

TLLC

Cross-Border Questionnaire

4th edition, 2025
Casualties, Investigations and Liabilities

Dear TLLC Members,

After the successful earlier editions of the questionnaire, with over 20 jurisdictions covering the topics of “Arrest of Vessels”, “Liabilities in Contracts of Carriage” and “Maritime Arbitration”, we are happy to launch the 4th edition of the TLLC Cross-Border Questionnaire.

This Questionnaire aims to bring a comparative analysis from different jurisdictions with diverse legal backgrounds on topics that are relevant for the global transportation industry.

After an online poll among the TLLC members, the topic selected by majority of votes for this edition of the questionnaire is “Casualties, Investigations and Liabilities”.

We are happy to hear about multiple jurisdictions and encourage you to share your contributions to the questionnaire by **December 15, 2025**. We expect to publish the questionnaire in early 2026 and subsequently organize our traditional webinar on the topic.

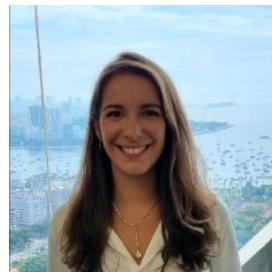
Responses to the Questionnaire, as well as suggestions of topics and improvements for future editions may be sent to [the editors below](#).

Cheers!

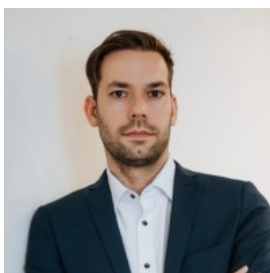
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TLLC Cross-border Questionnaire

4th edition – 2025

CASUALTIES, INVESTIGATIONS AND LIABILITIES

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1. What's the first thing you do when the shipowner/Club calls in case of a marine casualty?

Check the location of the casualty. This is particularly important in South-East Asia to determine which laws apply, which courts have jurisdiction, and which governmental authorities will investigate.

2. What are the immediate concerns and how do you protect your clients' interests?

From a legal perspective, the immediate concern is to preserve the evidence. This involves ensuring that navigational data, documents are properly extracted and preserved, and that statements are taken from the crew.

3. Which parties may be involved, i.e., private entities and public authorities?

In terms of private entities, the users of the vessel (e.g. charterer, cargo interests) and that of other vessels involved in the incident will be involved. There may also be salvors involved.

In Singapore, the first responder to a maritime incident occurring to a Singapore ship or within Singapore waters are the Maritime and Port Authority of Singapore and the Transport Safety Investigation Bureau of Singapore. If the incident has the potential to affect the environment, other agencies such as the National Environment Agency, the Singapore Civil Defence Force, Ministry of Sustainability and the Environment and the port operators may be called upon to assist.

4. How are Investigations conducted in your jurisdiction? How can the parties/lawyers handle investigations?

All incidents which occur in Singapore waters or to a Singapore ship have to be reported to the Maritime and Port Authority of Singapore and the Transport Safety Investigation Bureau of Singapore. Investigations will take place under the auspices of the Transport Safety Investigations Act and are conducted primarily by the Transport Safety Investigation Bureau of Singapore.

The Transport Safety Investigation Bureau of Singapore is granted wide powers of investigation, including to obtain information and control access to the incident site. Upon the completion of an investigation a final report is published. Parties are involved in assisting the investigations and by providing necessary information. Lawyers can assist parties with their obligations to assist the Transport Safety Investigation Bureau of Singapore.

5. Could such an event lead to administrative penalties, civil liability, and/or criminal liability? If so, what kind of sanctions or penalties may be imposed and under what timeframe?

Yes.

Depending on the cause of the maritime incident, this could amount to criminal offences under a variety of statutes. For instance, a breach of the collision regulations is an offence under the Merchant Shipping (Prevention of Collisions at Sea) Regulations. Relevant statutes would include the Merchant Shipping Act 1995 (and its subsidiary legislation), the Penal Code 1871, the Maritime and Port Authority of Singapore Act 1996, the Prevention of Pollution at Sea Act 1990, the Merchant Shipping (Civil Liability and Compensation for Oil Pollution) Act 1998, the Merchant Shipping (Civil Liability and Compensation for Bunker Oil Pollution) Act 2008 etc.

