

International Law Studies—Volume 51

Situation, Documents, and Commentary on Recent Developments in the International Law of the  
Sea

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The thoughts and opinions expressed are those of the authors and not necessarily of the U.S. Government,  
the U.S. Department of the Navy or the Naval War College.

**SECTION VII**

**RECENT IMPORTANT MARITIME  
CONVENTIONS OF GENERAL  
INTEREST**

THE HISTORY OF

THE CITY OF BOSTON  
FROM THE FIRST SETTLEMENT  
TO THE PRESENT TIME  
BY  
NATHANIEL BENTLEY

## SECTION VII

### RECENT IMPORTANT MARITIME CONVENTIONS OF GENERAL INTEREST

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## A. International Load Line Convention (with Final Protocol and Annexes) Signed at London, July 5, 1930

1. NOTE. This Convention, while not recent, remains important. Furthermore, a significant number of states have become parties since World War II. The purpose of the Convention was to promote safety of life and property at sea by establishing uniform principles and rules concerning the limits of loading of ships on international voyages as defined. The Convention lays down general terms for surveying and marking, provides for certificates, defines terms and determines applicability. The details are contained in the Annexes. The Convention became effective for the United States, with a Declaration, and sixteen other states on January 1, 1933. The Convention was suspended by the United States between August 9, 1941, and January 1, 1946, by Presidential Proclamation No. 2500 of August 9, 1941, 55 Stat. 1660, 3 *CFR* (Cum. Supp.) 243. The suspension was revoked by Presidential Proclamation No. 2675 of December 21, 1945, effective January 1, 1946, 59 Stat. 890, 3 *CFR* (1945 Supp.) 44. The opinion of Attorney General Biddle with respect to the proposal to suspend may be found in 4 Op. Att. Gen. U.S. 119. It is severely criticized by Professor H. W. Briggs, "The Attorney General Invokes 'Rebus Sic Stantibus'", 36 *A.J.I.L.* 89 (1942). Information with respect to modifications of the Convention by the British Government during World War II is contained in VII *Department of State Bulletin* 859 (July-December 1942).

The text of the Convention is printed in 47 Stat. 2228; *Treaty Series* No. 858; IV *Trenwith* 5287; and *British Command Paper* No. 4199. The Modification of Annex II(6) (a) of the Convention which entered into force for all the contracting governments on August 23, 1938, may be found at 53 Stat. 1787; *Treaty Series* No. 942; and IV *Trenwith* 5348.

\* \* \* \* \*

### a. STATUS OF THE CONVENTION AS OF OCTOBER 25, 1956

\* \* \*

## INTERNATIONAL LOAD LINE CONVENTION (WITH FINAL PROTOCOL AND ANNEXES) SIGNED AT LONDON ON 5 JULY 1930

(Came into force on 1 January 1933)

<i>State</i>	<i>Date of deposit of instrument of ratification or accession (a)</i>
United States of America .....	10 June 1931
Denmark .....	13 August 1931
Latvia .....	29 January 1932

<i>State</i>	<i>Date of deposit of instrument of ratification or accession (a)</i>			
Netherlands .....	9 April	1932		
(extension to Netherlands Indies and Curaçao, 27 February 1933)				
Canada .....	}			
Finland .....				
France .....				
United Kingdom of Great Britain and Northern Ireland .....				
(Application to the Federation of Malaya—in respect of Malacca and Penang—on 10 April 1954)				
Italy .....				
New Zealand (including Western Samoa) ...				
Norway .....				
Portugal .....	}			
Union of Soviet Socialist Republics .....				
Spain .....				
Sweden .....				
Iceland .....			26 November	1932
Cuba .....			9 December	1932
Peru .....			30 March	1933
Hungary .....			12/21 January	1933 a
(Notes)				
Roumania .....			1 January	1933 a
Bulgaria .....			4 September	1933 a
Danzig .....			4 August	1933 a
Siam .....			11 July	1933 a
Yugoslavia .....			26 February	1934 a
Chile .....			24 May	1933
Germany .....			6 September	1933
Irish Free State .....			8 February	1934
Poland .....			6 September	1933
Argentina .....	19 October	1935 a		
China .....	19 August	1935 a		
Chosen, Taiwan, etc. ....	12 July	1935 a		
Egypt .....	24 July	1936 a		
Estonia .....	17 March	1934 a		
Newfoundland .....	1 April	1936 a		
Panama .....	13 July	1936 a		
Australia .....	17 February	1936		
Belgium .....	29 May	1935		
Greece .....	4 December	1934		
India .....	1 October	1934		
Japan .....	11 June	1935		
Mexico .....	6 June	1934		
Brazil .....	31 December	1937 a		
Burma .....	1 April	1937 a		
Uruguay .....	8 February	1939 a		
Union of South Africa .....	24 February	1947 a		
Dominican Republic .....	28 October	1947 a		



<i>State</i>	<i>Date of deposit of instrument of ratification or accession (a)</i>	
Honduras .....	10 June	1948 a
Liberia .....	25 March	1949 a
Israel .....	15 July	1949 a
Philippines .....	30 September	1949
Ecuador .....	28 February	1950 a
Costa Rica .....	1 July	1953
Nicaragua .....	19 February	1954 a
Switzerland .....	19 May	1954 a
Korea .....	11 June	1954 a
Venezuela .....	30 December	1954 a
Turkey .....	20 May	1955 a
Czechoslovakia .....	18 June	1955 a
France: Extension to French Overseas Territories .....	28 December	1955
(Comoro Islands, French Equatorial Africa, French Possessions in Oceania, French Somaliland, French West Africa, Madagascar and Dependencies, New Caledonia and Dependencies, Saint Pierre and Miquelon, Trust Territories of Togoland-Cameroons, and Wallis and Futuna Islands.)		

N.B. Status information obtained through the courtesy of the Treaty Section, Office of Legal Affairs, United Nations Secretariat. According to *Treaties in Force*, Publication 6427, 31 October 1956, page 194, Cambodia, Vietnam, Indonesia, and the United Kingdom for Hong Kong, Straits Settlement, and Newfoundland, have also become parties.

\* \* \* \* \*

## B. International Convention for the Safety of Life at Sea, 1948

1. NOTE. The Convention, with annexed Regulations, was signed at London, June 10, 1948. The Convention entered into force November 19, 1952. Ratification was advised by the United States Senate April 20, 1949; ratified by the President December 16, 1949; ratification by the United States deposited with the Government of the United Kingdom and Northern Ireland January 5, 1950; proclaimed by the President September 10, 1952. The text of the Convention and the annexed regulations is printed in 3 *UST* 3450 *et seq.* The annexed Regulations not reprinted herein are at pages 3477-3680 of the cited volume. Declaration correcting certain errors in the Regulations follow at pages 3683-3688. The same documents are also printed in *Treaties and Other International Acts Series (TIAS)* No. 2495, and in *British Command Paper* No. 8720.

\* \* \* \* \*



## a. TEXT OF THE CONVENTION

**INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE  
AT SEA, 1948***London, 10th June, 1948*

The Governments of the Argentine Republic, the Commonwealth of Australia, Belgium, the Republic of the United States of Brazil, Canada, the Republic of Chile, the Republic of China, Denmark, Egypt, the Republic of Finland, the French Republic, Greece, the Republic of Iceland, India, Ireland, the Italian Republic, the Netherlands, New Zealand, Norway, Pakistan, the Republic of Panama, the Republic of the Philippines, the Republic of Poland, the Portuguese Republic, the Union of South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of Soviet Socialist Republics and the Federative People's Republic of Yugoslavia, being desirous of promoting safety of life at sea by establishing in common agreement uniform principles and rules directed thereto:

Considering that this end may best be achieved by the conclusion of a Convention to replace the International Convention for the Safety of Life at Sea, 1929:

Have appointed their Plenipotentiaries, namely:

[List of Plenipotentiaries omitted.]

Who, having communicated their full powers, found in good and due form, have agreed as follows:—

**ARTICLE I**

(a) The Contracting Governments undertake to give effect to the provisions of the present Convention and of the Regulations annexed thereto, which shall be deemed to constitute an integral part of the present Convention. Every reference to the present Convention implies at the same time a reference to these Regulations.

(b) The Contracting Governments undertake to promulgate all laws, decrees, orders and regulations and to take all other steps which may be necessary to give the present Convention full and complete effect, so as to ensure that, from the point of view of safety of life, a ship is fit for the service for which it is intended.

**ARTICLE II**

The ships to which the present Convention applies are ships registered in countries the Governments of which are Contracting

Governments, the ships registered in territories to which the present Convention is extended under Article XIII.

### ARTICLE III

#### LAWS, REGULATIONS, REPORTS

The Contracting Governments undertake to communicate to the Intergovernmental Maritime Consultative Organisation (hereinafter called the Organisation)—

(a) the text of laws, decrees, orders and regulations which shall have been promulgated on the various matters within the scope of the present Convention;

(b) all available official reports or official summaries of reports in so far as they show the results of the provisions of the present Convention, provided always that such reports or summaries are not of a confidential nature; and

(c) a sufficient number of specimens of their Certificates issued under the provisions of the present Convention for circulation to the Contracting Governments for the information of their officers.

### ARTICLE IV

#### CASES OF FORCE MAJEURE

(a) No ship, which is not subject to the provisions of the present Convention at the time of its departure on any voyage, shall become subject to the provisions of the present Convention on account of any deviation from its intended voyage due to stress of weather or any other cause of *force majeure*.

(b) Persons who are on board a ship by reason of *force majeure* or in consequence of the obligation laid upon the master to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to a ship of any provisions of the present Convention.

### ARTICLE V

#### CARRIAGE OF PERSONS IN EMERGENCY

(a) For the purpose of moving persons from any territory in order to avoid a threat to the security of their lives a Contracting Government may permit the carriage of a larger number of persons in its ships than is otherwise permissible under the present Convention.

(b) Such permission shall not deprive other Contracting Governments of any right of control under the present Convention over such ships which come within their ports.

(c) Notice of any such permission, together with a statement

of the circumstances, shall be sent to the Organisation by the Contracting Governments granting such permission.

#### ARTICLE VI SUSPENSION IN CASE OF WAR

(a) In case of war, Contracting Governments which consider that they are affected, whether as belligerents or as neutrals, may suspend the whole or any part of the Regulations annexed hereto. The suspending Government shall immediately give notice of such suspension to the Organisation.

(b) Such suspension shall not deprive other Contracting Governments of any right of control under the present Convention over the ships of the suspending Governments when such ships are within their ports.

(c) The suspending Government may at any time terminate such suspension and shall immediately give notice of such termination to the Organisation.

(d) The Organisation shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

#### ARTICLE VII PRIOR TREATIES AND CONVENTIONS

(a) As between the Contracting Governments the present Convention replaces and abrogates the International Convention for the Safety of Life at Sea which was signed in London on the 31st May, 1929.<sup>1</sup>

(b) All other treaties, conventions and arrangements relating to safety of life at sea, or matters appertaining thereto, at present in force between Governments parties to the present Convention, shall continue to have full and complete effect during the terms thereof as regards:—

(i) ships to which the present Convention does not apply;

(ii) ships to which the present Convention applies, in respect of matters for which it has not expressly provided.

(c) To the extent, however, that such treaties, conventions or arrangements conflict with the provisions of the present Convention, the provisions of the present Convention shall prevail.

(d) All matters which are not expressly provided for in the present Convention remain subject to the legislation of the Contracting Governments.

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<sup>1</sup> "Treaty Series No. 34(1932)," Cmd. 4198; U.S.T.S. No. 910, 50 Stat. at Large 1121.



## ARTICLE VIII

## SPECIAL RULES DRAWN UP BY AGREEMENT

When in accordance with the present Convention special rules are drawn up by agreement between all or some of the Contracting Governments, such rules shall be communicated to the Organisation for circulation to all Contracting Governments.

## ARTICLE IX

## AMENDMENTS

(a) (i) The present Convention may be amended by unanimous agreement between the Contracting Governments.

(ii) Upon the request of any Contracting Government a proposed amendment shall be communicated by the Organisation to all Contracting Governments for consideration and acceptance under this paragraph.

(b) (i) An amendment to the present Convention may be proposed to the Organisation at any time by any Contracting Government, and such proposal if adopted by a two-thirds majority of the Assembly of the Organisation (hereinafter called the Assembly), upon recommendation adopted by a two-thirds majority of the Maritime Safety Committee of the Organisation (hereinafter called the Maritime Safety Committee), shall be communicated by the Organisation to all Contracting Governments for their acceptance.

(ii) Any such recommendation by the Maritime Safety Committee shall be communicated by the Organisation to all Contracting Governments for their consideration at least six months before it is considered by the Assembly.

(c) (i) A conference of Governments to consider amendments to the present Convention proposed by any Contracting Government shall at any time be convened by the Organisation upon the request of one-third of the Contracting Governments.

(ii) Every amendment adopted by such conference by a two-thirds majority of the Contracting Governments shall be communicated by the Organisation to all Contracting Governments for their acceptance.

