

**MERCHANT SHIPPING
(MARITIME LABOUR CONVENTION) ACT 2014**

(No. 6 of 2014)

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An Act to give effect to the Maritime Labour Convention, 2006, to make provisions generally for matters connected therewith, and to make related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the Merchant Shipping (Maritime Labour Convention) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

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 (Cap. 170A);

“collective agreement” —

(a) in relation to a collective agreement governed by the Industrial Relations Act (Cap. 136), has the same meaning as in that Act; and

(b) in relation to a collective agreement not governed by the Industrial Relations Act, means a similar agreement governed by the law of a territory outside Singapore;

“Convention” means the Maritime Labour Convention, 2006 adopted by the International Labour Organization at Geneva on 23rd February 2006 and, where the context shall admit or require, includes the Regulations, and the Standards in Part A of the Code, of the Convention;

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

“Declaration of Maritime Labour Compliance” means the declaration referred to in section 50;

“Director” means the Director of Marine appointed under section 4 of the Merchant Shipping Act (Cap. 179) and

includes the Deputy Director of Marine appointed under that Act;

“gross rate of pay” means the total amount of money including allowances to which a seafarer is entitled under his seafarer’s employment agreement either for working for a period of time, that is, for one hour, one day, one week, one month or for such other period as may be stated or implied in his seafarer’s employment agreement, or for each completed piece or task of work but does not include —

- (a) additional payments by way of overtime payments;
- (b) additional payments by way of bonus payments or annual wage supplements;
- (c) any sum paid to the seafarer to reimburse him for special expenses incurred by him in the course of his employment;
- (d) productivity incentive payments; and
- (e) travelling, food or housing allowances;

“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 and any amendment thereto which has come into force and has been accepted by the Government, or any successor Convention accepted by the Government;

“hours of rest” means a period during which the seafarer is free to dispose of his own time and movements, and does not include any short breaks and any intervals allowed during hours of work for rest and meals;

“inspector” means a person who —

- (a) is a surveyor of ships; or
- (b) is appointed in writing by the Director to be an inspector for the purposes of this Act;

“Maritime Labour Certificate” means the certificate referred to in section 52;

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

“medical fitness certificate” means a certificate attesting to a person’s fitness to perform the duties which that person will carry out at sea and which is issued by a qualified medical practitioner (whether or not subject to restrictions or conditions);

“other relevant written law” means other written law implementing requirements of the Convention as specified in the First Schedule;

“Port Master” means the Port Master appointed under section 15 of the Maritime and Port Authority of Singapore Act and includes any Deputy Port Master appointed under that section;

“qualified medical practitioner” means a person who —

- (a) is a duly qualified medical practitioner under the Medical Registration Act (Cap. 174); or
- (b) possesses such other qualification as may be approved by the Director;

“Recognised Organisation” means any organisation appointed by the Director under section 5(1) of the Merchant Shipping Act, or the Merchant Shipping (Authorised Organisations) Regulations (Cap. 179, Rg 18) or any regulations made under section 116 of the Merchant Shipping Act, and authorised by the Director to —

- (a) survey and inspect Singapore ships for the purposes of the requirements of the Convention or this Act;
- (b) issue Maritime Labour Certificates and Declarations of Maritime Labour Compliance in respect of Singapore ships; or
- (c) perform the functions referred to in paragraphs (a) and (b);

“requirements of the Convention” refers to the requirements in the Articles, the Regulations and Part A of the Code, of the Convention;

“seafarer” means any person, including the master, who is employed or engaged or works in any capacity on board a ship, but does not include —

- (a) a pilot;
- (b) a port worker;
- (c) a person temporarily employed on the ship during the period it is in port; and
- (d) a person specified in an Order made by the Authority, with the approval of the Minister, declaring the categories of persons not to be regarded as seafarers;

“seafarer recruitment and placement service” means any person, company, institution, agency or other organisation which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners;

“seafarer’s employment agreement” means a contract of employment and articles of agreement in writing made between a person employed as a seafarer on a ship and the person employing him;

“ship” has the same meaning as in the Merchant Shipping Act, but does not include —

- (a) any vessel which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where the Maritime and Port Authority of Singapore (Port) Regulations (Cap. 170A, Rg 7) apply;
- (b) any warship or naval auxiliary;
- (c) any ship engaged in fishing or in similar pursuits;
- (d) any ship of traditional build such as dhows and junks;
- (e) any ship that is intended to be operated without any seafarer on board; and

(f) any ship specified in an Order made by the Authority, with the approval of the Minister, declaring the categories of ships to be excluded from the application of this Act;

“shipowner”, in relation to a ship, means the owner, and includes the registered owner, or in the absence of registration, the person owning the ship or any other person such as the ship manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with the Convention, regardless of whether any other organisation or persons fulfil certain of the duties or responsibilities on behalf of the shipowner;

“Singapore ship” has the same meaning as in the Merchant Shipping Act;

“STCW Code” means the Seafarers’ Training, Certification and Watchkeeping Code adopted by the 1995 Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 and any amendment thereto which has come into force and has been accepted by the Government;

“surveyor of ships” means a person appointed as a surveyor of ships under section 5 of the Merchant Shipping Act;

“young seafarer” means any seafarer who is 16 years of age or above and below 18 years of age.

(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; and

- (c) to a death occurring on a ship include references to a death occurring in a ship's boat or life raft and to being lost from a ship, ship's boat or life raft.
- (3) For the purposes of this Act —
- (a) a seafarer is discharged from a ship when his employment on that ship is terminated;
 - (b) a seafarer discharged from a ship in any country and left there shall be deemed to be left behind in that country notwithstanding that the ship also remains there; and
 - (c) a ship shall be 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.

PART II

SCOPE OF APPLICATION

Application of this Act

3.—(1) Except as otherwise expressly provided, this Part and Parts I and XI shall apply to —

- (a) all Singapore ships ordinarily engaged in commercial activities wherever they may be;
- (b) all ships, not being Singapore ships, in Singapore, whether publicly or privately owned, ordinarily engaged in commercial activities; and
- (c) all seafarers employed on ships referred to in paragraph (a) or (b).

(2) Except as otherwise expressly provided, Parts III to VII and IX shall apply to —

- (a) all Singapore ships ordinarily engaged in commercial activities wherever they may be; and
- (b) all seafarers employed on ships referred to in paragraph (a).

Exemption of ship

4.—(1) Subject to this section, where the Authority determines from time to time that it would not be reasonable or practicable to apply any provision of this Act, or any regulations made under this Act, to any Singapore ship, of less than 200 gross tonnage and not engaged in international voyages, the Authority may exempt that Singapore ship, or particular categories of Singapore ships, either generally or for such time or such voyage as the Authority shall determine.

(2) The Authority may in granting any exemption under subsection (1) impose such conditions on the Singapore ship, or particular categories of Singapore ships as the Authority thinks fit.

(3) Without prejudice to the generality of subsections (1) and (2), the conditions may include a requirement that the provisions of any other written law, or the terms of any seafarer's employment agreement or collective agreement, or other measures, be complied with in lieu of any provision of this Act, or any regulations made under this Act, or Part A of the Code of the Convention.

PART III**MINIMUM REQUIREMENTS FOR SEAFARERS'
EMPLOYMENT****Minimum age for seafarers**

5.—(1) No person shall cause or permit a person below 16 years of age to be employed on board a ship.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Minimum age of cooks on board ships

6.—(1) No seafarer below 18 years of age shall be employed or engaged or work as a ship's cook.

(2) Any person who employs or engages a seafarer below 18 years of age to work as a ship's cook shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Seafarer to have valid medical fitness certificate

7.—(1) Subject to subsections (3) and (4), no person shall work as a seafarer on a ship unless that person has been issued with a medical fitness certificate complying with requirements as may be prescribed, and which is still valid and is not suspended.

(2) A seafarer who has been issued with a medical fitness certificate shall carry that certificate on board during the term of that seafarer's employment on a ship.

(3) A seafarer whose medical fitness certificate has expired during the course of a voyage may continue to work until the earlier of the following:

- (a) the first port of call at which it is possible for the seafarer to make an application for a medical fitness certificate and be examined by a qualified medical practitioner;
- (b) the expiry of 3 months starting from the date of the expiry of the certificate.

(4) In urgent cases, with the Director's approval, if a person —

- (a) does not hold a valid medical fitness certificate; but
- (b) has held a medical fitness certificate for a period of not less than 24 months (or in the case of a person below 18 years of age at the date of issue of the certificate, 12 months) and that certificate has expired no earlier than one month before the date on which that person joined a ship,

that person may work as a seafarer on that ship until the first port of call at which it is possible for an application for a medical fitness certificate in respect of that person to be made and for that person to be examined by a qualified medical practitioner, but in any case not for a period exceeding 3 months.

(5) No person may work as a seafarer on a ship in a capacity of sea service or in a geographical area precluded by any restriction in that person's medical fitness certificate.

(6) No person may work as a seafarer on a ship in breach of a condition of that person's medical fitness certificate.

Employment of seafarers

8.—(1) Subject to subsections (2) and (3), no person may employ another person as a seafarer on a ship unless that other person has been issued with a medical fitness certificate complying with requirements as may be prescribed, and which is still valid and is not suspended.

(2) A person may continue to employ as a seafarer on a ship, a person whose medical fitness certificate has expired during the course of a voyage until the earlier of the following:

- (a) the first port of call at which it is possible for the seafarer to make an application for a medical fitness certificate and be examined by a qualified medical practitioner;
- (b) the expiry of 3 months starting from the date of expiry of the certificate.

(3) In urgent cases, with the Director's approval, if a person who is a seafarer —

- (a) does not hold a valid medical fitness certificate; but
- (b) has held a medical fitness certificate for a period of not less than 24 months (or in the case of a person below 18 years of age at the date of issue of the certificate, 12 months) and that certificate has expired no earlier than one month from the date on which the seafarer joined a ship,

a person may employ that person as a seafarer on that ship until the first port of call at which it is possible for an application for a medical fitness certificate in respect of that seafarer to be made and for that seafarer to be examined by a qualified medical practitioner, but in any case not for a period exceeding 3 months.

(4) No person shall employ a person as a seafarer on a ship in a capacity of sea service or in a geographical area precluded by any restriction in that person's medical fitness certificate.

(5) No person shall employ a person as a seafarer on a ship in such a way as to breach a condition of that person's medical fitness certificate.

(6) Any person who contravenes subsection (1), (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Period of validity of medical fitness certificate

9. A medical fitness certificate is valid only from the date of the medical examination and shall be valid for the period specified on the certificate, which shall not exceed the following maximum periods:

- (a) in respect of a person below 18 years of age, one year; or
- (b) in respect of a person of 18 years of age or above, 2 years.

