

Courts (Admiralty Jurisdiction) Ordinance

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Bill No: 153/1961

Read the first time: 20th November 1961

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Expenditure of Public Money

Courts (Admiralty Jurisdiction) Ordinance

Bill No. 153/1961

Read the first time on 20th November 1961.

An Ordinance to amend the law relating to Admiralty jurisdiction, legal proceedings in connection with ships and aircraft and the arrest of ships and other property and for purposes connected therewith and to repeal certain provisions of 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. This Ordinance may be cited as the Courts (Admiralty Jurisdiction) Ordinance, 1961, and shall come into operation on such date as the Yang di-Pertuan Negara may by notification in the *Gazette* appoint.

Interpretation

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

“ship” includes any description of vessel used in navigation;

“goods” includes baggage;

“collision regulations” means regulations made under section 418 of the Merchant Shipping Act, 1894, and any rules made under section 262 of the Merchant Shipping Ordinance;

[57 and 58 Vict. c. 60.]

“master” has the same meaning as in the Merchant Shipping Ordinance (Cap. 207) and accordingly includes every person (except a pilot) having command or charge of a ship;

“towage” and “pilotage”, in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne;

“the Rhine Navigation Convention” means the Convention of the 7th day of October, 1868, as revised by any subsequent Convention.

Admiralty Jurisdiction of the High Court

3.—(1) The Admiralty jurisdiction of the High Court shall be as follows, that is to

say, jurisdiction to hear and determine any of the following questions or claims: —

- (a) any claim to the possession or ownership of a ship or to the ownership of any share therein;
- (b) any question arising between the co-owners of a ship as to possession, employment or earnings of that ship;
- (c) any claim in respect of a mortgage of or charge on a ship or any share therein;
- (d) any claim for damage done by a ship;
- (e) any claim for damage received by a ship;
- (f) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship;
- (g) any claim for loss of or damage to goods carried in a ship;
- (h) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;
- (i) subject to the provisions of section 369 of the Merchant Shipping Ordinance (Cap. 207) (which requires salvage disputes to be determined summarily in certain cases), any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section 51 of the Civil Aviation Act, 1949, as extended to Singapore by the Colonial Civil Aviation (Application of Act) Order, 1952, made under section 66 of that Act, of the law relating to salvage to aircraft and their apparel and cargo);
[12, 13 and 14 Geo. 6 c. 67.]
- (j) any claim in the nature of towage in respect of a ship or an aircraft;
- (k) any claim in the nature of pilotage in respect of a ship or an aircraft;
- (l) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;
- (m) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;

- (n) any claim by a master or member of the crew of a ship for wages and any claim by or in respect of a master or member of the crew of a ship for any money or property which, under any of the provisions of the Merchant Shipping Ordinance is recoverable as wages or in the court and in the manner in which wages may be recovered;
- (o) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship;
- (p) any claim arising out of an act which is or is claimed to be a general average act;
- (q) any claim arising out of bottomry;
- (r) any claim for the forfeiture or condemnation of a ship or of goods which are being or have been carried, or have been attempted to be carried, in a ship, or for the restoration of a ship or any such goods after seizure, or for droits of Admiralty,

together with any other jurisdiction connected with ships or aircraft as may be vested in the High Court apart from this section.

(2) The jurisdiction of the High Court under paragraph (b) of subsection (1) of this section includes power to settle any account outstanding and unsettled between the parties in relation to the ship, and to direct that the ship, or any share thereof, shall be sold, and to make such other order as the court thinks fit.

(3) The reference in paragraph (i) of subsection (1) of this section to claims in the nature of salvage includes a reference to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections 367 and 368 of the Merchant Shipping Ordinance or any regulations made under Part V of the First Schedule to the Colonial Civil Aviation (Application of Act) Order, 1952, are authorised to be made in connection with a ship or an aircraft.

(4) The Preceding provisions of this section apply —

- (a) in relation to all ships or aircraft, whether British or not and whether registered or not and wherever the residence or domicile of their owners may be;
- (b) in relation to all claims, wheresoever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land); and
- (c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not and whether legal or equitable, including mortgages and charges created under foreign law: