

Guidance from the Singaporean Courts on what is a ship: “I cannot say why it was a ship. But I knew what it was when I saw it.”

February 23, 2024 Fiona Cain, Teena Grewal

PRACTICES International, Shipping, Shipping Dispute Resolution, Ship Construction and Conversion, Offshore Oil and Gas, Offshore Oil and Gas Dispute Resolution

What does, or does not, make a floating craft a ship has long been a question which has plagued the minds of maritime related industries. The implications of the classification of a floating craft as a ship can be significant. If a floating craft is classified as a ship or vessel, then it will also be subject to maritime laws and regulations, which cover matters such as ship registration, mortgages, limitation of liability, ship arrest and collision liability. This question is important also for the offshore oil and gas industry when considering commercial craft, such as jack up rigs and floating storage regasification units: if they are identified purely as an offshore installation, then different regulations apply. That question may be closer to being resolved following a decision issued in the High Court of Singapore on 18 December 2023. This judgment considers whether a vessel, owned by Aquaculture Centre of Excellence Pte Ltd (the “**Owner**”), is a ship, for purposes of determining the validity of invoking the Singaporean court’s admiralty jurisdiction. Whilst not a decision that is binding on an English court, this judgment provides a useful evaluation of the current case law on the definition of a “ship” under both English and Singaporean law.

Factual Background:

In early 2021, the Owner purchased a barge, which was at that time named “WINDBUILD 73” (the “**Vessel**”), and situated in a shipyard in Batam, Indonesia (the “**Shipyard**”). The Owner entered into a contract with Vallianz Shipbuilding & Engineering Pte Ltd (the “**Builder**”) dated 21 January 2021, whereby the Builder agreed to convert the Vessel into a “Special Service Floating Fish Farm” and changed its name to the “ECO SPARK”. The Vessel was physically delivered, after some delays, by being towed by an ocean tug from the Shipyard to the farm site in Singapore on 27 February 2022.

The Dispute:

After the delivery of the Vessel, a payment dispute arose and the Builder initiated legal proceedings and simultaneously obtained warrant to arrest the Vessel on 14 March 2023.

The judge determined that there were two issues to consider in this case. The first, and the subject of this article, was to determine whether the ECO SPARK fell within the definition of “ship” under section 2 of the High Court (Admiralty Jurisdiction) Act 1961 (2020 Rev Ed) (“**the Act**”). The second was to decide whether the Vessel should be released from arrest.

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