthouses, etc.
- 215. Misconduct by person employed in lighthouse.
- 216. Prevention of false lights.

Load line and loading

- 217. Ships to which sections 218 to 236 apply.
- 218. Prohibition on proceeding to sea without certificates.

Section

- 219. Survey and declaration of survey.
- 220. Issue of certificates.
- 221. Cancellation or suspension of certificates.
- 222. Exemptions.
- 223. Minister may authorise organisations to survey ships and issue certificates.
- 224. Recognition of certificate issued outside Singapore.
- 225. Issue of certificates to foreign ships in Singapore and to Singapore ships in foreign countries.
- 226. Delivery of certificates.
- 227. Penalty for forgery of certificate or declaration.
- 228. Penalty for alteration in ship after certificate obtained.
- 229. Publication of certificate and entry of particulars in official log-book.
- 230. Miscellaneous offences in relation to marks.
- 231. Submersion of load lines.
- 232. Submersion of load lines on ships not registered in Singapore.
- 233. Submersion of subdivision load lines.
- 234. Inspection of Singapore ships.
- 235. Inspection of ships not registered in Singapore.
- 236. Regulations.

Carriage of cattle and other livestock by sea

- 237. Rules as to carriage of cattle, etc., by sea.
- 238. Power to exempt certain steamers.

Unseaworthy ships

- 239. Sending unseaworthy ship to sea an offence.
- 240. Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.
- 241. Power to detain unsafe ships and procedure for detention.
- 242. Liability for costs and damages.
- 243. Power to require complainant to give security for costs.
- 244. Application to foreign ships of provisions as to detention.
- 245. Survey of ship alleged by seamen to be unseaworthy.

PART VI

SPECIAL SHIPPING INQUIRIES AND COURTS

Inquiries and investigations as to shipping casualties

- 246. Shipping casualties.
- 247. Preliminary inquiry.
- 248. Minister may appoint court of investigation into shipping casualties and conduct of certificated officers.

Power as to certificates of officers, etc.

- 249. Power of Court of investigation as to certificates.
- 250. Power of High Court to remove master.
- 251. Delivery of certificate cancelled or suspended.

Rehearing of investigations

Section

252. Rehearing of investigations.

General

253. On report, Minister may deal with certificate.
254. Rules as to inquiries and investigations, etc.

Courts of survey

255. Constitution of court of survey.
256. Power and procedure of court of survey.
257. Rules of procedure of court of survey.
258. Reference in difficult cases to scientific persons.

Payments to officers of courts

259. Payments to officers of courts.

Indemnity

260. Indemnity.

PART VII

DELIVERY OF GOODS

Delivery of goods and lien for freight

261. Interpretation.
262. Powers of shipowner to land goods.
263. Lien for freight on landing goods.
264. Discharge of lien.
265. Provisions as to deposits by owners of goods.
266. Sale of goods.
267. Application of proceeds of sale.
268. Warehouseman's rent and expenses.
269. Warehouseman's protection.

PART VIII

LIABILITY OF SHIPOWNERS

270. Interpretation.
271. Limitation of shipowner's liability in certain cases of loss of or damage to goods.
272. Limitation of owners' liability in certain cases of loss of life, injury or damage.
273. Power of court to consolidate claims against owners, etc.
274. Part owners to account in respect of damages.
275. Insurances of certain risks not invalid.
276. Proof of passengers on board ship.
277. Extension to other persons of provisions relating to shipowners.

Section

- 278. Unregistered ships and ships in course of completion or construction.
- 279. Release of ship.
- 280. Restriction on enforcement after giving security.

PART IX

WRECK AND SALVAGE

Vessels in distress

- 281. Interpretation.
- 282. Receiver of wrecks.
- 283. Duty of receiver where vessel in distress.
- 284. Powers of receiver in case of vessels in distress.
- 285. Power to pass over adjoining lands.
- 286. Power of receiver to suppress plunder and disorder by force.
- 287. Exercise of powers of receiver in his absence.
- 288. Examination in respect of ships in distress.

Dealing with wreck

- 289. Rules to be observed by persons finding wreck.
- 290. Penalty for taking wreck at time of casualty.
- 291. Notice of wreck to be given by receiver.
- 292. Claims of owners to wreck.
- 293. Immediate sale of wreck by receiver in certain cases.

Unclaimed wreck

- 294. Right of Government to unclaimed wreck.
- 295. Unclaimed wreck.
- 296. Delivery of unclaimed wreck by receiver not to prejudice title.

Removal of wreck

- 297. Removal of wreck by receiver.
- 298. Powers of removal extend to tackle, cargo, etc.

Offences in respect of wreck

- 299. Taking wreck to foreign port.
- 300. Interfering with wrecked vessel or wreck.
- 301. Summary procedure for concealment of wreck.

Salvage

- 302. Salvage payable for saving life.
- 303. Salvage of cargo or wreck.

Procedure in salvage

- 304. Determination of salvage disputes.
- 305. Determination of disputes as to salvage summarily.
- 306. Appeal in case of salvage disputes.

Section

- 307. Valuation of property by receiver.
- 308. Detention of property liable to salvage by a receiver.
- 309. Sale of detained property.
- 310. Apportionment of salvage by receiver.
- 311. Apportionment of salvage by High Court.

Jurisdiction of High Court in salvage

- 312. Jurisdiction of High Court in salvage.

Fees of receivers of wreck

- 313. Receiver's fees.

PART X

CONTROL OF SHIPPING

- 314. Application of Part X.
- 315. (Repealed by Act 25/86.)
- 316. (Repealed by Act 25/86.)
- 317. Penalty for disobedience of directions of Director.

Arrival and departure of vessels

- 318. (Repealed by Act 25/86.)
- 319. Unauthorised presence on board ship.
- 320. (Repealed by Act 25/86.)
- 321. (Repealed by Act 25/86.)
- 322. (Repealed by Act 25/86.)
- 323. (Repealed by Act 25/86.)

Marking of ship

- 324. Marking of ship.

Licensing of native sailing ships

- 325. When native sailing ships to be licensed.

Procedure

- 326. Power of Director and police officer to board vessels.
- 327. Penalty for obstructing persons in execution of duty.
- 328. Execution of orders of Director.
- 329. Damages and expenses to be recovered as fines.
- 330. Power to exempt from provisions of this Part.

PART XI

LEGAL PROCEEDINGS

General provisions

- 331. Court for trial of offences.
- 332. Sanction for prosecution of offences under this Act.

Section

- 333. Liability of shipowners.
- 334. Persons appointed or authorised under this Act to be deemed public servants.

Jurisdiction

- 335. Provision as to jurisdiction in case of offences.
- 336. Jurisdiction over ships lying off the coast.
- 337. Jurisdiction in case of offences on board ship.

Inquiries into deaths

- 338. Inquiry into cause of death on board ship.

Depositions

- 339. Depositions to be received in evidence when witness cannot be produced.

Detention of ship and distress on ship

- 340. Enforcing detention of ship.
- 341. Sums ordered to be paid leviable by distress on ship.

Evidence, service of documents and declarations

- 342. Proof of attestation not required.
- 343. Admissibility of documents in evidence.
- 344. Service of documents.
- 345. Declarations.

Application of penalties and costs of prosecutions

- 346. Application of penalties.

PART XII

SUPPLEMENTAL

Inspection

- 347. Facilities for inspection and examination.

Documents and forms

- 348. Power of Minister to prescribe forms.

Powers for enforcing compliance with this Act

- 349. Power of seeing that this Act is complied with.

Surveyors of ships

- 350. Power of surveyor for purpose of survey of ships.
- 351. Returns by surveyors.

Inspectors

Section

352. Appointment of inspector to report on accidents.

General

353. Power of arrest.
 354. Indemnity to Government.
 355. Protection to Authority.
 356. Fees.
 357. Dispensing powers of Minister.

PART XIII

SINGAPORE REGISTRY

358. Ships which may be registered.
 359. Exemption from registry.
 360. Registrar of Singapore Ships.
 361. Application for registry.
 362. Certificate of registry.
 363. Survey and measurement of ship.
 364. Marking of ship.
 365. Permanent certificate of registry.
 366. Initial registration fee and annual tonnage tax.
 367. Provisional certificate of registration.
 368. Form and duration of provisional certificate.
 369. Evidence on first registry.
 370. Use of certificate.
 371. Cancellation of certificate.
 372. Transfer of ship.
 373. Transfer of ship to another flag.
 374. Transmission of property in ship on bankruptcy, death, etc.
 375. Transfer of ship or sale by order of court.
 376. Power of court to prohibit transfer.
 377. Mortgage of ship or share.
 378. Obligation of mortgagor before execution and registration of mortgage.
 379. Entry of discharge of mortgage.
 380. Priority of mortgages.
 381. Mortgagee not deemed to be owner.
 382. Powers of mortgagee.
 383. Mortgagee not affected by bankruptcy.
 384. Transfer of mortgages.
 385. Transmission of interest in mortgage in certain circumstances.
 386. Rules as to name of ship.
 387. Alteration of ship.
 388. Notice of trusts not received.
 389. Crew list of Singapore ship.
 390. National colours for Singapore ships.
 391. Penalty for not showing colours.
 391A. Compounding of offences.
 392. Regulations.

Section

393. Exemption.

394. Transitional provisions.

The Schedule — Fees payable to receivers of wreck.

An Act relating to merchant shipping.

[1st December 1912]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Merchant Shipping Act.

Interpre-
tation.
11/73
38/84
S 243/80.

2.—(1) In this Act, unless there is something repugnant in the subject or context —

“alteration” includes deterioration;

“Authority” means the Port of Singapore Authority established under the Port of Singapore Authority Act;

“Board of Trade” means the Board of Trade of the United Kingdom;

“buoys and beacons” includes all other marks and signs of the sea;

“cargo ship” means any ship which is not a passenger ship;

“certificated officer” means any officer holding a certificate issued or deemed to have been issued under section 11;

“collision regulations” means regulations made under section 208;

“Colonial Court of Admiralty” has the same meaning as in the Colonial Courts of Admiralty Act 1890;

“consular officer” —

(a) when used in relation to a foreign country, means the officer recognised by the President as a consular officer of that foreign country; and

(b) when used in relation to Singapore, includes any person or organisation appointed by the Minister to exercise the functions of a consular officer under this Act;

U.K. 1890
c. 27.

“country to which the Load Lines Convention applies”
means —

- (a) a country the government of which has been declared by the Minister, by notification in the *Gazette*, to have accepted the Load Lines Convention, and has not been so declared to have denounced that Convention; and
- (b) a territory to which it has been so declared that the Load Lines Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend;

“country to which the Safety Convention applies”
means —

- (a) a country the government of which has been declared by the Minister, by notification in the *Gazette*, to have accepted the Safety Convention, and has not been so declared to have denounced that Convention; and
- (b) a territory to which it has been so declared that the Safety Convention extends, not being a territory to which it has been so declared that the Convention has ceased to extend;

“court”, in relation to any proceeding, includes any court having jurisdiction in the matter to which the proceeding relates;

“deck passenger” means a passenger for whom no accommodation in any cabin, state-room or saloon is reserved;

“Director” means the Director of Marine appointed under section 6 and includes the Deputy Director of Marine appointed under that section;

“effects” includes clothes and documents;

“foreign-going passenger steamer” means every foreign-going ship which is a passenger steamer;

“foreign-going ship” includes every ship employed in trading or going between some place or places in Singapore and some place or places situate beyond the limits prescribed for home-trade ships;

- “home-trade passenger steamer” means every home-trade ship which is a passenger steamer;
- “home-trade ship” means a ship plying solely upon a home-trade voyage;
- “home-trade voyage” means a voyage within the following limits: an imaginary line drawn from a position in the Gulf of Martaban in latitude $16^{\circ} 15'$ north, longitude 96° east in a south-easterly direction to a position in latitude 15° north, longitude 97° east, thence due south to a position in latitude 9° north, longitude 97° east, thence in a south-westerly direction to a position in latitude 6° north, longitude 94° east, thence due south to a position in latitude 4° north, longitude 94° east, thence in a south-easterly direction to a position in latitude 8° south, longitude 104° east, thence in an easterly direction to a position in latitude 10° south, longitude 120° east, thence due east to a position in latitude 10° south, longitude 125° east, thence due north to a position in latitude 8° north, longitude 125° east, thence due west to a position in latitude 8° north, longitude 110° east, thence in a 315° direction (N.W. true) to the coast of Vietnam, thence initially westward following the coasts of Vietnam, Cambodia, Thailand, the Malay Peninsula and Burma to the starting point;
- “international voyage” means a voyage from Singapore to a port or place outside Singapore or a voyage to Singapore from a port or place outside Singapore;
- “lighthouse” shall, in addition to the ordinary meaning of the word, include any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals, and also any addition to a lighthouse of any improved light, or any siren, or any description of fog signal;
- “load lines” means such lines as are referred to in section 236 (2) (e);
- “Load Lines Convention” means the International Convention on Load Lines signed in London on 5th April 1966 and the regulations annexed thereto;
- “master” includes every person, except a pilot, having command or charge of any ship;

- “Merchant Shipping Acts” means the Merchant Shipping Acts from time to time in force in the United Kingdom;
- “mile” means 1,852 metres;
- “name” includes a surname;
- “native sailing ship” means any wooden ship of primitive build of less than 200 tons gross tonnage and not fitted with any mechanical means of propulsion, and includes a junk, tongkang, twakow and any other ship of similar build;
- “officer” includes a master, mate, engineer, gunner, helmsman and engine driver;
- “passenger” means every person other than —
- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of the ship; and
 - (b) a child under one year of age;
- “passenger ship” means a ship which carries more than 12 passengers;
- “pilot” means any person not belonging to a ship who has the conduct thereof;
- “port” has the same meaning as in the Port of Singapore Authority Act; Cap. 236.
- “Port Master” means the Port Master appointed under section 30 of the Port of Singapore Authority Act and includes any Deputy Port Master appointed under that section;
- “representation” means probate, administration, confirmation or other instrument constituting a person the executor, administrator or other representative of a deceased person, and “legal personal representative” means the person so constituted executor, administrator or other representative of a deceased person;
- “Safety Convention” means the International Convention for the Safety of Life at Sea signed in London on 1st November 1974 and any amendment made thereto which has come into force and has been accepted by the Government;

- “sailing ship” means any ship not fitted with any mechanical means of propulsion;
- “salvor” means, in the case of salvage services rendered by the officers or crew or part of the crew of any naval ship, the person in command of that ship;
- “sea-going ship” means any ship going beyond port limits;
- “seaman” includes every person, except a master or pilot, employed or engaged in any capacity as part of the crew on board any ship;
- “ship” includes every description of vessel used in navigation not propelled by oars;
- “Singapore ship” means a ship registered under Part XIII;
- “Superintendent” means the Superintendent of the Mercantile Marine Office referred to in section 26 and includes any deputy superintendent appointed under that section, or, if the context so requires, any superintendent appointed under the Merchant Shipping Acts;
- “tidal water” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides;
- “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;
- “voyage” means the whole time and the whole distance between the ship’s port or place of departure and her final port or place of arrival;
- “wages” includes emoluments.

(2) In this Act —

- (a) any reference to failure to do any act or thing shall include a reference to refusal to do that act or thing;
- (b) any reference to a ship belonging to or for the time being in the service of any foreign prince or State shall not refer to a ship wholly or partially engaged in trade;

- (c) the tonnage in this Act referred to shall, unless the context otherwise requires, in the case of British-registered ships be the net registered tonnage, and, in the case of foreign-registered ships, shall be the tonnage of such ships denoted in their certificates of registry where an Order in Council has been made under section 84 of the Merchant Shipping Act 1894 in respect of the country to which the ships belong, and, where no such Order in Council has been made, the tonnage of such ships as nearly as possible approximating to the net registered tonnage as measured in British-registered ships.

U.K. 1894
c. 60

3. As from 2nd September 1966 Parts I to XII shall apply in relation to Singapore ships as they apply to British ships, and, unless the context otherwise requires, references in those Parts to “British-registered ships”, “British ships”, and “British ships registered in Singapore” shall be construed as if they included a reference to “Singapore ships”.

Application
of this Act
to Singapore
ships.

4. Any provisions of this Act applying to steamers or steamships shall apply to ships propelled by electricity or other mechanical power, with such modifications as the Minister prescribes for the purpose of adaptation.

Application
of this Act
to ships
propelled by
electricity,
etc.

5.—(1) Except in Part VIII or where the contrary intention appears, this Act shall not apply to or in relation to a vessel belonging to the Singapore Armed Forces or belonging to the naval, military or air force of any other country, including a foreign country.

Exemption of
naval vessels.

(2) This Act shall, with the exception of Part III and except where special provision is made by rules made by the Minister, apply to all ships belonging to or in the employment of the Government, and in such application the word “Director” shall be read for “owner”.

6.—(1) The President may appoint a Director of Marine and a Deputy Director of Marine.

Appointment
of Director
of Marine.

(2) The Director may appoint so many other officers as he may think fit for the purpose of carrying out all or any of the powers conferred on the Director by or under this Act.

Appointment
of Port
Health
Officers.

7.—(1) The Minister may appoint at any port an officer to be called the Port Health Officer.

(2) The Port Health Officers shall perform their duties under the direction of the Director of Medical Services, who shall have the powers of a Port Health Officer at each of the ports of Singapore.

Deputies.

(3) The Minister may appoint a deputy or deputies to any Port Health Officer, either generally for the purposes of this Act and of the rules made thereunder or for the purposes of particular Parts, sections or rules.

(4) Any act done by, to or before a Deputy Port Health Officer within the powers conferred upon him shall have the same effect as if done by, to or before a Port Health Officer.

Appointment
of surveyors.

8.—(1) The Minister may appoint a Surveyor-General of Ships for Singapore (referred to in this Act as the Surveyor-General).

(2) The Minister may appoint, either generally or for special purposes or on special occasions, any person to be a surveyor of ships or a radio surveyor for the purposes of this Act.

(3) The Surveyor-General and every surveyor of ships and every radio surveyor shall have and perform the powers, functions and duties prescribed by this Act or by any rules or regulations made thereunder.

Delegation
of powers.
11/73.

9. The Authority may delegate to any of its officers all or any of the functions and powers conferred on the Authority by this Act. [8A

PART II

MASTERS AND SEAMEN

Application

Application
of Part II.
38/84.

10. This Part shall not apply to —

- (a) any fishing vessel exclusively employed in the fishing industry;
- (b) any pleasure craft;
- (c) any harbour craft, that is to say, any vessel used for any purpose within the port; and
- (d) any native sailing ship.

[9

11.—(1) The Minister may make regulations —

Manning and
certification.
38/84.

- (a) requiring ships to which this section applies to carry such number of qualified officers of any description, qualified doctors and such number of other seamen or qualified seamen of any description as may be specified in the regulations;
- (b) prescribing standards of competence to be attained and other conditions to be satisfied (subject to any exemptions allowed by or under the regulations) by officers and other seamen of any description in order to be qualified for the purposes of this section; and
- (c) providing that existing certificates shall, except in such cases as are specified in the regulations, be deemed for the purposes of this section to be issued in pursuance of this section and to confer on the persons to whom they are issued such qualifications as may be specified in the regulations.

(2) In subsection (1) “existing certificate” means a certificate granted before 1st August 1986.

38/84.

(3) Regulations made under this section may make different provision for different descriptions of ships or for ships of the same description in different circumstances.

(4) Without prejudice to the generality of subsection (1) (b), the conditions prescribed or specified under that subsection may include conditions as to nationality and regulations made for the purposes of that subsection may make provision for —

- (a) the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
- (b) the conduct of any examinations, the conditions for admission to them and the appointment and remuneration of examiners; and
- (c) the issue, form and recording of certificates and other documents,

and different provision may be so made for different circumstances.

(5) If a person makes a statement which he knows to be false or recklessly makes a statement which is false in a

material particular for the purpose of obtaining for himself or another person a certificate or other document which may be issued under this section, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(6) A certificate issued or deemed to be issued under this section shall be admissible in evidence. [10]

Exemption.
38/84.

12. The Minister may, subject to such conditions as he may impose, exempt any ship or description of ships from the requirements of any regulations made under section 11. [11]

Prohibition
of going to
sea under-
manned.
38/84.

13.—(1) Subject to section 12, if a ship to which this section applies goes to sea or attempts to go to sea without carrying such officers, doctors and other seamen as it is required to carry under section 11, the owner or master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and the ship, if in Singapore, may be detained.

(2) References in this section to going to sea include, in the case of Singapore ships, references to going to sea from any country outside Singapore. [12]

Unqualified
persons
going to
sea as
qualified
officers.
38/84.

14.—(1) If a person goes to sea as a qualified doctor, officer or seaman of any description without being such a qualified doctor, officer or seaman, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(2) In this section “qualified” means qualified for the purposes of section 11. [13]

Production of
certificates
and other
documents of
qualification.
38/84.

15. Any person serving or engaged to serve in any ship to which this section applies and holding any certificate or other document which is evidence that he is qualified for the purposes of section 11 shall on demand produce it to the Director, Port Master, a surveyor of ships or a consular officer and (if he is not himself the master) to the master of the ship; and if he fails to do so without reasonable cause he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [14]

16. Subject to section 10, sections 11, 13 and 15 shall apply to every Singapore ship and also to any ship which enters or leaves any port or place in Singapore. [15]

Application of sections 11, 13 and 15. 38/84.

17. Every officer on board a ship registered elsewhere, who has received a certificate of competency granted or recognised by the competent authority of the country in which the ship is registered which the Minister is satisfied is of equivalent standard to any certificate of competency issued in pursuance of section 11, shall be deemed to be qualified for the purposes of that section in respect of the ship, provided that the certificate is valid and is of a grade appropriate to his station in the ship or of a higher grade. [16]

Recognition of certificates granted by foreign authorities. 38/84.

Apprenticeship to the sea service

18.—(1) Every indenture of apprenticeship to the sea service shall be executed in duplicate and shall be exempt from stamp duty.

Special provisions as to apprenticeship to sea service.

(2) Every indenture of apprenticeship to the sea service made in Singapore, and every assignment or cancellation thereof, and, where the apprentice bound dies or deserts, the fact of the death or desertion shall be recorded.

(3) For the purpose of the record —

(a) a person to whom an apprentice to the sea service is bound shall, within 7 days of the execution of the indenture, take or transmit to the Superintendent the indenture executed in duplicate, and the Superintendent shall keep and record the one indenture and endorse on the other the fact that it has been recorded and redeliver it to the master of the apprentice; and

(b) the master shall notify any assignment or cancellation of the indenture or the death or desertion of the apprentice to the Superintendent, within 7 days of the occurrence, if it occurs within Singapore; or, as soon as circumstances permit, if it occurs elsewhere.

(4) Any person who fails to comply with any requirement of this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200.

Penalty.

[31*

*Sections 17 to 30 in the 1970 Edition were repealed by Act 38/84.

Production of indenture to Superintendent before voyage in foreign-going ship.

19.—(1) The master of a foreign-going ship shall, before carrying an apprentice to sea from a port in Singapore, cause the apprentice to appear before the Superintendent, and shall produce to the Superintendent the indenture by which the apprentice is bound and every assignment thereof.

(2) The name of the apprentice, with the date of the indenture and of the assignments thereof, if any, and the names of the ports at which the same have been recorded, shall be entered on the agreement with the crew.

Penalty.

(3) Any master who fails without reasonable cause to comply with any requirement of this section shall be guilty of the offence and shall be liable on conviction for each offence to a fine not exceeding \$100. [32]

Minimum age of employment of children in ships.

20.—(1) Children under the age of 14 years shall not be employed or work in ships, other than ships in which only members of the same family are employed.

(2) Subsection (1) shall not apply to work done by children in school ships or training ships, provided that such work is approved and supervised by public authority.

(3) Any person who employs a child under the age of 14 years in any ship in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40 and for a second or subsequent offence to a fine not exceeding \$100. [33]

Employment of young persons as trimmers or stokers in ships.

21.—(1) Subject to this section, no young person shall be employed or work as a trimmer or stoker in any ship.

(2) Subsection (1) shall not apply —

(a) (i) to the employment of a young person on such work as aforesaid in a school ship or training ship if the work is of a kind approved by the Minister and is carried on subject to supervision by officers of the Government; or

(ii) to the employment of a young person on such work as aforesaid in a ship which is mainly propelled otherwise than by means of steam; and

(b) where in any port a trimmer or stoker is required for any ship and no person over the age of

18 years is available to fill the place, a young person over the age of 16 years may be employed as a trimmer or stoker, but in any such case two young persons over the age of 16 years shall be employed to do the work which would otherwise have been performed by one person over the age of 18 years.

(3) There shall be included in every agreement with the crew a list of the young persons who are members of the crew, together with particulars of the dates of their birth and, in the case of a ship in which there is no such agreement, the master of the ship shall, if young persons are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew.

(4) There shall be included in every agreement with the crew a short summary of the provisions of this section.

[34

22.—(1) Subject to this section, no young person shall be employed in any capacity in any ship, unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that the young person is fit to be employed in that capacity:

Medical examination of young persons employed in ships.

Provided that —

- (a) the foregoing provisions shall not apply to the employment of a young person in a ship in which only members of the same family are employed; and
- (b) the Superintendent or a consular officer may on the ground of urgency authorise a young person to be employed in a ship notwithstanding that no such certificate has been delivered to the master of the ship, but a young person in whose case any such authorisation is given shall not be employed beyond the first port at which the ship calls after the young person has embarked thereon, except subject to and in accordance with the foregoing provisions of this rule section.

(2) A certificate granted under this section shall remain in force for a period of 12 months from the date on which it is granted:

Provided that, if the period of 12 months expires at some time during the course of the voyage of the ship in which the young person is employed, the certificate shall remain in force until the end of the voyage. [35]

Penalties.

23.—(1) If any young person is employed in any ship in contravention of section 21 or 22, the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40, and in the case of a second or subsequent offence not exceeding \$100 and where a young person is taken into employment in any ship in contravention of section 21 or 22 on the production by, or with the privity of, the parent, of a false or forged certificate or on a false representation by the parent that the young person is of an age at which such employment is not in contravention of those sections, that parent shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40.

(2) If the master of a ship fails to keep such a register as is required to be kept by him under section 21 or, on being so required by the Superintendent or any other person having power to enforce compliance with the provisions of this Act, refuses or neglects to produce for inspection by that officer or person any such register as aforesaid or any certificate delivered to him under section 22, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$400. [36]

Interpretation.

24. In sections 20, 21, 22 and 23 —

“young person” means a person who is under the age of 18 years;

“ship” means any sea-going ship or boat of any description which is registered in Singapore as a British ship, but does not include any tug, dredger, sludge vessel, barge or other craft whose ordinary course of navigation does not extend beyond the seaward limits of the jurisdiction of the harbour authority of the port at which such vessel is regularly employed, if and so long as such vessel is engaged in her ordinary occupation. [37]

Engagement of seamen

25.—(1) A person shall not demand or receive directly or indirectly from a seaman or apprentice to the sea service, or from a person seeking employment as a seaman or apprentice to the sea service, or from a person on his behalf, any remuneration whatever for providing him with employment other than such fees as are authorised by the Minister. Penalty for receiving remuneration from seamen for engagement.

(2) Any person who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100. [38] Penalty.

26.—(1) The Minister may appoint a place, to be called the Mercantile Marine Office, and such other places as he may think fit to be called Mercantile Marine Sub-Offices, at all of which places shall be conducted any business connected with the engagement and discharge in Singapore of seamen on board British ships and any foreign ships whose flag is not represented by a consular officer resident in Singapore. Mercantile Marine Office.

(2) The Director shall be the Superintendent of the Mercantile Marine Office.

(3) The Superintendent may appoint such number of deputy superintendents as he may think fit, all of whom shall have and exercise all the powers conferred on the Superintendent by or under this Act.

(4) Where the Superintendent requires a seaman to produce a certificate of discharge from his last ship, that seaman shall not be engaged until he has produced the certificate or until he has given a satisfactory explanation to the Superintendent of the cause of such non-production. [39]

27.—(1) The master of every British ship and of every ship of a foreign country which has no consular officer resident in Singapore shall enter into an agreement (referred to in this Act as an agreement with the crew) in accordance with this Act with every seaman whom he carries to sea from any port in Singapore. Agreement with crew.

(2) This section shall not apply to the master of any ship of less than 25 tons exclusively employed in trading within such limits as are prescribed.

Penalty.

(3) If a master of a ship carries any seaman to sea without entering into an agreement with him in accordance with this Act, the master in the case of a foreign-going ship, and the master or owner in the case of a home-trade or local-trade ship, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100.

[40

Form, period
and
conditions of
agreement
with crew.

28.—(1) An agreement with the crew shall be in a form approved by the Minister, and shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the agreement.

(2) The agreement with the crew shall contain as terms of the agreement the following particulars:

- (a) either the nature and, as far as practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;
- (b) the number and description of the crew specifying how many are engaged as sailors;
- (c) the time at which each seaman is to be on board or to begin work;
- (d) the capacity in which each seaman is to serve;
- (e) the amount of wages which each seaman is to receive;
- (f) a scale of the provisions which are to be furnished to each seaman;
- (g) any regulations as to conduct on board and as to fines, short allowance of provisions or other lawful punishment for misconduct which have been approved by the Minister as regulations proper to be adopted and which the parties agree to adopt.

(3) The agreement with the crew shall be so framed as to admit of such stipulations, to be adopted at the will of the master and seaman in each case, whether respecting the advance and allotment of wages, the supply of warm clothing or otherwise, as are not contrary to law.

(4) If the master of a ship registered at a port outside Singapore has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in Singapore, those seamen may sign the agreement so made, and it shall not then be necessary for them to sign an agreement in the form approved by the Minister. [41

29. This section shall have effect with respect to the agreements with the crew made in Singapore in the case of foreign-going ships registered either within or outside Singapore:

Special provisions as to agreement with crew of foreign-going ship.

- (a) the agreement shall, subject to the provisions of this Act as to substitutes, be signed by each seaman in the presence of the Superintendent;
- (b) the Superintendent shall cause the agreement to be read over and explained to each seaman, or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature;
- (c) when the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the Superintendent, and the other shall be delivered to the master, and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship;
- (d) where a substitute is engaged in the place of a seaman who duly signed the agreement and whose services are, within 24 hours of the ship's putting to sea, lost by death, desertion or other unforeseen cause, the engagement shall, when practicable, be made before the Superintendent, and, when not practicable, the master shall, before the ship puts to sea, if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature;
- (e) the agreement may be made for a voyage or, if the voyages of the ship average less than 6 months in

duration, may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements;

- (f) running agreements shall not be for a longer period than 6 months, or the first arrival of the ship at her port of destination in Singapore after the expiration of that period, or the discharge of cargo consequent on that arrival;
- (g) on every return to a port in Singapore before the final termination of a running agreement, the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if a master wilfully makes a false statement in any such endorsement he shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400;
- (h) the master shall deliver the running agreement so endorsed to the Superintendent, and the Superintendent shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master. [42]

Special provisions as to agreement with crew of home-trade or local-trade ships.

30. This section shall have effect with respect to the agreements with the crew of home-trade or local-trade ships for which an agreement with the crew is required under this Act:

- (a) agreements may be made either for the service in a particular ship or for service in two or more ships belonging to the same owner, but in the latter case the names of the ships and the nature of the service shall be specified in the agreement;
- (b) crew or single seamen shall be engaged before the Superintendent in the same manner as they are required to be engaged for foreign-going ships, and section 29 (d) with regard to substitutes shall apply;

- (c) an agreement for service in two or more ships belonging to the same owner may be made by the owner instead of by the master; and the provisions of this Act with respect to the making of the agreement shall apply accordingly;
- (d) agreements shall not be for a longer period than 6 months, or the first arrival of the ship at her final port of destination in Singapore after the expiration of the period, or the discharge of cargo consequent on that arrival:

Provided that the owner or his agent may enter into time agreements in forms sanctioned by the Minister with individual seamen to serve in any one or more ships belonging to that owner, and those agreements need not expire at the time of the ship's agreement with the crew.

[43]

31.—(1) The master of every foreign-going ship whose crew has been engaged before the Superintendent shall, before finally leaving Singapore, sign and send to the Superintendent a full and accurate statement, in a form approved by the Minister, of every change which takes place in his crew before finally leaving Singapore, and that statement shall be admissible in evidence in the manner provided by this Act.

Changes in crew of foreign-going ships to be reported.

(2) Any master who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100.

Penalty.

