

**勞依茲標準救助契約**  
(業經勞依茲委員會批准發行)

**勞依茲程序規則**  
(依據勞依茲救助契約標準格式2000年版第一條)

**Lloyd's Standard Form of Salvage Agreement**  
(Approved and Published by the Council of Lloyd's)

**PROCEDURAL RULES**  
(pursuant to Clause I of LOF 2000)

**LOF Procedural Rule 1995**

5.9.1990  
17.5.1994  
1.1.1995

**1 Arbitrators Powers**

In addition to all powers conferred by the Arbitration Act 1996 (or any amendment thereof) the Arbitrator shall have power:

- a. to admit such oral or documentary evidence or information as he may think fit;
- b. to conduct the arbitration in such manner in all respects as he may think fit subject to these Procedural Rules and any amendments thereto as may from time to time be approved by the Council of Lloyd's ("the Council");
- c. to make such orders as to costs, fees and expenses including those of the Council charged under clauses 5.2 and 10.8 of the Lloyd's Standard Salvage and Arbitration Clauses ("the LSSA clauses") as may be fair and just;
- d. to direct that the recoverable costs of the arbitration or of any part of the proceedings shall be limited to a specified amount;
- e. to make any orders required to ensure that the arbitration is conducted in a fair and efficient manner consistent with the aim to minimise delay and expense and to arrange such meetings and determine all applications made by the parties as may be necessary for that purpose;
- f. to conduct all such meetings by means of a conference telephone call if the parties agree;
- g. on his own initiative or on the application of a party to correct any award (whether interim provisional or final) or to make an additional award in order to rectify any mistake error or omission provided that (i) any such correction is made within 28 days of the date of publication of the relevant award by the Council (ii) any additional award required is made within 56 days of the said date of

**1. 仲裁人權力**

除 1996 年仲裁法(或其任何修正)所賦予之所有權力之外, 仲裁人尚有下列權力:

- a. 承認其認為適當之口頭或書面證據或資料;
- b. 依據勞依茲委員會(稱「委員會」)現時所認可之程序規則及其任何修訂, 以其認為適當之方式, 對任何事項為仲裁進行;
- c. 作出有關依勞依茲標準救助及仲裁條款(稱「LSSA 條款」)第 5.2 及 10.8 條所認可, 其為公平合理之成本、支出及費用之要求, 包括委員會之是項費用。
- d. 指示可請求回復之仲裁或仲裁程序任何部分之費用應限制於某特定金額之內;
- e. 作出任何所需之命令, 以確使仲裁能以公平及具效率, 符合減少遲延及費用目標之方式進行之, 及為此目的所需之會議安排及決定當事人應適用之事項;
- f. 於當事人同意時, 以電訊會議方式召開會議;
- g. 自己主動或應當事人之申請修正任何裁定(無論是中間、臨時或最後裁定)或為改正任何錯誤、漏失或瑕疵而作出額外裁定, 然(i)該改正應於委員會發佈裁定後之 28 日內為之; (ii)任何所需之額外裁定應於發佈日之 56 日內為之, 或無論是哪種狀況, 仲裁人依其裁量所許可之更長期限

publication or, in either case, such longer period as the Arbitrator may in his discretion allow.

內為之。

## 2 Preliminary Meeting

- a. Within 6 weeks of being appointed or so soon thereafter as may be reasonable in the circumstances, the Arbitrator shall convene a preliminary meeting with the represented parties for the purpose of giving directions as to the manner in which the arbitration is to be conducted.
- b. The Arbitrator may dispense with the requirement for a preliminary meeting if the represented parties agree a consent order for directions which the Arbitrator is willing to approve. For the purpose of obtaining such approval, the Arbitrator must be provided by the contractors or their representatives with a brief summary of the case in the form of a check list, any other party providing such comments as they deem appropriate so that the Arbitrator is placed in a position to decide whether to approve the consent order.
- c. In determining the manner in which the arbitration is to be conducted, the Arbitrator shall have regard to:
  - i. the interests of unrepresented parties;
  - ii. whether some form of shortened and/or simplified procedure is appropriate including whether the arbitration may be conducted on documents only with concise written submissions;
  - iii. the overriding objectives set out in clause 2 of the LSSA clauses.

