

INTERNATIONAL
SALVAGE
LAW

ENRICO VINCENZINI

LLOYD'S OF LONDON PRESS LTD

INTERNATIONAL SALVAGE LAW

By
ENRICO VINCENZINI
Advocate
CMI Titulary Member

TRANSLATION FROM THE ITALIAN BY
MARGARET DONALDSON

LLP

LONDON NEW YORK HAMBURG HONG KONG
LLOYD'S OF LONDON PRESS LTD.

1992

Lloyd's of London Press Ltd.
Legal Publishing and Conferences Division
One Singer Street, London EC2A 4LQ

USA AND CANADA
Lloyd's of London Press Inc.
Suite 308, 611 Broadway
New York, NY 10012 USA

GERMANY
Lloyd's of London Press GmbH
59 Ehrenbergstrasse
2000 Hamburg 50, Germany

SOUTH EAST ASIA
Lloyd's of London Press (Far East) Ltd.
Room 1101, Hollywood Centre
233 Hollywood Road
Hong Kong

© Enrico Vincenzini 1987, 1992

First published in Great Britain
as *International Regulation of Salvage at Sea*, 1987
This edition completely revised and reset, 1992

British Library Cataloguing in Publication Data
A catalogue record for this book
is available from the British Library

ISBN 1-85044-401-3

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
electronic, mechanical, photocopying, recording or otherwise, without the
prior written permission of Lloyd's of London Press Ltd.

Text set in 10 on 12pt Linotron 202 Times by
Promenade Graphics, Cheltenham, Glos.
Printed in Great Britain by
WBC Print Ltd.
Bridgend, Mid Glamorgan

ACKNOWLEDGEMENTS

I wish to give my affectionate and grateful thanks for the help I was given in preparing this book to Professor Dante Gaeta, who was always more than generous with his suggestions and always ready to take on the burden of reading and commenting on my work.

I also thank my colleague Richard Olsen for sending, in good time, his interesting articles, which supplied me with a precious source of information, and the documents in English that I needed.

Again, my heartfelt thanks to my collaborators: Margaret Donaldson, for her usual accurate translation of the text into English, and Michela Resio and Cristina Bertagni for having accurately typed and corrected the text on the computer, in spite of the very short time I gave them to do so.

Finally, my particular thanks to my wife who, yet again, put up—with great patience—with my dawn arisings and the sacrifice of most of my free time, both of which were necessary in order to write this book without stealing from the time dedicated to my professional life.

ENRICO VINCENZINI

PREFACE

When, in his 1986 review (in *Diritto Marittimo*) of the Italian edition of *International Regulation of Salvage at Sea*, Francesco Berlingieri expressed the hope that I would complete my work once the new Convention of Salvage had seen the light of day. I am sure that even he, President of CMI and leading promoter of the 1981 Montreal Draft Convention, never expected the new Convention's approval to have been so promptly concluded.

So, following his suggestion and that of Richard Olsen (who, when reviewing the English edition of the book in *Lloyd's Maritime and Commercial Law Quarterly* in 1989, wrote, "It is to be hoped that a new edition of this excellent book will be produced in due course, continuing the story up to the 1989 Diplomatic Conference and the resulting Convention, and covering the introduction of the 1990 Edition of Lloyd's Form"), I decided to complete, in this new book, my study of the evolution of the law and of the contracts relating to salvage at sea in an international field.

I hope neither of my two friends will be disappointed.

