

York-Antwerp Rules 2016

The International Sub-Committee of CMI on General Average has held several meetings concerning the adoption of a new set of general average rules to be called the *York-Antwerp Rules 2016*. The latest meeting was held in London in early December 2015. Attached is a draft of the rules as discussed to date. The table does not constitute a final report of the International Sub-Committee or of the International Working Group which has been asked to prepare the draft. In fact, the final draft will only be adopted at the upcoming CMI conference in New York.

That said, it will be seen that the proposed 2016 rules borrow both from the 1994 rules and from the 2004 rules. There have been several discussions and perhaps some of the most difficult have concerned rule VI concerning salvage and rule XII concerning wages in ports of refuge. In both these cases and in others, the sub-committee has reverted back to the 1994 rules rather than continuing in the direction of the 2004 rules. The reasons for this are simply that the 2004 rules, although very popular in North America, have been only rarely used in charters and bills of lading drafted in the United Kingdom. The idea of removing salvage from general average, which was adopted in 2004 as a logical follow-on to the removal of pollution from general average, became a major stumbling block and the ship-owning and cargo insurance interests were unable to agree as to whether the 2004 rules should be retained. In the end, the parties agreed to propose a hybrid solution whereby the general rule is that salvage payments shall be allowed, however only where they meet the provisions of paragraphs (b), (c) and (d) of rule VI. As will be seen, those sub-sections limit such readjustments to very narrow exceptions. With regard to crew wages, the sub-committee reverted back to the 1994 principle whereby wages in ports of refuge are allowable.

The changes are underlined or indicated in italics and should be quite easy to see in this draft table. There are several points which may appear minor but which have been the fruit of complex negotiations.

It is possible that the CMI will circulate the final draft table, once all changes have been agreed by the sub-committee, on a “take it or leave it” basis, whereby national associations will be asked either to accept the rules or to reject them. This has not been a unanimous proposition of the sub-committee and it is hoped that further discussion will be held at the sessions set down to discuss these rules in New York. However, the CMI is concerned with the possibility that changes might be made which would once again prevent the new rules from being used in certain quarters. Hopefully, with the experience that has been acquired in the negotiation of these draft rules, any suggestion will be able to be vetted in New York without preventing the rules from being acceptable to a majority of users.

Once again, it should be kept in mind that the appended table is not in its final version and will contain additional changes before being circulated to national associations.

J.G. O’Connor

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York-Antwerp Rules 1994	York-Antwerp Rules 2016	York-Antwerp Rules 2004
RULE OF INTERPRETATION	RULE OF INTERPRETATION	RULE OF INTERPRETATION
In the adjustment of general average the following Rules shall apply to the exclusion of any Law and Practice inconsistent therewith.	In the adjustment of general average the following Rules shall apply to the exclusion of any Law and Practice inconsistent therewith.	In the adjustment of general average the following Rules shall apply to the exclusion of any Law and Practice inconsistent therewith.
Except as provided by the Rule Paramount and the numbered Rules, general average shall be adjusted according to the lettered Rules.	Except as provided by the Rule Paramount and the numbered Rules, general average shall be adjusted according to the lettered Rules.	Except as provided by the Rule Paramount and the numbered Rules, general average shall be adjusted according to the lettered Rules.
RULE PARAMOUNT	RULE PARAMOUNT	RULE PARAMOUNT
In no case shall there be any allowance for sacrifice or expenditure unless reasonably made or incurred.	In no case shall there be any allowance for sacrifice or expenditure unless reasonably made or incurred.	In no case shall there be any allowance for sacrifice or expenditure unless reasonably made or incurred.
RULE A	RULE A	RULE A
There is a general average act when, and only when, any extraordinary sacrifice or expenditure is intentionally and reasonably made or incurred for the common safety for the purpose of preserving from peril the property involved in a common maritime adventure.	1. There is a general average act when, and only when, any extraordinary sacrifice or expenditure is intentionally and reasonably made or incurred for the common safety for the purpose of preserving from peril the property involved in a common maritime adventure.	1. There is a general average act when, and only when, any extraordinary sacrifice or expenditure is intentionally and reasonably made or incurred for the common safety for the purpose of preserving from peril the property involved in a common maritime adventure.
General average sacrifices and expenditures shall be borne by the different contributing	2. General average sacrifices and expenditures shall be borne by the different	2. General average sacrifices and expenditures shall be borne by the different

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interests on the basis hereinafter provided.	contributing interests on the basis hereinafter provided.	contributing interests on the basis hereinafter provided.
RULE B	RULE B	RULE B
There is a common maritime adventure when one or more vessels are towing or pushing another vessel or vessels, provided that they are all involved in commercial activities and not in a salvage operation.	1. There is a common maritime adventure when one or more vessels are towing or pushing another vessel or vessels, provided that they are all involved in commercial activities and not in a salvage operation.	1. There is a common maritime adventure when one or more vessels are towing or pushing another vessel or vessels, provided that they are all involved in commercial activities and not in a salvage operation.
When measures are taken to preserve the vessels and their cargoes, if any, from a common peril, these Rules shall apply.	When measures are taken to preserve the vessels and their cargoes, if any, from a common peril, these Rules shall apply.	When measures are taken to preserve the vessels and their cargoes, if any, from a common peril, these Rules shall apply.
A vessel is not in common peril with another vessel or vessels if by simply disconnecting from the other vessel or vessels she is in safety; but if the disconnection is itself a general average act the common maritime adventure continues.	2. A vessel is not in common peril with another vessel or vessels <u>if she disconnects from the other vessel or vessels and thereby places herself in safety; if the vessels are in common peril and one is disconnected either to increase the disconnecting vessel's safety alone, or the safety of all vessels in the common maritime adventure, the disconnection will be a general average act.</u>	2. A vessel is not in common peril with another vessel or vessels if by simply disconnecting from the other vessel or vessels she is in safety; but if the disconnection is itself a general average act the common maritime adventure continues.
	3. <u>Where vessels involved in a common maritime adventure resort to a port or place of refuge, allowances under these Rules may be made in relation to all <i>each</i> of the vessels. Allowances in general average shall cease at</u>	

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	<u>the time that the common maritime adventure comes to an end.</u>	
RULE C	RULE C	RULE C
Only such losses, damages or expenses which are the direct consequence of the general average act shall be allowed as general average.	1. Only such losses, damages or expenses which are the direct consequence of the general average act shall be allowed as general average.	1. Only such losses, damages or expenses which are the direct consequence of the general average act shall be allowed as general average.
In no case shall there be any allowance in general average for losses, damages or expenses incurred in respect of damage to the environment or in consequence of the escape or release of pollutant substances from the property involved in the common maritime adventure.	2. In no case shall there be any allowance in general average for losses, damages or expenses incurred in respect of damage to the environment or in consequence of the escape or release of pollutant substances from the property involved in the common maritime adventure.	2. In no case shall there be any allowance in general average for losses, damages or expenses incurred in respect of damage to the environment or in consequence of the escape or release of pollutant substances from the property involved in the common maritime adventure.
Demurrage, loss of market, and any loss or damage sustained or expense incurred by reason of delay, whether on the voyage or subsequently, and any indirect loss whatsoever, shall not be admitted as general average.	3. Demurrage, loss of market, and any loss or damage sustained or expense incurred by reason of delay, whether on the voyage or subsequently, and any indirect loss whatsoever, shall not be <i>allowed</i> as general average.	3. Demurrage, loss of market, and any loss or damage sustained or expense incurred by reason of delay, whether on the voyage or subsequently, and any indirect loss whatsoever, shall not be allowed as general average.
RULE D	RULE D	RULE D
Rights to contribution in general average shall not be affected, though the event which gave rise to the sacrifice or expenditure may	Rights to contribution in general average shall not be affected, though the event which gave rise to the sacrifice or expenditure may	Rights to contribution in general average shall not be affected, though the event which gave rise to the sacrifice or expenditure may

