

**Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution)
Act
(CHAPTER 179A)**

Table of Contents

Long Title

Part I PRELIMINARY

1 Short title

2 Interpretation

Part II CIVIL LIABILITY FOR BUNKER OIL POLLUTION

Division 1 — Liability

3 Liability for bunker oil pollution

4 Exceptions from liability under section 3

5 Restriction of liability for bunker oil pollution

6 Limitation of liability under section 3

7 Limitation actions

**8 Restriction on enforcement of claims after establishment of
limitation fund**

9 Concurrent liabilities of owners and others

10 Establishment of limitation fund outside Singapore

11 Extinguishment of claims

Division 2 — Compulsory Insurance

12 Compulsory insurance against liability for bunker oil pollution

13 Issue of certificates

14 Rights of third parties against insurers

Division 3 — Supplementary

15 Jurisdiction of Singapore courts and registration of foreign judgments

16 Restriction on enforcement of judgments given by court in country not party to Bunker Convention

17 Government ship

18 Saving for recourse actions

19 Power to detain ship

20 Power of arrest

21 Sale of ship

Part III MISCELLANEOUS

22 Director may authorise person to exercise powers and duties

23 Power to board and search ship

24 Offences by bodies corporate, etc.

25 Protection from personal liability

26 Jurisdiction of court

27 Composition of offences

28 All moneys recovered to be paid to Authority

29 Regulations

Legislative History

**MERCHANT SHIPPING
(CIVIL LIABILITY AND COMPENSATION FOR BUNKER OIL
POLLUTION) ACT**

(CHAPTER 179A)

(Original Enactment: Act 24 of 2008)

REVISED EDITION 2010

(1st January 2010)

An Act to give effect to the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 and to make provisions generally for matters connected therewith.

[21st November 2008]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Act.

Interpretation

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

“Authority” means the Maritime and Port Authority of Singapore established under the Maritime and Port Authority of Singapore Act (Cap. 170A);

- “Bunker Convention” means the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001;
- “Bunker Convention country” means a country in respect of which the Bunker Convention is in force;
- “Bunker Convention State” means a State which is a party to the Bunker Convention;
- “bunker oil” means any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of a ship, and any residues of such oil;
- “Court” means the High Court;
- “damage” includes loss;
- “Director” means the Director of Marine appointed under section 4 of the Merchant Shipping Act (Cap. 179) and includes the Deputy Director of Marine appointed thereunder;
- “gross tonnage”, in relation to a ship, means its gross tonnage calculated in accordance with the regulations in Annex 1 of the International Convention on Tonnage Measurement of Ships 1969;
- “master” includes every person, except a pilot, having command or charge of a ship;
- “offshore facility” has the same meaning as in the Bunker Convention;
- “owner”, in relation to a ship, means the owner, and includes the registered owner, bareboat charterer, manager and operator of the ship;
- “port” has the same meaning as in the Maritime and Port Authority of Singapore Act;
- “registered owner”, in relation to a ship, means the person registered as the owner of the ship, or, in the absence of registration, the person owning the ship, except that, in relation to a ship owned by a State which is operated by a person registered in that State as the ship’s operator, it means the person registered as its operator;
- “ship” means any sea-going vessel and seaborne craft of any type;
- “Singapore ship” has the same meaning as in the Merchant Shipping Act (Cap. 179).

(2) For the purposes of this Act —

- (a) references to the territory of Singapore include the territorial sea and exclusive economic zone of Singapore and references to the territory of any other country include the territorial sea and exclusive economic zone of that country;
- (b) references to the exclusive economic zone of a country are references to the exclusive economic zone of that country established in accordance with international law or, if such a zone has not been established, such area adjacent to the territorial sea of that country and extending not more than 200 nautical miles from the baselines from which the breadth of that sea is measured;
- (c) references to a discharge or an escape of bunker oil from a ship are references to such a discharge or an escape wherever it may occur of bunker oil on board or originating from that ship;
- (d) where more than one discharge or escape results from the same occurrence or from a series of occurrences having the same origin, they shall be treated as one; but any measures taken after the first of them shall be deemed to have been taken after the discharge or escape; and
- (e) where a relevant threat of contamination referred to in section 3(2) results from a series of occurrences having the same origin, they shall be treated as a single occurrence.

(3) Nothing in this Act applies in relation to —

- (a) any occurrence before 21st November 2008; or
- (b) any occurrence in a series of occurrences having the same origin, if the first took place before that date.

PART II

CIVIL LIABILITY FOR BUNKER OIL POLLUTION

Division 1 — Liability

Liability for bunker oil pollution

3.—(1) Subject to subsection (3), where as a result of any occurrence, any bunker oil is discharged or escapes from a ship, the owner of the ship shall, except as otherwise