

1967 年建造中船舶權利登記公約

1967 年 5 月 27 日 訂於 布魯塞爾

Convention Relating to Registration of Rights in Respect of Vessels under Construction 1967

Brussels, 27 May 1967

Construction 1967

The Contracting parties,
Having recognized the desirability of determining by agreement certain rules relating to registration of rights in respect of ships under construction.
Have decided to conclude a convention for this purpose, and thereto agreed as follows :

各締約國，
體認透過協議確定有關建造中船舶之權利登記某些規定之需求，

決定為此締結一公約，並協議如下：

Article 1

第 1 條

The Contracting States undertake that their national law shall contain provisions permitting the registration in accordance with the provisions of this Convention, in an official public register established by or under the control of the State, of the rights set out in Article 5 in respect of vessels which are to be or are being constructed within their territories.

各締約國應確使於其國內法中訂有以下規定，即允許依據本公約規定，對第 5 條所規定之有關於其領土內即將建造或正建造中之船舶之權利，得登記於由該國所設立或控制之一公開官方登記簿上。

The registration of such rights may be restricted to vessels which, under the national law of the state of registration, will be of a type and size making them eligible, when completed, for registration as seagoing vessels.

該權利之登記，可限制於建造完成時，依據登記國之國內法，類型及大小符合海船登記之船舶。

Article 2

第 2 條

The Contracting States may restrict registration of such rights to cases where vessels are to be or are being constructed for a foreign purchaser.

締約國可將該權利登記侷限於船舶於某國外購買即將建造或正在建造之情況。

The Contracting States shall allow registration of rights in respect of vessels which are to be or are being constructed irrespective of the nationality or domicile of the applicant. However, the foregoing shall not effect any provision of the national law of the State of registration restricting the acquisition of such rights by aliens or for controlling shipbuilding.

各締約國應允許有關即將建造或正建造中之船舶權利之登記，不論申請人之國籍或戶籍為何；然上述規定不影響登記國國內法中限制外國人獲得該權利或控管船舶建造之任何規定。

The effects of registrations under the provisions of this Convention as regards the national status of any vessel shall be determined by the law of the State where the vessel is to be or is being constructed.

依據本公約之規定，有關任何船舶國內法律地位之登記效力，由船舶即將建造或正在建造地之國家法律確定之。

Article 3

第 3 條

No right in respect of a vessel which is to be or is being constructed

於某一締約國領域內即將建造或正建造

within the territory of a Contracting State shall be admissible for registration in any other Contracting State.

中之船舶權利，不得於其他任何締約國登記。

Article 4

第 4 條

Registration of rights in respect of a vessel which is to be or is being constructed shall be permitted when a contract for the building of a properly specified vessel has been executed or the builder declares that he has decided to build such a vessel for his own account.

於建造某特定船舶之契約已生效或建造者聲明已決定以其自己資金建造某船舶時，有關即將建造或正建造中之船舶權利之登記應予允許。

However, the national law may make it a condition for registration that the keel has been laid or equivalent constructional work has been performed in the place of launching.

然國內法可將在船舶下水地點已安置龍骨或已完成類似建造工程作為其登記條件。

Article 5

第 5 條

Titles to and mortgages and “hypothèques” on a vessel which is to be or is being constructed shall, on application, be entered in the register.

即將建造或正建造中之船舶物權、抵押權及質權，一經申請即可為登記。

Article 6

第 6 條

The effects of the registration of the rights set out in Article 5, including the ranking of mortgages and “hypothèques” between themselves, shall be determined by the law of the State where the vessel is to be or is being constructed; however, without prejudice to the provisions of this Convention, all matters relating to the procedure of enforcement shall be regulated by the law of the State where the enforcement takes place.