Reporting of medical conditions

10.—(1) A seafarer who holds a medical fitness certificate and who —

- (a) is, or is likely to be, absent from work for a period of 30 days or more due to a medical condition; or
- (b) develops a significant medical condition,

shall report that medical condition as soon as practicable to a qualified medical practitioner.

(2) If a seafarer is required to make the report required by subsection (1), the validity of that seafarer's medical fitness certificate is suspended from the date on which it first becomes practicable for that seafarer to make the report until the date (if any) on which a qualified medical practitioner has assessed, if necessary by conducting a medical examination of the seafarer, that the seafarer is fit having regard to the medical standards as may be prescribed.

(3) In this section, "medical condition" includes both injury and illness, and a significant medical condition is one which adversely

affects or is reasonably likely to adversely affect the seafarer's ability to carry out his duties, including the seafarer's ability to undertake emergency duties.

Review of qualified medical practitioner's decision

- 11.—(1) A person who is aggrieved by —
- (a) the refusal of a qualified medical practitioner to issue a medical fitness certificate;
 - (b) any restriction imposed on such a certificate; or
 - (c) the suspension for a period of more than 3 months or cancellation of such a certificate by a qualified medical practitioner,

may, not later than 90 days after such refusal, restriction, suspension or cancellation, apply to the Director for the matter to be reviewed by another qualified medical practitioner.

(2) Upon receiving the application, the Director shall permit the medical fitness of the seafarer to be reviewed by another qualified medical practitioner unless the Director is satisfied that such a review will not produce a different result.

Seafarer recruitment and placement services

12.—(1) No person shall operate a seafarer recruitment and placement service in Singapore unless he is authorised to do so by the Director.

(2) Notwithstanding any written law to the contrary, no person shall demand or receive, directly or indirectly, from a seafarer or a person seeking employment as a seafarer (referred to as a prospective employee), or from a person on behalf of a prospective employee, any remuneration whatsoever for providing the prospective employee with employment.

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

(4) The Authority may, with the approval of the Minister, make regulations for the control and management of seafarer recruitment and placement services for the purposes of this Act and, in particular, in respect of all or any of the following matters:

- (a) prohibiting seafarer recruitment and placement services from using means, mechanisms or lists intended to prevent or deter seafarers from gaining employment for which they are qualified;
- (b) maintenance of a seafarer recruitment and placement register by the seafarer recruitment and placement services;
- (c) the recruitment and placement process;
- (d) ensuring that shipowners have the means to protect seafarers from being stranded in a foreign port;
- (e) the procedure for the examination of and response by the seafarer recruitment and placement services to any complaint concerning their activities;
- (f) prescribing a compensation scheme for the protection of seafarers in the event the seafarer recruitment and placement services or the shipowner fails to meet obligations under the seafarer's employment agreement;
- (g) inspection of the premises and documents of any seafarer recruitment and placement service.

(5) The Director or an inspector may, at any time, for the purposes of this section —

- (a) enter and inspect any premises of any seafarer recruitment and placement service;
- (b) require and enforce the production of any book, certificate or document relating to any ship, seafarer or seafarer recruitment and placement service; and
- (c) summon any person before him and require him to answer questions.

(6) For the avoidance of doubt, nothing in this section shall affect the requirement of a person to comply with the Employment Agencies Act (Cap. 92).

(7) A shipowner shall not use a seafarer recruitment and placement service located in a state or territory that has not acceded to or ratified the Convention unless he has satisfied the Director that the seafarer recruitment and placement service is compliant with the requirements of the Convention.

PART IV

CONDITIONS OF SEAFARERS' EMPLOYMENT

Shipowners to provide seafarers with safe and secure workplace

13. Subject to this Act, it shall be the duty and obligation of every shipowner to provide and ensure that every seafarer in his employment shall be provided, in accordance with the requirements of this Act and any other written law, with —

- (a) a safe and secure workplace that complies with safety standards prescribed by written law;
- (b) fair terms of employment;
- (c) decent working and living conditions on board ship; and
- (d) health protection, medical care and welfare measures prescribed by written law.

Seafarer's employment agreement

14.—(1) No person shall cause or permit any person without a seafarer's employment agreement to be employed as a seafarer on a ship.

(2) Every shipowner shall —

- (a) ensure that the seafarer's employment agreement is read over and explained to the seafarer;
- (b) ascertain that the seafarer understands the agreement;

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- (c) ensure that the seafarer has been given an opportunity to examine and seek advice on the agreement before he signs it; and
 - (d) ensure that the agreement is signed by both the seafarer and by the shipowner or on behalf of the shipowner.

(3) The master or shipowner shall cause to be supplied to the seafarer a signed original of the seafarer's employment agreement under which the seafarer is employed.

(4) If a seafarer's employment agreement is not in English, a copy of the standard form of the seafarer's employment agreement shall be available in English on board ship.

(5) Where a collective agreement forms all or part of a seafarer's employment agreement, a copy of that collective agreement shall be available on board ship and, where that collective agreement is not in English, the portions of that collective agreement that are subject to an inspection in port as specified in the Second Schedule shall also be available in English.

(6) The Authority may prescribe the form of and the matters to be included in the seafarer's employment agreement and the particulars to be entered into it.

(7) Any term of a seafarer's employment agreement that imposes a condition of service which is less favourable to a seafarer than any of the terms contained in this Act shall be unenforceable by the shipowner to the extent that it is so less favourable.

(8) Any term in an employment agreement providing for the seafarer to forego any part of the minimum annual leave prescribed under section 22 shall be unenforceable in so far as it purports to deprive the seafarer of that right or to remove or reduce the liability of the shipowner to grant the minimum annual leave prescribed under this Part except under such circumstances as may be prescribed by the Authority.

(9) Either party to a seafarer's employment agreement may at any time give to the other party notice of his intention to terminate the agreement.

(10) The length of such notice shall be the same for both the shipowner and the seafarer and shall be in accordance with the seafarer's employment agreement, provided that such notice shall, except in circumstances prescribed under subsection (13)(c), not be less than 7 days.

(11) Such notice shall be written and may be given at any time, and the day on which the notice is given shall be included in the period of the notice.

(12) Either party to the seafarer's employment agreement may, without waiting for the expiry of the notice referred to in subsection (10), terminate the agreement by paying to the other party a sum equal to the amount of salary at the gross rate of pay which would have accrued to the seafarer during the period of the notice.

(13) The Authority may, with the approval of the Minister, make regulations for all matters relating to the engagement and discharge of seafarers, including the following matters:

- (a) the categories of seafarer's employment agreements;
- (b) discharge books and other records of employment;
- (c) circumstances under which a notice period shorter than the minimum notice period of 7 days may be permitted.

(14) Any person who employs a seafarer or enters into a seafarer's employment agreement with a seafarer in contravention of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

Notification of crew list

15.—(1) A shipowner and the master shall notify the Authority, in the prescribed manner, of the details of seafarers who are employed on a ship on the following occasions:

- (a) when the ship is registered, provisionally or otherwise, under Part II of the Merchant Shipping Act (Cap. 179);

- (b) when a seafarer's employment agreement is entered into with any seafarer;
- (c) when any term of the seafarer's employment agreement of a seafarer employed on the ship is altered;
- (d) when a seafarer is discharged from the ship.

(2) Any shipowner or master who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Hours of rest

16.—(1) Every shipowner shall ensure that every seafarer in his employment is given the hours of rest in accordance with this section.

(2) The minimum hours of rest shall be 10 hours in any 24-hour period and 77 hours in any 7-day period.

(3) The minimum hours of rest may be divided into no more than 2 periods, one of which shall be at least 6 hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

(4) Where a seafarer is employed in work during hours of rest, he shall be compensated with an equivalent period of rest in the next rest period, or if not possible, as soon as practicable after that.

(5) No person shall cause or permit payment to be made in lieu of hours of rest.

(6) The master shall cause —

- (a) the schedule of service at sea and service in port;
- (b) the minimum hours of rest required by this Act; and
- (c) all other information on working arrangements that may be required by the Director from time to time,

for every position to be displayed in English and the working language or languages of the ship using such format as may be prescribed by the Authority and posted in an easily accessible place on board the ship.

(7) The master shall maintain a record of each seafarer's daily hours of rest on board the ship, which shall —

- (a) be in a standardised format that may be prescribed by the Authority; and
- (b) be in English and, if the working language of the ship is not English, also be in the working language or languages of the ship.

(8) The master shall at the end of each month cause a seafarer to be given a record of his daily hours of rest referred to in subsection (7) that has been endorsed by or on behalf of the master.

(9) The Director may, in any particular case, permit exceptions to the hours of rest set out in this section in accordance with and subject to such conditions as may be prescribed.

(10) Nothing in this section shall prevent the master from suspending a seafarer's hours of rest for the purposes of performing work that is necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea provided that the seafarer is compensated with an equivalent period of rest as soon as practicable after the normal situation has been restored.

(11) Any shipowner who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Restriction on working hours for young seafarer

17.—(1) Subject to section 16(10) and subsection (2) —

- (a) no person shall require any young seafarer to work more than 8 hours per day or 40 hours per week; and
- (b) a shipowner and the master shall ensure that a young seafarer is —
 - (i) allowed sufficient time for all meals and a break of at least one hour for the main meal of the day; and

- (ii) allowed a 15-minute rest period as soon as practicable following every 2 hours of continuous work.

(2) A young seafarer may be required to work under conditions that do not comply with subsection (1) if the master is of the opinion that —

- (a) the effective training of the young seafarer in accordance with established programmes and schedules would be impaired; or
- (b) the requirements of subsection (1) are impracticable for the young seafarer assigned to watchkeeping duties or working on a rostered shift-work system in the deck, engine room or catering departments.

(3) The master shall keep a record of all instances where a young seafarer is required under subsection (2) to work under conditions that do not comply with subsection (1), and the record shall state the reasons and be signed by the master.

Restriction on night work for young seafarer

18.—(1) Subject to subsection (2), no person shall cause or permit any young seafarer to be employed in any kind of night work on any ship.

(2) Notwithstanding subsection (1), the Director may give approval for a young seafarer to be employed in night work if the Director is of the opinion that —

- (a) the effective training of the young seafarer in accordance with established programmes and schedules would be impaired; or
- (b) the specific nature of the work or a recognised training programme requires that the young seafarer perform duties at night and the Director has determined that the work will not be detrimental to his health or well-being.

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

(4) In this section, “night work” means work done between 9 p.m. and 6 a.m. in the following morning according to the time zone the ship is in.

Prohibition on hazardous work for young seafarer

19.—(1) No person shall cause or permit any young seafarer to be employed in any hazardous work on any ship.

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

(3) In this section, “hazardous work” means any of the following work:

- (a) lifting, moving or carrying of heavy loads or objects;
- (b) entry into boilers, tanks and cofferdams;
- (c) exposure to harmful noise and vibration levels;
- (d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
- (e) handling mooring or tow lines or ground tackle;
- (f) rigging;
- (g) work aloft or on deck in heavy weather;
- (h) servicing of electrical equipment;
- (i) exposure to potentially harmful materials or harmful physical agents such as dangerous or toxic substances and ionising radiation;
- (j) the cleaning of catering machinery;
- (k) the handling or taking charge of ship’s boats.

