

汉英对照国际海事条约库

船舶碰撞与共同海损

交通部国际合作司 编



大连海事大学出版社

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图书在版编目(CIP)数据

船舶碰撞与共同海损 / 交通部国际合作司编. —大连 :
大连海事大学出版社, 2003.5

(汉英对照国际海事条约库)

ISBN 7-5632-1654-5

I. 船… II. 交… III. 船舶航行—安全—国际公约
—汉、英 IV. D993.5

中国版本图书馆 CIP 数据核字(2003)第 020940 号

大连海事大学出版社出版

地址:大连市凌水桥 邮编:116026 电话:4728394 传真:4727996

<http://www.dmupress.com> E-mail: cbs@dmupress.com

大连海事大学印刷厂印装 大连海事大学出版社发行

幅面尺寸:140 mm×203 mm 印张:3

字数:75 千字 印数:1~2000 册

2004 年 3 月第 1 版 2004 年 3 月第 1 次印刷

责任编辑:高 炯 封面设计:王 艳

定价:10.00 元

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1910 年统一船舶碰撞某些法律规定的国际公约

第 1 条

海船与海船或海船与内河航行船舶之间发生碰撞时,对船舶或船上财物或人员遭受的损害应有的赔偿,不论碰撞发生在何种水域,都应按下列规定处理。

第 2 条

如果碰撞属于意外,或由不可抗力所造成,或者碰撞原因不明,则损害由遭受者承担。

即使在发生碰撞事故时,船舶或其中之一处于锚泊(或以其他方式系泊)状态,本规定亦适用。

第 3 条

如果碰撞是由于一船的过失引起,损害赔偿的责任便应由该犯有过失的船舶承担。

第 4 条

如果两艘或两艘以上船舶有过失,各船应按其所犯过失程度,比例分担责任。但如考虑到具体情况,不可能确定各船所犯过失的程度,或者看来过失程度相等,其责任应平均分担。

International Convention for the Unification of Certain Rules of Law With Respect to Collision Between Vessels, 1910

Article 1

Where a collision occurs between sea-going vessels or between sea-going vessels and vessels of inland navigation, the compensation due for damages caused to the vessels, or to any things or persons on board thereof, shall be settled in accordance with the following provisions, in whatever waters the collision takes place.

Article 2

If the collision is accidental, if it is caused by *force majeure*, or if the cause of the collision is left in doubt, the damages are borne by those who have suffered them.

This provision is applicable notwithstanding the fact that the vessels, or any one of them, may be at anchor (or otherwise made fast) at the time of the casualty.

Article 3

If the collision is caused by the fault of one of the vessels, liability to make good the damages attaches to the one which has committed the fault.

Article 4

If two or more vessels are in fault the liability of each vessel is in proportion to the degree of the faults respectively committed. Provided that if having regard to the circumstances, it is not possible to establish the degree of the respective faults, or if it appears that

船舶或其所载货物,或船员、旅客或船上其他人员的物品或其他财产所受的损害,应由过失船舶按上述比例承担。即使对于第三方,对此种损害承担的责任,也不超过此种比例。

对于人身伤亡所造成的损害,各过失船舶对第三方负连带责任,但这并不影响已经支付超过按本条第 1 款规定其最终应承担的赔偿数额的船舶,从其他过失船舶取得摊款的权利。

关于此种取得摊款的权利,任何限制船舶所有人对船上人员责任的合同或法律规定,其含义与效力由各国的法律确定。

第 5 条

前述各条规定的责任,适用于引航员的过失造成的碰撞,即使引航系依据强制性法律而进行。

第 6 条

对因碰撞引起的损害赔偿的起诉权,不以提出声明或履行任何其他特殊手续为条件。

一切有关碰撞责任的法律推定均予以废除。

the faults are equal, the liability is apportioned equally.

The damages caused, either to the vessels or to their cargoes or to the effects or other property of the crews, passengers, or other persons on board, are borne by the vessels in fault in the above proportions, and even to third parties a vessel is not liable for more than such proportion of such damages.

