

# 1890 年約克安特衛普規則

## THE YORK-ANTWERP RULES 1890

### Y.A. Rules 1890

#### **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 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 and Sacrifice for The Common Safety**

Damage done to a ship and cargo, or either of them, by or in consequence of a sacrifice made for the common safety, and by water which goes down a ship's hatches or other opening made for the purpose of making a jettison for the common safety, shall be made good as general average.

#### **規則 II 為共同安全之投棄及犧牲所致之毀損**

為共同安全所為之犧牲或其後果所致及為共同安全之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。

#### **RULE III - Extinguishing Fire On Shipboard**

Damage done to a ship and cargo, or either of them, by water or otherwise, including damage by beaching or scuttling a burning ship, in extinguishing a fire on board the safety, shall be made good as general average ; except that no compensation shall be made for damage to such portions of the ship and bulk cargo, or to such separate packages of cargo, as 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，包括將著火船隻駛上淺灘或鑿沉所致船舶及貨物或其一之毀損，均得以共同海損補償；但船舶或散貨或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, and the circumstances are such that if that course were not adopted she would inevitably sink, or drive on shore or on rocks, no loss or damage caused to the ship, cargo, and freight, or any of them, by such intentional running on shore shall be made good as general average. But in all other cases where a ship is intentionally run on shore for the common safety, the consequent loss or damage shall be allowed as general average.

#### **規則 V 自願擱淺**

船舶故意駛上岸，且情況顯示，如不採取此方式，船舶還是不可避免要沈沒或駛上岸或礁石者，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。然於所有其他情況，船舶為共同安全而故意駛上岸者，其後續滅失或毀損得被為共同海損。

## **RULE VI.-Carrying Press of Sail Damage to or Loss of Sails**

Damage to or loss of sails and spars, or either of them, caused by forcing a ship off the ground or by driving her higher up the ground, for the common safety, shall be made good as general average; but where a ship is afloat, no loss or damage caused to the ship, cargo, and freight, or any of them, by carrying a press of sail, shall be made good as general average.

## **規則 VI 因風帆滿風而毀損滅失**

為共同安全而使船舶上礁或駛上高地所致風帆或帆柱或其一之毀損或滅失，應被認為共同海損；然船舶因風帆滿風而重浮所致對船舶、貨物或運費造成滅失或毀損，不得被認為共同海損。

## **RULE VII - Damage to Engines in Refloating A Ship**

Damage caused to machinery and boilers of a ship, which is ashore and in a position of peril, in endeavouring to refloat, shall be allowed in general average, where shown to have arisen from an actual intention to float the ship for the common safety at the risk of such damage.

## **規則 VII 機器及鍋爐之毀損**

船舶擱淺於岸上並處於危難時，為共同安全而冒任何機器鍋爐將受毀損之危險試圖重行浮起船舶，而於試圖浮起時造成任何機器鍋爐毀損，得認為共同海損。

## **RULE VIII - Expenses Lightening A Ship When Ashore,, and Consequent Damage**

When a ship is ashore, and, in order to float her, cargo, bunker coals, and ship's stores, or any of them are discharged, the extra cost of lightening, lighter hire, and reshipping (if incurred), and the loss or damage sustained thereby, shall be admitted as general average.

## **規則 VIII 減輕擱淺船舶載重之費用及附隨之損害**

船舶擱淺於岸灘，且為重浮船舶，貨物及船舶之燃油燃煤及船舶物料或其一為起卸時，減輕積載、租用駁船、重裝(如有發生)等額外費用，及因其所蒙受之滅失或毀損，均得認為共同海損。

## **RULE IX - Cargo, Ship's Materials, and Stores Burnt for Fuel**

Cargo, ship's materials, and stores, or any of them necessarily burnt for fuel for the common safety at a time of peril, shall be admitted as general average, when and only when an ample supply of fuel had been provided; but the estimated quantity of coals that would have been consumed, calculated at the price current at the ship's last port of departure at the date of her leaving shall be charged to the shipowner and credited to the general average.