Wages

20.—(1) Except as otherwise provided in this Act or any other written law, the wages due to a seafarer under a seafarer’s employment agreement shall be paid to him in full on a monthly

basis, before the expiry of the last day of the month in respect of which the salary is payable.

(2) If any amount which, under subsection (1), is payable to a seafarer is not paid at the time at which it is so payable, the seafarer shall be entitled to wages at the rate last payable under the seafarer's employment agreement for every day on which it remains unpaid until the full amount is paid.

(3) Subsection (2) shall not apply if the failure to pay was due to any reasonable dispute as to liability or to the act or default of the seafarer or to any other cause, not being the wrongful act or default of the person liable to pay his wages or of his employee or agent.

(4) The master of a ship shall deliver to each seafarer employed on the ship under a seafarer's employment agreement, a monthly account of wages due to him under that agreement, including but not limited to basic wage, basic leave wage, overtime pay and other allowances stated in the agreement, and additional payments and deductions subject to which the wages are payable (referred to in this section as the account).

(5) Where the payment is made in a currency or at a rate that is different from the one agreed to, the account should also indicate the rate of exchange used, which shall either be the prevailing market rate of the bank designated by the seafarer or the exchange rate set out in the collective agreement for the duration of the agreement, provided that such exchange rate is not unfavourable to the seafarer.

(6) The account shall indicate that the amounts stated therein are subject to any later adjustment that may be found necessary and shall be delivered before the expiry of the last day of the month in respect of which the salary is payable.

(7) If the amounts stated in the account require adjustment, the person who employed the seafarer shall deliver to him a further account stating the adjusted amounts, and that account shall be delivered to him before the expiry of the last day of the next month in respect of which the salary is payable.

(8) Any person who fails, without reasonable cause, to comply with subsection (4), (6) or (7) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Allotment notes

21.—(1) Subject to this section, a seafarer may, by means of an allotment note, allot directly to any person or persons nominated by the seafarer, by bank transfer or similar means, all or part of the wages to which he will become entitled in the course of his employment on a ship.

(2) A person to whom any part of a seafarer's wages has been allotted by an allotment note issued in accordance with this section shall have the right to recover that part in his own name and for that purpose shall have the same remedies as the seafarer has for the recovery of his wages.

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

(4) Unless the shipowner and the seafarer otherwise agree —

- (a) the first sum payable under an allotment note shall be payable not less than one month from the date on which the allotment note is issued and subsequent sums shall become payable at regular intervals of not less than one month reckoned from the date when the first sum is payable; and
- (b) no sum shall be payable under an allotment note before the seafarer has earned any of the wages allotted by it.

(5) A person providing services for the allotment of wages in accordance with this section may charge the seafarer a fee in accordance with the following conditions:

- (a) such fee charged shall be reasonable; and
- (b) the exchange rate used shall either be the prevailing market rate of the bank designated by the seafarer or the exchange rate set out in the collective agreement for the duration of

the agreement, provided that such exchange rate is not unfavourable to the seafarer.

Entitlement to annual leave

22.—(1) A seafarer shall be entitled to paid annual leave, taken at such time as may be agreed between the seafarer and the shipowner in accordance with the terms of the seafarer's employment agreement, of no less than 2.5 days per month of continuous service with the shipowner which shall be in addition to leave that the seafarer is entitled under subsection (4).

(2) A seafarer shall be entitled to his gross rate of pay for every day of annual leave.

(3) A seafarer who has served a shipowner for a period shorter than 12 months of continuous service in any year or in the event of termination of employment otherwise than for misconduct, shall be entitled to annual leave in proportion to the number of completed months of service in that year.

(4) Leave of absence granted for the following purposes shall not be counted as part of a seafarer's annual leave:

- (a) seafarer in transit to or from a ship, or on active standby for immediate deployment;
- (b) time-off for illness, injury or maternity;
- (c) temporary shore leave by agreement between the shipowner and the seafarer under the seafarer's employment agreement;
- (d) public holidays designated under the Holidays Act (Cap. 126);
- (e) absence from work to attend a maritime vocation training course that is approved by the Director;
- (f) time spent awaiting repatriation and travel time during repatriation;
- (g) leave granted under conditions that may be determined by the Director from time to time.

(5) Where a seafarer is granted leave of absence without pay by the shipowner at the request of the seafarer, the period of the leave shall be disregarded for the purpose of computing continuous service under this section.

(6) A seafarer shall be entitled to take annual leave in the place to which he has a substantial connection or is entitled to be repatriated.

(7) No person shall require a seafarer to take annual leave in a place otherwise than that provided in the seafarer's employment agreement unless —

- (a) the seafarer gives his consent;
- (b) the shipowner bears the costs of transporting the seafarer to the place where he was engaged or recruited, whichever is nearer his home; and
- (c) the shipowner bears the subsistence and all other directly related costs.

(8) No person shall recall a seafarer who is on paid annual leave except in cases of extreme emergency as may be determined by the Director from time to time and provided that the seafarer's consent has been obtained.

(9) The shipowner shall grant and the seafarer shall take annual leave not later than 12 months after the end of every 12 months of continuous service and any seafarer who fails to take that leave by the end of such period shall thereupon cease to be entitled thereto.

(10) Subject to subsection (9) and unless otherwise provided in an agreement applicable to the shipowner and the seafarer concerned, the seafarer shall be entitled to an uninterrupted period of annual leave.

(11) In calculating the proportionate annual leave under subsection (3), any fraction of a day which is less than one-half of a day shall be disregarded and where the fraction of the day is one-half or more it shall be regarded as one day.

Repatriation of seafarers

23.—(1) Subject to subsections (3) and (4), no person who employs a seafarer on a ship shall require the seafarer to work for a period of 12 months or longer before being entitled to repatriation.

(2) A shipowner shall repatriate a seafarer employed on a ship in the following circumstances:

- (a) where the seafarer's employment agreement of the seafarer concerned has expired;
- (b) where the seafarer's employment agreement has been terminated by the seafarer for justified reasons or by the shipowner;
- (c) where the seafarer is no longer able to carry out his duties under his seafarer's employment agreement or cannot be expected to carry them out, in the following circumstances:
 - (i) the seafarer has an illness or injury or other medical condition which requires his repatriation when found medically fit to travel;
 - (ii) the seafarer is taken to any country in the event of shipwreck;
 - (iii) the shipowner is not able to continue to fulfil his legal or contractual obligations as an employer of the seafarer by reason of insolvency, sale of ship, change of ship's registration or any other similar reason;
 - (iv) the ship is bound for a war zone, as defined by written law or the seafarer's employment agreement, to which the seafarer does not consent to go;
 - (v) termination or interruption of employment in accordance with an industrial award or collective agreement;
 - (vi) the seafarer is left behind in any country for any reason.

(3) A shipowner shall repatriate a young seafarer who has served for 6 months, or any shorter period of time as determined under his

seafarer's employment agreement or a collective agreement, without leave on board a ship that has not returned to his country of residence during that time and will not return to his country of residence in the next 3 months.

(4) A young seafarer who is found to be unsuited to life at sea after having served on a ship for at least 4 months during his first foreign-going voyage, shall be given the opportunity to be repatriated at no expense to himself and in accordance with this section from the first suitable port of call in which there are consular services of Singapore or of the state of his nationality or residence.

(5) A shipowner shall notify the authority of the state which issued the papers enabling the young seafarer concerned to take up seagoing employment, of such repatriation referred to in subsection (4) and the reasons therefor.

(6) A seafarer shall be entitled to be repatriated to any of the following places with which he has a substantial connection:

- (a) the place at which the seafarer agreed to enter into the engagement;
- (b) the place stipulated by an applicable collective agreement;
- (c) the seafarer's country of residence;
- (d) such other place as may be mutually agreed at the time of engagement;
- (e) such other place as may be determined by the Director as appropriate.

(7) A seafarer shall have a right to choose from among the destinations referred to in subsection (6), the place to which he is to be repatriated.

(8) A seafarer shall be entitled to be repatriated by appropriate and expeditious means.

(9) A shipowner shall bear the costs of repatriating a seafarer in his employment until the seafarer is landed at a destination in accordance with subsection (6), including expenses for such items as may be prescribed.

(10) No person shall require any seafarer to make an advance payment towards the costs of repatriation or be entitled to recover, or to make any deduction for, the costs of repatriation from the seafarer's wages or other entitlements except where the seafarer has been found after due inquiry by the Director to have been in serious default of his employment obligations.

(11) Where a seafarer referred to in subsection (2)(c)(ii) or (vi) remains in the country mentioned therein after the end of a period of 3 months, the person who last employed him as a seafarer shall not be liable under this section to make provision for the seafarer's return or for any matter arising after the end of that period, unless he has, before the end of that period, been under an obligation imposed on him under this section to make provision with respect to the seafarer.

(12) Where it appears to the Director that a shipowner is unable to make, has failed to make or fails to continue to make provisions necessary for the repatriation of a seafarer in his employment under this section, the Director may, in his discretion, make such provision and recover from the shipowner any costs and expense incurred by the Director in making such provision.

(13) Nothing in this section shall prejudice any right of a shipowner to recover the costs of repatriation under third-party contractual arrangements.

(14) A shipowner shall cause a legible copy of this section and any regulations relating to the repatriation of seafarers made under this Act in English, and the working language of the ship if it is not English, to be carried on board the ship and to be made available to seafarers.

Compensation to seafarers in event of wreck or loss of ship, etc.

24.—(1) Where a ship is wrecked or lost, a seafarer whose employment on the ship is thereby terminated before the date contemplated in the seafarer's employment agreement under which he is so employed shall, subject to this section, be entitled to wages, at the rate payable under the agreement at the date of the wreck or loss, for every day on which he is unemployed in the 2 months following that date.

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

(3) A seafarer shall not be entitled to wages by virtue of subsection (1) or (2) for a day on which he 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 employment on the sale of the ship or its ceasing to be registered in Singapore; or
- (b) that the seafarer was able to obtain suitable employment for that day but unreasonably refused to take it.

(4) The master and a seafarer employed on a ship shall have the same lien and remedies for his wages payable under this section, as a seaman has for his wages.

(5) Nothing in this section shall affect the rights a seafarer may have under any other rule of law.

PART V

CATERING

Requirement to carry qualified ship's cook

25.—(1) Subject to subsections (2) and (3), the shipowner and the master of a Singapore ship which ordinarily operates with 10 or more seafarers on board shall ensure that the ship does not proceed to sea unless a qualified ship's cook is on board.

