

# 1976 年海事求償責任限制公約

1976 年 11 月 19 日 訂於倫敦，1986 年 12 月 1 日生效

## Convention on Limitation of Liability for Maritime Claims, 1976

Signed at London, Nov 19, 1976, Entered into force Dec., 1, 1986

### LLMC 1976

THE STATES PARTIES TO THIS CONVENTION,

**HAVING RECOGNIZED** the desirability of determining by agreement certain uniform rules relating to the limitation of liability for maritime claims,

**HAVE DECIDED** to conclude a Convention for this purpose and have thereto agreed as follows:

本公約締約國，

認識到透過協議確定關於海事求償責任限制若干統一規則之需要，

決定為此目的締結一公約，並就此達成協議如下：

#### CHAPTER I. The Right of Limitation

#### 第一章 限責權利

##### Article 1 Persons entitled to limit liability

##### 第 1 條 有權限責之人

1. Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.
2. The term "shipowner" shall mean the owner, charterer, manager or operator of a seagoing ship.
3. Salvor shall mean any person rendering services in direct connection with salvage operations. Salvage operations shall also include operations referred to in Article 2, paragraph 1(d), (e) and (f).
4. If any claims set out in Article 2 are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Convention.
5. In this Convention the liability of a shipowner shall include liability in an action brought against the vessel herself.
6. An insurer of liability for claims subject to limitation in accordance with the rules of this Convention shall be entitled to the benefits of this Convention to the same extent as the assured himself.
7. The act of invoking limitation of liability shall not constitute an admission of liability.

1. 下列定義之船舶所有人及救助人得依本公約規定，就第2條所規定之求償主張責任限制。
2. 「船舶所有人」乙詞指海船之所有權人、租傭船人、經理人或營運人。
3. 救助人應指任何提供直接與救助作業有關服務之人。救助作業應包括與第2條第1(d)款、(e)款及(f)款有關之作業。
4. 如第2條所規定之求償係向船舶所有權人或救助人應對其行為、過失或疏失負責之人提出者，該人應有權依本公約規定主張責任限制。
5. 於本公約，船舶所有人責任應包括向船舶本身提出請求之責任。
6. 保險人對於依本公約規定可主張限責之求償之保險責任，就被保險人本身依法得主張公約限責範圍，保險人亦有權主張同樣的公約利益。
7. 主張限責之行為不應構成責任之承認。

##### Article 2 Claims subject to limitation

##### 第 2 條 得主張限責之求償

1. Subject to Articles 3 and 4 the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:

1. 於適用第3條及第4條情況下，下列求償，無論責任基礎為何，均得主張責任限制：

- (a) claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
  - (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
  - (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;
  - (d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such ship;
  - (e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
  - (f) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.
2. Claims set out in paragraph 1 shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise.
- However, claims set out under paragraph 1(d), (e) and (f) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.

### Article 3 Claims excepted from limitation

The rules of this Convention shall not apply to:

- (a) claims for salvage or contribution in general average,
- (b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage dated 29th November 1969 or of any amendment or Protocol thereto which is in force;
- (c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;
- (d) claims against the shipowner of a nuclear ship for nuclear damage;
- (e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 6.

### Article 4 Conduct barring Limitation

A person liable shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission,

- (a) 發生於船上或與船舶操作或救助作業直接有關之人命傷亡或財物(包括對港埠設施、港區、水道或助航設施)之毀損滅失，及其附屬損失；
  - (b) 海上貨物、旅客或其行李運送遲延所致損失之求償；
  - (c) 與船舶操作或救助作業直接有關，契約權利以外之權利侵犯所致其它損失之求償；
  - (d) 有關沈船、殘骸、擱淺船舶或棄船，包括該船舶上或曾在船舶上之任何物品之浮起、移除、摧毀或使之無害有關之求償；
  - (e) 有關船上貨物之移除、摧毀或使之無害之求償；
  - (f) 應負責之人以外之人為避免或減輕應負責之人可依公約主張限責之損失所採行措施及該措施所致額外損失之求償。
2. 第1項所規定之求償，無論是否為依某契約之回復或補償，均得主張責任限制。

