

INTERNATIONAL CONVENTION RELATING TO THE LIMITATION OF THE LIABILITY OF OWNERS OF SEA-GOING SHIPS, AND PROTOCOL OF SIGNATURE

《1957 船舶所有人責任限制公約》

THE HIGH CONTRACTING PARTIES,

HAVING RECOGNISED the desirability of determining by agreement certain uniform rules relating to the limitation of the liability of owners of sea-going ships;

HAVE DECIDED to conclude a Convention for this purpose, and thereto have agreed as follows:

Article 1

- (1) The owner of a sea-going ship may limit his liability in accordance with Article 3 of this Convention in respect of claims arising from any of the following occurrences, unless the occurrence giving rise to the claim resulted from the actual fault or privity of the owner:
- (a) loss of life of, or personal injury to, any person being carried in the ship, and loss of, or damage to, any property on board the ship;
- (b) loss of life of, or personal injury to, any other person, whether on land or on water, loss of or damage to any other property or infringement of any rights caused by the act, neglect or default of any person on board the ship for whose act, neglect or default the owner is responsible or any person not on board the ship for whose act, neglect or default the owner is responsible: Provided however that in regard to the act, neglect or default of this last class of person, the owner shall only be entitled to limit his liability when the act, neglect or default is one which occurs in the navigation or the management of the ship or in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers;

第 1 條

- (1) 海船舶所有人對由於下列事故所引起的請求，除引起請求的事故是出於船舶所有人的實際過失或私謀以外，都可以根據本規則第三條限制其責任。上述事故是：
- (a) 船上所載的任何人的死亡或人身傷害，以及船上任何財物的滅失或損害。
- (b) 由於應由船舶所有人對其行為，疏忽或過失負責的在船上或不在船上的任何人的行為、疏忽或過失所引起的陸上或水上任何其他人的死亡或人身傷害，任何其他財產的滅失或損害，或任何權利的侵犯。但對於後一種人的行為、疏忽或過失，船舶所有人僅在其行為、疏忽或過失是在駕駛或管理船舶時，或在貨物裝船、運輸或卸船，以及在旅客上船、乘船或上岸時發生，才有權限制其責任。

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| <p>(c) any obligation or liability imposed by any law relating to the removal of wreck and arising from or in connection with the raising, removal or destruction of any ship which is sunk, stranded or abandoned (including anything which may be on board such ship) and any obligation or liability arising out of damage caused to harbour works, basins and navigable waterways.</p> | <p>(c) 與清除船舶殘骸有關的法律所加於和由於或有關浮起、清除或毀壞任何沉沒、擱淺或被棄船舶(包括船上任何物件)而發生的任何義務或責任，以及由於港口工程、港池或航道所造成的損害引起的任何義務與責任。</p> |
| <p>(2) In the present Convention the expression "personal claims" means claims resulting from loss of life and personal injury; the expression "property claims" means all other claims set out in paragraph 1 of this Article.</p> | <p>(2) 在本公約中，“人身請求”是指由於死亡或人身傷害而發生的請求；“財物請求”是指本條第 1 款所述以外的一切其他請求。</p> |
| <p>(3) An owner shall be entitled to limit his liability in the cases set out in paragraph (1) of this Article even in cases where his liability arises, without proof of negligence on the part of the owner or of persons for whose conduct he is responsible, by reason of his ownership, possession, custody or control of the ship.</p> | <p>(3) 在本條第 1 款所述情況下，即使其責任是由於他對船舶具有所有權、佔有權、保管權或控制權而發生的，而在船舶所有人方面，或在船舶所有人應對其行為負責的一些人方面，並無疏忽行為的證明，船舶所有人亦應有限制其責任的權利。</p> |
| <p>(4) Nothing in this Article shall apply:</p> <p>(a) to claims for salvage or to claims for contribution in general average;</p> <p>(b) to claims by the Master, by members of the crew, by any servants of the owner on board the ship or by servants of the owner whose duties are connected with the ship, including the claims of their heirs, personal representatives or dependents, if under the law governing the contract of service between the owner and such servants the owner is not entitled to limit his liability in respect of such claims or if he is by such law only permitted to limit his liability to an amount greater than that provided for in Article 3 of this Convention.</p> | <p>(4) 本條不適用於：</p> <p>(a) 救助方面的請求或共同海損分擔的請求。</p> <p>(b) 船長、船員、船舶所有人所雇在船上的任何僱傭人員，或船舶所有人所雇其職務與船舶有關的僱傭人員提出的請求：包括其繼承人、私人代表或家屬的請求在內。如果對於這類請求，根據船舶所有人與上述僱傭人員之間的服务契約所適用的法律，船舶所有人不得限制其責任；或根據這種法律，只能以較本公約第三條所訂者為高的金額限制其責任。</p> |
| <p>(5) If the owner of a ship is entitled to make a claim against a claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Convention shall only apply to the balance, if any.</p> | <p>(5) 如船舶所有人有權就同一事件向請求人提出請求，雙方提出的請求應相互抵銷，而本公約的規定只適用於其中的差額(如有)。</p> |

