

1957 年統一海船所有人責任限制某些規則國際公約之 1979 年修正議定書

1979 年 12 月 21 日 訂於布魯塞爾，1984 年 10 月 6 日生效

Protocol of 1979 Amending the International Convention Relating to the Limitation of The Liability of Owners of Seagoing Ships, 1957

Done at Brussels 21 December 1979, Entered into force Oct., 6, 1984

Limitation 1979

The Contracting Parties to The Present Protocol,
BEING PARTIES to the International Convention relating to the
limitation of the liability of owners of sea-going ships, done at
Brussels on 10th October 1957,
HAVE AGREED as follows:

本議定書各締約國，
為 1957 年 10 月 10 日於布魯塞爾所簽
訂之海船所有人責任限制國際公約締
約國，
茲達成協議如下：

Article I

For the purpose of this Protocol, "Convention" means the
International Convention relating to the limitation of the liability of
owners of sea-going ships and its Protocol of signature, done at
Brussels on 10th October 1957.

第 1 條

於本議定書，「公約」係指 1957 年 10
月 10 日於布魯塞爾簽訂之海船所有人
責任限制國際公約及其簽署議定書。

Article II

1. Article 3, paragraph (1) of the Convention is replaced by the
following:

第 2 條

1. 公約第 3 條第 1 項以下述內容取代：

"(1) The amounts to which the owner of a ship may limit his
liability under Article 1 shall be:

“

(1) 船舶所有人得依第 1 條規定限制其
責任者，其責任限度之金額規定如
下：

- (a) where the occurrence has only given rise to property
claims an aggregate amount of 66.67 units of account
for each ton of the ship's tonnage;
- (b) where the occurrence has only given rise to personal
claims an aggregate amount of 206.67 units of
account for each ton of the ship's tonnage;
- (c) where the occurrence has given rise both to personal
claims and property claims an aggregate amount of
206.67 units of account for each ton of the ship's
tonnage, of which a first portion amounting to 140
units of account for each ton of the ship's tonnage
shall be exclusively appropriated to the payment of
personal claims and of which a second portion
amounting to 66.67 units of account for each ton of

- (a) 事件僅發生財產求償者，依船
舶噸位，以每噸 66.67 記帳單位
計算之總額；
- (b) 事件僅發生人身求償者，依船
舶噸位，以每噸 206.67 記帳單
位計算之總額；
- (c) 事件發生人身求償及財產求償
者，依船舶噸位，以每噸 206.67
記帳單位計算之總額；其第一
部份同等於依船舶噸位，以每
噸 140 記帳單位計算之金額專供
人身求償之償付；其第二部分
同等於按船舶噸位，以每噸
66.67 記帳單位計算之金額應供

the ship's tonnage shall be appropriated to the payment of property claims. Provided however that in cases where the first portion is insufficient to pay the personal claims in full, the unpaid balance of such claims shall rank rateably with the property claims for payment against the second portion of the fund. "

2. Article 3, paragraph (6) of the Convention is replaced by the following:

(6) The unit of account mentioned in paragraph (1) of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in that paragraph shall be converted into the national currency of the State in which limitation is sought on the basis of the value of that currency on the date on which the ship owner shall have constituted the limitation fund, made the payment or given a guarantee which under the law of that State is equivalent to such payment. The value of the national currency, in terms of the Special Drawing Right, of a State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

(7) Nevertheless, a State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph (6) of this Article may, at the time of ratification of the Protocol of 1979 or accession thereto or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in its territory shall be fixed as follows:

- a. in respect of paragraph (1), (a) of this Article, 1,000 monetary units;
- b. in respect of paragraph (1), (b) of this Article, 3,100 monetary units;
- c. in respect of paragraph (1), (c) of this Article, 3,100, 2,100 and 1,000 monetary units, respectively.

The monetary unit referred to in this paragraph corresponds to 65.5 milligrammes of gold of millesimal fineness 900'. The conversion of the amounts specified in this paragraph into the national currency shall be made according to the law of the State concerned.

(8) The calculation mentioned in the last sentence of paragraph (6) of this Article and the conversion mentioned in paragraph (7) of this Article shall be made in such a manner as to express in the national currency of the State as far as possible the same real value for the amounts in paragraph (1) of this Article as is expressed there in units of account. States shall communicate to the depositary the manner of calculation pursuant to paragraph (6) of this Article or the result of the conversion in paragraph (7) of this Article, as the case may be, when depositing an instrument of ratification of

財產求償之償付；然如第一部分不足以清償人身求償者，則其未受清償之求償餘額應與財產求償就該第二部分比例受償。

2. 公約第 3 條第 6 項以下述內容取代之：

(6) 本條所指之記帳單位係指國際貨幣基金所定義之特別提款權。本條(1)項所列明之數額應以案件受審法院所決定日期之貨幣價值兌換成本國貨幣。本國貨幣相對於特別提款權之價值，如其為國際貨幣基金會之會員國，則依照國際貨幣基金為期運作及交易所適用之價值評定方法計算之。如其非國際貨幣基金之會員國，其本國貨幣相對於特別提款權之價值，則依該國所決定之方式計算之。

