

Maritime Offences (Amendment) Bill

Bill No. 19/2015.

Read the first time on 11 May 2015.

A BILL

intituled

An Act to amend the Maritime Offences Act (Chapter 170B of the 2004 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 (Amendment) Act 2015 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of long title

2. The long title to the Maritime Offences Act (referred to in this Act as the principal Act) is amended by deleting the words “10th March 1988” and substituting the words “10 March 1988, and the provisions of the Protocol for the Suppression of Unlawful Acts against the
10 Safety of Fixed Platforms located on the Continental Shelf done in Rome on 10 March 1988,”.

Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by deleting the words “10th March 1988” in the definition of
15 “Convention” and substituting the words “10 March 1988”;

(b) by inserting, immediately after the definition of “country”, the following definition:

20 ““fixed platform” means any artificial island, installation or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for any other economic purpose;”; and

(c) by inserting, immediately after the definition of “naval service”, the following definitions:

25 ““Protocol” means the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf done in Rome on 10 March 1988;

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

“relevant fixed platform offence” means —

(a) an offence under section 7A, 7B or 7C;

- (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;”.

Amendment of section 6

4. Section 6 of the principal Act is amended by inserting, immediately after the word “threats” in the section heading, the words “in relation to ships or safe navigation”.

Amendment of section 7

5. Section 7 of the principal Act is amended —

- (a) by inserting, immediately after subsection (3), the following subsections:

“(4) Any person, whether in Singapore or elsewhere, who abets the commission, whether in Singapore or elsewhere, of any act which is an offence under section 3, 4, 5 or 6 shall be guilty of an offence.

(5) Any person, whether in Singapore or elsewhere, who attempts to commit an offence under section 3, 4, 5 or 6, and in such attempt does any act towards the commission of the offence, shall be guilty of an offence and shall be punished with imprisonment for a term not exceeding 15 years.”; and

- (b) by inserting, immediately after the word “offences” in the section heading, the words “in relation to ships or safe navigation”.

New sections 7A to 7D

6. The principal Act is amended by inserting, immediately after section 7, the following sections:

“Hijacking of fixed platforms

5 **7A.**—(1) Subject to subsection (2), any person who unlawfully, by the use of force or by threats of any kind, seizes a fixed platform or exercises control of a fixed platform, shall be guilty of an offence, whatever the nationality or citizenship of that person, and whether the fixed platform is in Singapore or elsewhere.

10 (2) Subsection (1) does not apply to any act committed in relation to a fixed platform used as a naval auxiliary or in customs or law enforcement service, unless —

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

Destroying or damaging fixed platforms, etc.

7B.—(1) Subject to subsection (5), any person who unlawfully and intentionally does any of the following shall be guilty of an offence:

- 20 (a) destroys a fixed platform;
- (b) damages a fixed platform so as to endanger, or to be likely to endanger, the safety of the fixed platform;
- 25 (c) commits on board a fixed platform an act of violence which is likely to endanger the safety of the fixed platform.

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

(3) Nothing in subsection (2) is to 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) apply whether any act referred to in those subsections is committed in Singapore or elsewhere, and whatever the nationality or citizenship of the person committing the act. 5

(5) Subsections (1) and (2) do not apply to any act committed in relation to a fixed platform used as a naval auxiliary or in customs or law enforcement service, unless — 10

- (a) the person committing the act is a citizen of Singapore;
- (b) the act is committed in Singapore; or
- (c) the fixed platform is used in the naval, customs or law enforcement service of Singapore. 15

Offences involving threats in relation to fixed platforms

7C.—(1) A person (“A”) shall be guilty of an offence if —

- (a) in order to compel any other person to do or abstain from doing any act, A threatens that A or some other person will do in relation to any fixed platform an act which is an offence under section 7B(1); and 20
- (b) the making of that threat is likely to endanger the safety of the fixed platform.

(2) Except as provided in subsection (3), subsection (1) applies whether any act referred to in subsection (1) is committed in Singapore or elsewhere, and whatever the nationality or citizenship of the person committing the act. 25

(3) Section 7B(5) applies for the purposes of subsection (1) as it applies for the purposes of section 7B(1).

Ancillary offences in relation to fixed platforms 30

7D.—(1) Any act of violence done by any person in connection with an offence under section 7A or 7B committed

or attempted to be committed by that person is deemed to have been committed in Singapore and constitutes an offence punishable under the law in force in Singapore applicable to it, wherever the act of violence was committed, and whatever the nationality or citizenship of the person committing or attempting to commit the act.

(2) A person in Singapore shall be guilty of an offence if the person abets the commission elsewhere of any act which would —

(a) but for section 7A(2), be an offence under section 7A;

(b) but for section 7B(5), be an offence under section 7B; or

(c) but for section 7C(3), be an offence under section 7C.

(3) Any person, whether in Singapore or elsewhere, who abets the commission, whether in Singapore or elsewhere, of any act which is an offence under section 7A, 7B or 7C shall be guilty of an offence.

(4) Any person, whether in Singapore or elsewhere, who attempts to commit an offence under section 7A, 7B or 7C, and in such attempt does any act towards the commission of the offence, shall be guilty of an offence and shall be punished with imprisonment for a term not exceeding 15 years.”.

Amendment of section 9

7. Section 9(2) of the principal Act is amended by inserting, immediately after the words “section 7(1)”, the words “or 7D(1)”.