(d) Any amendment communicated to Contracting Governments for their acceptance under paragraph (b) or (c) of this Article shall come into force for all Contracting Governments, except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the

Contracting Governments including two-thirds of the Governments represented on the Maritime Safety Committee.

(e) The Assembly, by a two-thirds majority vote, including two-thirds of the Governments represented on the Maritime Safety Committee, and subject to the concurrence of two-thirds of the Contracting Governments to the present Convention, or a conference convened under paragraph (c) of this Article by a two-thirds majority vote, may determine at the time of its adoption that the amendment is of such an important nature that any Contracting Government which makes a declaration under paragraph (d) of this Article and which does not accept the amendment within a period of twelve months after the amendment comes into force, shall, upon the expiry of this period, cease to be a party to the present Convention.

(f) Any amendment to the present Convention made under this Article which relates to the structure of a ship shall apply only to ships the keels of which are laid after the date on which the amendment comes into force.

(g) The Organisation shall inform all Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

(h) Any acceptance or declaration under this Article shall be made by a notification in writing to the Organisation, which shall notify all Contracting Governments of the receipt of the acceptance or declaration.

## ARTICLE X

### SIGNATURE AND ACCEPTANCE

(a) The present Convention shall remain open for signature for one month from this day's date and shall, thereafter, remain open for acceptance. Governments of States may become parties to the Convention by:—

(i) signature without reservation as to acceptance;

(ii) signature subject to acceptance followed by acceptance;

or

(iii) acceptance.

(b) Acceptance shall be effected by the deposit of an instrument with the Organisation, which shall inform all Governments that have already accepted the Convention of each acceptance received and of the date of its receipt.

ARTICLE XI  
COMING INTO FORCE

(a) The present Convention shall come into force on the 1st January, 1951, provided that, at least 12 months before that date, not less than 15 acceptances, including 7 by countries each with not less than one million gross tons of shipping, have been deposited in accordance with Articles X and XV.

(b) Should 15 acceptances in accordance with paragraph (a) of this Article not have been deposited 12 months before the 1st January, 1951, the present Convention shall come into force 12 months after the date on which the last of such acceptances is deposited. The Organisation shall inform all Governments which have signed or accepted the present Convention of the date on which it comes into force.

(c) Acceptances deposited after the date on which the present Convention comes into force shall take effect three months after the date of their deposit.

ARTICLE XII  
DENUNCIATION

(a) The present Convention may be denounced by any Contracting Government at any time after the expiry of five years from the date on which the Convention comes into force for that Government.

(b) Denunciation shall be effected by a notification in writing addressed to the Organisation which shall notify all the other Contracting Governments of any denunciation received and of the date of its receipt.

(c) A denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the Organisation.

ARTICLE XIII  
TERRITORIES

(a) (i) The United Nations in cases where they are the administering authority for a territory, or any Contracting Government responsible for the international relations of a territory, may at any time by notification in writing given to the Organisation declare that the present Convention shall extend to such territory.

(ii) The present Convention shall from the date of the receipt of the notification or from such other date as may be specified in the notification extend to the territory named therein.



(b) (i) The United Nations or any Contracting Government which has made a declaration under paragraph (a) of this Article, at any time after the expiry of a period of five years from the date on which the Convention has been so extended to any territory, may by a notification in writing given to the Organisation declare that the present Convention shall cease to extend to any such territory named in the notification.

(ii) The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Organisation.

(c) The Organisation shall inform all the Contracting Governments of the extension of the present Convention to any territories under paragraph (a) of this Article, and of the termination of any such extension under the provisions of paragraph (b), stating in each case the date from which the present Convention has been or will cease to be so extended.

#### ARTICLE XIV

##### REGISTRATION

As soon as the present Convention comes into force it shall be registered by the Organisation with the Secretary-General of the United Nations.

#### ARTICLE XV

##### INTERIM ARRANGEMENTS

(a) Unless and until the Organisation, in accordance with the Convention on the Intergovernmental Maritime Consultative Organisation signed at Geneva on the 6th March, 1948, takes over the duties assigned to it under the present Convention, the following provisions shall apply:—

(i) All duties which are assigned to the Organisation, other than those set forth in Article IX, shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the Government of the United Kingdom).

(ii) Amendments to the present Convention may be proposed at any time by any Contracting Government to the Government of the United Kingdom and such proposals shall be communicated by the latter to the other Contracting Governments for their consideration and acceptance. If any such amendment is unanimously accepted by the Contracting Governments, the present Convention shall be amended accordingly.

(iii) A conference for the purpose of revising the present Convention shall be convened by the Government of the United Kingdom whenever, after the present Convention has been in force for five years, one-third of the Contracting Governments express a desire to that effect.

(iv) The present Convention shall be deposited in the archives of the Government of the United Kingdom, which shall transmit certified true copies thereof to all Signatory Governments.

(b) When the Organisation takes over the duties assigned to it under the present Convention, the Government of the United Kingdom will transmit to the Organisation any documents which have been deposited with or received by the Government of the United Kingdom under the present Convention.

In witness whereof the undersigned Plenipotentiaries have signed the present Convention.

Done in London this tenth day of June, 1948, in a single copy in English and French, each text being equally authoritative.

[Signatures omitted.] [Annexed regulations omitted.]

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#### b. STATUS TABLE AS OF OCTOBER 25, 1956

### INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1948 (WITH ANNEXED REGULATIONS) SIGNED AT LONDON ON 10 JUNE 1948

(Entered into force on 19 November 1952)

<i>State</i>	<i>Date of deposit of instru- ment of ratification or acceptance (a)</i>	
United Kingdom .....	30 September	1949
(Extension to Hong Kong on 7 April 1953; extension to Singapore on 5 August 1953; extension to Malaya on 21 October 1953)		
New Zealand .....	29 December	1949
United States of America .....	5 January	1950
Alaska, Hawaii and Puerto Rico		
France .....	8 February	1950
(Extension to Tunisia and Morocco on 22 April 1955; extension to Overseas Terri- tories on 31 May 1955)		
Netherlands .....	18 April	1950
(Extension to Netherlands Antilles on 11 Jan- uary 1955)		
Sweden .....	16 May	1950
Norway .....	12 June	1950

**INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1948**  
—CONTINUED

<i>State</i>	<i>Date of deposit of instrument of ratification or acceptance (a)</i>	
Union of South Africa .....	18 August	1950
Iceland .....	19 October	1950
Portugal .....	30 November	1950
Canada .....	1 February	1951
Pakistan .....	1 February	1951
Denmark .....	15 October	1951
Yugoslavia .....	13 November	1951
Italy .....	19 November	1951
(Extension to Somaliland on 6 July 1953)		
Belgium .....	5 December	1951
Israel .....	2 July	1952
Japan .....	23 July	1952
Philippines .....	2 October	1952
India .....	19 November	1952
Spain .....	26 December	1952
Spanish Morocco, Spanish Colonies		
Liberia .....	13 January	1953
Chile .....	5 June	1953
Finland .....	13 August	1953
Ireland .....	19 August	1953
Viet Nam .....	12 September	1953
Panama .....	8 January	1954
Greece .....	21 January	1954
Nicaragua .....	19 February	1954 a
Cambodia .....	2 March	1954 a
Union of Soviet Socialist Republics .....	10 May	1954 a
Switzerland .....	19 May	1954 a
Haiti .....	26 May	1954 a
Egypt .....	11 June	1954 a
Poland .....	11 June	1954 a
Federal Republic of Germany .....	19 August	1954 a
(valid for Berlin)		
Cuba .....	26 August	1954 a
Romania .....	30 September	1954 a
Monaco .....	12 January	1955 a
Dominican Republic .....	29 March	1955 a
Brazil .....	1 January	1956
Venezuela .....	8 February	1956 a
Argentina .....	31 July	1956
Hungary .....	15 August	1956 a

N.B. Status information obtained through the courtesy of the Treaty Section, Office of Legal Affairs, United Nations Secretariat. As of August 1957, Bulgaria, Turkey, and Czechoslovakia have also deposited acceptances.



## 2. International Regulations for Preventing Collisions at Sea, 1948

NOTE. These Regulations entered into force on January 1, 1954. The text is not reprinted here. The Regulations are printed in Coast Guard-169 as of March 1, 1955. The Regulations as originally adopted may be found in 4 *UST* 2956; *TIAS* No. 2899; and *British Command Paper* No. 9050.

\* \* \* \* \*

### a. PARTIES TO THE REGULATIONS AS OF OCTOBER 25, 1956

Argentina	Japan
Australia	Liberia
Belgium	Mexico
Brazil	Netherlands
Bulgaria	New Zealand
Burma	Nicaragua
Canada	Norway
Chile	Pakistan
Colombia	Panama
Czechoslovakia	Peru
Denmark	Philippines
Dominican Republic	Poland
Ecuador	Portugal
Egypt	Rumania
Finland	Spain
France	Sweden
Federal Republic of Germany	Thailand
Greece	Turkey
Haiti	Union of South Africa
Hungary	Union of Soviet Socialist Republics
Iceland	United Kingdom
India	United States
Iraq	Uruguay
Ireland	Venezuela
Israel	Viet-Nam
Italy	Yugoslavia

N. B. Status information obtained through the courtesy of the Treaty Section, Office of Legal Affairs, United Nations Secretariat. As of August 1957, Cuba had also become a party to the Regulations.

## C. United Nations Maritime Consultative Organization, 1948 (Not in Force, 1956)

1. NOTE. The Convention for the Establishment of the Inter-governmental Maritime Consultative Organization is not in force as of 1956. It was concluded at Geneva 6 March 1948. The Final Act and Related Documents are contained in United Nations Publication 1948. VIII. 2. The Agreement for Provisional Maritime Consultative Council, adopted October 30, 1946, entered into force for the United States April 23, 1947, 61 Stat. (4) 3796; *TIAS* No. 1724. Fourteen other states were parties as of October 31, 1956. (*Department of State Publication* No. 6427, p. 194.) The following text of the 1948 Convention is taken from *British Command Paper* No. 7412.

\* \* \* \* \*

## a. TEXT OF THE CONVENTION

**CONVENTION FOR THE ESTABLISHMENT OF THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANISATION (1948)**

The States parties to the present Convention hereby establish the Inter-governmental Maritime Consultative Organisation (hereinafter referred to as "the Organisation").

**Part I.—Purposes of the Organisation****ARTICLE 1**

The purposes of the Organisation are:—

(a) to provide machinery for co-operation among Governments in the field of Governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation;

(b) to encourage the removal of discriminatory action and unnecessary restrictions by Governments affecting shipping engaged in inter-national trade so as to promote the availability of shipping services to the commerce of the world without discrimination; assistance and encouragement given by a Government for the development of its national shipping and for purposes of security does not in itself constitute discrimination, provided that such assistance and encouragement is not based on measures designed to restrict the freedom of shipping of all flags to take part in international trade;

(c) to provide for the consideration by the Organisation of matters concerning unfair restrictive practices by shipping concerns in accordance with Part II;

(d) to provide for the consideration by the Organisation of any matters concerning shipping that may be referred to it by any organ or specialised agency of the United Nations;

(e) to provide for the exchange of information among Governments on matters under consideration by the Organisation.

**Part II.—Functions****ARTICLE 2**

The functions of the Organisation shall be consultative and advisory.

### ARTICLE 3

In order to achieve the purposes set out in Part I, the functions of the Organisation shall be:—

(a) subject to the provisions of Article 4, to consider and make recommendations upon matters arising under Article 1 (a), (b) and (c) that may be remitted to it by members, by any organ or specialised agency of the United Nations or by any other inter-governmental organisation or upon matters referred to it under Article 1 (d) ;

(b) to provide for the drafting of conventions, agreements, or other suitable instruments, and to recommend these to Governments and to inter-governmental organisations, and to convene such conferences as may be necessary;

(c) to provide machinery for consultation among members and the exchange of information among Governments.

### ARTICLE 4

In those matters which appear to the Organisation capable of settlement through the normal processes of international shipping business the Organisation shall so recommend. When, in the opinion of the Organisation, any matter concerning unfair restrictive practices by shipping concerns is incapable of settlement through the normal processes of international shipping business, or has in fact so proved, and provided it shall first have been the subject of direct negotiations between the Members concerned, the Organisation shall, at the request of one of those members, consider the matter.

## **Part III.—Membership**

### ARTICLE 5

Membership in the Organisation shall be open to all States, subject to the provisions of Part III.

### ARTICLE 6

Members of the United Nations may become members of the Organisation by becoming parties to the Convention in accordance with the provisions of Article 57.

### ARTICLE 7

States not members of the United Nations which have been invited to send representatives to the United Nations Maritime Conference convened in Geneva on 19th February, 1948, may be-



come members by becoming parties to the Convention in accordance with the provisions of Article 57.

#### ARTICLE 8

Any State not entitled to become a member under Article 6 or 7 may apply through the Secretary-General of the Organisation to become a member and shall be admitted as a member upon its becoming a party to the Convention in accordance with the provisions of Article 57, provided that, upon the recommendation of the Council, its application has been approved by two-thirds of the members other than associate-members.