[44]

32.—(1) In the case of a foreign-going ship, on the due execution of an agreement with the crew in accordance with this Act, and also, where the agreement is a running agreement, on compliance by the master, before the second and every subsequent voyage made after the first commencement of the agreement, with the provisions of this Act respecting that agreement, the Superintendent shall grant the master of the ship a certificate to that effect.

Certificate as to agreement with crew of foreign-going ships.

(2) The master of every foreign-going ship shall, before proceeding to sea, produce to the Superintendent that certificate, and any such ship may be detained until the certificate is produced.

(3) The master of every foreign-going ship shall, within 48 hours after the ship's arrival at her final port of destination in Singapore or upon the discharge of the crew, whichever first happens, deliver his agreement with the crew to the Superintendent, and the Superintendent shall give the master a certificate of that delivery.

Penalty.

(4) Any master who fails without reasonable cause so to deliver the agreement with the crew shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100. [45]

Certificate as to agreement with crew of home-trade or local-trade ships.

33.—(1) The master or owner of a home-trade ship or local-trade ship shall, within 21 days after the expiration of any agreement with the crew or within 48 hours of her next arrival in Singapore, deliver or transmit the agreement to the Superintendent.

(2) The Superintendent, on receiving such agreement, shall give the master or owner of the ship a certificate to that effect, and the ship shall be detained unless the certificate is produced at the office of the Director before the master proceeds to sea.

Penalty.

(3) Any master or owner who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100. [46]

Copy of agreement to be made accessible to crew.

34.—(1) The master shall at the commencement of every voyage or engagement cause a legible copy of the agreement with the crew, omitting the signatures, to be posted up in some part of the ship which is accessible to the crew.

Penalty.

(2) Any master who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100. [47]

Forgery, etc., of agreement with crew.

35.—(1) Any person who fraudulently alters, makes any false entry in or delivers a false copy of any agreement with the crew shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years.

(2) Any person who assists in committing or procures to be committed any such offence shall be guilty of an offence

and shall be liable on conviction for each offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years. [48]

36. Every erasure, interlineation or alteration in any agreement with the crew, except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship, shall be wholly inoperative unless proved to have been made with the consent of all the persons interested in the erasure, interlineation or alteration by the written attestation, if in Her Majesty's dominions, of some port officer, superintendent, justice, officer of customs or other public functionary, or elsewhere of a British consular officer, or where there is no such officer of two respectable British merchants. [49]

Alterations in agreement with crew.

37. In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case, without producing or giving notice to produce the agreement or any copy thereof. [50]

Seamen not to be bound to produce agreement.

Agreements with Asian seamen who are British subjects

38.—(1) In the case of Asian seamen who are British subjects, or subjects of any State under Her Majesty's protection, when it is agreed that the engagement of any such seaman shall end at any port not in Singapore, the agreement shall contain stipulations —

Engagement of British Asian seamen.

- (a) for providing for such seaman fit employment on board some other vessel bound to the port at which he was shipped; or
- (b) for providing for him a passage to such port free of charge or on such other terms as may be agreed on; and
- (c) in any case for the repayment to the Government of all expenses which it may incur in respect of any such Asian seaman who is discharged or left behind at any port out of Singapore and becomes distressed.

(2) Every such stipulation shall be signed by the owner of the vessel or by the master on his behalf.

(3) The agreement shall be in a form approved by the Minister, and shall contain such stipulations as he prescribes. [51]

Discharge of seamen

Discharge
before Super-
intendent.

39.—(1) When a seaman serving in a British foreign-going, home-trade or local-trade ship is on the termination of his engagement discharged in Singapore, he shall, whether the agreement with the crew is an agreement for the voyage or a running agreement, be discharged in the manner provided by this Act in the presence of the Superintendent.

Penalty.

(2) Any master or owner of a ship who acts in contravention of this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200. [52]

Certificate of
discharge and
return of
certificate to
officer on
discharge.
Penalty.

40.—(1) The master shall sign and give to a seaman discharged from his ship, either on his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Minister, specifying the period of his service and the time and place of his discharge, and if the master fails to do so he shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200.

Return of
officer's
certificate.
Penalty.

(2) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer, and if without reasonable cause he fails to do so he shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400. [53]

Report of
seaman's
character.

41.—(1) When a seaman is discharged before the Superintendent, the master shall make and sign, in a form approved by the Minister, a report of the conduct, character and qualifications of the seaman discharged, or may state in the form that he declines to give any opinion upon such particulars or upon any of them.

(2) The Superintendent shall, if the seaman desires, give to him or endorse on his discharge a copy of such report (referred to in this Act as the report of character). [54]

42. Any person who —

- (a) makes a false report of character under this Act, knowing the same to be false;
- (b) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character;
- (c) assists in committing or procures to be committed any such offence as aforesaid;
- (d) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered or does not belong to him; or
- (e) sells or purchases, gives away or accepts any certificate of discharge or makes use of any such certificate to which he is not entitled,

False or forged certificate of discharge or report of character.

shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years. [55

43.—(1) The master of a ship shall not discharge a seaman, not being a seaman shipped in Singapore, at any place within Singapore, unless he previously obtains, endorsed on the agreement with the crew, the sanction of the Superintendent.

Sanction of Superintendent required for discharge of seaman in Singapore.

(2) Such sanction shall not be refused where the seaman is discharged on the termination of his service.

(3) The master of a ship shall not leave a seaman behind at any place within Singapore, except where the seaman is discharged in accordance with this Act, unless he previously obtains, endorsed on the agreement with the crew, the certificate of the Superintendent, stating the cause of the seaman being left behind, whether the cause is unfitness or inability to proceed to sea, desertion or disappearance or otherwise.

Certificate of Superintendent required where seaman is left behind in Singapore.

(4) The Superintendent, when an application is made for sanction or for a certificate under this section, shall examine into the grounds on which the seaman is to be discharged or left behind, and for that purpose may, if he thinks fit, administer oaths, and may grant or refuse the sanction or certificate as he thinks just, but the sanction or certificate shall not be unreasonably withheld.

Forcing
seaman on
shore.

(5) A person belonging to a ship shall not wrongfully force a seaman on shore and leave him behind or otherwise cause a seaman to be wrongfully left behind at any place within Singapore.

Penalty.

(6) Any person who fails to comply with any of the provisions of subsections (1) to (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 for each seaman discharged, left behind or forced on shore.

Seaman
remaining
behind.

(7) No seaman shall either wilfully or negligently remain at any place within Singapore after the departure of the ship in which he has arrived or shipped, unless a sanction or certificate has been given by the Superintendent under subsection (1) or (3), and if he does so he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50.

Penalty.

(8) Nothing in this section shall relieve any person from any liability or penalty to which he is subject under the provisions of the Merchant Shipping Acts. [56]

Application
of sections 39
and 43 to
certain
foreign ships.

44. Sections 39 and 43 shall apply to any foreign ship whose flag is not represented by a consular officer resident in Singapore in the same way as they apply to a British ship. [57]

Payment of wages

Payment
of wages
before Super-
intendent.

45.—(1) Where a seaman is discharged before the Superintendent in Singapore, he shall receive his wages through or in the presence of the Superintendent, unless a competent court otherwise directs.

Penalty.

(2) If in such a case the master or owner of a ship pays his wages within Singapore in any other manner, he shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200. [58]

Master to
deliver
account of
wages.

46.—(1) The master of every ship shall, before paying off or discharging a seaman, deliver to the seaman at the time and in the manner provided by this Act a full and true account, in a form approved by the Minister, of the seaman's wages, and of all deductions to be made therefrom on any account whatever.

(2) The account shall be delivered at or before the time of the seaman leaving the ship or to the Superintendent not less than 24 hours before the discharge or payment off.

(3) Any master of a ship who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100. Penalty. [59]

47.—(1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of section 46, except in respect of a matter happening after the delivery. Deductions from wages.

(2) The master shall during the voyage enter the various matters in respect of which the deductions are made, with the amounts of the respective deductions, as they occur, in a book to be kept for that purpose, and shall, if required, produce the book at the time of the payment of wages, and also upon the hearing before any competent authority of any complaint or question relating to that payment. [60]

48.—(1) Where the master of a ship disrates a seaman, he shall forthwith enter or cause to be entered in the official log-book a statement of the disrating and furnish the seaman with a copy of the entry. Notice of disrating of seaman.

(2) Any reduction of wages consequent on the disrating shall not take effect until the entry has been so made and the copy so furnished.

(3) Any reduction of wages consequent on the disrating of a seaman shall be deemed to be a deduction from wages within the meaning of sections 46 and 47. [61]

49. In the case of foreign-going ships, other than ships employed on voyages for which seamen by the terms of their agreement are wholly compensated by a share in the profits of the adventure — Time of payment of wages for foreign-going ships.

(a) the owner or master of the ship shall pay to each seaman on account, at the time when he lawfully leaves the ship at the end of his engagement, one-fourth of the balance of wages due to him, and shall pay to him the remainder of his wages, within two clear days, exclusive of any Sunday, public or bank holiday, after he so leaves the ship;

- (b) if the seaman consents, the final settlement of his wages may be left to the Superintendent, and the receipt of the Superintendent shall in that case operate as if it were a release given by the seaman in accordance with this Part; or
- (c) in the event of the seaman's wages or any part thereof not being paid or settled as in this section mentioned, then, unless the delay is due to the act or default of the seaman, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the owner or master, the seaman's wages shall continue to run and be payable until the time of the final settlement thereof. [62

Time of payment of wages for home-trade and local-trade ships.

50.—(1) The master or owner of every home-trade or local-trade ship shall pay to every seaman his wages within two days after the termination of the agreement with the crew, or at the time when the seaman is discharged, whichever first happens.

(2) If a master or owner fails without reasonable cause to make payment at that time, he shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days during which payment is delayed beyond that time, but the sum payable shall not exceed 10 days' double pay.

(3) Any sum payable under this section may be recovered as wages. [63

Settlement of wages.

51.—(1) Where a seaman is discharged, and the settlement of his wages completed, before the Superintendent, he shall sign in the presence of the Superintendent a release, in a form approved by the Minister, of all claims in respect of the past voyage or engagement; and the release shall also be signed by the master or owner of the ship and attested by the Superintendent.

(2) The release, so signed and attested, shall operate as a mutual discharge and settlement of all demands between the parties thereto in respect of the past voyage or engagement.

(3) The release shall be retained by the Superintendent, and on production from his custody shall be admissible in evidence in the manner provided by this Act.

(4) Where the settlement of a seaman's wages is by this Act required to be completed through or in the presence of the Superintendent, no payment, receipt or settlement made otherwise than in accordance with this Act shall operate as or be admitted as evidence of the release or satisfaction of any claim.

(5) Upon any payment being made by a master before the Superintendent, the Superintendent shall, if required, sign and give to the master a statement of the whole amount so paid; and the statement shall, as between the master and his employer, be admissible as evidence that the master has made the payments therein mentioned.

(6) A seaman may except from the release signed by him under this section any specified claim or demand against the master or owner of the ship, and a note of any claim or demand so excepted shall be entered upon the release.

Power to except claims from release on settlement of wages.

(7) Such release shall not operate as a discharge or settlement of any claim or demand so noted, nor shall subsection (4) apply to any payment, receipt or settlement made with respect to any such claim or demand. [64

52.—(1) Where a question as to wages is raised before the Superintendent between the master or owner of a ship and a seaman or apprentice, and the amount in question does not exceed \$50, the Superintendent may, on the application of either party, adjudicate, and the decision of the Superintendent in the matter shall be final:

Decision of questions by Superintendent.

Provided that if the Superintendent is of opinion that the question is one which ought to be decided by a court of law, he may refuse to decide it.

(2) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before the Superintendent, and both parties agree in writing to submit the question to him, the Superintendent shall hear and decide the question so submitted.

(3) An award made by him upon the submission shall be conclusive as to the rights of the parties, and the submission or award shall not require a stamp; and a document purporting to be the submission or award shall be admissible as evidence thereof. [65

Power of Superintendent to require production of ship's papers.

53.—(1) In any proceeding under this Act before the Superintendent relating to the wages, claims or discharge of a seaman, the Superintendent may require the owner, or his agent, or the master, or any mate or other member of the crew, to produce any log-books, papers or other documents in his possession or power relating to a matter in question in the proceeding, and may require the attendance of and examine any of those persons, being then at or near the place, on the matter.

Penalty.

(2) Any person so required who fails, without reasonable cause, to comply with the requisition, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100. [66]

Rule as to payment of seamen in currency other than that mentioned in agreement.

54. Where a seaman has agreed with the master of a British ship for payment of his wages in the currency of Singapore or any other currency, any payment of, or on account of, his wages, if made in any other currency than that stated in the agreement, shall, notwithstanding anything in the agreement, be made at the rate of exchange for the money stated in the agreement, for the time being current at the place where the payment is made. [67]

Advance and allotment of wages

Advances restricted.

55.—(1) (a) Where an agreement with the crew is required to be made in a form approved by the Minister, the agreement may contain a stipulation for payment to or on behalf of the seaman, conditionally on his going to sea in pursuance of the agreement, of a sum not exceeding the amount of one month's wages payable to the seaman under the agreement; and

(b) stipulations for the allotment of a seaman's wages may be made in accordance with this Act.

(2) Subject to subsection (1) an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in Singapore shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages,

and a person shall not have any right of action, suit or set-off against the seaman or his assignee in respect of any money so paid or purporting to have been so paid. [68

56.—(1) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew, and shall state the amounts and times of the payments to be made. Regulations as to allotment notes.

(2) Where the agreement is required to be made in a form approved by the Minister, the seaman may require a stipulation to be inserted in the agreement for the allotment, by means of an allotment note, of any part, not exceeding one-half, of his wages in favour either of a near relative or of a savings bank.

(3) Allotment notes shall be in a form approved by the Minister.

(4) For the purposes of the provisions of this Act with respect to allotment notes —

“near relative” means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother or sister of the seaman;

“savings bank” means the Post Office Savings Bank of Singapore.

(5) In order to give effect to this section, the Superintendent shall, after the seaman has signed the agreement, inquire of the seaman whether he requires a stipulation for the allotment of his wages by means of an allotment note, and if the seaman requires such a stipulation, shall insert the stipulation in the agreement with the crew, and any such stipulation shall be deemed to have been agreed to by the master. [69

57.—(1) An allotment in favour of a savings bank shall be made in favour of the persons and carried into effect in the manner prescribed by regulations made by the Minister. Allotment through savings banks.

(2) The sum received by a savings bank in pursuance of an allotment shall be paid out only on an application made, through the Superintendent, by the seaman himself, or, in case of his death, by some person to whom his property, if under \$1,000 in value, may be paid under this Act. [70

Master to give facilities to seamen for remitting wages.

58.—(1) Where the balance of wages due to a seaman is more than \$100, and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to a savings bank, or to a near relative in whose favour an allotment note is made, the master shall give to the seaman all reasonable facilities for so doing so far as regards so much of the balance as is in excess of \$100, but shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port, or otherwise than conditionally on the seaman going to sea in the ship.

Penalty.

(2) Any master of a ship who fails to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100.

[71

Right of suing on allotment notes.

59.—(1) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown, in the manner in this Act specified, to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted, when and as the same are made payable, with costs from the owner of the ship with respect to which the engagement was made, or from any agent of the owner who has authorised the allotment, in the same court and manner in which wages of seamen not exceeding \$500 may be recovered under this Act:

Provided that the wife of a seaman, if she deserts her children, or so misconducts herself as to be undeserving of support from her husband, shall forfeit all right to further payments under any allotment made in her favour.

(2) In any proceeding for such recovery it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some other authorised agent; and the seaman shall be presumed to be duly earning his wages, unless the contrary is shown to the satisfaction of the court —

- (a) by the official statement of the change in the crew caused by his absence, made and signed by the master, as by this Act is required;
- (b) by a certified copy of some entry in the official log-book to the effect that he has left the ship;

- (c) by a credible letter from the master of the ship to the same effect; or
- (d) by such other evidence as the court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid. [72]

60. A payment under an allotment note shall begin at the expiration of one month from the date of the agreement with the crew, and shall be paid at the expiration of every subsequent month after the first month, and shall be paid only in respect of wages earned before the date of payment. [73]

Time for payment of an allotment note.

Rights of seamen in respect of wages

61. A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens. [74]

Right to wages, etc., when to begin.

62.—(1) A seaman shall not by any agreement forfeit his lien on the ship, or be deprived of any remedy for the recovery of his wages, to which in the absence of the agreement he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship, or abandon any right that he has or obtains in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

Right to recover wages and salvage not to be forfeited.

(2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship. [75]

63.—(1) The right to wages shall not depend on the earning of freight.

Wages not to depend on freight.

(2) Every seaman and apprentice who would be entitled to demand and recover any wages, if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be

entitled to demand and recover the wages, notwithstanding that freight has not been earned.

(3) In all cases of wreck or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim to wages.

(4) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid, they shall be paid and applied in the manner provided by this Act with respect to the wages of a seaman who dies during a voyage. [76]

Wages on termination of service by wreck. 38/84.

64.—(1) Where by reason of the wreck or loss of a ship on which a master or seaman is employed his service terminates before the date contemplated in the agreement, he shall be entitled, in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service, to receive wages, at the rate to which he was entitled at that date.

(2) A master or seaman shall not be entitled to receive wages under subsection (1) —

(a) if the owner shows that the unemployment was not due to the wreck or loss of the ship; or

(b) in respect of any day if the owner shows that the master or seaman, as the case may be, was able to obtain suitable employment on that day. [77]

Wages on termination of service by illness.

65. Where the service of a seaman terminates before the date contemplated in his agreement by reason of his being left on shore at any place out of Singapore under a certificate, granted as provided in the Merchant Shipping Acts, of his unfitness or inability to proceed on the voyage, he shall be entitled to wages up to the time of such termination, but not for any longer period. [78]

Wages not to accrue during refusal to work or imprisonment.

66. A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work, when required, whether before or after the time fixed by the agreement for his commencement of such work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him. [79]

67. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that the illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of the illness incapable of performing his duty. [80]

Forfeiture of wages, etc., of seaman when illness caused by his own default.

68. Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has in the course of the voyage been convicted of an offence by a competent tribunal and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman, not exceeding \$30, to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment. [81]

Costs of procuring punishment may be deducted from wages.

69. If a seaman, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his part justifying that discharge, and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages which he has earned, due compensation for the damage caused to him by the discharge, not exceeding one month's wages and may recover that compensation as if it were wages duly earned. [82]

Compensation to seaman improperly discharged.

70.—(1) As respects wages due or accruing to a seaman or apprentice to the sea service —

Restriction on sale of and charge upon wages.

- (a) they shall not be subject to attachment or arrestment from any court;
- (b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;
- (c) a power of attorney or authority for the receipt thereof shall not be irrevocable; and
- (d) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages, or any attachment, encumbrance or arrestment thereof.

(2) Nothing in this section shall affect the provisions of this Act with respect to allotment notes. [83]

Mode of recovering wages

Summary proceedings for wages.

71. A seaman or apprentice to the sea service, or a person duly authorised on his behalf, may, as soon as any wages due to him, not exceeding \$500, become payable, sue for the wages in a summary manner before a District Court, and the order made by the Court in the matter shall be final. [84]

Remedies of master for wages, disbursements, etc.

72.—(1) The master of a ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Act or by any law or custom.

(2) The master of a ship, and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) If in any proceeding in the High Court exercising admiralty jurisdiction touching the claim of a master in respect of wages or of such disbursements or liabilities, any right of set-off or counterclaim is set up, the Court may enter into and adjudicate upon all questions, and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding, and may direct payment of any balance found to be due. [85]

Powers of court in case of unreasonable delay in paying master's wages.

73. In any action or other legal proceedings by the master of a ship for the recovery of any sum due to him on account of wages, the court may, if it appears to it that the payment of the sum due has been delayed otherwise than owing to the act or default of the master, or to any reasonable dispute as to liability, or to any other cause not being the wrongful act or default of the person liable to make the payment, order that person to pay, in addition to any sum due on account of wages, such sum as it thinks just as damages in respect of the delay, without prejudice to any claim which may be made by the master on that account. [86]

Power of court to rescind contracts

74.—(1) Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if having regard to all the circumstances of the case it thinks fit, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court thinks just.

Power of court to rescind contract between owner or master and seaman or apprentice.

(2) This power shall be in addition to any other jurisdiction which the court can exercise independently of this section. [87]

Property of deceased seamen

75.—(1) If any seaman or apprentice to the sea service belonging to a British ship dies during a voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

Property of seaman who dies during voyage.

(2) The master may, if he thinks fit, cause any of the effects to be sold by auction at the mast or otherwise by public auction.

(3) The master shall enter in the official log-book the following particulars:

- (a) a statement of the amount of the money and a description of the effects;
- (b) in case of a sale, a description of each article sold, and the sum received for each;
- (c) a statement of the sum due to the deceased for wages and of the amount of deductions, if any, to be made from the wages.

(4) The entry shall be signed by the master and attested by a mate and some other member of the crew.

(5) The money, effects, proceeds of sale of effects and balance of wages, are referred to in this Part as the property of the seaman or apprentice. [88]

Dealing with
and account
of property of
seaman who
dies during
voyage.

76.—(1) Where a seaman or apprentice dies as aforesaid the master shall, within 48 hours after his arrival at his port of destination in Singapore, deliver and pay the property to the Superintendent.

(2) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the Superintendent such account as, and in such form as, he requires of the property of the deceased.

(3) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept by an entry in that book made and attested as required by this Act, and also by such other vouchers, if any, as are reasonably required by the Superintendent.

(4) The Superintendent may, if he thinks fit, sell any of the property of a deceased seaman or apprentice delivered to him or of which he takes charge under this Act, and the proceeds of the sale shall be deemed to form part of that property.

(5) The Superintendent shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at the port of destination, a certificate to that effect. [89

Penalty
for non-
compliance
with
provisions as
to property
of deceased
seaman.

77.—(1) Any master of the ship who fails to comply with the provisions of this Act with respect to —

- (a) taking charge of the property of a deceased seaman or apprentice;
- (b) making in the official log-book the proper entries relating thereto;
- (c) procuring the proper attestation of those entries as required by this Act; or
- (d) the payment or delivery of the property,

shall, in addition to paying and delivering the same accordingly, be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding treble the value of the property not accounted for, or, if such value is not ascertained, not exceeding \$1,000.

(2) If any such property is not duly paid, delivered or accounted for by the master, the owner of the ship shall pay, deliver and account for the property, and such property

shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall in addition to his liability for the same, be liable to a fine not exceeding treble the value of the property not accounted for, delivered or paid over, or, if such value is not ascertained, not exceeding \$1,000.

(3) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act. [90]

78.—(1) Where a seaman or apprentice is lost with the ship to which he belongs, the Superintendent may recover the wages due to him from the owner of the ship, in the same court and in the same manner in which seamen's wages are recoverable, and shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

Recovery of wages of seamen lost with their ship.

(2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the Director, whether in the capacity of Superintendent or as Registrar of Singapore Ships, or by other evidence, that the ship has 12 months or upwards before the institution of the proceeding left a port of departure, she shall, unless it is shown that she has been heard of within 12 months after that departure, be deemed to have been lost with all hands on board, either immediately after the time at which she was last heard of, or at such later time as the court hearing the case thinks probable.

(3) Any duplicate agreement made out, or statement of a change of the crew delivered, under this Act, at the time of the last departure of the ship from Singapore, or a certificate purporting to be a certificate from a consular or other public officer at any port out of Singapore, stating that certain seamen and apprentices were shipped in the ship from that port, shall, if produced out of the custody of the Director, whether in the capacity of Superintendent or as Registrar of Singapore Ships, be, in the absence of proof to the contrary, sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss. [91]

Property of
seamen dying
in Singapore.

79. If a seaman or apprentice to the sea service dies in Singapore, and is at the time of his death entitled to claim from the master or owner of a ship in which he has served any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the Superintendent. [92]

Payment over
of property
of deceased
seaman by
Super-
intendent.

80.—(1) Where any property of a deceased seaman or apprentice comes into the hands of the Superintendent, the Superintendent, after deducting for expenses incurred in respect of that seaman or apprentice or of his property such sum as he thinks proper to allow, shall, subject to this Act, deal with the residue as follows:

- (a) if the property exceeds in value \$1,000, he shall pay and deliver the residue to the legal personal representative of the deceased;
- (b) if the property does not exceed in value \$1,000, he may, as he thinks fit, either —
 - (i) pay or deliver the residue to any claimant who is proved to his satisfaction to be the widow or a child of the deceased, or to be entitled to the personality of the deceased either under his will, if any, or any statute of distribution or otherwise, or to be a person entitled to take out representation, although no such representation has been taken out, and shall be thereby discharged from all further liability in respect of the residue so paid or delivered; or
 - (ii) require representation to be taken out, and pay and deliver the residue to the legal personal representative of the deceased.

(2) Every person to whom any such residue is so paid or delivered shall apply the residue in due course of administration. [93]

Dealing with
deceased
seaman's
property
when he
leaves a will.

81.—(1) Where a deceased seaman or apprentice has left a will, the Superintendent may refuse to pay or deliver the above-mentioned residue —

- (a) if the will was made on board ship, to any person claiming under the will, unless the will is in

- writing, and is signed or acknowledged by the testator in the presence of, and is attested by, the master or first or only mate of the ship; and
- (b) if the will was not made on board ship, to any person claiming under the will, and not being related to the testator by blood or marriage, unless the will is in writing and is signed or acknowledged by the testator in the presence of, and is attested by, two witnesses, one of whom is a port officer or superintendent, or is a minister of religion officiating in the place in which the will is made, or, where there are no such persons, a justice, a British consular officer, or an officer of customs.

(2) Whenever the Superintendent refuses under this section to pay or deliver the residue to a person claiming under a will the residue shall be dealt with as if no will had been made. [94

82.—(1) A creditor shall not be entitled to claim from the Superintendent the property of a deceased seaman or apprentice, or any part thereof, by virtue of representation obtained as creditor. Claims by
creditors.

(2) A creditor shall not be entitled by any means whatever to obtain payment of his debt out of the property, if the debt accrued more than 3 years before the death of the deceased, or if the demand is not made within two years after the death.

(3) The demand shall be made by the creditor delivering to the Superintendent an account in writing, stating the particulars of his demand and the place of his abode, and signed by him and verified by a statutory declaration.

(4) If before the demand is made, any claim to the property of the deceased made by any person has been allowed, the Superintendent shall give notice to the creditor of the allowance of the claim.

(5) If no claim has been allowed, the Superintendent shall investigate the creditor's account, and may for that purpose require him to prove the claim, and to produce all books, accounts, vouchers and papers relating thereto; and if by means of them the creditor satisfies the Superintendent

of the justice of the demand, either in the whole or in part, the claim shall be allowed and paid accordingly, so far as the property then in the hands of the Superintendent will extend for that purpose, and the Superintendent shall thereby be discharged from all further liability in respect of money so paid.

(6) If the Superintendent is not satisfied as to the claim, or if such books, accounts, vouchers or papers as aforesaid are not produced, and sufficient reason is not given for their non-production, the demand shall be disallowed.

(7) In any case whatever the Superintendent may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand.

(8) If in the course of such time a claim to the property of the deceased is made by any person as widow, next of kin or legatee, and allowed by the Superintendent under this Act, the Superintendent may pay and deliver the property to that person.

(9) Where the property has been paid and delivered by the Superintendent to any person as widow, next of kin or legatee of the deceased, whether before or after the demand made by the creditor, the creditor shall have the same rights and remedies against that person as if he had received the property as the legal personal representative of the deceased. [95]

Dealing with unclaimed property of deceased seaman.

83.—(1) Where no claim to the property of a deceased seaman or apprentice received by the Superintendent is substantiated within one year after the receipt thereof, the Superintendent shall pay the claim, or the proceeds thereof, into the Consolidated Fund.

(2) If any subsequent claim is made to such property, or the proceeds thereof, and is established to the satisfaction of the Superintendent, the amount, or so much as appears to be due to the claimant, shall be paid out of the Consolidated Fund.

(3) If any claim is not established to the satisfaction of the Superintendent, the claimant may apply by summons to the High Court, and that Court, after taking evidence either orally or on affidavit, shall make such order on the summons as seems just.

(4) After the expiration of 6 years from the receipt of such property or proceeds by the Superintendent no such claim shall be entertained without the sanction of the Minister. [96

84. Any person, who, for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice to the sea service —

Forgery of documents, etc., for purpose of obtaining property of deceased seaman.

- (a) forges or fraudulently alters, or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to such property;
- (b) makes use of any document which has been so forged or fraudulently altered as aforesaid;
- (c) gives or assists in giving, or procures to be given, any false evidence, knowing the same to be false;
- (d) makes or assists in making, or procures to be made, any false representation, knowing the same to be false; or
- (e) assists in procuring any false evidence or representation to be given or made, knowing the same to be false,

shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years. [97

Distressed seamen

85.—(1) When either —

- (a) any seamen or apprentices, whether British subjects or not, are found in any place in Singapore, and have been shipwrecked from any British ship or any of Her Majesty's ships, or by reason of having been discharged or left behind from any such ship in any place in Singapore are in distress in that place; or
- (b) any seamen or apprentices being British subjects, who have been engaged by any person acting either as principal or agent to serve in a ship belonging to the Government or to a subject or

Provisions for return of distressed seamen.

citizen of a foreign country, are in distress in any place in Singapore,

the Minister or any person acting under his authority may, in accordance with and on the conditions prescribed by the Distressed Seamen Regulations made under the Merchant Shipping Act 1906, provide in accordance with that Act for the return of those seamen or apprentices, who are in this Act included in the term "distressed seamen", to a proper return port within the meaning of Part IV of the Merchant Shipping Act 1906 and also provide for their necessary clothing and their maintenance until their departure for such a port, and, in addition, in the case of shipwrecked seamen or apprentices for the repayment of any expenses incurred in their conveyance to port after their shipwreck, and their maintenance while being so conveyed.

U.K. 1906
c. 48.

Provision as
to taking
distressed
seamen on
ships.

(2) The master of every British ship shall receive on board his ship, and afford a passage and maintenance to all distressed seamen and apprentices whom he is required by the Minister or any person acting under his authority to take on board his ship, not exceeding one for every 50 tons, and shall during the passage provide every such distressed seaman and apprentice with a proper berth or sleeping place, effectually protected against sea and weather.

Penalty.

(3) Any master of a British ship who fails without reasonable cause to comply with subsection (2) in the case of any distressed seaman or apprentice shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000. [98

Recovery of
expenses of
relief of
distressed
seamen.

86.—(1) When any expenses, other than excepted expenses as defined by this section, are incurred by or on behalf of the Government, or are incurred by the government of a foreign country and repaid to that government by or on behalf of the Government, on account of a distressed seaman or apprentice either for his maintenance, necessary clothing, conveyance to a proper return port, within the meaning of Part IV of the Merchant Shipping Act 1906 or in case of death for his burial, or otherwise in accordance with that Act, such expenses, together with the wages, if any, due to the seaman or apprentice, shall be a charge upon the ship to which the distressed seaman or apprentice belonged, and shall be a debt to the Government from the master of the ship, or from the owner of the ship for the time being,

or, where the ship has been lost, from the person who was owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, and also, if the ship is a foreign ship, from the person, whether principal or agent, who engaged the seaman or apprentice for service in the ship.

(2) The debt, in addition to any fines which have been incurred, may be recovered by the Attorney-General on behalf of the Government, either under the Government Proceedings Act, or in the same court and manner in which wages may be recovered by seamen. Cap. 121.

(3) In any proceeding for such recovery the production of the account, if any, of the expenses, furnished in accordance with the Merchant Shipping Acts or the Distressed Seamen Regulations made under the Merchant Shipping Act 1906 and proof of payment of the expenses by or on behalf of the Accountant-General, shall be prima facie evidence that the expenses were incurred or repaid under those Acts by or on behalf of the Government. U.K. 1906
c. 48.

(4) For the purpose of this section, “excepted expenses” are expenses incurred in cases where the certificate of the proper authority within the meaning of Part IV of the Merchant Shipping Act 1906, obtained on leaving a seaman or apprentice behind, states, or the Attorney-General is otherwise satisfied, that the cause of the seaman or apprentice being left behind is desertion, or disappearance, or imprisonment for misconduct, or discharge from his ship by a naval court on the ground of misconduct, and expenses incurred on account of the return to a proper return port of a distressed seaman or apprentice who has been discharged at the port at which he was shipped, or at some neighbouring port. [99

Provisions, health and accommodation

87.—(1) If 3 or more of the crew of a British ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity, they may complain thereof to the Superintendent or a Port Health Officer, and the officer may either examine Complaints
as to
provisions
or water.

the provisions or water complained of, or cause them to be examined.

