

Convention for the Unification of Certain Rules of Law with respect to Collisions between Vessels

(Brussels, 23 September 1910)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia, in the name of the German Empire; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc, and Apostolic King of Hungary, for Austria and Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Chile; the President of the Republic of Cuba; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United States of Mexico; the President of the Republic of Nicaragua; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Sweden; the President of the Republic of Uruguay;

HAVING RECOGNISED the desirability of determining by mutual agreement certain uniform rules of law with respect to collisions, have decided to conclude a Convention to that end, and have appointed as their plenipotentiaries, that is to say:

Who, having been duly authorised to that effect, have agreed as follows:

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 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.

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 right 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.

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 shipowners' liability, nor do they affect 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. 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.

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.

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 23rd, 1910.