ENRICO VINCENZINI

BIBLIOGRAPHY

- Abecassis, *Law and Practice Relating to Oil Pollution from Ships* (London, 1978).
- , "Some topical considerations in the event of a casualty to an oil tanker" in [1979] L.M.C.L.Q. 940.
- , "The Patmos" in [1985] L.M.C.L.Q. 382.
- Abraham, *Das Seerecht* (Berlin, 1960).
- Albano, "Ricupero, ritrovamento di relitti e occupazione di cose abbandonate in mare" in Riv. Dir. Nav., 1954, II, 88.
- Allen, "International Convention on Salvage and LOF 90" in *11th International Tug Convention and International Marine Salvage Symposium* (Halifax, 1990, Surrey, 1991), 127.
- Alpa, *La Responsabilità della Impresa per i Danni all'Ambiente ed al Consumatore* (Milan, 1978), 177.
- Arena, "Il risultato utile nella assistenza e salvataggio ad opera di una pluralità di soccorritori" in Riv. Dir. Nav., 1963, I, 51.
- Arnould, *The Law of Marine Insurance* (London, 1961).
- Benfante, *Il salvamento e l'assistenza nel diritto marittimo* (Turin, 1889).
- Berlingieri, F., "Dell'assistenza ad opera di navi da guerra" in Dir. Mar., 1948, 423.
- , "Sul debitore del compenso di assistenza e salvataggio" in Dir. Mar., 1954, 425.
- , "Problemi connessi con l'entrata in vigore in Italia della Convenzione di Bruxelles del 29 novembre 1969 sulla responsabilità civile per danni derivanti da inquinamento da idrocarburi" in Dir. Mar., 1979, 307.
- , "La XXXII Conferenza del CMI, Montreal 28–29 Maggio 1981" in Dir. Mar., 1981, 297.
- , "Le projet d'une nouvelle convention sur l'assistance et les sauvatages d'épaves maritime" in Dir. Mar., 1988, 1.
- , "Maritime liens and mortgages and related matters" in *CMI News Letter*, April 1990, 2.
- Berlingieri, G., "Assistenza e Salvataggio" in *Nuovo Digesto Italiano*, 996.
- , "Compenso per salvataggio di persone in mare e assicurazione" in Dir. Mar., 1960, 311.

- Berlingieri, G., "Revisione dell'art. 14 della Convenzione di Bruxelles del 1910 sull'assistenza e salvataggio delle navi in mare" in *Dir. Mar.*, 1959, 429.
- , "Salvataggio e assistenza marittima in acque interne ed aerea", in *Dir. Mar.* 1967, 8.
- , *Studi in onore di F. Berlingieri* (Rome, 1983).
- Berlingieri, R., "Salvataggio e assistenza, ricupero e ritrovamento di relitti della navigazione" in *Novissimo Digesto Italiano App.*, Vol. VI, 922.
- Bessemmer Clark, "The role of Lloyd's Open Form" in [1980] *L.M.C.L.Q.* 293.
- Boglione, "Salvataggio, LOF 1980 e misure antinquinamento, deducibilità dei relativi oneri in avaria generale, e loro ripartizione tra assicuratori corpo e merce e P. and I. della nave" in *Dir. Mar.*, 1983, 594.
- Boi, "Brevi note sui rimorchiatori adibiti ad operazioni di soccorso" in *Dir. Mar.*, 1974, 587.
- Brice, *Maritime Law of Salvage* (London, 1983).
- , "The New Salvage Convention: green seas and grey areas" in [1990] *L.M.C.L.Q.* 32.
- Brocker, *1910 Salvage Convention and Lloyd's Open Form under Pressure* (Rotterdam, 1983).
- Brown, "Has the keel been laid for liability salvage in Fifth Circuit?" in 19 *Journal of Maritime Law and Commerce*, 1988, 583.
- Bruce, "Treasure Salvage beyond the Territorial Sea" in 20 *Journal of Maritime Law and Commerce*, 1989, 1.
- Brunetti, "Il caso dell'Atlantique ed il compenso ai salvatori nel diritto francese e italiano" in *Studi in onore di F. Berlingieri* (Rome, 1933).
- Buccisano, *L'invenzione di cose perdute* (Milan, 1963).
- Caliendo, "Osservazioni sul progetto di Convenzione IMO in materia di assistenza e salvataggio" in *Trasporti*, 1988, II, 153.
- Carbone, *La disciplina giuridica del traffico marittimo internazionale* (Bologna, 1982).
- Carbone & D'Angelo, *Cooperazione tra imprese e appalto internazionale* (Milan, 1991).
- Carver, *Carriage by Sea* (London, 1963).
- Chaveau, *Traité de droit maritime* (Paris, 1958).
- , "Sauvetage et remorquage devant les tribunaux française" in *Dir. Mar.*, 1964, 154.
- Chorley & Giles, *Shipping Law* (London, 1963).
- Cobianchi, "Sul diritto e compenso degli ufficiali della R. Marina per l'assistenza prestata a navi da guerra" in *Dir. Mar.*, 1939, 557.
- Cohen, "Revisions of TOVALOP and CRISTAL: Strong ships for stormy seas" in *Journal of Maritime Law and Commerce*, 1987, 525.
- Colinvaux, *The Law of Insurance* (London, 1984).

