

MARITIME LAW AND PRACTICE (LAWS 2001.03) (Rev 1)

Fall Term 2018

Mondays, 15.00-16.20; Wednesdays, 13.00-14.20; Weldon, room 204

COURSE DESCRIPTION

Maritime law, also referred to as Admiralty law and shipping law, is one of the oldest legal fields. Traced as far back as the Code of Hammurabi (circa 1780 BC) in relation to carriage of goods by water, maritime law has developed in close association with and in support of maritime trade. Since the 20th century, and in particular after the Second World War, maritime law has not only served to promote trade, but also to set standards for vessel safety, security and marine environment protection from ship activity. In particular, the efforts of the International Maritime Organization (IMO), a specialised agency of the United Nations and the Comité Maritime International, an international non-governmental professional organization, have promoted the universalization and uniform application of maritime law. In reality, there are few areas where uniformity has been achieved, but the aspiration for generally applicable rules continues to guide law-making in this field.

Maritime Law and Practice is an introductory survey of Canadian maritime law designed for students who are interested in future practice in the field or who seek to take the course out of general interest. Maritime law is a dynamic field driven by commercial and technological forces, safety and environmental considerations, and more recently also by security concerns. Although the emphasis is on Canadian law and practice, the nature of shipping activity gives this course an international commercial flavour. There will be occasions for comparisons (mostly with English law, Commonwealth and United States practice). The course provides a general overview of the principal subject-areas and institutions of maritime law, drawing heavily from other areas of public law (constitutional, environmental law) and private law (contracts, torts, insurance), as well as public and private international law.

By the end of this course, students will have gained a broad familiarity with the basic concepts, principles, institutions and procedures of Canadian and international maritime law and in-depth knowledge of contemporary issues in the field. The approach is a mixture of lecturing and seminar style and will involve occasional in-class work assignments. The course will also have a number of visiting speakers.

INSTRUCTOR

Professor Aldo Chircop (<<https://www.dal.ca/faculty/law/faculty-staff/our-faculty/aldo-chircop.html>>). Professor Chircop has an open door policy. Should you require a lengthy meeting, please request this in class or by email to which he will respond promptly. His office is in the Weldon Law Building, 4th floor, Room 437 (T: 902 494 1007; aldo.chircop@dal.ca).

CREDIT AND ASSESSMENT

JD and exchange students

3 credits, 3 hours a week.

60% by written examination on 20 December (3 hours; no additional reading time). The exam consists of a major hypo (40%) and an essay question (20%). Students may bring into the examination room their own personally prepared notes (hardcopy/binder). The use of any other materials or electronic devices is not permitted (other than personal computer for examination writing).

40% by written assignment based on a major hypo (comparable to an examination hypo), but cited using the McGill Guide. The assignment will be a maximum of five pages, including notes (letter size paper; normal margins; 1.5 spacing; paginated). The assignment will be posted on Bright Space at noon on 2 November. The deadline for submission is noon on 19 November. The marked/commented assignment will be returned in class on 26 November. Students are required to submit assignments in hard copy to Ms Shannon Langton (4th floor, Room 441) and ensure they are dated and time-stamped. The assignment will be discussed in the last class (3 December). Extensions without the permission of the Studies Committee will not be permitted. Please note that the School applies penalties for late submissions.

Graduate students

100% research paper: Graduate students will discuss with the instructor their research topics and submit (in Word, email attachment) a provisional title, one paragraph abstract, preliminary table of contents and provisional bibliography by 3 October. At their discretion, students may submit draft papers for comment by the instructor. If they choose to do so, the deadline for submission is 28 November. Commented papers are returned on 3 December. Students do not present their papers in class.

Papers must be submitted in hard copy and electronically. The deadline for submission of finalized papers (hard copy) at Ms Shannon Langton's office (4th floor, Room 441) is 14 December, noon. Students must ensure papers are dated and time stamped. Students are required to provide an identical electronic copy of their paper to the instructor by the due date. Extensions without the permission will not be permitted. Please note that the School applies penalties for late submissions.

COURSE MATERIALS

The required course readings consist of selections from the course Textbook and excerpts of primary materials (Materials).

