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*Changes to legislation: There are currently no known outstanding effects for the Submarine Telegraph Act 1885. (See end of Document for details)*

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## SCHEDULE

### SUBMARINE TELEGRAPHS CONVENTION

Convention for the preservation of telegraphic communications by means of submarine telegraphs made on the 14th of March 1884, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, His Majesty the German Emperor, King of Prussia, His Excellency the President of the Argentine Confederation, His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, His Majesty the King of the Belgians, His Majesty the Emperor of Brazil, His Excellency the President of the Republic of Costa Rica, His Majesty the King of Denmark, His Excellency the President of the Dominican Republic, His Majesty the King of Spain, His Excellency the President of the United States of America, His Excellency the President of the United States of Colombia, His Excellency the President of the French Republic, His Excellency the President of the Republic of Guatemala, His Majesty the King of the Hellenes, His Majesty the King of Italy, His Majesty the Emperor of the Ottomans, His Majesty the King of the Netherlands, Grand Duke of Luxemburg, His Majesty the Shah of Persia, His Majesty the King of Portugal and the Algarves, His Majesty the King of Roumania, His Majesty the Emperor of all the Russias, His Excellency the President of the Republic of Salvador, His Majesty the King of Servia, His Majesty the King of Sweden and of Norway, and His Excellency the President of the Oriental Republic of the Uruguay.

The following is an English translation of the Convention with the omission of the formal beginning and end:—

#### ARTICLE I

The present Convention applies outside territorial waters to all legally established submarine cables landed on the territories, colonies, or possessions of one or more of the High Contracting Parties.

#### ARTICLE II

It is a punishable offence to break or injure a submarine cable, wilfully or by culpable negligence, in such manner as might interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages.

This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

#### ARTICLE III

The High Contracting Parties undertake that, on granting a concession for landing a submarine cable, they will insist, so far as possible, upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

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#### ARTICLE IV

**Modifications etc. (not altering text)**

**C1** Art. IV amended and extended by [Continental Shelf Act 1964 \(c. 29\)](#), s. 8(1)

The owner of a cable who, on laying or repairing his own cable breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II. of the present Convention.

#### ARTICLE V

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been, or may be, adopted by mutual agreement among the High Contracting Parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them, or are able to see them, shall withdraw to or keep beyond a distance of one nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, fishing vessels which see or are able to see a telegraph ship exhibiting the said signals shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time they shall not be interfered with in any way.

The operations of the telegraph ships shall be completed as quickly as possible.

#### ARTICLE VI

Vessels which see, or are able to see, the buoys showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one-quarter of a nautical mile at least from the said buoys.

Fishing nets and gear shall be kept at the same distance.

#### ARTICLE VII

**Modifications etc. (not altering text)**

**C2** Art. VII para. 1 amended and extended by [Continental Shelf Act 1964 \(c. 29\)](#), s. 8(1)

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear in order to avoid injuring a submarine cable shall receive compensation from the owner of the cable.

In order to establish a claim to such compensation, a statement supported by the evidence of the crew, should, whenever possible, be drawn up immediately after the occurrence; and the master must, within twenty-four hours after his return to, or next putting into port, make a declaration to the proper authorities.

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The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

### ARTICLE VIII

The tribunals competent to take cognizance of infractions of the present Convention are those of the country to which the vessel on board of which the offence was committed belongs.

It is, moreover, understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the Contracting States in accordance, so far as the subjects and citizens of those States respectively are concerned, with the general rules of criminal jurisdiction prescribed by the laws of that particular State, or by international treaties.

### ARTICLE IX

Prosecutions for infractions provided against by Articles II., V., and VI. of the present Convention shall be instituted by the State, or in its name.

### ARTICLE X

Offences against the present Convention may be verified by all means of proof allowed by the legislation of the country of the court. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the high contracting parties, have reason to believe that an infraction of the measures provided for in the present Convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said vessel. The fact of such document having been exhibited shall then be endorsed upon it immediately. Further, formal statements of the facts may be prepared by the said officers, whatever may be the nationality of the vessel incriminated. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered, in the country where they are adduced, as evidence in accordance with the laws of that country. The accused and the witnesses shall have the right to add, or to have added, thereto, in their own language, any explanations they may consider useful. These declarations shall be duly signed.

### ARTICLE XI

The proceedings and trial in cases of infraction of the provisions of the present Convention shall always take place as summarily as the laws and regulations in force will permit.

### ARTICLE XII

The High Contracting Parties engage to take or to propose to their respective Legislatures the necessary measures for insuring the execution of the present Convention, and especially for punishing, by either fine or imprisonment, or both, those who contravene the provisions of Articles II., V., and VI.

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### **ARTICLE XIII**

The High Contracting Parties will communicate to each other laws already made, or which may hereafter be made, in their respective countries relating to the object of the present Convention.

### **ARTICLE XIV**

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by the latter to the other Signatory Powers.

### **ARTICLE XV**

It is understood that the stipulations of the present Convention do not in any way restrict the freedom of action of belligerents.

### **ARTICLE XVI**

The present Convention shall be brought into force on a day to be agreed upon by the High Contracting Powers.

It shall remain in force for five years from that day, and unless any of the High Contracting Parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so on from year to year.

If one of the Signatory Powers denounce the Convention, such denunciation shall have effect only as regards that Power.

### **ARTICLE XVII**

The present Convention shall be ratified, and the ratifications exchanged at Paris with as little delay as possible, and, at the latest, at the expiration of a year.

### **ADDITIONAL ARTICLE**

The stipulations of the Convention concluded under to-day's date for the protection of submarine cables shall be applicable, in conformity with Article I., to the colonies and possessions of Her Britannic Majesty, with the exception of those herein-after mentioned, namely:—

Canada.

Newfoundland.

The Cape.

Natal.

New South Wales.

Victoria.

Queensland.

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Tasmania.

South Australia.

Western Australia.

New Zealand.

Provided always, that the stipulations of the said Convention shall be applicable to any of the above-named colonies or possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at Paris to the French Minister for Foreign Affairs.

Each of the above-named colonies or possessions which may have acceded to the said Convention shall be at liberty to withdraw from it in the same manner as the powers parties to it. In the event of any of the said colonies or possessions desiring to withdraw from the Convention, a notification to that effect shall be made by Her Britannic Majesty's Representative at Paris to the French Minister for Foreign Affairs.

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