



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**MARITIME AND PORT AUTHORITY OF  
SINGAPORE ACT 1996**

**2020 REVISED EDITION**

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# Maritime and Port Authority of Singapore Act 1996

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An Act to establish and incorporate the Maritime and Port Authority of Singapore, to provide for its functions and powers, and for matters connected therewith.

[2 February 1996]

## PART 1

## PRELIMINARY

**Short title**

1. This Act is the Maritime and Port Authority of Singapore Act 1996.

**Interpretation**

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

“appointed officer” means a person authorised or appointed as an appointed officer under section 89A(1);

“authorised pilot” means any person employed or authorised by the Authority to pilot vessels under section 62;

“Authority” means the Maritime and Port Authority of Singapore established under section 4;

“beacon” means a prominent specially-constructed object forming a conspicuous mark as a fixed aid to navigation;

“berthing master” means any person authorised under section 62(2)(b) to act as a berthing master;

“buoy” includes a floating object of any size, shape and colour which is moored to the seabed and serves as an aid to navigation or for other specific purposes;

“Chairperson” means the Chairperson of the Authority and includes any acting Chairperson of the Authority;

“Chief Executive” means the Chief Executive of the Authority, and includes any individual acting in that capacity;

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

“dangerous cargoes” means such cargoes, whether packaged, carried in bulk packagings or in bulk, as may be prescribed;

“Deputy Chairperson” means the Deputy Chairperson of the Authority and includes any acting Deputy Chairperson of the Authority;

“Director of Marine” means the Director of Marine appointed under section 4 of the Merchant Shipping Act 1995;

“dock” means an artificial excavation or construction in which vessels can be placed for loading, unloading, fitting out or repairing and includes gridirons, slips, keel blocks, inclined

planes and all machinery, works, fixtures and anything attached or pertaining thereto;

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

“equipment” includes any appliance, apparatus, machinery, system or accessory used or intended to be used for the purposes of providing marine or port services and facilities;

“goods” includes dangerous cargoes, animals, carcasses, baggage, containers and any other movable property of any kind and whether in a refrigerated form or otherwise;

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

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

“marine services and facilities” means the towage and pilotage of vessels and the supply of water to vessels;

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

“member” means a member of the Authority;

“National Maritime Board” means the National Maritime Board established under the repealed National Maritime Board Act (Cap. 198, 1985 Revised Edition) in force immediately before 2 February 1996;

“owner”, in relation to any vessel, includes any part-owner, charterer, operator, consignee or mortgagee in possession of the vessel or any duly authorised agent of any such person;

“passenger” has the meaning given by the Merchant Shipping Act 1995;

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

“Pilotage Committee” means the Pilotage Committee appointed under section 66;

- “pilotage district” means any area in the port declared under section 59 to be a pilotage district;
- “port” means any place in Singapore and any navigable river or channel leading into a place declared to be a port under section 3;
- “port dues” means dues levied in respect of a vessel for entering, using, leaving or plying in the port;
- “Port Master” means the Port Master appointed under section 15 and includes any Deputy Port Master appointed under that section;
- “Port of Singapore Authority” means the Port of Singapore Authority established under the Port of Singapore Authority Act (Cap. 236, 1985 Revised Edition) in force immediately before 1 October 1997;
- “port services and facilities” means port terminal services and facilities for the handling, storage and transportation of goods on land adjoining the foreshore of Singapore and for the handling of passengers carried by vessels;
- “premises” includes messuages, houses, buildings, structures, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;
- “public licence” means a licence granted under section 81 and “public licensee” is construed accordingly;
- “rates” means any rates or charges leviable by the Authority under this Act and includes any toll or rent but does not include dues;
- “regulations” means regulations made under this Act;
- “seaman” means any person normally engaged on ship’s articles on any vessel going beyond the limits of the port, but does not include —
- (a) masters, mates, engineers, radio officers, pursers, cadets, laundrymen and stevedores;

- (b) probationer deckhands, probationer engine-room hands and probationer catering hands under any training scheme approved by the Authority; and
- (c) any other person employed on board the vessel who is engaged in duties which are not normally the duties of seamen;

“vehicle” has the meaning given by the Road Traffic Act 1961;

“vessel” includes any ship or boat or air-cushioned vehicle or floating rig or platform used in any form of operations at sea;

“wharf” includes a quay, pier, jetty, ramp or other landing place.

[40/2017; 5/2018]

### **Declaration of ports by Minister**

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

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

## PART 2

### ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF AUTHORITY

#### **Establishment and incorporation of Maritime and Port Authority of Singapore**

4. A body called the Maritime and Port Authority of Singapore is established, which is a body corporate with perpetual succession and a common seal and is by that name capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing or disposing of property, both movable and immovable; and
- (c) doing and suffering any other acts or things that bodies corporate may lawfully do and suffer.

**Common seal**

5.—(1) All deeds and other documents requiring the seal of the Authority must be sealed with the common seal of the Authority and any instruments to which the common seal is affixed must be signed —

- (a) by any 2 officers generally or specially authorised by the Chief Executive for the purpose; or
- (b) by one officer and the Chief Executive.

(2) All courts, judges and persons acting judicially are to take judicial notice of the common seal of the Authority affixed to any document and presume that it was duly affixed.

**Constitution of Authority**

6.—(1) The Authority consists of —

- (a) a Chairperson; and
- (b) not fewer than 3 other members as the Minister may determine.

*[16/2016; 40/2017]*

(2) The First Schedule has effect with respect to the Authority, its members and proceedings.

**PART 3****FUNCTIONS, DUTIES AND POWERS OF AUTHORITY****Functions and duties of Authority**

7.—(1) Subject to the provisions of this Act, it is the function and duty of the Authority —

- (a) to promote the use, improvement and development of the port;
- (b) to regulate and control navigation within the limits of the port and the approaches to the port;
- (c) to provide and maintain adequate and efficient lighthouses, beacons, buoys and other aids to navigation in the

territorial waters of Singapore and the approaches thereto, at Pedra Branca (Horsburgh), at Pulau Pisang and at any other places that the Authority thinks fit;

- (d) to disseminate navigational information;
- (e) to exercise licensing and regulatory functions in respect of marine and port services and facilities;
- (f) to secure that there are provided in the port (whether by itself or by any public licensee), adequate and efficient marine and port services and facilities on any terms that the Authority thinks expedient;
- (g) to secure that any person by whom any marine or port services and facilities fall to be provided in the port is able to provide the services and facilities efficiently while maintaining independent financial viability;
- (h) to promote efficiency, reliability and economy on the part of public licensees in accordance with, as far as practicable, recognised international standards and public demand;
- (i) to create an economic regulatory framework in respect of the provision of marine and port services and facilities which promotes and safeguards competition and fair and efficient market conduct or, in the absence of a competitive market, which prevents the misuse of monopoly or market power;
- (j) to promote, provide and administer training schemes for members of the mercantile marine and the shipping and port industries;
- (k) to develop, promote and regulate employment among members of the mercantile marine;
- (l) to exercise regulatory functions in respect of merchant shipping and particularly in respect of safety at sea, the manning of vessels and the prevention of pollution at sea;
- (m) to promote the development of merchant shipping;

- (n) to advise the Government on all matters relating to sea transport and the provision of marine and port services and facilities;
  - (o) to act internationally as the national body representative of Singapore in respect of sea transport, marine and port matters;
  - (p) to discharge or facilitate the discharge of international obligations of the Government in respect of sea transport; and
  - (q) to perform any other functions that are conferred on the Authority by this Act or any other written law.
- (2) In discharging the functions and duties imposed on it by subsection (1), the Authority must have regard to —
- (a) satisfying all reasonable demands for marine and port services and facilities;
  - (b) fostering the development and expansion of marine and port services and facilities in the world in collaboration with other countries and international organisations;
  - (c) enabling persons providing marine and port services and facilities in Singapore to compete effectively in the provision of those services and facilities outside Singapore;
  - (d) the promotion of measures for the safety of life in the port;
  - (e) the promotion of research and development in the fields of marine and port services and facilities;
  - (f) collaboration with educational institutions for the promotion of technical education in the fields of marine and port services and facilities;
  - (g) the promotion of energy efficiency within the port services and facilities sector; and
  - (h) environmental protection and the sustainable development of sea transport.

[11/2012]

(3) Nothing in this section imposes on the Authority, directly or indirectly, any form of duty or liability enforceable by proceedings before any court.

(4) In addition to the functions and duties imposed by this section, the Authority may undertake any other functions that the Minister may assign to the Authority and the Authority is deemed to be fulfilling the purposes of this Act and the provisions of this Act apply to the Authority in respect of those functions.

(5) Despite the provisions of this Act, the Authority may, until such time as the licences granted under Part 12 come into effect, continue to provide any marine or port services and facilities that the Port of Singapore Authority was providing immediately before 2 February 1996.

(6) Without affecting the provisions of Part 12, the Authority may provide any marine or port services and facilities in any of the following circumstances even though it has granted a public licence to any person:

- (a) if the Authority is of the opinion that the person has failed to discharge or is not discharging to the Authority's satisfaction the obligations imposed by the Authority on the person in the public licence; or
- (b) to give effect to any direction of the Minister under section 9.

(7) The Authority must provide the Minister with information with respect to its property and activities in such manner and at such times as the Minister may require.

### **Powers of Authority**

**8.—**(1) Subject to this Act, the Authority may carry on any activities that appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions and duties under this Act or any other written law, and in particular, may exercise any of the powers specified in the Second Schedule.

(2) This section does not limit any power of the Authority conferred by or under any other written law.

### **Directions by Minister**

**9.—**(1) The Minister may, after consultation with a person to whom this section applies, give —

- (a) if the person is the Authority, to the Authority any direction under section 5 of the Public Sector (Governance) Act 2018; or
- (b) if the person is a public licensee, any directions as the Minister thinks fit as to the exercise by that licensee of the licensee's functions under this Act.

*[5/2018]*

(2) In addition to the power mentioned in subsection (1), if it appears to the Minister to be requisite or expedient to do so —

- (a) on the occurrence of any public emergency, in the public interest or in the interests of public security, national defence, or relations with the government of another country; or
- (b) in order to —
  - (i) discharge or facilitate the discharge of an obligation binding on the Government by virtue of its being a member of an international organisation or a party to an international agreement;
  - (ii) attain or facilitate the attainment of any other object the attainment of which is in the opinion of the Minister requisite or expedient in view of the Government being a member of an international organisation or a party to an international agreement; or
  - (iii) enable the Government to become a member of an international organisation or a party to an international agreement,

the Minister may, after consultation with a person to whom this section applies, give such directions to that person as are necessary in the circumstances of the case.

[5/2018]

(3) Any direction given under subsection (1) or (2) may include provisions for —

- (a) the prohibition or regulation of any marine or port services and facilities;
- (b) the taking of, the control of, or the usage for official purposes of, any marine or port services and facilities and all or any system and equipment relating to the marine or port services and facilities; and
- (c) the carrying out of any other purposes which the Minister thinks necessary.

(4) A person to whom this section applies must give effect to any direction given to that person under subsection (1) or (2) despite any other duty imposed on that person by or under this Act or any other written law.

(5) A person to whom this section applies must not disclose any direction given to that person under subsection (1) or (2) if the Minister notifies that person that the Minister is of the opinion that the disclosure of the direction is against the public interest.

(6) The Minister may —

- (a) pay compensation for any damage caused to a public licensee by reason of its compliance with the directions of the Minister under subsection (3)(b);
- (b) make grants to public licensees for defraying or contributing towards any losses which they may sustain by reason of their compliance with the directions of the Minister under any other provision of this section.

(7) Any sum required by the Minister for paying compensation or making grants under subsection (6) must be paid out of the Consolidated Fund.

(8) This section applies to the Authority and to every public licensee.

(9) If any doubt arises as to the existence of a public emergency or as to whether any act done under this section was in the public interest or in the interests of public security, national defence or relations with the government of another country, a certificate signed by the Minister is conclusive evidence of the matters stated in the certificate.

### **Furnishing of information**

**10.**—(1) The Authority or any person authorised by the Authority in that behalf may by notice require any person to furnish to the Authority or the person so authorised, within such period as specified in the notice, all such documents or information relating to such matters as may be required by the Authority for the purposes of this Act and as are within the knowledge, in the custody or under the control of that person.

(2) Any person who, on being required by notice under subsection (1) to furnish any document or information, fails to comply with any requirement of the notice shall be guilty of an offence.

(3) A person who —

- (a) intentionally alters, suppresses or destroys any document which the person has been required by any notice under subsection (1) to furnish; or
- (b) in furnishing any estimate, return or other information required of the person under any notice under subsection (1), makes any statement which the person knows to be false in any material particular,

shall be guilty of an offence.

**11.** [*Repealed by Act 5 of 2018*]

### **Appointment of committees and delegation of powers**

**12.**—(1) The Authority may appoint from among its own members or other persons who are not members any number of committees that it thinks fit consisting of members or other persons or members and

other persons for purposes which, in the opinion of the Authority, would be better regulated and managed by means of those committees.

(2) The Authority may, subject to any conditions or restrictions that it thinks fit, delegate to any such committee all or any of the powers, functions and duties vested in the Authority by this Act or any other written law, except the powers to prescribe or levy dues and rates and borrow money, and any power, function or duty so delegated may be exercised or performed by the committee in the name and on behalf of the Authority.

*[5/2018]*

(3) The Authority may, subject to any conditions or restrictions that it thinks fit, delegate to any member or employee of the Authority or any person all or any of its powers, functions and duties vested in the Authority by this Act or any other written law, except the powers to prescribe or levy dues and rates and borrow money; and any power, function or duty so delegated may be exercised or performed by the member, employee or person in the name and on behalf of the Authority.

*[5/2018]*

### **Symbol, design or representation of Authority**

**13.—**(1) The Authority has the exclusive right to the use of any symbol, design or representation that it may select or devise and to display or exhibit the symbol, design or representation in connection with its activities or affairs.

(2) Any person who uses a symbol, design or representation identical with that of the Authority or which so resembles the symbol, design or representation thereof as to deceive or cause confusion or to be likely to deceive or cause confusion 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.

## PART 4

### PROVISIONS RELATING TO STAFF

#### **Chief Executive**

**14.**—(1) There must be a Chief Executive of the Authority, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.

*[5/2018]*

(2) The Authority may, subject to the Public Sector (Governance) Act 2018, appoint an individual to act temporarily as the Chief Executive during any period, or during all periods, when the Chief Executive —

(a) is absent from duty or Singapore; or

(b) is, for any reason, unable to perform the duties of the office.

*[5/2018]*

#### **Appointment of Port Master**

**15.** The Authority must appoint a Port Master and may appoint such number of Deputy Port Masters as it thinks fit for the purposes of carrying out all or any of the functions and duties vested in the Authority by or under this Act or any other written law.

#### **Execution of orders, etc., of Port Master**

**16.** All acts, orders or directions authorised to be done or given by the Port Master may be done or given by any employee of the Authority subject to the control and authorisation of the Port Master.

#### **Appointment of employees and agents**

**17.** The Authority may, subject to the Public Sector (Governance) Act 2018, appoint and employ on such terms and conditions as the Authority may determine any other employees and agents necessary for the effective performance of its functions.