## **規則 IX 貨物、船舶物料或供應被用作燃料**

於或僅於燃料原已充份準備時，於海難中為共同安全，貨物、船舶之物料及供應或其一必須被用作燃料時，其得認為共同海損；原應消耗之燃料估計量，依該船最後港口駛離日之市價計算，貸入共同海損。

## **Rule X - Expenses at Port of Refuge, Etc.**

- (a) When a ship shall have entered a port or place of refuge, or shall have returned to her port or place of loading, in consequence of accident, sacrifice, or other extraordinary circumstances, which render that necessary for the common safety, the expenses of entering such port or place shall be admitted 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 or place, consequent upon such entry or return, shall likewise be admitted as general average.
- (b) The cost of discharging cargo from a ship, whether at a port or place of loading, call, or refuge, shall be admitted as general average, when the discharge was necessary for the common safety or to enable damage to the ship caused by sacrifice or

## **規則 X 避難港之費用等項**

- (a) 因意外、犧牲或其他非常情況，為共同安全所必需，而使船舶駛入避難港或地點或折返其裝貨港或地點時，其駛入是項港口或地點之費用得認為共同海損；是項駛入或折返之後，如船舶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。
- (b) 無論在裝貨港、靠泊港或避難港或地點之船上卸下貨物之費用，均得認為共同海損，但以是項卸下，為共同安全所必需，或使船舶因犧牲

accident during the voyage, to be repaired, if the repairs were necessary for the safe prosecution of the voyage.

- (c) Whenever the cost of discharging cargo from a ship is admissible as general average, the cost of reloading and storing such cargo on board the said ship, together with all storage charges on such cargo, shall likewise be so admitted. But when the ship is condemned or does not proceed on her original voyage, no storage expenses incurred after the date of the ship's condemnation, or of the abandonment of the voyage, shall be admitted as general average.
- (d) If a ship under average be in a port or place at which it is practicable to repair her, so as to enable her to carry on the whole cargo, and if, in order to save expenses, either she is towed thence to some other port or place of repair, or to her destination, or the cargo or a portion of it is transhipped by another ship, or otherwise forwarded, then the extra cost of such towage, transhipment, and forwarding, or any of them (up to the amount of the extra expense saved) shall be payable by the several parties to the adventure in proportion to the extraordinary expense saved.

或意外所致損害得能安全繼續其航程而為必要之修理者為限。

- (c) 於貨物卸貨之費用得被認為共同海損時，則重新裝載及堆載貨物於船上、以及有關該貨物之所有堆放費用應予以一併認為共同海損。然如船舶被宣告或無法繼續其原有航程時，於船舶被宣告或航程放棄之日起所生之是項堆放費用不應被認為共同海損。
- (d) 如受損船舶於某港或地點可實施修理，以使其可繼續運載所有貨物，且如因此減省費用，或其被拖往某其他修理港口或地點或目的港或其貨物或一部貨物由另一艘船所轉運或以其他方式轉運者，則該拖帶、轉船或運送或其任何之一之額外費用(以不超過所減省之額外費用)，應由冒險各方當事人就所減省之異常費用，比例分擔之。

#### **RULE XI - Wages and Maintenance of Crew in Port of Refuge, Etc.**

When a ship shall have entered or been detained in any port or place under the circumstances, or for the purpose of the repairs, mentioned in Rule X, the wages payable to the master, officers, and crew, together with the cost of maintenance of the same, during the extra period of detention in such port or place until the ship shall or should have been made ready to proceed upon her voyage, shall be admitted as general average. But when the ship is condemned, or does not proceed on her original voyage, the wages and maintenance of the master, officers, and crew incurred after the date of the ship's condemnation or of the abandonment of the voyage, shall not be admitted as general average.

#### **規則 XI 避難港等船員之薪金及給養**

於規則 X 所載情況及為修理目的，船舶駛入或被阻留於任何港口或地點者，其船長、船副或船員於該船在該港口或地點停留，至該船將或已準備繼續其航程為止之額外時間所發生之薪金及給養，均得認為共同海損。當船舶被宣告或無法繼續其原航程時，於船舶被宣告或航程放棄後所發生之船長、船副及船員之薪津及給養，不應被認為共同海損。如於貨物卸載完成前，船舶被宣告或放棄航程者，以迄卸貨完成之日止之前述船員之薪津及給養，可被認為共同海損。

#### **RULE XII - Damage to Cargo in Discharging, Etc.**

Damage done to or loss of cargo necessarily caused in the act of discharging, storing, reloading, and stowing shall be made good as general average, when and only when the cost of those measures respectively is admitted as general average.