(2) In circumstances of exceptional necessity, the Director may grant an exemption from subsection (1) —

- (a) until the next port of call; or

(b) for a period not exceeding one month,

but only if there is a person on board the ship who is trained or instructed in areas including food and personal hygiene and handling and storage of food in accordance with this Act.

(3) The shipowner and the master may, instead of complying with the requirement in subsection (1) to have a qualified ship's cook on board, comply with such other requirement or requirements as the Director may approve in respect of a particular ship, or ships of a particular description, being requirements that the Director considers are substantially equivalent to the requirement in subsection (1) when considered together with the conditions and limitations to which the approval may be subject.

(4) An exemption or approval by the Director under this section shall be given in writing, may be given subject to such conditions and limitations as he may specify, and may be altered or cancelled.

(5) Any shipowner or master who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Training requirements for catering staff and other persons processing food in galley

26.—(1) A shipowner and the master of a ship shall ensure that —

- (a) each member of the catering staff is properly trained or instructed for his position in accordance with the prescribed requirements; and
- (b) any person processing food in the galley is properly trained or instructed in areas including food and personal hygiene and handling and storage of food in accordance with the prescribed requirements.

(2) In this Part, unless the context otherwise requires —

“catering staff” means seafarers whose normal duties include the preparation and storage of food, the service of meals to seafarers on board a ship or other work in the galley or in areas where food is stored or handled;

“qualified ship’s cook” means a person who has been issued with a certificate of proficiency referred to in section 27 which has not expired or been cancelled or suspended.

Certificate of proficiency as ship’s cook

27. A person may apply to the Authority for a certificate of proficiency as a ship’s cook if he meets the following requirements:

- (a) he has served at sea for not less than such period as may be prescribed, or such other period as may be determined by the Director taking into account any existing qualifications and relevant experience; and
- (b) he has successfully completed the prescribed training course for cooks and passed the prescribed examination.

PART VI

MEDICAL CARE AND TREATMENT

Medical care

28. It shall be the duty of a shipowner to take, so far as is reasonably practicable, such measures as are necessary to ensure the safety and health of all seafarers employed by him on board his ship including —

- (a) measures on occupational health protection and medical care relevant to the seafarer’s duties;
- (b) ensuring that arrangements are made, where practicable, for seafarers to visit any qualified medical doctor or dentist without delay in ports of call; and
- (c) providing medical care and health protection services for any seafarer on board the ship or on land without charge to the seafarer.

Medical report forms

29.—(1) A shipowner shall make available on board his ship, for the purposes of facilitating the treatment of seafarers, such medical report forms as may be prescribed.

(2) Every medical report form, or any part thereof, when completed or any information contained in the completed form shall be kept confidential and shall not, without the consent of the seafarer concerned, be released to any person other than for the purposes of facilitating the treatment of that seafarer.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both.

Medicine chest

30.—(1) A medicine chest with readily understandable instructions shall be carried on board every ship.

(2) The master of a ship shall ensure that the medicine chest and its contents, as well as the medical equipment and medical guide, are properly maintained and inspected at such regular intervals as may be prescribed by the Authority.

Medical treatment on board ship

31. Where a ship is not required under the Merchant Shipping Act (Cap. 179) to carry a qualified medical practitioner on board, the shipowner shall make arrangements for securing that —

- (a) a ship which is ordinarily capable of reaching qualified medical care and medical facilities within 8 hours shall carry on board a seafarer who has completed such training in medical first-aid as required by the STCW Code and approved by the Director, and is appointed by the shipowner to be in charge of medical first-aid training and administration of medicine on board the ship; and
- (b) any ship, other than a ship referred to in paragraph (a), shall carry on board a seafarer who has completed such training in medical care as required by the STCW Code and approved by the Director, and who is appointed by the shipowner to be in charge of medical care on board the ship.

Medical advice through radio stations

32.—(1) A shipowner shall ensure that a complete and up-to-date list of radio stations through which medical advice can be obtained is carried on board his ship.

(2) The shipowner of a ship that is equipped with a system of satellite communication shall ensure that an up-to-date and complete list of coast earth stations through which medical advice can be obtained is carried on board the ship.

Access to medical care ashore

33. A shipowner shall take such measures as are necessary and practicable to ensure that seafarers employed on his ship have access when in port to —

- (a) outpatient treatment for sickness and injury;
- (b) hospitalisation when necessary; and
- (c) facilities for dental treatment.

Financial security requirement

34.—(1) A shipowner must not allow his ship —

- (a) to put to sea; or
- (b) if it is already at sea, to remain at sea,

unless the requirement in subsection (2) is met.

(2) The requirement referred to in subsection (1) is that there is in force a contract of insurance or other security adequate to ensure that the shipowner will be able to meet any liabilities the shipowner may have arising from repatriation of a seafarer or to provide compensation in the event of death or long term disability to seafarers arising from occupational injury, illness or hazard.

(3) The liabilities of the shipowner referred to in subsection (2) include liabilities arising under —

- (a) sections 23(9), 24(1), 35, 36 and 37;
- (b) section 23 of the Work Injury Compensation Act (Cap. 354); and

(c) the seafarer's employment agreements of seafarers working on the ship.

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

Shipowner's duty to make provision for seafarer medical and other expenses

35.—(1) Subject to section 38 and subsections (3) and (4), a shipowner shall be liable to meet any expenses reasonably incurred in connection with a seafarer's sickness or injury which —

(a) first occurs during a period which starts on the date on which the seafarer's employment agreement of that seafarer commences and ends on the date on which the shipowner's duty to repatriate that seafarer under section 23 ends; or

(b) first occurs subsequent to the period referred to in paragraph (a) but is caused by circumstances or events arising during that period.

(2) Expenses incurred in connection with a sickness or an injury include —

(a) expenses of surgical, medical, dental or optical treatment (including the repair or replacement of any appliance); and

(b) expenses for board and lodging.

(3) The duty in subsection (1) shall not affect any duty imposed on the shipowner under section 23, and shall not apply in respect of any expenses met by the shipowner under that duty.

(4) The duty in subsection (1) is limited to expenses incurred during a period beginning on the day on which the sickness or injury first occurs and ending on the expiry of 16 weeks after that date.

(5) If any expenses are incurred by a seafarer to which the duty in subsection (1) applies, the seafarer may recover those expenses from the shipowner as a civil debt.

Shipowner's liability for wages following sickness or injury sustained by seafarer

36.—(1) Subject to section 38, this section applies in relation to a seafarer who experiences sickness or injury which —

- (a) first occurs during a period which starts on the date on which the seafarer's employment agreement of that seafarer commences and ends on the date on which the shipowner's duty to repatriate that seafarer under section 23 ends, or if there is no such duty, the date on which the seafarer employment agreement ends; or
- (b) first occurs subsequent to the period referred to in paragraph (a) but is caused by circumstances or events arising during that period,

and results in the seafarer's incapacity for work.

(2) If the seafarer does not receive the full wages payable under the seafarer's employment agreement for the period starting on the date of the injury or the first day of the sickness referred to in subsection (1) and ending on the date on which the seafarer is repatriated under section 23 or otherwise leaves the ship, the shipowner shall pay to the seafarer the amount equal to the difference between —

- (a) any wages received by the seafarer for that period under that agreement; and
- (b) the full wages which would have been payable to the seafarer under that agreement if the seafarer had remained fit for work throughout that period.

(3) Subject to subsection (4), if the seafarer remains incapacitated for work for the reason described in subsection (1) after being repatriated under section 23 or otherwise leaving the ship, and does not receive the full wages payable under the seafarer's employment agreement for the period starting on the day after repatriation or departure from the ship and ending on the date on which the seafarer is again fit for work, the shipowner shall pay to the seafarer the amount equal to the difference between —

- (a) any wages received by the seafarer for that period under that agreement; and
- (b) the full wages which would have been payable to the seafarer under that agreement if the seafarer had remained fit for work throughout that period.

(4) The duty in subsection (3) ends on the expiry of the period of 16 weeks commencing on the day following the date of the injury or the first day of the sickness referred to in subsection (1).

(5) The amount payable to the seafarer under subsections (2) and (3) must be paid in the same manner and at the same frequency as wages payable under the seafarer's employment agreement.

(6) A seafarer may recover any amount of money due from the shipowner under subsection (2) or (3) as a civil debt.

(7) A shipowner shall take measures for safeguarding property left on board by sick, injured or deceased seafarers and for returning it to them or to their next of kin.

Shipowner's liability in respect of burial or cremation of seafarer

37. A shipowner shall be liable to pay any expenses reasonably incurred in connection with a seafarer's burial or cremation, if the seafarer dies on board or ashore while employed to work on his ship.

Exclusion from liability under sections 35, 36 and 37

- 38.** Sections 35, 36 and 37 shall not apply to a seafarer where —
- (a) the injury referred to in section 35 or 36 was incurred otherwise than in the service of the ship;
 - (b) the injury or sickness referred to in section 35 or 36 was incurred due to the seafarer's wilful misconduct; or
 - (c) the sickness or incapacity for work existed on the date on which the seafarer entered the seafarer's employment agreement, and the seafarer deliberately concealed the sickness or incapacity from the shipowner.

Limitation of seafarer's right to recover

39.—(1) Where a seafarer has received compensation under section 14(2) of the Work Injury Compensation Act (Cap. 354) for the cost of medical treatment in respect of any sickness or injury, the amount of compensation payable to the seafarer under section 35 for the expenses incurred in connection with the sickness or injury shall be reduced by the amount so received.

(2) Where a seafarer has received compensation under section 14A of the Work Injury Compensation Act for any temporary incapacity resulting from any sickness or injury, the amount of compensation payable to the seafarer under section 36 for loss of wages in respect of the sickness or injury shall be reduced by the amount so received.

(3) Subject to subsections (1) and (2) and section 33 of the Work Injury Compensation Act, sections 35 and 36 are without prejudice to any other legal remedies that a seafarer may have under any other rule of law in respect of the sickness or injury, but provided that —

- (a) if a seafarer brings any action for damages in a court in respect of any sickness or injury, any judgment, award or order that may be made against a shipowner in such an action shall take into account the payment made under section 35 or 36; and
- (b) a seafarer shall not be compensated more than once in respect of the same expense or wages.

PART VII**HEALTH AND SAFETY PROTECTION AND ACCIDENT
PREVENTION****Duties of shipowner to ensure safety and health of seafarers**

40.—(1) It shall be the duty of a shipowner to take, so far as is reasonably practicable and in accordance with any standards prescribed by the Authority, such measures as are necessary, and as may be prescribed, to ensure the safety and health of the seafarers on board his ship.

(2) For the purposes of subsection (1), the measures necessary to ensure the safety and health of seafarers on board a ship include —

- (a) providing and maintaining for seafarers a work environment which is safe, without risk to health and adequate as regards facilities and arrangements for their welfare at work;
- (b) ensuring that adequate safety measures are taken to prevent occupational accidents, injuries and diseases;
- (c) developing and implementing procedures for inspection, reporting and dealing with emergencies that may arise on board the ship; and
- (d) ensuring that the master and seafarers on board the ship have adequate instruction, information, training and supervision, especially with regard to young seafarers, as is necessary for them to comply with the measures as may be prescribed.