第 5 條所列各項權利，包括抵押權及質權間之優劣次序，其登記效力依據即將建造或正建造中船舶之國家法律決定之；然在不影響本公約規定之情況下，有關實施之程序事項，應受實施地國家法律之規範。

Article 7

第 7 條

The ranking between registered mortgages and “hypothèques” on vessels under construction on the one hand and liens and rights of retention of such vessels on the other hand shall be determined according to the rules applicable to vessels registered after completion.

建造中船舶上已登記之抵押權及質權，以及該船舶之留置權及滯留權分屬不同人者，其間優先順序應依照建造完成並為船舶登記後所適用之規則決定之。

Article 8

第 8 條

The national law may provide that the registered rights on a vessel under construction shall attach to materials, machinery and equipment which are within the precincts of the builder's yard and which by marking or other means are distinctly identified as intended to be incorporated in the vessel.

國內法得規定建造中船舶上登記之各種權利應適用於位於造船廠廠區內，並可以使用標誌或其他方法清楚標明將要張貼於該船建材、機器及設備上。

Article 9

第 9 條

The rights set out in Article 5 which are registered in one of the Contracting States in accordance with the national law of such State, and the priority thereby obtained, shall be recognized in all other Contracting States.

依據某締約國法律於該締約國登記之第 5 條所列各權利及因此所獲得之優先權利，所有其他締約國應予以承認。

Article 10

No Contracting State shall permit, except in the case of forced sale, the deregistration of the rights set out in Article 5 without the written consent of the holders of such rights.

A vessel which is being or has been constructed in a Contracting State shall not be eligible for registration in another Contracting State unless a certificate has been issued by the former State to the effect that the rights registered pursuant to Article 5 have been deregistered or that such rights will be deregistered on the day when the vessel is registered.

Article 11

Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

Article 12

1. Each Contracting Party may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by Article 11 of the Convention. The other Contracting Parties shall not be bound by this Article with respect to any Contracting Party having made such a reservation.
2. Any Contracting Party having made a reservation in accordance with paragraph 1 may at any time withdraw this reservation by notification to the Belgian Government.

Article 13

This Convention shall be open for signature by the States represented at the twelfth session of the Diplomatic Conference on Maritime Law.

Article 14

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Government.

Article 15

1. This Convention shall come into force three months after the date of the deposit of the fifth instrument of ratification.
2. This Convention shall come into force in respect of each signatory State which ratifies it after the deposit of the fifth instrument of ratification, three months after the date of the

第 10 條

除強制變賣之情況外，未經權利擁有人書面同意，締約國不應允許撤銷第 5 條所列權利之登記。

於某締約國正在建造或已建造完成之船舶不應在另一締約國登記，然前一締約國已簽發證書，表明依據第 5 條登記之權利業已撤銷或於船舶登記之日該種權利將被撤銷者除外。

第 11 條

二或二以上締約國間就本公約之解釋或適用所生之爭議，如未能透過協商解決，應依據其中一國請求，提付仲裁。如自交付仲裁之日起六個月內，當事人仍未能就仲裁機構達成協議，任一方即可依照國際法院規約將爭議提交國際法院解決。

第 12 條

1. 任一締約國得於簽署、批准或加入本公約時，聲明其不受本公約第 11 條之約束。對作出此保留之締約國而言，其他締約國不受本條之約束。
2. 任何依據第 1 項作出保留之締約國，可於任何時候通知比利時政府撤回該保留。

第 13 條

本公約應對出席第十二屆海洋法外交會議之各國開放供簽署。

第 14 條

本公約須經批准。批准書應交存比利時政府。

第 15 條

1. 本公約自第五份批准書交存之日起三個月後生效。
2. 對於在第五份批准書交存之後批准本公約之任一簽署國，本公約於其批准書交存之日起三個月後生效。

deposit of the instrument of ratification.

