

Maritime Offences Bill

Table of Contents

Bill No: 23/2003

Read the first time: 16th October 2003

Long Title

Enacting Formula

1 Short title and commencement

2 Interpretation

3 Hijacking of ships

4 Destroying or damaging ships, etc.

5 Other acts endangering or likely to endanger safe navigation

6 Offences involving threats

7 Ancillary offences

8 Master's power of delivery

9 General penalties

10 Consent for prosecution

11 Extradition

12 Consequential amendment to Hijacking of Aircraft and Protection of Aircraft and International Airports Act

13 Consequential amendment to Supreme Court of Judicature Act

Explanatory Statement

Expenditure of Public Money

Table of Derivations

Maritime Offences Bill

Bill No. 23/2003

Read the first time on 16th October 2003.

An Act to give effect to the provisions of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation done in Rome on 10th March 1988 and for purposes connected therewith, and to make consequential amendments to the Hijacking of Aircraft and Protection of Aircraft and International Airports Act (Chapter 124 of the 1997 Revised Edition) and the Supreme Court of Judicature Act (Chapter 322 of the 1999 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Maritime Offences Act 2003 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“act of violence” means —

- (a) any act done in Singapore which constitutes the offence of murder, attempted murder, culpable homicide not amounting to murder, voluntarily causing grievous hurt, voluntarily causing hurt by dangerous weapons or means, or which constitutes an offence

under —

- (i) section 4 of the Arms Offences Act (Cap. 14);
 - (ii) section 3 or 4 of the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65);
 - (iii) section 3 or 4 of the Explosive Substances Act (Cap. 100);
or
 - (iv) section 3 of the Kidnapping Act (Cap. 151); and
- (b) any act done outside Singapore which, if done in Singapore, would constitute an offence referred to in paragraph (a);

“Convention” means the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation done in Rome on 10th March 1988;

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

“country” includes any territory;

“naval service” includes military and air force services;

“relevant maritime offence” means —

- (a) an offence under section 3, 4, 5 or 6;
- (b) conspiracy to commit any of those offences;
- (c) inciting another to commit any of those offences;
- (d) attempting to commit any of those offences; or
- (e) aiding, abetting, counselling or procuring the commission of any of those offences;

“ship” means any vessel (including hovercraft, submersible craft and other floating craft) other than one which —

- (a) permanently rests on, or is permanently attached to, the seabed; or
- (b) has been withdrawn from navigation or laid up;

“unlawfully” —

- (a) in relation to the commission of an act in Singapore, means so as (apart from this Act) to constitute an offence under any written law in force in Singapore; and

- (b) in relation to the commission of an act outside Singapore, means so that the commission of the act would (apart from this Act) have been an offence under any written law in force in Singapore if it had been committed in Singapore.

Hijacking of ships

3.—(1) Subject to subsection (2), any person who unlawfully, by the use of force or by threats of any kind, seizes a ship or exercises control of a ship, shall be guilty of an offence, whatever his nationality or citizenship, whatever the state in which the ship is registered and whether the ship is in Singapore or elsewhere.

(2) Subsection (1) shall not apply to any act committed in relation to a warship, or any other ship used as a naval auxiliary or in customs or law enforcement service, unless —

- (a) the person seizing or exercising control of the ship is a citizen of Singapore;
- (b) the act is committed in Singapore; or
- (c) the ship is used in the naval, customs or law enforcement service of Singapore.

Destroying or damaging ships, etc.

4.—(1) Subject to subsection (5), any person who unlawfully and intentionally —

- (a) destroys a ship;
- (b) damages a ship or its cargo so as to endanger, or to be likely to endanger, the safe navigation of the ship; or
- (c) commits on board a ship an act of violence which is likely to endanger the safe navigation of the ship,

shall be guilty of an offence.

(2) Subject to subsection (5), any person who unlawfully and intentionally places, or causes to be placed, on a ship any device or substance which is likely to destroy the ship or is likely so to damage it or its cargo as to endanger its safe navigation shall be guilty of an offence.

(3) Nothing in subsection (2) shall be construed as limiting the circumstances in which the commission of any act may —

- (a) constitute an offence under subsection (1); or

- (b) constitute attempting or conspiring to commit or aiding, abetting, counselling, procuring or inciting the commission of the offence.

(4) Except as provided in subsection (5), subsections (1) and (2) shall apply whether any act referred to in those subsections is committed in Singapore or elsewhere, whatever the nationality or citizenship of the person committing the act and whatever the state in which the ship is registered.

(5) Subsections (1) and (2) shall not apply to any act committed in relation to a warship, or any other ship used as a naval auxiliary or in customs or law enforcement service, unless —

- (a) the person committing the act is a citizen of Singapore;
- (b) the act is committed in Singapore; or
- (c) the ship is used in the naval, customs or law enforcement service of Singapore.

Other acts endangering or likely to endanger safe navigation

5.—(1) Subject to subsection (6), any person who unlawfully and intentionally —

- (a) destroys or damages any property to which this section applies; or
- (b) seriously interferes with the operation of that property,

where the destruction, damage or interference is likely to endanger the safe navigation of a ship, shall be guilty of an offence.

(2) Subsection (1) shall apply to any property used for the provision of maritime navigation facilities, including any land, building or ship so used, and including any apparatus or equipment so used, whether the property is on board a ship or elsewhere.

(3) Subject to subsection (6), any person who intentionally communicates any information which is false in a material particular, where the communication of the information endangers the safe navigation of a ship, shall be guilty of an offence.

(4) It shall be a defence for a person charged with an offence under subsection (3) to prove that —

- (a) he believed, and had reasonable grounds for believing, that the information was true; or
- (b) when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.