(2) If the officer, or person making the examination, finds that the provisions or water are of bad quality and unfit for use, or deficient in quantity, he shall signify it in writing to the master of the ship.

(3) If the master of the ship does not thereupon provide other proper provisions or water in lieu of any so signified to be of bad quality and unfit for use, or does not procure the requisite quantity of any provisions or water so signified to be deficient in quantity, or uses any provisions or water so signified to be of bad quality and unfit for use, he shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400.

(4) The officer directing, or the person making, the examination shall enter a statement of the result of the examination in the official log-book, and send a report thereof to the Superintendent, and that report shall be admissible in evidence in any legal proceedings.

(5) If the officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages. [100

Allowance
for short
or bad
provisions.

88.—(1) In either of the following cases:

- (a) if during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced, except in accordance with any regulations for reduction by way of punishment contained in the agreement with the crew, and also except for any time during which the seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct either on board or on shore; or
- (b) if it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use,

the seaman shall receive, by way of compensation for that reduction, or bad quality, according to the time of its

continuance, the following sums, to be paid to him in addition to, and to be recoverable as, wages:

- (i) if his allowance is reduced by not more than one-third of the quantity specified in the agreement, a sum not exceeding 9 cents a day in the case of a European seaman or other person shipped on the footing of a European seaman, or 3 cents a day in the case of an Asian seaman;
- (ii) if his allowance is reduced by more than one-third of that quantity, 18 cents a day in the case of a European seaman or other person shipped on the footing of a European seaman, or 6 cents a day in the case of an Asian seaman;
- (iii) in respect of bad quality as aforesaid, a sum not exceeding 24 cents a day in the case of a European seaman or other person shipped on the footing of a European seaman, or 9 cents a day in the case of an Asian seaman.

(2) If it is shown to the satisfaction of the court before which the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

[101

89.—(1) Every British ship, whether registered within or without Singapore, whose voyage commences from any port in Singapore, shall have on board a sufficient supply of medicines and appliances suitable for diseases and accidents likely to happen on sea voyages according to such scale as is from time to time issued by the Minister and published in such manner as the Minister notifies.

Medicines to be provided and kept on board certain ships.

(2) In default thereof, the owner or master of every such ship shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding \$200.

Penalty.

(3) This section shall not apply to ships navigating between the United Kingdom and any port in Singapore and coming within section 200 of the Merchant Shipping Act 1984.

U.K. 1984 c. 60.

[102

Weights and
measures on
board.

90.—(1) The master of a ship shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

Penalty.

(2) Any master of a ship who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200. [103

Inspection of
medicines
and medical
appliances.

91.—(1) The Port Health Officer may inspect the medicines and appliances with which a ship is required by this Part or under the Merchant Shipping Acts to be provided.

(2) If the Port Health Officer is of opinion that the articles inspected are deficient in quantity or quality, or are placed in improper vessels, he shall give notice in writing to the Superintendent and also to the master, owner or charterer of the ship.

(3) The master of the ship before proceeding to sea shall produce to the Superintendent a certificate under the hand of the Port Health Officer that the default found by the Port Health Officer has been remedied.

Penalty.

(4) If such certificate is not so produced, the ship shall be detained until the certificate is produced, and if the ship proceeds to sea, the owner, master or consignee of the ship shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400. [104

Medical
inspection
of seamen.

92.—(1) The Port Health Officer shall, on application by the owner or master of any ship whether registered within or without Singapore, examine any seaman applying for employment in that ship, and give to the Superintendent a report under his hand stating whether the seaman is in a fit state for duty at sea, and a copy of the report shall be given to the master or owner.

(2) The applicant for such medical examination shall pay to the Superintendent such fees as the Minister directs.

(3) The fees payable under this section shall be paid into the Consolidated Fund. [105

93.—(1) If the master of, or a seaman or apprentice belonging to, a ship receives any hurt or injury in the service of the ship, or suffers from any illness, not being an illness due to his own wilful act or default, or to his own misbehaviour, the expense of providing the necessary surgical and medical advice and attendance and medicine, and also the expenses of the maintenance of the master, seaman or apprentice until he is cured, or dies, or is returned to a proper return port within the meaning of Part IV of the Merchant Shipping Act 1906 and of his conveyance to that port, and in case of death the expense, if any, of his burial, shall be defrayed by the owner of the ship, without any deduction on that account from his wages.

Expenses of medical attendance in case of injury or illness.

U.K. 1906 c. 48.

(2) If the master or a seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of the removal and of providing the necessary advice and attendance and medicine, and of his maintenance while away from the ship, shall be defrayed in the manner provided in subsection (1).

(3) The expense of all medicines, surgical and medical advice, and attendance, given to a master, seaman or apprentice while on board his ship shall be defrayed in the manner provided in subsection (1).

(4) In all other cases any reasonable expenses duly incurred by the owner for any seaman or apprentice in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies while on service, shall, if duly proved, be deducted from the wages of the seaman or apprentice. [107*

94.—(1) If any of the expenses attendant on the illness, hurt or injury of a seaman or apprentice, which are to be paid under this Act or under the Merchant Shipping Acts by the master or owner, are paid by any British consular officer or other person on behalf of the Government, or if any other expenses in respect of the illness, hurt or injury of any seaman or apprentice, whose wages are not accounted for

Recovery of expenses from owner.

*Section 106 in the 1970 Edition was repealed by Act 38/84.

under this Act or under the Merchant Shipping Acts to that officer, are so paid, those expenses shall be repaid to the officer or other person by the master or owner of the ship.

(2) If the expenses are not so repaid, the amount thereof shall with costs be a charge upon the ship, and be recoverable from the master or from the owner of the ship for the time being, or where the ship has been lost, from the person who was the owner of the ship at the time of the loss, or, where the ship has been transferred to some person not being a British subject, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, as a debt to the Government, either under the Government Proceedings Act or in the same court and manner in which wages of seamen may be recovered under this Act.

Cap. 121.

(3) In any proceeding for such recovery, a certificate of the facts, signed by the said officer or other person, together with such vouchers, if any, as the case requires, shall be sufficient proof that the said expenses were duly paid by that officer or other person. [108

Accommoda-
tion.
S 243/80.

95.—(1) Every place in a British ship, being a home-trade ship or a local-trade ship registered within Singapore, occupied by or appropriated to the use of an Asian seaman or apprentice shall be not less in space than 2.04 cubic metres nor than 1.11 square metres measured on the deck or floor of that place:

Provided that, in the case of ships built before 1st January 1940 “1.02 cubic metres” shall be substituted for “2.04 cubic metres” and “0.56 square metres” shall be substituted for “1.11 square metres”.

S 243/80.

(2) Every place in a British ship, not being a home-trade ship nor a local-trade ship registered within Singapore, occupied by or appropriated to the use of a seaman or apprentice in any of the following cases:

- (a) in the case of the seaman or apprentice being either a European or an Asian and of the ship —
 - (i) having been registered before 1st December 1906;
 - (ii) having been in course of construction on 1st January 1907; or
 - (iii) being not more than 300 tons;

- (b) in the case of the seaman or apprentice being a lascar; or
- (c) in the case of the seaman or apprentice being an Asian and of the ship being registered in Singapore and employed only in trading or going within the tropics between the 40th degree of east longitude and the 160th degree of east longitude,

shall not be less in space than 2.04 cubic metres nor than 1.11 square metres measured on the deck or floor of that place.

(3) Every place in a British ship occupied by or appropriated to the use of a seaman or apprentice in any case not specified in subsections (1) and (2) shall be not less in space than 3.4 cubic metres nor than 1.39 square metres measured on the deck or floor of that place. S 243/80.

(4) To give effect to subsections (1) to (3), sections 79 and 210 of the Merchant Shipping Act 1894 and section 64 of the Merchant Shipping Act 1906 so far as they require a larger amount of space to be appropriated to the use of an Asian seaman, are by virtue of section 735 of the Merchant Shipping Act 1894 hereby repealed as regards ships registered in Singapore. U.K. 1894
c. 60.
U.K. 1906
c. 48.

(5) In estimating the space available for the proper accommodation of seamen and apprentices under subsection (3), there may be taken into account the space occupied by any mess rooms, bath rooms or washing places appropriated exclusively to the use of those seamen and apprentices, so however that the space in any place appropriated to the use of those seamen or apprentices in which they sleep is not less than 2.04 cubic metres and 1.11 square metres for each seaman or apprentice. S 243/80.

(6) In every case the place shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water.

(7) If any of the requirements of subsections (1) to (6) is not complied with in the case of any ship, the owner of the ship shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400. Penalty.

(8) Every place so occupied and appropriated shall be kept free from goods and stores of any kind not being the personal property of the crew in use during the voyage.

Penalty.

(9) If any such place is not so kept free, the master shall forfeit and pay to each seaman or apprentice lodged in that place the sum of \$1 for each day during which after complaint has been made to him by any two or more of the seaman so lodged it is not so kept free. [109]

Power of inspection of ship and crew.

96.—(1) The Director, a Port Health Officer and a surveyor of ships may enter on board any ship and inspect the provisions and water provided for the use of the crew or passengers, and the accommodation for seamen or passengers, for the purpose of ascertaining whether the same are in accordance with the requirements of this Act or the Merchant Shipping Acts.

(2) A Port Health Officer may —

- (a) enter on board any ship and medically examine all or any of the seamen or apprentices on board the ship;
- (b) require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of inquiring into the health and medical condition of the persons on board the ship;
- (c) call before him and question for any such purpose all or any of those persons and require true answers to any questions which he thinks fit to ask;
- (d) require any person so questioned to make and subscribe a declaration of the truth of the statements made by him.

(3) If, on inspection, the provisions or water on board any ship are found to be of bad quality and unfit for use or deficient in quantity, the Port Health Officer shall proceed as provided in section 87, and the fine prescribed by that section shall be incurred by any default of the master of the ship in respect of such provisions or water, and the ship shall be detained until the defects are remedied to the satisfaction of the Port Health Officer. [110]

Facilities for making complaint

97.—(1) If a seaman or apprentice while on board ship states to the master of the ship his desire to make a complaint to the Superintendent against the master or any of the crew, the master shall, so soon as the service of the ship will permit, allow the complainant to go ashore or send him in proper custody so that he may be enabled to make his complaint.

Facilities for making complaint.

(2) Any master of a ship who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200. [111

Penalty.

Protection of seamen from imposition

98. Subject to this Act, an assignment or sale of salvage payable to a seaman or apprentice to the sea service made prior to the accruing thereof shall not bind the person making the same; and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable. [112

Assignment or sale of salvage invalid.

99. A debt exceeding \$2 in amount incurred by any seaman after he is engaged to serve shall not be recoverable until the service agreed for is concluded. [113

No debt exceeding \$2 recoverable till end of voyage.

100. Any person who demands or receives from a seaman or apprentice to the sea service payment in respect of his board or lodging in the house of that person for a longer period than the seaman or apprentice has actually resided or boarded therein shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200. [115*

Penalty for overcharges by lodging-house keepers.

101.—(1) Any person who receives or takes into his possession or under his control any money or effects of a seaman or apprentice to the sea service, and does not return the same or pay the value thereof, when required by the seaman or apprentice, subject to such deduction as is justly due to him from the seaman or apprentice in respect of board or lodging or otherwise, or absconds therewith, shall

Penalty for detaining seamen's effects.

*Section 114 in the 1970 Edition was repealed by Act 21/72.

be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200.

(2) A Magistrate's Court may, besides inflicting a fine, by summary order direct the amount of the money, or the value of the effects, subject to such deduction as aforesaid, if any, or the effects themselves, to be forthwith paid or delivered to the seaman or apprentice. [116]

Penalty for solicitations by lodging-house keepers.

102. If within 24 hours after the arrival of a ship at a port in Singapore a person then being on board the ship solicits a seaman to become a lodger at the house of a person letting lodgings for hire, or takes out of the ship any effects of a seaman, except under the personal direction of the seaman and with the permission of the master, he shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100. [117]

Penalty for being on board ship without permission before seamen leave.

103.—(1) Where a ship is about to arrive, is arriving or has arrived at any port, and any person, not being in the service of the Government or not being duly authorised by law for the purpose —

(a) goes on board the ship, without the permission of the master, before the seamen lawfully leave the ship at the end of their engagement, or are discharged, whichever last happens; or

(b) being on board the ship, remains there after being warned to leave by the master, or by a police officer, or by the Superintendent,

that person shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400, or, at the discretion of the court, to imprisonment for a term not exceeding 6 months or to both.

(2) The master may take him into custody and deliver him up forthwith to a police officer to be taken before a Magistrate's Court to be dealt with according to law. [118]

Provisions as to discipline

Misconduct endangering life or ship.

104. Any master, seaman or apprentice belonging to a British ship, who by wilful breach of duty or by neglect of duty or by reason of drunkenness —

(a) does any act tending to the immediate loss, destruction or serious damage of the ship, or

tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from immediate danger to life or limb,

shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years. [119

105. Any seaman lawfully engaged, or any apprentice to the sea service, who commits any of the following offences, shall be guilty of an offence and shall be liable on conviction to be punished summarily as follows:

Desertion
and absence
without
leave.

- (a) if he deserts from his ship, he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and also, if the desertion takes place out of Singapore, of the wages he may earn in any other ship in which he may be employed until his next return to Singapore, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him; and also he shall be liable to imprisonment for a term not exceeding 12 weeks;
- (b) if he neglects or refuses without reasonable cause to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within 24 hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason, from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days' pay, and in addition for every 24 hours of absence, either a sum not exceeding 6 days' pay, or any expenses

properly incurred in hiring a substitute; and also he shall be liable to imprisonment for a term not exceeding 10 weeks. [120

Provisions as to failure to join ship and desertion.

106.—(1) Where a seaman who has been lawfully engaged and has received under his agreement an advance note, after negotiating his advance note, wilfully or through misconduct fails to join his ship or deserts therefrom before the note becomes payable, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 21 days.

(2) Nothing in this section shall take away or limit any remedy by action or otherwise which any person would otherwise have in respect of the negotiation of the advance note, or which an owner or master would otherwise have for breach of contract.

(3) Where it is shown to the satisfaction of the Superintendent that a seaman lawfully engaged has wilfully or through misconduct failed to join his ship, the Superintendent may direct that any of the seaman's certificates of discharge shall be withheld for such period as he thinks fit.

(4) While a seaman's certificate of discharge is so withheld, the Superintendent and any other person having the custody of the necessary documents may, notwithstanding anything in this Act, refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or character. [121

Conveyance of deserter on board ship.

107.—(1) If a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband or consignee of the ship, may, with or without the assistance of police officers, convey him on board his ship, and those officers are hereby directed to give assistance if required.

(2) If the seaman or apprentice so requires he shall first be taken before a Magistrate's Court to be dealt with according to law.

Penalty.

(3) If it appears to the Magistrate's Court that the seaman or apprentice has been conveyed on board or taken before the Court on improper or insufficient grounds, that Court may inflict on the master, mate, owner, ship's

husband or consignee, as the case may be, a fine not exceeding \$400.

(4) The infliction of such fine shall be a bar to any action for false imprisonment in respect of the arrest. [122]

108. Where a seaman or apprentice is brought before a court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the court, if the master or the owner or his agent so requires, may, in lieu of committing him to prison, cause him to be conveyed on board his ship for the purpose of proceeding on the voyage or deliver him to the master or any mate of the ship or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted from any wages which he has then earned or by virtue of his then existing engagement may afterwards earn. [123]

Power of court to order offender to be taken on board ship.

109. If a seaman or apprentice is imprisoned for having been guilty of the offence of desertion, or of absence without leave, or for having committed any other breach of discipline, and, during his imprisonment and before his engagement is at an end, his services are required on board his ship, a Magistrate's Court may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed. [124]

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

110.—(1) Any seaman lawfully engaged or any apprentice to the sea service who commits any of the following offences (referred to in this Act as offences against discipline) shall be liable to be punished summarily as follows:

General offences against discipline.

- (a) if he quits the ship without leave after her arrival at the port of delivery, and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay;
- (b) if he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for

- a term not exceeding 4 weeks, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days' pay;
- (c) if he is guilty of continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for a term not exceeding 12 weeks, and also, at the discretion of the court, to forfeit for every 24 hours' continuance of disobedience or neglect either a sum not exceeding 6 days' pay or any expenses properly incurred in hiring a substitute;
 - (d) if he assaults the master or any other certificated officer of the ship, he shall be liable to imprisonment for a term not exceeding 12 weeks;
 - (e) if he combines with any of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a term not exceeding 12 weeks;
 - (f) if he wilfully damages his ship, or misappropriates or commits criminal breach of trust in respect of, or wilfully damages, any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for a term not exceeding 12 weeks;
 - (g) if he is convicted of an offence whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability, without prejudice to any further remedy:

Provided that paragraphs (b), (c), (d) and (e) shall apply to foreign ships and their crew while they are within Singapore.

(2) If there is a consular officer of the country to which such foreign ship belongs resident in Singapore, the court shall not deal with any such case unless it is requested to do

so by that officer in writing and unless that officer undertakes that any such seamen shall not become a charge on Singapore in consequence of being so dealt with. [125

111.—(1) Nothing in section 110 or in the sections relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or otherwise which an owner or master would but for those provisions have for any breach of contract in respect of the matters constituting an offence under those sections.

Summary remedies not to affect other remedies.

(2) An owner or master shall not be compensated more than once in respect of the same damage. [126

112.—(1) Any seaman who on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship, or wilfully and fraudulently makes a false statement of his own name, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100.

Penalty for false statement as to last ship or name.

(2) The fine may be deducted from any wages which the seaman earns by virtue of his engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses, if any, occasioned by any desertion previous to the engagement, be paid and applied in the same manner as other fines under this Act. [127

113. If any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine —

Entry of offences in official log-book.

- (a) an entry of the offence or act shall be made in the official log-book, and signed by the master and also by the mate or one of the crew;
- (b) the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if the ship is at the time in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit;

- (c) a statement of a copy of the entry having been so furnished, or of the entry having been so read over, and, in either case, the reply, if any, made by the offender, shall likewise be entered and signed in the manner aforesaid; and
- (d) in any subsequent legal proceeding the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may, in its discretion, refuse to receive evidence of the offence or act of misconduct. [128

Facilities for proving desertion in proceedings for forfeiture of wages.

114.—(1) Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement or, if the voyage was to terminate in Singapore and the ship has not returned, that he is absent from her, and that an entry of his desertion has been duly made in the official log-book.

(2) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship. [129

Application of forfeitures.

115.—(1) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money, and those wages and effects, or the money arising from the conversion of the effects, shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship, and subject to that reimbursement shall be paid into the Consolidated Fund.

(2) For the purpose of such reimbursement, the master or the owner, or his agent, may, if the wages are earned subsequently to the desertion, recover them in the same manner as the deserter could have recovered them if not forfeited; and the court in any legal proceeding relating to such wages may order them to be paid accordingly.

(3) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be for the benefit of the master or owner by whom the wages are payable. [130]

116. Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding. [131]

Decision of questions of forfeiture and deductions in suits for wages.

117.—(1) If a seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be an amount bearing the same proportion to the whole wages or share as a month or any other period hereinbefore mentioned in fixing the amount of such forfeiture, as the case may be, bears to the whole time spent in the voyage or run. [132]

Ascertainment of the amount of forfeiture out of wages.

(2) If the whole time spent in the voyage or run does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share. [132]

118.—(1) Every fine imposed on a seaman or apprentice for any act of misconduct for which his agreement imposes a fine shall, if the offender is discharged in Singapore and the offence and the entry in the log-book required by this Act in respect thereof are proved to the satisfaction of the Superintendent, be deducted by the master or owner of the ship from the wages of the offender and shall be paid to the Superintendent. [133]

Deduction from wages and payment to Superintendent of fines.

(2) Any master or owner who fails without reasonable cause so to pay the fine shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding 6 times the amount of the fine not so paid. [133]

Penalty.

(3) An act of misconduct for which any fine has been inflicted and paid by, or deducted from the wages of, the seaman or apprentice, shall not be otherwise punished under this Act. [133]

Penalty for enticing to desert and harbouring deserters.

119.—(1) Any person who by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall be guilty of an offence and shall be liable on conviction, for each offence in respect of each seaman or apprentice, to a fine not exceeding \$200.

(2) Any person who wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join, or has deserted from, his ship, knowing or having reason to believe the seaman or apprentice to have so done, shall be guilty of an offence and shall be liable on conviction, for every seaman or apprentice so harboured or secreted, to a fine not exceeding \$400. [134

Penalty on stowaways, etc.

120.—(1) Any person who secretes himself intending to go to sea in a ship without the consent of either the owner, consignee or master or of a mate, or of the person in charge of the ship, or of any other person entitled to give that consent, 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.

(2) Every seafaring person whom the master of a ship is, under the authority of this or any other Act or of the Merchant Shipping Acts, compelled to take on board and convey, and every person who goes to sea in a ship without such consent as aforesaid, shall, so long as he remains in the ship, be deemed to belong to the ship, and be subject to the same laws and regulations for preserving discipline, and to the same fines and punishments for offences constituting or tending to a breach of discipline, as if he were a member of, and had signed the agreement with, the crew.

(3) This section applies to all British ships within Singapore. [135

Documents to be handed over to successor on change of master.

121.—(1) If during the progress of a voyage the master is removed, or superseded, or for any other reason quits the ship, and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of his ship and to the crew thereof which are in his custody.

Penalty.

(2) If he fails without reasonable cause to do so, he shall be guilty of an offence and shall be liable on conviction to a

fine not exceeding \$2,000, and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him. [136

Discipline on foreign ships

122.—(1) Where an Order in Council is in force under section 238 of the Merchant Shipping Act 1894 with regard to the ships of a foreign country, and a seaman or apprentice, not being a slave, deserts when within Singapore from a merchant ship belonging to a subject of that country, any Magistrate's Court shall, on the application of a consular officer of the foreign country, aid in apprehending the deserter, and for that purpose may, on information given on oath, issue a warrant for his apprehension, and, on proof of the desertion, order him to be conveyed on board his ship or delivered to the master or mate of his ship, or to the owner of the ship or his agent, to be so conveyed, and any such warrant or order may be executed accordingly.

Desertion
from foreign
ship.
U.K. 1894
c. 60.

(2) Any person who harbours or secretes any deserter liable to be apprehended under this section, knowing or having reason to believe that he has deserted, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200. [137

Penalty.

123.—(1) In any proceeding under section 122 it shall not be necessary, for the purpose of proving the list, roll, articles or agreement, under or by which any seaman has shipped, joined or engaged to serve on board any such vessel, to call any subscribing or attesting witness thereto, but such list, roll, articles or agreement, as aforesaid, may be proved as if there were no such subscribing or attesting witness.

Attesting
witness
need not be
called.

(2) A copy of any such list, roll, articles or agreement certified, under the hand of the consular officer of the foreign country to which such vessel belongs, to be a true copy, shall be received as prima facie evidence of the existence and contents thereof.

Copies to be
evidence.

(3) The certificate of the consular officer of the foreign country in which such list, roll, articles or agreement has been made as to the true spirit, effect and meaning thereof, according to the law of such foreign country shall, subject to

Certificate of
consular
officer.

all just exceptions, be received as prima facie evidence of the effect of such list, roll, articles or agreement in all matters not inconsistent with the language thereof respectively. [138

Expenses with regard to foreign seamen.

124. All expenses incidental to the apprehension, detention, support and removal of any seaman under section 122 shall be paid or secured beforehand by the consular officer who has applied to the court to exercise its powers under that section; and, if they are not so paid on demand or secured, proceedings may be stopped. [139

Official logs

Official logs to be kept and to be evidence.

125.—(1) An official log shall be kept in every ship, except home-trade and local-trade ships not exceeding 75 tons, in the appropriate form for that ship approved by the Minister.

(2) The Minister shall approve forms of official log-books, which may be different for different classes of ships, so that each such form shall contain proper spaces for the entries required by this Act.

(3) The official log may, at the discretion of the master or owner, be kept distinct from, or united with, the ordinary ship's log, so that in all cases the spaces in the official log-book shall be duly filled up.

(4) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge shall not be made more than 24 hours after that arrival.

(5) Every entry in the official log-book shall be signed by the master and by the mate or some other member of the crew; and also —

(a) if it is an entry of illness, injury or death, shall be signed by the surgeon or medical practitioner on board, if any;

(b) if it is an entry of wages due to, or of the sale of the effects of, a seaman or apprentice who dies,

shall be signed by the mate and by some member of the crew besides the master;

- (c) if it is an entry of wages due to a seaman who enters the naval service, shall be signed by the seaman, or by the officer authorised to receive the seaman into that service.

(6) Every entry made in an official log-book in the manner provided by this Act shall be admissible in evidence. [140

126. The master of a ship for which an official log is required by this Act shall enter or cause to be entered in the official log-book the following matters:

Entries
required in
official
log-book.

- (a) every conviction by a legal tribunal of a member of his crew and the punishment inflicted;
- (b) every offence committed by a member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the copy or reading over of that entry, and concerning the reply, if any, made to the charge, as is by this Act required;
- (c) every offence for which punishment is inflicted on board and the punishment inflicted;
- (d) a statement of the conduct, character and qualifications of each of his crew, or a statement that he declines to give an opinion on those particulars;
- (e) every case of illness or injury happening to a member of the crew, with the nature thereof, and the medical treatment adopted, if any;
- (f) every case of death happening on board and the cause thereof;
- (g) every birth happening on board, with the sex of the infant and the names of the parents;
- (h) every marriage taking place on board, with the names and ages of the parties;
- (i) the name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner and cause thereof;

- (j) the wages due to any seaman who enters the naval service during the voyage;
- (k) the wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom;
- (l) the sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and the sum received for it;
- (m) every collision with any other ship, and the circumstances under which the collision occurred;
- (n) any casualty or accident of which a report is required to be made under this Act;
- (o) any other matter directed by this Act to be entered.

[141]

Offences in respect of official log-books.

127.—(1) If an official log-book is not kept in the manner required by this Act, or if an entry directed by this Act to be made therein is not made at the time and in the manner directed by this Act, the master shall be guilty of an offence and shall be liable on conviction for each offence to the specific fine in this Act mentioned in respect thereof, or where there is no such specific fine to a fine not exceeding \$100.

(2) Any person who makes, or procures to be made, or assists in making, any entry in an official log-book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than 24 hours after her arrival, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$600.

(3) Any person who wilfully destroys or mutilates or renders illegible any entry in an official log-book, or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log-book, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years. [142]

Delivery of official log-book to Superintendent.

128.—(1) The master of every ship for which an official log-book is required by this Act shall, upon the discharge of the crew, deliver the official log-book of the voyage to the Superintendent.

(2) Any master of a ship who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200. Penalty. [143

129.—(1) Where, by reason of transfer of ownership or change of employment of a ship, the official log-book ceases to be required in respect of the ship, the master or owner of the ship shall, if the ship is then in Singapore, within one month, and, if she is elsewhere, within 6 months, after the cessation, deliver or transmit to the Superintendent the official log-book, if any, duly made out to the time of the cessation. Official log-book to be sent to Superintendent in case of transfer of ship or of loss.

(2) If a ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the Superintendent the official log-book, if any, duly made out to the time of the loss or abandonment.

(3) Any master or owner of a ship who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200. Penalty. [144

Duties of Superintendent

130. The Superintendent in the discharge of his duties under this Part shall — Duties of Superintendent.

- (a) superintend and facilitate the engagement and discharge of seamen in the manner provided in this Act;
- (b) facilitate the making of apprenticeships to the sea service;
- (c) perform such other duties relating to seamen, apprentices and merchant ships as are by or in pursuance of this Act, or any Act relating to merchant shipping, committed to him. [145

131. If the Superintendent or any Deputy Superintendent, Port Health Officer, Deputy Port Health Officer, or any clerk or employee in the Mercantile Marine Office or any Mercantile Marine Sub-Office demands or receives, except as provided by this Act, any remuneration whatever, either directly or indirectly, for hiring or supplying any seamen for a ship or transacting any business which it is his duty to transact, he shall be guilty of an offence and shall be Penalty on Superintendent, etc., taking other remuneration.

liable on conviction for every such offence to a fine not exceeding \$400, and also to dismissal from his office.

[148*

PART III

CONSTRUCTION, EQUIPMENT AND SURVEY

Prohibition
on proceed-
ing to sea
without
certificates.

132.—(1) No passenger ship shall proceed on a voyage to or from any port or place in Singapore unless there is in force in respect of the ship either —

- (a) a passenger ship safety certificate; or
- (b) a qualified passenger ship safety certificate and an exemption certificate,

being certificates which by their terms are applicable to the voyage on which the ship is about to proceed and to the trade in which she is for the time being engaged.

(2) No cargo ship of 500 tons gross or more shall proceed on a voyage to or from any place in Singapore unless there is in force in respect of the ship —

- (a) a cargo ship safety construction certificate, a cargo ship safety equipment certificate and a cargo ship safety radiotelegraphy certificate or a cargo ship safety radiotelephony certificate; or
- (b) a qualified cargo ship safety equipment certificate and a qualified cargo ship safety radiotelegraphy certificate or, as the case may be, a qualified cargo ship safety radiotelephony certificate.

(3) No cargo ship of less than 500 tons shall proceed on a voyage from any place in Singapore unless there is in force in respect of the ship such certificates as may be prescribed or in the case of foreign ships such equivalent certificates acceptable to the Director.

(4) If any ship proceeds, or attempts to proceed, to sea in contravention of this section —

- (a) in the case of a passenger ship, the owner or the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 for every passenger carried on board the ship; and

*Sections 146 and 147 in the 1970 Edition were repealed by Act 38/84.

- (b) in the case of a cargo ship, the owner or the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(5) The master of every ship shall produce to the Director, at the time a clearance for the ship is demanded for an international voyage, the certificate or certificates required by this section to be in force when the ship proceeds to sea; and a clearance shall not be granted, and the ship may be detained, until the certificate or certificates are so produced. [149]

133.—(1) The owner, the master or the agent of a ship requiring the issue of any certificate referred to in section 132 shall apply for the ship to be surveyed. Surveys and declaration of survey.

(2) The surveyor conducting the survey shall, if satisfied that the ship complies with the relevant conditions laid down in the regulations made under section 143 complete a declaration of survey in the form approved by the Minister.

(3) The declaration of survey shall be sent forthwith by the surveyor to the Minister. [150]

134. Upon receipt of the declaration of survey the Minister shall, if satisfied that the relevant provisions of this Act and the regulations made thereunder have been complied with, issue the appropriate certificate. Issue of certificates. [151]

135.—(1) Any certificate issued under section 134 may be cancelled or suspended by the Minister where he has reason to believe that — Cancellation or suspension of certificates.

- (a) any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously;
- (b) the certificate has otherwise been issued on false or erroneous information; or
- (c) since the making of the declaration of survey the hull, equipment or machinery has sustained any injury or is otherwise deficient.

(2) In every such case the Minister may require the owner to have the ship again surveyed, and to obtain a further declaration of survey before the reissue of the certificate or the grant of a fresh one in lieu thereof. [152]

Power of Minister to exempt and exemption certificates.

136.—(1) The Minister may exempt any ship or class of ships from the requirements of any regulations made under this Part either absolutely or subject to such conditions as he thinks fit.

(2) Without prejudice to the generality of subsection (1), where a ship not normally engaged on international voyages is required to undertake a single international voyage, the Minister may, if he is of the opinion that the ship satisfies the safety requirements that are adequate for that voyage, exempt the ship from any of the safety requirements imposed by this Act or the regulations made thereunder.

(3) The owner, agent or master of a Singapore ship which is exempt from any of the safety requirements imposed by this Act or the regulations made thereunder or any of the provisions of the regulations made under this Part shall, on application to any person appointed in this behalf by the Minister, receive a certificate in the prescribed form to be called an “exemption certificate”. [153]

Minister may authorise organisations to survey ships and issue certificates.

137.—(1) The Minister may approve any organisation for the purposes of surveying ships and issuing certificates under the provisions of this Part and any regulations made thereunder.

(2) Every certificate issued by any organisation approved by the Minister under this section shall have effect for the purposes of this Act as if it had been issued by the Minister. [154]

Recognition of certificates issued outside Singapore.

