

Prevention of Pollution of the Sea Bill

Table of Contents

Bill No: 17/1990

Read the first time: 18th July 1990

Long Title

Enacting Formula

Part I PRELIMINARY

1 Short title and commencement

2 Interpretation

Part II PREVENTION OF POLLUTION FROM LAND AND APPARATUS

3 Prohibition of discharge of oil from land or apparatus

4 Special defences

5 Person throwing pollutants into Singapore waters

Part III PREVENTION OF POLLUTION FROM SHIPS

6 Prohibition of discharge of refuse, garbage, wastes, effluents, plastics and dangerous pollutants from ships

7 Prohibition of discharge of oil and oily mixtures from ships

8 Oil residues

9 Notification of proposal to carry certain substances

10 Prohibition of discharge of noxious liquid substances from ships

Part IV PREVENTIVE MEASURES AGAINST POLLUTION OF THE SEA

11 Reception facilities

12 Regulations requiring the keeping of oil record books

13 Regulations requiring the keeping of cargo record books

14 Failure to carry record books and evidence

15 Duty to report discharges of harmful substances from ships

16 Duty to report discharges of oil and substances from land or apparatus

Part V RECOVERY OF COSTS

17 Recovery of costs for removing refuse, garbage, wastes, plastics, effluents and dangerous pollutants discharged from ships

18 Recovery of costs for removing oil and substances discharged from ships

19 Recovery of costs for removing oil and substances discharged from land or apparatus

20 Recovery of costs from person responsible for the pollution

21 Costs recoverable as a debt due to appointed authority

Part VI MISCELLANEOUS PROVISIONS

22 Powers of inspectors

23 Power to deny entry and to detain ship

24 Detained ship proceeding to sea

25 Sale of ship

26 Exemptions

27 Power to enter on lands

28 Powers of arrest

29 Delegation of powers

30 Protection from personal liability

31 Evidence of analyst

32 Court for trial of offences

33 Compounding of offences

34 Regulations

35 Application to Government

36 Repeal and transitional provisions

Explanatory Statement

Expenditure of Public Money

Table of Derivations

Prevention of Pollution of the Sea Bill

Bill No. 17/1990

Read the first time on 18th July 1990.

An Act to enable effect to be given to the International Convention for the Prevention of Pollution from Ships 1973 as modified and added to by the Protocol of 1978 and to make provisions generally for preventing the pollution of Singapore waters and for matters related thereto, and to repeal the Prevention of Pollution of the Sea Act (Chapter 243 of the 1985 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 Prevention of Pollution of the Sea Act 1990 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 —

“appointed authority” means the Director of Marine, the Port of Singapore Authority and any person appointed by the Minister for the purposes of this Act or any regulations made thereunder;

“Convention” means the Convention of 1973 as modified and added to by the Protocol of 1978;

“Convention of 1973” means the International Convention for the Prevention of Pollution from Ships (including its protocols, annexes and appendices) which constitutes attachment 1 to the final act of the International Conference on Marine Pollution signed in London on 2nd November 1973;

“Director” means the Director of Marine appointed under section 6 of the Merchant Shipping Act [Cap. 179] and includes the Deputy Director of Marine appointed under that section;

“discharge”, in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship, place or thing and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying but does not include —

(a) release of harmful substances directly arising from the exploration,

exploitation and associated off-shore processing of sea-bed mineral resources; or

- (b) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

“garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except sewage originating from ships;

“harmful substance” means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, and includes any substance subject to control under this Act;

“inspector” means a person who —

- (a) is a surveyor of ships; or
- (b) is appointed in writing by the Director to be an inspector for the purposes of this Act or any regulations made thereunder;

“in packaged form” means in an individual package or receptacle including a freight container or a portable tank or tank container or tank vehicle or shipborne barge or other cargo unit containing harmful substances for shipment;

“marine pollutant” means a substance which is identified as a marine pollutant in the International Maritime Dangerous Goods Code published by the International Maritime Organisation, as amended from time to time;

“MARPOL” refers to the Convention;

“MARPOL surveyor” means a surveyor appointed or registered by the Director or by or on behalf of the government of a state party to the Convention;

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

“noxious liquid substance” means any substance which is prescribed by regulations as being a noxious liquid substance and which is subject to the provisions of Annex II of the Convention;

“occupier”, in relation to any place on land if it has no actual occupier, means the owner thereof and, in relation to a railway wagon or road vehicle, means the