



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**MERCHANT SHIPPING (CIVIL
LIABILITY AND COMPENSATION FOR
BUNKER OIL POLLUTION) ACT 2008**

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Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Act 2008

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An Act to give effect to the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 and to make provisions generally for matters connected therewith.

[21 November 2008]

PART 1**PRELIMINARY****Short title**

1. This Act is the Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Act 2008.

Interpretation

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

“Authority” means the Maritime and Port Authority of Singapore established under the Maritime and Port Authority of Singapore Act 1996;

“Bunker Convention” means the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001;

“Bunker Convention country” means a country in respect of which the Bunker Convention is in force;

“Bunker Convention State” means a State which is a party to the Bunker Convention;

“bunker oil” means any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of a ship, and any residues of such oil;

“Court” means the General Division of the High Court;

“damage” includes loss;

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

“gross tonnage”, in relation to a ship, means its gross tonnage calculated in accordance with the regulations in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969;

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

“offshore facility” has the meaning given by the Bunker Convention;

“owner”, in relation to a ship, means the owner, and includes the registered owner, bareboat charterer, manager and operator of the ship;

“port” has the meaning given by the Maritime and Port Authority of Singapore Act 1996;

“registered owner”, in relation to a ship, means the person registered as the owner of the ship, or, in the absence of registration, the person owning the ship, except that, in relation to a ship owned by a State which is operated by a person registered in that State as the ship’s operator, it means the person registered as its operator;

“ship” means any sea-going vessel and seaborne craft of any type;

“Singapore ship” has the meaning given by the Merchant Shipping Act 1995.

[40/2019]

(2) For the purposes of this Act —

- (a) references to the territory of Singapore include the territorial sea and exclusive economic zone of Singapore and references to the territory of any other country include the territorial sea and exclusive economic zone of that country;
- (b) references to the exclusive economic zone of a country are references to the exclusive economic zone of that country established in accordance with international law or, if such a zone has not been established, such area adjacent to the territorial sea of that country and extending not more than 200 nautical miles from the baselines from which the breadth of that sea is measured;
- (c) references to a discharge or an escape of bunker oil from a ship are references to such a discharge or an escape wherever it may occur of bunker oil on board or originating from that ship;
- (d) where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they are treated as one; but any measures taken after the first of them are deemed to have been taken after the discharge or escape; and

- (e) where a relevant threat of contamination mentioned in section 3(2) results from a series of occurrences having the same origin, they are treated as a single occurrence.
- (3) Nothing in this Act applies in relation to —
- (a) any occurrence before 21 November 2008; or
 - (b) any occurrence in a series of occurrences having the same origin, if the first took place before that date.

PART 2

CIVIL LIABILITY FOR BUNKER OIL POLLUTION

Division 1 — Liability

Liability for bunker oil pollution

3.—(1) Subject to subsection (3), where as a result of any occurrence, any bunker oil is discharged or escapes from a ship, the owner of the ship shall, except as otherwise provided by this Part, be liable —

- (a) for any damage caused outside the ship in the territory of Singapore by contamination resulting from the discharge or escape;
- (b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or minimising any damage so caused in the territory of Singapore by contamination resulting from the discharge or escape; and
- (c) for any damage caused in the territory of Singapore by any measures so taken.

(2) Subject to subsection (3), where as a result of any occurrence, there arises a grave and imminent threat of damage being caused outside a ship by the contamination that might result if there were a discharge or an escape of bunker oil from the ship, the owner of the ship shall, except as otherwise provided by this Part, be liable —

- (a) for the cost of any measures reasonably taken to prevent or minimise any such damage in the territory of Singapore; and
- (b) for any damage caused outside the ship in the territory of Singapore by any measures so taken,

and in this Act, any such threat is called a relevant threat of contamination.

- (3) There shall be no liability under this section in relation to —
 - (a) a discharge or an escape of bunker oil from a ship to which the Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Act 1998 applies; or
 - (b) a threat mentioned in subsection (2) arising in relation to a potential discharge or escape of bunker oil from such a ship,

where that bunker oil is also persistent hydrocarbon mineral oil.

(4) Where a person incurs a liability under subsection (1) or (2), the person shall also be liable for any damage or cost for which the person would be liable under subsection (1) or (2) if the references in that subsection to the territory of Singapore included the territory of any other Bunker Convention country.