#### ARTICLE 9

Any territory or group of territories to which the Convention has been made applicable under Article 58, by the member having responsibility for its international relations or by the United Nations, may become an associate-member of the Organisation by notification in writing given by such member or by the United Nations, as the case may be, to the Secretary-General of the United Nations.

#### ARTICLE 10

An associate-member shall have the rights and obligations of a member under the Convention except that it shall not have the right to vote in the Assembly or be eligible for membership on the Council or on the Maritime Safety Committee and subject to this the word "member" in the Convention shall be deemed to include associate-member unless the context otherwise requires.

#### ARTICLE 11

No State or territory may become or remain a member of the Organisation contrary to a resolution of the General Assembly of the United Nations.

### **Part IV.—Organs**

#### ARTICLE 12

The Organisation shall consist of an Assembly, a Council, a Maritime Safety Committee, and such subsidiary organs as the Organisation may at any time consider necessary; and a Secretariat.

### **Part V.—The Assembly**

#### ARTICLE 13

The Assembly shall consist of all the members.

## ARTICLE 14

Regular sessions of the Assembly shall take place once every 2 years. Extraordinary sessions shall be convened after a notice of 60 days whenever one-third of the members give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of 60 days.

## ARTICLE 15

A majority of the members other than associate-members shall constitute a quorum for the meetings of the Assembly.

## ARTICLE 16

The functions of the Assembly shall be:—

(a) to elect at each regular session from among its members, other than associate-members, its President and 2 Vice-Presidents who shall hold office until the next regular session;

(b) to determine its own rules of procedure except as otherwise provided in the Convention;

(c) to establish any temporary or, upon recommendation of the Council, permanent subsidiary bodies it may consider to be necessary;

(d) to elect the members to be represented on the Council, as provided in Article 17, and on the Maritime Safety Committee as provided in Article 28;

(e) to receive and consider the reports of the Council, and to decide upon any question referred to it by the Council;

(f) to vote the budget and determine the financial arrangements of the Organisation, in accordance with Part IX;

(g) to review the expenditures and approve the accounts of the Organisation;

(h) to perform the functions of the Organisation, provided that in matters relating to Article 3 (a) and (b), the Assembly shall refer such matters to the Council for formulation by it of any recommendations or instruments thereon; provided further that any recommendations or instruments submitted to the Assembly by the Council and not accepted by the Assembly shall be referred back to the Council for further consideration with such observations as the Assembly may make;

(i) to recommend to members for adoption regulations concerning maritime safety, or amendments to such regulations, which have been referred to it by the Maritime Safety Committee through the Council;

(j) to refer to the Council for consideration or decision any

matters within the scope of the Organisation, except that the function of making recommendations under paragraph (i) of this Article shall not be delegated.

## Part VI.—The Council

### ARTICLE 17

The Council shall consist of 16 members and shall be composed as follows:—

(a) six shall be Governments of the nations with the largest interest in providing international shipping services;

(b) six shall be Governments of other nations with the largest interest in international sea-borne trade;

(c) two shall be elected by the Assembly from among the Governments of nations having a substantial interest in providing international shipping services; and

(d) two shall be elected by the Assembly from among the Governments of nations having a substantial interest in international sea-borne trade.

In accordance with the principles set forth in this article the first Council shall be constituted as provided in Appendix I to the present Convention.

### ARTICLE 18

Except as provided in Appendix I to the present Convention, the Council shall determine, for the purpose of Article 17 (a), the members, Governments of nations with the largest interest in providing international shipping services, and shall also determine, for the purpose of Article 17 (c), the members, Governments of nations having a substantial interest in providing such services. Such determinations shall be made by a majority vote of the Council, including the concurring votes of a majority of the members represented on the Council under Article 17 (a) and (c). The Council shall further determine, for the purpose of Article 17 (b), the members, Governments of nations with the largest interest in international sea-borne trade. Each Council shall make these determinations at a reasonable time before each regular session of the Assembly.

### ARTICLE 19

Members represented on the Council in accordance with Article 17 shall hold office until the end of the next regular session of the Assembly. Members shall be eligible for re-election.



## ARTICLE 20

(a) The Council shall elect its Chairman and adopt its own rules of procedure except as otherwise provided in the Convention.

(b) Twelve members of the Council shall constitute a quorum.

(c) The Council shall meet upon one month's notice as often as may be necessary for the efficient discharge of its duties upon the summons of its Chairman or upon request by not less than 4 of its members. It shall meet at such places as may be convenient.

## ARTICLE 21

The Council shall invite any member to participate, without vote, in its deliberations on any matter of particular concern to that member.

## ARTICLE 22

(a) The Council shall receive the recommendations and reports of the Maritime Safety Committee and shall transmit them to the Assembly and, when the Assembly is not in session, to the members for information, together with the comments and recommendations of the Council.

(b) Matters within the scope of Article 29 shall be considered by the Council only after obtaining the views of the Maritime Safety Committee thereon.

## ARTICLE 23

The Council, with the approval of the Assembly, shall appoint the Secretary-General. The Council shall also make provision for the appointment of such other personnel as may be necessary, and determine the terms and conditions of service of the Secretary-General and other personnel, which terms and conditions shall conform as far as possible with those of the United Nations and its specialised agencies.

## ARTICLE 24

The Council shall make a report to the Assembly at each regular session on the work of the Organisation since the previous regular session of the Assembly.

## ARTICLE 25

The Council shall submit to the Assembly the budget estimates and the financial statements of the Organisation, together with its comments and recommendations.

## ARTICLE 26

The Council may enter into agreements or arrangements covering the relationship of the Organisation with other organisations, as provided for in Part XII. Such agreements or arrangements shall be subject to approval by the Assembly.

## ARTICLE 27

Between sessions of the Assembly, the Council shall perform all the functions of the Organisation, except the function of making recommendations under Article 16 (i).

**Part VII.—Maritime Safety Committee**

## ARTICLE 28

(a) The Maritime Safety Committee shall consist of 14 members elected by the Assembly from the members, Governments of those nations having an important interest in maritime safety, of which not less than 8 shall be the largest ship-owning nations, and the remainder shall be elected so as to ensure adequate representation of members, Governments of other nations with an important interest in maritime safety, such as nations interested in the supply of large numbers of crews or in the carriage of large numbers of berthed and unberthed passengers, and of major geographical areas.

(b) Members shall be elected for a term of 4 years and shall be eligible for re-election.

## ARTICLE 29

(a) The Maritime Safety Committee shall have the duty of considering any matter within the scope of the Organisation and concerned with aids to navigation, construction and equipment of vessels, manning from a safety standpoint, rules for the prevention of collisions, handling of dangerous cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigation, salvage and rescue, and any other matters directly affecting maritime safety.

(b) The Maritime Safety Committee shall provide machinery for performing any duties assigned to it by the Convention, or by the Assembly, or any duty within the scope of this article which may be assigned to it by any other inter-governmental instrument.

(c) Having regard to the provisions of Part XII, the Maritime Safety Committee shall have the duty of maintaining such close

relationship with other inter-governmental bodies concerned with transport and communications as may further the object of the Organisation in promoting maritime safety and facilitate the co-ordination of activities in the fields of shipping, aviation, telecommunications and meteorology with respect to safety and rescue.

#### ARTICLE 30

The Maritime Safety Committee, through the Council, shall:—

(a) submit to the Assembly at its regular sessions proposals made by members for safety regulations or for amendments to existing safety regulations, together with its comments or recommendations thereon;

(b) report to the Assembly on the work of the Maritime Safety Committee since the previous regular session of the Assembly.

#### ARTICLE 31

The Maritime Safety Committee shall meet once a year and at other times upon request of any 5 of its members. It shall elect its officers once a year and shall adopt its own rules of procedure. A majority of its members shall constitute a quorum.

#### ARTICLE 32

The Maritime Safety Committee shall invite any member to participate, without vote, in its deliberations on any matter of particular concern to that member.

### Part VIII.—The Secretariat

#### ARTICLE 33

The Secretariat shall comprise the Secretary-General, a Secretary of the Maritime Committee and such staff as the Organisation may require. The Secretary-General shall be the chief administrative officer of the Organisation, and shall, subject to the provisions of Article 23, appoint the abovementioned personnel.

#### ARTICLE 34

The Secretariat shall maintain all such records as may be necessary for the efficient discharge of the functions of the Organisation and shall prepare, collect, and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Council, the Maritime Safety Committee, and such subsidiary organs as the Organisation may establish.



## ARTICLE 35

The Secretary-General shall prepare and submit to the Council the financial statements for each year and the budget estimates on a biennial basis, with the estimates for each year shown separately.

## ARTICLE 36

The Secretary-General shall keep members informed with respect to the activities of the Organisation. Each member may appoint one or more representatives for the purpose of communication with the Secretary-General.

## ARTICLE 37

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials. Each member on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

## ARTICLE 38

The Secretary-General shall perform such other tasks as may be assigned to him by the Convention, the Assembly, the Council and the Maritime Safety Committee.

**Part IX.—Finances**

## ARTICLE 39

Each member shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on the Council, the Maritime Safety Committee, other committees and subsidiary bodies.

## ARTICLE 40

The Council shall consider the financial statements and budget estimates prepared by the Secretary-General and submit them to the Assembly with its comments and recommendations.

## ARTICLE 41

(a) Subject to any agreement between the Organisation and the United Nations, the Assembly shall review and approve the budget estimates.

(b) The Assembly shall apportion the expenses among the members in accordance with a scale to be fixed by it after consideration of the proposals of the Council thereon.

#### ARTICLE 42

Any member which fails to discharge its financial obligation to the Organisation within one year from the date on which it is due shall have no vote in the Assembly, the Council, or the Maritime Safety Committee unless the Assembly, at its discretion, waives this provision.

### Part X.—Voting .

#### ARTICLE 43

The following provisions shall apply to voting in the Assembly, the Council and the Maritime Safety Committee:—

(a) Each member shall have one vote.

(b) Except as otherwise provided in the Convention or in any international agreement which confers functions on the Assembly, the Council, or the Maritime Safety Committee, decisions of these organs shall be by a majority vote of the members present and voting and, for decisions where a two-thirds majority vote is required, by a two-thirds majority vote of those present.

(c) For the purpose of the Convention, the phrase “members present and voting” means “members present and casting an affirmative or negative vote.” Members which abstain from voting shall be considered as not voting.

### Part XI.—Headquarters of the Organisation

#### ARTICLE 44

(a) The headquarters of the Organisation shall be established in London.

(b) The Assembly may by a two-thirds majority vote change the site of the headquarters if necessary.

(c) The Assembly may hold sessions in any place other than the headquarters if the Council deems it necessary.

### Part XII.—Relationship with the United Nations and other Organisations

#### ARTICLE 45

The Organisation shall be brought into relationship with the United Nations in accordance with Article 57 of the Charter

of the United Nations as the specialised agency in the field of shipping. This relationship shall be effected through an agreement with the United Nations under Article 63 of the Charter of the United Nations, which agreement shall be concluded as provided in Article 26.

#### ARTICLE 46

The Organisation shall co-operate with any specialised agency of the United Nations in matters which may be the common concern of the Organisation and of such specialised agency, and shall consider such matters and act with respect to them in accord with such specialised agency.

#### ARTICLE 47

The Organisation may, on matters within its scope, co-operate with other inter-governmental organisations which are not specialised agencies of the United Nations, but whose interests and activities are related to the purposes of the Organisation.

#### ARTICLE 48

The Organisation may, on matters within its scope, make suitable arrangements for consultation and co-operation with non-governmental international organisations.

#### ARTICLE 49

Subject to approval by a two-thirds majority vote of the Assembly, the Organisation may take over from any other international organisations, governmental or non-governmental, such functions, resources and obligations within the scope of the Organisation as may be transferred to the Organisation by international agreements or by mutually acceptable arrangements entered into between competent authorities of the respective organisations. Similarly, the Organisation may take over any administrative functions which are within its scope and which have been entrusted to a Government under the terms of any international instrument.

### **Part XIII.—Legal Capacity, Privileges and Immunities**

#### ARTICLE 50

The Legal capacity, privileges and immunities to be accorded to, or in connexion with, the Organisation shall be derived from and governed by the General Convention on the Privileges and Immunities of the Specialised Agencies approved by the General Assembly of the United Nations on 21st November, 1947, subject to



such modifications as may be set forth in the final (or revised) text of the Annex approved by the Organisation in accordance with Sections 36 and 38 of the said General Convention.

#### ARTICLE 51

Pending its accession to the said General Convention in respect of the Organisation, each member undertakes to apply the provisions of Appendix II to the present Convention.