*[5/2018]*

**Protection from personal liability**

**18.** No liability shall lie personally against any member, officer or employee of the Authority, any appointed officer or any other person acting under the direction of the Authority who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

[40/2017]

**19.** [Repealed by Act 5 of 2018]

**PART 5****FINANCIAL PROVISIONS****Power to borrow**

**20.** The Authority may, with the approval of the Minister, raise capital from banks and other financial institutions whether in Singapore or elsewhere by way of mortgage, overdraft or otherwise, with or without security, as it may require for the discharge of its functions under this Act.

**Issue of shares, etc.**

**20A.** As a consequence of —

- (a) the vesting of any property, rights or liabilities of the Government in the Authority under this Act; or
- (b) any capital injection or other investment by the Government in the Authority in accordance with any written law,

the Authority must issue such shares or other securities to the Minister for Finance as that Minister may direct.

[5/2002]

**Duty of Authority in financial matters**

**21.** It is the duty of the Authority to exercise and perform its functions under this Act so as to secure that the total revenues of the Authority are sufficient, taking one financial year with another, to meet its total outgoings properly chargeable to revenue account,

including depreciation and interest on capital and to meet a reasonable proportion of the cost of the development of the services of the Authority.

### **Application of revenue**

**22.—**(1) The revenue of the Authority for any financial year must be applied in defraying the following charges:

- (a) the remuneration, fees and allowances of the members of the Authority;
- (b) the salaries, fees, remuneration, pensions, superannuation allowances and gratuities of the officers, agents, employees, advisers and former employees of the Authority;
- (c) working and establishment expenses and expenditure on, or provision for, the maintenance of any of the property of the Authority, and the discharge of the functions of the Authority properly chargeable to revenue account;
- (d) interest on any loan raised by the Authority;
- (e) sums required to be paid to the Government towards repayment of any loan made by the Government to the Authority;
- (f) sums required to be transferred to a sinking fund or otherwise set aside for the purpose of making provision for the repayment of borrowed money;
- (g) such sums as may be deemed appropriate to be set aside in respect of depreciation or renewal of the property of the Authority, having regard to the amounts set aside out of revenue under paragraphs (c) and (f);
- (h) the cost, or any portion of the cost, of any new works, plants, vessels, vehicles, machinery, equipment or appliances not being a renewal of the property of the Authority, which the Authority may determine to charge to revenue;

- (i) such sums by way of contribution, for the purposes associated with the objects of this Act as the Authority may determine, to the public or for charities; and
- (j) any other expenditure authorised by the Authority and properly chargeable to revenue account.

(2) The balance of the revenue of the Authority must be applied to the creation of a general reserve and any other reserves that the Authority may think fit.

### **Annual estimates**

**23.** A summary of the annual estimates and supplementary estimates adopted by the Authority must be published in the *Gazette*.

### **Bank accounts and application of revenue**

**24.** The Authority must open and maintain one or more accounts with such bank or banks as the Authority thinks fit and every such account must be operated as far as practicable by cheque signed by such person or persons authorised to do so by the Authority.

### **Power of investment**

**25.** The Authority may invest its moneys in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965.

[45/2004]

### **Financial year**

**26.** The financial year of the Authority begins on 1 January of each year and ends on 31 December of the same year.

[5/2018]

### **Rates, charges, dues, etc., payable to Authority**

**27.—(1)** Subject to the provisions of this Act, the Authority may levy such rates, charges and fees as the Authority may, with the approval of the Minister and by notification in the *Gazette*, prescribe for the use of services and facilities provided by the Authority.

(2) The Authority may make such charges as it thinks fit for services or facilities provided or goods supplied by it pursuant to the power conferred by this Act or any other written law in respect of which no rates, charges or fees have been prescribed under subsection (1).

(3) The Authority may require any person to furnish any security that the Authority thinks fit for the payment of any rates, charges, dues and fees payable under this Act or for any other purpose of this Act.

(4) The Authority may determine the fees to be paid in respect of the issue or renewal of any licence or permit issued under this Act or the regulations.

(5) The Authority may, if it thinks fit, remit or waive the whole or any part of any rates, charges, dues and fees paid or payable under this Act.

(6) The owner, agent or master of every vessel which calls at the port of Singapore must pay to the Authority or any person authorised by the Authority such maritime welfare fee as the Authority may, with the approval of the Minister and by notification in the *Gazette*, prescribe.

(7) The owner, agent or master of every vessel which enters, leaves, uses or plies within the port or calls at Singapore must pay to the Authority such port dues and pilotage dues as the Authority may, with the approval of the Minister and by notification in the *Gazette*, prescribe.

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

(9) Goods dues must be paid by —

(a) the owner or occupier of the wharf or premises;

(b) the owner of the vehicle or vessel used in the carriage of the goods into or out of the wharf or premises or otherwise;  
or

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

(10) The Authority may recover the goods dues from any of the persons mentioned in subsection (9).

(11) A due, charge, fee or rate exigible by virtue of this section may be recovered by the Authority in any court of competent jurisdiction as if it were a simple contract debt.

(12) Maritime welfare fees under this section are not payable in respect of —

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

(13) The rates, charges, dues and fees applied by the Marine Department, the National Maritime Board or the Port of Singapore Authority immediately before 2 February 1996 continue to be valid as though determined by the Authority under this section until rescinded, varied or otherwise determined by the Authority.

### **Power of entry into vessels**

**28.**—(1) Any duly authorised officer of the Authority may enter into any vessel within the limits of the port or the approaches to the port in order to ascertain the amount of the rates, charges, dues and fees payable in respect of the vessel or on or in respect of any goods carried on the vessel and to obtain any other information required for, or in connection with, the assessment and collection of the rates, charges, dues and fees.

(2) A master of a vessel who fails to comply with a reasonable request made by an authorised officer who has entered the vessel pursuant to subsection (1) for information or for the production of a document shall be guilty of an offence and shall be liable on

conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the master continues to fail to comply with the request.

**Power to distrain for non-payment of dues, rates, etc.**

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

(2) If any part of the rates, charges, dues, fees, damages or penalties or other sums, or of the costs of the distraint or arrest, or of the keeping of the vessel, bunkers, tackle, apparel or furniture belonging to the vessel remains unpaid for 14 days, the Authority may cause the vessel and the bunkers, tackle, apparel or furniture so distrained or arrested to be sold or disposed of in any manner that it thinks fit and may recover, as a debt in any court of competent jurisdiction from the master or owner of the vessel, the expenses of the distraint, arrest, sale or disposal or attempted sale or disposal of the vessel and the bunkers, tackle, apparel or furniture distrained or arrested.

(3) The proceeds of sale of the vessel and bunkers, tackle, apparel or furniture distrained or arrested may be used by the Authority to satisfy those rates, charges, dues, fees, damages or penalties or other sums and costs, including costs of sale remaining unpaid.

(4) The Authority must —

- (a) render the surplus (if any) from the proceeds of sale to the master or owner of the vessel on demand; and
- (b) in case no demand is made within one year from the date of the disposal of the vessel and bunkers, tackle, apparel or furniture, pay the surplus to the account of the Authority, upon which all rights to the same by the master or owner are extinguished.

(5) If the Authority gives to the Port Master a notice stating that an amount specified in the notice is due in respect of rates, charges, dues, fees, damages or penalties or other sums payable under this Act or the regulations against the vessel or the owner, agent or master of the vessel, the Port Master must not grant port clearance until the amount so chargeable has been paid or security has been given to the satisfaction of the Authority for that amount.

## PART 6

### TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES

#### **Transfer to Authority of property, assets and liabilities**

**30.**—(1) As from 2 February 1996, such property, rights and liabilities vested in the National Maritime Board, the Port of Singapore Authority and the Government relating to the Marine Department as may be determined by the Minister for Finance become, by virtue of this section and without further assurance, the property, rights and liabilities of the Authority.

(2) If any question arises as to whether any particular property, right or liability has been transferred to or vested in the Authority under subsection (1), a certificate under the hand of the Minister for Finance is conclusive evidence that the property, right or liability was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Authority under subsection (1) must be held by the Authority upon such tenure and subject to such terms and conditions as the President may determine.

**31. to 36.** [*Omitted as spent*]

#### **Existing agreements and pending proceedings**

**37.**—(1) All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before 2 February 1996 affecting the portion of the property, rights and liabilities transferred to the Authority under section 30(1) continue in full force and effect on and after that date and are enforceable by or against the Authority as if instead of the Government, the National

Maritime Board or the Port of Singapore Authority (as the case may be) or any person acting on its behalf, the Authority had been named therein or had been a party thereto.

(2) Any proceedings or cause of action relating to the portion of the property, rights and liabilities transferred to the Authority under section 30(1) pending or existing immediately before 2 February 1996 by or against the Government, the National Maritime Board or the Port of Singapore Authority (as the case may be) or any person acting on its behalf, may be continued and are to be enforced by or against the Authority.

## PART 7

### EMPLOYMENT OF SEAMEN

#### **Employment of seamen**

**38.**—(1) No person other than an employer may engage a seaman.

(2) An employer must not engage a seaman and a seaman must not accept employment on board any vessel except in accordance with regulations made under section 40.

(3) An employer must not enter into arrangements with any seaman to transport the seaman outside Singapore for the purpose of engagement in contravention of regulations made under section 40.

(4) For the purpose of this Part, “employer” includes the shipowner, charterer or operator, the agent of the shipowner, charterer or operator and the master of the vessel.

#### **Penalty for employment of seamen in contravention of section 38 or of regulations made under section 40**

**39.**—(1) Any person or employer who —

(a) contravenes section 38; or

(b) selects or engages a seaman otherwise than in accordance with regulations made under section 40,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) Any person or seaman who accepts employment or works in a vessel as a seaman otherwise than in accordance with regulations made under section 40 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Regulations relating to seamen**

**40.** The Authority may, with the approval of the Minister, make regulations for the purposes of this Part and, in particular, may make regulations for the following purposes:

- (a) to prescribe the age and other qualifications of applicants for registration as seamen;
- (b) to prescribe the manner in which seamen may apply or be required to register;
- (c) to make provisions for the medical examination of applicants for registration as seamen;
- (d) to prescribe the procedures for dealing with the discipline of seamen;
- (e) to prescribe the fee to be paid upon the issue of registration cards, and the fee for replacement of such cards when lost, destroyed or otherwise rendered unserviceable;
- (f) to prescribe the conditions under which the Authority may cancel, suspend or alter the registration of seamen; and
- (g) to prescribe the fee to be paid on selection in respect of seamen selected in accordance with the provisions of this Part.

## PART 8

## REGULATION OF PORT

**Port regulations**

**41.**—(1) The Authority may, with the approval of the Minister, make regulations for the control and management of the port and the approaches to the port and for the maintenance of good order in the port and generally for the purposes of this Act and any other written law and, in particular, may make regulations for or in respect of all or any of the following matters:

- (a) regulating traffic and preventing and removing obstruction or impediment to navigation within the limits of the port and the approaches to the port;
- (b) the conduct of inquiries into any case where damage has been caused to or by a vessel;
- (c) regulating the keeping or placing of private moorings or buoys;
- (d) regulating the use of lights and the signals to be used in the port and the steps to be taken for avoiding collision by vessels navigating in the port;
- (e) the information to be supplied by the masters, owners, agents and other persons in respect of vessels arriving and departing and the time and manner in which such information must be supplied;
- (f) regulating, directing and controlling the use of vessels within the territorial waters of Singapore and all activities carried on in the waters of the port in respect of vessels, including but not limited to prescribing the conditions for towage and sale and supply of water and fuel to vessels and prohibiting such towage, sale and supply except through the Authority or by agreement with the Authority, and providing for the licensing thereof;
- (g) permitting, regulating and controlling the landing of personnel belonging to an armed service of any foreign country and the movement of such personnel in the port;

- (h) keeping clean the basins, works and premises of the Authority and the waters of the port and the approaches to the port and preventing oil, filth, rubbish or any other thing from being thrown or entering therein or thereon;
- (i) regulating and controlling the use and manning of harbour craft and providing for the licensing of harbour craft;
- (j) supervising, regulating and controlling all activities carried on in the waters of the port and providing for the licensing of the activities;
- (k) regulating the provision and maintenance of adequate and efficient pontoons for the landing of persons, mooring buoys, gangways, landing stages, moorings and berthing facilities and providing for the licensing thereof;
- (l) regulating the provision and maintenance of beacons, lighthouses, buoys and other aids to navigation not owned or erected by the Authority and providing for the licensing of those aids to navigation;
- (m) prescribing the standards of competence to be attained by officers and crew of harbour craft in order to be qualified for the purposes of manning harbour craft and providing for, for such purposes, the conduct of any examinations, the conditions for admission to them and the issue, form and recording of licences or certificates and other documents;
- (n) providing for and in respect of the construction and machinery, equipment, fittings, installations, appliances and apparatus of harbour craft, and the tests to be carried out and the maintenance in respect thereof, including the provision, maintenance and stowage of lifesaving and firefighting appliances and apparatus and providing for and in respect of the survey of harbour craft, the issue, suspension, cancellation or extension and period of validity of certificates or exemption certificates, and the types and forms of the certificates;

- (o) regulating the navigation and place of anchoring or mooring of vessels carrying dangerous cargoes;
- (p) regulating the mode of utilising, stowing and keeping dangerous cargoes on board vessels and the conveyance within the port of any kind of dangerous cargoes with any other kind of goods, articles or substances;
- (q) regulating, declaring and defining the wharves and docks and on and from which goods are to be landed from and shipped in vessels;
- (r) keeping free passages of such width as is deemed necessary in the port and along or near to the wharves, docks, moorings and other similar works in or adjoining the same and for marking out the spaces so to be kept free;
- (s) the information to be supplied by the masters, owners or agents and other persons in respect of goods loaded or discharged at the wharves in the port, and the time and manner in which such information must be supplied;
- (t) prohibiting the embarkation and disembarkation of persons except at places authorised by the Authority for such purpose;
- (u) prohibiting the loading and discharging of goods other than, in the case of dutiable goods, at wharves, docks and places authorised in the Customs Act 1960 or regulations made under that Act and, in the case of non-dutiable goods, at wharves, docks and places named in the Regulation of Imports and Exports Act 1995 or any regulations made under that Act and at any other wharves, docks and places approved by the Authority;
- (v) prohibiting the loading, handling or discharging of dangerous cargoes at wharves or docks where the loading, handling or discharging appears specially dangerous to the public.

(2) The Authority may, in making any regulations under this section, provide that any contravention of or failure to comply with any regulation shall be an offence and may prescribe as a penalty in

respect of any one offence a fine not exceeding \$20,000 or imprisonment for a term not exceeding 6 months or both and, in the case of a continuing offence, a further fine not exceeding \$2,000 for every day or part of a day during which such offence continues after conviction.

### **Insurance policy**

**42.**—(1) Where by virtue of this Act or the regulations any person is required to take out and maintain a policy of insurance against liability for any risks or costs, the policy of insurance must be —

- (a) issued by an insurer who at the time the policy is issued and during the period of insurance is lawfully carrying on insurance business in Singapore; and
- (b) in accordance with any terms and conditions, including any minimum limit of indemnity, that may be prescribed.

(2) A policy is of no effect for the purposes of this Act or the regulations unless there is issued by the insurer to the person by whom the policy is effected, a certificate of insurance in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.

(3) Any condition in a policy of insurance issued or given for the purposes of this Act or the regulations which —

- (a) provides that no liability shall arise under the policy or that any liability so arising shall cease; and
- (b) purports to negate or restrict the liability of the insurer under the policy or to impose any condition with respect to the enforcement of any such liability of the insurer,

in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy is of no effect in connection with any claim in respect of any risk against which the policy of insurance was required to be taken out or maintained.