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<p>have been due to the fault of one of the parties to the adventure, but this shall not prejudice any remedies or defences which may be open against or to that party in respect of such fault.</p>	<p>have been due to the fault of one of the parties to the adventure, but this shall not prejudice any remedies or defences which may be open against or to that party in respect of such fault.</p>	<p>have been due to the fault of one of the parties to the adventure, but this shall not prejudice any remedies or defences which may be open against or to that party in respect of such fault.</p>
RULE E	RULE E	RULE E
<p>The onus of proof is upon the party claiming in general average to show that the loss or expense claimed is properly allowable as general average.</p>	<p>1. The onus of proof is upon the party claiming in general average to show that the loss or expense claimed is properly allowable as general average.</p>	<p>1. The onus of proof is upon the party claiming in general average to show that the loss or expense claimed is properly allowable as general average.</p>
<p>All parties claiming in general average shall give notice in writing to the average adjuster of the loss or expense in respect of which they claim contribution within 12 months of the date of the termination of the common maritime adventure.</p>	<p>2. <u>All parties to the adventure shall, as soon as possible, supply particulars of value in respect of their contributory interest and, if claiming in general average, shall give notice in writing to the average adjuster of the loss or expense in respect of which they claim contribution, and supply evidence in support of such notified claim thereof.</u></p>	<p>2. All parties claiming in general average shall give notice in writing to the average adjuster of the loss or expense in respect of which they claim contribution within 12 months of the date of the termination of the common maritime adventure.</p>
<p>Failing such notification, or if within 12 months of a request for the same any of the parties shall fail to supply evidence in support of a notified claim, or particulars of value in respect of a contributory interest, the average adjuster shall be at liberty to estimate the extent of the allowance or the contributory value on the basis of the information</p>	<p>3. <u>Failing such notification, or if any party does not supply particulars in support of a notified claim or evidence of value in respect of a contributory interest within 12 months of the loss or payment of the expense, the average adjusters shall be at liberty to estimate the extent of the allowance or the contributory value on the basis of the</u></p>	<p>3. Failing such notification, or if within 12 months of a request for the same any of the parties shall fail to supply evidence in support of a notified claim, or particulars of value in respect of a contributory interest, the average adjuster shall be at liberty to estimate the extent of the allowance or the contributory value on the basis of the information</p>

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available to him, which estimate may be challenged only on the ground that it is manifestly incorrect.	<u>information available to the adjuster. This estimate shall be communicated to the party in question in writing. This estimate may only be challenged within 2 two months of receipt of the communication and only on the grounds that it is manifestly incorrect.</u>	available to him, which estimate may be challenged only on the ground that it is manifestly incorrect.
	4. <u>Any party to the adventure pursuing a recovery from a third party in respect of sacrifice or expenditure claimed in general average, shall so advise the average adjuster and, in the event that a recovery is achieved, shall supply to the average adjuster full particulars of the recovery within 2 two months of receipt of the recovery.</u>	
RULE F	RULE F	RULE F
Any additional expense incurred in place of another expense which would have been allowable as general average shall be deemed to be general average and so allowed without regard to the saving, if any, to other interests, but only up to the amount of the general average expenses avoided.	Any additional expense incurred in place of another expense which would have been allowable as general average shall be deemed to be general average and so allowed without regard to the saving, if any, to other interests, but only up to the amount of the general average expense avoided.	Any additional expense incurred in place of another expense, which would have been allowable as general average shall be deemed to be general average and so allowed without regard to the saving, if any, to other interests, but only up to the amount of the general average expense avoided.
RULE G	RULE G	RULE G
General average shall be adjusted as regards both loss and contribution upon the basis of	1. General average shall be adjusted as regards both loss and contribution upon the	1. General average shall be adjusted as regards both loss and contribution upon the

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values at the time and place when and where the adventure ends.	basis of values at the time and place when and where the adventure ends.	basis of values at the time and place when and where the adventure ends.
This rule shall not affect the determination of the place at which the average statement is to be made up.	2. This rule shall not affect the determination of the place at which the average <i>adjustment</i> is to be made up <i>prepared</i> .	2. This rule shall not affect the determination of the place at which the average statement is to be made up.
When a ship is at any port or place in circumstances which would give rise to an allowance in general average under the provisions of Rules X and XI, and the cargo or part thereof is forwarded to destination by other means, rights and liabilities in general average shall, subject to cargo interests being notified if practicable, remain as nearly as possible the same as they would have been in the absence of such forwarding, as if the adventure had continued in the original ship for so long as justifiable under the contract of affreightment and the applicable law.	3. When a ship is at any port or place in circumstances which would give rise to an allowance in general average under the provisions of Rules X and XI, and the cargo or part thereof is forwarded to destination by other means, rights and liabilities in general average shall, subject to cargo interests being notified if practicable, remain as nearly as possible the same as they would have been in the absence of such forwarding, as if the adventure had continued in the original ship for so long as justifiable under the contract of affreightment and the applicable law.	3. When a ship is at any port or place in circumstances which would give rise to an allowance in general average under the provisions of Rules X and XI, and the cargo or part thereof is forwarded to destination by other means, rights and liabilities in general average shall, subject to cargo interests being notified if practicable, remain as nearly as possible the same as they would have been in the absence of such forwarding, as if the adventure had continued in the original ship for so long as justifiable under the contract of affreightment and the applicable law.
The proportion attaching to cargo of the allowances made in general average by reason of applying the third paragraph of this Rule shall not exceed the cost which would have been borne by the owners of cargo if the cargo had been forwarded at their expense.	4. The proportion attaching to cargo of the allowances made in general average by reason of applying the third paragraph of this Rule shall not exceed the cost which would have been borne by the owners of cargo if the cargo had been forwarded at their expense. <u>This limit shall not apply to <i>include</i> any allowances made under Rule F.</u>	4. The proportion attaching to cargo of the allowances made in general average by reason of applying the third paragraph of this Rule shall not exceed the cost which would have been borne by the owners of cargo if the cargo had been forwarded at their expense.

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RULE I. JETTISON OF CARGO	RULE I. JETTISON OF CARGO	RULE I. JETTISON OF CARGO
No jettison of cargo shall be made good as general average, unless such cargo is carried in accordance with the recognised custom of the trade.	No jettison of cargo shall be <i>allowed</i> as general average, unless such cargo is carried in accordance with the recognised custom of the trade.	No jettison of cargo shall be allowed as general average, unless such cargo is carried in accordance with the recognised custom of the trade.
RULE II. LOSS OR DAMAGE BY SACRIFICES FOR THE COMMON SAFETY	RULE II. LOSS OR DAMAGE BY SACRIFICES FOR THE COMMON SAFETY	RULE II. LOSS OR DAMAGE BY SACRIFICES FOR THE COMMON SAFETY
Loss of or damage to the property involved in the common maritime adventure by or in consequence of a sacrifice made for the common safety, and by water which goes down a ship's hatches opened or other opening made for the purpose of making a jettison for the common safety, shall be made good as general average.	Loss of or damage to the property involved in the common maritime adventure by or in consequence of a sacrifice made for the common safety, and by water which goes down a ship's hatches opened or other opening made for the purpose of making a jettison for the common safety, shall be <i>allowed</i> as general average.	Loss of or damage to the property involved in the common maritime adventure by or in consequence of a sacrifice made for the common safety, and by water which goes down a ship's hatches opened or other opening made for the purpose of making a jettison for the common safety, shall be allowed as general average.
RULE III. EXTINGUISHING FIRE ON SHIPBOARD	RULE III. EXTINGUISHING FIRE ON SHIPBOARD	RULE III. EXTINGUISHING FIRE ON SHIPBOARD
Damage done to a ship and cargo, or either of them, by water or otherwise, including damage by beaching or scuttling a burning ship, in extinguishing a fire on board the ship, shall be made good as general average; except that no compensation shall be made	Damage done to a ship and cargo, or either of them, by water or otherwise, including damage by beaching or scuttling a burning ship, in extinguishing a fire on board the ship, shall be <i>allowed</i> as general average; except that no <i>allowance</i> shall be made for damage	Damage done to a ship and cargo, or either of them, by water or otherwise, including damage by beaching or scuttling a burning ship, in extinguishing a fire on board the ship, shall be allowed as general average; except that no allowance shall be made for damage