### Part XIV.—Amendments

#### ARTICLE 52

Texts of proposed amendments to the Convention shall be communicated by the Secretary-General to members at least 6 months in advance of their consideration by the Assembly. Amendments shall be adopted by a two-thirds majority vote of the Assembly, including the concurring votes of a majority of the members represented on the Council. Twelve months after its acceptance by two-thirds of the members of the Organisation, other than associate-members, each amendment shall come into force for all members except those which, before it comes into force, make a declaration that they do not accept the amendment. The Assembly may by a two-thirds majority vote determine at the time of its adoption that an amendment is of such a nature that any member which has made such a declaration and which does not accept the amendment within a period of 12 months after the amendment comes into force shall, upon the expiration of this period, cease to be a party to the Convention.

#### ARTICLE 53

Any amendment adopted under Article 52 shall be deposited with the Secretary-General of the United Nations, who will immediately forward a copy of the amendment to all members.

#### ARTICLE 54

A declaration or acceptance under Article 52 shall be made by the communication of an instrument to the Secretary-General for deposit with the Secretary-General of the United Nations. The Secretary-General will notify members of the receipt of any such instrument and of the date when the amendment enters into force.

### Part XV.—Interpretation

#### ARTICLE 55

Any question or dispute concerning the interpretation or appli-

cation of the Convention shall be referred for settlement to the Assembly, or shall be settled in such other manner as the parties to the dispute agree. Nothing in this article shall preclude the Council or the Maritime Safety Committee from settling any such question or dispute that may arise during the exercise of their functions.

#### ARTICLE 56

Any legal question which cannot be settled as provided in Article 55 shall be referred by the Organisation to the International Court of Justice for an advisory opinion in accordance with Article 96 of the Charter of the United Nations.

### Part XVI.—Miscellaneous Provisions

#### ARTICLE 57

##### SIGNATURE AND ACCEPTANCE

Subject to the provisions of Part III the present Convention shall remain open for signature or acceptance and States may become parties to the Convention by:—

- (a) signature without reservation as to acceptance;
- (b) signature subject to acceptance followed by acceptance;

or

- (c) acceptance.

Acceptance shall be effected by the deposit of an instrument with the Secretary-General of the United Nations.

#### ARTICLE 58

##### TERRITORIES

(a) Members may make a declaration at any time that their participation in the Convention includes all or a group or a single one of the territories for whose international relations they are responsible.

(b) The Convention does not apply to territories for whose international relations members are responsible unless a declaration to that effect has been made on their behalf under the provisions of paragraph (a) of this article.

(c) A declaration made under paragraph (a) of this article shall be communicated to the Secretary-General of the United Nations and a copy of it will be forwarded by him to all States invited to the United Nations Maritime Conference and to such other States as may have become members.

(d) In cases where under a trusteeship agreement the United Nations is the administering authority, the United Nations may

accept the Convention on behalf of one, several, or all of the trust territories in accordance with the procedure set forth in Article 57.

#### ARTICLE 59 WITHDRAWAL

(a) Any member may withdraw from the Organisation by written notification given to the Secretary-General of the United Nations, who will immediately inform the other members and the Secretary-General of the Organisation of such notification. Notification of withdrawal may be given at any time after the expiration of 12 months from the date on which the Convention has come into force. The withdrawal shall take effect upon the expiration of 12 months from the date on which such written notification is received by the Secretary-General of the United Nations.

(b) The application of the Convention to a territory or group of territories under Article 58 may at any time be terminated by written notification given to the Secretary-General of the United Nations by the member responsible for its international relations or, in the case of a trust territory of which the United Nations is the administering authority, by the United Nations. The Secretary-General of the United Nations will immediately inform all members and the Secretary-General of the Organisation of such notification. The notification shall take effect upon the expiration of 12 months from the date on which it is received by the Secretary-General of the United Nations.

### Part XVII.—Entry into Force

#### ARTICLE 60

The present Convention shall enter into force on the date when 21 States, of which 7 shall each have a total tonnage of not less than 1 million gross tons of shipping, have become parties to the Convention in accordance with Article 57.

#### ARTICLE 61

The Secretary-General of the United Nations will inform all States invited to the United Nations Maritime Conference and such other States as may have become members, of the date when each State becomes party to the Convention, and also of the date on which the Convention enters into force.

#### ARTICLE 62

The present Convention, of which the English, French and



Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who will transmit certified copies thereof to each of the States invited to the United Nations Maritime Conference and to such other States as may have become members.

### ARTICLE 63

The United Nations is authorised to effect registration of the Convention as soon as it comes into force.

IN WITNESS WHEREOF the undersigned being duly authorised by their respective Governments for that purpose have signed the present Convention.

Done at Geneva this 6th day of March, 1948.

[Signatures omitted.]

### APPENDIX I

(Referred to in Article 17)

#### Composition of the First Council

In accordance with the principles set forth in Article 17 the first Council shall be constituted as follows:—

(a) The 6 members under Article 17 (a) being—

Greece.	Sweden.
Netherlands.	United Kingdom.
Norway.	United States.

(b) The 6 members under Article 17 (b) being—

Argentina.	Canada.
Australia.	France.
Belgium.	India.

(c) Two members to be elected by the Assembly under Article 17 (c) from a panel nominated by the 6 members named in paragraph (a) of this Appendix.

(d) Two members elected by the Assembly under Article 17 (d) from among the members having a substantial interest in international sea-borne trade.

### APPENDIX II

(Referred to in Article 51)

#### Legal Capacity, Privileges and Immunities

The following provisions on legal capacity, privileges and immunities shall be applied by members to, or in connexion with, the

Organisation pending their accession to the General Convention on Privileges and Immunities of Specialised Agencies in respect of the Organisation:

### SECTION 1

The Organisation shall enjoy in the territory of each of its members such legal capacity as is necessary for the fulfilment of its purposes and the exercise of its functions.

### SECTION 2

(a) The Organisation shall enjoy in the territory of each of its members such privileges and immunities as are necessary for the fulfilment of its purposes and the exercise of its functions.

(b) Representatives of members, including alternates and advisers and officials and employees of the Organisation, shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connexion with the Organisation.

### SECTION 3

In applying the provisions of Sections 1 and 2 of this Appendix, the members shall take into account as far as possible the standard clauses of the General Convention on the Privileges and Immunities of the Specialised Agencies.

\* \* \* \* \*

#### b. STATUS OF THE CONVENTION AS OF OCTOBER 25, 1956 (NOT IN FORCE)

\* \* \*

#### CONVENTION ON THE INTER-GOVERNMENTAL MARITIME CONSULTATIVE ORGANISATION, 6 MARCH 1948

\* \* \*

<i>State</i>	<i>Signature subject to approval</i>	<i>Acceptance</i>
Argentina	6 March 1948	18 June 1953
Australia	6 March 1948	13 February 1952
Belgium	6 March 1948	9 August 1951

The ratification is valid only for the metropolitan territories; the territories of the Belgian Congo and the Trust Territories of Ruanda-Urundi are expressly excluded.

Burma	6 July 1951
Canada	15 October 1948

**CONVENTION ON THE INTER-GOVERNMENTAL MARITIME  
CONSULTATIVE ORGANISATION, 6 MARCH 1948—CONTINUED**

<i>State</i>	<i>Signature subject to approval</i>	<i>Acceptance</i>
Chile	6 March 1948	
Colombia	6 March 1948	
Dominican Republic		25 August 1953
Ecuador		12 July 1956
(With declaration)		
Egypt	6 March 1948	5 April 1954
Finland	6 March 1948	
France	6 March 1948	9 April 1952
Greece	6 March 1948	6 December 1950
	(Withdrawn 26 March 1956)	
Haiti		23 June 1953
Honduras	13 April 1954	23 August 1954
India	6 March 1948	
Iran	10 June 1954	
Ireland	6 March 1948	26 February 1951
Israel		24 April 1952
Italy	6 March 1948	
Lebanon	6 March 1948	
Liberia	9 March 1954	
Mexico		21 September 1954
(With a reservation)		
Netherlands	6 March 1948	31 March 1949
By a notification received on 3 October 1949, notice was given that the participation of the Netherlands in this Convention includes Indonesia, Surinam and the Netherlands West Indies.		
By a further notification received on 12 July 1951, notice was given that the participation of the Netherlands in this Convention, from 27 December 1949, no longer includes the territories under the jurisdiction of the Republic of Indonesia but includes Surinam, the Netherlands Antilles (formerly the Netherlands West Indies) and Netherlands New Guinea.		
Poland	6 March 1948	
Portugal	6 March 1948	
Switzerland	6 March 1948	20 July 1955
(With a reservation)		



**CONVENTION ON THE INTER-GOVERNMENTAL MARITIME  
CONSULTATIVE ORGANISATION, 6 MARCH 1948—CONTINUED**

<i>State</i>	<i>Signature subject to approval</i>	<i>Acceptance</i>
Turkey	6 March 1948	
United Kingdom of Great Brit- ain and Northern Ireland	6 March 1948	14 February 1949
United States of America (With a reservation)	6 March 1948	17 August 1950

N. B. Status information obtained through the courtesy of the Treaty Section, Office of Legal Affairs, United Nations Secretariat.

**D. The International Convention for the Prevention of  
Pollution of the Sea by Oil, 1954 (Not in Force, 1956)**

1. NOTE. This Convention was concluded at the International Conference on Pollution of the Sea by Oil, London, May 12, 1954. The Final Act, including various Resolutions adopted, and the text of the Convention, are printed in *British Command Paper* No. 9197. There is a Note giving the history of earlier draft conventions on the same subject which never came into force in Naval War College, *International Law Documents, 1948-49* (1950), at page 180. The texts of various United States laws still in force on the subject as of 2 January 1956 are printed in *Ibid.*, pages 180-182. The text of the Convention and Annex A thereto which follow are from *Cmd. 9197*.

\* \* \* \* \*

**a. TEXT OF THE CONVENTION AND ANNEX A ON PROHIBITED ZONES**

**“THE INTERNATIONAL CONVENTION FOR THE PREVENTION  
OF POLLUTION OF THE SEA BY OIL, 1954**

*London, May 12, 1954*

The Governments represented at the International Conference on Pollution of the Sea by Oil held in London from 26th April, 1954, to 12th May, 1954,

Desiring to take action by common agreement to prevent pollution of the sea by oil discharged from ships, and considering that this end may best be achieved by the conclusion of a Convention,

Have accordingly appointed the undersigned plenipotentiaries, who, having communicated their full powers, found in good and due form, have agreed as follows:—

**ARTICLE I**

(1) For the purposes of the present Convention, the following expressions shall (unless the context otherwise requires) have

the meanings hereby respectively assigned to them, that is to say:—

‘The Bureau’ has the meaning assigned to it by Article XXI;

‘Discharge’ in relation to oil or to an oily mixture means any discharge or escape howsoever caused;

‘Heavy diesel oil’ means marine diesel oil, other than those distillates of which more than 50 per cent. by volume distils at a temperature not exceeding 340°C. when tested by A.S.T.M. Standard Method D.158/53;

‘Mile’ means a nautical mile of 6080 feet or 1852 metres;

‘Oil’ means crude oil, fuel oil, heavy diesel oil and lubricating oil, and ‘oily’ shall be construed accordingly.

(2) For the purposes of the present Convention the territories of a Contracting Government mean the territory of the country of which it is the Government and any other territory for the international relations of which the Government is responsible and to which the Convention shall have been extended under Article XVIII.

## ARTICLE II

The present Convention shall apply to sea-going ships, registered in any of the territories of a Contracting Government, except

- (i) ships for the time being used as naval auxiliaries;
- (ii) ships of under 500 tons gross tonnage;
- (iii) ships for the time being engaged in the whaling industry;
- (iv) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

## ARTICLE III

(1) Subject to the provisions of Articles IV and V, the discharge from any tanker, being a ship to which the Convention applies, within any of the prohibited zones referred to in Annex A to the Convention in relation to tankers of—

- (a) oil;
  - (b) any oily mixture the oil in which fouls the surface of the sea,
- shall be prohibited.

For the purposes of this paragraph the oil in an oily mixture of less than 100 parts of oil in 1,000,000 parts of the mixture shall not be deemed to foul the surface of the sea.

(2) Subject to the provisions of Articles IV and V, any dis-

charge into the sea from a ship, being a ship to which the Convention applies and not being a tanker, of oily ballast water or tank washings shall be made as far as practicable from land. As from a date three years after the date on which the Convention comes into force, paragraph (1) of this Article shall apply to ships other than tankers as it applies to tankers, except that:—

(a) the prohibited zones in relation to ships other than tankers shall be those referred to as such in Annex A to the Convention; and

(b) the discharge of oil or of an oily mixture from such a ship shall not be prohibited when the ship is proceeding to a port not provided with such reception facilities as are referred to in Article VIII.

(3) Any contravention of paragraphs (1) and (2) of this Article shall be an offence punishable under the laws of the territory in which the ship is registered.

#### ARTICLE IV

(1) Article III shall not apply to:—

(a) the discharge of oil or of an oily mixture from a ship for the purpose of securing the safety of the ship, preventing damage to the ship or cargo, or saving life at sea; or

(b) the escape of oil, or of an oily mixture, resulting from damage to the ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimising the escape.

(c) the discharge of sediment:—

(i) which cannot be pumped from the cargo tanks of tankers by reason of its solidity; or

(ii) which is residue arising from the purification or clarification of oil fuel or lubricating oil,

provided that such discharge is made as far from land as is practicable.

