



# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## MERCHANT SHIPPING ACT 1995

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# Merchant Shipping Act 1995

## ARRANGEMENT OF SECTIONS

### PART 1

#### PRELIMINARY

#### Section

1. Short title
2. Interpretation
3. Exemption of naval ships, etc.
4. Appointment of Director of Marine
5. Appointment of surveyors
6. Delegation of powers by Authority

### PART 2

#### SINGAPORE REGISTRY

7. Application of this Part
8. Conditions for registration of ships
9. Register of Singapore ships
10. Marking of ship
11. Application for initial registry
12. Provisional registry
13. Entry of particulars in register
14. Fees and tonnage taxes on registration
15. Documents to be retained by Registrar
16. Certificate of registry
17. Use, custody and delivery up of certificate
18. Transfer of ship and registration of bill of sale
19. Transfer to person qualified to own Singapore ship
20. Transfer to person not qualified to own Singapore ship
21. Transmission of property in ship on marriage, bankruptcy, death, etc.
22. Order for sale on transmission to unqualified person
23. Transfer of ship or sale by order of court
24. Power of General Division of High Court to prohibit transfer
25. Mortgage of ship or share

## Section

26. Obligation of mortgagor before execution and registration of mortgage
27. Entry of discharge of mortgage
28. Priority of mortgages
29. Mortgagee not deemed to be owner
30. Powers of mortgagee
31. Transfer of mortgages
32. Transmission of interest in mortgage in certain circumstances
33. Notice of trusts not received and equities not excluded
34. Alteration of ship
35. Procedure for registry anew
36. National colours for Singapore ships
37. Penalty for not showing colours
38. Certified copy or transcript of register
39. Correction of errors in register
40. Rectification of register by General Division of High Court
41. Delivery up of certificate on loss, etc., of ship
42. Voluntary closure of registry
43. Power of Authority to close registry and cancel certificate of registry
44. Rules as to name of ship
45. Regulations on evidence of seaworthiness, etc.

## PART 3

## MANNING AND CERTIFICATION

46. Application of this Part
47. Manning and certification
48. Prohibition of going to sea undermanned
49. Unqualified persons going to sea as qualified officers
50. Production of certificates and other documents of qualification
51. Certificate obtained by fraud

## PART 4

## CREW MATTERS

52. Application of this Part and interpretation
53. Crew agreements
54. Regulations relating to crew agreements, engagement and discharge of seamen

## Section

55. Discharge of seamen when ship ceases to be registered in Singapore
56. Payment of seaman's wages
57. Account of seaman's wages
58. Regulations relating to wages and accounts
59. Settlement of disputes
60. Restriction on attachment or assignment of and charge upon crew member's wages
61. Assignment or sale of salvage invalid
62. Allotment notes
63. Right of person named in allotment note to sue in own name
64. Right, or loss of right, to wages in certain circumstances
65. Compensation to crew member improperly discharged
66. Wages on termination of service by illness
67. Protection of certain rights and remedies
68. Remedies of master for remuneration, disbursements, etc.
69. Powers of court in case of unreasonable delay in paying crew member's wages
70. Provisions and water
71. Complaints about provisions or water
72. Other complaints
73. Medical stores
74. Medical treatment on board ship
75. Expenses of medical treatment, etc., during voyage
76. Drunkenness, etc., on board ship
77. Continued or concerted disobedience, neglect of duty, etc.
78. Offences committed by certain other persons
79. Defence of drug taken for medical purposes
80. Disciplinary offences
81. Appeal against fine for disciplinary offences
82. Prohibition of double prosecution
83. Payment of fines for disciplinary offences
84. Civil liability for smuggling
85. Relief and repatriation of seaman left behind
86. Limit of employer's liability under section 85
87. Custody, etc., of property of deceased crew members
88. Disposal of property of deceased crew members
89. Official and other logbooks
90. Discharge books
91. Returns of births and deaths in ships, etc.

## Section

- 92. Handing over of documents on change of master
- 93. Stowaways
- 94. Master's power of arrest
- 95. Penalty for receiving remuneration from seamen for engagement
- 96. Restriction on employment of young persons on board ship
- 97. Extension to foreign ships

## PART 5

## SURVEY AND SAFETY

- 98. Application of this Part
- 99. Prohibition on going to sea without certificates
- 100. Powers of Authority to make regulations
- 101. Overloaded ships
- 102. Penalty for carrying passengers in excess
- 103. Observance of collision regulations
- 104. Defect or deficiency in ship, etc.
- 105. Cancellation of certificate or exemption certificate
- 106. Duty of ship to assist the other in case of collision
- 107. Report of accidents, etc., to Director
- 108. Appointment of inspector to report on accident, etc.
- 109. Notification of loss of ship
- 110. Owner and master liable in respect of unsafe ship
- 111. Crew member may claim discharge if ship is unsafe
- 112. Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness
- 113. Detention of unsafe ship
- 114. Owner liable for unsafe operation of ship
- 115. Conduct endangering ships, structures or individuals
- 116. Regulations for survey of ships and issue of certificates

## PART 6

## INQUIRIES AND INVESTIGATIONS

- 117. Inquiry into fitness or conduct of officers
- 118. Inquiries and investigations into shipping casualties
- 119. Formal investigations into shipping casualties
- 120. Re-hearing of and appeal from inquiries and investigations
- 121. Regulations as to inquiries, formal investigations and appeals
- 122. Failure to deliver cancelled or suspended certificate

## Section

- 123. Power to restore certificate
- 124. Payment to persons holding inquiries or investigations and assessors

## PART 7

## DELIVERY OF GOODS

- 125. Interpretation of this Part
- 126. Powers of shipowner to land goods
- 127. Lien for freight on landing goods
- 128. Discharge of lien
- 129. Provisions as to deposits by owners of goods
- 130. Sale of goods by wharfinger and warehouseman
- 131. Application of proceeds of sale
- 132. Wharfinger's and warehouseman's rent and expenses
- 133. Wharfinger's and warehouseman's protection

## PART 8

LIABILITY OF SHIPOWNERS AND SALVORS  
FOR MARITIME CLAIMS

- 134. Interpretation of this Part
- 135. Exclusion of liability
- 136. Limitation of liability for maritime claims
- 137. General limits
- 138. Limit for passenger claims
- 139. Constitution and distribution of fund
- 140. Bar to other actions
- 141. Meaning of "State Party"
- 142. Units of Account
- 143. Amendment of First Schedule
- 144. Saving

## PART 9

## WRECK AND SALVAGE

- 145. Interpretation of this Part
- 145A. Salvage Convention to have force of law
- 146. Receiver of wrecks
- 147. Duty of receiver in respect of ship in distress
- 148. Powers of receiver in case of ships in distress

## Section

- 149. Power to pass over adjoining lands
- 150. Power of receiver to suppress plunder and disorder by force
- 151. Exercise of powers of receiver in his or her absence
- 152. Examination in respect of ships in distress
- 153. Rules to be observed by persons finding wreck
- 154. Penalty for taking wreck at time of casualty
- 155. Notice of wreck to be given by receiver
- 156. Claims of owners to wreck
- 157. Immediate sale of wreck by receiver in certain cases
- 158. Right of Government to unclaimed wreck
- 159. Unclaimed wreck
- 160. Delivery of unclaimed wreck by receiver not to affect title
- 161. Removal of wreck by receiver
- 162. Powers of removal extend to tackle, cargo, etc.
- 163. Taking wreck to foreign port
- 164. Interfering with wrecked ship or wreck
- 165. Summary procedure for concealment of wreck
- 166. Recourse for life salvage payment
- 167. Salvage of cargo or wreck
- 168. Determination of salvage disputes
- 169. Determination of disputes as to salvage summarily
- 170. Appeal in case of salvage disputes
- 171. Valuation of property by receiver
- 172. Detention of property liable to salvage by receiver
- 173. Sale of detained property
- 174. Apportionment of salvage by receiver
- 175. Appointment of salvage by General Division of High Court
- 176. [*Repealed*]
- 177. Receiver's fees

## PART 10

## LEGAL PROCEEDINGS

- 178. Provision as to jurisdiction in case of offences
- 179. Jurisdiction over ships lying off coast
- 180. Jurisdiction in case of offences on board ship
- 181. Presumption of jurisdiction
- 182. Court for trial of offences
- 183. Sums ordered to be paid leviable by distress on ship



## Section

- 184. Depositions to be received in evidence when witness cannot be produced
- 185. Proof of attestation not required
- 186. Admissibility of documents in evidence
- 187. Service of documents
- 188. Mode of making declarations
- 189. Continuing offences
- 190. Liability of beneficial owners
- 191. Offences by body corporate
- 192. Offences under this Act
- 193. Forgery, etc., of documents and fraudulent use
- 194. False declaration, etc.
- 195. Interfering with person in carrying out duty, etc.
- 196. Misleading officer, refusal to answer questions, produce documents, etc.
- 197. Offences relating to markings of ship
- 198. Unauthorised presence on board ship
- 199. Taking person performing duty to sea
- 200. General penalties
- 201. Persons appointed or authorised under this Act deemed public servants
- 202. Costs of detention of unsafe ships
- 203. Security for costs of detention of unsafe ships
- 204. Immunity of Government, Authority and their employees, etc.

## PART 11

## MISCELLANEOUS

- 205. Powers of Director, etc.
- 206. Powers of inspector
- 207. Power of arrest
- 208. Power of General Division of High Court to remove master
- 209. Enforcing detention of ship
- 210. Issue of new document
- 211. Issue of certified copies or extracts
- 212. Copy of Act and regulations to be kept on Singapore ships
- 213. Powers of Authority to prescribe fees, recovery of fees and application of moneys
- 214. Documents to be in approved form
- 215. Exemption

## Section

216. Regulations
217. Transitional provisions
- First Schedule — Convention on Limitation of Liability  
                          for Maritime Claims, 1976
- Second Schedule — International Convention on Salvage,  
                          1989
- 

An Act relating to merchant shipping.

[2 February 1996]

## PART 1

## PRELIMINARY

**Short title**

1. This Act is the Merchant Shipping Act 1995.

**Interpretation**

- 2.—(1) In this Act, unless the context otherwise requires —
- “alteration” includes deterioration;
- “Authority” means the Maritime and Port Authority of Singapore established under the Maritime and Port Authority of Singapore Act 1996;
- “beneficial interest” includes interests arising under contract and other equitable interests;
- “cargo ship” means any ship which is not a passenger ship;
- “certificated officer” means any officer holding a certificate issued or deemed to have been issued in accordance with regulations made under section 47;
- “collision regulations” means regulations made under section 100(2)(h);

“consular officer” includes —

- (a) a consul, ambassador, high commissioner, commissioner or other head of a diplomatic mission;
- (b) a Minister;
- (c) a charge d’affaires; and
- (d) a counsellor, secretary or attache of an embassy or other mission;

“court”, in relation to any proceedings, includes any court having jurisdiction in the matter to which the proceedings relate;

“crew” means the following:

- (a) if the ship is a ship to which the Merchant Shipping (Maritime Labour Convention) Act 2014 applies, all the seafarers employed on board that ship;
- (b) if the ship is not a ship mentioned in paragraph (a), the master and all the seamen employed on board that ship;

“crew agreement” means an agreement made pursuant to section 53;

“crew member” means a member of the crew;

“Director” means the Director of Marine appointed under section 4 and includes the Deputy Director of Marine;

“effects” includes clothes and documents;

“equipment”, in relation to a ship, includes every fitting, thing or article belonging to, on or in the ship used or to be used in connection with, or necessary for the navigation or safety of, the ship or persons on board or the prevention of pollution, whether or not the fitting, thing or article is prescribed by this Act and, in particular, includes machinery, boilers, cargo handling gear and any fitting, thing or article prescribed by this Act;

“harbour craft” means any ship that is used solely within the limits of the port that may be declared under the Maritime and Port Authority of Singapore Act 1996;

“load line” means a line indicating the maximum depth to which a ship, other than a passenger ship, may be loaded in circumstances prescribed by regulations made under section 100 and determined in accordance with those regulations;

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

“name” includes a surname;

“natural resources” means the mineral and other non-living resources of the seabed and its subsoil;

“officer” includes a master, a mate, an engineer, a helmsman and an engine driver of any ship;

“off-shore industry mobile unit” means —

(a) a vessel that is used or intended for use in exploring or exploiting the natural resources of the subsoil of any seabed, or in any operation or activity associated with or incidental thereto, by drilling the seabed or its subsoil, or by obtaining substantial quantities of material from the seabed or its subsoil, with equipment that is on or forms part of the vessel; and

(b) a barge or like vessel fitted with living quarters for more than 12 persons and used or intended for use in connection with the construction, maintenance or repair of any fixed structure used or intended for use in exploring or exploiting the natural resources of the subsoil of any seabed, or in any operation or activity associated with or incidental thereto;

“passenger” means a person carried on board a ship with the knowledge or consent of the owner, manager, charterer, operator, agent or master of the ship, not being —

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship pursuant to an obligation imposed on the master by any law (including a law of a country other than Singapore) to convey persons left behind in any country on being shipwrecked, distressed or by reason of circumstances that could not have been prevented or forestalled by the owner, manager, charterer, operator, agent or master of the ship;
- (c) a person temporarily employed on the ship in port; or
- (d) a child below one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

“pilot” means any person who does not belong to, but has the conduct of, a ship;

“port” includes place;

“Port Health Officer” means any person appointed as a Port Health Officer under the Infectious Diseases Act 1976;

“Port Master” means the Port Master appointed under the Maritime and Port Authority of Singapore Act 1996 and includes any Deputy Port Master;

“port of return” means such port as is agreed upon by the crew member and his or her employer in the crew agreement or seafarer’s employment agreement (as the case may be) or otherwise, or, in the absence of agreement —

- (a) Singapore, in the case of a crew member who is resident in Singapore; or
- (b) the port where the crew member was employed or joined the ship, in any other case;

“Registrar” means the Registrar of Singapore ships;

“representation” means probate, administration, confirmation or other instrument constituting a person the executor, administrator or other representative of a deceased person, and “legal personal representative” means the person so constituted executor, administrator or other representative of a deceased person;

“salvor”, in relation to salvage services rendered by the officers or crew or part of the crew of any naval ship, means the person in command of that ship;

“sea” includes any waters within the ebb and flow of tide;

“seafarer” has the meaning given by the Merchant Shipping (Maritime Labour Convention) Act 2014;

“seafarer’s employment agreement” has the meaning given by the Merchant Shipping (Maritime Labour Convention) Act 2014;

“seaman” includes every person employed or engaged in any capacity on board a ship on the business of the ship, other than —

(a) the master of the ship;

(b) a pilot; or

(c) a person temporarily employed on the ship in port;

“ship” means any kind of vessel used in navigation by water, however propelled or moved and includes —

(a) a barge, lighter or other floating vessel;

(b) an air-cushion vehicle, or other similar craft, used wholly or primarily in navigation by water; and

(c) an off-shore industry mobile unit;

“Singapore ship” means a ship registered, provisionally or otherwise, under Part 2 and its registry is not closed or deemed to be closed or suspended under that Part;

“subdivision load line” means a line indicating the maximum depth to which a passenger ship may be loaded having regard

to the extent to which it is subdivided and to the space for the time being allotted to passengers as determined in accordance with regulations made under section 100;

“voyage”, in relation to a ship, means the whole time and the whole distance when the ship is at sea between the ship’s port of departure and its port of arrival;

“wages” includes emoluments;

“young person” means any person who has not attained 18 years of age.

[56/2004; 6/2014]

(2) References in this Act —

- (a) to a failure to do any act or thing include references to a refusal or neglect to do that act or thing;
- (b) to going to sea include, in the case of a Singapore ship, references to going to sea from any country outside Singapore;
- (c) to dying in a ship include references to dying in a ship’s boat or life raft and to being lost from a ship, ship’s boat or life raft; and
- (d) to this Act include references to regulations made under this Act.

(3) For the purposes of this Act —

- (a) a crew member is discharged from a ship when his or her employment on that ship is terminated;
- (b) a crew member discharged from a ship in any country and left there is deemed to be left behind in that country even though the ship also remains there; and
- (c) a ship is deemed to have gone to sea if it has got under way for any purpose except for the purpose of moving the ship from one berth or place in a port to another berth or place in the port.

[6/2014]

**Exemption of naval ships, etc.**

3. This Act, with the exception of Part 8 or where the contrary intention appears, does not apply to or in relation to any ship belonging to the naval, military or air forces of Singapore or any other country.

**Appointment of Director of Marine**

4.—(1) The Authority may appoint a Director of Marine and a Deputy Director of Marine.

(2) If the Director is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for any reason temporarily unable to perform his or her duties, a person may be appointed by the Authority to act in the place of the Director during any such period of absence from duty.

(3) The Director may appoint such number of officers as the Director thinks fit for the purpose of carrying out all or any of the functions conferred on the Director by this Act.

(4) The Director may delegate to any officer appointed under this section all or any of the powers conferred on the Director by this Act, except the powers conferred by section 113.

**Appointment of surveyors**

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

(2) Every surveyor of ships and every radio surveyor is to have and perform the powers, functions and duties prescribed by this Act.

**Delegation of powers by Authority**

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



## PART 2

## SINGAPORE REGISTRY

**Application of this Part**

7. This Part does not apply to any fishing vessel, that is to say, any ship which is for the time being used for fishing or processing fish.

**Conditions for registration of ships**

8.—(1) The Authority may, with the approval of the Minister, make regulations prescribing the conditions for the registration of a ship as a Singapore ship.

(2) Without limiting subsection (1), regulations made under this section may make provision —

- (a) describing the persons qualified to own Singapore ships or any share therein (called in this Part persons qualified to own Singapore ships);
- (b) requiring a corporation having a share capital to have a minimum amount of paid-up capital;
- (c) limiting the age and tonnage of a ship;
- (d) requiring a corporate owner to disclose to the Registrar such particulars and in such manner as may be specified before making an application to register a ship; and
- (e) empowering the Registrar to close the registry of a Singapore ship and cancel its certificate of registry for any contravention of the regulations.

(3) The Registrar may refuse to register any ship as a Singapore ship without assigning any reason.

**Register of Singapore ships**

9.—(1) The Director is the Registrar of Singapore ships.

(2) The Registrar must keep a register of ships registered as Singapore ships under the provisions of this Part in accordance with the following provisions:

- (a) the property in a ship may be divided into any number of shares and such number must not be changed unless the ship is registered anew;
- (b) a person is not entitled to be registered as an owner of a fractional part of a share in the ship;
- (c) joint owners are to be considered as constituting one person only as regards the persons entitled to be registered, and are not entitled to dispose of in severalty any interest in a ship or in any share therein in respect of which they are registered;
- (d) a corporation may be registered as an owner by its corporate name.

### **Marking of ship**

**10.**—(1) Every ship must, before registry, be marked permanently and conspicuously to the satisfaction of the Registrar as follows:

- (a) its name must be marked on each of its bows, and its name and the name of its port of registry must be marked on its stern, on a dark ground in white or yellow letters or on a light ground in black letters, such letters to be of a length not less than one decimetre and of proportionate breadth;
- (b) its official number must be cut in on its main beam;
- (c) a scale of decimetres, or of metres and decimetres, denoting its draught of water must be marked on each side of its stem and of its stern post —
  - (i) in figures at two-decimetre intervals, if the scale is in decimetres;
  - (ii) in figures at each metre interval and at intervening two-decimetre intervals, if the scale is in metres and decimetres; and
  - (iii) the capital letter “M” being placed after each metre figure; the top figure of the scale showing both the metre and (except where it marks a full metre interval) the decimetre figure; the lower line of

figures, or figures and letters (as the case may be), coinciding with the draught line denoted thereby, the figures and letters being not less than one decimetre in length and being marked by being cut in and painted white or yellow on a dark ground, or in any other way that the Director may approve.

(2) The Registrar may exempt any ship or class of ships from all or any of the requirements of this section.

(3) If the scale showing a ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Application for initial registry**

**11.—**(1) An application for the registry of a ship must be —

- (a) made in writing by the person applying to be registered as owner or by some other person on the firstmentioned person's behalf; and
- (b) submitted together with the declaration of ownership, the document of title to the ship, evidence of the cancellation of any foreign registry, the ship's tonnage certificate, a certificate specifying the ship's build and such other particulars as the Registrar may require, such evidence of seaworthiness as may be specified in the regulations made under section 45 and any other document relating to the ship that the Registrar may require.

(2) A person is not entitled to be registered as owner of a ship or of a share therein until the person, or, in the case of a corporation, the person authorised under this Act to make declarations on behalf of the corporation, has made and signed a declaration of ownership in the prescribed form and containing the following particulars:

- (a) the name of the ship and its gross and net tonnages and any other particulars that may be prescribed;
- (b) a statement of the person's qualification to own a Singapore ship, or, in the case of a corporation, those

circumstances of the constitution and business of the corporation as prove it to be qualified to own a Singapore ship;

- (c) a statement of the time when and the place where the ship was built, or, if the time and the place of building are unknown, a statement that the declarant does not know the time and place of its building;
- (d) a statement as to the owner of the ship and the owner's citizenship and, if the ship is owned by more than one person, the number of shares each of them is entitled to;
- (e) a declaration that, to the best of the person's knowledge and belief, no unqualified person is entitled as owner to any legal or beneficial interest in the ship or any share therein.

### **Provisional registry**

**12.—**(1) The Registrar may provisionally register a ship and grant a provisional certificate of registry if the application under section 11 is not accompanied by the document of title, evidence of cancellation of any foreign registry, the tonnage certificate or any other document that the Registrar may determine.

(2) The provisional registry of a ship is valid for a maximum period of one year from the date of issue and the provisions of this Act and any other written law apply to a ship provisionally registered under this section, its owner and provisional certificate of registry as they apply to a Singapore ship, its owner and certificate of registry.

### **Entry of particulars in register**

**13.—**(1) The Registrar must, if he or she is satisfied that the requirements preliminary to registry, whether provisional or otherwise, have been complied with by the applicant for the registry of a ship and, upon payment of the fees specified in section 14, enter in the register the following particulars of the ship:

- (a) the name of the ship and the port to which it belongs;
- (b) the ship's build and other particulars descriptive of the identity of the ship;

- (c) the particulars respecting its origin stated in the declaration of ownership;
- (d) the name and description of its owner and, if there are more owners than one, the proportions in which they are interested in the ship.

(2) The Registrar may, at any time, make any other entries in the register as he or she considers necessary.

### **Fees and tonnage taxes on registration**

**14.**—(1) The fee for the initial registration or registration anew of a ship registered under this Part is \$2.50 per net ton of the ship, subject to a minimum of \$1,250 and a maximum of \$100,000.

(2) An annual tonnage tax of 20 cents per net ton, subject to a minimum of \$100, is payable in respect of every Singapore ship.

(3) The annual tonnage tax must be paid at the time of initial registration or registration anew of the ship and thereafter annually on or before the anniversary date of the initial registration or registration anew, as the case may be.

(4) All unpaid fees and tonnage taxes in respect of any ship due to the Registrar constitute a maritime lien on the ship, subject only to liens for wages.

(5) The Minister may, either generally or on specific occasions, reduce the fee or annual tonnage tax prescribed under this section.

(6) Any person authorised by the Minister for the purposes of this subsection may, either generally or on specific occasions, reduce the fee prescribed under subsection (1).

*[3/2019]*

### **Documents to be retained by Registrar**

**15.** On the registry of a ship, the Registrar must retain in his or her possession all the documents submitted under section 11, except the document of title.

**Certificate of registry**

**16.—**(1) On completion of the registry of a ship, the Registrar must grant a certificate of registry which must state the particulars entered in the register.

(2) Where a ship has been provisionally registered under section 12 without the tonnage certificate, the fees paid under section 14 must be adjusted according to the tonnage established in the tonnage certificate.

(3) The provisional certificate of registry (if any) must be delivered up to the Registrar for cancellation.

(4) Where a ship has been provisionally registered under section 12 and its registry is not completed within the period specified in that section, the registry of the ship is deemed to be closed (except in relation to any unsatisfied mortgages entered therein) and the Registrar must make an entry thereof in the register.

**Use, custody and delivery up of certificate**

**17.—**(1) The certificate of registry of a ship must be used only for the lawful navigation of the ship and must not be subject to detention by reason of any title, lien, charge or interest whatsoever had or claimed by any owner, mortgagee or other person to, on or in the ship.

