

1950 年約克安特衛普規則

THE YORK-ANTWERP RULES 1950

Y.A. Rules 1950

Rule of Interpretation

In the adjustment of general average the following lettered and numbered Rules shall apply to the exclusion of any Law and Practice inconsistent therewith.
Except as provided by the numbered Rules, general average shall be adjusted according to the lettered Rules.

序言規則

於理算共同海損時，下列各文字規則及數字規則，適用任何與之不一致之法律及習慣。
除數字規則另有規定外，共同海損理算應依文字規則理算之。

Rule A

There is a general average act when, and only when, any extraordinary sacrifice or expenditure is intentionally and reasonably made or incurred for the common safety for the purpose of preserving from peril the property involved in a common maritime adventure.

規則 A

於或僅於共同海事冒險中遭遇海難，為共同安全及保存之目的，故意及合理所為或所發生任何非常犧牲或費用為共同海損行為。

Rule B

General average sacrifices and expenses shall be borne by the different contributing interests on the basis hereinafter provided.

規則 B

共同海損之犧牲及費用，應由各利害關係人，依照後開規定之基準負擔之。

Rule C

Only such losses, damages or expenses which are the direct consequence of the general average act shall be allowed as general average.

Loss or damage sustained by the ship or cargo through delay, whether on the voyage or subsequently, such as demurrage, and any indirect loss whatsoever, such as loss of market, shall not be admitted as general average.

規則 C

僅限於共同海損行為所直接發生之滅失、毀損或費用，得認為共同海損。

船舶或貨物因遲延，無論於航程中或其後航程所遭受之滅失或毀損，例如延滯，以及任何間接損失，例如市場損失，均不得認為共同海損。

Rule D

Rights to contribution in general average shall not be affected, though the event which gave rise to the sacrifice or expenditure may have been due to the fault of one of the parties to the adventure; but this shall not prejudice any remedies which may be open against that party for such fault.

規則 D

共同海損之犧牲或費用，即使其發生原因係為共同冒險中某方過失所致，其在共同海損中應受分攤之權利並不受影響；但任何對其有關該項過失之求償之行使，並不因之有所妨礙。

Rule E

The onus of proof is upon the party claiming in general average to show that the loss or expense claimed is properly allowable as general average.

規則 E

請求共同海損之人應負舉證之責，以證明其所求償之損失或費用確可認為共同海損。

Rule F

Any extra expense incurred in place of another expense which would have been allowable as general average shall be deemed to be general average and so allowed without regard to the saving, if any, to other interests, but only up to the amount of the general average expense avoided.

規則 F

任何可替代得認為共同海損費用所發生之額外費用，應視為共同海損，而不論其對其他利害關係人是否有所減省，但僅以所避免之共同海損費用數額為限。

Rule G

General average shall be adjusted as regards both loss and contribution upon the basis of values at the time and place when and where the adventure ends.

This rule shall not affect the determination of the place at which the average statement is to be made up.

規則 G

有關共同海損損失及分攤之理算，均應以冒險終了地/時之價值為基準理算之。

本規則不影響海損理算書製作地點之決定。

Rule I. – Jettison of Cargo

No jettison of cargo shall be made good as general average, unless such cargo is carried in accordance with the recognized custom of the trade.

規則 I 貨物之投棄

經投棄之貨物，不得從共同海損補償，但係依照已承認之貿易習慣裝運者除外。

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 opened 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他之一之毀損者，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 of otherwise, including damage by beaching or scuttling a burning ship, in extinguishing a fire on board the ship, 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 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 loss or damage incurred in refloating such a ship shall be allowed as general average.

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，然為重浮該船舶所蒙受之滅失或毀損應被認為共同海損。

船舶為共同安全而故意駛上岸灘所致之毀損滅失，無論船舶是否可能被迫上岸，得認為共同海損。

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 Machinery and Boilers

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 when shown to have arisen from an actual intention to float the ship for the common safety at the risk of such damage ; but where a ship is afloat no loss or damage caused by working the machinery and boilers, including loss or damage due to compounding of engines or such measures, shall in any circumstances be made good as general average.

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；但當船舶漂浮，使用推動機器及鍋爐所致之滅失或毀損，在任何情況下均不得由共同海損補償。

Rules VIII. – Expenses Lightening a Ship when Ashore, and Consequent Damage

When a ship is ashore and cargo and ship's fuel and stores or any of them are discharged as a general average act the extra coast of lightening, lighter hire and re-shipping (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，其貨物及船舶之燃料、供應或其一，以共同海損行為起卸時，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. – Ship's Materials and Stores Burnt for Fuel

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 fuel 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 credited to the general average.

