

# The Salvage Convention and Art 13 – time for a change?

*Alex Macinnes*

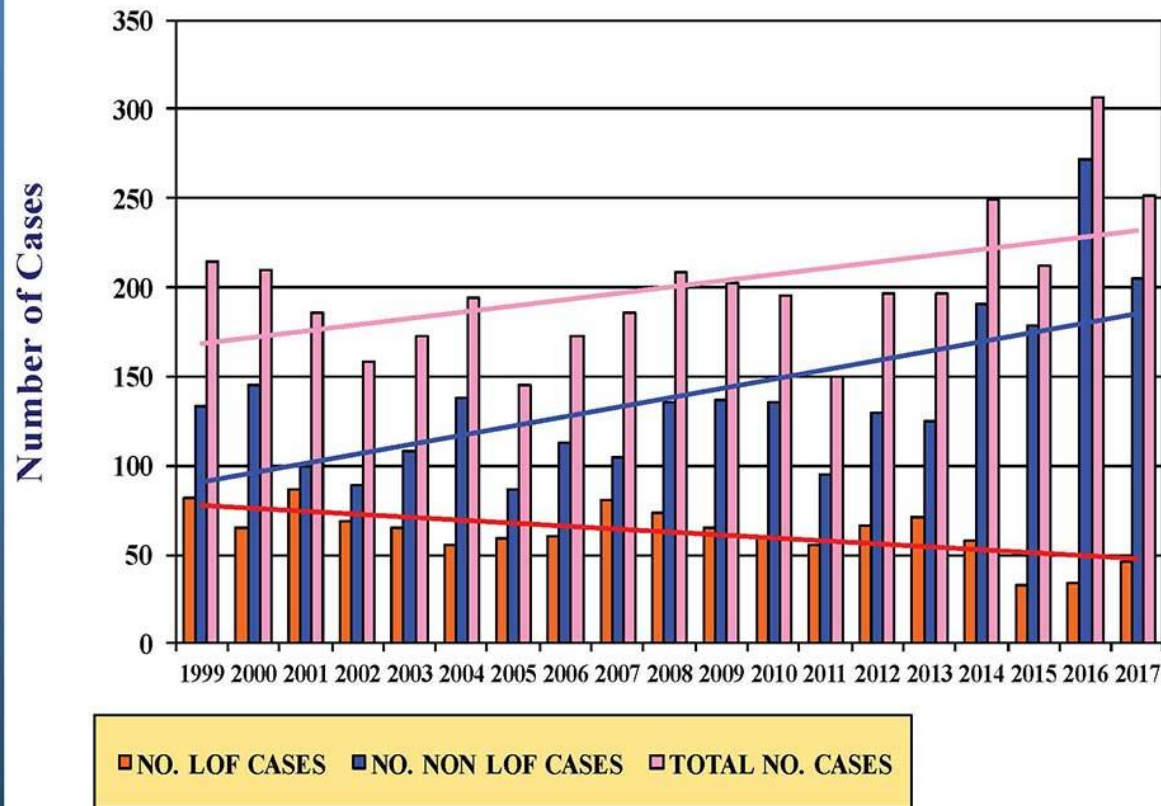
Macinnes  
Taylor

Marine  
solicitors

# Proposed Change to Salvage Convention

ISU Salvage Statistics; 1999 - 2017

## Number of “Dry” Salvage Services per Year

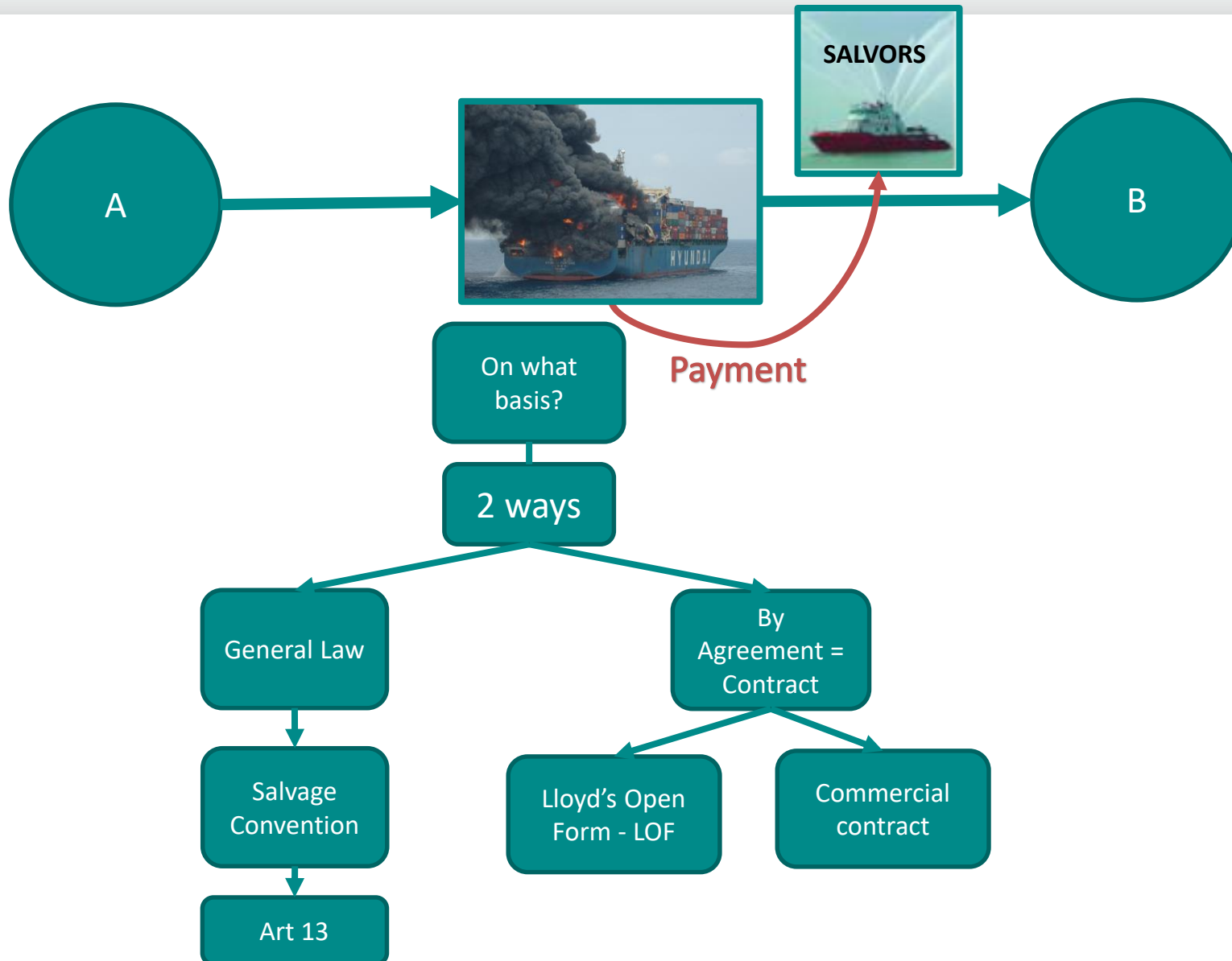


