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Notification No. B 196— The Merchant Shipping (Amendment) Ordinance is hereby published for general information. It was introduced in Parliament on 5th April 1963.

Merchant Shipping (Amendment) Ordinance

Bill No. 196/1963.

Read the first time on 5th April 1963.

A BILL

i n t i t u l e d

An Ordinance to amend the Merchant Shipping Ordinance (*Chapter 207 of the Revised Edition*).

Be it enacted by the Yang di-Pertuan Negara with the advice and consent of the Legislative Assembly of Singapore, as follows: —

Short title and commencement

1.—(1) This Ordinance may be cited as the Merchant Shipping (Amendment) Ordinance, 1963, and shall come into operation on such date as the Yang di-Pertuan Negara may by notification in the *Gazette* appoint.

(2) The Yang di-Pertuan Negara may appoint different days for the coming into operation of the different Parts or provisions of this Ordinance.

Amendment of section 3

2. Section 3 of the Merchant Shipping Ordinance (hereinafter in this Ordinance referred to as the “principal Ordinance”) is hereby amended —

(a) by inserting immediately after the definition of “deck passenger” appearing therein the following new definition: —

“ “Director” means the Director of Marine appointed under section 9 of this Ordinance and includes the Deputy Director of Marine appointed under the said section;”;

(b) by deleting the definition of “port” appearing therein and substituting therefor the following: —

“ “port” shall have the same meaning as in the Port of Singapore Authority Ordinance, 1963 (Ord. of 1963); ”;

(c) by deleting the definition of “Port Officer” appearing therein; and

(d) by deleting the definition of “Superintendent” appearing therein and substituting therefor the following: —

“ “Superintendent” means the Superintendent of the Mercantile Marine Office referred to in section 43A of this Ordinance and includes any Deputy Superintendent appointed under the said section, or, if the context so requires,

any Superintendent appointed under the Merchant Shipping Acts;”.

Repeal and re-enactment of section 9

3. Section 9 of the principal Ordinance is hereby repealed and the following substituted therefor: —

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“Appointment of Director of Marine

9.—(1) The Yang di-Pertuan Negara may appoint a Director of Marine and a Deputy Director of Marine.

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

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New section 43A

4. The principal Ordinance is hereby amended by inserting immediately after section 43 thereof the following new section: —

“Mercantile Marine Office

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43A.—(1) The Minister may appoint a place, to be called “the Mercantile Marine Office”, and such other places as he may think fit to be called “Mercantile Marine Sub-Offices”, at all of which places shall be conducted any business connected with the engagement and discharge in Singapore of seamen on board British ships and any foreign ships whose flag is not represented by a consular officer resident in Singapore.

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

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

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(4) Where the Superintendent requires a seaman to produce a certificate of discharge from his last ship, such seaman shall not be engaged until he has produced such certificate or until he has

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given a satisfactory explanation to the Superintendent of the cause of such non-production.”.

Amendment of section 44

5 **5.** Section 44 of the principal Ordinance is hereby amended —

- (a) by deleting subsections (2) and (3) thereof; and
- (b) by renumbering the existing subsection (4) thereof as subsection (2).

Amendment of section 50

10 **6.** Section 50 of the principal Ordinance is hereby amended —

- 10 (a) by deleting the words “a Port Officer in the Colony” appearing in the fourth and fifth lines of subsection (1) thereof and substituting therefor the words “the Superintendent”;
- 15 (b) by deleting the words “Port Officer” appearing in the first line of subsection (2) thereof and substituting therefor the word “Superintendent”; and
- (c) by deleting the words “at the Port Office” appearing in the fourth line of subsection (2) thereof and substituting therefor the words “at the office of the Director”.

Amendment of section 98

20 **7.** Section 98 of the principal Ordinance is hereby amended —

- 25 (a) by deleting the words “Port Officer” appearing in the second line of subsection (1) thereof and substituting therefor the word “Superintendent”;
- (b) by deleting the words “Port Officer whether in that capacity” appearing in the third line of subsection (2) thereof and substituting therefor the expression “Director, whether in the capacity of Superintendent”; and
- 30 (c) by deleting the expression “Port Officer, whether in that capacity” appearing in the eighth line of subsection (3)

thereof and substituting therefor the expression “Director, whether in the capacity of Superintendent”.