Duty of master to implement measures

41.—(1) It shall be the duty of the master to ensure that the measures taken by the shipowner as referred to in section 40, are implemented on board the ship.

(2) The master, or a person designated by the master, shall at regular intervals, inspect and correct unsafe conditions on board the ship, and shall report such occurrences to the shipowner.

Duties of seafarers at work on board a ship

42. It shall be the duty of every seafarer at work on board a ship —

- (a) to comply with the safety measures referred to in section 40(2)(b) as taken by the shipowner; and
- (b) to co-operate with the shipowner or the master to the extent as will enable the shipowner or the master, as the case may be, to comply with the provisions of this Act.

Safety committee

43.—(1) Every ship which ordinarily operates with 5 or more seafarers on board shall have a safety committee for that ship.

(2) Every safety committee shall comprise the master, any person designated by the master and seafarer representatives.

(3) The functions of the safety committee appointed for a ship shall be —

- (a) to keep under review circumstances on board the ship which affect or may affect the safety or health of the seafarers;
- (b) to carry out inspections of the scene of any accident in the interest of the safety and health of the seafarers; and
- (c) to exercise such other functions and duties as may be necessary to assist the shipowner in discharging his duties under this Part.

Codes of practice

44.—(1) For the purpose of providing practical guidance with respect to the requirements of this Part relating to measures necessary to ensure the safety and health of seafarers, including measures on occupational health protection and medical care, the Authority may, from time to time, do all or any of the following:

- (a) issue one or more codes of practice, which may include any code of practice issued or approved under another written law if the Authority considers that code of practice suitable for this purpose;
- (b) approve as a code of practice any document prepared by any person or organisation other than the Authority if the Authority considers the document as a suitable document for this purpose;
- (c) amend or revoke any code of practice issued or approved under this section.

(2) The power of the Authority under subsection (1)(a) or (b) to issue or approve a code of practice that is either a code of practice

issued or approved under another written law or a document prepared by any person or organisation other than the Authority shall include the power to issue or approve a part of such a code of practice or document.

(3) Where a code of practice is issued, approved, amended or revoked by the Authority under subsection (1), the Authority shall —

- (a) publish a notice of the issue, approval, amendment or revocation, as the case may be, of the code of practice in such manner as will secure adequate publicity for such issue, approval, amendment or revocation;
- (b) specify in the notice referred to in paragraph (a) —
 - (i) the date of issue, approval, amendment or revocation, as the case may be;
 - (ii) the class of hazards, activities or articles in respect of which the code of practice is issued, approved, amended or revoked; and
 - (iii) the place at and the time during which, or the Internet website where, the code of practice which is the subject of the notice may be inspected; and
- (c) ensure that, so long as the code of practice remains in force, copies of that code, and of all amendments to that code, are available for inspection by shipowners or seafarers free of charge.

(4) No code of practice, no amendment to an approved code of practice, and no revocation of any such approved code of practice, shall have any force or effect until the notice relating thereto is published in accordance with subsection (3).

(5) An approved code of practice that is also either a code of practice issued or approved under another written law or a document prepared by any person or organisation other than the Authority shall consist of the contents of that code or document as that code or document existed on the date it was issued or approved as an approved code of practice under this section.

(6) If any provision of any approved code of practice is inconsistent with any provision of this Act, such provision, to the extent of the inconsistency —

(a) shall have effect subject to the provisions of this Act; or

(b) having regard to the provisions of this Act, shall not have effect.

(7) Any approved code of practice shall be deemed not to be subsidiary legislation.

Use of approved codes of practice in criminal proceedings

45.—(1) A person shall not be liable to any criminal proceedings by reason only that he has failed to observe any approved code of practice.

(2) In any proceedings for an offence under this Act, an approved code of practice that is relevant to any matter which is necessary for the prosecution to prove in order to establish the commission of the offence shall be admissible in evidence in the proceedings.

(3) Without affecting any other method of proof, in any proceedings for an offence under this Act —

(a) the production of a document purporting to be a copy of a notice published by the Authority under section 44(3)(a) shall be taken to be such a notice until the contrary is proved; and

(b) the production of a code of practice, or an amendment or a revocation of a code of practice, purporting to be the subject of a notice under section 44(3)(a) shall be taken to be the subject of that notice until the contrary is proved.

Investigation into occupational accidents, injuries and diseases on board ships

46.—(1) Where the Director becomes aware of any occupational accident, injury or disease arising from service on board any ship, the Director may appoint an inspector to investigate the cause and circumstances of the occupational accident, injury or disease.

(2) The Director or an inspector appointed by the Director under subsection (1) may, for the purposes of an investigation under this section —

- (a) board any ship;
- (b) inspect any ship;
- (c) summon any person before him and require him to answer questions;
- (d) require any person to furnish a sworn statement relating to the cause or circumstances of the occupational accident, injury or disease; and
- (e) require the production of any book, log book, certificate, register, document or other information relating to any ship or persons on board the ship.

(3) Except with the permission of the Director, no person shall, unless necessary for the prevention of any accident or for the safe navigation of a ship —

- (a) alter, replace, remove or add to any machinery, equipment or article which may have contributed to the cause of any occupational accident, injury or disease; or
- (b) modify the scene of the occupational accident or injury or the place where the occupational disease occurred.

PART VIII

INSPECTION AND CERTIFICATION

Application and interpretation of this Part

47.—(1) This Part (with the exception of section 49) shall apply to any Singapore ship, ordinarily engaged in commercial activities, which is of 500 gross tonnage or above, engaged in international voyages, or operating from a port or between ports in another country, wherever the ship may be.

(2) Section 49 shall apply to any Singapore ship, ordinarily engaged in commercial activities, wherever the ship may be.

(3) In this Part —

“anniversary date” means the day and the month of each year which will correspond to the date of expiry of the relevant certificate;

“international voyage” means a voyage from one country to a port or place outside that country.

Maritime Labour Certificate and Declaration of Maritime Labour Compliance

48.—(1) No ship shall go to sea unless —

(a) the shipowner or the master has been issued with a valid Maritime Labour Certificate or interim Maritime Labour Certificate in respect of the ship; and

(b) the shipowner causes to be carried on board his ship a Declaration of Maritime Labour Compliance written in English.

(2) If any ship goes or attempts to go to sea in contravention of subsection (1), the shipowner and the master shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$10,000.

(3) The Director or the Port Master may detain a ship until the documents referred to in subsection (1) are produced.

Power to inspect ships

49.—(1) Every inspection of a ship shall be carried out in the manner provided in this Act.

(2) The inspection of ships, as regards compliance with the requirements of this Act and other relevant written law, may be carried out by the Director, a surveyor of ships or a Recognised Organisation.

(3) The Director or a surveyor of ships may for the purposes of an inspection —

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- (a) board any ship, without previous notice to the shipowner, master or person in charge of that ship, for the purposes of inspecting that ship;
 - (b) inspect any ship, after giving previous notice to the shipowner, master or person in charge of that ship;
 - (c) summon any person before him and require him to answer questions;
 - (d) require the production of any book, log book, certificate, register, document or other information relating to any ship;
 - (e) take samples of any products, cargo, drinking water, provisions, materials or substances used or handled in the possession of any person on board any ship, as may be necessary with a view to analysing these samples;
 - (f) require the display of notices, certificates or documents required by this Act or other relevant written law; and
 - (g) require rectification of deficiencies that may be identified in the seafarers' working and living conditions on any ship.

(4) Any sample taken under this section shall be disposed of and accounted for in such manner as the Director may direct.

(5) If in the opinion of the Director or a surveyor of ships, the working and living conditions on board a ship do not conform to the requirements of this Act or other relevant written law, the Director or surveyor of ships may by notice in writing require the shipowner to rectify the non-conformity within such time as may be specified in the notice.

(6) Any shipowner who fails, without reasonable excuse, to comply with a notice issued to him under subsection (5) within such time as may be specified in the notice 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.

Declaration of Maritime Labour Compliance

50.—(1) The Director or a Recognised Organisation may issue a Declaration of Maritime Labour Compliance if satisfied that the shipowner has adopted measures to ensure ongoing compliance with the requirements of this Act and other relevant written law.

(2) The Declaration of Maritime Labour Compliance shall be in such form as may be prescribed by the Authority, and shall comprise —

- (a) Part I which shall be issued by the Director or a Recognised Organisation and shall identify the list of matters for inspection, the relevant provisions of this Act and other relevant written law, any ship-type specific requirements, any substantially equivalent provisions adopted, and any exemption granted by the Authority; and
- (b) Part II which shall be drawn up by the shipowner and shall identify measures undertaken by the shipowner to ensure ongoing compliance with the provisions of this Act and other relevant written law during the period between inspections, and measures proposed to ensure continuous improvement.

Interim Maritime Labour Certificate

51.—(1) Subject to subsection (2), the Director or a Recognised Organisation may issue an interim Maritime Labour Certificate in respect of a ship when —

- (a) the ship is a newly delivered ship;
- (b) the ship changes flag; or
- (c) a shipowner assumes responsibility for the operation of the ship which is new to that shipowner.

(2) An interim Maritime Labour Certificate may be issued in respect of a ship for a period not exceeding 6 months if —

- (a) the Director or a Recognised Organisation determines that the ship is, as far as reasonably practicable, in compliance with this Act and other relevant written law;

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- (b) the shipowner has demonstrated to the Director or Recognised Organisation, as the case may be, that —
 - (i) the ship has in place adequate procedures to comply with this Act and other relevant written law; and
 - (ii) the master is familiar with the requirements of this Act and other relevant written law; and
 - (c) the shipowner has submitted to the Director or Recognised Organisation, as the case may be, the necessary information to enable a Declaration of Maritime Labour Compliance to be issued.

(3) A shipowner shall, prior to the date of expiry of the interim Maritime Labour Certificate issued in respect of his ship, cause a full inspection of his ship to be carried out, to enable the issuance of a Maritime Labour Certificate.

(4) Only one interim Maritime Labour Certificate may be issued to a shipowner in respect of a particular ship.

Issue of Maritime Labour Certificate

52.—(1) The Director or a Recognised Organisation may issue a Maritime Labour Certificate in respect of a ship if —

- (a) he is fully satisfied, after an initial or a renewal inspection of the ship, as the case may be, that the ship complies with the requirements of this Act and other relevant written law; and
- (b) there is issued in respect of the ship, a Declaration of Maritime Labour Compliance.

(2) A ship shall be subject to —

- (a) an initial inspection before the ship is put in service;
- (b) an intermediate inspection not later than the third anniversary date of the Maritime Labour Certificate; and
- (c) a renewal inspection at intervals of 5 years from the issue of the Maritime Labour Certificate.