(2) Any person, whether interested in the ship or not, who refuses, without reasonable cause, on request to deliver up the certificate of registry when it is in the person's possession or under the person's control to —

(a) the person entitled to the custody thereof for the purposes of the lawful navigation of the ship;

(b) the Registrar; or

(c) any other person entitled by law to require such delivery, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(3) Where the registry of a ship is closed or deemed to be closed under this Part (except under section 43), the registered owner of the ship at the time of the closure who fails, without reasonable cause, to

deliver up the certificate of registry to the Registrar for cancellation within 60 days of the closure shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(4) If any person uses or attempts to use for the navigation of a ship a certificate of registry which is not legally granted in respect of the ship or the registry of which has been closed or deemed to be closed, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

### **Transfer of ship and registration of bill of sale**

**18.—**(1) A Singapore ship or any share therein must be transferred by a bill of sale.

(2) The bill of sale for the transfer of a ship or any share therein to a person qualified to own a Singapore ship must be in the prescribed form and must contain such description of the ship as is contained in the register and must be executed by the transferor in the presence of and be attested by a witness or witnesses.

(3) Every bill of sale must be produced to the Registrar and the Registrar must thereupon enter in the register the name of the transferee and must endorse on the bill of sale the fact of that entry having been made with the date and time thereof.

(4) Bills of sale must be entered in the register in the order of their production to the Registrar.

(5) The Registrar must not make an entry under this section in respect of any ship if there is —

- (a) any unsatisfied mortgage entered in its register, unless, where the ship or any share therein is transferred to a person qualified to own a Singapore ship, the mortgagee has given consent in writing;
- (b) any subsisting entry made under section 24 prohibiting any dealing with the ship;
- (c) any unpaid fees within the meaning of section 213(4) with respect to the ship; and

- (d) any outstanding claim of any crew member of the ship in respect of wages which has been notified to the Director.  
[6/2014]

(6) Subsection (5) does not apply in respect of a bill of sale executed pursuant to an order of the General Division of the High Court for the sale of a Singapore ship or any share therein.  
[40/2019]

### **Transfer to person qualified to own Singapore ship**

**19.**—(1) Where a Singapore ship or any share therein is transferred to a person qualified to own a Singapore ship and the bill of sale is registered under section 18, the ship must, subject to section 42, be registered anew.

(2) If the ship is not registered anew or its registry is not closed within 60 days of the date on which the bill of sale (or the first bill of sale if there are more than one bill of sale) is registered, the registry of the ship is deemed to be closed (except in relation to any unsatisfied mortgages entered therein) and the Registrar must make an entry thereof in the register.

### **Transfer to person not qualified to own Singapore ship**

**20.**—(1) A Singapore ship or any share therein must not be transferred to a person not qualified to own a Singapore ship if there is —

- (a) any unsatisfied mortgage entered in its register;
- (b) any subsisting entry made under section 24 prohibiting any dealing with the ship;
- (c) any unpaid fees within the meaning of section 213(4) with respect to the ship; and
- (d) any outstanding claim of any crew member of the ship in respect of wages which has been notified to the Director.  
[6/2014]

(2) Where a Singapore ship or any share therein is transferred to a person not qualified to own a Singapore ship and the bill of sale is registered under section 18, the registry of the ship is deemed to be closed and the Registrar must make an entry thereof in the register.



(3) This section, except subsection (2), does not apply to a Singapore ship or any share therein sold pursuant to an order of the General Division of the High Court.

[40/2019]

**Transmission of property in ship on marriage, bankruptcy, death, etc.**

**21.**—(1) Where the property in a Singapore ship or any share therein is transmitted to a person on the marriage, bankruptcy or death of any registered owner, or by any lawful means other than by a transfer under this Part —

- (a) that person must authenticate the transmission by making and signing a declaration of transmission identifying the ship and containing the particulars specified in section 11(2)(b) and (e), or as near thereto as circumstances admit, or if that person is not qualified to own a Singapore ship, a statement to that effect, and also a statement of the manner in which and the person to whom the property has been transmitted;
- (b) if the transmission is consequent on bankruptcy, the declaration of transmission must be accompanied by such evidence as is for the time being receivable in courts of law as proof of the title of persons claiming under a bankruptcy; and
- (c) if the transmission is consequent on death, the declaration of transmission must be accompanied by the instrument of representation, or an official extract therefrom.

(2) The declaration of transmission and the evidence under subsection (1) must be produced to the Registrar and the Registrar must make an entry thereof in the register.

(3) Where the property in a Singapore ship or any share therein is transmitted to a person qualified to own a Singapore ship, the ship must, subject to section 42, be registered anew and if the ship is not registered anew or its registry is not closed within 60 days of the date on which the entry is made under subsection (2) or such longer period not exceeding one year as the Registrar may allow, the registry of the

ship is deemed to be closed (except in relation to any unsatisfied mortgages entered therein) and the Registrar must make an entry thereof in the register.

### **Order for sale on transmission to unqualified person**

**22.**—(1) Where the property in a Singapore ship or any share therein is transmitted on death or bankruptcy to a person not qualified to own a Singapore ship, the General Division of the High Court may, on the application by or on behalf of the unqualified person or any other person having an interest in the ship, order a sale of the property so transmitted and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under the transmission or as the General Division of the High Court otherwise directs.

*[40/2019]*

(2) The General Division of the High Court may require any evidence in support of the application and may make the order on any terms and conditions or may refuse to make the order and generally may act in any manner that the General Division of the High Court thinks just.

*[40/2019]*

(3) Every such application for sale must be made within 60 days after the occurrence of the event on which the transmission has taken place, or within such longer period not exceeding in aggregate one year as the General Division of the High Court may allow.

*[40/2019]*

(4) If such an application is not made within the period specified or allowed under subsection (3), or if the General Division of the High Court refuses an order for sale, the registry of the ship is deemed to be closed (except in relation to any unsatisfied mortgages entered therein) and the Registrar must make an entry thereof in the register.

*[40/2019]*

### **Transfer of ship or sale by order of court**

**23.** Where any court, whether under the preceding sections of this Act or otherwise, orders the sale of a ship or any share therein, the order of the court is to contain a declaration vesting in some person named by the court the right to transfer that ship or share, and that

person is thereupon entitled to transfer the ship or share in the same manner and to the same extent as if that person were the registered owner thereof; and the Registrar must accept the requisition of the person so named in respect of any such transfer to the same extent as if that person were the registered owner.

### **Power of General Division of High Court to prohibit transfer**

**24.**—(1) The General Division of the High Court may, if it thinks fit (without affecting the exercise of any other power of the General Division of the High Court), on the application of any interested person make an order prohibiting for a specified time any dealing with a ship or any share therein, and the General Division of the High Court may make the order on any terms and conditions the General Division of the High Court thinks just, or may refuse to make the order or may discharge the order when made, with or without costs, and generally may act in any manner that the General Division of the High Court thinks just.

[40/2019]

(2) The Registrar, without being made a party to the proceedings, must, on being served with the order or an official copy thereof, accept the same and make an entry thereof in the register.

### **Mortgage of ship or share**

**25.**—(1) A Singapore ship or any share therein may be made a security for a loan or other valuable consideration, and the instrument creating the security (called in this Part a mortgage) must be in the prescribed form or as near thereto as circumstances permit, and on production of that instrument the Registrar must record it in the register.

(2) Mortgages must be recorded by the Registrar in the order in time in which they are produced to him or her for that purpose, and the Registrar must endorse and sign a memorandum on each mortgage stating the date and time of that record.

### **Obligation of mortgagor before execution and registration of mortgage**

**26.**—(1) Before executing any mortgage to be registered under this Act, the mortgagor must disclose in writing to the mortgagee the existence of any maritime lien, prior mortgage, or other liability in respect of the ship to be mortgaged, which is known to the mortgagor.

(2) Where the mortgagor has failed to comply with this section, the mortgage debt must, at the election of the mortgagee, become immediately due and payable, despite anything to the contrary in the mortgage.

### **Entry of discharge of mortgage**

**27.** Where a registered mortgage is discharged, the Registrar must, on production of the mortgage, with the discharge duly signed and attested, make an entry in the register to the effect that the mortgage has been discharged, and on that entry being made, the estate (if any) which passed to the mortgagee vests in the person in whom (having regard to any intervening acts and circumstances) it would have vested, if the mortgage had not been made.

### **Priority of mortgages**

**28.** If there are more than one mortgages registered in respect of the same ship or share, the mortgagees must, despite any express, implied or constructive notice, be entitled in priority one over the other, according to the date and time of the record of each mortgage in the register and not according to the date of each mortgage itself.

### **Mortgagee not deemed to be owner**

**29.** Except as may be necessary for making a mortgaged ship or any share therein available as a security for the mortgage debt, the mortgagee is not, by reason of the mortgage, deemed to be the owner of the ship or share, nor is the mortgagor deemed to have ceased to be the owner of the ship or share.

**Powers of mortgagee**

**30.**—(1) Every registered mortgagee has power absolutely to dispose of the ship or share in respect of which the mortgagee is registered, and to give effectual receipts for the purchase money; but where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee must not, except under the order of the General Division of the High Court, sell the ship or share without the concurrence of every prior mortgagee.

[40/2019]

(2) Every registered mortgagee is entitled to enforce the mortgagee's mortgage by an action in rem in admiralty whenever any sum secured by the mortgage is unpaid when due or otherwise in accordance with the terms of any deed or instrument collateral to the mortgage.

**Transfer of mortgages**

**31.**—(1) A registered mortgage of a ship or any share therein may be transferred to any person and the instrument effecting the transfer must be in the prescribed form or as near thereto as circumstances permit, and on production of such instrument, the Registrar must record the transfer by entering in the register the name of the transferee as mortgagee of the ship or share and must endorse and sign on the instrument of transfer a memorandum that the transfer has been recorded by the Registrar stating the date and time of that record.

(2) The person to whom any registered mortgage has been transferred enjoys the same right of preference as was enjoyed by the transferor.

**Transmission of interest in mortgage in certain circumstances**

**32.**—(1) Where the interest of a mortgagee in a Singapore ship or any share therein is transmitted on the death or bankruptcy of the mortgagee, or by any lawful means other than by a transfer under this Act, the transmission must be authenticated by a declaration of the person to whom the interest is transmitted.

(2) A declaration made under this section must contain a statement of the manner in which, and the person to whom, the property has

been transmitted, and must be accompanied by the like evidence as is by this Act required in the case of a corresponding transmission of the ownership of a Singapore ship or any share therein.

(3) The Registrar must, on receipt of the declaration and production of the evidence aforesaid, enter the name of the person entitled under the transmission in the register as mortgagee of the ship or share.

### **Notice of trusts not received and equities not excluded**

**33.**—(1) No notice of any trust, express, implied or constructive, may be entered in the register or be receivable by the Registrar, and, subject to any rights and powers appearing on the register to be vested in any other person, the registered owner of a ship or any share therein has power absolutely to dispose, in the manner provided in this Part, of the ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

(2) Subject to this section and sections 8 and 30, interests arising under contract or other equitable interests may be enforced by or against the owners and mortgagees of ships in respect of their interests therein in the same manner as in respect of any other personal property.

### **Alteration of ship**

**34.**—(1) When a Singapore ship is so altered as not to correspond with the particulars relating to its tonnage or description contained in the register, the owner must apply for the ship to be registered anew.

(2) If the owner of a Singapore ship, without reasonable cause, fails to register anew the ship so altered, the owner shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$5,000 and to a further fine not exceeding \$200 for every day during which the offence continues after conviction.

### **Procedure for registry anew**

**35.**—(1) Where a ship is to be registered anew, the Registrar must proceed as in the case of initial registry and upon the requisites to registry, or those of them that the Registrar considers material, being

duly complied with, must make such registry anew and grant a new certificate of registry.

(2) Where a ship has been registered anew under subsection (1), the former certificate of registry must be delivered up to the Registrar for cancellation and the Registrar must make an entry thereof in the former register.

(3) Where a ship is registered anew, its former register is deemed to be closed (except in relation to any unsatisfied mortgages entered on the former register) but the names of all persons appearing on the former register to be interested in the ship as owners or mortgagees must be entered on the new register, and the registry anew must not in any way affect the rights of any of those persons.

### **National colours for Singapore ships**

**36.—**(1) The Minister is to prescribe an ensign, which is the proper national colours for a Singapore ship.

(2) If any distinctive national colours other than the said ensign are hoisted on board any Singapore ship without the consent of the Minister, the master of the ship or the owner thereof if on board the ship, and every other person hoisting the colours shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

### **Penalty for not showing colours**

**37.—**(1) A Singapore ship must hoist the proper national colours on entering or leaving any port.

(2) If the master of a Singapore ship, without reasonable cause, fails to comply with this section, the master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

### **Certified copy or transcript of register**

**38.—**(1) Any person may, on payment of the prescribed fee, on application to the Registrar at a reasonable time, inspect any register of Singapore ships or apply for a certified copy or transcript thereof.

(2) If the register of a Singapore ship is free of registered encumbrances, the Registrar may, at the request of the applicant, certify that fact in the copy or transcript of the register.

### **Correction of errors in register**

**39.**—(1) The Registrar may correct any clerical error or obvious mistake in the register of a Singapore ship.

(2) Any error relating to the particulars descriptive of a ship in the register may be corrected by entry (but so that the original entry remains legible) by the Registrar on the production to the Registrar, by the owner requiring the error to be corrected, of a declaration setting forth the nature of the error and the facts of the case and made by the owner or some other person having knowledge of the facts of the case.

### **Rectification of register by General Division of High Court**

**40.**—(1) Any person who is aggrieved by any incorrect entry or omission in the register of a Singapore ship may apply to the General Division of the High Court for rectification of the register and the General Division of the High Court may make any order that it thinks fit directing the rectification of the register.

*[40/2019]*

(2) The General Division of the High Court may, in proceedings under this section, decide any question that is necessary or expedient to decide in connection with the rectification of the register.

*[40/2019]*

(3) Notice of an application under this section by a person aggrieved must be served on the Registrar, who may appear and be heard, and must appear if so directed by the General Division of the High Court.

*[40/2019]*

(4) An official copy of an order under this section must be served on the Registrar who must, upon receipt of the order, rectify the register accordingly.



**Delivery up of certificate on loss, etc., of ship**

**41.**—(1) Where a Singapore ship is actually or constructively lost, taken by the enemy, burnt or broken up, every owner of the ship or any share therein must, immediately on having knowledge of the event, if no notice thereof has already been given to the Registrar, give notice thereof to the Registrar, and the Registrar must make an entry thereof in the register and the registry of the ship is deemed to be closed except in relation to any unsatisfied mortgages entered therein.

(2) In any such case, except where the ship's certificate of registry is lost or destroyed, the owner or the master of the ship must, within 30 days of the event, deliver the certificate to the Registrar.

(3) Any owner or master of a ship who, without reasonable cause, fails to comply with subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

**Voluntary closure of registry**

**42.**—(1) The owner of a Singapore ship may make a written application to close its registry if there is no —

- (a) unsatisfied mortgage entered in its register;
- (b) subsisting entry made under section 24 prohibiting any dealing with the ship;
- (c) unpaid fees within the meaning of section 213(4) with respect to the ship; and
- (d) outstanding claim of any crew member of the ship in respect of wages which has been notified to the Director.

[6/2014]

(2) The application must specify the name of the ship, the intended port and country of registry (if applicable) or otherwise the reason for the closure and must be submitted to the Registrar together with the certificate of registry of the ship.

(3) On receipt of the application and the certificate of registry, the Registrar must, if the Registrar is satisfied of the matters mentioned in subsection (1), close the registry of the ship and make an entry thereof in the register.

(4) For the purposes of this section, “owner” includes any transferee of, or any person entitled under a transmission to the property in, a Singapore ship.

### **Power of Authority to close registry and cancel certificate of registry**

**43.**—(1) The Authority may close the registry of a Singapore ship (except in relation to any unsatisfied mortgages entered therein) and cancel its certificate of registry for any contravention of any of the provisions of this Act or any international convention applicable to Singapore.

(2) The Authority may close the registry of a Singapore ship (except in relation to any unsatisfied mortgages entered therein) and cancel its certificate of registry if the Authority is satisfied that it is not in the public interest for the ship to continue to be registered as a Singapore ship.

(3) Where the registry of a ship is closed under this section, the registered owner of the ship at the time of the closure who fails to deliver up the certificate of registry to the Registrar for cancellation within 30 days of the closure shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Rules as to name of ship**

**44.**—(1) A ship must not be registered under any name except a name which is approved by the Registrar and a Singapore ship must not be described by any name other than that by which it is for the time being registered.

(2) The Authority may, with the approval of the Minister, make regulations for the approval of a ship’s name and the changes thereto.

(3) Without limiting subsection (2), the Authority may, with the approval of the Minister, in the regulations —

- (a) require an existing ship to be registered under its existing name unless a change thereof has been approved in accordance with the regulations; and

(b) require an existing ship to change its name if it is the same as or similar to the name of a Singapore ship.

(4) In this section, “registered” includes registered anew.

### **Regulations on evidence of seaworthiness, etc.**

**45.—**(1) The Authority may, with the approval of the Minister, make any regulations that the Authority considers necessary or expedient to implement the provisions of this Part.

(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, in particular, make regulations —

- (a) specifying the documents which may be accepted as evidence of seaworthiness of a ship for the purposes of section 11;
- (b) providing for the submission of the documents to the Registrar at any time after the registry of a ship;
- (c) providing for the registration of pleasure craft;
- (d) providing for the registration of ships which are bareboat chartered by persons qualified to own Singapore ships;
- (e) providing for the suspension of the registry of a Singapore ship which is bareboat chartered out and registered in another state;
- (f) specifying the provisions of this Act which apply, with such modifications as may be specified, to a ship which is bareboat chartered by persons qualified to own Singapore ships; and
- (g) specifying the provisions of this Act which continue to apply, with such modifications as may be specified, despite the suspension of the registry of a Singapore ship and its registration in another country.

## PART 3

## MANNING AND CERTIFICATION

**Application of this Part**

**46.**—(1) This Part does not apply to —

- (a) any ship employed exclusively in the fishing industry;
- (b) any pleasure craft;
- (c) any harbour craft; and
- (d) any ship which is not propelled by mechanical means.

(2) Subject to subsection (1), this Part applies to every Singapore ship and to any ship that enters or leaves any port in Singapore.

**Manning and certification**

**47.**—(1) The Authority may, with the approval of the Minister, make regulations —

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

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

(3) Without limiting paragraph (b) of subsection (1), the conditions prescribed or specified under that paragraph may include conditions

as to nationality and regulations made for the purposes of that paragraph may make provision for —

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

### **Prohibition of going to sea undermanned**

**48.** Subject to any exemption under section 215, if a ship goes to sea or attempts to go to sea without carrying the number of officers, doctors and other seamen that it is required to carry under section 47, the owner or the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and the ship may be detained.

### **Unqualified persons going to sea as qualified officers**

**49.—(1)** If a person goes to sea as a qualified officer, doctor or seaman of any description without being such a qualified officer, doctor or seaman, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(2) In this section, “qualified” means qualified for the purposes of section 47.

### **Production of certificates and other documents of qualification**

**50.** Any person serving or engaged to serve in any ship and holding any certificate or other document which is evidence that the person is qualified for the purposes of section 47 must on demand produce it to the Director, the Port Master, a surveyor of ships or any person authorised by the Director and (if the firstmentioned person is not the master) to the master of the ship; and if the firstmentioned person fails to do so without reasonable cause the firstmentioned person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **Certificate obtained by fraud**

**51.**—(1) Any person who fraudulently obtains a certificate under this Part shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) The Authority may cancel any certificate issued under this Part which is fraudulently obtained and the person to whom the certificate has been issued must, upon being notified by the Director of its cancellation, forthwith deliver it or cause it to be delivered to the Director.

## **PART 4**

### **CREW MATTERS**

#### **Application of this Part and interpretation**

**52.**—(1) This Part does not apply to —

- (a) any ship employed exclusively in the fishing industry;
- (b) any pleasure craft;
- (c) any harbour craft; and
- (d) any ship which is not propelled by mechanical means.

(2) Sections 53, 54, 55, 56, 57, 58, 59, 62, 63, 64, 72, 73, 74, 75(1), 80, 81, 82, 83, 85, 86, 95 and 96 do not apply to any ship to which the Merchant Shipping (Maritime Labour Convention) Act 2014 applies.  
*[6/2014]*

(3) Subject to subsection (1) and to any extension to foreign ships under section 97, this Part applies only to Singapore ships.

(4) For the purposes of this Part, except sections 72, 76, 77, 78, 80, 81 and 83, “seaman” (despite the definition in section 2) includes the master of a ship.  
*[6/2014]*

#### **Crew agreements**

**53.**—(1) Except as provided under subsection (4), a written agreement —

- (a) must be made between each person employed as a seaman on a ship and the person employing that seaman; and
- (b) must be signed both by the person employed as a seaman on a ship and by or on behalf of the person employing that seaman.

(2) The agreements made under this section with the several persons employed on a ship must be contained in one document (called in this Act a crew agreement) except that in any cases that the Director may approve —

- (a) the agreements to be made under this section with the persons employed on a ship may be contained in more than one crew agreement; and
- (b) one crew agreement may relate to more than one ship.

(3) Subject to this section, a crew agreement must be carried in the ship to which the agreement relates whenever the ship goes to sea.

(4) This section does not apply to any ship of less than 25 net tons exclusively employed in trading within any limits that are prescribed by regulations.

(5) If a ship goes to sea or attempts to go to sea in contravention of the requirements of this section, the master or the person employing the crew of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and the ship may be detained.

### **Regulations relating to crew agreements, engagement and discharge of seamen**

**54.**—(1) The Authority may, with the approval of the Minister, make regulations prescribing the particulars to be entered in a crew agreement and the procedure to be followed in connection with the engagement and discharge of seamen from ships.

(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, in the regulations make provision —

- (a) regarding the period of validity of a crew agreement and the circumstances under which it may be extended;

- (b) requiring the engagement and discharge to be recorded, whether by entries in the crew agreement and discharge book or otherwise, and requiring copies of any such entry to be given to the Director;
- (c) requiring the posting in ships of copies of or extracts from crew agreements;
- (d) for cases where a seaman employed on a ship is left behind otherwise than on being discharged from the ship; and
- (e) requiring the crew agreement to be produced to the Director when the ship is in Singapore.

### **Discharge of seamen when ship ceases to be registered in Singapore**

**55.** Where a ship registered in Singapore ceases to be so registered, any seaman employed on the ship must be discharged from the ship unless the seaman consents in writing to continue his or her employment on the ship; and sections 56 to 59 apply in relation to his or her wages as if the ship had remained registered in Singapore.

### **Payment of seaman's wages**

**56.—(1)** Except as provided by this Act or any other written law, the wages due to a seaman under a crew agreement relating to a ship must be paid to the seaman in full at the time when he or she leaves the ship on being discharged therefrom (called in this section and in section 57 the time of discharge).

(2) If the amount shown in the account delivered to a seaman under section 57(1) as being the amount payable to him or her under subsection (1) is replaced by an increased amount shown in a further account delivered to him or her under section 57(3), the balance must be paid to him or her within 7 days of the time of discharge.

(3) If any amount which, under subsection (2), is payable to a seaman is not paid at the time at which it is so payable, the seaman is entitled to wages at the rate last payable under the crew agreement for every day on which it remains unpaid until the full amount is paid.



(4) Subsection (3) does not apply if the failure to pay was due to any reasonable dispute as to liability or to the act or default of the seaman or to any other cause, not being the wrongful act or default of the person liable to pay the seaman's wages or of that person's employee or agent.

(5) Where a seaman is employed under a crew agreement relating to more than one ship, this section has effect, in relation to wages due to the seaman under the agreement, as if for any reference to the time of discharge there were substituted a reference to the termination of his or her employment under the crew agreement.

(6) Where a seaman is discharged under section 55, from a ship outside his or her port of return but returns to that port under arrangement made by the person who employed the seaman, this section has effect, in relation to the wages due to the seaman under a crew agreement relating to the ship, as if for the references in subsections (1) to (3) to the time of discharge there were substituted references to the time of the seaman's return to that port and subsection (5) were omitted.

### **Account of seaman's wages**

**57.**—(1) Subject to subsection (4) and to regulations made under section 58 or 85, the master of every ship must deliver to every seaman employed on the ship under a crew agreement an account of wages due to the seaman under that crew agreement and of the deductions subject to which the wages are payable.

(2) The account must indicate that the amounts stated therein are subject to any later adjustment that may be found necessary and must be delivered not later than 24 hours before the time of discharge or, if the seaman is discharged without notice or at less than 24 hours' notice, at the time of discharge.