Amendment of section 109

8. Section 109 of the principal Ordinance is hereby amended by deleting the words “of a tonnage exceeding twenty-five tons” appearing in the first and second lines thereof.

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Amendment of section 111

9. Section 111 of the principal Ordinance is hereby amended —

(a) by deleting the words “Port Officer of the port where the ship is lying” appearing in the fourth line of subsection (2) thereof and substituting therefor the word “Superintendent”; and

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(b) by deleting the words “Port Officer” appearing in the second line of subsection (3) thereof and substituting therefor the word “Superintendent”.

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Amendment of section 117

10. Subsection (1) of section 117 of the principal Ordinance is hereby deleted and the following substituted therefor: —

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

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Repeal of section 120

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11. Section 120 of the principal Ordinance is hereby repealed.

Amendment of section 151

12. Section 151 of the principal Ordinance is hereby amended —

(a) by deleting the words “Port Officers” appearing in the marginal note thereto and in the heading immediately

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above and substituting therefor the words “the Superintendent”;

(b) by deleting the words “Port Officers in the discharge of their” appearing in the first line thereof and substituting therefor the words “The Superintendent in the discharge of his”; and

(c) by deleting the word “them” appearing in the fifth line of paragraph (c) thereof and substituting therefor the word “him”.

Amendment of section 152

13. Section 152 of the principal Ordinance is hereby amended —

(a) by deleting the words “Port Officers” appearing in the third and fourth lines of subsection (1) thereof and substituting therefor the words “the Superintendent”; and

(b) by deleting the expression “Port Offices, and all Port Officers, their” appearing in the second and third lines of subsection (2) thereof and substituting therefor the expression “Mercantile Marine Office and all Mercantile Marine Sub-Offices, and the Superintendent, his”.

Amendment of section 153

14. Section 153 of the principal Ordinance is hereby amended by deleting the expression “a Port Office or before a Port Officer, shall pay to the Port Officer” appearing in the second and third lines thereof and substituting therefor the words “the Mercantile Marine Office, a Mercantile Marine Sub-Office or before the Superintendent, shall pay to the Superintendent”.

Amendment of section 154

15. Section 154 of the principal Ordinance is hereby amended —

(a) by deleting the words “Port Officer” appearing in the marginal note thereto and substituting therefor the expression “Superintendent, etc.”;

- (b) by deleting the expression “Any Port Officer, Deputy Port Officer” appearing in the first line thereof and substituting therefor the expression “The Superintendent, any Deputy Superintendent”; and
- (c) by deleting the words “any Port Office” appearing in the third line thereof and substituting therefor the words “the Mercantile Marine Office or any Mercantile Marine Sub-Office”.

Amendment of section 161

16. Subsection (1) of section 161 of the principal Ordinance is hereby deleted and the following substituted therefor: —

“(1) The Minister shall transmit the passenger steamer’s certificate in duplicate to the Director.”.

Amendment of section 189

17. Section 189 of the principal Ordinance is hereby amended —

- (a) by deleting the words “and discharge” appearing in the marginal note thereto;
- (b) by deleting subsection (1) thereof and substituting therefor the following: —

“(1) The Director shall, having regard to the provisions of this Part, send any particulars which he deems important respecting any steamer carrying passengers which arrives in Singapore, to the appropriate officer at the port or place from which such steamer commenced her voyage.”; and

- (c) by deleting the words “Port Officer” appearing in the first line of subsection (2) thereof and substituting therefor the word “Director”.

Amendment of section 220

18. Subsection (1) of section 220 of the principal Ordinance is hereby amended by deleting the words “Port Officer” appearing in the

twelfth line thereof and substituting therefor the words “appropriate officer”.

Amendment of section 256

19. Section 256 of the principal Ordinance is hereby amended —

5 (a) by deleting the words “and discharge” appearing in the marginal note thereto;

(b) by deleting subsection (1) thereof and substituting therefor the following: —

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

15 (c) by deleting the words “Port Officer” appearing in the first line of subsection (2) thereof and substituting therefor the word “Director”.