- (6) The question upon whom lies the burden of proving whether or not the occurrence giving rise to the claim resulted from the actual fault or privity of the owner shall be determined by the lex fori.
- (7) The act of invoking limitation of liability shall not constitute an admission of liability.

Article 2

- (1) The limit of liability prescribed by Article 3 of this Convention shall apply to the aggregate of personal claims and property claims which arise on any distinct occasion without regard to any claims which have arisen or may arise on any other distinct occasion.
- (2) When the aggregate of the claims which arise on any distinct occasion exceeds the limits of liability provided for by Article 3 the total sum representing such limits of liability may be constituted as one distinct limitation fund.
- (3) The fund thus constituted shall be available only for the payment of claims in respect of which limitation of liability can be invoked.
- (4) After the fund has been constituted, no claimant against the fund shall be entitled to exercise any right against any other assets of the shipowner in respect of his claim against the fund, if the limitation fund is actually available for the benefit of the claimant.

Article 3

- (1) The amounts to which the owner of a ship may limit his liability under Article 1 shall be:
- (a) where the occurrence has only given rise to property claims an aggregate amount of 1,000 francs for each ton of the ship's tonnage;
- (b) where the occurrence has only given rise to personal claims an aggregate amount of 3,100 francs for each ton of the ship's tonnage;

- (6) 對於引起請求的事故，是否由於船舶所有人的實際過失或私謀所引起的舉證責任問題，應根據法庭地法決定。
- (7) 要求責任限制的行為，並不構成對於責任的承認。

第 2 條

- (1) 本公約第 3 條所規定的責任限制，應適用於在任何個別場合發生的人身請求和財產請求的總額，但對於在任何其他個別場合已經發生或可能發生的任何請求，不考慮在內。
- (2) 當在任何個別場合發生的請求總額，超過第 3 條規定的責任限額時，可將代表這項責任限額的總數，作為一項單獨的限額基金。
- (3) 如此設立的基金，只能用以支付與能夠要求責任限制有關的請求。
- (4) 基金設立以後，如該限額基金確為請求人的利益所用，請求人不得就其對該項基金的請求，對船舶所有人所有任何其他財產，行使任何權利。

第 3 條

- (1) 船舶所有人根據第一條規定，可以限制其責任的金額為：
- (a) 如事故只引起財產請求，按船舶噸位計算，每噸賠償總額為 1,000 法郎。
- (b) 如事故只引起人身請求，按船舶噸位計算，每噸賠償總額為 3,100 法郎。