The textbook is A. Chircop, W. Moreira, H. Kindred & E. Gold, eds, *Canadian Maritime Law 2d* (Toronto: Irwin Law, 2016).

The Law Library subscribes to Irwin Law E Texts which are available for free online access at: <http://dal.ca.libguides.com/irwin>. If you are going to use a book from this collection, you might want to know that access is limited to 3 concurrent users for these texts. If you choose to read the course material using this option, you should plan ahead to avoid possible bottlenecks. For more information, please consult the Law Library information desk.

For students who wish to purchase a personal copy, the University bookstore has a number of copies in stock. Hard copy and e-copy purchases are also possible on the publisher's website. A copy of the textbook will be on reference at the Law Library.

The other excerpted primary materials are posted on a weekly basis on Bright Space. Key readings are listed in this programme and some topics will be supplemented by additional excerpts when materials are posted. Power point slides will also be posted. Occasionally, students will be requested to browse particular websites.

Students are required to do the assigned readings in advance of each class. Students who wish to develop more in-depth knowledge of maritime law beyond what is discussed in class are encouraged to consult the publications listed at the end of the course programme below.

POLICIES AND PROCEDURES

1. Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests. Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

2. Submission of Major Papers and Assignments

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>.

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

3. Plagiarism

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

4. Assistance with writing

Dalhousie offers support services to assist students in their development of academic competencies. The Writing Centre, for instance, works to develop writing skills that meet university expectations in one-on-one sessions, in small groups, and in classes. Dalhousie Writing Centre: https://www.dal.ca/campus_life/academic-support/writing-and-study-skills.html

5. Other support

General Academic Support – Advising Halifax: https://www.dal.ca/campus_life/academic-support/advising.html

Fair Dealing Guidelines: <https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>

COURSE PROGRAMME

5 September: Introduction to the course and Canadian maritime law

- Textbook: pp. 1-9, 13-18
- Materials: Ordon Estate v Grail, [1998] 3 SCR 437, 166 DLR (4th) 193
United Nations Convention on the Law of the Sea, 10 December 1982, 1833 UNTS 3, Art. 94

10 September: The ship, its ownership and registration

- Textbook: pp. 275-288, 311-328
- Materials: Canada Shipping Act, 2001, SC 2001, c 26, s 2
Federal Courts Act, RSC 1985, c F-7, s 2(1)
Canada v Saint John Shipbuilding and Dry Dock Co (1981), 43 NR 15, 126 DLR (3d) 353 (FCA)
Pigeon River Lumber Co v Mooring (1909), 13 OWR 190 (H Ct J (TD))
R v Star Luzon, [1984] 1 WWR 527, 11 WCB 113 (BCSC)
Cyber Sea Technologies Inc v Underwater Harvester Remotely Operated Vehicle, 2002 FCT 794, [2003] 1 FCR 569
Bow Valley Husky (Bermuda) Ltd v Saint John Shipbuilding Ltd, 1995 CanLII 9867, 21 BLR (2d) 265 (NLCA), varied [1997] 3 SCR 1210, 153 DLR (4th) 385
Hoover-Owens Rentschler Co v Gulf Navigation Co, [1923] 54 OLR 483, 24 OWN 614 (SC (H Ct Div))
Salt Spring Island Local Trust Committee v B & B Ganges Marina Ltd, 2008 BCCA 544, 303 DLR (4th) 398

12 September: The International Maritime Organization and International Maritime Conventions

- Visitor: Professor Nick Gaskell
Professor of Maritime and Commercial Law
Marine and Shipping Law Unit (MASLU)
TC Beirne School of Law, The University of Queensland
(<https://law.uq.edu.au/profile/1116/nick-gaskell>)
- Textbook: pp. 58-67
- Browse: Website of the International Maritime Organization (IMO) and familiarize yourselves with the functions, committee structure and range of topics addressed by international maritime law conventions and other IMO instruments
(<http://www.imo.org/en/Pages/Default.aspx>)