#### **規則 XII 卸貨時所致貨損等**

貨物於卸載、入棧、重裝及堆存等行為所致之毀損及滅失，得由共同海損補償，但以或僅以前述各項措施之費用可認為共同海損者為限。

#### **Rule XIII - Deductions from Cost of Repairs**

In adjusting claims for general average, repairs to be allowed in general average shall be subject to the following deductions in respect of "new for old," viz.:-

**In the case of iron or steel ships, from date of original register to the date of accident-**

**(A) Up to one year old**

All repairs to be allowed in full, except painting or coating of bottom, from which one-third is to be deducted.

**(B) Between 1 and 3 years**

#### **規則 XIII 修理費用之扣減**

於理算共同海損求償時，可獲共同海損補償之修理，應適用下列規定有關「新換舊」之扣減：

**如為鐵製或鋼製船舶，依其原始登記之日以迄意外事故時—**

**(A) 船齡於一年以內**

所有修理全部計列，但船底之刮底、去鏽及油漆或上漆予以扣減三分之一。

**(B) 船齡於一年至三年**

One-third to be deducted off repairs to and renewal of Woodwork of Hull, Masts and Spars, Furniture, Upholstery, Crockery, Metal and Glassware, also Sails, Rigging, Ropes, Sheets, and Hawsers (other than wire and chain), Awnings, Covers and painting.

One-sixth to be deducted off Wire Rigging, Wire Ropes and Wire Hawsers, Chain Cables and Chains, Donkey Engines, Steam Winches and connexions, Steam Cranes and connexions; other repairs in full.

**(C) Between 3 and 6 years**

Deductions as above under Clause B, except that one-sixth be deducted off Ironwork of Masts and Spars, and Machinery (inclusive of boilers and their mountings).

**(D) Between 6 and 10 years**

Deductions as above under Clause C, except that one-third be deducted off Ironwork of Masts and Spars, repairs to and renewal of all Machinery (inclusive of boilers and their mountings), and all Hawsers, Ropes, Sheets, and Rigging.

**(E) Between 10 and 15 years**

One-third to be deducted off all repairs and renewals, except Ironwork of Hull and Cementing and Chain Cables, from which one-sixth to be deducted. Anchors to be allowed in full.

**(F) Over 15 years**

One-third to be deducted off all repairs and renewals. Anchors to be allowed in full. One-sixth to be deducted off Chain Cables.

**(G) Generally**

The deductions (except as to Provisions and Stores, Machinery, and Boilers) to be regulated by the age of the ship, and not the age of the particular part of her to which they apply. No painting bottom to be allowed if the bottom has not been painted within six months previous to the date of accident. No deduction to be made in respect of old material which is repaired without being replaced by new, and Provisions and Stores which have not been in use.

**In the case of wooden or composite ships**

When a ship is under one year old from date of original register, at the time of accident, no deduction new for old shall be made. After that period a deduction of one-third shall be made, with the following exceptions-

Anchors shall be allowed in full. Chain cables shall be subject to a deduction of one-sixth only.

No deduction shall be made in respect of provisions and stores which had not been in use.

Metal sheathing shall be dealt with, by allowing in full the cost of a weight equal to the gross weight of metal sheathing stripped off, minus the proceeds of the old metal. Nails, felt, and labour metalling are subject to a deduction of one-third.

**In the case of ships generally-**

In the case of all ships, the expense of straightening bent ironwork, including labour of taking out and replacing it, shall be allowed in full.

Graving dock dues, including expenses of removals, cartages, use of shears, stages, and graving dock materials, shall be allowed in full.