- (5) Where —
 - (a) as a result of any occurrence, a liability is incurred under this section by the owner of each of 2 or more ships; but
 - (b) the damage or cost of which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,

each of the owners shall be liable, jointly with the other or others, for the whole of the damage or cost for which the owners together would be liable under this section.

(6) For the purposes of this section, references to the owner of a ship are references to the owner at the time of the occurrence or first of the occurrences, resulting in the discharge or escape of bunker oil

from the ship or giving rise to the relevant threat of contamination, as the case may be.

(7) The Contributory Negligence and Personal Injuries Act 1953 applies in relation to any damage or cost for which a person is liable under this section, but which is not due to the person's fault, as if it were due to the person's fault.

Exceptions from liability under section 3

4. No liability shall be incurred by the owner of a ship under section 3 by reason of any discharge or escape of bunker oil from the ship, or by reason of any relevant threat of contamination, if the owner proves that the discharge or escape, or the relevant threat of contamination, as the case may be —

- (a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon;
- (b) was due wholly to anything done or left undone by another person, not being an employee or agent of the owner, with intent to do damage; or
- (c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its functions of maintaining lights or other navigational aids for the maintenance of which it was responsible.

Restriction of liability for bunker oil pollution

5.—(1) Where, as a result of any occurrence —

- (a) any bunker oil is discharged or escapes from a ship; or
- (b) there arises a relevant threat of contamination,

then, whether or not the owner of the ship in question incurs a liability under section 3 —

- (c) the owner shall not be liable otherwise than under that section for any damage or cost mentioned in that section; and

(d) no person to whom this paragraph applies shall be liable for any such damage or cost unless it resulted from anything done or omitted to be done by the person either with intent to cause any such damage or cost or recklessly and in the knowledge that any such damage or cost would probably result.

(2) Subsection (1)(d) applies to —

- (a) any servant or agent of the owner of the ship;
- (b) any person not falling within paragraph (a) but employed or engaged in any capacity on board the ship or to perform any service for the ship;
- (c) any person performing salvage operations with the consent of the owner of the ship or on the instructions of a competent public authority;
- (d) any person taking any of the measures mentioned in section 3(1)(b) or (2)(a); and
- (e) any servant or agent of a person falling within paragraph (c) or (d).

(3) The liability of the owner of a ship under section 3 for any impairment of the environment is taken to be a liability only in respect of —

- (a) any resulting loss of profits; and
- (b) the cost of any reasonable measures of reinstatement actually taken or to be taken.

Limitation of liability under section 3

6.—(1) Where, as a result of any occurrence, the owner of a ship incurs a liability under section 3 by reason of a discharge or an escape or by reason of any relevant threat of contamination, then, subject to subsection (4), the owner may limit that liability in accordance with and in the manner provided in section 136 of the Merchant Shipping Act 1995, and if the owner does so the owner's liability (being the aggregate of his liabilities under section 3 resulting from the occurrence) shall not exceed the relevant amount.

(2) In subsection (1), “the relevant amount” means the limit of liability calculated in accordance with section 136 of the Merchant Shipping Act 1995.

(3) The Authority may, with the approval of the Minister, by order in the *Gazette*, make such amendments to subsection (2) as may be appropriate for the purpose of giving effect to the entry into force of any amendment of the limits of liability laid down in Article 6 of the Bunker Convention.

(4) Subsection (1) does not apply in a case where it is proved that the discharge or escape, or the relevant threat of contamination (as the case may be) resulted from anything done or omitted to be done by the owner either with intent to cause any such damage or cost as is mentioned in section 3 or recklessly and in the knowledge that any such damage or cost would probably result.

(5) For the purposes of section 136 of the Merchant Shipping Act 1995, any liability incurred under section 3 is deemed to be a liability to damages in respect of such damage to property mentioned in paragraph 1(a) of Article 2 of the Convention on Limitation of Liability for Maritime Claims 1976.

Limitation actions

7.—(1) Where the owner of a ship has or is alleged to have incurred a liability under section 3, the owner may apply to the Court for the limitation of that liability to an amount determined in accordance with section 6.