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for damage by smoke however caused or by heat of the fire.	by smoke however caused or by heat of the fire.	by smoke however caused or by heat of the fire.
RULE IV. CUTTING AWAY WRECK	RULE IV. CUTTING AWAY WRECK	RULE IV. CUTTING AWAY WRECK
Loss or damage sustained by cutting away wreck or parts of the ship which have been previously carried away or are effectively lost by accident shall not be made good as general average.	Loss or damage sustained by cutting away wreck or parts of the ship which have been previously carried away or are effectively lost by accident shall not be <i>allowed</i> as general average.	Loss or damage sustained by cutting away wreck or parts of the ship which have been previously carried away or are effectively lost by accident shall not be allowed as general average.
RULE V. VOLUNTARY STRANDING	RULE V. VOLUNTARY STRANDING	RULE V. VOLUNTARY STRANDING
When a ship is intentionally run on shore for the common safety, whether or not she might have been driven on shore, the consequent loss or damage to the property involved in the common maritime adventure shall be allowed in general average.	When a ship is intentionally run on shore for the common safety, whether or not she might have been driven on shore, the consequent loss or damage to the property involved in the common maritime adventure shall be allowed in general average.	When a ship is intentionally run on shore for the common safety, whether or not she might have been driven on shore, the consequent loss or damage to the property involved in the common maritime adventure shall be allowed in general average.
RULE VI. SALVAGE REMUNERATION	RULE VI. SALVAGE REMUNERATION	RULE VI. SALVAGE REMUNERATION
(a) Expenditure incurred by the parties to the adventure in the nature of salvage, whether under contract or otherwise, shall be allowed in general average provided that the salvage operations were carried out for the purpose of preserving from peril the property involved in the common maritime adventure.	(a) Expenditure incurred by the parties to the adventure in the nature of salvage, whether under contract or otherwise, shall be allowed in general average provided that the salvage operations were carried out for the purpose of preserving from peril the property involved in the common maritime <u>adventure and subject</u>	a. Salvage payments, including interest thereon and legal fees associated with such payments, shall lie where they fall and shall not be allowed in General Average, save only that if one party to the salvage shall have paid all or any of the proportion of salvage (including interest and legal fees) due from

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	<p><u>to the provisions of paragraphs (b), (c) and (d)</u></p>	<p>another party (calculated on the basis of salvaged values and not General Average contributory values), the unpaid contribution to salvage due from that other party shall be credited in the adjustment to the party that has paid it, and debited to the party on whose behalf the payment was made.</p>
	<p><u>(b) Notwithstanding (a) above, where the parties to the adventure have separate contractual or legal liability to salvors, salvage shall only be allowed should any of the following arise:</u></p>	
	<p><u>(i) there is a subsequent accident or other circumstances resulting in loss or damage to property during the voyage that results in significant differences between salvaged and contributory values,</u></p>	
	<p><u>(ii) there are significant general average sacrifices involving salvaged property,</u></p>	
	<p><u>(iii) salvaged values are manifestly incorrect and there is a significantly incorrect apportionment of salvage expenses,</u></p>	
	<p><u>(iv) any of the parties to the salvage shall have paid all or any of the <i>a significant</i></u></p>	

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	<u>proportion of salvage due from another party.</u>	
	(v) <u>a significant proportion of the parties have satisfied the salvage claim on substantially different terms, (no regard being had to interest, currency correction or legal costs of either the salvor or the contribution interest.)</u>	
Expenditure allowed in general average shall include any salvage remuneration in which the skill and efforts of the salvors in preventing or minimising damage to the environment such as is referred to in Art. 13 paragraph 1(b) of the International Convention on Salvage, 1989 have been taken into account.	(c) Salvage payments referred to in paragraph (a) above shall include any salvage remuneration in which the skill and efforts of the salvors in preventing or minimising damage to the environment such as is referred to in <i>Article</i> 13 paragraph 1(b) of the International Convention on Salvage, 1989 have been taken into account.	b. Salvage payments referred to in paragraph (a) above shall include any salvage remuneration in which the skill and efforts of the salvors in preventing or minimising damage to the environment such as is referred to in Art. 13 paragraph 1(b) of the International Convention on Salvage 1989 have been taken into account.
(b) Special compensation payable to a salvor by the shipowner under Art. 14 of the said Convention to the extent specified in paragraph 4 of that Article or under any other provision similar in substance shall not be allowed in general average.	(d) Special compensation payable to a salvor by the shipowner under <i>Article</i> 14 of the said <i>Convention on Salvage, 1989</i> to the extent specified in paragraph 4 of that Article or under any other provision similar in substance (such as SCOPIC) shall not be allowed in general average and shall not be considered a salvage payment as referred to in paragraph (a) of this Rule.	c. Special compensation payable to a salvor by the shipowner under Art. 14 of the said Convention to the extent specified in paragraph 4 of that Article or under any other provision similar in substance (such as SCOPIC) shall not be allowed in General Average and shall not be considered a salvage payment as referred to in paragraph (a) of this Rule.
RULE VII. DAMAGE TO MACHINERY	RULE VII. DAMAGE TO	RULE VII. DAMAGE TO MACHINERY

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AND BOILERS	MACHINERY AND BOILERS	AND BOILERS
<p>Damage caused to any machinery and boilers of a ship which is ashore and in a position of peril, in endeavouring to refloat, shall be allowed in general average when shown to have arisen from an actual intention to float the ship for the common safety at the risk of such damage; but where a ship is afloat no loss or damage caused by working the propelling machinery and boilers shall in any circumstances be made good as general average.</p>	<p>Damage caused to any machinery and boilers of a ship which is ashore and in a position of peril, in endeavouring to refloat, shall be allowed in general average when shown to have arisen from an actual intention to float the ship for the common safety at the risk of such damage; but where a ship is afloat no loss or damage caused by working the propelling machinery and boilers shall in any circumstances be <i>allowed</i> as general average.</p>	<p>Damage caused to any machinery and boilers of a ship which is ashore and in a position of peril, in endeavouring to refloat, shall be allowed in general average when shown to have arisen from an actual intention to float the ship for the common safety at the risk of such damage; but where a ship is afloat no loss or damage caused by working the propelling machinery and boilers shall in any circumstances be allowed as general average.</p>
RULE VIII. EXPENSES LIGHTENING A SHIP WHEN ASHORE, AND CONSEQUENT DAMAGE	RULE VIII. EXPENSES LIGHTENING A SHIP WHEN ASHORE, AND CONSEQUENT DAMAGE	RULE VIII. EXPENSES LIGHTENING A SHIP WHEN ASHORE AND CONSEQUENT DAMAGE
<p>When a ship is ashore and cargo and ship's fuel and stores or any of them are discharged as a general average act, the extra cost of lightening, lighter hire and reshipping (if incurred), and any loss or damage to the property involved in the common maritime adventure in consequence thereof, shall be admitted as general average.</p>	<p>When a ship is ashore and cargo and ship's fuel and stores or any of them are discharged as a general average act, the extra cost of lightening, lighter hire and reshipping (if incurred), and any loss or damage to the property involved in the common maritime adventure in consequence thereof, shall be <i>allowed</i> as general average.</p>	<p>When a ship is ashore and cargo and ship's fuel and stores or any of them are discharged as a general average act, the extra cost of lightening, lighter hire and re-shipping (if incurred), and any loss or damage to the property involved in the common maritime adventure in consequence thereof, shall be allowed as general average.</p>
RULE IX. CARGO, SHIP'S MATERIALS AND STORES USED FOR	RULE IX. CARGO, SHIP'S MATERIALS AND STORES USED FOR	RULE IX. CARGO, SHIP'S MATERIALS AND STORES USED FOR