(3) If the amounts stated in the account require adjustment, the person who employed the seaman must deliver to the seaman a further account stating the adjusted amounts; and that account must be delivered to the seaman not later than the time at which the balance of his or her wages is payable to the seaman.

(4) Where a seaman is employed under a crew agreement relating to more than one ship any account which under this section would be required to be delivered to the seaman by the master of the ship must instead be delivered to the seaman by the person employing the seaman and must be so delivered on or before the termination of the seaman's employment under the crew agreement.

(5) If a person, without reasonable cause, fails to comply with any of the provisions of this section, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

### **Regulations relating to wages and accounts**

**58.** The Authority may, with the approval of the Minister, make regulations —

- (a) authorising deductions to be made from the wages due to a seaman under a crew agreement (in addition to any deduction authorised by any of the provisions of this Act or any other written law) in cases where a breach of his or her obligation under the crew agreement is alleged against the seaman and any condition that may be specified in the regulations are complied with, or in any other cases that may be specified in the regulations;
- (b) regulating the manner in which the amounts deducted under the regulations are to be dealt with;
- (c) prescribing the manner in which any wages due to a seaman under a crew agreement are to be or may be paid;
- (d) regulating the manner in which any wages due to a seaman under a crew agreement are to be dealt with and accounted for in circumstances where a seaman leaves his or her ship otherwise than on being discharged therefrom; and
- (e) prescribing the form and manner in which any account required to be delivered under section 57 is to be prepared and the particulars to be contained therein (which may include estimated amounts).

### **Settlement of disputes**

**59.**—(1) Any dispute, of whatever nature, between a seaman and the person employing the seaman, the master or the owner of a ship may be submitted by any party to the Director for decision, or, in the case of a dispute relating to the amount payable to a seaman under a crew agreement and the amount exceeds \$5,000, by all the parties involved except that if the Director is of opinion that the dispute is one which ought to be decided by a court of law, the Director may refuse to decide it.

(2) The decision of the Director on a dispute submitted to the Director under this section is final.

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

### **Restriction on attachment or assignment of and charge upon crew member's wages**

**60.**—(1) Subject to this section, the following provisions have effect with respect to the wages due or accruing to a crew member employed on a ship:

- (a) the wages are not subject to attachment;
- (b) an assignment thereof before they have accrued does not bind the crew member and the payment of the wages to the crew member is valid despite any previous assignment or charge;
- (c) a power of attorney or authority for the receipt of the wages is not irrevocable.

[6/2014]

(2) Nothing in this section affects the provisions of this Act or the Merchant Shipping (Maritime Labour Convention) Act 2014 with respect to allotment notes.

[6/2014]

(3) Nothing in this section applies to any disposition relating to the application of wages —

- (a) in the payment of contributions to a fund declared by regulations to be a fund to which this section applies; or
  - (b) in the payment of contributions in respect of the membership of a body declared by regulations to be a body to which this section applies,
- or to anything done or to be done for giving effect to such a disposition.

### **Assignment or sale of salvage invalid**

**61.** Subject to this Act, an assignment or sale of salvage payable to a crew member made prior to the accruing thereof does not bind the person making the assignment or sale of salvage; and a power of attorney or authority for the receipt of any such salvage is not irrevocable.

[6/2014]

### **Allotment notes**

**62.—**(1) Subject to this section, a seaman may, by means of an allotment note issued in accordance with regulations, allot to any person part of the wages to which the seaman will become entitled in the course of the seaman's employment on a ship.

(2) A seaman's right to make an allotment under this section is subject to any limitations that may, by virtue of subsection (3), be imposed by regulations.

(3) Regulations made for the purposes of this section may prescribe the form of allotment notes and may —

- (a) limit the circumstances in which allotment notes may be made;
- (b) limit (whether by reference to an amount or by reference to a proportion) the part of the wages that may be allotted and the number of persons to whom it may be allotted and may prescribe the method by which that part is to be calculated;
- (c) limit the persons to whom the allotments may be made by a seaman to persons of such descriptions or persons standing

to the seaman in such relationships as may be prescribed by the regulations; and

- (d) prescribe the times and the intervals at which payments under allotment notes are to be made.

### **Right of person named in allotment note to sue in own name**

**63.**—(1) A person to whom any part of a seaman's wages has been allotted by an allotment note issued in accordance with regulations made under section 62 has the right to recover that part in the person's own name and for that purpose has the same remedies as the seaman has for the recovery of his or her wages.

(2) In any proceedings brought by a person named in such an allotment note as the person to whom any part of a seaman's wages has been allotted, it is presumed, unless the contrary is proved, that the seaman is entitled to the wages specified in the note and that the allotment has not been varied or cancelled.

### **Right, or loss of right, to wages in certain circumstances**

**64.**—(1) Where a ship is wrecked or lost, a seaman whose employment on the ship is thereby terminated before the date contemplated in the agreement under which he or she is so employed is, subject to this section, entitled to wages at the rate payable under the agreement at the date of the wreck or loss for every day on which he or she is unemployed in the 2 months following that date unless it is proved that he or she did not make reasonable efforts to save the ship and the persons and property carried in it.

(2) Where a ship is sold or ceases to be registered in Singapore and a seaman's employment on the ship is thereby terminated before the date contemplated in the agreement under which he or she is so employed, then, unless otherwise provided in the agreement, the seaman is, subject to subsection (3), entitled to wages at the rate payable under the agreement at the date on which his or her employment is terminated for every day on which he or she is unemployed in the 2 months following that date.

(3) A seaman is not entitled to wages by virtue of subsection (1) or (2) for a day on which he or she was unemployed, if it is shown —

- (a) that the unemployment was not due to the wreck or loss of the ship or (as the case may be) the termination of his or her employment on the sale of the ship or its ceasing to be registered in Singapore; or
- (b) that the seaman was able to obtain suitable employment for that day but unreasonably refused to take it.

### **Compensation to crew member improperly discharged**

**65.** If a crew member, having signed an agreement, is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage, or before one month's wages are earned, without fault on his or her part justifying that discharge, and without his or her consent, the crew member is entitled to receive from the person employing the crew member, in addition to any wages which the crew member has earned, due compensation for the damage caused to the crew member by the discharge, not exceeding one month's wages and may recover that compensation as if it were wages duly earned.

[6/2014]

### **Wages on termination of service by illness**

**66.** Where the service of a crew member terminates before the date contemplated in his or her agreement, by reason of his or her being left ashore at any place outside his or her port of return under a medical certificate of unfitness or inability to proceed on a voyage, the crew member is entitled to wages up to the time of such termination, but not for any longer period.

[6/2014]

### **Protection of certain rights and remedies**

**67.—(1)** A seaman's lien and a crew member's remedies for the recovery of his or her wages, his or her right to wages in case of the wreck or loss of his or her ship, and any right he or she may have or obtain in the nature of salvage is not capable of being renounced by any agreement.

[6/2014]

(2) Subsection (1) does not affect such term of any agreement made with a crew member belonging to a ship which, in accordance with

the agreement, is to be employed on salvage service, as provide for the remuneration to be paid to the crew member for salvage services rendered by that ship.

[6/2014]

### **Remedies of master for remuneration, disbursements, etc.**

**68.** The master of a ship has the same lien and remedies for his or her remuneration and all disbursements or liabilities properly made or incurred by the master on account of the ship, as a seaman has for his or her wages.

### **Powers of court in case of unreasonable delay in paying crew member's wages**

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

[6/2014]

### **Provisions and water**

**70.—(1)** The Authority may, with the approval of the Minister, make regulations —

- (a) requiring provisions and drinking water to be provided for crew members employed on ships;
- (b) providing for the quality, nutritional value and quantity of provisions and drinking water to be provided;
- (c) regulating the storage and handling of provisions and drinking water; and
- (d) regulating the organisation and equipment of the catering department.

[6/2014]

(2) The owner and master of a ship must ensure that provisions and drinking water provided in accordance with subsection (1) are provided free of charge to all crew members while they are on board.  
[6/2014]

(3) Regulations made under this section may require a ship to carry any weighing and measuring equipment that may be necessary to ensure that the quantities of provisions and water supplied to crew members employed on the ship are in accordance with the regulations.  
[6/2014]

(4) If any regulation made under this section is not complied with, the master or the person employing the crew members of the ship (each called a defendant) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 unless the defendant proves that the failure to comply was not due to the defendant's neglect or default.  
[6/2014]

(5) If a person empowered under this Act to inspect the provisions and water to be supplied to the crew members employed on a ship is not satisfied that the provisions and water are in accordance with regulations made under this section, the ship may be detained.  
[6/2014]

### **Complaints about provisions or water**

**71.—**(1) If 3 or more crew members employed on a ship consider that the provisions or water provided for the crew members employed on that ship are not in accordance with the regulations made under section 70 (whether because of bad quality, unfitness for use or deficiency in quantity) they may complain to the master of the ship who must investigate the complaint.  
[6/2014]

(2) If the crew members are dissatisfied with the action taken by the master as a result of his or her investigation or by his or her failure to take any action, they may state their dissatisfaction to the master and may complain to the Director; and thereupon the master must make adequate arrangements to enable the crew members to do so as soon as the service of the ship permits.  
[6/2014]



(3) The Director must, upon receiving the complaint made under subsection (2), investigate the complaint and may examine the provisions or water or cause them to be examined.

(4) If the master of a ship, without reasonable cause, fails to comply with subsection (2), the master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and if the master has been notified in writing by the person making any examination under subsection (3) that any provisions or water are found to be unfit for use or not of the quality required by the regulations, then —

- (a) if they are not replaced within a reasonable time the master or the owner of the ship (each called a defendant) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 unless the defendant proves that the failure to replace them was not due to the defendant's neglect or default; and
- (b) if the master of the ship, without reasonable cause, permits them to be used, the master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

### **Other complaints**

**72.—**(1) If a seaman employed on a ship considers that he or she has cause to complain about the master or any other seaman employed on the ship or about the conditions on board the ship, the seaman may complain to the master.

(2) If the seaman is dissatisfied with the action taken by the master on the complaint or by the master's failure to take any action, the seaman may state his or her dissatisfaction to the master and may complain to the Director; and thereupon the master must make adequate arrangements to enable the seaman to do so as soon as the service of the ship permits.

(3) If the master of a ship, without reasonable cause, fails to comply with this section, the master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

**Medical stores**

**73.**—(1) The Authority may, with the approval of the Minister, make regulations requiring ships to carry any medicines and other medical stores (including books containing instructions and advice) that may be specified in the regulations.

(2) If a ship goes to sea or attempts to go to sea without carrying the medical stores which it is required to carry by regulations made under this section, the master or the owner of the ship (each called a defendant) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 unless the defendant proves that the failure to carry the medical stores was not due to the defendant's neglect or default.

(3) If a person empowered under this Act to inspect the medical stores carried in a ship is not satisfied that the ship carries the stores which it is required to carry by the regulations made under this section, the ship may be detained.

**Medical treatment on board ship**

**74.** Where a ship does not carry a doctor among the seamen employed on it, the master of the ship must make arrangements for securing that any medical attention on board the ship is given either by the master or under the master's supervision by a person appointed by the master for the purpose.

**Expenses of medical treatment, etc., during voyage**

**75.**—(1) If a seaman, while employed on a ship, receives any surgical or medical treatment or such dental or optical treatment (including the repair or replacement of any appliance) as cannot be postponed without impairing efficiency, the reasonable expenses thereof must be borne by the person employing the seaman, and if the seaman dies while so employed and is buried or cremated outside his or her port of return, the expenses of his or her burial or cremation or the return of the body to his or her home must also be borne by that person.

(2) A compensation is payable by the person employing a seaman for the death of or injury to the seaman employed on a Singapore ship who is not covered under the Work Injury Compensation Act 2019 or the Work Injury Compensation Act (Cap. 354, 2009 Revised Edition) repealed by that Act and such compensation must not be less than that provided under that Act.

[5/2008; 27/2019]

### **Drunkenness, etc., on board ship**

**76.** If a seaman employed on a ship is, while on board the ship, under the influence of drink or a drug to such an extent that his or her capacity to fulfil his or her responsibility for the ship or to carry out his or her duties is impaired, the seaman shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **Continued or concerted disobedience, neglect of duty, etc.**

**77.—**(1) If a seaman employed on a ship —

- (a) persistently and wilfully neglects his or her duty;
- (b) persistently and wilfully disobeys lawful commands; or
- (c) combines with other seamen employed on the ship —
  - (i) to disobey lawful commands which are required to be obeyed at a time while the ship is at sea;
  - (ii) to neglect any duty which is required to be discharged at such time; or
  - (iii) to impede, at such a time, the progress of a voyage or the navigation of the ship,

the seaman shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) For the purposes of this section, a ship is treated as being at sea at any time when it is not securely moored in a safe berth.

### **Offences committed by certain other persons**

**78.** Where a person goes to sea in a ship without the consent of the master of the ship or of any other person authorised to give it or is

conveyed in a ship pursuant to section 85(4)(a), section 77(1)(b) and (c) applies as if that person were a seaman employed on the ship.

### **Defence of drug taken for medical purposes**

**79.** In any proceedings for an offence under section 76, it is a defence to prove that at the time of the act or omission alleged against the defendant, the defendant was under the influence of a drug taken by him or her for medical purposes and either that he or she took it on medical advice and complied with any directions given as part of that advice or that he or she had reason to believe that the drug might not have the influence it had.

### **Disciplinary offences**

**80.**—(1) For the purpose of maintaining discipline on board a ship, the Authority may, with the approval of the Minister, make regulations prescribing any misconduct on board as a disciplinary offence and enabling the master of the ship, or any officer that may under the regulations be required or authorised to exercise the powers of the master, to impose fines on any seaman committing any disciplinary offence.

(2) The regulations made under this section may provide for —

- (a) the fine that may be imposed on a seaman in respect of each disciplinary offence;
- (b) the procedure to be followed in dealing with the disciplinary offence; and
- (c) the circumstances in which the master of a ship may remit the whole or part of any fine imposed thereunder.

### **Appeal against fine for disciplinary offences**

**81.**—(1) A seaman on whom a fine has been imposed for a disciplinary offence may, in accordance with the regulations made under this section, appeal against the decision to the Director, and on such an appeal, the Director may confirm or quash the decision and may remit the whole or part of the fine.

(2) The Authority may, with the approval of the Minister, make regulations under this section to provide for —

- (a) the procedure to be followed on any such appeal;
- (b) the time within which notice of an intended appeal is to be given by the appellant to the master and by the master to the Director; and
- (c) the place at which the appeal is to be heard.

### **Prohibition of double prosecution**

**82.** Where any conduct is both a disciplinary offence and an offence against any provision of this Act, then if it has been dealt with as a disciplinary offence, it must not be dealt with as an offence against that provision.

### **Payment of fines for disciplinary offences**

**83.—**(1) Except as otherwise provided in subsection (3), the amount of a fine imposed on a seaman for a disciplinary offence, so far as not remitted by the master or on appeal, may be deducted from the seaman's wages or otherwise recovered by the person employing the seaman and must be paid by the seaman (whether or not it has been so deducted or otherwise recovered) to the Director.

(2) Except as otherwise provided in subsection (3) —

- (a) if the wages or part of the wages are paid by the master of a ship on the master's own behalf or on behalf of the person employing the seaman (as the case may be), the said amount must be paid at the time when the seaman leaves the ship at the end of the seaman's agreement or, if earlier, when the seaman's employment on the ship is terminated;
- (b) in any other case, the master must at that time notify the amount to the person employing the seaman, and the person must pay it when the next payment in respect of the seaman's wages falls to be made by the person.

(3) Where an appeal against such a fine is pending at the time mentioned in subsection (2), no amount is to by reason of the fine be deducted, recovered, paid or notified under subsections (1) and (2)

until the appeal has been disposed of; but regulations made under section 80 may provide for the amount of the fine to be provisionally deducted from the seaman's wages pending the appeal.

### **Civil liability for smuggling**

**84.** If a crew member employed on a ship is found in civil proceedings before a court in Singapore or elsewhere to have committed an act of smuggling, whether in Singapore or elsewhere, he or she is liable to make good any loss or expense that the act has caused to any other person.

[6/2014]

### **Relief and repatriation of seaman left behind**

**85.—**(1) Where a person employed as a seaman on a ship is left behind in any country or is taken to any country on being shipwrecked, the person who last employed that person as a seaman must make such provision for the seaman's return and for the seaman's relief and maintenance as may be required by regulations.

(2) The regulations to be so made may include the repayment of expenses incurred in bringing a shipwrecked seaman ashore and maintaining the seaman until the seaman is brought ashore and the payment of the expenses of the burial or cremation of a seaman who dies before he or she can be returned.

(3) The Authority may, with the approval of the Minister, make regulations providing for the manner in which any wages due to any person left behind or taken to any country as mentioned in subsection (1) and any property of the person left on board the ship are to be dealt with.

(4) Without limiting subsections (1), (2) and (3), regulations made under this section may make provision —

- (a) for requiring the master of any ship to convey a person to a place determined in accordance with the regulations and for enabling the Director to give the master directions for that purpose;

- (b) for the making of payments in respect of the conveyance of a person in accordance with the regulations; and
- (c) for the keeping of records and the rendering of accounts.

(5) This section also applies to a person left behind on being discharged pursuant to section 55, whether or not at the time the person is left behind the ship is still registered in Singapore.

### **Limit of employer's liability under section 85**

**86.** Where a person (called in this section *A*) left behind in or taken to any country as mentioned in section 85(1) remains there after the end of a period of 3 months, the person who last employed *A* as a seaman (called in this section the employer) is not liable under that section to make provision for *A*'s return or for any matter arising after the end of that period, unless the employer has, before the end of that period, been under an obligation imposed on the employer by regulations made under that section to make provision with respect to *A*.

### **Custody, etc., of property of deceased crew members**

**87.—**(1) The Authority may, with the approval of the Minister, make regulations providing for the custody of and dealing with —

- (a) any property left on board a ship by a crew member dying while or after being employed on the ship;
- (b) any property left in a country outside Singapore by a crew member dying while or within any period that is provided for in the regulations after being employed on a ship; and
- (c) the recovery by the Director of any wages which, at the time of a crew member's death, were due to the crew member in respect of the crew member's employment on a ship.

[6/2014]

(2) Regulations made under this section may require the recording of particulars and the rendering of accounts and may enable the Director or any person having custody of any such property to sell it by auction or otherwise and account for the proceeds.

**Disposal of property of deceased crew members**

**88.**—(1) Where, on the death of a crew member, any property comes into the hands of the Director by virtue of section 87, the Director may satisfy out of them any expenses incurred by the Director in respect of the crew member or the crew member's property.

[6/2014]

(2) If the value of the residue of the property does not exceed \$5,000, the Director may at any time pay or deliver it to any of the persons mentioned in subsection (3) or distribute it among them, unless a grant of representation has then been made and the Director knows of it; and the Director is thereby discharged from any further liability in respect of the residue.

(3) The persons referred to in subsection (2) are —

- (a) any person appearing to the Director to be a person named as the crew member's next of kin in the crew agreement or seafarer's employment agreement (as the case may be) in which the crew member's name last appeared;
- (b) any person appearing to the Director to be the crew member's widow or the crew member's child;
- (c) any person appearing to the Director to be beneficially entitled, under a will or on intestacy, to the crew member's estate or any part thereof; or
- (d) any person appearing to the Director to be a creditor of the crew member.

[6/2014]

(4) Where no claim to the property received by the Director is substantiated within one year after the receipt of the property by the Director, the Director must pay the property, the proceeds thereof, or the residue thereof, into the Consolidated Fund.

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



(6) If any claim is not established to the satisfaction of the Director, the claimant may apply by originating summons to the General Division of the High Court, and the General Division of the High Court, after taking evidence orally or on affidavit, may make any order on the application that it thinks just.

*[42/2005; 40/2019]*

(7) After the end of 6 years from the receipt of such property or proceeds thereof by the Director, no such claim may be made without the sanction of the Minister.

(8) If it appears to the Director that any of the persons to whom any property may be paid or delivered under this section is resident in a country outside Singapore, the Director may pay or deliver the property to him or her by paying or delivering the property to a consular officer of that country for transmission to him or her.

(9) If the property exceeds \$5,000 in value, the Director shall pay and deliver the residue to the legal personal representative of the deceased.

(10) In this section, “child” includes an adopted child.

### **Official and other logbooks**

**89.**—(1) Except as provided by regulations made under this section, an official logbook and such other logbooks as may be prescribed in the regulations must be kept in every ship.

(2) The Authority may, with the approval of the Minister, make regulations prescribing the particulars to be entered in the logbooks, the persons by whom such entries are to be made, signed or witnessed, and the procedure to be followed in the making of such entries and their amendment or cancellation.

(3) Regulations may require the production or delivery of the logbooks to such persons, in such circumstances and within such times as may be specified therein.

(4) A person who wilfully destroys, mutilates or renders illegible any entry in any logbook, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

**Discharge books**

**90.**—(1) The Authority may, with the approval of the Minister, make regulations providing —

- (a) for the issue of discharge books in such form and containing such particulars with respect to the holders thereof and such other particulars as may be prescribed by the regulations and for requiring such persons to apply for such discharge books;
- (b) for requiring the holders of discharge books to produce them to such persons and in such circumstances as may be prescribed by the regulations; and
- (c) for the surrender of discharge books in such circumstances as may be prescribed by the regulations.

(2) Any provision of the regulations having effect by virtue of paragraph (a) of subsection (1) may be so framed as to apply to any persons that are mentioned in that paragraph or any description of those persons and as to have effect subject to any exemptions for which provisions may be made by the regulations.

**Returns of births and deaths in ships, etc.**

**91.**—(1) The Authority may, with the approval of the Minister, make regulations —

- (a) requiring the master of any ship to make a return to the Director of any birth or death occurring in the ship;
- (b) requiring the master of any ship to conduct an inquiry to determine the nature and cause and make a report to the Director of any death occurring in the ship and, wherever occurring outside Singapore, of any person employed on the ship, and to notify any such death to any person that the deceased may have named as his or her next of kin; and
- (c) requiring the master of any ship not registered in Singapore which calls at Singapore in the course of or at the end of a voyage to make a return to the Director of any birth or death of a citizen of Singapore which has occurred in the ship during the voyage.

(2) Regulations made under this section may require the Director to send a certified copy of any return made thereunder to the Registrar of Births and Deaths.

(3) The Registrar of Births and Deaths to whom any such certified copies are sent —

- (a) must maintain the copies in a register kept by him or her for the purpose and to be called the marine register; and
- (b) may also record in that register any additional information that appears to him or her desirable for the purpose of ensuring the completeness and correctness of the register,

and the provisions of any written law relating to the registration of births and deaths have effect with such modifications as are appropriate and so far as those provisions may be complied with in the circumstances as if the marine register were a register of births (other than stillbirths) or deaths, except that it is not necessary for any person to sign the register as an informant.

(4) Regulations made under this section may contain provisions for authorising the registration of the following births and deaths occurring outside Singapore in circumstances where no return is required to be made under subsection (1) —

- (a) any birth or death of a citizen of Singapore which occurs in a ship not registered in Singapore;
- (b) any death of a citizen of Singapore who has been employed on such a ship which occurs elsewhere than in the ship; and
- (c) any death of a person who has been employed on a Singapore ship which occurs elsewhere than in the ship.

(5) Any person who, being required under the regulations made under this section to make a return of any birth or death or a report on the inquiry into the cause of any death, furnishes as true any information in the return or report which the person knows or has reason to believe to be false shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

**Handing over of documents on change of master**

**92.** If a person ceases to be the master of a ship, the person must deliver to his or her successor the documents relating to the ship or its crew which are in the person's custody; and if the person without reasonable cause fails to do so, the person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

**Stowaways**

**93.—**(1) A person who, without the consent of the master of the ship or of any other person authorised to give it, goes to sea or attempts to go to sea in a ship 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) Nothing in section 180 is to be taken to limit the jurisdiction of any court in Singapore to deal with an offence under this section which has been committed in a country outside Singapore by a person who is not a citizen of Singapore.

**Master's power of arrest**

**94.** The master of any ship may cause any person on board the ship to be put under restraint if and for so long as it appears to the master necessary or expedient in the interest of safety or for the preservation of good order or discipline on board the ship.

**Penalty for receiving remuneration from seamen for engagement**

**95.—**(1) A person must not demand or receive, directly or indirectly, from a seaman, or from a person seeking employment as a seaman, or from a person on his or her behalf, any remuneration whatever for providing him or her with employment.

