



THE STATUTES OF THE REPUBLIC OF SINGAPORE

MARITIME CONVENTIONS ACT 1911

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Maritime Conventions Act 1911

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An Act to amend the Law relating to Merchant Shipping with a view to enabling certain Conventions to be carried into effect.

[16th December 1911]

WHEREAS at the Conference held at Brussels in 1910 two conventions, dealing respectively with collisions between vessels and with salvage, were signed on behalf of His Majesty, and it is desirable that such amendments should be made in the law relating to merchant shipping as will enable effect to be given to the conventions:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I

PROVISIONS AS TO COLLISIONS, & C.

Rule as to division of loss

1.—(1) Where, by the fault of two or more ships, damage or loss is caused to one or more of those ships, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each ship was in fault, except that if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally.

(2) Nothing in this section shall operate so as to render any ship liable for any loss or damage to which her fault has not contributed.

(3) Nothing in this section shall affect the liability of any person under a contract of carriage or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

(4) For the purposes of this Act, “freight” includes passage money and hire, and references to damage or loss caused by the fault of a ship shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

Damages for personal injuries

2.—(1) Where loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and of any other ship or ships, the liability of the owners of the ships shall be joint and several.

(2) Nothing in this section —

- (a) shall be construed as depriving any person of any right of defence on which, independently of this section, he might have relied in an action brought against him by the person injured, or any person or persons entitled to sue in respect of such loss of life; or
- (b) shall affect the right of any person to limit his liability in cases to which this section relates in the manner provided by law.

Right of contribution

3.—(1) Where loss of life or personal injuries are suffered by any person on board a ship owing to the fault of that ship and any other ship or ships, and a proportion of the damages is recovered against the owners of one of the ships which exceeds the proportion in which she was in fault, they may recover by way of contribution the amount of the excess from the owners of the other ship or ships to the extent to which those ships were respectively in fault.

(2) No amount shall be recovered under subsection (1) which could not, by reason of any statutory or contractual limitation of, or exemption from, liability, or which could not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

(3) In addition to any other remedy provided by law, the persons entitled to any such contribution as aforesaid shall, for the purpose of recovering the same, have, subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

Abolition of statutory presumptions of fault

4.—(1) (*Not applicable*)¹

(2) (*Not applicable*)²

Jurisdiction in cases of loss of life or personal injury

5. Any enactment which confers on any court Admiralty jurisdiction in respect of damage shall have effect as though references to such damage included references to damages for loss of life or personal injury, and accordingly proceedings in respect of such damages may be brought in rem (against the thing) or in personam (against the person).

PART II

PROVISIONS AS TO SALVAGE

General duty to render assistance to persons in danger at sea

6.—(1) The master or person in charge of a ship shall, so far as he can do so without serious danger to his own ship, her crew and passengers (if any), render assistance to every person, even if such person be a subject of a foreign State at war with Singapore, who is found at sea in danger of being lost, and, if he fails to do so, he shall be guilty of an offence.³

¹This subsection originally read as follows:

“**4.—(1)** Subsection (4) of section four hundred and nineteen of the Merchant Shipping Act, 1894 (which provides that a ship shall be deemed in fault in a case of collision where any of the collision regulations have been infringed by that ship), is hereby repealed.”

It should be noted that section 419 (4), Merchant Shipping Act, 1894 is not applicable to Singapore and there is no equivalent provision in any written law.

²This subsection originally read as follows:

“(2) The failure of the master or person in charge of a vessel to comply with the provisions of section four hundred and twenty-two of the Merchant Shipping Act, 1894, (which imposes a duty upon masters and persons in charge of vessels after a collision to stand by and assist the other vessel) shall not raise any presumption of law that the collision was caused by his wrongful act, neglect, or default, and accordingly subsection (2) of that section shall be repealed.”

It should be noted that section 422, Merchant Shipping Act 1894 is not applicable to Singapore. Reference may also be made to section 106 of the Singapore Merchant Shipping Act (Cap. 179) which is the current law dealing with the duty of a ship to assist another in the case of a collision.