- Comenale Pinto, "La responsabilità per inquinamento da idrocarburi fuoriusciti da navi e il regime di norme di diritto uniforme" in *Diritto dei Trasporti*, 1990, I, II.
- Congoon, *On General Average* (New York, 1952).
- Coulthard, "A new cure for salvors? A comparative analysis of the LOF 1980 and the CMI Draft Salvage Convention" in *Journal of Maritime Law and Commerce*, vol. 14, 1983, 47.
- Crisafulli Buscemi, *I contratti di utilizzazione della nave: il contratto di rimorchio* (Rome, 1973).
- Dani, "In tema di responsabilità del soccorritore" in *Dir. Mar.*, 1972, 435.
- , "In tema di flotilla rule" in *Dir. Mar.*, 1977, 107.
- , *Responsabilità limitata per crediti marittimi* (Milan, 1983).
- Darling & Smith, *LOF 90 and the New Salvage Convention* (London, Lloyd's of London Press Ltd., 1991).
- Dawson, "Negotiorum gestio, the altruistic intermeddler" in *The Harvard Law Review*, 1961, No. 5, 817.
- De Cupis, "Trovamento dei relitti marittimi e aeronautici" in *Riv. Dir. Nav.*, 1955, I, 117.
- De Juglart & Villeneuve, *Répertoire méthodique et pratique de l'assistance en mer* (Paris, 1962).
- Diena, *Principi del diritto internazionale privato marittimo* (Milan, 1955).
- Dubais, "The liability of a salvor responsible for oil pollution damage" in *Journal of Maritime Law and Commerce*, 1977, 375.
- Ferrarini, "Assistenza e salvataggio senza mezzi nautici" in *Dir. Mar.*, 1949, 395.
- , "In tema di partecipazione dell'armatore della nave soccorritrice alle operazioni di salvataggio" in *Dir. Mar.*, 1956, 72.
- , *Il soccorso in mare* (Milan, 1964).
- , "Il salvataggio come avaria comune" in *Trasporti*, 1977, 7.
- , "Il progetto del CMI (1981) di Convenzione Internazionale sul salvataggio" in *Annuali della Facoltà di Giurisprudenza di Genova*, 1980-81, 401.
- , *Le assicurazioni marittime* (Milan, 1981).
- Frankenstein, *Internationales Privatrecht* (Berlin, 1929).
- Gaeta, "Nave" in *Enciclopedia del diritto*, XXVII, 601.
- , "Sul diritto dell'equipaggio alla ripartizione del premio da salvataggio" in *Riv. Dir. Nav.*, 1941, II, 225.
- , *Le fonti del diritto della navigazione* (Milan, 1960), 206.
- , "Assistenza e rimorchio" in *Riv. Dir. Nav.*, 1967, I, 124.
- , "La modifica dell'art. 14 della Convenzione di Bruxelles del 1910, sull'assistenza e salvataggio" in *Riv. Dir. Nav.*, 1968, I, 231.
- , "La difesa del mare nel diritto italiano" in *Dir. Mar.*, 1984, 839.
- , "La Convenzione di Londra del 1989 sul soccorso in acqua" in *Dir. Mar.*, 1991, 291.