# Salvage Convention – Preamble

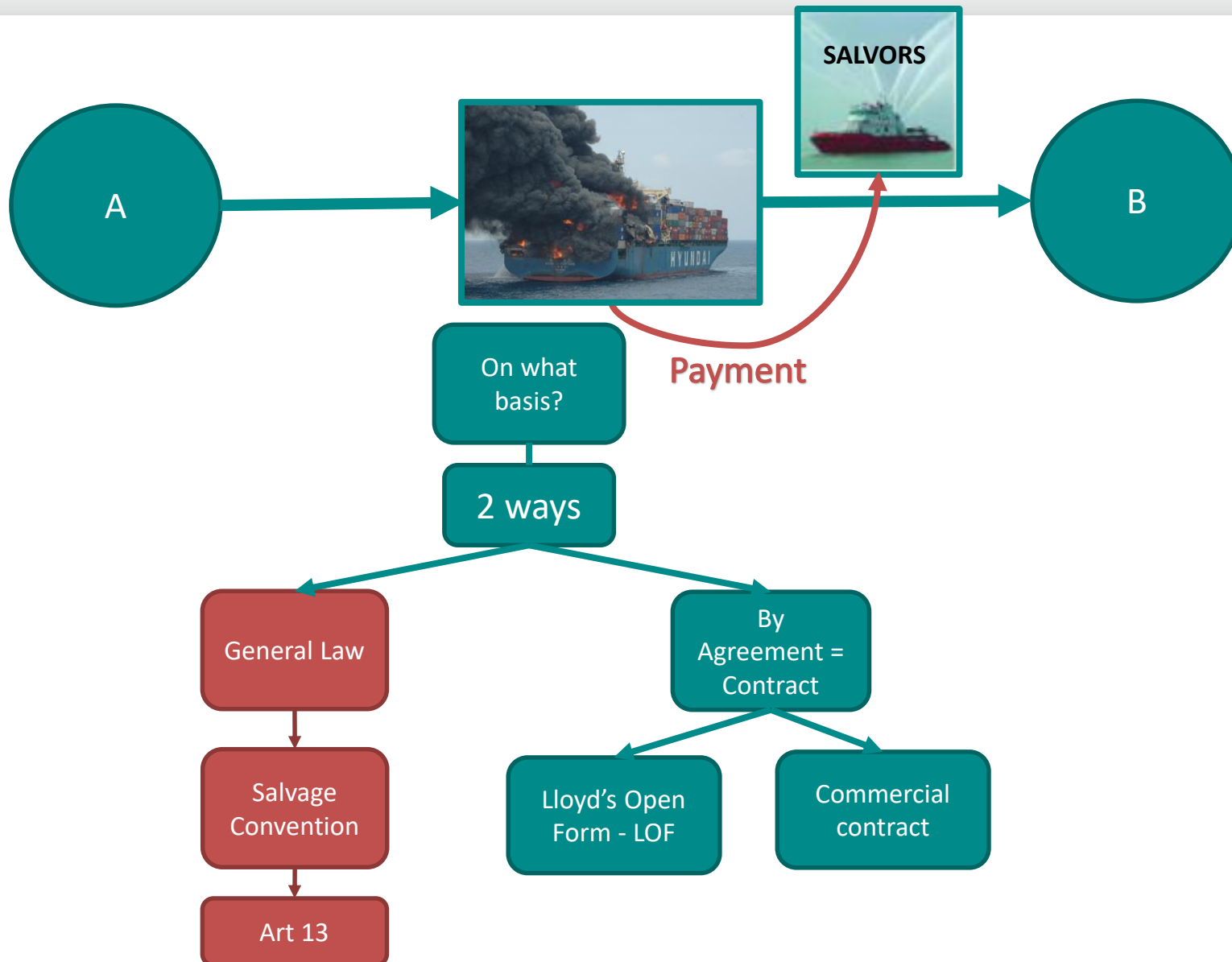
*“... CONSCIOUS of the major contribution which **efficient and timely salvage operations** can make to the safety of vessels and other property in danger and to the protection of the environment,*