(2) In the event of such discharge or escape as is referred to in this Article a statement shall be made in the oil record book required by Article IX of the circumstances of and reason for the discharge.

#### ARTICLE V

Article III shall not apply to the discharge from the bilges of a ship:—

(a) of any oily mixture during the period of twelve months following the date on which the Convention comes into force in



respect of the territory in which the ship is registered;

(b) after the expiration of such period, of an oily mixture containing no oil other than lubricating oil.

#### ARTICLE VI

The penalties which may be imposed in pursuance of Article III under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or of an oily mixture into waters outside the territorial waters of that territory shall not be less than the penalties which may be imposed under the law of that territory in respect of the unlawful discharge of oil or of an oily mixture from a ship into such territorial waters.

#### ARTICLE VII

As from a date twelve months after the present Convention comes into force in respect of any of the territories of a Contracting Government all ships registered in that territory shall be required to be so fitted as to prevent the escape of fuel oil or heavy diesel oil into bilges the contents of which are discharged into the sea without being passed through an oily-water separator.

#### ARTICLE VIII

As from a date three years after the present Convention comes into force in respect of any of the territories of a Contracting Government, that Government shall ensure the provision in each main port in that territory of facilities adequate for the reception, without causing undue delay to ships, of such residues from oily ballast water and tank washings as would remain for disposal by ships, other than tankers, using the port, if the water had been separated by the use of an oily-water separator, a settling tank or otherwise. Each Contracting Government shall from time to time determine which ports are the main ports in its territories for the purposes of this Article, and shall notify the Bureau in writing accordingly indicating whether adequate reception facilities have been installed.

#### ARTICLE IX

(1) There shall be carried in every ship to which the Convention applies an oil record book (whether as part of the ship's official log-book or otherwise) in the form specified in Annex B to the present Convention. The appropriate entries shall be made in that book, and each page of the book, including any statement under paragraph (2) of Article IV, shall be signed by the officer

or officers in charge of the operations concerned and by the master of the ship. The written entries in the oil record book shall be in an official language of the territory in which the ship is registered, or in English or French.

(2) The competent authorities of any of the territories of a Contracting Government may inspect on board any such ship while within a port in that territory the oil record book required to be carried in the ship in compliance with the provisions of the Convention, and may make a true copy of any entry in that book and may require the master of the ship to certify that the copy is a true copy of such entry. Any copy so made which purports to have been certified by the master of the ship as a true copy of an entry in the ship's oil record book shall be made admissible in any judicial proceedings as evidence of the facts stated in the entry. Any action by the competent authorities under this paragraph shall be taken as expeditiously as possible and the ship shall not be delayed.

#### ARTICLE X

(1) Any Contracting Government may furnish to the Contracting Government in the territory of which a ship is registered particulars in writing of evidence that any provision of the Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention.

(2) Upon receiving such particulars the latter Government shall investigate the matter, and may request the former Government to furnish further or better particulars of the alleged contravention. If the Government in the territory of which the ship is registered is satisfied that sufficient evidence is available in the form required by law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible, and shall inform the other Contracting Government and the Bureau of the result of such proceedings.

#### ARTICLE XI

Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.



## ARTICLE XII

Each Contracting Government shall send to the Bureau and to the appropriate organ of the United Nations:—

(a) the text of laws, decrees, orders and regulations in force in its territories which give effect to the present Convention;

(b) all official reports or summaries of official reports in so far as they show the results of the application of the provisions of the Convention, provided always that such reports or summaries are not, in the opinion of that Government, of a confidential nature.

## ARTICLE XIII

Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which cannot be settled by negotiation shall be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.

## ARTICLE XIV

(1) The present Convention shall remain open for signature for three months from this day's date and shall thereafter remain open for acceptance.

(2) Governments may become parties to the Convention by—  
 (i) signature without reservation as to acceptance;  
 (ii) signature subject to acceptance followed by acceptance; or  
 (iii) acceptance.

(3) Acceptance shall be effected by the deposit of an instrument of acceptance with the Bureau, which shall inform all Governments that have already signed or accepted the Convention of each signature and deposit of an acceptance and of the date of such signature or deposit.

## ARTICLE XV

(1) The present Convention shall come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage.

(2) (a) For each Government which signs the Convention without reservation as to acceptance or accepts the Convention before the date on which the Convention comes into force in accordance with paragraph (1) of this Article it shall come into force on that date. For each Government which accepts the Con-



vention on or after that date, it shall come into force three months after the date of the deposit of that Government's acceptance.

(b) The Bureau shall, as soon as possible, inform all Governments which have signed or accepted the Convention of the date on which it will come into force.

#### ARTICLE XVI

(1) Upon the request of any Contracting Government a proposed amendment of the present Convention shall be communicated by the Bureau to all Contracting Governments for consideration.

(2) Any amendment communicated to Contracting Governments for consideration under paragraph (1) of this Article shall be deemed to have been accepted by all Contracting Governments and shall come into force on the expiration of a period of six months after it has been so communicated, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that it does not accept the amendment.

(3) (a) A conference of Contracting Governments to consider amendments of the Convention proposed by any Contracting Government shall be convened by the Bureau upon the request of one-third of the Contracting Governments.

(b) Every amendment adopted by such a conference by a two-thirds majority vote of the Contracting Governments represented shall be communicated by the Bureau to all Contracting Governments for their acceptance.

(4) Any amendment communicated to Contracting Governments for their acceptance under paragraph (3) of this Article shall come into force for all Contracting Governments except those which before it comes into force make a declaration that they do not accept the amendment, twelve months after the date on which the amendment is accepted by two-thirds of the Contracting Governments.

(5) Any declaration under this Article shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

(6) The Bureau shall inform all signatory and Contracting Governments of any amendments which come into force under this Article, together with the date on which such amendments shall come into force.

#### ARTICLE XVII

(1) The present Convention may be denounced by any Contracting Government at any time after the expiration of a period

of five years from the date on which the Convention comes into force for that Government.

(2) Denunciation shall be effected by a notification in writing addressed to the Bureau, which shall notify all the Contracting Governments of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect twelve months, or such longer period as may be specified in the notification, after its receipt by the Bureau.

#### ARTICLE XVIII

(1) (a) Any Government may, at the time of signature or acceptance of the present Convention, or at any time thereafter, declare by notification in writing given to the Bureau that the Convention shall extend to any of the territories for whose international relations it is responsible.

(b) The Convention shall, from the date of the receipt of the notification, or from such other date as may be specified in the notification, extend to the territories named therein.

(2) (a) Any Contracting Government which has made a declaration under paragraph (1) of this Article may, at any time after the expiration of a period of five years from the date on which the Convention has been so extended to any territory, give notification in writing to the Bureau, declaring that the Convention shall cease to extend to any such territory named in the notification.

(b) The Convention shall cease to extend to any territory mentioned in such notification twelve months, or such longer period as may be specified therein, after the date of receipt of the notification by the Bureau.

(3) The Bureau shall inform all Contracting Governments of the extension of the Convention to any territories under paragraph (1) of this Article, and of the termination of any such extension under paragraph (2) of this Article, stating in each case the date from which the Convention has been, or will cease to be, so extended.

#### ARTICLE XIX

(1) In case of war or other hostilities, a Contracting Government which considers that it is affected, whether as a belligerent or as a neutral, may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.



(2) The suspending Government may at any time terminate such suspension and shall in any event terminate it as soon as it ceases to be justified under paragraph (1) of this Article. Notice of such termination shall be given immediately to the Bureau by the Government concerned.

(3) The Bureau shall notify all Contracting Governments of any suspension or termination of suspension under this Article.

## ARTICLE XX

As soon as the present Convention comes into force it shall be registered by the Bureau with the Secretary-General of the United Nations.

## ARTICLE XXI

The duties of the Bureau shall be carried out by the Government of the United Kingdom of Great Britain and Northern Ireland unless and until the Inter-Governmental Maritime Consultative Organisation comes into being and takes over the duties assigned to it under the Convention signed at Geneva on the 6th day of March, 1948, and thereafter the duties of the Bureau shall be carried out by the said Organisation.

In witness whereof the undersigned plenipotentiaries have signed the present Convention.

Done in London this twelfth day of May, 1954, in English and French, both texts being equally authoritative, in a single copy, which shall be deposited with the Bureau and of which the Bureau shall transmit certified copies to all signatory and Contracting Governments.

## ANNEX A

### Prohibited Zones

(1) Subject to paragraph (3) of this Annex, the prohibited zones in relation to tankers shall be all sea areas within 50 miles from land, with the following exceptions:—

#### (a) The Adriatic Zones

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 30 miles from land, excepting only the island of Vis. When the present Convention has been in force for a period of three years the said zones shall each be extended by a further 20 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said



Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years and the Bureau shall notify all Contracting Governments of such agreement.

**(b) The North Sea Zone**

The North Sea Zone shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium,

Denmark,

the Federal Republic of Germany,

the Netherlands,

the United Kingdom of Great Britain and Northern Ireland but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

**(c) The Atlantic Zone**

The Atlantic Zone shall be within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Islands; thence northwards along the Greenwich meridian to latitude  $64^{\circ}$  north; thence westwards along the 64th parallel to longitude  $10^{\circ}$  west; thence to latitude  $60^{\circ}$  north, longitude  $14^{\circ}$  west; thence to latitude  $54^{\circ} 30'$  north, longitude  $30^{\circ}$  west; thence to latitude  $44^{\circ} 20'$  north, longitude  $30^{\circ}$  west; thence to latitude  $48^{\circ}$  north, longitude  $14^{\circ}$  west; thence eastwards along the 48th parallel to a point of intersection with the 50-mile zone off the coast of France. Provided that in relation to voyages which do not extend seawards beyond the Atlantic Zone as defined above, and which are to ports not provided with adequate facilities for the reception of oily residue, the Atlantic Zone shall be deemed to terminate at a distance of 100 miles from land.

**(d) The Australian Zone**

The Australian Zone shall extend for a distance of 150 miles from the coasts of Australia, except off the north and west coasts of the Australian mainland between the point opposite Thursday Island and the point on the west coast at  $20^{\circ}$  south latitude.

(2) Subject to paragraph (3) of this Annex the prohibited zones in relation to ships other than tankers shall be all sea areas within 50 miles from land with the following exceptions:

### (a) The Adriatic Zone

Within the Adriatic Sea the prohibited zones off the coasts of Italy and Yugoslavia respectively shall each extend for a distance of 20 miles from land, excepting only the island of Vis. After the expiration of a period of three years following the application of prohibited zones to ships other than tankers in accordance with paragraph (2) of Article III the said zones shall each be extended by a further 30 miles in width unless the two Governments agree to postpone such extension. In the event of such an agreement the said Governments shall notify the Bureau accordingly not less than three months before the expiration of such period of three years, and the Bureau shall notify all Contracting Governments of such agreement.

### (b) The North Sea and Atlantic Zones

The North Sea and Atlantic Zones shall extend for a distance of 100 miles from the coasts of the following countries:—

Belgium

Denmark

the Federal Republic of Germany

Ireland

the Netherlands

the United Kingdom of Great Britain and Northern Ireland

but not beyond the point where the limit of a 100-mile zone off the west coast of Jutland intersects the limit of the 50-mile zone off the coast of Norway.

(3) (a) Any Contracting Government may propose:—

(i) the reduction of any zone off the coast of any of its territories;

(ii) the extension of any such zone to a maximum of 100 miles from any such coast,

by making a declaration to that effect and the reduction or extension shall come into force after the expiration of a period of six months after the declaration has been made, unless any one of the Contracting Governments shall have made a declaration not less than two months before the expiration of that period that its interests are affected either by reason of the proximity of its coasts or by reason of its ships trading in the area, and that it does not accept the reduction or extension, as the case may be.

(b) Any declaration under this paragraph shall be made by a notification in writing to the Bureau which shall notify all Contracting Governments of the receipt of the declaration.

[Annex B—Form of Oil Record Book—omitted.]

\* \* \* \* \*

**b. STATUS OF THE CONVENTION AS OF OCTOBER 25, 1956  
(NOT IN FORCE)**

(1) SIGNATORIES. According to information derived from *Cmd.* 9197 and a letter to the Editor from the British Foreign Office, dated 30 April 1956, the following countries became signatories in the manner indicated within the three months provided for in Article XIV of the Convention:

Belgium (subject to acceptance)  
 Canada (subject to ratification)  
 Ceylon (subject to acceptance)  
 Denmark (subject to acceptance)  
 Finland (subject to acceptance)  
 France (subject to acceptance)  
 Federal Republic of Germany (subject to acceptance)  
 Greece (subject to acceptance)  
 Ireland (subject to acceptance)  
 Italy (subject to acceptance)  
 Japan (subject to acceptance)  
 Liberia (subject to acceptance or ratification by the President  
 with the advice and consent of the Liberian Senate)  
 Mexico (subject to acceptance)  
 Netherlands (subject to acceptance)  
 New Zealand (subject to acceptance)  
 Norway (subject to acceptance)  
 Sweden (subject to acceptance)  
 United Kingdom (subject to acceptance)  
 Union of Soviet Socialist Republics (subject to acceptance)  
 Yugoslavia (subject to acceptance)

\* \* \*

(2) RATIFICATIONS. According to letters to the Editor from the British Foreign Office, dated 3 July and 26 September 1956, the following countries have ratified the Convention on the dates indicated. Article XV provides that the Convention shall come into force 12 months after the date on which not less than 10 Governments, including 5, each of which have not less than 500,000 gross tons of tanker tonnage, have become parties. The



Treaty Section, Office of Legal Affairs, United Nations Secretariat, reports no further ratifications as of October 25, 1956.

