

# **Merchant Shipping (Amendment) Bill**

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**Bill No: 53/2004**

***Read the first time: 19th October 2004***

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## **Merchant Shipping (Amendment) Bill**

**Bill No. 53/2004**

*Read the first time on 19th October 2004.*

An Act to amend the Merchant Shipping Act (Chapter 179 of the 1996 Revised Edition) to give effect to the Convention on Limitation of Liability for Maritime Claims, 1976, and for matters connected therewith.

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

### **Short title and commencement**

1. This Act may be cited as the Merchant Shipping (Amendment) Act 2004 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Amendment of section 2**

2. Section 2(1) of the Merchant Shipping Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “name”, the following definition:

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

(b) by inserting, immediately after the definition of “officer”, the following definition:

“ “off-shore industry mobile unit” means

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

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

(c) by deleting the definition of “ship” and substituting the following definition:

“ “ship” means any kind of vessel used in navigation by water,

however propelled or moved and includes —

- (a) a barge, lighter or other floating vessel;
- (b) an air-cushion vehicle, or other similar craft, used wholly or primarily in navigation by water; and
- (c) an off-shore industry mobile unit;”.

### **Repeal and re-enactment of Part VIII**

3. Part VIII of the principal Act is repealed and the following Part substituted therefor:

#### **“PART VIII**

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

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

**134.** In this Part —

“Convention” means the Convention on Limitation of Liability for Maritime Claims, 1976, as set out in the Schedule;

“ship” in the Convention includes —

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

#### **Exclusion of liability**

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

- (a) where any property on board the ship is lost or damaged by reason of fire on board the ship; or
- (b) where any gold, silver, watches, jewels or precious stones on board the ship are lost or damaged by reason of theft, robbery or other

dishonest conduct and their nature and value were not at the time of shipment declared by their owner or shipper to the owner or master of the ship in the bill of lading or otherwise in writing.

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

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

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

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

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

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

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

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

### **General limits**

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

- (a) to a ship licensed as a harbour craft under the Maritime and Port Authority of Singapore Act (Cap. 170A), that Article has effect as if the aggregate of the amounts in paragraph 1(*a*)(i) and (*b*)(i) referred

to the sum insured under the policy of insurance for the time being required by the Port Master under that Act to be in force in relation to that harbour craft in respect of third party risks; and

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

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

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

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

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

### **Limit for passenger claims**

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

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

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

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

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

### **Bar to other actions**