Amendment of section 261

20. Section 261 of the principal Ordinance is hereby amended —

20 (a) by deleting the expression “, or with rules made under section 262 of this Ordinance” appearing in the sixth and seventh lines of subsection (1) thereof; and

25 (b) by deleting the words “Port Officer at any port at which the vessel seeks to obtain a clearance” appearing in the second and third lines of subsection (3) thereof and substituting therefor the word “Director”.

Amendment of section 263

30 21. Section 263 of the principal Ordinance is hereby amended by deleting the expression “such regulation not being inconsistent with any rule made under section 262,” appearing in the third and fourth lines thereof.

Amendment of section 266

22. Section 266 of the principal Ordinance is hereby amended —

- (a) by deleting the words “Port Officer” appearing in the marginal note thereto and substituting therefor the word “Director”; and
- (b) by deleting the expression “Port Officer, if she is in any port, or otherwise to the Master Attendant” appearing in the eighth and ninth lines of subsection (1) thereof and substituting therefor the word “Director”.

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Amendment of section 271

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23. Subsection (3) of section 271 of the principal Ordinance is hereby amended by deleting the words “Port Officer of any port at which the ship seeks to obtain a clearance” appearing in the second and third lines thereof and substituting therefor the word “Director”.

Amendment of section 274

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24. Section 274 of the principal Ordinance is hereby amended —

- (a) by deleting the words “nearest Port Officer” appearing in the third and fourth lines of subsection (1) thereof and substituting therefor the word “Director”; and
- (b) by deleting the words “nearest Port Officer” appearing in the fourth line of subsection (4) thereof and substituting therefor the word “Director”.

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Amendment of section 291

25. Section 291 of the principal Ordinance is hereby amended —

- (a) by deleting the words “Port Officer” appearing in the marginal note thereto and substituting therefor the word “Director”;
- (b) by deleting the words “Port Officer” appearing in the second line thereof and substituting therefor the word “Director” and

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- (c) by inserting immediately after the word “port” appearing in the third line thereof the words “or place”.

Amendment of section 297

5 **26.** Subsection (2) of section 297 of the principal Ordinance is hereby amended —

- (a) by deleting the colon appearing at the end thereof and substituting therefor a full-stop; and
- (b) by deleting the proviso thereto.

Amendment of section 308

10 **27.** Subsection (4) of section 308 of the principal Ordinance is hereby amended by deleting the words “Port Officer of the port where the ship was detained” appearing in the third line thereof and substituting therefor the word “Director”.

Amendment of section 314

15 **28.** Subsection (1) of section 314 of the principal Ordinance is hereby deleted and the following substituted therefor: —

“(1) Where a shipping casualty has occurred, a preliminary inquiry may be held, respecting the casualty, by the Director or any person appointed by him for the purpose.”.

Amendment of section 315

20 **29.** Section 315 of the principal Ordinance is hereby amended —

- (a) by deleting the expression “of whom one shall, if possible, be the Port Officer, or a Commissioned Officer of Her Majesty’s Navy” appearing in the third, fourth and fifth lines of subsection (2) thereof;
- 25 (b) by deleting the words “Port Officer” appearing in the first line of subsection (3) thereof and substituting therefor the word “Director”; and
- (c) by deleting subsection (11) thereof and substituting therefor
- 30 the following: —

“(11) Formal investigations into shipping casualties under this section shall be held in some suitable place to be appointed by the Minister.”.

Amendment of section 353

30. Subsection (2) of section 353 of the principal Ordinance is hereby amended by deleting the words “any Port Office within the district” appearing in the third and fourth lines thereof and substituting therefor the words “the office of the Director”.

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Amendment of section 356

31. Section 356 of the principal Ordinance is hereby amended by deleting the words “in any Port Office within the district where the wreck was found or was seized by him” appearing in the second, third and fourth lines thereof and substituting therefor the words “at the office of the Director”.