(2) If on such an application the Court finds that the applicant has incurred such a liability and is entitled to limit it, the Court, after determining the limit of liability and directing payment into Court or to the Authority of the amount of that limit, is to —

- (a) determine the amounts that would, apart from the limit, be due in respect of the liability to the several persons making claims in the proceedings; and
- (b) direct the distribution of the amount paid into Court or to the Authority (or, as the case may be, so much of it as does

not exceed the liability) among those persons in proportion to their claims, subject to the provisions of this section.

(3) A payment into Court or to the Authority of the amount of a limit determined under this section must be made in Singapore dollars, and —

(a) for the purpose of converting such an amount from special drawing rights into Singapore dollars, one special drawing right is treated as equal to such a sum in Singapore dollars as the International Monetary Fund has fixed as being the equivalent of one special drawing right for —

(i) the day on which the determination is made; or

(ii) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed;

(b) a certificate given by or on behalf of the Minister for Finance stating —

(i) that a particular sum in Singapore dollars had been so fixed for the day on which the determination was made; or

(ii) that no sum had been so fixed for that day and that a particular sum in Singapore dollars had been so fixed for a day which was the last day for which a sum had been so fixed before the day on which the determination was made,

is conclusive evidence of those matters for the purposes of this Part; and

(c) a document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, is deemed to be such a certificate.

(4) No claim may be admitted in proceedings under this section unless it is made within such time as the Court may direct or such further time as the Court may allow.

(5) Where any sum has been paid in or towards satisfaction of any claim in respect of the damage or cost to which the liability extends —

- (a) by the owner or the person referred to in section 14 as “the insurer”; or
- (b) by a person who has or is alleged to have incurred a liability, otherwise than under section 3, for the damage or cost and who is entitled to limit the person’s liability in connection with the ship by virtue of section 136 of the Merchant Shipping Act 1995,

the person who paid the sum shall, to the extent of that sum, be in the same position with respect to any distribution made in proceedings under this section as the person to whom it was paid would have been.

(6) Where the person who incurred the liability has voluntarily made any reasonable sacrifice or taken any other reasonable measures to prevent or reduce damage to which the liability extends or might have extended, the person shall be in the same position with respect to any distribution made in proceedings under this section as if the person had a claim in respect of the liability equal to the cost of the sacrifice or other measures.

(7) The Court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it considers appropriate having regard to any claims that may later be established before a court of any country outside Singapore.

(8) The proportions in which any amount is distributed in accordance with subsection (2)(b) are not affected by any lien or other right in respect of any ship or other property.

Restriction on enforcement of claims after establishment of limitation fund

8. Where the Court has found that a person who has incurred a liability under section 3 is entitled to limit that liability to any amount and the person has paid into Court or to the Authority a sum not less than that amount —

- (a) the Court shall order the release of any ship or other property arrested in connection with a claim in respect of that liability or any security given to prevent or obtain release from such an arrest; and

- (b) no judgment or decree for any such claim shall be enforced, except so far as it is for costs,

if the sum paid into Court or to the Authority, or such part thereof as corresponds to the claim, will be actually available to the claimant or would have been available to the claimant if the proper steps in the proceedings under section 7 had been taken.

Concurrent liabilities of owners and others

9. Where, as a result of any discharge or escape of bunker oil from a ship or as a result of any relevant threat of contamination, the owner of the ship incurs a liability under section 3 and any other person incurs a liability, otherwise than under that section, for any such damage or cost mentioned in subsection (1) or (2) of that section, then, if —

- (a) the owner has been found, in proceedings under section 7, to be entitled to limit the owner's liability to any amount and has paid into Court or to the Authority a sum not less than that amount; and
- (b) the other person is entitled to limit the person's liability in connection with the ship by virtue of section 136 of the Merchant Shipping Act 1995,

no proceedings shall be taken against the other person in respect of the person's liability, and if any such proceedings were commenced before the owner paid the sum into Court or to the Authority, no further steps shall be taken in the proceedings except in relation to costs.

Establishment of limitation fund outside Singapore

10. Where the events resulting in the liability of any person under section 3 also resulted in a corresponding liability under the law of another Bunker Convention country, sections 8 and 9 apply as if —

- (a) the references to sections 3 and 7 included references to the corresponding provisions of that law; and

- (b) the references to sums paid into Court included references to any sums secured under these provisions in respect of the liability.