17 September: Maritime law jurisdiction & definition of Canadian maritime law

Textbook: pp. 215-217, 158-188

Materials: Constitution Act, 1867 (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985 App II, No 5, ss. 91, 92, 101
Federal Courts Act, RSC 1985, c F-7, ss 2, 22, 43
ITO – International Terminal Operators Ltd v Miida Electronics Inc, [1986] 1 SCR 752, [1986] SCJ No 38
Certain Underwriters at Lloyd's and Soline Trading Ltd v Mediterranean Shipping Company SA, 2017 FC 460
Zavarovalna Skupnost Triglav v Terrasses Jewellers Inc. and Bank of Montreal, [1983] 1 SCR 283
Seafarers' International Union v Crosbie Offshore Services Ltd, [1982] 2 FCR 855, 135 DLR (3d) 485 (FCA)
Whitbread v Walley, [1990] 3 SCR 1273
Monk Corp v Island Fertilizer Ltd, [1991] 1 SCR 779
AK Steel Corporation v Acelormittal Mines Canada Inc, 2014 FC 118
Newterm Ltd v MYS Budyonnogo (The), [1992] 3 FCR 255, [1992] FCJ No 454
Isen v Simms, [2006] 2 SCR 349, 273 DLR (4th) 752
Morrison v. Halifax (Regional Municipality), 2008 NSSC 375, 271 NSR (2d) 383

19 September: Provincial law considerations

Textbook: pp. 188-208

Materials: Jurisdiction of provincial courts
Ordon Estate v Grail, [1998] 3 SCR 437, 166 DLR (4th) 193

Application of provincial law in a maritime setting

ITO – International Terminal Operators v Miida Electronics, [1986] 1 SCR 752, [1986] SCJ No 38

Ballantrae Holdings Inc. v "Phoenix Sun" (The) 2016 FC 570

Ordon Estate v Grail, [1998] 3 SCR 437, 166 DLR (4th) 193

Occupational health and safety

R v Mersey Seafoods Ltd, 2008 NSCA 67 (CanLII), 295 DLR (4th) 244

Jim Pattison Enterprises v. British Columbia (Workers' Compensation Board), 2011 BCCA 35, 15 B.C.L.R. (5th) 241

Workers' compensation

Marine Services International Ltd v Ryan Estate, [2013] SCJ No 44

Recreational water safety

R v Latouche, 2010 ABPC 166, 73 MPLR (4th) 228

24 September: Marine insurance law -- introduction, types of cover and doctrines

Textbook: 402-403, 412-432, 404-408

Materials: Introduction and types of coverage
Marine Insurance Act, SC 1993, c 22, ss 2, 6

Disclosure and good faith

Marine Insurance Act, SC 1993, c 22, ss 20-22, 80

Allden v. Raven (The “Kylie”), [1983] 2 Lloyd’s Rep 444 (QB).

Ferme Gérald Laplante & Fils Ltée v Grenville Patron Mutual Fire Insurance Co, 2002 CanLII 45070, 61 OR (3d) 481, 217 DLR (4th) 34 (CA)

Whiten v Pilot Insurance Co, 2002 SCC 18, [2002] 1 SCR 595, 209 DLR (4th) 257

Insurable interest

Marine Insurance Act, SC 1993, c 22, ss 7-18

Piper v. Royal Exchange [1932] 44 Ll.L.Rep. 10

Indemnity

Marine Insurance Act, SC 1993, c 22, ss 30, 66, 86

General Shipping and Forwarding Co v British Ins. Co Ltd (The Borre) (1923), 15 Ll L Rep 175

Constructive total loss

Marine Insurance Act, SC 1993, c 22, s 57

George Cohen Sons & Co v Standard Marine Insurance Co Ltd (1925), 21 Ll L Rep 30 (KB)

26 September: Marine insurance: doctrines continued

Textbook: pp. 408-411

Materials: Subrogation

Marine Insurance Act, SC 1993, c 22, s 81

Burnand v Rodocanachi (1882), 7 AC 333, 6 QB Div 633 (HL)

Castellain v Preston (1883), [1881-5] All ER Rep 493, 11 QBD 380

Yorkshire Insurance Co Ltd v Nisbet Shipping Co Ltd, [1961] 2 All ER 487, [1961] 1 Lloyd’s Rep 479 (HL)