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Amendment of section 361

32. Subsection (1) of section 361 of the principal Ordinance is hereby amended by deleting the first four lines thereof and substituting therefor the following: —

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“(1) Where any vessel is sunk, stranded or abandoned within the territorial waters of the State of Singapore but outside the limits of any port or of the Admiralty Waters within the meaning of the Admiralty Waters Ordinance (Cap. 72), in such manner as, in the opinion of the receiver, to be or likely to become an obstruction or danger to navigation, that receiver may —”.

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New heading to Part XI

33. Part XI of the principal Ordinance is hereby amended by deleting the headings “PORTS AND PORT OFFICERS.” and “PORT RULES.” appearing at the commencement thereof and substituting therefor the heading “CONTROL OF SHIPPING.”.

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Amendment of section 418

34. Section 418 of the principal Ordinance is hereby amended by inserting immediately after the word “foreign” appearing in the

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second line thereof the words “while such vessels are within the territorial waters of the State of Singapore”.

Amendment of section 420

35. Section 420 of the principal Ordinance is hereby amended —

5 (a) by deleting the words “Port Officer” appearing in the marginal note thereto and substituting therefor the word “Director”; and

10 (b) by deleting the words “The Port Officer may” appearing in the first and second lines thereof and substituting therefor the expression “The Director may, outside the limits of any port or of the Admiralty Waters within the meaning of the Admiralty Waters Ordinance (Cap. 72),”.

Amendment of section 421

36. Section 421 of the principal Ordinance is hereby amended —

15 (a) by deleting the words “Port Officer” appearing in the marginal note thereto and substituting therefor the word “Director”;

20 (b) by deleting the words “Port Officer” appearing in the second line of subsection (1) thereof and substituting therefor the word “Director”; and

25 (c) by deleting the expression “or of any failure to comply with any rule made under section 419, the Port Officer” appearing in the first, second and third lines of subsection (2) thereof and substituting therefor the expression “, the Director”.

Amendment of section 423

37. Section 423 of the principal Ordinance is hereby amended —

(a) by renumbering the existing section as subsection (1);

30 (b) by deleting the words “Port Office” appearing in the second line of paragraph (a) of subsection (1) thereof and substituting therefor the words “office of the Director”;

- (c) by deleting the words “Port Officer” appearing in the third line of paragraph (c) of subsection (1) thereof and substituting therefor the word “Superintendent”; and
- (d) by inserting immediately after subsection (1) thereof the following new subsection: —

“(2) The master of any vessel who fails to comply with any of the provisions of subsection (1) of this section shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding one hundred dollars.”.

Amendment of section 427

38. Subsection (1) of section 427 of the principal Ordinance is hereby deleted and the following substituted therefor: —

“(1) No ship, other than a ship referred to in subsection (2) of this section, shall leave any port or place in Singapore without the master obtaining a port clearance from the Director.”.

Repeal and re-enactment of section 442A

39. Section 442A of the principal Ordinance is hereby repealed and the following substituted therefor: —

“Discharging oil, etc. into territorial waters

442A. No person shall discharge any oil, oily substance or oily liquid into the territorial waters of the State of Singapore without the written permission of the Director or appropriate statutory body or without lawful excuse, and any person who so discharges the same or causes the same to be so discharged and the master of any vessel from which the same is discharged shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding five hundred dollars in addition to any expenses which are incurred in removing the same.”.

Amendment of section 445

5 **40.** Subsection (2) of section 445 of the principal Ordinance is hereby amended by deleting the words “Master Attendant” appearing in the fourth line thereof and substituting therefor the expression “Seafarers’ Welfare Board constituted under the Seafarers’ Welfare Board Ordinance, 1956 (Ord. 34 of 1956)”.

Amendment of section 465

41. Section 465 of the principal Ordinance is hereby amended —

10 (a) by deleting the words “Port Officer” appearing in the marginal note thereto and substituting therefor the word “Director”; and

(b) by deleting the words “Any Port Officer or” appearing in the first line of subsection (1) thereof and substituting therefor the words “The Director or any”.

