

IMLIe-News

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EXPERT IN GENERAL AVERAGE LECTURES AT IMLI

IMLI had the pleasure of welcoming Mr. Bent Nielsen (Former Partner of Kromann Reumert, Copenhagen and Former Chairman of the CMI International Working Group and International Subcommittee relating to the York-Antwerp Rules), who visited the Institute between 11 and 13 April, 2016. During his visit, Mr. Nielsen delivered a set of lectures on “General Average”.



Mr. Bent Nielsen meeting the students of the IMLI Class of 2015-2016

In his introduction to the subject, Mr. Nielsen commenced his lectures by explaining the basic principles and the history of General Average as a legal principle of maritime law to which all parties, in a sea venture, proportionally share any losses resulting from a voluntary sacrifice of part

of the ship cargo to save the whole in an emergency. He stated that the Rhodian Law provides that if in order to lighten a ship merchandise is thrown over board that which has been given for all shall be replaced by the contribution of all.

He further discussed York-Antwerp Rules, which have been updated numerous times since 1890, as a means to introduce international uniformity in the application of the law of General Average. In explaining the practical aspects of General Average including Lien, average bond, security, and cash deposit, he gave some illustrative cases related to the application of principal provisions under York-Antwerp rules, including, amongst others, rules A, VI, X and XVII.

Mr. Nielsen concluded his lectures by giving an overview on the incorporation and implementation of the international maritime conventions into Scandinavian domestic law. Even though his lecture was focused on Danish system, other Scandinavian countries, such as Norway, Sweden, Finland and Iceland, he further said, also adopt similar mechanism.

Mr. Bent Nielsen had been practicing law from 1962 to 2005 in almost exclusively maritime and insurance law; he is now occasionally acting as Arbitrator.

He earned his Master of Laws from University of Aarhus, Denmark, in 1962 and took a Post graduate study at Scandinavian Institute of Maritime Law, Oslo, in 1966.

Mr. Nielsen had attended various CMI work since 1974. He served as a Rapporteur at CMI-WG and ISC which prepared Draft Salvage Convention, and was the Author of CMI's report to IMO on the draft Salvage Convention.

He also represented CMI in IMO's Legal Committee and at Diplomatic Conference on Salvage Convention 1989 and became a Rapporteur at CMI-WG and ISC relating to 1990 amendment of York Antwerp Rules as well as York Antwerp Rules 1994.

Mr. Bent Nielsen was also Chairman of CMI-WG on Wreck Removal, Chairman of CMI-WG and ISC relating to York Antwerp Rules in 2004, Chairman of CMI's Nominating Committee until 2013, and Chairman of CMI-WG and ISC relating to review of the rules on General Average from 2012.

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