*CONVINCED of **the need to ensure that adequate incentives are available to persons who undertake salvage operations** in respect of vessels and other property in danger...”*

# Reminder – How salvage works?



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# Salvage – The General Law



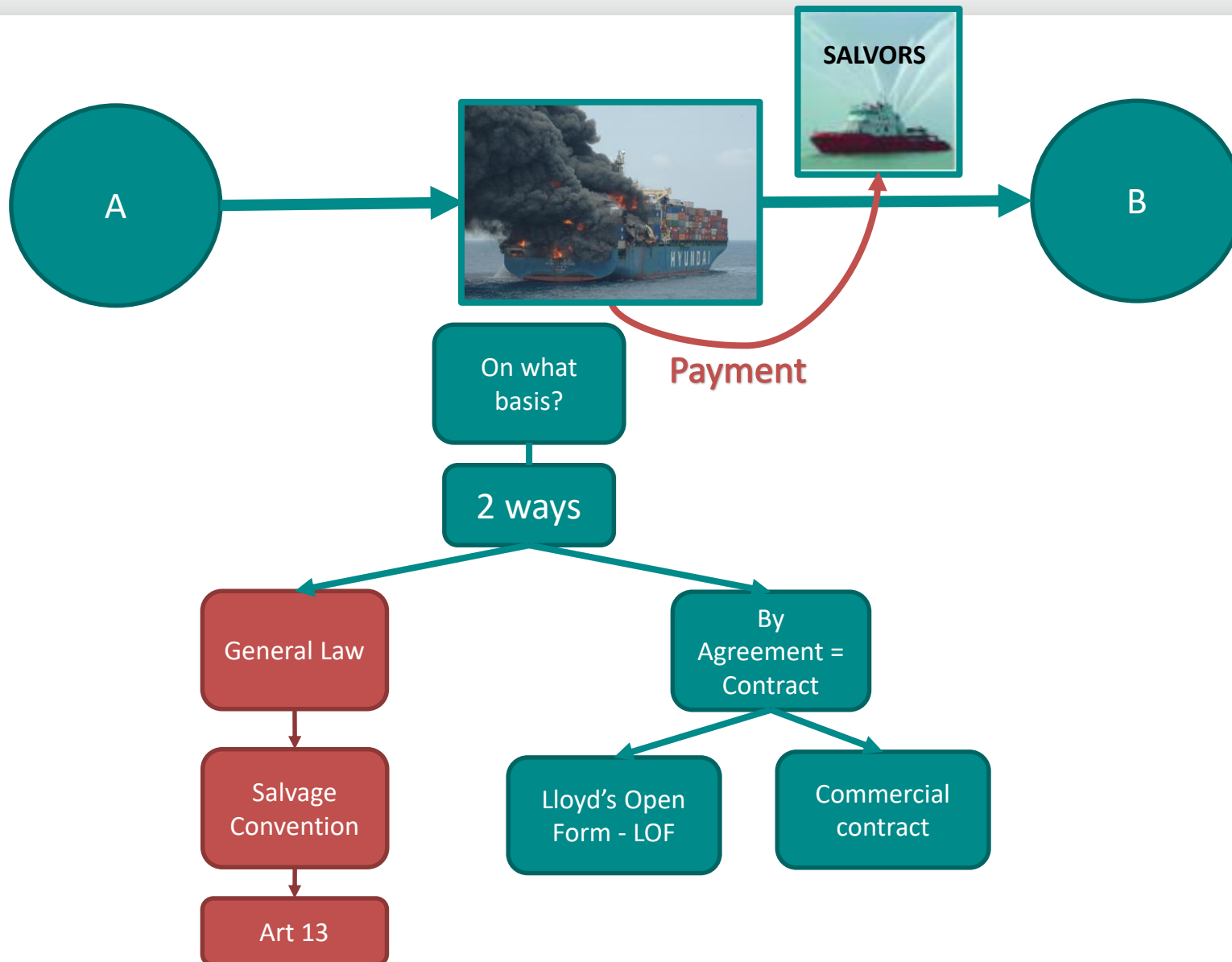
# Article 13

## Article 13

### Criteria for fixing the reward

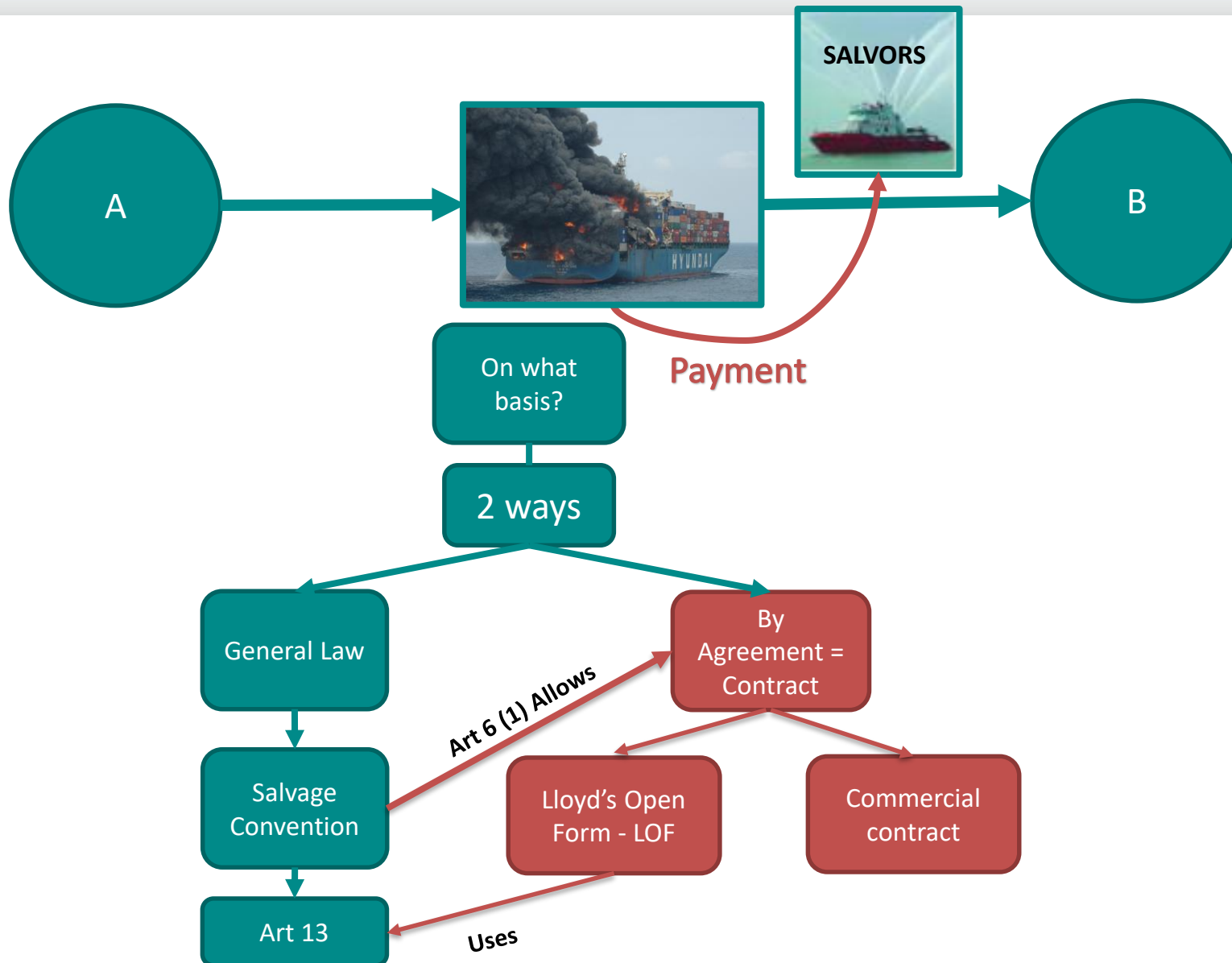
1. The reward shall be **fixed with a view to encouraging salvage operations, taking into account the following criteria** without regard to the order in which they are presented below:
  - (a) **...salved value ...;**
  - (b) **...preventing or minimizing damage to the environment;**
  - (c) **...success...;**
  - (d) **...the danger;**
  - (e) **the skill and efforts of the salvors ...;**
  - (f) **...**
  - (h) **.....;**
  - (i) **...the availability and use of vessels or other equipment...;**
  - (j) **...the state of readiness and efficiency of the salvor's equipment** and the value thereof.

