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TRANSPORT SAFETY INVESTIGATIONS ACT 2018

TRANSPORT SAFETY INVESTIGATIONS (MARINE OCCURRENCES) REGULATIONS 2023

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In exercise of the powers conferred by section 49 of the Transport Safety Investigations Act 2018, the Minister for Transport makes the following Regulations:

PART 1**PRELIMINARY****Citation and commencement**

1. These Regulations are the Transport Safety Investigations (Marine Occurrences) Regulations 2023 and come into operation on 1 January 2024.

General definitions

2.—(1) In these Regulations —

“agent” means any person engaged on behalf of the owner, charterer or operator of a ship, or the owner of the cargo on board a ship, in providing shipping services, including

managing arrangements for the ship being the subject of a marine safety investigation;

“appropriate foreign authority” includes an investigation authority designated by a region of States (not including Singapore) as responsible for transport safety investigations which correspond to investigations that must be carried out by the TSIB into marine accidents, and to the functions of the TSIB, under the Act;

“cause”, as a noun in relation to any marine occurrence, means any action, omission, event, condition, or a combination thereof, without which —

- (a) the marine occurrence would not have occurred;
- (b) the adverse consequences associated with the marine occurrence would probably not have occurred or have been as serious; or
- (c) there would not have been the occurrence of another action, omission, event or condition that is associated with an outcome described in paragraph (a) or (b);

“coastal State” means a State in whose territory (which includes its territorial sea) a marine casualty or marine incident happens;

“exclusive economic zone”, of a State, means —

- (a) the exclusive economic zone of that State established in accordance with international law as an area within which the State may exercise sovereign rights or jurisdiction with regards to the sea, the seabed, the subsoil and the natural resources; or
- (b) if a State has not established such a zone, the area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

“fatal ship-related injury” has the meaning given by regulation 4(3);

“flag State” means the State whose flag a ship is entitled to fly;

“IMO” means the International Maritime Organization;

“interested party” means a person who is determined by the marine safety investigating State to have significant interests, rights or legitimate expectations with respect to the outcome of a marine safety investigation;

“marine casualty” has the meaning given by regulation 4(1);

“marine incident” has the meaning given by regulation 4(5);

“marine safety investigating State”, for a marine casualty or marine incident, means —

- (a) the flag State of any ship involved in the marine casualty or marine incident; or
- (b) the State or States taking responsibility for the conduct of the marine safety investigation into the marine casualty or marine incident as mutually agreed between them;

“marine safety investigation” means —

- (a) an investigation under the Act into a marine casualty or marine incident; or
- (b) a transport safety investigation by an appropriate foreign authority into a marine casualty or marine incident with a view to preventing similar occurrences in the future rather than to ascribe blame to any person, comprising —
 - (i) the collection of, and analysis of, evidence;
 - (ii) the identification of the cause or causes of the marine casualty or marine incident; and
 - (iii) the making of safety recommendations as necessary;

“pilot”, in relation to a ship, means an individual who does not belong to, but has the conduct of, the ship;

“safety recommendation” means a proposal that is —

(a) made —

(i) under regulation 23 by the Director in relation to an investigation under the Act; or

(ii) where Singapore is not the marine safety investigating State — by an appropriate foreign authority of the marine safety investigating State conducting the marine safety investigation;

(b) made for the purpose of preventing marine occurrences; and

(c) not made for the purpose of creating a presumption of blame or liability for any marine occurrence,

being a proposal based on information derived from the investigation or from other information (such as safety studies);

“section 12(1) report” means a report about a marine occurrence that is an immediately reportable matter required by section 12(1) of the Act to be reported, and includes a notification given by any appropriate foreign authority of a Substantially Interested State to the Director in relation to such a marine occurrence;

“section 12(2) report” means a report about a marine occurrence that is an ordinary reportable matter required by section 12(2) of the Act to be reported, and includes a notification given by any appropriate foreign authority of a Substantially Interested State to the Director in relation to such a marine occurrence;

“serious ship-related injury” has the meaning given by regulation 4(4);

“severe damage to the environment” means damage or harm to the marine environment or the coastline of one or more countries (including the environment of their waters and

territories recognised under international law) that requires emergency action or other immediate response;

“Substantially Interested State”, in relation to a marine casualty or marine incident, means any State that is —

- (a) the flag State of a ship that is involved in the marine casualty or marine incident;
- (b) the coastal State where the marine casualty or marine incident took place;
- (c) a State that suffered severe damage or significant damage to its environment as a result of the marine casualty or marine incident;
- (d) a State where serious harm was caused, or threatened to be caused, to the State or to artificial islands, installations or structures over which the State is entitled to exercise jurisdiction, as a consequence of the marine casualty or marine incident;
- (e) a State with at least one citizen that suffered a fatal ship-related injury or serious ship-related injury as a direct result of the marine casualty or marine incident;
- (f) a State that is in possession of information that a marine safety investigating State considers useful to the marine safety investigation; or
- (g) a State that establishes an interest that is considered significant by the marine safety investigating State for a reason other than the reasons described in paragraphs (a) to (f);

