

1910年有關統一船舶間碰撞法律某些規則國際公約

1910年9月23日訂於布魯塞爾，1913年3月1日生效

International Convention for The Unification of Certain Rules of Law with Respect to Collisions between Vessels, 1910

Signed At Brussels, September 23, 1910 ; Entered into Force March 1, 1913

Collision 1910

Article 1

Where a collision occurs between sea-going vessels or between sea-going vessels and vessels of inland navigation, the compensation due for damages caused to the vessels, or to any things or persons on board thereof shall be settled in accordance with the following provisions in whatever waters the collision takes place.

第 1 條

海船與海船間，或海船與內河航行之船舶間發生碰撞時，不論碰撞發生於何水域，其船舶或船上財物人身所受損害之賠償，應依後列規定處理。

Article 2

If the collision is accidental, if it is caused by force majeure, or if the cause of the collision is left in doubt, the damages are borne by those who have suffered them.

This provision is applicable notwithstanding the fact that the vessels, or any one of them, may be at anchor (or otherwise made fast) at the time of the casualty.

第 2 條

碰撞係因意外或為不可抗力所致，或其碰撞原因不明時，其損害由受害人自負。

於事故發生時，無論相撞之船舶或其中任一船舶是否處於下錨狀態(或其他定著狀態)之事實，本條規定仍適用之。

Article 3

If the collision is caused by the fault of one of the vessels, liability to make good the damages attaches to the one which has committed the fault.

第 3 條

碰撞係由一方船舶疏失致者，損害回復之責任應由該有疏失之船舶承負之。

Article 4

If two or more vessels are in fault the liability of each vessel is in proportion to the degree of the faults respectively committed. Provided that if, having regard to the circumstances, it is not possible to establish the degree of the respective faults, or if it appears that the faults are equal, the liability is apportioned equally.

The damages caused, either to the vessels or to their cargoes or to the effects or other property of the crews, passengers, or other persons on board, are borne by the vessels in fault in the above proportions, and even to third parties a vessel is not liable for more than such proportion of such damages.

第 4 條

如二或二艘以上船舶均有疏失，則各依其過失程度之比例，負其責任。但依其情形，無法判定各船之過失程度，或其疏失程度顯屬相等者，責任平均負之。

對於船舶或其貨載，或對於船員、旅客，或其他船上人員之物件或其他財物所生之損害，應由有疏失之船舶依前項比例負擔之。對於第三人，船舶亦不負擔超過此項損害賠償比例之責任。

In respect of damages caused by death or personal injuries, the vessels in fault are jointly as well as severally liable to third parties, without prejudice however to the right of the vessel which has paid a larger part than that which, in accordance with the provisions of the first paragraph of this Article, she ought ultimately to bear, to obtain a contribution from the other vessel or vessels in fault.

It is left to the law of each country to determine, as regards such right to obtain contribution, the meaning and effect of any contract or provision of law which limits the liability of the owners of a vessel towards persons on board.

Article 5

The liability imposed by the preceding Articles attaches in cases where the collision is caused by the fault of a pilot, even when the pilot is carried by compulsion of law.

Article 6

The right of action for the recovery of damages resulting from a collision is not conditional upon the entering of a protest or the fulfillment of any other special formality.

All legal presumptions of fault in regard to liability for collision are abolished.

Article 7

Actions for the recovery of damages are barred after an interval of two years from the date of the casualty.

The period within which an action must be instituted for enforcing the right to obtain contribution permitted by paragraph 3 of Article 4, is one year from the date of payment.

The grounds upon which the said periods of limitation may be suspended or interrupted are determined by the law of the court where the case is tried.

The High Contracting Parties reserve to themselves the right to provide, by legislation in their respective countries, that the said periods shall be extended in cases where it has not been possible to arrest the defendant vessel in the territorial waters of the State in which the plaintiff has his domicile or principal place of business.

Article 8

After a collision, the master of each of the vessels, in collision is bound, so far as he can do so without serious danger to his vessel, her crew and her passengers, to render assistance to the other vessel, her crew and her passengers.

He is likewise bound so far as possible to make known to the other vessel the name of his vessel and the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

A breach of the above provisions does not of itself impose any liability on the owner of a vessel.

對於因死亡或身體傷害所生之損害，有疏失之船舶應對第三人負連帶責任。然一船已為賠償之數額，超過本條第1項所應負擔之最終數額時，不應影響其向有同有過失之他船請求分擔之權利。

關於前項分擔請求權，契約上或法律上限制船舶所有人對於船上人員所負責任之範圍及效力，由各國法律自定之。

第 5 條

前列各條所規定之責任，適用於因引水人疏失所致之碰撞事件，即使引水人係由於法律所強制使用者亦同。

第 6 條

因碰撞所生之損害賠償訴訟請求權利，不以先行提出抗議請求，或履行其他任何特定形式為前提。

所有有關碰撞責任之法律疏失推定，均予廢除。

第 7 條

損害賠償訴訟請求，自事故之日起，經過兩年不行使而消滅。

第4條第3項請求分擔之訴，自支付之日起，應於一年內提起。

前二項時效期間中斷或不完成之事由，依審判法院法律定之。

締約國有權保留，以本國立法方式，對於被告船舶未能在原告住所或主事務所所在國之領水予以假扣押之情況，得延長其時效。

第 8 條

碰撞後，各該碰撞船舶之船長，在不甚危害其船舶、船員及旅客之範圍內，應對於他船，船員及旅客予以救助。

各該船長於可能範圍內，並應將其船舶及所屬船籍港之名稱，以及其駛來及駛往之港口名稱，通知他船舶。

違反前二項規定者，並不因此使船舶所有人負擔任何責任。

Article 9

The High Contracting Parties whose legislation does not forbid infringements of the preceding Article bind themselves to take or to propose to their respective Legislatures the measures necessary for the prevention of such infringements.
The High Contracting Parties will communicate to one another as soon as possible the laws or regulations which have already been or may be hereafter promulgated in their States for giving effect to the above undertaking.