(4) Nothing in this section renders void any provision in a policy of insurance requiring the person insured to repay to the insurer any sum

which the insurer may have become liable to pay under the policy and which has been applied to the satisfaction of any claim in respect of any risk against which the policy of insurance was required to be taken out or maintained.

(5) The Authority may, by order in the *Gazette*, prescribe the conditions, including a minimum limit of indemnity, of any policy of insurance which is required to be taken out or maintained under this Act or the regulations and the form and particulars to be stated in any certificate of insurance, and different conditions, forms and particulars may be prescribed in relation to different cases or circumstances.

### **Power of Port Master in relation to vessel**

**43.** Despite the provisions of any regulations made under section 41, the Port Master may, subject to any conditions that the Port Master may think fit to impose —

- (a) direct where any vessel is to be berthed, moored or anchored and the method of anchoring in the territorial waters of Singapore;
- (b) direct the removal of any vessel from any place in the territorial waters of Singapore to any other place in the territorial waters of Singapore and the time within which the removal is to be effected in the territorial waters of Singapore;
- (c) regulate, restrict or prohibit the movement of vessels in the port and the approaches to the port; and
- (d) by notification in the *Gazette*, declare the berths, locations, anchorages and fairways which may be used by vessels and the areas which are prohibited or restricted areas.

### **Owner, agent or master of vessel to report arrival or departure**

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

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

- (a) on arrival, report or cause to be reported by such means as the Port Master may direct, the arrival of the vessel;
- (b) provide within such time and by such means to the Port Master —
  - (i) a general declaration of arrival in such form as the Port Master may determine;
  - (ii) the clearance from the last port;
  - (iii) a list of passengers on board;
  - (iv) a list of crew;
  - (v) a copy of the manifest of goods to be discharged or transhipped in the port; and
  - (vi) any other documents that may be required by the Port Master; and
- (c) in the case of vessels belonging to a country not having a consular officer in Singapore, produce to the Director of Marine the certificate of registry and deposit with the Director of Marine the ship's articles.

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

**Port Master may require vessel in transit in port or approaches to port to provide information**

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

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

**No vessel to leave port without port clearance**

**46.**—(1) Any vessel, other than a vessel referred to in subsection (3), must not leave the port without the owner, agent or master obtaining port clearance from the Port Master.

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

(a) provide to the Port Master within such time and by such means as the Port Master may determine —

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

(ii) a list of crew;

(iii) a list of passengers on board;

(iv) a copy of the manifest of goods on board and cargo loaded on or discharged at the port; and

(v) any other documents that may be required by the Port Master; and

(b) if so required by the Port Master, produce for inspection the certificate of registry and other documents relating to the vessel.

(3) This section does not apply to —

(a) any ship of war;

(b) any vessel belonging to or for the time being in the service or employment of the Government unless the vessel is carrying or habitually carries cargo or passengers for freight or fares; and

(c) vessels which have been exempted from complying with this section by the Minister.

(4) If any vessel, not being exempted from complying with this section, leaves or attempts to leave the port without port clearance, the owner, agent or master of the vessel or any person who sends or attempts to send the vessel to sea shall, if that owner, agent, master or person is party or privy to the offence, be guilty of an offence and

shall be liable on conviction for every offence to a fine not exceeding \$10,000, and the vessel, if she has not left Singapore waters, may be detained.

(5) Port clearance must not be granted to any vessel —

- (a) whose owner, agent or master has not complied with the Regulation of Imports and Exports Act 1995, or any other written law relating to the import or export of goods into or from Singapore; or
- (b) until the owner, agent or master of the vessel has declared to the Port Master the name of the country to which the owner, agent or master (as the case may be) claims that the vessel belongs, and if so required by the Port Master, has produced the certificate of registry of the vessel; and the Port Master must then inscribe that name on the port clearance.

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

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

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

(9) Where a public telecommunication licensee has reason to believe that the submersible plant has been damaged by a vessel, the public telecommunication licensee may require the owner, agent or

master of that vessel to carry out an inspection or survey of the submersible plant in such manner as it considers necessary.

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

(11) In this section, “submarine cable corridor” means the area designated by the Port Master as the submarine cable corridor.

### **Owner, agent or master of vessel not leaving within 48 hours after port clearance to return port clearance to Port Master**

**47.—**(1) The owner, agent or master of any vessel which fails to leave the port within 48 hours, or any shorter period specified by the Port Master, after obtaining port clearance must, within 6 hours after the expiry of the 48 hours or the shorter period, return to the Port Master the port clearance certificate and, if so required, obtain fresh port clearance.

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

### **Power to prohibit vessel from entering territorial waters**

**48.** The Port Master may prohibit any vessel from entering the territorial waters of Singapore if he or she is of the opinion that it would not be in the public interest for the vessel to enter Singapore.

### **Power to direct vessel to leave territorial waters**

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

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

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

### **Penalty for disobedience of direction**

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

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

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

### **Removal of certain obstructions and compensation therefor**

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

(2) If any dispute arises concerning the compensation, the amount and, if necessary, any question of liability is to be summarily ascertained and determined by a court of competent jurisdiction.

(3) An appeal lies to the General Division of the High Court from any decision of a Magistrate's Court or a District Court under this section, and the provisions of the Criminal Procedure Code 2010 apply, with the necessary modifications, to all such appeals.

[40/2019]

### **Fire on board vessel**

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

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

(3) Any expenses incurred in the exercise of the powers conferred by subsections (1) and (2) are recoverable from the master or owner of the vessel concerned as a civil debt.

### **Power to board vessel**

**53.**—(1) The Port Master, an authorised representative of the Port Master, any officer of the Authority authorised by the Authority or any police officer may go on board any vessel in the port whenever he or she suspects that any offence against this Part has been or is about to be committed in any vessel, or whenever he or she considers it is necessary for him or her to do so in the discharge of any duty imposed by this Part or otherwise by law.

(2) Any master of such vessel who, without lawful excuse, refuses to allow the Port Master or the other persons referred to in subsection (1) to enter the vessel shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$1,000.

**Execution of order, etc.**

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

(2) Any person authorised to do any such act may call to his or her aid any assistance that is necessary.

**Exemption of vessels belonging to Singapore Armed Forces**

**55.** Except where expressly provided otherwise, this Part and any regulations made under this Part do not apply to any vessel belonging to the Singapore Armed Forces.

**Indemnity to Authority for act of Port Master**

**56.** The Authority shall not be liable for any act, omission or default of the Port Master.

**PART 9****REMOVAL OF VESSEL AND AIRCRAFT SUNK  
AND OTHER OBSTRUCTION****Power to require owner to raise, remove or destroy vessel,  
aircraft or other obstruction**

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

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

- (a) sent by telex or registered post to the last known place of residence or business or registered office of the owner of the vessel, aircraft or object; or
- (b) affixed to a conspicuous part of the vessel, aircraft or object.

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

### **Power to raise and remove vessel, aircraft or other obstruction**

**58.**—(1) Despite section 57, if the vessel, aircraft or other object is not raised, removed or destroyed within the time given in the notice under that section, the Authority may —

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

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

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

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

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

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

## PART 10

### PILOTAGE

#### **Declaration of pilotage districts**

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

(2) Every such declaration must define the limits of the pilotage district.

#### **Authority may require vessel to be under pilotage**

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

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

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

#### **Failure to employ pilot under certain circumstances**

**61.** The owner, agent or master of a vessel navigating in circumstances in which the vessel is required by the Authority under section 60 to be under pilotage who does not employ an authorised pilot for such purpose shall be guilty of an offence and

shall be liable on conviction to a fine not exceeding \$5,000 and shall in addition be liable to pay to the Authority as penalty double the amount of pilotage dues and rates which would have been payable if the vessel had been under pilotage as required under that section.

### **Authorised pilot and berthing master**

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

(2) Despite subsection (1) —

- (a) the Authority may, if it considers expedient, authorise any person to pilot vessels in a pilotage district subject to any conditions that it thinks fit; and
- (b) the owner of a wharf or dock may, with the approval of the Authority and subject to any conditions that the Authority may impose, authorise any person to act as a berthing master for the purposes of berthing and unberthing, docking and undocking, vessels at that wharf or dock.

### **Vessel to be piloted by authorised pilots**

**63.** A vessel must not be piloted in a pilotage district by any person other than an authorised pilot.

### **Penalties as to employment of pilot**

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

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

- (a) as a pilot any person who is not employed by the Authority to pilot vessels under section 62(1);

- (b) as a pilot any person who is not authorised to pilot vessels under section 62(2)(a); or
- (c) as a berthing master any person who is not authorised to act as a berthing master under section 62(2)(b),

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

(3) For the purposes of this section, a person employed under section 62(1) or authorised under section 62(2)(a) or (b) acting beyond the limits for which the person is licensed or authorised to act or acting in contravention of any of the conditions imposed under section 62(2)(a) or (b) or 70 is deemed not to be an authorised pilot.

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

### **Employment of pilot**

**65.** A person must not be employed as an authorised pilot in a pilotage district unless the person is in possession of a valid licence issued under section 68 to act as a pilot in that district.

### **Appointment and functions of Pilotage Committee**

**66.** The Authority must appoint a Pilotage Committee for the purpose of —

- (a) holding examinations and issuing, on behalf of the Authority, licences to act as an authorised pilot;
- (b) holding inquiries into the conduct of authorised pilots in the discharge of their duties;
- (c) making any arrangements that may be necessary for the training of persons selected for or in the pilotage service;
- (d) investigating and advising on matters that may be referred to the Committee by the Authority; and

- (e) carrying out any other functions conferred on the Committee by this Act.

### **Constitution of Pilotage Committee**

**67.**—(1) The Pilotage Committee consists of —

- (a) the Port Master who is the chairperson of the Committee; and
- (b) at least 4 other persons, 3 of whom must have, in the opinion of the Authority, knowledge of or experience in nautical matters.

(2) A member of the Pilotage Committee holds office for such term, not exceeding 3 years, as the Authority may specify in its appointment and is eligible for re-appointment.

(3) At any meeting of the Committee, 3 members of the Pilotage Committee form a quorum.

(4) The chairperson of the Pilotage Committee presides at all meetings of the Committee.

(5) If the chairperson is absent from a meeting or any part of the meeting, a member elected by the members of the Pilotage Committee present, presides in the chairperson's place.

(6) The chairperson or member presiding at any meeting of the Pilotage Committee has a vote and, in the case of an equality of votes, a second or casting vote.

(7) Members of the Pilotage Committee may be paid, out of the funds of the Authority, such fees and allowances as the Authority may determine.

(8) Subject to the provisions of this Act, the Authority may make rules for the purpose of regulating the meetings and proceedings of the Pilotage Committee.

### **Examination for licence**

**68.**—(1) The Pilotage Committee must examine candidates for employment as authorised pilots and on being satisfied as to a candidate's general fitness and competency, including physical

fitness, to act as an authorised pilot may, on behalf of the Authority, issue to the candidate a licence to act as an authorised pilot, and the licence may contain any conditions that the Committee thinks fit.

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

(3) A person must not continue to employ as an authorised pilot any pilot whose licence to act as an authorised pilot is cancelled as the result of any test or examination carried out or held under subsection (2).

### **Inquiries by Pilotage Committee**

**69.**—(1) The Pilotage Committee may, and when directed by the Authority must, hold an inquiry into the conduct of an authorised pilot where it appears that the pilot has been guilty of misconduct affecting his or her capability as a pilot or has failed in or neglected his or her duty as a pilot or has become incompetent to act as a pilot.

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

(3) Any person who —

- (a) being summoned to attend any such inquiry, fails to do so;
- (b) offers any act of disrespect or any insult or threat to the Pilotage Committee or any member of the Committee during an inquiry; or

- (c) being required by the Pilotage Committee to give evidence on oath or affirmation or to produce a document or other thing, refuses to do so,

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

### **Submission of Pilotage Committee's finding and recommendation to Authority**

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

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

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

(4) Where the Pilotage Committee, after due inquiry in accordance with the provisions of this Part, finds that any authorised pilot has been negligent in piloting any vessel or has become incompetent to act as a pilot, the Committee must submit its findings to the Authority and the Authority must suspend or revoke such authorisation as the Authority considers fit.

### **Liability of master or owner in case of vessel under pilotage**

**71.** The master or owner of a vessel navigating in circumstances in which pilotage is compulsory is answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel in

the same manner as the master or owner would if pilotage were not compulsory.

### **Limitation of pilot's liability when bond is given**

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

(2) Every pilot must give a bond in the sum of \$1,000 in favour of the Authority for the proper performance of his or her duties under this Part and any regulations made under this Part.

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

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

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

**Offences of pilot**

73.—(1) Any authorised pilot who —

- (a) is in any way, directly or indirectly, concerned in any corrupt practices relating to vessels, their tackle, furniture, cargo, crew or passengers, or to persons in distress at sea or by shipwreck, or to their moneys, goods or chattels;
- (b) lends his or her licence;
- (c) acts as pilot while suspended;
- (d) acts as pilot when in a state of intoxication;
- (e) refuses or wilfully delays, when not prevented by illness or other reasonable cause, to pilot any vessel within the limits for which he or she is licensed by the Authority upon being required to do so by any employee of the Authority duly authorised in that behalf; or
- (f) quits the vessel under his or her pilotage without the consent of the master, before the service for which the pilot was engaged has been performed,

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

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

**Pilotage Committee and Authority not liable for loss or damage caused by pilot**

74.—(1) The issue of a licence to a pilot by the Pilotage Committee on behalf of the Authority under section 68 or the authorisation given by the Authority to any person to pilot vessels in the pilotage district pursuant to section 62(2)(a) shall not impose any liability on the Pilotage Committee or the Authority for any loss or damage caused by any act, omission or default of the pilot.

(2) Any authorised pilot while engaged in any pilotage act is deemed to be the employee only of the master or owner of the vessel

under pilotage and the Authority shall not be liable for any loss or damage caused by any act, omission or default of such pilot.

### **Members of Pilotage Committee to act as assessors in proceedings**

75. A Magistrate's Court or a District Court may, if it thinks fit, call upon 2 members of the Pilotage Committee to sit with it as assessors in any proceedings affecting authorised pilots under this Act or the regulations.

### **Regulations relating to pilotage and conduct of pilot**

76.—(1) The Authority may, with the approval of the Minister, make regulations for regulating pilotage in any pilotage district and for the maintenance of good conduct and discipline of authorised pilots and for matters relating to their duties.

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

## PART 11

### REGULATION AND CONTROL OF SEAWARD ACTIVITIES

#### **Dredging limits**

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

(2) The Authority shall not be liable for any loss or damage to any sea or river wall, wharf, dock or other property arising out of any dredging by the Authority in the port.

**Hydrographic survey, etc., not to be carried out without approval of Authority**

78.—(1) A person must not carry out or cause to be carried out any hydrographic or hydrologic survey or other study of the waters and seabed within the territorial limits of Singapore except with the approval of the Authority.

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

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

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

**Restriction of certain works and operations**

79.—(1) Subject to this section, a person must not, without the written consent of the Authority, carry out any of the following operations:

- (a) construct, alter or improve any work on, under or over any part of a river, waterway or the seashore lying below the high-water mark of ordinary tides;
- (b) deposit any object or any material on any part of a river, waterway or the seashore as described in paragraph (a); or
- (c) remove any object or any material from any part of a river, waterway or the seashore as described in paragraph (a).