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FUEL	FUEL	FUEL
<p>Cargo, ship's materials and stores, or any of them, necessarily used for fuel for the common safety at a time of peril shall be admitted as general average, but when such an allowance is made for the cost of ship's materials and stores the general average shall be credited with the estimated cost of the fuel which would otherwise have been consumed in prosecuting the intended voyage.</p>	<p>Cargo, ship's materials and stores, or any of them, necessarily used for fuel for the common safety at a time of peril shall be allowed as general average, but when such an allowance is made for the cost of ship's materials and stores the general average shall be credited with the estimated cost of the fuel which would otherwise have been consumed in prosecuting the intended voyage.</p>	<p>Cargo, ship's materials and stores, or any of them, necessarily used for fuel for the common safety at a time of peril, shall be allowed as general average, but when such an allowance is made for the cost of ship's materials and stores the general average shall be credited with the estimated cost of the fuel which would otherwise have been consumed in prosecuting the intended voyage.</p>
RULE X. EXPENSES AT PORT OF REFUGE, ETC.	RULE X - EXPENSES AT PORT OF REFUGE, ETC.	RULE X. EXPENSES AT PORT OF REFUGE, ETC.
<p>(a) When a ship shall have entered a port or place of refuge or shall have returned to her port or place of loading in consequence of accident, sacrifice or other extraordinary circumstances which render that necessary for the common safety, the expenses of entering such port or place shall be admitted as general average; and when she shall have sailed thence with her original cargo, or a part of it, the corresponding expenses of leaving such port or place consequent upon such entry or return shall likewise be admitted as general average.</p>	<p>(a) (i) When a ship shall have entered a port or place of refuge or shall have returned to her port or place of loading in consequence of accident, sacrifice or other extraordinary circumstances which render that necessary for the common safety, the expenses of entering such port or place shall be allowed as general average; and when she shall have sailed thence with her original cargo, or a part of it, the corresponding expenses of leaving such port or place consequent upon such entry or return shall likewise be allowed as general average.</p>	<p>a. (i) When a ship shall have entered a port or place of refuge or shall have returned to her port or place of loading in consequence of accident, sacrifice or other extraordinary circumstances which render that necessary for the common safety, the expenses of entering such port or place shall be allowed as general average; and when she shall have sailed thence with her original cargo, or a part of it, the corresponding expenses of leaving such port or place consequent upon such entry or return shall likewise be allowed as general average.</p>
When a ship is at any port or place of refuge	(ii) When a ship is at any port or place of	(ii) When a ship is at any port or place of

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<p>and is necessarily removed to another port or place because repairs cannot be carried out in the first port or place, the provisions of this Rule shall be applied to the second port or place as if it were a port or place of refuge and the cost of such removal including temporary repairs and towage shall be admitted as general average. The provisions of Rule XI shall be applied to the prolongation of the voyage occasioned by such removal.</p>	<p>refuge and is necessarily removed to another port or place of refuge because repairs cannot be carried out in the first port or place, the provisions of this Rule shall be applied to the second port or place of refuge as if it were a port or place of refuge and the cost of such removal including temporary repairs and towage shall be allowed as general average. The provisions of Rule XI shall be applied to the prolongation of the voyage occasioned by such removal.</p>	<p>refuge and is necessarily removed to another port or place of refuge because repairs cannot be carried out in the first port or place, the provisions of this Rule shall be applied to the second port or place of refuge as if it were a port or place of refuge and the cost of such removal including temporary repairs and towage shall be allowed as general average. The provisions of Rule XI shall be applied to the prolongation of the voyage occasioned by such removal.</p>
<p>(b) The cost of handling on board or discharging cargo, fuel or stores whether at a port or place of loading, call or refuge, shall be admitted as general average, when the handling or discharge was necessary for the common safety or to enable damage to the ship caused by sacrifice or accident to be repaired, if the repairs were necessary for the safe prosecution of the voyage, except in cases where the damage to the ship is discovered at a port or place of loading or call without any accident or other extraordinary circumstances connected with such damage having taken place during the voyage.</p>	<p>(b)(i) The cost of handling on board or discharging cargo, fuel or stores, whether at a port or place of loading, call or refuge, shall be allowed as general average, when the handling or discharge was necessary for the common safety or to enable damage to the ship caused by sacrifice or accident to be repaired, if the repairs were necessary for the safe prosecution of the voyage, except in cases where the damage to the ship is discovered at a port or place of loading or call without any accident or other extraordinary circumstances connected with such damage having taken place during the voyage.</p>	<p>b. (i) The cost of handling on board or discharging cargo, fuel or stores whether at a port or place of loading, call or refuge, shall be allowed as general average, when the handling or discharge was necessary for the common safety or to enable damage to the ship caused by sacrifice or accident to be repaired, if the repairs were necessary for the safe prosecution of the voyage, except in cases where the damage to the ship is discovered at a port or place of loading or call without any accident or other extraordinary circumstances connected with such damage having taken place during the voyage.</p>
<p>The cost of handling on board or discharging cargo, fuel or stores shall not be admissible as general average when incurred solely for the</p>	<p>(ii) The cost of handling on board or discharging cargo, fuel or stores shall not be allowable as general average when incurred</p>	<p>(ii) The cost of handling on board or discharging cargo, fuel or stores shall not be allowable as general average when incurred</p>

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purpose of restowage due to shifting during the voyage, unless such restowage is necessary for the common safety.	solely for the purpose of restowage due to shifting during the voyage, unless such restowage is necessary for the common safety-, <u><i>in which case</i></u> t <u>The provisions of Rule XI shall apply to the extra period of detention occasioned by such restowage.</u>	solely for the purpose of restowage due to shifting during the voyage, unless such restowage is necessary for the common safety.
(c) Whenever the cost of handling or discharging cargo, fuel or stores is admissible as general average, the costs of storage, including insurance if reasonably incurred, reloading and stowing of such cargo, fuel or stores shall likewise be admitted as general average. The provisions of Rule XI shall be applied to the extra period of detention occasioned by such reloading or restowing.	(c) Whenever the cost of handling or discharging cargo, fuel or stores is <i>allowable</i> as general average, the costs of storage, including insurance if reasonably incurred, reloading and stowing of such cargo, fuel or stores shall likewise be <i>allowed</i> as general average. The provisions of Rule XI shall be applied <i>apply</i> to the extra period of detention occasioned by such reloading or restowing.	c. Whenever the cost of handling or discharging cargo, fuel or stores is allowable as general average, the costs of storage, including insurance if reasonably incurred, reloading and stowing of such cargo, fuel or stores shall likewise be allowed as general average. The provisions of Rule XI shall be applied to the extra period of detention occasioned by such reloading or restowing.
But when the ship is condemned or does not proceed on her original voyage, storage expenses shall be admitted as general average only up to the date of the ship's condemnation or of the abandonment of the voyage or up to the date of completion of discharge of cargo if the condemnation or abandonment takes place before that date.	But (d) w When the ship is condemned or does not proceed on her original voyage, storage expenses shall be <i>allowed</i> as general average only up to the date of the ship's condemnation or of the abandonment of the voyage or up to the date of completion of discharge of cargo if the condemnation or abandonment takes place before that date.	But when the ship is condemned or does not proceed on her original voyage, storage expenses shall be allowed as general average only up to the date of the ship's condemnation or of the abandonment of the voyage or up to the date of completion of discharge of cargo if the condemnation or abandonment takes place before that date.
RULE XI. WAGES AND MAINTENANCE OF CREW AND OTHER EXPENSES BEARING UP FOR	RULE XI- WAGES AND MAINTENANCE OF CREW AND OTHER EXPENSES PUTTING IN TO	RULE XI. WAGES AND MAINTENANCE OF CREW AND OTHER EXPENSES PUTTING IN TO

