

## **D-1: INTERNATIONAL CONVENTION RELATING TO THE ARREST OF SEA-GOING SHIPS**

**Name of the convention:** International Convention relating to the Arrest of Sea-Going Ships

**Acronym or short name:** Arrest of Sea-Going Ships

**International organisation/ Body in charge of it:** Belgian Ministry of Foreign Affairs (Brussels convention)

**Summary description (in plain language):** The Convention was adopted by the States represented at the ninth diplomatic conference on Maritime Law.

This convention aims at providing legal instrument promoting trade. The convention deals with the possibility for a Contracting State to detain a ship by a judicial process in order to secure a maritime claim ([art.1](#)). The convention applies to any vessel flying the flag of a Contracting State in the jurisdiction of any Contracting State ([art.8](#)). So, a ship flying flag of a Contracting Parties may be arrested in the jurisdiction of any of Contracting Parties. The rights empowered by a State, public Authorities or dock or harbor authorities still exist under domestic regulations ([art.2](#)).

The rules of procedures relating to the arrest of ship shall be governed by the law of a Contracting State in with the arrest was made ([art.6](#)).

The “appropriate judicial authority” within whose jurisdiction the ship has been arrested shall permit the release of the ship upon a bail or other financial security ([art.5](#)).

**Date of first approval:** 10 may 1952

**Date of coming into force:** 28 november 1954

**Dates of revision:**Æ

**Reasons of revisions:**Æ

**Applicability (situation of ratification):** The convention shall come into force between the two States which first ratify it, six months after the date of deposit of the second instrument of ratification ([art.14](#)).

The contracting parties may at the time of signature, deposit or ratification or accession reserve: the right not to apply this convention to the arrest of ships for any of the claims enumerated in paragraphs (o) and (p) of article 1, but to apply their domestic laws to such claims; and also 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) ([art.10](#)).

**Stakes for ports:** Ports can be concerned by the maritime claims which involves the arrest of ships. In article 1 (j) and (l) maritime claims are constituted of claims arising out of pilotage, construction, repair or equipment of any ship or dock charges and dues.

Ports enshrines their right to apply domestic laws ([art.2](#)), the convention doesn't interfere with the right of "States and Port Authorities" contained in their domestic laws to seize, arrest or detain a ship within jurisdiction.

**Links with other conventions:** [International Convention on Arrest of ships, 1999](#)

**Key-words:** Maritime claim, arrest, power of arrest, claimant, release of ship

**Internet hyperlink with other website:**

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

(Full text) <http://www.admiraltylawguide.com/conven/arrest1952.html>