

# THE CANADIAN MARITIME LAW ASSOCIATION

L'ASSOCIATION CANADIENNE DE DROIT MARITIME

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**BY EMAIL**

April 9<sup>th</sup>, 2017

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**SUBMISSIONS OF THE CANADIAN MARITIME LAW ASSOCIATION RESPECTING  
THE PROPOSED REPEAL OF S. 45 OF THE MARINE LIABILITY ACTS**

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In its 2017 Annual Report under the Statute Repeal Act, S.C.2008, c.20, the Minister of Justice has again proposed to repeal s.45 of the Marine Liability Act, S.C.2001, c.6 as it is a provision assented to by Parliament which has not been brought into force nine years or more since its enactment up to December 31, 2016.

This was first proposed by the Minister of Justice in its Annual Report for 2011 to which our Association made submissions in its letter dated November 21, 2011. Transport Canada took the necessary steps to have enacted a resolution that prevented the automatic repeal of s. 45 of the Marine Liability Act.

In December of 2014, Transport Canada reported to Parliament under s.44 of the Act that "no action should be taken under section 44 of the MLA to implement the Hamburg Rules [under s.45] over the next review period ending January 1, 2020.

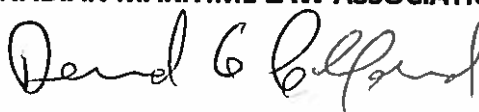
On January 22, 2015, our Association made its submissions to the Canadian Transportation Act Review chaired by the Honourable David Emerson, some of which addressed issues involving domestic and the international carriage of goods regimes in Canada. While our Association does not advocate the adoption of the Hamburg Rules regime, many of its suggestions draw their inspiration from the Hamburg Rules and from what are now known as the Rotterdam Rules, which are not yet in force.

Consequently, for the same reasons given in our letter of November 21, 2011 and in view of further consultations and review to be conducted leading to Transport Canada to future report to Parliament at the end of December 2019, we urge Transport Canada to take the appropriate steps to have enacted a resolution to prevent the automatic repeal of s.45 of the Marine Liability Act.

Yours truly,

**THE CANADIAN MARITIME LAW ASSOCIATION**

Per:



David G. Colford  
President