138. A valid Safety Convention certificate issued in respect of a ship other than a Singapore ship by the government of the country to which the ship belongs shall, subject to such regulations as the Minister may make in this behalf, have the same effect in Singapore as the corresponding certificate issued in respect of a Singapore ship under this Part. [155]

Issue of certificates to foreign ships in Singapore and to Singapore ships in foreign countries.

139.—(1) The Minister may, at the request of the government of a country to which the Safety Convention applies, cause an appropriate Safety Convention certificate to be issued in respect of a ship registered in that country, if he is satisfied that such certificate can properly be issued, and where the certificate is issued at such request, it shall contain a statement that it has been so issued.

(2) The Minister may request the government of a country to which the Safety Convention applies to issue an appropriate Safety Convention certificate in respect of a Singapore ship and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Minister. [156]

140.—(1) The Minister may require a certificate which has expired or been cancelled to be delivered up as he directs. Delivery of certificates.

(2) Any owner or master who fails without reasonable cause to comply with such requirement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500. [157]

141. Any person who —

- (a) knowingly and wilfully makes or assists in making or procures to be made, a false or fraudulent declaration of survey or certificate; or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered, any such declaration or certificate or anything contained in, or any signature to, any such declaration or certificate,

Penalty for forgery of certificate or declaration.

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 2 years. [158]

142. Any master who, after having obtained a certificate, knowingly or negligently, does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship or other matters to which the certificate relates, 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 2 years. [159]

Penalty for alteration in ship after certificate obtained.

143.—(1) The Minister may make such regulations as seem to him necessary or expedient for the purpose of carrying out the provisions of this Part. Regulations.

(2) Without prejudice to the generality of subsection (1), the Minister may by such regulations provide for —

- (a) the survey of ships and the issue of certificates;
- (b) the types and forms of certificates;
- (c) the construction and equipment of ships including the provision of life-saving appliances and radiotelegraphy and radiotelephony;
- (d) the safety of navigation;
- (e) the carriage of grain; and
- (f) the carriage of dangerous goods.

(3) Such regulations shall in the case of ships and voyages to which the Safety Convention applies include such requirements as appear to the Minister to implement the provisions of the Safety Convention.

(4) Every omission or neglect to comply with and every act done or attempted to be done contrary to the provisions of any regulations made under this section shall be an offence and in respect of any such offence the offender shall be liable on conviction to a fine not exceeding \$1,000.

[160

PART IV

SHIPS CARRYING PILGRIMS

Interpretation.
21/73.

144. In this Part, unless there is something repugnant in the subject or context —

“chief customs officer” means the chief executive officer of sea-customs for any port or place outside Singapore;

“disease” means any contagious or infectious disease of a dangerous nature;

“pilgrim” means a Muslim passenger of any age or of either sex, journeying or about to journey from any port in Singapore to any port in the Red Sea or in the Gulf of Aden or in the Arabian Sea, except ports in India or Pakistan, with a view to the pilgrimage to the Hedjaz or returning from such journey;

Explanations.—(1) A Muslim passenger who has embarked with the intention of going to the Hedjaz, but is returning without having actually landed there, shall be deemed to be a pilgrim for the purposes of this Part.

(2) Every passenger, whether a pilgrim or not, on board a pilgrim ship shall be deemed to be a pilgrim for the purposes of this Part.

(3) A Muslim passenger who journeys by ship to a port in India or Pakistan with the intention of going to the Hedjaz and disembarks at such port shall not be deemed to be a pilgrim for the purposes of this Part.

“pilgrim broker” means —

- (a) any person who is concerned in bringing into Singapore, any pilgrim, but does not include the owner, agent or master of the ship by which such pilgrim is brought into Singapore;
- (b) any person, other than the owner or agent of a ship, who buys and resells, or sells on commission, or negotiates or takes any reward for the purchase or sale of passage tickets for pilgrims;
- (c) any person who supplies or offers to supply lodging or board or any house accommodation to a pilgrim; and
- (d) any person who directly or indirectly for reward, gain or expectation thereof advises or influences or attempts to influence any pilgrim on any matter relating to his pilgrimage;

“pilgrim of the lowest class” means a pilgrim for whom no accommodation in any cabin, state-room or saloon is reserved;

“pilgrim pass” means a pass in the prescribed form issued to a pilgrim in pursuance of rules made under this Part, and includes a certificate of identity issued by the government of any foreign country to a subject of that country who is about to proceed on the pilgrimage to the Hedjaz;

“pilgrim ship” means a ship conveying or about to convey pilgrims from or to any port in Singapore, to or from any port in the Red Sea or the Gulf of Aden, or to or from any port in the Arabian Sea, except ports in India or Pakistan:

Provided that no ship carrying passengers, other than pilgrims of the lowest class, and having on

board pilgrims of the lowest class in a less proportion than one pilgrim for every 100 tons of the gross tonnage of the ship, shall be deemed to be a pilgrim ship within the meaning of this Part;

“police officer” means any member of the Singapore Police Force, not below the rank of sergeant.

[161

Pilgrim pass
necessary.

145. No pilgrim shall travel or attempt to travel in a pilgrim ship, unless he has in his possession a pilgrim pass duly issued to him. [162

Survey of pilgrim ships

Pilgrim ship
not to sail
without
certificates,
bill of health
and list.

146.—(1) No pilgrim ship shall commence a voyage from a port or place appointed under this Part unless the master holds —

(a) certificates A and B to the effect mentioned in sections 147 and 148, referred to in this Part as Certificate A and Certificate B respectively;

(b) a bill of health stating the name, nationality and tonnage of the ship, the names of the master and medical officer or officers, the exact number of the crew, pilgrims and other passengers, the nature of the cargo, the place of departure and the condition of such place in respect of disease, and whether the number of pilgrims embarked is less than the number which the ship is authorised to carry, and, if so, the number of pilgrims which the master may embark at the next port of call; and

(c) a list to be prepared by the master and countersigned by a police officer giving the names and sex of all the pilgrims embarked, together with the serial numbers of their pilgrim passes, and the total number of pilgrims which the ship is authorised to carry.

11/73.

(2) The Port Master shall not grant a port clearance unless the master holds those certificates, bill of health and list.

Penalty.

(3) If a pilgrim ship commences a voyage in contravention of this section, the master or owner shall be guilty of an offence and shall for every pilgrim carried be liable on

conviction to a fine not exceeding \$200 or to imprisonment for a term not exceeding one month or to both. [163

147. Certificate A, to be granted by a surveyor of ships, shall state —

Contents of
Certificate A.
S 243/80.

- (a) that there is in force in respect of the ship a certificate or certificates as required by section 132 or, in the case of a ship belonging to a country to which the Safety Convention applies, a Safety Convention certificate applicable to the voyage on which the ship is about to proceed;
- (b) that the ship is properly equipped, fitted and ventilated;
- (c) the number of pilgrims of each class which the ship is capable of carrying;
- (d) that the ship has the proper complement of duly certificated officers;
- (e) that the ship is propelled principally by steam, oil, electricity, or other mechanical power and that she complies with the rules made under this Part as to tonnage and power;
- (f) that the ship is provided with the necessary apparatus for distilling a sufficient quantity of water to provide each person on board with not less than 7 litres a day during the voyage;
- (g) that the ship possesses a proper disinfecting apparatus;
- (h) that the ship has proper hospital accommodation on board offering such conditions of security, health and space and capable of accommodating such number not exceeding 5% of the pilgrims embarked as is prescribed;
- (i) that all the spaces in the upper deck reserved for the use of pilgrims are free from all merchandise and encumbrances; and
- (j) that the ship possesses an approved wireless apparatus for sending and receiving messages.

[164

Contents of
Certificate B.

148.—(1) Certificate B, to be granted by the Director, shall state —

- (a) the voyage which the ship is to make and the intermediate ports, if any, at which the ship is to touch;
- (b) that the ship has been put in a state of perfect cleanliness and, if it is necessary, has been disinfected, and that the ship has not on board any cargo likely from its quality, quantity or mode of stowage to injure the health or endanger the safety of the passengers;
- (c) that good food, fuel and pure water over and above what is necessary for the crew and the other things, if any, prescribed for pilgrim ships have been placed on board of the quality prescribed, properly packed and sufficient to supply the pilgrims on board during the voyage which the ship is to make, including such detention in quarantine as may be probable, according to the scale for the time being prescribed;
- (d) that the master holds Certificate A;
- (e) that the arrangements of the ship are such that the rules prescribed for the voyage can be observed;
- (f) that the ship has on board the medical officer or medical officers required by section 171 and the prescribed attendants; and
- (g) such other particulars, if any, as are prescribed.

Fees.

(2) For every certificate granted under this section and section 147 the owner, agent or master of the pilgrim ship in respect of which it is granted shall pay such fee as is prescribed. [165]

Discretion as
to grant of
certificate.

149.—(1) The Director shall not grant Certificate B to a pilgrim ship unless he is satisfied that the ship has not on board any cargo or other article likely from its quality, quantity or mode of stowage to injure the health or endanger the safety of the pilgrims embarked.

(2) Except as provided in subsection (1), and subject to subsection (3), it shall be in the discretion of the Director or the surveyor of ships to grant or withhold a certificate under this Part.

(3) In the exercise of that discretion, the Director or the surveyor of ships shall be subject to the control of the Minister. [166]

150.—(1) The master or owner of every pilgrim ship shall post up in a conspicuous part of the ship, so as to be visible to persons on board —

Copy of certificates, bill and tariff to be exhibited.

- (a) a copy of each of the certificates granted under this Part in respect thereof;
- (b) a bill, printed in the principal languages of the pilgrims embarked, setting forth the destination of the ship, the price of tickets, the daily rations of food and water to be served out to the pilgrims; and
- (c) a tariff of other food not included in the daily rations which they may obtain on paying for the same,

and shall keep those copies so posted up throughout the voyage.

(2) Any master or owner of a pilgrim ship who, without reasonable excuse, the burden of proving which shall lie upon him, fails to comply with the requirements of this section with respect to the posting of copies of certificates and bill and tariff, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 or to imprisonment for a term not exceeding one month or to both. [167]

Penalty.

151.—(1) Any person who —

- (a) knowingly and wilfully makes or assists in making or procures to be made a false or fraudulent certificate or bill of health under this Part; or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in altering or procures to be fraudulently altered any such certificate or bill of health or anything contained in or any signature to any such certificate or bill of health,

Penalty for forgery of certificate, etc.

shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 2 years.

(2) If any such offence is committed in relation to a bill of health, the ship shall be liable to be treated as infected.

[168]

Prohibition of increasing weight on safety-valve.

152. A person shall not increase the weight on the safety-valve of a pilgrim ship beyond the limits fixed by the surveyor, and, if he does so, he shall, in addition to any other liability which he incurs by so doing, be liable for each offence to a fine not exceeding \$2,000. [169

Keeping order in pilgrim ships

Offences in connection with pilgrim ships.

153. —(1) If any of the following offences is committed in the case of a pilgrim ship the person so offending shall be liable on conviction for each offence to a fine not exceeding \$40, but that liability shall not prejudice the recovery of any fare payable by him:

- (a) if any pilgrim, after warning by the master or other officer thereof, molests or continues to molest any other pilgrim;
- (b) if any person, after having been refused admission to a pilgrim ship by the owner or any person in his employ on account of the ship being full, and having had the amount of his fare, if he has paid it, returned or tendered to him, nevertheless persists in attempting to enter the ship;
- (c) if any person having gone on board a pilgrim ship at any place, and being requested, on account of the ship being full, by the owner or any person in his employ to leave the ship, before it has quitted that place, and having had the amount of his fare, if he has paid it, returned or tendered to him, does not comply with that request;
- (d) if any person travels or attempts to travel in a pilgrim ship without a pilgrim pass or without first paying his fare and with intent to avoid payment thereof;
- (e) if any person on board a pilgrim ship fails, when requested by the master or other officer thereof, either to pay his fare or exhibit his ticket or pilgrim pass.

(2) Any pilgrim who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of a pilgrim ship, or to obstruct, impede or molest the crew or any of them in the navigation or management of the ship or otherwise in the execution of their duty on or about the ship, shall be guilty of an offence

and shall be liable on conviction for each offence to a fine not exceeding \$400.

(3) The master or other officer of any pilgrim ship, and all persons called by him to his assistance, may without any warrant detain any person who commits any offence against this section and whose name and address are unknown to the master or officer, and convey the offender with all convenient despatch before a Magistrate's Court to be dealt with according to law, and the Court shall with all convenient despatch try the case in a summary manner.

(4) Any person who commits an offence under this section and on the application of the master of the pilgrim ship or any other person in the employ of the owner thereof refuses to give his name and address, or gives a false name or address, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$400, and the fine shall be paid to the owner of the ship. [170

Provisions regarding pilgrim ships

154.—(1) No pilgrim ship shall depart or proceed from or discharge pilgrims at any port or place within Singapore other than a port or place appointed in this behalf by the President.

Pilgrim ship to sail from or discharge only at places appointed by the President.

(2) After a pilgrim ship has departed or proceeded on a voyage from a port or place so appointed, no person shall be received on board as a pilgrim, except at some other port or place so appointed, or at some port or place outside Singapore appointed in this behalf by the President.

(3) No vessel, having taken on board any pilgrim from a pilgrim ship lying outside the limits of any port or place so appointed, shall land such pilgrim at any port or place within Singapore, and no vessel shall convey any pilgrim from any port or place so appointed to a pilgrim ship lying outside the limits of such port or place, unless the sanction of the Director in writing has been previously obtained.

(4) If a pilgrim ship departs or proceeds on a voyage from or discharges passengers at any port or place within Singapore in contravention of subsection (1), the master or owner shall, for every pilgrim carried in the ship or so discharged, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding one month or to both.

Penalties.

(5) If any person is received as a pilgrim on board a pilgrim ship in contravention of subsection (2), the master or owner shall for every such pilgrim be liable to such punishment as is specified in subsection (4).

(6) If any pilgrim is landed by or conveyed on any vessel in contravention of subsection (3), the master or owner shall for every such pilgrim be liable to such punishment as is specified in subsection (4). [171]

Detention of ship until penalties paid.

155.—(1) In the case mentioned in section 146 (3), and in any of the cases mentioned in section 154, the ship, if found within two years in any port or place within Singapore, may be seized and detained by the Director until the penalties incurred under this Part by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Part with all costs has been enforced under this Part.

(2) The aggregate term of imprisonment awarded under section 146 or 154 shall not exceed one year. [172]

Notice to be given of time of sailing, etc.

156.—(1) The master, owner or agent of a pilgrim ship departing or proceeding from any port or place within Singapore shall give notice to the Director, Port Health Officer and Surveyor-General that the ship is to carry pilgrims and of her destination and of the proposed time of sailing.

(2) The notice shall be given at the original port of departure, if in Singapore, and in other cases at the first port at which the ship touches in Singapore, not less than 3 days, and at all other ports of call not less than 24 hours, before that time. [173]

Power to enter on and inspect pilgrim ship.

157.—(1) After receiving the notice the Director, the Port Health Officer and any surveyor of ships may at all times enter on the ship and inspect and measure her and inspect her fittings, and the provisions and stores on board, and may muster and count the pilgrims on board.

(2) Provisions brought by pilgrims shall be destroyed if the Port Health Officer considers it necessary. [174]

Inspection of crew.

158.—(1) The master of every pilgrim ship entering a port of Singapore —

(a) shall permit the Port Health Officer to inspect the crew; and

- (b) if any member of the crew in the opinion of the Port Health Officer is suffering from any disease or shows any symptoms of the disease, or is liable to transmit any infectious disease —
- (i) shall comply with the directions of the Port Health Officer, regarding such member of the crew;
 - (ii) shall, if so required, send such member of the crew to a hospital approved by the Port Health Officer; and
 - (iii) shall comply with the directions of the Port Health Officer regarding the disinfection or destruction of all articles belonging to such member of the crew. [175]

159. The master of every pilgrim ship entering a port of Singapore shall take such measures as the Port Health Officer may direct — Preventive measures.

- (a) to prevent rats and, if yellow fever is suspected, mosquitoes from gaining access to the ship; and
- (b) to disinfect the water taken in as ballast. [176]

160.—(1) The master of a pilgrim ship shall supply to each pilgrim the prescribed allowance of good food and pure water. Master to supply pilgrims with prescribed provisions.

(2) The master, owner or agent of a pilgrim ship shall be liable on conviction to a fine not exceeding \$100 for every pilgrim who has suffered detriment by the omission of the master to comply with subsection (1). [177]

161.—(1) No open boat in tow of a pilgrim ship shall be allowed to carry pilgrims while so towed, except in case of accidents. Open boats in tow.

(2) If this section is not complied with, the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and \$20 for every pilgrim so carried. Penalty. [178]

162.—(1) No pilgrim ship shall carry as cargo or ballast any gunpowder, dynamite, petroleum or other explosive or inflammable substance, nor any other cargo likely from its quality, quantity or mode of stowage to injure the health or endanger the safety of the pilgrims. Certain articles prohibited as cargo or ballast.

Penalty.

(2) If this section is not complied with, the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$6,000, and the ship may be detained. [179]

Regulations as to carrying of pilgrims.

163.—(1) A pilgrim ship shall not carry pilgrims, whether in any cabin or as pilgrims of the lowest class, on more than one deck below the statutory load-line mark.

Penalty.

(2) If this section is not complied with in the case of any ship, the master and the owner shall be liable on conviction for each offence to a fine not exceeding \$10,000. [180]

Disposal of pilgrims' baggage.

164. The baggage of all pilgrims shall be disposed of on board in such manner as is prescribed. [181]

Statement concerning pilgrims to be delivered before ship departs.

165.—(1) The master of every pilgrim ship departing or proceeding from any port or place in Singapore shall sign a statement in duplicate, in the prescribed form, giving the names and sex of all the pilgrims embarked, together with the serial numbers of their pilgrim passes, and the number of the crew and such other particulars as are prescribed, and shall deliver both copies to a police officer, who shall thereupon, after having first satisfied himself that the entries are correct and that all the pilgrims have pilgrim passes and return tickets or, in the case of pilgrims to whom written authority has been granted under section 190 (1), tickets for the single journey, countersign and return to the master one of the copies.

(2) If any pilgrim disembarks at any port of call, the master shall note the fact on the list opposite the pilgrim's name. [182]

Death on voyage.

166.—(1) In the event of a death occurring during the voyage, the master of a pilgrim ship shall note in writing —

(a) on the copy of the statement returned to him under section 165 and on any additional statement to be made under section 167, the date and supposed cause of death of every pilgrim who dies on the voyage; and

(b) in his log-book, the name of the deceased, his age, the place from which he came, the supposed cause of death according to the medical certificate, and the date of death.

(2) He shall, when the pilgrim ship arrives at her port or place of destination or at any port or place at which it is intended to land pilgrims, and before any pilgrims disembark, produce the statement, with any additions thereto made, to the consular officer or the Malay pilgrimage officer at such port or place, or to the chief customs officer thereat, or to a police officer at any port within Singapore.

(3) In the event of a death from any infectious disease the corpse wrapped in a shroud impregnated with a disinfecting solution shall be committed to the deep. [183

167.—(1) In either of the following cases:

(a) if after a pilgrim ship has departed or proceeded on her voyage any additional pilgrims are taken on board at a port or place within Singapore appointed under this Act for the embarkation of pilgrims; or

(b) if a pilgrim ship upon her voyage touches or arrives at any such port or place having previously received on board additional pilgrims at any place beyond Singapore,

Pilgrim ship taking additional pilgrims at intermediate place.

the master shall obtain a fresh certificate to the effect of Certificate B from the appropriate officer at that port, and shall furnish an additional statement in duplicate in the prescribed form to a police officer respecting such additional pilgrims.

(2) All the foregoing provisions of this Act with respect to Certificate B, and the statement concerning pilgrims to be signed and delivered by the masters of pilgrim ships, shall be applicable to any certificate granted or statement furnished under this section. [184

168. The master of every pilgrim ship arriving at any port or place in Singapore at which it is intended to discharge pilgrims shall, before any pilgrims disembark, deliver a statement signed by him, giving the names and sex of all the pilgrims on board, together with the serial numbers of their pilgrim passes, and the number of the crew and such other particulars as are prescribed, to a police officer. [185

Statement concerning pilgrims to be delivered before pilgrims disembark in Singapore.

Penalty for breach of sections 165 to 168.

169. Any master of a pilgrim ship who —

- (a) fails to comply with any of the requirements of section 165, 166 or 168 as to the statements concerning pilgrims;
- (b) wilfully makes any false entry or note in or on any such statement; or
- (c) fails to obtain any such fresh certificate or to make any such statement of the number of additional pilgrims as is mentioned in section 167,

shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both. [186

Penalty on master for fraudulent alteration in pilgrim ship after certificate obtained.

170. Any master of a pilgrim ship who, after having obtained any of the certificates mentioned in section 146 or 167, knowingly or negligently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, the pilgrims on board, or other matters to which the certificate relates, 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. [187

Pilgrim ships to carry medical officers and attendants.

171.—(1) Every pilgrim ship shall have on board a medical officer qualified as prescribed by the Minister, and, if the number of pilgrims carried exceeds 1,000, a second medical officer similarly qualified, and also in all cases such attendants as are prescribed.

(2) Medical attendance and medicines shall be provided for the pilgrims free of charge.

(3) It shall be the particular duty of the medical officer to examine pilgrims for symptoms of any disease, and to vaccinate pilgrims when he considers vaccination to be desirable.

Penalty.

(4) If all the provisions of this section are not complied with, the master and owner shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. [188

Pilgrims to submit to vaccination.

172. All pilgrims travelling on a pilgrim ship shall be under an obligation to submit to vaccination when the medical officer considers vaccination to be desirable; and

any pilgrim who refuses to submit to vaccination when so required shall be liable to be detained in the ship's hospital.
[189]

173.—(1) The medical officer or officers of every pilgrim ship shall keep such diaries, and shall submit such reports or other returns as are prescribed. Medical officers' diaries and reports.

(2) Any medical officer of any pilgrim ship who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both. Penalty.
[190]

174.—(1) The master shall enter in the log-book a note of all preventive measures taken during the voyage. Preventive measures to be entered in log-book.

(2) The master shall, if so requested, submit his log-book for inspection by the Port Officer or Port Health Officer at any port of call or at the port of final destination.

(3) Any master of a pilgrim ship who fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.
[191]

175. Every pilgrim ship proceeding from any port in Singapore to any port in the Red Sea shall call at the Kamaran quarantine station and shall not leave the Kamaran quarantine station without having obtained from the proper authority a certificate stating whether any case of disease has or has not occurred on board since the ship left the port of last departure. Pilgrim ships to obtain certificate at Kamaran.
[192]

176. In the following cases:

- (a) when a pilgrim ship proceeding from any port in Singapore calls at the Kamaran quarantine station and obtains a certificate under section 175;
- (b) when any pilgrim suffering from any disease is removed from any such ship and treated at the Kamaran quarantine station,

the fees payable in respect of the certificate, and the actual expenses incurred by the authorities at the Kamaran quarantine station in the removal and treatment of such

Fees at Kamaran payable by Government and recoverable from owner.

pilgrim, if not paid by the owner, agent or master of such ship, shall be payable by the Government for and on behalf of the owner. [193]

Evidence.

177.—(1) The certificate of the Port Officer of Aden, or the Health Officer of Aden or the Director, Medical Superintendent or Deputy Medical Superintendent of the Kamaran quarantine station, as the case may be, shall be admissible as evidence of the amount payable in respect of any such fees or expenses.

(2) Every such certificate purporting to be signed by such officer shall be presumed to be genuine until the contrary is proved. [194]

Deposit.

178.—(1) Every owner of one or more pilgrim ships, or his agent resident in Singapore, shall deposit with the Accountant-General either cash to the amount of \$100,000 or securities valued at such amount and approved by the Minister.

(2) Such deposit shall be held as security for the due performance of and compliance with the obligations imposed by section 179 (1) and upon the failure of the owner or his agent resident in Singapore to secure the performance of or compliance with any obligation imposed by section 179 (1) (a) or (b) such owner or agent shall forfeit to the Government such sum not exceeding \$3,000 as the Minister may direct.

(3) The person making the deposit shall be entitled to receive the interest accruing due on any such securities, or, in the case of a cash deposit, interest at the rate of 3% per annum.

(4) It shall be lawful for the Accountant-General from time to time, with the approval of the Minister for Finance, to deduct from the deposit such amount or amounts as may be required —

- (a) to cover the amount of any forfeiture under subsection (2);
- (b) to pay any sum or sums claimed by the Accountant-General under section 179 (1) (c);
- (c) to pay any sum or sums which may be payable to the British consul at Jeddah under section 179 (1) (d);

- (d) to repay any sum or sums which may have been paid by the Government under section 176 or 190 (6):

Provided that if the whole or any part of the deposit is in the form of securities, the Accountant-General may, with the approval of the Minister for Finance, realise such securities as may be sufficient to cover the amount or amounts to be deducted under this subsection.

(5) Any dispute or difference which may arise in connection with any deduction made under subsection (4) shall be referred to arbitration, and the provisions of the Arbitration Act shall apply to every such arbitration.

Cap. 10.

(6) The Accountant-General shall, upon receipt of a certificate under the hand of the Minister for Finance that all the obligations imposed by section 179 (1) have been duly performed and complied with and that there is no claim outstanding thereunder or under section 176 or 190 (6) refund the deposit or the balance thereof, as the case may be, to the depositor. [195

179.—(1) Every owner of one or more pilgrim ships, or his agent resident in Singapore, shall be responsible to the Government for the due performance of and compliance with the following obligations in connection with every voyage of a pilgrim ship:

Obligations on owners of pilgrim ships.

- (a) that the master and medical officer or officers shall comply with this Act and the rules thereunder;
- (b) that in case the pilgrimage is declared infected, the master will, on the instructions of the British consul at Jeddah, call on his return journey at the Kamaran quarantine station for the purpose of being medically inspected;
- (c) that in case any pilgrim provided with a return ticket issued in Singapore within the previous 12 months is detained at Jeddah or Mecca owing to no accommodation being offered by a ship for which his ticket is available for a longer period than 35 days from the Haj day, or in case any such pilgrim who has visited Medina is detained at Jeddah, owing to no accommodation being offered by a ship for which his ticket is available, for a longer period than 20 days from the day on

which such pilgrim presents his ticket to the British consul at Jeddah notifying his desire to embark for the return passage, then in any such case the master, owner or agent of the ship which conveyed such pilgrim to Jeddah shall forfeit and pay to the Accountant-General in respect of every such pilgrim any sum which the Accountant-General claims as the cost of repatriating such pilgrim, but not exceeding double the whole sum received by such master, owner or agent in respect of such return ticket;

- (d) that in case any such pilgrim is detained for a longer period than that which is permitted by paragraph (c), then in such case the master, owner or agent of the ship which conveyed the pilgrim to Jeddah shall pay to the British consul at Jeddah a sum equivalent to \$1 a day as subsistence allowance for each such pilgrim until the pilgrim has had an opportunity of being conveyed back to Singapore:

Provided always that such 35 or 20 days shall not begin to run so long as the port of Jeddah is declared infected, nor so long as the ship is prevented from carrying pilgrims on the homeward voyage by war disturbance, or vis major of any kind.

(2) In case the ship is prevented for a period of more than 20 or 35 days, as the case may be, by any of the above causes from carrying such pilgrims on the homeward voyage, the master, owner or agent of that ship may pay to every such pilgrim, or to the Accountant-General on his behalf, a sum equal to one-half of the full passage money paid in respect of such pilgrim, and thereupon all liability of the master, owner or agent in respect of the return journey of such pilgrim shall cease.

(3) A certificate of such detention purporting to be signed and sealed with the consular seal by the British consul at Jeddah shall be admissible in evidence of all the facts stated therein, and shall be received in evidence without proof of signature in any court of Singapore or in any arbitration. [196

Certificate.

180.—(1) When the deposit specified in section 178 has been made, the Minister for Finance shall certify in writing that this has been done.

(2) The Port Master shall not grant a port clearance to a pilgrim ship proceeding from a port in Singapore until the master, owner or agent has produced the Minister's certificate for inspection. [197]

181.—(1) No pilgrim shall be received on board any pilgrim ship at any port or place in Singapore, until he has been medically inspected by the Port Health Officer, nor until the Director has given permission for the embarkation of pilgrims to commence, nor until he has obtained a pilgrim pass and a return ticket or, in the case of a pilgrim to whom written authority has been granted under section 190 (1), a ticket for the single journey.

Medical inspection and permission required before embarkation of pilgrims.

(2) The Port Health Officer shall not permit the embarkation of any pilgrim —

(a) who does not produce a certificate signed by a person duly qualified in the opinion of the Port Health Officer, certifying that such pilgrim has been successfully vaccinated against cholera within 6 months and against smallpox within 5 years prior to the date of embarkation:

Provided that in the case of smallpox no certificate will be required from pilgrims who show marks of having had the disease;

(b) who, in the opinion of the Port Health Officer, is suffering from any disease or any symptoms of the disease; or

(c) who, in the opinion of the Port Health Officer, is liable to transmit any contagious or infectious disease.

(3) All articles which have been contaminated by persons suffering from any disease, or are suspected of having been so contaminated, shall, before being taken on board a pilgrim ship, be disinfected under the supervision of the Port Health Officer, in such manner as is prescribed. [198]

182.—(1) If in any case a pilgrim ship does not proceed on her voyage within 48 hours after all the pilgrims have been received on board, or there is reason to suspect that any person on board is suffering from any disease, a medical inspection of all persons on board may be held by the Port Health Officer.

Medical inspection after embarkation in certain cases.

(2) Any person who is found on such inspection to be suffering from any disease, or shows any symptoms of the disease, shall together with all articles belonging to him be at once removed from the ship. [199

Medical inspection of women.

183. So far as may be practicable, and subject to any rules which are made under this Part, the medical inspection of female pilgrims shall be carried out by women. [200

Penalty for breach of section 181 or 182.

184. Any master of a pilgrim ship who knowingly receives on board any pilgrim, or any contaminated article, in contravention of section 181, or keeps on board any pilgrim or article ordered to be removed under section 182, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 for each pilgrim, or \$50 for each article so received or kept on board or to imprisonment not exceeding 3 months or to both. [201

Penalty on master and owner for carrying pilgrims in excess of authorised number.

185.—(1) If a pilgrim ship has on board a number of pilgrims greater either than the number allowed under this Act or than the number allowed by the licence or certificate granted at her port or place of departure, whichever is the smaller, the master and the owner shall be guilty of an offence and, for every pilgrim in excess of that number, be each liable to a fine not exceeding \$100, and the master shall further be liable to imprisonment for a term not exceeding one week in respect of each such pilgrim:

Provided that the aggregate term of imprisonment imposed under this section shall not exceed 6 months.

(2) The Director may cause all pilgrims over and above the number allowed under this Act, or by such licence or certificate, to disembark, and may forward them to any port at which they have contracted to land, and recover the cost of so forwarding them from the master or owner of the ship as if the cost were a fine imposed under this Act, and a certificate under the Director's hand shall be conclusive proof of the amount of the cost aforesaid. [202

Penalty on master for landing pilgrim at a place other than that at which he has contracted to land.

186. Any master of a pilgrim ship who lands any pilgrim at any port or place other than the port or place at which such pilgrim has contracted to land, unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200 or to imprisonment for a term not exceeding one month or to both. [203

187.—(1) If a pilgrim ship, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the pilgrims with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract or engagement was made by public advertisement or otherwise, the master and the owner shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 or to imprisonment for a term not exceeding 3 months or to both.

Penalty on master and owner for making voyage in contravention of contract with pilgrims.

(2) Nothing herein, in the absence of any express agreement to the contrary, shall prevent any vessel not exclusively employed in the conveyance of pilgrims from touching at any port not more than 100 miles out of her line of route for the purpose of coaling or taking in or discharging cargo:

Provided that no such vessel shall remain in such port more than 48 hours. [204]

188.—(1) The master of every pilgrim ship shall be bound to pay the whole amount of the sanitary taxes imposed by lawful authority on arrival at the ports visited, and these dues only shall be included in the cost of the ticket issued to the pilgrims.

Sanitary taxes payable by master of pilgrim ship.

(2) The Minister may by notification in the *Gazette* declare what taxes shall be deemed sanitary taxes for the purposes of this section; thereupon such taxes only shall be deemed to be sanitary taxes. [205]

189.—(1) If any pilgrim ship carrying pilgrims from any port or place to any port or place in Singapore is found on its arrival in Singapore to be in a filthy or insanitary condition, the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

Penalty for bringing pilgrim in filthy or insanitary ship.