In respect of damages caused by death or personal injuries, the vessels in fault are jointly as well as severally liable to third parties, without prejudice however to the right of the vessel which has paid a larger part than that which, in accordance with the provisions of the first paragraph of this Article, she ought ultimately to bear, to obtain a contribution from the other vessel or vessels in fault.

It is left to the law of each country to determine, as regards such right to obtain contribution, the meaning and effect of any contract or provision of law which limits the liability of the owners of a vessel towards persons on board.

Article 5

The liability imposed by the preceding Articles attaches in cases where the collision is caused by the fault of a pilot, even when the pilot is carried by compulsion of law.

Article 6

The right of action for the recovery of damages resulting from a collision is not conditional upon the entering of a protest or the fulfilment of any other special formality.

All legal presumptions of fault in regard to liability for collision are abolished.

第 7 条

损害赔偿的诉讼,自事故发生之日起二年的期间后,时效即届满。

为行使第 4 条第 3 款所准许的取得摊款的权利而必须提起诉讼的期间,为自付款之日起 1 年。

上述期限可以中止或中断的理由,由审理该案的法院所在地的法律确定。

如不可能在原告有住所或主营业地的国家领水内扣押被告船,各缔约国可保留有权依本国立法规定,将上述期限延长。

第 8 条

碰撞发生后,各相碰船的船长必须救助他船及其船员和旅客,只要这样做对本船、船员和旅客没有严重危险。

上述船长还必须尽可能将本船船名、船籍港,以及出发港和目的港的名称通知他船。

上述规定的违反本身并不将责任加于船舶的所有人。

Article 7

Actions for the recovery of damages are barred after an interval of two years from the date of the casualty.

The period within which an action must be instituted for enforcing the rights to obtain contribution permitted by paragraph 3 of Article 4, is one year from the date of payment.

The grounds upon which the said periods of limitation may be suspended or interrupted are determined by the law of the court where the case is tried.

The High Contracting Parties reserve to themselves the right to provide, by legislation in their respective countries, that the said periods shall be extended in cases where it has not been possible to arrest the defendant vessel in the territorial waters of the State in which the plaintiff has his domicile or principal place of business.

Article 8

After a collision, the master of each of the vessels, in collision is bound, so far as he can do so without serious danger to his vessel, her crew and her passengers, to render assistance to the other vessel, her crew and her passengers.

He is likewise bound so far as possible to make known to the other vessel the name of his vessel and the port to which she belongs, and also the names of the ports from which she comes and to which she is bound.

A breach of the above provisions does not of itself impose any liability on the owner of a vessel.

第 9 条

各缔约国,如其立法不禁止违反前条规定的行为,须采取或建议其立法机关采取必要措施,以防止此种违反。

各缔约国应将为履行上述保证而已在其国内颁布或今后拟颁布的法律或规则,尽快互相通知。

第 10 条

在不影响以后可能缔结的任何公约的情况下,本公约的规定不以任何方式影响各国现行的有关限制船舶所有人责任的法律,亦不改变因运输合同或任何其他合同产生的法律义务。

第 11 条

本公约不适用于军舰或专门用于公务的政府船舶。

第 12 条

在任何诉讼中涉及的船舶属于缔约国所有,以及国内法规定的任何其他情况下,本公约各项规定适用于所有利害关系人,但是:

1 对于非属于缔约国的利害关系人,每一缔约国可在互惠条件下适用本公约的规定;

Article 9

The High Contracting Parties whose legislation does not forbid infringements of the preceding Article bind themselves to take or to propose to their respective Legislatures the measures necessary for the prevention of such infringements.

The High Contracting Parties will communicate to one another as soon as possible the laws or regulations which have already been or may be hereafter promulgated in their States for giving effect to the above undertaking.

Article 10

Without prejudice to any Conventions which may hereafter be made, the provisions of this Convention do not affect in any way the law in force in each country with regard to the limitation of ship-owners' liability, not do they alter the legal obligations arising from contracts of carriage or from any other contracts.

