



## INCIDENTS INVOLVING THE 1971 FUND

### SINGAPURA TIMUR

#### Note by the Director

**Summary:** The *Singapura Timur*, carrying some 1 500 tonnes of asphalt, sank after a collision in the Strait of Malacca off the coast of Malaysia, resulting in an escape of an unknown quantity of bunker fuel and asphalt cargo. Clean-up operations at sea were organised by the cargo owner. No oil is reported to have gone ashore. It is not yet possible to estimate the total amount of the claims.

**Action to be taken:**

- a) information to be noted; and
- b) authorise the Director to settle claims.

### 1 The incident

- 1.1 On 28 May 2001 the chemical tanker *Singapura Timur* (1 369 GT), registered in Panama, carrying some 1 550 tonnes of asphalt, collided with the unladen Bahamanian-registered tanker *Rowan* (24 731 GT) near Undan Island, in the Strait of Malacca, Malaysia.
- 1.2 The collision caused several fractures to the shell plating of one of the *Singapura Timur*'s bunker fuel tanks. Suspected damage to the forward and aft bulkheads of the tank is believed to have resulted in the ingress of cargo into the compartment and the flooding of the engine room. The vessel sank in some 47 metres of water later the same day.
- 1.3 At the request of the Malaysian authorities the cargo owner mobilised a tug with pollution response equipment, including equipment of the Malaysian oil industry co-operative (PIMMAG). The clean-up response, which primarily involved the application of chemical dispersants, was terminated on 1 June 2001 when it was established that the remaining oil at sea did not pose a threat to the Malaysian coastline.
- 1.4 The *Singapura Timur* was entered in the Japan Ship Owners' Mutual Protection and Indemnity Association (Japan P & I Club).

- 1.5 A salvage company contracted by the Japan P & I Club sealed all fractures and plugged the vents of the fuel oil tanks to prevent further escape of oil. These operations were completed on 5 June 2001.
- 1.6 Asphalt is a persistent oil, so the *Singapura Timur* was actually carrying oil in bulk as cargo and falls within the definition of 'ship' in Article I.1 of the 1969 Civil Liability Convention.

**2 Limitation of liability**

- 2.1 Malaysia is a Party to the 1969 Civil Liability Convention and the 1971 Fund Convention.
- 2.2 The limitation amount applicable to the *Singapura Timur* is estimated at 102 000 SDR (£90 000).

**3 Claims for compensation**

Whilst it is not yet possible to make an evaluation of the total amount of the claims for compensation, it is anticipated that clean-up costs will exceed the limitation amount applicable to the ship under the 1969 Civil Liability Convention. The Malaysian authorities have received reports from fishermen that their fishing nets were affected by oil.

**4 Settlement of claims**

The Assembly may wish to consider whether it is prepared to authorise the Director to make final settlements on behalf of the 1971 Fund of all claims arising out of the *Singapura Timur* incident to the extent that the claims do not give rise to any questions of principle which have not previously been decided by any of the governing bodies of the 1971 Fund or the 1992 Fund.

**7 Action to be taken by the Assembly**

The Assembly is invited:

- a) to take note of the information contained in this document;
- b) to consider whether it is prepared to authorise the Director to settle all claims arising from this incident; and
- c) to give the Director such instructions in respect of this incident as it may consider appropriate.

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