

Maritime Code of the People's Republic of China

(Adopted at the 28th Meeting of the Standing Committee of the Seventh National People's Congress on November 7, 1992, promulgated by Order No. 64 of the President of the People's Republic of China on November 7, 1992, and effective as of July 1, 1993)

Chapter I General Provisions

Article 1 This Code is enacted with a view to regulating the relations arising from maritime transport and those pertaining to ships, to securing and protecting the legitimate rights and interests of the parties concerned, and to promoting the development of maritime transport, economy and trade.

Article 2 "Maritime transport" as referred to in this Code means the carriage of goods and passengers by sea, including the sea-river and river-sea direct transport.

The provisions concerning contracts of carriage of goods by sea as contained in Chapter IV of this Code shall not be applicable to the maritime transport of goods between the ports of the People's Republic of China.

Article 3 "Ship" as referred to in this Code means sea-going ships and other mobile units, but does not include ships or craft to be used for military or public service purposes, nor small ships of less than 20 tons gross tonnage.

The term "ship" as referred to in the preceding paragraph shall also include ship's apparel.

Maritime Code Of The Peoples Republic Of China

Jolien Kruit



Maritime Code Of The Peoples Republic Of China:

Maritime Code of the People's Republic of China China (People's Republic of China, 1949-),1993 Maritime Code of the People's Republic of China ,1993 **Chinese Maritime Cases** Martin Davies,Jiang Lin,2022-01-28 This book selects leading innovative and influential Chinese maritime judgments and presents full translation of them with brief summary to the readers so that they can have insights of how the Chinese maritime judges interpret apply and develop Chinese maritime law in practice China trades with other states in trillions of USD every year and about 95% of the cargoes are carried by ocean going ships calling at hundreds of Chinese ports each single day Due to the enormous and steadily growing trade volume and shipping activities foreign ships companies and persons are often caught by the Chinese maritime law and court The parties involved and their lawyers are more than ever enthusiastic to study Chinese maritime cases in order to deal with their own cases properly or if possible predict the potential problems and avoid the disputes outright The book is appealing to and benefits worldwide law students academics practitioners and industrial people in the shipping trade insurance and financial fields The book remedies to certain extent the situation that there is lack of authoritative sources available to foreign personnel to look into how Chinese justice system functions 卞林江 Jielin Dong,2005 Designed for people who are interested in doing business with China this handbook has a selection of the latest and most essential laws and regulations each of which is provided in both English and Chinese Legal Reference *Yearbook Law & Legal Practice in East Asia, Volume 3 (1997-1998)* Annie J. de Roo,Robert W. Jagtenberg,2023-09-20 This is the third volume in the series Yearbook Law Legal Practice in East Asia which addresses the legal systems of this important region and provides an insight into some of the most topical issues in East Asian law and practice The overall focus of the series is on the legal aspects of doing business in East Asia although legal issues of a more general nature may also be included where these are relevant for a better understanding of the particular legal culture concerned The majority of the contributions to this major work comes from legal practitioners and scholars specialising in East Asian business law Chinese Insurance Contracts Zhen Jing,2016-11-25 Chinese Insurance Contracts Law and Practice is the first systematic text written in English on the law of insurance in China This book offers a critical analysis of the major principles doctrines and concepts of insurance contract law in China At every point the analysis discusses the principles of the Insurance Law in detail referring where appropriate to decided cases and also drawing attention to external influences Readers are guided through the complexities of Chinese law in a clear and comprehensive fashion and significantly in a manner that is accessible and meaningful for those used to a common law system This book presents a comprehensive picture of Chinese insurance contract law to facilitate a wider understanding of the relevant rules of law Elements of insurance contract law are critically examined In addition this book presents rules of law on some special types of insurance contract such as life insurance property insurance liability insurance motor vehicle insurance reinsurance and marine insurance The deficiencies and shortcomings of the law and practice will be identified and

analysed suggestions and recommendations on how to reform the law will be presented Chinese Insurance Contracts also offers legal and practical advice to insurance professionals on how to draft clauses to avoid contractual pitfalls It also uses cases to illustrate the difficulties which can arise in applying the principles in practice This book will be essential reading for insurance companies and legal practitioners looking to do business in China as well as reference for Chinese lawyers practising insurance law It will also be a useful resource for students and academics studying Chinese law