- Gasparino, "La nave armata ed equipaggiata per prestare soccorso: un orientamento ormai consolidato" in *Dir. Mar.*, 1989, 453.
- Gaskell, "Enactment of the 1989 Salvage Convention in English law: policy issues" in [1990] *L.M.C.L.Q.* 352.
- , "The Lloyd's Open Form and Contractual Remedies" in [1986] *L.M.C.L.Q.* 306.
- Ghionda, "In tema di assistenza e rimorchio" in *Riv. Dir. Nav.*, 1937, I, 180.
- , "Sull'assistenza prestata da navi da guerra" in *Riv. Dir. Nav.*, 1939, II, 64.
- Gilmore & Black, *The Law of Admiralty* (New York, 1975).
- Giuliano, "Le nuove norme di diritto privato in tema di navigazione" in *Riv. Dir. Nav.*, 1942, I, 21.
- Gold, "Marine salvage, Supertankers and oil pollution: New pressure on ancient law" in *Revue de droit de l'Université de Sheerbrook*, 1981, 127.
- , *Handbook on Marine Pollution* (1985).
- , "No Cure No Pay? . . . No Way? Towards a New International Legal Regime for Marine Salvage" in *Cinquième Congrès Annuel de la Société Québécoise de Droit International*, Université de Montreal, 1988.
- , "Marine Salvage: Towards a New Regime" in *Journal of Maritime Law and Commerce*, 1989, 407.
- , "A Time for Needed Change, Current Developments in the International Law of Marine Salvage" in K. D. Troup (ed.), *Proceedings of the 9th International Tug Convention*.
- Gouillod, "Les mesures de sauvegarde (de quelques difficultés liées à l'indemnisation des frais de lutte contre la pollution)" in *D.M.F.*, 1980, 397.
- Halfweeg, "State of the Art of Offloading Cargo from a Stricken Vessel" in *International Symposium on Marine Salvage*, New York, 1979, Washington MTS, 1980, 227.
- Hastings, "Non-tidal salvage in the United Kingdom: Goring, Goring, Gone" in *Journal of Maritime Law and Commerce*, 1988, 473.
- Hudson, *The York-Antwerp Rules* (London, Lloyd's of London Press, 1991).
- Jarrett, "The Life Salvor Problem in Admiralty" in *Yale Law Journal*, 1954, 779.
- Kennedy, *Civil Salvage* (London, 1958).
- Kerr, "The 1989 Salvage Convention, Expediency or Equity?" in 20 *Journal of Maritime Law and Commerce*, 1989, 506.
- , "The philosophy of 'no cure no pay' " in *11th International Tug Convention and International Marine Salvage Symposium* (Halifax, 1990, Surrey, 1991), 253.
- Kovats, *The Law of Tugs and Towage* (Chichester and London, 1990).
- , "Lloyd's Open Form Salvage Agreement Changed" in *Seaways*, 1990, 11.
- , "Lloyd's Open Form: Salvor's Gain" in *Seatrade*, June 1980, 75.

- Lacey, "Expansion of the salvage industry to meet modern requirements and the need for substantial rewards to sustain the industry" in *Salvage*, Lloyd's of London Press Conference papers (London, 1990), 11.
- Lebrun, "Assistance et sauvetage par navire de guerre" in D.M.F., 1954, 253.
- , *Assistance sauvetage et obligation de service* (1950).
- Le Clere, *L'assistance aux navires et le sauvetage des épaves* (Paris, 1954).
- , "Assistance, remorquage et abordage pour les navires d'Etat à la suite du décret du 28 Septembre 1955" in D.M.F., 1961, 707.
- Lefebvre D'Ovidio, "Assistenza Salvataggio, ricupero e ritrovamento di relitti" in *Studi per la Codificazione del diritto della navigazione* (Rome, 1941), IV.
- Lownders & Rudolf, *The Law of General Average* (London, 1964).
- Malintoppi, *Diritto uniforme e diritto internazionale privato* (Milan, 1955).
- Manca, *Studi di Diritto della Navigazione* (Milan, 1959).
- , *Commento alle Convenzioni Internazionali Marittime* (Milan, 1974).
- Maresca, "L'interruzione delle operazioni di rimorchio in alto mare" in *Dir. Mar.*, 1939, 605.
- Matray, "Les Leçons de la Catastrophe de L'Amoco Cadiz" in *Environmental Policy and Law*, 1978, 172.
- Mensah, "Deficiencies found in the regime under the 1910 Convention" in *Salvage*, Lloyd's of London Press Conference papers (London, 1990), 1.
- Miller, "Lloyd's Standard Form of Salvage Agreement—LOF 1980: A commentary" in *Journal of Maritime Law and Commerce*, 1981, 243.
- Mirabelli, *L'atto non negoziale nel diritto privato italiano* (Naples, 1955).
- Mongrandi, "Modifica della Regola VI delle Regole di York ed Anversa 1974" in *Dir. Mar.*, 1990, 861.
- Mustyll & Royd, *Commercial Arbitration* (London, 1982).
- Nicolò, "Configurazione giuridica del ricupero marittimo" in *Riv. Dir. Nav.*, 1937, I, 155.
- Nielsen, "CMI report to IMO on Draft International Convention on Salvage" in *CMI Newsletter*, September 1984.
- , "International Convention on Salvage, report to CMI" in *CMI Newsletter*, December 1989.
- , "Overview—Improvement and Deficiencies from the Legal View Point" in *Salvage*, Lloyd's of London Press Conference papers (London, 1990), 53.
- Noble, "International Salvage—The current dilemma" in *P. & I. International*, April 1991, 10.
- Norris, *The Law of Salvage* (Mount Kisco N.Y., 1958).
- , *The Law of Salvage* (New York, 1983).
- Olsen, "The 1989 Salvage Convention, some problems solved and some problems exacerbated" in *IBA Conference*, New York, 1990.
- , "The Enhancement of Salvage Awards" in *11th International Tug Convention and International Marine Salvage Symposium* (Halifax, 1990, Surrey, 1991), 141.