Article 16

1. States, Members of the United Nations or Members of the specialized agencies, not represented at the twelfth session of the Diplomatic Conference on Maritime Law, may accede to this Convention.
2. The instruments of accession shall be deposited with the Belgian Government.
3. The Convention shall come into force in respect of the acceding State three months after the date of deposit of the instrument of accession of that State, but not before the date of entry into force of the Convention as established by Article 15 (1).

Article 17

Each Contracting Party shall have the right to denounce this Convention at any time after the coming into force thereof in respect of such Contracting Party. Nevertheless, this denunciation shall only take effect one year after the date on which notification thereof has been received by the Belgian Government.

Article 18

1. Any Contracting Party may at the time of signature, ratification or accession to this Convention or at any time thereafter declare by written notification to the Belgian Government which, among the territories under its sovereignty or for whose international relations it is responsible, are those to which the present Convention applies.
The Convention shall three months after the date of the receipt of such notification by the Belgian Government, extend to the territories named therein.
2. Any Contracting Party which has made a declaration under paragraph(1) of this Article may at any time thereafter declare by notification given to the Belgian Government that the Convention shall cease to extend to such territories.
This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government.

Article 19

The Belgian Government shall notify the State represented at the twelfth session of the Diplomatic Conference on Maritime Law, and the acceding States to this Convention, of the following :

1. The signatures, ratifications and accessions received in accordance with Articles 13, 14 and 16.
2. The date on which the present Convention will come into force in accordance with Article 15.
3. The notifications with regard to Articles 12 and 18.
4. The denunciations received in accordance with Article 17.

第 16 條

1. 未出席海洋法外交會議第十二屆會議之任何國家、聯合國成員國或任何專門機構之會員國，均可加入本公約。
2. 加入書應交存比利時政府。
3. 本公約應自加入國交存加入書之日起三個月對該加入國生效，然不得早於依第 15 條第 1 項規定之本公約生效日期。

第 17 條

每一締約國都有權在本公約對其生效以後任何時間退出本公約。但是，此種退出只在比利時政府收到此種通知之日一年後方生效。

第 18 條

1. 任一締約國得於簽署、批准或加入本公約時或此後任何時間，以書面通知比利時政府，聲明本公約適用於處於其主權之下或由其負責國際關係之領域。
本公約自比利時政府收到該通知之日起三個月後擴大適用於該通知中所述及之領域。
2. 依照本條第 1 項規定為聲明之任何締約國，可在此後任何時間向比利時政府提交通知，聲明本公約不再擴大適用於該領域。
該退出應自比利時政府收到該通知之日一年後生效。

第 19 條

比利時政府應將下述事項通知出席第十二屆海洋法外交會議之國家及加入本公約之國家：

1. 依照第 13 條、第 14 條及第 16 條規定所收到之簽署、批准及加入文書；
2. 依照第 15 條規定本公約之生效日期；
3. 有關第 12 條及第 18 條規定之通知；
4. 依照第 17 條規定收到之退出聲明。

Article 20

Any Contracting Party may three years after the coming into force of this Convention, in respect of such Contracting Party, or at any time thereafter request that a Conference be convened in order to consider amendments to this Convention.

Any Contracting Party proposing to avail itself of this right shall notify the Belgian Government which, provided that one-third of the Contracting Parties are in agreement, shall convene the Conference within six months thereafter.

In witness whereof the undersigned plenipotentiaries, duly authorized, have signed this Convention.

Done at Brussels, this 27th day of May 1967, in the French and English languages, both texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Belgian Government, which shall issue certified copies.

第 20 條

本公約任一締約國得於本公約對其生效三年後或此後任何時間，請求召開會議，以修正本公約。

欲行使此項權利之任何締約國，應通知比利時政府。經三分之一締約國同意，比利時政府應於此後六個月內召集會議。

經正式授權之全權代表，特簽署本公約，以昭信守。

1967年5月27日訂於布魯塞爾，共一份，以法文及英文寫成，二文本具有同等效力，應存放於比利時政府檔案處，經核證無誤之副本由比利時政府頒佈。