“territorial sea” means the territorial sea as defined by section 2 of Part II of the United Nations Convention on the Law of the Sea;

“United Nations Convention on the Law of the Sea” means the United Nations Convention on the Law of the Sea done at Montego Bay and adopted on 10 December 1982 by the Third United Nations Conference on the Law of the Sea;

“very serious marine casualty” has the meaning given by regulation 7(2);

“vessel traffic service provider” means the person charged by or under written law with —

- (a) regulating and controlling navigation within the limits of the port and the approaches to the port; or
- (b) disseminating navigational information.

(2) In these Regulations —

- (a) references to the territory of Singapore include references to the territorial sea and exclusive economic zone of Singapore; and
- (b) references to the territory of any other country include references to the territorial sea and exclusive economic zone of that country.

(3) For the purposes of these Regulations, “serious injury” means —

- (a) any fracture other than to a finger, thumb or toe;
- (b) any loss of a limb or part of a limb;
- (c) dislocation of the shoulder, hip, knee or spine;
- (d) loss of sight, whether temporary or permanent;
- (e) penetrating injury to the eye;
- (f) loss of hearing in any one ear, whether temporary or permanent;
- (g) any other injury —
 - (i) leading to hypothermia or unconsciousness; or
 - (ii) requires resuscitation; or
- (h) any other injury which reduces the individual’s ability for any period to engage in any employment, trade or vocation in which the individual was ordinarily engaged at the time of the injury, being a period that —

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- (i) starts no later than the 7th day after the date the individual sustained the injury; and
 - (ii) lasts for more than 72 hours after starting.

Meaning of “accident” associated with operation of ship

3. An accident associated with the operation of a ship is an accident for the purposes of the definition of “accident” in section 2 of the Act, if it involves circumstances that make it —

- (a) a marine casualty; or
- (b) a marine incident.

Meaning of “marine casualty” and associated definitions

4.—(1) In these Regulations, “marine casualty” means a marine occurrence or other occurrence associated with the operation of a ship where any of the following happens directly as a result of that occurrence:

- (a) an individual suffers a fatal ship-related injury;
- (b) an individual suffers a serious ship-related injury;
- (c) the loss of an individual from the ship;
- (d) the ship is lost, or presumed lost or abandoned;
- (e) the ship sustains material damage;
- (f) the stranding or disabling of the ship, or the involvement of the ship in a collision;
- (g) material damage to marine infrastructure external to the ship that could seriously endanger the safety of the ship, another ship or an individual;
- (h) severe damage to the environment, or the potential for severe damage to the environment, as a result of damage of the ship.

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- (2) For the purposes of paragraph (1), “material damage” —
- (a) for a ship, means damage —
 - (i) that —
 - (A) significantly affects the structural integrity, performance or operational characteristics of the ship; and
 - (B) requires major repair to or the replacement of at least one major component of the ship; or
 - (ii) that involves the total destruction of the ship; or
 - (b) for a marine infrastructure, means damage —
 - (i) that —
 - (A) significantly affects the structural integrity, performance or operational characteristics of the marine infrastructure; and
 - (B) requires major repair to or the replacement of at least one major component of the marine infrastructure; or
 - (ii) that involves the total destruction of the marine infrastructure.
- (3) For the purposes of paragraph (1), an individual suffers a fatal ship-related injury in relation to the operation of a ship if —
- (a) he or she suffers an injury as a result of —
 - (i) activities associated with the ship during its operation; or
 - (ii) direct contact during the operation of the ship with any part of the ship, including parts which have become detached from the ship;
 - (b) he or she dies as a result of the injury within 30 days after sustaining the injury; and
 - (c) none of the following applies:
 - (i) the injury results from natural causes;

- (ii) the injury is intentionally self-inflicted;
- (iii) the injury is intentionally caused by another person.

(4) For the purposes of paragraph (1), an individual suffers a serious ship-related injury in relation to the operation of a ship if —

- (a) he or she suffers an injury as a result of —
 - (i) activities associated with the ship during its operation; or
 - (ii) direct contact during the operation of the ship with any part of the ship, including parts which have become detached from the ship;
- (b) the injury results in the individual's total or partial inability to function normally, which —
 - (i) starts no later than the 7th day after the date the individual sustained the injury; and
 - (ii) lasts for more than 72 hours after starting;
- (c) the injury is a serious injury; and
- (d) none of the following applies:
 - (i) the injury results from natural causes;
 - (ii) the injury is intentionally self-inflicted;
 - (iii) the injury is intentionally caused by another person.

(5) In these Regulations, “marine incident” means a marine occurrence or other occurrence associated with the operation of a ship that —

- (a) is not a marine casualty; but
- (b) endangered, or would endanger if not corrected, the safety of the ship, its occupants or any other individual or the environment.