然第1項第1(d)款、(e)款及(f)款之求償，應負責之人依約有關之補償不得主張責任限制。

### 第3條 限責求償類型之除外

本公約規定不適用於：

- (a) 有關救助之求償或共同海損分擔之求償；
- (b) 1969年11月29日國際油污污染民事責任公約及其任何修訂或議定書所定義之油污損害之求償；
- (c) 有關任何國際公約或各國法律規範或禁止核子損害限制責任之求償；
- (d) 向核子船舶所有人為核子損害請求之求償；
- (e) 依船舶所有人或救助人之受雇人間僱傭契約應適用之法律，該船舶所有人或救助人就該求償不得限制其責任，或依是項法律，船舶所有人僅得就大於本公約第6規定之限責額度以上部分可主張限責時，船舶所有人或救助人之受雇人(包括其繼承人、家屬或其它有權提出該求償之人)就其職務與船舶或救助作業有關之求償。

### 第4條 不得主張限責之作為

經證明某損失係由某人有意造成或對於損失可能發生有重大過失並知曉之個人作為

committed with the Intent to cause such loss, or recklessly and with knowledge, that such loss would probably result.

或不作為時，該應負責之人不得主張責任限制。

## Article 5 Counterclaims

Where a person entitled to limitation of liability under the rules of this Convention has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.

## 第 5 條 反求償

依本公約規定有權主張限責之人可向同該限責事故所生之請求權人為求償時，兩者間之求償應相互抵減，而本公約規定僅適用於抵減後之餘額部分。

## CHAPTER II. Limits of Liability

## 第二章 責任限制

### Article 6 The general limits

### 第 6 條 一般限額

1. The limits of liability for claims other than those mentioned in article 7, arising on any distinct occasion, shall be calculated as follows:

- (a) in respect of claims for loss of life or personal injury,
  - (i) 333,000 Units of Account for a ship with a tonnage not exceeding 500 tons,
  - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):
    - for each ton from 501 to 3,000 tons, 500 Units of Account;
    - for each ton from 3,001 to 30,000 tons, 333 Units at Account;
    - for each ton from 30,001 to 70,000 tons, 250 Units of Account,
    - and for each ton in excess of 70,000 tons, 167 Units of Account,
- (b) In respect of any other claims,
  - (i) 167,000 Units of Account for a ship with a tonnage not exceeding 500 tons,
  - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):
    - for each ton from 501 to 30,000 tons, 167 Units of Account;
    - for each ton from 30,001 to 70,000 tons, 125 Units of Account;
    - and for each ton in excess of 70,000 tons, 83 Units of Account.

1. 除第7條規定外，任一事故所致求償之責任限額依下列計算之：

- (a) 有關人命傷亡之求償，
  - (i) 不超過500噸者，每船333,000記帳單位，
  - (ii) 船舶噸位超過前述所載，第(i)款以外應再加上下列數額：
    - 501 至 3,000 噸，每噸 500 記帳單位；
    - 3,001 至 30,000 噸，每噸 333 記帳單位；
    - 30,001 至 70,000 噸，每噸 250 記帳單位；
    - 超過 70,000 噸，每噸 167 記帳單位；
- (b) 有關任何其它求償，
  - (i) 不超過500噸者，每船167,000記帳單位，
  - (ii) 船舶噸位超過前述所載，第(i)款以外應再加上下列數額：
    - 501 至 30,000 噸，每噸 167 記帳單位；
    - 30,001 至 70,000 噸，每噸 125 記帳單位；
    - 超過 70,000 噸，每噸 83 記帳單位；

2. Where the amount calculated in accordance with paragraph 1(a) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with paragraph 1(b) shall be available for payment of the unpaid balance of claims under paragraph 1(a) and such unpaid balance shall rank rateably with claims mentioned under paragraph 1(b).

2. 依第1(a)款計算所得之數額如不足以全額支付該款所規定之求償，依第1(b)款計算所得之數額可用於支付前述無法支付第1(a)款求償之差額，該差額應與第1(b)款所規定之求償比例受償。

3. However, without prejudice to the right of claims for loss of life or personal injury according to paragraph 2, a State Party may provide in its national law that claims in respect of damage to harbour works, basins and waterways and aids to navigation shall have such priority over other claims under paragraph 1(b) as is provided by that law..

3. 在不損及第2項有關人命傷亡求償權利之情況下，締約國得以其國內法規定有關損害港口設施、港灣及水道及助航設施之求償得優先本法前述第1(b)款所規定求償。

4. The limits of liability for any salvor not operating from any

4. 對於非操作船舶之任何救助入，或完全

ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of 1,500 tons.