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| <p>(c) where the occurrence has given rise both to personal claims and property claims an aggregate amount of 3,100 francs for each ton of the ship's tonnage, of which a first portion amounting to 2,100 francs for each ton of the ship's tonnage shall be exclusively appropriated to the payment of personal claims and of which a second portion amounting to 1,000 francs for each ton of the ship's tonnage shall be appropriated to the payment of property claims: Provided however that in cases where the first portion is insufficient to pay the personal claims in full, the unpaid balance of such claims shall rank rateably with the property claims for payment against the second portion of the fund.</p> | <p>(c) 如事故既引起人身請求，又引起財物請求，則按船舶噸位計算，每噸賠償總額為 3,100 法郎，其中第一部分以每噸 2,100 法郎計算的款項，應專門用於支付人身請求，而第二部分以每噸 1,000 法郎計算的款項，則用於支付財物請求。但如第一部分款項不足以支付全部人身請求，這種請求的未付差額，應與財物請求按比例排列，以第二部分基金支付。</p> |
| <p>(2) In each portion of the limitation fund the distribution among the claimants shall be made in proportion to the amounts of their established claims.</p> | <p>(2) 對於每一部分限額基金，應按照已經成立的請求數額的比例，分配給請求人。</p> |
| <p>(3) If before the fund is distributed the owner has paid in whole or in part any of the claims set out in Article 1 paragraph (1), he shall pro tanto be placed in the same position in relation to the fund as the claimant whose claim he has paid, but only to the extent that the claimant whose claim he has paid would have had a right of recovery against him under the national law of the State where the fund has been constituted.</p> | <p>(3) 如在分配基金以前，船舶所有人對於第一條第 1 款所述任何請求，已經支付全部或部分款項，則對該項基金來說，該船舶所有人應按比例安排在已由其償付的請求人相同的地位，參加分配，但其數額僅以其償付的請求人，根據基金所在國國內法有權向他要求償還的數額為限。</p> |
| <p>(4) Where the shipowner establishes that he may at a later date be compelled to pay in whole or in part any of the claims set out in Article 1 paragraph (1) the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable the shipowner at such later date to enforce his claim against the fund in the manner set out in the preceding paragraph.</p> | <p>(4) 如船舶所有人提出，他對於第一條第 1 款所述請求的全部或部分款項，將在日後被強制支付，基金所在國的法院或其他主管當局，得發佈命令，將一筆足夠的款項暫時存放，以便船舶所有人能在日後按前款所述方式，就該項基金滿足他的請求。</p> |
| <p>(5) For the purpose of ascertaining the limit of an owner's liability in accordance with the provisions of this Article the tonnage of a ship of less than 300 tons shall be deemed to be 300 tons.</p> | <p>(5) 爲了按照本條規定確定船舶所有人限額，不足 300 噸的船舶應爲 300 噸。</p> |

(6) The franc mentioned in this Article shall be deemed to refer to a unit consisting of sixty five and a half milligrams of gold of millesimal fineness nine hundred. The amounts mentioned in paragraph (1) of this Article shall be converted into the national currency of the State in which limitation is sought on the basis of the value of that currency by reference to the unit defined above at the date on which the shipowner shall have constituted the limitation fund, made the payment or given a guarantee which under the law of that State is equivalent to such payment.

(7) For the purpose of this convention tonnage shall be calculated as follows:

- in the case of steamships or other mechanically propelled ships there shall be taken the net tonnage with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage;
- in the case of all other ships there shall be taken the net tonnage.

Article 4

Without prejudice to the provisions of Article 3, paragraph (2), of this Convention, the rules relating to the constitution and distribution of the limitation fund, if any, and all rules of procedure shall be governed by the national law of the State in which the fund is constituted.

Article 5

(6) 本條所述法郎，應視為指含 65.5 毫克 900‰的純金的貨幣單位而言。本條第一款所述的數額，應在要求限制其責任的國家，按船舶所有人設立限額基金、支付款項或提出根據該國法律等於支付款額的保證的日期，根據上述貨幣單位的價值折合為該國貨幣。