規則 IX 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，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 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. When a ship is at any port or place of refuge and is necessarily removed to another port or place because repairs cannot be carried out in the first port or place, the provisions of this Rule shall be applied to the second port or place as if it were a port or place of refuge. The provisions of Rule XI shall be applied to the prolongation of the voyage occasioned by such removal.
- (b) The cost of handling on board or discharging cargo, fuel or stores, whether at a port or place of loading, call or refuge, shall be admitted as general average when the handling or discharge was necessary for the common safety or to enable damage to the ship caused by sacrifice or accident to be repaired, if the repairs were necessary for the safe prosecution of the voyage.
- (c) Whenever the cost of handling or discharging cargo, fuel or stores is admissible as general average, the cost of reloading and stowing such cargo, fuel or stores on board the ship, together with all storage charges (including fire insurance, if incurred) on such cargo, fuel or stores, 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. In the event of the condemnation of the ship or the abandonment of the voyage before completion of discharge of cargo, storage expenses as above shall be admitted as general average up to date of completion of discharge.
- (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.

Rule XI. – Wages and Maintenance of Crew and other Expenses bearing up for and in a Port of Refuge, etc...

- (a) Wages and maintenance of master, officers and crew reasonably incurred and fuel and stores consumed during the prolongation of the voyage occasioned by a ship entering a port or place of refuge or returning to her port or place of loading shall be admitted as general average when the

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。
當船舶在其他避難港或地點，由於在該第一港口或地點無法進行修理而必須移往其他港口或地區時，本條之規定得適用此第二港口或地點，一如其為避難港或地區。規則 XI 規定得適用此項移動而致之延長航程。
- (b) 無論在裝貨港、靠泊港或避難港或地點之船上搬移或卸下貨物、燃料及供應之費用，均得認為共同海損；但以是項整理或卸下，為共同安全所必需，或使船舶因犧牲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) 於貨物搬移或卸貨、加燃料及供應之費用得被認為共同海損時，責重新裝載及堆載貨物、加燃料或供應於船上、以及有關該貨物、燃料或供應之所有堆放費用(包括所發生之火災保險)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，所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。如貨物卸載完成前，船舶被宣告或航程放棄者，前述堆放費用應被認為共同海損，以迄卸載完成之日為止。
- (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。

規則 XI 駛往及於避難港等船員之薪金給養及其他費用

- (a) 如船舶駛入避難港或地點或折返其裝貨港或地點之費用，依規則 X 第 a 項可認為共同海損時，則因此項駛入避難港或地點或折返其裝貨港或地點所生航程延長期間所合理發生

expenses of entering such port or place are allowable in general average in accordance with Rule X (a).

- (b) When a ship shall have entered or been detained in any port or place in consequence of accident, sacrifice or other extraordinary circumstances which render that necessary for the common safety, or to enable damage to the ship caused by sacrifice or accident to be repaired, if the repairs were necessary for the safe prosecution of the voyage, the wages and maintenance of the master, officers and crew reasonably incurred 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 in general average. When the ship is condemned or does not proceed on her original voyage, the extra period of detention shall be deemed not to extend beyond the date of the ship's condemnation or of the abandonment of the voyage or, if discharge of cargo is not then completed, beyond the date of completion of discharge. Fuel and stores consumed during the extra period of detention shall be admitted as general average, except such fuel and stores as are consumed in effecting repairs not allowable in general average. Port charges incurred during the extra period of detention shall likewise be admitted as general average except such charges as are incurred solely by reason of repairs not allowable in general average.
- (c) For the purpose of this and the other Rules wages shall include all payments made to or for the benefit of the master, officers and crew, whether such payments be imposed by law upon the shipowners or be made under the terms or articles of employment.
- (d) When overtime is paid to the master, officers or crew for maintenance of the ship or repairs, the cost of which is not allowable in general average, such overtime shall be allowed in general average only up to the saving in expense which would have been incurred and admitted as general average, had such overtime not been incurred.