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

granting its consent may, if the Authority thinks fit, direct an inquiry to be held.

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

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

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

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

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

(8) Any person who —

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

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

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

(9) Without prejudice to any proceedings under subsection (8), where any person has constructed, altered or improved any work or deposited any object or material on a river, waterway or the seashore

in contravention of subsection (1) or has failed to comply with any condition subject to which any consent of the Authority has been given under this section, the Authority may serve a notice on that person requiring the person to remove, within a period (not being less than 30 days) specified in the notice, the object or material (as the case may be) or, if it appears to the Authority necessary to do so, the Authority may itself remove or alter the work or remove the object or material.

(10) If within the period specified in any notice under subsection (9) the person upon whom the notice is served fails to comply with it, the Authority may remove or alter the work or remove the object or material as specified in the notice.

(11) Where under subsection (9) or (10) the Authority removes or alters any work or removes any object or material, the Authority is entitled to recover the expense thereof as certified by the Authority, from the person by whom or for whom the work was constructed, altered or improved, or the object or material was deposited.

(12) In this section —

“seashore” includes the seabed under the territorial waters of Singapore;

“work” includes any architectural or engineering operation.

### **Salvage business not to be carried on without licence**

**80.**—(1) A person must not carry on the business of rendering salvage services in the territorial waters of Singapore without a valid licence granted by the Authority for that purpose.

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

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

(4) Any person aggrieved by —

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

(b) the cancellation of a licence,  
may, within 30 days after receiving the Authority's notification of its decision, appeal to the Minister whose decision is final.

## PART 12

### LICENSING OF MARINE AND PORT SERVICES AND FACILITIES

#### **Licences authorising provision of marine or port services and facilities**

**81.**—(1) A person must not provide —

- (a) any marine service or facility; or
- (b) any port service or facility,

unless the person is authorised to do so by a public licence or an exemption granted by the Authority.

(2) Every public licence granted under this section must be in such form and for such period and may contain such conditions as the Authority may determine.

(3) The Authority may, with the consent of, or in accordance with the terms of a general authority given by the Minister, grant a public licence either unconditionally or subject to any conditions that the Authority may impose and specify in the licence and either irrevocably or subject to revocation as specified in the licence, authorising any person to provide any marine service or facility or any port service or facility.

(4) Without limiting subsection (3), a public licence may be granted either to any person, class of persons or a particular person, and may include conditions requiring the public licensee —

- (a) to enter into agreements or arrangements with any other person, class of persons or another public licensee for —
  - (i) the interconnection with, access to and use of any installation of the licensee (wherever situated and whether or not used for the purpose of carrying on the activities authorised by the licence); and

- (ii) any other purpose specified in the licence,  
and on such conditions as may be agreed to by the licensee  
and such other persons or, in default of agreement, as may  
be determined by the Authority;
  - (b) to prepare itself to deal with any public emergency;
  - (c) to pay to the Authority a fee on the grant of the licence or  
pay to the Authority periodic fees during the currency of  
the licence or both, of such amount as may be determined  
by or under the licence;
  - (d) to comply with any direction given by the Authority as to  
any matters specified in the licence or of a description so  
specified; and
  - (e) to do or not to do anything specified in the licence or of a  
description so specified.
- (5) Conditions in a public licence may contain —
- (a) controls and restrictions, directly or indirectly, on the  
creation, holding or disposal of shares in the public  
licensee or its shareholders or interests in the  
undertaking of the licensee or any part thereof;
  - (b) restrictions on the carrying on by the public licensee of any  
trade or business which is not related to the activity which  
the licensee is authorised by its public licence to carry on;
  - (c) provisions for the conditions to cease to have effect or be  
modified at such times, in such manner and in such  
circumstances as may be specified in or determined by or  
under the conditions; and
  - (d) provisions controlling or fixing the prices to be charged by  
the public licensee in respect of the handling and storage of  
goods other than such category of goods as the Minister  
may by notification in the *Gazette*, declare to be  
shipment goods, including —
    - (i) the setting of pricing policies or principles; and

- (ii) the setting of prices with reference to a general price index, the cost of production, a rate of return on assets employed or any other specified factors.

(6) Any provision included by virtue of subsection (5)(c) in a public licence has effect in addition to the provision made by this Part with respect to the modification of the conditions of a public licence.

(7) A payment required by subsection (4) to be rendered to the Authority may be recovered by it in any court of competent jurisdiction as if it were a simple contract debt.

(8) A person must not question whether the grant of a public licence under subsection (3) was, or was not, effected with the consent of or in accordance with the terms of a general authority given by the Minister, and the validity of a licence granted under that subsection must not be impugned on the ground that it was granted neither with the consent of nor in accordance with the terms of a general authority given by the Minister.

(9) The grant and renewal of public licences under this section is at the discretion of the Authority.

(10) Nothing in this section prevents the Minister from directing the Authority to grant a public licence in any specific case or requires the Authority to obtain a licence where it undertakes any activity mentioned in subsection (1) and any person aggrieved by a refusal of the Authority to grant a licence may, within 14 days of the refusal, appeal to the Minister whose decision is final.

### **Restriction on transfer of public licence**

**82.—**(1) A public licence must not be transferred to any other person without the prior written consent of the Authority to the transfer to that person.

(2) Any purported transfer of a public licence without the consent in subsection (1) is for all purposes void and of no effect.

### **Modification of conditions of public licence**

**83.—**(1) Subject to this section, the Authority may modify the conditions of a public licence granted.

(2) Before making modifications to the conditions of a public licence under this section, the Authority must give notice to the licensee —

- (a) stating that it proposes to make the modifications in the manner specified in the notice and the compensation payable for any damage caused by the modifications; and
- (b) specifying the time (not being less than 28 days from the date of service of notice on such licensee) within which written representations with respect to the proposed modifications may be made.

(3) Upon receipt of any written representation referred to in subsection (2), the Authority must consider such representation and may —

- (a) reject the representation; or
- (b) amend the proposed modifications or compensation payable in accordance with the representation, or otherwise,

and, in either event, it must issue a written direction to the public licensee requiring that effect be given to the proposed modifications specified in the notice or to such modifications as subsequently amended by the Authority within a reasonable time.

(4) Any public licensee aggrieved by the decision of the Authority under subsection (3) may, within 14 days of the receipt by it of the direction, appeal to the Minister whose decision is final.

(5) The Authority must not enforce its direction —

- (a) during the period referred to in subsection (4); and
- (b) while the appeal of the public licensee is under consideration by the Minister.

(6) If no written representation is received by the Authority within the time specified in subsection (2) or if any written representation made under subsection (2) is subsequently withdrawn, the Authority may forthwith carry out the modifications as specified in the notice given under subsection (2).

**Suspension or cancellation of public licence, etc.**

**84.**—(1) If the Authority is satisfied that —

- (a) a public licensee is contravening, or is likely to contravene or has contravened any of the conditions of its public licence or any of the provisions of this Act or any of its regulations or any direction issued by the Minister or the Authority to, or applicable to, that licensee;
- (b) a public licensee has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (c) a public licensee has made any assignment to, or composition with, its creditors; or
- (d) the public interest or security of Singapore so requires,

the Authority may, by written notice and without any compensation, do either or both of the following:

- (e) cancel the public licence or suspend the licence for such period as the Authority thinks fit;
- (f) require the payment of a fine in such amount as the Authority thinks fit.

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(2) Any person who is aggrieved by any decision of the Authority under this section may, within 14 days after such person has been given the written notice referred to in subsection (1), appeal to the Minister whose decision is final.

**Direction affecting public licensee**

**85.**—(1) The Authority may give directions for or with respect to standards of performance and procedures to be observed by public licensees and other persons —

- (a) to ensure the reliability of the supply of marine services and facilities or port services and facilities (as the case may be) to the public; or
- (b) in the interests of public safety.

(2) Any person who fails to comply with any direction given under this section shall be guilty of an offence.

### **General duties of public licensee**

**86.** It is the duty of a public licensee to provide reliable, efficient and economical marine services and facilities or port services and facilities (as the case may be) to the public in accordance with the conditions of the public licence granted to the public licensee and the directions of the Authority.

## PART 12A

### CONTROL OF DESIGNATED PUBLIC LICENSEES, DESIGNATED BUSINESS TRUSTS AND DESIGNATED EQUITY INTEREST HOLDERS

#### **Interpretation of this Part**

**86A.—**(1) In this Part, unless the context otherwise requires —

“5% controller”, in relation to a designated public licensee, designated business trust or designated equity interest holder, means a person who, alone or together with the person’s associates —

- (a) holds 5% or more, but less than 25%, of the total equity interests in; or
- (b) is in a position to control 5% or more, but less than 25%, of the voting power in,

the designated public licensee, designated business trust or designated equity interest holder, as the case may be;

“25% controller”, in relation to a designated public licensee, designated business trust or designated equity interest holder, means a person who, alone or together with the person’s associates —

- (a) holds 25% or more, but less than 50%, of the total equity interests in; or

(b) is in a position to control 25% or more, but less than 50%, of the voting power in,

the designated public licensee, designated business trust or designated equity interest holder, as the case may be;

“50% controller”, in relation to a designated public licensee, designated business trust or designated equity interest holder, means a person who, alone or together with the person’s associates —

(a) holds 50% or more, but less than 75%, of the total equity interests in; or

(b) is in a position to control 50% or more, but less than 75%, of the voting power in,

the designated public licensee, designated business trust or designated equity interest holder, as the case may be;

“75% controller”, in relation to a designated public licensee, designated business trust or designated equity interest holder, means a person who, alone or together with the person’s associates —

(a) holds 75% or more of the total equity interests in; or

(b) is in a position to control 75% or more of the voting power in,

the designated public licensee, designated business trust or designated equity interest holder, as the case may be;

“acquisition” includes an agreement to acquire, but does not include —

(a) an acquisition by will or by operation of law; or

(b) an acquisition by way of enforcement of a loan security;

“arrangement” includes any formal or informal scheme, arrangement or understanding, and any trust whether express or implied;

“business trust” has the meaning given by section 2 of the Business Trusts Act 2004;

“control” includes control as a result of, or by means of, any trust, agreement, arrangement, understanding or practice, whether or not having legal or equitable force and whether or not based on legal or equitable rights;

“corporation” has the meaning given by section 4(1) of the Companies Act 1967;

“decrease”, in relation to the holding of equity interest, includes a decrease to a point of nil;

“Depository” has the meaning given by section 81SF of the Securities and Futures Act 2001;

“designated business trust” means a business trust that has been designated under section 86D to be a designated business trust;

“designated equity interest holder” means a person that has been designated under section 86D to be a designated equity interest holder;

“designated public licensee” means a public licensee that has been designated under section 86D to be a designated public licensee;

“director” has the meaning given by section 4(1) of the Companies Act 1967;

“entity” includes a corporation and a limited liability partnership;

“equity interest” means —

- (a) in relation to a body corporate — a voting share in that body corporate;
- (b) in relation to an entity other than a body corporate — any right or interest, whether legal or equitable, in that entity, by whatever name called, which gives the holder of that right or interest voting power in that entity; and

(c) in relation to a business trust — a unit in that business trust;

“increase”, in relation to the holding of equity interest, includes an increase from a starting point of nil;

“indirect controller”, in relation to a designated public licensee, designated business trust or designated equity interest holder, means any person, whether acting alone or together with any other person, and whether with or without holding equity interests or controlling the voting power in the designated public licensee, designated business trust or designated equity interest holder, as the case may be —

(a) whose directions, instructions or wishes the directors or other officers of the designated public licensee, the trustee-manager of the designated business trust, or the designated equity interest holder (as the case may be) is accustomed or under an obligation, whether formal or informal, to act in accordance with; or

(b) who is in a position to determine the policy of the designated public licensee, designated business trust or designated equity interest holder, as the case may be,

but does not include —

(c) any person who is a director or other officer of the designated public licensee, the trustee-manager of the designated business trust, or the designated equity interest holder, as the case may be; or

(d) any person whose directions, instructions or wishes the directors or other officers of the designated public licensee, the trustee-manager of the designated business trust, or the designated equity interest holder (as the case may be) is accustomed to act in accordance with by reason only that the acting is on advice given by the person in that person’s professional capacity;

“limited liability partnership” has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“liquidator” includes the Official Receiver when acting as the liquidator of a corporation;

“officer”, in relation to a corporation, includes —

- (a) a director or secretary of, or a person employed in an executive capacity by, the corporation;
- (b) any receiver or manager, or any receiver and manager, of any part of the undertaking of the corporation, appointed under a power contained in any instrument or by the General Division of the High Court or by the creditors;
- (c) any liquidator of the corporation appointed in a voluntary winding up or by the General Division of the High Court or by the creditors; and
- (d) any judicial manager of the corporation appointed under Part 7 of the Insolvency, Restructuring and Dissolution Act 2018;

“Official Receiver” has the meaning given by section 2(1) of the Insolvency, Restructuring and Dissolution Act 2018;

“related corporation”, in relation to a corporation, means another corporation that is deemed under section 86C(2) to be related to that corporation;

“share”, in relation to a corporation, means a share in the share capital of the corporation and includes stock into which all or any of the share capital of the corporation has been converted;

“treasury share” has the meaning given by section 4(1) of the Companies Act 1967;

“trustee-manager” has the meaning given by section 2 of the Business Trusts Act 2004;

“unit” has the meaning given by section 2 of the Business Trusts Act 2004;

“voting share” has the meaning given by section 4(1) of the Companies Act 1967 but does not include a treasury share.

*[40/2017; 40/2018; 40/2019]*

(2) A reference in this Part to the control of a percentage of the voting power in a designated public licensee, designated business trust or designated equity interest holder is a reference to the control, whether direct or indirect, of that percentage of the total number of votes that might be cast in a general meeting of the designated public licensee, designated business trust or designated equity interest holder, as the case may be.

*[40/2017]*

(3) In ascertaining a person’s control of the percentage of the total number of votes that might be cast at a general meeting mentioned in subsection (2), the number of votes that the person is entitled to cast at the meeting by reason of having been appointed a proxy or representative to vote at the meeting is to be disregarded.

*[40/2017]*

### **What holding an equity interest means**

**86B.**—(1) In this Part, a person holds an equity interest if the person —

- (a) has or is deemed to have an equity interest in accordance with subsections (2) to (7); or
- (b) otherwise has a legal or equitable interest in that equity interest,

except for any interest prescribed under section 119 as an interest that is to be disregarded.

*[40/2017]*

(2) Subject to subsection (3), a person has an equity interest if the person has authority (whether formal or informal, or express or implied) to dispose of, or to exercise control over the disposal of, that equity interest.

*[40/2017]*

(3) It is immaterial that the authority of a person to dispose of, or to exercise control over the disposal of, the equity interest mentioned in

subsection (2) is, or is capable of being made, subject to restraint or restriction.

[40/2017]

(4) It is immaterial, for the purposes of determining whether a person has an equity interest, that the interest cannot be related to a particular share, an interest or right that gives its holder voting power, or a unit of a business trust, as the case may be.

[40/2017]

(5) A person is deemed to have an equity interest if —

- (a) any property held in trust consists of or includes the equity interest; and
- (b) the person knows, or has reasonable grounds for believing, that the person has an interest under that trust.