(7) 本公約所述船舶噸位元應按下列方式計算：

對於蒸汽機船或其他動機船舶，應採用淨噸，加上為確定淨噸而從總噸中減去的機艙所占空間。

對於其餘一切船舶，應採用淨噸。

第 4 條

在不妨礙本公約第三條第二款的條件下，關於設立和分配限額基金的規則，以及一切程式規則，應受基金所在國家的法律約束。

第 5 條

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| <p>(1) Whenever a shipowner is entitled to limit his liability under this Convention, and the ship or another ship or other property in the same ownership has been arrested within the jurisdiction of a Contracting State or bail or other security has been given to avoid arrest, the Court or other competent authority of such State may order the release of the ship or other property or of the security given if it is established that the shipowner has already given satisfactory bail or security in a sum equal to the full limit of his liability under this Convention and that the bail or other security so given is actually available for the benefit of the claimant in accordance with his rights.</p> | <p>(1) 當船舶所有人有權根據本公約限制其責任，而其所擁有的船舶或另一艘船舶或其他財產，已在一個締約國管轄區域內被扣，或為避免被扣已經提出保證金或其他擔保，如能確定該船舶所有人已經提出充分保證金或保全，其數額相等於他在本公約規定下所應承擔的全部責任限額，而這樣提出的保證或其他保全，對於請求人的利益，按照其應享的權利，又真實有用，則該締約國的法庭或其他主管部門得下令將上述船舶或其他財產，或所提出的保全發還。</p> |
| <p>(2) Where, in circumstances mentioned in paragraph (1) of this Article, bail or other security has already been given:</p> <p>(a) at the port where the accident giving rise to the claim occurred;</p> <p>(b) at the first port of call after the accident if the accident did not occur in a port;</p> <p>(c) at the port of disembarkation or discharge if the claim is a personal claim or relates to damage to cargo;</p> <p>the Court or other competent authority shall order the release of the ship or the bail or other security given, subject to the conditions set forth in paragraph (1) of this Article.</p> | <p>(2) 在本公約第 1 款所述情況下，如已在下列港口提交保證金或其他保全，則該法院或其他主管機關應根據本條第 1 款所述條件，下令放還船舶、保證金或其他保全，這些港口是：</p> <p>(a) 引起請求的事故發生的港口；</p> <p>(b) 如事故不在港內發生，則為事故發生後的第一個停泊港；</p> <p>(c) 如果請求是人身請求，或有關貨物損害的請求，則為旅客上岸港或卸貨港；</p> |
| <p>(3) The provisions of paragraphs (1) and (2) of this Article shall apply likewise if the bail or other security already given is in a sum less than the full limit of liability under this Convention: Provided that satisfactory bail or other security is given for the balance.</p> | <p>(3) 如已經提出的保證金或其他保全的數額，少於本公約所規定的全部責任限額，在對其差額提出充分的保證金或其他保全的情況下，本條第 1、2 款的規定同樣適用。</p> |
| <p>(4) When the shipowner has given bail or other security in a sum equal to the full limit of his liability under this Convention such bail or other security shall be available for the payment of all claims arising on a distinct occasion and in respect of which the shipowner may limit his liability.</p> | <p>(4) 如船舶所有人已提交相等於其在本公約規定下的全部責任限額的保證金或其他保全，這種保證金或其他保全，應用以支付在一個特定場合發生的一切請求，而船舶所有人得在這方面限制其責任。</p> |

(5) Questions of procedure relating to actions brought under the provisions of this Convention and also the time limit within which such actions shall be brought or prosecuted shall be decided in accordance with the national law of the Contracting State in which the action takes place.

Article 6

(1) In this Convention the liability of the shipowner includes the liability of the ship herself.

(2) Subject to paragraph (3) of this Article, the provisions of this Convention shall apply to the charterer, manager and operator of the ship, and to the master, members of the crew and other servants of the owner, charterer, manager or operator acting in the course of their employment, in the same way as they apply to an owner himself: Provided that the total limits of liability of the owner and all such other persons in respect of personal claims and property claims arising on a distinct occasion shall not exceed the amounts determined in accordance with Article 3 of this Convention.

(3) When actions are brought against the master or against members of the crew such persons may limit their liability even if the occurrence which gives rise to the claims resulted from the actual fault or privity of one or more of such persons. If, however, the master or member of the crew is at the same time the owner, co-owner, charterer, manager or operator of the ship the provisions of this paragraph shall only apply where the act, neglect or default in question is an act, neglect or default committed by the person in question in his capacity as master or as member of the crew of the ship.

Article 7

(5) 關於根據本公約規定提起訴訟的程式和起訴時效問題，應根據訴訟所在締約國的國內法決定。

第 6 條

(1) 在本公約內，船舶所有人的責任，包括船舶本身的責任在內。

(2) 除本條第 3 款另有規定外，本公約的條款應與適用於船舶所有人本身同樣，適用於船舶的承租人、經理人和營運人，以及船長、船員和為船舶所有人、承租人、經理人或營運人服務的其他雇傭人員；但對發生於一個特定場合的人身請求和財物請求，船舶所有人和上述一切其他人員的責任限額總數，不得超過根據本公約第三條所確定的金額。

(3) 對船長或船員提起訴訟時，即使引起索賠的事故是由於其中一人或數人的實際過失或私謀而發生，他們亦可限制其責任。但如船長或船員同時是船舶的所有人、共有人、承租人、經理人和營運人，則僅在其行為、疏忽或過失是該有關人員以該船船長或船員身分作出時，才能適用本款規定。

第 7 條

This Convention shall apply whenever the owner of a ship, or any other person having by virtue of the provisions of Article 6 hereof the same rights as an owner of a ship, limits or seeks to limit his liability before the Court of a Contracting State or seeks to procure the release of a ship or other property arrested or the bail or other security given within the jurisdiction of any such State.