之船長、船副及船員之薪金及給養、以及所消耗之燃料及供應，均得認為共同海損。

- (b) 因意外、犧牲或其他為共同安全所必需之非常情況，或為對犧牲或意外所致船舶之毀損得能安全繼續航程所為必要修理，而使船舶駛入或被阻留於任何港口或地點時，其船長、船副或船員於該船在該港口或地點滯留，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，該額外滯留期間應視為不超過船舶被宣告或放棄航程之日，或貨物卸載尚未完成，則為完成卸載之日，則以被宣告或放棄原航程之日為止。於該額外滯留期間所消耗之燃料及供應，可認為共同海損，但進行修理期間之燃料及供應消耗，不應認為共同海損。於該額外滯留期間所發生之港埠費用亦可認為共同海損，但該項港埠費用完全修理所生者，不應認為共同海損。
- (c) 本條或其他各條所謂之薪金，包括船舶所有人依法或於雇用條件或條款規定，所有給付船長、船副及船員及為彼等利益而支付之款項。
- (d) 為船舶日常保養或修理而支付船長、船副或船員之逾時工作費，不得認為共同海損。但如不為此項逾時工作，即會發生且被認為共同海損時，則此項逾時工作所節省之部份得認為共同海損。

Rule XII – Damage to cargo in discharging, etc..

Damage to or loss of cargo, fuel or stores caused in the act of handling, 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、燃料或供應於搬移、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 deductions in respect of "new for old" according to the following rules, where old material or parts are replaced by new.

The deductions to be regulated by the age of the ship from date of original register to the date of accident, except for provisions and stores, insulation, life- and similar boats, gyro compass equipment, wireless, direction finding, echo sounding and similar apparatus, machinery and boilers for which the deductions shall be regulated by the age of the particular parts to which they apply.

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，以新材料或零件更換舊有者，應適用下列規定有關「新換舊」之扣減。

船舶依其原始登記之日以迄意外事故時之船齡定時扣減。但供應及給養、絕緣材料、救生及類似之艇具、旋羅經、無線電、測向儀、回聲探測及類似儀器、機器及鍋爐則依其各該項適用之年份定其扣減。

No deduction to be made in respect of provisions, stores and gear which have not been in use.

The deductions shall be made from the cost of new material or parts, including labour and establishment charges, but excluding cost of opening up.

Drydock and slipway dues and coasts of shifting the ship shall be allowed in full.

No cleaning and painting of bottom to be allowed, if the bottom has not been painted within six months previous to the date of the accident.

A – Up to 1 year old.

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

B – Between 1 and 3 years old.

Deduction off scaling, cleaning and painting bottom as above under Clause A.

One-third to be deducted off sails, rigging, ropes, sheets and hawsers (others than wire and chain), awnings, covers, provisions and stores and painting.

One sixth to be deducted off woodwork of hull, including hold ceiling, wooden masts, spars and boats, furniture, upholstery, crockery, metal- and glass-ware, wire ropes and wire hawsers, gyro compass equipment, wireless, direction finding, echo sounding and similar apparatus, chain cables and chains, insulation, auxiliary machinery, steering gear and connections, winches and cranes and connections and electrical machinery and connections other than electrical propelling machinery ; other repairs to be allowed in full.

Metal sheathing for wooden or composite ships 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.

C – Between 3 and 6 years.

Deductions as above under Clause B, except that one-third be deducted off wood work of hull including hold ceiling, wooden masts, spars and boats, furniture, upholstery, and one-sixth be deducted off iron work of masts and spars and all 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 all rigging, ropes, sheets, and hawsers, iron work of masts and spars, gyro compass-equipment, wireless, direction finding, echo sounding and similar apparatus, insulation, auxiliary machinery, steering gear, winches, cranes and connections and all other machinery (inclusive of boilers and their mountings).

E – Between 10 and 15 years.

One-third to be deducted off all renewals, except iron work of hull and cementing and chain cables, from which one-sixth to be deducted, and anchors, which are allowed in full.

F – Over 15 years.

One-third to be deducted off all renewals, except chain cables, from which one-sixth to be deducted, and anchors, which are allowed in full.

未經使用之供應、給養及機件不扣減。

扣減應就新材料或零件之價格為之。此項價格包括人力及設備費用，但不包括拆啟費用。

乾塢及船架費用與移船費用應全部計列。

如船底於意外事故之日以前六個月內未經油漆者，船底之除鏽及油漆不予認列。

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

船底之刮底、去鏽及油漆或上漆依前 A 款規定，予以扣減三分之一。

船帆、索具、繩索、帆腳索及纜繩(鐵索及鍊索除外)、帆布、蓬蓋布、供應及給養及油漆予以扣減三分之一。

船身之木造部分包括艙頂、木質桅桿、桅及艇具、家具、室內裝潢、陶器、金屬及玻璃器皿、鐵製索具、鐵索、鐵纜、旋羅經、無線電、測向儀、回聲探測器及類似器具、錨索及錨鍊、絕緣材料、輔助機器、操舵機齒輪及連接物、絞機及起重機及其連接物及電動推動機以外之電機及其連接物，予以扣減六分之一；其他修理予以全部計列。

