

Civil Liability (Oil Pollution) Bill

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Bill No: 24/1973

Read the first time: 11th July 1973

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Expenditure of Public Money

Civil Liability (Oil Pollution) Bill

Bill No. 24/1973

Read the first time on 11th July 1973.

An Act to make provisions with respect to civil liability for oil pollution by merchant ships, offshore facilities or onshore facilities, and for matters connected therewith; and to amend the Prevention of Pollution of the Sea Act, 1971 (No. 3 of 1971).

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

Short title and commencement

1.—(1) This Act may be cited as the Civil Liability (Oil Pollution) Act, 1973 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into operation of the different provisions of this 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. 173);

“damage” includes loss;

“Director” means the Director of Marine appointed under section 6 of the Merchant Shipping Act (Cap. 172) and includes the Deputy Director of Marine appointed under that section;

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

“offshore facility” means any facility of any kind located in, on or under any of the territorial waters of Singapore other than a ship;

“oil” means oil of any description and includes spirit produced from oil of any description, coal tar, oil refuse and oil mixed with waste;

“onshore facility” means any facility (but not limited to motor vehicles and rolling stocks) of any kind located in, on or under any land within Singapore other than submerged land;

“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;

“owner or operator”, in relation to an offshore facility and an onshore facility, means any person owning or operating such offshore facility or onshore facility and in the case of an abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

“port” has the same meaning as is assigned to it in the Port of Singapore Authority Act (Cap. 173);

“Port Master” means the Port Master appointed under section 35 of the Port of Singapore Authority Act and includes any Deputy Port Master appointed under that section;

“ship” includes every description of vessel used in navigation and includes a dumb-barge and also includes an air cushioned vehicle;

“Surveyor-General” means the Surveyor-General of Ships appointed under section 8 of the Merchant Shipping Act (Cap. 172).

(2) 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 the escape.

(3) References in this Act to the area of Singapore include the territorial waters of Singapore.

(4) Any reference in this Act to the measures reasonably taken after the discharge or escape of oil for the purpose of preventing or reducing any damage caused by contamination resulting from such discharge or escape shall include actions taken to remove the oil from the water and foreshores or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to fish, shellfish, wildlife, and public and private property, foreshores and beaches.

(5) Any reference in this Act to the discharge or escape of any oil from a ship, offshore facility or onshore facility shall be construed as a reference to the discharge or escape of the oil from the ship, offshore facility or onshore facility at any place in or outside the area of Singapore.

Liability for oil pollution

3.—(1) Where any oil is discharged or escapes from any ship (whether carried as part of a cargo of a ship or otherwise), offshore facility, or onshore facility —

- (a) the owner of the ship; or
- (b) the owner or operator of the offshore facility or onshore facility,

shall be liable, except as otherwise provided by this Act, —

- (c) for any damage caused in the area of Singapore by contamination resulting from the discharge or escape;
- (d) 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
- (e) for any damage caused in the area of Singapore by any measures so taken.

(2) Where any 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,

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

(3) 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.

(4) The Contributory Negligence and Personal Injuries Act (Cap. 31) 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 or operator of a ship, offshore facility, or onshore facility, 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 a servant or agent of the owner or operator with intent to do damage; or
- (c) was, in the case of the discharge or escape of oil from a ship, due wholly to the negligence or wrongful act of the Government or the Authority in exercising its function 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 oil being discharged or escaping from a ship, offshore facility or onshore facility then, whether or not the owner or operator thereof 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 servant or agent of the owner or the operator nor any person performing salvage or cleaning operations with the agreement of the owner or operator shall be liable for any such damage or cost.

Limitation of liability of shipowner

6.—(1) Where the owner of a ship incurs a liability under section 3 by reason of a