(3) An inspection referred to in subsection (2) shall encompass a complete inspection of the working and living conditions on board the ship such as to ensure that the working and living conditions on board the ship fully comply with the requirements of this Act and other relevant written law.

(4) The satisfactory completion of an intermediate inspection referred to in this section shall be endorsed on the Maritime Labour Certificate.

Validity of Maritime Labour Certificate

53.—(1) Subject to subsection (6), a Maritime Labour Certificate shall, unless suspended or withdrawn, be valid for a period not exceeding 5 years.

(2) Subject to subsection (12), if a ship is found not to be in compliance with the requirements of this Act or other relevant written law, the Director or a Recognised Organisation shall suspend the Maritime Labour Certificate until such time corrective action is taken to the satisfaction of the Director or Recognised Organisation, as the case may be.

(3) If the corrective action referred to in subsection (2) is not taken to the satisfaction of the Director or Recognised Organisation, as the case may be, within such period of time as specified by the Director or Recognised Organisation, as the case may be, the Director may withdraw the Maritime Labour Certificate.

(4) Where the Director or Recognised Organisation suspends or revalidates a Maritime Labour Certificate in respect of a ship, or where the Director withdraws a Maritime Labour Certificate in respect of a ship, the Director or Recognised Organisation, as the case may be, shall immediately notify the following persons of the suspension, withdrawal or revalidation, as the case may be, of the Maritime Labour Certificate:

- (a) the Director (where the suspension or revalidation was carried out by a Recognised Organisation);
- (b) the Recognised Organisation that issued that Maritime Labour Certificate in respect of the ship (where the

withdrawal, suspension or revalidation was carried out by the Director);

(c) the shipowner;

(d) the master of the ship.

(5) When a Maritime Labour Certificate is suspended or withdrawn, the shipowner and master of the ship shall on demand deliver up the certificate to the Director or Recognised Organisation, as the case may be.

(6) When the renewal inspection is completed not more than 3 months before the expiry of the Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid from the date of completion of the renewal inspection to a date not exceeding 5 years after the date of expiry of the existing Maritime Labour Certificate.

(7) When the renewal inspection is completed more than 3 months before the expiry of the Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid from the date of completion of the renewal inspection to a date not exceeding 5 years after the date of completion of the renewal inspection.

(8) A Maritime Labour Certificate and an interim Maritime Labour Certificate issued under this Part shall be in the form prescribed by the Authority.

(9) A Maritime Labour Certificate issued under section 52 shall cease to be valid in any of the following circumstances:

(a) if the intermediate inspection is not completed within the period specified in section 52(2)(b);

(b) if the certificate is not endorsed in accordance with section 52(4);

(c) upon the transfer of the ship to the flag of another country;

(d) if the shipowner ceases to assume responsibility for the operation of the ship;

(e) when substantial changes have been made to the structure or equipment of the ship relating to accommodation, recreation, food or catering;

(f) if the certificate is suspended, during the period of suspension;

(g) if the certificate is withdrawn.

(10) An interim Maritime Labour Certificate issued under section 51 shall cease to be valid in any of the circumstances referred to in subsection (9)(c) to (g).

(11) A shipowner or master who becomes aware that his ship does not comply with any requirement of this Act or other relevant written law, shall notify the Director of the nature of non-compliance without delay.

(12) Upon the application of the shipowner or master, the Director may, if he is satisfied that due to any unforeseen circumstances, it is not reasonably practicable for the shipowner or master to comply with a requirement of this Act or other relevant written law, and that the working and living conditions of the seafarers on board will not be adversely affected, grant a dispensation of that requirement —

(a) until the next port of call; or

(b) for a specified period,

provided that such period of dispensation shall not exceed one month.

(13) The Director may, in granting a dispensation under subsection (12), impose any condition as he thinks fit.

Display of Maritime Labour Certificate and Declaration of Maritime Labour Compliance

54.—(1) A shipowner shall cause to be displayed in a conspicuous place on board his ship where it is available to seafarers —

(a) a valid Maritime Labour Certificate and a valid Declaration of Maritime Labour Compliance in respect of that ship; or

(b) a valid interim Maritime Labour Certificate in respect of that ship,

as the case may be.

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- (2) A shipowner shall cause to be carried on board his ship —
- (a) a copy of the Convention; and
 - (b) a copy of this Act, regulations made under this Act and other relevant written law.
- (3) The documents referred to in subsections (1) and (2) shall be readily available for inspection on board the ship, and shall be produced, on request, to seafarers employed on that ship, the Director, a surveyor of ships, authorised officers in port States and shipowners' and seafarers' representatives.

PART IX COMPLAINTS

On-board complaint procedures

55.—(1) A shipowner shall ensure that there are on board his ship appropriate procedures to allow seafarers to make a complaint against any person in connection with any possible breach of any provision under this Act or other relevant written law.

- (2) The procedures referred to in subsection (1) shall include —
- (a) a right to lodge a complaint directly with the master of the ship;
 - (b) a right to be represented or accompanied; and
 - (c) adequate safeguards to ensure that the rights of the seafarers are not prejudiced by the making of complaints.
- (3) Upon the receipt of a complaint, the master shall investigate the complaint.
- (4) If a seafarer is not satisfied with the action taken by the master as a result of his investigation, or by his failure to take any action, the seafarer may state his dissatisfaction to the master and indicate that he wishes to lodge a complaint to the Director or if the ship is not in Singapore, to a port State authority.
- (5) Upon being notified of the seafarer's dissatisfaction under subsection (4), the master shall make adequate arrangements to

enable the seafarer to lodge a complaint as soon as the service of the ship permits.

(6) The Director shall, upon receiving the complaint referred to in subsection (4), investigate the complaint.

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

Provision of complaint procedures and other information

56.—(1) A shipowner shall cause a copy of the procedures referred to in section 55 to be provided to each seafarer employed on his ship.

(2) The copy of the procedures provided to the seafarers shall be in English and, if the working language of the ship is not English, also be in the working language or languages of the ship, and shall include the following information:

- (a) contact information of the Authority;
- (b) contact information of the competent authority in the seafarer's country of residence; and
- (c) the names of persons on board the ship who may assist any seafarer with and advise him on his complaint.

PART X

INSPECTIONS IN PORT

Application of this Part

57. This Part shall apply to —

- (a) any Singapore ship, ordinarily engaged in commercial activities; and
- (b) any ship in Singapore, not being a Singapore ship, whether publicly or privately owned, ordinarily engaged in commercial activities.

Inspection of vessels in port

58.—(1) A ship shall be subject to inspection by a surveyor of ships or any person duly authorised by the Director.

(2) Subject to subsection (3), any such inspection shall be limited to verifying that there are carried on board the ship —

(a) a valid Maritime Labour Certificate or a valid interim Maritime Labour Certificate; and

(b) a valid Declaration of Maritime Labour Compliance, issued under this Act in respect of a Singapore ship, or their equivalent issued under the national laws of the flag State of the ship if that ship is not a Singapore ship.

(3) If any of the conditions mentioned in subsection (4) apply, the ship may be subject to a detailed inspection by a surveyor of ships or a person duly authorised by the Director, to determine whether the ship —

(a) being a Singapore ship, is in compliance with the requirements of this Act and other relevant written law; or

(b) being a ship that is not a Singapore ship, is in compliance with the requirements of the Convention.

(4) The conditions referred to in subsection (3) are as follows:

(a) the documents referred to in subsection (2) are not produced;

(b) the documents referred to in subsection (2) are invalid, are not maintained, are falsely maintained, or do not contain particulars or information required by this Act or the Convention, as the case may be;

(c) there are clear grounds for believing that the working and living conditions on board the ship do not conform to the requirements of this Act or other relevant written law, or of the Convention, as the case may be;

(d) there are reasonable grounds for believing that the ship has changed flag for the purpose of avoiding compliance with this Act or the Convention, as the case may be;

- (e) there is a complaint alleging that specific working and living conditions on board the ship do not comply with the requirements of this Act or other relevant written law, or of the Convention, as the case may be;
- (f) the working and living conditions present could constitute a clear hazard to the safety, health or security of seafarers;
- (g) the surveyor of ships or the person duly authorised by the Director has grounds to believe that any deficiencies present constitute a serious breach of the requirements of this Act or other relevant written law, or of the Convention, as the case may be.

(5) In this section, “complaint” means any information submitted by any seafarer, professional body, association, trade union, or person with an interest in the safety of the ship or the safety and health of the seafarers on board any ship.

(6) An inspection conducted on a ship that is not a Singapore ship pursuant to subsection (4)(a), (b), (c) or (d) shall in principle cover the matters specified in the Second Schedule.

(7) An inspection conducted pursuant to subsection (4)(e) shall generally be limited to the scope of the complaint.

(8) The surveyor of ships or the person duly authorised by the Director may for the purposes of an inspection —

- (a) board any ship, without previous notice to the shipowner, master or person in charge of that ship, for the purposes of inspecting that ship;
- (b) inspect any ship, after giving previous notice to the shipowner, master or person in charge of that ship;
- (c) summon any person before him and require him to answer questions;
- (d) require the production of any book, log book, certificate, register, document or other information relating to any ship;
- (e) take samples of any products, cargo, drinking water, provisions, materials or substances used or handled in the

possession of any person on board any ship, as may be necessary with a view to analysing these samples;

- (f) require the display of notices, certificates or documents required by this Act or other relevant written law, or the Convention, as the case may be; and
- (g) require rectification of deficiencies that may be identified in the seafarers' working and living conditions on any ship.

(9) Any sample taken under this section shall be disposed of and accounted for in such manner as the Director may direct.

Power to detain ships

59.—(1) Where, following a more detailed inspection referred to in section 58(3), a ship is found not to conform to the requirements of this Act or other relevant written law, or of the Convention, as the case may be, and —

- (a) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or
- (b) the non-conformity constitutes a serious or repeated breach of the requirements (inclusive of seafarers' rights) of this Act or other relevant written law, or of the Convention, as the case may be,

the Director shall serve on the shipowner and the master of the ship, a notice of detention requiring that the ship shall not proceed to sea until any non-conformity that falls within the scope of paragraph (a) or (b) has been rectified, or until the Director has accepted a plan of action to rectify such non-conformity and is satisfied that the plan will be implemented in an expeditious manner.

(2) If the ship, after service of the notice of detention, goes to sea before it is released by the Director, the shipowner and the master shall each be guilty of an offence and shall each 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) If it is proven that a ship was unduly detained or delayed under this section, the Authority shall be liable to pay to the shipowner his costs of and incidental to the detention of the ship, and also

compensation for any loss or damage sustained by him by reason of the detention.

PART XI

MISCELLANEOUS

Offences by bodies corporate, etc.

