

NOTICE OF AN OPEN MEETING

Canadian Maritime Law Association



L' Association Canadienne de Droit Maritime

WILL GENERAL AVERAGE SURVIVE ROTTERDAM? CONSEQUENCES OF THE NEW RULES

The Canadian Maritime Law Association will be holding an open meeting on Thursday, March 25, 2010 in the Stephen A. Scott Seminar Room (Room 16) of the Faculty of Law of McGill University, 3644 Peel Street in Montreal, commencing at 12:00 noon.

The York-Antwerp Rules of general average include Rule D which concerns fault and which obliges the parties to a general average to participate in the adjustment, subject to their right to refuse to contribute, once the adjustment is prepared, by raising a defence based on the fault of the claiming party. The concept of fault under Rule D has often been linked to the notion of whether the alleged fault is “actionable” or whether it is instead subject to an exemption under the Hague-Visby Rules, such as where there has been an error of navigation. This begs the question of whether and to what extent the York-Antwerp Rules in general, and Rule D in particular, will survive the Rotterdam Rules.

We are pleased to have **Professor Svante O. Johansson** of the University of Gothenburg in Sweden speak to us concerning the effect of the Rotterdam Rules on general average. Professor Johansson occupies the Torsten Pettersson Chair in Maritime and Transportation Law at the University of Gothenburg and is also an adjunct professor with the Scandinavian Institute of Maritime Law at the University of Oslo. Luckily for us, Professor Johansson has sought to avoid the rigours of Swedish winters by spending his sabbatical leave at McGill. He has been following the Rotterdam Rules closely, and will be pleased to focus on this important aspect of the new rules involving their effect on general average.

The entrance fee will be \$20.00 and sandwiches and refreshments will be served. Please bring your friends and colleagues. Members of the Quebec Bar in attendance will receive one credit of continuing education for having participated. For catering purposes, please confirm your attendance to **Robert Wilkins** at rwilkins@blgcanada.com before March 19, 2010.