Extinguishment of claims

11. No action to enforce a claim in respect of a liability incurred under section 3 may be entertained by any court in Singapore unless the action is commenced —

- (a) not later than 3 years after the claim arose; and
- (b) not later than 6 years after the occurrence, or first of the occurrences, resulting in the discharge or escape or in the relevant threat of contamination (as the case may be) by reason of which the liability was incurred.

Division 2 — Compulsory Insurance

Compulsory insurance against liability for bunker oil pollution

12.—(1) Subsection (2) applies to any ship having a gross tonnage greater than 1,000.

(2) The ship must not enter or leave any port in Singapore or enter or leave any offshore facility in the territorial sea of Singapore and must not, if it is a Singapore ship, enter or leave any port in any other country or any offshore facility in the territorial sea of any other country, unless there is in force —

- (a) a contract of insurance or other security in respect of the ship satisfying the requirements of Article 7 of the Bunker Convention; and
 - (b) a certificate complying with subsection (3) and showing that there is in force in respect of the ship a contract of insurance or other security satisfying those requirements.
- (3) The certificate shall be —
- (a) if the ship is a Singapore ship — a certificate issued by the Director;
 - (b) if the ship is registered in a Bunker Convention country other than Singapore — a certificate issued by or under the

authority of the government of that other Bunker Convention country; and

- (c) if the ship is registered in a country which is not a Bunker Convention country — a certificate issued by the Director or by or under the authority of the government of any Bunker Convention country other than Singapore.

(4) The Authority may, with the approval of the Minister, by regulations provide that certificates in respect of ships registered in any country or any specified country which is not a Bunker Convention country are, in such circumstances as may be specified in the regulations, recognised for the purposes of subsection (3)(c) if the certificates are issued by or under the authority of the government of the country designated in the regulations in that behalf; and the country that may be so designated may be either or both of the following:

- (a) the country in which the ship is registered;
- (b) any country specified in the regulations for the purposes of this subsection.

(5) Any certificate required by this section to be in force in respect of a ship must be carried in the ship and must, on demand, be produced by the master to any officer of the Authority and, if the ship is a Singapore ship, to any consular officer within the meaning of the Merchant Shipping Act 1995.

(6) If a ship enters or leaves, or attempts to enter or leave a port or the territorial sea in contravention of subsection (2), the master or the registered owner of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million.

(7) If a ship fails to carry, or the master of a ship fails to produce, a certificate as required under subsection (5), the master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(8) If a ship attempts to leave a port in, or the territorial sea of, Singapore in contravention of this section, the ship may be detained by the Director or the officers of the Authority or any police officer or any commissioned officer on full pay in the Singapore Armed Forces.

(9) Section 209 of the Merchant Shipping Act 1995 applies, with the necessary modifications, to the detention of a ship under this Act.

Issue of certificates

13.—(1) Subject to subsection (2), if the Director is satisfied, on an application for a certificate mentioned in section 12 in respect of a Singapore ship or a ship registered in any country which is not a Bunker Convention country, that there will be in force in respect of the ship, throughout the period for which the certificate is to be issued, a contract of insurance or other security satisfying the requirements of Article 7 of the Bunker Convention, the Director may issue such a certificate to the owner.

(2) If the Director is of the opinion that there is any doubt whether the person providing the insurance or other security will be able to meet the person's obligations thereunder, or whether the insurance or other security will cover the owner's liability under section 3 in all circumstances, the Director may refuse to issue the certificate.

(3) The Director must maintain a record of any certificate issued under this section in respect of a Singapore ship which must be available for public inspection.

Rights of third parties against insurers

14.—(1) Where it is alleged that the owner of a ship has incurred a liability under section 3 as a result of any discharge or escape of bunker oil occurring, or as a result of any relevant threat of contamination arising, while there was in force a contract of insurance or other security to which a certificate mentioned in section 12 is related, proceedings to enforce a claim in respect of the liability may be brought against the person who provided the insurance or other security (called in this Act the insurer).

(2) In any proceedings brought against the insurer by virtue of this section, it is a defence (in addition to any defence affecting the owner's liability) to prove that the discharge or escape or the relevant threat of contamination (as the case may be) was due to the wilful misconduct of the owner.