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AND IN A PORT OF REFUGE, ETC.	AND AT A PORT OF REFUGE, ETC.	AND AT A PORT OF REFUGE, ETC.
(a) Wages and maintenance of master, officers and crew reasonably incurred and fuel and stores consumed during the prolongation of the voyage occasioned by a ship entering a port or place of refuge or returning to her port or place of loading shall be admitted as general average when the expenses of entering such port or place are allowable in general average in accordance with Rule X(a).	(a) Wages and maintenance of master, officers and crew reasonably incurred and fuel and stores consumed during the prolongation of the voyage occasioned by a ship entering a port or place of refuge or returning to her port or place of loading shall be allowed as general average when the expenses of entering such port or place are allowable in general average in accordance with Rule X(a).	a. Wages and maintenance of master, officers and crew reasonably incurred and fuel and stores consumed during the prolongation of the voyage occasioned by a ship entering a port or place of refuge or returning to her port or place of loading shall be allowed as general average when the expenses of entering such port or place are allowable in general average in accordance with Rule X(a).
		b. For the purpose of this and the other Rules wages shall include all payments made to or for the benefit of the master, officers and crew, whether such payments be imposed by law upon the shipowners or be made under the terms of articles of employment.
(b) When a ship shall have entered or been detained in any port or place in consequence of accident, sacrifice or other extraordinary circumstances which render that necessary for the common safety, or to enable damage to the ship caused by sacrifice or accident to be repaired, if the repairs were necessary for the safe prosecution of the voyage, the wages and maintenance of the master, officers and crew reasonably incurred	(b) (i) When a ship shall have entered or been detained in any port or place in consequence of accident, sacrifice or other extra-ordinary circumstances which render that entry or detention necessary for the common safety, or to enable damage to the ship caused by sacrifice or accident to be repaired, if the repairs were necessary for the safe prosecution of the voyage, the wages and maintenance of the master,	c. (i) When a ship shall have entered or been detained in any port or place in consequence of accident, sacrifice or other extraordinary circumstances which render that necessary for the common safety, or to enable damage to the ship caused by sacrifice or accident to be repaired, if the repairs were necessary for the safe prosecution of the voyage, fuel and stores consumed during the extra period of detention in such port or place until the ship

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<p>during the extra period of detention in such port or place until the ship shall or should have been made ready to proceed upon her voyage, shall be admitted in general average.</p>	<p>officers and crew reasonably incurred during the extra period of detention in such port or place until the ship shall or should have been made ready to proceed upon her voyage, shall be allowed in general average.</p>	<p>shall or should have been made ready to proceed upon her voyage, shall be allowed in general average, except such fuel and stores as are consumed in effecting repairs not allowable in general average.</p>
<p>Fuel and stores consumed during the extra period of detention shall be admitted as general average, except such fuel and stores as are consumed in effecting repairs not allowable in general average.</p>	<p>(ii) Fuel and stores consumed during the extra period of detention shall be allowed as general average, except such fuel and stores as are consumed in effecting repairs not allowable in general average.</p>	
<p>Port charges incurred during the extra period of detention shall likewise be admitted as general average except such charges as are incurred solely by reason of repairs not allowable in general average.</p>	<p>(iii) Port charges incurred during the extra period of detention shall likewise be allowed as general average except such charges as are incurred solely by reason of repairs not allowable in general average.</p>	<p>(ii) Port charges incurred during the extra period of detention shall likewise be allowed as general average except such charges as are incurred solely by reason of repairs not allowable in general average.</p>
<p>Provided that when damage to the ship is discovered at a port or place of loading or call without any accident or other extraordinary circumstances connected with such damage having taken place during the voyage, then the wages and maintenance of master, officers and crew and fuel and stores consumed and port charges incurred during the extra detention for repairs to damages so discovered shall not be admissible as general average, even if the repairs are necessary for</p>	<p>(iv) Provided that when damage to the ship is discovered at a port or place of loading or call without any accident or other extraordinary circumstance connected with such damage having taken place during the voyage, then the wages and maintenance of master, officers and crew and fuel and stores consumed and port charges incurred during the extra detention for repairs to damages so discovered shall not be allowable as general average, even if the repairs are necessary for the safe</p>	<p>(iii) Provided that when damage to the ship is discovered at a port or place of loading or call without any accident or other extraordinary circumstance connected with such damage having taken place during the voyage, then fuel and stores consumed and port charges incurred during the extra detention for repairs to damages so discovered shall not be allowable as general average, even if the repairs are necessary for the safe prosecution of the voyage.</p>

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the safe prosecution of the voyage.	prosecution of the voyage.	
When the ship is condemned or does not proceed on her original voyage, the wages and maintenance of the master, officers and crew and fuel and stores consumed and port charges shall be admitted as general average only up to the date of the ship's condemnation or of the abandonment of the voyage or up to the date of completion of discharge of cargo if the condemnation or abandonment takes place before that date.	(v) When the ship is condemned or does not proceed on her original voyage, the wages and maintenance of the master, officers and crew and fuel and stores consumed and port charges shall be <i>allowed</i> as general average only up to the date of the ship's condemnation or of the abandonment of the voyage or up to the date of completion of discharge of cargo if the condemnation or abandonment takes place before that date.	(iv) When the ship is condemned or does not proceed on her original voyage, fuel and stores consumed and port charges shall be allowed as general average only up to the date of the ship's condemnation or of the abandonment of the voyage or up to the date of completion of discharge of cargo if the condemnation or abandonment takes place before that date.
(c) For the purpose of this and the other Rules wages shall include all payments made to or for the benefit of the master, officers and crew, whether such payments be imposed by law upon the shipowners or be made under the terms of articles of employment.	(c) (i) For the purpose of these Rules wages shall include all payments made to or for the benefit of the master, officers and crew, whether such payments be imposed by law upon the shipowners or be made under the terms of articles of employment.	
	(ii) For the purpose of these Rules, <u>“port charges” shall include all customary or additional expenses incurred for the common safety or to enable a vessel to enter or remain at a port of refuge or call in the circumstances outlined in Rule XI(b)(i).</u>	
(d) The cost of measures undertaken to	(d) The cost of measures undertaken to	d. The cost of measures undertaken to

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prevent or minimise damage to the environment shall be allowed in general average when incurred in any or all of the following circumstances:	prevent or minimise damage to the environment shall be allowed in general average when incurred in any or all of the following circumstances:	prevent or minimise damage to the environment shall be allowed in general average when incurred in any or all of the following circumstances:
(i) as part of an operation performed for the common safety which, had it been undertaken by a party outside the common maritime adventure, would have entitled such party to a salvage reward;	(i) as part of an operation performed for the common safety which, had it been undertaken by a party outside the common maritime adventure, would have entitled such party to a salvage reward;	(i) as part of an operation performed for the common safety which, had it been undertaken by a party outside the common maritime adventure, would have entitled such party to a salvage reward;
(ii) as a condition of entry into or departure from any port or place in the circumstances prescribed in Rule X(a);	(ii) as a condition of entry into or departure from any port or place in the circumstances prescribed in Rule X(a);	(ii) as a condition of entry into or departure from any port or place in the circumstances prescribed in Rule X(a);
(iii) as a condition of remaining at any port or place in the circumstances prescribed in Rule XI(b) provided that when there is an actual escape or release of pollutant substances the cost of any additional measures required on that account to prevent or minimise pollution or environmental damage shall not be allowed as general average;	(iii) as a condition of remaining at any port or place in the circumstances prescribed in Rule XI(b), provided that when there is an actual escape or release of pollutant substances, the cost of any additional measures required on that account to prevent or minimise pollution or environmental damage shall not be allowed as general average;	(iii) as a condition of remaining at any port or place in the circumstances prescribed in Rule XI(c), provided that when there is an actual escape or release of pollutant substances the cost of any additional measures required on that account to prevent or minimise pollution or environmental damage shall not be allowed as general average;
(iv) necessarily in connection with the discharging, storing or reloading of cargo whenever the cost of those operations is admissible as general average.	(iv) necessarily in connection with the <u>handling on board</u> , discharging, storing or reloading of cargo, <u>fuel or stores</u> whenever the cost of those operations is allowable as	(iv) necessarily in connection with the discharging, storing or reloading of cargo whenever the cost of those operations is allowable as general average.

