

# 1924 年統一海船所有人責任限制某些規則國際公約

1924 年 8 月 25 日訂於布魯塞爾，1931 年 6 月 2 日生效

## International Convention for The Unification of Certain Rules Relating to The Limitation of The Liability of Owners of Seagoing Vessels

Signed at Brussels, August 25, 1924, Entered into force June, 2, 1931

### Limitation 1924

#### Article 1

The liability of the owner of a seagoing vessel is limited to an amount equal to the value of the vessel, the freight, and the accessories of the vessel, in respect of:

- (1) Compensation due to third parties by reason of damage caused, whether on land or on water, by the acts or faults of the master, crew, pilot, or any other person in the service of the vessel;
- (2) Compensation due by reason of damage caused either to cargo delivered to the master to be transported, or to any goods and property on board;
- (3) Obligations arising out of bills of lading;
- (4) Compensation due by reason of a fault of navigation committed in the execution of a contract ;
- (5) Any obligation to remove the wreck of a sunken vessel, and any obligations connected therewith;
- (6) Any remuneration for assistance and salvage;
- (7) Any contribution of the shipowner in general average ;
- (8) Obligations arising out of contracts entered into or transactions carried out by the master, acting within the scope of his authority, away from the vessel's home port, where such contracts or transactions are necessary for the preservation of the vessel or the continuation of the voyage, provided that the necessity is not caused by any insufficiency or deficiency of equipment or stores at the beginning of the voyage.

Provided that, as regards the cases mentioned in Nos. 1, 2, 3, 4, and 5 the liability referred to in the preceding provisions shall not exceed an aggregate sum equal to 8 pounds sterling per ton of the vessel's tonnage.

#### Article 2

The limitation of liability laid down in the foregoing article does not apply:

- (1) To obligations arising out of acts or faults of the owner of the vessel;
- (2) To any of the obligations referred to in n 8 of article 1, when the owner has expressly authorized or ratified such obligation ;
- (3) To obligations on the owner arising out of the engagement of

#### 第 1 條

海船所有人對於下列事項之責任，以同等於船舶價值、運費及其附屬費為限：

- (1) 船長、海員、引水人、或服務於船舶之其它人員，無論於陸上或水上，因其行為或過失所加損害於第三人之賠償；
- (2) 交付船長運送之貨物或船上任何物品或財產所受損害之賠償；
- (3) 本於載貨證券所生之債務；
- (4) 於履行契約中所犯航行過失之賠償；
- (5) 沈船移除及其相關之任何義務；
- (6) 救助或撈救之任何報酬；
- (7) 於共同海損中屬於船舶所有人應分擔之部分；
- (8) 船長於船籍港外，為保存船舶或繼續航行之必要，在職權範圍內所簽訂之契約或所為行為所生之債務，然以必要且非因發航時配備缺陋或給養不足所生者為限。

然前項第 1 款至第 5 款之責任，以不超過依船舶噸位每噸八英鎊計算之金額為限。

#### 第 2 條

前條責任限制於下列情形不適用之：

- (1) 本於船舶所有人之行為或疏失所生之債務；
- (2) 前條第 8 款所訂之債務，經船舶所有人明示允許或承認者；
- (3) 本於海員及其它服務於船舶之人

the crew and other persons in the service of the vessel.  
Where the owner or a part owner of the vessel is at the same time master, he cannot claim limitation of liability for his faults, other than his faults of navigation and the faults of persons in the service of the vessel.

### Article 3

An owner who avails himself of the limitation of his liability to the value of the vessel, freight, and accessories of the vessel must prove that value. The valuation of the vessel shall be based upon the condition of the vessel at the points of time hereinafter set out :

- (1) In cases of collision or other accidents, as regards all claims connected therewith, including contractual claims which have originated up to the time of arrival of the vessel at the first port reached after the accident, and also as regards claims in general average arising out of the accident, the valuation shall be according to the condition of the vessel at the time of her arrival at that first port.  
If before that time a fresh accident, distinct from the first accident, has reduced the value of the vessel, any diminution of value so caused shall not be taken into account in considering claims connected with the previous accident.  
For accidents occurring during the sojourn of a vessel in port, the valuation shall be according to the condition of the vessel at that port after the accident.
- (2) If it is a question of claims relating to the cargo, or arising on a bill of lading, not being claims provided for in the preceding paragraphs, the valuation shall be according to the condition of the vessel at the port of destination of the cargo, or at the place where the voyage is broken. If the cargo is destined to more than one port and the damage is connected with one and the same cause the valuation shall be according to the condition the vessel at the first of those ports.
- (3) In all the other cases referred to in article 1 , the valuation shall be according to the condition of the vessel at the end of the voyage.