[40/2017]

(6) A person is also deemed to have an equity interest if that person —

- (a) has entered into a contract to purchase the equity interest;
- (b) has a right, otherwise than by reason of having an interest under a trust, to have the equity interest transferred to (or to the order of) that person, whether the right is exercisable presently or in the future and whether on the fulfilment of a condition or not;
- (c) has the right to acquire the equity interest under an option, whether the right is exercisable presently or in the future and whether on the fulfilment of a condition or not; or
- (d) is entitled (otherwise than by reason of having been appointed a proxy or representative to vote at a general meeting of the entity in question) to exercise or control the exercise of a right attached to the equity interest, not being an equity interest in which that person has a legal or equitable interest.

[40/2017]

(7) A person is not to be deemed as not having an equity interest by reason only that the person has the equity interest jointly with another person.

[40/2017]

**Meanings of “associate”, “subsidiary” and “holding company”**

**86C.**—(1) In this Part, a person (*A*) is an associate of another person (*B*) if —

- (a) *A* is the spouse, or a parent, step-parent or remoter lineal ancestor, or a son, stepson, daughter, stepdaughter or remoter issue, or a brother or sister, of *B*;
- (b) *A* is a partner of *B* in a partnership or limited liability partnership;
- (c) *A* is a corporation of which *B* is an officer;
- (d) *B* is a corporation of which *A* is an officer;
- (e) *A* and *B* are officers of the same corporation;
- (f) *A* is an employee of *B*;
- (g) *B* is an employee of *A*;
- (h) *A* and *B* are employees of the same employer;
- (i) *A* is the trustee of a discretionary trust where *B* (or another person who is an associate of *B* by virtue of any paragraph, except this paragraph and paragraphs (*j*) and (*r*) of this subsection) benefits, or is capable (whether by exercise of a power of appointment or otherwise) of benefitting, under the trust, either directly or through interposed entities or trusts;
- (j) *B* is the trustee of a discretionary trust where *A* (or another person who is an associate of *A* by virtue of any paragraph, except this paragraph and paragraphs (*i*) and (*r*) of this subsection) benefits, or is capable (whether by exercise of a power of appointment or otherwise) of benefitting, under the trust, either directly or through interposed entities or trusts;
- (k) *A* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B* or, where *B* is a corporation, of the directors of *B*;

- (l) *B* is a corporation whose directors are accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;
- (m) *A* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B* or, where *B* is a corporation, of the directors of *B*;
- (n) *B* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;
- (o) *A* is a related corporation of *B*;
- (p) *A* is a corporation in which *B*, alone or together with other associates of *B* as described in paragraphs (b) to (o), is in a position to control at least 20% of the voting power in *A*;
- (q) *B* is a corporation in which *A*, alone or together with other associates of *A* as described in paragraphs (b) to (o), is in a position to control at least 20% of the voting power in *B*; or
- (r) *A* is a person with whom *B* enters, or proposes to enter, into an agreement or arrangement (whether oral or in writing and whether express or implied) that relates to any of the following matters:
  - (i) *A* and *B* being in a position, by acting together, to control any of the voting power in a designated public licensee, designated business trust or designated equity interest holder;
  - (ii) *A* and *B* acting together with respect to the acquisition, holding or disposal of equity interests or other interests in a designated public licensee, designated business trust or designated equity interest holder;
  - (iii) the power of *A* and *B*, by acting together, to appoint or remove a director of a designated public licensee

or designated equity interest holder, or a director of the trustee-manager of a designated business trust;

- (iv) the situation where one or more of the directors of —
- (A) a designated public licensee or designated equity interest holder; or
  - (B) the trustee-manager of a designated business trust,

are accustomed or under an obligation (whether formal or informal) to act in accordance with the directions, instructions or wishes of *A* and *B* acting together.

[40/2017]

(2) A corporation (*A*) and another corporation (*B*) are deemed to be related to each other for the purposes of this section where *A* is —

- (a) the holding company of *B*;
- (b) a subsidiary of *B*; or
- (c) a subsidiary of the holding company of *B*.

[40/2017]

(3) For the purposes of subsection (2), a corporation (*A*) is, subject to subsection (5), deemed to be a subsidiary of another corporation (*B*) if —

- (a) *B* controls the composition of the board of directors of *A*;
- (b) *B* controls more than half of the voting power of *A*; or
- (c) *A* is a subsidiary of any corporation which is *B*'s subsidiary.

[40/2017]

(4) For the purposes of subsection (3), the composition of *A*'s board of directors is deemed to be controlled by *B* if *B*, by the exercise of a power exercisable by it without the consent or concurrence of any other person, can appoint or remove all or a majority of the directors, and for the purposes of this provision, *B* is deemed to have power to make such an appointment if —

- (a) a person cannot be appointed as a director without the exercise in the person's favour by *B* of such a power; or

- (b) a person's appointment as a director follows necessarily from that person being a director or other officer of *B*.

[40/2017]

(5) In determining whether one corporation (*A*) is the subsidiary of another corporation (*B*) —

- (a) any shares held or power exercisable by *B* in a fiduciary capacity is treated as not held or exercisable by *B*;
- (b) subject to paragraphs (c) and (d), any shares held or power exercisable —
- (i) by any person as a nominee for *B* (except where *B* is concerned only in a fiduciary capacity); or
- (ii) by, or by a nominee for, a subsidiary of *B*, not being a subsidiary which is concerned only in a fiduciary capacity,

is to be treated as being held or exercisable by *B*;

- (c) any shares held or power exercisable by any person by virtue of the provisions of any debentures of *A*, or of a trust deed for securing any issue of such debentures, is to be disregarded; and
- (d) any shares held or power exercisable by, or by a nominee for, *B* or its subsidiary (not being held or exercisable as mentioned in paragraph (c)) is to be treated as not held or exercisable by *B* if the ordinary business of *B* or its subsidiary (as the case may be) includes the lending of money and the shares are so held or power is so exercisable by way of security only for the purposes of a transaction entered into in the ordinary course of that business.

[40/2017]

(6) A reference in this section to the holding company of a corporation is a reference to a corporation of which the last mentioned corporation is a subsidiary.

[40/2017]

(7) For the purposes of this section, the Depository is not to be regarded as a holding company of a corporation by reason only of the shares it holds in that corporation as a bare trustee.

[40/2017]

(8) The Authority may, with the approval of the Minister, make regulations prescribing that any person or class of persons is not an associate of another person for the purposes of any provision of this Part.

[40/2017]

(9) In this section, “officer”, in relation to a corporation, means a director or secretary of, or any person employed in an executive capacity by, the corporation.

[40/2017]

### **Designation of public licensees, business trusts and equity interest holders**

**86D.** The Authority may, after consultation with the Minister, by notification in the *Gazette* —

- (a) designate a public licensee as a designated public licensee;
- (b) designate, as a designated business trust, a business trust that is established wholly or partly in respect of a business operated or managed by a trustee-manager licensed under section 81 to provide any marine service or facility or any port service or facility in or through that business; or
- (c) designate a person who holds any equity interest in a designated public licensee or designated business trust as a designated equity interest holder,

if the Authority considers that such designation is necessary in the public interest.

[40/2017]

### **Notice to Authority by 5% controller**

**86E.**—(1) If a person becomes a 5% controller of a designated public licensee, designated business trust or designated equity interest holder as a result of an increase in the holding of equity interest, or in the voting power controlled, by that person or any associate of that person, that person must within 7 days after

becoming the 5% controller give written notice to the Authority of that fact.

*[40/2017]*

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

*[40/2017]*

(3) In any proceedings for an offence in relation to a contravention of subsection (1), it is a defence for the accused to prove that the accused —

- (a) was not aware of the contravention when it occurred; and
- (b) notified the Authority of the contravention within a period of 14 days after becoming aware of the contravention.

*[40/2017]*

(4) In any proceedings for an offence in relation to a contravention of subsection (1), it is also a defence for the accused to prove that, though the accused was aware of the contravention —

- (a) the contravention occurred as a result of an increase in the holding of equity interest, or in the voting power controlled, by any of the associates of the accused, in the designated public licensee, designated business trust or designated equity interest holder, as the case may be;
- (b) the accused has no agreement or arrangement (whether oral or in writing and whether express or implied) with that associate with respect to the acquisition, holding or disposal of equity interests or other interests, or under which they act together in exercising their voting power, in relation to the designated public licensee, designated business trust or designated equity interest holder, as the case may be; and
- (c) the accused notified the Authority of the contravention within a period of 7 days after the contravention.

*[40/2017]*

(5) Except as provided in subsections (3) and (4), it is not a defence in any proceedings for an offence in relation to a contravention of

subsection (1) to prove that the accused did not intend to or did not knowingly contravene subsection (1).

[40/2017]

### **Approvals of Authority in relation to equity interests and control of voting power in certain cases**

**86F.**—(1) Except with the prior written approval of the Authority, a person must not —

- (a) as a result of an increase in the holding of equity interest, or in the voting power controlled, by that person or any associate of that person, become a 25% controller or 50% controller of a designated public licensee, designated business trust or designated equity interest holder; or
- (b) as a result of a decrease in the holding of equity interest, or in the voting power controlled, by that person or any associate of that person, cease to be a 50% controller or 75% controller of a designated public licensee, designated business trust or designated equity interest holder.

[40/2017]

(2) Subsection (1) does not apply where the transaction through which a person becomes a 25% controller or 50% controller, or ceases to be a 50% controller or 75% controller, is entered into before 29 January 2018.

[40/2017]

(3) A person must not become an indirect controller of a designated public licensee, designated business trust or designated equity interest holder on or after 29 January 2018, unless the person has obtained the prior written approval of the Authority.

[40/2017]

(4) The Authority may approve an application under subsection (1)(a) or (3) if the Authority is satisfied that —

- (a) the person who is to become a 25% controller or 50% controller or an indirect controller of a designated public licensee, designated business trust or designated equity interest holder (as the case may be) and every associate of that person, is a fit and proper person;

- (b) having regard to the influence of —
- (i) the person mentioned in paragraph (a); and
  - (ii) every associate of that person,
- the designated public licensee, designated business trust or designated equity interest holder (as the case may be) will continue to conduct its business prudently and comply with the provisions of this Act; and
- (c) it is in the public interest to do so.

[40/2017]

(5) The Authority may approve an application under subsection (1)(b) if the Authority is satisfied that —

- (a) the provision of any marine service or facility or any port service or facility by —
- (i) the designated public licensee of which the applicant is a 50% controller or 75% controller;
  - (ii) the trustee-manager of the designated business trust of which the applicant is a 50% controller or 75% controller; or
  - (iii) in the case where the applicant is a 50% controller or 75% controller of a designated equity interest holder, the designated public licensee or the trustee-manager of the designated business trust, in relation to which the designated equity interest holder is so designated, as the case may be, will continue to be reliable, efficient and economical with reference to recognised international standards and any codes or standards issued or set by the Authority;
- (b) the designated public licensee mentioned in paragraph (a)(i) or (iii) will continue to conduct its business prudently and comply with the provisions of this Act, or the trustee-manager mentioned in paragraph (a)(ii) or (iii) will continue to conduct the business of the designated business trust prudently and comply with the provisions of this Act; and

(c) it is in the public interest to do so.

[40/2017]

(6) An approval of the Authority under this section may be granted subject to any conditions that the Authority considers appropriate to impose.

[40/2017]

(7) Any condition imposed by the Authority under subsection (6) has effect despite the provisions of any other written law or anything contained in the memorandum or articles of association, trust deed or other constitution of the designated public licensee, designated business trust or designated equity interest holder in relation to which the application for approval under subsection (1) or (3) is made.

[40/2017]

(8) Any person who is aggrieved by the refusal of the Authority to grant an approval required under subsection (1) or (3), or by the imposition under subsection (6) of any condition, may within 14 days after being informed of the refusal or the imposition of the condition (as the case may be) appeal to the Minister whose decision is final.

[40/2017]

(9) Any person who contravenes subsection (1) or (3) shall be guilty of an offence.

[40/2017]

(10) In any proceedings for an offence in relation to a contravention of subsection (1), it is a defence for the accused to prove that —

- (a) the accused was not aware of the contravention when it occurred;
- (b) the accused notified the Authority of the contravention within a period of 14 days after becoming aware of the contravention; and
- (c) where the Authority issued any direction under section 86G relating to the contravention and the holding of equity interests or the control of voting power by the accused in the designated public licensee, designated business trust or designated equity interest holder, as the case may be —

- (i) the accused complied with the direction within the period determined by the Authority under that section; or
- (ii) the period determined by the Authority under that section for the compliance of the direction has not expired.

[40/2017]

(11) In any proceedings for an offence in relation to a contravention of subsection (1), it is also a defence for the accused to prove that even though the accused was aware of the contravention —

- (a) the contravention occurred as a result of an increase or decrease in the holding of equity interest, or in the voting power controlled, by any of the associates of the accused, in the designated public licensee, designated business trust or designated equity interest holder, as the case may be;
- (b) the accused has no agreement or arrangement (whether oral or in writing and whether express or implied) with that associate with respect to the acquisition, holding or disposal of equity interests or other interests, or under which they act together in exercising their voting power, in relation to the designated public licensee, designated business trust or designated equity interest holder, as the case may be;
- (c) the accused notified the Authority of the contravention within a period of 7 days after the contravention; and
- (d) where the Authority issued any direction under section 86G relating to the contravention and the holding of equity interests or the control of voting power by the accused in the designated public licensee, designated business trust or designated equity interest holder, as the case may be —
  - (i) the accused complied with the direction within the period determined by the Authority under that section; or

- (ii) the period determined by the Authority under that section for the compliance of the direction has not expired.

[40/2017]

(12) In any proceedings for an offence in relation to a contravention of subsection (3), it is a defence for the accused to prove that —

- (a) the accused was not aware of the contravention when it occurred;
- (b) the accused notified the Authority of the contravention within a period of 14 days after the contravention; and
- (c) where the Authority issued any direction under section 86G relating to the contravention and the accused becoming an indirect controller of the designated public licensee, designated business trust or designated equity interest holder, as the case may be —
  - (i) the accused complied with the direction within the period determined by the Authority under that section; or
  - (ii) the period determined by the Authority under that section for the compliance of the direction has not expired.

[40/2017]

(13) Except as provided in subsections (10), (11) and (12), it is not a defence in any proceedings for an offence in relation to a contravention of subsection (1) or (3) to prove that the accused did not intend to or did not knowingly contravene subsection (1) or (3), as the case may be.

[40/2017]

### **Remedial directions**

**86G.**—(1) Subsection (2), (3) or (4) applies if the Authority is satisfied that —

- (a) the person mentioned in that subsection has contravened section 86F(1) or (3) (called in this section a defaulter);

- (b) any condition of approval imposed on the defaulter under section 86F(6) has not been complied with; or
- (c) the defaulter has furnished false or misleading information or documents in connection with an application for approval under section 86F(1) or (3).

[40/2017]

(2) Where a defaulter is a 25% controller or 50% controller of a designated public licensee, designated business trust or designated equity interest holder, the Authority may do any one or more of the following:

- (a) direct the defaulter to take such steps as are necessary, within the period specified by the Authority, to cease to be a 25% controller or 50% controller (as the case may be) of the designated public licensee, designated business trust or designated equity interest holder, as the case may be;
- (b) direct the transfer or disposal of all or any of the equity interest in the designated public licensee, designated business trust or designated equity interest holder (as the case may be) held by the defaulter or any of the defaulter's associates (called in this section and section 86H the specified equity interest), within such time and subject to such conditions as the Authority considers appropriate;
- (c) restrict the transfer or disposal of all or any of the specified equity interest, subject to any conditions that the Authority considers appropriate;
- (d) make any other direction that the Authority considers appropriate.