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

**Restriction on employment of young persons on board ship**

**96.**—(1) No young person is to be employed on any ship except as permitted by regulations made under this section.

(2) The Authority may, with the approval of the Minister, make regulations prescribing the circumstances in which and the conditions subject to which young persons who have attained such specified age may be employed on a ship in such capacities as may be specified.

(3) If any person is employed on a ship in contravention of any regulations made under this section or if any condition subject to which a person may be employed under any such regulation is not complied with, the owner or the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

**Extension to foreign ships**

**97.** The Authority may, with the approval of the Minister, by regulations extend the application of all or any of the provisions of this Part to foreign ships subject to any modifications that are specified in those regulations.

**PART 5****SURVEY AND SAFETY****Application of this Part**

**98.** This Part, unless otherwise provided, applies to all Singapore ships wherever they may be and to all ships in Singapore except harbour craft.

**Prohibition on going to sea without certificates**

**99.**—(1) Every ship unless exempted must be surveyed or inspected in the manner provided in this Act.

(2) Subject to any exemption, no ship is to go to sea unless the owner or the master of the ship has been issued with certificates by the Director as to the surveys or inspections under this Act, the certificates being in force and applicable to the ship.

(3) If any ship goes or attempts to go to sea in contravention of this section —

- (a) in the case of a passenger ship, the owner or the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 for every passenger on board the ship; and
- (b) in the case of any other ship, the owner or the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000,

and the ship may be detained until the certificates are produced to the Director or the Port Master.

### **Powers of Authority to make regulations**

**100.**—(1) The Authority may, with the approval of the Minister, make regulations for carrying out the purposes and provisions of this Part.

(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, make regulations providing for —

- (a) the standards of construction and equipment of ships including the provision of lifesaving and firefighting appliances and radio installations;
- (b) the standards of accommodation and recreational facilities for crew and passengers;
- (c) the tonnage measurement of ships;
- (d) the determination of the load lines;
- (e) the loading and carriage of goods, including dangerous goods;
- (f) the carriage of livestock;
- (g) the safety of navigation;
- (h) the prevention of collisions at sea (called in this Act the collision regulations);
- (i) the safety, health and welfare of persons employed on ships;

- (j) the manner and frequency of the survey or inspection and the issue, suspension, cancellation, extension and period of the validity of certificates or exemption certificates; and
- (k) the recognition of certificates or exemption certificates issued by or under the authority of the government of any other country for the purposes of section 99.

[6/2014]

(3) The Authority may, with the approval of the Minister, in the regulations make provisions to give effect to the provisions of any international convention or agreement concerning or relating to ships, ships' safety, ships' equipment, property or goods carried in ships or persons employed on ships and to which Singapore is a party.

(4) The owner and the master of any ship to which section 99 applies must comply with any regulations made under this section and must ensure that the ship and its equipment and in respect of any matter that is governed by the regulations comply with any such regulations before the ship goes to sea and at all times when the ship is at sea, unless otherwise provided in this Act.

(5) Any owner or master who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and the ship may be detained.

### **Overloaded ships**

**101.**—(1) Where a cargo ship is so loaded at any time that, if the ship were floating without a list in still salt water of a specific gravity of 1.025, the load line marked on either side of the ship that is the appropriate load line at the time would be submerged, the ship is, for the purposes of this Act, deemed to be overloaded, and, subject to subsection (4), to be overloaded to the extent which that load line would be submerged.

(2) Where —

- (a) a ship is at any time engaged on, or is about to engage on, a voyage during which, in the ordinary course, a load line marked on either side of the ship (not being a load line that is the appropriate load line at that time) would, at some

later time during the voyage, become the appropriate load line; and

- (b) the ship is so loaded at that firstmentioned time, that if the ship were floating without a list in still salt water of a specific gravity of 1.025 and there were unloaded from the ship the fuel and other material that would, in the ordinary course, be consumed or discharged before that later time, that load line would be submerged,

the ship is, for the purposes of this Act, deemed to be overloaded and, subject to subsection (4), to be overloaded to the extent to which that load line would be so submerged.

(3) Where a passenger ship is so loaded at any time that, if the ship were floating without a list in still salt water of a specific gravity of 1.025, the subdivision load line marked on either side of the ship that is the appropriate subdivision load line at that time would be submerged, the ship is, for the purposes of this Act, deemed to be overloaded and, subject to subsection (4), to be overloaded to the extent to which that subdivision load line would be so submerged.

(4) Where —

- (a) in any proceedings under this Act, it is proved that a ship is deemed to be overloaded under the provisions of more than one subsection of this section; and
- (b) the extent to which, under those subsections, the ship is deemed to be overloaded is not the same in each case,

the ship is, for the purposes of this Act, deemed to be overloaded to the greatest extent to which it is deemed to be overloaded under those subsections.

(5) Where a ship is overloaded in contravention of this section, the owner and the master of the ship shall each be liable on conviction to a fine not exceeding \$10,000 and to such additional fine not exceeding the maximum amount which the earning capacity of the ship would have been increased by reason of the contravention.



(6) Without affecting any proceedings under this section, any ship which is overloaded in contravention of this section may be detained until it ceases to be so overloaded.

(7) For the purposes of this section, the load line or subdivision load line marked on a ship that is the appropriate load line or subdivision load line at any time is to be determined in accordance with the regulations made under this Part.

### **Penalty for carrying passengers in excess**

**102.**—(1) The owner or the master of any passenger ship must not carry or receive on board thereof, or on or in any part thereof, any number of passengers which, having regard to the time, occasion and circumstances of the case, is greater than the number allowed by the passenger ship's safety certificate, and if the owner or master does so, the owner or master 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 2 years or to both.

(2) The Director or the Port Master may detain any ship which has contravened subsection (1) for such period until the ship complies with the passenger ship's safety certificate.

### **Observance of collision regulations**

**103.**—(1) All owners, masters or persons in charge of the navigation of vessels must obey the collision regulations and must not carry, exhibit or use any other lights or use any other signals, than those that are required by those regulations.

(2) Any owner, master or person who does or suffers to be done any act or omission contrary to any of the provisions of the collision regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(3) In any case before a court in Singapore concerning a contravention of the collision regulations arising within Singapore, foreign vessels are to be treated as if they were registered in Singapore.

(4) In this section, "vessel" has the meaning assigned to it in the collision regulations.

**Defect or deficiency in ship, etc.**

**104.**—(1) Where a material defect or deficiency affecting safety is discovered in a Singapore ship or its equipment, whether the defect or deficiency is due to wear and tear or to accident or to any other cause, the owner or the master of the ship must report to the Director the nature and extent of the defect or deficiency and the probable cause thereof within 7 days of its discovery unless it has been reported to the Director under section 107.

(2) Where any material alteration is made to a Singapore ship or its equipment or the purpose for which the ship is for the time being used is changed, the owner or the master of the ship must report the nature and extent of the alteration or change to the Director within 7 days of the alteration or change.

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

(4) Any person who conceals or attempts to conceal or suffers to be concealed any material defect or deficiency in the ship or its equipment shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

**Cancellation of certificate or exemption certificate**

**105.**—(1) The Director may cancel any certificate or exemption certificate issued by him or her in respect of any ship if he or she has reason to believe that the ship or its equipment or any matter to which the certificate or exemption certificate relates no longer complies with the regulations under which the certificate was issued or the conditions (if any) under which the exemption certificate was issued.

(2) Where a certificate or exemption certificate is cancelled by the Director under subsection (1), the owner or the master of the ship to which the certificate or exemption certificate relates must deliver the certificate within 14 days upon being notified by the Director, and if the owner or the master without reasonable cause, fails to do so, the owner or the master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

**Duty of ship to assist the other in case of collision**

**106.**—(1) In every case of collision between 2 ships, it is the duty of the master or, in the master's absence, the person in charge of each ship, if and so far as he or she can do so without danger to his or her own ship, crew and passengers (if any) —

- (a) to render to the other ship, its master, crew and passengers (if any) such assistance as may be practicable, and may be necessary to save them from any danger caused by the collision, and to stay by the other ship until he or she has ascertained that it has no need of further assistance; and
- (b) to give to the master or person in charge of the other ship the name of his or her own ship and of the port to which it belongs, and also the names of the ports from which it came and to which it is bound.

(2) If the master, without reasonable cause, fails to comply with this section, the master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and if the master is a certificated officer, an inquiry into his or her conduct may be held and his or her certificate may be cancelled or suspended.

**Report of accidents, etc., to Director**

**107.**—(1) Subject to subsection (2), where a ship —

- (a) has sustained or caused an accident occasioning loss of life or serious injury to a person;
- (b) has sustained an accident or received damage, or otherwise sustained a defect or deficiency in the ship or its equipment which has been discovered, and the accident, damage, defect or deficiency has affected, or is likely to affect the seaworthiness of the ship, or the efficiency or completeness of the lifesaving appliances or other safety equipment of the ship;
- (c) has been in a position of great peril, either from the action of some other ship or from danger of wreck or collision; or

(d) has been stranded or wrecked,  
the owner or the master of the ship must, within 24 hours of the happening, report the happening to the Director.

[25/2017]

(2) This section does not apply to a matter required to be reported under section 4 of the Merchant Shipping (Wreck Removal) Act 2017.

[25/2017]

(3) Any owner or master of a ship who, without reasonable cause, 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.

### **Appointment of inspector to report on accident, etc.**

**108.** The Minister may appoint any person as an inspector to report to him or her —

- (a) upon the nature and causes of any accident or damage which any ship has sustained or caused or is alleged to have sustained or caused;
- (b) whether the provisions of this Act or any other written law have been complied with; or
- (c) whether the hull, machinery and equipment of any ship are sufficient and in good condition.

### **Notification of loss of ship**

**109.—(1)** If —

- (a) the owner, manager or agent of a Singapore ship has reason to believe that the ship has been wholly lost; or
- (b) the owner, manager or agent of any other ship has reason to believe that the ship has been wholly lost on or near the coast of Singapore,

the owner, manager or agent must forthwith give written notice to the Director stating the name of the ship, its description, official number and the port to which it belongs and must state to the best of the owner, master or agent's knowledge, the probable cause of the loss.

(2) Any owner, manager or agent who, without reasonable cause, fails to comply with this section within a reasonable time shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Owner and master liable in respect of unsafe ship**

**110.**—(1) If, having regard to the nature of the service for which it is intended —

- (a) a ship in a port in Singapore; or
- (b) a Singapore ship which is in any other port,

is an unsafe ship, that is to say, is by reason of any of the matters mentioned in subsection (2) not fit to go to sea without serious danger to human life, then, subject to subsection (3), the master and the owner of the ship shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) The matters referred to in subsection (1) are —

- (a) the condition, or the suitability for its purpose, of —
  - (i) the ship or its machinery or equipment; or
  - (ii) any part of the ship or its machinery or equipment;
- (b) undermanning;
- (c) overloading or unsafe or improper loading; and
- (d) any other matter relevant to the safety of the ship.

(3) It is a defence in proceedings for an offence under this section to prove that at the time of the alleged offence —

- (a) arrangements had been made which were appropriate to ensure that before the ship went to sea it was made fit to do so without serious danger to human life by reason of the matters falling within subsection (2) which are specified in the charge; or
- (b) it was reasonable not to have made such arrangements.

**Crew member may claim discharge if ship is unsafe**

**111.** If a ship is an unsafe ship, a crew member belonging to the ship is not deemed to have committed a breach of his or her agreement by reason of his or her having refused to sail in the ship while it is unsafe; and any crew member so refusing may claim his or her discharge unless the ship is made safe within a reasonable time.

[6/2014]

**Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness**

**112.**—(1) In every contract of service, express or implied, between the owner of a ship or the person employing the crew members and any crew member thereof, there is implied, despite any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship and the master and every agent charged with the loading of the ship or the preparing of the ship for sea or the sending of the ship to sea must use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.

[6/2014]

(2) Nothing in this section —

- (a) is to subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable; or
- (b) applies to any ship employed exclusively in trading or going from place to place in any river or inland water of which the whole or part thereof is in Singapore.

**Detention of unsafe ship**

**113.**—(1) The Director may order any ship, which is an unsafe ship or appears to him or her to be an unsafe ship, to be provisionally detained.

(2) When any ship has been provisionally detained, a notification of the provisional detention of the ship must be immediately served on

the master of the ship, together with a statement of the grounds of detention.

(3) The Director may appoint a competent person to survey the ship and report to him or her.

(4) On receipt of the report, the Director may either finally detain the ship or order its release unconditionally or on any conditions that the Director thinks fit.

(5) Before the order for final detention is issued, the master of the ship must be furnished with a copy of the report and the master may, within 7 days after receipt of the copy, appeal to the Minister.

(6) The Minister may, upon appeal under subsection (5), order the final detention of the ship or order its release unconditionally or subject to any conditions that the Minister thinks fit.

(7) When any order for the final detention of a ship has been made, the ship must not be released until the Director or the Minister (as the case may be) is satisfied that its further detention is no longer necessary and orders its release.

### **Owner liable for unsafe operation of ship**

**114.**—(1) It is the duty of the owner of a ship to which this section applies to take all reasonable steps to secure that the ship is operated in a safe manner.

(2) This section applies to —

(a) any Singapore ship; or

(b) any ship which —

(i) is registered under the law of any country outside Singapore; and

(ii) is within the seaward limits of the territorial waters of Singapore while proceeding to or from a port in Singapore, unless the ship would not be so proceeding but for weather conditions or any other unavoidable circumstances.

(3) If the owner of a ship to which this section applies fails to discharge the duty imposed on the owner by subsection (1), the owner shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

### **Conduct endangering ships, structures or individuals**

**115.**—(1) This section applies to any crew member employed on —

(a) a Singapore ship; and

(b) a ship which —

(i) is registered under the law of any country outside Singapore; and

(ii) is in a port in Singapore or within the seaward limits of the territorial waters of Singapore while proceeding to or from any such port, unless the ship would not be in that port, or (as the case may be) would not be so proceeding, but for weather conditions or any other unavoidable circumstances.

[6/2014]

(2) If a person to whom this section applies, while on board the person's ship or in its immediate vicinity —

(a) does any act which causes or is likely to cause —

(i) the loss or destruction of or serious damage to the person's ship or its machinery, navigational equipment or safety equipment;

(ii) the loss or destruction of or serious damage to any other ship or any structure; or

(iii) the death of or serious injury to any person; or

(b) omits to do anything required —

(i) to preserve the person's ship or its machinery, navigational equipment or safety equipment, from loss, destruction or serious damage;



- (ii) to preserve any person on board the person's ship from death or serious injury; or
- (iii) to prevent the person's ship from causing the loss or destruction of or serious damage to any other ship or any structure, or the death of or serious injury to any person not on board the person's ship,

and either of the conditions specified in subsection (3) is satisfied with respect to that act or omission, the person shall, subject to subsections (5) and (6), be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) The conditions referred to in subsection (2) are —

- (a) that the act or omission was deliberate or amounted to a breach or neglect of duty; and
- (b) that the crew member in question was under the influence of drink or a drug at the time of the act or omission.

[6/2014]

(4) If a person to whom this section applies —

- (a) discharges any of the person's duties, or performs any other function in relation to the operation of the person's ship or its machinery or equipment, in such a manner as to cause, or to be likely to cause, any such loss, destruction, death or injury as is mentioned in subsection (2)(a); or
- (b) fails to discharge any of the person's duties, or to perform any such function, properly to such an extent as to cause, or to be likely to cause, any of those things,

the person shall, subject to subsections (5) and (6), be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

(5) In any proceedings for an offence under this section, it is a defence to prove —

- (a) in the case of an offence under subsection (2), where the act or omission alleged against the defendant constituted a

breach or neglect of duty, that the defendant took all reasonable steps to discharge that duty;

- (b) in the case of an offence under subsection (4), that the defendant took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or
- (c) in the case of an offence under either of those subsections —
  - (i) that the defendant could have avoided committing the offence only by disobeying a lawful command; or
  - (ii) that in all the circumstances, the loss, destruction, damage, death or injury in question, or (as the case may be) the likelihood of its being caused, either could not reasonably have been foreseen by the defendant or could not reasonably have been avoided by the defendant.

(6) In the application of this section to any person falling within subsection (1)(b), subsections (2) and (4) have effect as if subsection (2)(a)(i) and (b)(i) were omitted.

(7) In this section —

“breach or neglect of duty”, except in relation to a master, includes any disobedience to a lawful command;

“duty” —

- (a) in relation to any crew member, means any duty falling to be discharged by him or her in his or her capacity as such; and
- (b) in relation to a master, includes the master’s duty with respect to the good management of his or her ship and his or her duty with respect to the safety of operation of his or her ship, its machinery and equipment;

“structure” means any fixed or movable structure of whatever description other than a ship.

**Regulations for survey of ships and issue of certificates**

**116.**—(1) The Authority may, with the approval of the Minister, make regulations for the purposes of authorising any organisation for the survey or inspection of Singapore ships and the issue of any certificate under this Part.

(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, in the regulations —

- (a) specify the surveys or inspections and the issue of certificates or endorsements;
- (b) provide for the registration of any person belonging to or acting on behalf of any organisation as a surveyor for the purposes of surveying or inspecting Singapore ships; and
- (c) prescribe the conditions for the registration of any person under paragraph (b) and the cancellation of the registration of any person.

(3) Any certificate issued or endorsement made by any authorised organisation in accordance with any regulations made under this section is deemed to be issued or made by the Director for the purposes of this Act.

**PART 6****INQUIRIES AND INVESTIGATIONS****Inquiry into fitness or conduct of officers**

**117.**—(1) If it appears to the Minister that an officer —

- (a) is unfit to discharge his or her duties, whether by reason of incompetence, misconduct or physical or mental disability or for any other reason;
- (b) has been seriously negligent in the discharge of his or her duties; or

- (c) has failed to comply with section 106 (duty to give assistance and information after collision),

the Minister may cause an inquiry to be held by one or more persons appointed by him or her and, if the Minister does so, may, if the Minister thinks fit, suspend, pending the outcome of the inquiry, any certificate issued or deemed to be issued to the officer under section 47 and require the officer to deliver it to the Minister.

(2) Where a certificate issued to an officer has been suspended under subsection (1), the suspension may, on the application of the officer, be terminated by the General Division of the High Court and the decision of the General Division of the High Court on such an application is final.

[40/2019]

(3) An inquiry under this section must be conducted in accordance with the regulations made under section 119(3).

(4) The persons holding an inquiry under this section into the fitness or conduct of the officer —

- (a) may, if satisfied of any of the matters mentioned in subsection (1)(a), (b) and (c), cancel or suspend any certificate issued or deemed to be issued to the officer under section 47 or censure the officer;
- (b) may make such order with regard to the costs of the inquiry as they think just; and
- (c) must make a report on the case to the Minister,

and if the certificate is cancelled or suspended, the officer (unless he or she has delivered it to the Minister pursuant to subsection (1)) must deliver it forthwith to the persons holding the inquiry or to the Director.

(5) Any costs which a person is ordered to pay under subsection (4)(b) may be recovered from the person by the Director.

**Inquiries and investigations into shipping casualties**

**118.**—(1) Where any of the following casualties has occurred:

- (a) the loss or presumed loss, stranding, grounding, abandonment of or damage to a ship;
- (b) a loss of life or serious personal injury caused by fire on board or by an accident to a ship or ship's boat, or by an accident occurring on board a ship or ship's boat;
- (c) any damage caused by a ship,

and, at the time it occurred, the ship was registered in Singapore or the ship or boat was in Singapore —

- (d) the Director may cause a preliminary inquiry into the casualty to be held by a person appointed by him or her; and
- (e) the Minister may (whether or not a preliminary inquiry into the casualty has been held) cause a formal investigation into the casualty to be held by a Commissioner appointed by him or her.

(2) A person appointed under this section to hold a preliminary inquiry is to for the purpose of the inquiry have the powers conferred on an inspector by section 206.

**Formal investigations into shipping casualties**

**119.**—(1) A Commissioner holding a formal investigation into a casualty under section 118 must conduct it in accordance with the regulations made under section 121, and those regulations must require the assistance of one or more assessors and, if any question as to the cancellation or suspension of an officer's certificate is likely to arise, the assistance of not less than 2 assessors.

(2) The Commissioner holding the formal investigation has all the powers of a Magistrate and also has all the powers of an inspector under this Act.

(3) If as a result of the investigation the Commissioner is satisfied, with respect to any officer, of any of the matters mentioned in section 117(1)(a), (b) and (c) and, if it is a matter mentioned in

subsection (1)(a) or (b) of that section, is further satisfied that it caused or contributed to the casualty, the Commissioner may cancel or suspend any certificate issued or deemed to be issued to the officer in accordance with the regulations made under section 47 or censure him or her; and if the Commissioner cancels or suspends the certificate, the officer must deliver the certificate forthwith to the Commissioner or the Director.

(4) The Commissioner may make such order as to the costs of the investigation as the Commissioner thinks just and must make a report on the case to the Minister.

(5) Any costs which a person is ordered to pay under subsection (4) may be recovered from him or her by the Director.

### **Re-hearing of and appeal from inquiries and investigations**

**120.**—(1) Where an inquiry or formal investigation has been held under section 119, the Minister may order the whole or part of the case to be re-heard, and must do so —

- (a) if new and important evidence which could not be produced at the inquiry or investigation has been discovered; or
- (b) if it appears to the Minister that there are other grounds for suspecting that a miscarriage of justice may have occurred.

(2) An order under subsection (1) may provide for the re-hearing to be held by the persons who held the inquiry or investigation or by the General Division of the High Court.

*[40/2019]*

(3) Any re-hearing under this section which is not held by the General Division of the High Court must be conducted in accordance with the regulations made under section 121; and section 119 applies in relation to a re-hearing of an investigation by a Commissioner as it applies to the holding of an investigation.

*[40/2019]*

(4) Where the persons holding the inquiry or investigation have decided to cancel or suspend the certificate of any person or have found any person at fault, then, if no application for an order under subsection (1) has been made or such application has been refused,

that person or any other person who, having an interest in the inquiry or investigation, has appeared at the hearing and is affected by the decision or finding, may appeal to the General Division of the High Court.

[40/2019]

### **Regulations as to inquiries, formal investigations and appeals**

**121.**—(1) The Authority may, with the approval of the Minister, make regulations for the conduct of inquiries under section 117 and of formal investigations under section 119 and for the conduct of any re-hearing under section 120 which is not held by the General Division of the High Court.

[40/2019]

(2) Without limiting subsection (1), regulations made under this section may provide for the appointment and summoning of assessors, the manner in which any facts may be proved, the persons allowed to appear, and the notices to be given to persons affected.

### **Failure to deliver cancelled or suspended certificate**

**122.** A person who fails to deliver a certificate as required under section 117 or 119, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

### **Power to restore certificate**

**123.** Where a certificate has been cancelled or suspended under this Part, the Minister may, if he or she is of the opinion that the justice of the case requires it, order the certificate to be re-issued or (as the case may be) reduce the period of suspension and order the certificate to be returned, or may order a new certificate of the same or lower grade in place of the cancelled or suspended certificate to be granted.

### **Payment to persons holding inquiries or investigations and assessors**

**124.** The Minister may direct such remuneration (if any) to be paid out of the Consolidated Fund to any person appointed to hold an

inquiry under section 117 or an investigation under section 119 and to any assessor under this Part.

## PART 7

### DELIVERY OF GOODS

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

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

“goods” includes every description of wares and merchandise;

“owner”, in relation to goods, means every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of a lien (if any) to that lien;

“shipowner” includes the master of the ship and every other person authorised to act as agent for the owner or entitled to receive the freight, demurrage or other charges payable in respect of the ship;

“warehouse” includes all warehouses, buildings and premises in which goods, when landed from ships, may be lawfully placed;

“warehouseman” means the occupier of a warehouse;

“wharf” includes all wharves, quays, docks and premises in or upon which any goods, when landed from ships, may be lawfully placed;

“wharfinger” means the occupier of a wharf.

#### **Powers of shipowner to land goods**

**126.**—(1) In the absence of any arrangement whereby the owner of any goods imported in any ship into any port or place in Singapore is entitled to land or take delivery of the goods, or in case the owner of the goods is not ready or does not offer to land or take delivery under such arrangement as soon as the ship is ready to unload, a shipowner may land or unship the goods imported in any ship into Singapore at any time after the arrival of the ship.



(2) Where a shipowner lands goods under subsection (1), the shipowner must place them, or cause them to be placed —

- (a) if any wharf or warehouse is named in the charter-party, bill of lading or agreement, as the wharf or warehouse where the goods are to be placed and if they can be conveniently there received, on that wharf or in that warehouse; and
- (b) in any other case, on some wharf or in some warehouse on or in which goods of a like nature are usually placed.