5. For the purpose of this Convention the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

## Article 7 The limit for passenger claims

1. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the shipowner thereof shall be an amount of 46,666 Units of Account multiplied by the number of Passengers which the ship is authorised to carry according to the ship's certificate, but not exceeding 25 million Units of Account.
2. For the purpose of this Article "claims for loss of life or personal injury to passengers of a ship" shall mean any such claims brought by or on behalf of any person carried in that ship:
  - (a) under a contract of passenger carriage, or
  - (b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

## Article 8 Unit of Account

1. The Unit of Account referred to in Articles 6 and 7 is the special drawing right as defined by the International Monetary Fund. The amounts mentioned in Articles 6 and 7 shall be converted into the national currency of the State in which limitation is sought, according to the value of that currency at the date the limitation fund shall have been constituted, payment is made, or security is given which under the law of that State is equivalent to such payment. Which is a member of the International Monetary Fund, shall be calculated in accordance with the value of a national currency in terms of the Special Drawing Right, of a State Party 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 a national currency in terms of the Special Drawing Right, of a State Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State Party.
2. Nevertheless, those States which are not members of the international Monetary Fund and whose law does not permit the application of the provisions at paragraph 1 may at the time of signature without reservation as to ratification, acceptance or approval or at the time of ratification, acceptance, approval or accession or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in their territories shall be fixed as follows:
  - (a) in respect of Article 6, paragraph 1(a), at an amount of:
    - (i) 5 million monetary units for a ship with a tonnage not exceeding 500 tons,
    - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):

於被救助船上為救助作業之任何救助人員，或有關其進行救助服務之責任限制應以1,500噸計算之。

5. 為本公約之目的，船舶噸位應為依1969年國際船舶噸位測量公約附錄I規定之噸位測量規則計算所得之總噸位。

## 第 7 條 旅客求償之限責

1. 對於客輪任一事件所致人命傷亡之求償，船舶所有人之責任限制額應為該輪船舶證書可搭載人數乘以46,666記帳單位之總額，然最高不得超過二千五百萬記帳單位。
2. 本條款所稱「客輪任一事件所致人命傷亡」係指船舶上所搭載之任何人或其代表人依下列情況所提出之求償：
  - (a) 依旅客運送契約，或
  - (b) 經運送人同意，攜帶某交通工具或有生動物而有貨物運送契約為憑之人。

## 第 8 條 記帳單位

1. 第6條及第7條所稱之記帳單位為國際貨幣基金會所定義之特別提款權。第6條及第7條規定之數額應依限責基金設立日、或付款日、或依國內法應提出同等於付款額之擔保提出日當日之幣值兌換成限責主張地之國幣。締約國為國際貨幣基金會會員時，其國幣相對於特別提款權之幣值，應依照國際貨幣基金所採用之計價方式，以其操作或交易之相關日期計算之。
2. 如締約國非國際貨幣基金會會員國且該國法律不承認本條第1項之適用時，該締約國得於不附任何保留地簽署批准、接受或批准當時、或於嗣後批准、接受、認可、或加入當時、或於其後任何時間，聲明本公約所規定之責任限制應以下列方式適用於該國境內：
  - (a) 有關第6條第1(a)款之求償：
    - (i) 不超過500噸者，每船5,000,000貨幣單位，
    - (ii) 船舶噸位超過前述所載，第(i)款以外應再加上下列數額：

for each ton from 501 to 3,000 tons, 7,500 monetary units;  
for each ton from 3,001 to 30,000 tons, 5,000 monetary units  
for each ton from 30,001 to 70,000 tons, 3,750 monetary units;  
and for each ton in excess of 70,000 tons, 2,500 monetary units,

- (b) In respect of Article 6, paragraph 1(b), at an amount of:
- (i) 2.5 million monetary units for a ship with a tonnage not exceeding 500 tons,
  - (ii) for a ship with a tonnage in excess thereof the following amount in addition to that mentioned in (i):  
for each ton from 501 to 30,000 tons, 2,500 monetary units;  
for each ton from 30,001 to 70,000 tons, 1,850 monetary units;  
and for each ton in excess of 70,000 tons, 1,250 monetary units.
- (c) in respect of Article 7, paragraph 1, at an amount of 700,000 monetary units multiplied by the number of passengers which the ship is authorized to carry according to its certificate, but not exceeding 375 million monetary units.

Paragraph 2 and 3 of Article 6 apply correspondingly to subparagraphs (a) and (b) of this paragraph.