	*	*	*
United Kingdom			6 May 1955
Mexico			10 May 1956
Sweden			24 May 1956
Federal Republic of Germany			11 June 1956

\*            \*            \*            \*            \*            \*            \*

**c. OIL IN NAVIGABLE WATERS ACT, 1955 (3 AND 4 ELIZ. 2, CH. 25)  
(EXCERPTS)**

(1) NOTE. This example of national legislation enacted in order to give effect to the Convention is taken from a slip copy furnished through the courtesy of the British Foreign Office. The Sections not printed deal with the following subjects:

- Section 7. Keeping of records of matters relating to oil.
- Section 8. Facilities in harbours for disposal of oil residues.
- Section 9. Restrictions on transfer of oil at night.
- Section 10. Duty to report discharges of oil into waters of harbours.
- Section 11. Powers of inspection.
- Section 12. Prosecutions.
- Section 13. Enforcement and application of fines.
- Section 15. Power of Minister to grant exemptions.
- Section 17. Provisions as to Isle of Man, Channel Islands, colonies and dependencies.
- Section 18. Enforcement of Conventions relating to oil pollution.
- Section 19. Annual Report.
- Section 20. General provisions as to Orders in Council, regulations and orders.
- Section 21. Financial provisions.
- Section 22. Interpretation.
- Section 23. Provisions as to Northern Ireland.
- Section 24. Repeal and savings.

\*            \*            \*

(a) TEXT OF EXCERPTS FROM ACT

\*            \*            \*

CHAPTER 25

An Act to enable effect to be given to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and otherwise to make new provision for preventing the pollution of navigable waters by oil.

[6th May, 1955]

WHEREAS a Convention entitled "The International Convention for the Prevention of Pollution of the Sea

by Oil, 1954" (in this Act referred to as "The Convention of 1954") was signed on behalf of Her Majesty's Government in the United Kingdom in London on the twelfth day of May, nineteen hundred and fifty-four:

And whereas it is expedient to enable effect to be given to that Convention, and otherwise to make new provision for preventing the pollution of navigable waters by oil:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) If any oil to which this section applies from a British ship registered in the United Kingdom into a part of the sea which, in relation to that ship, is a prohibited sea area, or if any mixture containing oil to which this section applies is discharged from such a ship into such a part of the sea with the consequence that the oil in the mixture fouls the surface of the sea, the owner or master of the ship shall, subject to the provisions of this Act, be guilty of an offence under this section.

Discharge of certain oils into prohibited sea areas.

(2) This section applies—

(a) to crude oil, fuel oil and lubricating oil, and

(b) to heavy diesel oil, as defined by regulations made under this section by the Minister of Transport and Civil Aviation (in this Act referred to as "the Minister"),

and shall also apply to any other description of oil which may be prescribed by the Minister, having regard to the provisions of any subsequent Convention in so far as it relates to the prevention of pollution of the sea by oil, or having regard to the persistent character of oil of that description and the likelihood that it would cause pollution if discharged from a ship into a prohibited sea area.

(3) Regulations made under this section by the Minister may make exceptions from the operation of subsection (1) of this section, either absolutely or subject to any prescribed conditions, and either generally or as respects particular classes of ships, or in

relation to particular descriptions of oil or mixtures containing oil or to the discharge of oil or mixtures in prescribed circumstances, or in relation to particular areas of the sea.

(4) For the purposes of any proceedings for an offence under this section in respect of the discharge of a mixture containing oil to which this section applies,—

(a) if it is proved that there were not less than one hundred parts of the oil in a million parts of the mixture, it shall be conclusively presumed that the oil in the mixture fouled the surface of the sea;

(b) if it is proved that there were less than one hundred parts of the oil in a million parts of the mixture, it shall be conclusively presumed that the oil in the mixture did not foul the surface of the sea.

(5) In this Act ‘subsequent Convention’ means any Convention subsequent to the Convention of 1954, being a Convention accepted by Her Majesty’s Government in the United Kingdom.

Designation of  
prohibited sea  
areas.

2.—(1) For the purposes of this Act the areas of the sea designated by or in accordance with this section shall be prohibited sea areas in relation to tankers, and to vessels other than tankers, respectively.

(2) Subject to the following provisions of this section,—

(a) the areas specified in Part I of the Schedule to this Act shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to tankers;

(b) the areas specified in Part II of that Schedule shall, as from the coming into operation of this paragraph, be prohibited sea areas in relation to vessels other than tankers.

(3) As from the coming into operation of this subsection, the areas specified in Part III of the Schedule to this Act, and any other area designated by order of the Minister for the purpose of giving effect to the provisions of the Convention of 1954 which relate to Australia, shall (subject to the following provisions of this section) be prohibited sea areas



in relation to tankers, in addition to the areas specified in Part I of that Schedule.

(4) As from the coming into operation of this subsection, the areas specified in Part IV of the Schedule to this Act shall (subject to the following provisions of this section) be prohibited sea areas in relation to vessels other than tankers, in addition to the areas specified in Part II of that Schedule.

(5) The Minister, if he considers it necessary to do so for the purpose of protecting the coasts and territorial waters of the United Kingdom against pollution by oil, may by order—

(a) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part I of the Schedule to this Act, as a prohibited sea area in relation to tankers;

(b) designate any area of the sea, outside the territorial waters of the United Kingdom and outside the areas specified in Part II of that Schedule, as a prohibited sea area in relation to vessels other than tankers.

(6) The powers conferred by paragraphs (a) and (b) of the last preceding subsection shall be exercisable either before or after the coming into operation of subsection (3) or (as the case may be) subsection (4) of this section; and any area designated by an order under paragraph (a) of the last preceding subsection before the coming into operation of subsection (3) of this section, or designated by an order under paragraph (b) of the last preceding subsection before the coming into operation of subsection (4) of this section, shall continue thereafter to be a prohibited sea area by virtue of the order, in so far as it is not a prohibited sea area by virtue of being included in Part III or (as the case may be) Part IV of the Schedule to this Act.

(7) For the purpose of giving effect to any variation of the prohibited zones referred to in the Convention of 1954, in accordance with the provisions of that Convention or of any subsequent Convention, the Minister may by order vary any of the areas specified in any Part of the Schedule to this Act, or declare that any area specified in a Part of that

Schedule shall cease to be included therein.

(8) For the purpose of giving effect to any subsequent Convention, the Minister may by order designate, as a prohibited sea area in relation to tankers, or to vessels other than tankers, any area of the sea, outside the territorial waters of the United Kingdom, which apart from the order is not a prohibited sea area in relation to tankers, or to vessels other than tankers, as the case may be.

Discharge of oil  
into United  
Kingdom waters.

3.—(1) If any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any place on land, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then subject to the provisions of this Act —

(a) if the discharge is from a vessel, the owner or master of the vessel, or

(b) if the discharge is from a place on land, the occupier of that place, or

(c) if the discharge is from apparatus used for transferring oil from or to a vessel, the person in charge of the apparatus,

shall be guilty of an offence under this section.

(2) This section applies to the following waters, that is to say—

(a) the whole of the sea within the seaward limits of the territorial waters of the United Kingdom, and

(b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

(3) A harbour authority may appoint a place within their jurisdiction where the ballast water of vessels in which a cargo of petroleum-spirit has been carried may be discharged into the waters of the harbour, at such times, and subject to such conditions, as the authority may determine; and, where a place is so appointed, the discharge of ballast water from such a vessel shall not constitute an offence under this section, if the ballast water is discharged at that place, and at a time and in accordance with the conditions so determined, and the ballast water contains no oil other than petroleum-spirit.

In this subsection "petroleum-spirit" has the same meaning as in the Petroleum (Consolidation) Act, 1928.

(4) In this Act "place on land" includes anything resting on the bed or shore of the sea, or of any other waters to which this section applies, and also includes anything afloat (other than a vessel) if it is anchored or attached to the bed or shore of the sea or of any such waters; and "occupier", in relation to any such thing as is mentioned in the preceding provisions of this subsection, if it has no occupier, means the owner thereof, and, in relation to a railway wagon or road vehicle, means the person in charge of the wagon or vehicle and not the occupier of the land on which the wagon or vehicle stands.

(5) In this Act—

"harbour authority" means a person or body of persons empowered by an enactment to make charges in respect of vessels entering a harbour in the United Kingdom or using facilities therein;

"harbour in the United Kingdom" means a port, estuary, haven, dock, or other place which fulfills the following conditions, that is to say,—

(a) that it contains waters to which this section applies, and

(b) that a person or body of persons is empowered by an enactment to make charges in respect of vessels entering that place or using facilities therein.

In this subsection "enactment" includes a local enactment, and "charges" means any charges with the exception of light dues, local light dues and any other charges payable in respect of lighthouses, buoys or beacons, and of charges in respect of pilotage.

4.—(1) Where a person is charged with an offence under section one of this Act, or is charged with an offence under the last preceding section as the owner or master of a vessel, it shall be a defence to prove that the oil or mixture in question was discharged for the purpose of securing the safety of the vessel, or of preventing damage to the vessel or her cargo, or of saving life:



Provided that a defence under this subsection shall not have effect if the court is satisfied that the discharge of the oil or mixture was not necessary for the purpose alleged in the defence or was not a reasonable step to take in the circumstances.

(2) Where a person is charged as mentioned in the preceding subsection, it shall also be a defence to prove—

(a) that the oil or mixture escaped in consequence of damage to the vessel, and that as soon as practicable after the damage occurred all reasonable steps were taken for preventing or (if it could not be prevented) for stopping or reducing, the escape of the oil or mixture, or

(b) that the oil or mixture escaped by reason of leakage, that the leakage was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(3) Where a person is charged with an offence under the last preceding section as the occupier of a place on land, or as the person in charge of any apparatus, from which oil or a mixture containing oil is alleged to have escaped, it shall be a defence to prove that the escape of the oil or mixture was not due to any want of reasonable care, and that as soon as practicable after the escape was discovered all reasonable steps were taken for stopping or reducing it.

(4) Without prejudice to the last preceding subsection, it shall be a defence for the occupier of a place on land, who is charged with an offence under the last preceding section, to prove that the discharge was caused by the act of a person who was in that place without the permission (express or implied) of the occupier.

(5) Where a person is charged with an offence under the last preceding section in respect of the discharge of a mixture containing oil from a place on land, it shall (without prejudice to any other defence under this section) be a defence to prove—

(a) that the oil was contained in an effluent produced by operations for the refining of oil;

(b) that it was not reasonably practicable to dispose of the effluent otherwise than by discharging it into waters to which the last preceding section applies; and

(c) that all reasonably practicable steps had been taken for eliminating oil from the effluent:

Provided that a defence under this subsection shall not have effect if it is proved that, at a time to which the charge relates, the surface of the waters into which the mixture was discharged from the place in question, or land adjacent to those waters, was fouled by oil, unless the court is satisfied that the fouling was not caused, or contributed to, by oil contained in any effluent discharged at or before that time from that place.

(6) Where any oil, or mixture containing oil, is discharged in consequence of—

(a) the exercise of any power conferred by sections five hundred and thirty to five hundred and thirty-two of the Merchant Shipping Act, 1894 (which relate to the removal of wrecks by harbour, conservancy and lighthouse authorities), or

(b) the exercise, for the purpose of preventing an obstruction or danger to navigation, of any power to dispose of sunk, stranded or abandoned vessels which is exercisable by a harbour authority under any local enactment,

and apart from this subsection the authority exercising the power, or a person employed by or acting on behalf of the authority, would be guilty of an offence under section one of this Act, or under the last preceding section, in respect of that discharge, the authority or person shall not be convicted of that offence unless it is shown that they or he failed to take such steps (if any) as were reasonable in the circumstances for preventing, stopping or reducing the discharge.

(7) The last preceding subsection shall apply to the exercise of any power conferred by section thirteen of the Dockyard Ports Regulations Act, 1865 (which relates to the removal of obstructions to dockyard ports), as it applies to the exercise of any such power as is mentioned in paragraph (a) of that sub-

section, as if references to the authority exercising the power were references to the Queen's harbour master for the port in question.

Equipment in  
ships to prevent  
oil pollution.

5.—(1) For the purpose of preventing or reducing discharges of oil and mixture containing oil into the sea, the Minister may make regulations requiring British ships registered in the United Kingdom to be fitted with such equipment, and to comply with such other requirements, as may be prescribed.

