



Prof. Francis Rose

Practice Overview

Francis Rose's research interests range across all areas of Common Law (Contract, Tort and Unjust Enrichment) and major areas of Commercial Law, particularly Maritime Law. He has taught and lectured on all of these subjects, both within his own universities and as a Visiting Professor, within the United Kingdom and overseas.

He is a firm believer in the core role that leading universities provide for interaction between research and education in its broadest sense, i.e. not only for law students but also for other members of the wider community as we are all affected by the law in practice. With that in mind, and particularly with a view to potential impact on current litigation and law reform, he has been active in organising series of conferences involving participants worldwide, from academe, practice and the judiciary, and in promoting research and publication in several collections of essays as well as his editorship of two world leading journals, *Lloyd's Maritime and Commercial Law Quarterly* (with its accompanying *International Maritime and Commercial Law Yearbook*) and the *Restitution Law Review*. He also founded and edited the *Company, Financial and Insolvency Law Review*, now the *Journal of Corporate Legal Studies*. His editorial role has not been simply to assess submissions but actively to commission, stimulate and to process research and publication on topics of interest and importance. As such, and in his own writing, he has been an energetic and successful promoter of the formerly under-appreciated Law of Unjust Enrichment, now recognised as a major component of the modern Law of Obligations. This has traditionally been seen as essentially a case law subject, therefore with its multifarious statutory components occasionally acknowledged but rarely considered in relation to, and for the light they can shed on, each other. A current research project, based on a long standing interest in statutory contributions to originally common law subjects, endeavours to remedy this.

Commercial Law has had an uneasy position within the Law. It affects everyone's life and has played a central role in the development of world trade. Indeed, English commercial law has itself been a marketable product that has contributed significantly to the United Kingdom's invisible exports. Yet its core principles and underlying theoretical underpinnings have traditionally not received their fair share of serious academic attention. In previous years it was mainly an incidental concern of academics whose primary interests were in general common law subjects; its vast range and the number of subjects it embraces has tended to lead to separate treatment of those subjects, independently of the general framework of commercial law; and the volume of detail on individual topics has encouraged narrative accounts of the known law rather than exploration of wider themes. A current project, therefore, is to look at the whole of commercial law (from its familiar core, in sales of goods, and including commonly perceived discrete subjects such as company law and intellectual property law) in order to identify and distil its unifying features (the principles, policies and rules running throughout) for presentation in a form that will assist understanding of the subject in its broader sense and the way in which its component parts interact.

A particular specialisation is Maritime Law. Again, this is of global interest but its range of topics and a traditionally limited market for the literature has tended to encourage publications on particular areas by and for practitioners or authors with interests in specific areas. With the recent rapid growth of material, this process has been reinforced,

with discussion even of the three major divisions of Admiralty Law, Carriage of Goods by Sea and Marine Insurance coming to be sub-divided. Thus, no one in recent years has attempted a comprehensive project to bring together and re-examine the whole of maritime law; or to investigate and explain the interrelationship between the major divisions of the subject, the extent to which treatment of topics found in more than division does or should differ, and the relationship between the essentially commercial, private law aspects of maritime law fit with the public law orientated International Law of the Sea; and to do so by combining discussion of the legal rules, industry practices and theoretical analysis. This is an ambitious undertaking, which is being carried out in stages. Marine Insurance has been covered, initially with the assistance of two Bristol colleagues, in a book that won the British Insurance Law Association book prize. A companion book (now in a second edition) covers the esoteric subject of General Average. Coverage of Admiralty Law was begun with books on the Law of Pilotage and a book on the Law of Salvage (three editions so far, with another forthcoming), a successor to Lord Justice Kennedy's earlier book and the main work on the subject, as a consequence of which he has served on the Comité Maritime International's International Working Group on the reform of the International Salvage Convention. These books lead to the award of the higher degrees of LL.D. from Cambridge and D.C.L. from Oxford, providing, uniquely, doctorates from all three of the Universities of Cambridge, London and Oxford. They have also fed into current work on a new book on Admiralty Claims. In due course, all of these books will be complemented by coverage of Carriage of Goods by Sea (to begin with the eponymous chapter in the encyclopaedic English Private Law) and then remaining topics, with a view eventually to bringing the whole work together into a definitive exposition of the principles and rules of Maritime Law.

He is happy to consider applications for research supervision in Maritime and associated Commercial Law subjects

For more information about Francis please [click here](#).

Publications

Recent publications include: Kennedy & Rose: The Law of Salvage, 7th edition (2010); and "Commercial Law", Chap 13 of Hoffman (ed), The Impact of the UK Human Rights Act on Private Law (Cambridge University Press, 2011)

Forthcoming publications include: Marine Insurance: Law and Practice, 2nd edition (Spring, 2012)