Secunda Marine Services Ltd v Fabco Industries Ltd, 2005 FC 1565 (CanLII), [2006] 3 FCR 3, [2005] FCJ No 1918

Abandonment

Marine Insurance Act, SC 1993, c 22, ss 58-60

Attorney-General v Glen Line, Ltd et al (1930), 37 Ll L Rep 55, 46 TLR 451 (HL)

Rose v Weekes, [1984] FCJ No 502, 7 CCLI 287 (TD)

Perils of the sea

Marine Insurance Act, SC 1993, c 22, ss 2, 37(1), 37(5), 53
CCR Fishing Ltd v British Reserve Insurance Co, [1990] 1 SCR 814, 69 DLR (4th) 112
HB Nickerson & Sons Ltd v Insurance Co of North America et al (The JE Kenney), [1984] 1 FCR 575 (FCA)
566935 BC Ltd (cob West Coast Resorts) v Allianz Insurance Co of Canada, 2006 BCCA 469, 275 DLR (4th) 748

1 October: Marine insurance – policy and types of clauses

Textbook: pp. 433-445, 409-410

Materials: The policy

Marine Insurance Act, SC 1993, c 22, ss 25-31
International Hull Clauses 2003

Construction of marine policies

Marine Insurance Act, SC 1993, c 22, ss 3
Ocean Fisheries Ltd v Pacific Coast Fishermen's Mutual Marine Insurance Co, 1997 CanLII 6367, [1998] 1 FCR 586, 133 FTR 276 (FCA)
Niagara Gorge Jet Boating Ltd (cob Whirlpool Jet) v AXA Canada Inc, 146 ACWS (3d) 156

Warranties

Marine Insurance Act, SC 1993, c 22, ss 32-39
Ocean Masters Inc v AGF MAT (Allianz AGF MAT Ltd), 2007 NLCA 35 (CanLII), 266 Nfld & PEIR 316

Other clauses

Thames and Mersey Insurance Co v Hamilton, Fraser & Co (The Inchmaree) (1887), [1886-90] All ER Rep 241, 12 App Cas 484 (HL)
Coast Ferries Ltd v Century Insurance Co of Canada et al (1974), [1975] 2 SCR 477, 48 DLR (3d) 310
Secunda Marine Services Ltd v Liberty Mutual Insurance Company, 2006 NSCA 82 (CanLII), 245 NSR (2d) 241
Duties of the Assured (Sue and Labour)
Integrated Container Service Inc v British Traders Insurance Co Ltd, [1984] 1 Lloyd's Rep 154 (UKCA)
Fudge v Charter Marine Insurance Co Ltd, 97 Nfld & PEIR 91, [1992] NJ No 69 (Nfld SC)
North Coast Sea Products Ltd v ING Insurance Co of Canada, 2004 BCCA 95 (CanLII), [2004] ILR I-4284

3 October: Pilotage and towage law and terms

Textbook: pp. 729-747, 748-777

Materials: Pilotage law
Pilotage Act, RSC 1985, c P-14

Towage law and terms

Eastern Canadian Tug Owners' Association Standard Towing and Insuring Conditions

Wire Rope Industries v British Columbia Marine Shipbuilders, [1981] 1 SCR 363, 121 DLR (3d) 517

The Cap Palos, [1921] All ER Rep 249

R v M/V Kathy L (The), 2010 BCPC 30, [2010] BCJ No 549

Canada Salt Co v Irving Cedar (The), 2000 CanLII 16223, 193 FTR 20 (FC)

Saint John Tug Boat Co v Irving Refinery Ltd, [1964] SCR 614

Meeker Log and Timber Ltd v "Sea IMP VIII" (The) (1994), 1 BCLR (3d) 320 (SC), aff'd (1996), 21 BCLR (3d) 101 (CA)

Rough Bay Enterprises Ltd v Budden et al, 2003 BCSC 1796 (CanLII), 22 BCLR (4th) 326

THANKSGIVING: 8 OCTOBER (NO CLASS)