### **Lien for freight on landing goods**

**127.**—(1) If, at the time when any goods are landed from any ship and placed in the custody of any person as a wharfinger or warehouseman, the shipowner gives to the wharfinger or warehouseman written notice that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount mentioned in the notice, the goods so landed shall, in the hands of the wharfinger or warehouseman, continue subject to the same lien, if any, for such charges as they were subject to before the landing thereof.

(2) The wharfinger or warehouseman receiving those goods must retain them until the lien is discharged as hereinafter mentioned, and must, if the wharfinger or warehouseman fails to do so, make good to the shipowner any loss thereby occasioned to the shipowner.

### **Discharge of lien**

**128.** The lien for freight and other charges is to be discharged —

- (a) upon the production to the wharfinger or warehouseman of a receipt for the amount claimed as due, and delivery to the wharfinger or warehouseman of a copy thereof or of a release of freight from the shipowner; and

(b) upon the deposit by the owner of the goods with the wharfinger or warehouseman of a sum of money equal in amount to the sum claimed as aforesaid by the shipowner, but in the latter case, the lien is to be discharged without affecting any other remedy which the shipowner may have for the recovery of the freight.

### **Provisions as to deposits by owners of goods**

**129.**—(1) When a deposit is made with the wharfinger or warehouseman, the person making the deposit (called in this section the depositor) may, within 15 days after making it, give to the wharfinger or warehouseman written notice to retain it, stating in the notice the sum (if any) which the depositor admits to be payable to the shipowner, or (as the case may be) that the depositor does not admit any sum to be so payable, but if no such notice is given, the wharfinger or warehouseman may, at the end of the 15 days, pay the sum deposited over to the shipowner.

(2) If a notice is given under subsection (1), the wharfinger or warehouseman must immediately apprise the shipowner of it, and must pay or tender to the shipowner out of the sum deposited the sum (if any) admitted by the notice to be payable, and must retain the balance, or if no sum is admitted to be payable the whole of the sum deposited, for 30 days from the date of the notice.

(3) At the end of those 30 days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the balance or sum, or otherwise for the settlement of any dispute which may have arisen between them concerning the freight or other charges as aforesaid, and written notice of those proceedings has been served on the wharfinger or warehouseman, the wharfinger or warehouseman must pay the balance or sum to the owner of the goods.

(4) A wharfinger or warehouseman is, by any payment under this section, discharged from all liability in respect thereof.

(5) In this section, “legal proceedings” is deemed to include arbitration.

**Sale of goods by wharfinger and warehouseman**

**130.**—(1) If the lien is not discharged and no deposit is made as aforesaid, the wharfinger or warehouseman may, and, if required by the shipowner, must, at the end of 90 days from the time when the goods were placed in his or her custody, or, if the goods are of a perishable nature, at such earlier period as he or she thinks fit, sell by public auction the goods or so much thereof as is necessary to satisfy the charges hereinafter mentioned.

(2) Before making the sale, the wharfinger or warehouseman must —

- (a) give notice of the sale by advertisement in 2 newspapers circulating in Singapore; and
- (b) if the address of the owner of the goods has been stated on the manifest of the cargo or on any of the documents which have come into the possession of, or is otherwise known to, the wharfinger or warehouseman, send notice of the sale to the owner of the goods by post.

(3) The title of a bona fide purchaser of the goods is not invalidated by reason of the omission to send the notice required by this section, nor is any such purchaser bound to inquire whether the notice has been sent.

**Application of proceeds of sale**

**131.**—(1) The proceeds of sale of the goods must be applied by the wharfinger or warehouseman as follows and in the following order:

- (a) firstly, in payment of any duties payable to the Government in respect thereof;
- (b) secondly, in payment of the expenses of the sale;
- (c) thirdly, in payment of the charges of the wharfinger or warehouseman and the shipowner according to such priority as is determined by the terms of the agreement (if any) in that behalf between them; or, if there is no such agreement —

- (i) in payment of the rent, rates and other charges due to the wharfinger or warehouseman in respect of the goods; and
  - (ii) in payment of the amount claimed by the shipowner as due for freight or other charges in respect of the goods.
- (2) The surplus (if any) must be paid to the owner of the goods.

### **Wharfinger's and warehouseman's rent and expenses**

**132.** Whenever any goods are placed in the custody of a wharfinger or warehouseman under the authority of this Part, the wharfinger or warehouseman is entitled to rent in respect of the goods, and also has power at the expense of the owner of the goods, to do all such reasonable acts as in the judgment of the wharfinger or warehouseman are necessary for the proper custody and preservation of the goods, and has a lien on the goods for the rent and expenses.

### **Wharfinger's and warehouseman's protection**

**133.** Nothing in this Part compels any wharfinger or warehouseman to take charge of any goods which the wharfinger or warehouseman would not have been liable to take charge of if this Act had not been enacted, nor is the wharfinger or warehouseman bound to see to the validity of any lien claimed by any shipowner under this Part.

## **PART 8**

### **LIABILITY OF SHIPOWNERS AND SALVORS FOR MARITIME CLAIMS**

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

**134.** In this Part —

“Convention” means the Convention on Limitation of Liability for Maritime Claims, 1976, as amended by the Protocol of 1996 to Amend the Convention on Limitation of Liability for Maritime Claims and set out in the First Schedule;

“ship” in the Convention includes —

- (a) any air-cushion vehicle designed to operate in or over water while so operating; and
- (b) any structure (whether completed or in the course of completion) launched and intended for use in navigation as a ship or part of a ship.

[56/2004; 3/2019]

### **Exclusion of liability**

**135.**—(1) Subject to subsection (3), the owner of a Singapore ship is not liable for any loss or damage —

- (a) where any property on board the ship is lost or damaged by reason of fire on board the ship; or
- (b) where any gold, silver, watches, jewels or precious stones on board the ship are lost or damaged by reason of theft, robbery or other dishonest conduct and their nature and value were not at the time of shipment declared by their owner or shipper to the owner or master of the ship in the bill of lading or otherwise in writing.

[56/2004]

(2) Subject to subsection (3), where the loss or damage arises from anything done or omitted by any person in his or her capacity as master or member of the crew or (otherwise than in that capacity) in the course of his or her employment as a servant of the owner of the ship, subsection (1) also excludes the liability of —

- (a) the master, member of the crew or servant; and
- (b) in a case where the master or member of the crew is the servant of a person whose liability would not be excluded by that subsection apart from this paragraph, the person whose servant he or she is.

[56/2004]

(3) This section does not exclude the liability of any person for any loss or damage resulting from any such personal act or omission of the person as is mentioned in Article 4 of the Convention.

[56/2004]

(4) In this section, “owner”, in relation to a ship, includes any part owner and any charterer, manager or operator of the ship.

[56/2004]

### **Limitation of liability for maritime claims**

**136.**—(1) Subject to this Part, the provisions of the Convention, other than paragraph 1(*d*) and (*e*) of Article 2 of the Convention, have the force of law in Singapore.

[56/2004]

(2) In paragraph 2 of Article 2 of the Convention —

(*a*) the reference to paragraph 1 is a reference to paragraph 1(*a*), (*b*), (*c*) and (*f*) of that Article; and

(*b*) the reference to paragraph 1(*d*), (*e*) and (*f*) is a reference to paragraph 1(*f*) of that Article.

[3/2019]

(3) For the purposes of paragraph 3 of Article 6 of the Convention, a claim in respect of damage to harbour works, basins, waterways or aids to navigation has priority over any other claim under paragraph 1(*b*) of that Article.

[56/2004]

(4) Despite paragraph 2 of Article 1 of the Convention, the right to limit liability under the Convention applies in relation to any ship whether seagoing or not, and “shipowner” in that paragraph has a corresponding meaning.

[56/2004]

### **General limits**

**137.**—(1) In the application of Article 6 of the Convention —

(*a*) to a ship licensed as a harbour craft under the Maritime and Port Authority of Singapore Act 1996, that Article has effect as if the aggregate of the amounts in paragraph 1(*a*)(*i*) and (*b*)(*i*) referred to the sum insured under the policy of insurance for the time being required by the Port Master under that Act to be in force in relation to that harbour craft in respect of third party risks; and

(b) to any other ship with a tonnage less than 300 tons, that Article has effect as if —

(i) paragraph 1(a)(i) referred to 166,667 Units of Account; and

(ii) paragraph 1(b)(i) referred to 83,333 Units of Account.

[56/2004]

(2) For the purposes of Article 6 of the Convention and subsection (1)(b), a ship's tonnage is its gross tonnage calculated in such manner as may be prescribed by an order made by the Minister.

[56/2004]

(3) Any order under this section must, so far as appears to the Minister to be practicable, give effect to the regulations in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

[56/2004]

### **Limit for passenger claims**

**138.** In the case of a passenger ship within the meaning of Part 5, the ship's certificate mentioned in paragraph 1 of Article 7 of the Convention is the passenger ship's certificate issued under or recognised by regulations made under section 100.

[56/2004]

### **Constitution and distribution of fund**

**139.—**(1) The Authority may, from time to time, by order prescribe the rate of interest to be applied for the purposes of paragraph 1 of Article 11 of the Convention.

[56/2004]

(2) Where a fund is constituted with the General Division of the High Court in accordance with Article 11 of the Convention for the payment of claims arising out of any occurrence, the General Division of the High Court may stay any proceedings relating to any claim arising out of that occurrence which are pending against the person by whom the fund has been constituted.

[56/2004; 40/2019]

(3) No lien or other right in respect of any ship or property is to affect the proportions in which under Article 12 of the Convention the fund is distributed among several claimants.

[56/2004]

### **Bar to other actions**

**140.** Where the release of a ship or other property is ordered under paragraph 2 of Article 13 of the Convention, the person on whose application it is ordered to be released is deemed to have submitted to the jurisdiction of the General Division of the High Court to adjudicate on the claim for which the ship or property was arrested or attached.

[56/2004; 40/2019]

### **Meaning of “State Party”**

**141.** The Minister may, by order in the *Gazette*, declare that any State specified in the order is, or was at a date specified in the order, a party to the Convention in respect of a particular country, and any such order is conclusive evidence that that State is, while the order remains in force, or was at that date, a party to the Convention in respect of that country.

[56/2004]

### **Units of Account**

**142.—(1)** For the purposes of Article 6 of the Convention, the Authority may certify the respective amounts in Singapore dollar which are to be taken as equivalent for a particular day to the sums expressed in special drawing rights in that Article.

[56/2004]

(2) A certificate given by the Authority under subsection (1) is conclusive evidence of the matters referred to in that subsection for the purposes of that Article; and a document purporting to be such a certificate must, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

[56/2004]

(3) The Authority may charge any fee that it may determine for any certificate given by it under this section.

[56/2004]



### **Amendment of First Schedule**

**143.** The Minister may, by order in the *Gazette*, amend the First Schedule in accordance with any revision to the Convention or to any protocol to the Convention which may apply to Singapore from time to time.

[56/2004; 3/2019]

### **Saving**

**144.**—(1) Nothing in section 5(a) or 16(b) or (c) of the Merchant Shipping (Miscellaneous Amendments) Act 2019 applies in relation to any liability arising out of an occurrence which took place before 29 December 2019, and this Act as in force immediately before that date continues to apply in relation to such an occurrence as if that provision had not been enacted.

[3/2019]

(2) Nothing in section 16(a) of the Merchant Shipping (Miscellaneous Amendments) Act 2019 applies in relation to any liability arising out of an occurrence which took place before 24 July 2021, and this Act as in force immediately before that date continues to apply in relation to such an occurrence as if that provision had not been enacted.

[3/2019]

## **PART 9**

### **WRECK AND SALVAGE**

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

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

“inland waters of Singapore” means any stream, reservoir, waterway, lake or pond (whether natural or artificial) within the limits of the territorial waters of Singapore, but excludes —

- (a) any waters within the ebb and flow of the tide; and
- (b) any place, navigable river or waters declared to be a port by the Minister under section 3(1) of the Maritime and Port Authority of Singapore Act 1996;

“Public Utilities Board” means the Public Utilities Board continued under section 3 of the Public Utilities Act 2001;

“receiver” means a receiver of wreck;

“reservoir” means a body of water maintained as a reservoir by the Public Utilities Board in the following areas as defined in regulations made under section 72 of the Public Utilities Act 2001:

(a) a Catchment Area Park;

(b) the Central Water Catchment Area;

“salvage” includes all expenses properly incurred by the salvor in the performance of salvage services;

“Salvage Convention” means the International Convention on Salvage, 1989, as set out in the Second Schedule;

“waterway” has the meaning given by section 2 of the Public Utilities Act 2001;

“wreck” includes jetsam, flotsam, lagan and derelict found in or on the shores of the sea or any tidal water.

[3/2019]

### **Salvage Convention to have force of law**

**145A.**—(1) Subject to subsection (2), the provisions of the Salvage Convention have the force of law.

[3/2019]

(2) The provisions of the Salvage Convention do not apply to —

(a) any salvage operation that takes place in inland waters of Singapore, and in which either no ship is involved or all the ships involved navigate in inland waters (whether of Singapore or otherwise); or

(b) any salvage operation in which the property involved is maritime cultural property of prehistoric, archaeological or historic importance, and is situated on the seabed.

[3/2019]

(3) Nothing in subsection (1) affects any rights or liabilities arising out of any salvage operations started or other acts done before 24 July 2021.

[3/2019]

(4) The Minister may, by order in the *Gazette*, amend the Second Schedule in accordance with any revision to the Salvage Convention or any protocol to the Salvage Convention which may apply to Singapore from time to time.

[3/2019]

### **Receiver of wrecks**

**146.** The Authority has the general supervision throughout Singapore over all matters relating to wrecks and may, by notification in the *Gazette*, appoint any person to be a receiver of wreck and to perform the duties of a receiver under this Part.

### **Duty of receiver in respect of ship in distress**

**147.—**(1) Where any ship is wrecked, stranded or in distress at any place on or near the coasts of Singapore or any tidal water within the limits of Singapore, the receiver must, upon being made acquainted with the circumstances, forthwith proceed there, and upon his or her arrival must take the command of all persons present and must assign such duties and give such directions to each person as he or she thinks fit for the preservation of the ship and of the lives of the persons belonging to the ship (called in this Part shipwrecked persons) and of the cargo and apparel of the ship.

(2) Any person who wilfully disobeys any direction of the receiver shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000, but the receiver must not interfere between the master and the crew of the ship in reference to the management thereof unless he or she is requested to do so by the master.

### **Powers of receiver in case of ships in distress**

**148.—**(1) The receiver may, with a view to the preservation under section 147 of shipwrecked persons or of the ship, cargo or apparel —

- (a) require any persons that the receiver thinks necessary to assist him or her;

(b) require the master or other person having the charge of any ship near at hand to give any aid with his or her men or ship that is in his or her power; and

(c) demand the use of any vehicle that may be near at hand.

(2) Any person who, without reasonable cause, refuses to comply with any such requisition or demand shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **Power to pass over adjoining lands**

**149.**—(1) Whenever a ship is wrecked, stranded or in distress as aforesaid, all persons may, for the purpose of rendering assistance to the ship, or of saving the lives of the shipwrecked persons, or of saving the cargo or apparel of the ship, unless there is some public road equally convenient, pass and repass, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also on the like condition, deposit on those lands any cargo or other article recovered from the ship.

(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights given by this section is to be a charge on the ship, cargo or articles, in respect of or by which the damage is occasioned, and the amount payable in respect of the damage is to, in case of dispute, be determined and is, in default of payment, recoverable in the same manner as the amount of salvage is under this Part determined or recoverable.

(3) Any owner or occupier of any land who —

(a) impedes or hinders any person in the exercise of the rights given by this section by locking the owner or occupier's gates, or refusing upon request to open the same, or otherwise;

(b) impedes or hinders the deposit of any cargo or other article recovered from the ship as aforesaid on the land; or

- (c) prevents or endeavours to prevent any such cargo or other article from remaining deposited on the land for a reasonable time until the cargo or article can be removed to a safe place of public deposit,

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

### **Power of receiver to suppress plunder and disorder by force**

**150.**—(1) Whenever a ship is wrecked, stranded or in distress as aforesaid, and any person plunders, creates disorder or obstructs the preservation of the ship or of the shipwrecked persons or of the cargo or apparel of the ship, the receiver may cause that person to be apprehended.

(2) The receiver may use force for the suppression of any such plundering, disorder or obstruction, and may command all persons to assist him or her in so using force.

### **Exercise of powers of receiver in his or her absence**

**151.**—(1) Where a receiver is not present, the following officers or persons in succession, each in the absence of the other, in the order in which they are named, namely, superintendent or assistant superintendent of police, Magistrate, Justice of the Peace, or commissioned officer on full pay in the Singapore Armed Forces, may do anything by this Part authorised to be done by the receiver.

(2) An officer acting under this section for a receiver is to, with respect to any goods or articles belonging to a ship the delivery of which to the receiver is required by this Act, be considered as the agent of the receiver, and must place the goods or articles in the custody of the receiver, but the officer is not entitled to any fees payable to receivers or to be deprived by reason of his or her so acting of any right to salvage to which he or she would otherwise be entitled.

### **Examination in respect of ships in distress**

**152.**—(1) Where any ship is or has been in distress on the coasts of Singapore, a receiver of wreck or in his or her absence a Magistrate or a Justice of the Peace must, as soon as conveniently may be, examine

on oath any person belonging to the ship, or any other person who is able to give any account thereof or of the cargo or stores thereof, as to the following matters:

- (a) the name and description of the ship;
- (b) the names of the master and the owner;
- (c) the names of the owners of the cargo;
- (d) the ports from and to which the ship was bound;
- (e) the occasion of the distress of the ship;
- (f) the services rendered;
- (g) any other matters or circumstances relating to the ship or to the cargo on board the ship that the person holding the examination thinks necessary.

(2) The person holding the examination must take the examination down in writing, and must send one copy thereof to the Authority, and another to the office of the Port Master, where the copy must be placed in some conspicuous place for the inspection of persons desirous of examining it.

(3) The person holding the examination is to for the purposes thereof have all the powers of an inspector under this Act.

### **Rules to be observed by persons finding wreck**

**153.**—(1) Where any person finds or takes possession of any wreck within the limits of Singapore or of any wreck found or taken possession of outside the limits of Singapore and brought within the limits of Singapore, the person must —

- (a) if the person is the owner thereof, give notice to the receiver stating that the person has found or taken possession of the wreck, and describing the marks by which the wreck may be recognised; or
- (b) if the person is not the owner thereof, as soon as possible deliver the wreck to the receiver.

(2) Any person who, without reasonable cause, fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000, and shall, in addition, if the person is not the owner, forfeit any claim to salvage, and shall be liable to pay to the owner of the wreck if it is claimed, or if it is unclaimed to the person entitled to the wreck, double the value thereof, to be recovered in the same way as a fine of a like amount under this Act.

### **Penalty for taking wreck at time of casualty**

**154.**—(1) Where a ship is wrecked, stranded or in distress at any place on or near the coasts of Singapore, or any tidal water within the limits of Singapore, any cargo or other articles belonging to or separated from the ship which are washed on shore or otherwise lost or taken from the ship must be delivered to the receiver.

(2) Any person, whether the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the cargo or article to the receiver or any person authorised by the receiver to demand the cargo or article, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) The receiver or any person authorised as aforesaid may take any such cargo or article by force from the person so refusing to deliver the cargo or article.

### **Notice of wreck to be given by receiver**

**155.** Where a receiver takes possession of any wreck, the receiver must within 48 hours cause to be posted at the office of the Port Master, and, if the receiver thinks it desirable, the receiver must send to the secretary of Lloyd's in London, a description thereof and of any marks by which it is distinguished.

### **Claims of owners to wreck**

**156.**—(1) The owner of any wreck in the possession of the receiver, upon establishing the owner's claim to the wreck to the satisfaction of the receiver within one month from the time at which the wreck came into the possession of the receiver, is entitled, upon paying the

salvage fees and expenses due, to have the wreck or the proceeds thereof delivered up to the owner.

(2) Where any articles belonging to or forming part of a foreign ship which has been wrecked on or near the coasts of Singapore, or belonging to and forming part of the cargo, are found on or near those coasts or are brought into any port in Singapore, the consular officer of the country to which the ship or, in the case of cargo, to which the owners of the cargo may have belonged is to, in the absence of the owner and the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the articles.

(3) Where any foreign ship is wrecked on or near the coasts of Singapore, the consular officer of the country to which the ship may have belonged is to, in the absence of the owner and the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of the wrecked ship.

[8/2005]

### **Immediate sale of wreck by receiver in certain cases**

**157.**—(1) A receiver may at any time sell any wreck in his or her custody, if in his or her opinion —

- (a) it is under the value of \$1,000;
- (b) it is so much damaged or of so perishable a nature that it cannot with advantage be kept; or
- (c) it is not of sufficient value to pay for warehousing.

(2) The proceeds of the sale must, after defraying the expenses thereof, be held by the receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

### **Right of Government to unclaimed wreck**

**158.** The Government is entitled to all unclaimed wreck found in any part of Singapore except in places where the Government has granted to any person the right to the wreck.



**Unclaimed wreck**

**159.**—(1) Where no owner establishes a claim to any wreck found in Singapore or to any wreck found or taken possession of outside Singapore and brought within Singapore and in the possession of a receiver within one month after it came into his or her possession, the receiver must sell the wreck, and must pay the proceeds of the sale into the Consolidated Fund, after deducting therefrom the expenses of the sale and any other expenses incurred by him or her and his or her fees and paying there out to the salvors such amount of salvage as the Minister in each case or by any general rule determines.

(2) Nothing in this section alters the application of any droits of admiralty or droits of the Government.

**Delivery of unclaimed wreck by receiver not to affect title**

**160.** Upon delivery of the wreck or payment of the proceeds of sale of the wreck by a receiver under this Part, the receiver is discharged from all liability in respect thereof, but the delivery thereof does not prejudice or affect any question which is raised by third parties concerning the right or title to the wreck.

**Removal of wreck by receiver**

**161.**—(1) Where any ship is sunk, stranded or abandoned within the territorial waters of Singapore but outside the limits of any port in such a manner as, in the opinion of the receiver, to be or to be likely to become an obstruction or danger to navigation, the receiver may —

- (a) take possession of, and raise, remove or destroy the whole or any part of, the ship;
- (b) light or buoy any such ship or part until the raising, removal or destruction thereof; and
- (c) sell, in such manner as the receiver thinks fit, any ship or part so raised or removed, and also any other property recovered in the exercise of his or her powers under this section, and out of the proceeds of the sale reimburse himself or herself for the expenses incurred by him or her in relation thereto under this section, and the receiver must

hold the surplus (if any) of the proceeds in trust for the persons entitled thereto.

(2) A sale must not, except in the case of any property which is of a perishable nature, or which would deteriorate in value by delay, be made under this section until at least 7 clear days' notice of the intended sale has been given by advertisement in a newspaper circulating in Singapore.

(3) At any time before any property is sold under this section, the owner thereof is entitled to have the property delivered to the owner on payment to the receiver of the fair market value thereof, to be ascertained by agreement between the receiver and the owner, or failing agreement, by some person to be named for the purpose by the Authority.

(4) The sum paid to the receiver as the value of any property under this section is deemed to be the proceeds of sale of that property.

### **Powers of removal extend to tackle, cargo, etc.**

**162.** The provisions of this Part relating to removal of wrecks apply to every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a ship in the same manner as if it were included in the term "ship", and for the purposes of those provisions any proceeds of sale arising from a ship and from the cargo thereof, or any other property recovered therefrom, are regarded as a common fund.

### **Taking wreck to foreign port**

**163.** Any person who takes into any foreign port any ship, stranded, derelict or otherwise in distress found on or near the coasts of Singapore, or any tidal water within the limits of Singapore, or any part of the cargo or apparel thereof or anything belonging thereto, or any wreck found within those limits, and there sells the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both.

**Interfering with wrecked ship or wreck**

**164.**—(1) A person must not, without the leave of the master, board or endeavour to board any ship which is wrecked, stranded or in distress, unless the person is, or acts by command of, the receiver or a person lawfully acting as such.

(2) Any person who acts in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 and the master of the ship may repel him or her by force.