# Reminder – How salvage works?

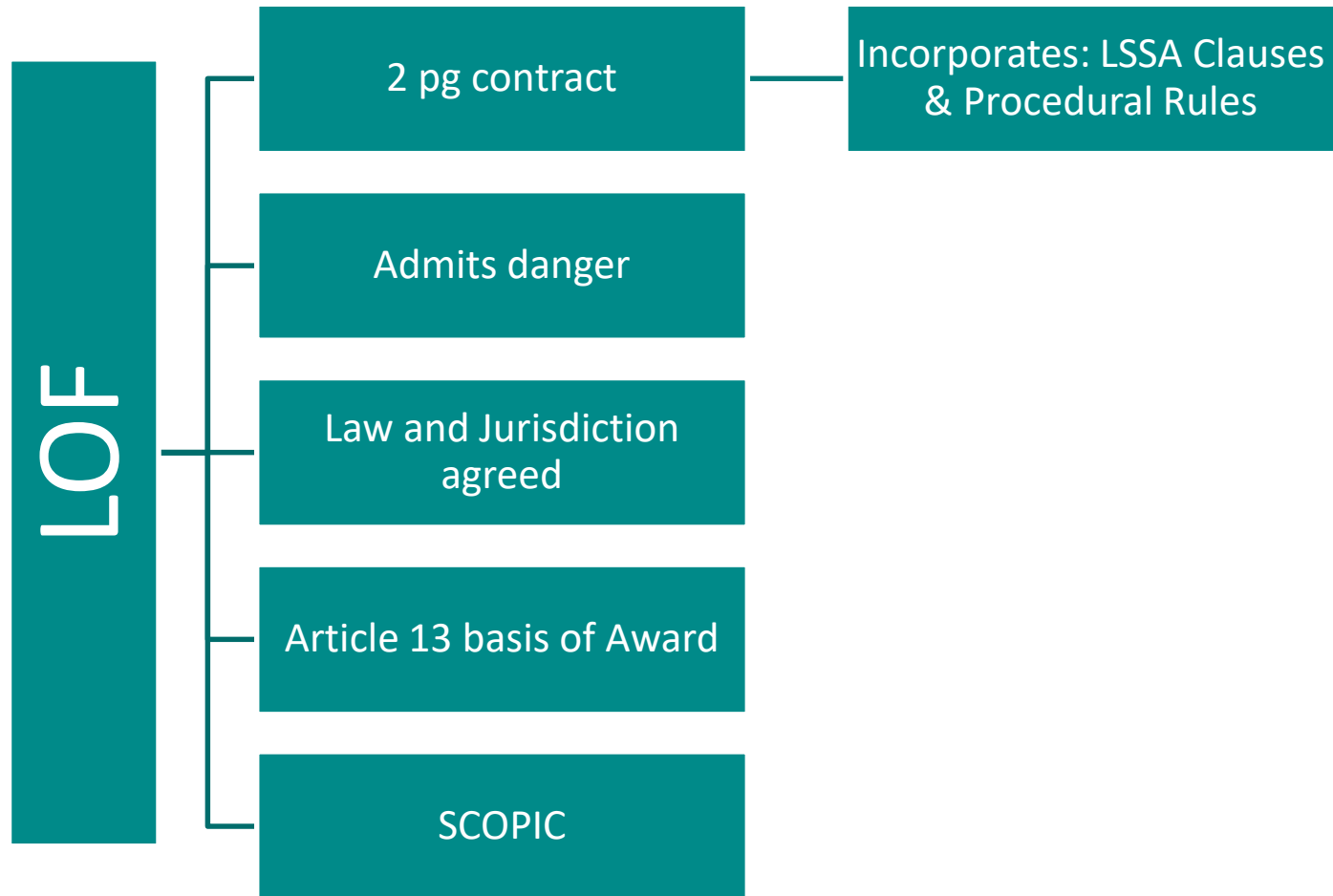




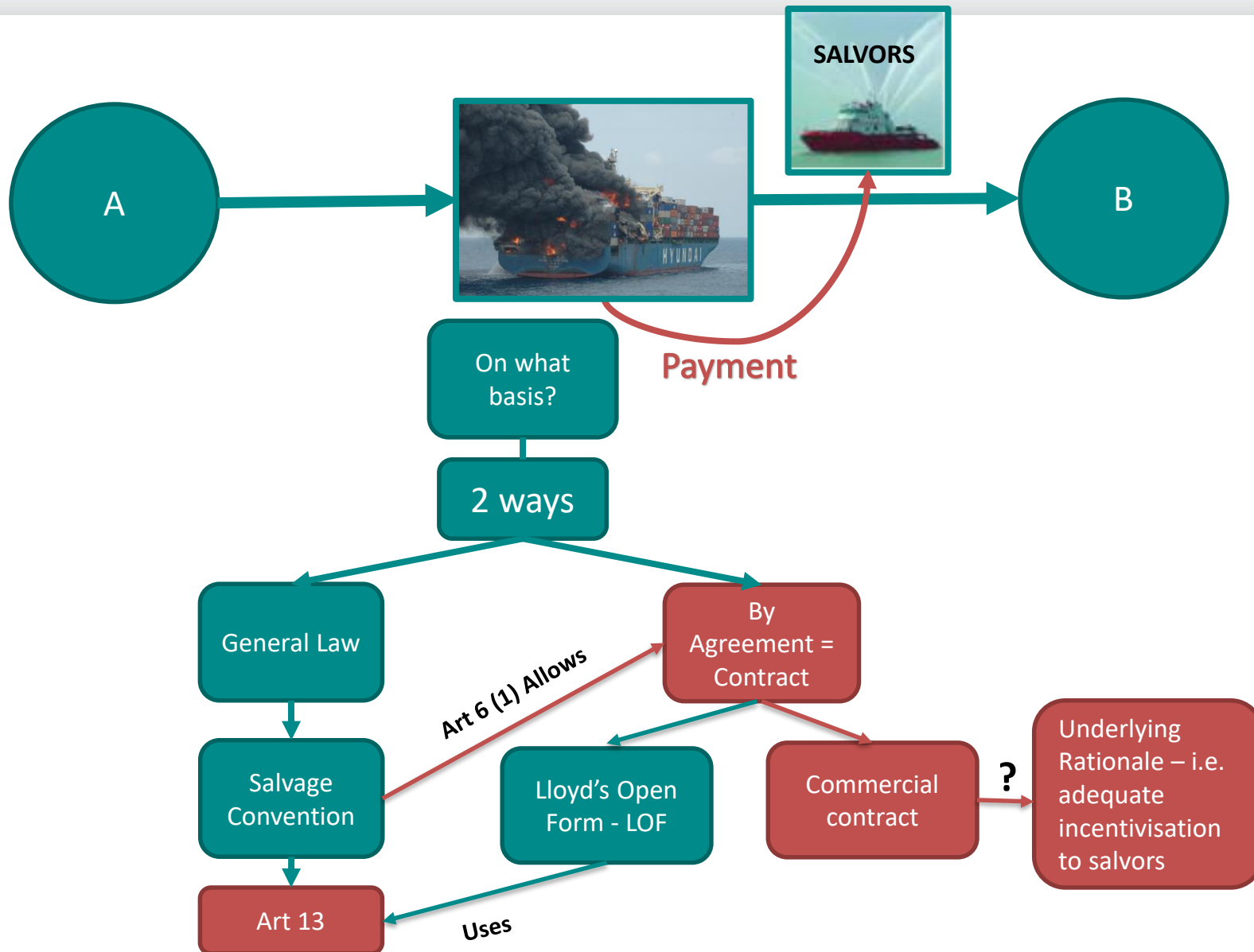