Repeal and re-enactment of section 475

15 **42.** Section 475 of the principal Ordinance is hereby repealed and the following substituted therefor: —

“Persons appointed or authorised under this Ordinance to be deemed public servants

20 **475.** Every person appointed or authorised under this Ordinance for any of the purposes of this Ordinance, when acting in pursuance of any such purpose, shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 119).”.

Amendment of section 490

25 **43.** Subsection (2) of section 490 of the principal Ordinance is hereby amended —

(a) by deleting the expression “39 (3)” appearing in the second line thereof;

30 (b) by deleting the expressions “262,” and “419,” appearing in the third line thereof; and

(c) by deleting the expression “445 (9)” appearing in the fourth line thereof.

Amendment of section 498

44. Subsection (1) of section 498 of the principal Ordinance is hereby amended by deleting the expression “Any Port Officer,” appearing in the first line thereof and substituting therefor the expression “The Director, any”.

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Miscellaneous amendments

45. The sections of the principal Ordinance set out in the First Schedule to this Ordinance are hereby amended by deleting the words “Master Attendant” wherever they appear therein and substituting therefor the word “Director”.

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Miscellaneous amendments

46. The sections of the principal Ordinance set out in the Second Schedule to this Ordinance are hereby amended by deleting the words “Port Officer”, “A Port Officer”, “a Port Officer”, “Each Port Officer”, “any Port Officer”, “such Port Officer” or “any such Port Officer”, as the case may be, wherever they appear therein or in the marginal notes thereto and substituting therefor the word or words “Director”, “The Director” or “the Director”, as the context requires.

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Miscellaneous amendments

47. The sections of the principal Ordinance set out in the Third Schedule to this Ordinance are hereby amended by deleting the words “Port Officer”, “A Port Officer”, “a Port Officer”, “nearest Port Officer” or “any Port Officer”, as the case may be, wherever they appear therein or in the marginal notes thereto and substituting therefor the word or words “Superintendent”, “The Superintendent” or “the Superintendent”, as the context requires.

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Repeal

48. The sections of the principal Ordinance set out in the Fourth Schedule to this Ordinance are hereby repealed.

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New section 503

49. The principal Ordinance is hereby amended by inserting immediately after section 502 thereof the following new section: —

5 **“References to Port Officer or Master Attendant to be construed as references to Director of Marine, references to Port Office as office of Director**

10 **503.** Save as provided by any notification published in the *Gazette* under the provisions of paragraph (c) of subsection 6 of section 128 of the Port of Singapore Authority Ordinance, 1963 (Ord. of 1963), in any written law and in any document whatsoever, unless the context otherwise requires, any reference to the Port Officer or Master Attendant shall be construed as a reference to the Director of Marine, and any reference to the Port Office shall be construed as a reference to the office of the
15 Director.”.

Amendment of Schedule B

50. Schedule *B* to the principal Ordinance is hereby amended by deleting the words “under one hundred tons” appearing in the seventh item thereof.

FIRST SCHEDULE

20 Sections 5(2); 26A (2); and 267 (and marginal note).

SECOND SCHEDULE

25 Sections 116(1); 155 (2); 164 (3); 174 (3) and (5); 175; 176; 177 (2); 180 (1) and (2); 183 (3); 192; 193; 194 (1); 199 (2); 201 (1); 202; 207 (3); 208 (1); 209 (1); 210 (1); 233 (2); 234 (1); 238 (2); 246 (1), (2), (4) and (5); 279 (1) and (2); 287 (2); 300 (4); 307 (2); 428 (1); 429 (2) and (3); 430; 431; 432 (1); 448 (2); 452 (1), (2), (3), (4), (5), (6), (7), (9) and (11); 454 (1) and (2); 456 (1) and (2); 458 (1) and (2); 459; 461; 467; 472; 483 (1); 494 (1); and 499.