## 2. 預備會議

- a. 於被指定後之六週內或依情於合理期間內，仲裁人應邀集欲出席之當事人召開預備會議，以提出仲裁方式如何進行之指示。
- b. 於參與當事人同意由仲裁人核可為同意令指示之情況下，仲裁人得不召開預備會議。為取得該核可，締約救助人或其代表人必須將案件摘要以檢視表格式方式提交給仲裁人，任何其他當事人則以提供其認為適當之意見書，以使仲裁人能夠決定其是否批准同意令。
- c. 於決定仲裁應以何種方式進行時，仲裁人應注意下列事項：
  - i. 未出席當事人之利益；
  - ii. 是否有更短期及或更簡化之程序方式可資適用，包括仲裁是否僅簡單以提交文件方式進行即可；
  - iii. 於 LSSA 條款第 2 條所規定之首要目標。

## 3 Order for Directions

Unless there are special reasons, the initial order for directions shall include:-

- a. a date for disclosure of documents including witness statements (see Rule 4);
- b. a date for proof of values;
- c. a date by which any party must identify any issue(s) in the case which are likely to necessitate the service of pleadings;
- d. a date for a progress meeting or additional progress meetings unless all represented parties with reasonable notice agree that the same is unnecessary;
- e. unless agreed by all represented parties to be premature, a date for the hearing and estimates for the time likely to be required by the Arbitrator to read evidence in advance and for the length of the hearing;
- f. any other matters deemed by the Arbitrator or any party to be appropriate to be included in the initial order.

## 3. 命令指示

除有特別理由，最初命令指示應包括下列事項：

- a. 包括目擊證詞在內之文件揭露日期(見規則第 4 點)；
- b. 各種價值之證明日期；
- c. 任何當事人應確認某些可能對仲裁程序有其必要之爭點之日期；
- d. 後續會議或額外後續會議之日期，然所有參與當事人經由合理通知同意無須召開者，不在此限；
- e. 仲裁人可能要求預先證據判讀及聽審時間長度之聽審日期及預估時間，然所有參與當事人均認為時間太早者除外；
- f. 仲裁人或任何當事人認為應適當納入最初命令指示之任何其他事項。

## 4 Disclosure of documents

Unless otherwise agreed or ordered, disclosure shall be limited to the following classes of document:

- a. logs and any other contemporaneous records maintained by the shipowners personnel and personnel employed by the Contractors (including any subcontractors) and their

## 4. 文件揭露

除另有協議或命另外，所應揭露之文件應僅限於下列類型：

- a. 日誌及任何其他由船舶所有人個人所記錄及締約救助人(包括任何次契約人)所聘僱之人及其各自的公證人或參與全部或

- respective surveyors or consultants in attendance during all or part of the salvage services;
- b. working charts, photographs, video or film records;
  - c. contemporaneous reports including telexes, facsimile messages or prints of e-mail messages;
  - d. survey reports;
  - e. documents relevant to the proof of:
    - i. out of pocket expenses
    - ii. salvaged values
    - iii. the particulars and values of all relevant salvaging tugs or other craft and equipment
  - f. statements of witnesses of fact or other privileged documents on which the party wishes to rely.

- 一部救助服務過程之專家所為之同期紀錄；
- b. 工作表、照片、影像或影片紀錄；
  - c. 包括電報、傳真訊息或電子郵件訊息列印之同期紀錄；
  - d. 公證報告；
  - e. 下列證明文件：
    - i. 實支費用
    - ii. 獲救價值
    - iii. 所有相關救助拖船或其他航具或設備之細目資料及價值
  - f. 當事人希望主張之事件目擊聲明或其他特殊文件。

## 5 Expert Evidence

- a. No expert evidence shall be adduced in the arbitration without the Arbitrators permission.
- b. The Arbitrator shall not give such permission unless satisfied that expert evidence is reasonably necessary for the proper determination of an issue arising in the arbitration.
- c. No party shall be given permission to adduce evidence from more than one expert in each field requiring expert evidence save in exceptional circumstances.
- d. Any application for permission to adduce expert evidence must be made at the latest within 14 days after disclosure of relevant documents has been effected.