### Article 4

The freight referred to in article 1, including passage money, is deemed, as respects vessels of every description to be a lump sum fixed at all events at 10 per cent. of the value of the vessel at the commencement of the voyage.

That indemnity is due even though no freight be then earned by the vessel.

### Article 5

The accessories referred to in article 1 mean :

- (1) Compensation of material damage sustained by the vessel since the beginning of the voyage, not repaired.
- (2) General average contributions in respect of material damage sustained by the vessel since the beginning of the voyage, and not repaired.

員之僱傭契約所生之債務。  
船舶所有人或共有人為船長者，除因其自己之航行過失或服務船舶人員之過失所致之損害賠償外，不得主張責任限制。

### 第 3 條

船舶所有人如以船舶價值、運費及其附屬費限制其責任者，應證明其價值。船舶價值之估計，以下列時期之船舶狀態為準：

- (1) 因碰撞或其它事變之一切有關債權，包括自事變後以迄到達第一港期間內所有契約上之債權，及因事變所生共同海損之債權，其估計依船舶到達第一港時之狀態。  
如於到達第一港前，因另一新事變致減低船舶價值者，是項因新事變所致之毀損，於估定關於前項事變債權之船舶價值時，不予計入。  
船舶停留港內所生事故，其價值依船舶事故發生後於該港之船況定之。
- (2) 關於貨載之債權或本於載貨證券所生之債權，除前款規定外，其估價依船舶到達目的港時，或航行中斷地之狀態。如貨載應送達數個不同港口，而損害係因同一原因而生者，其估價依船舶到達該數港中之第一港時之狀態。
- (3) 關於第 1 條所規定之其它債權，其估價依船舶航行完成時之狀態。

### 第 4 條

第 1 條所稱之運費包括旅客客票在內，無論船舶屬何類型，均固定為船舶發航時價值之百分之十。

即使船舶於事變發生時，運費尚未賺取者亦同。

### 第 5 條

第 1 條所稱之附屬費係指：

- (1) 船舶發航後受有損害而未經修復，其應得之損害賠償。
- (2) 船舶發航後受有損害而未經修復，其應得之共同海損分擔。

Payments on policies of insurance, as well as bounties, subventions, and other national subsidies, are not deemed to be accessories.

## Article 6

The various claims connected with a single accident, or in respect of which in the absence of an accident, the value of a vessel is ascertained at a single port, rank with one another against the amount representing the extent of the owner's liability, regard being had to the order of the liens.

In proceedings with respect to the distribution of this sum the decisions given by the competent courts of the contracting States shall be evidence of a claim.

## Article 7

Where death or bodily injury is caused by the acts or faults of the captain, crew, pilot, or any other person in the service of the vessel, the owner of the vessel is liable to the victims or their representatives in an amount exceeding the limit of liability provided for in the preceding articles up to 8 pounds sterling per ton of the vessel's tonnage. The victims of a single accident or their representatives rank together against the sum constituting the extent of liability. If the victims or their representatives are not fully compensated by this amount, they rank, as regards the balance of their claims, with the other claimants against the amounts mentioned in the preceding articles, regard being had to the order of the liens.

The same limitation of liability applies to passengers as respects the carrying vessel but does not apply to the crew or other persons in the service of that vessel whose right of action in the case of death or bodily injury remains governed by the national law of the vessel.