Shipowners or managers who are found to be at fault for a maritime incident may also face administrative issues with obtaining or renewal of licences from the Singapore Registry of Ships.

A maritime incident could also lead to civil liability if damage is caused to property, persons or to the environment.

6. Can the state or local authority order wreck removal?

Yes, the Maritime and Port Authority of Singapore has powers to order wreck removal under the Maritime and Port Authority of Singapore Act 1996 as well as the Merchant Shipping (Wreck Removal) Act 2017.

7. What are the basic liabilities and nature of the potential judicial claims that could arise?

Apart from statutory offences, the claims against a shipowner or operator or crew of a vessel involved in a maritime incident will sound in tort.

8. Is there a risk of civil public actions for pollution or for damages to fishing or tourism industries?

Yes.

9. Is there a risk of arrest of the vessel, security or other injunctions against the parties involved?

Yes, primarily the vessel may be arrested.

10. What are some basic defences available to carriers involved in a maritime casualty in your jurisdiction?

It would primarily depend on the legal relationship in question. Limitation of liability regimes are commonly raised as partial defences across all modes of civil liability.

Between a carrier and cargo interests, if the Hague or Hague-Visby Rules apply, then there may be a defence of negligence of navigation available. Other defences such as fire, acts of God, perils of the sea, may also be available under the Hague or Hague-Visby Rules as well as the Hamburg or Rotterdam Rules.

In terms of criminal offences, the defences available across all the statutory offences can be found in the General Exceptions of the Penal Code 1871. In addition, as criminal offences generally require proof of actus rea and mens rea, arguments may be made on whether the adequate mens rea is present even if an act contravenes a statute.

11. How are penalties and/or indemnities quantified and assessed?

For civil liability, damages will be assessed and quantified based on the law of damages applicable to either tort or contract claims.

The maximum penalties for statutory offences are largely prescribed by law. The determination of the exact penalty amount will be assessed by the relevant authority (if a composition of the offence is offered) or by the Singapore Courts, applying applicable principles of sentencing under criminal law.

12. Are there any limitation regimes available in your country?

For cargo limitation, the Hague-Visby Convention is in force in Singapore. For tonnage limitation, the Convention on Limitation of Liability for Maritime Claims (with the 1996 Protocol and the 2012 amendments) is in force in Singapore.

For oil pollution, the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 and the International Convention on Civil Liability for Oil Pollution Damage 1992 are in force.

13. Which international conventions are in force in your jurisdiction that could be applicable? (Salvage, Wreck Removal, SOLAS, Limitation, etc.?)

SOLAS 1974, MARPOL, STCW, LLMC 1976, COLREGS, CLC, the Bunker convention, the Nairobi Wreck Removal Convention, Salvage Convention, Hague-Visby Rules.

14. Any relevant domestic laws that could apply when it comes to mitigating the damages; measures to be adopted and claims for the losses suffered?

The principles of mitigation under the common law on damages applicable to tort and contract claims in Singapore would apply.

Where statutory offences are concerned, remediation of the damage caused by the incident will be a mitigation factor.

15. Any other relevant information, news, a practical case or decision regarding the topic you would like to share?

In 2024, the Singapore Court of Appeal released its decision in ***Owner and/or Demise Charterer of the vessel "A Symphony" v. Owner of the vessel "Sea Justice"***.

This case considered the interplay between the institution of a limitation fund in a non-LLMC jurisdiction (China) and the obtaining of security for the marine casualty in Singapore. The Court held that a stay of proceedings should be ordered and security released as the arresting party had submitted to the limitation proceedings in China. Even though China was not an LLMC-jurisdiction, the Court recognized that it is the shipowner's choice to choose the forum for limitation.