Nevertheless, each Contracting State shall have the right to exclude, wholly or partially, from the benefits of this Convention any non-Contracting State, or any person who, at the time when he seeks to limit his liability or to secure the release of a ship or other property arrested or the bail or other security in accordance with the provisions of Article 5 hereof, is not ordinarily resident in a Contracting State, or does not have his principal place of business in a Contracting State, or any ship in respect of which limitation of liability or release is sought which does not at the time specified above fly the flag of a Contracting State.

Article 8

Each Contracting State reserves the right to decide what other classes of ship shall be treated in the same manner as sea-going ships for the purposes of this Convention.

Article 9

This Convention shall be open for signature by the States represented at the tenth session of the Diplomatic Conference on Maritime Law.

Article 10

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Government which shall notify through diplomatic channels all signatory and acceding States of their deposits.

當船舶所有人或根據第六條規定具有與船舶所有人相同權利的任何人，在一個締約國的法庭上限制或要求限制其責任，或要求放還被扣船舶或其他財產，或在該國管轄區域內提交的保證金或其他保全時，本公約應予適用。

但每一締約國對於任何非締約國，或根據第五條規定要求限制其責任，或放還其被扣船舶或其他財產，或其提交的保證金或其他保全時，不經常住在某一締約國或在某一締約國內設有主要營業所的任何人，或要求限制其責任或將其釋放，而在上述期間未懸掛締約國國旗的任何船舶，都有權剝奪其根據本公約應享的全部或一部分權益。

第 8 條

各締約國保留確定某種其他類型船舶得與海船同樣適用本公約的權利。

第 9 條

本公約應由出席第十屆海洋法外交會議各國簽字。

第 10 條

本公約須經批准。批准檔應送交比利時政府保存，並由比利時政府通過外交途徑，將各批准書的收存情況通知所有簽字國和參加國。

Article 11

- (1) This Convention shall come into force six months after the date of deposit of at least ten instruments of ratification, of which at least five shall have been deposited by States that have each a tonnage equal or superior to one million gross tons of tonnage.
- (2) For each signatory State which ratifies the Convention after the date of deposit of the instrument of ratification determining the coming into force such as is stipulated in paragraph (1) of this Article, this Convention shall come into force six months after the deposit of their instrument of ratification.[4]

Article 12

Any State not represented at the tenth session of the Diplomatic Conference on Maritime Law may accede to this Convention.

The instruments of accession shall be deposited with the Belgian Government which shall inform through diplomatic channels all signatory and acceding States of the deposit of any such instruments.

The Convention shall come into force in respect of the acceding State six months after the date of the deposit of the instrument of accession of that State, but not before the date of entry into force of the Convention as established by Article 11(1).

Article 13

Each 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. Nevertheless, this denunciation shall only take effect one year after the date on which notification thereof has been received by the Belgian Government which shall inform through diplomatic channels all signatory and acceding States of such notification.

第 11 條

- (1) 本公約應自至少收到十份批准書之日起六個月後生效。在這些批准書之中，至少應有五份係由擁有 100 萬或 100 萬總噸以上船舶的國家所交存。
- (2) 在本條第 1 款所規定決定公約生效的批准書收存之日以後，對於批准本公約的每一簽字國，本公約應自其批准書交存六個月後生效。

第 12 條

未參加第十屆海洋法外交會議的國家，都可以參加本公約。

表示加入的檔應交比利時政府保存，並由比利時政府將這項檔的交存情況，通過外交途徑通知各簽字國和參加國。

對於參加國，本公約應自該國交存加入檔之日起六個月後生效，但生效日期不得早於第十一條第 1 款所規定的公約生效日期。

第 13 條

每一締約國都有權在本公約對該國生效以後的任何時期退出本公約，但這種退出僅在自比利時政府收到退出本公約通知之日起一年後，方為有效。比利時政府應通過外交途徑將此項通知告知所有簽字國和參加國。

Article 14

- (1) 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 Government 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 Government extend to the territories named therein, but not before the date of the coming into force of this Convention in respect of such High Contracting Party.
- (2) Any High Contracting Party which has made a declaration under paragraph 1 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 Government that the Convention shall cease to extend to such territory. This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government.
- (3) The Belgian Government shall inform through diplomatic channels all signatory and acceding States of any notification received by it under this Article.

Article 15

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 this 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.