3. The monetary unit referred to in paragraph 2 corresponds to sixty-five and a half milligrammes of gold of milligrammes fineness nine hundred. The conversion of this sum into the national currency shall be made according to the law of the State concerned.
4. The calculation mentioned in the last sentence of paragraph 1 and the conversion mentioned in paragraph 3 shall be made in such a manner as to express in the national currency of the State Party as far as possible the same real value for the amounts in Articles 6 and 7 as is expressed there in units of account. States Parties shall communicate to the depositary the manner of calculation pursuant to paragraph 1, or the result of the conversion in paragraph 3, as the case may be, at the time of the signature without reservation as to ratification, acceptance or approval, or when depositing an instrument referred to in Article 16 and whenever there is a change in either.

## Article 9 Aggregation of claims

1. The limits of liability determined in accordance with Article 6 shall apply to the aggregate of all claims which arise on any distinct occasion:
  - (a) against the person or persons mentioned in paragraph 2 of Article 1 and any person for whose act, neglect or default he or they are responsible; or
  - (b) against the shipowner of a ship rendering salvage services from that ship and the salvor or salvors operation from such ship and any person for whose act, neglect or default he or they are responsible; or
  - (c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in

501 to 3,000 tons, 7,500 monetary units;  
3,001 to 30,000 tons, 5,000 monetary units;  
30,001 to 70,000 tons, 3,750 monetary units;  
超過 70,000 噸, 每噸 2,500 貨幣單位;

- (b) 有關第6條第1(b)款之求償:
- (i) 不超過500噸者, 每船2,500,000 貨幣單位,
  - (ii) 船舶噸位超過前述所載, 第(i)款以外應再加上下列數額:  
501 至 30,000 噸, 每噸 2,500 貨幣單位;  
30,001 至 70,000 噸, 每噸 1,850 貨幣單位;  
超過 70,001 噸, 每噸 1,250 貨幣單位;
- (c) 第7條第1項應為該輪船舶證書上可搭載人數乘以 700,000 貨幣單位之總額, 然最高不應超過 375 百萬貨幣單位。

第 6 條第 2 及第 3 項規定適用本項第 a 及 b 款規定。

3. 第2項所稱之貨幣單位為重量為六十五點五公絲, 成色為純金千分九百之同等單位。該數額對於本國貨幣之兌換率依相關國法律定之。
4. 第1項未段及第3項所指之兌換率應儘可能地以符合第6條及第7條規定之記帳單位計算所得真正價值之方式, 兌換成締約國之本國貨幣。締約國應將第1項所規定之計算方式或第3項兌換結果, 得於不附任何保留地簽署批准、接受或批准當時, 或依第16條文件存放或嗣後有任何變更之時, 通知公約存放國。

## 第 9 條 求償總額

1. 依第6條所確定之責任限額應適用任一分別事故所致生對下列之人所提出之所有求償總和:
  - (a) 第1條第2項所列之人或數人, 或這些人應負責某人之作為、過失或疏失之人。
  - (b) 以某船進行救助作業之該輪所有人, 及以該船進行作業之救助人或數救助者, 及這些人應負責某人之作為、過失或疏失之人。
  - (c) 非從某船作業, 或對於被救助船舶上進行救助或其有關作業之救助者

respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.

2. The limits of liability determined in accordance with Article 7 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the person or persons mentioned in paragraph 2 of Article 1 in respect of the ship referred to in Article 7 and any person for whose act, neglect or default he or they are responsible.

或數救助人，及這些人應負責某人之作為、過失或疏失之人。

2. 依第7條決定之責任限額應適用於任一事故所生，向第1條第2項所述及與第7條所提船舶有關之人或數人及這些人應負責某人之作為、過失或疏失之人所提出之所有求償之總和。

## **Article 10 Limitation of liability without constitution of a limitation fund**

1. Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in Article 11 has not been constituted.
2. If limitation of liability is invoked without the constitution of a limitation fund, the provisions of Article 12 shall apply to correspondingly.
3. Questions of procedure arising under the rules of this Article shall be decided in accordance with the national law of the State Party in which action is brought.

