

Joint Staff Seminars

Date : 22 November 2018 (Thu)

Time : 12:00 pm - 1:30 pm

Venue : Video Seminar Room[G5353, 5/F, School of Law, Yeung Kin Man Academic Building, City University of Hong Kong]

Seminar 1

Title: The Barriers to Transnational Commercial Law
(*Lex Mercatoria Internationalis*)

Speaker: Mr Peter MacDonald Eggers QC

Abstract:

The formulation of transnational commercial law has long been a sought-after goal in connection with international transactions and resolving international commercial disputes. There is a sound tradition for such a *lex mercatoria* reaching back to the law merchant as applied in English law which developed from other European national laws. This is especially so with respect to those transactions which reach across national borders, such as shipping, insurance, sale of goods, banking and other payments. Even today, the law of one country will influence the law of another country through the implementation of policy and the judiciary. There are also international conventions. However, there are difficulties with the development of a *lex mercatoria*, given the lack of wide-spread international institutions to decide or declare such a law, the differences in the national approaches adopted, and the influence of both national and international arbitrations, because of their confidentiality and the limited rights of appeal from arbitration awards. This seminar will consider these issues.

Peter MacDonald Eggers QC has practised as a commercial barrister at 7KBW since 2000. He specialises in all aspects of commercial law, with a particular focus on insurance and reinsurance, shipping and transport, energy, commodities and international trade, financial services, professional negligence, and international investment projects. Peter regularly appears before the Commercial Court and the Court of Appeal and in commercial and international arbitrations. Peter has also appeared before Courts in other jurisdictions. Peter also accepts appointments to act as an arbitrator. In 2017, Peter was appointed by the Lord Chief Justice as a Deputy High Court Judge, assigned to the Queen's Bench Division. Peter teaches at UCL, University of Nottingham and Swansea University and has published widely, regarded as having "Strong academic credentials and pronounced creative streak".



Seminar 2

Title: Repudiatory breach of contract: further restrictions on the rights of the innocent party?

Speaker: Professor Howard Bennett

Abstract:

It has long been settled that a repudiatory breach of contract affords the innocent party a right of election between acceptance of the breach, thereby treating the contract as discharged, and affirmation of the contract, thereby waiving the right to treat the contract as discharged. This election is designed to deny the guilty party the power to decide whether and when a contract comes to an end. Limits, both pragmatic and of principle, have nevertheless been recognised to the innocent party's right of election. Recent case law has suggested two further limits to the right, in terms of timing and in terms of availability. This seminar will review these new limits.

Professor Howard Bennett is Hind Professor of Commercial Law at University of Nottingham. He read English and French Law at King's College, London and the Université de Paris I (Panthéon-Sorbonne). After reading for the Bar, he pursued postgraduate studies, again at King's College, before becoming a lecturer at the University of Nottingham in 1989. He was appointed to the Hind Chair of Commercial Law in 2001. He is an honorary member of chambers at 7 King's Bench Walk. Howard Bennett's research and teaching interests lie in shipping and maritime law, insurance law (with a particular interest in marine insurance law), the law of international trade finance, general contract law, personal property law, and the law of agency. He is the author of *The Law of Marine Insurance* (2nd ed, 2006) and of *Principles of the Law of Agency* (2013), and a member of the authorial teams of *Carver on Charterparties* (2017) (also general editor), *Vulnerable Transactions in Corporate Insolvency* (2003) (also co-editor), *Benjamin's Sale of Goods* (9th ed, 2014) (chapters relating to international trade finance), and *Scrutton on Charterparties and Bills of Lading* (23rd ed, 2015).



Moderator:

Dr Zhao Liang, CityU

ALL ARE WELCOME

Seat reservation and enquiry: Ms Esther Wong (esther.03@cityu.edu.hk)