Commercial and Maritime Law in China and Europe Shengnan Jia, Lijun Liz Zhao, 2022-12-26 Both China and Europe have a long tradition of commercial and maritime law and this new book examining various topics from their particular perspectives is both timely and important It links the vital component of maritime law with commercial law financial law and trade policy The book has performed a remarkable task in making connections between China and Europe through the lenses of substantive and procedural laws covering a wide range of areas including commercial law insurance law salvage EU maritime law and Brexit carriage of goods by sea arbitration mediation litigation the recently formed China International Commercial Court and different liability regimes as well as a brief look forward into new initiatives and artificial intelligence in the digital age In these challenging times we all have much to learn from each other in seeking to find answers to what are often difficult problems This book provides a welcome opportunity for anyone interested in commercial and maritime law to engage in that learning exercise and looking ahead thereby to help solve such problems as may arise in the future in a practical and fair manner It is therefore of great relevance to both the academic field and the legal practice field in China and Europe

Civil Liability for Marine Oil Pollution Damage Hui Wang, Wang Hui, 2011-01-01 This remarkable book the first in depth examination of the civil liability regime for marine oil pollution damage from a law and economics perspective examines the efficiency and effectiveness of the regime with particular attention to whether it is in fact designed in the public interest or merely a distribution of risks and costs among interested parties The question is asked does the liability system give the potential polluter incentives to take precautionary measures to avoid pollution or to reduce the possibility of pollution The international regime on civil liability for marine oil pollution rests on the International Convention on Civil Liability for Oil Pollution Damage CLC and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage Fund Convention However the world's biggest oil consumer and importer the United States has ratified neither preferring its own Oil Pollution Act of 1990 OPA and China currently the world's second oil consuming country has not ratified the Fund Convention Thus it is reasonable to compare the three regimes international US and China as such a comparative study may reveal some advantages or disadvantages among the three systems Among the issues raised and tackled head on by the author are the following whether the contents of international conventions can be considered as the result of the influence of the various interest groups involved overview of the regulations of marine pollution technical standards rules for operation professional criteria to what extent a state may take action against trans boundary

polluting activities what liability a state may incur for non action or non effective action significance for liability of the charter party generally considered the evidence of the hire of a ship and the bill of lading considered the evidence of the contract of carriage of goods by sea the crucial role of the so called International Group of 13 Protection and Indemnity P and I Clubs non profit organizations specializing in liability insurance the main international players the International Maritime Organization IMO the Comité Maritime International CMI and industry organizations such as INTERTANKO and the Oil Companies International Marine Forum OCIMF the particular regime on offshore facility pollution liability in the United States port state control criminal liability and EU and other regional initiatives In addition a detailed study of the Erika case reveals some of the rationale for many of the persistent features of marine pollution liability regimes The well thought out legal and economic analysis provided in this book along with its clearly stated policy recommendations and constructive perspectives for future development of the liability system will be immeasurably valuable to lawyers and policymakers active in this highly visible area of international law

Shipping & International Trade Law David Lucas, 2011 Shipping International Trade Law aims to provide a first port of call for clients and lawyers to start to appreciate the issues in numerous maritime jurisdictions Each chapter is set out in such a way that readers can make quick comparisons between the litigation terrain in each country determining the differences between for example the rights of cargo interests to claim for cargo loss or damage in Italy and England

