

# 1952 年關於船舶碰撞事件之民事管轄公約

1952 年 5 月 10 日 訂於布魯塞爾，1955 年 9 月 14 日生效

## International Convention on Certain Rules Concerning Civil Jurisdiction in Matters of Collision, 1952

Signed At Brussels, May 10, 1952 ; Entered into Force September 14, 1955

### Collision-Civil-1952

The High Contracting Parties,  
Having recognised the advisability of establishing by agreement certain uniform rules relating to civil jurisdiction in matters of collision, have decided to conclude a Convention for this purpose and thereto have agreed as follows:

各締約國，  
承認有關碰撞事件之民事管轄權有統一規定之必要。業經決定為此目的，同意制訂公約如下：

#### Article 1

#### 第 1 條

- (1) An action for collision occurring between seagoing vessels, or between seagoing vessels and inland navigation craft, can only be introduced;
- (a) either before the Court where the defendant has his habitual residence or a place of business;
- (b) or before the Court of the place where arrest has been effected of the defendant ship or of any other ship belonging to the defendant which can be lawfully arrested, or where arrest could have been effected and bail or other security has been furnished;
- (c) or before the Court of the place of collision when the collision has occurred within the limits of a port or in inland waters.
- (2) It shall be for the plaintiff to decide in which of the Courts referred to in §1 of this article the action shall be instituted.
- (3) A claimant shall not be allowed to bring a further action against the same defendant on the same facts in another jurisdiction, without discontinuing an action already instituted.
- (1) 凡海船間，或海船與內河船舶間發生碰撞，僅得於下列法院提起訴訟：
- (a) 被告慣居地或其營業所所在地之法院。
- (b) 或被告船舶假扣押地，或依法假扣押屬於被告之其他船舶地，或執行假扣押後已繳納保證金或提存之所在地法院。
- (c) 或碰撞發生在港埠範圍內或內陸水道中之碰撞地法院。
- (2) 原告得就本條(1)項所列法院，擇一起訴。
- (3) 訴訟未終局判決前，原告不得就同一事件，對同一被告，於另一管轄之法院，再行起訴。

#### Article 2

#### 第 2 條

The provisions of Article 1 shall not in any way prejudice the right of the parties to bring an action in respect of a collision before a Court they have chosen by agreement or to refer it to arbitration.

第 1 條規定，不應損及當事人間就碰撞事件合意選擇法院或交付仲裁之權。

#### Article 3

#### 第 3 條

- (1) Counterclaims arising out of the same collision can be brought before the Court having jurisdiction over the principal action in accordance with the provisions of Article 1.
- (1) 同一碰撞案件之反訴，得向依第 1 條規定對原本訴訟有管轄權之法院提起之。

- (2) In the event of there being several claimants, any claimant may bring his action before the Court previously seized of an action against the same party arising out of the said collision.
- (3) In the case of a collision or collisions in which two or more vessels are involved nothing in this Convention shall prevent any Court seized of an action by reason of the provisions of this Convention, from exercising jurisdiction under its national laws in further actions arising out of the same incident.

#### Article 4

This Convention shall also apply to an action for damage caused by one ship to another or to the property or persons on board such ships through the carrying out of or the omission to carry out a manoeuvre or through non-compliance with regulations even when there has been no actual collision.

#### Article 5

Nothing contained in this Convention shall modify the rules of law now or hereafter in force in the various contracting States in regard to collisions involving warships or vessels owned by or in the service of a State.

#### Article 6

This Convention does not affect claims arising from contracts of carriage or from any other contracts.

#### Article 7

This Convention shall not apply in cases covered by the provisions of the revised Rhine Navigation Convention of October 17, 1868.

#### Article 8

The provisions of this Convention shall be applied as regards all persons interested when all the vessels concerned in any action belong to States of the High Contracting Parties.

Provided always that:

- (1) As regards persons interested who belong to a non-contracting State, the application of the above provisions may be made by each of the contracting States conditional upon reciprocity;
- (2) Where all the persons interested belong to the same State as the court trying the case, the provisions of the national law and not of the Convention are applicable.

#### Article 9

The High Contracting Parties undertake to submit to arbitration any disputes between States arising out of the interpretation or application of this Convention, but this shall be without prejudice to the obligations of those High Contracting Parties who have agreed

- (2) 若有數個權利人時，任何權利人得向同一碰撞案件，同一被告所繫屬之法院，提起訴訟。
- (3) 二或以上之船舶，牽連於一或數個碰撞案件時，對於已依本公約規定而受理訴訟之法院，依其國內法另行起訴者，本公約不妨礙其管轄權之行使。

#### 第 4 條

因船舶之操作或未操作或違反規章，致他船舶或其船上之財物或人身遭受非實體碰撞者，亦得適用本公約提起訴訟。

#### 第 5 條

涉及軍艦、國有船舶或服務於國家之船舶之碰撞案件，締約國現行或將來施行之法律不應因本公約而有所變更。

#### 第 6 條

依運送契約或其他契約所發生之求償權，不因本公約而受有影響。

#### 第 7 條

本公約對 1868 年 10 月 17 日萊茵河航行修正公約所規定之各種事件不適用之。

#### 第 8 條

本公約規定，於締約國一切船舶之任何訴訟中，對於所有利害關係人均適用之。

但：

- (1) 利害關係人屬非締約國者，得由締約國與該國基於互惠條件，為本公約之適用；
- (2) 所有利害關係人屬審判法院之同一國家者，適用該國法，不適用本公約之規定。

#### 第 9 條

締約國對於本公約因解釋或適用上所引起之任何爭端，同意交付仲裁。然本規定不應損及締約國同意將爭訟提交國際法院審理之義務。

to submit their disputes to the International Court of Justice.