[40/2017]

(3) Where, as a result of a person (called in this subsection the transferee) acquiring any equity interest from a defaulter who is a 50% controller or 75% controller of a designated public licensee, designated business trust or designated equity interest holder (called in this section and section 86H the specified acquired equity interest), the defaulter ceases to be a 50% controller or 75% controller (as the case may be) the Authority may do any one or more of the following:

- (a) direct the transferee to take such steps as are necessary, within the period specified by the Authority, to cease to hold all or any of the specified acquired equity interest;
- (b) direct the defaulter to take such steps as are necessary within the period specified by the Authority, to resume being a 50% controller or 75% controller, as the case may be;
- (c) direct the acquisition, transfer or disposal of all or any of the specified acquired equity interest within such time and subject to such conditions as the Authority considers appropriate;
- (d) restrict the transfer or disposal of all or any of the specified acquired equity interest, subject to any conditions that the Authority considers appropriate;
- (e) make any other direction that the Authority considers appropriate.

*[40/2017]*

(4) Where a defaulter is an indirect controller of a designated public licensee, designated business trust or designated equity interest holder, the Authority may do one or both of the following:

- (a) direct the defaulter, or direct the designated public licensee, the trustee-manager of the designated business trust, or the designated equity interest holder (as the case may be) to take such steps as are necessary, within the period specified by the Authority, to cease to be such an indirect controller or to cause the defaulter to cease to be such an indirect controller;
- (b) make any other direction that the Authority considers appropriate.

*[40/2017]*

(5) Before issuing any direction to a person under subsection (2), (3) or (4), the Authority must —

- (a) unless the Authority decides that it is not practicable or desirable to do so, give the person written notice of the Authority's intention to issue the direction and specify a

date by which the person may make written representations with regard to the direction; and

- (b) consider every written representation from the person received on or before the specified date mentioned in paragraph (a).

*[40/2017]*

(6) The Authority may, at any time, revoke, vary or discharge any direction given by it under subsection (2), (3) or (4) or suspend the operation of any such direction.

*[40/2017]*

(7) Any person who is aggrieved by the Authority's decision to issue a direction under subsection (2), (3) or (4) or to vary a direction under subsection (6) may, within 14 days after being informed of the decision, appeal to the Minister whose decision is final.

*[40/2017]*

(8) Despite the fact that any appeal under subsection (7) is pending, any direction issued by the Authority under subsection (2), (3) or (4), or any variation of a direction under subsection (6) (as the case may be), takes effect from the date specified by the Authority, unless the Minister otherwise directs.

*[40/2017]*

(9) Any person who fails to comply with a direction issued by the Authority under subsection (2), (3) or (4) (including a direction that is varied under subsection (6)) within the period specified by the Authority shall be guilty of an offence.

*[40/2017]*

### **Effect of remedial directions, etc.**

**86H.**—(1) Any direction issued to a person, and any condition imposed, under section 86G(2) or (3) take effect, despite —

- (a) the Business Trusts Act 2004, the Companies Act 1967, the Limited Liability Partnerships Act 2005 and the Variable Capital Companies Act 2018;

*[S 26/2022 wef 13/01/2022]*

- (b) anything in any listing rules as defined in section 2(1) of the Securities and Futures Act 2001; and

- (c) the provisions of the memorandum or articles of association, trust deed or other constitution of the designated public licensee, designated business trust or designated equity interest holder in question.

[40/2017]

(2) Without affecting subsection (1), where any direction is issued under section 86G(2) or (3), then, until the direction is carried out or is suspended or revoked —

- (a) the voting rights in respect of the specified equity interest or specified acquired equity interest that is subject to the direction, are not exercisable unless the Authority expressly permits those rights to be exercised;
- (b) the voting power that the person to whom the direction is issued controls, whether alone or together with that person's associates, in the designated public licensee, designated business trust or designated equity interest holder (as the case may be) is not exercisable unless the Authority expressly permits that power to be exercised;
- (c) no equity interest in the designated public licensee, designated business trust or designated equity interest holder is to be issued or offered (whether by way of dividends or otherwise) in respect of the specified equity interest or specified acquired equity interest that is subject to the direction, unless the Authority expressly permits that issue or offer; and
- (d) no amount may be paid (whether by way of profits, income or otherwise) in respect of the specified equity interest or specified acquired equity interest that is subject to the direction, unless the Authority expressly authorises such payment.

[40/2017]

(3) Subsection (2)(d) does not apply in the event of a winding up of the designated public licensee, designated business trust or designated equity interest holder, as the case may be.

[40/2017]

### **Penalties under this Part**

**86I.** A person guilty of an offence under this Part shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$50,000 for every day or part of a day during which the offence continues after conviction; or
- (b) in any other case, to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.

*[40/2017]*

## PART 13

### CONTROL OF RELEVANT PUBLIC LICENSEES

#### **Meaning and effect of special administration order**

**87.—**(1) A special administration order is an order of the Minister made in accordance with section 88 in relation to a company which is a relevant public licensee and directing that, during the period for which the order is in force, the affairs, business and property of the company must be managed by the Authority —

- (a) for the achievement of all or any of the purposes of the order; and
- (b) in a manner which protects the respective interests of the members, creditors and customers of the company.

(2) The purposes of a special administration order made in relation to any company are —

- (a) the security and reliability of the supply of port services and facilities relating to container terminal services and facilities to the public;

- (b) the survival of the company, or the whole or part of its undertaking, as a going concern;
- (c) the transfer to another company, or (as respects different parts of the area to which the company's public licence relates, or different parts of its undertaking) to 2 or more different companies, as a going concern, of so much of the company's undertaking as it is necessary to transfer in order to ensure that the functions which have been vested in the company by virtue of its public licence may be properly carried out; and
- (d) the carrying out of those functions pending the making of the transfer and the vesting of those functions in the other company or companies (whether by virtue of the transfer or of an authorisation or variation which replaces the former company as public licensee).

(3) The Minister may make regulations for giving effect to this Part, including making provision for applying, omitting or modifying provisions of Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 where a special administration order is made.

[40/2018]

(4) In this Part, "relevant public licensee" means any public licensee authorised to provide any port service or facility relating to container terminal services or facilities.

### **Special administration order made on application by Authority**

**88.**—(1) If, on an application made to the Minister by the Authority, the Minister is satisfied in relation to any company which is a relevant public licensee that any one or more of the grounds specified in subsection (2) are satisfied in relation to that company, the Minister may make any one or more of the following orders:

- (a) a special administration order in relation to that company;
- (b) an order requiring the company forthwith to take any action or to do or not to do any act or thing in relation to its business as the Minister may consider necessary;

- (c) an order appointing a person to advise the company in the proper conduct of its business.
- (2) The grounds mentioned in subsection (1) are, in relation to any company, that —
- (a) the company is or is likely to be unable to pay its debts;
  - (b) the Minister considers it in the interest of the security and reliability of the provision of port services and facilities relating to container terminal services and facilities to the public; or
  - (c) the Minister otherwise considers it in the public interest.
- (3) Notice of any application under subsection (1) must be given forthwith by the Authority to such persons and in such manner as may be prescribed.
- (4) Where a company is a relevant public licensee —
- (a) the company must not be wound up voluntarily without the consent of the Authority;
  - (b) no judicial manager may be appointed under Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to the company;
  - (c) no step may be taken by any person to enforce any security over the company's property unless that person has served on the Authority 14 days' notice of that person's intention to take that step; and
  - (d) no application under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 may be made by any person in relation to the company, unless that person has served on the Authority 14 days' written notice of that person's intention to make the application.
- [40/2018]*
- (5) The Authority must be a party to —
- (a) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of a company that is a relevant public licensee; or

- (b) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a company that is a relevant public licensee.

[40/2018]

(6) Any decision of the Minister under subsection (1) is final.

(7) For the purposes of this section, a company is unable to pay its debts if it is a company which is deemed to be so unable under section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018.

[40/2018]

### **Remuneration and expenses of Authority and others**

**89.**—(1) The Authority may at any time (whether or not the appointment of the person has terminated) fix the remuneration and expenses to be paid by a company which is a public licensee to any person appointed by the Minister under section 88(1)(c) to advise the company in the proper conduct of its business.

(2) Where a special administration order has been made under section 88(1)(a) in relation to a company which is a relevant public licensee, the Authority may, at any time, whether or not the order is still in force, fix the remuneration and expenses to be paid by the company to the Authority.

## PART 14

### LIABILITY OF AUTHORITY

#### **Exclusion of liability of Authority**

**90.** Despite the grant of any public licence, the Authority shall not be liable in any circumstances for any injury, loss, damage or cost sustained by any person as a result of any default, negligence, breach or other wrongful act or omission of any public licensee or any agent or employee of the licensee.

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

**91.**—(1) The Authority shall not, where, without its actual fault or privity, any loss, damage or destruction is caused to any vessel or to any goods or other thing on board any vessel, be liable to damages beyond an aggregate amount not exceeding in the currency of Singapore the equivalent of 1,000 gold francs for each ton of the vessel's tonnage.

(2) For the purposes of this section —

- (a) the amount to be taken in the currency of Singapore as equivalent to 1,000 gold francs is as published in the *Gazette* under section 136(3) of the Merchant Shipping Act 1995 as in force before 1 May 2005; and
- (b) the tonnage of any vessel is ascertained as provided by section 136(2) of that Act, and the register of any vessel is sufficient evidence that the gross tonnage and the deduction therefrom and the registered tonnage are as stated in the register.

(3) This section applies without prejudice to any limitation of liability for loss or damage which may be available to the Authority under section 136 of the Merchant Shipping Act 1995.

**PART 15****OFFENCES****Damage to property of Authority**

**92.**—(1) If any person wilfully removes, destroys or damages any property belonging to or in the custody or possession of the Authority or hinders or prevents such property from being used or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and must make good any loss, destruction or damage suffered by the Authority, including the expenses of any inspection or

survey carried out by the Authority to ascertain such loss, destruction or damage.

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

### **Unlawful operation of marine or port services or facilities**

**93.** Any person who establishes, installs, maintains, provides or operates any marine service or facility or any port service or facility without a public licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

### **Evasion of dues**

**94.—**(1) Any owner, agent or master of any vessel who, by any means, evades or attempts to evade any port dues, goods dues or pilotage dues payable under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both, and shall in addition be liable to pay to the Authority as penalty double the amount of the dues the owner, agent or master evaded or attempted to evade.

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

### **Penalty for giving false information as to draught of vessel, etc.**

**95.—**(1) Any owner, agent or master of a vessel entering or leaving, or within, the port or the approaches to the port who makes any negligent misstatement or gives false information of the type of vessel, its draught, length, beam or height to the Authority shall be guilty of an offence and shall be liable on conviction to a fine not

exceeding \$20,000 or to imprisonment for a term not exceeding 6 months or to both.

(2) In this section, “height of vessel” is the height of the vessel measured vertically from the waterline of the vessel to the highest point of the vessel including its cargo, structure or equipment on board.

### **Offences in connection with safety of vessels, etc.**

**96.** Any person who —

- (a) wilfully and without lawful excuse loosens or removes, from its moorings or from its fastenings alongside any wharf or dock, any vessel in the port without leave or authority from the master or owner of the vessel or person in charge of the wharf or dock;
- (b) wilfully and without lawful excuse lifts, injures, makes a vessel fast to, loosens or sets adrift any moorings, buoys, beacons or sea or land marks;
- (c) without any lawful excuse discharges any gun in the port except for the purpose of making a signal of distress or for any other purpose allowed under any written law;
- (d) graves, breams or smokes any vessel in the port, or boils or heats any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within the port, at any time or within any limits at or within which such act is prohibited by any order of the Minister, or contrary to the orders or directions of the Port Master or the master of the vessel;
- (e) does or omits any act on board any vessel in the port which has caused or may cause fire on board the vessel; or
- (f) uses a vessel or permits a vessel to be used in the port —
  - (i) when the vessel is in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of undermanning or otherwise, the life of any person is likely to be endangered;

- (ii) when the vessel is so loaded with goods or passengers or with both goods and passengers as to —
  - (A) exceed the number of passengers allowed by the vessel's safety certificate to be carried or received on the vessel; and
  - (B) submerge the appropriate subdivision load line on each side of the vessel when the vessel has no list, that is to say, the subdivision load line appropriate to the space for the time being allotted to passengers on the vessel is lower than the load line indicating the maximum depth to which the vessel is for the time being entitled under any written law to be loaded when the vessel has no list;
- (iii) in contravention of the regulations thus endangering the life of any person,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Penalty for obstructing Authority in performance of duties**

**97.** Any person who at any time hinders or obstructs the Authority or any of its employees, agents or contractors in the performance and execution of their duty or of anything which they are respectively empowered or required to do so by virtue or in consequence of this Act, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

[40/2017]

### **Power to examine and secure attendance**

**97A.**—(1) Any duly authorised officer of the Authority may do all or any of the following for the purposes of investigating into any matter under this Act:

- (a) issue a written order requiring anyone within the limits of Singapore, who appears to be acquainted with any of the facts and circumstances of the matter, to attend before any duly authorised officer of the Authority;
- (b) examine orally any person who appears to be acquainted with the facts and circumstances of the matter, and require that person to answer questions relating to the matter and posed by any duly authorised officer of the Authority, whether or not —
  - (i) that person or any other person is charged with an offence in connection with the matter; and
  - (ii) that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter;
- (c) require any person to provide to any duly authorised officer of the Authority any information or document in the possession of that person in connection with the matter;
- (d) without payment, inspect, keep, copy or take extracts from any document mentioned in paragraph (c).

*[40/2017]*

(2) A person examined under subsection (1)(b) is bound to state truly what the person knows of the facts and circumstances concerning the matter in question, except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

*[40/2017]*

(3) A statement made by any person examined under this section must —

- (a) be reduced to writing;
- (b) be read over to the person;

- (c) if the person does not understand English, be interpreted to the person in a language that the person understands; and
- (d) after correction, if necessary, be signed by the person.

[40/2017]

(4) If any person fails to attend as required by an order issued under subsection (1)(a), any duly authorised officer of the Authority may report such failure to the Magistrate who may then, in the Magistrate's discretion, issue a warrant ordering the person to attend.

[40/2017]

(5) Any person who —

- (a) intentionally alters, suppresses or destroys any document that the person is required to provide under subsection (1); or
- (b) in providing any information required of the person under subsection (1), makes any statement that the person knows to be false in any material particular,

shall be guilty of an offence.

[40/2017]

(6) The Chief Executive may authorise an appointed officer to exercise any of the powers of a duly authorised officer of the Authority under this section for the purposes of investigating any matter under regulations made under section 89C in which case, a reference to a duly authorised officer of the Authority is to be read as a reference to the appointed officer.

[40/2017]

### **Preservation of secrecy**

**98.**—(1) A person (*P*) who is or has been a member, officer, employee, adviser or agent of the Authority or a member of a committee of the Authority must not, except for the purpose of the performance of *P*'s duties or the exercise of *P*'s functions or when lawfully required to do so by any court or where required or allowed by the provisions of any written law, disclose any information relating to the affairs of the Authority or of any other person which has been obtained by *P* in the performance of *P*'s duties or the exercise of *P*'s functions.