## 5. 專家證據

- a. 未經仲裁人許可，不得於仲裁中引用任何專家證據。
- b. 除能充分證明該專家證據對於仲裁某爭點之適當決定為合理且必須外，否則仲裁人不應給予該許可。
- c. 除非情況異常特殊，任一領域所需之專家證據，不應允許當事人引用超過一位專家之證據。
- d. 任何引用專家證據之許可申請，必須於揭露相關文件生效不超過 14 日內為之。

## 6 Mediation

The Arbitrator shall ensure that in all cases the represented parties are informed of the benefit which might be derived from the use of mediation.

## 6. 調解

仲裁人應確保於所有情況下，參與仲裁當事人已被告知運用調解之優點。

## 7 Hearing of Arbitration

- a. In fixing or agreeing to a date for the hearing of an arbitration, the Arbitrator shall not unless agreed by all represented parties fix or accept a date unless the Arbitrator can allow time to read the principal evidence in advance, hear the arbitration and produce the award to the Council for publication in not more than 1 month from conclusion of the hearing.
- b. The date fixed for the hearing shall be maintained unless application to alter the date is made to the Arbitrator within 14 days of the completion of discovery or unless the Arbitrator in the exercise of his discretion determines at a later time that an adjournment is necessary or desirable in the interests of justice or fairness.
- c. Unless all parties represented in the arbitration agree otherwise the Arbitrator shall relinquish his appointment if a hearing date cannot be agreed, fixed or maintained in accordance with rule 7(a) and/or (b) above due to the Arbitrator's commitments. In that event the Council shall appoint in his stead another arbitrator who is able to meet

## 7. 仲裁聽審

- a. 於確定或同意仲裁聽審日期時，除所有參與當事人同意或接受某一日期且仲裁人有足夠時間預先審讀主要證據外，仲裁人不應於聽審日期確定後一個月內為仲裁聽審並製作裁定給本委員會發佈。
- b. 已確定之聽審日期應予維持，然完成證據檢視 14 日內向仲裁人提出日期更動申請者，或仲裁人以其意見認為一稍晚的日期的休會期間對各當事人間之公正及公平是必要且必須者除外。
- c. 如聽審日期因仲裁人因素而無法依第 7(a)及(b)條達成協議、確定或維持，除所有參與仲裁之當事人同意外，本案仲裁人資格應予以取消。於此情況下，委員會應指派另一能夠符合本條款要求之替代仲裁人。

the requirements of those rules.

## 8 Appeals

- a. All references in these Rules to the Arbitrator shall include the Arbitrator on Appeal where the circumstances so permit.
- b. In any case in which a party giving notice of appeal intends to contend that the Arbitrator's findings on the salvaged value of all or any of the salvaged property were erroneous, or that the Arbitrator has erred in any finding as to the person whose property was at risk, a statement of such grounds of appeal shall be given in or accompanying the notice of appeal.
- c. In all cases grounds of appeal or cross-appeal will be given to the Arbitrator on Appeal within 21 days of the notice of appeal or cross-appeal unless an extension of time is agreed.
- d. Any respondent to an appeal who intends to contend that the award of the Original Arbitrator should be affirmed on grounds other than those relied upon by the Original Arbitrator shall give notice to that effect specifying the grounds of his contention within 14 days of receipt of the grounds of appeal mentioned in (c) above unless an extension of time is agreed.

## 8. 上訴

- a. 本協議所有述及仲裁人者，於情況許可情況下，應包括上訴仲裁人。
- b. 於任何情況下，提起上訴通知之當事人意圖反駁仲裁人有關所有或部分獲救財產之獲救價值的認定是錯誤，或仲裁人對於風險中之財產所有人的認定有錯誤，前述上訴聲明應連同上訴通知一併提出。
- c. 除另有延長協議外，於任何情況下，上訴或交互上訴聲明應於上訴或交互上訴通知之 21 日內提交給上訴仲裁人。
- d. 任何上訴之被上訴人有意反駁原仲裁人之裁定，除主張原仲裁人所賴以為憑之理由外，應特別將其反駁理由於前述(c)款收到上訴理由之 14 日內提交給上訴仲裁人，然另有協議延長期間者除外。