## Article 8

Where a vessel is arrested and security is given for an amount equal title full limit of liability, it shall accrue to the benefit of all creditors whose claims are subject to this limit. Where the vessel is subsequently again arrested, the court may order its release, if the owner, while submitting to the jurisdiction of the court, proves that he has already given security for an amount equal to the full limit of his liability that the security so given is satisfactory, and that the creditor is assured of receiving the benefit thereof. If the security is given for a smaller amount or if security is required on several successive occasions, the effect will be regulated by agreement between the parties, or by the court, so as to insure that the limit of liability be not exceeded. If different creditors take proceedings in the courts of different states, the owner may, before each court, require account to be taken of the whole of the claims and debts so as to insure that the limit of liability be not exceeded. The national laws shall determine questions of procedure and time limits for the purpose of applying the preceding rules.

保險金及獎金、津貼及其它國家補助金均不得視為附屬費。

## 第 6 條

因同一事變所生之數債權，或雖無事變，但應依船舶於第一港之狀態估計之價值，於船舶所有人可得限制責任之額度內，應依優先權之位次受償。

於分配前項金額時，各締約國具管轄權之法院所為之裁判，應視為債權之證明。

## 第 7 條

因船長、海員、引水人或其它服務於船舶之人員之行為或疏忽，致有生命喪失或身體傷害者，船舶所有人對於被害人或其代表人，於前列各條所規定之責任限度外，另需依船舶噸位，以每噸八英鎊計算之數額負其責任。同一事故之諸被害人或其代表人之債權統就上開金額內受償。如被害人或其代表人於上述數額內未獲全部清償，其未清償部分與其它債權，於前列各條所述之責任限度數額內，依優先權之位次受償。

旅客對載運船舶之債權，亦適用前述責任限制；然不適用於海員及其它服務於船舶之人員之死傷事件。該員等有關死傷之訴訟權利仍依船籍國國內法規定之。

## 第 8 條

船舶被假扣押，經以同等於責任限度總額之金額提供擔保者，視為享有責任限制諸債權之利益。該船嗣後再被假扣押時，如船舶所有人於接受該法院管轄之際，證明其已就同等於責任限度總額之金額提供足額擔保，且其債權人確可獲得擔保之利益者，法院得命令釋放。如擔保係就一較小金額提供，或擔保係數連續事件所需者，其效果依當事人間之協議或法院定之，以期不超過責任限度。如不同債權人在不同國家之法院進行訴訟，船舶所有人得要求各法院就全部損害賠償及債務予以考慮，以期不超過責任限度。為實施上開規定有關之程序及時效問題，依各該國內法定之。

## Article 9

In the event of any action or proceeding being taken on one of the grounds enumerated in article 1, the court may, on the application of the owner of the vessel order that proceedings against the property of the owner other than the vessel, its freight and accessories shall be stayed for a period sufficient to permit of the sale of the vessel and distribution of the proceeds amongst the creditors.

## Article 10

Where the person who operates the vessel without owning it or the principal charterer is liable under one of the heads enumerated in article 1, the provisions of this convention are applicable to him.

## Article 11

For the purposes of the provisions of the present Convention, "tonnage" is calculated as follows.

In the case of steamers and other mechanically propelled vessels, net tonnage, with the addition of the amount deducted from the gross tonnage on account of engine-room space for the purpose of ascertaining the net tonnage. In the case of sailing vessels, net tonnage.

## Article 12

The provisions of this Convention shall be applied in each contracting State in cases in which the ship for which the limit of responsibility is invoked is a national of another contracting State, as well as in any other cases provided for by the national laws.

Nevertheless the principle formulated in the preceding paragraph does not affect the right of the contracting States not to apply the provisions of this Convention in favour of the nationals of a non-contracting State.

## Article 13

This convention does not apply to vessels of war, nor to government vessels appropriated exclusively to the public service.

## Article 14

Nothing in the foregoing provisions shall be deemed to affect in any way the competence of tribunal modes of procedure, or methods of execution authorized by the national laws.