10 October: Salvage law and standard terms

Textbook: pp. 779-794

Materials: General Principles
North Star Marine Salvage Ltd v The "BC Adventure", [1973] FCR 50, 36 DLR (3d) 136
General Accident Indemnity Co v Panache IV (The), 1997 CanLII 6372, [1998] 2 FCR 455 (TD)
Hanisch v. Canada, 2004 BCCA 539, 35 BCLR (4th) 33

Danger

The Charlotte (1848), 3 Wm Rob 68, cited in The Troilus (1949), [1950] P 92 (CA)

Brooks Aviation, Inc v Boeing SB-17G, 2004 FC 710 (CanLII), [2005] 1 FCR 352

Voluntariness

The "San Demetrio" (1941), 69 L1 L Rep 5

The "Texaco Southampton", [1983] 1 Lloyd's Rep 94 (NSWCA)

General Accident Indemnity Co v Panache IV (The), 1997 CanLII 6372, [1998] 2 FCR 455 (TD)

Success

Manchester Liners Ltd v “Scotia Trader”, [1971] FCR 14 (FCTD)

The Tojo Maru, [1972] AC 242 (HL) 18

Brooks Aviation, Inc v Boeing SB-17G, 2004 FC 710 (CanLII), [2005] 1 FCR 352

15 October: Salvage continued and places of refuge

Textbook: pp. 794-803, 804-816

Materials: Salvage contract and compensation

International Convention on Salvage, 1989, 28 April 1989, UKTS 1996 No 93

Cox v The “Trade Up”, 1998 CanLII 7481, [1998] FCJ No 291 (TD)

Semco Salvage & Marine Ltd v Lancer Navigation (The Nagasaki Spirit), [1997]

1 Lloyd’s LR 323, [1997] AC 455 (HL)

Lloyd’s Standard Form of Salvage Agreement, 2011 (LOF 2011)

SCOPIC 2011 Clause

Places of refuge for ships

ACT Shipping (PTE) Ltd v The Minister for the Marine, [1995] 3 IR 407, [1995]

2 ILRM 30, (H Ct)

P&I Letter of Cover for Salvage Contracts

17 October: Maritime safety: collisions at sea

Textbook: pp. 824-835, 836-843

Materials: Standard of care and good seamanship

The “Boleslaw Chobry”, [1974] 2 Lloyd’s Rep 308

Peracom Inc v Société Telus Communications, 2012 FCA 199, 433 NR 152

Collision Avoidance Rules

Collision Regulations, CRC, c 1416, Schedule 1, implementing the Convention

on the International Regulations for Preventing Collisions at Sea, 1972

(COLREGS 1972), 20 October 1972, 1050 UNTS 16

Canada Shipping Act, 2001, SC 2001, c 26, s 148

Federal Court Rules, SOR/98-106, ss 498-500

R c Cloutier, 2007 QCCQ 13533 (CanLII), [2008] RJQ 234, aff’d 2009 QCCS

5503, 2010 QCCA 350

North Ridge Fishing Ltd v Preferred Holdings (The Prosperity), 2000 BCSC

1124 (CanLII), 78 BCLR (3d) 388

22 October: Maritime safety: death and personal injury at sea

Textbook: pp. 1065-1081

Readings: Applicable Law

Ordon Estate v Grail, [1998] 3 SCR 437, [1998] SCJ No 84, paras 51-57
Whitbread v Walley et al, [1990] 3 SCR 1273, 77 DLR (4th) 25

Principles and Rules

Marine Liability Act, SC 2001, c 6, ss 4-14, Schedule 2 (Athens Convention)
Small Vessel Regulations, SOR/2010-91, ss 400(1), 401
Efford v Bondy (cob Zodiac Whale Watching and Inter-Island Excursions Ltd),
1996 CanLII 1223, 60 ACWS (3d) 1087 (BCSC)
R v Broadwith, 2007 BCSC 1910 (CanLII), [2007] BCJ No 2834
Kotai v Queen of the North (The), 2009 BCSC 1405, 70 CCLT (3d) 221
Foisy Estate v Queen of the North (The), 2008 BCSC 1777, [2008] BCJ No 2518