(3) A person must not —

- (a) impede or hinder, or endeavour in any way to impede or hinder, the saving of any ship stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or of any part of the cargo or apparel thereof or of any wreck;
- (b) secrete any wreck, or deface or obliterate any marks thereon; or
- (c) wrongfully carry away or remove any part of a ship stranded or in danger of being stranded, or otherwise in distress on or near any coast or tidal water, or any part of the cargo or apparel thereof or any wreck.

(4) Any person who acts in contravention of subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000, and such fine may be imposed in addition to any punishment to which the person may be liable by law under this Act or otherwise.

**Summary procedure for concealment of wreck**

**165.**—(1) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof or that any wreck is otherwise improperly dealt with, the receiver may apply to a Magistrate's Court for a search warrant.

(2) The Magistrate's Court may grant the search warrant, and the receiver, by virtue thereof, may enter any house or other place

wherever situate and also any ship and search for, seize and detain any such wreck found therein.

(3) If any such seizure of wreck is made in consequence of information given by any person to the receiver, the informer is entitled, by way of salvage, to such sum as the receiver allows.

### **Recourse for life salvage payment**

**166.**—(1) This section applies where —

- (a) services are rendered wholly or in part within Singapore in saving life from any ship or elsewhere in saving life from any Singapore ship; and
- (b) the ship and other property are destroyed, or the sum to which the salvor is entitled under paragraph 2 of Article 16 of the Salvage Convention is less than a reasonable sum for the services rendered in saving life.

[3/2019]

(2) Where this section applies, the Minister may pay to the salvor out of the Consolidated Fund such sum or additional sum as the Minister thinks fit for the services rendered in saving life.

[3/2019]

### **Salvage of cargo or wreck**

**167.**—(1) Where any ship is wrecked, stranded or in distress at any place on or near the coasts of Singapore, or in any tidal water within the limits of Singapore, and services are rendered by any person in assisting that ship or saving the cargo or apparel of that ship or any part thereof, and where services are rendered by any person other than a receiver in saving any wreck, there is payable to the salvor by the owner of the ship, cargo, apparel or wreck, a reasonable amount of salvage to be determined in case of dispute in the manner hereinafter mentioned.

[3/2019]

(2) The right of a salvor to a reasonable amount of salvage under subsection (1) is subject to paragraph 2 of Article 12, and Articles 17, 18 and 19, of the Salvage Convention.

[3/2019]

### **Determination of salvage disputes**

**168.**—(1) Disputes as to the amount of salvage, whether of life or property and whether rendered within or without Singapore, arising between the salvor and the owners of any ship, cargo, apparel or wreck, if not settled by agreement, arbitration or otherwise, are to be determined summarily by a District Court in any case where —

- (a) the parties to the dispute consent;
- (b) the value of the property saved does not exceed \$50,000; and
- (c) the amount claimed does not exceed \$50,000.

(2) Subject to subsection (1), disputes as to salvage are to be determined by the General Division of the High Court, but if the claimant does not recover in the General Division of the High Court more than \$50,000, the claimant is not entitled to recover any costs, charges or expenses incurred by the claimant in the prosecution of the claim unless the General Division of the High Court certifies that the case is a fit one to be tried by the General Division of the High Court.

[40/2019]

(3) Disputes relating to salvage may be determined on the application either of the salvor or of the owner of the property saved or of their respective agents.

### **Determination of disputes as to salvage summarily**

**169.** A District Court may, for the purpose of determining a dispute as to salvage, call in to its assistance any person conversant with maritime affairs as assessor, and there is to be paid as part of the costs of the proceedings to every such assessor in respect of his or her services any sum that the Authority directs.

### **Appeal in case of salvage disputes**

**170.** Where a dispute relating to salvage has been determined by a District Court, any party aggrieved by the decision may appeal therefrom in accordance with the Rules of Court to the General Division of the High Court, but no such appeal is to be allowed unless the sum in dispute exceeds \$2,000.

[40/2019]

**Valuation of property by receiver**

**171.**—(1) Where any dispute as to salvage arises, the receiver may, on the application of either party, appoint a valuer to value the property, and must give copies of the valuation to both parties.

(2) Any copy of the valuation purporting to be signed by the valuer, and to be certified as a true copy by the receiver, is admissible as evidence in any subsequent proceedings.

(3) Any fee that the Authority directs is to be paid in respect of the valuation by the person applying for the valuation.

**Detention of property liable to salvage by receiver**

**172.**—(1) Where salvage is due to any person under this Act, the receiver must —

- (a) if the salvage is due in respect of services rendered in assisting any ship, or in saving life therefrom, or in saving the cargo or apparel thereof, detain the ship and cargo or apparel; and
- (b) if the salvage is due in respect of the saving of any wreck, and the wreck is not sold as unclaimed under this Act, detain the wreck.

(2) Subject to subsection (3), the receiver must detain the ship and the cargo and apparel, or the wreck (called in this Act detained property), until payment is made for salvage or process is issued for the arrest or detention thereof by the General Division of the High Court.

[40/2019]

(3) A receiver may release any detained property if security is given to his or her satisfaction or, if the claim for salvage exceeds \$1,000 and any question is raised as to the sufficiency of the security, to the satisfaction of the General Division of the High Court.

[S 1018/2020]

(4) Any security given for salvage under this section to an amount exceeding \$1,000 may be enforced by the General Division of the High Court in the same manner as if bail had been given in the General Division of the High Court.

[40/2019]

**Sale of detained property**

**173.**—(1) The receiver may sell any detained property if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention in the following cases:

- (a) where the amount is not disputed and payment of the amount due is not made within 20 days after the amount is due;
- (b) where the amount is disputed but no appeal lies, and payment is not made within 20 days after the decision of the General Division of the High Court;
- (c) where the amount is disputed and an appeal lies from the decision of the General Division of the High Court, and within 20 days of the decision neither payment of the sum due is made nor have any proceedings been taken for the purpose of appeal.

[40/2019]

(2) The proceeds of sale of the detained property are to, after payment of the expenses of the sale, be applied by the receiver in payment of the expenses, fees and salvage and, so far as not required for that purpose, are to be paid to the owners of the property or any other persons entitled to receive the proceeds.

**Apportionment of salvage by receiver**

**174.**—(1) Where the aggregate amount of salvage payable in respect of salvage services rendered in Singapore has been finally determined, either summarily in the manner provided by this Act or by agreement, and does not exceed \$1,000, but a dispute arises as to the apportionment thereof among several claimants, the person liable to pay the amount may apply to the receiver for liberty to pay the amount to the receiver.

(2) The receiver must, if the receiver thinks fit, receive the amount accordingly, and must grant to the person paying the amount a certificate of the amount paid and of the services in respect of which it is paid, and that certificate is a full discharge and indemnity to the person by whom the money is paid and to the person's ship, cargo,

apparel and effects against the claims of all persons whomsoever in respect of the services mentioned in the certificate.

(3) The receiver must as soon as practicable distribute any amount received by him or her under this section among the persons entitled to the money on such evidence and in such shares and proportions as the receiver thinks fit, and may retain any money which appears to him or her to be payable to any person who is absent.

(4) Any apportionment of the amount of salvage by the receiver under this section must be made in accordance with Article 15 of the Salvage Convention.

[3/2019]

(5) A distribution made by the receiver under this section is final and conclusive as against all persons claiming to be entitled to any portion of the amount distributed.

### **Appointment of salvage by General Division of High Court**

**175.**—(1) Whenever the aggregate amount of salvage payable in respect of salvage service rendered in Singapore has been finally ascertained and exceeds \$1,000 or whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever that amount may be, then, if any delay or dispute arises as to the apportionment thereof, the General Division of the High Court may —

- (a) cause the amount to be apportioned among the persons entitled thereto in any manner that the General Division of the High Court thinks just, and may for that purpose, if the General Division of the High Court thinks fit, appoint any person to carry that apportionment into effect;
- (b) compel any person in whose hands or under whose control the amount may be to distribute the amount or to bring the amount into court to be there dealt with as the General Division of the High Court directs; and
- (c) for the purposes aforesaid, issue any processes that the General Division of the High Court thinks fit.

[3/2019; 40/2019]



(2) Any apportionment of the amount of salvage by the General Division of the High Court under this section must be made in accordance with Article 15 of the Salvage Convention.

[3/2019; 40/2019]

**176.** [*Repealed by Act 27 of 2020*]

### **Receiver's fees**

**177.**—(1) There is to be paid to every receiver the expenses properly incurred by him or her in the performance of his or her duties, and any fees that may be directed by the Authority in respect of such matters as the Authority may, by notification in the *Gazette*, specify; but the receiver is not entitled to any remuneration other than those payments.

(2) The receiver, in addition to all other rights and remedies for the recovery of those expenses or fees, has the same rights and remedies in respect thereof as a salvor has in respect of salvage due to him or her.

(3) Whenever any dispute arises as to the amount payable to any receiver in respect of expenses or fees, that dispute is to be determined by the Authority whose decision is final.

(4) All fees received by a receiver in respect of services performed by him or her as receiver must be accounted for to the Authority and must form part of the funds of the Authority.

## PART 10

### LEGAL PROCEEDINGS

#### **Provision as to jurisdiction in case of offences**

**178.** For the purpose of giving jurisdiction under this Act, every offence is deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the offence actually was committed or arose or in any place in which the offender or person complained against may be.

**Jurisdiction over ships lying off coast**

**179.** Where any place within which any court has jurisdiction either under this Act or any other written law or at common law for any purpose whatever is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river or other navigable water, every such court has jurisdiction over any ship being on, or lying or passing off, that coast or being in or near that bay, channel, lake, river or navigable water and over all persons on board that ship or for the time being belonging thereto, in the same manner as if the ship or persons were within the limits of the original jurisdiction of the court.

**Jurisdiction in case of offences on board ship**

**180.** Where any person is charged with having committed any offence on board any Singapore ship on the high seas or elsewhere outside Singapore or on board any foreign ship to which the person does not belong and that person is found within the jurisdiction of any court in Singapore which would have had cognizance of the offence if it had been committed on board a Singapore ship within the limits of its ordinary jurisdiction, that court has jurisdiction to try the offence as if it had been so committed.

**Presumption of jurisdiction**

**181.** Where, in any legal proceedings under this Act, a question arises whether or not any ship or person is or is not within the provisions of this Act or some part thereof, the ship or person is presumed to be within those provisions unless the contrary is proved.

**Court for trial of offences**

**182.** Unless the context otherwise requires, any offence under this Act may be tried by a District Court or a Magistrate's Court and such Court, despite the provisions of the Criminal Procedure Code 2010 and any other written law, has jurisdiction to impose the maximum penalty provided for by this Act.

**Sums ordered to be paid leviable by distress on ship**

**183.** Where any court has power to make an order directing payment to be made of any crew member's wages, fines or other sums of money, then, if the party so directed to pay the same is the person employing the crew member, or the owner of a ship, and the same is not paid at the time and in the manner prescribed in the order, the court which made the order may, in addition to payment, direct the amount remaining unpaid to be levied by distress and sale of the ship and its equipment.

[6/2014]

**Depositions to be received in evidence when witness cannot be produced**

**184.**—(1) Whenever in the course of any legal proceedings instituted before any court, or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceedings, then upon due proof that the witness cannot be found in Singapore, any deposition that the witness has previously made on oath in relation to the same subject matter before any judge, magistrate or any consular officer elsewhere is admissible in evidence subject to the following provisions:

- (a) if the deposition was made in Singapore, it is not admissible in any proceedings instituted in Singapore;
- (b) if the proceedings is criminal, it is not admissible unless it was made in the presence of the person accused.

(2) A deposition so made must be authenticated by the signature of the judge, magistrate or consular officer before whom it is made; and the judge, magistrate or consular officer is to certify, if the fact is so, that the accused was present at the taking thereof.

(3) A deposition so made is deemed to be duly authenticated if it purports to be signed by the judge, magistrate or consular officer before whom it is made.

(4) It is not necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceedings a certificate under this section is,

unless the contrary is proved, sufficient evidence of the accused having been present in the manner thereby certified.

(5) Nothing herein affects any case in which depositions taken in any proceedings are rendered admissible in evidence by any written law or interfere with the practice of any court in which depositions not authenticated as hereinbefore mentioned are admissible.

### **Proof of attestation not required**

**185.** Where any document is required by this Act to be executed in the presence of or to be attested by any witness, that document may be proved by the evidence of any person who is able to bear witness to the requisite facts without calling the attesting witness.

### **Admissibility of documents in evidence**

**186.—(1)** The following documents are admissible in evidence:

- (a) any register under Part 2 on its production from the custody of the Registrar or other person having lawful custody thereof;
- (b) a certificate of registry under Part 2 purporting to be signed by the Registrar;
- (c) any amendment to a certificate of registry purporting to be signed by the Registrar;
- (d) every declaration made pursuant to Part 2 in respect of a Singapore ship;
- (e) a certificate issued or deemed to be issued in accordance with regulations made under section 47;
- (f) crew agreements and copies of entries given under Part 4 of additions to or changes in crew agreements;
- (g) documents purporting to be submissions to or decisions by the Director under section 59;
- (h) the official logbook kept under section 89 and, without affecting subsection (3), any document purporting to be a copy of an entry therein and to be certified as a true copy by the master of the ship;

(i) returns or reports made under section 91.

(2) The documents mentioned in subsection (1) are, on their production from the proper custody, admissible in evidence in any court or before any person having by law or consent of parties authority to receive evidence, and, subject to all just exceptions, are evidence of the matters stated therein pursuant to this Act or by any officer pursuant to his or her duties as such officer.

(3) A copy of any such document or extract therefrom is also so admissible in evidence, if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer must furnish such certified copy or extract to any person applying at a reasonable time for the certified copy or extract, upon payment of any fee that may be prescribed.

### **Service of documents**

**187.**—(1) Where for the purposes of this Act, any document is to be served on any person, that document may be served —

- (a) in any case by delivering a copy thereof personally to the person to be served, or by leaving the copy at the person's last known place of abode;
- (b) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the document for him or her on board that ship with the person being or appearing to be in command or charge of the ship; and
- (c) if the document is to be served on the master of a ship, where there is no master, and the ship is in Singapore, on the operator of the ship, or on some agent of the owner residing in Singapore, or by affixing a copy thereof at the means of access to the ship, or in any place on board the ship which appears to be frequented by people.

(2) Any person who obstructs the service on the master of a ship of any document under section 113 (relating to the detention of ships as

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

(3) Any owner or master of the ship who is party or privy to such obstruction shall be guilty of an offence and shall be liable on conviction for each offence to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

### **Mode of making declarations**

**188.**—(1) Any declaration required by this Act may be made before the Director, a Justice of the Peace, a Commissioner for Oaths, a surveyor of ships or any other person authorised to take or receive a declaration by any law in force in Singapore.

(2) Any declaration required by this Act may be made on behalf of a corporation by the director, the secretary or any other agent of the corporation authorised by the corporation for that purpose.

### **Continuing offences**

**189.** Where by a provision of this Act an act or thing is required to be done within a particular period or before a particular time, the obligation to do that act or thing continues, even though that period has expired or that time has passed, until that act or thing is done.

### **Liability of beneficial owners**

**190.**—(1) Where any person has a beneficial interest in any ship or any share therein registered in the name of some other person as owner, the person so interested, as well as the registered owner of the ship, is subject to all pecuniary penalties imposed by this Act or any other written law on the owner of the ship or the shares therein and proceedings may be taken for the enforcement of any such penalty against both or either of the aforesaid parties, with or without joining them.

(2) For the purpose of this section, a person who has an interest in any ship or any share therein by way of mortgage, charge or lien, is not deemed to have a beneficial interest in the ship unless the person is in possession of the ship.

**Offences by body corporate**

**191.**—(1) Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he or she as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

**Offences under this Act**

**192.** A person must not be charged with any offence under this Act except on the complaint or with the consent of the Public Prosecutor, the Director, the Port Master, a Port Health Officer or a surveyor of ships.

[15/2010]

**Forgery, etc., of documents and fraudulent use**

**193.**—(1) Any person who forges, or fraudulently alters, or assists in forging or fraudulently altering, or procures or suffers to be forged or fraudulently altered any of the following documents:

- (a) any declaration;
- (b) any builder's certificate, bill of sale or other document or instrument of title to a ship or any share therein;
- (c) any document evidencing the deletion of a ship from its former registry;
- (d) any crew agreement, instrument of mortgage, register, certificate, licence, book, instrument or other document prescribed by this Act (including replacement or certified copies thereof or certified extracts therefrom) or any entry or endorsement prescribed by this Act to be made in or on any of those documents;

- (e) any document produced to the Director for the purposes of obtaining for the person or any other person any certificate, licence, book or other document issued under this Act (including replacement or certified copies thereof) or for the purposes of obtaining an entry or endorsement in or on any of those documents,

shall be guilty of an offence.

(2) Any person who fraudulently uses or allows any other person to fraudulently use —

- (a) any of the documents mentioned in subsection (1) which is forged, altered or otherwise false or misleading in any material particular; or
- (b) any of the documents mentioned in subsection (1)(d) which has expired or has been cancelled or suspended, or has become invalid for any reason,

shall be guilty of an offence.

(3) If any person (*A*) fraudulently uses any document mentioned in subsection (1)(d) which is issued to or issued in relation to a person and *A* is not the person named in the document or to which the document relates, *A* shall be guilty of an offence.

(4) If any person (*A*) allows any other person (*B*) to fraudulently use any of the documents mentioned in subsection (1)(d) which is issued to or issued in relation to a person and *B* is not the person named in the document or to which the document relates, *A* shall be guilty of an offence.

### **False declaration, etc.**

**194.** If any person knowingly or recklessly, for any purpose prescribed by this Act —

- (a) makes a declaration, statement or representation which is false or otherwise misleading in any material particular;
- (b) gives false evidence on oath; or



- (c) makes in any document produced or delivered to any person authorised to receive it under this Act, any statement or entry which is false or otherwise misleading in any material particular,

the person shall be guilty of an offence.

### **Interfering with person in carrying out duty, etc.**

**195.** Any person who —

- (a) by violence, threat or intimidation, hinders or interferes with or otherwise obstructs the master or an officer of a ship in performing his or her duty; or
- (b) resists or wilfully obstructs, assaults, molests or otherwise intimidates a person who is carrying out or exercising any duty, function, right or power imposed on him or her by this Act,

shall be guilty of an offence.

### **Misleading officer, refusal to answer questions, produce documents, etc.**

**196.** Any person who —

- (a) misleads any other person on whom a duty, function or power is imposed on him or her under this Act in any material particular which is likely to affect the discharge thereof;
- (b) refuses to answer any question lawfully put to him or her, or to produce documents in his or her possession or custody lawfully demanded of him or her;
- (c) refuses to give all reasonable assistance to any person who is carrying out any duty, function or power imposed on him or her under this Act; or

- (d) refuses to attend as a witness before an inspector or any person having the powers of an inspector, or to make or subscribe any declaration required by the inspector or person having the powers of an inspector,

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

### **Offences relating to markings of ship**

**197.**—(1) The markings required by this Act to be made on or in a ship must be permanently continued, and no alteration is to be made, except in the manner provided by this Act.

(2) An owner or a master of a ship who, without reasonable cause, neglects to cause the ship to be so marked, or to keep it so marked; shall be guilty of an offence.

(3) Any person who, without reasonable cause, conceals, removes, alters, defaces, obliterates or suffers any other person under the firstmentioned person's control to conceal, remove, alter, deface or obliterate any of the marks mentioned in subsection (1) shall be guilty of an offence.

### **Unauthorised presence on board ship**

**198.** Where a ship registered in Singapore or elsewhere is in Singapore and a person who is not authorised by law to do so —

- (a) goes on board the ship without the consent of the master or any other person authorised to give it; or
- (b) remains on board the ship after being requested to leave by the Director, the Port Master, the master or a police officer,

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

### **Taking person performing duty to sea**

**199.** If any person performing his or her duties or functions under this Act is taken to sea in a ship without his or her consent, the owner and the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and shall both be

jointly and severally liable to pay all expenses incidental to the person's return to duty.

### **General penalties**

**200.**—(1) Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

(2) Any person who fails to comply with or does or suffers to be done anything contrary to the provisions of this Act shall, unless otherwise provided, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **Persons appointed or authorised under this Act deemed public servants**

**201.** Every person appointed or authorised under this Act for any of the purposes of this Act, when acting pursuant to any such purpose, is deemed to be a public servant within the meaning of the Penal Code 1871.

### **Costs of detention of unsafe ships**

**202.**—(1) If it appears that there was no reasonable or probable cause for the provisional detention of a ship under section 113, the Authority shall be liable to pay to the owner of the ship the owner's costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by the owner by reason of the detention or survey.

(2) An action for any costs or compensation payable by the Authority under subsection (1) may be brought against the Director by his or her official title.

(3) If —

- (a) a ship is finally detained under section 113;
- (b) a ship is provisionally detained under section 113 and the ship was, at the time of detention, an unsafe ship; or

- (c) a ship is detained under this Act which provides for the detention of a ship,

the owner of the ship shall be liable to pay to the Authority its costs of and incidental to the detention and survey of the ship.

(4) Any costs payable to the Authority under this Act may be recovered by the Director and those costs are, without affecting any other remedy, recoverable as salvage is recoverable.

### **Security for costs of detention of unsafe ships**

**203.**—(1) Where a complaint is made to the Director that a ship is an unsafe ship, the Director may, if he or she thinks fit, require the complainant to give security to his or her satisfaction for any costs and compensation which the Director may become liable to pay in consequence of the detention and survey of the ship.

(2) Such security must not be required where the complaint is made by 3 or more crew members belonging to the ship and is not in the opinion of the Director frivolous or vexatious, and if the complaint is made in sufficient time before the sailing of the ship, the Director must take proper steps to ascertain whether the ship ought to be detained.

[6/2014]

(3) Where a ship is detained in consequence of any complaint, and the circumstances are such that the Authority is liable under section 202 to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay the Authority all costs incurred and compensation paid by the Authority in respect of the detention and survey of the ship.

### **Immunity of Government, Authority and their employees, etc.**

**204.** No suit or other legal proceedings shall lie against the Government, the Authority or any officer or employee of the Government or the Authority or any person appointed under this Act or acting under the direction of the Government or the Authority for any act done in good faith in the performance, or intended performance, of any duty, or in the exercise of any power under this

Act, or for any failure or default in the performance or exercise in good faith of any duty or power under this Act.

## PART 11

### MISCELLANEOUS

#### **Powers of Director, etc.**

**205.**—(1) The Director, the Port Master, a Port Health Officer, a surveyor of ships or a police officer may, at any time, for the purposes of this Act —

- (a) go on board any ship and inspect and examine the ship or any part of the ship or its equipment;
- (b) enter and inspect any premises;
- (c) require and enforce the production of any book, certificate or document relating to any ship or persons on board the ship;
- (d) muster all persons on board any ship;
- (e) summon any person before him or her and require the person to answer questions; and
- (f) require any ship to be taken into a dock for the purpose of surveying the hull.

[6/2014]

(2) The Director may compound any offence 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.

[3/2019]

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

[3/2019]

**Powers of inspector**

**206.** An inspector and any person having the powers of such an inspector —

- (a) have the powers conferred under section 205(1); and
- (b) may administer oaths or may, in lieu of requiring or administering an oath, require every person examined by him or her to make and subscribe to a declaration of the truth of the statements made by the person in the examination.

**Power of arrest**

**207.**—(1) The Director, the Port Master, a Port Health Officer, a surveyor of ships or a police officer may arrest without warrant any person who has committed an offence under this Act and take him or her before a District Court or a Magistrate's Court (as the case may be) to be dealt with according to law.

(2) Any article concerning, by or for which an offence has been committed may be seized and taken to a police station, unless given up sooner by order of a District Court or a Magistrate's Court.

**Power of General Division of High Court to remove master**

**208.**—(1) The General Division of the High Court may remove the master of any ship within the jurisdiction of the General Division of the High Court, if that removal is shown to the satisfaction of the General Division of the High Court by affidavit evidence to be necessary.

[40/2019]

(2) The removal of the master under subsection (1) is to be made upon the application of any owner of the ship or the owner's agent, or of the authorised agent of the ship, or of any certificated mate or engineer, or of one-third or more of the crew of the ship.

(3) The General Division of the High Court may appoint a new master in place of the one removed, but where the owner or agent of the ship is within the jurisdiction of the General Division of the High

Court, such an appointment must not be made without the consent of the owner or agent.

[40/2019]

(4) The General Division of the High Court may also make such order and require such security in respect of the costs of the matter as the General Division of the High Court thinks fit.