[5/2018]

(2) Any person who contravenes subsection (1) 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.

### **General penalties**

**99.** Any person guilty of an offence under this Act or the regulations for which no penalty is expressly provided shall, in addition to the forfeiture of any article seized, be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

### **Offences by bodies of persons**

**100.** Where an offence under this Act or the regulations has been committed by a company, firm, society or other body of persons, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer or a partner of the company, firm, society or other body of persons or was purporting to act in such capacity shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly unless the person proves that the offence was committed without his or her consent, connivance or privity and that the person exercised all such diligence to prevent the commission of the offence as he or she ought to have exercised, having regard to the nature of his or her functions in that capacity and to all the circumstances.

### **Jurisdiction of courts**

**101.** A Magistrate's Court or a District Court has jurisdiction to hear and determine all offences under this Act or the regulations and, despite anything to the contrary in the Criminal Procedure Code 2010, has power to impose the full penalty or punishment in respect of any offence under this Act or the regulations.

### **Composition of offences**

**102.—(1)** Any police officer not below the rank of sergeant authorised by name in that behalf by the Minister, or any employee or officer of the Authority authorised in that behalf by the Chief

Executive, may compound any offence under this Act or the regulations made under this Act that is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$2,000.

[40/2017]

(2) Without limiting subsection (1), any appointed officer authorised in that behalf by the Chief Executive may exercise the power under subsection (1) in relation to any offence under the regulations made under section 89C that is prescribed as a compoundable offence.

[40/2017]

(3) On payment of such sum of money under subsection (1) or (2), no further proceedings are to be taken against that person in respect of the offence.

[40/2017]

(4) The Authority may, with the approval of the Minister, make regulations under section 119 prescribing the offences that may be compounded.

[40/2017]

### **Fines to be paid to Authority**

**103.** All fines imposed for any offence under this Act or the regulations and all sums collected under section 102 must be paid into the Consolidated Fund.

[40/2017]

### **Presumption of jurisdiction**

**104.** If, in any legal proceedings under this Act or the regulations, a question arises as to whether or not any vessel or person is within the provisions of this Act or the regulations or some part thereof, the vessel or person is taken to be within those provisions unless the contrary is proved.

**Service of documents**

**105.**—(1) Unless otherwise expressly provided in this Act, any notice, order or document required or authorised by this Act or the regulations to be given or served on any person, and any summons issued by a court in connection with any offence under this Act or the regulations, may be served on the person concerned —

- (a) by delivering it to the person or to an adult member or employee of the person's family at his or her last known place of residence;
- (b) by leaving it at his or her usual or last known place of residence or business in a cover addressed to him or her;
- (c) by affixing it to a conspicuous part of his or her last known place of residence;
- (d) by sending it by registered post addressed to the person at his or her usual or last known place of residence or business; or
- (e) where the person is a body corporate —
  - (i) by delivering it to the secretary or other similar officer of the body corporate at its registered or principal office; or
  - (ii) by sending it by registered post addressed to the body corporate at its registered or principal office.

(2) Any notice, order, document or summons sent by registered post to any person in accordance with subsection (1) is deemed to be duly served on the person to whom the letter is addressed at the time when the letter would, in the ordinary course of post, be delivered and in proving service of the same it is sufficient to prove that the envelope containing the notice, order, document or summons was properly addressed, stamped and posted by registered post.

**Saving of prosecutions under other laws**

**106.** Nothing in this Act prevents any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or the regulations, or from being liable

under that other written law to any punishment or penalty higher or other than that provided by this Act or the regulations, but no person is to be punished twice for the same offence.

## PART 16

### MISCELLANEOUS PROVISIONS

#### **Master, owner or person in charge of vessel answerable for damage**

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

(2) The Authority may —

- (a) detain the vessel or float of timber until the costs of making good the damage and the expenses described in subsection (1) have been paid to the Authority; or
- (b) require the master, owner or person in charge of the vessel or float of timber to deposit such sum of money or furnish such security as the Authority may require in order to meet the costs and expenses.

#### **Exemption from distress and attachment of property of Authority**

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

**Authority to provide free landing places**

**109.** The Authority must provide such number of public landing places as it may consider necessary or expedient for use by the public.

**Restrictions on erection of wharves, docks, etc.**

**110.**—(1) Despite the provisions of the Foreshores Act 1920, any plan and specification for —

- (a) the erection, within the port or the approaches to the port, of a new wharf or dock or for the re-erection, extension or alteration of the same; or
- (b) the erection of any seawall or any revetment along the bank of the port or for the re-erection, extension or alteration of the same,

must not be approved under that Act without previous reference to, and the concurrence of, the Authority.

(2) The Authority may determine the fee to be paid for the perusal of the plans and specifications.

(3) Where the Authority omits or refuses to give its concurrence to any plan or specification mentioned in subsection (1), the Commissioner of Building Control appointed under section 3(1) of the Building Control Act 1989 may refer the matter to the Minister whose decision is final.

**Notices, orders, receipts, etc., may be given by authorised employee or officer, etc.**

**111.**—(1) All notices, orders, receipts and other documents and all information of any nature which the Authority is empowered to give by this Act or the regulations or by any other written law may be given by any means including electronic and mechanical means.

*[40/2017]*

(2) Any notice, order, receipt or other document or information which the Authority is empowered to give —

- (a) under this Act or its regulations, may be given by any duly authorised employee or officer of the Authority; or

- (b) under the regulations made under section 89C, may also be given by any appointed officer authorised by the Chief Executive for the purposes of this section.

[40/2017]

(3) Where any such notice, order, receipt, document or information requires authentication, the signature or a facsimile of the signature of the Chief Executive, the employee or officer of the Authority mentioned in subsection (2)(a) or the appointed officer mentioned in subsection (2)(b), affixed thereto is sufficient authentication.

[40/2017]

### **Vessel guidance, assistance or direction**

**112.** Where the Authority provides any service for the guidance, assistance or direction of any vessel, neither the Authority nor any of its employees or agents shall be liable for any loss or damage suffered by any person of any nature or however caused —

- (a) by reason of any act or omission of the Authority, its employees or agents which is made in good faith and in the ordinary course of the discharge of the duties of those employees or agents; or
- (b) if the loss or damage occurred or arose as a result of any defect or breakdown, in the service, of any equipment used for the provision of such service or for the receipt or provision of such information and not as a result of any act or omission of the Authority.

### **Power to enter upon lands**

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

(2) The Authority must not enter into any dwelling house in actual occupation, unless with the consent of the occupier of the house and with 6 hours' previous notice to the occupier.

### **Power to enter upon lands adjacent to works**

**114.**—(1) The Authority may, by its employees, agents or contractors, enter upon any land adjoining to or being within the distance of 90 metres of any works by this Act authorised to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with the formation of the works without making any previous payment, tender or deposit.

(2) In exercising the powers conferred under subsection (1) to enter upon any land, the Authority must —

(a) do as little damage to the land as possible; and

(b) pay compensation for —

(i) the temporary occupation of, or the temporary damage to, the land as and when such temporary occupation or temporary damage occurs; and

(ii) any permanent injury to the land.

(3) If any dispute arises touching the amount or apportionment of the compensation, the same is to be determined in the manner provided by section 116.

(4) Before the Authority makes any temporary use under subsection (1) of the land adjoining or lying near to the works, the Authority must give 7 days' notice in writing of its intention to the owners and the occupiers of the land and must set apart by sufficient fences so much of the land as is required to be used from the other adjoining land.

### **Employee of Authority may require evidence of identity in certain cases**

**115.**—(1) Any police officer or any employee or officer of the Authority who reasonably believes that any person has committed an offence under this Act or the regulations may require that person to

furnish evidence of his or her identity and the person must furnish such evidence of his or her identity so required.

[40/2017]

(2) Any person who refuses to furnish any information required under subsection (1) or wilfully misstates that information shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[40/2017]

### **Compensation, damages and costs to be determined by District Court**

**116.**—(1) Except as otherwise provided in this Act, in all cases where damages, expenses, the cost of making good or other costs are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same and any question of liability are, in case of dispute, to be summarily ascertained and determined by a District Court.

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

(3) An appeal lies to the General Division of the High Court from any decision of a District Court under this section, and the provisions of the Criminal Procedure Code 2010 apply, with the necessary modifications, to the appeal.

[40/2019]

### **Disposal of matters and things removed by Authority**

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

(2) The moneys arising from the sale may be retained by the Authority and applied in or towards the expenses incurred and the

surplus (if any) must be paid on demand to the owner of that matter or thing.

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

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

### **Exemption by Authority**

**118.**—(1) The Authority may, with the approval of the Minister, exempt any person, vessel, vehicle or premises or any class or description of persons, vessels, vehicles or premises from any of the provisions of this Act or the regulations.

(2) Any exemption granted by the Authority under subsection (1) does not reduce or in any way affect the responsibility of the person to whom the exemption is granted or of the owner or master of a vessel or of the owner of a vehicle or the premises to whom the exemption is granted and the Authority shall not be liable for any death or injury of any person or for any loss, damage or destruction of any property arising from the exemption.

### **Regulations**

**119.** The Authority may, with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Act.

## FIRST SCHEDULE

Section 6

### CONSTITUTION AND PROCEEDINGS OF AUTHORITY

#### **Appointment of Chairperson and other members**

1.—(1) The Chairperson and other members of the Authority are to be appointed by the Minister.

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

FIRST SCHEDULE — *continued*

(3) The Minister may appoint the Chief Executive to be a member of the Authority.

**Tenure of office of members**

2. A member holds office on such terms and conditions and for such period as the Minister may determine, and is eligible for re-appointment.

**Temporary members**

3. The Minister may appoint any person to be a temporary member of the Authority during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

**Revocation of appointment**

4. The Minister may, at any time, revoke the appointment of the Chairperson or any member without giving any reason.

**Resignation**

5. Any member may resign from his or her appointment at any time by giving written notice to the Minister.

**Chairperson may delegate functions**

6. The Chairperson may, by instrument in writing, authorise any member to exercise any power or perform any function conferred on the Chairperson by or under this Act.

**Vacation of office**

7. The office of a member becomes vacant —

- (a) on the member's death;
- (b) if the member, without sufficient cause (the sufficiency to be decided by the Authority) fails to attend 3 consecutive meetings of the Authority; or
- (c) if the member becomes in any manner disqualified from membership of the Authority.

**Filling of vacancies**

8. If a member dies, resigns or has the member's appointment revoked or otherwise vacates office before the expiry of the term for which the member has

FIRST SCHEDULE — *continued*

been appointed, the Minister may appoint a person to fill the vacancy for the remainder of the term for which the vacating member was appointed.

**Disqualification from membership**

9. A person must not be appointed or continue to hold office as a member if he or she —

- (a) is an undischarged bankrupt or has made any arrangement with his or her creditors; or
- (b) has been sentenced to imprisonment for a term of 6 months or more and has not received a free pardon.

**Salaries, etc., payable to members**

10. There are to be paid to the members out of the funds of the Authority such salaries, fees and allowances as the Minister may determine.

**Meetings**

11.—(1) The Authority must meet for the despatch of business at such times and places as the Chairperson may appoint.

(2) The quorum at every meeting of the Authority is one-third of the total number of members or 3 members, whichever is the higher.

(3) A decision at a meeting of the Authority is to be adopted by a simple majority of the members present and voting except that in the case of an equality of votes the Chairperson or member presiding has a casting vote in addition to his or her original vote.

(4) The Chairperson, or in the Chairperson's absence the Deputy Chairperson, presides at meetings of the Authority.

(5) Where both the Chairperson and the Deputy Chairperson are absent at a meeting, such member as the Chairperson appoints as an acting Chairperson presides at that meeting.

**Vacancies**

12. The Authority may act despite any vacancy in its membership.

**Procedure at meetings**

13. Subject to the provisions of this Act and the Public Sector (Governance) Act 2018, the Authority may make rules to regulate its own procedure generally and, in particular, regarding the holding and proceedings of meetings, the notice to

FIRST SCHEDULE — *continued*

be given of the meetings, the keeping of minutes and the custody, production and inspection of the minutes.

**Validity of proceedings**

14. The validity of any proceedings of the Authority is not affected by any defect in the appointment of any member.

[25/2009; 5/2018]

## SECOND SCHEDULE

Section 8

## POWERS OF AUTHORITY

1. To give directions to any person granted a licence under this Act or the regulations.
2. To lay down standards and codes to be observed by all providers and users of marine and port services and facilities.
3. To levy such charges and fees for the granting of licences, permits, approvals, consents and concurrences and for services and facilities provided by the Authority as may in its opinion be appropriate.
4. To own and operate vessels for the purpose of providing any of the port services and facilities which the Authority is required or empowered to provide.
5. To supply water to vessels.
6. To regulate and control operations to clean up oil spills within the territorial waters of Singapore.
7. To reclaim, excavate, enclose or raise any part of the lands vested in the Authority.
8. To provide and use, within the territorial waters of Singapore or otherwise, vessels and appliances for the purpose of rendering assistance to any vessel, or of recovering property lost, sunk or stranded.
9. To provide accommodation and recreational facilities for persons employed by the Authority and members of the mercantile marine as the Authority may consider necessary.
10. To promote the welfare of members of the mercantile marine.
11. To form or participate in the formation of —
  - (a) any company for the purpose of carrying out all or any of the functions of the Authority; and

SECOND SCHEDULE — *continued*

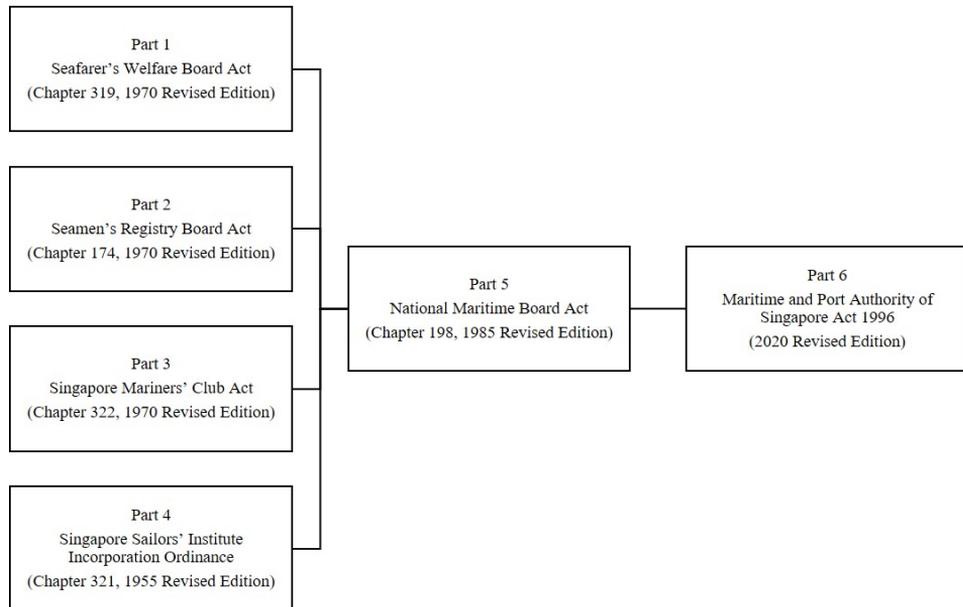
- (b) any company, with the approval of the Minister, for any other purpose that may be approved by the Minister.
12. To form or participate in any joint venture or partnership.
  13. To grant or guarantee loans to officers or employees of the Authority for any purposes specifically approved by the Authority that are likely to increase the efficiency of officers or employees or otherwise for the purpose of the functions of the Authority.
  14. To make provision for gratuities, pensions, allowances or other benefits for employees or former employees of the Authority or its predecessors.
  15. To offer bursaries and scholarships for study at any school or institution of higher learning to members of the public and officers or employees of the Authority and members of their families.
  16. To provide financial grant, aid or assistance to any person for all or any of the purposes of this Act.
  17. To receive donations and contributions from any source and raise funds by all lawful means.
  18. To do anything incidental to any of its functions.