(2) The Port Health Officer shall inspect every such ship on its arrival, in order to ascertain its sanitary condition. [206]

190.—(1) Every owner or agent of a pilgrim ship and every pilgrim broker who issues to a pilgrim a ticket for the journey to the Hedjaz shall issue also to such pilgrim a ticket for the return journey:

Issue and production of tickets and refund of passage-money.

Provided that a ticket for the return journey need not be issued to any pilgrim who produces the written authority of the Minister for the issue to such pilgrim of a ticket for the single journey only.

(2) Such tickets shall be in the prescribed form, and the pilgrim shall be bound to produce the ticket to such officers and on such occasions as are prescribed, and otherwise to deal with the same in the prescribed manner.

(3) Every pilgrim prevented from embarking under section 181, or removed from the ship under section 182, or otherwise prevented from proceeding, shall be entitled to the refund of any passage-money which he has paid, subject to any prescribed conditions or deductions.

(4) The legal personal representative of every pilgrim who, having purchased a ticket for the return journey, dies on board a pilgrim ship on the voyage to the Hedjaz, or the person entitled to become such, shall be entitled, on the production of his passage ticket and pilgrim pass and proof of the death, to a refund of the difference between the amount included in the cost of the ticket as sanitary taxes and the amount, if any, actually paid out as sanitary taxes at the ports visited together with the difference between the cost of the outward and return ticket exclusive of sanitary taxes and the cost of a single ticket exclusive of sanitary taxes, subject nevertheless to any conditions or deductions prescribed by rules made under section 206.

(5) The legal personal representative of every pilgrim who, having purchased a ticket for the return journey, dies in the Hedjaz, or the person entitled to become such, shall be entitled to the like refund as is specified in subsection (4), subject to any conditions or deductions prescribed by rules made under section 206, on production of his passage ticket and pilgrim pass together with a certificate of his death signed and sealed by the Malay pilgrimage officer stationed at Jeddah or other port of disembarkation of pilgrims proceeding to the Hedjaz or signed by an officer of the appropriate legation or consulate in the Hedjaz and sealed with the seal of such legation or consulate, and every certificate purporting to be so signed and sealed shall be admissible as evidence of all the facts stated therein, and shall be received as evidence without proof of signature in any court of Singapore or in any arbitration.

(6) The person primarily liable to make the refund referred to in subsections (3), (4) and (5) shall be the person to whom the passage-money was paid by the pilgrim. If it is in any case impossible to recover within a reasonable time from such person or from his legal personal representative any amount for which that person is liable under this section, and if such impossibility is certified under the hand of the Deputy Commissioner of Police, then and in every such case the owner or the agent of the ship whereon the pilgrim was prevented from embarking or proceeding, or from which he was removed, or on which he died, or by which he travelled to the Hedjaz, as the case may be, shall be liable to make the refund referred to in subsections (3), (4) and (5):

Provided that if the owner or agent fails, within a reasonable time, to make such refund, the amount thereof may be paid by the Government for and on behalf of the owner.

(7) A payment made in good faith to a person producing the passage ticket and pilgrim pass of any deceased pilgrim and representing himself as entitled to become the legal personal representative of such pilgrim shall be a good discharge to the person paying the same.

(8) Every person to whom any money is paid as being the person entitled to become the legal personal representative of any deceased pilgrim shall apply the money in due course of administration. [207]

191.—(1) No passage ticket shall be sold to a pilgrim unless the price at which it is so sold is legibly printed upon it in the English and Malay languages.

Price of pilgrims' tickets to be legibly marked.

(2) Any person who contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200. [208]

Penalty.

Homeward journey

192. All the obligations imposed by this Act or the rules made thereunder upon pilgrim ships proceeding from Singapore with pilgrims journeying to the Hedjaz shall attach to pilgrim ships proceeding to Singapore with pilgrims from the Hedjaz, unless it is expressly stated or

Obligations in respect of homeward journey.

necessarily implied that any obligation attaches only in respect of the journey from Singapore. [209]

Inspection on arrival from Hedjaz.

193.—(1) The owner, master or agent of a pilgrim ship journeying to Singapore with pilgrims from the Hedjaz shall give to the Surveyor-General and to the Director not less than 3 clear days' notice of the arrival of the ship in Singapore.

(2) Such ship on arrival shall be inspected by a surveyor of ships and by the Director.

(3) The surveyor of ships shall, after inspection, supply to the master of such ship a signed report (to be called Report A) regarding each of the matters, mutatis mutandis, set out in section 147.

(4) The Director shall, after inspection, supply to the master of such ship, a signed report (to be called Report B) regarding each of the matters, mutatis mutandis, set out in section 148.

(5) For every report supplied by a surveyor of ships or by the Director, the owner, master or agent of the pilgrim ship in respect of which it is granted shall pay such fee as is prescribed. [210]

Pilgrim brokers

Licences for brokers. 11/73.

194.—(1) No person may act as a pilgrim broker unless he has a valid licence granted by the Minister for that purpose.

(2) The said licence shall be granted on such conditions and subject to such restrictions and limitations as may be prescribed.

(3) The Minister may also require a licensee to enter into a bond which may be in the prescribed form with sureties in a sum of not less than \$500 not to offend under this Part, and for the due performance and observance of the conditions of his licence. [211]

Conditions of licence.

195. Every licence so granted shall specify —

- (a) the name and address of the licensee;
- (b) the period for which it shall be in force;

(c) the conditions on which, and the restrictions and limitations subject to which, it is granted, and shall be granted on payment of such fee, if any, as may be prescribed. [212]

196. Any person who without a licence from the Minister acts as a pilgrim broker shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000. [213]

Acting as pilgrim broker without licence. 11/73.

197. Any pilgrim broker who —

(a) commits a breach of any of the terms or conditions of his licence; or

Cheating by pilgrim brokers.

(b) by fraud or false representation —

(i) induces any pilgrim to travel by any other ship than that intended by him; or

(ii) delays the voyage of any pilgrim,

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 2 years or to both, and his licence may be forfeited. [214]

198.—(1) Every pilgrim broker who supplies lodging, or board, or any house accommodation to pilgrims shall keep exhibited in some prominent place upon the outer front of his premises a signboard which shall be approved by the Minister, bearing in legible characters in English and Malay his name with the words “Licensed Pilgrim Broker” and the number of his licence.

Lodging-houses to exhibit signboards. 11/73.

(2) Any person who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500. [215]

Penalty. 11/73.

199.—(1) Any pilgrim broker who would be liable under this Part to any punishment, penalty or forfeiture for any act, omission, neglect or default shall be liable to the same punishment, penalty or forfeiture for every similar act, omission, neglect or default of any agent or employee employed by him in the course of his business as such pilgrim broker.

Liability of pilgrim broker for act of employee.

(2) Every agent or employee employed by a pilgrim broker in the course of his business shall also be liable to

every punishment or penalty prescribed for such acts, omissions, neglects or defaults contrary to this Part as if such agent or employee had been the person to whom the pilgrim broker's licence had been granted. [216]

Procedure on forfeiture of bonds.

200.—(1) If at any time —

(a) complaint upon oath is made to a Magistrate's Court that any bond taken under section 194 has been forfeited; or

(b) during any proceedings before a Magistrate's Court or District Court it appears that any such bond has been forfeited,

the Court may call upon any person bound by such bond to show cause why he should not pay the penalty mentioned therein, and if sufficient cause is not shown, and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the property belonging to such person.

(2) The Court may at its discretion remit any portion of the penalty mentioned, and enforce payment in part only. [217]

Supplemental

Rules for numbering pilgrims.

201. For the purpose of any legal proceedings under this Part, statements delivered or made under section 165 to 168 shall be received in evidence, and every person ascertained to have been on board a pilgrim ship as a passenger at any time since the ship's departure from her last port or place shall be deemed to be still a passenger on the arrival of the pilgrim ship at any port or place in Singapore, whether such passenger is on board or not when the pilgrim ship is examined on such arrival. [218]

Liability of pilgrims travelling by non-pilgrim ships.

202. Pilgrims travelling with a pilgrim ticket by a ship which is not a pilgrim ship shall be liable to all the obligations imposed by this Part or rules thereunder on pilgrims travelling by a pilgrim ship. [219]

Information to be sent to ports of embarkation.

203.—(1) The Director shall send any particulars which he considers important respecting any pilgrim ship which arrives in Singapore and the pilgrims carried therein to the appropriate officer at the port or place from which such pilgrim ship commenced her voyage.

(2) The Director, the Port Health Officer, a police officer or a surveyor of ships may enter on and inspect the ship, in order to ascertain whether the provisions of this Act as to the number of pilgrims and other matters have been complied with. [220]

204. In any proceedings for the adjudication of any penalty incurred under this Part —

Evidence under Part IV.

- (a) any document purporting to be a report of such particulars as are referred to in section 203 (1);
- (b) any like document purporting to be made and signed by any consular officer of any foreign country; and
- (c) any copy of the proceedings of any court of justice duly authenticated,

shall be received in evidence, if it appears to have been officially transmitted to any officer in Singapore. [221]

205.—(1) Every pilgrim ship shall have reserved for the use of the pilgrims on board gratuitously by day and by night so much of the upper deck kept free from encumbrances as will provide not less than 0.56 square metres for each pilgrim on board.

Upper deck space to be provided for pilgrims. S 243/80.

(2) Subject as aforesaid and to any rules which are made under this Part, such space may be allotted among the different classes of pilgrims in such proportion as is thought fit:

Provided that not less space shall be allotted to any one class than will provide 0.56 square metres of space available for each pilgrim of that class on board. [222]

206.—(1) The Minister may make rules to regulate all or any of the following matters:

Power of Minister to make rules. S 243/80.

- (a) the anchors and cables to be provided on board pilgrim ships;
- (b) the instruments for purposes of navigation to be supplied;
- (c) the apparatus for the purposes of extinguishing fires on board, and the precautions to be taken to prevent and deal with such fires;
- (d) the provision of boats and other life-saving appliances, and of means for making signals of

distress, and the supply of lights inextinguishable in water and fitted for attachment to lifebuoys;

- (e) the fittings and other appliances in the upper and between-decks, for the comfort and convenience of pilgrims;
- (f) the scale on which and manner in which food and water shall be supplied to pilgrims and the quality of such food and water;
- (g) the quality, quantity and stowage of the cargo to be carried;
- (h) the space to be provided in the between-decks or superstructures for pilgrims of each class shall be not less than 2.7 cubic metres and not less than 1.49 square metres measured on the deck or floor of that space;
- (i) the allotment of the upper-deck space between the various classes of pilgrims;
- (j) the amount and distribution of the baggage of pilgrims;
- (k) the nature and the extent of the hospital accommodation, and the medical stores, disinfectants, and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;
- (l) the form of the statements to be furnished by the master under sections 165 to 168 and the particulars to be entered therein;
- (m) the tonnage and power to be required in the case of pilgrim ships, and the voyages to which and seasons at which the rules as to tonnage and power shall respectively apply;
- (n) the qualification of medical officers, and the number of attendants to be carried, and the diaries, reports and other returns to be kept or submitted by medical officers;
- (o) the manner in which contaminated articles shall be disinfected before being taken on board a pilgrim ship;
- (p) the manner in which and the person by whom the medical inspection of women shall be carried out;

- (q) the supply of passage tickets for pilgrims, the form of such tickets and the conditions and other matters to be specified thereon, and the amount of sanitary taxes to be included in the cost thereof;
- (r) the refund of passage-money under section 190;
- (s) the functions of the master, medical officer or officers, and other officers during the voyage;
- (t) the local limits within which, and the time and mode at and in which, pilgrims shall be embarked or discharged at any port or place appointed under this Part in that behalf;
- (u) the time within which a pilgrim ship shall depart or proceed on her voyage after commencing to take pilgrims on board, and the hours during or between which she may put to sea;
- (v) the issue of pilgrim passes to pilgrims who do not hold certificates of identity issued to them by the government of any foreign country, the form of such passes, the production of the same to public officers both in Singapore and at Jeddah or other port of disembarkation of pilgrims proceeding to the Hedjaz, and the fees to be paid therefor;
- (w) the type of wireless apparatus to be provided and the manner of working the apparatus;
- (x) the fixing of any fees payable under this Part; and
- (y) generally to carry out the purposes of this Part.

(2) The Minister in making any rules under this section may direct that any person who commits a breach of the rules shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$250, and, where the breach is a continuing breach, to a further fine not exceeding \$10 for every day during which the breach continues, or to imprisonment for a term not exceeding 3 months or to both. [223]

207. The provisions of Part III relating to passenger ships shall not apply to any pilgrim ship. [224]

Provisions of Part III not to apply to pilgrim ships.

PART V

SAFETY

*Prevention of collisions*Collision
regulations.

208.—(1) The Minister may make regulations for preventing collisions at sea (to be known as the collision regulations), and may thereby regulate the lights to be carried and exhibited, the fog signals to be carried and used, and the steering and sailing rules to be observed by all Singapore ships wherever they may be.

(2) The power of the Minister under subsection (1) shall include power to make regulations for the prevention of collisions at sea —

- (a) between seaplanes on the surface of the water; and
- (b) between vessels and seaplanes on the surface of the water.

(3) Regulations made under subsection (1) shall be observed by all vessels and seaplanes of foreign registry within the territorial waters of Singapore, and in any case before a court of Singapore concerning an infringement of those regulations arising within the territorial waters of Singapore, foreign vessels and seaplanes shall be treated as if they were vessels and seaplanes registered in Singapore.

[225

Observance
of collision
regulations.

209.—(1) All owners and masters of Singapore ships shall obey the collision regulations, and shall not carry or exhibit any other lights or use any other fog signals than such as are required by those regulations.

(2) If an infringement of the collision regulations is caused by the wilful default of the master or owner of the vessel, that master or owner shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(3) If any damage to person or property arises from the non-observance by any vessel of any of the collision regulations, the damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of the vessel at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulations necessary.

(4) Subsections (1) and (2) shall apply to the owners and pilots of seaplanes on the surface of the water as they apply to the owners and masters of vessels, and subsection (3) shall apply to the pilot or other person in charge of a seaplane as it applies to the person in charge of the deck of a vessel. [226

210*.—(1) A surveyor of ships may inspect any vessel within a port of Singapore for the purpose of seeing that the vessel is properly provided with lights and the means of making fog signals, in conformity with the collision regulations.

Inspection as to lights and fog signals. 38/84.

(2) If the surveyor finds that the vessel is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

(3) Every notice so given shall be communicated by the surveyor to the Director, and the vessel shall be detained until a certificate under the hand of a surveyor of ships is produced to the effect that the vessel is properly provided with lights and with the means of making fog signals, in conformity with the collision regulations.

(4) For the purpose of an inspection under this Part a surveyor shall have all the powers of an inspector under this Act.

(5) Where the certificate as to lights and signals is refused, an owner may appeal to the court of survey for the port where the vessel for the time being is, in the manner directed by the rules of that court.

(6) On any such appeal the judge of the court of survey shall report to the Minister on the question raised by the appeal, and the Minister, when satisfied that the requirements of the report and of the Merchant Shipping Act 1894 or of this Act as to lights and signals have been complied with, may grant, or direct a surveyor of ships or other person appointed by him to grant, the certificate.

U.K. 1894 c. 60.

(7) Subject to any order made by the judge of a court of survey the costs of, and incidental to, an appeal shall follow the event.

*Subsection (9) of this section was repealed by Act 38/84.

(8) A surveyor in making an inspection under this section shall, if the owner of the vessel so requires, be accompanied on the inspection by some person appointed by the owner, and if in that case the surveyor and the person so appointed agree, there shall be no appeal under this section to the court of survey. [227]

Collisions to be entered in official log-book.

211.—(1) In every case of collision in which it is practicable to do so, the master of every ship shall immediately after the occurrence cause a statement thereof, and of the circumstances under which the collision occurred, to be entered in the official log-book, if any, and the entry shall be signed by the master and also by the mate or one of the crew.

Penalty.

(2) Any master who fails to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400. [228]

Report of accidents and loss of ship

Report to Director of accidents to steamships.

212.—(1) When a steamship has sustained or caused any accident occasioning loss of life or any serious injury to any person, or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery, the owner or master shall, within 24 hours after the happening of the accident or damage, or as soon thereafter as possible, transmit to the Director by letter signed by the owner or master a report of the accident or damage and of the probable occasion thereof, stating the name of the ship, her official number, if any, the port to which she belongs, and the place where she is.

Penalty.

(2) Any owner or master of a steamship who fails without reasonable cause to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$1,000.

(3) This section shall apply to —

- (a) all ships registered in Singapore;
- (b) all ships holding a passenger certificate issued in Singapore; and
- (c) all ships within Singapore if such accident has occurred or such material damage has been sustained within Singapore, or since leaving the last port and before reaching Singapore. [230*

*Section 229 in the 1970 Edition was repealed by Act 38/84.

213.—(1) If the managing owner or the agent of any ship registered in Singapore or of any passenger steamer has reason, owing to the non-appearance of the ship or to any other circumstances, to apprehend that the ship has been wholly lost, he shall, as soon as conveniently may be, send to the Director notice in writing of the loss and of the probable occasion thereof, stating the name of the ship, her official number, if any, and the port to which she belongs.

Notice of loss of ship registered in Singapore, or passenger steamer to be given to Director.

(2) Any managing owner or agent of a ship who fails without reasonable cause to comply with this section within a reasonable time shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$1,000. [231

Penalty.

Offences in connection with lighthouses, etc.

214. Any person who wilfully or negligently —

- (a) injures any lighthouse or the lights exhibited therein, or any buoy or beacon;
- (b) removes, alters or destroys any lightship, buoy or beacon; or
- (c) rides by, makes fast to, or runs foul of, any lightship or buoy,

Injury to lighthouses, etc.

shall, in addition to the expenses of making good any damage so occasioned, be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$1,000. [232

215. Any person employed in a lighthouse, who wilfully or negligently omits to do any act proper and requisite to be done by him with respect to the lights or signals exhibited in a lighthouse, shall, if such omission is of a nature likely to cause danger to navigation, be guilty of an offence and shall be liable on conviction before a District Court to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 2 years. [233

Misconduct by person employed in lighthouse.

216.—(1) Whenever any fire or light is burnt or exhibited at such place or in such manner as to be liable to be mistaken for a light proceeding from a lighthouse or in such a manner as to affect the visibility of the light proceeding from a lighthouse, the Director may serve a notice upon the owner of the place where the fire or light is burnt or

Prevention of false lights.

exhibited, or on the person having the charge of the fire or light, directing that owner or person, within a reasonable time to be specified in the notice, to take effectual means for extinguishing or effectually screening the fire or light and for preventing for the future any similar fire or light.

(2) The notice may be served either personally or by delivery of the notice at the place of abode of the person to be served, or by affixing the notice in some conspicuous place near to the fire or light to which the notice relates.

Penalty.

(3) Any owner or person, on whom a notice is served under this section, who fails, without reasonable cause, to comply with the directions contained in the notice, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000.

(4) If any owner or person on whom a notice under this section is served neglects for a period of two days to extinguish or effectually screen the fire or light mentioned in the notice, the Director may, by his employees or workmen, enter upon the place where the fire or light is, and forthwith extinguish the same, doing no unnecessary damage, and may recover the expenses incurred by him in so doing from the owner or person on whom the notice has been served in the same manner as fines may be recovered under this Act.

[234

Load line and loading

Ships to which sections 218 to 236 apply.

217.—(1) The provisions of sections 218 to 236 (referred to in those sections as the load line provisions) shall apply to all ships except —

- (a) ships of war;
- (b) wooden ships of primitive build of less than 200 tons gross tonnage not fitted with any mechanical means of propulsion;
- (c) sailing ships under 80 tons plying solely on coasting trade voyages;
- (d) ships solely employed in the fishing industry; and
- (e) pleasure yachts not engaged in trade.

(2) For the purposes of subsection (1) (c), “coasting trade voyage” shall mean a voyage in the course of which a ship does not proceed more than 30 miles from the coast of the Malay Peninsula.

[237*

*Sections 235 and 236 in the 1970 Edition were repealed by Act 38/84.

218.—(1) Subject to any exemptions conferred by or under the load line provisions, no ship shall proceed or attempt to proceed to sea from any port or place in Singapore, unless there is in force in respect of the ship —

Prohibition on proceeding to sea without certificates.

- (a) a load line certificate;
- (b) a load line exemption certificate; or
- (c) both a load line certificate and a load line exemption certificate,

being certificates which by their terms apply to the voyages on which the ship is about to proceed.

(2) If any ship proceeds, or attempts to proceed, to sea in contravention of subsection (1) the owner or the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) The master of a ship shall produce to the Director, at the time a clearance for the ship is demanded for an international voyage, a certificate required by subsection (1) to be in force when the ship proceeds to sea; and a clearance shall not be granted, and the ship may be detained until the certificate is so produced. [238]

219.—(1) The owner, master or agent of a ship requiring the issue of any certificate referred to in section 218 shall apply for the ship to be surveyed.

Survey and declaration of survey.

(2) The surveyor conducting the survey shall, if satisfied that the ship complies with the relevant conditions laid down in the regulations made under section 236, complete a declaration of survey in a form approved by the Minister.

(3) The declaration of survey shall be sent forthwith by the surveyor to the Minister. [239]

220. Upon receipt of the declaration of survey the Minister shall, if satisfied that the relevant provisions of this Act and the regulations made thereunder have been complied with, issue the appropriate certificate. [240]

Issue of certificates.

221.—(1) Any certificate issued under section 220 may be cancelled or suspended by the Minister where he has reason to believe that —

Cancellation or suspension of certificates.

- (a) any declaration of survey on which the certificate was founded has been in any particular made fraudulently or erroneously;

- (b) the certificate has otherwise been issued on false or erroneous information;
- (c) since the making of the declaration of survey material alterations have taken place in the hull or superstructures of the ship which affect the position of load lines marked in accordance with regulations made under section 236; or
- (d) the fittings and appliances for the protection of openings, the guard-rails, the freeing ports, or the means of access to the crew's quarters have not been maintained on the ship in as effective a condition as they were in when the certificate was issued.

(2) In every such case, the Minister may require the owner to have the ship surveyed again and to obtain a further declaration of survey before the reissue of the certificate or the grant of a fresh one in place of it. [241

Exemptions.

222.—(1) The Minister may exempt any ship or class of ships from the provisions of sections 218 to 236 of this Act or any regulations made thereunder when he is satisfied that the sheltered nature and conditions of voyages undertaken by such ships make it unreasonable or impracticable to apply the provisions of sections 218 to 236 of this Act or the regulations made thereunder.

(2) The Minister may exempt any ship which embodies features of a novel kind from any of the provisions of sections 218 to 236 of this Act or any regulations made thereunder the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages.

(3) The Minister may, in relation to a ship which does not normally ply on international voyages but is, in exceptional circumstances, required to undertake a single international voyage exempt the ship from sections 218 to 236 of this Act or any regulations made thereunder while the ship is engaged on that voyage.

(4) The Director may, in relation to a ship to which the Load Lines Convention does not apply and not being a Singapore ship, exempt the ship from sections 218 to 236 of this Act or any regulations made thereunder when he is satisfied that the ship belongs to a class of ships which is

exempted from the provisions of any law relating to load lines in force in the country in which the ship is registered and it would be unreasonable or impracticable to apply sections 218 to 236 of this Act or any regulations made thereunder to the ship.

(5) Any exemption granted by the Minister under this section may be granted subject to such conditions as the Minister thinks fit; and, where any such exemption is conferred subject to conditions, the exemption shall not have effect unless those conditions are complied with.

(6) The owner, master or agent of a Singapore ship which has been granted an exemption by the Minister under this section shall, on application to any person appointed in that behalf by the Minister, receive a certificate in the prescribed form to be called a load line exemption certificate. [242

223.—(1) The Minister may approve any organisation for the purposes of surveying ships and issuing certificates under the load line provisions and any regulations made thereunder.

Minister may authorise organisations to survey ships and issue certificates.

(2) A certificate issued by any organisation approved by the Minister under subsection (1) shall have effect for the purposes of this Act as if it had been issued by the Minister. [243

224.—(1) A valid Load Lines Convention certificate issued in respect of a ship, not being a Singapore ship, by the government of the country to which the ship belongs or by any organisation or any body authorised by such government shall, subject to such regulations as the Minister may make in that behalf, have the same effect as the corresponding certificate issued in respect of a Singapore ship under section 220.

Recognition of certificate issued outside Singapore.

(2) A certificate issued by the government of any country, any organisation or any body in respect of a ship to which the Load Lines Convention does not apply and which is not a Singapore ship, and accepted by the Director as equivalent to a corresponding certificate issued in respect of a Singapore ship under section 220 shall have effect for the purposes of this Act as if that certificate was issued under this Act.

(3) For the purposes of the load line provisions, "Load Lines Convention Certificate" means a load line certificate issued as an International Load Line Certificate (1966) or an International Load Line Exemption Certificate (1966) in pursuance of the Load Lines Convention. [244

Issue of certificates to foreign ships in Singapore and to Singapore ships in foreign countries.

225.—(1) The Minister may, at the request of the government of a country to which the Load Lines Convention applies, cause an appropriate Load Lines Convention Certificate to be issued in respect of a ship registered in that country, if he is satisfied that such certificate can properly be issued, and where the certificate is issued at such request, it shall contain a statement that it has been so issued.

(2) A certificate issued by the Minister under subsection (1) shall have effect for the purposes of this Act.

(3) The Minister may request the government of a country to which the Load Lines Convention applies to issue an appropriate Load Lines Convention certificate in respect of a Singapore ship and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued by the Minister. [245

Delivery of certificates.

226.—(1) The Minister may require a certificate issued under the load line provisions which has expired or been cancelled to be delivered up as he directs.

(2) Any owner or master who fails without reasonable cause to comply with such a requirement shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [246

Penalty for forgery of certificate or declaration.

227. Any person who —

- (a) knowingly and wilfully makes or assists in making or procures to be made, a false or fraudulent declaration of survey referred to in section 219 or a certificate referred to in section 218; or
- (b) forges, assists in forging, procures to be forged, fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered, any such declaration or certificate or anything contained in, or any signature to, any such declaration or certificate,

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 2 years. [247]

228. Any master who, after having obtained a certificate under the load line provisions knowingly or negligently, does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship or other matters to which the certificate relates, 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 2 years. [248]

Penalty for alteration in ship after certificate obtained.

229.—(1) Where a certificate is issued in respect of a ship under the load line provisions —

Publication of certificate and entry of particulars in official log-book.

- (a) the owner of the ship shall forthwith on receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship, and shall cause it to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and
- (b) the master of the ship, before making any other entry in any official log-book relating to the ship, shall enter in it the particulars as to the position of the deck-line and the load lines which are specified in the certificate.

(2) Before any Singapore ship leaves any dock, wharf, harbour or other place for the purpose of proceeding to sea, the master of the ship —

- (a) shall enter in the official log-book such particulars relating to the depth to which the ship is for the time being loaded as may be prescribed by regulations made by the Minister under this Act; and
- (b) subject to subsection (3), shall cause a notice, in such form and containing such of those particulars as may be specified in those regulations for the purposes of this paragraph, to be posted up in some conspicuous place on board the ship,

and, where such a notice has been posted up, the master of the ship shall cause it to be kept so posted up and legible

until the ship arrives at some other dock, wharf, harbour or place.

(3) The Minister may exempt any class of ships from the requirements as to notices contained in subsection (2).

(4) If the owner or master of a ship fails to comply with any requirement imposed on him by subsections (1) and (2), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [249]

Miscellaneous offences in relation to marks.

230. Where a Singapore ship is marked in accordance with any requirements as to marking imposed by or under the load line provisions or any regulations made thereunder, then if —

- (a) the owner or master of the ship fails without reasonable cause to keep the ship so marked; or
- (b) any person conceals, removes, alters, defaces or obliterates, or causes or permits any person under his control to conceal, remove, alter, deface or obliterate, any mark with which the ship is so marked, except where he does so under the authority of a person empowered under the regulations made under section 236 to authorise him in that behalf,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [250]

Submersion of load lines.

231.—(1) Where a Singapore ship is marked with load lines in accordance with the regulations made under section 236, the ship shall not be so loaded that —

- (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged; or
- (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.

(2) If any ship is loaded in contravention of subsection (1), the owner or master of the ship shall, subject to subsection (5), be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$2,000; and
- (b) to such additional fine, not exceeding an amount calculated in accordance with subsection (3), as

the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was increased by reason of the contravention.

(3) Any additional fine imposed under subsection (2) (b) shall not exceed \$2,000 for every 25 millimetres, and for any part of 25 millimetres over and above 25 millimetres or a complete multiple of 25 millimetres, by which —

(a) in a case falling within subsection (1) (a), the appropriate load line on each side of the ship was submerged; or

(b) in a case falling within subsection (1) (b), the appropriate load line on each side of the ship would have been submerged as therein mentioned,

and, if the amount by which that load line was or would have been submerged was less than 25 millimetres, any such additional fine shall not exceed \$2,000.

(4) If the master of a ship takes the ship to sea when she is loaded in contravention of subsection (1), or if any other person, having reason to believe that the ship is so loaded, sends or is a party to sending her to sea, then, without prejudice to any fine to which he may be liable in respect of any offence under subsection (2), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(5) Where a person is charged with an offence under subsection (2), it shall be a defence to prove that the contravention was due solely to deviation or delay and that the deviation or delay was caused solely by stress of weather or other circumstances which neither the master nor the owner nor the charterer, if any, could have prevented or forestalled.

(6) Without prejudice to any proceedings under subsections (2) to (5), any ship which is loaded in contravention of subsection (1) may be detained by the Director until that ship ceases to be so loaded.

(7) For the purposes of the application of this section to a ship in any circumstances prescribed by regulations made under section 236, “the appropriate load line” means the

load line which, in accordance with those regulations, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances. [251

Submersion
of load lines
on ships not
registered in
Singapore.

232.—(1) Where a ship, not being a Singapore ship, is within any port or place in Singapore, and is marked with load lines, the ship shall not be so loaded that —

- (a) if the ship is in salt water and has no list, the appropriate load line on each side of the ship is submerged; or
- (b) in any other case, the appropriate load line on each side of the ship would be submerged if the ship were in salt water and had no list.

(2) Subsections (2), (3), (5) and (6) of section 231 shall have effect for the purposes of this section as if any reference in those subsections to section 231 (1) or to section 231 (1) (a) or (b) were a reference to subsection (1) or subsection (1) (a) or (b) of this section, as the case may be:

Provided that the ship shall not be detained, and no proceedings shall be brought by virtue of this subsection, unless the ship has been inspected by a surveyor of ships in pursuance of section 235.

(3) In relation to a ship in respect of which a load line certificate is produced, “load line” in subsection (1) means a line marked on the ship in the position of a load line specified in that certificate; and for the purposes of the application of the relevant provisions to such a ship in any circumstances for which a particular load line is specified in the certificate, “the appropriate load line” means the load line which, in accordance with the certificate, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

(4) Where a load line certificate is not produced in respect of a ship, then, for the purposes of the application of the relevant provisions to that ship in any circumstances prescribed by the regulations made under section 236, “the appropriate load line” means the load line which, in accordance with those regulations, indicates the maximum depth to which the ship may be loaded in salt water in those circumstances.

(5) In subsections (3) and (4), “the relevant provisions” means the provisions of subsection (1) and any provisions of section 231 as applied by subsection (2) of this section.

[252

233.—(1) Where —

(a) a passenger ship is within any port or place in Singapore and has been marked with subdivision load lines in accordance with any regulations made under this Act or any law of any country made for the purpose of giving effect to the Safety Convention or the Load Lines Convention, that is to say, load lines indicating the depth to which the ship may be loaded having regard to the extent to which she is subdivided and to the space for the time being allotted to passengers; and

(b) the appropriate subdivision load line, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the ship, is lower than the load line indicating the maximum depth to which the ship is for the time being entitled under the load line provisions to be loaded,

Submersion
of subdivision
load lines.

the ship shall not be so loaded as to submerge in salt water the appropriate subdivision load line on each side of the ship when the ship has no list.

(2) If a ship referred to in subsection (1) is loaded in contravention of this section, the owner or master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and to such additional fine, not exceeding the amount calculated in accordance with subsection (3), as the court thinks fit to impose, having regard to the extent to which the earning capacity of the ship was or would have been increased by reason of the contravention.