# Reminder – How salvage works?



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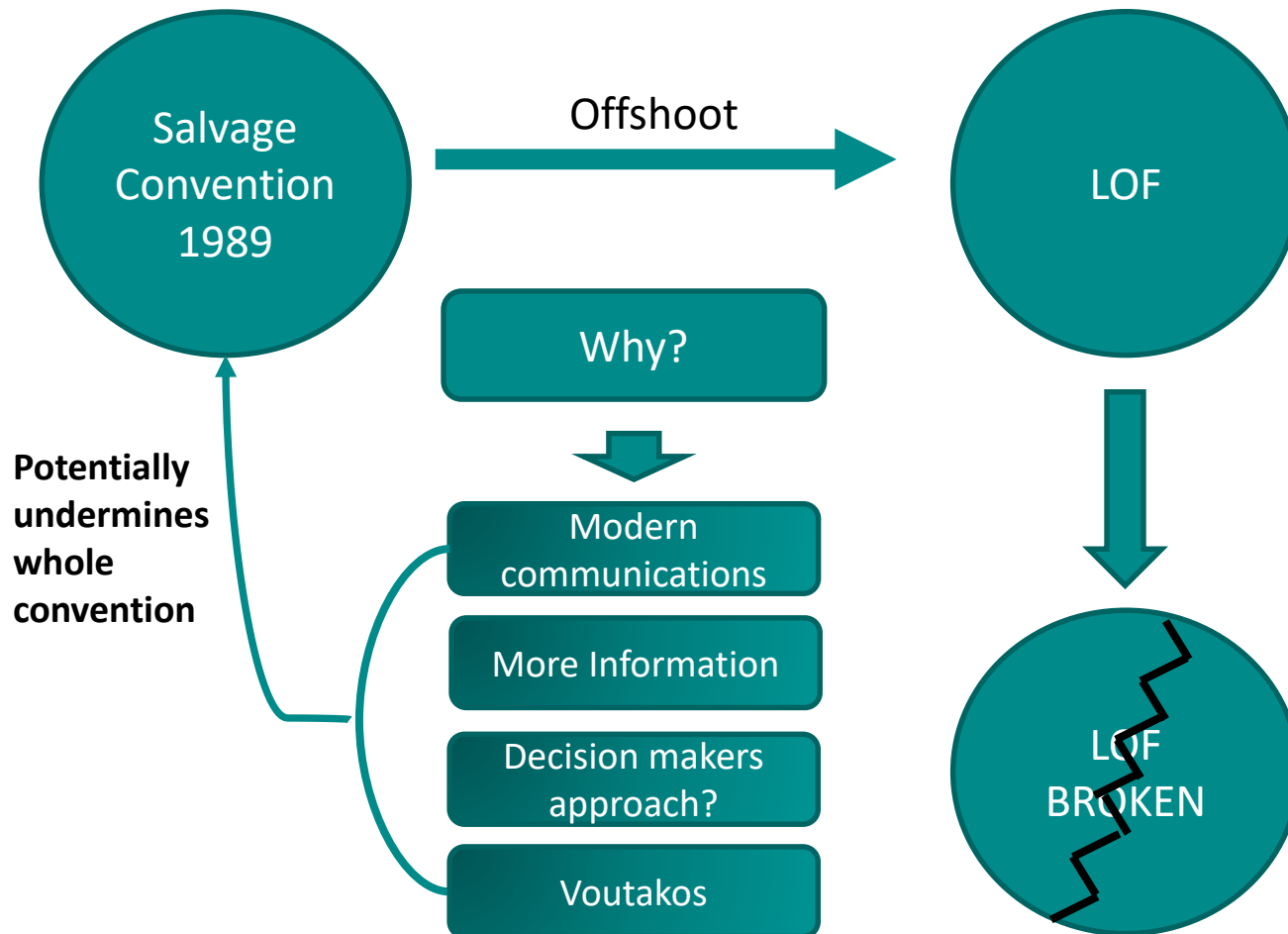