- O'May, "Lloyd's Form and Montreal Convention" in *Tulane Law Review*, 1983, vol. 67, 1412.
- O'Neill, "LOF Salvage arbitrations, publication of awards and appeals" in [1988] L.M.C.L.Q. 454.
- Owen, "The Abandoned Shipwreck Act of 1987, Goodbye to Salvage in Territorial waters" in 19 *Journal of Maritime Law and Commerce*, 1988, 499.
- Parks, "The 1910 Bruxelles Convention, The United States Salvage Act of 1912 and Arbitration of Salvage Cases in the United States" in *Tulane Law Review*, 1938, 1456.
- Peet, "Salvage, Hazardous Cargoes and Environmental Protection" in *Salvage, Lloyd's of London Press Conference papers* (London, 1990), 25.
- Pescatore, "Requisizione di nave e compenso di assistenza e salvataggio" in *Foro italiano*, 1955, I, 1084.
- Piombino, "Sull'elemento pericolo nell'assistenza, e salvataggio e sulla ripartizione del compenso tra l'equipaggio della nave soccorritrice" in *Dir. Mar.*, 1990, 735.
- , "Solidarietà tra debitori del compenso di assistenza e salvataggio: orientamenti giurisprudenziali e soluzioni adottate nella pratica (LOF 1990)" in *Dir. Mar.*, 1991, 154.
- Querci, *Pubblicità marittima e aereonautica* (Milan, 1961).
- Rawakrishna, "Environmental Concerns and the New Law of the Sea" in *Journal of Maritime Law and Commerce*, 1985, 1.
- Reiningert, "Marine Emergency Services: Towards a New Understanding" in 11th *International Tug Convention and International Marine Salvage Symposium*, Halifax, 1990, Surrey, 1991, 169.
- Reuter, *Le notion d'assistance en mer* (Fontanay le Comte, 1975).
- Riccardelli, "La partecipazione dell'armatore alle operazioni di soccorso della nave in pericolo ed il suo diritto al compenso economico" in *Riv. Dir. Nav.*, 1955, II, 236.
- , *Il contratto di rimorchio* (Rome, 1977).
- Righetti, "Salvataggio di persone in mare e assicurazione" in *Assicurazioni*, 1961, I, 291.
- , *Le responsabilità del vettore marittimo sul sistema dei pericoli eccettuati* (Padua, 1966).
- , "Ancora sui diritti dei soccorritori spossessati, licenziati e sostituiti" in *Dir. Mar.*, 1979, 420.
- Ripert, *Traité de droit maritime* (Paris, 1953).
- Rodière, *Traité general de droit maritime: Envenements de mer* (Paris, 1972).
- , *Précis de droit maritime* (Paris, 1974).
- Rose, "Restitution for the rescuers" in [1989] 9 O.J.L.S. 184.
- Russel, *On Arbitration* (London, 1982).
- Russo, "Per una costruzione unitaria dei rapporti di assistenza, salvataggio, ricupero e ritrovamento di relitti" in *Riv. Dir. Nav.*, 1950, I, 3.

