

# The Limitation Convention 1976

# Who can limit?

## CHAPTER I. THE RIGHT OF LIMITATION

### *Article 1.* PERSONS ENTITLED TO LIMIT LIABILITY

1. Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Convention for claims set out in Article 2.
2. The term “shipowner” shall mean the owner, charterer, manager and operator of a seagoing ship.

# Which claims can be limited?

## *Article 2.* CLAIMS SUBJECT TO LIMITATION

1. Subject to Articles 3 and 4 the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:

- (a) Claims in respect of loss of life or personal injury or loss of or damage to property (including damage to harbour works, basins and waterways and aids to navigation), occurring on board or in direct connexion with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;

## More claims limitable under Article 2...

- (e) Claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship;
- (f) Claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Convention, and further loss caused by such measures.

# Article 9 - aggregation

## *Article 9. AGGREGATION OF CLAIMS*

1. The limits of liability determined in accordance with Article 6 shall apply to the aggregate of all claims which arise on any distinct occasion:

(a) Against the person or persons mentioned in paragraph 2 of Article 1 and any person for whose act, neglect or default he or they are responsible; or

# Article 11 – constituting the fund

## *Article II.* CONSTITUTION OF THE FUND

1. Any person alleged to be liable may constitute a fund with the Court or other competent authority in any State Party in which legal proceedings are instituted in respect of claims subject to limitation. The fund shall be constituted in the sum of such of the amounts set out in Articles 6 and 7 as are applicable to claims for which that person may be liable, together with interest thereon from the date of the occurrence giving rise

# Article 11 – the common fund

3. A fund constituted by one of the persons mentioned in paragraph 1 (*a*), (*b*) or (*c*) or paragraph 2 of Article 9 or his insurer shall be deemed constituted by all persons mentioned in paragraph 1 (*a*), (*b*) or (*c*) or paragraph 2, respectively.