## **第 10 條 設立限責基金之責任限額**

1. 無論已依第11條設立限責基金與否，均得主張責任限制。
2. 主張責任限制但未設立限責基金者，適用第12條之規定。
3. 本條款所生程序上之爭議，依提出訴訟國法律定之。

## **CHAPTER III. The Limitation Fund**

## **第三章 限責基金**

### **Article 11 Constitution of the Fund**

1. Any person alleged to be liable may constitute a fund with the Court or other competent authority in any State Party in which legal proceedings are instituted in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts set out in Articles 6 and 7 as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise to the liability until the date of the constitution of the fund. Any fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.
2. A fund may be constituted, either by depositing the sum, or by producing a guarantee acceptable under the legislation of the State Party where the fund is constituted and considered to be adequate by the Court or other competent authority,
3. A fund constituted by one of the persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2 of Article 9 or his insurer shall be deemed constituted by all persons mentioned in paragraph 1(a), (b) or (c) or paragraph 2, respectively.

### **第 11 條 基金之設立**

1. 被主張應負責之任何人得於提出與限責有關求償訴訟程序之任何締約國法院或其它適當機構設立限責基金。所設立之基金應為該可能應負責之人就各求償適用第6條及第7條所規定之數額，加上責任發生日以迄基金設立日期間之利息。所設立之基金應僅適用於其所主張責任限制有關求償之給付。
2. 限責基金得以提存現金方式，或以依基金設立國合法可接受並為法院或其它適當機構認為適當之擔保方式設立之。
3. 某基金已由第9條第1項第a款第b款或第c款或同條第2項所述之任何一人或其保險人設立，應視為第9條第1項第a款第b款或第c款或同條第2項所述之所有人所設立。

### **Article 12 Distribution of the fund**

1. Subject to the provisions of paragraphs 1 and 2 of Article 6 and of Article 7, the fund shall be distributed among the claimants in proportion to their established claims against the fund.
2. If, before the fund is distributed, the person liable, or his

### **第 12 條 基金之分配**

1. 於適用第6條及第7條第1項及第2項之情況下，基金應於求償人間依其對基金之求償額度比例分配之。
2. 如基金分配前，應負責之人或其保險人

insurer, has settled a claim against the fund such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

3. The right of subrogation provided for in paragraph 2 may also be exercised by persons other than those therein mentioned in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under the applicable national law.

Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to paragraphs 2 and 3 had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

### Article 13 Bar to other actions

1. Where a limitation fund has been constituted in accordance with Article 11, any person having made a claim against the fund shall be barred from exercising any right in respect of such a claim against any other assets of a person by or on behalf of whom the fund has been constituted.
2. After a limitation fund has been constituted in accordance with Article 11, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached within the jurisdiction of a State Party for a claim which may be raised against the fund, or any security given, may be released by order of the Court or other competent authority of such State. However, such release shall always be ordered if the limitation fund has been constituted:
  - (a) at the port where the occurrence took place or if it took place out of port, at the first port of call thereafter; or
  - (b) at the port of disembarkation in respect of claims for loss of life or personal injury; or
  - (c) at the port of discharge in respect of damage to cargo; or
  - (d) in the State where the arrest is made.
3. The rules of paragraphs 1 and 2 shall apply only if the claimant may bring a claim against the limitation fund before the Court administering that fund and the fund is actually available and freely transferable in respect of that claim.

### Article 14 Governing law

Subject to the provisions of this Chapter the rules relating to the constitution and distribution of a limitation fund, and all rules of procedure in connection therewith, shall be governed by the law of the State Party in which the fund is constituted.

## CHAPTER IV. Scope of Application

### Article 15

已經賠付某基金下之求償，該人得就其已支付之額度，向已獲賠付之人要求代位轉讓其依公約得享之權利。

3. 前述代位求償人以外之人仍得就其應支付之數額，就該代位權可得主張之範圍及在可適用之國內法允許下，主張第2項規定之代位求償權利。

應負責之人或其它人嗣後可能被認定須於基金分配前為一部或全部清償者，就第2項及第3項某人得享有代位轉讓權利賠款額度之一部或全部，設立基金之締約國法院或其它適格機構得命令暫時扣除某一相當額度，以使這些人能於嗣後行使其於基金下之求償。

