

C-9: INTERNATIONAL CONVENTION RELATING TO THE LIMITATION OF LIABILITY OF OWNERS OF SEA-GOING SHIPS 1957

Name of the Convention: International Convention relating to the limitation of liability of Owners of Sea-going Ships, and Protocol of signature.

Acronym or short name: Limitation of liability of owners of Sea-going Ships

International Organization in charge of it: Brussels Convention

Summary description (in plain language): This Convention provides uniform rules relating to the limitation of liability of owners of sea-going ships. Owners of sea-going ships may limit their liability for claims arising from certain occurrences: loss of life or personal injury to any person carried in the ship or on land or on water; loss or damage to any property on board the ship; obligations related to wreck removal.(art.1-1) Excluded from the scope of application of the Convention are claims for salvage or claims for contribution in general average; and claims by masters, members of crews, any servants of the owner on board the ship.(art.1-4)

A fund is constituted for the payment of claims subject to limitation of liability. The amount for which the limitation of liability can be invoked depends on the nature of claims namely personal and property claims(art.3-1). Owners of sea going ships cannot limit their liability when claims result from their own personal fault. This Convention applies to owner of a ship who limits or seeks to limit his liability or seeks to release the ship.

Date of signature: 10 October 1957

Date of entry into force: 31 May 1968

Protocol to amend the International Convention relating to the Limitation of Liability of Owners of Sea-going Ships: Adoption 21 December 1979, Entry into force 6 October 1984. It changed the unit of account used to limit the liability to Special Drawing Right (SDR).

Applicability (situation of ratification): This Convention has gradually been replaced by the 1976 LLMC, which stipulates in art. 17-4 that for Contracting States the 1976 LLMC replaces the Brussels Limitation Convention 1957. Nevertheless, although 12 states have renounced this Convention, a total of 39 States have remained party to this Convention.

Stakes for ports: Owners of sea-going ships may limit their liability for claims resulting from “obligation or liability arising out of damages caused to harbour works, basins and navigable waterways” ([art.1 \(c\)](#)). So, owners of sea-going ships have the option of not paying full compensation for damage caused to ports. Port States have jurisdiction to order the release a ship from arrest or the return of security given to avoid an arrest, if the ship-owner can limit his liability ([art.5](#)).

Links with other conventions: [LLMC](#).

Key-words: Liability, owners of Sea going ships, personal claims, property claims,

Internet hyperlink with other website:

<http://www.comitemaritime.org/>

<http://www.imo.org/>

(full text) <http://www.admiraltylawguide.com/conven/limitation1957.html>