



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 2841 της 3ης ΔΕΚΕΜΒΡΙΟΥ 1993
ΝΟΜΟΘΕΣΙΑ

ΜΕΡΟΣ ΙΙΙ

Ο περί της Διεθνούς Συμβάσεως για την Ενοποίηση Ορισμένων Κανόνων Σχετικών με την Αστική Δικαιοδοσία επί Θεμάτων Συγκρούσεως Πλοίων (Κυρωτικός) Νόμος του 1993 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 31(III) του 1993

**ΝΟΜΟΣ ΠΟΥ ΕΠΙΚΥΡΩΝΕΙ ΤΗ ΔΙΕΘΝΗ ΣΥΜΒΑΣΗ ΓΙΑ ΤΗΝ
ΕΝΟΠΟΙΗΣΗ ΟΡΙΣΜΕΝΩΝ ΚΑΝΟΝΩΝ ΣΧΕΤΙΚΩΝ ΜΕ ΤΗΝ
ΑΣΤΙΚΗ ΔΙΚΑΙΟΔΟΣΙΑ ΕΠΙ ΘΕΜΑΤΩΝ ΣΥΓΚΡΟΥΣΕΩΣ ΠΛΟΙΩΝ**

ΠΡΟΟΙΜΙΟ

Έχοντας υπόψη ότι η Διεθνής Σύμβαση για την Ενοποίηση Ορισμένων Κανόνων Σχετικών με την Αστική Δικαιοδοσία επί Θεμάτων Συγκρούσεως Πλοίων καταρτίστηκε κατά την Ένατη Διπλωματική Διάσκεψη Ναυτικού Δικαίου και υπογράφηκε στις Βρυξέλλες, στις 10 Μαΐου 1952.

Έχοντας υπόψη ότι το άρθρο 13 της Διεθνούς αυτής Συμβάσεως επιτρέπει την προσχώρηση Κράτους που δεν είχε αντιπροσωπευθεί στην Ένατη Διπλωματική Διάσκεψη Ναυτικού Δικαίου.

Εκτιμώντας ότι το Υπουργικό Συμβούλιο με την υπ' αρ. 39.869 Απόφαση του της 10ης Σεπτεμβρίου 1993 ενέκρινε την προσχώρηση της Κυπριακής Δημοκρατίας στη Διεθνή αυτή Σύμβαση.

Για τους λόγους αυτούς, η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο Νόμος αυτός θα αναφέρεται ως ο περί της Διεθνούς Συμβάσεως για την Ενοποίηση Ορισμένων Κανόνων Σχετικών με την Αστική Δικαιοδοσία επί Θεμάτων Συγκρούσεως Πλοίων (Κυρωτικός) Νόμος του 1993.

Συνοπτικός
τίτλος.

2. Κατά την έννοια του παρόντος Νόμου—

Ερμηνεία.

«Σύμβαση» σημαίνει τη Διεθνή Σύμβαση για την Ενοποίηση Ορισμένων Κανόνων Σχετικών με την Αστική Δικαιοδοσία επί Θεμάτων Συγκρούσεως Πλοίων, που καταρτίστηκε κατά την Ένατη Διπλωματική Διάσκεψη Ναυτικού Δικαίου και υπογράφηκε στις Βρυξέλλες, στις 10 Μαΐου 1952.

Κύρωση.
Πίνακας
Μέρος I
Μέρος II.

3.—(1) Με τον παρόντα Νόμο κυρώνεται η Σύμβαση.

(2) Το κείμενο της Συμβάσεως εκτίθεται σε πρωτότυπο στην Αγγλική στο Μέρος I του Πίνακα και σε μετάφραση στην Ελληνική στο Μέρος II του Πίνακα.

(3) Σε περίπτωση αντίθεσης μεταξύ του πρωτότυπου κειμένου στην Αγγλική και του σε Ελληνική μετάφραση κειμένου, υπερισχύει το πρωτότυπο κείμενο στην Αγγλική.

ΠΙΝΑΚΑΣ

(Άρθρο 3)

ΜΕΡΟΣ I

INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAIN RULES
CONCERNING CIVIL JURISDICTION IN MATTERS OF COLLISION

(Brussels, May 10th, 1952)

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 inland water ;

2° It shall be for the plaintiff to decide in which of the Courts referred to in § 1 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 this Convention shall prevent any Court seized of an action by reason 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 manœuvre 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.