Article 16

第 14 條

- (1) 任何締約國都可以在其批准或加入本公約當時或此後任何時期，以送交比利時政府的書面聲明宣佈，本公約的適用範圍擴大至在國際關係方面由其負責的任何領土，本公約的適用範圍即應自比利時政府收到該項通知之日起 6 個月以後擴大至通知中所述領土，但不得早於本公約對該國生效的日期。
- (2) 根據本條第 1 款宣佈將本公約的適用範圍擴大至國際關係方面由其負責的領土的締約國，得在此後任何時期通過送交比利時政府的通知，宣佈本公約不再擴大適用於上述領土。這種退出應自比利時政府收到上述通知之日起一年後生效。
- (3) 比利時政府應通過外交途徑，將其收到本條所述通知的情況告知所有簽字國和參加國。

第 15 條

任何締約國都可以在本公約對該國生效三年後或此後任何時期，要求召集會議，以便考慮對本公約進行修改。

欲行使這一權利的任何締約國，應將此事通知比利時政府，比利時政府應於此後 6 個月內召集會議。

第 16 條

In respect of the relations between States which ratify this Convention or accede to it, this Convention shall replace and abrogate the International Convention for the unification of certain rules concerning the limitation of the liability of the owners of sea-going ships, signed at Brussels, on the 25th of August 1924.

IN WITNESS WHEREOF the Plenipotentiaries, duly authorized, have signed this Convention.

DONE at Brussels, this tenth day of October 1957, in the French and English languages, the two texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Belgian Government, which shall issue certified copies.

PROTOCOL OF SIGNATURE

- (1)** Any State, at the time of signing, ratifying or acceding to this Convention may make any of the reservations set forth in paragraph (2). No other reservations to this Convention shall be admissible.
- (2)** The following are the only reservations admissible:
 - (a)** Reservation of the right to exclude the application of Article 1 paragraph (1)(c).
 - (b)** Reservation of the right to regulate by specific provisions of national law the system of limitation of liability to be applied to ships of less than 300 tons.
 - (c)** Reservation of the right to give effect to this Convention either by giving it the force of law or by including in national legislation, in a form appropriate to that legislation, the provisions of this Convention.

在批准或加入本公約各國之間，本公約應代替並廢除 1924 年 8 月 25 日在布魯塞爾簽署的統一海船船舶所有人責任限制的若干規定的國際公約。

經正式授權的各全權代表特簽署本公約，以昭信守。

本公約於 1957 年 10 月 10 日在布魯塞爾簽訂，正本一份，用英文和法文寫成，兩種文本具有同等效力。公約正本存於比利時政府檔案庫，經過核證無差的副本由比利時政府分發。

**PROTOCOL AMENDING THE INTERNATIONAL CONVENTION RELATING TO THE
LIMITATION OF THE LIABILITY OF OWNERS OF SEA-GOING SHIPS OF 10
OCTOBER 1957
(Brussels, 21 December 1979)**

修正 1957 年海船所有人責任限制國際公約的 1979 年議定書

THE CONTRACTING PARTIES TO THE PRESENT
PROTOCOL,

BEING PARTIES to the International Convention
relating to the limitation of the liability of
owners of sea-going ships, done at Brussels on
10 October 1957,

HAVE AGREED as follows:

本議定書各締約國，

均為 1957 年 10 月 10 日在布魯塞爾簽訂的海船所有人責任限制國際公約的締約國，

茲達成協議如下：

Article I

第 I 條

For the purpose of this Protocol, "Convention" means the International Convention relating to the limitation of the liability of owners of sea-going ships and its Protocol of signature, done at Brussels on 10 October 1957.

在本議定書中，“公約”意指 1957 年 10 月 10 日在布魯塞爾簽訂的海船所有人責任限制國際公約及其簽署議定書。

Article II

第 II 條

(1) Article 3, paragraph (1) of the Convention is replaced by the following:

.公約第 3 條第 1 款用下述內容代替：

" (1) The amounts to which the owner of a ship may limit his liability under Article 1 shall be:

“(1).船舶所有人根據第 1 條規定，可以限制其責任的金額為：

(a) where the occurrence has only given rise to property claims an aggregate amount of 66.67 units of account for each ton of the ship's tonnage;

(a)如事件只引起人身索賠，按船舶噸位每噸 66.67 計算單位計算的總額；

(b) where the occurrence has only given rise to personal claims an aggregate amount of 206.67 units of account for each ton of the ship's tonnage;

(b)如事件只引起人身索賠，按船舶噸位每噸 206.67 計算單位計算的總額；

(c) where the occurrence has given rise both to personal claims and property claims an aggregate amount of 206.67 units of account for each ton of the ship's tonnage, of which a first portion amounting to 140 units of account for each ton of the ship's tonnage shall be exclusively appropriated to the payment of personal claims and of which a second portion amounting to 66.67 units of account for each ton of the ship's tonnage shall be appropriated to the payment of property claims. Provided however that in cases where the first portion is insufficient to pay the personal claims in full, the unpaid balance of such claims shall rank rateably with the property claims for payment against the second portion of the fund."