Amendment of section 11

8. Section 11 of the principal Act is amended —

(a) by inserting, immediately after the words “Relevant maritime offences” in subsection (1), the words “and relevant fixed platform offences”;

(b) by deleting subsections (2) and (3) and substituting the following subsections:

“(2) Where no extradition treaty is in force between Singapore and a Protocol country —

(a) a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act as if there were an extradition treaty between Singapore and that Protocol country; but 5

(b) subject to subsection (4), where the Extradition Act is applied under paragraph (a), that Act has effect as if the only extradition crimes within the meaning of that Act were relevant maritime offences and relevant fixed platform offences. 10

(3) Where no extradition treaty is in force between Singapore and a Convention country that is not a Protocol country — 15

(a) a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act as if there were an extradition treaty between Singapore and that Convention country; but 20

(b) subject to subsection (4), where the Extradition Act is applied under paragraph (a), that Act has effect as if the only extradition crimes within the meaning of that Act were relevant maritime offences.”; 25

(c) by deleting the words “Subsection (2) is” in subsection (4) and substituting the words “Subsections (2) and (3) are”; and

(d) by deleting subsection (5) and substituting the following subsection:

“(5) For the purposes of the Extradition Act — 30

(a) any act, wherever committed, is deemed to be an offence within the jurisdiction of a Protocol country in relation to which the Extradition Act

has been applied by a notification in the *Gazette* made under section 4 of that Act, if that act —

(i) is a relevant maritime offence or relevant fixed platform offence, or would be such an offence but for section 3(2), 4(5), 5(6), 6(4), 7A(2), 7B(5) or 7C(3) of this Act; and

(ii) is an offence against the law of that Protocol country; and

(b) any act, wherever committed, is deemed to be an offence within the jurisdiction of a Convention country that is not a Protocol country in relation to which the Extradition Act has been applied by a notification in the *Gazette* made under section 4 of that Act, if that act —

(i) is a relevant maritime offence, or would be such an offence but for section 3(2), 4(5), 5(6) or 6(4) of this Act; and

(ii) is an offence against the law of that Convention country.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Maritime Offences Act (Cap. 170B) mainly to give effect to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf done in Rome on 10 March 1988 (the Protocol).

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to extend the purposes of the Act to include giving effect to the Protocol, and to make a technical change.

Clause 3 amends section 2 —

(a) to define the terms “fixed platform”, “Protocol”, “Protocol country” and “relevant fixed platform offence” used in the new sections 7A to 7D (to be inserted by clause 6) and in section 11 (as amended by clause 8); and

(b) to make a technical change to the definition of “Convention”.

Clause 4 amends the section heading of section 6 to clarify that the section deals only with offences involving threats in relation to ships or safe navigation.

Clause 5(a) inserts new section 7(4) and (5) to make it an offence to abet the commission of, or to attempt to commit, an offence under section 3, 4, 5 or 6, regardless of where the abetment or attempt occurs.

Clause 5(b) amends the section heading of section 7 to clarify that the section deals only with ancillary offences in relation to ships or safe navigation.

Clause 6 inserts new sections 7A to 7D to give effect to the Protocol.

The new section 7A makes it an offence to hijack a fixed platform.

The new section 7B makes it an offence to intentionally destroy or damage a fixed platform, or commit on board a fixed platform an act of violence which is likely to endanger the safety of the fixed platform.

The new section 7C makes it an offence to issue a threat to carry out an act referred to in the new section 7B(1), which might endanger the safety of a fixed platform.

The new sections 7A, 7B and 7C apply regardless of the nationality or citizenship of the offender, or the place of commission of the offence.

The new section 7D deals with offences ancillary to those in the new sections 7A, 7B and 7C. In particular, an act of violence committed in connection with an offence under the new section 7A or 7B is deemed to have been committed in Singapore and punishable under Singapore law, regardless of the nationality or citizenship of the offender, or the place of commission of the act.

Clause 7 amends section 9(2) to clarify that the general penalty under section 9(1) for offences under the Act does not apply to any act which constitutes an offence punishable under the law in force in Singapore applicable to that act by virtue of the new section 7D(1).

Clause 8(a) amends section 11(1) to deem relevant fixed platform offences to be included in the list of extradition crimes described in the First Schedule to the Extradition Act (Cap. 103).

Clause 8(b) replaces section 11(2) and (3) —

(a) to provide that where there is no extradition treaty in force between Singapore and a Protocol country —

(i) the Minister for Law may, by notification in the *Gazette* under section 4 of the Extradition Act, apply that Act in relation to that Protocol country; but

- (ii) where the Extradition Act is so applied, that Act has effect as if the only extradition crimes were relevant maritime offences and relevant fixed platform offences; and
- (b) to provide that where there is no extradition treaty in force between Singapore and a Convention country that is not a Protocol country —
 - (i) the Minister for Law may, by notification in the *Gazette* under section 4 of the Extradition Act, apply that Act in relation to that Convention country; but
 - (ii) where the Extradition Act is so applied, that Act has effect as if the only extradition crimes were relevant maritime offences.

Clause 8(c) makes an amendment to section 11(4) that is consequential to the replacement of section 11(2) and (3) by clause 8(b).

Clause 8(d) replaces section 11(5) so that for the purposes of the Extradition Act —

- (a) an act (wherever committed) is deemed to be an offence within the jurisdiction of a Protocol country in relation to which the Extradition Act has been applied, if that act —
 - (i) is a relevant maritime offence or relevant fixed platform offence, or would be such an offence but for section 3(2), 4(5), 5(6) or 6(4) or the new section 7A(2), 7B(5) or 7C(3); and
 - (ii) is an offence against the law of that Protocol country; and
- (b) an act (wherever committed) is deemed to be an offence within the jurisdiction of a Convention country that is not a Protocol country in relation to which the Extradition Act has been applied, if that act —
 - (i) is a relevant maritime offence, or would be such an offence but for section 3(2), 4(5), 5(6) or 6(4); and
 - (ii) is an offence against the law of that Convention country.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
