

**Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution)
Bill**

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Bill No: 20/2008

Read the first time: 25th August 2008

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Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Bill

Bill No. 20/2008

Read the first time on 25th August 2008.

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, and to make related amendments to the Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Act (Chapter 180 of the 1999 Revised Edition) and the Prevention of Pollution of the Sea Act (Chapter 243 of the 1999 Revised Edition).

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

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Act 2008 and shall come into operation on such date as the

Minister may, by notification in the *Gazette*, appoint.

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 (Cap. 170A);

“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 the date of commencement of this Act; 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