(6) However, despite paragraphs (1) and (5), any act or omission, any series of acts or omissions, or both, with the intention to cause harm to the safety of a ship, an individual or the environment, must be

disregarded for the purposes of the definitions of “marine casualty” and “marine incident”.

International agreements

5.—(1) The following international agreements are identified for the purposes of section 10(1) of the Act:

- (a) the following provisions of the International Convention for the Safety of Life at Sea, done at London on 1 November 1974, and any amendment to those provisions which has come into force and is accepted by the Government:
 - (i) Regulation 21 of Chapter I of the Annex to the Convention;
 - (ii) Regulation 6 of Chapter XI-1 of the Annex to the Convention;
- (b) Article 23 of the International Convention on Load Lines, done at London on 5 April 1966, as modified by the Protocol of 1988 relating to it;
- (c) Article 94(7) of the United Nations Convention on the Law of the Sea;
- (d) Articles 8 and 12 of the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2 November 1973, as modified and added to by the Protocol of 1978 relating to that Convention, which constitutes attachment 2 to the final act of the International Conference on Tanker Safety and Pollution Prevention signed in London on 17 February 1978.

(2) The following are identified for the purposes of section 10(2) of the Act:

- (a) Part III of the Code of the International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident, adopted by

resolution MSC.255(84) of the Maritime Safety Committee of the Assembly of the IMO on 16 May 2008, and any amendment thereto which has come into force and is accepted by the Government;

- (b) Guidelines to assist investigators in the implementation of the Casualty Investigation Code (resolution MSC.255(84)), adopted on 4 December 2013.

PART 2

REPORTING OF MARINE OCCURRENCES

Meaning of “responsible person”

6.—(1) For the purposes of paragraph (b)(iii) of the definition of “responsible person” in section 2 of the Act, each of the following persons is a responsible person in relation to a reportable matter that is a marine occurrence:

- (a) for a marine occurrence happening within or adjacent to any inland waters of Singapore — the public authority whose function under any Act is to maintain, or regulate activities in and around, those inland waters;
- (b) for a marine occurrence happening on or adjacent to a port in Singapore and not within or adjacent to any inland waters of Singapore —
- (i) a vessel traffic service provider;
 - (ii) for a marine occurrence happening on or adjacent to premises principally used as a jetty or marina —
 - (A) the person managing, maintaining or otherwise exercising control over the operation of, the jetty or marina; or
 - (B) if the passenger terminal is a cruise terminal, the holder of a cruise terminal licence under the Singapore Tourism Board Act 1963 authorising the provision of cruise port services and facilities at the cruise terminal; or

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- (iii) for a marine occurrence happening on or adjacent to premises principally used as a cargo terminal, a hazardous and noxious substances handling facility, an oil handling facility or a shipyard — the person managing, maintaining or otherwise exercising control over the operation of, the cargo terminal, hazardous and noxious substances handling facility, oil handling facility or shipyard, as the case may be;
- (c) for a marine occurrence happening outside Singapore — the respective appropriate foreign authorities of the other Substantially Interested States in relation to the marine occurrence.
- (2) In this regulation —

“cargo ship” means a ship that is constructed or adapted for the carriage wholly or primarily of cargo and not passengers, and includes a tanker which is constructed or adapted for the carriage in bulk of petroleum, crude oil, and other cargo of an inflammable nature;

“cargo terminal” means a terminal (including an oil terminal) offering berths alongside, on buoys or at anchor, to cargo ships other than fishing vessels;

“hazardous and noxious substances handling facility” has the meaning given by regulation 2 of the Prevention of Pollution of the Sea (Hazardous and Noxious Substances Pollution Preparedness, Response and Co-operation) Regulations 2004 (G.N. No. S 120/2004);

“inland waters” means any inland waterway or body of water within the territory of Singapore;

Examples

River or stream.

Reservoir, lake or pond, whether natural or artificial.

“jetty” means a wharf, pier, dock, landing-stage or other premises used wholly or mainly in connection with providing ship passenger services and facilities;

“marina” means an area comprising pontoons, piers and other structures (on land or water) designed or for use —

- (a) to launch, land, berth, moor, store, repair, refuel and service and enable provisioning of only or mainly pleasure craft not engaged in trade;
- (b) to provide a slipway or some other way of taking a pleasure craft out of the water; and
- (c) to provide services for the recreation, comfort and convenience of people who own or use pleasure craft;

“oil handling facility” has the meaning given by regulation 2 of the Prevention of Pollution of the Sea (Oil Pollution Preparedness, Response and Co-operation) Regulations (Rg 5);

“passenger ship” means a ship other than a cargo ship;

“pleasure craft” means a ship that is used, or intended to be used, wholly for recreational or sporting activities, whether or not the ship is let, or intended to be let, for hire;

“ship passenger services and facilities” means the services and facilities provided at premises and connected with or incidental to —

- (a) the berthing of passenger ships;
- (b) the embarkation of passengers and crew onto a passenger ship and their leaving the premises (including departure from Singapore) on board the passenger ship; and
- (c) the disembarkation of passengers and crew from a passenger ship and their landing (including entry into Singapore) from the passenger ship;

“shipyard” means a yard or dry dock where ships are constructed, reconstructed, cleaned, repaired, refitted, finished or broken up.

