

1877 年安特衛普規則

THE ANTWERP RULES 1877

A. Rules 1877

RULE I Jettison of Deck Cargo

No jettison of deck cargo shall be made good as General Average. Every structure not built in with the frame of the vessel shall be considered to be a part of the deck of the vessel.

規則 I 甲板貨物之投棄

經投棄之貨物，不得從共同海損補償。任何構造體非與船舶結構結合者，應被認為船舶甲板之一部份。

Rule II Damage by jettison

Damage done to goods or merchandise by water which unavoidably goes down a ship's hatches opened, or other opening made, for the purpose of making a jettison shall be made good as General Average, in case the loss by jettison is so made good.

Damage done by breakage and chafing, or otherwise from derangement of stowage, consequent, upon a jettison, shall be made good as General Average, in case the loss by jettison is so made good.

規則 II 投棄所致之毀損

為投棄目的所為之開艙或其他開口，而使水侵入致船舶及貨物或其一之毀損者，均得以共同海損補償，然以該投棄損失可獲補償者為限。

於投棄後，由於堆載錯亂所生斷裂、磨損或其他情況所造成之毀損，得以共同海損補償，然以該投棄損失可獲補償者為限。

Rule III Extinguishing Fire on Shipboard

Damage done to a ship and cargo, or either of them, by water or otherwise, in extinguishing a fire on board the ship, shall be General Average, except that no compensation be made for damage done by water to packages which have been on fire.

規則 III 熄滅船火

為熄滅船上火災，而由於水或其他情況所致船舶及貨物或其一之毀損，均得以共同海損補償，但分開包裝之貨物之著火毀損，不得受償。

Rule IV Cutting away wreck

Loss or damage caused by cutting away the wreck or remains of spars, or of other things which have previously been carried away by sea-peril, shall not be made good as General Average.

規則 IV 割斷殘餘物

凡前經意外被沖走或實際已滅失之殘餘物或船舶部份，其割棄所蒙受之滅失或毀損，均不得以共同海損補償。

Rule V Voluntary Stranding

When a ship is intentionally run on shore because she is sinking or driving on shore or rocks, no damage caused to the ship, the cargo and the freight, or any either of them, by such intentional running on shore shall be made good as General Average.

規則 V 自願擱淺

船舶因即將沈沒或駛上岸或礁石，而故意駛上岸者，因該故意駛上岸所造成對船舶、貨物及運費或其任何部分之滅失或毀損不應被認為共同海損。

Rule VI Carrying Press of Sail

Damage occasioned to a ship or cargo by carrying a press of sail shall not be made good as General Average.

規則 VI 風帆滿風

風帆滿風對船舶或貨物造成之損害，不應獲共同海損補償。

Rule VII Port of refuge – Expenses

When a ship shall have entered a port of refuge under such circumstances that the expenses of entering the port are admissible as General Average, and when she shall have sailed thence with her original cargo or a part of it, the corresponding expenses of leaving such port shall likewise be admitted as General Average; and, whenever the cost of discharging cargo at such port is admissible as General Average, the cost of reloading and stowing such cargo on board the said ship, together with all storage charges on such cargo, shall likewise be so admitted.

Rule VIII Wages and Maintenance of crew in Port of Refuge

When a ship shall have entered a port of refuge under the circumstances defined in Rule VII, the wages and cost of maintenance, of the master and mariners from the time of entering such port until the ship shall have been made ready to proceed upon her voyage shall be made good as General Average.

Rule IX Damage to Cargo in Discharging

Damage done to cargo by discharging it at a port of refuge shall not be admissible as General Average, in case such cargo shall have been discharged at the place and in the manner customary at that port with ships not in distress.

Rule X Contributory Values

The contribution to a General Average shall be made upon the actual values of the property at the termination of the adventure, to which shall be added the amount made good as General Average for property sacrificed; deduction being made from the shipowner's freight and passage-money at risk of such port-charges and crew's wages as would not have been incurred, had the ship and cargo been totally lost at the date of General Average act of sacrifice; deduction being also made from the value of the property of all charges incurred in respect thereof subsequently to the arising for the claim to General Average.

Rule XI Loss of Freight

In every case in which a sacrifice of cargo is made good as General Average, the loss of Freight, if any, which is caused by such loss of cargo shall likewise be so made good.

Rule XII Amount to be paid for Cargo

The value to be allowed for goods sacrificed shall be that value which the owner would have received, if such goods had not been sacrificed.

規則 VII 避難港費用

船舶於該情況下進入避難港，進入該港費用應認為共同海損，且該船自彼處載運原貨或原貨之一部航行，則其駛離該港口或地點之相對費用，亦得同樣認為共同海損；且如於該港的卸貨費用可被認為共同海損，則該船上貨物之重裝及堆存費用，以及該貨物之所有堆存費用，亦可同樣被認列補償。

規則 VIII 避難港船員之薪金及給養

於規則 VII 所載情況，船舶駛入避難港，其船長及海員於進入該港，至該船已準備繼續其航程為止之額外時間所發生之薪金及給養費用，均得認為共同海損。

規則 IX 卸貨時所致貨損等

貨物於避難港卸貨所致毀損不應被認定為共同海損，然以船舶未處危難時，該貨物仍會於該地點卸載且於該港為習慣性方式為限。

規則 X 分攤價值

共同海損之分擔價值應基於財物於冒險終了時之實際淨值，該價值應加上財物犧牲可獲共同海損補償之金額，應從船舶所有人之風險運費或旅費中予以扣減，如船貨全部滅失，無須支付為賺取運費之費用及船員薪金，應由危險運費或客票中扣減，且不得認為共同海損；共同海損行為後發生之額外費用，亦應自有關財物價值中扣減。

規則 XI 運費損失

於貨物犧牲而可獲共同海損補償之情況，因該貨物之犧牲所致之運費損失(如有)，亦可同樣予以補償。

規則 XII 應支付給貨物之金額

貨物因犧牲得受補償之金額，應以如貨物未遭犧牲之情況下，貨主可獲取之價值。