

# Convention for the Unification of Certain Rules of Law respecting Assistance and Salvage at Sea, 1910.

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

HAVING RECOGNISED the desirability of determining by agreement certain uniform rules of law respecting assistance and salvage at sea, have decided to conclude a Convention to that end, and have appointed as their plenipotentiaries, that is to say:

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

## Article 1

Assistance and salvage of seagoing vessels in danger, of any things on board, of freight and passage money, and also services of the same nature rendered by sea-going vessels to vessels of inland navigation or vice versa, are subject to the following provisions, without any distinction being drawn between these two kinds of service [viz, assistance and salvage], and in whatever waters the services have been rendered.

## Article 2

Every act of assistance or salvage of which has had a useful result gives a right to equitable remuneration.

No remuneration is due if the services rendered have no beneficial result.

In no case shall the sum to be paid exceed the value of the property salvaged.

## Article 3

Persons who have taken part in salvage operations notwithstanding the express and reasonable prohibition on the part of the vessel to which the services were rendered, have no right to any remuneration.

## Article 4

A tug has no right to remuneration for assistance to or salvage of the vessel she is towing or of the vessel's cargo, except where she has rendered exceptional services which cannot be considered as rendered in fulfilment of the contract of towage.

## Article 5

Remuneration is due notwithstanding that the salvage services have been rendered by or to vessels belonging to the same owner.

## Article 6

The amount of remuneration is fixed by agreement between the parties, and, failing agreement, by the court.

The proportion in which the remuneration is to be distributed amongst the salvors is fixed in the same manner.

The apportionment of the remuneration amongst the owner, master and other persons in the service of each salving vessel shall be determined by the law of the vessel's flag.

## Article 7

Every agreement as to assistance or salvage entered into at the moment and under the influence of danger may, at the request of either party, be annulled or modified by the court, if it considers that the conditions agreed upon are not equitable.

In all cases, when it is proved that the consent of one of the parties is vitiated by fraud or concealment, or when the remuneration is, in proportion to the services rendered, in an excessive degree too large or too small, the agreement may be annulled or modified by the court at the request of the party affected.

## Article 8

The remuneration is fixed by the court according to the circumstances of each case, on the basis of the following considerations:

- (a) firstly, the measure of success obtained, the efforts and deserts of the salvors, the danger run by the salved vessel, by her passengers, crew and cargo, by the salvors, and by the salving vessel; the time expended, the expenses incurred and losses suffered, and the risks of liability and other risks run by the salvors, and also the value of the property exposed to such risks, due regard being had to the special appropriation (if any) of the salvor's vessel for salvage purposes;
- (b) secondly, the value of the property salved.

The same considerations apply for the purpose of fixing the apportionment provided for by the second paragraph of Article 6.

The court may deprive the salvors of all remuneration, or may award a reduced remuneration, if it appears that the salvors have by their fault rendered the salvage or assistance necessary or have been guilty of theft, fraudulent concealment, or other acts of fraud.

## Article 9

No remuneration is due from persons whose lives are saved, but nothing in this Article shall affect the provisions of the national laws on this subject.

Salvors of human life, who have taken part in the services rendered on the occasion of the accident giving rise to salvage or assistance, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

## Article 10

A salvage action is barred after an interval of two years from the day on which the operations of assistance or salvage terminate.

The grounds upon which the said period of limitation may be suspended or interrupted are determined by the law of the court where the case is tried.

The High Contracting Parties reserve to themselves the right to provide, by legislation in their respective countries, that the said period shall be extended in cases where it has not been possible to arrest the vessel assisted or salvaged in the territorial waters of the State in which the plaintiff has his domicile or principal place of business.

## Article 11

Every master is bound, so far as he can do so without serious danger to his vessel, her crew and her passengers, to render assistance to everybody, even though an enemy, found at sea in danger of being lost.

The owner of a vessel incurs no liability by reason of contravention of the above provision.

## Article 12

The High Contracting Parties, whose legislation does not forbid infringements of the preceding Article, bind themselves to take or to propose to their respective legislatures the measures necessary for the prevention of such infringements.

The High Contracting Parties will communicate to one another as soon as possible the laws or regulations which have already been or may be hereafter promulgated in their States for giving effect to the above provision.

## Article 13

This Convention does not affect the provisions of national laws or international treaties as regards the organisation of services of assistance and salvage by or under the control of public authorities, nor, in particular, does it affect such laws or treaties on the subject of the salvage of fishing gear.

## Article 14

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

## Article 15

The provisions of this Convention shall be applied as regards all persons interested when either the assisting or salving vessel or the vessel assisted or salvaged belongs to a State of the High Contracting Parties, as well as in any other cases for which the national laws provide.

Provided always that:

1. As regards persons interested who belong to a non-contracting State the application of the above provisions may be made by each of the contracting States conditional upon reciprocity.
2. Where all the persons interested belong to the same State as the court trying the case, the provisions of the national law and not of the Convention are applicable.
3. Without prejudice to any wider provisions of any national laws, Article 11 only applies as between vessels belonging to the States of the High Contracting Parties.

## Article 16

Any one of the High Contracting Parties shall have the right, three years after this Convention comes into force, to call for a fresh conference with a view to possible amendments, and particularly with a view to extend, if possible, the sphere of its application.

Any Power exercising this right must notify its intention to the other Powers, through the Belgian Government, which will make arrangements for convening the conference within six months.

## Article 17

States which have not signed the present Convention are allowed to accede to it at their request. Such accession shall be notified through the diplomatic channel to the Belgian Government, and by the latter to each of the Governments of the other Contracting Parties; it shall become effective one month after the despatch of such notification by the Belgian Government.

## Article 18

The present Convention shall be ratified.

After an interval of at most one year from the date on which the Convention is signed, the Belgian Government shall place itself in communication with the Governments of the High Contracting Parties which have declared themselves prepared to ratify the Convention, with a view to decide whether it should be put into force.

The ratifications shall, if so decided, be deposited forthwith at Brussels, and the Convention shall come into force a month after such deposit.

The Protocol shall remain open another year in favour of the States represented at the Brussels Conference. After this interval they can only accede to it in conformity with the provisions of Article 17.

## Article 19

In the case of one or other of the High Contracting Parties denouncing this Convention, such denunciation shall not take effect until a year after the day on which it has been notified to the Belgian Government, and the Convention shall remain in force as between the other contracting Parties.

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

DONE at Brussels, in a single copy, September 23rd, 1910.

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