Meaning of “immediately reportable matter”

7.—(1) For the purposes of section 12(1) of the Act, a marine occurrence is an immediately reportable matter if it is a marine casualty —

- (a) that is a very serious marine casualty; and
- (b) that either —
 - (i) occurs in the territory of Singapore; or
 - (ii) involves a Singapore ship.

(2) In paragraph (1), a “very serious marine casualty” means a marine casualty —

- (a) that results in the total loss of a ship;
- (b) that results in severe damage to the environment; or
- (c) where an individual suffers a fatal ship-related injury directly.

Immediately reportable matter — when, how and what to report

8.—(1) Subject to paragraphs (5) and (6), for the purposes of section 12(1) of the Act, a section 12(1) report about a marine occurrence that is an immediately reportable matter consists of —

- (a) an initial notice, which is given —
 - (i) orally in English about the immediately reportable matter, by telephone call to the Duty Officer using the telephone number +65 96283593; or
 - (ii) in writing by a written notice in English about the immediately reportable matter sent by email to the email address `notification_of_marine_occurrences@mot.gov.sg`; and
- (b) subsequent to the initial notice, a written notice in English about the immediately reportable matter sent by email to the email address `notification_of_marine_occurrences@mot.gov.sg`.

(2) Subject to paragraphs (5) and (6), for the purposes of section 12(1) of the Act, a responsible person has to report a marine occurrence that is an immediately reportable matter to a nominated official within the following times:

- (a) for an initial notice in paragraph (1)(a) about the immediately reportable matter —
 - (i) as soon as reasonably practicable after the responsible person becomes aware of the immediately reportable matter; and
 - (ii) not more than 2 hours after the responsible person becomes aware of that immediately reportable matter;
- (b) for the subsequent written notice in paragraph (1)(b) about the immediately reportable matter —
 - (i) as soon as it is practicable when the remainder of the information about the immediately reportable matter specified in Part 2 of the Schedule becomes available; and
 - (ii) not more than 7 days after the responsible person becomes aware of that immediately reportable matter.

(3) Subject to paragraphs (5) and (6), for the purposes of section 12(1) of the Act —

- (a) an initial notice in paragraph (1)(a) about an immediately reportable matter must contain the particulars specified in Part 1 of the Schedule relating to the immediately reportable matter; and
- (b) a subsequent written notice in paragraph (1)(b) about an immediately reportable matter must contain the particulars specified in Part 2 of the Schedule relating to the immediately reportable matter.

(4) Where any particulars required by paragraph (3) about an immediately reportable matter was not available or known to the responsible person required to report the immediately reportable

matter concerned at the time mentioned in paragraph (2), then for the purposes of section 12(1) of the Act, the responsible person must, as soon as it is practicable to do so, send by email in the manner in paragraph (1)(b), the remainder of those particulars required which becomes subsequently available or known to the responsible person.

(5) For the purposes of section 12(1) of the Act, a section 12(1) report by a vessel traffic service provider about a marine occurrence that is an immediately reportable matter must —

- (a) contain all the particulars about that marine occurrence which have been reported to the vessel traffic service provider under any of the following laws:
 - (i) regulation 32 of the Maritime and Port Authority of Singapore (Harbour Craft) Regulations (Rg 3);
 - (ii) regulation 20 of the Maritime and Port Authority of Singapore (Pleasure Craft) Regulations (Rg 6);
 - (iii) regulation 5 of the Maritime and Port Authority of Singapore (Port) Regulations (Rg 7);
- (b) be given —
 - (i) orally in English, by telephone call to the Duty Officer using the telephone number +65 96283593;
or
 - (ii) in writing by a written notice in English sent by email to the email address `notification_of_marine_occurrences@mot.gov.sg`;
and
- (c) be sent not more than 2 hours after the vessel traffic service provider becomes aware of the happening of the immediately reportable matter.

(6) Paragraphs (1), (2) and (3) do not apply to or in relation to any notification given or to be given by an appropriate foreign authority of a Substantially Interested State to the Director according to the laws of that State in relation to a marine occurrence that is an immediately reportable matter.

Meaning of “ordinary reportable matter”

9. For the purposes of section 12(2) of the Act, a marine occurrence is an ordinary reportable matter if it is a marine casualty (other than a very serious marine casualty) or a marine incident that —

- (a) occurs in the territory of Singapore; or
- (b) involves a Singapore ship.