(2) Article 3, paragraph (6) of the Convention is replaced by the following:

"(6) The unit of account mentioned in paragraph (1) of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in that paragraph shall be converted into the national currency of the State in which limitation is sought on the basis of the value of that currency on the date on which the shipowner shall have constituted the limitation fund, made the payment or given a guarantee which under the law of that State is equivalent to such payment. The value of the national currency, in terms of the Special Drawing Right, of a State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

(7) Nevertheless, a State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph (6) of this Article may, at the time of ratification of the Protocol of 1979 or accession thereto or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in its territory shall be fixed as follows:

(c)如事件既引起人身索賠，又引起財產索賠，按船舶噸位每噸 206.67 計算單位計算的總額，其中每一部分按船舶噸位每噸 140 計算單位計算的金額，應專門用於賠付人身索賠，而第二部分按船舶噸位每噸 66.67 計算單位計算的金額，用於賠付財產索賠，但如每一部分金額不足以賠付全部人身索賠，這項索賠的未賠付差額，應與財產索賠按比例並列，從第二部分基金中賠付。”

公約第 3 條第 6 款用下述內容代替：

6.本條第 1 款所述的計算單位，是指國際貨幣基金組織規定的特別提款權。該款所述的數額應按照船舶所有人應設立責任限制基金之日、付款之日或根據尋求責任限制所在國的法律等同於此項付款的擔保提供之日，該國貨幣的價值，折算成該國的貨幣。凡屬國際貨幣基金組織成員國的締約國，其以特別提款權表示的本國貨幣的價值，應按國際貨幣基金組織在上述日期在其進行營業和交易中適用的現行定值辦法計算。非屬國際貨幣基金組織成員國的締約國，其以特別提款權表示的本國貨幣的價值，應按該締約國確定的辦法計算。

(7) 但是，非屬國際傾向基金組織成員國，且其法律不允許適用本條第 6 款規定辦法的締約國，可在批准或加入 1979 年議定書之時，或在此後任何時候，聲明在其領土內適用的本公約所規定的責任限制，確定為如下：

(a) in respect of paragraph (1), (a) of this Article, 1,000 monetary units;

(b) in respect of paragraph (1), (b) of this Article, 3,100 monetary units;

(c) in respect of paragraph (1), (c) of this Article, 3,100, 2,100 and 1,000 monetary units, respectively.

This monetary unit referred to in this paragraph corresponds to 65.5 milligrammes of gold of millesimal fineness 900'. The conversion of the amounts specified in this paragraph into the national currency shall be made according to the law of the State concerned.

(8) The calculation mentioned in the last sentence of paragraph (6) of this Article and the conversion mentioned in paragraph (7) of this Article shall be made in such a manner as to express in the national currency of the State as far as possible the same real value for the amounts in paragraph (1) of this Article as is expressed there in units of account.

States shall communicate to the depositary the manner of calculation pursuant to paragraph (6) of this Article or the result of the conversion in paragraph (7) of this Article, as the case may be, when depositing an instrument of ratification of the Protocol of 1979 or of accession thereto or when availing themselves of the option provided for in paragraph (7) of this Article and whenever there is a change in either."

(3) Article 3, paragraph (7) of the Convention shall be renumbered Article 3 paragraph (9).

Article III

This Protocol shall be open for signature by the States which have signed the Convention or which are Parties thereto.

Article IV

- (1) This Protocol shall be ratified.
- (2) Ratification of this Protocol by any State which is not a Party to the Convention shall have the effect of ratification of the Convention.
- (3) The instruments of ratification shall be deposited with the Belgian Government.