### 第 13 條 其他請求之禁止

1. 一旦限責基金已依第11條設立，向基金為求償之任何人即不得再向設立基金之人或其所代表之人之任何其他資產主張任何權利。
2. 限責基金依第11條設立後，任何屬於提存基金之人或其所代表之人所有，於某締約國管轄內因某基金可能的求償而被假扣押或扣留之任何船舶或其它資產，或所提出之任何擔保，該國法院或其它適當機構得命令解扣。然而，該解扣通常僅能於基金設立後由下列地點法院命令為之：
  - (a) 事故發生地港，或事故發生於港外，則為第一停靠港；或
  - (b) 人命傷亡求償為目的港；或
  - (c) 貨物毀損求償為卸貨港；或
  - (d) 假扣押國。
3. 第1項及第2項規定僅通用於求償人得向限責基金之提出求償前，法院已經受理有關該求償之基金且該基金已可實際上被運用並得自由移轉之情況。

### 第 14 條 準據法

於適用本章規定情況下，有關限責基金之設立及分配，及與其有關之所有程序規定，應依基金設立國法律規範之。

## 第四章 適用範圍

### 第 15 條

1. This Convention shall apply whenever any person referred to in Article 1 seeks to limit his liability before the Court of a State Party or seeks to procure the release of a ship or other property or the discharge of any security given within the jurisdiction of any such State.  
Nevertheless, each State Party may exclude wholly or partially from the application of this Convention any person referred to in Article 1, who at the time when the rules of this Convention are invoked before the courts of that State does not have his habitual residence in a State Party, or does not have his principal place of business in a State Party or any ship in relation to which the right of limitation is invoked or whose release is sought and which does not at the time specified above fly the flag of a State Party.
  2. A State Party may regulate by specific provisions of national law the system of limitation of liability to be applied to vessels which are:
    - (a) according to the law of that State, ships intended for navigation on inland waterways;
    - (b) ships of less than 300 tons.
 A State Party which makes use of the option provided for in this paragraph shall inform the depositary of the limits of liability adopted in its national legislation or of the fact that there are none.
  3. A State Party may regulate by specific provisions of national law the system limitation at liability to be applied to claims arising in cases in which Interests of persons who are nationals of other States Parties are in no way involved.
  4. The Courts of a State Party shall not apply this Convention to ships constructed for or adapted to, and engaged in, drilling:
    - (a) when that State has established under its national legislation a higher limit of liability than that otherwise provided for in Article 6; or
    - (b) when the State has become party to an international convention regulating the system of liability in respect of such ships.
 In a case to which sub-para. (a) applies that State Party shall inform the depositary accordingly.
  5. This Convention shall not apply to:
    - (a) air-cushion vehicles;
    - (b) floating platforms constructed for the purpose of exploring or exploiting the natural resources of the seabed or the subsoil thereof.
1. 本公約適用於第1條所訂之任何人於任何締約國管轄下，於任一締約國法院為主張其責任限制或尋求船舶或其它財產之解扣或允除任何擔保。  
然任一締約國對於第1條所訂之人於該國法院主張限責前，在該國無住所或主事務所，或主張限責權利或請求任何船舶解扣當時並非懸掛締約國國旗時，該締約國得全部或一部排除公約規定之適用。
  2. 締約國得以其國內法特別規定責任限制制度得適用於下列船舶：
    - (a) 依該國法律，用於航行內陸水道之船舶；
    - (b) 不超過300噸之船舶。
 締約國欲依本項規定為之時，應將其國內立法所採用的責任限制或不為如是採用之事實通知公約存放處。
  3. 締約國得以其國內法特別規定責任限制制度適用於其它非締約國國民所提出之求償。
  4. 締約國法院於下列情況下不應使本公約適用於為鑽探而建造或改造之船舶或為從事鑽探之船舶
    - (a) 該國已經以其國內法規定比第6條更高之責任限額；或
    - (b) 該國已經成為某規範這類船舶責任體系之國際公約之會員國。
 於(a)款情況，締約國應比照通知公約存放處。
  5. 本公約不適用於：
    - (a) 氣墊航具；
    - (b) 為探勘或開發海底或底上自然資源所建造之浮動平台。

## CHAPTER V Final Clauses

## 第五章 最後條款

### Article 16 Signature, Ratification and Accession

### 第 16 條 簽署、批准及加入

1. This Convention shall be open for signature by all States at the headquarters of the Inter-Governmental Maritime Consultative Organisation (hereinafter referred to as "the Organisation ") from February 1st 1977 until December 31st 1977, and shall thereafter remain open for accession.
  2. All States may become parties to this Convention by:
    - (a) signature without reservation as to ratification, acceptance
1. 本公約自1977年2月1日起至1977年12月31日止於政府間海事諮商組織(以下稱為本組織)總部供各國公開簽署，此後並繼續公開以供加入。
  2. 各國得以下列方式成為本公約之締約國：
    - (a) 簽署並對批准、接受或核准無任何



- or approval or  
(b) signature, subject to ratification, acceptance or approval followed by ratification acceptance or approval; or  
(c) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal Instrument to that effect with the Secretary-General of the Organisation (hereinafter referred to as 'the Secretary-General').