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	general average.	
RULE XII. DAMAGE TO CARGO IN DISCHARGING, ETC.	RULE XII. DAMAGE TO CARGO IN DISCHARGING, ETC.	RULE XII. DAMAGE TO CARGO IN DISCHARGING, ETC.
Damage to or loss of cargo, fuel or stores sustained in consequence of their handling, discharging, storing, reloading and stowing shall be made good as general average, when and only when the cost of those measures respectively is admitted as general average.	Damage to or loss of cargo, fuel or stores sustained in consequence of their handling, discharging, storing, reloading and stowing shall be <i>allowed</i> as general average, when and only when the cost of those measures respectively is <i>allowed</i> as general average.	Damage to or loss of cargo, fuel or stores sustained in consequence of their handling, discharging, storing, reloading and stowing shall be allowed as general average, when and only when the cost of those measures respectively is allowed as general average.
RULE XIII. DEDUCTIONS FROM COST OF REPAIRS.	RULE XIII - DEDUCTIONS FROM COST OF REPAIRS	RULE XIII. DEDUCTIONS FROM COST OF REPAIRS
Repairs to be allowed in general average shall not be subject to deductions in respect of “new for old” where old material or parts are replaced by new unless the ship is over fifteen years old in which case there shall be a deduction of one third. The deductions shall be regulated by the age of the ship from the 31st December of the year of completion of construction to the date of the general average act, except for insulation, life and similar boats, communications and navigational apparatus and equipment, machinery and boilers for which the deductions shall be regulated by the age of	(a) Repairs to be allowed in general average shall not be subject to deductions in respect of “new for old” where old material or parts are replaced by new unless the ship is over fifteen years old in which case there shall be a deduction of one third. The deductions shall be regulated by the age of the ship from the 31st December of the year of completion of construction to the date of the general average act, except for insulation, life and similar boats, communications and navigational apparatus and equipment, machinery and boilers for which the deductions shall be regulated by the age of the particular parts to which they	a. Repairs to be allowed in general average shall not be subject to deductions in respect of “new for old” where old material or parts are replaced by new unless the ship is over fifteen years old in which case there shall be a deduction of one third. The deductions shall be regulated by the age of the ship from the 31st December of the year of completion of construction to the date of the general average act, except for insulation, life and similar boats, communications and navigational apparatus and equipment, machinery and boilers for which the deductions shall be regulated by the age of

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the particular parts to which they apply.	apply.	the particular parts to which they apply.
The deductions shall be made only from the cost of the new material or parts when finished and ready to be installed in the ship.	(b) The deductions shall be made only from the cost of the new material or parts when finished and ready to be installed in the ship. No deduction shall be made in respect of provisions, stores, anchors and chain cables. Drydock and slipway dues and costs of shifting the ship shall be allowed in full.	b. The deductions shall be made only from the cost of the new material or parts when finished and ready to be installed in the ship. No deduction shall be made in respect of provisions, stores, anchors and chain cables. Drydock and slipway dues and costs of shifting the ship shall be allowed in full.
No deduction shall be made in respect of provisions, stores, anchors and chain cables.		
Drydock and slipway dues and costs of shifting the ship shall be allowed in full.		
The costs of cleaning, painting or coating of bottom shall not be allowed in general average unless the bottom has been painted or coated within the twelve months preceding the date of the general average act in which case one half of such costs shall be allowed.	(c) The costs of cleaning, painting or coating of bottom shall not be allowed in general average unless the bottom has been painted or coated within the twenty four 24 months preceding the date of the general average act in which case one half of such costs shall be allowed.	c. The costs of cleaning, painting or coating of bottom shall not be allowed in general average unless the bottom has been painted or coated within the twelve months preceding the date of the general average act in which case one half of such costs shall be allowed.
RULE XIV. TEMPORARY REPAIRS	RULE XIV - TEMPORARY REPAIRS	RULE XIV. TEMPORARY REPAIRS
Where temporary repairs are effected to a ship at a port of loading, call or refuge, for the common safety, or of damage caused by general average sacrifice, the cost of such	(a) Where temporary repairs are effected to a ship at a port of loading, call or refuge, for the common safety, or of damage caused by general average sacrifice, the cost of such	a. Where temporary repairs are effected to a ship at a port of loading, call or refuge, for the common safety, or of damage caused by general average sacrifice, the cost of such

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repairs shall be admitted as general average.	repairs shall be <i>allowed</i> as general average.	repairs shall be allowed as general average.
Where temporary repairs of accidental damage are effected in order to enable the adventure to be completed, the cost of such repairs shall be admitted as general average without regard to the saving, if any, to other interests, but only up to the saving in expense which would have been incurred and allowed in general average if such repairs had not been effected there.	(b) Where temporary repairs of accidental damage are effected in order to enable the adventure to be completed, the cost of such repairs shall be allowed as general average without regard to the saving, if any, to other interests, but only up to the saving in expense which would have been incurred and allowed in general average if such repairs had not been effected there. [Provided that, for the purposes of this paragraph only, the cost of temporary repairs falling for consideration shall be limited to the extent that the cost of temporary repairs effected at the port of loading, call or refuge, together with either the cost of permanent repairs eventually effected or, if unrepaired at the time of the adjustment, the reasonable depreciation in the value of the vessel at the completion of the voyage, exceeds the cost of permanent repairs had they been effected at the port of loading, call or refuge.]	b. Where temporary repairs of accidental damage are effected in order to enable the adventure to be completed, the cost of such repairs shall be allowed as general average without regard to the saving, if any, to other interests, but only up to the saving in expense which would have been incurred and allowed in general average if such repairs had not been effected there. Provided that, for the purposes of this paragraph only, the cost of temporary repairs falling for consideration shall be limited to the extent that the cost of temporary repairs effected at the port of loading, call or refuge, together with either the cost of permanent repairs eventually effected or, if unrepaired at the time of the adjustment, the reasonable depreciation in the value of the vessel at the completion of the voyage, exceeds the cost of permanent repairs had they been effected at the port of loading, call or refuge.
No deductions “new for old” shall be made from the cost of temporary repairs allowable as general average.	(c) No deductions “new for old” shall be made from the cost of temporary repairs allowable as general average.	c. No deductions “new for old” shall be made from the cost of temporary repairs allowable as general average.
RULE XV. LOSS OF FREIGHT	RULE XV. LOSS OF FREIGHT	RULE XV. LOSS OF FREIGHT

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Loss of freight arising from damage to or loss of cargo shall be made good as general average, either when caused by a general average act, or when the damage to or loss of cargo is so made good.	Loss of freight arising from damage to or loss of cargo shall be <i>allowed</i> as general average, either when caused by a general average act, or when the damage to or loss of cargo is so <i>allowed</i> .	Loss of freight arising from damage to or loss of cargo shall be allowed as general average, either when caused by a general average act, or when the damage to or loss of cargo is so allowed.
Deductions shall be made from the amount of gross freight lost, of the charges which the owner thereof would have incurred to earn such freight, but has, in consequence of the sacrifice, not incurred.	Deductions shall be made from the amount of gross freight lost, of the charges which the owner thereof would have incurred to earn such freight, but has, in consequence of the sacrifice, not incurred.	Deduction shall be made from the amount of gross freight lost, of the charges which the owner thereof would have incurred to earn such freight, but has, in consequence of the sacrifice, not incurred.
RULE XVI. AMOUNT TO BE MADE GOOD FOR CARGO LOST OR DAMAGED BY SACRIFICE	RULE XVI - AMOUNT TO BE ALLOWED FOR CARGO LOST OR DAMAGED BY SACRIFICE	RULE XVI. AMOUNT TO BE ALLOWED FOR CARGO LOST OR DAMAGED BY SACRIFICE.
The amount to be made good as general average for damage to or loss of cargo sacrificed shall be the loss which has been sustained thereby based on the value at the time of discharge, ascertained from the commercial invoice rendered to the receiver or if there is no such invoice from the shipped value. The value at the time of discharge shall include the cost of insurance and freight except insofar as such freight is at the risk of interests other than the cargo.	(a) (i) The amount to be allowed as general average for damage to or loss of cargo sacrificed shall be the loss which has been sustained thereby based on the value at the time of discharge, ascertained from the commercial invoice rendered to the receiver or if there is no such invoice from the shipped value. <u>Such commercial invoice may be deemed <i>by the average adjuster</i> to reflect the value at the time of discharge irrespective of the place of final inland delivery under the Contract of Carriage.</u> (ii) The value at the time of discharge	a. The amount to be allowed as general average for damage to or loss of cargo sacrificed shall be the loss which has been sustained thereby based on the value at the time of discharge, ascertained from the commercial invoice rendered to the receiver or if there is no such invoice from the shipped value. The value at the time of discharge shall include the cost of insurance and freight except insofar as such freight is at the risk of interests other than the cargo.