## Article 15

The monetary units mentioned in this convention mean their gold value. Those contracting States in which the pound sterling is not a

## 第 9 條

因第 1 條規定事項而訴訟或訴訟程序正在進行中者，法院依船舶所有人聲請，得命令該船舶所有人除該有關之船舶與其運費及附屬費以外之其它財產之程序，中止進行一充分時間，俾使船舶出賣及以其收入分配給諸債權人。

## 第 10 條

非所有人而營運船舶之人，或主要之租傭船人，就第 1 條所列事項應負責任者，本公約之規定亦適用之。

## 第 11 條

本公約所稱之噸位，依下列方式計算之：

如為蒸汽船舶及其它動力推進之船舶，指其淨噸數加自總噸位計算淨噸位時因機器間空間所減除之數。如為帆船，則為其淨噸數。

## 第 12 條

締約國應將本公約規定適用於得主張責任限制之其他締約國船舶，以及以國內法所規定之任何其它情況。

前項規定不影響締約國不以本公約之利益給予非締約國人民之權利。

## 第 13 條

本公約不適用於軍艦及專用於公務之政府船舶。

## 第 14 條

前述條款在任何方面均不應視為對訴訟程序或國內法所規定之執行程序有任何影響。

## 第 15 條

本公約所稱之貨幣單位係指其黃金價值。

monetary unit reserve to themselves the right of translating the sums indicated in this convention into terms of pound sterling into terms of their own monetary system in round figures.

The national laws may reserve to the debtor the right of discharging his debt in national currency according to the rate of exchange prevailing at the date fixed in article 3.

## Article 16

After an interval of not more than two years from the day on which the convention is signed, the Belgian Government shall place itself in communication with the Governments of the High Contracting Parties which have declared them-selves prepared to ratify the convention, with a view to deciding whether it shall be put into force. The ratifications shall be deposited at Brussels at a date to be fixed by agreement among the said Governments. The first deposit of ratifications which take part therein and by the Belgian Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Belgian Government, and accompanied by the instrument of ratification.

A duly certified copy of the proces-verbal relating to the first deposit of ratifications, of the notifications referred to in the previous paragraph, and also of the instruments of ratification accompanying them, shall be immediately sent by the Belgian Government through the diplomatic channel to the powers who have signed this convention or who have acceded to it. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

## Article 17

Non-signatory States may accede to the present convention whether or not they have been represented at the International Conference at Brussels.

A state which desires to accede shall notify its intention in writing to the Belgian Government, forwarding to it the document of accession, which shall be deposited in the archives of the said Government.

The Belgian Government shall immediately forward to all the States which have signed or acceded to the convention a duly certified copy of the notification and of the act of accession, mentioning the date on which it received the notification.

## Article 18

The High Contracting Parties may at the time of signature, ratification, or accession declare that their acceptance of the present convention does not include any or all of the self-governing dominions, or of the colonies, overseas possessions, protectorates, or territories, under their sovereignty or authority, and they may subsequently accede separately on behalf of any self-governing dominion, colony, overseas possession, protectorate, or territory excluded in their declaration. They may also denounce the

締約國不以英鎊為貨幣單位者，得保留其權利，以金英鎊數以整數折合其本國貨幣。

國內法得保留許其債務人依第3條所定之日之兌換率，具有以本國貨幣清償債務之權。

## 第 16 條

本公約簽字後，至多於二年內，比國政府應諮詢準備批准之締約國對批准與否之決定。其批准書應於相關政府協議之日存放於布魯塞爾。第一次批准書之存放，應作成書面記錄，由相關締約國之代表及比利時外交部長簽署之。

嗣後批准書應以書面照會連同批准文件送比利時政府。

前項紀錄及照會，連同批准書應由比國政府抄錄正式副本，經由外交途徑轉致簽字國或加入國。於完成前款程序後，比國政府應同時敘明收到日期。

## 第 17 條

未簽署之國家，不論有無代表出席布魯塞爾之國際會議，均得加入本公約。

凡願加入者，應備具加入書，以書面照會比利時政府，並將其加入書存放比國政府檔案。

比利時政府應隨以該加入書之副本抄送各簽字國或加入國，並敘明收到之日期。

## 第 18 條

締約國在簽字、批准、或加入時，得聲明本公約之接受，不包括任何或全體自治領、或殖民地、海外管領地、保護國、或其主權或權力所屬之其它領域。各地域得嗣後分別加入，亦得依照規定，分別退出。

convention separately in accordance with its provisions in respect of any self-governing dominion, or any colony, overseas possession, protectorate, or territory under their sovereignty or authority.