# Reminder – How salvage works?

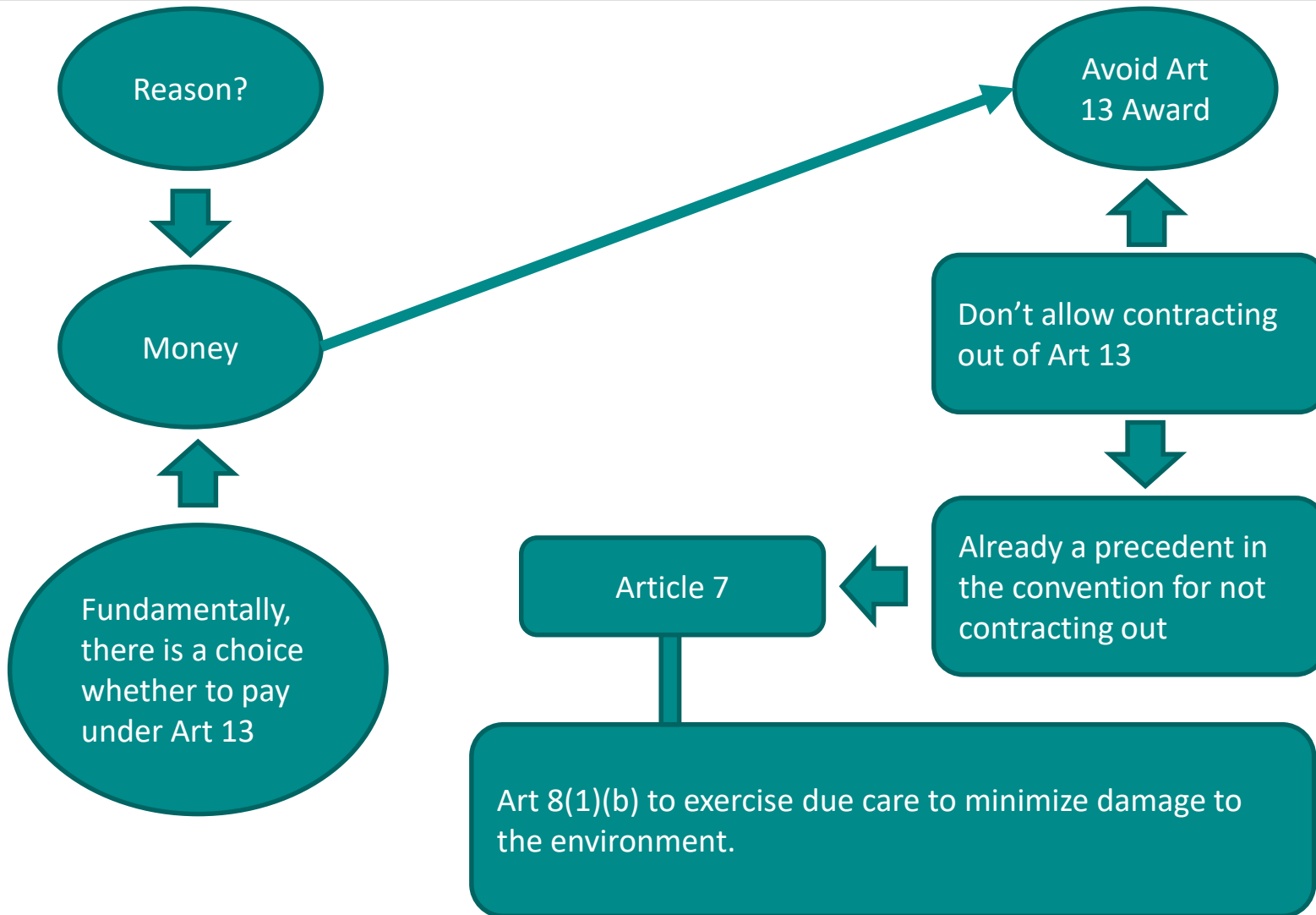


# Proposed Change to Salvage Convention

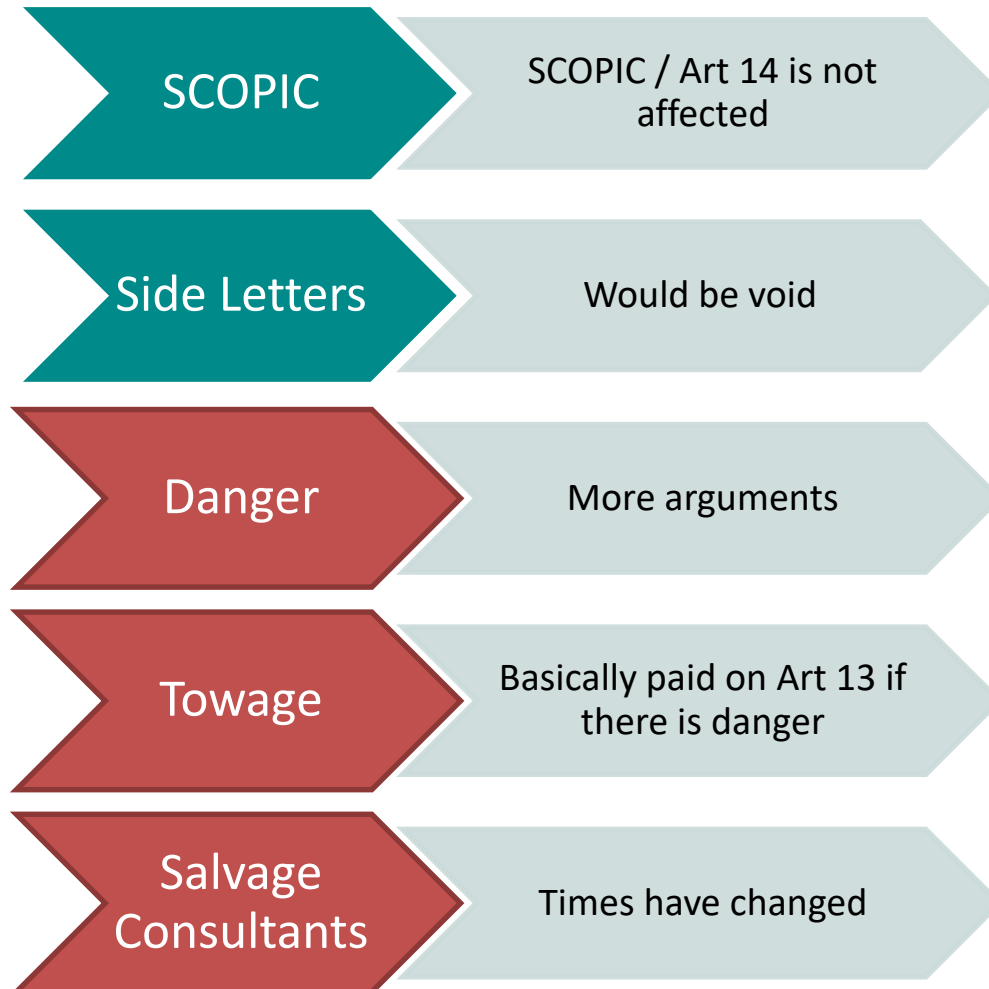
Underlying rationale - To encourage the existence of adequate salvage services



# Solutions



# Further points



# How?

- “*Article 32 - Revision and amendment*

*...2. The Secretary-General shall convene a conference of the States Parties to this Convention for revising or amending the Convention, at the request of ...one fourth of the States Parties...*”

# How?

## Possible Wording

*“In circumstances where, but for Article 6(1), an award would be payable in accordance with Article 12 paragraph 1 and Article 13 (the “Award Basis”) then, any services actually provided by agreement to the vessel must be paid for at least on the Award Basis .”*



# Salvage Convention – underlying rationale

*“... CONSCIOUS of the major contribution which **efficient and timely salvage operations** can make to the safety of vessels and other property in danger and to the protection of the environment,*

*CONVINCED of **the need to ensure that adequate incentives are available to persons who undertake salvage operations** in respect of vessels and other property in danger...”*

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