(2) Without prejudice to the generality of the preceding subsection, where any regulations made thereunder require ships to be fitted with equipment of a prescribed description, the regulations may provide that equipment of that description—

(a) shall not be installed in a ship to which the regulations apply unless it is of a type tested and approved by a person appointed by the Minister;

(b) while installed in such a ship, shall not be treated as satisfying the requirements of the regulations unless, at such times as may be specified in the regulations, it is submitted for testing and approval by a person so appointed.

(3) The Minister may appoint persons to carry out tests for the purposes of any regulations made under this section, and in respect of the carrying out of such tests, may charge such fees as, with the approval of the Treasury, may be prescribed by the regulations.

(4) Every surveyor of ships shall be taken to be a person appointed by the Minister to carry out tests for the purposes of any regulations made under this section, in so far as they relate to tests required in accordance with paragraph (b) of subsection (2) of this section.

(5) If, in the case of any ship, the provisions of any regulations under this section which apply to that ship are contravened, the owner or master of the ship shall be guilty of an offence under this section.

Penalties for  
offences under  
ss. 1, 3 and 5.

6. A person guilty of an offence under section one or section three of this Act, or under the last preceding section, shall, on conviction or indictment, or on summary conviction, be liable to a fine:

Provided that an offence shall not by virtue of this



General  
provisions as to  
application of  
Act.

section be punishable on summary conviction by a fine exceeding one thousand pounds.

14.—(1) The provisions of this Act, except provisions which are expressed to apply only to British ships registered in the United Kingdom, shall (subject to any exemptions expressly conferred by or under this Act) apply to all vessels, whether registered or not, and of whatever nationality.

(2) Her Majesty may by Order in Council direct that, subject to such exceptions and modifications as may be specified in the Order, any regulations made under section five of this Act, or under subsection (1) of section seven of this Act, shall apply to ships registered in countries and territories other than the United Kingdom at any time when they are in a harbour in the United Kingdom, or are within the seaward limits of the territorial waters of the United Kingdom while on their way to or from a harbour in the United Kingdom.

(3) An Order in Council under the preceding subsection shall not be made so as to impose different requirements in respect of ships of different countries or territories:

Provided that if Her Majesty is satisfied, as respects any country or territory, that ships registered there are required, by the law of that country or territory, to comply with provisions which are substantially the same as, or equally effective with, the requirements imposed by virtue of the Order, Her Majesty may by Order in Council direct that those requirements shall not apply to any ship registered in that country or territory if the ship complies with the said provisions applicable thereto under the law of that country or territory.

(4) No regulation shall by virtue of an Order in Council under this section apply to any ship as being within a harbour in the United Kingdom, or on her way to or from such a harbour, if the ship would not have been within the harbour, or, as the case may be, on her way to or from the harbour, but for stress of weather or any other circumstance which neither the master nor the owner nor the charterer (if any) of the ship could have prevented or forestalled.

16.—(1) The provisions of this Act do not apply to vessels of Her Majesty's navy, nor to Government ships in the service of the Admiralty while employed for the purposes of Her Majesty's navy.

(2) Subject to the preceding subsection—

(a) provisions of this Act which are expressed to apply only to British ships registered in the United Kingdom apply to Government ships so registered as they apply to other ships which are registered in the United Kingdom as British ships;

(b) provisions of this Act which are expressed to apply to vessels generally apply to Government ships as they apply to other vessels.

(3) In this section "Government ships" has the same meaning as in section eighty of the Merchant Shipping Act, 1906.

25.—(3) This Act shall come into operation on such day as the Minister may by order appoint; and different days may be appointed for the purposes of different provisions of this Act.

## SCHEDULE

### Prohibited Sea Areas

#### Part I.—Initial Areas for Tankers

1. The whole of the sea which lies—
  - (a) outside the territorial waters of the United Kingdom, and
  - (b) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark.
2. The whole of the sea which lies—
  - (a) south of latitude 62° north, and
  - (b) within 50 miles from the coast of Norway.
3. So much of the Atlantic Ocean and of the English Channel, outside the territorial waters of the United Kingdom, and outside the area specified in paragraph 1 of this Part of this Schedule, as lies within a line drawn from a point on the Greenwich meridian 100 miles in a north-north-easterly direction from the Shetland Isles; thence northwards along the Greenwich meridian to latitude 64° north; thence westwards along the 64th parallel to longitude

10° west; thence to latitude 60° north, longitude 14° west; thence to latitude 54° 30' north, longitude 30° west; thence to latitude 44° 20' north, longitude 30° west; thence to latitude 48° north, longitude 14° west; thence eastwards along the 48th parallel to the coast of France.

### **Part II.—Initial Areas for Vessels other than Tankers**

1. The whole of the sea which lies—
  - (a) outside the territorial waters of the United Kingdom, and
  - (b) within 100 miles from the coast of any of the following countries, that is to say, the United Kingdom, the Republic of Ireland, Belgium, the Netherlands, the Federal Republic of Germany, and Denmark, or within 100 miles from the coast of any of the Channel Islands.
  
2. The whole of the sea which lies—
  - (a) south of latitude 62° north, and
  - (b) within 50 miles from the coast of Norway.

### **Part III.—Additional Areas for Tankers**

1. The whole of the sea which lies within 50 miles from land, exclusive of—
  - (a) the areas specified in Part I of this Schedule,
  - (b) any area within the seaward limits of the territorial waters of the United Kingdom, and
  - (c) the Adriatic Sea.
  
2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 30 miles from any other coast (the island of Vis being disregarded).

### **Part IV.—Additional Areas for Vessels other than Tankers**

1. The whole of the sea which lies within 50 miles from land, exclusive of—
  - (a) the areas specified in Part II of this Schedule.
  - (b) any area within the seaward limits of the territorial waters of the United Kingdom, and
  - (c) the Adriatic Sea.
  
2. So much of the Adriatic Sea as lies within 50 miles from the coast of Albania, and so much of the remainder of the Adriatic Sea as lies within 20 miles from any other coast (the island of Vis being disregarded).



## E. International Conventions on Maritime Law, Brussels, May 10, 1952

1. NOTE. The International Convention on Certain Rules concerning Civil Jurisdiction in Matters of Collision, The International Convention for The Unification of Certain Rules relating to Penal Jurisdiction in Matters of Collisions or other Incidents of Navigation, and The International Convention relating to the Arrest of Seagoing Ships, were opened for signature on May 10, 1952, by the states represented at the Ninth Diplomatic Conference on Maritime Law. All three have entered into force in accordance with the status tables in 2, hereafter. The Civil and Penal Conventions were signed on May 10, 1952, by Belgium, Brazil, Denmark, France, Federal Republic of Germany, Greece, Italy, Monaco, Nicaragua, Spain, United Kingdom, and Yugoslavia. The Holy See, Lebanon, and Egypt signed on February 4, 1954, May 25, 1954, and January 6, 1955, respectively. The dates and signatures to the Arrest Convention were identical except that Denmark did not sign. The three Conventions were based on drafts prepared by the International Maritime Committee at its 1951 Naples Conference. *Bulletin No. 105* of the International Maritime Committee contains the proceedings and drafts of that Conference. The International Maritime Committee held another Plenary Conference at Madrid in September 1955, and prepared three draft Conventions dealing with Limitation of Shipowner's Liability, Sea Carrier's Liabilities to Passengers, and Stowaways, respectively. The Delegation representing the Maritime Law Association of the United States voted against the first, and abstained on the second and third. *Document No. 393*, March 23, 1956, of The Maritime Law Association of the United States, prints the Report of the American Delegation and the three draft Conventions prepared at Madrid. A Diplomatic Conference for the consideration of these drafts was held in Brussels in October 1957. A Limitation of Liability Convention was signed by 22 nations. The United States did not sign. *The New York Times*, 11 October 1957, p. 48.

The texts of the three Brussels Conventions of 1952 which follow are taken from certified copies of 28 April 1956, furnished through the courtesy of the Treaty Service of the Belgian Ministry of Foreign Affairs. The texts are also printed in *British Command Paper* No. 8954.

\* \* \* \* \*

### a. INTERNATIONAL CONVENTION ON CERTAIN RULES CONCERNING CIVIL JURISDICTION IN MATTERS OF COLLISION, BRUSSELS, MAY 10, 1952. (TEXT)

\* \* \*

The High Contracting Parties,

Having recognized the advisability of establishing by agreement certain uniform rules relating to civil jurisdiction in matters of collision, have decided to conclude a Convention for this purpose and thereto have agreed as follows:

#### ARTICLE 1

(1) An action for collision occurring between seagoing vessels, or between seagoing vessels and inland navigation craft, can only be introduced:

(a) either before the Court where the defendant has his habitual residence or a place of business;

(b) or before the Court of the place where arrest has been effected of the defendant ship or of any other ship belonging to the defendant which can be lawfully arrested, or where arrest could have been effected and bail or other security has been furnished;

(c) or before the Court of the place of collision when the collision has occurred within the limits of a port or in inland waters.

(2) It shall be for the Plaintiff to decide in which of the Courts referred to in Section I of this article the action shall be instituted.

(3) A claimant shall not be allowed to bring a further action against the same defendant on the same facts in another jurisdiction, without discontinuing an action already instituted.

## ARTICLE 2

The provisions of Article 1 shall not in any way prejudice the right of the parties to bring an action in respect of a collision before a Court they have chosen by agreement or to refer it to arbitration.

## ARTICLE 3

(1) Counterclaims arising out of the same collision can be brought before the Court having jurisdiction over the principal action in accordance with the provisions of Article 1.

(2) In the event of there being several claimants, any claimant may bring his action before the Court previously seized of an action against the same party arising out of the same collision.

(3) In the case of a collision or collisions in which two or more vessels are involved nothing in the Convention shall prevent any Court seized of an action by reasons of the provisions of this Convention, from exercising jurisdiction under its national laws in further actions arising out of the same incident.

## ARTICLE 4

This Convention shall also apply to an action for damage caused by one ship to another or to the property or persons on board such ships through the carrying out of or the omission to carry out a manoeuvre or through non-compliance with regulations even when there has been no actual collision.

## ARTICLE 5

Nothing contained in this Convention shall modify the rules of

law now or hereafter in force in the various contracting States in regard to collisions involving warships or vessels owned by or in the service of a State.

#### ARTICLE 6

This Convention does not affect claims arising from contracts of carriage or from any other contracts.

#### ARTICLE 7

This Convention shall not apply in cases covered by the provisions of the revised Rhine Navigation Convention of 17 October 1868.

#### ARTICLE 8

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.

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 9

The High Contracting Parties undertake to submit to arbitration any disputes between States arising out of the interpretation or application of this Convention, but this shall be without prejudice to the obligations of those High Contracting Parties who have agreed to submit their disputes to the International Court of Justice.

#### ARTICLE 10

This Convention shall be open for signature by the States represented at the Ninth Diplomatic Conference on Maritime Law. The protocol of signature shall be drawn up through the good offices of the Belgian Ministry of Foreign Affairs.

#### ARTICLE 11

This Convention shall be ratified and the instruments of ratification shall be deposited with the Belgian Ministry of Foreign Affairs which shall notify all signatory and acceding States of the deposit of any such instruments.



## ARTICLE 12

(a) This Convention shall come into force between the two States which first ratify it, six months after the date of the deposit of the second instrument of ratification.

(b) This Convention shall come into force in respect of each signatory State which ratifies it after the deposit of the second instrument of ratification six months after the date of the deposit of the instrument of ratification of that State.

## ARTICLE 13

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

The accession of any State shall be notified to the Belgian Ministry of Foreign Affairs which shall inform through diplomatic channels all signatory and acceding States of such notification.

The Convention shall come into force in respect of the acceding State six months after the date of the receipt of such notification but not before the Convention has come into force in accordance with the provisions of Article 12(a).

## ARTICLE 14

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 the 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 15

Any 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. This denunciation shall 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 the other High Contracting Parties of such notification.

## ARTICLE 16

(a) 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 Ministry of Foreign

Affairs 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 Ministry of Foreign Affairs extend to the territories named therein, but not before the date of the coming into force of the Convention in respect of such High Contracting Party.

(b) A High Contracting Party which has made a declaration under paragraph (a) 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 Ministry of Foreign Affairs that the Convention shall cease to extend to such territory and the Convention shall one year after the receipt of the notification by the Belgian Ministry of Foreign Affairs cease to extend thereto.

(c) The Belgian Ministry of Foreign Affairs shall inform through diplomatic channels all signatory and acceding States of any notification received by it under this Article.

Done in Brussels, in a single original in the French and English languages, the two texts being equally authentic, on May 10, 1952.

[Signatures omitted.]