(3) The additional fine shall not exceed \$2,000 for every 25 millimetres or part thereof by which the appropriate subdivision load line on each side of the ship was submerged, or would have been submerged if the ship had had no list. S 243/80.

(4) Without prejudice to any proceedings under subsections (1), (2) and (3), a ship which is loaded in contravention of this section may be detained by the Director until the ship ceases to be so loaded. [253]

Inspection of
Singapore
ships.

234.—(1) A surveyor of ships may inspect any Singapore ship for the purpose of seeing that the load line provisions have been complied with in respect of that ship.

(2) For the purposes of any such inspection any such surveyor shall have all the powers of an inspector under this Act. [254]

Inspection of
ships not
registered in
Singapore.

235.—(1) A surveyor of ships may go on board any ship, not being a Singapore ship, when within any port or place in Singapore, for the purpose of demanding the production of a load line certificate for the time being in force in respect of the ship.

(2) If a valid load line certificate is produced to the surveyor on such demand, the surveyor's powers of inspecting the ship shall be limited to seeing —

- (a) that the ship is not loaded beyond the limits allowed by the certificate;
- (b) that lines are marked on the ship in the positions of the load lines specified in the certificate;
- (c) that no material alterations have taken place in the hull or superstructures of the ship which affect the position in which any of those lines ought to be marked; and
- (d) that the fittings and appliances for the protection of openings, the guard-rails, the freeing ports and the means of access to the crew's quarters are in as effective a condition as they were in when the certificate was issued.

(3) If a valid load line certificate is not produced to the surveyor on such demand, the surveyor shall have the same power of inspecting the ship for the purpose of seeing that the load line provisions have been complied with, as if the ship were a Singapore ship. [255]

Regulations.

236.*—(1) The Minister may make such regulations as seem to him necessary or expedient for the purpose of carrying out the load line provisions.

*Subsection (2) (g) of this section was repealed by Act 38/84.

(2) Without prejudice to the generality of subsection (1), the Minister may by such regulations provide for —

- (a) the survey and periodical inspection of ships and the issue of certificates;
- (b) the types and forms of certificates;
- (c) determining freeboards to be assigned from time to time to ships;
- (d) determining, in relation to any ship, the deck which is to be taken to be the freeboard deck of the ship, and for requiring the position of that deck to be indicated on each side of the ship by a mark of a description prescribed by the regulations;
- (e) determining, by reference to that mark and the freeboards for the time being assigned to a ship, the positions in which each side of the ship is to be marked with lines of a description prescribed by the regulations, indicating the various maximum depths to which the ship may be loaded in circumstances prescribed by the regulations; and
- (f) such requirements in respect of the hulls, superstructures, fittings and appliances of ships to which the load line provisions apply as appear to him to be relevant to the assignment of freeboards to ships.

(3) Such regulations shall in the case of ships and voyages to which the Load Lines Convention applies include such requirements as appear to the Minister necessary to implement the provisions of the Load Lines Convention.

(4) Every omission or neglect to comply with and every act done or attempted to be done contrary to the provisions of any regulations made under this section shall be an offence and in respect of any such offence the offender shall be liable on conviction to a fine not exceeding \$2,000.

[256

Carriage of cattle and other livestock by sea

237.—(1) The Minister may make rules for all or any of the following purposes:

- (a) securing for cattle and other livestock carried by sea a proper supply of food and water;

Rules as to carriage of cattle, etc., by sea. 2/86.

- (b) protecting them from unnecessary suffering when being shipped, during the passage, and on landing;
- (c) their destruction when injured at sea;
- (d) the provision of a sufficient number of attendants on cattle and other livestock at sea, and for the control of such attendants;
- (e) any other matters relating to cattle or other livestock as to which it is expedient to make rules for carrying into effect the objects of this Part.

(2) Rules made under this section shall be applicable to all vessels.

Penalty for breach of rules.

(3) Any person who without lawful authority or excuse, proof whereof shall lie on him, does or omits to do anything in contravention of any rules in force under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

Inspection.

(4) The Director, a Port Health Officer or a surveyor of ships may at any time board any vessel or enter any pen on board that vessel for the purposes of inspection. [258*

Power to exempt certain steamers.

238. The Minister may, by order to be published in the *Gazette*, exempt any particular steamer or line of steamers when trading under the conditions specified in the exemption from the operation of any portion of the rules in force under section 237 which may relate to the fittings and arrangements for the accommodation, safety and comfort of cattle and other livestock. [259

Unseaworthy ships

Sending unseaworthy ship to sea an offence.

239.—(1) Any person who sends or attempts to send, or is party to sending or attempting to send, a British ship to sea from any port in Singapore in such an unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of an offence, unless he proves either that he used all reasonable means to ensure her being sent to sea in a seaworthy state, or that her going to sea in such an unseaworthy state was under the circumstances reasonable and justifiable.

*Section 257 in the 1970 Edition was repealed by Act 38/84.

(2) Any master of a British ship who knowingly takes the ship to sea in such an unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of an offence, unless he proves that her going to sea in such an unseaworthy state was under the circumstances reasonable and justifiable.

(3) A prosecution under this section shall not be instituted otherwise than with the consent of the Minister.

(4) An offence under this section shall be punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 2 years.

(5) This section shall not apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in Singapore. [260]

240.—(1) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship and the master and every agent charged with the loading of the ship or the preparing of the ship for sea or the sending of the ship to sea shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep the ship in a seaworthy condition for the voyage during the voyage.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

(2) Nothing in this section —

(a) shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable; or

(b) shall apply to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in Singapore. [261]

Power to detain unsafe ships and procedure for detention.

241.—(1) Where a British ship, being in any port in Singapore, is an unsafe ship, that is to say, is by reason of the defective condition of the ship's hull, equipment or machinery, or by reason of undermanning, or by reason of overloading or improper loading, unfit to proceed to sea or to proceed within the limits of any port without serious danger to human life, having regard to the nature of the service for which the ship is intended, the ship may be provisionally detained for the purpose of being surveyed or for ascertaining the sufficiency of her crew and either finally detained or released as follows:

- (a) the Minister, if he has reason to believe, on complaint or otherwise, that a British ship is unsafe, may order the ship to be provisionally detained as an unsafe ship for the purpose of being surveyed or for ascertaining the sufficiency of the crew;
- (b) when a ship has been provisionally detained, there shall forthwith be served on the master of the ship a written statement of the grounds of her detention, and the Minister may, if he thinks fit, appoint some competent person or persons to survey the ship and report thereon to him;
- (c) the Minister on receiving the report may either order the ship to be released or, if in his opinion the ship is unsafe, may order the ship to be finally detained, either absolutely or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, or the manning of the ship as he thinks necessary for the protection of human life, and the Minister may vary or add to any such order;
- (d) before the order for final detention is made, a copy of the report shall be served on the master of the ship, and within 7 days after that service the owner or master of the ship may appeal to the court of survey for the port where the ship is detained, in the manner directed by the rules of that court;
- (e) where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to

survey the ship makes that survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey, and in that case, if the surveyor and assessor agree, the Minister shall cause the ship to be detained or released accordingly, but if they differ the Minister may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section;

- (f) where a ship has been provisionally detained, the Minister may at any time, if he thinks it expedient, refer the matter to the court of survey for the port where the ship is detained;
- (g) the Minister may at any time, if satisfied that a ship detained under this section is not unsafe, order the ship to be released either upon or without any conditions.

(2) The Director and the Surveyor-General (referred to in this Act as a detaining officer) shall have the same power as the Minister has under this section of ordering the provisional detention of a ship for the purpose of being surveyed or for ascertaining the sufficiency of her crew and of appointing a person or persons to survey the ship; and if he thinks that a ship so detained by him is not unsafe may order the ship to be released.

(3) A detaining officer shall forthwith report to the Minister any order made by him for the detention or release of a ship.

(4) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as possible on the master of the ship.

(5) A ship detained under this section shall not be released by reason of her British register being subsequently closed.

(6) A detaining officer and a person authorised to survey a ship under this section shall for that purpose have the same power as a person appointed by a court of survey to survey a ship, and the provisions of this Act with respect to the person so appointed shall apply accordingly, and the

powers exercisable by him under this section shall include power to muster the crew. [262

Liability for costs and damages.

242.—(1) If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of a ship under this Part as an unsafe ship, the Government shall be liable to pay to the owner of the ship out of the Consolidated Fund his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

(2) If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of the detention, an unsafe ship within the meaning of this Part, the owner of the ship shall be liable to pay to the Government its costs of and incidental to the detention and survey of the ship, and those costs shall, without prejudice to any other remedy, be recoverable as salvage is recoverable.

(3) For the purpose of this section the costs of and incidental to any proceeding before a court of survey and a reasonable amount in respect of the remuneration of the surveyor, or officer of the Government, shall be part of the costs of the detention and survey of the ship; and any dispute as to the amount of those costs may be referred to the Registrar of the Supreme Court, who shall, on request by the Minister, ascertain and certify the proper amount of those costs.

(4) An action for any costs or compensation payable by the Government under this section may be brought against the Director by his official title as if he were a corporation sole. [263

Power to require complainant to give security for costs.

243.—(1) Where a complaint is made to the Minister or a detaining officer that a British ship is unsafe, the Minister or the detaining officer may require the complainant to give security to the satisfaction of the Minister for the costs and compensation which he may become liable to pay as hereinafter mentioned.

(2) Such security shall not be required where the complaint is made by one-quarter, being not less than 3, of

the seamen belonging to the ship, and is not in the opinion of the Minister or the detaining officer frivolous or vexatious, and the Minister or that officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained.

(3) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Government is liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Government all such costs and compensation as the Government incurs or is liable to pay in respect of the detention and survey of the ship. [264

244.—(1) Where a foreign ship is, while within any port in Singapore, whether the ship has taken any cargo on board at that port or not, unsafe by reason of overloading or improper loading, or by reason of the defective condition of her hull, equipment or machinery, or undermanning, the provisions of this Part with respect to the detention of ships shall apply to that foreign ship as if that ship were a British ship, with the following modifications:

Application to foreign ships of provisions as to detention.

- (a) a copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the country to which the ship belongs at or nearest to that port;
- (b) where a ship has been provisionally detained, the consular officer on the request of the owner or master of the ship may require that the person appointed by the Minister to survey the ship shall be accompanied by such person as the consular officer selects, and in that case, if the surveyor and that person agree, the Minister shall cause the ship to be detained or released accordingly, but if they differ, the Minister may act as if the requisition had not been made, and the owner and the master shall have the like appeal to a court of survey touching the report of the surveyor as is hereinbefore provided in the case of a British ship; and
- (c) where the owner or master of the ship appeals to the court of survey, the consular officer, on his request, may appoint a competent person to be

assessor in the case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Minister.

(2) Nothing in this section shall affect any foreign ship not bound to a port of Singapore which comes into any port of Singapore for any purpose other than the purpose of embarking or landing passengers or taking in or discharging cargo or taking in bunkers. [265

Survey of
ship alleged
by seamen
to be
unseaworthy.

245.—(1) Whenever in any proceeding against any seaman or apprentice belonging to any ship for the offence of desertion, or absence without leave, or for otherwise being absent from his ship without leave, it is alleged by one-quarter, or if their number exceeds 20 by not less than 5, of the seamen belonging to the ship, that the ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason not in a fit condition to proceed to sea, or that the accommodation in the ship is insufficient, the court having cognizance of the case shall take such means as are in its power to satisfy itself concerning the truth or untruth of the allegation, and shall for that purpose receive the evidence of the persons making the allegation, and may summon any other witnesses whose evidence it thinks it desirable to hear, and shall, if satisfied that the allegation is groundless, adjudicate in the case, but if not so satisfied shall before adjudication cause the ship to be surveyed.

(2) A seaman or apprentice charged with desertion, or with quitting his ship without leave, shall not have any right to apply for a survey under this section unless he has before quitting his ship complained to the master of the circumstances so alleged in justification.

(3) For the purposes of this section the court shall require any surveyor of ships, or, if such a surveyor cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court and having no interest in the ship, her freight or cargo, to survey the ship, and to answer any question concerning her which the court thinks fit to put.

(4) Such surveyor or other person shall survey the ship, and make his written report to the court, including an

answer to every question put to him by the court, and the court shall cause the report to be communicated to the parties, and unless the opinions expressed in the report are proved to the satisfaction of the court to be erroneous, shall determine the question before it in accordance with those opinions.

(5) Any person making a survey under this section shall for the purposes thereof have all the powers of an inspector under this Act.

(6) The costs, if any, of the survey shall be determined by the Minister according to the prescribed scale of fees.

(7) If it is proved that the ship is in a fit condition to proceed to sea, or that the accommodation is sufficient, as the case may be, the costs of the survey shall be paid by the person upon whose demand or in consequence of whose allegation the survey was made, and may be deducted by the master or owner out of the wages due or to become due to that person, and shall be paid into the Consolidated Fund.

(8) If it is proved that the ship is not in a fit condition to proceed to sea, or that the accommodation is insufficient as the case may be, the master or owner of the ship shall pay the costs of the survey to the Accountant-General, and shall be liable to pay to the seaman or apprentice, who has been detained in consequence of the said proceeding before the court under this section, such compensation for his detention as the court awards. [266

PART VI

SPECIAL SHIPPING INQUIRIES AND COURTS

Inquiries and investigations as to shipping casualties

246. For the purpose of inquiries and investigations under this Part a shipping casualty shall be deemed to occur —

Shipping casualties.

- (a) when on or near the coasts of Singapore, or in the course of a voyage to a port in Singapore, any British ship is lost, abandoned or materially damaged;
- (b) where in any place any British ship has been stranded or damaged and any of her crew who are competent witnesses to the facts are found in Singapore;

- (c) when on or near the coasts of Singapore or in the course of a voyage to a port in Singapore, any loss or material damage is caused or sustained by any British ship;
- (d) when any loss of life ensues by reason of any casualty happening to or on board any British ship on or near the coasts of Singapore or in the course of a voyage to Singapore;
- (e) when, in any place, any such loss, abandonment, material damage or casualty, as mentioned in paragraphs (a) to (d), occurs to any British ship and any witness is found in Singapore; or
- (f) when, in any place, any loss, shipwreck, abandonment, damage, casualty or stranding occurs to a British ship registered in Singapore. [267

Preliminary inquiry.

247.—(1) Where a shipping casualty has occurred, a preliminary inquiry may be held, respecting the casualty, by the Director or any person appointed by him for the purpose.

(2) For the purpose of any such inquiry the person holding the inquiry shall have the powers of an inspector under this Act.

(3) After hearing such inquiry, the person holding the inquiry shall forward a report thereof to the Minister without delay. [269*

Minister may appoint court of investigation into shipping casualties and conduct of certificated officers.
38/84.

248.—(1) The Minister may appoint a court of investigation for the purpose of holding a formal investigation in any case —

- (a) where a shipping casualty has occurred, whether there has been a preliminary inquiry or not; or
- (b) whenever it appears to the Minister that any certificated officer is unfit to discharge his duties whether by reason of incompetence, misconduct or for any other reason.

(2) A court of investigation shall consist of a Judge or a District Judge, with the assistance of not less than two nor more than 4 assessors.

*Section 268 in the 1970 Edition was repealed by Act 38/84.

(3)* Where an investigation involves or appears likely to involve any question as to the cancelling or suspension of any certificate, the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.

(4) The court after hearing the case shall make a report to the Minister containing a full statement of the case and of the opinion of the court thereon, accompanied by such report of or extracts from the evidence and such observations as the court thinks fit.

(5) Each assessor shall either sign the report or state in writing on the report his dissent therefrom and the reasons for that dissent.

(6) The court may make such order as the court thinks fit respecting the costs of the investigation or any part thereof, and such order shall be enforced by the court in the manner provided for levying a fine by a Magistrate's Court.

(7) The Minister may, if in any case he thinks fit to do so order the costs of any such investigation to be paid out of the Consolidated Fund.

(8) For the purposes of this section the court holding a formal investigation shall have all the powers of a Magistrate's Court and shall also have all the powers of an inspector under this Act.

(9) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

(10) Formal investigations into shipping casualties under this section shall be held in some suitable place to be appointed by the Minister. [270

Power as to certificates of officers, etc.

249.†—(1) The certificate of a certificated officer may be cancelled or suspended by a court holding an investigation into a shipping casualty or into the conduct of a certificated officer, if the court finds that the loss or abandonment of, or

Power of court of investigation as to certificates. 38/84.

*The former subsection (3) was deleted by Act 38/84 and this and the other subsections following are here renumbered.

†The former subsection (4) of this section was deleted by Act 38/84 and the subsections following renumbered.

U.K. 1894
c. 60.

serious damage to, any ship, or loss of life, has been caused by his wrongful act or default, or that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under section 422 of the Merchant Shipping Act 1894.

(2) If the court holding an investigation is presided over by a District Judge, that court shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court.

(3) Where any case before any such court involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which it has come with respect to the cancelling or suspending thereof.

38/84.

(4) The court shall, if it determines to cancel or suspend any certificate, send the certificate cancelled or suspended to the Minister with its report.

(5) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report, or a statement of the case on which the investigation has been ordered, has been furnished before the commencement of the investigation to the holder of the certificate. [271

Power of
High Court
to remove
master.

250.—(1) The High Court may remove the master of any ship within the jurisdiction of that Court, if that removal is shown to the satisfaction of the Court by evidence on oath to be necessary.

(2) The removal shall be made upon the application of any owner of the ship or his agent, or of the consignee of the ship, or of any certificated mate, or of one-third or more of the crew of the ship.

(3) The Court may appoint a new master instead of the one removed.

(4) Where the owner, agent or consignee of the ship is within the jurisdiction of the Court, such an appointment shall not be made without the consent of that owner, agent or consignee.

(5) The Court may also make such order and require such security in respect of the costs of the matter as the Court thinks fit. [272]

251.—(1) A certificated officer whose certificate is cancelled or suspended by any court holding an investigation under this Part shall deliver his certificate to that court on demand. Delivery of certificate cancelled or suspended.

(2) Any certificated officer who fails to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$500. [273]

Rehearing of investigations

252.*—(1) The Minister may, in any case where an investigation into the conduct of any certificated officer has been held under this Part, order the case to be reheard either generally or as to any part thereof, and shall do so — Rehearing of investigations. 38/84.

- (a) if new and important evidence which could not be produced at the investigation has been discovered; or
- (b) if for any other reason there has in his opinion been ground for suspecting that a miscarriage of justice has occurred.

(2) The Minister may order the case to be reheard either by the court by which the case was heard in the first instance, or by another court of investigation under this Act, or by a Judge of the Supreme Court, and the case shall be so reheard accordingly.

(3) Any rehearing or appeal under this section shall be subject to and conducted in accordance with such conditions and regulations as are prescribed by rules made in relation thereto under the powers contained in this Act. [274]

General

253. The Minister may, if he thinks the justice of the case requires it, reissue and return any cancelled or suspended certificate or shorten the time of its suspension, or grant a new certificate of the same or any lower grade in place of it. On report, Minister may deal with certificate. 38/84. [276†]

*The former subsections (3) to (5) of this section were deleted by Act 38/84.

†Section 275 in the 1970 Edition was repealed by Act 38/84.

Rules as to inquiries and investigations, etc.

254. The Minister may make general rules for carrying into effect the provisions relating to inquiries and investigations, and to the rehearing of or an appeal from any inquiry or investigation held under this Part, and in particular with respect to the procedure, the appointment and summoning of assessors, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, the amount and application of fees, and the place in which formal investigations shall be held. [277]

Courts of survey

Constitution of court of survey.

255.—(1) A court of survey for a port shall consist of a judge sitting with two assessors.

(2) The judge shall be such person as is summoned for the case, in accordance with the rules made under this Act with respect to that court, out of a list approved for the port by the Minister of District Judges and other fit persons; but in any special case in which the Minister thinks it expedient to appoint a Judge of the Supreme Court, such Judge shall be the judge of the court of survey.

(3) The assessors shall be persons of nautical, engineering or other special skill and experience.

(4) Subject to section 244 as regards foreign ships, one of them shall be appointed by the Minister, either generally or in each case, and the other shall be summoned, in accordance with the rules made as aforesaid, by the registrar of the court out of a list of persons periodically nominated for the purpose by the chamber of commerce of the port, or, if there is no such list, shall be appointed by the judge.

(5) If the Minister thinks fit at any time to add any persons to any such list, those persons shall be added to the list, and, if there is no such list, shall form the list.

(6) The registrar of the court of survey shall be appointed by the Minister, and shall, on receiving notice of an appeal, immediately summon the court to meet forthwith in manner directed by the rules.

(7) The name of the registrar and his office, together with the rules made as aforesaid relating to courts of survey, shall be published in the manner directed by the rules. [278]

256.—(1) The court of survey shall hear every case in open court.

Power and procedure of court of survey.

(2) The judge and each assessor of the court may survey the ship, and shall have for the purposes of this Act all the powers of an inspector under this Act.

(3) The judge of the court may appoint any competent person or persons to survey the ship and report thereon to the court.

(4) The judge of the court, any assessor of the court, and any person appointed by the judge of the court to survey a ship, may go on board the ship and inspect the ship and every part thereof, and the machinery, equipment and cargo, and may require the unloading and removal of any cargo, ballast or tackle.

(5) Any person who wilfully impedes such judge, assessor or person, in the execution of the survey, or fails to comply with any requisition made by him, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100.

Penalty.

(6) The judge of the court shall have the same power as the Minister has to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released.

(7) The owner and the master of the ship and any person appointed by the owner or master, and also any person appointed by the Minister, may attend at any inspection or survey made in pursuance of this section.

(8) The judge of the court shall send to the Minister such report as is directed by the rules, and each assessor shall either sign the report or report to the Minister the reasons for his dissent. [279]

257. The Minister may make general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of, and procedure before, the court, the requiring on an appeal security for costs and damages, and the amount of fees. [280]

Rules of procedure of court of survey.

258.—(1) If the Minister is of opinion that an appeal to a court of survey involves a question of construction or design, or of scientific difficulty, or important principle, he

Reference in difficult cases to scientific persons.

may refer the matter to such one or more out of a list of scientific referees from time to time approved by the Minister as appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Minister and the appellant, or in default of any such agreement by the Minister, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

(2) The Minister, if the appellant in any appeal so requires and gives security to the satisfaction of the Minister to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

(3) The referee or referees shall have the same powers as a judge of the court of survey. [281]

Payments to officers of courts

Payments to officers of courts.

259. Such remuneration, if any, as the Minister directs may be paid out of the Consolidated Fund to any judge or assessor of or in any court of investigation or court of survey, or to any registrar of a court of survey. [282]

Indemnity

Indemnity.

260. No action, suit or other proceeding shall be brought against any person for anything done or omitted to be done by him as a member of a court of investigation or a court of survey under this Part. [283]

PART VII

DELIVERY OF GOODS

Delivery of goods and lien for freight

Interpretation.

261. In this Part, unless there is something repugnant in the subject or context —

“goods” includes every description of wares and merchandise;

“owner”, used in relation to goods, means every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien, if any, to that lien;

“shipowner” includes the master of the ship and every other person authorised to act as agent for the

owner or entitled to receive the freight, demurrage, or other charges payable in respect of the ship;

“warehouse” includes all warehouses, buildings and premises in which goods, when landed from ships, may be lawfully placed;

“warehouseman” means the occupier of a warehouse;

“wharf” includes all wharves, quays, docks and premises in or upon which any goods, when landed from ships, may be lawfully placed;

“wharfinger” means the occupier of a wharf. [284

262.—(1) In the absence of any arrangement whereby the owner of any goods imported in any ship into any port or place in Singapore is entitled to land or take delivery of the goods, or in case the owner of the goods is not ready or does not offer to land or take delivery under such arrangement as soon as the ship is ready to unload, a shipowner may land or unship the goods imported in any ship into Singapore at any time after the arrival of the ship.

Powers of shipowner to land goods.

(2) Where a shipowner lands goods in pursuance of this section, he shall place them, or cause them to be placed —

(a) if any wharf or warehouse is named in the charter-party, bill of lading or agreement, as the wharf or warehouse where the goods are to be placed and if they can be conveniently there received, on that wharf or in that warehouse; and

(b) in any other case, on some wharf or in some warehouse on or in which goods of a like nature are usually placed. [285

263.—(1) If at the time when any goods are landed from any ship and placed in the custody of any person as a wharfinger or warehouseman the shipowner gives to the wharfinger or warehouseman notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount mentioned in the notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue subject to the same lien, if any, for such charges as they were subject to before the landing thereof.

Lien for freight on landing goods.

(2) The wharfinger or warehouseman receiving those goods shall retain them until the lien is discharged as hereinafter mentioned, and shall, if he fails to do so, make good to the shipowner any loss thereby occasioned to him.

[286]

Discharge of
lien.

264. The lien for freight and other charges shall be discharged —

(a) upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of freight from the shipowner; and

(b) upon the deposit by the owner of the goods with the wharfinger or warehouseman of a sum of money equal in amount to the sum claimed as aforesaid by the shipowner,

but in the latter case the lien shall be discharged without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

[287]

Provisions as
to deposits by
owners of
goods.

265.—(1) When a deposit is made with the wharfinger or warehouseman, the person making the deposit may, within 15 days after making it, give to the wharfinger or warehouseman notice in writing to retain it, stating in the notice the sums, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, but if no such notice is given the wharfinger or warehouseman may, at the expiration of the 15 days, pay the sum deposited over to the shipowner.

(2) If a notice is given as aforesaid, the wharfinger or warehouseman shall immediately apprise the shipowner of it, and shall pay or tender to him out of the sum deposited the sum, if any, admitted by the notice to be payable, and shall retain the balance, or if no sum is admitted to be payable the whole of the sum deposited, for 30 days from the date of the notice.

(3) At the expiration of those 30 days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes which have arisen between them concerning the freight or other charges as aforesaid, and notice in writing of

those proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman shall pay the balance or sum to the owner of the goods.

(4) A wharfinger or warehouseman shall by any payment under this section be discharged from all liability in respect thereof.

(5) For the purposes of this section, "legal proceedings" shall be deemed to include arbitration and an arbitration shall be deemed to be commenced by the service of a notice of a kind and in the manner specified in section 30 of the Limitation Act.

[288 Cap. 163.

266.—(1) If the lien is not discharged and no deposit is made as aforesaid, the wharfinger or warehouseman may, and, if required by the shipowner, shall, at the expiration of 90 days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as in his discretion he thinks fit, sell by public auction the goods or so much thereof as is necessary to satisfy the charges hereinafter mentioned.

Sale of goods.

(2) Before making the sale the wharfinger or warehouseman shall give notice thereof by advertisement in two local newspapers circulating in Singapore, and shall also if the address of the owner of the goods has been stated on the manifest of the cargo or on any of the documents which have come into the possession of the wharfinger or warehouseman or is otherwise known to him, send notice of the sale to the owner of the goods by post.

(3) The title of a bona fide purchaser of the goods shall not be invalidated by reason of the omission to send the notice required by this section, nor shall any such purchaser be bound to inquire whether the notice has been sent.

[289

267. The proceeds of sale of the goods shall be applied by the wharfinger or warehouseman as follows and in the following order:

Application of proceeds of sale.

- (a) first, in payment of any duties payable to the Government or to any farmer under any Act in respect thereof; then
- (b) in payment of the expenses of the sale; then

(c) in payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority as is determined by the terms of the agreement, if any, in that behalf between them; or, if there is no such agreement —

(i) in payment of the rent, rates and other charges due to the wharfinger or warehouseman in respect of the goods; and then

(ii) in payment of the amount claimed by the shipowner as due for freight or other charges in respect of the goods,

and the surplus, if any, shall be paid to the owner of the goods. [290

Warehouse-
man's rent
and
expenses.

268. Whenever any goods are placed in the custody of a wharfinger or warehouseman under the authority of this Part, the wharfinger or warehouseman shall be entitled to rent in respect of the same, and may also, at the expense of the owner of the goods, do all such reasonable acts as in the judgment of the wharfinger or warehouseman are necessary for the proper custody and preservation of the goods, and shall have a lien on the goods for the rent and expenses.

[291

Warehouse-
man's
protection.

269. Nothing in this Part shall compel any wharfinger or warehouseman to take charge of any goods which he would not have been liable to take charge of if this Act had not been passed, nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Part. [292

PART VIII

LIABILITY OF SHIPOWNERS

Interpreta-
tion.

270. The expression “owner” —

(a) where it occurs in section 271 —, includes every person whose liability is excluded by section 277; and

(b) elsewhere in this Part, except in the second place where it occurs in section 274 — includes every person whose liability is limited by section 277.

[293

271. The owner of a British ship, or any share therein, shall not be liable to make good to any extent whatever any loss or damage happening without his actual fault or privity in the following cases:

Limitation of shipowner's liability in certain cases of loss of or damage to goods.

- (a) where any goods, merchandise or other thing whatsoever taken in or put on board his ship are lost or damaged by reason of fire on board the ship; or
- (b) where any gold, silver, diamonds, watches, jewels or precious stones taken in or put on board his ship, the true nature and value of which have not at the time of shipment been declared by the owner or shipper thereof to the owner or master of the ship in the bills of lading or otherwise in writing, are lost or damaged by reason of any robbery, embezzlement, making away with or secreting thereof. [294

272.*(1) The owners of a ship shall not, where all or any of the following occurrences take place without their actual fault or privity:

Limitation of owners' liability in certain cases of loss of life, injury or damage. 6/81.

- (a) where any loss of life or personal injury is caused to any person being carried in the ship;
- (b) where any damage or loss is caused to any goods, merchandise or other things whatsoever on board the ship;
- (c) where any loss of life or personal injury is caused to any person not carried in the ship through the act or omission of any person (whether on board the ship or not) in the navigation or management of the ship or in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or through any other act or omission of any person on board the ship;
- (d) where any loss or damage is caused to any property (other than any property mentioned in paragraph (b)) or any rights are infringed through the act or omission of any person (whether on board the ship or not) in the navigation or management of the ship or in the loading,

*The former subsections (4) and (8) of this section were deleted by Act 6/81.

carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or through any other act or omission of any person on board the ship,

be liable to damages beyond the following amounts:

- (i) in respect of loss of life or personal injury, either alone or together with such loss, damage or infringement as is mentioned in paragraphs (b) and (d), an aggregate amount not exceeding in the currency of Singapore the equivalent of 3,100 gold francs for each ton of their ship's tonnage; and
- (ii) in respect of such loss, damage or infringement as is mentioned in paragraphs (b) and (d), whether there is additional loss of life or personal injury or not, an aggregate amount not exceeding in the currency of Singapore the equivalent of 1,000 gold francs for each ton of their ship's tonnage:

Provided that for the purpose of ascertaining the limit of the owners' liability in accordance with paragraph (i), the tonnage of a ship of less than 300 tons shall be deemed to be 300 tons.

(2) For the purposes of this section —

- (a) the tonnage of a registered British ship shall be her registered tonnage with the addition of any engine-room space deducted for the purpose of ascertaining that tonnage, and the tonnage of a British sailing ship shall be her registered tonnage:

Provided that there shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations contained in the Sixth Schedule to the Merchant Shipping Act 1894;

- (b) where a ship built at any port or place in Her Majesty's dominions or in India, but not registered under the Merchant Shipping Acts or the law of any other country or a foreign ship, has been or can be measured according to British law, her tonnage as ascertained by that

measurement shall for the purpose of this section be deemed to be her tonnage;

- (c) where a ship built at any port or place in Her Majesty's dominions or in India, but not registered under the Merchant Shipping Acts or the law of any other country, or a foreign ship, has not been and cannot be measured according to British law, the Surveyor-General shall, on receiving from or by the direction of the court hearing the case in which the tonnage of the ship is in question such evidence concerning the dimensions of the ship as it is practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of the ship if she had been duly measured according to British law, and the tonnage so stated in that certificate shall for the purposes of this section be deemed to be the tonnage of the ship;

- (d) a gold franc shall be taken to be a unit consisting of $65\frac{1}{2}$ milligrams of gold of millesimal fineness 900.

(3) The Minister may from time to time by order to be published in the *Gazette* specify the amounts which for the purposes of this section are to be taken as equivalent to 3,100 and 1,000 gold francs respectively.

(4) The limits set by this section to the liabilities mentioned therein shall apply to the aggregate of such liabilities which are incurred on any distinct occasion, and shall so apply in respect of each distinct occasion without regard to any liability incurred on another occasion.

(5) The application of this section to any liability shall not be excluded by reason only that the occurrence giving rise to the liability was not due to the negligence of any person.