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	shall include the cost of insurance and freight except insofar as such freight is at the risk of interests other than the cargo.	
When cargo so damaged is sold and the amount of the damage has not been otherwise agreed, the loss to be made good in general average shall be the difference between the net proceeds of sale and the net sound value as computed in the first paragraph of this Rule.	(b) When cargo so damaged is sold and the amount of the damage has not been otherwise agreed, the loss to be allowed in general average shall be the difference between the net proceeds of sale and the net sound value as computed in the first paragraph of this Rule.	b. When cargo so damaged is sold and the amount of the damage has not been otherwise agreed, the loss to be allowed in general average shall be the difference between the net proceeds of sale and the net sound value as computed in the first paragraph of this Rule.
RULE XVII. CONTRIBUTORY VALUES	RULE XVII. CONTRIBUTORY VALUES	RULE XVII. CONTRIBUTORY VALUES
The contribution to a general average shall be made upon the actual net values of the property at the termination of the adventure except that the value of cargo shall be the value at the time of discharge, ascertained from the commercial invoice rendered to the receiver or if there is no such invoice from the shipped value.	(a) (i) The contribution to a general average shall be made upon the actual net values of the property at the termination of the adventure except that the value of cargo shall be the value at the time of discharge, ascertained from the commercial invoice rendered to the receiver or if there is no such invoice from the shipped value. <u>Such commercial invoice may be deemed <i>by the average adjuster</i> to reflect the value at the time of discharge irrespective of the place of final inland delivery under the Contract of Carriage.</u>	a. (i) The contribution to a general average shall be made upon the actual net values of the property at the termination of the adventure except that the value of cargo shall be the value at the time of discharge, ascertained from the commercial invoice rendered to the receiver or if there is no such invoice from the shipped value.
The value of the cargo shall include the cost	(ii) The value of the cargo shall include	(ii) The value of the cargo shall include the

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<p>of insurance and freight unless and insofar as such freight is at the risk of interests other than cargo, deducting therefrom any loss or damage suffered by the cargo prior to or at the time of discharge.</p>	<p>the cost of insurance and freight unless and insofar as such freight is at the risk of interests other than the cargo, deducting therefrom any loss or damage suffered by the cargo prior to or at the time of discharge. <u>Any cargo may be excluded from the general average should the average adjuster consider that the cost of including it in the adjustment would be likely to be disproportionate to its eventual contribution.</u></p>	<p>cost of insurance and freight unless and insofar as such freight is at the risk of interests other than the cargo, deducting therefrom any loss or damage suffered by the cargo prior to or at the time of discharge.</p>
<p>The value of the ship shall be assessed without taking into account the beneficial or detrimental effect of any demise or time charterparty to which the ship may be committed.</p>	<p>(iii) The value of the ship shall be assessed without taking into account the beneficial or detrimental effect of any demise or time charterparty to which the ship may be committed.</p>	<p>(iii) The value of the ship shall be assessed without taking into account the beneficial or detrimental effect of any demise or time charterparty to which the ship may be committed.</p>
<p>To these values shall be added the amount made good as general average for property sacrificed, if not already included, deduction being made from the freight and passage money at risk of such charges and crew's wages as would not have been incurred in earning the freight had the ship and cargo been totally lost at the date of the general average act and have not been allowed as general average; deduction being also made from the value of the property of all extra charges incurred in respect thereof subsequently to the general average act,</p>	<p>(b) To these values shall be added the amount allowed as general average for property sacrificed, if not already included, deduction being made from the freight and passage money at risk of such charges and crew's wages as would not have been incurred in earning the freight had the ship and cargo been totally lost at the date of the general average act and have not been allowed as general average; deduction being also made from the value of the property of all extra charges incurred in respect thereof subsequently to the general average act,</p>	<p>b. To these values shall be added the amount allowed as general average for property sacrificed, if not already included, deduction being made from the freight and passage money at risk of such charges and crew's wages as would not have been incurred in earning the freight had the ship and cargo been totally lost at the date of the general average act and have not been allowed as general average; deduction being also made from the value of the property of all extra charges incurred in respect thereof subsequently to the general average act,</p>

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<p>except such charges as are allowed in general average or fall upon the ship by virtue of an award for special compensation under Art. 14 of the International Convention on Salvage, 1989 or under any other provision similar in substance.</p>	<p>except such charges as are allowed in general average. <u>Where payment for salvage services has not been allowed as General Average by reason of Rule VI subparagraph b, deductions shall be limited to the amount paid to the salvors including interest and salvors' costs.</u></p>	<p>except such charges as are allowed in general average or fall upon the ship by virtue of an award for special compensation under Art. 14 of the International Convention on Salvage, 1989 or under any other provision similar in substance.</p>
<p>In the circumstances envisaged in the third paragraph of Rule G, the cargo and other property shall contribute on the basis of its value upon delivery at original destination unless sold or otherwise disposed of short of that destination, and the ship shall contribute upon its actual net value at the time of completion of discharge of cargo.</p>	<p>(c) In the circumstances envisaged in the third paragraph of Rule G, the cargo and other property shall contribute on the basis of its value upon delivery at original destination unless sold or 1 otherwise disposed of short of that destination, and the ship shall contribute upon its actual net value at the time of completion of discharge of cargo.</p>	<p>c. In the circumstances envisaged in the third paragraph of Rule G, the cargo and other property shall contribute on the basis of its value upon delivery at original destination unless sold or otherwise disposed of short of that destination, and the ship shall contribute upon its actual net value at the time of completion of discharge of cargo.</p>
<p>Where cargo is sold short of destination, however, it shall contribute upon the actual net proceeds of sale, with the addition of any amount made good as general average.</p>	<p>(d) Where cargo is sold short of destination, however, it shall contribute upon the actual net proceeds of sale, with the addition of any amount allowed as general average.</p>	<p>d. Where cargo is sold short of destination, however, it shall contribute upon the actual net proceeds of sale, with the addition of any amount allowed as general average.</p>
<p>Mails, passengers' luggage, personal effects and accompanied private motor vehicles shall not contribute in general average.</p>	<p>(e) Mails, passengers' luggage and <u>accompanied</u> personal effects and accompanied private motor vehicles shall not contribute to general average.</p>	<p>e. Mails, passengers' luggage, personal effects and accompanied private motor vehicles shall not contribute to general average.</p>
<p>RULE XVIII. DAMAGE TO SHIP</p>	<p>RULE XVIII. DAMAGE TO SHIP</p>	<p>RULE XVIII. DAMAGE TO SHIP</p>

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The amount to be allowed as general average for damage or loss to the ship, her machinery and/or gear caused by a general average act shall be as follows:	The amount to be allowed as general average for damage or loss to the ship, her machinery and/or gear caused by a general average act shall be as follows:	The amount to be allowed as general average for damage or loss to the ship, her machinery and/or gear caused by a general average act shall be as follows:
(a) When repaired or replaced,	(a) When repaired or replaced,	a. When repaired or replaced,
The actual reasonable cost of repairing or replacing such damage or loss, subject to deductions in accordance with Rule XIII;	The actual reasonable cost of repairing or replacing such damage or loss, subject to deductions in accordance with Rule XIII;	The actual reasonable cost of repairing or replacing such damage or loss, subject to deductions in accordance with Rule XIII;
(b) When not repaired or replaced,	(b) When not repaired or replaced,	b. When not repaired or replaced,
The reasonable depreciation arising from such damage or loss, but not exceeding the estimated cost of repairs. But where the ship is an actual total loss or when the cost of repairs of the damage would exceed the value of the ship when repaired, the amount to be allowed as general average shall be the difference between the estimated sound value of the ship after deducting therefrom the estimated cost of repairing damage which is not general average and the value of the ship in her damaged state which may be measured by the net proceeds of sale, if any.	The reasonable depreciation arising from such damage or loss, but not exceeding the estimated cost of repairs. But where the ship is an actual total loss or when the cost of repairs of the damage would exceed the value of the ship when repaired, the amount to be allowed as general average shall be the difference between the estimated sound value of the ship after deducting therefrom the estimated cost of repairing damage which is not general average and the value of the ship in her damaged state which may be measured by the net proceeds of sale, if any.	The reasonable depreciation arising from such damage or loss, but not exceeding the estimated cost of repairs. But where the ship is an actual total loss or when the cost of repairs of the damage would exceed the value of the ship when repaired, the amount to be allowed as general average shall be the difference between the estimated sound value of the ship after deducting therefrom the estimated cost of repairing damage which is not general average and the value of the ship in her damaged state which may be measured by the net proceeds of sale, if any.
RULE XIX. UNDECLARED OR WRONGFULLY DECLARED CARGO	RULE XIX. UNDECLARED OR WRONGFULLY DECLARED CARGO	RULE XIX. UNDECLARED OR WRONGFULLY DECLARED CARGO