(a)有關本條第 1 款第(a)項。為 1000 貨幣單位；

(b)有關本條第 1 款第(b)項，為 3100 貨幣單位；

(c)有關本條第 1 款第(c)項，分別為 3100、2100 和 1000 貨幣單位。

本款所指的貨幣單位，相當於純度為千分之九百的黃金 65.5 毫克。本款所述的數額折算成一國貨幣時，應按該國的法律辦理。

8.本條第 6 款末句所述的計算和本條第 7 款所述的折算，其方式應使本條第 1 款所述金額在以締約國本國貨幣表示時，盡可能具有與這一金額以計算單位表示時的相同真實價值。

締約國應將本條第 6 款所述計算方式，或本條第 7 款所述折算結果，在交存 1979 年議定書的批准檔或加入檔時，或在利用本條第 7 款規定的選擇權時，以及計算方式或折算結果發生變動時，通知保管人。”

9.公約第 3 條第 7 款應重新編為第 3 條第 9 款。

第 III 條

本議定書應向公約簽字國或締約國開放，以供簽字。

第 IV 條

- 本議定書須經批准。
- 非公約締約國的任何國家批准本議定書，具有批准公約的效力。
- 批准書由比利時政府保存。

Article V

- (1) States not referred to in Article III may accede to this Protocol.
- (2) Accession to this Protocol shall have the effect of accession to the Convention.
- (3) The instruments of accession shall be deposited with the Belgian Government.

第 V 條

非第 III 條所指的國家，可加入本議定書。
加入本議定書具有加入公約的效力。
加入檔應由比利時政府保存。

Article VI

- (1) This Protocol shall come into force three months after the date of the deposit of six instruments of ratification or accession.
- (2) For each State which ratifies this Protocol or accedes thereto after the sixth deposit, this Protocol shall come into force three months after the deposit of its instrument of ratification or accession.

第 VI 條

本議定書自六份批准書或加入書交存之日起三個月後生效。
對於任何在第六份批准書或加入書交存後批准或加入本議定書的國家，本議定書自交存其批准書或加入書三個月後生效。

Article VII

- (1) Any Contracting Party may denounce this Protocol by notification to the Belgian Government.
- (2) The denunciation shall take effect one year after the date on which the notification has been received by the Belgian Government.

第 VII 條

任何締約國可通過向比利時政府提交通知退出本議定書。
退出自比利時政府收到該項通知之日起一年後生效。

Article VIII

- (1) Each State may at the time of signature, ratification or accession or at any time thereafter declare by written notification to the Belgian Government which among the territories for whose international relations it is responsible, are those to which the present Protocol applies. The Protocol shall three months after the date of the receipt of such notification by the Belgian Government extend to the territories named therein, but not before the date of the coming into force of the Protocol in respect of such State.
- (2) This extension also shall apply to the Convention if the latter is not yet applicable to these territories.

第 VIII 條

任何一個國家可在簽署、批准或加入當時，或此後任何時候，通過向比利時政府提交書面通知，聲明由其負責國際關係的領土中，哪些適用本議定。本議定書自比利時政府收到該通知之日起三個月後擴大適用至通知中所述領土，但不得早於本議定書對該國生效之日。
如果公約尚未適用於這些，領土則此種擴大同樣適用於公約。

- (3) Any Contracting Party which has made a declaration under paragraph (1) of this Article may at any time thereafter declare by notification given to the Belgian Government that the Protocol shall cease to extend to such territories. This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government.

根據本條第 1 款已作出聲明的任何締約國，均可以在其後任何時候，通過向比利時政府提交通知，聲明本議定書停止擴大適用於此種領土。這種退出自比利時政府收到上述通知之日起一年後生效。

Article IX

第 IX 條

The Belgian Government shall notify the signatory and acceding States of the following:

比利時政府應將下列事項通知簽字國和參加國：

- (1) The signatures, ratifications and accessions received in accordance with Articles III, IV and V.
- (2) The date on which the present Protocol will come into force in accordance with Article VI.
- (3) The notifications with regard to the territorial application in accordance with Article VIII.
- (4) The declarations and communications made in accordance with Article II.
- (5) The denunciations received in accordance with Article VII.

根據第 III、IV 和 V 條得到的簽字、批准和加入的情況；

根據第 VI 條本議定書將生效的日期；

根據第 VIII 條有關適用領土的通知；

根據第 II 條所作的聲明和通知；

根據第 VII 條得到的退出情況。

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Protocol.

DONE at Brussels, this 21st day of December 1979, in the English and French languages, both texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Belgian Government, which shall issue certified copies.