24 October: Maritime safety: defences

Textbook: pp. 843-850, 959-981, 986-989, 1081-1083

Readings: Contributory Negligence

Bow Valley Husky (Bermuda) Ltd v Saint John Shipbuilding Ltd, [1997] 3 SCR
1210, [1997] SCJ No 111
Vogelsang v Vandale, 2008 SKPC 137 (CanLII), 326 Sask R 254
Marine Liability Act, SC 2001, c 6, ss 17-23
Siemens v. J.D. Irving, 2012 FCA 225

Limitation of Liability

Marine Liability Act, SC 2001, c 6, ss 24-34, Schedule 1
Peracom Inc. v TELUS Communications Co, 2014 SCC 29, [2014] 1 SCR 621

29 October: Vessel-source pollution

Textbook: pp. 864-930

Materials: Pollution as a strict liability offense

R v The M/V “Glenshiel”, 2001 BCCA 417 (CanLII), 90 BCLR (3d) 289
Newfoundland Recycling Ltd v Her Majesty the Queen (Attorney General for
Canada), 2008 NLTD 38 (CanLII), 274 Nfld & PEIR 83
R v The M/V “Point Vibert”, [2000] NSJ No 147
R v The M/V “Elm”, [1998] NJ No 111 (NLPC)
Canada v Berhad, 2005 FCA 267, 338 NR 75

31 October: Civil liability for oil pollution damage

Textbook: pp. 932-958

Materials: Compensation regimes

Marine Liability Act, SC 2001, c 6, ss 47-49, 57-58, 63-64, 75-89, 91-94, 101-111, Schedules 5-6, as am by SC 2009, c 21

Browse: IOPCF Claims Manual

Canada v Ship-source Oil Pollution Fund, 2008 FC 1094 (CanLII), 299 DLR (4th) 45

Relational economic loss

Landcatch Ltd v International Oil Pollution Compensation Fund, [1999] 2

Lloyd's Rep 316

Alegrete Shipping Co Inc and another v International Oil Pollution

Compensation Fund 1971 and others; The Sea Empress, [2003] EWCA Civ 65

7 November: Maritime Labour Law and Occupational Health and Safety at Sea

Visitor: Dr Desai Shan
OFI International Postdoctoral Fellow

Textbook: pp. 460-503

Materials: Labour Standards

Marine Personnel Regulations — Can. Reg. 2007-115 (Canada Shipping Act, 2001) SOR/2007-115, ss.300 – 338

East Coast and Great Lakes Shipping Employees Hours of Work Regulations, 1985 — Can. Reg. 987 (Canada Labour Code)

C.R.C. 1978, c. 987

Occupational Health and Safety

Canada Shipping Act, SC 2001, c.26, ss 104 – 123

Canada Labour Code, R.S.C. 1985, c. L-2, s.2, ss 122-127, s 128

Browse: the table of contents of Maritime Occupational Health and Safety Regulations — Can. Reg. 2010-120 (Canada Labour Code) SOR/2010-

120

Occupational Health and Safety Complaints

Canada Labour Code, R.S.C. 1985, c. L-2, ss 133-134

Blakely v. Algoma Central Corp. 2003 CIRB 240, 2003 CCRI 240, 2003

CarswellNat 3099, 2003 CarswellNat 7621, [2003] L.V.I. 3401-8, [2003]

C.I.R.B. No. 240, [2003] C.I.R.B.D. No. 33, 106 C.L.R.B.R. (2d) 104

MID-TERM BREAK DURING THE WEEK OF 12-16 NOVEMBER
NO CLASSES

19 November: Maritime claims and Admiralty procedure

Textbook: pp. 360-391, 262-269

Materials: Liens, mortgages and ranking of claims
Summary of Statutory Liens from Federal Courts Act, RSC 1985, c F-7, ss 22(2), 43(3)
Marine Liability Act, SC 2001, c 6, ss 139-140
Holt Cargo Systems Inc v ABC Containerline NV (Trustees of), 2001 SCC 90, [2001] 3 SCR 907
Comeau's Sea Foods Ltd v The "Frank and Troy", [1971] FCR 556 (FCTD)
Metaxas v Galaxias (The) (1988), [1989] 1 FCR 386, [1988] FCJ No 308 (FCTD)
Stone et al v The SS Rochepoint and Owners (1921), 21 Ex CR 143, 68 DLR 651
Canadian Imperial Bank of Commerce v Le Chêne No 1 (The), 2003 FC 873, [2004] 1 FCR 120
St. Lawrence Transportation Co, Ltd v Schooner Amedee T, [1924] Ex CR 204

Maritime mortgages

Canada Shipping Act, 2001, SC 2001, c 26, ss 65-72

Priorities and ranking

Nordea Bank Norge ASA v. Kinguk (The), 2007 FC 434 (CanLII), [2007] FCJ No 593, 157 ACWS (3d) 235.