Ordinary reportable matter — what to report

10.—(1) Subject to paragraphs (2) and (3), for the purposes of section 12(2) of the Act, a section 12(2) report about a marine occurrence that is an ordinary reportable matter must consist of the following sent by email in English to the email address `notification_of_marine_occurrences@mot.gov.sg`:

- (a) an initial notice containing the particulars specified in Part 1 of the Schedule relating to the ordinary reportable matter;
- (b) a written notice containing the particulars specified in Part 2 of the Schedule relating to the ordinary reportable matter, subsequent to the initial notice.

(2) For the purposes of section 12(2) of the Act, a section 12(2) report by a vessel traffic service provider about a marine occurrence that is an ordinary reportable matter must contain all the particulars about that marine occurrence which have been reported to the vessel traffic service provider under any of the following laws:

- (a) regulation 32 of the Maritime and Port Authority of Singapore (Harbour Craft) Regulations;
- (b) regulation 20 of the Maritime and Port Authority of Singapore (Pleasure Craft) Regulations;
- (c) regulation 5 of the Maritime and Port Authority of Singapore (Port) Regulations.

(3) Paragraph (1) does not apply to or in relation to any notification given or to be given by an appropriate foreign authority of a Substantially Interested State to the Director according to the laws of

that State in relation to a marine occurrence that is an ordinary reportable matter.

(4) To avoid doubt, this regulation does not affect the obligation to report an ordinary reportable matter that is a marine occurrence in accordance with the time specified under section 12(2) of the Act.

Follow-up after receiving section 12 report — Singapore ship involved in marine casualty

11.—(1) Upon receiving a section 12(1) report or a section 12(2) report about a marine occurrence that is a reportable matter —

- (a) that involved a Singapore ship;
- (b) that happened on the high seas or within an exclusive economic zone or territory of any State; and
- (c) that is a marine casualty,

the Director must take the steps mentioned in paragraph (2) in relation to each State which is a Substantially Interested State in relation to that reportable matter.

(2) The steps that the Director must take concerning a reportable matter mentioned in paragraph (1) which he or she has received a section 12(1) report or a section 12(2) report about, are as follows:

- (a) as soon as is reasonably practicable and by the quickest means of communication available, send to the appropriate foreign authority of each State that is a Substantially Interested State in relation to the reportable matter, a notice of the reportable matter containing all the particulars about the reportable matter as is available to the Director at the time of receiving —
 - (i) the section 12(1) report or section 12(2) report; or
 - (ii) the initial notice of a section 12(1) report or a section 12(2) report, where given;
- (b) subject to regulation 14, inform, either in the notice mentioned in sub-paragraph (a) or as soon as practicable after giving that notice —

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- (i) whether an investigation under the Act is to be conducted into the immediately reportable matter; and
 - (ii) if an investigation under the Act is to be so conducted —
 - (A) the extent to which the investigation will be conducted by the TSIB or as is mutually agreed between Singapore and the Substantially Interested State or States in relation to that reportable matter; and
 - (B) the means by which the Director and the investigator-in-charge may be contacted;
 - (c) if requested by the appropriate foreign authority of a State that is a Substantially Interested State in relation to the reportable matter, as soon as it is practicable to do so, provide —
 - (i) the remainder of the particulars about the reportable matter that was unavailable at the time of the notice mentioned in sub-paragraph (a) and which becomes subsequently available to the Director; and
 - (ii) any other relevant information about that reportable matter and known to the Director.

Follow-up after receiving section 12 report — other marine casualty

12.—(1) Upon receiving a section 12(1) report or a section 12(2) report about a reportable matter —

- (a) that involved one or more ships, none of which is a Singapore ship;
- (b) that happened within the territory of Singapore; and
- (c) that is a marine casualty,

the Director must take the steps mentioned in paragraph (2) in relation to the flag State of each ship involved in that reportable matter and,

subject to paragraph (3), each State which is a Substantially Interested State in relation to that reportable matter.

(2) The steps that the Director must take concerning a reportable matter mentioned in paragraph (1) which he or she has received a section 12(1) report or a section 12(2) report about, are the steps in regulation 11(2)(a), (b) and (c) in relation to —

- (a) the appropriate foreign authority of the flag State of each ship involved in that reportable matter; and
- (b) subject to paragraph (3), the appropriate foreign authority of each State which is a Substantially Interested State in relation to that reportable matter.

(3) The duty to give notice to any State which is a Substantially Interested State in relation to a reportable matter mentioned in paragraph (1) is disapplied to the extent that the appropriate foreign authority of the flag State of any ship involved in the reportable matter gives an equivalent notice to that Substantially Interested State.

