

Merchant Shipping (Court of Survey) Rules

Table of Contents

1 Citation

2 Definition

3 Court of Survey

4 Rules to be kept at Registrar's office and Port Office

5 Publication of name of Registrar and of his office

6 Notice of appeal

7 Summoning of Court

8 Other Judges

9 Appointment of assessor

10 Appointment by Minister

11 Foreign ships

12 Summoning the Court

13 Notice to complainant

14 Report of surveyor

15 Court to be summoned not later than 14 days after notice filed

16 Parties

17 Other parties

18 Notice to produce

19 Notice to admit

20 Witnesses

21 Affidavits

22 Proceedings in Court

23 Adjournments

24 Decision of Court

25 Order for release or detention

26 Report to Minister

27 Costs and damages

28 Order for payment of costs

29 Service of notices, etc.

30 Proof of service

31 Assessors' fees

32 Fees

FIRST SCHEDULE

SECOND SCHEDULE Fees

Legislative History

MERCHANT SHIPPING ACT

(CHAPTER 179, SECTION 257)

MERCHANT SHIPPING (COURT OF SURVEY) RULES

R 2

REVISED EDITION 1990

(25th March 1992)

[23rd December 1910]

Citation

1. These Rules may be cited as the Merchant Shipping (Court of Survey) Rules.

Definition

2. In these Rules, unless the context otherwise requires,
“Attorney-General” includes the Solicitor-General and any person authorised by either of them to act as his Deputy.

Court of Survey

3. There shall be a Court of Survey in Singapore.

Rules to be kept at Registrar’s office and Port Office

4. A copy of these Rules shall be kept at the office of the Registrar of the Court of Survey and at every Port Office, and may be perused thereat by the master or owner of any ship which may be provisionally detained under the Act and by any one deputed by him.

Publication of name of Registrar and of his office

5. A notice shall be put up in some conspicuous place in the Port Office, containing the name of the Registrar of the Court of Survey for that Port, and the name of the street or place in which such Registrar’s office is situated.

Notice of appeal

6. Where the owner or master of a ship (referred to in these Rules as the appellant) desires to appeal to a Court of Survey, he shall file at the office of the Registrar of the Court of Survey for the port in which the ship is (referred to in these Rules as the Court) a notice in the Form 1 set out in the First Schedule.

Summoning of Court

7. Immediately upon the filing of the notice of appeal, the Registrar shall communicate the fact to the Minister, who shall thereupon inform him whether he intends to have the appeal heard by a Judge of the Supreme Court, and if the appeal is to be so heard the Registrar shall forthwith ascertain on what day such Judge will hear it.

Other Judges

8. If the Minister informs him that he does not intend to have the appeal heard by a Judge of the Supreme Court, the Registrar shall forthwith ascertain which of the other Judges of the Court will hear the appeal, and on what day.

Appointment of assessor

9. On ascertaining when the hearing will take place, the Registrar shall, if there is a list of assessors for the Court, select therefrom the person who is, in his opinion, the best qualified to act as assessor on the appeal; or if there is no such list, he will take the instructions of the Judge as to the assessor to be appointed.

Appointment by Minister

10. The Minister shall appoint the other assessor, and shall forthwith send the name and address of such assessor to the Registrar.

Foreign ships

11. If the ship is a foreign ship, the Registrar shall give notice to the Consular Officer for the State to which the ship belongs, residing at or nearest to the place where the ship is detained, in order that, at the request of the appellant, some competent person may be selected by the Consular Officer to act as assessor in place of the assessor referred to in rule 9.

Summoning the Court

12. As soon as the Registrar has ascertained by whom the appeal will be heard, he shall summon the Court in the Form 2 set out in the First Schedule. He shall at the same time send notice thereof to the Attorney-General and to the appellant, in the Form 3 set out in the First Schedule.

Notice to complainant

13. If the survey has been made on the complaint of any person (referred to in these Rules as the complainant) the Attorney-General shall send to him notice of the time and place appointed for the hearing.

Report of surveyor

14. Prior to the hearing, the Attorney-General shall forward to the Registrar, to be produced as evidence at the hearing, an official copy of the report of the surveyor.

Court to be summoned not later than 14 days after notice filed

15. The Court shall, if practicable, be summoned to hear the appeal on a day not later than 14 days from the filing of the notice of appeal.

Parties

16. The Attorney-General and the appellant shall be parties to the proceedings.

Other parties

17. Any other person, on entering an appearance, may, by permission of the Judge, be made a party to the proceedings.

Notice to produce

18. Either party may give to the other a notice in writing to produce such documents (saving all just exceptions) as relate to any matters in difference, and which are in the possession or control of such other party; and if the notice be not complied with, secondary evidence of the contents of the documents may be given by or on behalf of the party who gave the notice.

Notice to admit

19. Either party may give to the other party a notice in writing to admit any documents (saving all just exceptions); and in case of neglect or refusal to admit after that notice, the party so neglecting or refusing shall be liable for all the costs of proving the documents, whatever the result may be, unless the Court is of opinion that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice is, in the opinion of the officer by whom the costs are taxed, a saving of expense.

Witnesses

20. The Judge shall have power to issue subpoenas as nearly as may be in the form used in the Supreme Court and such subpoenas shall have effect, and may be served in any part of Singapore. The Judge shall have all the powers of a Judge of the Supreme Court to enforce the attendance of witnesses.

Affidavits

21. Affidavits and statutory declarations may by permission of the Judge (and saving all just exceptions) be used as evidence at the hearing if sworn or taken in the manner