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Damage or loss caused to goods loaded without the knowledge of the shipowner or his agent or to goods wilfully misdescribed at time of shipment shall not be allowed as general average, but such goods shall remain liable to contribute, if saved.	(a) Damage or loss caused to goods loaded without the knowledge of the shipowner or his agent or to goods wilfully misdescribed at <i>the</i> time of shipment shall not be allowed as general average, but such goods shall remain liable to contribute, if saved.	a. Damage or loss caused to goods loaded without the knowledge of the Shipowner or his agent or to goods wilfully misdescribed at time of shipment shall not be allowed as general average, but such goods shall remain liable to contribute, if saved.
Damage or loss caused to goods which have been wrongfully declared on shipment at a value which is lower than their real value shall be contributed for at the declared value, but such goods shall contribute upon their actual value.	(b) Damage or loss caused to goods which have been wrongfully declared on <i>at the time of</i> shipment at a value which is lower than their real value shall be contributed for at the declared value, but such goods shall contribute upon their actual value.	b. Damage or loss caused to goods which have been wrongfully declared on shipment at a value which is lower than their real value shall be contributed for at the declared value, but such goods shall contribute upon their actual value.
RULE XX. PROVISION OF FUNDS	RULE XX - PROVISION OF FUNDS	RULE XX. PROVISION OF FUNDS
A commission of 2 per cent. on general average disbursements, other than the wages and maintenance of master, officers and crew and fuel and stores not replaced during the voyage, shall be allowed in general average.		
The capital loss sustained by the owners of goods sold for the purpose of raising funds to defray general average disbursements shall be allowed in general average.	(a) The capital loss sustained by the owners of goods sold for the purpose of raising funds to defray general average disbursements shall be allowed in general average.	(a) The capital loss sustained by the owners of goods sold for the purpose of raising funds to defray general average disbursements shall be allowed in general average.
The cost of insuring general average disbursements shall also be admitted in	(b) The cost of insuring general average disbursements shall also be <i>allowed</i> in	(b) The cost of insuring average disbursements shall also be allowed in

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general average.	general average.	general average.
RULE XXI. INTEREST ON LOSSES MADE GOOD IN GENERAL AVERAGE	RULE XXI - INTEREST ON LOSSES ALLOWED IN GENERAL AVERAGE	RULE XXI. INTEREST ON LOSSES ALLOWED IN GENERAL AVERAGE
Interest shall be allowed on expenditure, sacrifices and allowances in general average at the rate of 7 per cent. per annum, until three months after the date of issue of the general average adjustment, due allowance being made for any payment on account by the contributory interests or from the general average deposit fund.	(a) Interest shall be allowed on expenditure, sacrifices and allowances in general average until three months after the date of issue of the; general average adjustment, due allowance being made for any payment on account by the contributory interests or from the general average deposit fund.	a. Interest shall be allowed on expenditure, sacrifices and allowances in general average until three months after the date of issue of the general average adjustment, due allowance being made for any payment on account by the contributory interests or from the general average deposit fund.
	(b) <u>The rate used for calculating interest accruing during each calendar year shall be the 12-month ICE LIBOR for the currency in which the adjustment is prepared as announced on 1 January of that calendar year, increased by 4%. If the adjustment is prepared in a currency for which no ICE LIBOR rate is announced, the rate shall be the 12-month US Dollar ICE LIBOR.</u>	b. Each year the Assembly of the Comité Maritime International shall decide the rate of interest which shall apply. This rate shall be used for calculating interest accruing during the following calendar year.
RULE XXII. TREATMENT OF CASH DEPOSITS	RULE XXII - TREATMENT OF CASH DEPOSITS	RULE XXII. TREATMENT OF CASH DEPOSITS
Where cash deposits have been collected in respect of cargo's liability for general average, salvage or special charges such	1. Where cash deposits have been collected <u>by the average adjuster</u> in respect of cargo's liability for general average, salvage or	Where cash deposits have been collected in respect of cargo's liability for general average, salvage or special charges, such

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<p>deposits shall be paid without any delay into a special account in the joint names of a representative nominated on behalf of the shipowner and a representative nominated on behalf of the depositors in a bank to be approved by both. The sum so deposited together with accrued interest, if any, shall be held as security for payment to the parties entitled thereto of the general average, salvage or special charges payable by cargo in respect of which the deposits have been collected. Payments on account or refunds of deposits may be made if certified to in writing by the average adjuster. Such deposits and payments or refunds shall be without prejudice to the ultimate liability of the parties.</p>	<p>special charges, such deposits shall be paid without any delay into a special account, <u>earning interest where possible, in the name of the average adjuster. The average adjuster shall issue a deposit receipt in respect of all deposits.</u></p>	<p>deposits shall be paid without any delay into a special account in the joint names of a representative nominated on behalf of the shipowner and a representative nominated on behalf of the depositors in a bank to be approved by both. The sum so deposited together with accrued interest, if any, shall be held as security for payment to the parties entitled thereto of the general average, salvage or special charges payable by cargo in respect of which the deposits have been collected. Payments on account or refunds of deposits may be made if certified to in writing by the average adjuster. Such deposits and payments or refunds shall be without prejudice to the ultimate liability of the parties.</p>
	<p>2. <u>The special account shall be constituted in accordance with the law regarding client or third party funds applicable in the domicile of the average adjuster. The account shall be held separately from the average adjuster's own funds, in trust or in compliance with similar rules of law providing for the administration of the funds of third parties.</u></p>	
	<p>3. <u>The sums so deposited, together with accrued interest, if any, shall be held as</u></p>	

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	<p><u>security for payment to the parties entitled thereto, of the general average, salvage or special charges payable by cargo in respect of which the deposits have been collected. Payments on account or refunds of deposits may only be made when such payments are certified to in writing by the average adjuster and advised notified to the depositor requesting their approval. Upon the receipt of the depositor's approval, or in the absence of such approval within a period of 90 days, the average adjuster may deduct the amount of the payment on account or the final contribution from the deposit. Where refunds are due to the depositor, these may only be made upon surrender of the original deposit receipt.</u></p>	
	<p>4. All deposits and payments or refunds shall be without prejudice to the ultimate liability of the parties.</p>	
	<p>RULE XXIII. – TIME BAR FOR CONTRIBUTIONS TO GENERAL AVERAGE</p>	<p>RULE XXIII. – TIME BAR FOR CONTRIBUTIONS TO GENERAL AVERAGE</p>
	<p>(a) Subject always to any mandatory rule on time limitation contained in any applicable law:</p>	<p>a. Subject always to any mandatory rule on time limitation contained in any applicable law:</p>

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	<p>(i) Any rights to general average contribution including any rights to claim under general average bonds and guarantees, shall be extinguished unless an action is brought by the party claiming such contribution within a period of one year after the date upon which the general average adjustment was <i>is</i> issued. However, in no case shall such an action be brought after six years from the date of termination of the common maritime adventure.</p>	<p>(i) Any rights to general average contribution including any rights to claim under general average bonds and guarantees, shall be extinguished unless an action is brought by the party claiming such contribution within a period of one year after the date upon which the general average adjustment was issued. However, in no case shall such an action be brought after six years from the date of termination of the common maritime adventure.</p>
	<p>(ii) These periods may be extended if the parties so agree after the termination of the common maritime adventure.</p>	<p>(ii) These periods may be extended if the parties so agree after the termination of the common maritime adventure.</p>
	<p>(b) This rule shall not apply as between the parties to the general average and their respective insurers.</p>	<p>b. This rule shall not apply as between the parties to the general average and their respective insurers.</p>