(7) 然對於該國非國際貨幣基金之會員國，且該國法律不承認前段規定之適用者，於收到本 1979 年議定書通知或加入或其後任何時間，得聲明以下列方式確定本公約所規定責任限額並予適用：

- a. 有關本條第 1 項第(a)款，為 1000 貨幣單位；
- b. 有關本條第 1 項第(b)款，為 3100 貨幣單位；
- c. 有關本條第 1 項第(c)款，分別為 3100、2100 及 1000 貨幣單位。

前項所稱之貨幣單位相當於 65.5 毫克，純度千分之九百之黃金。該款特定數額之兌換率，依相關國家法律定之。

(8) 本條第 6 項所規定之計算及兌換方法，應使該國貨幣之價值儘可能地同等於本條第 1 項所規定之記帳單位所表徵之真實價值。締約國應將本條第 6 項所述計算方式，或本條第 7 項所述折算結果，在交存 1979 年議定書的批准文書或加入文書時，或在利用本條第 7 項所規定之選擇權利時，以及計算方式或折算結果發生變動時，通知保存人。

the Protocol of 1979 or of accession thereto or when availing themselves of the option provided for in paragraph (7) of this Article and whenever there is a change in either."

3. Article 3, paragraph (7) of the Convention shall be renumbered Article 3, paragraph (9).

Article III

This Protocol shall be open for signature by the States which have signed the Convention or which are Parties thereto.

Article IV

1. This Protocol shall be ratified.
2. Ratification of this Protocol by any State which is not a Party to the Convention shall have the effect of ratification of the Convention.
3. The instruments of ratification shall be deposited with the Belgian Government.

Article V

1. States not referred to in Article III may accede to this Protocol.
2. Accession to this Protocol shall have the effect of accession to the Convention.
3. The instruments of accession shall be deposited with the Belgian Government.

Article VI

1. This Protocol shall come into force three months after the date of the deposit of six instruments of ratification or accession.
2. For each State which ratifies this Protocol or accedes thereto after the sixth deposit, this Protocol shall come into force three months after the deposit of its instrument of ratification or accession.

Article VII

1. Any Contracting Party may denounce this Protocol by notification to the Belgian Government.
2. The denunciation shall take effect one year after (the date on which the notification has been received by the Belgian Government.

Article VIII

1. Each State may at the time of signature, ratification or accession or at any time thereafter declare by written notification to the Belgian Government which among the territories for whose international relations it is responsible, are

3. 公約第3條第7項應重新編為第3條第9項。

第3條

本議定書應對公約簽署國或締約國開放，以供簽署。

第4條

1. 本議定書須經批准。
2. 非公約締約國之任何國家批准本議定書，具批准公約之效力。
3. 批准書存放於比利時政府。

第5條

1. 非第3條所指國家，亦得加入本議定書。
2. 加入本議定書具有加入公約之效力。
3. 加入文書應存放於比利時政府。

第6條

1. 本議定書自六份批准書或加入書交存之日起三個月後生效。
2. 任何於第六份批准書或加入書交存後批准或加入本議定書之國家，本議定書自交存其批准書或加入書三個月後生效。

第7條

1. 任何締約國可透過向比利時政府提交通知方式，退出本議定書。
2. 該退出自比利時政府收到該項通知之日起一年後生效。

第8條

1. 任一國家可於簽署、批准或加入當時，或此後之任何時間，透過向比利時政府提交書面通知方式，聲明由其負責國際關係之領域中，哪些

those to which the present Protocol applies. The Protocol shall three months after the date of the receipt of such notification by the Belgian Government extend to the territories named therein, but not before the date of the coming into force of the Protocol in respect of such State.

2. This extension also shall apply to the Convention if the latter is not yet applicable to these territories.
3. 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 Protocol 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 IX

The Belgian Government shall notify the signatory and acceding States of the following:

1. The signatures, ratifications and accessions received in accordance with Articles III, IV and V.
2. The date on which the present Protocol will come into force in accordance with Article VI.
3. The notifications with regard to the territorial application in accordance with Article VIII.
4. The declarations and communications made in accordance with Article II.
5. The denunciations received in accordance with Article VII.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Protocol.

DONE at Brussels, this 21st day of December 1979, in the English and French 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.

適用本議定書。本議定書自比利時政府收到該通知之日起三個月後擴大適用至所通知之領域，然不得早於本議定書對該國生效之日。

2. 如公約尚未適用於該領土，則該擴大亦適用於公約。
3. 依據本條第 1 項已作出聲明之任何締約國，均可於其後任何時間，透過向比利時政府提交通知方式，聲明本議定書停止擴大適用於該領域。該退出自比利時政府收到前述通知之日起一年後生效。

第 9 條

比利時政府應將下列事項通知簽署國及加入國：

1. 依據第 3、4 及 5 條所收到之簽字、批准及加入情況。
2. 依據第 6 條本議定書之生效日期。
3. 依據第 8 條有關領土適用之通知。
4. 依據第 2 條所為聲明及通知。
5. 依據第 7 條所收到之退出情況。

各國全權代表於本公約簽署，以昭信守。

1979 年 12 月 21 日訂於布魯塞爾。以英文及法文兩種文字做成，並具同一效力。正本存比利時政府檔案處，並由比國政府繕錄副本。