(3) The insurer may limit the insurer's liability in respect of claims made against the insurer by virtue of this section in like manner and to the same extent as the owner may limit the owner's liability but the insurer may do so whether or not the discharge or escape or the relevant threat of contamination (as the case may be) resulted from anything done or omitted to be done by the owner as mentioned in section 6(4).

(4) Where the owner and the insurer each apply to the Court for the limitation of the liability of the owner or the insurer (as the case may be), any sum paid into Court in pursuance of either application is treated as paid also in pursuance of the other.

Division 3 — Supplementary

Jurisdiction of Singapore courts and registration of foreign judgments

15.—(1) Section 3(1)(d) of the High Court (Admiralty Jurisdiction) Act 1961 is to be construed as extending to any claim in respect of a liability incurred by the owner of a ship under this Part.

(2) Where —

(a) any bunker oil is discharged or escapes from a ship but does not result in any damage caused by contamination in the territory of Singapore and no measures are reasonably taken to prevent or minimise such damage in that territory;
or

(b) any relevant threat of contamination arises but no measures are reasonably taken to prevent or minimise such damage in the territory of Singapore,

no court in Singapore shall entertain any action (whether in rem or in personam) to enforce a claim arising from any relevant damage or cost —

(c) against the owner of the ship;

(d) against any person to whom section 5(1)(d) applies, unless any such damage or cost resulted from anything done or omitted to be done by such person either with intent to

cause any such damage or cost or recklessly and in the knowledge that any such damage or cost would probably result; or

(e) against any person taking any of the measures mentioned in subsection (3)(a) or (b), unless any such damage or cost resulted from anything done or omitted to be done by such person either with intent to cause any such damage or cost or recklessly and in the knowledge that any such damage or cost would probably result.

(3) In subsection (2), “relevant damage or cost” means —

(a) in relation to any discharge or escape mentioned in subsection (2)(a), any damage caused in the territory of another Bunker Convention country by contamination resulting from the discharge or escape, or any cost incurred in taking measures to prevent or minimise such damage in the territory of another Bunker Convention country;

(b) in relation to any relevant threat of contamination mentioned in subsection (2)(b), any cost incurred in taking measures to prevent or minimise such damage in the territory of another Bunker Convention country; or

(c) any damage caused by any measures mentioned in paragraph (a) or (b).

(4) Part 1 of the Reciprocal Enforcement of Foreign Judgments Act 1959 applies (whether or not it would so apply apart from this section) to any judgment given by a court in a Bunker Convention country to enforce a claim in respect of a liability incurred under any provision corresponding to section 3, and in its application to such a judgment that Part has effect with the omission of section 5(3) and (4) of that Act.

Restriction on enforcement of judgments given by court in country not party to Bunker Convention

16. Despite Part 1 of the Reciprocal Enforcement of Foreign Judgments Act 1959 and any rule of law relating to the recognition and enforcement of foreign judgments, any judgment given by a court

in a country which is not a Bunker Convention country in respect of any liability for bunker oil pollution incurred by the owner of a ship in that country may be recognised and enforced by the Court only up to the limit of liability prescribed by section 6.

Government ship

17.—(1) Despite the other provisions of this Part, this Part does not apply in relation to any warship or any ship for the time being used by the government of any State otherwise than for commercial purposes.

(2) In relation to a ship owned by a State and for the time being used for commercial purposes, it is a sufficient compliance with section 12(2) if there is in force a certificate issued by the government of that State and showing that the ship is owned by that State and that any liability for pollution damage as defined in Article 1 of the Bunker Convention will be met up to the limit prescribed by Article 7 of the Bunker Convention.

(3) Every Bunker Convention State is, for the purposes of any proceedings brought in a court in Singapore to enforce a claim in respect of a liability incurred under section 3, deemed to have submitted to the jurisdiction of that court, and accordingly Rules of Court may provide for the manner in which those proceedings are to be commenced and carried on.

(4) Nothing in subsection (3) authorises the issue of execution against the property of any State.

Saving for recourse actions

18. Nothing in this Part prejudices any claim, or the enforcement of any claim, a person incurring any liability under this Part may have against another person in respect of that liability.