[40/2019]

### **Enforcing detention of ship**

**209.**—(1) Where under this Act a ship is to be or may be detained, the Director, the Port Master, a surveyor of ships, a police officer not below the rank of inspector or a commissioned officer on full pay in the Singapore Armed Forces may detain the ship if it is in Singapore, and the ship may be detained until it complies with the provisions which it contravened.

(2) If the ship, after detention, or after service on the master of the ship of any notice of or order for detention, goes to sea before it is released by the competent authority, the owner and the master of the ship, and also any person who is party or privy to the offence, shall each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) Any person authorised under this section to detain a ship may, if he or she thinks it necessary to do so, place a police guard on board.

(4) Any police guard so placed on board a ship may take any steps that are necessary to prevent the ship from going to sea.

### **Issue of new document**

**210.**—(1) Where a document issued by the Director or the Registrar under this Act is mislaid, lost or destroyed, the following person (as applicable) must make a declaration stating the facts of the case to the best of the person's knowledge and belief:

- (a) in the case of a document which relates to a ship, the master or the owner of the ship;
- (b) in the case of a document which relates to a person, the person;

- (c) some other person having knowledge of the facts of the case,

and the Director or the Registrar may thereupon issue a new document in lieu of the original document.

(2) The declaration under subsection (1) must contain an undertaking to surrender to the Director or the Registrar the document declared mislaid, lost or destroyed, when the document is subsequently recovered.

(3) The Director or the Registrar may, on the delivery up to him or her of a document issued by him or her under this Act, issue a new document in lieu thereof.

### **Issue of certified copies or extracts**

**211.** The Director or the Registrar may issue certified copies of or extracts from any document issued by him or her or in his or her custody.

### **Copy of Act and regulations to be kept on Singapore ships**

**212.—**(1) The master of a Singapore ship which is propelled by mechanical means must keep a copy of this Act on board the ship, except that the master is not obliged to keep a copy of any regulations which do not apply to the ship.

(2) Any master who, without reasonable cause, contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

### **Powers of Authority to prescribe fees, recovery of fees and application of moneys**

**213.—**(1) The Authority may, with the approval of the Minister, make regulations prescribing the fees to be paid in respect of the issue or recording of any certificate, licence or other instrument or the doing of any other thing pursuant to this Act.

(2) All fees prescribed under this Act are to be paid to the Director.



(3) All fees due to or which may be recovered by the Director under this Act are, without affecting any other remedy, recoverable as salvage is recoverable.

(4) In this section, “fees” includes —

- (a) the fees prescribed under section 14;
- (b) the fines imposed on the seamen of a ship for disciplinary offences required by section 83 to be paid to the Director;
- (c) the fees in respect of survey or inspection of a ship or its equipment or other services rendered to or in relation to a ship by a surveyor of ships or a radio surveyor; and
- (d) the fees in respect of services rendered to or in relation to a ship by the Director or a person authorised by the Director.

(5) All moneys recovered or received under this Act must be paid to the Authority except that the annual tonnage tax paid under section 14(2) must be paid into the Consolidated Fund.

### **Documents to be in approved form**

**214.** Every register, certificate, licence, book, instrument or other document prescribed by this Act must be made in the form (if any) that may be approved by the Authority or as near thereto as circumstances permit.

### **Exemption**

**215.—**(1) The Minister may exempt any person or ship or description of persons or ships from all or any of the provisions of this Act.

(2) Any power conferred by this Act to provide for or grant an exemption includes the power to provide for or grant the exemption subject to conditions and to revoke the exemption.

### **Regulations**

**216.—**(1) The Authority may, with the approval of the Minister, make such regulations as are necessary for carrying into effect the provisions of this Act.

(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, make regulations —

- (a) to exempt any person or ship or description of persons or ships from all or any of the provisions of this Act;
- (b) to empower the Director to exempt any person or ship or description of persons or ships from all or any of the provisions of the regulations;
- (c) to prescribe the form of any document that may be required and to prescribe different forms for different circumstances;
- (d) to make different provision for different descriptions of persons or ships or for persons or ships of the same description in different circumstances;
- (e) to prescribe the offences that may be compounded;
- (f) to make provisions for any incidental or supplementary matters for which the Authority thinks it expedient for the purposes of the regulations to provide; and
- (g) to make a contravention of any provision of any regulation an offence punishable with a fine not exceeding \$10,000.

### **Transitional provisions**

**217.**—(1) Every Singapore ship registered before 2 February 1996 is deemed to be registered under Part 2 of this Act and the provisions of this Act apply to the ship and all matters relating thereto as they apply to a ship registered on or after that date.

(2) Any document, endorsement, exemption or certificate prepared, made or granted under the repealed Merchant Shipping Act (Cap. 179, 1985 Revised Edition) is to, so far as it is not inconsistent with the provisions of this Act and except as otherwise expressly provided in this Act, continue and be deemed to have been prepared or granted under the corresponding provisions of this Act.

(3) Any reference to the Surveyor-General of Ships or Superintendent of the Mercantile Marine Office in any written law is to be read as a reference to the Director.

## FIRST SCHEDULE

Sections 134 and 143

CONVENTION ON LIMITATION OF LIABILITY  
FOR MARITIME CLAIMS, 1976

## Part I

## TEXT OF CONVENTION

## CHAPTER I

## THE RIGHT OF LIMITATION

## ARTICLE 1

*Persons entitled to limit liability*

1. Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.
2. The term “shipowner” shall mean the owner, charterer, manager and operator of a seagoing ship.
3. Salvor shall mean any person rendering services in direct connection with salvage operations. Salvage operations shall also include operations referred to in Article 2, paragraph 1(d), (e) and (f).
4. If any claims set out in Article 2 are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.
5. In this Convention, the liability of a shipowner shall include liability in an action brought against the vessel herself.
6. An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.
7. The act of invoking limitation of liability shall not constitute an admission of liability.

## ARTICLE 2

*Claims subject to limitation*

1. Subject to Articles 3 and 4, the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:

FIRST SCHEDULE — *continued*

- (a) claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
- (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
- (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;
- (d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;
- (e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
- (f) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.

2. Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claims set out under paragraph 1(d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

## ARTICLE 3

*Claims excepted from limitation*

The rules of this Convention shall not apply to:

- (a) claims for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage, 1989, as amended, or contribution in general average;
- (b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage, dated 29 November 1969 or of any amendment or Protocol thereto which is in force;
- (c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;

FIRST SCHEDULE — *continued*

- (d) claims against the shipowner of a nuclear ship for nuclear damage;
- (e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 6.

## ARTICLE 4

*Conduct barring limitation*

A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss would probably result.

## ARTICLE 5

*Counterclaims*

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

## CHAPTER II

## LIMITS OF LIABILITY

## ARTICLE 6

*The general limits*

1. The limits of liability for claims other than those mentioned in Article 7, arising on any distinct occasion, shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury,
  - (i) 3.02 million Units of Account for a ship with a tonnage not exceeding 2,000 tons;
  - (ii) for a ship with a tonnage in excess of 2,000 tons, the following amount in addition to that mentioned in sub-paragraph (i):

FIRST SCHEDULE — *continued*

for each ton from 2,001 to 30,000 tons, 1,208 Units of Account;

for each ton from 30,001 to 70,000 tons, 906 Units of Account;  
and

for each ton in excess of 70,000 tons, 604 Units of Account;

(b) in respect of any other claims,

(i) 1.51 million Units of Account for a ship with a tonnage not exceeding 2,000 tons;

(ii) for a ship with a tonnage in excess of 2,000 tons, the following amount in addition to that mentioned in sub-paragraph (i):

for each ton from 2,001 to 30,000 tons, 604 Units of Account;

for each ton from 30,001 to 70,000 tons, 453 Units of Account;  
and

for each ton in excess of 70,000 tons, 302 Units of Account.

2. Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).

3. However, without prejudice to the right of claims for loss of life or personal injury according to paragraph 2, a State Party may provide in its national law that claims in respect of damage to harbour works, basins and waterways and aids to navigation shall have such priority over other claims under paragraph 1(b) as is provided by that law.

4. The limits of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

5. For the purpose of this Convention, the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969.

FIRST SCHEDULE — *continued*

## ARTICLE 7

*The limit for passenger claims*

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner of the ship is an amount of 175,000 Units of Account multiplied by the number of passengers that the ship is authorised to carry according to the ship's certificate.

2. For the purpose of this Article, "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship:

- (a) under a contract of passenger carriage; or
- (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

## ARTICLE 8

*Unit of Account*

The Unit of Account referred to in Articles 6 and 7 is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Articles 6 and 7 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment.

## ARTICLE 9

*Aggregation of claims*

1. The limits of liability determined in accordance with Article 6 shall apply to the aggregate of all claims which arise on any distinct occasion:

- (a) against the person or persons mentioned in paragraph 2 of Article 1 and any person for whose act, neglect or default he or they are responsible;
- (b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or
- (c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

FIRST SCHEDULE — *continued*

2. The limits of liability determined in accordance with Article 7 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in paragraph 2 of Article 1 in respect of the ship referred to in Article 7 and any person for whose act, neglect or default he or they are responsible.

## ARTICLE 10

*Limitation of liability without constitution of a limitation fund*

1. Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in Article 11 has not been constituted.

2. If limitation of liability is invoked without the constitution of a limitation fund, the provisions of Article 12 shall apply correspondingly.

3. Questions of procedure arising under the rules of this Article shall be decided in accordance with the national law of the State Party in which action is brought.

## CHAPTER III

## THE LIMITATION FUND

## ARTICLE 11

*Constitution of the fund*

1. Any person alleged to be liable may constitute a fund with the Court or other competent authority in any State Party in which legal proceedings are instituted in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts set out in Articles 6 and 7 as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.

2. A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the Court or other competent authority.

3. A fund constituted by one of the persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2 of Article 9 or his insurer shall be deemed constituted by all persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2, respectively.



FIRST SCHEDULE — *continued*

## ARTICLE 12

*Distribution of the fund*

1. Subject to the provisions of paragraphs 1 and 2 of Article 6 and of Article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.

2. If, before the fund is distributed, the person liable, or his insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

3. The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those therein mentioned in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.

4. Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs 2 and 3 had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

## ARTICLE 13

*Bar to other actions*

1. Where a limitation fund has been constituted in accordance with Article 11, any person having made a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.

2. After a limitation fund has been constituted in accordance with Article 11, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, may be released by order of the Court or other competent authority of such State. However, such release shall always be ordered if the limitation fund has been constituted:

- (a) at the port where the occurrence took place, or, if it took place out of port, at the first port of call thereafter;

FIRST SCHEDULE — *continued*

- (b) at the port of disembarkation in respect of claims for loss of life or personal injury;
- (c) at the port of discharge in respect of damage to cargo; or
- (d) in the State where the arrest is made.

3. The rules of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the limitation fund before the Court administering that fund and the fund is actually available and freely transferable in respect of that claim.

## ARTICLE 14

*Governing law*

Subject to the provisions of this Chapter, the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connection therewith, shall be governed by the law of the State Party in which the fund is constituted.

## CHAPTER IV

## SCOPE OF APPLICATION

## ARTICLE 15

This Convention shall apply whenever any person referred to in Article 1 seeks to limit his liability before the Court of a State Party or seeks to procure the release of a ship or other property or the discharge of any security given within the jurisdiction of any such State.

[56/2004; 3/2019; S 816/2019]

## SECOND SCHEDULE

Sections 145 and 145A(4)

## INTERNATIONAL CONVENTION ON SALVAGE, 1989

## Chapter 1 — GENERAL PROVISIONS

**Article 1. Definitions**

For the purpose of this Convention —

- (a) Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever.
- (b) Vessel means any ship or craft, or any structure capable of navigation.

SECOND SCHEDULE — *continued*

- (c) Property means any property not permanently and intentionally attached to the shoreline and includes freight at risk.
- (d) Damage to the environment means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents.
- (e) Payment means any reward, remuneration or compensation due under this Convention.
- (f) Organization means the International Maritime Organization.
- (g) Secretary-General means the Secretary-General of the Organization.

**Article 2. Application of the Convention**

This Convention shall apply whenever judicial or arbitral proceedings relating to matters dealt with in this Convention are brought in a State Party.

**Article 3. Platforms and drilling units**

This Convention shall not apply to fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources.

**Article 4. State-owned vessels**

Without prejudice to Article 5, this Convention shall not apply to warships or other non-commercial vessels owned or operated by a State and entitled, at the time of salvage operations, to sovereign immunity under generally recognized principles of international law unless that State decides otherwise.

**Article 5. Salvage operations controlled by public authorities**

1. This Convention shall not affect any provisions of national law or any international convention relating to salvage operations by or under the control of public authorities.

2. Nevertheless, salvors carrying out such salvage operations shall be entitled to avail themselves of the rights and remedies provided for in this Convention in respect of salvage operations.

3. The extent to which a public authority under a duty to perform salvage operations may avail itself of the rights and remedies provided for in this Convention shall be determined by the law of the State where such authority is situated.

SECOND SCHEDULE — *continued***Article 6. Salvage contracts**

1. This Convention shall apply to any salvage operations save to the extent that a contract otherwise provides expressly or by implication.

2. The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel. The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.

3. Nothing in this Article shall affect the application of Article 7 nor duties to prevent or minimize damage to the environment.

**Article 7. Annulment and modification of contracts**

A contract or any terms thereof may be annulled or modified if —

- (a) the contract has been entered into under undue influence or the influence of danger and its terms are inequitable; or
- (b) the payment under the contract is in an excessive degree too large or too small for the services actually rendered.

## Chapter 2 — PERFORMANCE OF SALVAGE OPERATIONS

**Article 8. Duties of the salvor and of the owner and master**

1. The salvor shall owe a duty to the owner of the vessel or other property in danger —

- (a) to carry out the salvage operations with due care;
- (b) in performing the duty specified in sub-paragraph (a), to exercise due care to prevent or minimize damage to the environment;
- (c) whenever circumstances reasonably require, to seek assistance from other salvors; and
- (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.

2. The owner and master of the vessel or the owner of other property in danger shall owe a duty to the salvor —

- (a) to co-operate fully with him during the course of the salvage operations;

SECOND SCHEDULE — *continued*

- (b) in so doing, to exercise due care to prevent or minimize damage to the environment; and
- (c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so.

**Article 9. Rights of coastal States**

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognized principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

**Article 10. Duty to render assistance**

1. Every master is bound, so far as he can do so without serious danger to his vessel and persons thereon, to render assistance to any person in danger of being lost at sea.
2. The States Parties shall adopt the measures necessary to enforce the duty set out in paragraph 1.
3. The owner of the vessel shall incur no liability for a breach of the duty of the master under paragraph 1.

**Article 11. Co-operation**

A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general.

## Chapter 3 — RIGHTS OF SALVORS

**Article 12. Conditions for reward**

1. Salvage operations which have had a useful result give right to a reward.
2. Except as otherwise provided, no payment is due under this Convention if the salvage operations have had no useful result.

SECOND SCHEDULE — *continued*

3. This Chapter shall apply, notwithstanding that the salvaged vessel and the vessel undertaking the salvage operations belong to the same owner.

**Article 13. Criteria for fixing the reward**

1. The reward shall be fixed with a view to encouraging salvage operations, taking into account the following criteria without regard to the order in which they are presented below:

- (a) the salvaged value of the vessel and other property;
- (b) the skill and efforts of the salvors in preventing or minimizing damage to the environment;
- (c) the measure of success obtained by the salvor;
- (d) the nature and degree of the danger;
- (e) the skill and efforts of the salvors in salvaging the vessel, other property and life;
- (f) the time used and expenses and losses incurred by the salvors;
- (g) the risk of liability and other risks run by the salvors or their equipment;
- (h) the promptness of the services rendered;
- (i) the availability and use of vessels or other equipment intended for salvage operations;
- (j) the state of readiness and efficiency of the salvor's equipment and the value thereof.

2. Payment of a reward fixed according to paragraph 1 shall be made by all of the vessel and other property interests in proportion to their respective salvaged values. However, a State Party may in its national law provide that the payment of a reward has to be made by one of these interests, subject to a right of recourse of this interest against the other interests for their respective shares. Nothing in this Article shall prevent any right of defence.

3. The rewards, exclusive of any interest and recoverable legal costs that may be payable thereon, shall not exceed the salvaged value of the vessel and other property.

**Article 14. Special compensation**

1. If the salvor has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment and has failed to earn a reward under Article 13 at least equivalent to the special compensation assessable

SECOND SCHEDULE — *continued*

in accordance with this Article, he shall be entitled to special compensation from the owner of that vessel equivalent to his expenses as herein defined.

2. If, in the circumstances set out in paragraph 1, the salvor by his salvage operations has prevented or minimized damage to the environment, the special compensation payable by the owner to the salvor under paragraph 1 may be increased up to a maximum of 30% of the expenses incurred by the salvor. However, the tribunal, if it deems it fair and just to do so and bearing in mind the relevant criteria set out in Article 13, paragraph 1, may increase such special compensation further, but in no event shall the total increase be more than 100% of the expenses incurred by the salvor.

3. Salvor's expenses for the purpose of paragraphs 1 and 2 means the out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used in the salvage operation, taking into consideration the criteria set out in Article 13, paragraph 1(*h*), (*i*) and (*j*).

4. The total special compensation under this Article shall be paid only if and to the extent that such compensation is greater than any reward recoverable by the salvor under Article 13.

5. If the salvor has been negligent and has thereby failed to prevent or minimize damage to the environment, he may be deprived of the whole or part of any special compensation due under this Article.

6. Nothing in this Article shall affect any right of recourse on the part of the owner of the vessel.

**Article 15. Apportionment between salvors**

1. The apportionment of a reward under Article 13 between salvors shall be made on the basis of the criteria contained in that Article.

2. The apportionment between the owner, master and other persons in the service of each salving vessel shall be determined by the law of the flag of that vessel. If the salvage has not been carried out from a vessel, the apportionment shall be determined by the law governing the contract between the salvor and his servants.

**Article 16. Salvage of persons**

1. No remuneration is due from persons whose lives are saved, but nothing in this Article shall affect the provisions of national law on this subject.

2. A salvor of human life, who has taken part in the services rendered on the occasion of the accident giving rise to salvage, is entitled to a fair share of the

SECOND SCHEDULE — *continued*

payment awarded to the salvor for salvaging the vessel or other property or preventing or minimizing damage to the environment.

**Article 17. Services rendered under existing contracts**

No payment is due under the provisions of this Convention unless the services rendered exceed what can be reasonably considered as due performance of a contract entered into before the danger arose.

**Article 18. The effect of salvor's misconduct**

A salvor may be deprived of the whole or part of the payment due under this Convention to the extent that the salvage operations have become necessary or more difficult because of fault or neglect on his part or if the salvor has been guilty of fraud or other dishonest conduct.

**Article 19. Prohibition of salvage operations**

Services rendered notwithstanding the express and reasonable prohibition of the owner or master of the vessel or the owner of any other property in danger which is not and has not been on board the vessel shall not give rise to payment under this Convention.

## Chapter 4 — CLAIMS AND ACTIONS

**Article 20. Maritime lien**

1. Nothing in this Convention shall affect the salvor's maritime lien under any international convention or national law.
2. The salvor may not enforce his maritime lien when satisfactory security for his claim, including interest and costs, has been duly tendered or provided.

**Article 21. Duty to provide security**

1. Upon the request of the salvor a person liable for a payment due under this Convention shall provide satisfactory security for the claim, including interest and costs of the salvor.
2. Without prejudice to paragraph 1, the owner of the salvaged vessel shall use his best endeavours to ensure that the owners of the cargo provide satisfactory security for the claims against them including interest and costs before the cargo is released.
3. The salvaged vessel and other property shall not, without the consent of the salvor, be removed from the port or place at which they first arrive after the



SECOND SCHEDULE — *continued*

completion of the salvage operations until satisfactory security has been put up for the salvor's claim against the relevant vessel or property.

**Article 22. Interim payment**

1. The tribunal having jurisdiction over the claim of the salvor may, by interim decision, order that the salvor shall be paid on account such amount as seems fair and just, and on such terms including terms as to security where appropriate, as may be fair and just according to the circumstances of the case.

2. In the event of an interim payment under this Article the security provided under Article 21 shall be reduced accordingly.

**Article 23. Limitation of actions**

1. Any action relating to payment under this Convention shall be time-barred if judicial or arbitral proceedings have not been instituted within a period of 2 years. The limitation period commences on the day on which the salvage operations are terminated.

2. The person against whom a claim is made may at any time during the running of the limitation period extend that period by a declaration to the claimant. This period may in the like manner be further extended.

3. An action for indemnity by a person liable may be instituted even after the expiration of the limitation period provided for in the preceding paragraphs, if brought within the time allowed by the law of the State where proceedings are instituted.

**Article 24. Interest**

The right of the salvor to interest on any payment due under this Convention shall be determined according to the law of the State in which the tribunal seized of the case is situated.

**Article 25. State-owned cargoes**

Unless the State owner consents, no provision of this Convention shall be used as a basis for the seizure, arrest or detention by any legal process of, nor for any proceedings in rem against, non-commercial cargoes owned by a State and entitled, at the time of the salvage operations, to sovereign immunity under generally recognized principles of international law.

SECOND SCHEDULE — *continued***Article 26. Humanitarian cargoes**

No provision of this Convention shall be used as a basis for the seizure, arrest or detention of humanitarian cargoes donated by a State, if such State has agreed to pay for salvage services rendered in respect of such humanitarian cargoes.

**Article 27. Publication of arbitral awards**

States Parties shall encourage, as far as possible and with the consent of the parties, the publication of arbitral awards made in salvage cases.