³See also Regulation 33 (Distress Messages: Obligations and Procedures) of Chapter V of the Singapore Merchant Shipping (Safety Convention) Regulations (Cap. 179, Rg 11).

(2) Compliance by the master or person in charge of a ship with the provisions of this section shall not affect his right or the right of any other person to salvage.

Apportionment of salvage amongst owners, & c., of foreign ship

7. Where any dispute arises as to the apportionment of any amount of salvage among the owners, master, pilot, crew, and other persons in the service of any foreign ship, the amount shall be apportioned by the court or person making the apportionment in accordance with the law of the country to which the ship belongs.

PART III

GENERAL PROVISIONS

Limitation of actions

8.—(1) No action shall be maintainable to enforce any claim or lien against a ship or her owners in respect of —

(a) any damage or loss to another ship, her cargo or freight, or any property on board her, or damages for loss of life or personal injuries suffered by any person on board her, caused by the fault of the former ship, whether such ship be wholly or partly in fault; or

(b) any salvage services,

unless proceedings therein are commenced within 2 years from the date when the damage, loss or injury was caused or the salvage services were rendered.

(2) An action shall not be maintainable under this Act to enforce any contribution in respect of an overpaid proportion of any damages for loss of life or personal injuries unless proceedings therein are commenced within one year from the date of payment.

(3) Notwithstanding subsections (1) and (2), any court having jurisdiction to deal with an action to which this section relates —

(a) may, in accordance with the Rules of Court, extend any such period, to such extent and on such conditions as it thinks fit; and

- (b) shall, if satisfied that there has not during such period been any reasonable opportunity of arresting the defendant ship within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to an extent sufficient to give such reasonable opportunity.

Application of Act

9.—(1) This Act shall extend throughout His Majesty's dominions⁴ and to any territories under his protection, and to Cyprus.

(2) This Act shall not extend to the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, and Newfoundland.

(3) This Act shall not apply in any case in which proceedings have been taken before the passing thereof and all such cases shall be determined as though this Act had not been passed.⁵

(4) This Act shall apply to any persons other than the owners responsible for the fault of the ship as though the expression "owners" included such persons.

(5) In any case where, by virtue of any charter or demise, or for any other reason, the owners are not responsible for the navigation and management of the ship, this Act shall be read as though for references to the owners there were substituted references to the charterers or other persons for the time being so responsible.

⁴Application of Act extended on 1st February 1913 to the Straits Settlements as part of His Majesty's dominions: see *Seow Teck Ming v Tan Ah Yeo* (CA) [1991] SLR 169, [1991] 2 MLJ 489.

⁵This subsection was re-numbered from section 9(2). The original section 9(3) has not been reproduced as it is not applicable. It originally read as follows:

"(3) The provisions of this Act shall be applied in all cases heard and determined in any court having jurisdiction to deal with the case and in whatever waters the damage or loss in question was caused or the salvage services in question were rendered, and subsection (9) of section twenty-five of the Supreme Court of Judicature Act, 1873, shall cease to have effect."

It should be noted that section 25 (9) of the Supreme Court of Judicature Act, 1873 (36 & 37 Vict. c.66), is not applicable to Singapore and there is no equivalent provision in any written law.

Short title and construction

10. This Act may be cited as the Maritime Conventions Act, 1911, and shall be construed as one with the Merchant Shipping Act (Cap. 179).⁶

⁶This section originally provided that this Act is to be construed as one with the provisions of the Merchant Shipping Acts 1894 (57 & 58 Vict.c.50) to 1907. These Imperial Acts are not applicable in Singapore. Section 4 (4) (e) of the Application of English Law Act (Cap. 7A) provides that:

“**4.—**(4) In relation to any English enactment specified in the First Schedule, unless the context otherwise requires —

...

(e) any reference to a statute or a statutory provision shall, where applicable, be read as a reference to the corresponding statute or statutory provision in Singapore; and

...”