

**CBFL Seminar Series:
New Frontiers for the Conflict of Laws:
Lex Situs across Sea, Air, Space and Cyberspace**

26 August 2021, 12.00nn to 1.15pm

Webinar



Left to right: Mr Jack Wright Nelson (CBFL, NUS Law) and Assoc Prof Dora Neo (CBFL, NUS Law)

Jack Wright Nelson, a full-time research associate at the NUS Law's Centre for Banking & Finance Law (CBFL), delivered a webinar addressing specific issues arising under the conflict of laws. Participants from legal practice, as well as academia and government, attended the seminar.

Mr Nelson began with an overview of the seminal English case *Blue Sky One v Mahan Air* [2010] EWHC 631. He used this case to illustrate why practitioners must understand conflict of laws issues. In particular, he emphasised the critical importance of identifying all the different jurisdictions that a transaction or dispute may involve.

The focus then shifted to a more general overview of the conflict of laws. Mr Nelson outlined the choice of law options of *lex situs*, *lex registrii*, *lex fori*, *lex loci contractus*, *lex loci solutionis* and *lex domicilii*. He then explored the particular difficulties inherent in applying these concepts at sea, in the air, in space and in cyberspace. He also reviewed cases from Singapore and abroad dealing with these questions.

Mr Nelson's presentation closed by outlining particular strategies that practitioners can use to ensure that conflict of laws issues are surfaced at an early stage of a transaction or dispute. These strategies involve an investigation into jurisdictional nexuses, together with local advice and careful structuring. This then led to a discussion of the various international efforts and organisations that seek to harmonise the conflict of law rules (or the substantive law that will be chosen through the application of conflict of laws rules). The audience then posed several questions, which Mr Nelson addressed. The questions focused on the lasting impact of *Blue Sky One* following the ratification by the United Kingdom of the Cape Town Convention and the potential *lex situs* of personal data.

The session was moderated by Professor Dora Neo, Associate Professor and Director of CBFL.