\* \* \* \* \*

**b. INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO PENAL JURISDICTION IN MATTERS OF COLLISIONS OR OTHER INCIDENTS OF NAVIGATION, BRUSSELS, MAY 10, 1952. (TEXT)**

\* \* \*

The High Contracting Parties,

Having recognized the advisability of establishing by agreement certain uniform rules relating to penal jurisdiction in matters of collision or other incidents of navigation, have decided to conclude a Convention for this purpose and thereto have agreed as follows:

**ARTICLE 1**

In the event of a collision or any other incident of navigation concerning a sea-going ship and involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, criminal or disciplinary proceedings may be instituted only before the judicial or administrative authorities of the State of which the ship was flying the flag at the time of the collision or other incident of navigation.

## ARTICLE 2

In the case provided for in the preceding Article, no arrest or detention of the vessel shall be ordered, even as a measure of investigation, by any authorities other than those whose flag the ship was flying.

## ARTICLE 3

Nothing contained in this Convention shall prevent any State from permitting its own authorities, in cases of collision or other incidents of navigation, to take any action in respect of certificates of competence or licences issued by that State or to prosecute its own nationals for offences committed while on board a ship flying the flag of another State.

## ARTICLE 4

This Convention does not apply to collisions or other incidents of navigation occurring within the limits of a port or in inland waters.

Furthermore the High Contracting Parties shall be at liberty, at the time of signature, ratification or accession to the Convention, to reserve to themselves the right to take proceedings in respect of offences committed within their own territorial waters.

ARTICLES 5-12 (Identical with Articles 9-16 of Civil Convention. (a. above))

Done at Brussels, in a single copy, May 10, 1952, in the French and English languages, the two texts being equally authentic.

[Signatures omitted.]

\* \* \* \* \*

**c. INTERNATIONAL CONVENTION RELATING TO THE ARREST OF SEAGOING SHIPS, BRUSSELS, MAY 10, 1952. (TEXT)**

\* \* \*

The High Contracting Parties,

Having recognised the desirability of determining by agreement certain uniform rules of law relating to the arrest of sea-going ships, have decided to conclude a convention, for this purpose and thereto have agreed as follows:

## ARTICLE 1

In this Convention the following words shall have the meanings hereby assigned to them:



(1) "Maritime Claim" means a claim arising out of one or more of the following:

(a) damage caused by any ship either in collision or otherwise;

(b) loss of life or personal injury caused by any ship or occurring in connexion with the operation of any ship;

(c) salvage;

(d) agreement relating to the use or hire of any ship whether by charterparty or otherwise;

(e) agreement relating to the carriage of goods in any ship whether by charterparty or otherwise;

(f) loss of or damage to goods including baggage carried in any ship;

(g) general average;

(h) bottomry;

(i) towage;

(j) pilotage;

(k) goods or materials wherever supplied to a ship for her operation or maintenance;

(l) construction, repair or equipment of any ship or dock charges and dues;

(m) wages of Masters, Officers, or crew;

(n) Master's disbursements, including disbursements made by shippers, charterers or agents on behalf of a ship or her owner;

(o) disputes as to the title to or ownership of any ship;

(p) disputes between co-owners of any ship as to the ownership, possession, employment or earnings of that ship;

(q) the mortgage or hypothecation of any ship.

(2) "Arrest" means the detention of a ship by judicial process to secure a maritime claim, but does not include the seizure of a ship in execution or satisfaction of a judgment.

(3) "Person" includes individuals, partnerships and bodies corporate, governments, their Departments, and Public Authorities.

(4) "Claimant" means a person who alleges that a maritime claim exists in his favor.

## ARTICLE 2

A ship flying the flag of one of the Contracting States may be arrested in the jurisdiction of any of the Contracting States in respect of any maritime claim, but in respect of no other claim; but nothing in this Convention shall be deemed to extend or

restrict any right or powers vested in any Governments or their Departments, Public Authorities, or Dock or Harbour Authorities under their existing domestic laws or regulations to arrest, detain or otherwise prevent the sailing of vessels within their jurisdiction.

### ARTICLE 3

(1) Subject to the provisions of para (4) of this Article and of Article 10, a claimant may arrest either the particular ship in respect of which the maritime claim arose, or any other ship which is owned by the person who was, at the time when the maritime claim arose, the owner of the particular ship, even though the ship arrested be ready to sail; but no ship, other than the particular ship in respect of which the claim arose, may be arrested in respect of any of the maritime claims enumerated in Article 1, (1) (o), (p) or (q).

(2) Ships shall be deemed to be in the same ownership when all the shares therein are owned by the same person or persons.

(3) A ship shall not be arrested, nor shall bail or other security be given more than once in any one or more of the jurisdictions of any of the Contracting States in respect of the same maritime claim by the same claimant: and, if a ship has been arrested in any one of such jurisdictions, or bail or other security has been given in such jurisdiction either to release the ship or to avoid a threatened arrest, any subsequent arrest of the ship or of any ship in the same ownership by the same claimant for the same maritime claim shall be set aside, and the ship released by the Court or other appropriate judicial authority of that State, unless the claimant can satisfy the Court or other appropriate judicial authority that the bail or other security had been finally released before the subsequent arrest or that there is other good cause for maintaining that arrest.

(4) When in the case of a charter by demise of a ship the charterer and not the registered owner is liable in respect of a maritime claim relating to that ship, the claimant may arrest such ship or any other ship in the ownership of the charterer by demise, subject to the provisions of this Convention, but no other ship in the ownership of the registered owner shall be liable to arrest in respect of such maritime claims.

The provisions of this paragraph shall apply to any case in which a person other than the registered owner of a ship is liable in respect of a maritime claim relating to that ship.

### ARTICLE 4

A ship may only be arrested under the authority of a Court or

of the appropriate judicial authority of the Contracting State in which the arrest is made.

#### ARTICLE 5

The Court or other appropriate judicial authority within whose jurisdiction the ship has been arrested shall permit the release of the ship upon sufficient bail or other security being furnished, save in cases in which a ship has been arrested in respect of any of the maritime claims enumerated in Article 1, (l), (o) and (p). In such cases the Court or other appropriate judicial authority may permit the person in possession of the ship to continue trading the ship, upon such person furnishing sufficient bail or other security, or may otherwise deal with the operation of the ship during the period of the arrest.

In default of agreement between the parties as to the sufficiency of the bail or other security, the Court or other appropriate judicial authority shall determine the nature and amount thereof.

The request to release the ship against such security shall not be construed as an acknowledgment of liability or as a waiver of the benefit of the legal limitation of liability of the owner of the ship.

#### ARTICLE 6

All questions whether in any case the claimant is liable in damages for the arrest of a ship or for the costs of the bail or other security furnished to release or prevent the arrest of a ship, shall be determined by the law of the Contracting State in whose jurisdiction the arrest was made or applied for.

The rules of procedure relating to the arrest of a ship, to the application for obtaining the authority referred to in Article 4, and to all matters of procedure which the arrest may entail, shall be governed by the law of the Contracting State in which the arrest was made or applied for.

#### ARTICLE 7

(1) The Courts of the country in which the arrest was made shall have jurisdiction to determine the case upon its merits if the domestic law of the country in which the arrest is made gives jurisdiction to such Courts, or in any of the following cases namely:

- (a) if the claimant has his habitual residence or principal place of business in the country in which the arrest was made;
- (b) if the claim arose in the country in which the arrest was made;



(c) if the claim concerns the voyage of the ship during which the arrest was made;

(d) if the claim arose out of a collision or in circumstances covered by Article 13 of the International Convention for the unification of certain rules of law with respect to collisions between vessels, signed at Brussels on 23rd September 1910;

(e) if the claim is for salvage;

(f) if the claim is upon a mortgage or hypothecation of the ship arrested.

(2) If the Court within whose jurisdiction the ship was arrested has not jurisdiction to decide upon the merits, the bail or other security given in accordance with Article 5 to procure the release of the ship shall specifically provide that it is given as security for the satisfaction of any judgment which may eventually be pronounced by a Court having jurisdiction so to decide; and the Court or other appropriate judicial authority of the country in which the arrest is made shall fix the time within which the claimant shall bring an action before a Court having such jurisdiction.

(3) If the parties have agreed to submit the dispute to the jurisdiction of a particular Court other than that within whose jurisdiction the arrest was made or to arbitration, the Court or other appropriate judicial authority within whose jurisdiction the arrest was made may fix the time within which the claimant shall bring proceedings.

(4) If, in any of the cases mentioned in the two preceding paragraphs, the action or proceedings are not brought within the time so fixed, the defendant may apply for the release of the ship or of the bail or other security.

(5) This article shall not apply in cases covered by the provisions of the revised Rhine Navigation Convention of 17 October 1868.

## ARTICLE 8

(1) The provisions of this Convention shall apply to any vessel flying the flag of a Contracting State in the jurisdiction of any Contracting State.

(2) A ship flying the flag of a non-Contracting State may be arrested in the jurisdiction of any Contracting State in respect of any of the maritime claims enumerated in Article 1 or of any other claim for which the law of the Contracting State permits arrest.

(3) Nevertheless any Contracting State shall be entitled wholly or partly to exclude from the benefits of this Convention any

Government of a non-Contracting State or any person who has not, at the time of the arrest, his habitual residence or principal place of business in one of the Contracting States.

(4) Nothing in this Convention shall modify or affect the rules of law in force in the respective Contracting States relating to the arrest of any ship within the jurisdiction of the State of her flag by a person who has his habitual residence or principal place of business in that State.

(5) When a maritime claim is asserted by a third party other than the original claimant, whether by subrogation, assignment or otherwise, such third party shall, for the purpose of this Convention, be deemed to have the same habitual residence or principal place of business as the original claimant.

#### ARTICLE 9

Nothing in this Convention shall be construed as creating a right of action, which, apart from the provisions of this Convention, would not arise under the law applied by the Court which had seisin of the case, nor as creating any maritime liens which do not exist under such law or under the Convention or Maritime Mortgages and Liens, if the latter is applicable.

#### ARTICLE 10

The High Contracting Parties may at the time of signature, deposit or ratification or accession, reserve

(a) the right not to apply this Convention to the arrest of a ship for any of the claims enumerated in paragraphs (o) and (p) of Article 1, but to apply their domestic laws to such claims;

(b) the right not to apply the first paragraph of Article 3 to the arrest of a ship, within their jurisdiction, for claims set out in Article 1, paragraph (q).

ARTICLES 11-18 (Identical with Articles 9-16 of Civil Convention. (a. above))

Done in Brussels, on May 10, 1952, in the French and English languages, the two texts being equally authentic.

[Signatures omitted.]

\* \* \* \* \*

**2. Status of the 1952 Brussels Conventions as of 9 October 1956.**  
(From information furnished through the courtesy of the Treaty Service, Belgian Ministry of Foreign Affairs, and of Arnold W. Knauth, Esq., of the New York Bar.)

\* \* \*



**a. INTERNATIONAL CONVENTION ON CERTAIN RULES CONCERNING CIVIL JURISDICTION IN MATTERS OF COLLISION, BRUSSELS, MAY 10, 1952. ENTERED INTO FORCE ON 14 SEPTEMBER 1955**

<i>Table of Ratifications and Accessions</i>		
<i>State</i>	<i>Date of Ratification or Accession (a)</i>	<i>Entered into Force</i>
Spain	8 December 1953	14 September 1955
Switzerland	28 May 1954 (a)	14 September 1955
Yugoslavia *	14 March 1955	14 September 1955
Costa Rica *	13 July 1955 (a)	13 January 1956
Egypt	24 August 1955	24 February 1956
Holy See	10 August 1956	10 February 1957

\* With reservations.

\* \* \*

**b. INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO PENAL JURISDICTION IN MATTERS OF COLLISIONS OR OTHER INCIDENTS OF NAVIGATION, BRUSSELS, MAY 10, 1952. ENTERED INTO FORCE ON 20 NOVEMBER 1955**

<i>Table of Ratifications and Accessions</i>		
<i>State</i>	<i>Date of Ratification or Accession (a)</i>	<i>Entered into Force</i>
Burma	8 July 1953 (a)	20 November 1955
Spain *	8 December 1954	20 November 1955
Switzerland	28 May 1954 (a)	20 November 1955
Haiti	17 September 1954 (a)	20 November 1955
France *	20 May 1955	20 November 1955
Costa Rica *	13 July 1955 (a)	13 January 1956
Egypt *	24 August 1955	24 February 1956
Vietnam (Rep.) *	26 November 1955 (a)	26 May 1956
Yugoslavia *	21 April 1956	21 October 1956
Holy See	10 August 1956	10 February 1957

\* With reservations.

**c. INTERNATIONAL CONVENTION RELATING TO THE ARREST OF SEA-GOING SHIPS, BRUSSELS, MAY 10, 1952. ENTERED INTO FORCE 24 FEBRUARY 1956**

<i>Table of Ratifications and Accessions</i>		
<i>State</i>	<i>Date of Ratification or Accession (a)</i>	<i>Enter into Force</i>
Spain	8 December 1953	24 February 1956
Switzerland	28 May 1954 (a)	24 February 1956
Haiti	4 November 1954 (a)	24 February 1956
Costa Rica *	13 July 1955 (a)	24 February 1956
Egypt *	24 August 1955	24 February 1956
Holy See	10 August 1956	10 February 1957

\* With reservations.