Insurance Law in China Johanna Hjalmarsson, Dingjing Huang, 2014-11-20 The Chinese insurance market is expanding enormously as risk adversity takes hold in the economy while the role of the State as guarantor of commerce is gradually reduced In addition insurance is a heavily regulated field with detailed contract law stipulations An introduction to regulation and contract law and an understanding of current issues is essential for someone seeking to do business in the Chinese market Insurance law is also a field that translates well from one jurisdiction to another and academics will be interested in understanding how issues are dealt with in another jurisdiction The book seeks to present and discuss current topics in Chinese insurance law and regulation to an English speaking audience knowledgeable of common law insurance law and international insurance business The combined effect of the papers is to present Chinese insurance law to an audience unfamiliar with Chinese law in a readable and accessible essay chapter format Each chapter is written by an expert in the field and goes beyond a basic introduction to provide in depth well researched information and academic analysis on the topic in question

Asian Yearbook of International Law, Volume 5 (1995) Sik Ko Swan, J.J.G. Syatauw, M.C.W. Pinto, 2020-01-29 The Asian Yearbook of International Law is the first publication dedicated primarily to international law as seen from an Asian perspective It provides international law articles written by experts from the region and other articles relating to Asian topics The editorial board national correspondents advisory council and governing board comprise a diverse group of academics and government officials from a wide range of countries and positions The Asian Yearbook of International Law offers a number of useful features articles notes legal materials such as

the state practice in a number of Asian countries and participation in multilateral treaties Asia and international organizations chronicle of events for the covered year literature including book reviews and a bibliography selected documents treaties agreements and other relevant primary documents and an index Its range of features assures that the Yearbook comprehensively covers the critical events legislation and issues of the past year and that users can easily access all of this information Academics and practitioners who deal with international public law in Asia will appreciate this unique complete resource The Asian Yearbook of International Law provides insight into Asian views and practices especially for non Asian readers and also promotes the dissemination of knowledge of international law in Asia Some of the topics covered in this volume the right to legal assistance recent developments in Asian investment treaty expropriation clauses the law and practice of India on effectuation of international law in the municipal order and China s ratification of the 1982 UN Convention on the Law of the Sea

International Trade Law Indira Carr, Peter Stone, 2013-11-26 International Trade Law offers a clear overview of the complexities of an international sale transaction through informed analysis of case law legislation and international conventions and rules Fully updated with changes to the law and new directions in legal debate this new edition considers Standard trade terms including INCOTERMS 2010 the Convention on International Sales of Goods 1980 and the UNIDROIT Principles for International Commercial Contracts 2004 E Commerce issues including electronic bills of lading Insurance and payment mechanisms such as letters of credit and the UCP 600 International transportation of cargo including the Rotterdam Rules Dispute resolution incorporating jurisdiction applicable law arbitration and mediation Corruption and anti corruption conventions including the UK Bribery Act 2010 In addition to clarifying a range of topics through tables and diagrams the book directs readers to relevant further reading and online resources throughout offering students an accessible resource to this often challenging area of the law

Yearbook of Private International Law Petar Sarcevic, Paul Volken, 1999 Doctype html public w3c dtd html 4 0 transitional en meta http equiv content type content text html charset iso 8859 1 meta content mshtml 6 00 6000 17095 name generator With articles by Maarit J nter Jareborg Petar Sarcevic Hans Ulrich Jessurun d Oliveira Paul Volken national reports from Venezuela Switzerland China Hungaria and Germany and news from The Hague as well as texts materials and recent developments

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The Regulation of Insurance in China Zhen Jing, 2021-06-27 With the rapid development of China s insurance industry and the opening of the Chinese insurance market to the world Chinese insurance law and regulation has become an increasingly relevant topic for insurance practitioners and academics The Regulation of Insurance in China therefore provides a much needed analysis of the Chinese regulatory system This is the first systematic text written in English on the regulation of insurance in China and provides a comprehensive and systematic analysis of rules

of law and administrative regulations on China's insurance industry and insurance market covering four levels of regulatory hierarchy: the statutory law, the regulations enacted by the central government, the State Council, the regulations developed by the insurance supervision and regulation authority of the State Council, and self-regulations by the insurance industry. This book is essential reading for insurance companies and legal practitioners looking to do business in China, as well as a reference for lawyers practising insurance law. It is also a useful resource for students and academics studying Chinese law.