Article 11

This Convention does not apply to ships of war or to Government ships appropriated exclusively to a public service.

Article 12

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, and in any other cases for which the national laws provide.

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、如碰撞损害关系人与审理案件的法院属于同一国家,则应适用国内法的规定,而不适用本公约的规定。

第 13 条

本公约扩大适用于一船由于进行或不进行某种操纵,或由于不遵守规则,而给他船,或任一船上的货物或人员造成的损害的赔偿,即使碰撞实际上未曾发生。

第 14 条

任一缔约国都有权在本公约生效之日起 3 年后,要求召开新的会议,对本公约作可能的修正,尤其是在可能情况下扩大其适用范围。

行使上述权利的国家,应通过比利时政府将其意图通知其他国家,比利时政府则应在 6 个月内安排召集会议。

第 15 条

未曾签署本公约的国家,可以申请加入本公约,此种加入应通过外交途径通知比利时政府,并由比利时政府通知所有其他缔约国政府;此种加入应自比利时政府发送此种通知之日起 1 个月后生效。

第 16 条

本公约需经批准。

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 13

This Convention extends to the making good of damages which a vessel has caused to another vessel, or to goods or persons on board either vessel, either by the execution or non-execution of a manoeuvre or by the non-observance of the regulations, even if no collision had actually taken place.

Article 14

Any one of the High Contracting Parties shall have the right, three years after this Convention comes into force, to call for a fresh conference with a view to possible amendments therein, and particularly with a view to extend, if possible, the sphere of its application.

Any Power exercising this right must notify its intention to the other Powers, through the Belgian Government, which will make arrangements for convening the conference within six months.

Article 15

States which have not signed the present Convention are allowed to accede thereto at their request. Such accession shall be notified through the diplomatic channel to the Belgian Government, and by the latter to each of the Governments of the other Contracting Parties; it shall become effective one month after the despatch of such notification by the Belgian Government.

Article 16

The present Convention shall be ratified.

自本公约签字之日起最多 1 年后,比利时政府应与已声明准备批准本公约的缔约国政府取得联系,以决定是否应使本公约生效。

如已决定批准本公约,则应将批准文件交存布鲁塞尔,本公约在此种交存后 1 个月生效。

议定书对出席布鲁塞尔会议的各国另行开放 1 年。在此期限后,上述各国只能依照第 15 条的规定,加入本公约。

第 17 条

如有缔约国退出本公约,此种退出应自该国通知比利时政府之日起 1 年后生效。本公约在其他缔约国之间仍然有效。

附加条款

虽有第 16 条中的规定,兹协议各缔约国在就船舶所有人责任限制问题上达成协议以前,不承担义务实施本公约第 5 条关于在依据强制性法律进行的引航中,因引航员的过失而造成碰撞的情况下,确定责任的规定。

After an interval of at most one year from the date on which the Convention is signed, the Belgian Government shall enter into communication with the Governments of the High Contracting Parties which have declared themselves prepared to ratify it, with a view to decide whether it should be put into force.

The ratifications shall, if so decided, be deposited forthwith at Brussels, and the Convention shall come into force a month after such deposit.

The Protocol shall remain open another year in favour of the States represented at the Brussels Conference. After this interval they can only accede to it in conformity with the provisions of Article 15.

Article 17

In the case of one or other of the High Contracting Parties denouncing this Convention, such denunciation shall not take effect until a year after the day on which it has been notified to the Belgian Government, and the Convention shall remain in force as between the other Contracting Parties.

Additional Article

Notwithstanding anything in the provisions of Article 16, it is agreed that it shall not be obligatory to give effect to the provisions of Article 5, establishing liability in cases where a collision is caused by the fault of a pilot carried by compulsion of law, until the High Contracting Parties shall have arrived at an agreement on the subject of the limitation of liability of shipowners.

各缔约国的全权代表已在本公约上签字盖章,以昭信守。

1910年9月23日订于布鲁塞尔,共一份。