

**Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Act
(CHAPTER 180)**

Table of Contents

Long Title

Part I PRELIMINARY

1 Short title

2 Interpretation

Part II CIVIL LIABILITY FOR OIL POLLUTION

Division 1 — Liability

3 Liability for oil pollution

4 Exceptions from liability under section 3

5 Restriction of liability for oil pollution

6 Limitation of liability under section 3

7 Limitation actions

**8 Restriction on enforcement of claims after establishment of
limitation fund**

9 Concurrent liabilities of owners and others

10 Establishment of limitation fund outside Singapore

11 Exclusions

12 Extinguishment of claims

Division 2 — Compulsory Insurance

13 Compulsory insurance against liability for oil pollution

14 Issue of certificates

15 Rights of third parties against insurers

Division 3 — Supplementary

16 Jurisdiction of Singapore courts and registration of foreign judgments

17 Restriction on enforcement of judgments given by court in country not party to Liability Convention

18 Government ship

19 Saving for recourse actions

20 Power to detain ship

21 Power of arrest

22 Sale of ship

Part III INTERNATIONAL OIL POLLUTION COMPENSATION FUND

23 Interpretation of this Part

24 Legal capacity of Fund

25 Contributions by importers of oil and others

26 Power to obtain information

27 Liability of Fund

28 Limitation of Fund's liability under section 27

29 Jurisdiction and effect of judgments

30 Extinguishment of claims

31 Subrogation

Part IV MISCELLANEOUS

32 Power to make regulations

33 Director may authorise person to exercise powers and duties

34 Power to board and search ship

35 Court for trial of offences

36 Offences committed by body corporate

37 Composition of offences

38 Fines to be paid to Authority

39 Protection from personal liability

Legislative History

**MERCHANT SHIPPING (CIVIL LIABILITY AND COMPENSATION FOR
OIL POLLUTION) ACT**

(CHAPTER 180)

(Original Enactment: Act 33 of 1998)

REVISED EDITION 1999

(30th December 1999)

An Act to give effect to the International Convention on Civil Liability for Oil Pollution Damage 1992 and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992 and to make provisions generally for matters connected therewith.

[18th September 1998: Parts I, II and IV ;
31st December 1998: Part III]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Act.

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);

“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;

“Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage 1992;

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

“Liability Convention State” means a State which is a party to the Liability Convention;

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

“oil” means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship;

“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;

“port” has the same meaning as in the Maritime and Port Authority of Singapore Act (Cap. 170A);

“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) If the Minister, by order published in the *Gazette*, declares that any State specified in the order is a party to the Liability Convention in respect of any country so specified, the order shall, while in force, be conclusive evidence that that State is a party to the Liability Convention in respect of that country.

(3) 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 escape of oil from a ship are references to such a discharge or escape wherever it may occur and whether it is of oil carried in a cargo tank or of oil carried in a bunker fuel tank;
- (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