木質或鐵骨木質船帆之金屬包皮，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。

C – 船齡於三到六年

依前列 B 款規定扣減，但船身之木造部分，包括艙頂、木質桅桿、桅及艇具、家具、室內裝潢，予以扣減三分之一；桅桿及桅之鐵製品及所有機器(包括鍋爐及其鐵製墊物)，予以扣減三分之一。

D – 船齡於六到十年

依前列 C 款扣減，但所有索具、繩索、帆腳索及纜繩、桅桿及桅之鐵製品、旋羅經、無線電、測向器、回聲探測器及類似之器具、絕緣材料、輔助機器、操舵機齒輪、絞機及連接物及所有其他機器(包括鍋爐及其襯墊物)，予以扣減三分之一。

E – 船齡於十到十五年

所有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，船錨予以全部計列。

F – 船齡於十五年以上

所有更新均予以扣減三分之一，但錨鍊索予以扣減六分之一，船錨予以全部計列。

Rules XIV – Temporary repairs

Where temporary repairs are effected to a ship at a port of loading call or refuge, for the common safety, or of damage caused by general average sacrifice, the cost of such repairs shall be admitted as general average.

Where temporary repairs of accidental damage are effected merely to enable the adventure to be completed, the cost of such repairs shall be admitted as general average without regard to the saving, if any, to other interests, but only up to the saving, in expense which would have been incurred and allowed in general average if such repairs had not been effected there.

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

Rules XV – Loss of freight

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.

Deduction shall be made from the amount of gross freight lost, of the charges which the owner there of would have incurred to earn such freight, but has, in consequence of the sacrifice, not incurred.

Rules XVI – Amount to be made good for cargo lost or damaged by Sacrifice

The amount to be made good as general average for damage to 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 last day of discharge of the vessel or at the termination of the adventure where this ends at a place other than the original destination.

Where goods so damaged are sold and the amount of the damage has not been otherwise agreed, the loss to be made good in general average shall be the difference between the net proceeds of sale and the net sound value at the last day of discharge of the vessel or at the termination of the adventure where this ends at a place other than the original destination.

Rules XVII – Contributory values

The contribution to a general average shall be made upon the actual net values of the property at the termination of the adventure, to which values shall be added the amount made good as general average for property sacrificed, if no already included, deduction being made from the shipowner’s freight and passage money at risk, of such charges and crew’s wages as would not have been incurred in earning the freight had the ship and cargo been totally lost at the date of the general average act and have not been allowed as general average ; deduction being also made from the value of the property of all charges incurred in respect there of subsequently to the general average act, except such charges as are allowed in general average.

Passengers’ luggage and personal effects not shipped under bill of

規則 XIV 臨時修理

為共同安全或為共同海損犧牲所致之毀損，船舶在裝貨港、靠泊港或避難港進行臨時修理時，該項修理費用得認為共同海損。

如意外毀損臨時修理之進行僅為使冒險得以完成者，則不問是否對其他關係人可能有所節省(如有)，其臨時修理費用得認為共同海損；但只以如不在該處進行是項修理，即會發生及被認為共同海損所節省之費用為限。

認為共同海損之臨時修理費用將不為「新換舊」之扣減。

規則 XV 運費損失

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。

運費損失總額內，應扣減船舶所有人為賺取此項運費必須支付，但因犧牲之結果而無須支付之費用。

規則 XVI 犧牲所致貨物滅失或毀損之受償額

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，應以貨物最後卸載日，或如於原目的地以外之地點終止時，則冒險終了地時之市場價值為基礎。

如受損貨物被出售，且受損金額未有其他約定時，則以出售淨所得與貨物最後卸載日，或如於原目的地以外之地點終止時，則冒險終了地時之市場價值計算之完好淨值之差額，為可由共同海損補償之損失。

規則 XVII 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，如未納入該金額，則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。

未以載貨證券裝運之旅客行李及個人包

lading, shall not contribute in general average.

裏不分擔共同海損。

Rule XVIII – Damage to ship.

規則 XVIII 船舶之毀損

The amount to be allowed as general average for damage or loss to the ship, her machinery and/or gear when repaired or replaced shall be the actual reasonable cost of repairing or replacing such damage or loss, subject to deduction in accordance with Rule XIII. When not repaired, the reasonable depreciation shall be allowed, not exceeding the estimated cost of repairs.