Royal Bank of Canada v 1132959 Ontario Ltd, 170 A.C.W.S. (3d) 644

Finansbanken ASA v GTS Katie (The), 2002 FCT 73, 115 ACWS (3d) 882

21 November: Maritime claims and procedure continued

Textbook: pp. 211-214, 217-255, 259-262

Materials: Enforcement of maritime claims
Labrador Sea Products Incorporated v. Northern Auk (Ship), 2007 FC 679
Mount Royal Walsh Inc v Jensen Star (The), [1990] 1 FCR 199 (FCA)
Hollandsche Aanneming Maatschappij v. Ryan Leet (The), [1997] 3 F.C 12
Maritima de Ecologia, S.A. de C.V. v. Maersk Defender (Ship), 2007 FCA 194
Westshore Terminals Limited v. Leo Ocean S.A.(The Cape Apricot), 2014 FC 132; 2014 FC 136; 2014 FCA 231

26 November: The Ship-Source Oil Pollution Fund

Visitor: David S. Côté
Legal Counsel
Office of the Administrator of the Ship-source Oil Pollution Fund

Readings: Browse the SSOPF website at < <http://sopf.gc.ca/>>

28 November: Maritime claims and procedure continued

Textbook: pp. 270-273

Readings: The Mareva Injunction
Liberty National Bank & Trust Co v Atkin et al (1981), 31 OR (2d) 715 (H Ct J)
Third Chandris Shipping Corp, Western Sealane Corp and Aggelikai Ptera
Compania Maritima v Unimarine S.A. (The Genie, Pythia, and Angelic Wings),
[1979] QB 645, 2 Lloyd's Rep 184 (UKCA)
Front Carriers Ltd v Atlantic & Orient Shipping Corp, 2006 FC 18, [2006] FCJ
No 26

Discussion of mid-term assignment and examination brief

3 December: Discussion of examination hypos in class

REFERENCE AND RECOMMENDED MATERIALS

1. Journals

Lloyd's Maritime & Commercial Law Quarterly
Journal of Maritime Law and Commerce
Tulane Law Journal
WMU Journal of Maritime Affairs
Journal of International Maritime Law
Marine Policy

2. Law reports

Canada Law Reports (Exchequer Court)
Canada Federal Court Reports
Canada Supreme Court Reports
Aspinall's Reports of Maritime Cases (New Series)
Lloyd's Law Reports
American Maritime Cases
Lloyd's Maritime Law Newsletter

3. Websites

AdmiraltyLaw.Com, <http://www.admiraltylaw.com/> (maintained by Stephen Giaschi in Vancouver; an excellent and up to date website which students are advised to consult regularly)

Canadian Maritime Law Association, <http://www.cmla.org/>

Comité Maritime International, <http://www.comitemaritime.org/> (as the name indicates, this is the CMI official website and contains information on current initiatives on the unification of maritime law)

International Maritime Organization, <http://www.imo.org/HOME.html> (as the name suggests, this is the official website of the IMO and is an excellent source on the latest developments in international safety and environmental standard-setting for ships)

The Legal and Legislative Resource Center, <http://www.lpig.org/admir.html> (this site is useful for US and comparative maritime law materials)

Transport Canada, <http://www.tc.gc.ca/en/menu.htm> (this site is the most complete and authoritative source of Canadian maritime legislation and federal initiatives concerning shipping regulation generally)

4. Maritime law texts

Simon Baughen, *Shipping Law* 3d (London: Cavendish, 2012).

Geoffrey Brice and John Reeder, *Brice on Maritime Law of Salvage* (London: Sweet & Maxwell, 2011).

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