General average, legal basis and applicable law Jolien Kruit, 2017-02-16. General average is considered to be one of the most uniformly regulated topics of maritime law. This study concludes that this perception is flawed. The invariably applicable York-Antwerp Rules do not provide a full regime, whereas their applicability is generally contractual only. As a result, questions arise as to which law applies to general average obligations, how the applicable national law is to be determined, taking into consideration the impact of the European Rome I and II Regulations, and what is provided in the national regimes. In addition, questions arise as to what the influence is of contractual provisions set out in contracts for the carriage of goods by sea, and general average security forms, and how the various sources interact. This study contains an in-depth assessment of these questions.

Prevention and Compensation of Marine Pollution Damage Michael Faure, Michael G. Faure, 2006-01-01. Marine oil pollution is one of the most damaging environmental liabilities of our time and is taken very seriously by governments. Although international conventions take the lead in the legal regime underpinning prevention and compensation of marine oil pollution damage, national legal systems differ considerably in how they interpret and apply their monitoring and enforcement responsibilities. This is the first book to present a comparative analysis of the law with respect to marine oil pollution, with expert contributions emphasising particular solutions in Europe, the US, and China. The authors draw on the full range of legal sources, from theory and legislation to procedure and actual case studies. Written by both academics and practitioners, senior academics with a wide experience in the field, and practitioners who have extensively dealt with marine pollution issues, the work is not confined to a mere legal analysis but offers a more inclusive law and economics perspective, solidly built on a substantial analysis in English of the law in the European, US, Chinese, and international contexts. Individual contributors focus on countries with which they have particular expertise or experience. This book will be of interest to corporate counsel, international lawyers, academics, and policy makers, as well as to students of international environmental and maritime law. In addition, the book is especially valuable to non-Chinese lawyers for its clear insight into the complex Chinese environmental legal system.

Rule of law in the governance of new frontiers of the marine environment Yen-Chiang Chang, Kum Fai Yuen, David Ong, Shih-Ming Kao, 2023-10-06. [Asian Yearbook of International Law, Volume 12 \(2005-2006\)](#) B.S. Chimni, Masahiro Miyoshi, Surya Subedi, 2008-01-31. The Asian Yearbook of International Law is a major refereed publication dedicated to international law issues, as seen primarily from an Asian perspective. This is the first publication of its kind, edited by a team of leading international law scholars from across Asia. The Asian Yearbook of

International Law provides a forum for the publication of articles in the field of international law and other Asian international law topics written by experts from the region and elsewhere Its aim is twofold to promote international law in Asia and to provide an intellectual platform for the discussion and dissemination of Asian views and practices on contemporary international legal issues As a rule each volume of the Asian Yearbook normally contains articles notes a section on State practice an overview of the participation of Asian countries in multilateral treaties a chronicle of events and incidents surveys of the activities of international organizations which have special relevance to Asia such as a survey of the activities of the Asian African Legal Consultative Committee and book review bibliography and documents sections

Vessel-Source Pollution and Coastal State Jurisdiction Erik Franckx, 2021-09-06 After seven years of work the Committee on Coastal State Jurisdiction Relating to Marine Pollution of the International Law Association concluded its work by submitting its final report for discussion at the occasion of the London conference July 25 29 2000 This book brings together the different official reports submitted by this Committee at the 1996 Helsinki 1998 Taipei and 2000 London conferences as well as some preparatory documents necessary for the correct understanding of these just mentioned reports The Committee concentrated its work on vessel source pollution and made it a central objective of its work to produce results which could facilitate the interpretation of the 1982 United Nations Convention on the Law of the Sea During its work it became moreover apparent that an accurate assessment of state practice proved more than once problematic either because of problems relating to interpretation or simply because the basic information was missing For that reason the present book contains a special section where different members of the Committee prepared detailed national reports written according to a strict outline worked out for this purpose in order to shed additional light on the specific issues dealt with by the Committee Together with the conclusions arrived at by the Committee these additional national reports represent a valuable statement of the present day status iuris questionis

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