因共同海損行為所致船舶、其機器及或索具毀損或滅失，得認為共同海損之數額，於已修理或更換者，應為該毀損或滅失之實際合理修理或更換之成本，並依規則 XIII 之規定予以扣減。於未修理者，則認列合理折舊，但不應超過預估修理費用。

Where there is an actual or constructive total loss of the ship the amount to be allowed as general average for damage or loss to the ship caused by a general average act shall be the estimated sound value of the ship after deducting there from the estimated cost of repairing damage which is not general average and the proceeds of sale, if any.

如船舶實際全損或推定全損，則共同海損行為所致對船舶毀損或滅失得認為共同海損之金額應為扣減不屬共同海損毀損之估計費用後之船舶估計完好價值，與船舶毀損情況下之價值之差額，船舶毀損情況下之價值，可以其出售之淨所得為準(如有)。

Rule XIX – Undeclared or Wrong fully declared cargo

規則 XIX 未申報或不實申報之貨物

Damage or loss caused to goods loaded without the knowledge of the shipowner or his agent or to goods wilfully misdescribed at time of shipment shall not be allowed as general average, but such goods shall remain liable to contribute, if saved.

所裝載之貨物未為船舶所有人或其代理人所知悉，或於裝運時故意謊報者，其毀損或滅失不得認為共同海損；但是項貨物如被保全時，仍應分攤共同海損。

Damage or loss caused to goods which have been wrongfully declared on shipment at a value which is lower than their value shall be contributed for at the declared value, but such goods shall contribute upon their actual value.

貨物於裝運時為不實價值之聲明，致申明價值低於其實際價值者，其毀損或滅失之受補償額應以其申報價值計算，但其應負分攤責任則應照其實際價值計算。

Rule XX – Provision of funds

規則 XX 基金款項之供給

A commission of 2 per cent on general average disbursements, other than the wages and maintenance of master, officers and crew and fuel and stores not replaced during the voyage, shall be allowed in general average, but when the funds are not provided by any of the contributing interests, the necessary cost of obtaining the funds required by means of a bottomry bond or otherwise, or the loss sustained by owners of goods sold for the purpose, shall be allowed in general average.

船長、船員、水手之薪金及該航程中不予補充之給養及燃料與供應以外之共同海損費用，得以其百分之二作為佣金而認為共同海損，如分攤關係人未提供基金款項，則為獲得基金所為之船貨押貸保證或其他方法所生之必要成本，或為獲得基金之目的而變賣貨物使貨主蒙受之損失，均得認為共同海損。

The cost of insuring money advanced to pay for general average disbursements shall also be allowed in general average.

共同海損費用墊款之保險費，亦得認為共同海損。

Rule XXI – Interest on losses made good in general average

規則 XXI 共同海損損失補償之利息

Interest shall be allowed on expenditure, sacrifices and allowances charged to general average at the rate of 5 per cent per annum, until the date of the general average statement, due allowance being made for any interim reimbursement from the contributory interests of from the general average deposit fund.

共同海損費用、犧牲及應受補償部份，應按年息百分之五計算利息，計至海損理算書完成之日為止，但如已由分攤關係人或自海損保證金中暫行支付補償者則應予扣減。

Rule XXII – Treatment of cash deposits

規則 XXII 現金保證金之處理

Where cash deposits have been collected in respect of cargo's liability for general average, salvage or special charges, such deposits shall be paid without any delay into a special account in the joint names of a representative nominated on behalf of the shipowner and a representative nominated on behalf of the depositors in a bank to be approved by both. The sum so deposited, together with accrued interest, if any, shall be held as security for payment to the parties entitled thereto of the general average, salvage or special charges payable by cargo in respect to which the deposits have been collected. Payments on account or refunds of deposits may be made if certified to in writing by the average adjuster. Such deposits and payments or refunds shall be without prejudice to the ultimate liability of the parties.

貨物為共同海損、救助費用或特別費用所負擔之責任，所繳納之現金保證金，是項保證金應毫不遲延地以船舶所有人所指定之代表及繳付保證金之人所指定之代表之聯合名義，支付並存入雙方認可銀行之特別帳戶內。此項保證金及其可能獲得之利息(如有)，即係該繳付保證金之貨物對共同海損、救助費用或特別費用負擔部份支付之保證。暫付款或保證金之退還悉憑海損理算師書面證明為之。該項保證金及其支付之退還應不損及與各關係人之最終責任。