# LEGISLATIVE HISTORY

## MARITIME AND PORT AUTHORITY OF SINGAPORE ACT 1996

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

### PICTORIAL OVERVIEW OF PREDECESSOR ACTS



### LEGISLATIVE HISTORY DETAILS

#### PART 1 SEAFARER'S WELFARE BOARD ACT (CHAPTER 319, 1970 REVISED EDITION)

##### **1. Ordinance 34 of 1956 — Seafarers' Welfare Board Ordinance, 1956**

Bill	:	69/1956
First Reading	:	5 November 1956
Second and Third Readings	:	20 November 1956
Commencement	:	1 February 1957

##### **2. G.N. No. S (N.S.) 177/1959 — Singapore Constitution (Modification of Laws) (No. 3) Order, 1959**

Commencement	:	20 November 1959
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**3. 1970 Revised Edition — Seafarers' Welfare Board Act (Chapter 319)**

Operation : 31 August 1971

## PART 2

SEAMEN'S REGISTRY BOARD ACT  
(CHAPTER 174, 1970 REVISED EDITION)

**4. Ordinance 11 of 1957 — Seamen's Registry Board Ordinance, 1957**

Bill : 92/1957  
 First and Second Readings : 13 February 1957  
 Select Committee Report : Sessional Paper No. L.A. 6 of 1957  
 Notice of Amendments : 26 April 1957  
 Third Reading : 26 April 1957  
 Commencement : 15 October 1957

**5. Ordinance 66 of 1959 — Seamen's Registry Board (Amendment) Ordinance, 1959**

Bill : Information not available  
 First, Second and Third Readings : 14 October 1959  
 Commencement : 23 October 1959

**6. G.N. No. S (N.S.) 178/1959 — Singapore Constitution (Modification of Laws) (No. 4) Order, 1959**

Commencement : 20 November 1959

**7. Ordinance 27 of 1963 — Seamen's Registry Board (Amendment) Ordinance, 1963**

Bill : 2/1963  
 First Reading : 28 November 1963  
 Second and Third Readings : 19 December 1963  
 Commencement : 8 January 1965

**8. Act 43 of 1968 — Seamen's Registry Board (Amendment) Act, 1968**

Bill : 42/1968  
 First Reading : 3 December 1968  
 Second and Third Readings : 23 December 1968

Commencement : 24 January 1969

**9. Act 48 of 1970 — Statute Law Revision Act, 1970**

(Amendments made by section 2 read with the First Schedule to the above Act)

Bill : 36/1970

First Reading : 2 September 1970

Second Reading : 4 November 1970

Notice of Amendments : 4 November 1970

Third Reading : 4 November 1970

Commencement : 11 December 1970 (section 2 read with the First Schedule)

**10. 1970 Revised Edition — Seamen’s Registry Board Act (Chapter 174)**

Operation : 31 May 1971

PART 3

SINGAPORE MARINERS’ CLUB ACT  
(CHAPTER 322, 1970 REVISED EDITION)

**11. Ordinance 9 of 1955 — Singapore Asian Seamen’s Club Incorporation Ordinance, 1955**

Bill : G.N. No. S 432/1954

First Reading : 14 December 1954

Second Reading : 28 January 1955

Notice of Amendments : 28 January 1955

Third Reading : 28 January 1955

Commencement : 4 February 1955

**12. 1955 Revised Edition — Singapore Asian Seamen’s Club Incorporation Ordinance (Chapter 319)**

Operation : 1 July 1956

**13. Ordinance 55 of 1960 — Singapore Asian Seamen’s Club Incorporation (Amendment) Ordinance, 1960**

Bill : 95/1960

First Reading : 21 September 1960

Second and Third Readings : 20 October 1960

- Commencement : 1 December 1960
- 14. Ordinance 15 of 1965 — Singapore Asian Seamen’s Club Incorporation (Amendment) Ordinance, 1965**
- Bill : 57/1965
- First Reading : 13 December 1965
- Second and Third Readings : 24 December 1965
- Commencement : 1 March 1966
- 15. Act 15 of 1970 — Singapore Mariners’ Club Act, 1970**
- Bill : 5/1970
- First Reading : 9 March 1970
- Second and Third Readings : 30 March 1970
- Commencement : 3 July 1970
- 16. 1970 Revised Edition — Singapore Mariners’ Club Act (Chapter 322)**
- Operation : 31 August 1971

PART 4  
SINGAPORE SAILORS’ INSTITUTE  
INCORPORATION ORDINANCE  
(CHAPTER 321, 1955 REVISED EDITION)

- 17. Ordinance 16 of 1920 — The Sailors’ Home Incorporation Ordinance, 1920**
- Bill : G.N. No. 651/1920
- First Reading : 12 April 1920
- Second Reading : 3 May 1920
- Notice of Amendments : 3 May 1920
- Third Reading : 31 May 1920
- Commencement : 11 June 1920
- 18. 1926 Revised Edition — Ordinance No. 237 (Sailors’ Home Incorporation)**
- Operation : 1 August 1926
- 19. 1936 Revised Edition — Singapore Sailors’ Institute Incorporation Ordinance (Chapter 261)**
- Operation : 1 September 1936

*Note: The Ordinance No. 37 (Sailors' Home Incorporation) was renamed as the Singapore Sailors' Institute Incorporation Ordinance in the 1936 Revised Edition.*

**20. Ordinance 11 of 1937 — Singapore Sailors' Institute Incorporation (Amendment) Ordinance, 1937**

Bill	:	G.N. No. 1011/1937
First Reading	:	26 April 1937
Second Reading	:	14 June 1937
Notice of Amendments	:	14 June 1937
Third Reading	:	14 June 1937
Commencement	:	25 June 1937

**21. Ordinance 1 of 1938 — Treasury Officers (Titles and Powers) Ordinance, 1938**

(Amendments made by section 2(1) read with the Schedule to the above Ordinance)

Bill	:	G.N. No. 3460/1937
First Reading	:	15 December 1937
Second Reading	:	14 February 1938
Notice of Amendments	:	14 February 1938
Third Reading	:	14 February 1938
Commencement	:	7 March 1938 (section 2(1) read with the Schedule)

**22. Ordinance 38 of 1951 — Singapore Sailors Institute Incorporation (Amendment) Ordinance, 1951**

Bill	:	G.N. No. S 289/1951
First Reading	:	21 August 1951
Second and Third Readings	:	18 September 1951
Commencement	:	1 October 1951

**23. 1955 Revised Edition — Singapore Sailors' Institute Incorporation Ordinance (Chapter 321)**

Operation	:	1 July 1956
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**24. Ordinance 21 of 1958 — Singapore Sailors' Institute Incorporation (Amendment) Ordinance, 1958**

Bill	:	154/1958
First Reading	:	11 June 1958
Second and Third Readings	:	16 July 1958
Commencement	:	1 August 1958

**25. Ordinance 54 of 1960 — Singapore Sailors' Institute Incorporation (Amendment) Ordinance, 1960**

Bill	:	94/1960
First Reading	:	21 September 1960
Second and Third Readings	:	20 October 1960
Commencement	:	1 December 1960

PART 5

NATIONAL MARITIME BOARD ACT  
(CHAPTER 198, 1985 REVISED EDITION)

**26. Act 21 of 1972 — National Maritime Board Act, 1972**

Bill	:	18/1972
First Reading	:	16 March 1972
Second and Third Readings	:	27 March 1972
Commencement	:	1 January 1973

**27. Act 35 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) (No. 4) Act, 1973**

(Amendments made by section 2 read with the Schedule to the above Act)

Bill	:	35/1973
First Reading	:	11 July 1973
Second and Third Readings	:	26 July 1973
Commencement	:	1 September 1973 (section 2 read with the Schedule)

**28. Act 4 of 1977 — National Maritime Board (Amendment) Act, 1977**

Bill	:	5/1977
First Reading	:	27 May 1977
Second and Third Readings	:	29 June 1977

- Commencement : 2 September 1977
- 29. G.N. No. S 214/1977 — National Maritime Board (Amendment of Schedule) Notification, 1977**
- Commencement : 2 September 1977
- 30. G.N. No. S 268/1980 — National Maritime Board Act (Substitution of Schedule) Notification, 1980**
- Commencement : 1 October 1980
- 31. Act 8 of 1982 — National Maritime Board (Amendment) Act, 1982**
- Bill : 32/1981
- First Reading : 22 December 1981
- Second and Third Readings : 3 March 1982
- Commencement : 16 April 1982
- 32. Act 32 of 1986 — Statutes (Miscellaneous Amendments) Act 1986**  
(Amendments made by section 2 read with item (5) of the Schedule to the above Act)
- Bill : 24/1986
- First Reading : 27 October 1986
- Second and Third Readings : 9 December 1986
- Commencement : 23 January 1987 (section 2 read with item (5) of the Schedule)
- 33. 1985 Revised Edition — National Maritime Board Act (Chapter 198)**
- Operation : 30 March 1987
- 34. Act 5 of 1989 — Statutes (Miscellaneous Amendments) Act 1989**  
(Amendments made by section 2 read with item (3) of the Schedule to the above Act)
- Bill : 2/1989
- First Reading : 16 January 1989
- Second and Third Readings : 26 January 1989
- Commencement : 3 March 1989 (section 2 read with item (3) of the Schedule)

PART 6  
MARITIME AND PORT AUTHORITY OF  
SINGAPORE ACT 1996  
(2020 REVISED EDITION)

**35. Act 7 of 1996 — Maritime and Port Authority of Singapore Act 1996**

Bill	:	46/1995
First Reading	:	5 December 1995
Second and Third Readings	:	18 January 1996
Commencement	:	2 February 1996

**36. 1997 Revised Edition — Maritime and Port Authority of Singapore Act (Chapter 170A)**

Operation	:	30 May 1997
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**37. Act 5 of 2002 — Statutory Corporations (Capital Contribution) Act 2002**  
(Amendments made by section 3 read with item (21) of the Schedule to the above Act)

Bill	:	7/2002
First Reading	:	3 May 2002
Second and Third Readings	:	24 May 2002
Commencement	:	15 July 2002 (section 3 read with item (21) of the Schedule)

**38. Act 45 of 2004 — Trustees (Amendment) Act 2004**

(Amendments made by section 25(4) read with item (26) of the Schedule to the above Act)

Bill	:	43/2004
First Reading	:	21 September 2004
Second and Third Readings	:	19 October 2004
Commencement	:	15 December 2004 (section 25(4) read with item (26) of the Schedule)

**39. Act 25 of 2009 — Quorums of Statutory Boards (Miscellaneous Amendments) Act 2009**

(Amendments made by section 2 read with item 9 of the Schedule to the above Act)

Bill	:	19/2009
First Reading	:	14 September 2009

Second and Third Readings	:	19 October 2009
Commencement	:	15 January 2010 (section 2 read with item 9 of the Schedule)

**40. Act 11 of 2012 — Energy Conservation Act 2012**

(Amendments made by section 80(2) read with item 3 of the Second Schedule to the above Act)

Bill	:	8/2012
First Reading	:	8 March 2012
Second and Third Readings	:	9 April 2012
Commencement	:	1 July 2012 (section 80(2) read with item 3 of the Second Schedule)

**41. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016**

(Amendments made by section 18 of the above Act)

Bill	:	15/2016
First Reading	:	14 April 2016
Second and Third Readings	:	9 May 2016
Commencement	:	10 June 2016 (section 18)

**42. Act 40 of 2017 — Maritime and Port Authority of Singapore (Amendment) Act 2017**

Bill	:	31/2017
First Reading	:	11 September 2017
Second and Third Readings	:	2 October 2017
Commencement	:	15 January 2018 (sections 3, 7, 8, 14 and 19(3)) 15 October 2021 (sections 2(a) and (g), 5, 10(a), 11, 13, 15, 16 and 19(1))

**43. Act 5 of 2018 — Public Sector (Governance) Act 2018**

(Amendments made by section 77 of the above Act)

Bill	:	45/2017
First Reading	:	6 November 2017
Second Reading	:	8 January 2018
Notice of Amendments	:	8 January 2018
Third Reading	:	8 January 2018

- Commencement : 1 April 2018 (section 77)
- 44. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018**  
(Amendments made by section 491 of the above Act)
- Bill : 32/2018
- First Reading : 10 September 2018
- Second and Third Readings : 1 October 2018
- Commencement : 30 July 2020 (section 491)
- 45. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**  
(Amendments made by section 28(1) read with item 94 of the Schedule to the above Act)
- Bill : 32/2019
- First Reading : 7 October 2019
- Second Reading : 5 November 2019
- Notice of Amendments : 5 November 2019
- Third Reading : 5 November 2019
- Commencement : 2 January 2021 (section 28(1) read with item 94 of the Schedule)
- 46. Act 4 of 2021 — Statute Law Reform Act 2021**  
(Amendments made by section 15(10) of the above Act)
- Bill : 45/2020
- First Reading : 3 November 2020
- Second and Third Readings : 5 January 2021
- Commencement : 1 March 2021 (section 15(10))
- 47. 2020 Revised Edition — Maritime and Port Authority of Singapore Act 1996**
- Operation : 31 December 2021
- 48. G.N. No. S 26/2022 — Variable Capital Companies (Consequential Amendments to Other Acts) Order 2022**
- Commencement : 13 January 2022

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

**COMPARATIVE TABLE**  
**MARITIME AND PORT AUTHORITY OF**  
**SINGAPORE ACT 1996**

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

<b>2020 Ed.</b>	<b>1997 Ed.</b>
—	<b>12—(4)</b> [ <i>Deleted by Act 5 of 2018</i> ]
—	<b>23—(1)</b> [ <i>Deleted by Act 5 of 2018</i> ]
—	(2) [ <i>Deleted by Act 5 of 2018</i> ]
—	(3) [ <i>Deleted by Act 5 of 2018</i> ]
<b>23</b>	(4)
[ <i>Omitted as spent</i> ]	<b>31—(1)</b>
[ <i>Omitted as spent</i> ]	(2)
[ <i>Omitted as spent</i> ]	<b>32—(1)</b>
[ <i>Omitted as spent</i> ]	(2)
[ <i>Omitted as spent</i> ]	(3)
[ <i>Omitted as spent</i> ]	(4)
[ <i>Omitted as spent</i> ]	<b>33</b>
[ <i>Omitted as spent</i> ]	<b>34—(1)</b>
[ <i>Omitted as spent</i> ]	(2)
[ <i>Omitted as spent</i> ]	<b>35</b>
[ <i>Omitted as spent</i> ]	<b>36</b>
[ <i>Deleted as obsolete</i> ]	<b>86F—(14)</b>
<b>111—(2)</b>	<b>111—(1A)</b>
(3)	(2)
—	<b>120</b> [ <i>Repealed by Act 4 of 2021</i> ]
—	<b>THIRD SCHEDULE</b> [ <i>Repealed by Act 5 of 2018</i> ]