

THE CANADIAN MARITIME LAW ASSOCIATION

L'ASSOCIATION CANADIENNE DE DROIT MARITIME

www.cmla.org



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Mr. Stuart Hetherington, President
Comité Maritime International
c/o Colin Biggers & Paisley
Level 42, 2 Park St
Sydney NSW 2000
AUSTRALIA

Re: Proposed Draft International Convention on the Recognition of Foreign Judicial Sales of Ships (the “Beijing Draft”)

Dear Mr. President:

The Canadian Maritime Law Association (“CMLA”) is pleased to provide the following comments on the Beijing Draft, as requested in your March 25, 2013 letter.

(a) The Convention should apply only to registered ships.

1. Canada has many unregistered ships. The Convention's incompatibility with them may create resistance in Canada to adopting the Convention.
2. Accordingly, CMLA asks that the Beijing Draft be amended by changing the definition of “Ship” in Article 1(18) to add the words underlined below, with approximate consequential amendments:

“Ship” means any registered ship or other registered vessel capable of being an object of a Judicial Sale under the law of the State in which the Judicial Sale takes place.

3. Alternatively, in order to make Canada more receptive to the Convention, the Beijing Draft should be amended to allow countries, on ratification, to opt out of applying the Convention to unregistered ships in their jurisdiction.
- (b) **The 3-month time to challenge a judicial sale under Article 7(5) is too long a cloud on title.**

The shorter this period, the greater the certainty of the judicial sale. A delay of 30 days might be ideal.

All of which is respectfully submitted by the CMLA.

Yours truly,

(s) John G. O'Connor

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