Action to take upon notification from other State

13. Where the Director receives a notification from an appropriate foreign authority about a marine occurrence that is an immediately reportable matter that happened outside the territory of Singapore and involved a Singapore ship, the Director —

- (a) must with minimum delay and by the quickest means of communication available, acknowledge receipt of the notification received; and
- (b) if, by mutual agreement, an investigation under the Act is not to be conducted by the TSIB into the immediately reportable matter, must as soon as is reasonably practicable, inform the appropriate foreign authority of the State in which the marine safety investigation of the immediately reportable matter is being conducted —
 - (i) whether a representative from Singapore will be or has been appointed and who he or she is; and

- (ii) when the representative from Singapore will be or is travelling to that State to participate in that marine safety investigation.

PART 3 INVESTIGATIONS

Co-operation with other States

14.—(1) An investigation under the Act by the TSIB into a marine casualty or marine incident must, where appropriate, be conducted in co-operation with the respective appropriate foreign authorities of every other Substantially Interested State in relation to that marine casualty or marine incident.

(2) For a marine casualty or marine incident involving either a Singapore ship or Singapore as a Substantially Interested State, the Director must, with minimum delay —

- (a) consult the respective appropriate foreign authorities of the other Substantially Interested States in relation to the marine casualty or marine incident with a view to arriving at a mutual agreement as to —
 - (i) which of the States (including Singapore) is to lead the marine safety investigation into that marine casualty or marine incident; and
 - (ii) the procedures to be adopted for the purposes of that marine safety investigation; and
- (b) so far as is reasonably practicable, establish that mutual agreement.

(3) To avoid doubt, the mutual agreement mentioned in paragraph (2) may be established with a view to discharging Singapore's obligations as a flag State under international law, by entrusting to the appropriate foreign authority of another Substantially Interested State the task of carrying out the whole or part of an investigation into any marine casualty or marine incident which the Director is required or allowed under the Act to conduct.

(4) Where the Director entrusts the task of carrying out the whole or part of an investigation under paragraph (3), the Director must take all reasonably practicable steps to facilitate the marine safety investigation carried out by the appropriate foreign authority of the Substantially Interested State conducting that marine safety investigation.

Parallel marine safety investigations

15. Where there is no mutual agreement in accordance with regulation 14 regarding a marine casualty or marine incident, then the Director may —

- (a) conduct an investigation under the Act into the marine casualty or marine incident in parallel with other marine safety investigations by any appropriate foreign authorities of other Substantially Interested States; and
- (b) if requested, exchange evidence and information with the appropriate foreign authority of the other Substantially Interested State concerned.

Participation by Substantially Interested States

16.—(1) Where —

- (a) a marine casualty or marine incident is required or allowed to be investigated under the Act by the TSIB; and
- (b) there is a mutual agreement between the Director and the appropriate foreign authority of a Substantially Interested State in relation to the marine casualty or marine incident, with respect to the participation of the appropriate foreign authority in the investigation under the Act,

the appropriate foreign authority (and any representative appointed by the appropriate foreign authority) must be allowed to participate in the investigation under the Act by the TSIB at any stage of that investigation, subject to the limits in these Regulations.

(2) In particular, an appropriate foreign authority of a Substantially Interested State mentioned in paragraph (1)(b) and any representative of the appropriate foreign authority may do all or any of the following

in relation to an investigation under the Act by the TSIB into a marine casualty or marine incident:

- (a) obtain witness information and suggest areas to the investigator-in-charge for questioning witnesses;
- (b) have access to relevant evidence and information derived from the investigation, to the extent practicable;
- (c) receive or make copies of all pertinent documents collected in the course of the investigation;
- (d) participate in investigation progress meetings, including deliberations related to analysis, findings, causes, contributing factors and safety recommendations;
- (e) make representations in respect of various aspects of the investigation.

(3) The Director must take into consideration for the purposes of the investigation under the Act any representations made under paragraph (2).

(4) However, paragraph (2)(b) and (c) applies only if the Director is satisfied that the appropriate foreign authority of the Substantially Interested State concerned ensures, or will ensure, that any restricted information (within the meaning of section 43(7) of the Act) falling within paragraph (2)(b) and (c) is not made available for purposes other than a marine safety investigation, or section 43(4) of the Act applies.

(5) A representative of an appropriate foreign authority mentioned in paragraph (1)(b) —

- (a) must provide the investigator-in-charge with all information about the marine casualty or marine incident as is available to that representative that is relevant to the investigation under the Act of the marine casualty or marine incident; and
- (b) must not knowingly communicate or use, or knowingly permit to be communicated or used, any information that that representative has obtained during the investigation under the Act of the marine casualty or marine incident

(including the progress of investigations) without the express consent in writing of the investigator-in-charge.

Appointment of representative of Singapore

17.—(1) This regulation applies only with respect to a marine casualty or marine incident where —

- (a) Singapore is a Substantially Interested State in relation to the marine casualty or marine incident but is not conducting the marine safety investigation; or
- (b) Singapore has at the request of the marine safety investigating State conducting the marine safety investigation to the marine casualty or marine incident, provided information, facilities or experts to that State in connection with the marine safety investigation.