(6) Nothing in this section shall apply to any liability in respect of loss of life or personal injury caused to, or loss of or damage to any property or infringement of any right of, a person who is on board or employed in connection with a ship under a contract of service with all or any of the persons whose liabilities are limited by this section, if that contract is governed by the law of any country outside Singapore and that law either does not set any limit to that liability or sets a limit exceeding that set to it by this section. [295

Power of Court to consolidate claims against owners, etc.

273.—(1) Where any liability is alleged to have been incurred by the owner of a ship in respect of any occurrence in respect of which his liability is limited under section 272, and several claims are made or apprehended in respect of that liability, then the owner may apply to the High Court, and that Court may determine the amount of the owner's liability and may distribute that amount rateably among the several claimants, and may stay any proceedings 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 owner, and as to payment of any costs as the Court thinks just.

(2) In making any distribution in accordance with subsection (1) the Court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it considers appropriate having regard to any claims that may later be established before a court of any country outside Singapore.

(3) No lien or other right in respect of any ship or property shall affect the proportions in which any amount is distributed among several claimants under this section.

[296]

Part owners to account in respect of damages.

274. All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under this Part, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

[297]

Insurances of certain risks not invalid.

275. An insurance effected against the happening, without the owner's actual fault or privity, of all or any of the events in respect of which the liability of owners is limited under this Part shall not be invalid by reason of the nature of the risk.

[298]

Proof of passengers on board ship.

276. In any proceeding under this Part against the owner of a ship or share therein with respect to loss of life, the passenger lists under Part IV shall be received as evidence that the person upon whose death proceedings are taken under this Part was a passenger on board the ship at the time of death.

[299]

277.—(1) The persons whose liability in connection with a ship is excluded or limited by this Part shall include any charterer and any person interested in or in possession of the ship, and in particular any manager or operator of the ship.

Extension to other persons of provisions relating to shipowners.

(2) In relation to a claim arising from the act or omission of any person in his capacity as master or member of the crew or (otherwise than in that capacity) in the course of his employment as an employee of the owners or of any such person as is mentioned in subsection (1) —

- (a) the persons whose liability is excluded or limited as aforesaid shall also include the master, member of the crew or employee, and, in a case where the master or member of the crew is the employee of a person whose liability would not be excluded or limited apart from this paragraph, the person whose employee he is; and
- (b) the liability of the master, member of the crew or employee himself shall be excluded or limited as aforesaid notwithstanding his actual fault or privity in that capacity, except in the cases mentioned in section 271 (b). [300]

278.—(1) This Part shall apply to any structure, whether completed or in course of completion, launched or intended for use in navigation as a ship or part of a ship and “ship” when used in this Part shall be construed accordingly.

Unregistered ships and ships in course of completion or construction.

(2) This Part shall apply to any British ship notwithstanding that it has not yet been registered.

(3) The tonnage of any ship or structure to which this Part applies by virtue of this section shall, for the purposes of this Part, be ascertained as provided by section 272 (2). [301]

279.—(1) Where a ship or other property is arrested in connection with a claim which appears to the court to be founded on a liability to which a limit is set by section 272, or security is given to prevent or obtain release from such arrest, the court may and in the circumstances mentioned in subsection (3) shall order the release of the ship, property or security, if the conditions specified in subsection (2) are satisfied; but where the release is ordered the person on

Release of ship.

whose application it is ordered shall be deemed to have submitted to the jurisdiction of the court to adjudicate on the claim.

(2) The conditions referred to in subsection (1) are —

- (a) that security which in the opinion of the court is satisfactory (referred to in this section as guarantee) has previously been given, whether in Singapore or elsewhere, in respect of the said liability or any other liability incurred on the same occasion and the court is satisfied that, if the claim is established, the amount for which the guarantee was given or such part thereof as corresponds to the claim will be actually available to the claimant; and
- (b) that either the guarantee is for an amount not less than the limit set by section 272 or further security is given which, together with the guarantee, is for an amount not less than that limit.

(3) The circumstances referred to in subsection (1) are that the guarantee was given in a port which in relation to the claim, is the relevant port (or, as the case may be, a relevant port) and that that port is in a Convention country.

(4) For the purposes of this section —

- (a) a guarantee given by the giving of security in more than one country shall be deemed to have been given in the country in which security was last given;
- (b) any question whether the amount of any security is (either by itself or together with any other amount) not less than any limit set by section 272, shall be decided as at the time at which the security is given;
- (c) where part only of the amount for which a guarantee was given will be available to a claimant that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in subsection (1).

(5) In this section —

“Convention” means the International Convention relating to the Limitation of the Liability of Owners of Seagoing Ships signed in Brussels on 10th October 1957;

“Convention country” means any country in respect of which the Convention is in force (including any country to which the Convention extends by virtue of Article 14 thereof);

“relevant port” —

(a) in relation to any claim, means the port where the event giving rise to the claim occurred or, if that event did not occur in a port, the first port of call after the event occurred; and

(b) in relation to a claim for loss of life or personal injury or for damage to cargo, includes the port of disembarkation or discharge.

(6) If the Minister by order declares that any country specified in the order is a Convention country within the meaning of this section, the order shall, while in force, be conclusive evidence that the country is a Convention country. [302

280.—(1) No judgment or decree for a claim founded on a liability to which a limit is set by section 272 shall be enforced, except so far as it is for costs, if security for an amount not less than the limit has been given, whether in Singapore or elsewhere, in respect of the liability or any other liability incurred on the same occasion and the court is of opinion that the security is satisfactory and is satisfied that the amount for which it was given or such part thereof as corresponds to the claim will be actually available to the person in whose favour the judgment or decree was given or made.

Restriction on enforcement after giving security.

(2) For the purposes of this section —

(a) any question whether the amount of any security is not less than any limit set by section 272 shall be decided as at the time when the security is given;

(b) where part only of the amount for which security has been given will be available to the person in

whose favour the judgment or decree was given or made that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in subsection (1). [303]

PART IX

WRECK AND SALVAGE

Vessels in distress

Interpretation.

281. In this Part, unless there is something repugnant in the subject or context —

“receiver” means a receiver of wreck;

“salvage” includes all expenses properly incurred by the salvor in the performance of salvage services;

“wreck” includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water. [304]

Receiver of wrecks.
11/73.

282. The Authority shall have the general supervision throughout Singapore over all matters relating to wrecks and may, by notification in the *Gazette*, appoint any person to be the receiver of wreck in any district and to perform the duties of receiver under this Part. [305]

Duty of receiver where vessel in distress.
11/73.

283.—(1) Where any vessel is wrecked, stranded or in distress at any place on or near the coasts of Singapore or any tidal water within the limits of Singapore, the receiver of wreck for the district in which that place is situate shall, upon being made acquainted with the circumstances, forthwith proceed there, and upon his arrival shall take the command of all persons present and shall assign such duties and give such directions to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel (referred to in this Part as shipwrecked persons) and of the cargo and apparel of the vessel.

Penalty.

(2) Any person who wilfully disobeys the directions of the receiver shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$500, but the receiver shall not interfere between the master and the crew of the vessel in reference to the management thereof unless he is requested to do so by the master. [306]

284.—(1) The receiver may, with a view to such preservation as aforesaid of shipwrecked persons or of the vessel, cargo or apparel —

Powers of receiver in case of vessels in distress.

- (a) require such persons as he thinks necessary to assist him;
- (b) require the master or other person having the charge of any vessel near at hand to give such aid with his men or vessel as is in his power;
- (c) demand the use of any wagon, cart, horses or bullocks that may be near at hand.

(2) Any person who refuses without reasonable cause to comply with any such requisition or demand shall be guilty of an offence and shall be liable on conviction for each refusal to a fine not exceeding \$1,000. [307]

Penalty.

285.—(1) Whenever a vessel is wrecked, stranded or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the vessel, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the vessel, unless there is some public road equally convenient, pass and repass, either with or without carriages or horses, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also on the like condition, deposit on those lands any cargo or other article recovered from the vessel.

Power to pass over adjoining lands.

(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section shall be a charge on the vessel, cargo or articles, in respect of or by which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined and shall, in default of payment, be recoverable in the same manner as the amount of salvage is under this Part determined or recoverable.

(3) Any owner or occupier of any land who —

Penalty.

- (a) impedes or hinders any person in the exercise of the rights given by this section by locking his gates, or refusing upon request to open the same, or otherwise;
- (b) impedes or hinders the deposit of any cargo or other articles recovered from the vessel as aforesaid on the land; or

(c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until it can be removed to a safe place of public deposit, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000. [308

Power of receiver to suppress plunder and disorder by force.

286.—(1) Whenever a vessel is wrecked, stranded or in distress as aforesaid, and any person plunders, creates disorder or obstructs the preservation of the vessel or of the shipwrecked persons or of the cargo or apparel of the vessel, the receiver may cause that person to be apprehended.

(2) The receiver may use force for the suppression of any such plundering, disorder or obstruction, and may command all persons to assist him in so using force.

(3) If any person is killed, maimed or hurt, by reason of his resisting the receiver or any person acting under the orders of the receiver in the execution of the duties by this Part committed to the receiver, neither the receiver nor the person acting under his orders shall be liable to any punishment or to pay any damages by reason of the person being so killed, maimed or hurt. [309

Exercise of powers of receiver in his absence.

287.—(1) Where a receiver is not present, the following officers or persons in succession, each in the absence of the other, in the order in which they are named, namely, superintendent or assistant superintendent of police, Magistrate, Justice of the Peace, or commissioned officer on full pay in the Singapore Armed Forces, may do anything by this Part authorised to be done by the receiver.

(2) An officer acting under this section for a receiver shall, with respect to any goods or articles belonging to a vessel the delivery of which to the receiver is required by this Act, be considered as the agent of the receiver, and shall place the same in the custody of the receiver, but he shall not be entitled to any fees payable to receivers or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled. [310

Examination in respect of ships in distress. 11/73.

288.—(1) Where any ship is or has been in distress on the coasts of Singapore, a receiver of wreck, or in his absence a Magistrate or a Justice of the Peace, shall as soon as conveniently may be examine on oath any person belonging

to the ship, or any other person who is able to give any account thereof or of the cargo or stores thereof, as to the following matters:

- (a) the name and description of the ship;
- (b) the name of the master and of the owners;
- (c) the names of the owners of the cargo;
- (d) the ports from and to which the ship was bound;
- (e) the occasion of the distress of the ship;
- (f) the services rendered; and
- (g) such other matters or circumstances relating to the ship or to the cargo on board the ship as the person holding the examination thinks necessary.

(2) The person holding the examination shall take the same down in writing, and shall send one copy thereof to the Authority, and another to the office of the Port Master, where it shall be placed in some conspicuous situation for the inspection of persons desirous of examining the same. 11/73.

(3) The person holding the examination shall for the purposes thereof have all the powers of an inspector under this Act. [311

Dealing with wreck

289.—(1) Where any person finds or takes possession of any wreck within the limits of Singapore or of any wreck found or taken possession of outside the limits of Singapore and brought within the limits of Singapore, he shall — Rules to be observed by persons finding wreck.

- (a) if he is the owner thereof, give notice to the receiver of the district stating that he has found or taken possession of the wreck, and describing the marks by which the wreck may be recognised;
- (b) if he is not the owner thereof, as soon as possible deliver the wreck to the receiver for the district.

(2) Any person who fails, without reasonable cause, to comply with this section shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000, and shall in addition, if he is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed, or if it is unclaimed Penalty.

to the person entitled to the wreck, double the value thereof, to be recovered in the same way as a fine of a like amount under this Act. [312]

Penalty for taking wreck at time of casualty.

290.—(1) Where a vessel is wrecked, stranded or in distress at any place on or near the coasts of Singapore, or any tidal water within the limits of Singapore, any cargo or other articles belonging to or separated from the vessel which are washed on shore or otherwise lost or taken from the vessel shall be delivered to the receiver.

(2) Any person, whether the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or any person authorised by him to demand the same, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000.

(3) The receiver or any person authorised as aforesaid may take any such cargo or article by force from the person so refusing to deliver the same. [313]

Notice of wreck to be given by receiver. 11/73.

291. Where a receiver takes possession of any wreck, he shall within 48 hours cause to be posted at the office of the Port Master, and, if he thinks it desirable, he shall send to the secretary of Lloyd's in London, a description thereof and of any marks by which it is distinguished. [314]

Claims of owners to wreck.

292.—(1) The owner of any wreck in the possession of the receiver, upon establishing his claim to the wreck to the satisfaction of the receiver within one month from the time at which the wreck came into the possession of the receiver, shall, upon paying the salvage fees and expenses due, be entitled to have the wreck or the proceeds thereof delivered up to him.

(2) Where any articles belonging to or forming part of a foreign ship which has been wrecked on or near the coasts of Singapore, or belonging to and forming part of the cargo, are found on or near those coasts or are brought into any port in Singapore, the consular officer of the country to which the ship or, in the case of cargo, to which the owners of the cargo may have belonged shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles. [315]

293.—(1) A receiver may at any time sell any wreck in his custody, if in his opinion —

- (a) it is under the value of \$1,000;
- (b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept; or
- (c) it is not of sufficient value to pay for warehousing.

(2) The proceeds of the sale shall, after defraying the expenses thereof, be held by the receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold. [316]

Immediate sale of wreck by receiver in certain cases. 11/73.

Unclaimed wreck

294. The Government is entitled to all unclaimed wreck found in any part of Singapore except in places where the Government has granted to any person the right to that wreck. [316A]

Right of Government to unclaimed wreck. 11/73.

295.—(1) Where no owner establishes a claim to any wreck found in Singapore or to any wreck found or taken possession of outside Singapore and brought within Singapore and in the possession of a receiver within one month after it came into his possession, the receiver shall sell the wreck, and shall pay the proceeds of the sale into the Consolidated Fund, after deducting therefrom the expenses of the sale and any other expenses incurred by him and his fees and paying thereout to the salvors such amount of salvage as the President in each case or by any general rule determines.

Unclaimed wreck.

(2) Nothing herein shall alter the application of any droits of admiralty or droits of the Government. [317]

296. Upon delivery of the wreck or payment of the proceeds of sale of the wreck by a receiver, in pursuance of this Part, the receiver shall be discharged from all liability in respect thereof, but the delivery thereof shall not prejudice or affect any question which is raised by third parties concerning the right or title to the wreck. [318]

Delivery of unclaimed wreck by receiver not to prejudice title.

Removal of wreck

297.—(1) Where any vessel is sunk, stranded or abandoned within the territorial waters of Singapore but outside the limits of any port in such a manner as, in the

Removal of wreck by receiver. 11/73.

opinion of the receiver, to be or to be likely to become an obstruction or danger to navigation, that receiver may —

- (a) take possession of, and raise, remove or destroy the whole or any part of the vessel;
- (b) light or buoy any such vessel or part until the raising, removal or destruction thereof; and
- (c) sell, in such manner as he thinks fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him in relation thereto under this section, and the receiver shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto.

(2) A sale shall not, except in the case of property which is of a perishable nature, or which would deteriorate in value by delay, be made under this section until at least 7 clear days' notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the receiver has control.

11/73.

(3) At any time before any property is sold under this section, the owner thereof shall be entitled to have the property delivered to him on payment to the receiver of the fair market value thereof, to be ascertained by agreement between the receiver and the owner, or failing agreement, by some person to be named for the purpose by the Authority.

(4) The sum paid to the receiver as the value of any property under this provision shall, for the purposes of this section, be deemed to be the proceeds of sale of that property. [319

Powers of removal extend to tackle, cargo, etc.

298. The provisions of this Part relating to removal of wrecks shall apply to every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel in the same manner as if it were included in the term "vessel", and for the purposes of these provisions any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund. [320

Offences in respect of wreck

299. Any person who takes into any foreign port any vessel, stranded, derelict or otherwise in distress found on or near the coasts of Singapore, or any tidal water within the limits of Singapore, or any part of the cargo or apparel thereof or anything belonging thereto, or any wreck found within those limits, and there sells the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding 5 years. Taking wreck to foreign port. [321]

300.—(1) No person shall, without the leave of the master, board or endeavour to board any vessel which is wrecked, stranded or in distress, unless that person is, or acts by command of, the receiver or a person lawfully acting as such. Interfering with wrecked vessel or wreck.

(2) Any person who acts in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$1,000 and the master of the vessel may repel him by force. Penalty.

(3) No person shall —

- (a) impede or hinder, or endeavour in any way to impede or hinder, the saving of any vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof or of any wreck;
- (b) secrete any wreck, or deface or obliterate any marks thereon; or
- (c) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or any part of the cargo or apparel thereof or any wreck.

(4) Any person who acts in contravention of subsection (3) shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$1,000, and such fine may be inflicted in addition to any punishment to which he may be liable by law under this Act or otherwise. Penalty. [322]

Summary
procedure for
concealment
of wreck.

301.—(1) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to any Magistrate's Court for a search warrant.

(2) Such Court may grant such a warrant, and the receiver, by virtue thereof, may enter any house or other place wherever situate and also any vessel and search for, seize and detain any such wreck there found.

(3) If any such seizure of wreck is made in consequence of information given by any person to the receiver, the informer shall be entitled, by way of salvage, to such sum not exceeding in any case \$50 as the receiver allows. [323

Salvage

Salvage
payable for
saving life.
11/73.

302.—(1) Where the services are rendered wholly or in part within Singapore in saving life from any vessel, or elsewhere in saving life from any Singapore vessel, there shall be payable to the salvor by the owner of the vessel, cargo or apparel saved, a reasonable amount of salvage to be determined in case of dispute in the manner hereinafter mentioned.

(2) Salvage in respect of the preservation of life when payable by the owners of the vessel shall be payable in priority to all other claims for salvage.

(3) Where the vessel, cargo and apparel are destroyed, or the value thereof is insufficient, after payment of the actual expenses incurred, to pay the amount of salvage payable in respect of the preservation of life, the Minister may, in his discretion, award to the salvor out of the Consolidated Fund such sum as he thinks fit in whole or part satisfaction of any amount of salvage so left unpaid. [324

Salvage of
cargo or
wreck.

303. Where any vessel is wrecked, stranded, or in distress at any place on or near the coasts of Singapore, or in any tidal water within the limits of Singapore, and services are rendered by any person in assisting that vessel or saving the cargo or apparel of that vessel or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, apparel or wreck, a

reasonable amount of salvage to be determined in case of dispute in the manner hereinafter mentioned. [325]

Procedure in salvage

304.—(1) Disputes as to the amount of salvage, whether of life or property and whether rendered within or without Singapore, arising between the salvor and the owners of any vessel, cargo, apparel or wreck shall, if not settled by agreement, arbitration or otherwise, be determined summarily by a District Court in any case where —

Determina-
tion of
salvage
disputes.

- (a) the parties to the dispute consent;
- (b) the value of the property saved does not exceed \$5,000; or
- (c) the amount claimed does not exceed \$1,000.

(2) Subject as aforesaid, disputes as to salvage shall be determined by the High Court, but if the claimant does not recover in the High Court more than \$1,000, he shall not be entitled to recover any costs, charges or expenses incurred by him in the prosecution of his claim unless such Court certifies that the case is a fit one to be tried by the High Court.

(3) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved or of their respective agents. [326]

305. A District Court may, for the purpose of determining a dispute as to salvage, call in to its assistance any person conversant with maritime affairs as assessor, and there shall be paid as part of the costs of the proceedings to every such assessor in respect of his services such sum as the Authority directs. [327]

Determina-
tion of
disputes as to
salvage
summarily.
11/73.

306. Where a dispute relating to salvage has been determined by a District Court, any party aggrieved by the decision may appeal therefrom in accordance with the Rules of the Supreme Court to the Court of Appeal, but no such appeal shall be allowed unless the sum in dispute exceeds \$500. [328]

Appeal in
case of
salvage
disputes.

307.—(1) Where any dispute as to salvage arises, the receiver of the district where the property is in respect of which the salvage claim is made may, on the application of

Valuation of
property by
receiver.

either party, appoint a valuer to value that property, and shall give copies of the valuation to both parties.

(2) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, shall be admissible as evidence in any subsequent proceeding.

11/73.

(3) Such fee as the Authority directs shall be paid in respect of the valuation by the person applying for the valuation. [329]

Detention of property liable to salvage by a receiver.

308.—(1) Where salvage is due to any person under this Act, the receiver shall —

(a) if the salvage is due in respect of services rendered in assisting any vessel, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the vessel and cargo or apparel; and

(b) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under this Act, detain the wreck.

(2) Subject as hereinafter mentioned, the receiver shall detain the vessel and the cargo and apparel, or the wreck (referred to in this Act as detained property), until payment is made for salvage or process is issued for the arrest or detention thereof by the High Court.

(3) A receiver may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds \$1,000 and any question is raised as to the sufficiency of the security, to the satisfaction of a Judge of the Supreme Court.

(4) Any security given for salvage in pursuance of this section to an amount exceeding \$1,000 may be enforced by the High Court in the same manner as if bail had been given in that Court. [330]

Sale of detained property.

309.—(1) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention in the following cases:

(a) where the amount is not disputed and payment of the amount due is not made within 20 days after the amount is due;

- (b) where the amount is disputed but no appeal lies, and payment is not made within 20 days after the decision of the court; or
- (c) where the amount is disputed and an appeal lies from the decision of the court to the Court of Appeal, and within 20 days of the decision neither payment of the sum due is made nor have any proceedings been taken for the purpose of appeal.

(2) The proceeds of sale of detained property shall, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees and salvage, and, so far as not required for that purpose, shall be paid to the owners of the property or any other persons entitled to receive the proceeds. [331]

310.—(1) Where the aggregate amount of salvage payable in respect of salvage services rendered in Singapore has been finally determined, either summarily in the manner provided by this Act or by agreement, and does not exceed \$1,000, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the amount to him.

Apportionment of salvage by receiver.

(2) The receiver shall, if he thinks fit, receive the amount accordingly, and shall grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate shall be a full discharge and indemnity to the person by whom the money is paid and to his vessel, cargo, apparel and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(3) The receiver shall with all convenient speed distribute any amount received by him under this section among the persons entitled to the money on such evidence and in such shares and proportions as he thinks fit, and may retain any money which appears to him to be payable to any person who is absent.

(4) A distribution made by the receiver in pursuance of this section shall be final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed. [332]

Apportionment of salvage by High Court.

311. Whenever the aggregate amount of salvage payable in respect of salvage service rendered in Singapore has been finally ascertained and exceeds \$1,000, and whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, the High Court —

- (a) may cause the amount to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry that apportionment into effect;
- (b) may compel any person in whose hands or under whose control the amount may be to distribute the amount or to bring the amount into Court to be there dealt with as the Court directs; and
- (c) may for the purposes aforesaid issue such processes as it thinks fit. [333]

Jurisdiction of High Court in salvage

Jurisdiction of High Court in salvage.

312. Subject to this Act and any Imperial Act in force in Singapore, the High Court shall have jurisdiction to decide upon all claims whatsoever relating to salvage, whether the services in respect of which salvage is claimed were performed on the high seas or within Singapore, or partly on the high seas and partly within Singapore, and whether the wreck in respect of which salvage is claimed is found on the sea or on the land or partly on the sea and partly on the land. [334]

Fees of receivers of wreck

Receiver's fees. 11/73.

313.—(1) There shall be paid to every receiver the expenses properly incurred by him in the performance of his duties, and also, in respect of the several matters specified in the Schedule, such fees, not exceeding the amounts therein mentioned, as are directed by the Authority, but a receiver shall not be entitled to any remuneration other than those payments.

(2) The receiver shall, in addition to all other rights and remedies for the recovery of those expenses or fees, have the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him.

(3) Whenever any dispute arises as to the amount payable to any receiver in respect of expenses or fees, that dispute shall be determined by the Authority, whose decision shall be final.

(4) All fees received by a receiver in respect of services performed by him as receiver shall be accounted for to the Authority and shall form part of the funds of the Authority. [335] 11/73.

PART X

CONTROL OF SHIPPING

314. This Part shall apply to all vessels which are within the territorial waters of Singapore. [336*] Application of Part X. 11/73.

315. (Repealed by Act 25/86).

316. (Repealed by Act 25/86).

317.—(1) Any person who, without lawful excuse, refuses or neglects to obey any direction of the Director or the Port Master given under this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and to a further fine not exceeding \$500 for every day during which the offence continues after conviction. Penalty for disobedience of directions of Director. 11/73.

(2) In case of such refusal or neglect the Director or the Port Master, as the case may be, may do or cause to be done all such acts as are reasonable or necessary for the purpose of carrying such direction into execution, and may hire and employ proper persons for that purpose. 11/73.

(3) All reasonable expenses which are incurred in doing such acts shall be paid and borne by the person or persons so offending. [338†]

Arrival and departure of vessels

318. (Repealed by Act 25/86).

*Sections 337 and 337A in the 1970 Edition were repealed by Act 25/86.

†Sections 339 to 343 in the 1970 Edition were repealed by Act 25/86.

Unauthorised
presence on
board ship.
38/84.

319. Where a ship registered in Singapore or elsewhere is in Singapore and a person who is not authorised by law to do so —

- (a) goes on board the ship without the consent of the master or of any other person authorised to give it; or
- (b) remains on board the ship after being requested to leave by the Director, the Port Master, master or a police officer,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. [339A

320. (Repealed by Act 25/86).

321. (Repealed by Act 25/86).

322. (Repealed by Act 25/86).

323. (Repealed by Act 25/86).

Marking of ship

Marking of
ship.
U.K. 1894
c. 60.
11/73.
S 243/80.

324.—(1) Every British ship, unless exempted from the operation of section 7 of the Merchant Shipping Act 1894 or unless otherwise marked under this Part, shall, while within any port in Singapore, be marked permanently and conspicuously to the satisfaction of the Port Master as follows:

- (a) her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters or on a light ground in black letters, such letters to be of a length not less than one decimetre and of proportionate breadth;
- (b) her official number and the number denoting her registered tonnage shall be cut in on her main beam;
- (c) in the case of every such ship registered before 1st September 1980, a scale denoting her draught of water shall be marked on each side of her stem and of her stern post in roman capital letters or in figures, not less than 15 centimetres in length the lower line of such letters or figures to

coincide with the draught line denoted thereby, and those letters or figures shall be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Director approves; and

(d) in the case of every such ship registered on or after that date, a scale of decimetres, or of metres and decimetres, denoting her draught of water shall be marked on each side of her stem and of her stern post —

- (i) in figures at two-decimetre intervals, if the scale is in decimetres;
- (ii) in figures at each metre interval and at intervening two-decimetre intervals, if the scale is in metres and decimetres; and
- (iii) the capital letter 'M' being placed after each metre figure; the top figure of the scale showing both the metre and (except where it marks a full metre interval) the decimetre figure; the lower line of figures, or figures and letters (as the case may be), coinciding with the draught line denoted thereby; the figures and letters being not less than one decimetre in length and being marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Director approves.

(2) If the scale showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000. Penalty.
S 243/80.

(3) In every case where subsection (1) (c) applies, the draught markings shall be altered to comply with subsection (1) (d) before 1st January 1986. S 243/80.

(4) The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Act 1894.

Penalty.

(5) Any owner or master of a British ship who neglects to cause his ship to be marked as required by this section or to keep her so marked, and any person who conceals, removes, alters, defaces or obliterates, or suffers any person under his control to conceal, remove, alter, deface or obliterate any of those marks, except in the event aforesaid or except for the purpose of escaping capture by an enemy, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000, and on a certificate from a surveyor of ships that a ship is insufficiently or inaccurately marked the ship may be detained until the insufficiency or inaccuracy has been remedied. [345*

Licensing of native sailing ships

When native sailing ships to be licensed.

325.—(1) Except as hereinafter provided no native sailing ship shall ply at any port or place in Singapore without a licence issued by the Director unless such ship is duly registered or licensed as described in subsection (4) (b).

Term and conditions of licence.

(2) Every such licence shall be valid for the period of one year from the date thereof and shall be subject to such conditions, to be endorsed thereon, as the Director shall determine.

Markings.

(3) On a licence being so granted for any native sailing ship the master thereof shall cause the number of such licence to be painted on each bow, the name of the ship to be painted on the stern and the permanent number assigned by the Director to such ship to be carved or branded on the main beam or other conspicuous part of the ship. All the requirements of this subsection shall be carried out to the satisfaction of the Director.

Provisos.

(4) No licence shall be granted under this section —

- (a) unless the intended licensee enters into a bond, together with one or more sureties resident in Singapore and to be approved of by the Director, conditioned in any sum not exceeding \$1,000 for the observance of the conditions of such licence; or

(b) if the ship is duly registered or licensed in accordance with the laws for the time being of the Republic of Indonesia or of Malaysia relating to the registration or licensing of ships and such registration or licence is still in force.

(5) Any owner or master of a native sailing ship to which subsection (4) (b) applies, who obtains or attempts to obtain or causes to be obtained a licence under this section, or who knowingly fails to report to the Director that a licence has been obtained in contravention of this section, 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. Offences.

(6) A register of all licences granted under this section shall be kept by the Director and shall contain the following particulars: Register of licences to be kept.

- (a) the name of the licensee;
- (b) the name, rig, dimensions and tonnage of the native sailing ship;
- (c) the names of the sureties of the licensee;
- (d) the date of the licence,

or such other particulars as are directed by the Minister.

(7) The name of any native sailing ship in respect of which a licence has been granted under this section shall not be changed, nor any painting, carving or branding required by subsection (3) removed, altered or defaced, except with the approval in writing of the Director. Change of name and alteration of markings to be approved by Director.

(8) Every change of name, and every transfer, transmission, licensing anew, mortgage, and transfer of mortgage of, and every bill of sale over, any such native sailing ship shall be endorsed on or contained in such licence, and shall be entered in the register kept under this section. Change of name, transfer, etc.

(9) The Director may, with the sanction of the Minister, cancel any licence granted under this section. Cancellation of licence.

(10) The owner of every licensed or registered native sailing ship shall cause such licence or certificate of registry to be kept at all times on board his ship in the custody of the person in charge of the ship and such last-mentioned person shall exhibit the same to the Director or any police officer who demands to see the same. Licence and certificate to be kept on ship.

Penalty. (11) Failure to carry out the provisions of subsection (10) shall render any person or persons on board the ship liable to a fine not exceeding \$50 and the ship may be detained. [348*

Procedure

Power of Director and police officer to board vessels. 11/73.

326.—(1) The Director, the Port Master or any police officer may go either alone or with any other person on board any vessel within the waters of Singapore whenever he suspects that any offence under this Part has been or is about to be committed in any vessel, or whenever he considers it is necessary for him to do so in the discharge of any duty imposed upon him by this Part, or otherwise by law.

Penalty.

(2) Any master of such vessel who without lawful excuse refuses to allow any such officer to so enter the vessel shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$2,000. [361*

Penalty for obstructing persons in execution of duty.

327. Any person who wilfully obstructs or hinders any person in the execution of any duty imposed or power conferred by this Part, or assaults or ill-treats him in the discharge of such duty, or in the exercise of such power, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200. [362

Execution of orders of Director.

328.—(1) All acts, orders or directions by this Part authorised to be done or given by the Director may be done or given by any person in the service of the Government subject to his control and duly authorised by him.

11/73.

(2) All acts, orders or directions by this Part authorised to be done or given by the Port Master may be done or given by any person in the employ of the Authority subject to his control and duly authorised by him.

(3) Any person authorised to do any such act may call to his aid such assistance as is necessary. [363

*Sections 349 to 360 in the 1970 Edition were repealed by Act 11/73.

329. In every case in which any person is liable under this Part to pay any sum of money, damages or expenses, the same may be recovered and levied in the same manner as a fine under this Act, and, if necessary, the amount thereof may be fixed and assessed by the court before which the case is tried. [364]

Damages and expenses to be recovered as fines.

330.—(1) The Minister may declare that any of the provisions of this Part shall not be in force in any port or in any part of Singapore specified in the declaration. [365]

Power to exempt from provisions of this Part.

(2) The Minister may exempt any vessel or any class or description of vessel from any of the provisions of this Part. [365]

PART XI

LEGAL PROCEEDINGS

General provisions

331. Unless the context otherwise requires, any offence under this Act or the Merchant Shipping Acts may be tried by a District Court or a Magistrate's Court and such Court shall, notwithstanding the provisions of the Criminal Procedure Code and any other written law, have jurisdiction to impose the maximum penalty provided for by this Act and the Merchant Shipping Acts. [366]

Court for trial of offences. 11/73. Cap. 68.

