EU Council reach political agreement on Rome II

The EU Council, with Estonia and Latvia entering reservations, have reached a political agreement on the Regulation applicable to non-contractual obligations ("Rome II").

The press release from the 2725th Council Meeting can be downloaded here (PDF) – the relevant section can be found on pages 23-24.

Source: BIICL Mailing List

Overseas Treatment for NHS Patients

"**Overseas Treatment for NHS Patients**" by ***Cara Guthrie*** (Outer Temple Chambers) and ***Hannah Volpe*** (Bevan Brittan LLP) *Journal of Personal Injury Law* J.P.I. Law (2006) No.1 Pages 12-20.

The article considers the legal position of patients and NHS trusts in the event of a clinical negligence action arising from substandard medical treatment received outside the UK. Reviews the main principles underpinning both the NHS Overseas Commissioning Scheme and the E112 scheme, and the likely outcome of actions in which an NHS trust argued that its duty of care did not extend to the clinical services given by an overseas provider, highlighting the approach adopted by the Court of Appeal in *A (A Child) v Ministry of Defence*. Discusses, with the aid of case law, the potential conflict of laws issues arising under the E112 scheme where the defendant was either the NHS or the overseas hospital concerned.

Access Lawtel for more information.

Andromeda Marine SA v OW Bunker & Trading A/S

ANDROMEDA MARINE SA v OW BUNKER & TRADING A/S [2006] EWHC 777 (Comm)

The question before the High Court was whether it could be said that a party had clearly and precisely accepted a jurisdiction clause for the purposes of the Brussels Convention 1968 Art.17 when the purpose of the proceedings was to deny that it was bound by the contract that contained the jurisdiction clause.

Further information, and the full judgment, is available from Lawtel.

Journal of Private International Law, Volume 2, No. 1, 2006

The new issue of the Journal of Private International Law Volume 2, Number 1, will be published shortly. The contents are:

"Troublesome and Obscure": The Renewal of Renvoi in Australia by *Reid Mortensen*

The Public Policy and Mandatory Rules of Third Countries in International Contracts by *Adeline Chong*

Forum Non Conveniens Post-Owusu by *Barry J. Rodger*

European Choice of Law Rules in Divorce (Rome III): An Examination of the Possible Connecting Factors in Divorce Matters Against the Background of

Private International Law Developments by *Veronika Gaertner*

Recognition of Foreign Relationships Under the Civil Partnership Act 2004 by *Kenneth McK. Norrie*

"Mind the Gap": A Practical Example of the Characterisation of Prescription/Limitation Rules by *Christopher Forsyth*

Drawing Inspiration? Reconsidering the Procedural Treatment of Foreign Law by *Kirsty J. Hood*

To view the abstracts for these articles please go here.

Dornoch & Ors v Mauritius Union Assurance

DORNOCH LTD & ORS v (1) MAURITIUS UNION ASSURANCE CO LTD (2) MAURITIUS COMMERCIAL BANK LTD [2006] EWCA Civ 389

The question before the court was whether reinsurers had a good arguable case that a reinsurance contract did not contain a Mauritian jurisdiction clause and accordingly England was the appropriate forum for the trial of proceedings relating to the reinsurance.

Download the Court of Appeal's judgment from BAILII.

ICLQ Articles on Private

International Law

The current issue of the ICLQ contains two articles relating to private international law. 1) L. Merrett, "The Enforcement of Jurisdiction Agreements within the Brussels Regime" (2006) 2 *ICLQ* 315-336. (Abstract) 2) T. Kruger, "I. The 20th Session of the Hague Conference: A New Choice of Court Convention and the Issue of EC Membership" (2006) 2 *ICLQ* 447-455. Subscribers can click on the PDF link to access the full articles on the ICLQ homepage.

Lecture: "Rome I: The Law Applicable to Contractual Obligations"

"Rome I: The Law Applicable to Contractual Obligations"

Date: 26th April 2006

Chair: The Rt Hon Lady Justice Arden DBE
Speakers: Andrew Dickinson, Consultant, Clifford Chance; Honorary Fellow, British Institute of International & Comparative Law
Professor Jonathan Harris, University of Birmingham
Oliver Parker, Department for Constitutional Affairs
Jacob van de Velden, British Institute of International and Comparative Law

Venue

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More Information and Registration Details