

中国船东互保协会文件

中船保董〔2023〕2号

关于修改协会保险条款的通知

各会员公司：

2023年1月18日，中国船东互保协会第十二届会员大会第十四次会议（特别）审议并通过了《关于修改协会2023保险年度保险条款的提案》。新的保险条款中第三条和第四条及与之有关的条款自2023年2月20日格林威治标准时间12时起实施；第五条及与之有关的条款追溯自2023年1月1日北京时间零时起实施。

特此通知。

附件：协会2023保险年度保险条款修改表



抄送：协会经理机构领导

中国船东互保协会

2023年1月19日印发

附件

协会 2023 保险年度保险条款修改表

中文条款	英文条款	修改说明
<p>1. 第三条 保险承保风险</p> <p>对第三条（二十）罚款进行修改，增加下划线字部分内容，删除带删除线部分的内容：</p> <p>（二十）罚款</p> <p>……</p> <p>6. 入会船被没收</p> <p>尽管有第八条第（四）款第4.1）项规定，对会员因走私或因违反任何海关法或海关规定被任何合法授权的法院、法庭或主管当局没收入会船而遭受的损失所提出的索赔，董事会可批准全部或部分赔付。</p> <p>但是：</p> <p>1) 本协会的赔偿总额不得超过船舶被没收当天的市场价格；并且</p> <p>2) 会员应使董事会相信，其为防止因违反海关法或海关规定而这类导致船舶被没收的事件已采取了合理的措施；并且</p> <p>3) 根据本第6项提出的索赔，应仅以董事会决定的赔付数额为限，董事会无须对其决定说明理由；并且</p> <p>4) 只有当会员在入会船上的利益完全永久失去时，董事会才考虑是否赔付会员的该项索赔。</p>	<p>1. Rule 3 – Protection & Indemnity Risks Covered</p> <p><i>Amend Section 20 Fines by addition of the words in underlined type and by deletion of the words indicated below:</i></p> <p>Section 20 Fines</p> <p>……</p> <p>F. Confiscation of the entered ship</p> <p>Notwithstanding the terms of Rule 8 [D][iv][(i)], the Directors in their discretion may authorize the payment, in whole or in part, of a Member’s claim for loss of an entered ship following confiscation of the ship by any legally empowered court, tribunal or authority <u>resulting from smuggling or</u> by reason of the infringement of any customs law or customs regulation:</p> <p>PROVIDED ALWAYS that:</p> <p>a. the amount recoverable from the Association shall under no circumstances exceed the market value of the ship without commitment at the date of the confiscation; <u>and</u></p> <p>b. the Member shall have satisfied the Directors that he took such steps as appear to the Directors to be reasonable to prevent the infringement of the customs law or regulation event giving rise to the such confiscation; <u>and</u></p> <p>c. any amount claimed under this paragraph [F] of Section 20 shall be recoverable to such extent only as the Directors in their discretion may determine without having to give any reasons for their decision; <u>and</u></p> <p>d. no such claim shall be considered by the Directors until such time as the Member has been <u>permanently</u> deprived of his interest in the entered ship.</p>	<p>参考国际保赔协会的规定和修改，结合实际情况，调整有关规定。</p>

<p>2. 第六条 特别保险</p> <p>对第六条第（三）款进行修改，增加下划线字部分内容，删除带删除线部分的内容：</p> <p>（三）在不影响第十三条第<u>三（二）</u>款规定的情况下，经理机构可对本条款第六条、第七条所承保风险的全部或部分进行再保险，当已安排该再保险后，会员仅有权获得从再保险安排实际追偿所得的净金额，以及协会自留风险（如果有的话）部分。</p>	<p>2. Rule 6 – Special Cover</p> <p><i>Amend Rule 6C by addition of the words in underlined type and by deletion of the words indicated below:</i></p> <p>C. Without prejudice to the generality of Rule 13CB, the Managers may reinsure in whole or in part the risk or risks of the Association insured under this Rule 6, or under Rule 7, and where such reinsurance is arranged the Member shall be entitled to recover only the net amount actually recovered under such reinsurance arrangements, together with that portion (if any) of the risk or risks retained by the Association.</p>	<p>修改编辑性错误。</p>
<p>3. 第八条 通用规则</p> <p>对第八条第（四）款第5项进行修改，增加下划线字部分内容：</p> <p>（四）除外责任</p> <p>5. 救助船、钻探船、挖掘船及其他船、特殊作业、潜水作业等产生的某些责任、开支和费用</p> <p>对会员因此类入会船从事下述作业所产生的责任、开支和费用，除非会员与经理机构根据第六条或第七条规定达成书面特别保险协议，并以此为限，否则本协会不负赔偿责任：</p> <p>...</p> <p>3) 特殊作业</p> <p>会员在实施特殊作业中所产生的责任、开支和费用，这种特殊作业包括但不限于挖掘、爆破、打桩、探井、电缆或管道的建筑、铺设或维修、矿样采集、<u>采矿</u>、<u>矿</u>、<u>矿</u>土处置、发电、拆除作业，以因下述事项而产生的责任、开支和费用为限： ...</p>	<p>3. Rule 8 – Conditions, Exceptions and Limitations</p> <p><i>Amend Rule 8D by addition of the words in underlined type indicated below:</i></p> <p>D. Exclusions</p> <p>v. Exclusion of certain liabilities, costs and expenses of salvage ships, drilling ships, dredgers and others, specialist operation, diving etc.</p> <p>Unless and to the extent that special cover shall have been agreed in writing between a Member and the Managers in accordance with the provisions of Rules 6 or 7, the Association shall not be liable for any claim relating to:</p> <p>...</p> <p>(iii) Specialist operations</p> <p>Liabilities, costs and expenses incurred by a Member during the course of performing specialist operations including but not limited to dredging, blasting, pile-driving, well-stimulation, cable or pipelaying, construction, installation or maintenance work, core sampling, <u>mining</u>, depositing of spoil, power generation, decommissioning to the extent that such liabilities, costs and expenses arise as a consequence of: ...</p>	<p>参考国际保赔协会的规定和修改，结合实际情况，调整有关规定。</p>