60.—(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 his 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) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he 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 his part,

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 same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

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

Forgery, etc., of documents and fraudulent use

61.—(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 —

(a) any seafarer’s employment agreement, certificate, declaration 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; or

- (b) any document produced to the Director for the purposes of obtaining for himself or any other person any certificate, 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)(a) which has expired or has been cancelled or suspended, or has become invalid for any reason,

shall be guilty of an offence.

(3) Any person who fraudulently uses any document mentioned in subsection (1)(a) which is issued to or issued in relation to a person and he is not that person named in the document or to which the document relates, shall be guilty of an offence.

(4) Any person who allows any other person to fraudulently use any of the documents mentioned in subsection (1)(a) which is issued to or issued in relation to a person and that other person is not the person named in that document or to which the document relates, shall be guilty of an offence.

(5) Any person guilty of an offence under this section 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.

Document obtained by fraud

62. The Director may cancel any certificate issued under this Act which is fraudulently obtained and the person to whom the certificate

has been issued shall, upon being notified by the Director of its cancellation, forthwith deliver it or cause it to be delivered to the Director.

Interfering with person in carrying out duty, etc.

63. 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 duty under this Act; 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 by this Act,

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

Misleading officer, refusal to answer questions, produce documents, etc.

64. Any person who —

- (a) misleads any other person on whom a duty, function or power is imposed on him 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 to produce documents in his possession or custody lawfully demanded of him;
- (c) refuses to give all reasonable assistance to any person who is carrying out any duty, function or power imposed on him under this Act; or
- (d) refuses to attend as a witness before the Director, an inspector, a surveyor of ships or a person duly authorised by the Director under section 58, or to furnish a sworn statement when required by the Director or an inspector,

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 12 months or to both.

Taking person performing duty to sea

65.—(1) If any person performing his duties or functions under this Act is taken to sea in a ship without his consent, the shipowner and the master shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$10,000.

(2) Upon the conviction of the shipowner and master for an offence under subsection (1), the shipowner and the master shall be jointly and severally liable to pay all expenses incidental to the person's return to duty.

Provision as to jurisdiction in case of offences

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

Jurisdiction in case of offences on board ship

67. Where any person is charged with having committed any offence on board any Singapore ship on the high seas or elsewhere outside Singapore 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 shall have jurisdiction to try the offence as if it had been so committed.

Jurisdiction of court

68. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

Composition of offences

69.—(1) The Director may, in his discretion, 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 the lower of the following sums:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) a sum of \$3,000.

(2) On payment of such sum of money, no further proceedings shall 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.

(4) All sums collected under this section shall be paid to the Consolidated Fund.

Sums ordered to be paid leviable by distress on ship

70. Where any court has power to make an order directing payment to be made of any seafarer's wages, fines or other sums of money, then, if the party so directed to pay the same is the shipowner employing the seafarer, 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.

Depositions to be received in evidence when witness cannot be produced

71.—(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 shall be admissible in evidence subject to the following provisions:

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

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

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

(4) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition, and in any criminal proceedings a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused having been present in the manner thereby certified.

(5) Nothing herein shall affect any case in which depositions taken in any 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

72. 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

73.—(1) The following documents shall be admissible in evidence:

- (a) any register under Part II of the Merchant Shipping Act (Cap. 179) on its production from the custody of the

Registrar of Singapore ships or other person having lawful custody thereof;

- (b) a certificate of registry under Part II of the Merchant Shipping Act purporting to be signed by the Registrar of Singapore ships;
- (c) any amendment to a certificate of registry purporting to be signed by the Registrar of Singapore ships;
- (d) every declaration made in pursuance of Part II of the Merchant Shipping Act in respect of a Singapore ship;
- (e) a declaration issued under section 50;
- (f) a certificate issued or purported to be issued in accordance with sections 27, 51 and 52.

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

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

Service of documents

74.—(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 his last known place of residence or place of business;
- (b) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by

leaving the document for him on board that ship with the person being or appearing to be in command or charge of the ship; and

- (c) if the document is to be served on the master of a ship, where there is no master, and the ship is in Singapore, on the 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 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(3) Any shipowner 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 to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

Mode of making declarations

75.—(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 body corporate by the director, manager, secretary or other officer, or any other agent of the body corporate authorised by the body corporate for that purpose.

Director may authorise person to exercise powers and duties

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

Protection from personal liability

77. No liability shall lie personally against the Director or any member, officer or employee of the Authority acting under the

direction of the Director or the Authority for anything done or omitted to be done with reasonable care and in good faith in the course of or in connection with —

- (a) the exercise or purported exercise of any power under this Act;
- (b) the performance or purported performance of any function or the discharge or purported discharge of any duty under this Act; or
- (c) the compliance or purported compliance with this Act.

Persons appointed or authorised under this Act deemed public servants

78. Every person appointed or authorised under this Act for any of the purposes of this Act, when acting in pursuance of any such purpose, shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

Powers of Authority to prescribe fees, recovery of fees and application of moneys

79.—(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 or other document or the doing of any other thing in pursuance of this Act.

(2) All fees prescribed under this Act shall be paid to the Authority.

(3) All fees due to or which may be recovered by the Authority under this Act shall, without prejudice to any other remedy, be recoverable in the same manner as salvage is recoverable.

(4) The Authority may, where it considers appropriate in a particular case, waive, refund or remit the whole or any part of any fee paid or payable to it.

(5) For the purposes of this section, “fees” includes —

- (a) the fees in respect of any certificate or document issued under this Act; and

(b) the fees in respect of services rendered to or in relation to a ship by the Director or a person authorised by the Director.

(6) All moneys recovered or received under this Act shall be paid to the Authority.

Exemption on application

80.—(1) The Director may, on the application of any person, exempt that person from complying with any requirement of this Act or any regulations made under this Act.

(2) An exemption under subsection (1) —

(a) shall not be inconsistent with Singapore's obligations under the Convention;

(b) may be granted subject to such terms or conditions as the Director considers appropriate;

(c) shall have effect for such period as the Director considers appropriate; and

(d) shall be in writing and sent by the Director to the person to whom the exemption is granted.

(3) The Director shall notify any applicant in writing of its decision under subsection (1) not to grant an exemption.

(4) An exemption under subsection (1) shall, unless previously revoked in accordance with the terms of such exemption or under subsection (5), continue in force for such period as may be specified in the exemption.

(5) The Director may, on the application of any person —

(a) extend the period for which an exemption granted under subsection (1) has effect;

(b) vary or revoke any existing term or condition specified in an exemption granted under subsection (1);

(c) revoke, whether wholly or partly, any exemption granted to a person under subsection (1); or

(d) impose additional terms or conditions in an exemption granted under subsection (1).

Amendment of Schedules

81.—(1) The Minister may, after consulting the Authority, by order published in the *Gazette*, add to or amend any of the Schedules.

(2) The Minister may, in any order made under subsection (1), make such saving or transitional provisions as may be necessary or expedient.

Regulations

82.—(1) The Authority may, with the approval of the Minister, make such regulations as may be necessary or expedient —

- (a) for carrying out the purposes and provisions of this Act and for the due administration thereof;
- (b) for prescribing anything which may be prescribed under this Act; and
- (c) for the purpose of giving effect to any provision of the Convention which has not been given effect to in this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made to —

- (a) prescribe the form of any document or certificate that may be required and to prescribe different forms for different circumstances;
- (b) make different provision for different descriptions of persons or ships or for persons or ships of the same description in different circumstances;
- (c) prescribe the standards of medical fitness and conditions to be satisfied by a seafarer;
- (d) prescribe the conditions to be complied with for recognition of medical practitioners qualified to assess the medical fitness of seafarers and for medical certification;
- (e) prescribe the contents of a medical fitness certificate;

- (f) provide for the recognition by the Director of foreign medical fitness certificates on such conditions as the Director may determine;
- (g) provide for the registration of provisions in a collective agreement or other agreement between a seafarer and shipowner setting out exceptions to hours of rest;
- (h) regulate the conditions under which a young seafarer may be employed in night work;
- (i) regulate the manner and method for calculating wages for normal hours of work and overtime;
- (j) prescribe the information relating to wages that is to be provided to a seafarer;
- (k) regulate the manner and method of payment and allotment of wages;
- (l) prescribe the requirements for the repatriation of seafarers;
- (m) provide for the recognition by the Director of foreign qualifications for qualified cooks on such conditions as the Director may determine;
- (n) prescribe the requirements for the training of catering staff and persons processing food in the galley;
- (o) regulate the issuance, cancellation, suspension and alteration of a certificate of proficiency as a ship's cook;
- (p) prescribe the costs of repatriation that may be recoverable by a seafarer from a shipowner;
- (q) prescribe the standards of training of seafarers in medical care and medical first-aid, and to regulate the issuance of certificates of proficiency in relation thereto;
- (r) prescribe the requirements for a medicine chest, medical equipment and medical guide to be carried on board a ship, and for their inspection and maintenance;
- (s) define the types of injury or sickness of a seafarer that a shipowner may be liable to bear the costs or provide financial security for;

- (t) prescribe the occupational safety and health programmes to be adopted on a ship, and to prescribe measures to prevent occupational accidents, injuries and diseases on board a ship;
- (u) prescribe the standards relating to occupational safety and health on board a ship, having regard to recognised international standards;
- (v) prescribe the requirements for the reporting of any occupational accident, injury or disease on board a ship;
- (w) provide for the implementation of safeguards and safety measures on board Singapore ships and the duties of the shipowner, master or seafarers in relation to the implementation of the safeguards and safety measures;
- (x) provide for the conduct of any risk assessment or safety and health arrangement on board Singapore ships and the duties of the shipowner, master or seafarers in relation to the conduct of the risk assessment or the safety and health arrangement; and
- (y) regulate the keeping of records of any inspection conducted by a master under section 41(2).

(3) The Authority may, in making any regulations under this section, provide that any contravention of any of the provisions of such regulations shall be an offence punishable with a fine not exceeding \$10,000.

Related amendments to Employment Act

83. Section 2(1) of the Employment Act (Cap. 91, 2009 Ed.) is amended —

- (a) by deleting the word “seaman” in paragraph (a) of the definition of “employee” and substituting the word “seafarer”;
- (b) by inserting, immediately after the definition of “salary”, the following definition:

““seafarer” means any person, including the master, who is employed or engaged or works in any capacity on board a ship, but does not include —

- (a) a pilot;
- (b) a port worker;
- (c) a person temporarily employed on the ship during the period it is in port; and
- (d) a person who is employed or engaged or works in any capacity on board a harbour craft or pleasure craft licensed under regulations made under section 41 of the Maritime and Port Authority of Singapore Act (Cap. 170A), when the harbour craft or pleasure craft is used within a port declared by the Minister under section 3 of that Act;”;

(c) by deleting the word “seaman” in paragraph (a) of the definition of “workman” and substituting the word “seafarer”.

