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The responsibility for declaring General Average and procuring a General Average Adjustment

In this article, we will examine the responsibility for declaring General Average and procuring a General Average Adjustment.

In *Crooks v Allan* (1879) Q.B.D., the ship *Sardinian* caught fire at sea. To put out the fire, the crew had to flood the cargo hold with water, which damaged the cargo. This created a general average loss. The ship returned to Liverpool, but the shipowners, wrongly believing they had no responsibility under the bills of lading, did not try to collect general average. Instead, they handed the damaged cargo to the Liverpool Salvage Association to deal with it in whatever way best served the parties.

The owners of the sacrificed cargo sued the shipowners. They argued that the shipowners had a duty to obtain security from the other cargo owners, and to tell them who the other contributing parties were and what their values were. By failing to do this, the shipowners had breached their duty.

The hearing judge held that

“The right to detain for average contribution is derived from the civil law, which also imposes on the master of the ship the duty of having the contribution settled, and of collecting the amount, and the usage has always been substantially in accordance with this law, and has become part of the common law of the land.

I am therefore of opinion...that the [the shipowner] is liable to this action for not having taken the necessary steps for procuring an adjustment of the general average and securing its payment.”

The decision in *Crooks v Allan* was later affirmed by the Privy Council in *Strang v Scott* (1889). In that case, it was held that the master acted as the agent of the owners of the sacrificed cargo for

the purpose of exercising the lien. This principle was subsequently applied in *Nobel's Explosives Co v Rea* (1897) and other cases.

Pursuant to *Crooks v Allan*, it was established that the shipowner's duty extended not only to obtaining security from the consignees of other cargo, but also to procuring a proper adjustment of general average.

P.S. –

The Liverpool Salvage Association (LSA) was a highly influential, specialized marine organization established in 1857 in Liverpool, England. It was formed by a committee of local shipowners, merchants, and marine underwriters (insurers)—including prominent shipping pioneers like Holt, Brocklebank, and Papayanni.

The association employed highly skilled salvage officers, surveyors, and divers. Whenever a ship ran aground, caught fire, or sank, these experts were dispatched globally to manage the disaster, assess the damage, and minimize financial losses for the insurers and owners

The Liverpool Salvage Association merged with its Scottish counterpart in 1924 to form the **Liverpool & Glasgow Salvage Association (LGSA)**.

After further mergers over the decades, the legacy of the organization continues today under the name **LGSA Marine**, - details of LGSA can be found in their website - <https://www.lgsamarine.co.uk/about-us>