



《關於船舶碰撞規定統一公約》

(International Convention for the Unification of Certain Rules with Respect to Collisions between Vessels)

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【內容】

第1條

海船與海船或海船與內河航行船舶之間發生碰撞時，對船舶或船上財物或人員遭受的損害應有的賠償，不論碰撞發生在任何水域，都應按下列規定辦理。

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.

第2條

如果碰撞的發生是出於意外，或者出於不可抗力，或者碰撞原因不明，其損害應由遭受者自行承擔。
即使在發生碰撞時，有關的船舶或其中之一是處於錨泊（或以其他方式系泊）狀態，本規定亦得適用。

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.

第3條

如果碰撞是由於一艘船舶的過失所引起，損害賠償的責任便應由該艘過失船舶承擔。

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.

第4條

如果兩艘或兩艘以上船舶犯有過失，各船應按其所犯過失程度，按比例分擔責任。但如考慮到具體情況，不

可能確定各船所犯過失的程度，或者看來過失程度相等，其應負的責任便應平均分擔。

船舶或其所載貨物，或船員、旅客或船上其他人員的行李或財物所受的損害，應由過失船舶按上述比例承擔。即使對於第三者的損害一艘船舶也不承擔較此損害比例為多的責任。

對於人身傷亡所造成的損害，各過失船舶對第三者負連帶責任。但這並不影響已經支付較本條第 1 款規定其最終所應賠償數額為多的船舶向其他過失船舶取得攤款的權利。

關於取得攤款的權利問題，各國法律可以自行決定有關限定船舶所有人對船上人員責任的契約或法律規定所應具有的意義和效力。

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 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.

第 5 條

以上各條規定，適用於由於引航員的過失而發生的碰撞，即使是依法強制引航，亦得適用。

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.

第 6 條

對因碰撞而引起的損害要求賠償的起訴權，不以提出海事聲明或履行其他特殊手續為條件。

關於在碰撞責任方面的過失問題的一切法律推定，均應廢除。

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 條

損害賠償的起訴權時效兩年，自事故發生之日起算。

為行使第四條第 3 款所准許的取得攤款的權利而提起的訴訟，須自付款之日起一年內提出。

上述時效期限得以中止或中斷的理由，由審理該案法院所引用的法律決定。

各締約國有權以本國立法規定:如在上述時效期限內未能在原告住所或主要營業地所在國家領海內扣留被告船舶，便應延長上述時效期限。

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.

第 8 條

碰撞發生後，相碰撞船舶船長在不致對其船舶、船員和旅客造成嚴重危險的情況下，必須對另船舶及其船員和旅客施救。

上述船長還必須盡可能將其船名、船籍港、出發港和目的港通知對方船舶。

上述規定的違反本身並不將責任加於船舶所有人。

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 條

各締約國，如其立法不禁止違反前條規定的行為，須採取或建議其本國立法機關採取必要措施，以便防止違反上述規定的行為發生。

各締約國應將為履行上述保證而已在其國內頒佈或在日後可能頒佈的法律或規章，盡速互相通知。

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.

第 10 條

在不影響將來可能締結的任何公約的情況下，本公約的規定，不以任何方式影響各國現行的有關限制船舶所有人責任的法律，亦不改變因運輸合同或任何其他合同產生法律義務。

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 shipowners' liability, not do they alter the legal obligations arising from contracts of carriage or from any other contracts.

第 11 條

本公約不適用於軍用船舶或專門用於公務的政府船舶。

Article 11

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

第 12 條

在任何訴訟中的所有當事船舶都屬於本公約締約國所有，以及國內法對此有所規定的任何情況下，本公約的規定適用於全體利害關係人。但是，

- (1) 對屬於非締約國的利害關係人，每一締約國可在互惠條件下適用本公約的規定。
- (2) 如果全體利害關係人和受理案件的法院屬於同一國家，則應適用國內法，而不適用本公約。

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. 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.

第 13 條

本公約的規定擴大適用於一船由於進行或不進行某種操作，或由於不遵守規則，而給他船、或任一船上的貨物或人員造成的損害的賠償，即使未曾發生碰撞，也是如此。

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.

第 14 條

各締約國有權在本公約生效三年後，要求召開新的會議，以便對本公約進行可能的修改。特別是盡可能擴大其適用範圍。

行使上述權利的國家，應當通過比利時政府將其意圖通知其他各國，比利時政府則當進行籌備，在六個月內召開此種會議。

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.

第 15 條

未曾簽署本公約的國家，可以申請加入本公約。參加本公約，應通過外交途徑通知比利時政府，並由比利時政府通知其他締約國政府。如此參加本公約，應自比利時政府發出通知之日起一個月後生效。

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.

第 16 條

本公約需經批准。

自本公約簽字之日起一年內，比利時政府應與已經聲明行將批准本公約的其他締約國政府進行聯繫，以便決定應否使本公約生效。

如果決定使本公約生效，便應立即將批准書交存布魯塞爾。本公約自交存批准書之日起一個月後生效。

交存記錄對於參加布魯塞爾會議各國開放一年，此後上述各國只能依照第十五條規定參加本公約。

Article 16

The present Convention shall be ratified.

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.

第 17 條

如有締約國欲退出本公約，應自其通知比利時政府之日起一年後生效，而在其他締約國之間本公約仍舊有效。

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.

附加條款

雖有第十六條中的規定，茲協議，各締約國在就限定船舶所有人責任問題達成協議以前，並不承擔將本公約第五條關於因強制派遣的引航員的過失而造成碰撞的責任方面的規定，加以實施的義務。

各締約國的全權代表已在本公約上簽字蓋章，以昭信守。

1910 年 9 月 23 日訂於布魯塞爾，共一份。

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.

IN WITNESS WHEREOF, the Plenipotentiaries of the respective High Contracting Parties have signed this Convention and have affixed thereto their seals.

DONE AT BRUSSELS, in a single copy, September 23, 1910.

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