船體木造部分、桅及桅桿、家具、室內裝潢、陶器、金屬及玻璃器皿、以及船帆、索具、帆腳索及纜繩(鐵索及鍊索除外)、帆布、蓬蓋布及油漆之更換予以扣減三分之一

鐵製索具、鐵索、鐵纜、錨索及錨鍊、輔助機器、絞機及連接物、起重機及其連接物，予以扣減六分之一；其他修理予以全部計。

**(C) 船齡於三到六年**

依前列 B 款規定扣減，但絕桅桿及桅之鐵製品及所有機器(包括鍋爐及其鐵製墊物)，予以扣減六分之一。

**(D) 船齡於六到十年**

依前列 C 款扣減，但所有桅桿及桅之鐵製品、所有機器(包括鍋爐及其襯墊物)及纜繩、繩索、帆腳索及索具之修理及更新，予以扣減三分之一。

**(E) 船齡於十到十五年**

所有修理及更新均予以扣減三分之一，但船身之鐵製品及連結物及錨鍊索予以扣減六分之一。船錨予以全部計。

**(F) 船齡於十五年以上**

所有修理及更新均予以扣減三分之一。但錨鍊索予以扣減六分之一。

**(G) 一般**

應依船齡按時扣減(有關供應及物料、機器及鍋爐除外)，而非依各個別單項之年份定其扣減。如船底於意外事故之日以前六個月內未經油漆者，船底油漆不予認列。有關修理之舊材料未以新材料更新者及未經使用之供應及給養，不予扣減。

**於木質或混質船部分**

船舶從其原始登記之日以迄意外事故船齡低於一年者，不扣減新換舊。於超過該船齡者，扣減三分之一，然下列除外-

錨全額計列。錨鍊僅扣減六分之一。

未使用過的供應及物料不予扣減。

金屬包皮應以相當於所剩之金屬包皮重量之新包皮價值減去舊金屬售價之差額，予以全部算列。釘子、毛毯及人工焊接費予以扣減三分之一。

**一般船舶情況-**

於所有船舶，壓平彎曲鐵工費用，包括取出及更換之人工，全額計列。

乾塢費，包括移船、貨運、裁剪、架台及塢材，應全部計列。

**RULE XIV - Temporary Repairs**

**規則 XIV 臨時修理**

No deductions "new for old" shall be made from the cost of temporary repairs of damage allowable as general average.

認為共同海損之臨時修理費用將不為「新換舊」之扣減。

#### **RULE XV -Loss of Freight**

#### **規則 XV 運費損失**

Loss of freight arising from damage to or loss of cargo shall be made good as general average, either when caused by a general average act, or when the damage to or loss of cargo is so made good.

貨物毀損或滅失所致之運費損失，得由共同海損補償，無論是項貨物之毀損或滅失係因共同海損行為所致或可得由共同海損予以補償。

#### **RULE XVI - Amount to Be Made Good for Cargo Lost or Damaged by Sacrifice**

#### **規則 XVI 犧牲所致貨物滅失或毀損之受償額**

The amount to be made good as general average for damage or loss of goods sacrificed shall be the loss which the owner of the goods has sustained thereby, based on the market values at the date of the arrival of the vessel or at the termination of the adventure.

貨物因犧牲而蒙受毀損或滅失，其共同海損得受補償之數額，應以船舶到達日或冒險終了日之市場價值為基礎。

#### **RULE XVII - Contributory Values**

#### **規則 XVII 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 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 the general average act or sacrifice, and have not been allowed as general average; deduction being also made from the value of the property of all charges incurred in respect thereof subsequently to the general average act, except such charges as are allowed in general average.

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，但得認為共同海損之部份除外。

Passengers' luggage and personal effects, not shipped under bill of lading, shall not contribute to general average.

非以載貨證券為裝運之旅客行李或個人物品，不分擔共同海損。

#### **RULE XVIII – Adjustment**

#### **規則 XVIII 理算報告**

Except as provided in the foregoing rules, the adjustment shall be drawn up in accordance with the law and practice that would have governed the adjustment had the contract of affreightment not contained a clause to pay general average according to these Rules.

除前述規則另有規定外，如運送契約未規定共同海損之支付應依照本規則者，則理算書應依照規範該理算報告之法律及實務製作之。