- Russo, "Questioni in tema di compenso e assistenza e salvataggio" in Riv. Dir. Nav., 1950, II, 120.
- , "Ancora dell'assistenza e rimorchio" in Riv. Dir. Nav., 1956, II, 51.
- , "Gestione di affari da parte dell'armatore e debitori del compenso di salvataggio" in Riv. Dir. Nav., 1961, II, 312.
- Schaps-Abraham, *Das deutsche Seerecht* (Berlin, 1921).
- Schlegelberger-Lieseke, *Seehandelrecht* (Berlin, 1959).
- Scotti, *La rimozione di cose sommerse* (Milan, 1967).
- Selvig, "Rapporto preliminare al Sottocomitato Internazionale" in *Documentation Montreal 1981*, Salvage I, II, 80.
- Seward, "The Insurance Arrangements Underpinning the Payment of Salvors' Remuneration and P. & I. Insurance" in *Salvage*, Lloyd's of London Press Conference papers (London, 1990), 115.
- Shaw, "The insurance arrangements undersigning the payment of salvor's remuneration" in *Salvage*, Lloyd's of London Press Conference papers (London, 1990), 109.
- Sheen, "Convention on Salvage" in *Tulane Law Review*, 1983, vol. 57, 1386.
- Siccardi, "Studi sul contratto di rimorchio", in Dir. Mar. 1990, 684.
- Smeesters & Winkelmolen, *Droit Maritime et Droit Fluvial* (Brussels, 1938).
- Staniland, "Towage or Salvage" in [1988] L.M.C.L.Q. 16.
- Summerskill, *Oil Rigs Law and Insurance* (London, 1979).
- Sutton, *The Assessing of Salvage Awards* (London, 1949).
- Taylor, "Revision of the York and Antwerp Rules 1974" in *CMI Newsletter*, Autumn 1990, January 1991, 1.
- Tetley, *Maritime Liens and Claims* (London, 1985).
- Thomas, "Lloyd's Standard Form of Salvage Agreement, a description and analytical scrutiny" in [1978] L.M.C.L.Q. 279.
- , "Life Salvage in Anglo-American Law" in *Journal of Maritime Law and Commerce*, 1979, 78.
- , *Maritime Liens and Claims* (London, 1980).
- Torrente, *I contratti di lavoro della navigazione* (Milan, 1948).
- Udina, *Le disposizioni preliminari del Codice della navigazione* (Trieste, 1942).
- Vincenzini, E., "Rassegna di giurisprudenza in tema di assistenza, salvataggio, rimorchio e ricupero" in Riv. Dir. Nav., 1980, II, 148.
- , "Soccorso per ordine dell'autorità o legge regolatrice del rapporto" in Dir. Mar., 1982, 264.
- , "Il soccorso in mare nel diritto marittimo Romano" in *Trasporti*, 1984, 60.
- , "Brevi osservazioni in tema di Liability Salvage" in Dir. Mar., 1983, 221.
- , "Ancora in tema di soccorso in acque portuali e determinazione del compenso" in Dir. Mar., 1983, 381.
- , *Profili internazionali del soccorso in mare* (Milan, 1985).

- Vincenzini, E., *International Regulation of Salvage at Sea*, Lloyd's of London Press (London, 1987).
- , "Il soccorso in acque portuali" in *Dir. Mar.*, 1980, 347.
- Volli, "In tema di cooperazione personale dell'armatore della nave soccorritrice alle operazioni di soccorso" in *Dir. Mar.*, 1956, 372.
- , *Assistenza e Salvataggio* (Padua, 1957).
- , "Limiti della rappresentatività sostanziale e processuale del comandante della nave in pericolo specialmente nei confronti del carico" in *Riv. Dir. Nav.*, 1963, I, 310.
- , "La responsabilità civile nel trasporto di merci pericolose alla luce delle recenti Convenzioni internazionali" in *Trasporti*, 1981, 75.
- Wagner, "The Oil Pollution Act: An Analysis" in *Journal of Maritime Law and Commerce*, 1990, 569.
- Wall, "Overview—improvements and deficiencies from a Government viewpoint" in *Salvage*, Lloyd's of London Press Conference papers (London, 1990), 73.
- Wildeboer, *The Brussels Salvage Convention* (Leiden, 1964).
- Wuestendoerfer, *Neuzeitliches Seehandelrecht* (Tubingen, 1950).
- Zammiti, "Il soccorso preparatorio nella assistenza e salvataggio marittimo" in *Trasporti*, 1981, 153.