Related amendments to Merchant Shipping Act

84.—(1) Section 2 of the Merchant Shipping Act (Cap. 179, 1996 Ed.) (referred to in this section as the principal Act) is amended —

(a) by inserting, immediately after the definition of “court” in subsection (1), the following definition:

““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;”;

(b) by inserting, immediately after the definition of “crew agreement” in subsection (1), the following definition:

““crew member” means a member of the crew;”;

(c) by deleting the definition of “port of return” in subsection (1) and substituting the following definition:

““port of return” means such port as is agreed upon by the crew member and his 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;”;

(d) by inserting, immediately after the definition of “sea” in subsection (1), the following definitions:

““seafarer” has the same meaning as in the Merchant Shipping (Maritime Labour Convention) Act 2014;

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

(e) by deleting the word “seaman” in subsection (3)(a) and (b) and substituting in each case the words “crew member”.

(2) Section 18(5) of the principal Act is amended by deleting paragraph (d) and substituting the following paragraph:

“(d) any outstanding claim of any crew member of the ship in respect of wages which has been notified to the Director.”.

(3) Section 20(1) of the principal Act is amended by deleting paragraph (d) and substituting the following paragraph:

“(d) any outstanding claim of any crew member of the ship in respect of wages which has been notified to the Director.”.

(4) Section 42(1) of the principal Act is amended by deleting paragraph (d) and substituting the following paragraph:

“(d) outstanding claim of any crew member of the ship in respect of wages which has been notified to the Director.”.

(5) Section 52 of the principal Act is amended —

(a) by inserting, immediately after subsection (1), the following subsection:

“(1A) 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 shall not apply to any ship to which the Merchant Shipping (Maritime Labour Convention) Act 2014 applies.”; and

(b) by deleting “71,” in subsection (3).

(6) Section 60 of the principal Act is amended —

(a) by deleting the word “seaman” wherever it appears in subsection (1) and substituting in each case the words “crew member”;

(b) by inserting, immediately after the words “this Act” in subsection (2), the words “or the Merchant Shipping (Maritime Labour Convention) Act 2014”; and

(c) by deleting the marginal note and inserting the following section heading:

“Restriction on attachment or assignment of and charge upon crew member’s wages”.

(7) Sections 61, 66 and 84 of the principal Act are amended by deleting the word “seaman” wherever it appears and substituting in each case the words “crew member”.

(8) Section 65 of the principal Act is amended —

(a) by deleting the word “seaman” wherever it appears and substituting in each case the words “crew member”; and

(b) by deleting the marginal note and inserting the following section heading:

“Compensation to crew member improperly discharged”.

(9) Section 67 of the principal Act is amended —

(a) by deleting the words “lien, his remedies” in subsection (1) and substituting the words “lien and a crew member’s remedies”; and

(b) by deleting the word “seaman” in subsection (2) and substituting the words “crew member”.

(10) Section 69 of the principal Act is amended —

(a) by deleting the word “seaman” wherever it appears and substituting in each case the words “crew member”; and

(b) by deleting the marginal note and inserting the following section heading:

“Powers of court in case of unreasonable delay in paying crew member’s wages”.

(11) Section 70 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(1) The Authority may, with the approval of the Minister, make regulations —

- (a) requiring such 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.

(1A) The owner and master of a ship shall 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.”; and

- (b) by deleting the word “seamen” in subsections (2), (3) and (4) and substituting in each case the words “crew members”.

(12) Section 71 of the principal Act is amended by deleting the word “seamen” wherever it appears in subsections (1) and (2) and substituting in each case the words “crew members”.

(13) Section 84 of the principal Act is amended by deleting the word “seaman” and substituting the words “crew member”.

(14) Section 87(1) of the principal Act is amended —

- (a) by deleting the word “seaman” in paragraphs (a) and (b) and substituting in each case the words “crew member”;
- (b) by deleting the words “seaman’s death” in paragraph (c) and substituting the words “crew member’s death”; and
- (c) by deleting the marginal note and inserting the following section heading:

“Custody, etc., of property of deceased crew members”.

(15) Section 88 of the principal Act is amended —

- (a) by deleting the word “seaman” wherever it appears in subsections (1) and (3)(d) and substituting in each case the words “crew member”;
- (b) by deleting the words “seaman’s next of kin in the crew agreement in which the seaman’s name” in subsection (3)(a) and substituting the words “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”;
- (c) by deleting the words “seaman’s estate” in subsection (3)(c) and substituting the words “crew member’s estate”; and
- (d) by deleting the marginal note and inserting the following section heading:

“Disposal of property of deceased crew members”.

(16) Section 100(2) of the principal Act is amended by inserting, immediately after the word “accommodation” in paragraph (b), the words “and recreational facilities”.

(17) Section 111 of the principal Act is amended —

- (a) by deleting the words “the master or seaman” and substituting the words “a crew member”;
- (b) by deleting the words “any master or seaman” and substituting the words “any crew member”; and
- (c) by deleting the marginal note and inserting the following section heading:

“Crew member may claim discharge if ship is unsafe”.

(18) Section 112(1) of the principal Act is amended by deleting the words “person employing the master and seamen and the master or

any seaman thereof” and substituting the words “person employing the crew members and any crew member thereof”.

(19) Section 115 of the principal Act is amended —

- (a) by deleting the words “the master of, or any seaman” in subsection (1) and substituting the words “any crew member”;
- (b) by deleting the words “master or seaman” in subsection (3)(b) and substituting the words “crew member”; and
- (c) by deleting the words “a master or seaman” in paragraph (a) of the definition of “duty” in subsection (7) and substituting the words “any crew member”.

(20) Section 183 of the principal Act is amended —

- (a) by deleting the words “master’s or seaman’s wages” and substituting the words “crew member’s wages”; and
- (b) by deleting the words “master or seaman” and substituting the words “crew member”.

(21) Section 203(2) of the principal Act is amended by deleting the word “seamen” and substituting the words “crew members”.

(22) Section 205(1) of the principal Act is amended by deleting the words “the crew and passengers of” in paragraph (d) and substituting the words “all persons on board”.

Related amendments to Work Injury Compensation Act

85.—(1) Section 2(1) of the Work Injury Compensation Act (Cap. 354, 2009 Ed.) is amended by deleting the words “meaning of the Merchant Shipping Act (Cap. 179) and includes the master of any such ship” in the definition of “seaman” and substituting the words “meanings of “crew” and “Singapore ship” in the Merchant Shipping Act (Cap. 179)”.

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- (2) Section 20 of the Work Injury Compensation Act is amended —
- (a) by inserting, immediately after the words “or any part thereof” in paragraph (d), the words “(other than the Merchant Shipping (Maritime Labour Convention) Act 2014)”; and
 - (b) by deleting the full-stop at the end of paragraph (d) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:
 - “(e) where a seaman has received payment under section 35 of the Merchant Shipping (Maritime Labour Convention) Act 2014 for the cost of medical treatment in respect of any injury within the meaning of this Act, the amount of compensation payable to the seaman under section 14(2) for the cost of medical treatment in respect of that injury shall be reduced by the amount so received;
 - (f) where a seaman has received payment under section 36 of the Merchant Shipping (Maritime Labour Convention) Act 2014 for loss of earnings in respect of any injury within the meaning of this Act, the amount of compensation payable to the seaman under section 14A for any temporary incapacity resulting from that injury shall be reduced by the amount so received.”.

Savings and transitional provisions

86.—(1) Any seaman’s discharge book or any certificate of discharge issued under regulations made under section 54 of the Merchant Shipping Act before the appointed day shall be deemed to be a seafarer’s discharge book or a certificate of discharge issued under regulations made under section 14(13) of this Act.

(2) Where a seaman is discharged before the appointed day from a ship to which this Act applies, the Merchant Shipping Act in force immediately before the appointed day shall continue to apply in respect of any unpaid wages due to such seaman under a crew agreement relating to the ship.

(3) Notwithstanding section 84(5) of this Act, section 59 of the Merchant Shipping Act in force immediately before the appointed day shall continue to apply in respect of any dispute arising from a ship to which this Act applies, that was submitted to the Director for decision under section 59 of the Merchant Shipping Act before the appointed day.

(4) Where an allotment note is issued before the appointed day in accordance with regulations made under section 62 of the Merchant Shipping Act, in respect of wages which a seaman will become entitled in the course of his employment on a ship to which this Act applies, the Merchant Shipping Act in force immediately before the appointed day shall continue to apply in relation to such allotment note, including its enforcement.

(5) Notwithstanding section 84(5) of this Act, section 72 of the Merchant Shipping Act in force immediately before the appointed day shall continue to apply in relation to any complaint that was made by a seaman under section 72 of the Merchant Shipping Act before the appointed day.

(6) A certificate issued by a registered pharmacist under regulation 10 of the Merchant Shipping (Medical Stores) Regulations (Cap. 179, Rg 3) in respect of a ship to which this Act applies, before the appointed day, shall be deemed to have been issued under the corresponding provision of the regulations relating to medical stores made under section 82(2)(r) of this Act, and the certificate shall remain valid until the date of expiry of the certificate or the date of the next inspection, whichever is the earlier.

(7) Notwithstanding section 84(5) of this Act, where a seaman suffers sickness or an injury before the appointed day, section 75 of the Merchant Shipping Act in force immediately before the appointed day shall continue to apply in relation to the liability for expenses and compensation relating to such sickness or injury.

(8) Sections 35 and 36 of this Act shall apply in relation to a sickness or injury occurring on or after the appointed day.

(9) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such provisions of a savings or transitional nature consequent on the enactment of that provision as he may consider necessary or expedient.

(10) In this section, “appointed day” means the date of commencement of this Act.

FIRST SCHEDULE

Sections 2(1) and 81

LIST OF OTHER WRITTEN LAW IMPLEMENTING REQUIREMENTS OF THE CONVENTION

1. Sections 47 to 51, 70 and 71 of the Merchant Shipping Act (Cap. 179).
2. Merchant Shipping (Training, Certification and Manning) Regulations (Cap. 179, Rg 1).
3. Merchant Shipping (Provisions and Water) Regulations (Cap. 179, Rg 24).
4. Merchant Shipping (Crew Accommodation) Regulations (Cap. 179, Rg 29).
5. Work Injury Compensation Act (Cap. 354).

SECOND SCHEDULE

Sections 14(5), 58(6) and 81

GENERAL AREAS SUBJECT TO DETAILED INSPECTION IN PORT

1. Minimum age.
2. Medical certification.
3. Qualifications of seafarers.
4. Seafarer’s employment agreements.
5. Use of any licensed or certified or regulated private recruitment and placement service.
6. Hours of work or rest.
7. Manning levels for the ship.
8. Accommodation.

SECOND SCHEDULE — *continued*

9. On-board recreational facilities.
 10. Food and catering.
 11. Health and safety and accident prevention.
 12. On-board medical care.
 13. On-board complaint procedures.
 14. Payment of wages.
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