

UNCITRAL Limitation Period Project Working Group 1998

1998 Halifax NS

ANNEX - B

ULCC's UNCITRAL Limitation Period Project Working Group

A - Mandate of the ULCC-UNCITRAL Limitation Period Project Working Group

[1] The mandate of the Working Group was to draft in both official languages a Uniform Act to implement UNCITRAL's *Limitation Conventions* in Canada and to present it at the ULCC's August 1998 Annual Meeting for discussion and adoption. The instructions given to the Working Group to draft this Uniform Act included providing comments or explanations for each provision of the Act and also preparing a Working Group Report describing the *Conventions*, the methodology followed to implement them, including an assessment of the reservations and declarations allowed under the terms of the *Conventions*, and a recommendation as to the accession options available to Canada under both the *Limitation Convention* and the *Protocol*.

[2] The Working Group was led by Philippe Lortie, Legal Counsel to the Department of Justice of Canada. The Group worked through electronic mail and met by conference calls held on April 9 and 23, May 5, 14 and 28 and June 2, 9, 18 and 22, 1998. The legislative drafters participated in most of the conference calls and met separately with Philippe Lortie to discuss their drafting instructions on May 5, 11-15 and 26-27, and June 4, 9, 18 and 19, 1998. All documents were produced in both official languages throughout the process.

B - Summary of the ULCC-UNCITRAL Limitation Period Project Working Group Meetings

April 9, 1998

[3] Members of the Working Group were introduced. The mandate, working methodology and working agenda of the Working Group were discussed and agreed. The material that had been distributed in late March and early April was also discussed. Finally, after a short overview of the *Limitation Conventions* and *Protocol* the Working Group discussed a list of preliminary questions dealing with implementation principles, implementation mechanisms, type of legislation required, type of accession and reservations and declarations allowed under the terms of the *Conventions*.

April 23, 1998

[4] During the conference call the Working Group continued its discussions of the questions set out for the first conference call. Implementation decisions were taken with regard to the questions that did not create any difficulty. Left over questions such as which texts should

be set out in the schedule to the Act, the type accession to be favoured and the declaration under Article 35 were set aside for the May 5, 1998 conference call.

May 5, 1998

[5] The first part of this conference call dealt with the questions that were set aside on April 23. The second part of the conference call dealt with drafting instructions. After presenting a cross analysis of existing federal-provincial-territorial legislation implementing the *Sales Convention*, the drafting instructions to amend the *Uniform Sales of Goods Act* and to implement the *Limitation Conventions* were discussed. A draft Report outline was also distributed for comments.

May 5, 1998

[6] In the light of the May 5, 1998 conference call discussions of the drafting instructions, new instructions were prepared and passed on to the drafters. Philippe Lortie met with the drafters and explained these instructions.

May 11-13, 1997

[7] The drafters gave to Philippe Lortie a draft Uniform Act for his comments. The comments were turned around into a new draft that was presented on May 13.

May 14, 1998

[8] A first draft Uniform Act was distributed in advance of the conference call. The conference call was devoted to a clause by clause discussion of this first draft.

May 14-15 and 26-27, 1998

[9] Philippe Lortie met with the drafters to prepare a second draft Act.

May 28, 1998

[10] A second draft Uniform Act including comments was distributed in advance of the conference call. The conference call was devoted to a clause by clause and comment by comment discussion of this second draft.

June 2, 1998

[11] A first draft Report was distributed in advance of the conference call. The conference call was devoted to a paragraph by paragraph discussion of this first Report.

June 3-4, 1998

[12] Philippe Lortie met with the drafters to prepare a third draft Act.

June 9, 1998

[13] A third draft Uniform Act and a second draft Report were distributed in advance of the conference call. Final changes to the Uniform Act and Report were discussed.

June 18, 1998

[14] A fourth draft Uniform Act was distributed in advance of the conference call. The discussion focused mainly on section 8 of the Act. New instructions for section 8 were discussed.

June 22, 1998

[15] A fifth draft Uniform Act was distributed in advance of the conference call. The discussion focused mainly on the differences between the French and English versions of section 8 of the Act. Adjustments to the English version were approved.

June 23, 1998

[16] Final documents were distributed to Working Group Members for their approval by noon June 25, 1998.

C - Members of the Working Group

[17] The ULCC-UNCITRAL Limitation Period Project Working Group was constituted in late March 1998. It consisted of a group of English and French speaking law professors and legal practitioners - from private (CBA Representatives) and governmental practice - representing the five Canadian regions.

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