## Article 17 Entry into force

1. This Convention shall enter into force on the first day of the month following one year after the date on which 12 States have either signed it without reservation as to notification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession.
2. For a State which deposits an instrument of ratification, acceptance, approval or accession, or signs without reservation as to ratification, acceptance or approval, in respect of this Convention after the requirements for entry into force have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession or the signature without reservation as to ratification, acceptance or approval, shall take effect on the date of entry into force of the Convention or on the first day of the month following the 90th day after the date of signature or the deposit of the instrument, whichever is the later date.
3. For any State which subsequently becomes a Party to this Convention, the Convention shall enter into force on the first day of the month following the expiration of 90 days after the date when such State deposited its instrument.
4. In respect of the relations between States which ratify, accept, or approve this Convention or accede to it, this Convention shall replace and abrogate the International Convention relating to the Limitation of the Liability of Owners of Seagoing Ships, done at Brussels on October 10th 1957, and the International Convention For the Unification of certain Rules relating to the Limitation of Liability of the Owners of Seagoing Vessels. Signed at Brussels on August 25th 1924

## Article 18 Reservations

1. Any State may, at the time of signature, ratification, acceptance, approval or accession, or at any time thereafter, reserve the right to exclude the application of article 2, paragraphs 1(d) and (e). No other reservations shall be admissible to the substantive provisions of this Convention.
2. Reservations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.
3. Any State which has made a reservation to this Convention may withdraw it at any time by means of a notification addressed to the Secretary-General. Such withdrawal shall take effect to the date the notification is received. If the notification states that the withdrawal of a reservation is to take effect on a date specified therein, and such date is later than the date the notification is received by the Secretary-General, the withdrawal shall take effect on such later date.

- 保留；或  
(b) 先簽署然尚待批准、接受或核准，嗣後再批准、接受或核准；或  
(c) 加入
3. 批准、接受。核准或加入應向本組織秘書長(以下稱秘書長)交存一份正式文書後始生效力。

## 第 17 條 生效

1. 本公約於第十二國簽署而無任何有關批准、接受或核准之保留，或提出將批准、接受、核准或加入所需文書之日起一年後之次月一日生效。
2. 對於已達公約生效所需國家後，至公約正式生效前之期間，提出批准、接受、核准或加入本公約所需文書之國家或簽署而無任何有關批准、接受或核准之保留之國家，其批准、接受、核准或加入或簽署而無任何有關批准、接受或核准之保留者，應於公約生效日，或於簽署日或文書交存日滿90日後之次月1日，以日期較後者之日生效之。
3. 對於嗣後成為本公約締約國之任何國家，於文書交存日滿90日後之次月1日生效之。
4. 對於批准、接受或核准本公約各國間之關係，本公約應取代並廢止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及1924年8月25日於布魯塞爾所簽訂之統一海船所有人責任限制某些規則國際公約。

## 第 18 條 保留

1. 任何國家於簽署、批准、接受、核准或加入當時保留排除第2條第1項(d)款及(e)款適用之權利。本公約其他實質規定不得准以保留。
2. 於簽字時所作出之保留，應在批准、接受或核准時加以確認。
3. 對本公約作出保留之任何國家均可在任何時候經由向秘書長通知之方式撤銷該保留。該撤銷應於收到通知之日起生效。如通知載明保留之撤銷應於某一特定日期生效，如該日期晚於秘書長收到該通知之日期，則該撤銷應於較晚的日期始行生效。

## Article 19 Denunciation

1. This Convention may be denounced by a State Party at any time after one year from the date on which the Convention entered into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General.
3. Denunciation shall take effect on the first day of the month following the expiration of one year after the date of deposit of the Instrument, or after such longer period as may be specified in the instrument.

## Article 20 Revision and Amendment

1. A Conference for the purpose of revising or amending this Convention may be convened by the Organisation.
2. The Organisation shall convene a Conference of the States parties to this Convention for revising or amending it at the request of not less than one-third of the Parties.
3. After the date of the entry into force of an amendment to this Convention, any instrument of ratification, acceptance, approval or accession deposited shall be deemed to apply to the Convention as amended, unless a contrary intention is expressed in the instrument.

