

ASSEMBLY - 1st session
Agenda item 12

DETERMINATION RELATING TO THE REPLACEMENT OF
INSTRUMENTS ENUMERATED IN ARTICLE 5(3)

Note by the Secretary-General of IMCO

1. Paragraph 3 of Article 5 of the Fund Convention provides that, in case of an incident, the Fund may be exonerated wholly or partly from its obligations under paragraph 1 of Article 5 if it proves that, as a result of the actual fault or privity of the owner, the ship in question did not comply with the requirements contained in a number of instruments listed in that paragraph and the incident or damage was caused wholly or partially by such non-compliance. One of the instruments referred to in paragraph 3 is the "International Regulations for Preventing Collisions at Sea, 1960". The 1960 instrument has been replaced by the Convention on the International Regulations for Preventing Collisions at Sea, 1972, which entered into force on 15 July 1977.
 2. In accordance with Article 5(4), it will be necessary to decide a date on which the 1972 Convention is to replace the 1960 Collisions Regulations for the purpose of Article 5(3).
 3. The Assembly is invited to consider whether it would wish to deal with this matter at its first session or whether it would prefer to take up the issue at a later stage.
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