332. No person shall be charged with any offence under this Act, other than an offence relating to discipline or order on board a ship, except on the complaint or with the sanction of the Director, the Port Master, a Port Health Officer, a surveyor of ships or a police officer. [367]

Sanction for prosecution of offences under this Act. 11/73.

333. Where any person is beneficially interested, otherwise than by way of mortgage, in any ship or share in a ship registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all pecuniary penalties imposed by this or any other Act or by the Merchant Shipping Acts on the owners of ships or shares therein, so nevertheless that proceedings may be taken for the enforcement of any such penalties against both or either of the aforesaid parties, with or without joining the other of them. [368]

Liability of shipowners.

Persons appointed or authorised under this Act to be deemed public servants. Cap. 224.

334. Every person appointed or authorised under this Act for any of the purposes of this Act, when acting in pursuance of any such purpose, shall be deemed to be a public servant within the meaning of the Penal Code. [370*

Jurisdiction

Provision as to jurisdiction in case of offences.

335. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the offence actually was committed or arose or in any place in which the offender or person complained against may be. [372†

Jurisdiction over ships lying off the coast. 2/86.

336. Where any district within which any court has jurisdiction either under this or any other Act or under any Imperial Act in force in Singapore or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river or other navigable water, every such court shall have jurisdiction over any vessel, being on, or lying or passing off, that coast or being in or near that bay, channel, lake, river or navigable water and over all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of the court. [373

Jurisdiction in case of offences on board ship. 2/86.

337.‡ Where any person, being a British subject, is charged with having committed any offence on board any British ship on the high seas or in any foreign port or harbour or on board any foreign ship to which he does not belong, or, not being a British subject, is charged with having committed any offence on board any British ship on the high seas, and that person is found within the jurisdiction of any court in Singapore which would have had cognizance of the offence if it had been committed on board a British ship within the limits of its ordinary jurisdiction, that court shall have jurisdiction to try the offence as if it had been so committed. [374

*Section 369 in the 1970 Edition was repealed by Act 38/84.

†Section 371 in the 1970 Edition was repealed by Act 11/73.

‡Subsection (2) of this section was deleted by Act 2/86.

Inquiries into deaths

338.—(1) Where a case of death happens on board any foreign-going British ship, the crew of which is discharged at any port within Singapore, the Superintendent shall, on the arrival of the ship at that port, inquire into the cause of the death, and shall make in the official log-book an endorsement to the effect either that the statement of the cause of death in the log-book is in his opinion true, or the contrary, according to the result of the inquiry.

Inquiry into cause of death on board ship.

(2) If in the course of any such inquiry it appears to the Superintendent that any such death has been caused on board the ship by violence or other improper means, he shall either report the matter to the Minister, if such ship is registered in Singapore, or to the Board of Trade if such ship is not so registered, or if the emergency of the case so requires shall take immediate steps for bringing the offender or offenders to justice.

(3) The Superintendent shall for the purpose of an inquiry under this section have the powers of an inspector under this Act. [375

Depositions

339.—(1) Whenever in the course of any legal proceeding instituted before any court, or before any persons authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject-matter of that proceeding, then upon due proof that the witness cannot be found in Singapore, any deposition that the witness has previously made on oath in relation to the same subject-matter before any judge or magistrate in Her Majesty's dominions or in India, or any British consular officer elsewhere shall be admissible in evidence:

Depositions to be received in evidence when witness cannot be produced.

Provided that —

- (a) if the deposition was made in Singapore, it shall not be admissible in any proceeding instituted in Singapore; and
- (b) if the proceeding is criminal, it shall not be admissible unless it was made in the presence of the person accused.

(2) A deposition so made shall be authenticated by the signature of the judge, magistrate or consular officer before whom it is made; and the judge, magistrate or consular officer shall certify, if the fact is so, that the accused was present at the taking thereof.

(3) A deposition so made shall be deemed to be duly authenticated if it purports to be signed by the judge, magistrate or consular officer before whom it is made.

(4) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceeding a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in the manner thereby certified.

(5) Nothing herein shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Imperial Act or any Act in force in Singapore or interfere with the practice of any court in which depositions not authenticated as hereinbefore mentioned are admissible. [376

Detention of ship and distress on ship

Enforcing
detention of
ship.

340.—(1) Where under this Act or under the Merchant Shipping Acts a ship is to be or may be detained, any commissioned officer on full pay in the Singapore Armed Forces or the Director, or the Surveyor-General, may detain the ship.

Penalty.

(2) If the ship, after detention, or after service on the master of any notice of or order for detention, proceeds to sea before it is released by a competent authority, the master of the ship, and also the owner and any person who sends the ship to sea, if that owner or person is party or privy to the offence, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) Any person hereby authorised to detain a ship may, if he thinks it necessary to do so, place a police guard on board.

(4) Where a ship proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any police guard or any surveyor of ships under this Act, the owner and the master

of the ship shall each be liable to pay all expenses of and incidental to the officer, police guard or surveyor being so taken to sea, and also to a fine not exceeding \$2,000, or, if the offence is not prosecuted in a summary manner, not exceeding \$200 for every day until the officer, police guard or surveyor returns or until such time as would enable him after leaving the ship to return to the port from which he is taken, and the expenses ordered to be paid may be recovered in the like manner as the fine. Penalty.

(5) Any police guard so placed on board a ship is hereby authorised to take such steps as are necessary to prevent the ship from leaving the port.

(6) Any person who opposes or in any way obstructs any officer authorised to detain the ship, police guard or surveyor shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. Penalty. [377]

341. Where any court has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in the manner prescribed in the order, the court which made the order may, in addition to any other powers which it has for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel. Sums ordered to be paid leviable by distress on ship. [378]

Evidence, service of documents and declarations

342. Where any document is required by this Act or by the Merchant Shipping Acts to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them. Proof of attestation not required. [379]

343.—(1) Where a document is by this Act or by the Merchant Shipping Acts declared to be admissible in evidence, such document shall on its production from the proper custody be admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just Admissibility of documents in evidence.

exceptions, shall be evidence of the matters stated therein in pursuance of this Act or of those Acts or by any officer in pursuance of his duties as such officer.

(2) A copy of any such document or extract therefrom shall also be so admissible in evidence, if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of such fee as the Minister may prescribe. [380

Service of documents.

344.—(1) Where for the purposes of this Act or of the Merchant Shipping Acts any document is to be served on any person, that document may be served —

- (a) in any case by delivering a copy thereof personally to the person to be served, or by leaving the copy at his last place of abode;
- (b) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the document for him on board that ship with the person being or appearing to be in command or charge of the ship; and
- (c) if the document is to be served on the master of a ship, where there is no master, and the ship is in Singapore, on the managing owner of the ship or, if there is no managing owner, on some agent of the owner residing in Singapore, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Penalties.

(2) Any person who obstructs the service on the master of a ship of any document under the provisions of this Act relating to the detention of ships as unseaworthy shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$200.

(3) Any owner or master of the ship who is party or privy to such obstruction shall be guilty of an offence and shall be liable on conviction for each offence to imprisonment for a term not exceeding 2 years. [381

345. Any declaration required by this Act or by the Merchant Shipping Acts to be taken before a Justice of the Peace or any particular officer may be taken before a commissioner for oaths. Declarations.
[382]

Application of penalties and costs of prosecutions

346.—(1) Where any court imposes a fine under this Act or under the Merchant Shipping Acts for which no specific application is provided, that court may, if it thinks fit, direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage which he has sustained by the act or default in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings. Application
of penalties.

(2) Subject to any directions under this section or to any specific application provided under this Act or under the Merchant Shipping Acts, all fines under this Act or under the Merchant Shipping Acts shall, notwithstanding anything in any other Act, be paid into the Consolidated Fund.

[383]

PART XII

SUPPLEMENTAL

Inspection

347. The master of any ship, and any other person having charge of any person or thing liable to inspection or examination under this Act, shall give to the officer entitled to inspect or examine every reasonable facility for the purpose of inspection or examination, and if he refuses or fails to do so, or if any person impedes or obstructs any inspection or examination under this Act, he shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400. Facilities for
inspection
and
examination.
[384] Penalty.

Documents and forms

348.—(1) Subject to any special provisions of this Act, the Minister may prescribe forms for any book, instrument or paper required under this Act. Power of
Minister to
prescribe
forms.
38/84.

(2)* Every such book, instrument or paper required under this Act shall be made in the form, if any, approved

*Subsection (3) of this section was repealed by Act 38/84.

by the Minister or as near thereto as circumstances permit. [385]

Powers for enforcing compliance with Act

Power of seeing that this Act is complied with.

349.—(1) Where any inspector under this Act or commissioned officer on full pay in the Singapore Armed Forces or the Director has reason to suspect that the provisions of this Act or of any law for the time being in force relating to merchant seamen or navigation are not complied with, that officer may —

- (a) require the owner, master or any of the crew of any British ship to produce any official log-books or other documents relating to the crew or any member thereof in their respective possession or control;
- (b) require any such master to produce a list of all persons on board his ship, and take copies of the official log-books or documents or of any part thereof;
- (c) muster the crew of any such ship; and
- (d) summon the master to appear and give any explanation concerning the ship or her crew or the official log-books or documents produced or required to be produced.

Penalty.

(2) Any person who, on being duly required by an officer authorised under this section, fails without reasonable cause to produce to that officer any such official log-book or document as he is required to produce under this section, or who refuses to allow the same to be inspected or copied, or impedes any muster of the crew required under this section, or refuses or neglects to give any explanation which he is required under this section to give, or knowingly misleads or deceives any officer authorised under this section to demand any such explanation, shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$400. [386]

Surveyors of ships

Power of surveyor for purpose of survey of ships.
2/86.

350.—(1) A surveyor of ships in the execution of his duties may go on board any steamship at all reasonable times, and inspect the steamship or any part thereof, or any of the machinery, boats, equipment or articles on board

thereof, or any certificate of any officer to which the provisions of this Act or any rules or regulations made thereunder apply, not unnecessarily detaining or delaying the ship from proceeding on any voyage.

(2) If in consequence of any accident to the ship or for any other reason he considers it necessary to do so, he may require the ship to be taken into dock for the purpose of surveying the hull thereof. [387

351.—(1) Surveyors of ships shall make such returns to the Minister as he requires with respect to the build, dimensions, draught, burden, rate of sailing, room for fuel and the nature and particulars of machinery and equipments of ships surveyed by them.

Returns by
surveyors.

(2) Every owner, master and engineer of any ship so surveyed shall, on demand, give to the surveyors all such information and assistance within their power as the surveyors require for the purpose of those returns.

(3) Any owner, master or engineer who, on being applied to for that purpose, fails without reasonable cause to give any such information or assistance shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$100. [388

Penalty.

Inspectors

352.—(1) The Minister may, as and when he thinks fit, appoint any person as an inspector to report to him —

Appointment
of inspector
to report on
accidents.

(a) upon the nature and causes of any accident or damage which any ship has sustained or caused or is alleged to have sustained or caused;

(b) whether the provisions of this or any other Act or of any Imperial Act in force in Singapore, or of any regulations made under or by virtue of this or any other Act, or under or by virtue of any Imperial Act as aforesaid, have been complied with; or

(c) whether the hull and machinery of any steamship are sufficient and in good condition.

(2) An inspector so appointed and any person having the powers of such an inspector —

Powers of
inspectors.
2/86.

(a) may go on board any ship and inspect the ship or any part thereof, or any of the machinery, boats,

equipment or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage;

- (b) may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;
- (c) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of his report, and may require answers or returns to any enquiries which he thinks fit to make;
- (d) may require and enforce the production of all books, papers or documents which he considers important for the purpose of his report;
- (e) may administer oaths or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(3) Every witness summoned under this section shall be allowed such expenses as would be allowed to a witness attending on subpoena to give evidence before the High Court.

(4) In case of any dispute as to the amount of those expenses, the dispute shall be referred to the Registrar of the Supreme Court, who shall, on request made to him for that purpose under the hand of the inspector or person having the powers of an inspector, ascertain and certify the proper amount of those expenses.

(5) Any person who refuses to attend as a witness before an inspector or before any person having the powers of an inspector, after having been required to do so in the manner provided by this section, and after having had a tender made to him of the expenses, if any, to which he is entitled under this section, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declaration which an inspector or person having the powers of an inspector is hereby empowered to require, shall be liable for each offence to a fine not exceeding \$200.

General

353.—(1) The Director, the Port Master and any Port Health Officer, surveyor of ships or police officer may arrest without warrant any person offending in his view against any of the provisions of this Act and take him before a Magistrate's Court or District Court, as the case may be, to be dealt with according to law.

Power of
arrest.
11/73.

(2) Any article concerning, by or for which an offence has been committed may be seized and taken to a police station, unless given up sooner by order of a Magistrate's Court or District Court, until the charge is decided in due course of law.

[390

354. The Government shall not be responsible for any act or default of any person acting as the Director or a Port Health Officer or surveyor of ships or the deputy of any of them.

Indemnity to
Government.

[391

355. The Authority and every officer of the Authority shall not be liable for any suit, claim or demand by reason of anything in good faith done or refused pursuant to this Act.

Protection to
Authority.
11/73.

[391A

356. The Minister may prescribe the fees to be paid in respect of the issue or recording of any certificate, licence or other instrument or the doing of any other thing in pursuance of this Act.

Fees.
38/84.

[392

357. Without prejudice to any other powers conferred by this Act, the Minister may, if he thinks fit and upon such conditions (if any) as he thinks fit to impose, exempt any ship from any specified requirement contained in, or prescribed under, this Act, or dispense with the observance of any such requirement in the case of any ship, if he is satisfied that that requirement has been substantially complied with in the case of that ship, or that compliance with the requirement is unnecessary in the circumstances of the case and that the action taken or provision made as respects the subject-matter of the requirement in the case of the ship is as effective as, or more effective than, actual compliance with the requirement.

Dispensing
powers of
Minister.

[394

PART XIII

SINGAPORE REGISTRY

Ships which
may be
registered.
6/81.

358.—(1) Subject to the provisions of any regulations made under this Part, any ship wherever built may be registered as a Singapore ship under this Part.

(2) The Minister may make regulations —

- (a) to prescribe different classes of Singapore ships;
- (b) to prescribe the conditions for the registration of a ship as a Singapore ship; and
- (c) to require Singapore ships to comply with such conditions as the Minister may prescribe from time to time for ships to continue to be registered as Singapore ships under this Part. [396*

Exemption
from registry.
38/84.

359. The following ships shall not be required to be registered:

- (a) any ship not exceeding 15 tons;
- (b) any native sailing ship; and

Cap. 111.

- (c) any fishing vessel licensed under the Fisheries Act. [397

Registrar of
Singapore
Ships.

360.—(1) The Director shall be the Registrar of Singapore Ships.

(2) The Registrar of Singapore Ships (referred to in this Part as the Registrar) shall not be liable to damages or otherwise for any loss accruing to any person by reason of any act done or default by him in his character as Registrar unless the same has happened through his neglect or wilful act. [398

Application
for registry.

361.—(1) An application for the registry of a ship shall be made in the case of individuals by the person applying to be registered as owner or by some one or more persons so applying if more than one, or by his or their agent, and in the case of corporations by their agent, and the authority of the agent shall be testified by writing, if appointed by individuals, under the hands of the appointers, and if

*Sections 393 and 395 in the 1970 Edition were repealed by Act 38/84.

appointed by a corporation under the common seal of that corporation.

(2) The application shall be made in the prescribed form and shall be supported by a statutory declaration containing the following particulars relating to the ship:

- (a) the name of the ship and its net tonnage;
- (b) a statement of the time when and the place where the ship was built or if the time and place of building are unknown a statement that the declarant does not know the time and place of her building;
- (c) a statement as to the owner of the ship and his citizenship and if the ship is owned by more than one person, the number of shares each of them is entitled to;
- (d) a statement of the name of the master and his citizenship; and
- (e) a statement that to the best of his knowledge and belief no other person other than those declared is entitled as owner to any legal or beneficial interest in the ship or any share thereof.

(3) The Registrar may refuse to register any ship as a Singapore ship under this Part without assigning any reason therefor. 6/81.
[399]

362.—(1) The certificate of registry shall be in such form as may be prescribed by the Minister. Certificate of registry.

(2) The certificate of registry shall state —

- (a) the name of the owner of the ship, his occupation and address, and if there are more owners than one, the proportions in which they are interested in the ship;
- (b) the name of the master;
- (c) the date and place where the ship was built; and
- (d) the details given in the certificate of measurement.

(3) The Minister may by regulations prescribe the form of endorsements that may be made on the certificate of registry from time to time to record changes in the particulars without the issue of a new certificate. [400]

Survey and
measurement
of ship.
38/84.

363.—(1) Every ship shall before registry be surveyed and measured by a surveyor of ships and her tonnage ascertained in accordance with the provisions of any regulations made under this Part.

(2) The surveyor shall grant a certificate of measurement specifying the ship's tonnage and build and such other particulars descriptive of the identity of the ship as may for the time being be required by the Registrar.

(3)* The certificate of measurement shall be delivered to the Registrar before registry. [401

Marking of
ship.
S 243/80.

364.—(1) (a) Every ship shall, before registry, be marked permanently and conspicuously as required by section 324 (1).

(b) For the purposes of this subsection, the reference to the Director in section 324 (1) (d) (iii) shall be construed as a reference to the Registrar.

(2) The Registrar may exempt any class of ships from all or any of the requirements of this section.

S 243/80.

(3) If the scale showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of the particulars thereby denoted being altered in the manner provided by this Part.

(5) If an owner or master of a Singapore ship neglects to cause his ship to be marked as required by this section, or to keep her so marked, or if any person conceals, removes, alters, defaces or obliterates or suffers any person under his control to conceal, remove, alter, deface or obliterate any of those marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, that owner, master or person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000, and on a certificate from a surveyor of ships that a ship is insufficiently or inaccurately marked the ship may be

*Subsection (4) of this section was repealed by Act 38/84.

detained until the insufficiency or inaccuracy has been remedied. [402]

365. Upon receipt of the application under section 361 and upon payment of the initial registration fee provided for in section 366, the Registrar may issue a permanent certificate of registry for the ship but before doing so he shall satisfy himself —

Permanent certificate of registry.

- (a) that any foreign certificate of registry or ship's document for the ship has been lawfully cancelled or has been surrendered with the consent of the government which issued it;
- (b) that the ship is in a seaworthy condition;
- (c) that a certificate of measurement for the ship has been issued under section 363; and
- (d) that the requirements of section 364 as to the marking of the ship have been complied with. [403]

366.—(1) An initial registration fee of \$2.50 per net ton and an annual tonnage tax of 20 cents per net ton shall be payable in respect of every Singapore ship. The fee and tax shall not be increased for a period of 20 years from the date of initial registration of the ship:

Initial registration fee and annual tonnage tax.

Provided that for any ship of less than 500 net tons the registration fee and the annual tonnage tax shall be equal to that required for a ship of 500 net tons.

(2) All unpaid fees and tonnage taxes due to the Registrar shall constitute a maritime lien on the ship, subject only to liens for wages and salaries. [404]

367.—(1) The Registrar may if so requested by the applicant and on payment of the prescribed fee issue a provisional certificate of registry where he is satisfied —

Provisional certificate of registration.

- (a) where the ship has a foreign certificate of registry — that such certificate has been cancelled or that the government which issued it has consented to its surrender and cancellation and the certificate has been surrendered for cancellation or that steps have been taken to cause it to be so surrendered;
- (b) that the ship is in a seaworthy condition; and

- (c) that the marking of the ship as required under section 364 has been done or that steps have been taken to cause it to be done as soon as the provisional certificate of registry is obtained.

(2) If the owner of the ship fails within a period of 30 days after the issue of the provisional certificate to furnish satisfactory proof to the Registrar that the foreign certificate of registry of the ship has been surrendered for cancellation and that section 364 has been complied with or if within such period it is established that the owner will not or will not be able to comply with such requirements, the Registrar may cancel the provisional certificate of registry.

(3) If the Registrar is satisfied after the issue of the provisional certificate of registry —

- (a) that the foreign registry of the ship has been cancelled;
- (b) that section 364 as to the marking of the ship has been complied with; and
- (c) that the ship has been measured and surveyed and a certificate of measurement issued,

he may, on the surrender of the provisional certificate, issue a permanent certificate of registry.

(4) The fees payable shall be adjusted in accordance with the tonnage established by the certificate of measurement.

[405

Form and duration of provisional certificate.

368.—(1) The provisional certificate shall be in such form as may be prescribed.

(2) Unless sooner surrendered or invalidated a provisional certificate shall have effect for a period of one year from the date of issue and shall entitle the ship to the privileges of a Singapore ship. [407*

Evidence on first registry.

369. On the registry of a ship which has not been previously registered under the laws of any country the person applying for the certificate of registry shall in addition to giving the particulars required under section 361 produce a certificate signed by the master of the ship and containing a true account of the proper denomination and of the tonnage of the ship as estimated by him and of the time

*Section 406 in the 1970 Edition was repealed by Act 38/84.

when and the place where the ship was built and such other circumstances as are usually descriptive of the identity of the ship. [408]

370. The certificate of registry shall be used only for the lawful navigation of the ship and shall not be subject to detention by reason of any title, lien, charge or interest whatsoever had or claimed by any owner, mortgagee or other person to, on or in the ship. [409]

Use of certificate.

371.—(1) The Minister may cancel a Singapore ship's certificate of registry or any other certificates held by the ship or impose such conditions as may be required on the grounds of failure to comply with any requirements contained in or made under this Act, or any regulations made thereunder, or on the ground of failure to comply with the requirements of any international convention applicable to Singapore. [409]

Cancellation of certificate.

(2) The Minister may cancel the certificate of registry of a Singapore ship if he is satisfied that it is not in the public interest for the ship to continue to be registered as a Singapore ship. [410]

6/81.

372.—(1) A Singapore ship or any share therein shall be transferred by a bill of sale. [410]

Transfer of ship.
38/84.

(2) The bill of sale shall be in the prescribed form and shall contain such description of the ship as is contained in the certificate of registry and shall be executed by the transferor in the presence of and be attested by a witness or witnesses.

(3) Where a Singapore ship or any share therein has been transferred without a change of flag that ship shall be registered anew and the Registrar shall proceed as in the case of first registry and on the delivery up to him of the existing certificate of registry and on the other requisites as to registry being duly complied with, shall make such registry anew and grant a new certificate of registry thereof. [411]

373.—(1) The owner of a Singapore ship who wishes to transfer the ship to a foreign registry may do so if there are no claims outstanding against the ship in Singapore and on surrender of the certificate of registry to the Registrar. [411]

Transfer of ship to another flag.
38/84.

(2) The owner shall submit to the Registrar a written application specifying the name of the ship, the reasons for the proposed transfer, the name and nationality of the proposed new owner and the name of the country to whose registry transfer is desired. [412]

Transmission of property in ship on bankruptcy, death, etc.

374.—(1) Where the property in a Singapore ship is transmitted to a person on the bankruptcy or death of any registered owner, or by any lawful means other than by a transfer under this Part —

- (a) that person shall authenticate the transmission by making and signing a declaration (referred to in this Part as a declaration of transmission) identifying the ship and containing the several statements hereinbefore required to be contained in a bill of sale, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted;
- (b) if the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in courts of justice as proof of the title of persons claiming under a bankruptcy; and
- (c) if the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation, or an official extract therefrom.

(2) The provisions of this Part relating to the transfer of Singapore ships shall apply mutatis mutandis to the transmission of Singapore ships and the declaration of transmission shall be deemed to have the same effect as a bill of sale. [413]

Transfer of ship or sale by order of court.

375. Where any court, whether under the preceding sections of this Act or otherwise, orders the sale of any ship or share therein, the order of the court shall contain a declaration vesting in some person named by the court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof; and the Registrar shall obey the

requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner. [414

376. The High Court may, if it thinks fit (without prejudice to the exercise of any other power of the Court), on the application of any interested person make an order prohibiting for a specified time any dealing with a ship or any share therein, and the Court may make the order on any terms or conditions it thinks just, or may refuse to make the order or may discharge the order when made, with or without costs, and generally may act in the case as the justice of the case requires; and the Registrar, without being made a party to the proceeding, shall on being served with the order or an official copy thereof obey the order. [415

Power of court to prohibit transfer.

377.*—(1) A Singapore ship or any share therein may be made a security for a loan or other valuable consideration, and the instrument creating the security (referred to in this Part as a mortgage) shall be in the prescribed form or as near thereto as circumstances permit, and on production of that instrument the Registrar shall record it in the register book.

Mortgage of ship or share. 56/70.

(2) Mortgages shall be recorded by the Registrar in the order in time in which they are produced to him for that purpose, and the Registrar shall endorse and sign a memorandum on each mortgage stating the date and time of that record. [416

378.—(1) Before executing any mortgage to be registered under this Act, the mortgagor shall disclose in writing to the mortgagee the existence of any maritime lien, prior mortgage, or other liability in respect of the ship to be mortgaged, which is known to the mortgagor.

Obligation of mortgagor before execution and registration of mortgage. 56/70.

(2) Where the mortgagor has failed to comply with this section the mortgage debt shall at the election of the mortgagee become immediately due and payable, notwithstanding anything to the contrary in the mortgage. [416A

*Subsection (3) of this section was repealed by Act 38/84.

Entry of
discharge of
mortgage.
56/70.

379. Where a registered mortgage is discharged, the Registrar shall, on production of the mortgage, with a receipt for the mortgage money endorsed thereon, duly signed and attested, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made the estate, if any, which passed to the mortgagee shall vest in the person in whom (having regard to any intervening acts and circumstances) it would have vested, if the mortgage had not been made. [416B

Priority of
mortgages.
56/70.

380. If there are more mortgages than one registered in respect of the same ship or share, the mortgagees shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other, according to the date and time of the record of each mortgage in the register book and not according to the date of each mortgage itself. [416C

Mortgagee
not deemed
to be
owner.
56/70.

381. Except as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not, by reason of the mortgage, be deemed to be the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be the owner thereof. [416D

Powers of
mortgagee.
56/70.

382.—(1) Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except under the order of the High Court, sell the ship or share without the concurrence of every prior mortgagee.

(2) Every registered mortgagee shall be entitled to enforce his mortgage by an action in rem in admiralty whenever any sum secured by the mortgage is unpaid when due or otherwise in accordance with the terms of any deed or instrument collateral to the mortgage. [416E

Mortgagee
not affected
by
bankruptcy.

383. A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession,

order or disposition, or was the reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf. [416F

384.—(1) A registered mortgage of a ship or share may be transferred to any person and the instrument effecting the transfer shall be in the prescribed form or as near thereto as circumstances permit, and on production of such instrument, the Registrar shall record the transfer by entering in the register book the name of the transferee as mortgagee of the ship or share and shall endorse and sign on the instrument of transfer a memorandum that the transfer has been recorded by him stating the date and time of that record.

Transfer of mortgages. 56/70.

(2) The person to whom any registered mortgage has been transferred shall enjoy the same right of preference as was enjoyed by the transferor. [416G

385.—(1) Where the interest of a mortgagee in a Singapore ship or any share therein is transmitted on the death or bankruptcy of the mortgagee, or by any lawful means other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted.

Transmission of interest in mortgage in certain circumstances. 56/70.

(2) A declaration made under this section shall contain a statement of the manner in which, and the person to whom, the property has been transmitted, and shall be accompanied by the like evidence as is by this Act required in the case of a corresponding transmission of the ownership of a Singapore ship or share therein.

(3) The Registrar, on receipt of the declaration and production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the register book as mortgagee of the ship or share. [416H

386.—(1) A Singapore ship shall not be described by any name other than that by which she is for the time being registered.

Rules as to name of ship.

(2) A change shall not be made in the name of a Singapore ship without the previous written permission of the Registrar.

(3) Application for that permission shall be in writing and if the Registrar is of opinion that the application is reasonable he may entertain it and thereupon require notice thereof to be published in such form and manner as he thinks fit.

(4) Any person who wishes to lodge an objection to the proposed change of name may do so in writing addressed to the Registrar to reach him not later than 7 days from the date of the publication of the notice.

(5) If the Registrar receives no objections to the proposed change of name or having received an objection does not uphold the objection, he may on payment of the prescribed fee approve the change of name.

(6) On the approval of the change of name, the ship's name shall be altered in the certificate of registry and on her bows and stern. [417]

Alteration of ship.

387.—(1) When a Singapore ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the certificate of registry, the owner shall apply for the ship to be registered anew.

(2) The Registrar shall on receipt of the application and on production of a certificate from a surveyor stating the particulars of the alteration proceed as in the case of first registry and on the delivery up to him of the existing certificate of registry and on the other requisites as to registry being complied with, shall make such registry anew and grant a new certificate of registry containing a description of the ship as altered. [418]

Notice of trusts not received. 56/70.

388.—(1) No notice of any trust, express, implied or constructive, shall be entered in the register book or be receivable by the Registrar, and, subject to any rights and powers appearing by the register book to be vested in any other person, the registered owner of a ship or of a share therein shall have power absolutely to dispose, in the manner provided in this Part, of the ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

(2) Subject to this section and section 382, interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in

respect of their interest therein in the same manner as in respect of any other personal property. [418A

389.—(1) The master of every Singapore ship engaged in home-trade voyages shall be required to maintain on his crew list such percentage of seamen who are citizens of Singapore as may be prescribed by the Minister. Crew list of Singapore ship. 38/84.

(2) The master of every foreign-going Singapore ship shall be entitled to a refund of 50% of the annual tonnage tax paid by him for any year if during the year he maintains on his crew list 25% or more of seamen who are citizens of Singapore. [419

390.—(1) The Minister shall prescribe an ensign, which shall be the proper national colours for a registered Singapore ship. National colours for Singapore ships.

(2) If any distinctive national colours other than the ensign are hoisted on board any such ship without the consent of the Minister, the master of the ship or the owner thereof if on board the ship, and every other person hoisting the colours shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [420

391.—(1) A Singapore ship shall hoist the proper national colours on entering or leaving any port. Penalty for not showing colours.

(2) If default is made on board any such ship in complying with this section, the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [421

391A. The Director may, in his 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. [421A Compounding of offences. 32/86.

392.—(1) The Minister may make such regulations as he considers necessary or expedient to implement the provisions of this Part and in particular to prescribe all matters and forms required to be prescribed. Regulations. 38/84.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations —

(a) for ascertaining the registered tonnage of ships; and

(b) for establishing standards of seaworthiness required for the registration of ships. [422

Exemption. **393.**—(1) The Minister may, from time to time by order and either generally or for any period stated in such order and subject to such conditions as may in such order be stated, exempt from any of the provisions of this Part or any regulations made thereunder any person or class of persons or any ship or class or description of ships.

56/70. (2) Subsection (1) shall not apply to the provisions of this Act or any regulations relating to the mortgage of Singapore ships. [423

Transitional provisions. **394.**—(1) Any ship registered in Singapore prior to 31st January 1969 shall be deemed to be duly registered under this Part and the Registrar may, on application, issue a certificate of registry for such ship.

(2) The annual tonnage tax but not the initial registration fee shall be payable in respect of such ship.

S 283/53. (3) Notwithstanding that the Merchant Shipping Safety Convention (Singapore) No. 1 Order 1953 has ceased to have effect in Singapore, certificates issued under its provisions in respect of Singapore ships shall remain in force and have the same effect as the corresponding certificates issued under Part III until their expiry or cancellation under the provisions of that Order. [424

THE SCHEDULE

Section 313
(1).

FEES PAYABLE TO RECEIVERS OF WRECK

	\$
For every examination on oath instituted by a receiver with respect to any vessel which may be or may have been in distress, a fee not exceeding	10
But so that in no case shall a larger fee than \$20 be charged for examinations taken in respect of the same vessel and the same occurrence, whatever may be the number of the deponents.	
For every report required to be sent by the receiver to the secretary of Lloyd's in London, the sum of	5
For wreck taken by the receiver into his custody, a percentage of 5% upon the value thereof.	
But so that in no case shall the whole amount of percentage so payable exceed \$200.	
In cases where any services are rendered by a receiver, in respect of any vessel in distress, not being wreck, or in respect of the cargo or other articles belonging thereto, the following fees instead of a percentage, that is to say:	
If that vessel with her cargo equals or exceeds in value \$6,000, the sum of \$20 for the first, and the sum of \$10 for every subsequent day during which the receiver is employed on that service, but if that vessel with her cargo is less in value than \$6,000, one-half of the above-mentioned sum.	