

SEAFARER SUBJECT GUIDE

ABANDONMENT OF SEAFARERS IN SINGAPORE

This Guide deals with the situation where seafarers are abandoned in a port in Singapore as well as where seafarers are abandoned on a Singaporean flagged vessel in a port outside Singapore. This document is not intended to be legal advice, nor does it constitute legal advice. If a seafarer is abandoned, he is strongly advised to consult a lawyer qualified to practise in Singapore.

*A full text version of this Subject Guide including footnotes will become available for subscription in due course. In the meantime if there is a specific inquiry on any Subject Guide, please contact SRI.

- 1. When is a seafarer considered abandoned according to national case law or legislation? Is there any special legislation in concerning abandoned crew?**
 - 1.1 There is no Singapore case law explaining when a seafarer is considered 'abandoned,' when the crew is considered to have been left without repatriation by the employer.
 - 1.2 There is legislation for relief and repatriation involving crew but this is only for 'Singapore ships.'
 - 1.3 Repatriation of foreign crew is not difficult or unusual under Singapore Law. The interests of foreign crews are sympathetically considered by the court and repatriation of crew is considered routine and a 'given' if the crew is entitled to repatriation under their contracts of employment. Even in cases where there is no contractual provision, the court may sanction the repatriation of crew by the most senior/largest claimant and for that claimant (for example, a mortgagee who would desire the sale of the vessel) to be reimbursed from the sale of the vessel as a 'sheriff's expense.'
 - 1.4 In the usual situation, repatriation is ancillary to the judicial sale of the ship by the court; the Sheriff of the High Court (this is, the office of the Sheriff as opposed to a particular individual) may take up the maintenance of the crew and their repatriation in order to maintain the ship for the short period prior to the sale of the ship by providing fresh water, provisions etc and to clear the crew from the ship in order to deliver the ship to the winning bidders for the ship from the judicial sale usually by paying the crew their wages from the money collected from the sale of the ship as part of the Sheriff's expenses. Usually, the claimants/arresting lawyers would provide for these orders in their court application for the judicial sale of the ship or the Sheriff would request that they do so.

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1.5 In cases where there is no arrest by a third party but the ship is stranded in Singapore because the shipowners or charterers had sailed the ship to Singapore, the crew's recourse is to initiate their own legal action against the ship to recover their wages and other entitlements including repatriation costs. The ship is sold and the rest of the steps are the same as an arrest action as outlined above.

1.6 However, where there is no ship, for example, the crew are in Singapore due to a shipwreck, the crew will have to depend on the assistance of seafarers' organisations and well-wishers, for example, the Singapore Stranded Seafarers Fund jointly set up by the Singapore Maritime Officers Union and the Singapore Maritime and Port Authority. However, this is a private and not a government-supported fund and it appears to be open only to crewmembers of Singapore ships.

2. What is the immigration status of abandoned seafarers?

2.1 All persons entering Singapore would have to comply with the provisions of the Immigration Act, that is to say, they have to pass through valid landing points, having followed the necessary procedures and with the necessary paperwork (visas, and so on), then they would be considered to be legal visitors.

2.2 However, entry to Singapore is at the discretion of the Singapore Government.

3. Can an abandoned seafarer get shore leave?

3.1 All persons entering Singapore would have to comply with the provisions of the Immigration Act, that is to say, they have to pass through valid landing points, having followed the necessary procedures and with the necessary paperwork (visas, and so on), then they would be considered to be entitled to shore leave.

3.2 However, entry to Singapore is at the discretion of the Singapore Government.

4. Is abandonment of seafarers considered a crime?

4.1 Under the Merchant Shipping (Repatriation) Regulations 1996, it is an offence if the employer does not repatriate the seaman who is left behind or taken to any country on being shipwrecked, but that only applies to a Singapore ship.

5. What entities and/or persons may be involved with or assist an abandoned crew?

5.1 Various entities and/or persons may be involved with or assist an abandoned crew.

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5.2 Lawyers

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at www.seafarersrights.org

5.2.1 In addition, reference may be made to the Guide on Using Lawyers and Fact File available on the SRI app and at

https://www.seafarersrights.org/seafarers_subjects/using_lawyers/

5.3 ITF Inspectors and union officials

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at www.seafarersrights.org

5.4 Welfare agencies

See FIND ASSISTANCE on the SRI app which can be downloaded from the home page of the SRI website at www.seafarersrights.org

5.5 Governments and Embassies

Additionally the seafarer may need to access government official websites, including lists of embassies, to find an appropriate contact.