Determining Applicable Law and Jurisdiction in the Claims Arising from Multimodal Transport

by

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Online Session in Blackboard*: Research Seminar by Dr Ling ZHU

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(Conducted in English)

Abstract:
Multimodal transport may be operated both domestically and internationally; it frequently involves an international dimension. In many cases, it is important to consider the applicable law and jurisdiction before and/or after the dispute arises. In this presentation, we discuss the applicable law and jurisdictional issues under the multimodal transport of goods contract. We examine the rules in both multimodal and unimodal transport conventions, as well as under the laws of two selected countries. We show that: (1) Multimodal transport is not yet regulated by any international convention, and a few existing unimodal transport conventions may apply in certain cases; (2) the two selected jurisdictions do not have specific national legislations to regulate multimodal transport contracts; and (3) China, as a country with civil law legal system, has a domestic legal framework to deal with applicable law and jurisdictional issues; and England has a common law legal system, the judges in English courts are given the discretion and they mainly rely on the principles derived from the case law to determine applicable law and jurisdiction in the claims arising from multimodal transport.

Bio:
Ling Zhu is associate professor in the Department of Logistics and Maritime Studies at the Hong Kong Polytechnic University. Her research interests include maritime law, multimodal transport law, and marine pollution law. She received her PhD degree in law from the University of Hamburg, Germany, LLM degree from the University of Southampton, UK, and LLB degree from Hunan Normal University, China. Her research has appeared in many journals including *Lloyds Maritime and Commercial Law Quarterly, Journal of Business Law, International Journal of Maritime Law and Commerce, Marine Policy, Ocean Development and International Law, Hong Kong Law Journal* and many others.

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