TABLE OF CASES

Africa Occidental, The [1951] 2 Lloyd's Rep. 107	63
Aldora, The [1975] 1 Lloyd's Rep. 617	42, 79
Alenquer and Rene, The [1955] 1 Lloyd's Rep. 101	85
American Sioux, The [1980] 2 Lloyd's Rep. 224, C.A.	116
Amoco Cadiz, The [1984] 2 Lloyd's Rep. 303	97, 98, 100, 122, 131
Anderson Tritton & Co. v. The Ocean Steamship Co. (1884) 10 App. Cas. 107, H.L.	84
Athenian, The, 3 F 248 (D. Mich 1877)	88
Australian Coastal Commissioner v. Green [1971] 1 Q.B. 456	84
Belize, The [1966] 2 Lloyd's Rep. 277	86
Ben Gairn, The [1979] 1 Lloyd's Rep. 410	68, 79
Bertil, The [1952] 2 Lloyd's Rep. 176	170
Birkett v. Hayes [1982] 2 All E.R. 70, C.A.	116
Buffalo, The (1937) 58 Ll.L.Rep. 302	98, 170
Castor, The (1932) 43 Ll.L.Rep. 261	76
China Pacific S.A. v. Food Corporation of India, The Winson [1980] 2 Lloyd's Rep. 213	110
Choko Star, The [1989] 2 Lloyd's Rep. 42	44, 114, 163
City of Calcutta, The	40
City of Chester, The (1884) 51 L.T. 485	70
Consolidated Investment and Contracting Co. v. Saponaria Shipping Co., The Virgo [1978] 2 Lloyd's Rep. 167	116
Cythera, The [1965] 2 Lloyd's Rep. 454	59, 63, 86
Dart, The (1889) 8 Asp. M.L.C. 481	63
Emma, The (1844) 2 W. Rob. 315	83
Esso Greensboro, The (1953) A.M.C. 1541	85
F. Ili Neri v. Agemar Shipping G. Ltd., Dir. Mar. 1971, 222	170
Fairisle, The (1949) A.M.C. 408	78
Florence, The 16 S.U.R. 572	39
Folias, The [1978] 1 Lloyd's Rep. 535	78
Frisia, The [1960] 1 Lloyd's Rep. 90	78
GV Seeschiadsge, The, 23 September 1937, in H.G.Z. 1937 B 387	63
Gas Float Whitton, The (No. 2) [1895] P. 301; [1896] P. 42; [1897] A.C. 337	33
Geestland, The [1980] 1 Lloyd's Rep. 628	116
Germania, The (1904) 9 Asp. M.L.C. 358	75
Goring, The [1988] A.C. 831; [1988] 2 W.L.R. 460; H.L.; reversing [1987] Q.B. 687, C.A.	17, 144, 145
Grand Union Shipping Ltd. v. London Steamship Owners' Mutual Insurance Association, The Bosworth [1962] 1 Lloyd's Rep. 483	106

Gregerso, The [1973] 1 Q.B. 274	98, 170
Hassel, The [1959] 2 Lloyd's Rep. 82	63
Helenus and Motagua, The [1982] 1 Lloyd's Rep. 261	41, 58, 65, 79, 98, 121, 170
Helvetia, The (1894) 8 Asp. M.L.C. 264	63
Homewood, The (1928) 31 Ll.L.Rep. 336	88
Ilo, The [1982] 1 Lloyd's Rep. 39	79
Inna, The (1938) 60 Ll.L.Rep. 414	64
J. P. Donaldson, The, 167 US 599 (1897)	33
Kenora, The (1921) 5 Ll.L.Rep. 115	85
Klora Ratkun, The, Hans O.L.G. 22 December 1937; H.G.Z. 1938; B. 43	63
Kostas Melas, The [1981] 1 Lloyd's Rep. 18	111
Leon Blum, The [1915] P. 290, C.A.	89
Lista, The (1946) 79 Ll.L.Rep. 401	82
Longford, The (1889) 14 P.D. 34	82
Luanda Exportadora v. Wahbe Tamari & Sons [1967] 2 Lloyd's Rep. 353	114
Lyrma, The (No. 2) [1978] 2 Lloyd's Rep. 30	64
M. Vatan, The [1990] 1 Lloyd's Rep. 336	45, 169
Makedonia, The [1957] 2 Lloyd's Rep. 575	78
Manchester, The [1988] L.M.C.L.Q. 16	88
Medina, The, 1 P.D. 272; 2 P.O. 5	34
Medit S.p.A. v. Petrolmar ed Altri, Dir. Mar. 1983, 580	170
Melpomene, The (1873) L.R. 4 A. & E. 129	63
Mimosa, The (1987) A.M.C. 2523	65, 170
Neptune, The, 1 Hagg. Adm. 236	39
Ningpo, The (1923) 16 Ll.L.Rep. 392	75
North Goodwin, The (No. 16) [1980] 1 Lloyd's Rep. 71	88, 134
Nourse v. Liverpool Sailing Ship Owner's Mutual Protection and Indemnity Association [1896] 2 Q.B. 16	106
Oceanic Grandeur, The [1972] 2 Lloyd's Rep. 396	59, 82
Orelia, The [1958] 1 Lloyd's Rep. 441	59
Patmos, The, Trasporti, 1987 I, 1817; Trib. Messina 30 July 1986	172, 173
Patmos, The, Trasporti, 1990 I, 63; Dir. Mar. 1989 1114	172, 173
Pergo, The [1987] 1 Lloyd's Rep. 582	167
Phillipine Admiral, The [1977] A.C. 373, P.C.	21
Queen Elizabeth, The (1949) 82 Ll.L.Rep. 803	74
Renpor, The (1883) 8 P.D. 115	63
Rilland, The [1979] 1 Lloyd's Rep. 455	33, 79
Rimorchiatori Napoletani v. Achille Onorato, Riv. Dir. Nav. 221; Tribunal of Livorno, 2 February 1971	170
St. Blanc, The [1974] 1 Lloyd's Rep. 557	86
St. Melante, The (1947) 80 Ll.L.Rep. 588	68
South Sea, The (1932) 44 Ll.L.Rep. 374	69, 72
Southern Venturer, The [1953] 1 Lloyd's Rep. 428	81
Teh Hu, The [1969] 2 Lloyd's Rep. 365	78, 116
Telemachus, The [1956] 2 Lloyd's Rep. 490	78

