

**Merchant Shipping (Oil Pollution) Act  
(CHAPTER 180)**

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## **MERCHANT SHIPPING (OIL POLLUTION) ACT**

### **(CHAPTER 180)**

**(Original Enactment: Act 15 of 1981)**

**REVISED EDITION 1985**

**(30th March 1987)**

An Act to make provision with respect to civil liability for oil pollution by merchant ships and for matters connected therewith.

[15th December 1981]

### **Short title**

1. This Act may be cited as the Merchant Shipping (Oil Pollution) Act.

### **Interpretation**

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

“Authority” means the Port of Singapore Authority established under the Port of Singapore Authority Act [Cap. 236];

“Convention” means the International Convention on Civil Liability for Oil Pollution Damage signed in Brussels in 1969;

“Convention country” means a country in respect of which the Convention is in force;

“Convention State” means a State which is a party to the Convention;

“Court” means the High Court of Singapore;

“damage” includes loss;

“Director” means the Director of Marine appointed under the Merchant Shipping Act [Cap. 179] and includes the Deputy Director of Marine appointed thereunder;

“master” includes every person, except a pilot, having command or charge of a ship;

“oil” means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship;

“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 as the ship’s operator, it means the person registered as the operator;

“port” has the same meaning as is assigned to it in the Port of Singapore Authority Act;

“ship” means any sea-going vessel and any seaborne craft of any type whatsoever

carrying oil in bulk as cargo;

“Singapore ship” means a ship registered under Part XIII of the Merchant Shipping Act.

(2) References in this Act to the area of Singapore include the territorial waters of Singapore and references to the area of any other Convention country include the territorial sea of that Convention country.

### **Liability for oil pollution**

3.—(1) Where, as a result of any occurrence taking place while a ship is carrying a cargo of oil in bulk, any oil carried by the ship (whether as part of the cargo or otherwise) is discharged or escapes from the ship, the owner of the ship shall be liable, except as otherwise provided by this Act —

- (a) for any damage caused in the area of Singapore by contamination resulting from the discharge or escape;
- (b) for the cost of any measures reasonably taken after the discharge or escape for the purpose of preventing or reducing any such damage in the area of Singapore; and
- (c) for any damage caused in the area of Singapore by any measures so taken.

(2) Where a person incurs a liability under subsection (1), he shall also be liable for any damage or cost for which he would be liable under that subsection if the references therein to the area of Singapore included the area of any other Convention country.

(3) Where oil is discharged or escapes from two or more ships and —

- (a) a liability is incurred under this section by the owner of each of them; but
- (b) the damage or cost of which each of the owners would be liable cannot reasonably be separated from that for which the other or others would be liable,

each of the owners shall be liable, jointly with the other or others, for the damage or cost for which the owners together would be liable under this section.

(4) In relation to any damage or loss resulting from the discharge or escape of any oil from a ship, references in this Act to the owner of the ship are references to the owner at the time of the occurrence or first of the occurrences resulting in the discharge or escape.

(5) For the purposes of this Act, 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.

(6) The Contributory Negligence and Personal Injuries Act [Cap. 54] shall apply in relation to any damage or cost for which a person is liable under this section, but which is not due to his fault, as if it were due to his fault.

### **Exceptions from liability under section 3**

4. The owner of a ship from which oil has been discharged or has escaped shall not incur any liability under section 3 if he proves that the discharge or escape —

- (a) resulted from an act of war, hostilities, civil war, insurrection or an exceptional, inevitable and irresistible natural phenomenon;
- (b) was due wholly to anything done or left undone by another person, not being an employee or agent of the owner, with intent to do damage; or
- (c) was due wholly to the negligence or wrongful act of a government or other authority in exercising its functions of maintaining lights or other navigational aids for the maintenance of which it was responsible.

### **Restriction of liability for oil pollution**

5. Where, as a result of any occurrence taking place while a ship is carrying a cargo of oil in bulk, any oil carried by the ship is discharged or escapes then, whether or not the owner incurs a liability under section 3 —

- (a) he shall not be liable otherwise than under that section for any such damage or cost as is mentioned therein; and
- (b) no employee or agent of the owner nor any person performing salvage or cleaning operations with the agreement of the owner shall be liable for any such damage or cost.

### **Limitation of liability under section 3**

6.—(1) Where the owner of a ship incurs a liability under section 3 by reason of a discharge or an escape which occurred without his actual fault or privity —

- (a) section 272 of the Merchant Shipping Act [Cap. 179] (relating to the limitation of liability) shall not apply in relation to that liability; but
- (b) he may limit that liability in accordance with the provisions of this Act, and if he does so his liability (that is to say, the aggregate of his liabilities under section 3 resulting from the discharge or escape) shall not exceed 133 special drawing rights for each ton of the ship's tonnage nor (where that tonnage would result in a greater amount) 14 million special drawing rights.