Power to detain ship

19.—(1) Where the Authority has reasonable cause to believe that any bunker oil has been discharged or has escaped from any ship or that a relevant threat of contamination has arisen, and the owner of the ship has incurred a liability under section 3 and the damage only affects, or is likely only to affect, the territory of Singapore, the

Authority may detain the ship and the ship may be so detained until the owner of the ship deposits with the Authority an amount which meets the owner's liability or provides such security which will, in the opinion of the Authority, be adequate to meet the owner's liability.

(2) If any ship is detained under this Act and the ship proceeds to sea before it is released by the Authority, the master of the ship, and also the owner of the ship and any person who sends the ship to sea, if that owner or person is party or privy to the act of sending the ship to sea, 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.

Power of arrest

20. Any officer of the Authority or any police officer may arrest without warrant any person who has committed or whom he or she reasonably believes to have committed an offence under this Part and bring the person before a District Court or a Magistrate's Court (as the case may be) to be dealt with according to law.

Sale of ship

21. Where the owner or the master of a ship has been convicted of an offence under the provisions of this Part and any fine imposed under this Part is not paid at the time ordered by the Court, the Court may, in addition to any powers for enforcing payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

PART 3

MISCELLANEOUS

Director may authorise person to exercise powers and duties

22. The powers conferred and the duties imposed on the Director under this Act may, subject to his or her directions, be exercised and carried out by any officer of the Authority generally or specially authorised by name or office by the Director.

Power to board and search ship

23.—(1) The Director may, where he or she has reason to believe that an offence has been committed under this Act —

- (a) board and search any ship;
- (b) enter and search any premises; or
- (c) summon any person before the Director and require the person to answer questions,

and the Director may carry out such inspection and examination as he or she may consider necessary and may seize any book, paper, document, record, electronic material or other thing found in those places which may provide evidence of the commission of an offence under this Act and may make copies of, or take extracts from or samples of, such book, paper, document, record, electronic material or other thing.

(2) Any person who assaults, hinders, impedes or obstructs the Director in the performance of his or her duties under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) In this section, “Director” includes an officer of the Authority authorised by the Director to exercise any of the powers mentioned in subsection (1).

Offences by bodies corporate, etc.

24.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to any neglect on the officer’s part,

the officer as well as the body corporate shall be guilty of the 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.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any neglect on the part of a partner, the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

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

“officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a

position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

(6) The Minister may, by regulations, provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

Protection from personal liability

25. No action, suit or other legal proceeding shall lie personally against the Director, any officer of the Authority or any other person acting under the direction of the Director or the Authority for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

Jurisdiction of court

26. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

Composition of offences

27.—(1) The Director may compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$2,000.

(2) On payment of the sum of money, no further proceedings may be taken against that person in respect of the offence.

(3) The Authority may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

All moneys recovered to be paid to Authority

28. All moneys recovered or charges or composition sums collected under this Act must be paid into and form part of the moneys of the Authority.

Regulations

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

(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, make regulations for or with respect to all or any of the following matters:

- (a) prescribing the amount of fees to be paid on an application for the issue of a certificate under section 13(1);
- (b) providing for the cancellation and delivery up to the Director of a certificate issued under section 13(1);
- (c) providing for matters relating to the conversion of amounts mentioned in section 7(3) from special drawing rights to such sums in Singapore dollars;
- (d) providing for any other matter which is required or authorised by any provision of this Act to be provided for by regulations;
- (e) prescribing offences in respect of the contravention of any regulations made under this section, and prescribe fines not exceeding \$10,000 or imprisonment which may not exceed 12 months or both, that may, on conviction, be imposed in respect of any such offence.

LEGISLATIVE HISTORY
MERCHANT SHIPPING (CIVIL
LIABILITY AND COMPENSATION FOR
BUNKER OIL POLLUTION) ACT 2008

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

1. Act 24 of 2008 — Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Act 2008

Bill	:	20/2008
First Reading	:	25 August 2008
Second and Third Readings	:	16 September 2008
Commencement	:	21 November 2008

2. 2010 Revised Edition — Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Act (Chapter 179A)

Operation	:	1 January 2010
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3. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 100 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 100 of the Schedule)

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