## Article 19

The present convention shall take effect, in the case of the states which have taken part in the first deposit of ratifications, one year after the date of the process-verbal recording such deposit. As respects the states which ratify subsequently or which accede, and also in cases in which the convention is subsequently put into effect in accordance with Article 18, it shall take effect six months after the notifications specified in Article 16, paragraph 2, and Article 17, paragraph 2, have been received by the Belgian Government.

## Article 20

In the event of one of the contracting States wishing to denounce the present convention, the denunciation shall be notified in writing to the Belgian Government, which shall immediately communicate a duly certified copy of the notification to all the other states informing them of the date on which it was received.

The denunciation shall only operate in respect of the state which made the notification, and on the expiration of one year after the notification has reached the Belgian Government.

## Article 21

Any one of the contracting States shall have the right to call for a fresh conference with a view to considering possible amendments.

A state which would exercise the right should give one year advance notice of its intention to the other states through the Belgian Government, which would make arrangements for convening the conference.

## Additional Article

The provisions of article 5 of the convention for the unification of certain rules relating to collisions at sea, of September 23, 1910, the operation of which had been put off by virtue of the additional article of that convention become applicable in regard to the states bound by this convention.

DONE at Brussels, in a single copy, August 25, 1924. `

## PROTOCOL OF SIGNATURE

In proceeding to the signature of the international convention for the unification of certain rules relating to the limitation of the liability of owners of seagoing vessels, the plenipotentiaries adopted the present protocol which will have the same force and the

## 第 19 條

在參加最初批准的國家間，本公約自批准紀錄完成之日起一年後生效。嗣後批准或加入，以及依第 18 條規定加入者，自批准書依第 16 條第 2 項及第 17 條第 2 項經比利時政府收到六個月後生效。

## 第 20 條

任一締約國欲退出本公約者，其退出應以書面通知比利時政府，由比國政府隨以副本抄知其它國家，並敘明收到之日期。

其退出僅對該退出國有效，並自比利時政府接到通知之一年後生效。

## 第 21 條

任一締約國為謀修訂本公約有召集新會議之權。

行使前項權利之國家，應將其意願於一年前經由比利時政府轉知其它各國，並由其籌備召集會議。

## 附加條款

1910 年 9 月 23 日簽訂之船舶碰撞統一規定公約第 5 條規定，前因該公約附加條款經予以從緩實施，應即適用於受本公約拘束之國家

1924 年 8 月 25 日簽訂於布魯塞爾，繕寫一份。

## 簽署議定書

於簽署海船所有人責任限制統一某些規則國際公約時，本議定書內容具有與公約同等效力：

same value as if the provisions were inserted in the text of the convention to which it relates :

(1) The High Contracting Parties reserve to themselves the right not to admit the limitation of the liability to the value of the "vessel, the accessories and the freight for damages done to works in ports, docks and navigable ways and for the cost of removing the wreck or the right only to ratify the treaty on those points on condition of reciprocity.

It is nevertheless agreed that the limitation of liability under the head of those damages will not exceed eight pounds sterling per ton of measurement, except as regards the cost of removing the wreck.

(2) The High Contracting Parties reserve to themselves the right to decide that the owner of a vessel that is not used for the carriage of persons and measures not more than three hundred tons is liable as to claims arising from death bodily injuries, in accordance with the provisions of the convention, but without there being occasion to apply to that liability the provisions of paragraph 2 of Article 7.

DONE at Brussels, in a single copy, August 25, 1924

(1) 締約國得保留權利，就加於港埠、碼頭及航道工作物之損害，及移除沈船之費用，得不許以船舶價值、附屬費及運費為責任限制，或保留其對於上述事項，僅以基於互惠者，方予適用本公約之權利。

無論如此均此同意，除殘骸移除外，本項目損害賠償之責任限制不應超過每噸八英鎊。

(2) 締約國對於船舶非使用於運送人員且未滿300噸者，其船舶所有人對於生命之喪失及身體之傷害，依本公約規定負其責任，得就不適用第7條第2項規定之情況，保留其權利。

1924年8月25日簽訂於布魯塞爾，繕寫一份。