TABLE OF CASES

xxv

Tesaba, The [1982] 1 Lloyd's Rep. 397	112
Texaco Southampton, The [1983] 1 Lloyd's Rep. 94	182
Tojo Maru, The [1971] 1 Lloyd's Rep. 341	86, 102, 183
Tower Bridge, The (1935) 53 Ll.L.Rep. 171	63
Trendtex Trading Corporation v. Central Bank of Nigeria [1977] Q.B. 529, C.A.	21
Troilus, The [1951] 1 Lloyd's Rep. 467	59
Undaunted, The (1860) Lush 90	63
Unique Mariner, The (No. 1) [1978] 1 Lloyd's Rep. 438	51, 86
Unique Mariner, The (No. 2) [1979] 1 Lloyd's Rep. 37	55, 56, 86
Velox, The, 10 Asp. M.L.C. 277	82
Whippingham, The (1934) 48 Ll.L.Rep. 49	98, 170

TABLE OF LEGISLATION

References in **bold type** are to sections where the text of the legislation is set out.

Convention for the Unification of Certain Rules of Law respecting Assistance and Salvage at Sea (Brussels, 23 September 1910) 3, 4, 9, <i>et seq.</i> , 27 <i>et seq.</i> , 97 <i>et seq.</i>	Convention on Limitation of Liability for Maritime Claims (1976)
arts 1–19 209–213	art. 13 102
art. 1 10, 16–18, 24, 27, 31, 33, 44, 47, 56, 57, 59, 146, 157	15 145
2 47, 54, 56, 60	64 102
(1) 64	Convention on the Limitation of Liability of Owners of Sea-going Vessels (1924) 97
(2) 61, 63	Convention on the Limitation of Liability for Maritime Claims (London 1976) 128, 135, 183–186
(3) 61, 80	Convention on the Unification of Certain Rules relating to the Immunity of Government Vessels (Brussels, 10 April 1926) 134
3 47, 52, 54, 55	art. 3 24, 25
4 47, 52, 55, 86, 87, 90, 91, 133, 181	Protocol on the Immunity of Government Vessels (1934) 25
(4) 70	Convention on Civil Liability of Fuel Oil Pollution Damage (1969)
5 52	art. 1.3 135
6 47, 48, 64, 181	11.2 135
(2) 79	Convention on Collisions at Sea (1910)
(3) 36, 37, 39, 40, 42, 43, 79, 81	art. 12 24
7 47, 48, 50, 51, 64, 90	Convention relating to the Arrest of Sea-going Vessels (Brussels 1952) 134, 178
8 27, 33, 47, 57, 62, 67, 71, 85, 132, 169, 183	Convention relating to the Liability of Owners of Nuclear Vessels (Brussels 25 May 1969) 23
(1) 43, 47, 65	International Convention for the setting up of a fund for the compensation of damage caused by oil pollution (Brussels 1971) 6, 99, 142
(2) 62, 79	International Convention for the setting up of a fund for the compensation of damage caused by oil pollution (Brussels 1976) 6
(3) 84	International Convention for the Unification of Certain Rules relating to Maritime Liens and Mortgages (1926) 188
9 27, 29, 44, 45, 47	
(1) 28	
(2) 28	
11 15, 19, 23, 39, 45, 47, 57	
13 18–20, 22, 45, 46, 146, 154	
14 18–23, 25, 147	
15 13, 15, 46, 113, 129	
(1) 16	
Protocol to Amend the Convention for the Unification of Certain Rules of Law respecting Assistance and Salvage at Sea signed at Brussels on 23 September 1910, Done at Brussels on May 27 1967 4, 21, 129, 134, 147	
arts 1–8 213–215	
art. 1 24, 25	