No. 6330

FEDERAL REPUBLIC OF GERMANY, BELGIUM, BRAZIL, SPAIN, FRANCE, etc.

International Convention relating to the arrest of seagoing ships. Signed at Brussels, on 10 May 1952

Official texts: French and English.

Registered by Belgium on 2 October 1962.

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, BELGIQUE, BRÉSIL, ESPAGNE, FRANCE, etc.

Convention internationale pour l'unification de certaines règles sur la saisie conservatoire des navires de mer. Signée à Bruxelles, le 10 mai 1952

Textes officiels français et anglais.

Enregistrée par la Belgique le 2 octobre 1962.

No. 6330. INTERNATIONAL CONVENTION[1] RELATING TO THE ARREST OF SEAGOING SHIPS. SIGNED AT BRUSSELS, ON 10 MAY 1952

The High Contracting Parties,

Having recognised the desirability of determining by agreement certain uniform rules of law relating to the arrest of seagoing 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 charter-party or otherwise;

(*e*) agreement relating to the carriage of goods in any ship whether by charter-party or otherwise;

[1] In accordance with article 14 (*a*), the Convention came into force on 24 February 1956, six months after the date of deposit of the second instrument of ratification. Here follows a list of States which have deposited their instruments of ratification or accession (*a*) with the Ministry of Foreign Affairs of Belgium, indicating the date of deposit and the date of entry into force of the Convention for each State :

State	*Date of deposit*	*Date of entry into force*
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 (with reservations)*	13 July 1955 (*a*)	24 February 1956
Egypt (Confirming the reservation made at the time of signature; see p. 210 of this volume)	24 August 1955	24 February 1956
Holy See	10 August 1956	10 February 1957
Cambodia (with reservation)*	12 November 1956 (*a*)	12 May 1957
Portugal	4 May 1957	4 November 1957
France**	25 May 1957	25 November 1957
United Kingdom of Great Britain and Northern Ireland (with reservations)*	18 March 1959	18 September 1959
Belgium	10 April 1961	10 October 1961

* For the text of these reservations, see p. 214 of this volume.

** A notification of application to the French Overseas Territories, the Trust Territories of Togoland and Cameroon under French administration was received by the Government of Belgium on 23 April 1958 and took effect on 23 October 1958.

(*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 favour.

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 1), *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;[1]
(*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

[1] *British and Foreign State Papers*, Vol. CIII, p. 434, and League of Nations, *Treaty Series*, Vol. CCV, p. 220.