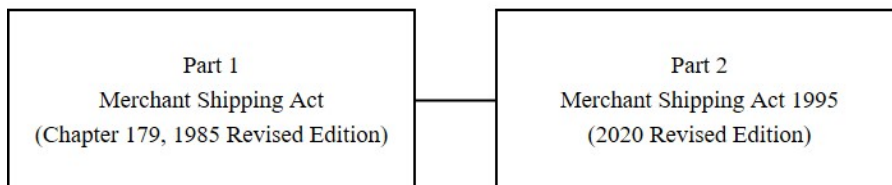
[3/2019]

# LEGISLATIVE HISTORY

## MERCHANT SHIPPING ACT 1995

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 MERCHANT SHIPPING ACT (CHAPTER 179, 1985 REVISED EDITION)

#### **1. Ordinance XXXII of 1910 — The Merchant Shipping Ordinance 1910**

Bill	:	G.N. No. 1474/1908
First Reading	:	29 January 1909
Second Reading	:	2 April 1909
Notice of Amendments	:	9 December 1910
Third Reading	:	9 December 1910
Commencement	:	1 December 1912

*Note: This Ordinance was amended by The Public Authorities Protection Ordinance 1912 (Ordinance XI of 1912) and The Merchant Shipping Ordinance 1910 Amendment Ordinance 1912 (Ordinance XIII of 1912) before it came into force.*

#### **2. Ordinance XXXII of 1914 — The Merchant Shipping (Amendment) Ordinance 1914**

Bill	:	G.N. No. 239/1914
First Reading	:	27 February 1914
Second Reading	:	13 March 1914
Notice of Amendments	:	13 November 1914

Third Reading	:	18 December 1914
Commencement	:	31 December 1914

**3. G.N. No. S 413/1917 — The Merchant Shipping Ordinance, 1910 and The Merchant Shipping (Amendment) Ordinance, 1914**

Commencement	:	5 April 1917 (section 390A)
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**4. Ordinance 32 of 1920 — Merchant Shipping (Amendment) Ordinance, 1920**

Bill	:	G.N. No. 1854/1920
First Reading	:	25 October 1920
Second Reading	:	3 November 1920
Third Reading	:	22 November 1920
Commencement	:	11 December 1920

**5. 1920 Revised Edition — Ordinance No. 125 (Merchant Shipping)**

Operation	:	28 November 1921
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**6. Ordinance 26 of 1921 — Statute Laws (Revised Edition) Operation Ordinance, 1921**

(Amendments made by section 3(a) read with Schedules *B* and *C* to the above Ordinance)

Bill	:	G.N. No. 1854/1921
First and Second Readings	:	22 November 1921
Notice of Amendments	:	22 November 1921
Third Reading	:	22 November 1921
Commencement	:	28 November 1921 (section 3(a) read with Schedules <i>B</i> and <i>C</i> )

**7. Ordinance 14 of 1922 — Ordinance No. 125 (Merchant Shipping) Amendment Ordinance, 1922**

Bill	:	G.N. No. 2000/1921
First Reading	:	19 December 1921
Second Reading	:	20 February 1922
Notice of Amendments	:	20 February 1922
Third Reading	:	12 June 1922
Commencement	:	30 June 1922

**8. Ordinance 23 of 1922 — Ordinance No. 125 (Merchant Shipping) Amendment (No. 2) Ordinance, 1922**

Bill	:	G.N. No. 1482/1922
First, Second and Third Readings	:	11 September 1922
Commencement	:	24 September 1922

**9. Ordinance 35 of 1922 — Ordinance No. 125 (Merchant Shipping) (Amendment No. 3) Ordinance, 1922**

Bill	:	G.N. No. 433/1922
First Reading	:	11 September 1922
Second Reading	:	30 October 1922
Notice of Amendments	:	30 October 1922
Third Reading	:	27 November 1922
Commencement	:	15 December 1922

**10. Ordinance 5 of 1924 — Merchant Shipping Amendment Ordinance, 1924**

Bill	:	G.N. No. 198/1924
First Reading	:	18 February 1924
Second Reading	:	14 April 1924
Notice of Amendments	:	30 June 1924
Third Reading	:	30 June 1924
Commencement	:	12 July 1924 (section 3) 1 March 1925 (section 2)

**11. 1926 Revised Edition — Ordinance No. 125 (Merchant Shipping)**

Operation	:	1 August 1926
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**12. Ordinance 28 of 1926 — The Merchant Shipping (Amendment) Ordinance, 1926**

Bill	:	G.N. No. 1353/1926
First Reading	:	6 September 1926
Second Reading	:	11 October 1926
Notice of Amendments	:	1 November 1926
Third Reading	:	1 November 1926
Commencement	:	19 November 1926

**13. Ordinance 10 of 1928 — Merchant Shipping (Amendment)  
Ordinance, 1928**

Bill	:	G.N. No. 2124/1927
First Reading	:	12 December 1927
Second Reading	:	30 January 1928
Notice of Amendments	:	26 March 1928
Third Reading	:	7 May 1928
Commencement	:	30 May 1928

**14. Ordinance 18 of 1929 — Merchant Shipping (Amendment)  
Ordinance, 1929**

Bill	:	G.N. No. 1325/1929
First Reading	:	3 July 1929
Second Reading	:	2 September 1929
Notice of Amendments	:	7 October 1929
Third Reading	:	7 October 1929
Commencement	:	24 October 1929

**15. Ordinance 20 of 1932 — Merchant Shipping (Amendment)  
Ordinance, 1932**

Bill	:	G.N. No. 1499/1932
First Reading	:	8 August 1932
Second Reading	:	19 October 1932
Notice of Amendments	:	19 October 1932
Third Reading	:	5 December 1932
Commencement	:	15 December 1932

**16. G.N. No. 2505/1932 — “Ordinance No. 125 (Merchant Shipping)”**

Commencement	:	1 January 1933 (section 247A)
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**17. Ordinance 8 of 1933 — Merchant Shipping (Amendment)  
Ordinance, 1933**

Bill	:	G.N. No. 2399/1932
First Reading	:	16 January 1933
Second Reading	:	6 March 1933

Notice of Amendments	:	6 March 1933
Third Reading	:	6 March 1933
Commencement	:	25 March 1933

**18. Ordinance 14 of 1933 — Merchant Shipping (Amendment No. 2) Ordinance, 1933**

Bill	:	G.N. No. 733/1933
First Reading	:	1 May 1933
Second and Third Readings	:	31 July 1933
Commencement	:	15 August 1933

**19. Ordinance 34 of 1934 — Merchant Shipping (Amendment) Ordinance, 1934**

Bill	:	G.N. No. 1154/1934
First Reading	:	28 May 1934
Second Reading	:	30 July 1934
Notice of Amendments	:	24 September 1934
Third Reading	:	24 September 1934
Commencement	:	25 October 1934

**20. Ordinance 20 of 1935 — Merchant Shipping (Amendment) Ordinance 1935**

Bill	:	G.N. No. 1499/1935
First and Second Readings	:	17 June 1935
Notice of Amendments	:	17 June 1935
Third Reading	:	17 June 1935
Commencement	:	1 July 1935

**21. Ordinance 63 of 1935 — Statute Law Revision Ordinance, 1935**  
(Amendments made by section 2 read with item (m) of the First Schedule to the above Ordinance)

Bill	:	G.N. No. 3043/1935
First Reading	:	20 November 1935
Second Reading	:	9 December 1935
Notice of Amendments	:	9 December 1935
Third Reading	:	9 December 1935

- Commencement : 31 December 1935 (section 2 read with item (*m*) of the First Schedule)
- 22. 1936 Revised Edition — Merchant Shipping Ordinance (Chapter 150)**
- Operation : 1 September 1936
- 23. Ordinance 22 of 1936 — Merchant Shipping (Amendment) Ordinance, 1936**
- Bill : G.N. No. 2516/1936
- First Reading : 26 October 1936
- Second Reading : 18 November 1936
- Notice of Amendments : 18 November 1936
- Third Reading : 18 November 1936
- Commencement : 4 December 1936
- 24. Ordinance 3 of 1937 — Merchant Shipping (Amendment) Ordinance, 1937**
- Bill : G.N. No. 342/1937
- First Reading : 15 February 1937
- Second and Third Readings : 26 April 1937
- Commencement : 10 May 1937
- 25. Ordinance 45 of 1937 — Merchant Shipping (Amendment No. 2) Ordinance, 1937**
- Bill : G.N. No. 2937/1937
- First Reading : 25 October 1937
- Second Reading : 17 November 1937
- Notice of Amendments : 15 December 1937
- Third Reading : 15 December 1937
- Commencement : 29 December 1937
- 26. Ordinance 1 of 1938 — Treasury Officers (Titles and Powers) Ordinance, 1938**
- (Amendments made by section 2 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 read with the Schedule)

**27. Ordinance 42 of 1939 — Merchant Shipping (Amendment) Ordinance, 1939**

Bill	:	G.N. No. 3193/1939
First Reading	:	16 October 1939
Second and Third Readings	:	8 November 1939
Commencement	:	8 December 1939

**28. Ordinance 24 of 1938 — Merchant Shipping (Amendment) Ordinance, 1938**

Bill	:	G.N. No. 2464/1938
First Reading	:	29 August 1938
Second and Third Readings	:	31 October 1938
Commencement	:	15 December 1939

**29. Ordinance 22 of 1940 — Merchant Shipping (Amendment) Ordinance, 1940**

Bill	:	G.N. No. 210/1940
First Reading	:	12 February 1940
Second Reading	:	22 April 1940
Notice of Amendments	:	22 April 1940
Third Reading	:	22 April 1940
Commencement	:	11 May 1940

**30. Ordinance 13 of 1941 — Merchant Shipping (Amendment) Ordinance, 1941**

Bill	:	G.N. No. 104/1941
First Reading	:	20 January 1941
Second and Third Readings	:	28 April 1941
Commencement	:	17 May 1941

**31. Ordinance 4 of 1952 — Merchant Shipping (Sunday Labour — Amendment) Ordinance, 1952**

Bill	:	G.N. No. S 447/1951
First Reading	:	20 November 1951
Second Reading	:	20 February 1952
Notice of Amendments	:	20 February 1952
Third Reading	:	20 February 1952
Commencement	:	1 January 1949

**32. Ordinance 25 of 1948 — Merchant Shipping (Registration and Supply of Seamen — Amendment) Ordinance, 1948**

Bill	:	G.N. No. S 241/1948
First Reading	:	17 August 1948
Second Reading	:	14 September 1948
Notice of Amendments	:	14 September 1948
Third Reading	:	14 September 1948
Commencement	:	2 January 1949

**33. Ordinance 11 of 1950 — Merchant Shipping (Amendment) Ordinance, 1950**

Bill	:	G.N. No. S 6/1950
First Reading	:	22 February 1950
Second Reading	:	21 March 1950
Notice of Amendments	:	21 March 1950
Commencement	:	28 March 1950

**34. Ordinance 6 of 1954 — Merchant Shipping (Amendment) Ordinance, 1954**

Bill	:	7/1954
First Reading	:	17 March 1954
Second Reading	:	13 April 1954
Third Reading	:	18 May 1954
Commencement	:	1 August 1954

**35. Ordinance 25 of 1954 — Merchant Shipping (Seamen's Lodging-Houses — Amendment) Ordinance, 1954**

Bill	:	26/1954
First Reading	:	17 August 1954
Second Reading	:	21 September 1954
Third Reading	:	12 October 1954
Commencement	:	28 October 1954

**36. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952**

(Amendments made by section 2 read with item 45 of the Schedule to the above Ordinance)

Bill	:	32/1952
First Reading	:	16 September 1952
Second and Third Readings	:	14 October 1952
Commencement	:	30 April 1955 (section 2 read with item 45 of the Schedule)

**37. Ordinance 16 of 1953 — Merchant Shipping (Manning Scales — Amendment) Ordinance, 1953**

Bill	:	8/1953
First Reading	:	21 April 1953
Second Reading	:	19 May 1953
Notice of Amendments	:	19 May 1953
Third Reading	:	19 May 1953
Commencement	:	1 May 1955

**38. G.N. No. S 265/1955 — Singapore Colony Order in Council, 1955 (Consequential Provisions) (Miscellaneous) Order, 1955**

Commencement	:	17 September 1955
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**39. 1955 Revised Edition — Merchant Shipping Ordinance (Chapter 207)**

Operation	:	1 July 1956
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**40. Ordinance 34 of 1956 — Seafarers' Welfare Board Ordinance, 1956**  
(Amendments made by section 10 of the above Ordinance)

Bill	:	69/1956
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First Reading	:	5 November 1956
Second and Third Readings	:	20 November 1956
Commencement	:	1 February 1957 (section 10)

**41. Ordinance 10 of 1957 — Merchant Shipping (Amendment) Ordinance, 1957**

Bill	:	86/1957
First Reading	:	9 January 1957
Second Reading	:	13 February 1957
Third Reading	:	24 April 1957
Commencement	:	10 May 1957

**42. Ordinance 11 of 1957 — Seamen's Registry Board Ordinance, 1957**  
(Amendments made by section 9 of the above Ordinance)

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 (section 9)

**43. Ordinance 18 of 1958 — Merchant Shipping (Amendment) Ordinance, 1958**

Bill	:	134/1958
First Reading	:	22 April 1958
Second Reading	:	11 June 1958
Third Reading	:	16 July 1958
Commencement	:	1 August 1958

**44. Ordinance 31 of 1958 — Legislative Assembly (Presentation of Subsidiary Legislation) Ordinance, 1958**

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

Bill	:	158/1958
First Reading	:	16 July 1958
Second Reading	:	13 August 1958

Notice of Amendments	:	10 September 1958
Third Reading	:	10 September 1958
Commencement	:	25 September 1958 (section 2 read with the Schedule)

**45. Ordinance 38 of 1958 — Merchant Shipping (Amendment No. 2) Ordinance, 1958**

Bill	:	172/1958
First Reading	:	10 September 1958
Second and Third Readings	:	8 October 1958
Commencement	:	24 October 1958

**46. Ordinance 35 of 1959 — Merchant Shipping (Amendment) Ordinance, 1959**

Bill	:	213/1959
First Reading	:	3 March 1959
Second and Third Readings	:	18 March 1959
Commencement	:	26 March 1959

**47. G.N. No. S 223/1959 — Singapore Constitution (Modification of Laws) Order, 1959**

Commencement	:	3 June 1959
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**48. Ordinance 38 of 1959 — Laws of Singapore (Miscellaneous Amendments) Ordinance, 1959**

(Amendments made by section 13 of the above Ordinance)

Bill	:	215/1959
First Reading	:	3 March 1959
Second Reading	:	18 March 1959
Notice of Amendments	:	18 March 1959
Third Reading	:	18 March 1959
Commencement	:	3 June 1959 (section 13)

**49. Ordinance 62 of 1959 — State Advocate-General (Transfer of Powers) Ordinance, 1959**

(Amendments made by section 5 read with the Schedule to the above Ordinance)

Bill	:	22/1959
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First Reading	:	13 August 1959
Second and Third Readings	:	2 September 1959
Commencement	:	11 September 1959 (section 5 read with the Schedule)

**50. Ordinance 72 of 1959 — Transfer of Powers (No. 2) Ordinance, 1959**  
(Amendments made by section 2 read with the First Schedule to the above Ordinance)

Bill	:	31/1959
First Reading	:	22 September 1959
Second Reading	:	11 November 1959
Notice of Amendments	:	11 November 1959
Third Reading	:	11 November 1959
Commencement	:	20 November 1959 (section 2 read with the First Schedule)

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

Commencement	:	20 November 1959
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**53. G.N. No. S (N.S.) 179/1959 — Singapore Constitution (Modification of Laws) (No. 5) Order, 1959**

Commencement	:	20 November 1959
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**54. Ordinance 74 of 1959 — Merchant Shipping (Amendment No. 2) Ordinance, 1959**

Bill	:	38/1959
First Reading	:	11 November 1959
Second and Third Readings	:	14 December 1959
Commencement	:	24 December 1959

**55. Ordinance 3 of 1960 — Merchant Shipping (Amendment) Ordinance, 1960**

Bill	:	213/1959
First Reading	:	3 March 1959

Second and Third Readings	:	18 March 1959
Commencement	:	15 February 1960

**56. Ordinance 32 of 1960 — Merchant Shipping (Amendment No. 2)  
Ordinance, 1960**

Bill	:	Information not available
First and Second Readings	:	11 May 1960
Notice of Amendments	:	11 May 1960
Third Reading	:	11 May 1960
Commencement	:	1 June 1960

**57. Ordinance 32 of 1961 — Courts (Admiralty Jurisdiction)  
Ordinance, 1961**

(Amendments made by section 8(1) of the above Ordinance)

Bill	:	153/1961
First Reading	:	20 November 1961
Second and Third Readings	:	16 December 1961
Commencement	:	15 January 1962 (section 8(1))

**58. Ordinance 12 of 1962 — Merchant Shipping (Amendment)  
Ordinance, 1962**

Bill	:	171/1962
First Reading	:	14 March 1962
Second and Third Readings	:	26 March 1962
Commencement	:	6 April 1962

**59. Ordinance 28 of 1963 — Merchant Shipping (Amendment)  
Ordinance, 1963**

Bill	:	4/1963
First Reading	:	28 November 1963
Second and Third Readings	:	19 December 1963
Commencement	:	1 May 1964

**60. Ordinance 36 of 1963 — Port of Singapore Authority Ordinance, 1963**  
(Amendments made by section 131(2) of the above Ordinance)

Bill	:	3/1963
First Reading	:	28 November 1963

- |                      |   |                             |
|----------------------|---|-----------------------------|
| Second Reading       | : | 19 December 1963            |
| Notice of Amendments | : | 19 December 1963            |
| Commencement         | : | 1 May 1964 (section 131(2)) |
- 61. Act 26 of 1966 — Merchant Shipping (Amendment) Act, 1966**
- |                           |   |                  |
|---------------------------|---|------------------|
| Bill                      | : | 24/1966          |
| First Reading             | : | 22 June 1966     |
| Second and Third Readings | : | 17 August 1966   |
| Commencement              | : | 2 September 1966 |
- 62. Act 44 of 1968 — Merchant Shipping (Amendment) Act, 1968**
- |                           |   |                  |
|---------------------------|---|------------------|
| Bill                      | : | 53/1968          |
| First Reading             | : | 9 December 1968  |
| Second and Third Readings | : | 23 December 1968 |
| Commencement              | : | 31 January 1969  |
- 63. Act 14 of 1969 — Statute Law Revision Act, 1969**  
(Amendments made by section 2 read with the First Schedule to the above Act)
- |                      |   |   |
|----------------------|---|---|
| Bill                 | : | 22/1969   |
| First Reading        | : | 15 October 1969   |
| Second Reading       | : | 22 December 1969  |
| Notice of Amendments | : | 22 December 1969  |
| Third Reading        | : | 22 December 1969  |
| Commencement         | : | 2 January 1970 (section 2 read with the First Schedule) |
- 64. Act 22 of 1970 — Merchant Shipping (Amendment) Act, 1970**
- |                           |   |                   |
|---------------------------|---|-------------------|
| Bill                      | : | 16/1970           |
| First Reading             | : | 7 May 1970        |
| Second and Third Readings | : | 21 May 1970       |
| Commencement              | : | 18 September 1970 |
- 65. Act 56 of 1970 — Merchant Shipping (Amendment No. 2) Act, 1970**
- |               |   |                 |
|---------------|---|-----------------|
| Bill          | : | 44/1970         |
| First Reading | : | 4 November 1970 |



Second and Third Readings : 30 December 1970  
 Commencement : 26 February 1971

**66. 1970 Revised Edition — Merchant Shipping Act (Chapter 172)**

Operation : 31 May 1971

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

(Amendments made by section 27 of the above Act)

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

**68. Act 11 of 1973 — Merchant Shipping (Amendment) Act, 1973**

Bill : 3/1973  
 First Reading : 16 February 1973  
 Second and Third Readings : 7 March 1973  
 Commencement : 1 April 1973

**69. Act 21 of 1973 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act, 1973**

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

Bill : 16/1973  
 First Reading : 7 March 1973  
 Second and Third Readings : 20 March 1973  
 Commencement : 6 April 1973 (section 2 read with the Schedule)

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

(Amendments made by section 3 of the above Act)

Bill : 5/1977  
 First Reading : 27 May 1977  
 Second and Third Readings : 29 June 1977  
 Commencement : 2 September 1977 (section 3)

**71. G.N. No. S 243/1980 — Metrication (Merchant Shipping Act) Order, 1980**

Commencement : 1 September 1980

**72. Act 6 of 1981 — Merchant Shipping (Amendment) Act, 1981**

Bill	:	2/1981
First Reading	:	17 February 1981
Second and Third Readings	:	6 March 1981
Commencement	:	16 June 1981

**73. Act 2 of 1986 — Statute Law Revision Act 1986**

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

Bill	:	12/1985
First Reading	:	31 October 1985
Second and Third Readings	:	10 January 1986
Commencement	:	31 January 1986 (section 2 read with the First Schedule)

**74. Act 38 of 1984 — Merchant Shipping (Amendment) Act 1984**

Bill	:	33/1984
First Reading	:	19 October 1984
Second and Third Readings	:	20 November 1984
Commencement	:	1 August 1986

**75. Act 25 of 1986 — Port of Singapore Authority (Amendment) Act 1986**  
(Amendments made by section 64 of the above Act)

Bill	:	19/1986
First Reading	:	29 July 1986
Second and Third Readings	:	25 August 1986
Commencement	:	1 October 1986 (section 64)

**76. Act 32 of 1986 — Statutes (Miscellaneous Amendments) Act 1986**

(Amendments made by section 2 read with item (3) 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 (3) of the Schedule)

**77. 1985 Revised Edition — Merchant Shipping Act (Chapter 179)**

Operation : 30 March 1987

**78. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993**  
(Amendments made by section 29(5) read with item (11) of the Schedule to the above Act)

Bill : 12/1993

First Reading : 26 February 1993

Second Reading : 12 April 1993

Notice of Amendments : 12 April 1993

Third Reading : 12 April 1993

Commencement : 1 July 1993 (section 29(5) read with item (11) of the Schedule)

**79. Act 15 of 1995 — Bankruptcy Act 1995**

(Amendments made by section 167(4) read with item (12) of the Second Schedule to the above Act)

Bill : 16/1994

First Reading : 25 July 1994

Second Reading : 25 August 1994

Select Committee Report : Parl. 1 of 1995

Third Reading : 23 March 1995

Commencement : 15 July 1995 (section 167(4) read with item (12) of the Second Schedule)

## PART 2

MERCHANT SHIPPING ACT 1995  
(2020 REVISED EDITION)**80. Act 19 of 1995 — Merchant Shipping Act 1995**

Bill : 14/1995

First Reading : 13 March 1995

Second and Third Readings : 25 May 1995

Commencement : 2 February 1996

**81. Act 7 of 1996 — Maritime and Port Authority of Singapore Act 1996**  
(Amendments made by section 121(4) read with item (11) of the Fourth Schedule to the above Act)

Bill	:	46/1995
First Reading	:	5 December 1995
Second and Third Readings	:	18 January 1996
Commencement	:	2 February 1996 (section 121(4) read with item (11) of the Fourth Schedule)

**82. 1996 Revised Edition — Merchant Shipping Act (Chapter 179)**

Operation	:	30 April 1996
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**83. Act 56 of 2004 — Merchant Shipping (Amendment) Act 2004**

Bill	:	53/2004
First Reading	:	19 October 2004
Second Reading	:	16 November 2004
Notice of Amendments	:	16 November 2004
Third Reading	:	16 November 2004
Commencement	:	25 January 2005 (except sections 3, 4 and 5) 1 May 2005 (sections 3, 4 and 5)

**84. Act 8 of 2005 — Diplomatic and Consular Relations Act 2005**

(Amendments made by section 11 of the above Act)

Bill	:	65/2004
First Reading	:	16 November 2004
Second and Third Readings	:	25 January 2005
Commencement	:	1 May 2005 (section 11)

**85. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**  
(Amendments made by section 5 read with item (24) of the First Schedule to the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	1 January 2006 (section 5 read with item (24) of the First Schedule)

**86. Act 5 of 2008 — Workmen’s Compensation (Amendment) Act 2008**  
(Amendments made by section 40 read with item (11) of the Schedule to the above Act)

Bill	:	50/2007
First Reading	:	12 November 2007
Second and Third Readings	:	22 January 2008
Commencement	:	1 April 2008 (section 40 read with item (11) of the Schedule)

**87. Act 15 of 2010 — Criminal Procedure Code 2010**  
(Amendments made by section 430 read with item 61 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 61 of the Sixth Schedule)

**88. Act 6 of 2014 — Merchant Shipping (Maritime Labour Convention) Act 2014**

(Amendments made by section 84 of the above Act)

Bill	:	27/2013
First Reading	:	11 November 2013
Second and Third Readings	:	21 January 2014
Commencement	:	1 April 2014 (section 84)

**89. Act 25 of 2017 — Merchant Shipping (Wreck Removal) Act 2017**  
(Amendments made by section 32 of the above Act)

Bill	:	19/2017
First Reading	:	3 April 2017
Second and Third Readings	:	8 May 2017
Commencement	:	8 September 2017 (section 32)

**90. Act 3 of 2019 — Merchant Shipping (Miscellaneous Amendments) Act 2019**

Bill	:	49/2018
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First Reading	:	19 November 2018
Second and Third Readings	:	14 January 2019
Commencement	:	1 April 2019 (sections 2, 3, 4 and 15) 29 December 2019 (sections 5(a), 6, 8 and 16(b) and (c)) 24 July 2021 (sections 5(b), 7, 9 to 14, 16(a) and (d), 17, 18 and 19)

**91. G.N. No. S 816/2019 — Merchant Shipping Act (Amendment of Schedule) Order 2019**

Commencement	:	29 December 2019
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**92. Act 27 of 2019 — Work Injury Compensation Act 2019**  
(Amendments made by section 83(9)(c) of the above Act)

Bill	:	21/2019
First Reading	:	5 August 2019
Second and Third Readings	:	3 September 2019
Commencement	:	1 September 2020 (section 83(9)(c))

**93. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019**  
(Amendments made by section 29(9) and section 28(1) read with item 99 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 99 of the Schedule) 24 July 2021 (section 29(9)(c))

**94. G.N. No. S 1018/2020 — Supreme Court of Judicature (Amendment) Act 2019 (Consequential Amendments to Other Acts) Order 2020**

Commencement	:	2 January 2021
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**95. Act 27 of 2020 — High Court (Admiralty Jurisdiction) (Amendment) Act 2020**

(Amendments made by section 3 of the above Act)

Bill	:	23/2020
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First Reading	:	4 May 2020
Second and Third Readings	:	26 May 2020
Commencement	:	24 July 2021 (section 3)

### 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**  
**MERCHANT SHIPPING ACT 1995**

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>1996 Ed.</b>
<b>52—(2)</b>	<b>52—(1A)</b>
(3)	(2)
(4)	(3)
<b>70—(2)</b>	<b>70—(1A)</b>
(3)	(2)
(4)	(3)
(5)	(4)
<b>107—(2)</b>	<b>107—(1A)</b>
(3)	(2)
<b>136—(2)</b>	<b>136—(1A)</b>
(3)	(2)
(4)	(3)
<b>144—(1) and (2)</b>	<b>144</b>
<b>197—(2) and (3)</b>	<b>197—(2)</b>
<b>FIRST SCHEDULE</b>	<b>THE SCHEDULE</b>