## Article 10

This Convention shall be open for signature by the States represented at the Ninth Diplomatic Conference on Maritime Law. The protocol of signature shall be drawn up through the good offices of the Belgian Ministry of Foreign Affairs.

## 第 10 條

本公約對於出席第九屆外交海事法會議之各國，應隨時任聽簽署。簽署應經由比利時政府外交部為之。

## Article 11

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs which shall notify all signatory and acceding States of the deposit of any such instruments.

## 第 11 條

本公約應經批准，其批准書存放於比利時政府外交部。該外交部並應將此項文書存放通知各簽署國及加入國。

## Article 12

- (a) This Convention shall come into force between the two States which first ratify it, six months after the date of the deposit of the second instrument of ratification.
- (b) This Convention shall come into force in respect of each signatory State which ratifies it after the deposit of the second instrument of ratification six months after the date of the deposit of the instrument of ratification of that State.

## 第 12 條

- (a) 本公約經最初兩國批准，存放次一批准書之日起六個月後，對該兩國生效。
- (b) 本公約對任一簽字國之批准，在其次一批准書存放之日起六個月後對該國生效。

## Article 13

Any State not represented at the Ninth Diplomatic Conference on Maritime Law may accede to this Convention. The accession of any State shall be notified to the Belgian Ministry of Foreign Affairs which shall inform through diplomatic channels all signatory and acceding States of such notification. The Convention shall come into force in respect of the acceding State six months after the date of the receipt of such notification but not before the Convention has come into force in accordance with the provisions of Article 12 (a).

## 第 13 條

未經出席第九屆外交海事法會議之任一國家，得加入本公約。任一國家之加入，應通知比利時外交部，並由其經由外交途徑將其加入轉知所有簽署國及加入國。本公約自收到通知加入之日起六個月後，對該二國家生效。然其生效不得在依第 12 條第 1 項生效之前。

## Article 14

Any High Contracting Party may three years after the coming into force of this Convention in respect of such High Contracting Party or at any time thereafter request that a conference be convened in order to consider amendments to the Convention. Any High Contracting Party proposing to avail itself of this right shall notify the Belgian Government which shall convene the conference within six months thereafter.

## 第 14 條

任一締約國於本公約對其生效三年後，得隨時提請召開會議，以修正本公約。任一締約國實施此項權利時，應通知比利時政府。比國政府應於此後六個月內召集會議。

## Article 15

Any High Contracting Party shall have the right to denounce this Convention at any time after the coming into force thereof in respect of such High Contracting Party. This denunciation shall take

## 第 15 條

任一締約國在本公約對其生效後，有隨時聲明退出之權。此項退出自比利時政府收到通知一年後生效，比國政府並應

effect one year after the date on which notification thereof has been received by the Belgian Government which shall inform through diplomatic channels all the other High Contracting Parties of such notification.

## Article 16

- (a) Any High Contracting Party may at the time of its ratification of or accession to this Convention or at any time thereafter declare by written notification to the Belgian Ministry of Foreign Affairs that the Convention shall extend to any of the territories for whose international relations it is responsible. The Convention shall six months after the date of the receipt of such notification by the Belgian Ministry of Foreign Affairs extend to the territories named therein, but not before the date of the coming into force of the Convention in respect of such High Contracting Party.
- (b) A High Contracting Party which has made a declaration under paragraph (a) of this Article extending the Convention to any territory for whose international relations it is responsible may at any time thereafter declare by notification given to the Belgian Ministry of Foreign Affairs that the Convention shall cease to extend to such territory and the Convention shall one year after the receipt of the notification by the Belgian Ministry of Foreign Affairs cease to extend thereto.
- (c) The Belgian Ministry of Foreign Affairs shall inform through diplomatic channels all signatory and acceding States of any notification received by it under this Article.

Done at Brussels, in a single original in the French and English languages, the two texts being equally authentic, on May 10, 1952.

經由外交途徑將其通知所有其他各締約國。

## 第 16 條

- (a) 任一締約國得於批准或加入時，或此後任何時間，以書面通知比利時政府外交部，將本公約之效力，聲明擴及於其負責外交事務之任何領域。自比利時外交部收到此項通知之日起六個月後，對其所聲明之領域生效，然不得在本公約對該締約國生效之日以前。
- (b) 任一締約國已為前項通知者，得於此後隨時通知比利時外交部，本公約對該領域停止適用。自比利時外交部收到該項通知一年後生效。
- (c) 比利時政府外交部對於本條所規定之任何通知，於收到後應經由外交途徑轉知所有簽署國及加入國。

1952 年 5 月 10 日訂於布魯塞爾。原文用法文及英文各繕一份，兩份具同一效力。