THIRD SCHEDULE

30 Sections 13(f); 29 (1); 30 (1); 32 (3); 33 (1); 36 (1); 37 (2); 46; 47; 48 (1); 49 (1), (2) and (3); 59 (1); 61 (1) and (2); 63 (1), (3), (4) and (7); 64 (1); 65 (2); 68; 70 (1), (3), (4) and (5); 71 (1) and (2); 72 (1); 75 (5); 76 (2); 96; 99; 100 (1); 101 (1)—second

THIRD SCHEDULE — *continued*

line only and (2); 102 (1), (3), (4), (5), (6), (7), (8) and (9); 103; 107 (1) and (4); 112 (1) and (2); 124 (1); 127 (3) and (4); 139 (1); 149 (1); 150 (1) and (2); 289 (2); and 481.

FOURTH SCHEDULE

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Sections 6; 7; 8; 363; 424; 425; 426; 433; 434; 435; 436; 437; 438; 439; 440; 441; 442; 443; 444; 444A; 446; 447; 449; 450; 451; and 469.

 EXPLANATORY STATEMENT

This Bill seeks to make amendments to the Merchant Shipping Ordinance (Cap. 207), the majority of which are consequential to the Port of Singapore Authority Bill, 1963; the latter Bill; *inter alia*, proposes the transfer of certain functions relating to the control of shipping within the Port of Singapore from the Master Attendant, as Port Officer, to the Port of Singapore Authority. The opportunity has also been taken to introduce a number of new provisions necessitated by changed conditions.

This Bill re-styles the Master Attendant as the Director of Marine in conformity with the present practice in the Federation of Malaya, North Borneo, Sarawak and Hong Kong. Provision is also made for the appointment of a Deputy Director of Marine.

This Bill provides that “port” shall have the same meaning as in the Port of Singapore Authority Ordinance, 1963, when passed, and the limits of the port are henceforward to be declared under that Ordinance and not under the Merchant Shipping Ordinance as at present.

In conformity with the practice prevailing in the principal ports of the Commonwealth, it is proposed that the name “Mercantile Marine Office” (instead of the “Port Office” as at present) be used for the place where is conducted all the business connected with the engagement and discharge in Singapore of seamen on board British ships as well as on foreign ships whose flag is not represented by a consular officer resident in Singapore. The Mercantile Marine Office and any Mercantile Marine Sub-Offices that are established will be administered by the Director of Marine (and not the Port Officer) who, in this capacity, is to be known as the Superintendent.

This Bill abolishes the office of Port Officer whose functions are to be divided between the Port Master to be appointed under the Port of Singapore Authority Ordinance, 1963, and the Director of Marine.

The provisions relating to the medical examination of seamen prior to their engagement have been repealed. Shipping companies ordinarily require seamen to be medically examined before their first engagement. A further medical examination on every re-engagement, which could be at intervals of six months or less and which could be restrictive on both seaman and employer, would not, therefore, be required upon repeal of those provisions.

This Bill seeks to extend the provisions relating to the prescribing by the Minister of scales of medicines and medical appliances to all British ships commencing voyages from Singapore and not merely to such ships of more than twenty-five tons.

Under the Bill, complaints by seamen or apprentices arising on board ship are to be made to the Superintendent and not to the Port Officer or to a Magistrate's Court as at present.

Another provision in the Bill (clause 11) repeals the provisions relating to the Seamen's Lodging Houses Licensing Authority as it is intended that all seamen's lodging houses should be governed by the Hotels Ordinance, 1954 (Ord. 24 of 1954). Seamen's lodging houses are at present exempted from the provisions of the said Ordinance and the Hotels (Amendment) Bill, 1963, provides for the removal of this exemption.

The Bill also makes it clear that the provisions of Part XI of the Merchant Shipping Ordinance relating to the control of shipping are applicable to all ships within the territorial waters of Singapore.

Under the Bill it is the Seafarers' Welfare Board and not the Master Attendant as at present who will grant exemptions and receive the prescribed fees in respect of vessels handling cargo on Sunday.

This Bill removes the requirement that a Court of Investigation into any shipping casualty shall, if possible, have as one of the assessors the Port Officer or a Commissioned Officer of Her Majesty's Navy.

Schedule B of the Merchant Shipping Ordinance (Cap. 207) is amended to bring it in line with section 20 of the Ordinance.

The other amendments to the Bill are consequential to the Port of Singapore Authority Bill, 1963, or seek to remove any conflict or avoid duplication with that Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.