Article 10

Without prejudice to any Conventions which may hereafter be made, the provisions of this Convention do not affect in any way the law in force in each country with regard to the limitation of shipowners' liability, nor do they alter the legal obligations arising from contracts of carriage or from any other contracts.

Article 11

This Convention does not apply to ships of war or to Government ships appropriated exclusively to a public service.

Article 12

The provisions of this Convention shall be applied as regards all persons interested when all the vessels concerned in any action belong to States of the High Contracting Parties, and in any other cases for which the national laws provide.
Provided always that-

1. As regards persons interested who belong to a non-contracting State, the application of the above provisions may be made by each of the contracting States conditional upon reciprocity.
2. Where all the persons interested belong to the same State as the court trying the case, the provisions of the national law and not of the Convention are applicable.

Article 13

This Convention extends to the making good of damages which a vessel has caused to another vessel, or to goods or persons on board either vessel, either by the execution or non-execution of a manoeuvre or by the non-observance of the regulations, even if no collision had actually taken place.

Article 14

Any one of the High Contracting Parties shall have the right, three years after this Convention comes into force, to call for a fresh conference with a view to possible amendments therein, and particularly with a view to extend, if possible, the sphere of

第 9 條

對於違反前條規定，各締約國尚未針對前條規定之違反行為予以立法明文規範禁止者，應負責採取或建議立法機關為禁止之必要措施。
締約國間為實施前項規定所公布或即將公布之法規，應儘速相互通知。

第 10 條

於不損及嗣後可能訂立任何公約之情形下，本公約規定於任何方面均不應影響各國現行有關船舶所有人責任限制之法律，亦不變更因運送契約或其他契約所生之法律責任。

第 11 條

本公約不適用於軍艦或專用於公務之政府船舶。

第 12 條

本公約規定適用於任一涉訟之船舶屬締約國國籍時之所有利害關係人，其他情況則依各國內法律定之。

但：

1. 利害關係人非屬締約國國籍者，各締約國得以互惠方式，適用本公約之規定。
2. 所有利害關係人同屬審判院所屬國之國籍者，則適用該國國內法之規定，而不適用本公約。

第 13 條

船舶因某操船動作之作為或不作為，或未遵守法規，致他船或任一船舶上之貨物或人員受有損害者，既使碰撞並未實際發生，本公約對於是項損害賠償亦適用之。

第 14 條

任一締約國於本公約實施三年後，得針對公約之可能修正，特別是在擴大公約適用範圍方面，有權召集新會議。

its application.

Any Power exercising this right must notify its intention to the other Powers through the Belgian Government, which will make arrangements for convening the conference within six months.

行使此權利之國家，應經由比利時政府將其意願通知其他各國。比政府於六個月內籌備召集會議。

Article 15

States which have not signed the present Convention are allowed to accede thereto at their request. Such accession shall be notified through the diplomatic channel to the Belgian Government, and by the latter to each of the Governments of the other Contracting Parties; it shall become effective one month after the despatch of such notification by the Belgian Government.

第 15 條

未簽署本公約之國家，得依所請許其加入。此項加入須經外交途徑通知比利時政府，稍後轉知其他締約國。此加入於比利時政府通知發出一個月後生效。

Article 16

The present Convention shall be ratified. After an interval of at most one year from the date on which the Convention is signed, the Belgian Government shall enter into communication with the Governments of the High Contracting Parties which have declared themselves prepared to ratify it, with a view to decide whether it should be put into force. The ratifications shall, if so decided, be deposited forthwith at Brussels, and the Convention shall come into force a month after such deposit. The Protocol shall remain open another year in favour of the States represented at the Brussels Conference. After this interval they can only accede to it in conformity with the provisions of Article 15.

第 16 條

本公約須經批准。本公約簽字後至多於一年期間內，比利時政府應諮詢準備批准之締約國對批准與否為決定。

Article 17

In the case of one or other of the High Contracting parties denouncing this Convention, such denunciation shall not take effect until a year after the day on which it has been notified to the Belgian Government, and the Convention shall remain in force as between the other contracting Parties.

如已決定批准，其批准書應即存放於布魯塞爾。本公約自存放一個月後生效。

為便利出席布魯塞爾會議之各國，本公約之簽署另再延長一年。逾此期間僅能依第 15 條之規定加入。

Additional Article

Notwithstanding anything in the provisions of Article 16, it is agreed that it shall not be obligatory to give effect to the provisions of Article 5, establishing liability in cases where a collision is caused by the fault of a pilot carried by compulsion of law, until the High Contracting Parties shall have arrived at an agreement on the subject of the limitation of liability of shipowners.

第 17 條

如締約國之一欲通知退出本公約者，除該退出已通知比利時政府並於一年屆滿後，始生退出之效力，而本公約在其餘各國間仍繼續有效。

附加條款

無論第 16 條規定為何，各締約國同意在締約國就船舶所有人責任限制事宜未達成任何協定前，第 5 條有關法律強制適用之引水人，因其過失發生碰撞時之責任規定，各國並無使第 5 條予以生效實施之義務。

In witness whereof, the Plenipotentiaries of the respective High Contracting Parties have signed this Convention and have affixed thereto their seals.

相關締約國全權代表爰於本公約簽印，以昭信守。

Done at Brussels, in a single copy, September 23, 1910.

1910 年 9 月 23 日訂於布魯塞爾。繕寫一份。