

High Court (Admiralty Jurisdiction) (Amendment) Bill

Bill No. 23/2020.

Read the first time on 4 May 2020.

A BILL

intituled

An Act to amend the High Court (Admiralty Jurisdiction) Act (Chapter 123 of the 2001 Revised Edition) and to make a related amendment to the Merchant Shipping Act (Chapter 179 of the 1996 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 is the High Court (Admiralty Jurisdiction) (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 3

2. Section 3 of the High Court (Admiralty Jurisdiction) Act is amended —

(a) by deleting paragraph (i) of subsection (1) and substituting the following paragraph:

10 “(i) subject to section 168 of the Merchant Shipping Act (Cap. 179) (which requires salvage disputes to be determined summarily by a District Court in certain cases), any claim —

15 (i) under the Salvage Convention;
 (ii) under any contract for or in relation to salvage services; or
 (iii) in the nature of salvage other than a claim mentioned in sub-paragraph (i) or (ii),

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or any corresponding claim in connection with an aircraft mentioned in subsection (3A);”;

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

“3) For the purposes of subsection (1)(i)(ii) —

30 (a) a claim for or in relation to salvage services includes a claim for services rendered in saving life from a ship or in saving cargo, apparel or wreck, that is authorised to be made in connection with a ship under paragraph 2 of Article 16 of the Salvage

Convention or section 167 of the Merchant Shipping Act; and

- (b) a claim under any contract for or in relation to salvage services includes a claim that arises under that contract, whether or not during the provision of such services.

(3A) The reference in subsection (1)(i) to any corresponding claim in connection with an aircraft is a reference to any claim, corresponding to any claim mentioned in sub-paragraph (i) or (ii) of that provision, which is available under section 11 of the Air Navigation Act (Cap. 6) or any regulations made under that section.”;

- (c) by deleting the words “to (3)” in subsection (4) and substituting the words “to (3A)”; and

- (d) by inserting, immediately after subsection (5), the following subsection:

“(6) In this section, “Salvage Convention” means the International Convention on Salvage, 1989, including any revision to that Convention or any protocol to that Convention that may apply to Singapore from time to time, as set out in the Second Schedule to the Merchant Shipping Act.”.

Related amendment to Merchant Shipping Act

3. Section 176 of the Merchant Shipping Act (Cap. 179) is repealed.

Saving and transitional provision

4. Despite section 2, section 3 of the High Court (Admiralty Jurisdiction) Act as in force immediately before the date of commencement of section 2 continues to apply to or in relation to any legal proceedings commenced in the High Court before that date.

EXPLANATORY STATEMENT

This Bill seeks to amend the High Court (Admiralty Jurisdiction) Act (Cap. 123) (called the principal Act) for the following purposes:

- (a) to extend the admiralty jurisdiction of the High Court to any claim that falls under the International Convention on Salvage, 1989 (the Salvage Convention);
- (b) to provide that the admiralty jurisdiction of the High Court covers any contractual claim for salvage services;
- (c) to provide that a claim for services rendered in saving life from a ship is made under the Salvage Convention, and not under section 166 of the Merchant Shipping Act (Cap. 179) as amended by section 11 of the Merchant Shipping (Miscellaneous Amendments) Act 2019 (Act 3 of 2019);
- (d) to make drafting improvements.

The Bill also repeals section 176 of the Merchant Shipping Act.

Clause 1 relates to the short title and commencement.

Clause 2(a) amends section 3 (Admiralty jurisdiction of High Court) by deleting and substituting paragraph (i) of subsection (1) to extend the admiralty jurisdiction of the High Court to any claim made under the Salvage Convention. The Salvage Convention will have the force of law when section 10 of the Merchant Shipping (Miscellaneous Amendments) Act 2019 comes into operation. The new subsection (1)(i) also provides that any claim under any contract for or in relation to salvage services (new section 3(1)(i)(ii)) or any other claim in the nature of salvage (new section 3(1)(i)(iii)) falls within the admiralty jurisdiction of the High Court.

The new section 3(1)(i) preserves the admiralty jurisdiction of the High Court under the existing section 3(1)(i), and broadens that jurisdiction to include the following claims:

- (a) any claim under the Salvage Convention, including Article 14 of the Convention which relates to the entitlement of a salvor that has carried out salvage operations in respect of a vessel which by itself or its cargo threatened damage to the environment, to special compensation (as assessed in accordance with that Article) where such salvage operations did not result in any vessel or other property being salvaged;
- (b) any claim under a contract for salvage services to carry out any salvage operation to prevent or minimise damage to the environment, even where such salvage operation did not result in any ship, apparel, cargo or wreck being salvaged. Such a claim does not fall within the existing section 3(1)(i) of the principal Act.

The new section 3(1)(i), read with the new subsection (3A), preserves the existing position under the principal Act, by providing that the admiralty jurisdiction of the High Court applies to any claim in connection with an aircraft that corresponds to a claim in connection with a ship under the new section 3(1)(i)(i) or (ii).

Clause 2(b) deletes and substitutes subsection (3) of section 3 and introduces a new subsection (3A). The new subsection (3) provides that for the purposes of the new subsection (1)(i)(ii) —

- (a) a claim for or in relation to salvage services includes a claim for services rendered in saving life from a ship or in saving cargo, apparel or wreck, that is authorised to be made in connection with a ship under paragraph 2 of Article 16 of the Salvage Convention or section 167 of the Merchant Shipping Act (new section 3(3)(a)); and
- (b) a claim under any contract for or in relation to salvage services includes a claim that arises under that contract, whether or not during the provision of such services (new section 3(3)(b)).

For the purposes of the new section 3(3)(a), from the date of commencement of section 11 of the Merchant Shipping (Miscellaneous Amendments) Act 2019 which repeals and re-enacts section 166 of the Merchant Shipping Act, a claim for salvage in saving life would no longer be made under section 166 of the Merchant Shipping Act, but would be made under paragraph 2 of Article 16 of the Salvage Convention instead. A claim for services rendered in saving cargo, apparel or wreck remains to be made under section 167 of the Merchant Shipping Act.

The new subsection (3A) provides that the reference in the new subsection (1)(i) to the words “any corresponding claim in connection with an aircraft” is a reference to any claim in connection with an aircraft that corresponds to a claim mentioned in sub-paragraph (i) or (ii) of the new subsection (1)(i), which is available under section 11 of the Air Navigation Act (Cap. 6) or any regulations made under that section. Section 11 of the Air Navigation Act provides that any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft are deemed to be salvage services in all cases in which such services would have been salvage services if they had been rendered in relation to a vessel.

Clause 2 also makes a related amendment to subsection (4) of section 3 and inserts a new subsection (6) containing a definition of “Salvage Convention”.

Clause 3 repeals section 176 of the Merchant Shipping Act which provides that the High Court has jurisdiction to decide all claims relating to salvage. This provision is not necessary as the admiralty jurisdiction of the High Court over such claims is provided under the principal Act.

Clause 4 contains a saving and transitional provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
