

1864 年約克規則

THE YORK RULES 1864

Y. Rules 1864

Rule I Jettison of deck cargo

A jettison of timber or deals, or any other description of wood cargo, carried on the deck of a ship in pursuance of a general custom of the trade in which the ship in then engaged, shall be made good as general average in like manner as if such cargo had been jettisoned from below deck.

No jettison of deck cargo other than timber or deals, or other wood cargo, so carried as aforesaid, 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

依船舶從事之通常貿易習慣，木材或松木或任何其他木材貨物被裝載於船舶甲板上而遭投棄者，應獲共同海損補償，一如該貨物係裝載於甲板下被投棄般。

依前述規定為運載之木材或松木或其他木材貨物以外甲板貨物之投棄，不得獲共同海損補償。

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 made by breakage and chafing, or otherwise from derangement of stowage consequent upon a jettison, shall be made good as general average.

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，而使水侵入致貨物或商品毀損者，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。

Rule III Extinguishing fire on shipboard

Damage done to a ship or cargo, and either of them, by water or otherwise, in extinguishing a fire on board the ship, shall be general average.

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之一之毀損，均得以共同海損補償。

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 or 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

規則 VI 風帆滿風

Damage occasioned to as hip or cargo by carrying a press of sail shall not be made good as general average.

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

規則 VII 避難港費用

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 so admitted as general average; and whenever the cost of discharging cargo at such port is admissible as general average, the cost of re-loading and stowing such cargo on board the said ship, together with all storage-charges on such cargo, shall likewise be so admitted. Except that any portion of the cargo left at such port of refuge, on account of its being unfit to be carried forward, or on account of the unfitness or inability of the ship to carry it, shall not be called on to contribute to such general average.

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。除因不適合繼續載運或由於該船舶已不適合或無能力載運該貨物而將貨物之任何部分遺留於該避難港外，不應被要求分擔該共同海損。

Rule VIII Wages and maintenance of crew in port of refuge.

規則 VIII 避難港船員之薪金及給養

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. Except that any portion of the cargo left at such port of refuge, on account of its being unfit to be carried forward, or on account of the unfitness or inability of the ship to carry it, shall not be called on to contribute to such general average.

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。除因不適合繼續載運或由於該船舶已不適合或無能力載運該貨物而將貨物之任何部分遺留於該避難港外，不應被要求分擔該共同海損。

Rule IX Damage to cargo in discharging

規則 IX 卸貨時所致貨損等

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.

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。

Rule X Contributory values

規則 X 分攤價值

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 two-fifths of such freight, in lieu of crew's wages, port-charges, and all other deductions; deduction being also made, from the value of the property, of all charges incurred in respect thereof subsequently to the arising of the claim to general average.

共同海損之分攤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五分之二，船員薪津、港口費用及所有其他扣減；共同海損行為後發生之所有費用，亦應自有關財物價值中扣減。

Rule XI Loss of freight

規則 XI 運費損失

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.

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。