(2) The Director may appoint —

- (a) a suitably qualified and experienced individual to be a representative of Singapore to participate in a marine safety investigation conducted by another marine safety investigating State into a marine casualty or marine incident mentioned in paragraph (1); and
- (b) one or more assistants to assist the representative in sub-paragraph (a).

(3) Subject to regulation 18, the representative of Singapore and his or her assistants appointed under this regulation may, for the purposes of the investigation in which they are participating, exercise all or any of the rights and powers of an investigator mentioned in sections 26 to 31 of the Act in respect of any ship, records, information, documents, objects, witnesses or other evidence —

- (a) in Singapore; or
- (b) held by any person in Singapore,

which or whom the representative considers to be relevant or necessary to the investigation.

Assistants to Singapore representative

18.—(1) The Director must issue to each assistant appointed under regulation 17(2)(b) an appointment letter in writing, specifying when, where and the circumstances in which any power mentioned in sections 26 to 31 of the Act may be exercised by the assistant.

(2) An assistant mentioned in paragraph (1) may exercise those powers only —

- (a) within the limits specified in his or her appointment letter;
- (b) to assist the representative of Singapore participating in a particular marine safety investigation; and
- (c) under the direction (general or specific) of the Director or the representative of Singapore.

(3) An assistant appointed under regulation 17(2)(b) does not cease to be acting on the direction of the Director or a representative of Singapore by reason only that the Director or representative of Singapore is not always present when the assistant exercises any power specified in the assistant’s appointment letter.

Evidence from seafarers

19.—(1) Without affecting section 28 of the Act, an investigator when investigating a marine casualty or marine incident under the Act must take into account the provisions of the IMO guidelines on the fair treatment of seafarers.

(2) In paragraph (1), “seafarer” means an individual who is employed or engaged or works in any capacity on board a ship, but does not include any of the following:

- (a) a pilot;
- (b) a port worker;
- (c) an individual temporarily employed on the ship during the period it is in port;
- (d) any other individual who is not a seaman for the purposes of the Merchant Shipping (Maritime Labour Convention) Act 2014.

Recording that is not “on-board recording” or “OBR”

20.—(1) For the purposes of the definition of “on-board recording” or “OBR” in section 43(7) of the Act, a voyage data recording is declared not to be an “on-board recording” or “OBR”.

(2) A recording is a voyage data recording for the purposes of paragraph (1) if the recording —

- (a) is made in a voyage data recorder during the operation of a ship; and
- (b) consists of (or consists mainly of) sounds or sounds and images, of spoken communications between the ship, or between people on the ship, and any other person.

PART 4**REPORTS AND SAFETY RECOMMENDATIONS****Draft Final Report and Final Report**

21.—(1) For the purposes of section 19(1) of the Act, the Director must, as soon as possible after the completion of an investigation under the Act into a marine casualty or marine incident, send a copy of the draft Final Report to each of the following persons, inviting their significant and substantiated comments:

- (a) the appropriate foreign authority of every State that participated in the investigation;
- (b) every interested party with respect to the outcome of the investigation;
- (c) any other person whom the Director considers appropriate.

(2) If any comments on the draft Final Report are received by the Director before the applicable deadline, the Director must consider those comments, and either —

- (a) amend the draft Final Report to include the substance of the comments received; or

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- (b) notify the relevant State, interested party or other person that the Director does not accept or rejects those comments before finalising the contents of the Final Report.
- (3) If no comments on the draft Final Report are received by the Director before the applicable deadline, the Director must issue and send out the Final Report to the States referred to in paragraph (1), the interested parties and other persons concerned.
- (4) In paragraphs (2) and (3), the applicable deadline for any draft Final Report sent to a State, interested party or other person under paragraph (1) is —
- (a) the 30th day after the date on which the draft Final Report was sent out to the State, interested party or other person, as the case may be; or
 - (b) the end of any other time that has been agreed upon with the State, interested party or other person to whom the draft Final Report was sent.

Sending Final Report to IMO

22. Where an investigation under the Act is carried out into a marine casualty or marine incident, the Director must, as soon as possible after the completion of the investigation, send a copy of the Final report of that investigation to the IMO if —

- (a) the marine casualty or marine incident is an immediately reportable matter; or
- (b) the marine casualty or marine incident is not an immediately reportable matter, but the Final Report contains information which may prevent or lessen the seriousness of marine casualties or marine incidents in the future.

Safety recommendations

23.—(1) The Director may, at any stage of an investigation under the Act into a marine casualty or marine incident, give to the persons mentioned in paragraph (2) a duly dated safety recommendation in

writing, containing any preventive action that the Director considers necessary to be taken promptly to enhance marine safety.

(2) The persons to whom a safety recommendation under paragraph (1) may be given are as follows:

- (a) the respective appropriate foreign authorities of the other States that participated in the investigation;
- (b) the interested parties with respect to the outcome of the investigation.