## Article 21 Revision of the limitation amount and of Unit of Account or Monetary Unit

1. Notwithstanding the provisions of Article 20 a Conference only for the purposes of altering the amounts specified in Article 6 and 7 and in Article 8 paragraph 2, or of substituting either or both of the units defined in Article 8, paragraphs 1 and 2, by other units shall be convened by the Organization in accordance with paragraphs 2 and 3 of this Article. An alteration of the amounts shall be made only because of a significant change in their real value
2. The Organisation shall convene such a Conference at the request of not less than one fourth of the States Parties.
3. A decision to alter the amounts or to substitute the units by other Units of Account shall be taken by a two-thirds majority of the States Parties present and voting in such Conference.
4. Any State depositing its instrument of ratification, acceptance, approval or accession to the Convention, after entry into force of an amendment, shall apply to the Convention as amended.

## Article 22 Depositary

1. This Convention shall be deposited with the Secretary-General.
2. The Secretary-General shall:
  - (a) transmit certified true copies of this Convention to all States which were invited to attend the Conference on Limitation of Liability for Maritime Claims and to any other States which accede to this Convention;

## 第 19 條 退出

1. 任一締約國於本公約對其生效日起一年後可隨時退出本公約。
2. 退出應向秘書長交存一份退出文書方為有效。
3. 退出本公約，應在秘書長收到退出文書一年後或在退出文書中所載明較長的期限屆滿後生效。

## 第 20 條 修訂及修正

1. 本組織可召開修訂或修正本公約之會議。
2. 應不低於三分之一締約國之請求，本組織應召集修訂或修正本公約之締約國會議。
3. 本公約修訂生效之日後，任何有關批准、接受、認可或加入所存放之文書，除該文書有相反意思表示外，否則應視為適用修訂過之公約。

## 第 21 條 限責額及記帳單位或貨幣單位之修訂

1. 無論第20條規定為何，任何為變更第6條及第7條及第8條第2項所規定之數額，或以其它貨幣單位替換第8條第1項及第2項所定義之計算單位所召開之會議，應由本組織依本條第2項及第3項召集之。任何數值之更動，僅及第3項召集之。任何數值之更動，僅限於其真實幣值有重大改變之情況。
2. 本組織得應不低於四分之一締約國之請求召開會議。
3. 任何更動限責數額或以其它計算單位取代現有計算單位之決定，必須取決於締約國會議出席及投票之三分之二多數。
4. 於修訂生效後，才將公約批准、接受、核准或加入文書交存之任何國家，應適用修訂後之公約。

## 第 22 條 交存

1. 本公約由秘書長保存。
2. 秘書長應：
  - (a) 將本公約核証副本分送給受邀參與海事求償責任限制會議之所有國家及同意加入本公約之任何其它國家。

- (b) inform all States which have signed or acceded to this Convention of:
- (i) each new signature and each deposit of an Instrument and any reservation thereto together with the date thereof;
  - (ii) the date of entry into force of this Convention or any amendment thereto;
  - (iii) any denunciation of this Convention and the date on which it takes effect;
  - (iv) any amendment adopted in conformity with Articles 20 or 21;
  - (v) any communication called for by any Article of this Convention.
3. Upon entry into force of this Convention, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations
- (b) 將下列事項通知所有已經簽署或加入本公約之所有國家：
- (i) 每一新簽字或每一新文書之存放及任何保留及其日期；
  - (ii) 本公約或其任何修訂之生效日期；
  - (iii) 任何退出本公約及其退出生效之日期；
  - (iv) 依據第20條或第21條所通過之任何修訂；
  - (v) 收到本公約任何條款所作出之通知。
3. 本公約一經生效，秘書長應依照聯合國憲章第102條規定，將本公約核證副本送交聯合國秘書長。

### Article 23 Languages

This Convention established in a single original in the English, French, Russian and Spanish languages, each text being equally authentic.

Done at London this nineteenth day of November one thousand nine hundred and seventy - six.

In witness whereof the undersigned being duly authorised for that purpose have signed this Convention.

### 第 23 條 文字

本公約以英文、法文、俄文及西班牙文寫成，各文均具同等效力。

1976 年 11 月 19 日訂於倫敦。

以下簽署者，均業經適當授權簽署本公約。