(3) The Director must cause any safety recommendation in a report mentioned in section 22(1)(a) of the Act to be communicated to those persons in Singapore who, in the opinion of the Director, are most fitted to implement the safety recommendation, which may be a person, an unincorporated association, or a public authority or public officer.

(4) For the purposes of section 22(2) of the Act, any person in Singapore to whom a safety recommendation is communicated under paragraph (3) must —

- (a) within 90 days after receiving the safety recommendation —
 - (i) take that safety recommendation into consideration and, where appropriate, act upon it; and
 - (ii) send to the Director —
 - (A) full details of the measures (if any) that the person has taken or proposes to take to implement the safety recommendation and, if such measures are to be implemented, the timetable for securing that implementation; or
 - (B) a full explanation as to why no measures will be taken to implement the safety recommendation; and
- (b) give notice to the Director if at any time any information provided to the Director in accordance with sub-paragraph (a)(ii) concerning the measures the person proposes to take or the timetable for securing the

implementation of the safety recommendation is rendered inaccurate by any change of circumstances.

PART 5

MISCELLANEOUS

Coordination between TSIB and Singapore Armed Forces

24. To avoid doubt, and without limiting section 16(4) of the Act, in any investigation into any marine occurrence involving a Singapore military vessel or a vessel wearing the State Marine Ensign under the authority of the Chief of Navy, the discipline or internal administration of the Singapore Armed Forces are not directly relevant for identifying of factors —

- (a) that contribute, or have contributed, to those marine occurrences; or
- (b) that improve or affect, or might improve or affect, transport safety.

THE SCHEDULE

Regulations 8(2) and (3) and 10(1)

PARTICULARS ABOUT REPORTABLE MATTERS

PART 1

INITIAL NOTICE

1. The name or identification details of the ship involved:
 - (a) the IMO, official or fishing vessel number;
 - (b) the flag of the country of registration.
2. The date and time of the marine occurrence.
3. The names of the ship operator, owner and agents of the ship.
4. The location of the marine occurrence by reference to an easily defined geographical point, or by latitude and longitude.
5. A description of the marine occurrence and the extent of any resulting damage to the ship, the environment and any other property.
6. Whether any of the following consequences resulted from the marine occurrence:

THE SCHEDULE — *continued*

- (a) injury;
 - (b) illness;
 - (c) death;
 - (d) medical evacuation;
 - (e) man overboard without a lifejacket;
 - (f) man overboard wearing a lifejacket;
 - (g) presumed loss of a person;
 - (h) equipment or machinery failure;
 - (i) damage;
 - (j) loss of cargo or any dangerous goods;
 - (k) leakage or spillage of dangerous goods;
 - (l) contact with something other than a vessel;
 - (m) collision with another vessel;
 - (n) matters covered by the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2 November 1973;
 - (o) fire or smoke;
 - (p) grounding of a ship;
 - (q) disabled ship;
 - (r) foundering or sinking of a ship;
 - (s) flooding;
 - (t) near collision or other dangerous occurrence;
 - (u) others (please specify).
7. If the ship is missing or inaccessible —
- (a) the last known position of the ship by reference to an easily defined geographical point, or by latitude and longitude, including the date and time that the ship was at that position; and
 - (b) the actions taken or planned to locate or gain access to the ship.

THE SCHEDULE — *continued*

8. The name and title of the person making the report and the telephone number and address at which the person can be reached.

PART 2

SUBSEQUENT WRITTEN NOTICE

1. The name of the master of the ship and, if applicable, the name of the ship's pilot if one was on board.

2. The technical specifications of the ship such as its tonnage, length and type of propulsion.

3. The classification society of the ship.

4. The last point of departure and the intended destination of the ship, including the date and time of the departure.

5. The number of crew members, passengers and other persons on board at the time of the occurrence.

6. The number of crew members, passengers and other persons involved in the occurrence who were killed or sustained serious injuries as a result of the marine occurrence.

7. The local weather, sea and, if applicable, ice conditions at the time of the marine occurrence.

8. Which of the following ship activities were being undertaken at the time of the marine occurrence:

- (a) underway;
- (b) berthing or unberthing;
- (c) berthed;
- (d) towing;
- (e) anchored;
- (f) fishing or unloading;
- (g) loading or unloading;
- (h) being towed;
- (i) others (please specify).

9. A description of any action taken or planned to protect persons, property and the environment.

THE SCHEDULE — *continued*

10. If the ship is equipped with a voyage data recorder or a simplified voyage data recorder, the type of recorder, including its make and model.

11. Where the marine occurrence happened outside the territory of Singapore, the means by which both the following may be contacted:

- (a) the investigator-in-charge;
- (b) the appropriate foreign authority of the marine safety investigation authority.

Made on 14 December 2023.

LOH NGAI SENG
*Permanent Secretary,
Ministry of Transport,
Singapore.*

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